



WASECA COUNTY BOARD OF COMMISSIONERS

April 4, 2023 - 9:30 AM

East Annex Public Meeting Room

300 North State Street – East Annex · Waseca, Minnesota 56093

The Waseca County Board of Commissioners met in a regular session on Tuesday, April 4, 2023 in the Commissioners' Room, 300 North State Street, Waseca, Minnesota. Members present were Chair Blair Nelson, DeAnne Malterer, Doug Christopherson, Brian Harguth, and Brad Krause.

Other members present were Michael Johnson, County Administrator; Beth Weimert, Administrative Coordinator; Tammy Spooner, Property and Election Services Director; Jim Kollar, County Engineer/Public Works Director; Melissa Sexton, Human Resources Director; Sheriff Jay Dulas; Brian Zabel, Land Use Planner; Chris Howard; Ditch Management Coordinator; Rusty Hardeman, Assistant County Attorney; Lisa Dierks, U of M Extension; Tara Reich, MNPrairie; Karina Schmitz, MNPrairie

Others present: Tristen Jensen, Waseca County Pioneer; Robert Pearce.

1. Call to Order and Pledge of Allegiance

Chair Nelson called the meeting to order at 9:30 a.m. A roll call was taken and the Pledge of Allegiance was recited.

Public Comment

There was no public comment.

2. Approval of Agenda

Motion to approve the Waseca County Board of Commissioners agenda by Commissioner Harguth, seconded by Commissioner Malterer. Motion carried 5-0.

3. Ditch Authority

a. Set Public Hearing for Final Hearing--CD 43 ROB

Chris Howard, Ditch Management Coordinator, asked that the final public hearing for CD 43 be set for May 2, 2023 at 9:30 a.m. Motion to set the final public hearing for CD 43 on May 2, 2023 at 9:30 a.m. by Commissioner Christopherson, seconded by Commissioner Krause. Motion carried 5-0.

4. Approval of County Board Minutes

Motion to approve the work session minutes and regular meeting minutes of March 7, 2023 by Commissioner Malterer, seconded by Commissioner Harguth. Motion carried 5-0.

a. Waseca County Board of Commissioner Work Session Minutes March 7, 2023

b. Waseca County Board of Commissioners Meeting Minutes March 7, 2023

5. Consent Agenda

Motion to approve the consent agenda with the amendment to item 5b. which is listed below by Commissioner Harguth, seconded by Commissioner Christopherson. Motion carried 5-0.

a. Approval of Bills

The following bills were audited and allowed:

A.H. HERMEL COMPANY	570.22
AMAZON CAPITAL SERVICES	849.20
AMERICAN LEGAL PUBLISHING	873.00
ANCOM COMMUNICATIONS INC	850.38
APPLIED CONCEPTS INC	737.00
ASSOC OF MN COUNTIES	1,802.00

BLAIR NELSON	526.77
BLUE EARTH CO	150.00
BOMGAARS SUPPLY	37.67
BOMGAARS SUPPLY	61.92
BOMGAARS SUPPLY	122.23
BRIAN ZABEL	245.00
CAPITAL ONE	44.62
CDW GOVERNMENT INC	5,722.58
DELL MARKETING L.P.	6,596.60
EXPRESS CARE INC	84.58
FERNBROOK FAMILY CENTER INC	337.50
HOUCK MOTORCOACH ADVERTISING	300.00
ICON ENTERPRISES, INC.	7,395.34
INNOVATIVE OFFICE SOLUTIONS LLC	510.08
JANE T HOFMEISTER	204.00
JARED KRASSIN	411.34
JOSH LANGR	108.46
KENDELL DOORS & HARDWARE LLC	615.50
LENZ LAWN CARE INC	486.50
MAIRS CHIROPRACTIC INC	91.00
MANTHE GARAGE DOORS LLC	2,954.50
MICHAEL MOUNTAIN	150.00
MID-NET SOLUTIONS	108.00
MJB HANSEN FAMILY LP	1,616.78
MN BCA CRIMINAL JUSTICE TRNG & EDUCATION	75.00
MN COMM OF TRANSPORTATION	212.36
MN COUNTY ATTORNEY ASSOC	272.00
MN DEPT OF CORRECTIONS STS	19,406.87
MN ENVIRONMENTAL HEALTH ASSOCIATION	40.00
MN SHERIFFS ASSOC	180.00
MNCCC LOCKBOX	335.00
MONROE TOWMASTER LLC	5,330.43
NAPA AUTO PARTS MPEC	9.29
NOW MICRO	380.00
OLMSTED CO	100.00
OLMSTED COUNTY	68.13
PATTON HOVERSTEN & BERG PA	4,620.00
PENMAC STAFFING SERVICES INC	386.28
PLUNKETT'S PEST CONTROL INC	103.52
RAMSEY COUNTY	560.00
REGENTS OF UNIVERSITY OF MN	300.00
RINKE-NOONAN ATTORNEYS AT LAW	11,335.50
RIVER BEND BUSINESS PRODUCTS	134.91
RIVER VALLEY FORENSIC SERVICES PA	750.00
RIVERLAND COMMUNITY COLLEGE	600.00
RS EDEN	117.50
RWV SIGNS INC	750.00

SOUTHERN MINNESOTA INSPECTION CO LLC	1,391.22
STEELE CO DETENTION CENTER	1,610.00
STERICYCLE INC	4.50
TECTA AMERICA CORPORATION	12,998.00
TODD P CHRISTIANSON PROFESSIONAL CORP	1,031.00
WASECA CO PIONEER	55.00
ZOOM VIDEO COMMUNICATIONS INC	1,499.00

b. **Transfer of Funds - Wheelage Tax**

Michael Johnson, County Administrator, noted that the destination fund is sited as 13.349.5018. The fund account ending in 5018 should be amended to 13.0000.2853. The funds are currently in fund 13.000.2881 and \$27,351.39 from the Wheelage Tax revenue fund will be transferred to the destination fund 13.0000.2853.

c. **Transfer of Funds - Local Option Sales Tax**

Transfer of \$191,068.29 from the Local Option Sales Tax revenue fund, 13.349.5015, to the Local Option Sales Tax Assigned Fund, 13.000.2852.

6. **Action Items**

a. **Benefits of Local Housing Trust Funds**

Tara Reich and Karina Schmitz, MN Prairie, discussed local homeless prevention aid. K. Schmitz, the Housing Resource Specialist for MN Prairie, discussed the recommendation to consider that each member-county establish a local Housing Trust Fund and appropriate 90% of the member-county's Local Homeless Prevention Aid to seed the Local Housing Trust Fund and appropriate the remaining 10% into a fund to be utilized for hotel shelter vouchers. Schmitz also shared information regarding how the use of Local Homeless Prevention Aid dollars could be maximized when utilized to seed a Local Housing Trust Fund.

b. **1W1P--90 day Submittal**

Brian Zabel, Land Use Planner, noted 1W1P needs a motion of support so the policy committee can submit the plan to BWSR for a 90 day review. Motion to approve the final draft of the Le Sueur River Comprehensive Watershed Management Plan to BWSR and the other plan review agencies by the Policy Committee of the Le Sueur River 1W1P Partnership by Commissioner Malterer, seconded by Commissioner Krause.

c. **SWCD Riparian Aid Invoice**

Chris Howard, Ditch Management Coordinator, discussed the need for board approval to reimburse SWCD for time spent on the riparian cost share program. Motion to approve the reimbursement of SWCD billable hours from the Riparian Aid Fund for \$2,116.22 by Commissioner Christopherson, seconded by Commissioner Harguth. Motion carried 5-0.

d. **Resolution 2023-14 Opioid Settlement**

Motion to adopt Resolution 2023-14 Opioid Settlement by Commissioner Malterer, seconded by Commissioner Christopherson. Motion carried 5-0.

Resolution 2023-14

Authorizing County Staff to Execute All Necessary Documents to Ensure County Participation in the Multistate Settlements Relating to Opioid Distributors and Manufacturers, and in the Minnesota Opioids State-Subdivision Memorandum of Agreement.

WHEREAS, the State of Minnesota and numerous Minnesota cities and counties are engaged in nationwide civil litigation against manufacturers and distributors of prescription opioids related to the opioid crisis; and

WHEREAS, the Minnesota Attorney General has signed on to multistate settlement agreements with several pharmaceutical distributors and manufacturers, but those settlement agreements are still subject to sign-on by local governments and final agreement by the companies and approval by the courts; and

WHEREAS, there is a deadline of April, 18 2023, for a sufficient threshold of Minnesota cities and counties to sign on to the above-referenced multistate settlement agreements, and failure to timely sign on may diminish the amount of funds received by not only that city or county but by all Minnesota cities and counties from the settlement funds; and

WHEREAS, representatives of Minnesota's local governments, the Office of the Attorney General, and the State of Minnesota have reached agreement on the intrastate allocation of these settlement funds between the State, and the counties and cities, as well as the permissible uses of these funds, which will be memorialized in the Minnesota Opioids State-Subdivision Memorandum of Agreement (the "State-Subdivision Agreement"); and

WHEREAS, the State-Subdivision Agreement creates an opportunity for local governments and the State to work collaboratively on a unified vision to deliver a robust abatement and remediation plan to address the opioid crisis in Minnesota;

NOW, THEREFORE, BE IT RESOLVED, Waseca County supports and agrees to the State-Subdivision Agreement; and

BE IT FURTHER RESOLVED, Waseca County supports and opts in to all future state settlement agreements pertaining to opioid distributors and manufacturers; and

BE IT FURTHER RESOLVED, Waseca County authorizes county staff to execute all necessary documents to ensure County

participation in the multistate settlements, including the Participation Agreement and accompanying Release, and in the State-Subdivision Agreement.

e. **Local AIS Prevention Aid Grant Awards**

Brian Zabel, Land Use Planner, discussed the local AIS Prevention Aid Grant and noted there were two applicants. Motion to approve the contracts as presented for Waseca Lake Association and Reeds Lake Association at \$5,000.00 each by Commissioner Malterer, seconded by Commissioner Krause. Motion carried 5-0.

f. **Resolution 2023-13 Early Retirement Incentive Plan**

Melissa Sexton, Human Resources Director, shared the early retirement incentive plan with the Board of Commissioners. Sexton noted that the recommendation from staff is to adopt Resolution 2023-13 Early Retirement Incentive Plan. The hope is to get ahead on the recruiting process. Motion to adopt Resolution 2023-13 by Commissioner Christopherson, seconded by Commissioner Malterer. Motion carries 5-0.

Resolution 2023-13

Early Retirement Incentive Plan

WHEREAS, Waseca County is interested in reducing or minimizing expenses for the 2023 budget year; and

WHEREAS, Waseca County has the authority to offer employees an incentive for early retirement, either as the employer alone, or in conjunction with the exclusive representatives of employees; and

WHEREAS, Waseca County wishes to establish an Early Retirement Incentive Program as one strategy to maintain services and reduce salary expenditures in 2023;

NOW, THEREFORE, BE IT RESOLVED, that effective upon passage of this resolution, the Waseca County Board of Commissioners hereby establishes an Early Retirement Incentive Program that complies with all applicable laws and statutes; is available for a finite period of time to provide the known impact for inclusion in the 2022 budget; and provides for a monetary incentive in exchange for an Early Retirement Program Participation Agreement and Waiver of Rights by the participants;. The specifics of the Early Retirement Program are:

1. Eligible employees are those with at least 10 years of Waseca County service immediately prior to retirement in a position of 20 hours per week or more, who qualify for a full or early retirement annuity from PERA; provided that they give written notice and sign the Early Retirement Incentive Program Participation Agreement and Waiver of Rights by May 31, 2023; do not rescind the Early Retirement Program Agreement and Waiver; and retire by June 30, 2023.

2. A monetary incentive is a one-time severance payment to be deposited into a post-retirement health care savings plan (HCSP). Payment is equal to 100% of the County's monthly contribution for individual coverage, equal to one month for each year of service with Waseca County at the effective date of retirement; however this amount shall not equate to less than 12 months of coverage and shall not exceed to what equates to 24 months of coverage.

BE IT FURTHER RESOLVED, that the Human Resources Director shall provide all employees who may be eligible for the Early Retirement Program with the plan description, a Participation Agreement and a Waiver; and advice to consult with an attorney and a financial planner regarding the impact of the program on their situations.

g. **Resolution 2023-12: Township Sign Assistance**

Jim Kollar, County Engineer/Public Works Director, discussed the purpose and intent of Resolution 2023-12 Township Sign Assistance, noting it should provide guidance and direction to staff in regard to aiding Waseca County township with roadside signage in the best interest of public safety and acknowledging the limitations of both the county and its townships. Motion to adopt Resolution 2023-12 Township Sign Assistance by Commissioner Harguth, seconded by Commissioner Christopherson. Motion carried 5-0.

RESOLUTION # 2023-12 #PW 100

TOWNSHIP SIGN ASSISTANCE POLICY

WHEREAS, the Waseca County Board of Commissioners has authority to establish and revise county policies; and

WHEREAS, policy #PW 100 – Township Sign Assistance has been prepared to provide the Public Works Department direction for aiding townships of Waseca County with roadside signage; and

WHEREAS, the policy has been reviewed by the Public Works Committee; and **WHEREAS**, the County Engineer recommends adoption of the new policy in the interest of public safety, with consideration for the County's ability to render aid, the Townships' responsibility as a road authority, and their available resources.

NOW, THEREFORE BE IT RESOLVED, that the Waseca County Board of Commissioners hereby adopts Policy #PW100 – Township Sign Assistance

h. **Contract 812302: CSAH 15 Pavement Rehabilitation**

Kollar also discussed the cooperative design and construction agreement - CSAH 13 Reconstruction. There is federal money set aside for it. Motion to approve and award Contract 812302 to Crane Creek Asphalt in the amount of \$2,351,725.99, contingent on the Office of Civil Rights award, by Commissioner Malterer, seconded by Commissioner Krause. Motion carried 5-0.

i. **Cooperative Design & Construction Agreement - CSAH 13 Reconstruction**

Kollar discussed the design and construction agreement for CSAH 13 reconstruction. Motion to approve the Cooperative Design & Construction Agreement for CSAH13 Reconstruction by Commissioner Krause, seconded by Commissioner Harguth. Motion carried 5-0.

- j. **Resolution 2023-11: Adoption of Public Works (Highway) Department ADA Transition Plan**
Kollar discussed Americans with Disabilities Act (ADA), is a civil rights law prohibiting discrimination against individuals on the basis of disability. Title II of ADA pertains to the programs, activities and services public entities provide. As a provider of public transportation services and programs, the Waseca County Public Works (Highway) Department must comply with this section of the Act. As required by Title II of ADA, 28 CFR. Part 35 Sec. 35.105 and Sec. 35.150, the Department conducted a self-evaluation of its facilities within public rights of way and has developed a Transition Plan for public rights of way, detailing how the organization will ensure that all of those facilities are accessible to all individuals. Motion to adopt Resolution 2023-11 ADA Transition Plan by Commissioner Harguth, seconded by Commissioner Christopherson. Motion carried 5-0.

RESOLUTION # 2023-11

ADA TRANSITION PLAN PUBLIC RIGHTS OF WAY

WHEREAS, the Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a civil rights law prohibiting discrimination against individuals on the basis of disability; and

WHEREAS, as required by Title II of ADA, 28 CFR. Part 35 Sec 35.105 and Sec. 35.150, the County of Waseca has conducted an evaluation of its facilities within public rights of way; and

WHEREAS, Title II of ADA is companion legislation to two previous federal statutes and regulations, the Architectural Barriers Acts of 1968 and Section 504 of the Rehabilitation Act of 1973; and

WHEREAS, the Architectural Barriers Acts of 1968 is a Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment; and

WHEREAS, Section 504 of the Rehabilitation Act of 1973 is a Federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Title II of ADA extended this coverage to all state and local government entities, regardless of whether they receive federal funding or not; and

WHEREAS, the ADA Transition Plan for Public Rights of Way has been prepared to guide the implementation of ADA improvements within the County public right of way in accordance with the requirements of Title II.

NOW, THEREFORE BE IT RESOLVED, that the Waseca County Board of Commissioners hereby adopts the ADA Transition Plan for Public Rights of Way.

- k. **Approve Appointment of Bob Pearce to the Waseca County Extension Committee with term end date 12/31/25**
Motion to approve the appointment of Bob Pearce to the Waseca County Extension Committee with an end date of December 31, 2025 by Commissioner Krause, seconded by Commissioner Malterer. Motion carried 5-0.
- l. **Approve Addendum to UMN Memorandum of Agreement for summer staffing**
Motion to approve the addendum to U of MN Memorandum of Agreement for summer staffing by Commissioner Malterer, seconded by Commissioner Krause. Motion carried 5-0. This will be a one-year change. Discussions were held regarding summer interns and coordinating with Minnesota Valley Action Counsel.

7. Administration

a. **Administration Update**

The Waseca County Board of Commissioners recessed at 11:06 a.m.

The Waseca County Board of Commissioners reconvened at 11:14 a.m.

Michael Johnson, County Administrator, discussed legative happenings.

b. **Human Resources Announcements**

c. **Financial Update**

Michael Johnson, County Administrator, shared a financial update with commissioners. Johnson noted he will be sharing this update with the board of commissioners on a monthly basis.

8. Commissioner Reports

The Waseca County Board of Commissioners in attendance at today's meeting shared commissioner reports.

9. Adjourn

Having no further county board business, Commissioner Krause moved and Commissioner Harguth seconded the motion to

adjourn the meeting. The motion was carried unanimously and the meeting adjourned at 11:34 a.m.

Blair Nelson, Chairperson
Waseca County Board of Commissioners

ATTEST:

Beth Weimert, Clerk
Waseca County Administration