



WASECA COUNTY BOARD OF COMMISSIONERS

August 15, 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, August 15, 2023 in the Commissioners' Room, 300 North State Street, Waseca, Minnesota. Members present were Chair Brian Harguth, DeAnne Malterer, Doug Christopherson, and Brad Krause.

Other members present were Michael Johnson, County Administrator; Beth Weimert, Administrative Coordinator; Tammy Spooner, Property and Election Services Director; Melissa Sexton, Human Resources Director; Sheriff Jay Dulas; Jim Kollar, Public Works Director/ County Engineer.

Others present were Kevin Balfanz, MCIT Director of Field Services; Brad Milbrath.

1. Call to Order and Pledge of Allegiance

Chair Harguth 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 Christopherson, seconded by Commissioner Harguth. Motion carried 4-0.

3. Approval of County Board Minutes

Motion to approve the Waseca County Board of Commissioners meeting minutes of July 5, 2023 and work session meeting minutes of July 11, 2023 by Commissioner Malterer, seconded by Commissioner Christopherson. Motion carried 4-0.

a. Waseca County Board of Commissioners Meeting Minutes July 5, 2023

b. Waseca County Board of Commissioner Work Session Minutes July 11, 2023

4. Consent Agenda

Motion to approve the consent agenda as presented by Commissioner Malterer, seconded by Commissioner Christopherson. Motion carried 4-0.

a. Approval of Bills

The following bills were audited and allowed:

A.H. HERMEL COMPANY	286.17
ADVANCED CORRECTIONAL HEALTHCARE INC	4,116.17
ALBERT LEA SEED HOUSE	32.40
ALTERNATIVE RESOLUTIONS INC	2,472.33
AMAZON CAPITAL SERVICES	788.64
ANCOM COMMUNICATIONS INC	812.50
APG MEDIA OF SOUTHERN MN LLC	12.76
BLOOMING PRAIRIE FARM RADIO, INC	450.00
BRUSH & WEED CONTROL SPECIALISTS INC	13,210.48
CALEB FRANCIS LANGESLAG	696.93
CAPITAL ONE	80.87
CDW GOVERNMENT INC	1,282.44
CEMSTONE CONCRETE MATERIALS	2,004.25
COLE PAPERS INC	3,147.79
COLLEEN HOWARD	100.00

CONTINENTAL RESEARCH CORPORATION	1,622.02
DEANNE MALTERER	223.22
DEML FORD INC	640.73
DONAHUE ELECTRIC LLC	471.50
DONNELLY LAW FIRM PLLC	885.00
FAUL PSYCHOLOGICAL	1,300.00
FIRST NATIONAL BANK	524.40
FIRST NATIONAL BANK 3975	308.80
FIRST NATIONAL BANK OMAHA 7265	22.49
FIRST NATIONAL BANK 4208	63.08
FIRST NATIONAL BANK 5529	203.55
FIRST NATIONAL BANK 9593	11.79
FIRST NATIONAL BANK OF OMAHA 0237	154.33
FIRST NATIONAL BANK OF OMAHA 0792	729.86
FIRST NATIONAL BANK OMAHA 4669	3,311.27
FIRST NATIONAL BANK OMAHA 7462	843.18
FIRST NATIONAL BANK OMAHA 9296	300.00
FIRST NATIONAL BANK OMAHA 1325	18.23
FIRST NATIONAL BANK OMAHA 2173	141.54
FIRST NATIONAL BANK OMAHA 3979	18.23
FIRST NATIONAL BANK OMAHA 5640	252.55
FIRST NATIONAL BANK OMAHA 6667	171.50
FIRST NATIONAL BANK OMAHA 6742	354.29
FIRST NATIONAL BANK OMAHA 7236	1,533.12
FIRST NATIONAL BANK OMAHA 8264	137.72
FRESHWATER SCIENTIFIC SERVICES, LLC	1,300.00
GMS INDUSTRIAL SUPPLY INC	209.98
INNOVATIVE OFFICE SOLUTIONS LLC	662.64
JEFFREY TODD RATZLOFF	100.00
JETTER CLEAN INC	290.00
L & L STREET ROD & SPORTS TRUCK	4,846.50
L&D AG SERVICE, INC	1,739.88
L&L PLUMBING LLC	395.00
LESUEUR COUNTY SHERIFF'S OFFICE	2,012.50
MAC QUEEN EQUIPMENT INC	78.66
MARK BEHREND	2,437.50
MEI TOTAL ELEVATOR SOLUTIONS	470.15
MENARDS-MANKATO	952.91
MIDWEST MONITORING & SURVEILLANCE	36.25
MIDWEST MOTOR SUPPLY CO INC	653.86
MJB HANSEN FAMILY LP	1,616.78
MNCCC LOCKBOX	1,580.00
MONROE TOWMASTER LLC	1,426.50
NAPA AUTO PARTS MPEC	3,374.93
NUSS TRUCK GROUP INC	2,270.31
OLMSTED CO CENTRAL FINANCE	136.77
PAAPE DISTRIBUTING CO INC	1,560.00

PICTURE THIS ON GRANITE	240.00
POWERPLAN INC	987.92
RAMSEY COUNTY	1,668.00
RAMY TURF PRODUCTS LLC	837.50
RECOVERY TREK LLC	135.00
RIVER BEND BUSINESS PRODUCTS	484.25
RIVER VALLEY FORENSIC SERVICES PA	750.00
ROCKMOUNT RESEARCH & ALLOYS INC	896.96
RS EDEN	6.80
SAFETY SIGNS	10,000.00
SCOTT CO TREASURER	1,140.00
SF ENTERPRISES LLC	250.00
SNAP ON INCORPORATED	237.58
STEPHANIE JOHNSON	6,482.00
STREAMLINE COMMUNICATIONS LLC	1,648.75
STREICHERS	3,013.30
TRI-STATE BOBCAT, INC	168.48
TRUENORTH STEEL INC	12,768.00
TYLER TECHNOLOGIES, INC	10,500.00
ULINE	1,771.21
US VENTURE INC	632.00
W.D. LARSON COMPANIES	1,109.18
WASECA CO PROPERTY & ELECTION SERVICES	1,692.99
WASECA CO SOIL & WATER	286.00
WASECA COUNTY NEWS (SUBSCRIPTION)	177.90
WASECA GLASS INC	3,380.95
WASECA HARDWARE LLC	2,050.30
WASECA HARDWARE LLC	75.09
WASECA MOTOR CO	617.75
WILLIAMS FARMS	4,987.50
ZIEGLER INC	5,726.77

b. July 2023 Monthly Electronic Funds Transfer Report

Date	From Account	To Account	Amount	Description
07/17/03	Keen Bank	MinnWest	\$1,000,000.00	Cash to Cash

5. Action Items

a. Contract for Election Services

Tammy Spooner, Property and Election Services Director, discussed a Contract between Waseca County and Independent School District #2835 (J-W-P Public Schools) for Election Services. The contract has been reviewed and approved by County Attorney, Rachel Cornelius. J-W-P school is conducting a special election on November 7, 2023 for a referendum question. The school district has significantly more election responsibilities for a special election, whereas during an election year, they are part of the county process. J-W-P staff inquired as to if we were willing to take on some of those responsibilities for them. Waseca County election staff has performed these additional duties in the past and we entered into a similar contract with a school district. Spooner's request was to set a dollar amount, not to exceed \$2,500.00 rather than a fixed amount. If there is less time put into the election than anticipated, there would be a reduction in the amount due accordingly. We want to be fair to our school and to our taxpayers.

Motion to approve the Contract between Waseca County and Independent School District #2835 (J-W-P Public Schools) for

Election Services, not to exceed \$2,500.00, by Commissioner Malterer, seconded by Commissioner Krause. Motion carried 4-0.

b. MCIT Report to Waseca County Board

Kevin Balfanz, MCIT Director of Field Services, presented an MCIT update to the Waseca County Board of Commissioners.

c. Schedule a Public Hearing for September 5, 2023 to consider amendments to the Sales Tax Project List & Map

Jim Kollar, Public Works Director/County Engineer, asked the Board to approve scheduling a Public Hearing for the amendment of the Transportation Project List & Map associated with the collection and expenditure of the Transportation Sales Tax. On November 20, 2018, the Waseca County Board of Commissioners adopted Resolution 2018-30, following a public hearing, which thereby imposed a 1/2 percent Transportation Sales Tax to be collected for expenditure on designated projects identified on the project list and map presented at the aforementioned public hearing. Since the implementation of the sales tax nearly five years ago, an amendment to the project list and map is appropriate to remove completed projects and consider additional projects that can be funded with the continued collection of the Transportation Sales Tax. The draft 2023-2034 Transportation Improvement Projects list and map are attached herein, as well as the Notice of Public Hearing to be published in the Waseca County News on August 23rd.

Motion to schedule a public hearing at 9:30 a.m. on September 5, 2023 and adoption of a resolution by Commissioner Christopherson, seconded by Commissioner Malterer. Motion carried 4-0.

d. Ordinance No. 155 Regulating the Use of Cannabis and Cannabis Derived Products in Public Places

Michael Johnson, County Administrator, discussed H.F. 100 was passed into law during the 2023 Legislative Session. Under that bill, the adult use, possession and personal growing of cannabis became legal August 1, 2023. The County wishes to be proactive in protecting public health and safety by enacting regulations that will mitigate threats presented to the public by the public use of cannabis. Waseca County recognizes the risks that unintended access and use of cannabis products present to the health, welfare, and safety of youth in Waseca County.

By definition in this ordinance, a "public place" means a public park or trail, public street or sidewalk, any enclosed, indoor area used by the general public, including, but not limited to, theaters, restaurants, bars, food establishments, places licensed to sell intoxicating liquor, wine, or malt beverages, retail businesses, gyms, common areas in buildings, public shopping areas, auditoriums, arenas, or other places of public accommodation.

Under this ordinance, no person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation, unless the premises is an establishment or event licensed to permit on-site consumption of adult-use cannabis flower and adult use cannabis products. Further, no person shall vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol, or vapor would be inhaled by a minor. See State Legislation, Art. 1, Sec. 9 Minn. Stat. § 342.09, subd. 1 (7)(b)(9) or successor statute.

Motion to Implement a Local Ordinance Regulating the Use of Cannabis in Public Spaces by Commissioner Krause, seconded by Commissioner Christopherson. Motion carried 4-0.

ORDINANCE No. 155
ORDINANCE REGULATING THE USE OF CANNABIS
AND CANNABIS DERIVED PRODUCTS IN PUBLIC PLACES
THE WASECA COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:
SECTION 1. PURPOSE AND INTENT

This Ordinance is adopted by the Waseca County Commissioners for the purpose of protecting public health and safety by REGULATING/PROHIBITING the use of Cannabis and cannabis derived products in public places and places of public accommodation within Waseca County.

By enacting 2023 Session Law, Chapter 63, H. F. No. 100 [hereinafter referred to "State Legislation"], the Minnesota Legislature passed the adult-use cannabis bill. Under that bill, the adult use, possession and personal growing of cannabis will become legal August 1, 2023.

State legislation authorizes adoption of a local ordinance establishing a petty misdemeanor offense for public use of cannabis. See State Legislation, Art. 4, Sec. 19 (Minn. Stat. § 152.0263, subd. 5, or successor statute).

The County wishes to be proactive in protecting public health and safety by enacting regulations that will mitigate threats presented to the public by the public use of cannabis.

Waseca County (hereinafter "the County") recognizes the risks that unintended access and use of cannabis products present to the health, welfare, and safety of youth in Waseca County

SECTION 2. DEFINITIONS

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them except where the context clearly indicates a different meaning.

Adult-use cannabis flower. *"Adult-use cannabis flower" means cannabis flower that is approved for sale by the Minnesota Office of Cannabis Management or is substantially similar to a product approved by the office. Adult-use cannabis flower does not include medical cannabis flower, hemp plant parts, or hemp-derived consumer products.*

Adult-use cannabis products. *"Adult-use cannabis products" means a cannabis product that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis product includes edible cannabis products but does not include medical cannabinoid products or lower-potency hemp edibles*

(c) Cannabis flower. *"Cannabis flower" means the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.*

(d) Cannabis product. *"Cannabis product" means any of the following:*

- (1) cannabis concentrate;*
- (2) a product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower;*
or
- (3) any other product that contains cannabis concentrate.*

(e) Hemp derived consumer products.

- (1) "Hemp derived consumer products" means a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and:*

- (i) contains or consists of hemp plant parts; or
- (ii) contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.

(2) Hemp-derived consumer products does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp grain.

(f) Lower-potency hemp edible. A “lower-potency hemp edible” means any product that:

- (1) is intended to be eaten or consumed as a beverage by humans;
- (2) contains hemp concentrate or an artificially derived cannabinoid; in combination with food ingredients;
- (3) is not a drug;
- (4) consists of servings that contain no more than five milligrams of delta-9 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabigerol, or any combination of those cannabinoids that does not exceed the identified amounts;
- (5) does not contain more than a combined total of 0.5 milligrams of all other cannabinoids per serving;
- (6) does not contain an artificially derived cannabinoid other than delta-9 tetrahydrocannabinol;
- (7) does not contain a cannabinoid derived from cannabis plants or cannabis flower; and
- (8) is a type of product approved for sale by the office or is substantially similar to a product approved by the office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.
- (9) **(g) Public place.** A “public place”, means a public park or trail, public street or sidewalk, any enclosed, indoor area used by the general public, including, but not limited to, theaters, restaurants, bars, food establishments, places licensed to sell intoxicating liquor, wine, or malt beverages, retail businesses, gyms, common areas in buildings, public shopping areas, auditoriums, arenas, or other places of public accommodation.
- (h) **Place of public accommodation.** “Place of public accommodation” means a business, refreshment, entertainment, recreation, or transportation facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.”

(i) Exceptions to public place or place of public accommodation. “A public place” or “a place of public accommodation” does not include the following:

- (4) a private residence, including the individual’s curtilage or yard.
- (5) a private property, not generally accessible by the public, unless the individual is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or
- (6) on the premises of an establishment or event licensed to permit on-site consumption.

(j) Smoking. “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing cannabis flower, cannabis

products, artificially derived cannabinoids, or hemp-derived consumer products. Smoking includes carrying or using an activated electronic delivery device for human consumption through inhalation of aerosol or vapor from the product.

SECTION 3. PROHIBITED ACTS

Subd. 1. No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or event licensed to permit on-site consumption of adult-use cannabis flower and adult use cannabis products. See State Legislation, Art. 1, Sec. 9 (Minn. Stat. § 342.09, subd. 1(2) or successor statute); see also State Legislation, Art. 1, Sec. 9 (Minn. Stat. § 342.09, subd. 1 (7)(iii) or successor statute); and State Legislation, Art. 4, Sec. 19 (Minn. Stat. § 152.0263, subd. 5, or successor statute).

Subd. 2. No person shall vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol, or vapor would be inhaled by a minor. See State Legislation, Art. 1, Sec. 9 Minn. Stat. § 342.09, subd. 1 (7)(b)(9) or successor statute.

SECTION 4. PENALTY

Subd. 1. Criminal Penalty. A violation of this ordinance shall be a petty misdemeanor punishable by a fine of up to \$300. Violations of this ordinance shall be prosecuted by the County Attorney. Nothing in this ordinance prohibits the County from seeking prosecution for an alleged violation.

SECTION 5. SEVERABILITY

If any section or provisions of this ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

This ordinance shall be in full force and effect immediately from and after its passage and publication as required by law.

6. Administration

a. Administration Update

Michael Johnson, County Administrator, provided updates to the board regarding recent administrative announcements, including remodeling discussions and potential plans for a Justice Center. Johnson also noted that elevator upgrades will begin tomorrow and communication has been made with all of the judicial system staff because of this inconvenience.

b. Human Resources Announcements

Michael Johnson, County Administrator, provided updates to the board regarding recent Human Resource announcements.

7. Commissioner Reports

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

The board of recessed at 11:15 a.m.

The board reconvened at 11:19 a.m.

8. Closed Session - Labor Negotiations Strategy, pursuant to Minn. Stat. § 13D.03

Chair Harguth moved into closed session at 11:19 a.m. Johnson noted those in attendance included Chair Harguth, Commissioner Krause, Commissioner Malterer, Commissioner Christopherson, Melissa Sexton, Human Resources Director, Beth Weimert, Clerk to the Board, and Michael Johnson, County Administrator. Motion to move into closed session pursuant to § 13D.03.

The Waseca County Board of Commissioners moved out of closed session at 12:05 p.m. Following the modeling discussed in the closed session motion to adopt Resolution 2023-27 by Commissioner Krause, seconded by Commissioner Malterer. Motion carried 4-0.

9. Adjourn

Having no further county board business, Commissioner Christopherson moved and Commissioner Krause seconded the motion to adjourn the meeting. The motion was carried unanimously and the meeting adjourned at 12:07 p.m.

Brian Harguth, Chairperson
Waseca County Board of Commissioners

ATTEST:

Beth Weimert, Clerk
Waseca County Administration