



WASECA COUNTY BOARD OF COMMISSIONERS

December 7, 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 Thursday, December 7, 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; Jim Kollar, Public Works Director/County Engineer; Sheriff Jay Dulas; Rusty Hardeman, Assistant County Attorney; Doug Gerdts, Chief Deputy; Dan Mocol, Jail Administrator; Chris Howard, Land and Water Resources Manager; Tara Reich, Interim MNPrairie Director; Joe Fliflet, Patrol Sergeant; Josh Langer, Patrol Sergeant, Denise Wright, Emergency Management Director; Eric Miller, Watershed Coordinator.

Others present Deb Bently, Waseca County Pioneer; Ashley Fliflet, Avery Fliflet, Christopher Langer; Grant Wildgrube, Windy Hills Campground, 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. Introduction of New Staff

Sheriff Dulas introduced Sarah Weed, new FT dispatcher. Sheriff Dulas also appointed Joe Fliflet and Josh Langer to Patrol Sergeants.

3. Approval of Agenda

Motion to approve the Waseca County Board of Commissioners amended agenda by Commissioner Christopherson, seconded by Commissioner Malterer. Motion carried 4-0.

4. Ditch Authority

a. Waseca Blue Earth Joint Ditch 51--Continuation of ROB Final Hearing

Chris Howard, Land and Water Resource Manager, discussed the Continuation of Redetermination of Benefits final hearing.

Motion to approve the redetermined benefits and damages of JD 51, the amended viewers' report attached as exhibit A, and the benefits and damages statement attached as exhibit B are hereby adopted and confirmed and shall be used in place of the original benefits and damages in all subsequent proceedings by roll call, and the motion passed 3-0 by the following: Commissioner Christopherson - aye; Commissioner Krause - aye; Malterer - aye.

Discussions were held regarding educating the public on the importance of attending meetings for redetermination of benefits.

5. Approval of County Board Minutes

Motion to approve the Waseca County Board of Commissioners work session meeting minutes of November 7, 2023 and meeting minutes of November 7, 2023 by Commissioner Malterer, seconded by Commissioner Christopherson. Motion carried 4-0.

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

b. Waseca County Board of Commissioner Meeting Minutes November 7, 2023

6. Consent Agenda

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

a. **Approval of Bills**

The following bills were audited and allowed:

A.H. HERMEL COMPANY	141.57
ADA ENTERPRISES INC	1,050.00
AMAZON CAPITAL SERVICES	251.25
AMBER LEWER	87.86
AP MIDWEST LLC	3,000.00
ARROWWOOD RESORT & CONFERENCE CENTER	350.28
ASSOC OF MN COUNTIES	350.00
BOCKS SERVICE INC	243.00
BOMGAARS SUPPLY	641.82
BOMGAARS SUPPLY	3.99
BOMGAARS SUPPLY	160.76
BOMGAARS SUPPLY	96.30
CANADIAN PACIFIC RAILWAY COMPANY	21,750.96
CAPITAL ONE	6.31
COLE'S ELECTRIC INC	1,425.94
COMMUNITY COMPLIANCE MONITORING	558.00
CURT KEYES	80.00
DEML FORD INC	82.00
ERIC MILLER	31.20
FERNBROOK FAMILY CENTER INC	487.50
GOPHER STATE ONE CALL	12.15
GUTTENBERG	930.12
HAWK ALARM SYSTEMS INC	630.78
IDENTISYS, INC	761.00
INNOVATIVE OFFICE SOLUTIONS LLC	783.50
JANESVILLE TILE SUPPLY	13.90
JOHN DEERE FINANCIAL	1,729.53
JULIE MALAKOWSKY	100.00
JUSTON BORGLUM	5,575.00
KIM KROEGER-BABCOCK	91.79
LINDA L KARST	100.00
MICHAEL JOHNSON	251.78
MID-NET SOLUTIONS	108.00
MJB HANSEN FAMILY LP	1,616.78
MN COMM OF TRANSPORTATION	192.65
MN SHERIFFS ASSOC	300.00
NATL ASSOC OF COUNTIES (NACO)	450.00
NCH CORPORATION	987.40
OLMSTED COUNTY	11.83
ONSOLVE INTERMEDIATE HOLDING COMPANY	15,786.75
PANORAMIC SOFTWARE INC	990.00
PATRICK SICHENEDER	365.00
PATTON HOVERSTEN & BERG PA	574.00
PREMIER BIOTECH	757.00

RICKWAY, INC	2,750.00
RINKE-NOONAN ATTORNEYS AT LAW	1,707.50
RIVER BEND BUSINESS PRODUCTS	456.76
RS EDEN	63.05
SUSAN HOISINGTON COUNSELING LLC	11,531.00
TERRANCE MCCLUNE	875.00
THOMSON REUTERS	1,250.12
UNIFORMS WAREHOUSE INC	247.66
US CORRECTIONS LLC	3,090.00
US VENTURE INC	1,264.00
WASECA GLASS INC	89.00
	87,241.79

b. Transfer Between Funds

Move expenses in the amount of \$18,881.30 from Fund 42.836 to Fund 25.207.6340. In prior years, the Armer Radio tower expense was paid out of the bond account. There are no longer funds in the bond account, therefore we request to transfer the expense to the E911 Special Revenue account.

c. Transfer Between Funds - Assigned Vehicle Fund

Transfer \$16,000.00 from Miscellaneous Revenue (01.201.201.5859) to Assigned Vehicle Fund (01.2820). Money is from the sale of a used squad car to the City of New Richland.

d. Fund 13 Transfer - Equipment

Public Works requests the transfer of \$286,984.42 from the equipment expense account (13.340.6670) to the Equipment Assigned Fund (13.000.2851). This request is to reserve these funds for the tandem snow plow budgeted for and ordered in 2023 with delivery anticipated in the first half of 2024.

e. Fund 13 Transfer - Local Option Sales Tax

Public Works requests the transfer of \$632,946.08 from the Local Option Sales Tax Fund (13.349.5015) to the Local Option Sales Tax Assigned Fund (13.000.2852) for future eligible project expenses. The requested transfer represents the revenue received from January to the first-half of October 2023, less \$220,348.06 transferred to the County Construction expense fund for a portion of the local share of the CSAH 15 pavement rehabilitation project.

A request to transfer 2nd-half October - December 2023 L.O.S.T. revenue will be made in early 2024, once all 2023 revenue is received.

f. Payment Schedule for the Second Half 2023 Taxes – Residential Tax Abatement

Waseca County Tax Abatement Program						
Pay Schedule for Second Half 2023 Taxes						
City Tax Abatement Applications			Second Half 2023			Total
Name:	PID	Percent Option	Years	Payment		Over Term
City of Waseca Abatements						
1 Brent and Julianna Brass	17.535.0500	50%	10	\$272.00		\$ 5,440.00
2 Royer/Grunwald (sold home)						
3 Frank Wenzel	17.451.0010	75%	6	\$466.00		\$ 5,592.00
4 Joe and Kristi Nelson	17.535.0480	75%	6	\$224.00		\$ 2,688.00
5 Thomas and Jean Glaser	17.711.0200	50%	10	\$409.50		\$ 8,190.00
6 Gerald and Kristi Fennert	17.712.0110	50%	10	\$264.50		\$ 5,290.00
7 James and Mary Jo Boerboom	17.528.0340	50%	10	\$266.50		\$ 5,330.00
8 Charles and Linda Cone	17.709.0030	75%	6	\$470.00		\$ 5,640.00
9 Eric and Melanie Tedars	17.712.0120	50%	10	\$304.00		\$ 6,080.00
10 Alan and Barbara Wilker	17.328.0050	50%	10	\$224.50		\$ 4,490.00
11 Alan and Cathy Breitbarth	17.535.0630	50%	10	\$192.00		\$ 3,840.00
12 Todd and Kathy Donahue	17.712.1900	50%	10	\$409.50		\$ 8,190.00
13 Larry and Luanne Huber	17.535.0290	50%	10	\$357.00		\$ 7,140.00
14 Jeramie and Julie Kelly	17.535.0400	75%	6	\$446.50		\$ 5,358.00
15 Edward and Barbara Roesler	17.520.0100	50%	10	\$381.50		\$ 7,630.00
16 Richard and Deborah Perreault	17.535.0490	50%	10	\$361.50		\$ 7,230.00
County Abatements						
17 Jonathan and Lyric Butler	12.004.0600	50%	10	\$593.50		\$ 11,870.00
18 Scott Kramer	12.402.0010	50%	10	\$337.50		\$ 6,750.00
19 Joshua Lynch	12.428.0140	75%	6	\$632.50		\$ 7,590.00
Approved by the County Board on:			Total	\$6,612.50		

g. **Transfer of Development Rights; Lucille and Corey Youngberg Trustees**

Site Data:

Sending Site: Lucille & Corey Youngberg Trustees

PID No: 08.025.0600 08.025.0600

Legal Description: The NW1/4 NE1/4 Section 25- T106N R22W, Waseca County

Receiving Site Owner/Applicant: Lucille & Corey Youngberg Trustees,

Legal Description: In the NW1/4 NE1/4 Section 25- T106N R22W, Waseca County

h. **Conditional Use Permit Site Plan Amendment; Nickolas and Ashley Rehder**

Approval of Nickolas J. & Ashley A. Rehder (Ruby Ranch) Site Plan Amendment of Conditional Use Permit

i. **Conditional Use Permit Extension for NextEra Solar Farms**

Extend the Elysian Lake Solar LLC, Rolling Hills Solar LLC and Blue Jay Solar LLC Conditional Use Permits for an addition period of one year.

7. Action Items

a. **MNPrairie Joint Powers Agreement Amendment**

Tara Reich, Interim Executive Director, not on November 21, 2023, the Minnesota Prairie County Alliance Joint Powers Board approved the First Amendment to the MNPrairie Joint Powers Board Agreement by a supermajority that would:

Revise the current member-county cost-share formula to incorporate the following factors and weights: 40% population, 40% net tax capacity, 10% poverty & 10% equal share, utilizing a 3-year rolling average; and, Implement the member-county cost-share formula revision in its entirety, effective January 1, 2025; and, Add a provision to restrict the review of the member-county cost-share formula by creating an option for review exclusively in the year immediately following each decennial census.

Per Section 16 of the Joint Powers Agreement, in addition to approval by a supermajority of the Joint Powers Board in accordance with section 4.5, amendments to this Agreement must be approved by two-thirds of the County Boards of the Member Counties.

Motion to approve the MNPrairie Joint Powers Agreement Amendment by Commissioner Christopherson, seconded by Commissioner Malterer. Motion carried 4-0.

b. Resolution 2023-51 Accepting Cert Dotion

Denise Wright, Emergency Management Director, requested approval for the \$200.00 anonymous donation. Wright noted the donation will be used to purchase equipment for CERT classes.

Motion to adopt Resolution 2023-51 accepting CERT donation in the amount of \$200.00 by Commissioner Malterer, seconded by Commissioner Krause. Motion carried 4-0.

c. Adopt the Waseca County 2024 Aquatic Invasive Species Prevention Plan

Eric Miller, Watershed Coordinator, reviewed the 2024 Aquatic Invasive Species Prevention Plan.

Motion to adopt Resolution 2023-50 Waseca County 2024 Aquatic Invasive Species Prevention Plan by Commissioner Malterer, seconded by Commissioner Christopherson. After discussions the motion carried 4-0.

Resolution 2023-50 to Adopt Aquatic Invasive Species Prevention Plan and Further Responsibility of Plan Implementation by Waseca County Land and Water Resources

Whereas, 2014 Session Law Chapter 308 enacted by the Legislature provides Minnesota counties a County Program Aid grant for Aquatic Invasive Species (AIS) prevention. The amount designated for each county is based on the number of watercraft trailer launches as well as the number of watercraft trailer parking spaces within each county. Waseca County was allocated \$46,644 for 2024 with potential funding for years following,

Whereas, the legislation requires that Waseca County must establish, by resolution or through adoption of a plan, guidelines for the use of the proceeds which are to prevent the introduction or limit the spread of aquatic invasive species at all access sites within the county, and

Whereas, the County may appropriate the proceeds directly or may use any portion of the proceeds to provide funding for a joint powers board or cooperative agreement with another political subdivision, a soil and water conservation district in the county, a watershed district in the county, or a lake association located in the county. Any money appropriated by the county to a different entity or political subdivision must be used as required under this section, and

Whereas, the county must submit a copy of its guidelines for the use of the proceeds to the Minnesota Department of Natural Resources by December 31st of the year the payments are received, and

Now, Therefore, Be it Resolved, that the Waseca County Board of Commissioners confers oversight of Waseca County's AIS prevention efforts to the Waseca County Land and Water Resources Department and delegates to them the responsibility to prepare, implement and report annually, a plan to allocate the funding in accordance with the above legislation, and

Be it Further Resolved, that Waseca County adopts Waseca County's Invasive Species Prevention Plan as attached and as presented at the County Board of Commissioners' meeting of December 7, 2023.

d. 2023 Aquatic Invasive Weed Harvester Program Review

Chris Howard, Land and Water Management Manager, reviewed and provided and update for the 2023 aquatic invasive weed harvester program with the Waseca County Board of Commissioners.

e. Project Acceptance & Final Payment - Waseca County Public Works Facility Improvements

The Joseph Company, Inc. has completed the work specified in the contract documents for the construction of a fueling station and related site work, roof patching, mold remediation and interior office improvements. The total value of work certified is \$1,162,439.10, which is approximately 102% of the original contract amount of \$1,138,000.00. Four change orders in the amount of \$24,439.10 were processed throughout the project. These included a contract change to allow for an alternative fuel tank manufacturer, sheet rock patching and replacement within the interior, cutting in to the precast concrete walls to add louvers to address the lack of a ridge vent, modifications to an existing drain tile discovered during site work, and credit for the allowances built in to the contract but not needed during the prosecution of the work. Final payment in the amount of \$35,696.96 is due to The Joseph Company, Inc.

Funding for the project was through a number of available county sources, such as: budgeted monies, G.O. 2020A Series fund balance, CARES de-federalized monies, and local fund balances.

Motion to accept the work and authorize final payment in the amount of \$35,696.96 to The Joseph Company, Inc. by Commissioner Krause, seconded by Commissioner Christopherson. Motion carried 4-0.

f. Contract No. 812303 Final Acceptance & Payment - Freedom Township Bridge Replacement

Midwest Contracting, LLC has completed the work specified in the contract documents for the replacement of Freedom Township's Bridge No. L5737 with Bridge No. 81J23 and associated approach grading. Work primarily included; removal of the old bridge, excavation & backfill, aggregate bedding, installation of 2-lines of precast concrete box culvert, aggregate surfacing, and erosion/sediment control. During excavation operations, the remnants of a previous bridge foundation were discovered and removal was necessary to construct the project as planned. In addition, unstable soils

below the planned limits of the structure excavation necessitated additional excavation and aggregate bedding. This extra work resulted in contract changes totaling \$8,467.50. The total value of the work certified by the engineer is \$535,978.09, which equates to approximately 101% of the original contract amount of \$528,572.25. Final payment in the amount of \$29,570.53 is due to Midwest Contracting, LLC.

The construction project is funded by Regular Town Bridge, Special Town Bridge, and Local (Freedom Township/Medo Township) monies. In accordance with statute, the Township is responsible for \$10,000 of bridge approach construction and \$10,000 of related engineering costs. Freedom Township and Medo Township (Blue Earth County) have an agreement in-place to split the local costs equally. Staff had previously requested and received 95% of the original contract amount from MnDOT State Aid. The request for the remaining construction and engineering balance is in progress, as is an invoice to Freedom Township for the local share.

Motion to accept the work and authorize final payment in the amount of \$29,570.53 to Midwest Contracting LLC by Commissioner Krause, seconded by Commissioner Malterer. Motion carried 4-0.

The Waseca County Board of Commissioners recessed at 10:42 a.m.
The Waseca County Board of Commissioners reconvened at 10:46 a.m.

g. Conditional Use Permit for The Windy Hills Sportsman LLC Campground

The Waseca County Board of Commissioner heard a request for a Conditional Use Permit to allow for the expansion of an existing campground in Section 22 and 27 of Janesville Township. Grant Wildgrube owner of The Windy Hills Sportsman LLC, is requesting a Conditional Use Permit to allow for the expansion of an existing campground on their property located at 40050 – 30th St., Janesville. The existing campground is located in Sections 22 and 27 T.108N R24W of Janesville Township and in the LR Limited Residential Zoning District. The parcels (PIDs: 06.022.0600 & 06.027.0200) are also located in the SO Shoreland Overlay district of Lake Elysian with a portion in the FO Floodplain Overlay District.

Motion to approve the criteria for approval and the Findings of Facts by Commissioner Malterer, seconded by Commissioner Krause. Motion carried 4-0.

Motion to approve the Conditional Use Permit in substantially the form as appended to this report by Commissioner Christopherson, seconded by Commissioner Malterer. Motion carried 4-0.

8. Administration

a. Administration Update

Michael Johnson, County Administrator, provided administrative updates to the board.

9. Commissioner Reports

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

10. Adjourn

Having no further county board business, Commissioner Krause moved and Commissioner Christopherson seconded the motion to adjourn the meeting. The motion was carried unanimously and the meeting adjourned at 11:26 a.m.

Brian Harguth, Chairperson
Waseca County Board of Commissioners

ATTEST:

Beth Weimert, Clerk

