

WASECA COUNTY BOARD OF COMMISSIONERS — FEBRUARY 16, 2021

The Waseca County Board of Commissioners met in regular session on Tuesday, February 16, 2021, in the boardroom, 300 North State Street, Waseca, Minnesota. Members present were Chair DeAnne Malterer, Doug Christopherson Brian Harguth, Blair Nelson, and Brad Krause.

Others present were Michael Johnson, Administrator; Tammy Spooner, Auditor-Treasurer; Brad Milbrath, Sheriff; Lisa Kaczke, Waseca County News; Mark Behrends, Ditch Viewer; Kendall Langseth, Ditch Viewer; Robert Hansen, Ditch Viewer; Steve Scheffert; Eugene Scheffert; Brian Zabel, Feed Lot Officer; Steve Penkava, Engineer; Kurt Deter, Legal Counsel; Scott Hildebrandt; Bernard Frederick; Rodney Born; Cris Borneke, Deputy Auditor-Treasurer; and Alan Forsberg, Interim County Engineer.

The following were present via online platform: Warren Formo, FarmAmerica; Marvin & Kathleen Guse; Dan Giralamo, DNR; Mark Schaetzke, SWCD; Jessica Rollins, FarmAmerica; and Duane Alberts, FarmAmerica Chair Person.

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

There was no Public Comment

Nelson moved and Krause seconded to approve the Agenda. Motion carried unanimously.

Harguth moved and Christopherson seconded to approve the Consent Agenda as follows. Motion carried unanimously.

- a. Approval of Bills
- b. Accept Bids for County Parks Mowing
- c. Monthly Electronic Funds Transfer Report December 2020 / January 2021
- d. Fund Transfers from Fund (25) Special Revenue Fund to Fund (01) as follows:
 - \$2,377.32 from Account 25-109-6905 to 01-107-5910 (Riparian Buffer Enforcement)
 - \$27,992.24 from Account 25-125-6905 to 01-107-5910 (MPCA Feedlot)
 - \$24,394.00 from 25-124-6905 to 01-107-5910 (Natural Resource Block Grant)
- e. 2020 County Feedlot Officer Annual Report and Performance Review
- f. Report on Waseca County Planning Commission Meeting (2-04-2021)
- g. Partial Release of Excl. Agricultural Use Zone Restrictive Covenant; Isaac and Melissa Eaton

Sheriff Brad Milbrath requested to set a Public Hearing for administrative fees and storage fees on forfeiture property for March 2, 2021. Krause moved and Christopherson seconded to set the public hearing for March 2, 2021 at 9:45 a.m. Motion carried unanimously.

Michael Johnson, Administrator, requested acceptance of a donation to the Veteran's Services Van Fund from Daryl and Kris Erdman in the amount of \$600.00.

Nelson moved and Krause seconded to adopt Resolution #2021-6 accepting the donation. Motion carried unanimously.

RESOLUTION # 2021-6

NOW, THEREFORE, BE IT RESOLVED, that the Waseca County Board of Commissioners hereby resolves to accept the donation of \$600.00 from Daryl and Kris Erdman to be used specifically for the purchase of a new transportation van for Veteran Services.

Sheriff Brad Milbrath requested acceptance of a donation to the Sheriff's Office from Joyce Goettl in the amount of \$100.00. Nelson moved and Harguth seconded to adopt Resolution #2021-7 accepting the donation. Motion carried unanimously.

RESOLUTION # 2021-7

WHEREAS, Minn. Stat. Sect. 465.03 allows counties to accept grants and donations of real or personal property for the benefit of its citizens in accordance with terms prescribed by the donor; and

WHEREAS, said donations must be accepted via resolution of the County Board of Commissioners by a two-thirds majority of its members; and

WHEREAS, the Board of Commissioners finds that it is appropriate to accept the donations offered;

NOW, THEREFORE, BE IT RESOLVED that the Waseca County Board of Commissioners accepts, with sincere appreciation, the following listed donations on behalf of its citizens:

Name of Donor	Donation	Donation Purpose
Joyce Goettl	\$100.00	Thank you

This resolution shall become effective upon its passage and without further publication

Michael Johnson, Administrator, requested adoption of Resolution #2021-8 to waive liquor license fees for 2021, due to restricted openings, as a form of business relief to local businesses. Nelson moved and Christopherson seconded to adopt Resolution #2021-8 to approve waiving of Liquor License fees for 2021. Motion carried unanimously.

Resolution # 2021-8

Waive Liquor License Fees for 2021 Due to Restricted Openings

WHEREAS, the State of Minnesota continues to extend the COVID-19 Peacetime Emergency declared in Executive Order 20-01 due to the pandemic; and

WHEREAS, in the Peacetime Emergency Orders that have been issued since March 13, 2020, the State of Minnesota has restricted the opening, closing and capacity of restaurants and bars in the State of Minnesota; and

WHEREAS, these Peacetime Emergency Orders have placed an undue financial burden on Waseca County restaurants and bars; and

NOW, THEREFORE, BE IT RESOLVED, that the Waseca County Board of Commissioners hereby waive the liquor license fees as listed below for calendar year 2021.

- Liquor License (On Sale) \$450.00
- Liquor License (Brewers Off Sale) \$100.00
- Liquor License (Sunday) \$50.00

BE IT FURTHER RESOLVED, these fees are waived due to the Peacetime Emergency Orders issued by the State of Minnesota to ease the adverse economic hardship caused by the COVID-19 pandemic.

At 9:45 a.m. the Public Hearing for Redetermination of Benefits of County Ditch #19 commenced. Kurt Deter, Attorney with Rinke Noonan, gave an overview of the process. Tammy Spooner, Auditor-Treasurer affirmed that the proper notices were published, mailed, and posted. Mark Behrends, Ditch Viewer, provided information of the redetermination process, which was conducted by Kendall Langseth, Robert Hansen, and Mark Behrends. The Public Hearing was opened at 9:56 a.m. for public questions or comments on the Redetermination.

Marvin Guse, property owner within the watershed of County Ditch #19, questioned overlapping of acres with other ditch systems. Mark Behrends confirmed that the other systems are likely off due to the technology was not yet available when the systems were redetermined. The Viewers have spoken with Mr. Deter regarding reopening the other ditch systems to correct watershed lines administratively. The comments period ended at 9:58 a.m.

Attorney Kurt Deter listed the criteria that need to be met to move forward to approve the redetermination.

1. The Viewer's Report has been made and other proceeding have been completed under Minnesota Statute 103E.
2. The reports made or amended are complete and correct.
3. The damages and benefits have been properly determined.

Christopherson moved and Krause seconded to approve the redetermination and direct Kurt Deter to draft the Findings of Fact and Order, which should include ordering corrections to adjoining ditch systems to ensure that Marvin Guse is not double assessed on any acres. Motion carried unanimously.

Krause moved and Nelson seconded to adjourn the Redetermination Hearing at 10:01 a.m. Motion carried unanimously.

At 10:02 a.m. the Public Hearing for the Improvement to County Ditch #19 commenced. Kurt Deter, Attorney with Rinke Noonan, gave an overview of the process. Tammy Spooner, Auditor-Treasurer, affirmed that the proper notices were published,

mailed and posted. Steve Penkava, Engineer with Jones Haugh & Smith, presented the Final Engineer's Report for the Improvement to County Ditch #19. Mr. Penkava discussed a potential \$50,000.00 grant that expires April 30, 2021 if project is not completed and all bills paid in full. Due to the winter weather conditions, it is not possible to have the project completed by that date. The Public Hearing was opened for public comment or questions at 10:11 a.m.

- Scott Hildebrandt question sediment maintenance on the proposed pond.
- Dan Giralamo, DNR Hydrologist, provided an overview of the DNR comments contained in the letter that was submitted on Friday, February 12, 2021.
- Kathleen Guse commented on the grant requirements, mitigation process, recommended that MN Ag Interpretive Center (FarmAmerica) should put a pond on their land and teach water quality there.
- Chair Malterer read correspondence from Jean Eichoff into the public record. Ms. Eichoff questioned cracked and misaligned tiles and doesn't feel existing tile is being used to its full potential at this time.
- Engineer Steve Penkava stated that the tile is 101 years old.
- Marvin Guse would like the inspection inlet removed on the property line between his land and Eichoff property.
- Chair Malterer questioned lateral branch e that was on the original plan, but does not exist.
- Eugene Scheffert commented that the ditch is 100 years old and is not in good shape. Mr. Scheffert is in favor of a storage pond to hold water from FarmAmerica and believes that it is needed to improve the environment. Mr. Scheffert feels an urgency to complete the project in order to receive the \$50,000.00 grant.
- Deter responded that it may be possible to reapply next fiscal year for the same or similar grant funding.
- Commissioner Christopherson recently attended a GBERBA meeting and it is not likely they will extend the timeline on the existing grant funding. They could reapply, but cannot start project until approved and the project may not meet the criteria for the next round of grants.
- Eugene Scheffert stated that the site is good right now and conditions are right to proceed.
- Scott Hildebrandt stated that holding ponds are a high priority. If the time does run out, the chance of extension or reapplication is good.

- Mark Schaetzke, Waseca County Soil & Water Conservation District, indicated that the pond could possibly be made a separate project. However, the potential of applying for a new grant would mean construction in 2022.
- A question was asked about State land on top end of the project and who has the authority to sign for improvement.
- Marvin Guse questioned location of new tile.
- Steve Penkava responded that the new tile will be located South of the old tile the entire distance and will not conflict with private tile.
- Kathleen Guse would like to confirm that inspection inlet will be removed. Mr. Penkava confirmed that there will be no problem removing the inspection inlet.
- Jessica Rollins, FarmAmerica, asked for clarification on state owned land in the system. It was clarified that FarmAmerica is a non-profit, they are not owned by the state.

The comment period was closed 11:04 a.m.

Mark Behrends, Ditch Viewer, reported on the benefit statement for the 20% that solely the improvement portion and is not separable maintenance. The meeting was opened for comments or questions 11:09 a.m.

- Marvin Guse commented that the new tile would be 10–11 feet deep on his property, which means a considerable amount of subsoil would be removed. There will be a length of time that his crop would be impacted.
- Mark Behrends commented that they have not included residual damages, but that would be a board decision to compensate or not. Approximately 10 acres will be affected. Normally compensation is around \$400 per acre and costs would be assessed to the entire system. Most counties do not pay residual damages, but Waseca County could certainly choose to do so.

Nelson moved and Krause seconded to close the comment period at 11:22 a.m. Motion carried unanimously.

Kurt Deter, Attorney, presented possible actions for the drainage authority.

- 1) Continue hearing if additional information is required.
- 2) Establishment of Improvement, if:
 - a. The Final Engineer's Report and Viewers' Report have been made and other proceedings have been completed under Minnesota Statutes 103E.
 - b. The reports made or amended are complete and correct.
 - c. The damages and benefits have been properly determined.

- d. The estimated benefits are greater than the total estimated costs including damages.
- e. The proposed drainage project will be of public utility and benefit and will promote the public health.
- f. The proposed drainage project is practicable.
- g. That the repair portion allocated by the engineer as repairs is assessed against all property benefitted by the entire drainage system and the balance of the cost of the Improvement is assessed against the property benefitted by the Improvement.

Commissioner Christopherson commented that he has trouble supporting the project due to the pond not being supported by DNR. He was disappointed in tardiness of letter, but it has been an unprecedented year. Christopherson also believes the cost to benefit ratio is questionable with all expenses being assessed to everyone on the system.

Kurt Deter confirmed that the project was properly petitioned and the information shows that benefit outweighs the cost with or without the grant funds.

Krause moved and Harguth seconded to proceed with establishment of the improvement with the Order to contain language to continue to pursue grant funding for the pond and to include residual damages to Marvin & Kathleen Guse. Motion carried 4-1 by the following roll call: Christopherson–no; Harguth–yes; Nelson–yes; Krause–yes; Malterer–yes.

Kurt Deter outlined the next steps for the process. The 30-day appeal period begins when the Order is signed by the Board Chair and filed with the Auditor-Treasurer, Tammy Spooner. Bids will be taken in the spring. Construction will take place in 2021 and will be completed by year end.

Nelson moved and Krause seconded to adjourn the Public Hearing. Motion carried unanimously.

Alan Forsberg, Interim County Engineer, presented information on a Local Road Improvement Program. Freedom Township has requested Waseca County be the sponsor for the grant funding and act as their fiscal agent. Christopherson moved and Harguth seconded to adopt Resolution #2021-9 in support of the sponsorship. Motion carried unanimously.

RESOLUTION #2021-9
Resolution of Sponsorship from Waseca County

WHEREAS, Freedom Township has a population under 5,000; and

WHEREAS, Freedom Township would like to submit a project for Local Road Improvement Program Funds; and

WHEREAS, Freedom Township has requested Waseca County be the sponsoring agency;

NOW THEREFORE BE IT RESOLVED, that Waseca County, Minnesota agrees to act as sponsoring agency for a Local Road Improvement Program Project identified 270th Ave between CSAH 3 and Trunk Highway 83 Improvements Project and has reviewed and approved the project as proposed. Sponsorship includes a willingness to secure and guarantee the local share of costs associated with this project and responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules and regulations;

BE IT FURTHER RESOLVED, that the Waseca County Highway Engineer is hereby authorized to act as agent on behalf of this applicant.

Alan Forsberg, Interim County Engineer, presented information on a Local Road Improvement Program. Woodville Township has requested Waseca County be the sponsor for the grant funding and act as their fiscal agent. Nelson moved and Christopherson seconded to adopt Resolution #2021-10 in support of the sponsorship, with correction to the street names. Motion carried unanimously.

RESOLUTION #2021-10
Resolution of Sponsorship from Waseca County

WHEREAS, Woodville Township has a population under 5,000; and

WHEREAS, Woodville Township would like to submit a project for Local Road Improvement Program Funds; and

WHEREAS, Woodville Township has requested Waseca County be the sponsoring agency;

NOW THEREFORE BE IT RESOLVED, that Waseca County, Minnesota agrees to act as sponsoring agency for a Local Road Improvement Program Project identified as 139th St and 345th Ave between 8th Ave SE and CSAH 5 Improvements Project and has reviewed and approved the project as proposed. Sponsorship includes a willingness to secure and guarantee the local share of costs associated with this project and responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules and regulations;

BE IT FURTHER RESOLVED, that the Waseca County Highway Engineer is hereby authorized to act as agent on behalf of this applicant.

Alan Forsberg, Interim County Engineer, requested to enter into a Cooperative Agreement with Steele County for shoulder pavement on CSAH 14. The cost to Waseca County is \$426,000.00. Harguth moved and Christopherson seconded to adopt Resolution 2021-11 and to authorize the Board Chair and County Administrator to sign the agreement. Motion carried unanimously.

RESOLUTION 2021-11
CSAH 14 COOPERATIVE SHOULDER PROJECT WITH STEELE COUNTY

Whereas, paving shoulders on Steele County CSAH 2 and Waseca County 14 from Owatonna to Waseca was recommended by a State Safety Study and could most efficiently be accomplished by a single construction contract, and

Whereas Federal Safety Improvement Project, HSIP, funds are available to supplement CSAH funds, and

Whereas, Steele County and Waseca County could accomplish as a cooperative project with Steele County the lead agency,

Now therefore resolved, the Board Chair and Administrator are authorized to sign the Cooperative Construction Agreement.

Alan Forsberg, Interim County Engineer, requested to enter into an Agreement with MnDOT for rural lighting projects on CSAH 14. Forsberg recommended moving forward with the agreement, which is a safety improvement. Nelson moved and Harguth seconded to adopt Resolution #2021-12 to approve the agreement. Motion carried unanimously.

**WASECA COUNTY
RESOLUTION 2021-12**

IT IS RESOLVED that Waseca County enter into MnDOT Agreement No. 1037025 with the State of Minnesota, Department of Transportation for the following purposes:

To provide ownership, operation, and maintenance of Lighting Systems on Trunk Highway (T.H.) No. 14 at County State Aid Highway (C.S.A.H.) No. 17 and on T.H. No. 13 at C.S.A.H. No. 7 and No. 5. The contract construction is to be performed under State Project No. 8827-340 (T.H. 999).

IT IS FURTHER RESOLVED that the Board Chair and County Administrator are authorized to execute the Agreement and any amendments to the Agreement.

Alan Forsberg, Interim Engineer requested internal fund transfers, which were approved as follows.

Christopherson moved and Krause seconded to transfer \$148,376.01 from 13-340-6670 (2020 Vehicle Improvement) to 13-000-2851 (Equipment Assigned Fund). Motion carried unanimously.

Krause moved and Christopherson seconded to transfer \$170,994.00 from 13-000-2850 (Assigned Building Improvement Fund) to 13-340-6611 (2020 Building Improvement) to pay for building improvements that were made during 2020. Motion carried unanimously.

Harguth moved and Nelson seconded to transfer \$857,534.58 from 13-349-5015 (Local Option Sales Tax) to 13-000-2852 (Assigned Fund - Local Option Sales Tax). Motion carried unanimously.

Nelson moved and Christopherson seconded to transfer \$604,398.19 from 13.000.2852 (Assigned Fund - Local Option Sales Tax) to 13-320-6280 (County Construction) for payments made to RAW Construction for work being completed on County Project 81-2004. Motion carried unanimously.

Christopherson moved and Harguth seconded to transfer \$1,893,967.20 from 13-349-5018 (Wheelage Tax) to 13-000-2881 (Assigned Fund – Wheelage Tax). Motion carried unanimously.

Nelson moved and Christopherson seconded to transfer \$538,879.00 from 13-320-6280 (County Construction) to 13-000-2819 (Assigned Fund – Infrastructure) Motion carried unanimously.

Michael Johnson, Administrator, provided an update of ongoing items.

Having no further county board business, Harguth moved and Nelson seconded the motion to adjourn the meeting. Motion carried unanimously and meeting adjourned at 12:47 p.m.

DeAnne Malterer, Chairperson
Waseca County Board of Commissioners

ATTEST:

Tamara J. Spooner, Clerk
Waseca County Auditor/Treasurer

The following bills were audited and allowed:

A.U.A.E.S INC	1,000.00
AHLMANS	1,000.00
ALTERNATIVE RESOLUTIONS INC	1,552.50
ALVIN GRAMS	155.00
AMAZON CAPITAL SERVICES	118.81
APG MEDIA OF SOUTHERN MN LLC	460.08
APH STORES, INC.	515.57
BAKER TILLY LLP	3,000.00
BLUE EARTH CO FINANCE DEPT	150.00
BLUE EARTH CO HUMAN SERVICES	1,186.50
BOB BARKER COMPANY INC	479.46
BOCKS SERVICE INC	438.00
BOSS SUPPLY OF JANESVILLE INC	26.11
BRITTON PLUMBING & HEATING LLC	585.20
BUDACH IMPLEMENT INC	105.12

CDW GOVERNMENT INC	786.33
CHRISTENSEN TIRE & AUTO REPAIR	1,786.40
COLE PAPERS INC	351.96
COMMUNITY COMPLIANCE MONITORING	84.00
CONNORS PLUMBING & HTG INC	277.00
CONSOLIDATED COMMUNICATIONS OF MN CO	1,460.05
CONTROL SOLUTIONS INC	58.00
CRYSTEEL TRUCK EQUIPMENT	1,861.92
DAVID M BLASING	551.53
DAVID R BORCHARDT	130.00
DEANNE MALTERER	15.29
DELANE NELSON ELECTRIC LLC	143.70
DEML FORD INC	2,028.68
DUANE RATHMANN	81.12
EMERGENCY AUTOMOTIVE TECH, INC	43,327.40
EXPRESS CARE INC	42.21
FIRST NATIONAL BANK 6946	436.88
FIRST NATIONAL BANK 3975	165.00
FIRST NATIONAL BANK OMAHA 7265	499.22
FIRST NATIONAL BANK 5529	10.00
FIRST NATIONAL BANK 8194	32.92
FIRST NATIONAL BANK OMAHA	275.00
FIRST NATIONAL BANK OMAHA 9296	1,739.45
FIRST NATIONAL BANK OMAHA 0710	78.00
FIRST NATIONAL BANK OMAHA 1325	230.00
FIRST NATIONAL BANK OMAHA 2173	1,088.29
FIRST NATIONAL BANK OMAHA 4404	892.40
FIRST NATIONAL BANK OMAHA 4986	77.81
FIRST NATIONAL BANK OMAHA 5215	6.60
FIRST NATIONAL BANK OMAHA 5348	448.77
FIRST NATIONAL BANK OMAHA 5640	239.70
FIRST NATIONAL BANK OMAHA 6072	2,030.56
FIRST NATIONAL BANK OMAHA 6742	4.66
FIRST NATIONAL BANK OMAHA 6755	60.44
FIRST NATIONAL BANK OMAHA 6908	72.28
FIRST NATIONAL BANK OMAHA 8006	23.45
FIRST NATIONAL BANK OMAHA 8263	198.48
FIRST NATIONAL BANK OMAHA 8264	753.97
FLEET PRIDE	30.90
FREEBORN CO AUDITOR-TREASURER	3,994.26
FRONTIER PRECISION INC	3,060.65
INNOVATIVE OFFICE SOLUTIONS LLC	420.86
JAGUAR COMMUNICATIONS	250.00

JOEL D EATON	250.00
JUSTIN MICHAEL MILLER	300.00
LEON SCHOENROCK	95.68
MAAO REGION 1	75.00
MARCO BUSINESS PRODUCTS INC	875.00
MARK LEIFERMAN	35.48
MARK SOMMERS	90.42
MATHESON	470.00
MEI TOTAL ELEVATOR SOLUTIONS	430.55
MICHELLE HYATT	33.00
MIDWEST MONITORING & SURVEILLANCE	2,322.36
MN COUNTIES INTERGOVERNMENTAL TR	3,211.00
MONROE TOWMASTER LLC	647.67
NAPA AUTO PARTS MPEC	14.69
NATIONAL 4-H COUNCIL	241.43
NCH CORPORATION	270.04
NEW RICHLAND FARM & HOME SUPPLY	7.49
NEW RICHLAND SPORTSMAN CLUB	300.00
NEWRICH FOODS	11.98
NORTH MEMORIAL AMBULANCE	1,819.50
NOW MICRO	531.68
NUSS TRUCK GROUP INC	425.19
POSTER COMPLIANCE CENTER	364.81
REG 1 SE MN HOMELAND SEC EM MGMT	1,000.00
REGENTS OF UNIVERSITY OF MN	150.00
RELIANCE TELEPHONE INC	250.00
RICE SWCD	2,000.00
RICHARD POSSIN	96.24
RIVER BEND BUSINESS PRODUCTS	559.69
RODNEY BORN	82.80
RONCO ENGINEERING SALES INC	134.96
RUSSELL J FREDERICK	83.47
SAFETY KLEEN SYSTEMS INC.	300.79
SPORTSMAN STOP	37.63
STEELE CO TREASURER	30,401.99
STEPHANIE ROEMHILDT	167.50
THE RETROFIT COMPANIES	351.67
THE SHOP LLC	95.00
THOMPSON SANITATION	11,066.65
THOMSON WEST	496.96
TREVOR L BROVOLD	1,250.00
TYLER TECHNOLOGIES, INC	640.00
US VENTURE INC	1,191.92

VOIANCE LANGUAGE SERVICES LLC	18.63
WASECA ABSTRACT COMPANY	85.00
WASECA CO SOIL & WATER	1,232.97
WASECA COUNTY NEWS	63.25
WASECA HARDWARE LLC	72.90
WASECA, CITY OF	8,756.34
WATCHGUARD VIDEO	162.00
WENZEL AUTO ELECTRIC CO	259.00
WORLD FUEL SERVICES INC	6,809.33
WRIGHT & ASSOCIATES LLC	2,588.04
ZAHL EQUIPMENT SERVICE INC	528.00
ZIEGLER INC	6,824.17