

WASECA COUNTY BOARD OF COMMISSIONERS — APRIL 6, 2021

The Waseca County Board of Commissioners met in regular session on Tuesday, April 6, 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; Gyles Randall; Jon Schiro, Court Services Director; Mark Leiferman, Planning & Zoning Administrator; Brian Zabel, Planning & Zoning Technician; Tyler Polster, Waseca County SWCD; Clinton Rogers, Janesville City Administrator; Rachel Cornelius, County Attorney; and Brad Milbrath, Sheriff.

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

At Public Comment Gyles Randall, having read the article in the Waseca County News, addressed his concerns regarding the Improvement to County Ditch #19. Mr. Randall is not in agreement with the approval of the Improvement to the ditch system.

Harguth moved and Krause seconded to approve the Agenda as amended to move consent agenda item b to an action item and add fair board discussion. Motion carried unanimously.

Christopherson moved and Krause seconded to approve the Minutes to the March 16, 2021 Commissioner Meeting. Motion carried unanimously.

Krause moved and Nelson seconded to approve the Consent Agenda except for item “b”, which was moved. Motion carried unanimously.

- a. Approval of Bills
- ~~b. Variance Application Fee Refund~~
- c. Partial Release of Agricultural Use Restrictive Covenant; Dimmel & Mulcahey
- d. Authorization to Issue Zoning Permit; Conagra Foods Packaged Foods

After a brief discussion, Nelson moved and Christopherson seconded to approve the variance application fee refund of \$600.00 to Jeffrey Herbst. Motion carried unanimously.

Jon Schiro, Court Services Director, requested approval of a Grant Agreement with the State of Minnesota for Fiscal Year 2022 and Fiscal Year 2023 in the amount of \$70,370.00. Nelson moved and Krause seconded to approve entering into the Grant Agreement with the State of Minnesota for \$35,185.00 per year for FY 2022 and FY 2023 for a total of \$70,370.00. Motion carried unanimously.

At 9:47 a.m., a Public Hearing was held regarding a fee for electronic testing for manure / pesticide testing. Brian Zabel, Planning & Zoning Technician, gave an overview of the process and the requested \$25.00 fee for the service. The meeting was opened for public comment at 9:49 a.m. There was no comment and the comment period closed at 9:50 a.m. Krause moved and Christopherson seconded to approve the \$25.00

fee for the service of electronic testing for manure and pesticide application and to add it to the county fee schedule. Motion carried unanimously. The Public Hearing was closed at 9:54 a.m.

At 9:55 a.m., a Public Hearing was held to consider amending the Waseca County Unified Development Code to amend the adopted standards regarding Subsurface Sewage Treatment Systems. Mark Leiferman, Planning & Zoning Administrator provided an overview of proposed changes. The Public Hearing was opened for public comment at 9:59 a.m. There was no public comment and the comment period closed at 9:59 a.m. Christopherson moved and Harguth seconded to adopt Ordinance 145 to amend the Waseca County Unified Development Code. Motion carried unanimously. The Public Hearing was closed at 10:04 a.m.

**ORDINANCE 145
WASECA COUNTY
AN ORDINANCE AMENDING §5.02(S) (1) OF THE WASECA COUNTY UNIFIED
DEVELOPMENT CODE**

The County Board of Commissioners for Waseca County hereby ordains as follows:

WHEREAS, Waseca County Planning and Zoning requested an amendment to the Waseca County Unified Development Code §5.02(S) (1); and

WHEREAS, the Waseca County Planning Commission conducted a public hearing on March 4, 2021 regarding the proposed amendment to the Waseca County Unified Development Code, and recommends its approval as depicted in Exhibit A to the Waseca County Board of Commissioners; and

WHEREAS, the Waseca County Board of Commissioners held a public hearing at their meeting on April 6, 2021 to adopt the amendment to the Waseca County Unified Development Code as shown in Exhibit A;

NOW, THEREFORE, Waseca County Board of Commissioners does ordain that the Waseca County Unified Development Code shall be amended as shown in Exhibit A appended to this Ordinance.

**EXHIBIT A
WASECA COUNTY UNIFIED DEVELOPMENT CODE
ARTICLE 5: GENERAL ENVIRONMENTAL REGULATIONS
(Note: Proposed Changes with additions underlined)**

§ 5.02 SUBSURFACE SEWAGE TREATMENT SYSTEMS.

(S) Amendments to the adopted standards.

(1) List of adopted standards. In addition to the SSTS setbacks set forth in Minnesota Rules, Chapters 7080 and 7081:

(a) The separation distance from a SSTS to a Type 3, 4, 5 or 6 wetland shall be 50 feet;

(b) The separation distance to artificial drainage ditch shall be 50 feet; and
(c) The separation distance from a well to a SSTS shall be as specified in M.S. §1031, as it may be amended from time to time, and Minnesota Rules Chapter 4725 and 4720 as amended.

(d) When a permanent SSTS easement is placed on an adjacent property, the side or rear property line setback distance may be reduced or eliminated between the parcel with a residence or commercial use and the easement tract. In such SSTS easement situations, the side and rear yard setbacks shall be applied to the easement area.

(2) Determination of hydraulic loading rate and SSTS sizing. Table IX from Minnesota Rules, Part 7080.2150, Subp. 3(E) entitled "Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions" and herein adopted by reference shall be used to determine the hydraulic loading rate and infiltration area for all SSTS permitted under this ordinance.

Tyler Polser, Waseca County Soil and Water Conservation District Technician, provided an update on Riparian Buffer Law compliance. He has contacted landowners by phone and/or letter to see where they stand on compliance. At the end of 2020, the county was at 96% compliance. Tyler is continuing to work on corrective action notifications.

Mark Leiferman, Planning & Zoning Administrator, presented a request for a Conditional Use Permit for Robert L. Blasing Etal and Nextera Energy / DG Minnesota CS II, LLC to operate a one megawatt Community Solar Farm in Section 5 of St. Mary Township. A glare study was conducted with favorable results. Mark Leiferman read correspondence from Janell Hesch, who lives on neighboring property. Ms. Hesch is not in favor of the proposed project, citing glare and visibility affecting their quality of life. The residence is a distance is 1400 feet from the project. Having previously read the criteria, the Commissioners dispensed with the formal reading. Mr. Leiferman outlined the Conditions. Christopherson moved and Krause seconded to approve the criteria. Motion carried unanimously.

Christopherson moved and Krause seconded to approve the Conditional Use Permit for Blue Jay Solar (Robert L. Blasing Etal and Nextera Energy / DG Minnesota CSII, LLC). Motion carried unanimously.

Mark Leiferman, Planning & Zoning Administrator, presented a request from Rice Gardens LLC / Nokomis to enter into a second Lease Option Agreement at the Recycling Center in the amount of \$1,000.00 per year while development takes place. Jesse Jennings, Assistant County Attorney, has reviewed the agreement. His only concern is the insurance amount being "at the tenant's discretion". Mark recommends changing the requirement and the language in the agreement to \$1,000,000.00 or \$2,000,000.00 coverage. Additionally, Leiferman recommends changing the access drive to non-exclusive use. Harguth moved and Krause seconded to approve the Lease Option Agreement in substantially the form provided in order to revise the language pertaining to the insurance and the access drive. Motion carried unanimously.

Michael Johnson, Administrator, brought for consideration, a request for Abatement of Valuation in the amount of \$9,625,400 by Guardian Energy, LLC pursuant to Minn. Stat. 375.192. The County Assessor and County Auditor/Treasurer do not recommend approval at this price point. Harguth moved and Nelson seconded to deny the request at this time. Motion carried unanimously.

Michael Johnson, Administrator, provided an Administrative update and shared Human Resources announcements.

Michael Johnson, Administrator, facilitated discussion regarding the Fair Board request for funding for repairs at the fairgrounds. Mr. Johnson indicated that there are funds from the Cares Act Relief Fund, which are unapportioned at this time, and could be appropriated to the proposed projects. Commissioner Krause shared that he had further discussions with the Mike Harguth, Fair Board President, regarding needs at the fairgrounds. Nelson moved and Harguth seconded to appropriate \$44,000.00 for roof repair on buildings 7 & 8 and \$9,500 for repairs to the 4-H food stand. Nelson strongly recommended that they repair the gates in 4-H livestock show area, due to safety concerns. Motion carried unanimously.

Commissioner reports were shared.

Having no further county board business, Harguth moved and Krause seconded the motion to adjourn the meeting. Motion carried unanimously and meeting adjourned at 11:59 a.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.H. HERMEL COMPANY	\$ 440.96
ADVANCED CORRECTIONAL HEALTHCARE INC	3,515.60
AMAZON CAPITAL SERVICES	159.80
AMERICAN SOLUTIONS FOR BUSINESS	533.50
ANCOM COMMUNICATIONS INC	1,205.00
APG MEDIA OF SOUTHERN MN LLC	207.00
ASSOC OF MN COUNTIES	229.00
BAKER TILLY VANTAGEN LLC	4,530.20

BARBARA J. BUKER	414.50
BIESANZ CHEMICALS INC	125.38
BOCKS SERVICE INC	65.25
BOMGAARS SUPPLY	362.08
BORNEKE CONSTRUCTION INC	30,600.00
BRITTON PLUMBING & HEATING LLC	1,699.86
BUDACH IMPLEMENT INC	27.39
COLE PAPERS INC	878.77
CPS TECHNOLOGY SOLUTIONS INC	98.00
CRESCENT ELECTRIC SUPPLY CO INC	91.09
DENNIS FUNERAL HOMES	620.00
DONAHUE ELECTRIC LLC	8,948.16
EMERGENCY AUTOMOTIVE TECH, INC	1,561.29
EXPRESS CARE INC	222.90
FINLEY ENGINEERING COMPANY INC	5,250.00
ICON ENTERPRISES, INC.	6,707.80
INNOVATIVE OFFICE SOLUTIONS LLC	491.29
JANE T HOFMEISTER	12.25
JOHN DEERE FINANCIAL	2,183.21
JONES AND MAGNUS LLC	590.00
KENDALL LANGSETH	713.23
L & L STREET ROD & SPORTS TRUCK	390.00
LEADS ONLINE	913.00
LES TLOUGAN	480.00
LITTLE FALLS MACHINE INC	3,929.41
MADDEN, GALANTER, HANSEN LLP	2,418.90
MARIPOSA PUBLISHING	80.26
MIDWEST MONITORING & SURVEILLANCE	3,640.31
MINNESOTA TRUCK & EQUIPMENT REPAIR	674.15
MJB HANSEN FAMILY LP	1,271.24
MN COMM OF TRANSPORTATION	226.24
MN COUNTIES INTERGOVERNMENTAL TRUST	196.00
MN POLLUTION CONTROL AGENCY	400.00
MN VALLEY COUNCIL OF GOVTS	5,494.50
MN.IT SERVICES	1,300.00
MONROE TOWMASTER LLC	387.01
M-R SIGN COMPANY INC	6,690.61
NAPA AUTO PARTS MPEC	74.48
NO WAIT INSIDE LLC	29.00
NOW MICRO	213.00
PATTON HOVERSTEN & BERG PA	1,310.00

PICTURE THIS ON GRANITE	1,001.70
RAMSEY COUNTY	3,007.00
RECOVERY TREK LLC	135.00
REGENTS OF UNIVERSITY OF MN	300.00
RIVER BEND BUSINESS PRODUCTS	1,741.31
RIVER VALLEY FORENSIC SERVICES PA	1,250.00
ROCKMOUNT RESEARCH & ALLOYS INC	319.30
RS EDEN	60.30
RUSSELL GUSE	657.70
SIRCHIE FINGERPRINT LAB	39.96
SOFTWARE.HARDWARE.INTEGRATION	1,233.00
SPORTSMAN STOP	9.84
STREAMLINE COMMUNICATIONS LLC	80.00
THE RETROFIT COMPANIES	575.81
UNIVERSAL RECYCLING TECH, LLC	2,127.30
WALMART PYMT PROCESSING ATLANTA	71.54
WASECA CO ATTORNEY'S OFFICE	284.00
WASECA, CITY OF	229,068.12
ZAHL EQUIPMENT SERVICE INC	794.53
ZOOM VIDEO COMMUNICATIONS INC	1,499.00