

WASECA COUNTY BOARD OF COMMISSIONERS — AUGUST 3, 2021

The Waseca County Board of Commissioners met in regular session on Tuesday, August 3, 2021, in the boardroom, 300 North State Street, Waseca, Minnesota. County Commissioners present were Chair DeAnne Malterer, Doug Christopherson Brian Harguth, Blair Nelson, and Brad Krause.

Others present were Michael Johnson, Administrator; Tammy Spooner, Auditor-Treasurer; Beth Weimert, Administrative Assistant; Brad Milbrath, Sheriff; Brian Zabel, Planning & Zoning Technician; Mark Leiferman, Planning & Zoning Administrator; Jim Kollar, Public Works Director/County Engineer; Trevor Kanewischer, Chief Deputy Sheriff; Aaron Kanewischer; and Steve Kiesler.

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.

Harguth moved and Krause seconded to approve the Agenda as presented. Motion carried unanimously.

Tammy Spooner, Auditor-Treasurer, presented a Petition for Realignment/Repair to County Ditch #45. The purpose of the realignment is to accommodate a solar garden on the property. The cost of the project will be solely the responsibility of the Petitioner. Christopherson moved and Krause seconded to adopt Resolution 2021-36 to accept the petition and to appoint Steve Penkava of Jones Haugh & Smith to examine the proposed work as directed by the Drainage Authority. Motion carried unanimously.

**BEFORE THE WASECA COUNTY BOARD OF COMMISSIONERS,
ACTING AS DRAINAGE AUTHORITY FOR CD #45**

RESOLUTION # 2021-36

WHEREAS, a Petition for the repair of Waseca County Ditch #45 has been submitted to the Waseca County Auditor-Treasurer; and

WHEREAS, Kurt Deter of Rinke Noonan has reviewed the Petition and referred the Petition to the Waseca County Board of Commissioners, as Drainage Authority, for further action; and

WHEREAS, it is recommended by Attorney Kurt Deter, that the Waseca County Board of Commissioners, acting as Drainage Authority for Waseca County Ditch #45, accept the Petition for Repair and approves the appointment of Steve Penkava of Jones Haugh & Smith to examine the proposed work as directed by the Drainage Authority.

Christopherson moved and Nelson seconded to approve the Consent Agenda as presented. Motion carried unanimously.

a. Approval of Bills

- b. Transfer \$90.00 from Fund 80 to Fund 25 to correct a document recording
- c. Reclassification of Human Resources Generalist from Grade 5 to Grade 7

Mark Leiferman, Planning & Zoning Administrator, presented information for consideration of an amendment to the Unified Development Code (UDC). Mark is requesting the amendment to correct discrepancies and contradicting language in the code. Chair Malterer opened a public hearing for public comment at 9:36 a.m. There was no public comment. Christopherson moved and Krause seconded to close public hearing at 9:37 a.m. Motion carried unanimously. Christopherson moved and Krause seconded to amend §302(B)(1) and §4.02 (C)(2)(f) of UDC. Motion carried unanimously.

Brian Zabel, Planning & Zoning Technician, presented proposed changes to clean-up contradictions to the language in §6.05 of the Unified Development Code. Chair Malterer opened the public hearing at 9:42 a.m. for public comment. There was no public comment. Krause moved and Nelson seconded to close the public hearing at 9:43 p.m. Motion carried unanimously. Nelson moved and Krause seconded to amend §605 of UDC. Motion carried unanimously.

Brian Zabel, Planning & Zoning Technician, presented proposed changes to §6.06 of the Unified Development Code to further define the current definition of a feedlot, as well as, other minor language changes. Chair Malterer opened public hearing at 9:49 a.m. for public comment. There was no public comment. Harguth moved and Krause seconded to second to close hearing at 9:50 a.m. Motion carried unanimously. Harguth moved and Krause seconded to approve amendments to §6.60 of UDC in their entirety. Motion carried unanimously.

The following ordinance approves the changes as outlined in the prior three paragraphs of these minutes.

ORDINANCE 147
WASECA COUNTY
AN ORDINANCE AMENDING §3.02(B)(1) AND §4.02(C)(2)(f); §6.05 AND §6.06 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 §3.02(B)(1), §4.02(C)(2)(f); §6.05 and §6.06; and

WHEREAS, the Waseca County Planning Commission conducted a public hearing on July 1, 2021 regarding the proposed amendment to the Waseca County Unified Development Code, and recommends its approval as depicted in Exhibits A through F to the Waseca County Board of Commissioners; and

WHEREAS, the Waseca County Board of Commissioners held a public hearing at their meeting on August 3, 2021 to adopt the amendment to the Waseca County Unified Development Code as shown in Exhibit A through F;

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

(A full copy of the ordinance, together with attachments is on file at the Planning & Zoning Office.)

Mark Leiferman, Planning & Zoning Administrator, requested approval of a Preliminary and Final Plat for Sexton Subdivision No. 2, located in Section 11 of Janesville Township. Having previously reviewed the criteria, the Board dispensed with the formal reading. Conditions were also previously reviewed and the Board dispensed with the formal reading. Nelson moved and Christopherson seconded to approve the criteria. Motion carried unanimously. Nelson moved and Krause seconded to adopt Resolution # 2021-33 approving the Preliminary and Final Plat for Sexton Subdivision No. 2. Motion carried unanimously.

RESOLUTION # 2021-33

RESOLUTION OF THE WASECA COUNTY BOARD OF COMMISSIONERS APPROVING THE PRELIMINARY AND FINAL PLAT OF SEXTON SUBDIVISION NO. 2 TO WASECA COUNTY, MINNESOTA

WHEREAS, Martin H. Sexton, owner of the property with identification number 06.011.1000 and described in Attachment "A" attached hereto and have requested that the parcel above be subdivided into a new subdivision to be known as Sexton Subdivision No. 2 in Janesville Township.

WHEREAS, Waseca County Unified Development Code specifies that a major subdivision is required for proposed land divisions that will result in more than one lot; or divisions that would create an increase in residential density greater than provided for within the code; and

WHEREAS, the site meets the minimum lot size for properties that are located in the LR Limited Residential District which allows a residential base density of eight residential dwellings per 40 acres of land; and

WHEREAS, the access to the site will be from the East Elysian Lake Road (County Road 3); and

WHEREAS, the Unified Development Code requires that five (5) percent of the gross area of the subdivision to be dedicated for public recreation space, school sites or other public use with such percentage being in addition to property dedicated for streets, alleys, easements, or other public ways, or contribute fee-in-lieu to a capital fund for recreational facilities; and

WHEREAS, when a subdivision is too small for the practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider shall be required by the County to pay a fee equal to five (5) percent of the land value prior to subdivision as determined by the Waseca County Assessor; and

WHEREAS, notice of public hearing was published and mailed notices were sent to adjacent property owners and the Waseca County Planning Commission met and held a public hearing on this matter on July 1, 2021; and

WHEREAS, the Waseca County Planning Commission recommended approval of the Preliminary and Final Plats as depicted in Attachments B and C with the conditions as outlined in Attachment "D" attached hereto following the public hearing on July 1, 2021.

NOW, THEREFORE, be it resolved by the County Board for Waseca County that:

- (A) The Preliminary and Final Plat of Sexton Subdivision No. 2 as described above and as depicted on the Attachment "B" and Attachment "C" attached hereto, will not negatively impact the public health, safety, or welfare or interest of any owners of property surrounding the proposed subdivision nor will such use be inconsistent with the Comprehensive Plan or Unified Development Code for Waseca County.
- (B) That the Preliminary Plat and Final Plat of Sexton Subdivision No. are approved subject to the conditions recommended by the Waseca Planning Commission described above.
- (C) That the Preliminary and Final Plat drawings depicted on the Attachment "B" and Attachment "C" attached hereto are approved in substantially the same form as prepared by Bolten and Menk and as the plans presented to the Planning Commission on July 1, 2021.

(A full copy of the foregoing resolution, together with attachments is on file in the Planning & Zoning Office.)

Mark Leiferman, Planning & Zoning Administrator, requested approval to vacate utility easements and approve a Preliminary and Final Plat for M & M Addition in Janesville Township. The Board having previously reviewed the criteria and conditions, dispensed with the formal reading. Christopherson moved and Harguth seconded to approve the criteria. Motion carried unanimously.

Krause moved and Christopherson seconded to adopt Resolution # 2021-34 approving vacating utility easements and approving the plats for M & M Addition. Motion carried unanimously.

RESOLUTION # 2021-34

RESOLUTION OF THE WASECA COUNTY BOARD OF COMMISSIONERS VACATING THE UTILITY EASEMENTS AND APPROVING THE PLAT OF M & M ADDITION TO WASECA COUNTY

WHEREAS, Michael T. Cahill (also known as Michael Terrance Cahill) and Kathryn M. Cahill are the owners of Lot 3, Block Two (2), RBK Subdivision to Waseca County, as such subdivision was filed for record in the Office of the Waseca County Recorder as Document No.267366 on September 13, 2006; and

WHEREAS, Michael Burke (also known as Michael Steven Burke) owns Lot 4, Block One (1), RBK Subdivision No. 3, as such subdivision was filed for record in the Office of the Waseca County Recorder as Document No. 285466 on September 2, 2010; and

WHEREAS, Michael T. Cahill (also known as Michael Terrance Cahill) and Michael Burke (also known as Michael Steven Burke) are the joint tenant owners of Lot 5, Block One (1), RBK Subdivision No. 3 and filed for record as referenced above; and

WHEREAS, the above owners of the above described properties in Waseca County, Minnesota, have requested that Waseca County vacate certain utility easements within the lots referenced above; and

WHEREAS, the above owners of the above described properties have also requested that Waseca County vacate the six foot wide Lake Access Easement located between Lot 4 and Lot 5, Block One (1), RBK Subdivision No. 3, as described and depicted in the Amendment to Development Agreement, RBK Subdivision No. 3 to Waseca County dated August 21, 2014 and filed for record in the Office of the County Recorder on September 15, 2014 as Document No. 301838 and as depicted in the Amendment to Shoreland Preservation Easement dated and filed on the same date and recorded as Document No. 301839; and

WHEREAS, the above owners of the above described properties wish to re-plat the lots described above within the above-referenced subdivisions and create the M & M Addition to Waseca County; and

WHEREAS, with the exception of the vacation of the Lake Access Easement referenced above, Waseca County finds it in the public interest to maintain the requirements contained in the Shoreland Preservation Easement dated August 13, 2010 and filed for record in the Office of the County Recorder on September 2, 2010 as Document No. 301839 (as amended as referenced herein) and the Development Agreement dated August 13, 2010 and filed for record in the Office of the County Recorder on September 2, 2010 as Document No. 301838 (as amended as referenced herein).

NOW, THEREFORE, Waseca County does hereby ordain:

Section 1. The County Board of Waseca County finds that the vacation of the utility easements within the lots referenced above and the Lake Access Easement between the two lots described above will not impact the public health, safety, or welfare or interest of any owners of property surrounding the proposed easements, any public utility nor will such vacation be inconsistent with the Comprehensive Plan of Waseca County.

Section 2. Waseca County hereby vacates the utility easements within Lot 3, Block two (2), RBK Subdivision and Lots 4 and 5, Block One (1), RBK Subdivision No. 3 and vacates the six foot Lake Access Easement adjacent to property line between Lots 4 and 5, Block One (1), RBK Subdivision No. 3.

Section 3. Waseca County agrees 35th Street and the easements contained within the remainder of the RBK Subdivision and within RBK Subdivision No. 3 will exist as platted and further that 35th Street will remain a private drive until such a time as it is formally accepted as a public road by either Janesville Township or Waseca County.

Section 4. Waseca County agrees that the vacation of the easements referenced herein shall take effect upon the recording of the plat known as M & M Addition.

Section 5. This resolution vacates the easements referenced in Sections 2 and 3 above and does not modify or change the requirements contained within the above-referenced Shoreland Preservation Easement (Recorded as Document No. 285468 as amended in Document No. 301839) or the Development Agreement (Document No. 283582 as amended in Document No. 301838).

Section 6. The easements to be vacated from the RBK Subdivision and the RBK Subdivision No. 3 are depicted on Attachment A to this resolution.

Section 7. The Preliminary Plat and Final Plat drawings for the M & M Addition depicted on Attachment B and C to this Resolution are approved subject to the Conditions for Approval provided in Attachment D.

Section 8. The Preliminary and Final Plat drawings are approved in substantially the same form as the plans presented to the Planning Commission on July 1, 2021 as prepared by Bolton and Menk.

(A full copy of the foregoing resolution, together with attachments is on file in the Planning & Zoning Office.)

Harguth moved and Krause seconded to approve the Preliminary and Final Plat of M & M Subdivision. Motion carried unanimously.

Jim Kollar, Public Works Director / County Engineer, presented bid results for pavement markings on various county roads. Two bids were received with AAA Striping Service being the lowest responsible bidder. Krause moved and Harguth seconded to award the bid to AAA Striping Service in the amount of \$35,680.00. Motion carried unanimously.

Michael Johnson, County Administrator, requested authorization to purchase a used aquatic weed harvester with American Rescue Plan Act (ARPA) funds by adopting Resolution # 2021-35. Johnson recommends, prior to final purchase, to obtain a permit from the DNR. Steve Kiesler, member of Lakes Association spoke in favor of the purchase. Johnson stated that ARPA is an appropriate funding source, given the amount of community involvement. Nelson moved and Harguth seconded to approve the purchase of a used aquatic weed harvester in the amount of \$290,280.00 by adoption of Resolution # 2021-35. Motion carried unanimously.

RESOLUTION #2021-35

EXPENDITURE OF AMERICAN RESCUE PLAN ACT FISCAL RECOVERY FUNDS FOR THE PURCHASE OF ACQUATIC WEED HARVESTER

WHEREAS, On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (H.R. 1319) into law. The \$1.9 trillion package was intended to combat the Covid-19 pandemic, including the public health and economic impacts; and

WHEREAS, as part of the \$362 billion in federal fiscal recovery aid for state and local governments, \$65.1 billion is provided in direct aid to counties and an additional \$1.5 billion for public land counties; and

WHEREAS, Waseca County, as its own Local Government Unit, stands to receive approximately \$3.6 million in relief funds. To date, we have received the first tranche of approximately \$1.8 million; and

WHEREAS, the American Rescue Plan and supporting explanatory documents give strong emphasis to supporting economic initiatives of the tourism industry and making improvements to water quality and natural conservation; and

WHEREAS, natural lakes are a key economic component of tourism in Waseca County; and

WHEREAS, the water quality and natural vegetation in our community lakes has greatly diminished over the last several decades; and

WHEREAS, the Waseca County Unified Development Code emphasizes sustainable practices and care of our natural resources.

NOW, THEREFORE, BE IT RESOLVED, the Waseca County Board of Commissioners authorize expenditure of American Rescue Plan Fiscal Recovery Dollars in the amount of \$290,280.00 for the purchase of an aquatic weed harvester.

BE IT FURTHER RESOLVED, the Waseca County Board of Commissioners authorize the discretionary spending of ongoing maintenance costs in an amount to be determined and set by the Board.

Michael Johnson, County Administrator, shared that he will be scheduling an evening meeting on Tuesday, August 17th to communicate with the townships regarding ARPA funding.

Sarah Berry, Public Health Director, joined the meeting via online platform for discussions regarding mask recommendations from the CDC. There are multiple considerations, with CDC “recommending” masking indoors. At this time, Sarah recommends following the CDC recommendations and recommendations only.

Michael Johnson, Administrator, shared information regarding an extension to the Early Retirement Incentive, extending the adoption date to October 1, 2021 with an effective date by the end of the year.

Human Resources Announcements were distributed.

Commissioner Reports were shared.

Having no further county board business, Harguth moved and Christopherson seconded the motion to adjourn the meeting. Motion carried unanimously and meeting adjourned at 11:27 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:

ALVIN GRAMS	80.00
APG MEDIA OF SOUTHERN MN LLC	44.40
ARNOLD'S SUPPLY AND KLEENIT CO	554.04
BETH WEIMERT	16.24
BLUE EARTH CO	1,170.00
BOB BARKER COMPANY INC	538.36
BOLTON & MENK INC	1,258.50
BOMGAARS SUPPLY	456.96
BRAUN INTERTEC CORP	2,200.00
CDW GOVERNMENT INC	1,863.73
CHARLES VINCENT DAWLEY	1,500.00
CIT INC	228.00
COLE PAPERS INC	1,371.78
COMMUNITY COMPLIANCE MONITORING	576.00
CPS TECHNOLOGY SOLUTIONS INC	98.00
CRYSTAL VALLEY COOP	990.41
DAVE'S BODY SHOP	100.00
DIVERSIFIED POLYGRAPH SERVICE INC	275.00
DTN	3,412.80
EXPRESS SERVICES INC	2,061.64
FOTH INFRASTRUCTURE & ENVIRO LLC	740.25
GOVERNMENT FORMS AND SUPPLIES	698.95
GREYSTONE CONSTRUCTION	18,000.00
HILLYARD INC	85.89
HY-VEE OWATONNA	596.32
INNOVATIVE OFFICE SOLUTIONS LLC	4,356.60
INTERSTATE POWER SYSTEMS, INC	1,050.00

J R BRUENDER CONST INC	669.00
J SCOTT BRADEN LAW OFFICE	1,856.08
JENSEN CONSERVATION SERVICES INC	577.40
JONES HAUGH & SMITH	2,978.74
LOWER 48 TRANSPORT SERVICE INC	2,251.52
MIDWEST MOTOR SUPPLY CO INC	2,470.28
MJB HANSEN FAMILY LP	1,451.96
MNCVSO ASSISTANTS & SECRETARIES ASSN	131.00
NAPA AUTO PARTS MPEC	24.99
OLMSTED CO CENTRAL FINANCE	780.00
OVERHEAD DOOR CO OF MANKATO	868.56
PEMBERTON LAW PLLP	736.50
RECOVERY TREK LLC	270.00
RIVER BEND BUSINESS PRODUCTS	435.13
RIVER VALLEY FORENSIC SERVICES PA	1,000.00
RS EDEN	154.85
SAFETY KLEEN SYSTEMS INC.	300.79
SCHWAAB INC	49.43
SHARE CORPORATION	224.21
SMITH TOLLEFSON RAHRICK & CASS	700.00
SPEE-DEE DELIVERY SERVICE	10.14
SPORTSMAN STOP	33.69
STONEBROOKE ENGINEERING INC	22,077.50
STREICHERS	1,250.00
THE SHOP LLC	95.00
TOM BORNEKE CONSTRUCTION	7,500.00
TRIMIN SYSTEMS INC	325.00
UNIVERSAL RECYCLING TECHNOLOGIES	972.30
WASECA GLASS INC	245.00
WASECA MOTOR CO	121.43
WASECA SAND & GRAVEL INC	10,084.20