

WASECA COUNTY BOARD OF COMMISSIONERS—MARCH 8, 2007

The Waseca County Board of Commissioners met in session on Thursday, March 8, 2007 in the Commissioner's Room, East Annex, 300 N. State St., Waseca, MN. Members present were Richard Androli, Chairperson; Jim Peterson, Dan Kuhns, Al Ruhland and Rick Morris. Others present were Drew Amo, News Reporter; Charlie Born, landowner; Bruce Boyce, Coordinator, and Joan Manthe, Auditor.

Chairperson, Richard Androli, called the meeting to order at 9:30 a.m. The Pledge of Allegiance was recited.

Ruhland moved and Morris seconded the motion to approve the agenda as presented. Motion carried unanimously.

Morris moved and Kuhns seconded the motion to approve the consent agenda as follows: Motion carried unanimously.

1. Approve minutes of February 20, 2007
2. Approval of Auditor, Commissioner, Human Service and Expense bills as presented.
3. Approve the following employee hiring:
 - a. Teresa Schumacher as Community Management Resources Team Lead in Public Health Services. Pay range C32 Step C, \$20.28/hr. effective 3-12-07.
 - b. Kathy Roycraft as WIC certifier in Public Health Services. Pay range C43, 95% of A, \$17.89/hr, effective 3-12-07.
 - c. Sylvia Archer, Financial Worker in Human Services. Pay range B23, 95% of A, \$14.19/hr., effective 3-6-07.
 - d. Leah Salic, Social Services Case Aid. Pay range B23, 95% of A, \$14.19/hr, effective 3-19-07.
4. Approve resignation of John Cliff as Building Maintenance Worker, effective 3-2-07.
5. Approve donation of \$1,200.00 from the Eagles Waseca Aerie No. 3753 for 4-H Federation. Approve donation of \$350.00 for Waseca County Sheriff's Posse.

Steve Peterson, Court Services Officer presented a contract with the State of MN for Sentencing to Service Program for the dates of July 1, 2007 to June 30, 2009 in an amount not to exceed \$35,806.00. Peterson moved and Kuhns seconded the motion to authorize the chair to sign the STS contract as presented. Motion carried unanimously.

Steve introduced Erin Schilo, intern working in the Court Service office.

Ruhland introduced the following resolution and moved for its adoption and to send a copy of the resolution to our four legislators. Morris seconded the motion and it was carried by the unanimous vote of all members.

RESOLUTION IN SUPPORT OF FULLY FUNDING THE 50% REIMBURSEMENT
FOR THE COST OF COUNTY PROBATION OFFICER SALARIES

WHEREAS, Minnesota Statutes 244.19, Subdivision 6 outlines a process for State reimbursement to participating counties for 50% of the cost of their probation officer salaries, and

WHEREAS, 28 County Probation Officer counties and 27 Department of Corrections contract counties participate in this process, and

WHEREAS, appropriations from the State have steadily decreased from 50% in 1996 to as low as 38% in 2004, and

WHEREAS, the 55 counties participating in this process have been forced to make up the deficit in the reimbursement funding for their probation officers, and

WHEREAS, the 2007 Legislative Session will be setting and passing the FY 08 and FY 09 appropriation for probation officer salary reimbursement for these 55 counties, and

WHEREAS, the Minnesota Association of County Probation Officers has been working with the Department of Corrections and legislative staff to ensure that an accurate FY 08 and FY 09 appropriation amount is determined, and

NOW, THEREFORE, BE IT RESOLVED, that the Waseca County Board of Commissioners strongly requests the 2007 Legislature to appropriate sufficient funds to reimburse the 55 participating counties for the full 50% of the cost of their probation officer salaries.

The Public Hearing began at 10:00 a.m. for the Interim Subdivision Ordinance. Angie Knish was present and explained the proposed ordinance. Several landowners were present at this time.

A letter of support was read from Tami Sens, JWP Superintendent. Laurel Remund was present and would like to see the ordinance extended to the entire county. Charlie Born questioned the accessory structures mentioned in this ordinance. He feels Waseca County is still trying to restrict residential development. The chair commented that the proposed new zoning ordinance is planning to use the current "yield plan". Born suggested the county use CER rates of not more than 65% rather than the yield plan. Bob Burns spoke to the board about the interpretation of criteria as noted in the proposed ordinance.

Angie Knish then spoke that this ordinance is a stop gap measure only. This is a public hearing on the advertised interim ordinance. If changes are to be made, the process needs to be advertised as such. Warren Smith, Survey Services of Mankato, spoke about the recording of plats. He suggested a replat be done of Charlie Born

subdivision to meet the specifications required. Jerry Kapaun spoke in support of Draft B. There being no further comments, the chair closed the public hearing.

Morris moved for approval and adoption of Interim Ordinance Draft B. Kuhns seconded the motion. Motion carried unanimously.

WASECA COUNTY INTERIM ORDINANCE NO. 94

WASECA COUNTY BOARD OF COMMISSIONERS ORDAINS;

Whereas, some landowners of shoreland property and/or approved and recorded plats would like increased flexibility as to where dwelling and accessory structures can be sited on lots or parcels located in the Shoreland Overlay District; and

Whereas, in the **Agricultural and Shoreland Agricultural Overlay Districts**, the current ordinance allows residential subdivisions as a conditional use on non-productive farmland (see Sections 8.3.5 & 15.3 (2.A.4)); and

Whereas, problems have resulted from the way the ordinance has been interpreted: houses (dwelling structures) were required to be placed in wooded (non-productive) areas, but other parts of the lot or parcel, including required setbacks, drainfields, driveways, etc., could be placed on productive farmland; and

Whereas, this has reduced design flexibility and caused the removal of trees and woodlands without protecting productive farmland on those lots or parcels; and

Whereas, landowners also state:

- *“Agriculture causes more erosion than rip-rapped residential shoreline”*
 - *“The County needs residential development to remain economically viable”*
 - *“Shoreland is a natural area for new homes; won’t act as barrier to municipal expansion;”*
- and

Whereas, the Planning Commission has been directed by the County Board to review the issues precipitating this matter; and

Whereas, Counties are allowed to enact Interim Zoning Ordinances for the purpose of considering and making amendments to zoning ordinances to protect the health, safety and general welfare of the County and its citizens; and

Whereas, Counties may adopt an interim ordinance as an emergency measure for the purpose of regulating land uses; and

Whereas, such interim resolution shall be limited to one year from the date it becomes effective, but may have one year to renew thereafter as determined by Minn. Statute 394.34:

Minnesota Statute 394.34 If a county is conducting, or in good faith intends to conduct studies within a reasonable time, or has held or is holding a hearing for the purpose of considering a comprehensive plan or official controls or an amendment, extension, or addition to either, or in the event new territory for which no zoning may have been adopted, may be annexed to a municipality, the board in order to protect the public health, safety, and general welfare may adopt as an emergency measure a temporary interim zoning map or temporary interim zoning ordinance, the purpose of which shall be to classify and regulate uses and related matters as constitutes the emergency. Such interim resolution shall be limited to one year from the date it becomes effective and to one year to renewal thereafter.

Therefore, the Planning Commission recommends that an Interim Development Ordinance use the current standard of nonproductive land as a way to determine a “yield plan” for **Agricultural and Agricultural Shoreland Overlay District** property; and

Therefore, in this way, no new development rights would be created prior to completion of the entire ordinance revision following the adoption of Waseca County’s Comprehensive plan, as approved by the Waseca County Board of Commissioner’s May 24, 2006; and

Therefore, the language below outlines the purpose, authority and methodology.

SECTION 1 PURPOSE

The purpose of this Interim Development Ordinance (IDO) is to allow landowners of **Agricultural and Agricultural Shoreland Overlay District** property and/or approved and recorded plats to increase flexibility as to where dwelling and accessory structures can be sited in the **Agricultural and Agricultural Shoreland Overlay Districts** and to allow preservation and/or protection of the natural features, such as but not limited to, trees and woodland or other natural features from having to be removed for placement of a dwelling and/or accessory structure.

A density “yield plan” allows a landowner/developer to calculate how many lots or parcels may be produced upon a parcel of land established by existing zoning regulations to provide a yield density standard for how many new lots may be created. The “yield density” may then be applied by the landowner/developer to a subdivision and/or plat proposal in a rearranged form, but still shall meet the minimize lot standards set forth in **Sections 8.5 and 15.3.3**, Zoning Ordinance No. 75. The landowner/developer will have the flexibility to arrange the lots in a fashion he determines to make best use of the land based upon soils, topography, drainage, and to the protection of the natural features.

SECTION 2 AUTHORITY

This interim ordinance is hereby adopted pursuant to the authority of Minnesota Statute 394.34

SECTION 3 APPLICATIONS AND PERMITS

Within the **Agricultural and Agricultural Shoreland Overlay Districts** residential subdivisions are permitted by a conditional use in compliance with the following requirements:

Definition of Yield Plan: A subdivision plan is created solely for the purpose of determining the maximum “yield,” or number of new residential lots, that may be created under current zoning requirements. The actual subdivision plan is determined based on that maximum number, but with additional considerations for lot layout and natural resource protection.

STEP 1: YIELD PLAN

Maximum number of residential units shall be determined based on previous administrative practices in the **Agricultural and Agricultural Shoreland Overlay District**: a “yield plan” shall be created that shows how each new building envelope could be placed on nonproductive land to sustain a dwelling structure.

STEP 2: LOT LAYOUT / ARRANGEMENT

Once the maximum number of residential units has been determined:

- 1) placement of structures shall be determined based upon soil, topographic and drainage conditions (not solely based upon non-productive farmland);
- 2) protection of trees, wooded areas, sensitive natural resources, other significant features shall be considered;
- 3) lot layout may adjust lot size, shape, and location, but shall be subject to the minimum lot size requirements listed under Subdivisions **8.5 Building Yard and Lot Size Regulations and 15.3, 3, Performance Standards** of Zoning Ordinance No. 75;
- 4) Actual number of lots may be lower than the maximum determined under Step (1).

PREVIOUSLY APPROVED AND RECORDED PLATS:

For previously approved plats, the building envelope and drainfield may be moved within a platted lot from non-productive land to productive land. All ISTS (individual sewage treatment systems) and other requirements shall be met. If platted lot lines within previously approved plats are to be moved, a subdivision application with a new plat shall be filed and reviewed by Planning Commission and County Board.

SECTION 5 EFFECTIVE DATE:

This Interim Ordinance shall become effective this 8th day of March, 2007 by the order of the Waseca County Board of Commissioners and shall remain in effect for one year unless repealed, modified, or extended by the Waseca County Board of Commissioners.

Dan Possin, citizen of Waseca, submitted a letter to the board expressing his desire to clean up Waseca. He has a strong interest in cleaning LaMont Auto Salvage. Rick Morris explained his meeting with Mr. Possin and will work with Angie Knish, Planning & Zoning Administrator to clean up the lot.

Nathan Richman, Highway Engineer, presented quotes for the purchase of a replacement pickup for the Highway Department. Androli moved and Peterson seconded the motion to award the contract to Elk River Ford, state contract holder, for a 2007 Ford F-150 Super Cab XL 4x 4 for \$19,887.28. The following roll call was taken: Kuhns, yes; Peterson, yes; Ruhland, no; Morris, no; and Androli, yes. Motion carried.

Nathan requested permission to advertise for the Clear Lake Drive Road reconstruction and trail project when the state and federal required processes are complete. Morris moved Ruhland seconded the motion giving permission to advertise when the required processes are complete. Motion carried unanimously.

Bruce gave a summary of the architectural service proposals for the proposed human services building. Nine firms submitted proposals. The building committee will review the proposals.

Morris moved and Androli moved to appoint Wendell Armstrong to the RC & D Board. Motion carried unanimously.

Peterson questioned the outcome of the county retreat and goal setting session. Bruce commented the goals set that day should be our guideline throughout the year. The GIS committee should meet soon. The board reviewed the makeup of the committees.

The board shared reports on committees and meetings attended.

Ruhland moved and Morris seconded the motion to adjourn the meeting at 11:55 a.m. Motion carried unanimously.

S/ _____
Richard Androli, Chairman
Waseca County Board of Commissioners

ATTEST:

S/

Joan Manthe
Waseca County Auditor

The following bills were audited and allowed:

AG POWER ENTERPRISES INC	67.70
ALBERT LEA MEDICAL CENTER	107.00
ALPHA WIRELESS INC	237.50
AMERICAN LEGION POST 75	135.00
AMERICAN SOLUTIONS FOR BUSINESS	429.11
RICHARD ANDROLI	129.98
AP TECHNOLOGY	595.00
APPLIED CONCEPTS INC	3,712.00
AUTO VALUE WASECA INC	77.54
AVAYA INC	1,302.40
BARTZ ELECTRIC LLC	186.73
BCA-BREATH TEST SECTION	225.00
BCA-TRAINING & DEVELOPMENT	50.00
BEAR GRAPHICS INC	219.72
BOCKS SERVICE INC	245.79
BONESTROO ROSENE ANDERLIK & AS	2,317.60
BOYER FORD TRUCKS INC	392.68
ROBERT BRECK	89.00
BUDACH IMPLEMENT INC	88.85
C&C PLUMBING	200.00
CARQUEST AUTO PARTS	75.76
CDW GOVERNMENT INC	114.73
CHARLIES HARDWARE	128.92
CITY DIRECTORY INC	52.00
DUANE COLE	18.00
KATHLEEN CONNOR	13.58
COUNTRYSIDE MOTORS INC	208.08
CPS TECHNOLOGY SOLUTIONS INC	312.75
CRYTEEL DISTRIBUTING INC	471.25
CULLIGAN	25.00
THOMAS DAHL	940.95
DENNIS DINNEEN	108.16
DONAHUE ELECTRIC LLC	208.83
DOW EINHAUS & MATTISON PA	2,200.96
PAUL DRESSLER	14.40
THE ELECTRONIC CONNECTION	49.98
EVERGREEN LAND SERVICES	5,352.00

EWERTS HARDWARE	67.53
FASTENAL CO	57.98
FIRST NATIONAL BANK OMAHA	1,300.24
FIRST NATIONAL BANK OMAHA 1238	55.96
FIRST NATIONAL BANK OMAHA 1848	447.89
FIRST NATIONAL BANK OMAHA 3347	27.54
FIRST NATIONAL BANK OMAHA 3947	237.30
FIRST NATIONAL BANK OMAHA 4143	237.30
FIRST NATIONAL BANK OMAHA 4472	592.23
FIRST NATIONAL BANK OMAHA 5714	995.68
FIRST NATIONAL BANK OMAHA 7533	188.36
FIRST NATIONAL BANK OMAHA 8070	680.18
FIRST NATIONAL BANK OMAHA 9200	36.84
FLEX COMM SECURITY	48.99
FORCE AMERICA INC	269.25
THE FREE PRESS	287.19
FREEBORN COUNTY COOP OIL	3,457.39
G&K SERVICES INC	1,002.35
GAMBLES OUR OWN HARDWARE	43.85
GOVERNMENT MANAGEMENT GROUP	900.00
GULF SOUTH MEDICAL SUPPLY INC	362.31
HEMOCUE INC	536.76
HILLTOP TRAILER SALES INC	383.40
HILLYARD INC	131.98
MELVIN HINNA	540.00
JANE HOFMEISTER	38.50
ICOP DIGITAL INC	2,547.00
IFACS	152.09
JOHN DEERE GOVERNMENT SALES	74,525.26
JOHNSON AGGREGATES	12,643.10
CINDY JOHNSON	10.19
ROBERT JOHNSON	18.00
STEVE KAHNKE	32.00
LINDA KARST	26.27
KATOLIGHT CORP	934.75
LAKESHORE TOWHOUSE ASSOC	53,500.00
LAMPERT YARDS	44.68
JAMES LARSEN	24.00
JERRY LEHMAN	150.35
BOYD LEWER	250.00
MARY MADEL	500.00
CITY MANKATO	3,647.00
MARCO BUSINESS PRODUCTS	109.81
MAS MODERN MARKETING	271.40
MCCLUNES TREE SERVICE	60.00
MENARDS-MANKATO	163.79

ALLEN METTLER	5.75
MN COMM OF FINANCE TREASURY DI	1,833.00
MN COUNTIES COMPUTER COOP	2,761.77
MN OFFICE OF ENTERPRISE TECHNO	665.00
MN VALLEY COUNCIL OF GOVTS	105.00
NAPA AUTO PARTS INC	571.98
BRADLEY NESS DDS	113.00
NEW RICHLAND STAR LLC	45.60
NORTHLAND CHEMICAL CORP	220.33
PAAPE DISTRIBUTING CO INC	152.83
PERSONALIZED PRINTING OF WASECA	161.88
DEAN PETERSON	4.50
QUILL CORP	236.19
QWEST COMMUNICATIONS	55.28
RED FEATHER PAPER CO INC	599.61
REED BUSINESS INFORMATION INC	247.53
RIVER BEND BUSINESS PRODUCTS	292.24
CARL RODAHL	24.00
JOHN ROHDE	500.00
ROUNDBANK	30.00
KATHY ROYCRAFT	235.00
SETANTA PUBLISHING LLC	127.00
SIRCHIE FINGERPRINT LAB	287.64
SOUTH MINNESOTA LUBES	2,110.06
SPORTSMAN STOP	62.26
STEELE CO SHERIFF	10.00
STERN & ANDERSON	16,497.25
STREICHERS	954.47
SUPERIOR FOODS & CATERING	883.95
WESLEY TENNIS	1,226.71
TESCH SERVICE CENTER INC	544.76
TOTAL GLASS-LOCK INC	125.00
TRADES OFFICE PRODUCTS	164.90
TRI COUNTY ASSOCIATION	60.00
TRI TECH INC	125.80
UNIVERSITY OF MN EXT REG CNTR	20.00
US MOBILITY INC (METROCALL)	32.82
W.J. ARMSTRONG	508.78
WALMART PYMT PROCESSING ATLANT	166.35
WASECA AREA SENIOR CITIZENS IN	5,123.00
WASECA CHRYSLER CENTER	450.00
WASECA CO COURT ADMIN PARCEL 1	150.00
WASECA CO COURT ADMIN PARCEL 1	11,250.00
WASECA CO COURT ADMIN PARCEL 2	4,500.00
WASECA CO COURT ADMIN PARCEL 2	18,000.00
WASECA CO COURT ADMIN PARCEL 2	43,300.00

WASECA CO COURT ADMIN PARCEL 2	80,400.00
WASECA CO COURT ADMIN PARCEL 2	3,700.00
WASECA CO COURT ADMIN PARCEL 2	20,900.00
WASECA CO COURT ADMIN PARCEL 2	7,600.00
WASECA CO COURT ADMIN PARCEL 3	1,250.00
WASECA CO COURT ADMIN PARCEL 3	4,100.00
WASECA CO COURT ADMIN PARCEL 3	4,750.00
WASECA CO COURT ADMIN PARCEL 3	2,000.00
WASECA CO COURT ADMIN PARCEL 3	5,850.00
WASECA CO COURT ADMIN PARCEL 4	1,650.00
WASECA CO COURT ADMIN PARCEL 4	1,850.00
WASECA CO COURT ADMIN PARCEL 4	400.00
WASECA CO COURT ADMIN PARCEL 5	1,150.00
WASECA CO COURT ADMIN PARCEL 5	600.00
WASECA CO COURT ADMIN PARCEL 6	3,200.00
WASECA CO COURT ADMIN PARCEL 7	650.00
WASECA RENT & SAVE	20.24
WEST GROUP PAYMENT CTR	1,103.35
WHITEWATER WIRELESS INC	172.03
ZIEGLER INC	293.80