

WASECA COUNTY BOARD OF COMMISSIONERS—MAY 16, 2006

The Waseca County Board of Commissioners met in regular session on Tuesday, May 16, 2006, in the Commissioner's Room, 300 N. State St., Waseca, MN. Members present were Rick Morris, Chairperson; Richard Androli, Wendell Armstrong, Jim Peterson and Al Ruhland.

Others present were Bruce Boyce, Coordinator; Joan Manthe, Auditor; Deanna Bendix, News Reporter; and Paul Dressler, County Attorney.

Androli moved and Armstrong seconded the motion to approve the agenda as presented. Motion carried unanimously.

The commissioners shared reports on meetings attended.

Ruhland moved and Androli seconded the motion to approve the consent agenda as listed in the agenda and as follows:

1. Approval of the minutes of May 2, 2006 meeting.
2. Approval of the Auditor, Commissioner, Human Services and expense bills as presented.
3. Approval of ditch repairs on County Ditch 16 and Judicial Ditch 51.
4. Approval of Human Services Reports; Social Services, child support, IM report and children social services report.

Nathan Richman, Highway Engineer, presented a map of the United Bio Energy Management Ethanol site. Janesville township members were also present. Nathan outlined the direction of the plant layout concerning roads. Peterson moved and Armstrong seconded the motion, and by unanimous vote of all members, moved to approve the following:

1. The understanding that County Road 53 will be closed at the D M & E track crossing just north of the cemetery. There will be three rail lines through the existing crossing. The northern rail line will be the D M & E mainline. The center and southern rail line will be ethanol plant rail yard lines used for unit trains. The unit trains will be about 6,800' long. They will reach from County State Aid Highway 33 west to near the elevator in Janesville. The unit trains are expected to be blocking County Road 53 often. The safety of a three track crossing and the fact that the crossing will be blocked often contribute to the County's decision to close the crossing.
2. The understanding that the County and United Bio Energy Management will negotiate a compensation agreement related to the County's decision to close the crossing.
3. The understanding that the County Engineer recommends plant access to be approximately centered on County State Aid Highway 33 between Trunk Highway 14 and the D M & E track. This one access location would be shared by the land use west of County State Aid Highway 33. This involves a change from the existing Janesville Township Road access. The safety of the County State Aid Highway 33 traffic, the safety of truck turning movements off of Trunk Highway 14, and the safety of traffic using this access contribute to the County's decision.
4. The understanding that the County and United Bio Energy Management will negotiate a compensation agreement related to the recommended plant access.

5. The understanding that the County and Janesville Township negotiate an Understanding of Highway Jurisdictional Change. This may involve a trade of 1.1 miles of Janesville Township gravel for 2.5 miles of County gravel in northwest Janesville Township. The MN State Statutes detail the process for a highway jurisdictional change.
6. The understanding that the MN Office of Freight and Rail determines rail crossing safety equipment requirements for the County State Aid Highway 33 and D M & E rail crossing.
7. The understanding that the costs of the rail crossing safety equipment will be negotiated into a compensation agreement between the County and United Bio Energy Management.
8. The understanding the County investment in the United Bio Energy Management ethanol plant currently includes approximately \$180,000 in Trunk Highway 14 intersection improvements, approximately \$30,000 in County State Aid Highway 33 upgrades to a ten ton road, \$1,200,000 in tax relief, and \$4,500,000 in County Bonding.
9. The understanding the County is taking a “wait and see” approach to investing in additional road improvements on the existing Township and County Road 53 alignment west of the United Bio Energy Management plant.

Nathan requested a motion for a highway jurisdictional change between Waseca County and Everett Adams. Androli introduced the following memorandum of understanding and moved for its adoption. Peterson seconded the motion and it was carried by the unanimous vote of all members.

Memorandum of Understanding Highway Jurisdictional Change

Waseca County and Everett Adams, through this Memorandum of Understanding, pursuant to Minnesota Statute 163.11, agree to pursue the following County Highway vacation:

- Transfer the jurisdiction of surfaced County Highway 14, currently known as Trunk Highway 14, from the west intersection of County Highway 60 west to its endpoint.

In consideration of Everett Adams assuming responsibility for this roadway segment, Waseca County would provide the following:

- Accept the Everett Adams and Contractor agreement to leave an additional length and width of bituminous pavement in place. The additional length and width decision is between Everett Adams and the Contractor.

Everett Adams will assume responsibility for the following:

- The surfaced roadway segment from the west intersection of County Highway 60 west to its endpoint.

The above represents the mutual understanding of Everett Adams and Waseca County. The actual jurisdictional vacation, pursuant to Minnesota Statute 163.11, will take place after the MNDOT transfers jurisdiction to Waseca County.

Bob Goede, representative from MN Counties Insurance Trust, gave the 2006 Member Report. He gave a presentation about the trust as a whole, and also about Waseca County property/casualty claims and workers compensation claims. He also talked about all

of the MCIT services, including defensive driver training, employee assistance program, safety training, health and wellness initiative and on-site loss control & risk management services.

Angie Knish, Planning and Zoning Administrator, reported to the board on the Snow subdivision pond. Ree Katz and John Snow were also present. Nathan Richman, Highway Engineer, has submitted a report to interpret the engineer's report from Snow's engineer. Nathan has reviewed the soil boring report and agrees that the liner meets the conditions required by the County. Ree Katz reported her septic is full of water and the area is wet. She disagrees with the results.

Angie presented the Roy and Sally Keyes RBK Subdivision and reported the Planning Commission recommends approval with fifteen conditions. Armstrong moved and Androli seconded the motion to approve the RBK Subdivision as presented. Motion carried unanimously.

RBK Subdivision. For subdivision and plat to create Block 1 with two parcels of land for development of one single-family dwelling on each lot and Block 2 with three parcels of land for development of one single-family dwelling per lot, with Outlots A and B to be used as open space only.

1. All chemicals, hazardous materials, waste, and nutrients and/or etc. shall be properly used or disposed of by legal, environmentally sound methods. Any spills resulting from the use of such chemicals, hazardous materials and etc shall be properly reported, contained and mitigated as the Minnesota Pollution control agency may deem necessary. The State Duty Officer phone number is 1-800-422-0798; and
2. The area shall be kept neat and clean and shall not constitute a nuisance or be kept unsightly, and
3. An erosion control plan shall be implemented during any construction period to prevent soil erosion during all construction phases upon the property; and
4. Trees and natural vegetation shall be maintained and or left undisturbed to maintain a natural landscape, to prevent soil erosion. Any alterations to the Outlots shall be under the guidance of the Soil and Water Conservation District (wetland conservation act authority), the Waseca County Zoning Office (shoreland regulation authority) and the Department of Natural Resource (DNR) Shoreland Regulations; and
5. The County Board shall reserve the right to impose additional restrictions or conditions to the issuance of a Conditional Use Permit, as it deems necessary to protect the public interest. These conditions or restrictions may include matters relating to appearance, lighting, hours of operation and performance characteristics. Restrictive covenants may be entered into regarding such matters, when appropriate, and
6. A Conditional Use Permit shall become void one (1) year after being granted by the County Board unless used or if discontinued for a period of ninety (90) days. The County Board may prescribe a different time limit within which the action for which the Conditional Use is required shall commence, or be completed, or both. Failure to commence, or complete, or both, such action within the time limit set shall void the Conditional Use Permit, and

7. A Conditional Use Permit shall be issued for a particular use on a specific parcel and not for a particular person or firm, and
8. Any other specific conditions the planning commission or Board of Commissioner's deem necessary to protect the health, safety, comfort, morals, or general welfare of the public at any time in the future, and
9. Failure to comply with any of the above-listed conditions shall be grounds for suspension or revocation of the Conditional Use Permit; and
10. The owner/operator/applicant shall maintain/obtain enough land so as not to exceed 25% impervious surface of the entire parcel; and
11. If applicable, the owner(s)/applicant(s)/developer(s) shall obtain a NPDES storm water permit from the Minnesota pollution control agency for disturbance of one acre or more of land depicted in the maps submitted for this Conditional Use Permit, and
12. On-site water supply and sewage treatment systems shall meet or exceed MN Rules 7080 and Waseca County ISTS Ordinance(s).
13. **Wetlands:** Wetlands are protected by Minnesota Statute. No lot owner shall conduct any activity within the wetland without prior authorization from the Local Unit of Government (currently the SWCD). A permanent post shall be erected at the lot lines of each lot, at the wetland delineation line to insure the protection of the wetlands; and
14. **Trees: a)**No lot owner shall cut down or girdle any living tree on the lot except to allow for placement of an accessory structure. For any tree removed for placement of a structure, a new tree of a native species shall be planted on the lot. Any removed tree 12 inches or larger in diameter at breast height shall be replaced with a tree no less than 4 foot in height. Nothing herein shall prevent any lot owner from removing dead trees or underbrush. A sketch or plat of the property showing the trees and their location shall be submitted by the applicant; and
15. Shoreland Overlay Zone regulations shall apply to this request; this shall include development standards, shoreland alteration standards, including grading and filling. Please contact your local zoning office for a complete copy of applicable regulations.

Next topic of discussion was the billboard ordinance. Angie reviewed the detail of the proposed language of the billboard ordinance. The commissioners asked several questions. Dan Zander gave some handouts and expressed his comments to compromise at 900' between signs. Dan Eischens from Lincoln Advertising was present and spoke to the commissioners. He explained his business and stated that Waseca County is looking at great changes along the by-pass. Angie explained the options for the board expressing that the moratorium is still in effect. The commissioners proceeded to make several changes in the draft ordinance. Armstrong moved and Androli seconded the motion to approve the amended draft of the ordinance. Motion carried unanimously. Angie will be back on June 6th for final action.

Marilee Reck, Human Services Director, presented a request to approve the Waseca County Human Services Civil Rights Plan. This is to comply with Federal legislation requiring Waseca County Human Services to provide services without discrimination. Androli moved and Ruhland seconded the motion to approve the Civil Rights Plan as presented. Motion carried unanimously.

Peterson moved and Ruhland seconded the motion to authorize the Chairperson to sign a letter of agreement for the Southern Regional Project to end long-term homelessness in a project with twelve counties. Waseca County will be a part of the central hub which includes Waseca, Dodge, Steele, Freeborn and Rice. Our hub will be served by 2.5 FTE staff hired by HRC and 1 FTE hired through SCHA. The grant money will be distributed among the twelve participating counties.

Marilee Reck and Cheri Lewer discussed the use of South Central Health Alliance funding for Human Services and Public Health. We received \$154,425 in 2006 and will expect the same to recur in the next four years. Their suggestion is to hold the money in the future for health and well being uses. Peterson moved and Ruhland seconded the motion to save the money in a separate line item in the balance sheet for future use. Motion carried unanimously.

Bruce Boyce, Coordinator, gave a breakdown of the Classification and Compensation study of County Employees. He suggested the creation of a committee structure with nine voting delegates. Armstrong moved and Androli seconded the motion to approve the recommendation of creation of the advisory committee. Motion carried unanimously.

The County Attorney has put together a draft for a land lease for the County Human Services building. It was the consensus of the board to hold a public hearing and invite city staff and council to join the group. Tuesday, June 13th at 7 p.m. was set as the public hearing for comments on the Human Services Building to be located on the City owned parcel of land known as the Brattrud building site.

Androli moved and Ruhland seconded the motion to approve the Veterans Report. Motion carried unanimously.

Androli moved and Ruhland seconded the motion to adjourn the meeting at 12:30 p.m. Motion carried unanimously.

S/ _____
Rick Morris, Chairman
Waseca County Board of Commissioners

ATTEST:

S/ _____
Joan Manthe
Waseca County Auditor

The following bills were audited and allowed:

ACCLAIM BENEFITS	360.80
ALLTEL	17.25
ROGER ANDROLI	59.35
ANIMAL MEDICAL CENTER OF WASECA	357.46
APPLE TIME INC	374.99
ARCHIVES	270.00
WENDELL ARMSTRONG	182.30
AUTO VALUE WASECA INC	236.09
BOB BARKER COMPANY INC	354.70
BOCKS SERVICE INC	812.65
DANIEL BOETTGER	65.13
BOYER FORD TRUCKS INC	251.82
CARQUEST AUTO PARTS	40.01
CHARLIES HARDWARE	1,325.75
CIT INC	3,348.25
COAST TO COAST	446.25
KATHLEEN CONNOR	8.01
COPIER BUSINESS SOLUTIONS	93.10
CPS TECHNOLOGY SOLUTIONS INC	3,145.98
CRYSTAL VALLEY COOP	2,159.04
CRYTEEL DISTRIBUTING INC	11,751.91
DAVE'S GROCERY	77.00
DEML FORD INC	2,952.34
DONAHUE ELECTRIC	218.57
EDINA REALTY TITLE	9.47
EMSI	125.00
EVERGREEN LAND SERVICES	120.00
EWERTS HARDWARE	13.26
EXPRESS CARE INC	91.48
FIRST BANKCARD CENTER	611.79
FIRST NATIONAL BANK OMAHA	343.17
FIRST NATIONAL BANK OMAHA 1848	510.87
FIRST NATIONAL BANK OMAHA 3347	57.17
FIRST NATIONAL BANK OMAHA 4028	95.85
FIRST NATIONAL BANK OMAHA 4119	171.75
FIRST NATIONAL BANK OMAHA 7533	29.79
FIRST NATIONAL BANK OMAHA 8070	83.18
FIRST NATIONAL BANK OMAHA 9200	169.34
FIRST NATIONAL BANK OMAHA 9813	495.24
RUSSELL FREDERICK	50.45
FREEBORN COUNTY COOP OIL	2,059.93
GAMBLES OUR OWN HARDWARE	16.97
BRENDA GERDTS	66.02
GILSON COMPANY INC	414.70
H&A ADMINISTRATORS	1,782.00
MARCIA HALEY	323.87
HILLYARD INC	83.12
MELVIN HINNA	522.00

HYVEE FOOD STORES	8,309.75
IMMANUEL-ST JOSEPH HOSPITAL	591.00
RHONDA JACOBSON	10.68
JAMES BROTHERS CONSTRUCTION	200.00
CITY JANESVILLE	189,632.40
JAVENS MECHANICAL CONTRACTING	703.84
CINDY JOHNSON	7.12
JOHNSTONE SUPPLY INC	431.60
ANDREW KAJEWSKI	313.72
KATOLIGHT CORP	1,250.20
KRITZER OIL CO INC	869.30
LESTER KROEGER	61.13
KROLL LABORATORY SPECIALISTS I	116.00
VERLAINE KRUEGER	167.34
LEEF SERVICES INC	339.45
LESUEUR CO TREASURER	1,853.37
DEANNE MALTERER	107.92
MEDTOX LABORATORIES	10.00
MIDWEST CLINIC OF PSY	1,750.00
MILLER ENTERPRISES OF WASECA	125.00
MINNESOTA ELEVATOR INC	178.79
MN COUNTIES COMPUTER COOP	2,611.10
MN DEPT OF HEALTH-ENV HEALTH S	45.00
MN POST BOARD	90.00
MN WASTE PROCESSING COMPANY	8,222.87
NAPA AUTO PARTS INC	496.71
NEW RICHLAND STAR LLC	144.60
GARY OWENS	56.68
PANTHEON COMPUTER SYSTEMS INC	342.83
DEAN PETERSON	27.98
JAMES PETERSON	99.68
RICHARD POSSIN	62.90
POWERPLAN	869.47
PUBLIC SAFETY EQUIPMENT LLC	4,313.40
QUALITY PRINT OF WASECA INC	564.80
DUANE RATHMANN	100.89
RED FEATHER PAPER CO INC	516.15
RETROFIT RECYCLING INC	976.65
RICE CO SHERIFF	130.00
RINKE-NOONAN ATTORNEYS AT LAW	200.00
RIVER VALLEY TRUCK CENTER	205.42
KATHY ROYCRAFT	215.00
JEFF RUEDY	54.90
ALBERT RUHLAND	92.86
STEVEN SCHEFFERT	55.34
SMITHS MILL IMPLEMENT INC	491.23
SOUTH CENTRAL TECH COLLEGE	950.00
SOUTH MINNESOTA LUBES	1,517.67

SPORTSMAN STOP	69.24
STREICHERS	3,497.40
TESCH SERVICE CENTER	88.15
THRIFTY WHITE STORES INC	59.60
TIRE ASSOCIATES	997.75
TRADES OFFICE PRODUCTS	1,076.53
UAP TIMBERLAND LLC	12,441.61
UNIVERSITY OF MN EXTEN FISCAL	11.72
ROBERT VOGELSANG	66.47
PAUL VOORHEES	30.00
SANDRA WALSTROM	60.68
WASECA CHRYSLER CENTER	687.72
WASECA CO RECORDER	46.00
WASECA CO ROAD & BRIDGE	3,115.02
WASECA GLASS INC	110.20
WASECA READY MIX COMPANY OWATONNA	210.44
WASECA WIRELESS	35.00
WASTE MANAGEMENT OF SO MN	11,667.32
WEST GROUP PAYMENT CTR	374.80
WHITEWATER WIRELESS INC	104.70
ZAHL EQUIPMENT SERVICE INC	949.40
ZEP MANUFACTURING CO	777.18
ZIEGLER INC	505.43
ANNETTE ZIMMERMAN	50.00