

WASECA COUNTY BOARD OF COMMISSIONERS—JANUARY 17, 2006

The Waseca County Board of Commissioners met in regular session on Tuesday, January 17, 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, Bob Burns, Charlie Born, landowners; Trevor Kanewischer and Ivagene Kobylinski, representatives of the Ag Society.

Rick Morris, Chairperson, called the meeting to order at 9:00 a.m. The Pledge of Allegiance was recited.

Armstrong moved and Androli seconded the motion to approve the minutes of the December 27, 2005 and January 3, 2006 meetings. Motion carried unanimously.

Androli moved and Ruhland seconded the motion to approve the agenda with minor additions. Motion carried unanimously.

Joan Manthe, Auditor, presented ditch inspections and requested authorization to proceed with the repairs. Armstrong moved and Peterson seconded the motion to approve the ditch repairs on County Ditch 35 and Joint County Ditch 6. Motion carried unanimously.

Peterson moved and Ruhland seconded the motion to approve an application for a Gambling Permit for Pheasants Forever for an event at FarmAmerica for March 4, 2006; and for approving an application for a Gambling Permit for the Wild Turkey Federation at the Waseca Sportsman's Club for June 10, 2006. Motion carried unanimously.

Armstrong moved and Androli seconded the motion to accept a donation of \$100.00 from the Waseca Eagles Club for the Waseca County Ag Society. Motion carried unanimously.

Bruce Boyce, Coordinator, presented a rate renewal in the attorney services contract with the Cities in Waseca County for prosecuting attorney services. Peterson moved and Androli seconded the motion to maintain the 2005 rates for the 2006 year. Motion carried unanimously.

Rick Morris, Chairperson, presented an award to Trevor Kanewischer, President of the Ag Society and Ivagene Kobylinski, Secretary/Treasurer of the Ag Society, from MN Counties Insurance Trust for Outstanding Loss Ratio under 50 % for 2005.

Judy Hiller, Information Technology Director, explained the process for supplying the commissioners with the laptop computers and getting their home internet vendor all in place. She will train the commissioners on basic procedures for using the laptop for their agendas.

Tim Dann, Sheriff, presented more quotes for deputy cars. Armstrong moved and Peterson seconded the motion to purchase one Ford Explorer at \$20,155 and one Chevrolet Trailblazer at \$21,995. During discussion, the motion and second were withdrawn. Some of the quotes given were for a V6 engine and others were for a V8 engine. Armstrong moved and Androli seconded the motion to purchase a Ford Explorer V6 for \$20,155.00 from Deml Ford. The motion was carried by the following roll call: Armstrong, yes; Androli, yes; Ruhland, yes; Peterson, no; and Morris, yes.

Androli moved and Armstrong seconded the motion to also purchase a Dodge Durango with a V8 engine for \$23,636.00 from Waseca Chrysler Center. Motion carried unanimously.

At 10:00 a.m. the public hearing of the Waseca County Election Equipment Plan began. The following persons were present at the public hearing, representing officers of towns, cities and schools in the county: Tami Sens, Robert Neigebauer, Anita Gostomczik, Jerry Kapaun, Louis Marzinske, Eldo Brandenburg, Norman Gehring, Lester Kroeger, Mary Buenzow, Tammy Wynkoop, and Amy Schauer. Joan Manthe, Auditor, presented the plan and reviewed the Help America Vote Act (HAVA). By adopting the plan, the county can then apply for a grant to pay for the equipment needed to satisfy the requirements of HAVA by placing an Automark election machine for disabled citizens, and a precinct counter in each of the sixteen Waseca County election precincts. Ruhland moved and Peterson seconded the motion to approve the election equipment plan as presented, and to authorize the chairperson and auditor to sign the grant agreement for the equipment money, and to establish an Election Technology Fund as required in the election plan. Motion carried unanimously.

Tim Dann, Sheriff, then presented some civil process fees from neighboring counties. The board suggested he put together the average of five neighboring counties and work through the County Attorney's office to establish a base for Waseca County fees structure. He will return at a later date for board action.

Angie Knish, Planning and Zoning Administrator, presented a request to change the condition of the location of a tower from a previous conditional use permit. Armstrong moved and Peterson seconded the motion to approve the request of Midwest Real Estate Services, Inc. & Ardie or Barbara Schweim, in Section 33, Janesville Township with the following conditions:

1. The center of the tower shall be no less than 325 feet from the centerline of existing Hwy 14, and
2. The accessory, 12 ft. x 20 ft. structure shall be constructed north of the tower, and
3. The contractor must provide proof of insurance or a bond, acceptable to the Board of Commissioners prior to commencement of construction,
4. The tower shall be removed by the owner when use is discontinued, and
5. Un-regulated lighting shall be deflected downward and away from road right-of-way and nearby or adjacent residential, shoreland, or agricultural districts.

John Snow appeared before the board to present specifics about a holding pond that was built for his planned unit development in Woodville township. Ree Katz, adjoining

landowner and Robert Schmidt, Attorney for Ree Katz, were both present. Mr. Snow confirmed the holding pond was built. Ree Katz then read a summary to update the commissioners on the water seepage problem on her property. She again requested that her engineer be given permission to take a core sample from the pond to find out if it meets MPCA standards. Mr. Snow agreed to request of his engineer, I & S Engineers, more documentation that the pond was built according to the conditional use permit conditions. Peterson moved and Androli seconded the motion to accept Ree Katz's letter as part of the documents filed with the minutes. Motion carried unanimously.

Angie Knish reported that Deann Malterer will be the liaison between the Board of Adjustment and the Planning Commission. Motion carried unanimously.

Angie recommended the board to set a revised comprehensive plan public hearing date. Androli moved and Peterson seconded the motion to add the commercial and industrial property congruent to the Janesville property to the Comprehensive Plan. Motion carried unanimously.

Androli moved and Armstrong seconded the motion to set March 21, 2006 at 10:00 a.m. as the public hearing for the Comprehensive Land Use Plan. Motion carried unanimously.

Lyle Sopkowiak, Assistant Highway Engineer, presented the highway business to the board. Peterson moved and Androli seconded the motion to advertise for the 2006 bituminous construction projects which is CSAH 23 from CSAH 12 to CSAH 9; CSAH 12 from CSAH 4 to New Richland North city limits; CSAH 22 from TH 13 to CSAH 10; and CSAH 10 from CSAH 22 to CSAH 7. This is 17 ½ miles of bituminous work. The bids will be accepted at 10:00 a.m. on Friday, February 17, 2006 and presented to the board on February 21, 2006. Motion carried unanimously.

Androli moved and Ruhland seconded the motion to authorize the purchase of a tandem truck from Boyer Ford, state bid holder, in the amount of \$75,665.00 and to purchase the truck box for the tandem from Crysteel for the state bid price of \$64,397.00. Motion carried unanimously.

Androli moved and Ruhland seconded the motion to purchase a ½ ton 4 x 4 pickup from Deml Ford in the amount of \$17,719.00. The reason for not accepting the low bid is because of the use of a 9" cargo space behind the seat and for keeping the purchase local. Motion carried unanimously.

The chairperson allowed Charlie Born to speak to the board in reference to the comprehensive plan. He requested the board begin the process of seeking qualified parties to prepare draft revisions to the zoning ordinance upon completion of the comprehensive plan.

The Human Services Building issue was discussed. Marilee Reck, Bob Breck and Mark Leiferman were also present. The board felt the decision has been narrowed to two sites, the present Human Services Building site and the Brattrud site. They also felt that county ownership of the building is preferred. Discussion on wishes to obtain an agreement with the City of Waseca for a lease on the Brattrud property was desired and the board

directed Bruce Boyce to write a letter to the City of Waseca stating the County's interest in a long-term lease for the Bratrud site, and also to prepare a draft request for proposals for architectural services. The board also directed Bob Breck to have an environmental exam and assessment done on the present building for asbestos.

Armstrong moved and Androli seconded the motion to direct Bruce Boyce to draft an RFP for assisting the Planning and Zoning Department in drafting ordinances to meet the needs of the comprehensive land use plan. Motion carried unanimously.

Marilee Reck, Human Services Director, presented the income maintenance report, fiscal/child support report, and adult services and children's services reports.

Ruhland moved and Armstrong seconded the motion to approve a contract with MVAC for MFIP/DWP for the period of 1-1-06 through 12-31-06 in an amount not to exceed \$130,131 and is for the Employment Services Counseling portion of the MFIP/DWP programs. Motion carried unanimously.

Androli moved and Ruhland seconded the motion to approve the revision to Interagency Agreement for WCCF (Waseca County Collaborative for Families) adding Director of Court Services to the membership effective 1-1-06. Motion carried unanimously.

Armstrong moved and Androli seconded the motion to approve the agreement between Waseca County Human Services and Court Services to provide CCDTF services for the period of 1-1-06 through 12-31-06. Motion carried unanimously.

Ruhland moved and Androli seconded the motion to approve Waseca County participation, through a letter of agreement, in the grant request for long term homelessness between Dodge, Steele, Olmsted and Waseca Counties. Motion carried unanimously.

The board also reviewed a chemical dependency funding report from Court Services.

Bruce Boyce informed the board that the Office of State Auditor would be taking Waseca County back to audit financial records for 2006 through 2008. Peterson moved and Ruhland seconded the motion to direct Bruce to write a letter to the State Auditor requesting our wish to remain with a private audit firm, as it is more economical for the county to do so. Motion carried unanimously.

The request for removal of the Ag Preservation Covenant from land purchased for the ethanol site has been revised by the County Attorney. Peterson introduced the following resolution and moved for its adoption. Ruhland seconded the motion and it was adopted by the unanimous vote of all members.

#### RESOLUTION AUTHORIZING ACQUISITION OF REAL PROPERTY BY EMINENT DOMAIN

WHEREAS, U.S. Bioenergy Corporation through its representatives have indicated its intent to construct and operate an ethanol plant in Janesville Township in Waseca County.

WHEREAS, U.S. Bioenergy Corporation has obtained options to purchase three continuous parcels of land in Janesville Township for the proposed construction of an ethanol plant.

WHEREAS, one of the parcels of land owned by Kevin and Gloria Trahms is subject to a restrictive agricultural covenant established pursuant to the provisions of Minnesota Statute 40A.

WHEREAS, Kevin and Gloria Trahms executed an “Exclusive Agricultural Use Zone Restrictive Covenant” on January 2, 1990 that is recorded in the office of the Waseca County Recorder as Document No. 185091.

WHEREAS, an Exclusive Agricultural Use Zone Restrictive Covenant may only be terminated pursuant to the provisions of Minnesota Statute 40A.11.

WHEREAS, Minnesota Statute 40A.11 only authorizes termination of such an agricultural covenant in three ways: (1) by the property owner giving notice and waiting eight years for the covenant to terminate; (2) by executive order of the Governor of the State of Minnesota; or (3) by eminent domain.

WHEREAS, the only viable and immediate means to terminate such an agricultural covenant is for the County of Waseca to acquire the property of Kevin and Gloria Trahms by eminent domain and then transfer ownership to Bioenergy Corporation for the construction of an ethanol plant.

WHEREAS, Kevin and Gloria Trahms agree to and request that Waseca County acquire title to a portion of their land by eminent domain as part of a process to permit the land to be used for the construction and operation of an ethanol plant.

WHEREAS, the Waseca County Board of Commissioners is committed to preserving “exclusive agricultural use zone restrictive covenants” in order to enhance the long term sustainability of agriculture in Waseca County.

WHEREAS, acquisition by Waseca County of the land of Kevin and Gloria Trahms will result in releasing land from an “exclusive agricultural use zone restrictive covenant” and will result in the loss of a limited number of acres for agricultural purposes.

WHEREAS, the overall effect of terminating such an agricultural restrictive covenant to permit the construction and operation of an ethanol plant will significantly enhance the viability of regional agriculture by providing an additional market for corn and by attracting higher corn prices for area farmers.

WHEREAS, the construction of an ethanol plant in Waseca County will further provide economic growth for Waseca County and its cities by providing approximately 45 new jobs.

WHEREAS, the City of Janesville and the Township of Janesville through their representatives expressed their support of the ethanol plant at a Waseca County Board meeting on January 18, 2005.

WHEREAS, before any actual construction of an ethanol plant commences, public hearings will be held to consider issuance of a conditional use permit and the re-zoning of the affected land as a prerequisite for Waseca County approval of the ethanol plant.

WHEREAS, Minnesota Statute, Chapter 117, authorizes a county to obtain land through eminent domain for a public purpose.

WHEREAS, on October 18, 2005, Kristi Lee, Director of Communications for U.S. BioEnergy, appeared before the Waseca County Board of Commissioners to announce that U.S. BioEnergy has accepted the tax abatement and loan incentives offered by Waseca County and that U.S. BioEnergy would immediately begin the process of obtaining the necessary permits and authorizations to allow an ethanol plant to be constructed and operated in Waseca County.

NOW THEREFORE, the Waseca County Board of Commissioners hereby authorizes the acquisition of a parcel of land owned by Kevin and Gloria Trahms as described as follows:

Tax Parcel I.D. 06.035.0400 129.88 acres  
The West One-Half of the Southeast Quarter (W ½ of SE ¼) of  
Section 35, Township 108N, Range 24W, Waseca County, Minnesota, South of the  
DM&E Railroad Right of Way

AND

The South One-Half of the Southwest Quarter (S ½ of SW ¼) and the Northeast Quarter of the Southwest Quarter (NE ¼ of SW ¼) of  
Section 35, Township 108N, Range 24W, Waseca County, Minnesota, South of the  
DM&E Railroad Right of Way, except 27 acres North of Railroad, except 3.12 acres  
of Railroad Right of Way of which Optionee desires to purchase approximately  
ninety (90) acres (hereinafter referred to as the "Subject Property"), all of which are  
located within and a part of the above-described property consisting of 129.88 acres.  
The Subject Property consisting of approximately 90 acres is  
preliminarily described in the attached Exhibit A. Exhibit A contains  
an aerial photograph depicting the approximate property borders.

BE IT FURTHER RESOLVED, the above described parcel of land owned by Kevin and Gloria Trahms shall be acquired by eminent domain pursuant to the provisions of Minnesota Statute, Chapter 117, and specifically Minnesota Statutes 117.011 and 117.042.

BE IT FURTHER RESOLVED, the Waseca County Attorney is required to file the necessary petition with the Waseca County District Court and to prosecute such action to a

successful conclusion or until it is abandoned, dismissed, or terminated by the Waseca County Board or the District Court.

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately.

Peterson moved and Ruhland seconded the motion to accept the resignation of Christine Schuster, Financial Worker at Human Services, effective January 27, 2006 and to authorize the advertisement of the open position. Motion carried unanimously.

Peterson moved and Ruhland seconded the motion to enter into a three year lease with the Department of Public Safety for room in the East Annex to be used for drivers license testing. Motion carried unanimously.

Peterson moved and Ruhland seconded the motion to accept the Treasurer's investment report. Motion carried unanimously.

Peterson moved and Ruhland seconded the motion to approve the Auditor, Commissioner, Human Services and expense bills as presented. Motion carried unanimously.

Peterson moved and Ruhland seconded the motion to adjourn the meeting at 12:50 p.m. Motion carried unanimously.

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Rick Morris, Chairman  
Waseca County Board of Commissioners

ATTEST:

S/\_\_\_\_\_  
Joan Manthe  
Waseca County Auditor

The following bills were audited and allowed:

ACCLAIM BENEFITS	356.40
ACT FAS SIGNS	32.50
ADVANCED DRAINAGE SYSTEMS INC	2335.40
ADVANCED SYSTEMS CONCEPTS	250.00
ROGER ANDROLI	59.35
ANIMAL MEDICAL CENTER OF WASECA	387.28
RICHARD BARTZ	94.99
BLUE EARTH CO FINANCE DEPT	2040.00

BLUE EARTH COUNTY SHERIFFS OFFICE	669.00
BOCKS SERVICE INC	639.74
DANIEL BOETTGER	65.13
BOYER FORD TRUCKS INC	543.95
BRANDERS.COM, INC ACCOUNTS REC	656.30
CARQUEST AUTO PARTS	73.53
CDW GOVERNMENT	92.44
CELLULAR ONE	15.31
CHARLIES HARDWARE	509.60
CHRISTENSEN TIRE SERVICE	1033.46
CIT INC	2688.06
CLOTHS CLOSET	95.00
CONDON FARM SERVICE	127.32
KATHLEEN CONNOR	8.10
COPIER BUSINESS SOLUTIONS	4995.00
CRYSTAL VALLEY COOP	6526.64
CRYTEEL DISTRIBUTING INC	294.85
CURVLITE INC	345.60
DEML FORD INC	653.29
EWERTS HARDWARE	34.13
FCI WASECA	416.25
FERGUSON ENTERPRISES 1658	329.97
FINANCE & COMMERCE	312.00
FIRST NATIONAL BANK	475.54
JAMES FIRST NATIONAL BANK OM	315.77
RICHARD FIRST NATIONAL BANK OM	280.60
AL FIRST NATIONAL BANK OM	305.31
ANDREW FIRST NATIONAL BANK OMA	63.17
BRAD FIRST NATIONAL BANK OMAHA	372.71
BRUCE FIRST NATIONAL BANK OMAH	89.27
CHAD FIRST NATIONAL BANK OMAHA	21.00
CHERI FIRST NATIONAL BANK OMAH	733.50
DAVE FIRST NATIONAL BANK OMAHA	42.54
DENNIS FIRST NATIONAL BANK OMA	289.44
DOUG FIRST NATIONAL BANK OMAHA	31.94
JUDY FIRST NATONAL BANK OMAHA	145.84
TIM FIRST NATIONAL BANK OMAHA	301.00
TIMOTHY FIRST NATIONAL BANK OM	69.11
TREVOR FIRST NATIONAL BANK OMA	94.88
WENDALL FIRST NATIONAL BANK OM	318.10
RUSS FREDERICK	50.45
THE FREE PRESS	771.06
FREEBORN COUNTY COOP OIL	2396.17
GAMBLES OUR OWN HARDWARE	13.81
HILLYARD INC	322.93
HOFFMAN FILTER SERVICE	40.00
COLLEEN HOWARD	14.50
HYVEE FOOD STORES	6553.73

IMMANUAL-ST JOSEPH HOSPITAL	565.00
INDEPENDENT PEST CONTROL	234.31
RHONDA JACOBSON	8.91
JANESVILLE MEMORIAL DAY ASSOC	375.00
CINDY JOHNSON	4.86
ERIK JOHNSON	76.50
JOHNSTONE SUPPLY	86.23
ANDREW KAJEWSKI	400.54
KEEPRS INC	312.25
KRITZER OIL CO	1175.02
KROLL LABORATORY SPECIALISTS I	87.00
VERLAINE KRUEGER	148.64
KRUGER CONSTRUCTION & REMODELI	1176.54
LEEF SERVICES INC	284.26
LESUEUR CO SHERIFF	100.00
LEXISNEXIS MATTHEW BENDER	358.30
MAAO	330.00
MARY MADEL	225.00
DEANNE MALTERER	57.92
MCCLUNES TREE SERVICE	120.00
METAL CULVERTS INC	336.37
MID-STATES ORGANIZED CRIME INF	150.00
MN COALITION AGAINST SEXUAL AS	6.00
MN COUNTIES COMPUTER COOP	206.81
MN COUNTY ATTORNEYS ASSOC	1620.00
MN DEPT OF AGRICULTURE	60.00
MN DEPT OF CORRECTIONS STS	8473.63
MN DEPT OF FINANCE	5274.00
MN DEPT OF HEALTH WELL MGT	185.00
MN DEPT OF TRANSPORTATION	48.00
MN SHERIFFS ASSOC	1642.00
MN STATE BAR ASSOCIATION CLE	46.86
MN SUPREME COURT	119.22
MN WASTE PROCESSING COMPANY	4625.71
NAPA AUTO PARTS INC	1055.80
NEW RICHLAND LEGION	275.00
NEW RICHLAND STAR LLC	71.80
STEVEN NORTON PHD LP	666.76
JOYCE OLIVER	25.00
OWATONNA SALVATION ARMY	320.50
GARY OWENS	56.68
PAAPE DISTRIBUTING CO INC	1292.48
PANTHEON COMPUTER SYSTEMS	6546.58
JAMES PETERSON	97.20
PLUNKETT'S	78.00
RICHARD POSSIN	62.90
POST BULLETIN CO	654.00
POWERPLAN	13060.10

PUBLIC SAFETY EQUIPMENT LLC	7649.68
QUINLAN PUBLISHING GROUP	156.81
DUANE RATHMANN	50.89
RECYCLING ASSOC OF MN	120.00
RIVER VALLEY TRUCK CENTER	678.75
JOHN ROHDE	400.00
KATHY ROYCRAFT`	110.00
JEFF RUEDY	54.90
ALBERT RUHLAND	119.48
STEVE SCHROEDER	350.00
SCOTT COUNTY SHERIFF	35.00
JIM SENNE	81.99
SMITHS MILL IMPLEMENT	67.89
SPORTSMAN STOP	64.86
STAR TRIBUNE	916.00
STATE OF MN	550.00
STEELE COUNTY CLOTHSLINE INC	275.50
STEWART SANITATION	475.20
TESCH SERVICE CENTER	486.62
THRIFTY WHITE STORES INC	10.07
TRADES OFFICE PRODUCTS	1816.61
ROBERT VOGELSANG	66.47
WALDORF AMERICAN LEGION	150.00
WALMART PAYMENT PROCESSING	101.51
WASECA AREA SENIOR CITIZENS	1490.50
WASECA CO AUDITOR	20.00
WASECA CO LICENSE BUREAU	692.00
WASECA CO ROAD & BRIDGE	3863.25
WASECA COUNTY NEWS	182.12
WASECA GLASS INC	236.52
WASECA MEDICAL CENTER	181.00
WASECA MEMORIAL DAY ASSOC	430.00
WASECA METAL WORKS	220.80
WASECA PROPERTIES INC	97.65
CITY OF WASECA UTILITES	8.50
CITY WASECA	4255.50
WASTE MANAGEMENT	370.00
WASTE MANAGEMENT OF SO MN	3829.40
CITY WELLS	199.00
DEB WESTPHAL	139.90
WHITEWATER WIRELESS INC	53443.91
ZAHL EQUIPMENT SERVICE IN	225.08
ZIEGLER INC	209.82