

WASECA COUNTY BOARD OF COMMISSIONERS—NOVEMBER 6, 2007

The Waseca County Board of Commissioners met in regular session on Tuesday, November 6, 2007, in the Commissioner's Room, 300 N State St., Waseca, MN. Members present were Richard Androli, Chairperson; Jim Peterson, Dan Kuhns, Al Ruhland and Rick Morris.

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

Other persons present were Bruce Boyce, Coordinator; Joan Manthe, Auditor; Jerry Kapaun, John Matz, Dennis Dinneen, Nathan Richman, Highway Engineer; and Drew Amo, News Reporter; Pat Beckmann, Waseca Arts Council.

Kuhns Moved and Peterson seconded to approve the agenda as presented. Motion carried unanimously.

John Matz addressed the board on the outlet structure on Clear Lake. He has cleaned the outlet structure for about twenty-five years and is concerned with who will continue the cleaning.

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

1. Approve commissioner minutes of October 2 and October 16, 2007.
2. Approve Auditor, Commissioner, Human Services and expense bills as presented.
3. Approve a donation of \$1,000 from Wal-Mart to the Sheriff's Office for replacement of two jail monitors.
4. Approval of contract for Public Health Services with Country Neighbors for customized living for the period of October 1, 2007 through September 30, 2008.
5. Approved transfer of Leah Salic, Social Services Case Aide, to vacated position of Financial Worker, effective 11-12-07 at full time Pay range B23, Step A, \$15.39/hr.
6. Approved date of November 20, 2007 at 10:00 a.m. for public hearing on administrative fine ordinances through Sheriff's Office.
7. Approve ditch repairs on County Ditch 26 and County Ditch 27.

Dennis Dinneen, Emergency Management Director, explained the resolution for a hazard disaster mitigation plan in preparation for the day we might need federal help. Peterson introduced the following resolution and moved for its adoption. Morris seconded the motion and it was carried by the unanimous vote of all members.

RESOLUTION

WHEREAS, the Disaster Mitigation Act of 2000 identifies local government hazard mitigation planning requirements; and,

WHEREAS, Waseca County has created a multi-jurisdictional Hazard Mitigation Plan for the health, safety, and general welfare of its residents; and,

WHEREAS, the Minnesota Department of Public Safety has reviewed and approved Waseca County's Hazard Mitigation Plan; and,

WHEREAS, the Federal Emergency Management Agency has reviewed and approved Waseca County's Hazard Mitigation Plan; and,

WHEREAS, the Disaster Mitigation Act of 2000 states the requirement of adoption by the local governing body.

NOW THEREFORE, BE IT RESOLVED BY The Board of Commissioners, of Waseca County, State of Minnesota, as follows:

The Waseca County Hazard Mitigation Plan and all appendixes dated April 2007 are hereby approved.

Pat Beckmann, Waseca Arts Council representative, is asking for a parking solution near the Baumler house on Clear Lake Drive during the Christmas House Walk in early December. No parking is allowed on Clear Lake Drive at the present time. The board directed the highway engineer to have a solution at the next board meeting.

Nathan Richman informed the board that fourteen landowners have not signed in the right of way process on land around Clear Lake. More hearings are scheduled in the next three months.

Nathan also gave a construction update on the Clear Lake Drive and Trail project. Paving of the road is progressing. Part of the concrete driveway and sidewalk area is being poured this week. Mathiowetz Construction will complete the south end of the trail re-work as soon as they finish the main construction project.

At 10:00 a.m., Meredith Johnson addressed the board to ask if the county will give the Johnson's any financial help to build a new driveway on their private property. The board would like to enter into an agreement with Johnson's to use the road built along the ditch right of way of County Ditch 44, and have Kurt Deter draft the agreement to keep the road a private drive as long as there is only one residence located on the land, keep the road gravel, and for landowner to truck out spoil when the ditch is cleaned. If future development of the Johnson land takes place, the driveway will be moved at owner's expense. The auditor will request the agreement be drafted by Kurt Deter in preparation of action at the November 29th board meeting. The board also directed the agreement to be recorded in the Recorder's Office. Meredith was agreeable to this solution.

Marilee Reck, Human Services Director, presented a pilot project for serving the mental health needs of children in the county. Morris moved and Kuhns seconded the motion to approve the compact as presented. The compact has been reviewed and approved by the County Attorney. Motion carried unanimously.

Morris moved and Ruhland seconded the motion to approve the final plat of Jerry Kapaun in Section 2 and 11 in Janesville Township, as recommended by the Planning Commission and containing conditions as follows: Motion carried unanimously.

1. Waseca County Zoning Ordinance requires that all new lots created after January 23, 1996 shall have a minimum of one (1) additional soil treatment area, which can support a standard soil treatment system. This means that a licensed contractor must show that each site has soils capable of sustaining two systems. This is accomplished by having a licensed contractor complete soil borings. The soil boring locations and soils information must be submitted to the public health department for review and approval before submission and/or consideration of a final plat.
2. The registered feedlot that is now held by Jerry Kapaun upon this parcel shall cease existence before any permit for construction upon any lot within 1000 feet of the feedlot shall be submitted to the zoning office. The landowner/developer shall construct disclosure language regarding this matter and shall provide the information to all potential buyers prior to sale of a lot. A copy of the written language shall be provided to the Planning and Zoning Office and shall become part of the file.
3. 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
4. The area shall be kept neat and clean and shall not constitute a nuisance or be kept unsightly, and
5. An erosion control plan shall be implemented during any construction period to prevent soil erosion during all construction phases upon the property; and
6. Trees and natural vegetation shall be maintained and or left undisturbed to maintain a natural landscape, to prevent soil erosion. Any alterations to the lots 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

7. 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
8. 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
9. A Conditional Use Permit shall be issued for a particular use on a specific parcel and not for a particular person or firm, and
10. Failure to comply with any of the above-listed conditions shall be grounds for suspension or revocation of the Conditional Use Permit; and
11. The owner/operator/applicant shall maintain/obtain enough land so as not to exceed 25% impervious surface of the entire parcel; and
12. 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
13. On-site water supply and sewage treatment systems shall meet or exceed MN Rules 7080 and Waseca County ISTS Ordinance(s).
14. **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
15. **Trees: a)** No lot owner shall cut down or girdle any living tree on the lot except to allow for placement of a primary or 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; and
16. 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.

17. Kapaun Lane's right-of-way is being dedicated to the public, being privately maintained through development agreement. Kapaun Lane shall be incorporated into Waseca County's **911 system**; the name "Kapaun Lane" is subject to change with incorporation into the County's 911 numbering system.

In July 2000, the board raised the lifetime limit from \$50,000 to \$100,000 for Ag BMP applicants. The limits have now been lifted by the state. Ruhland moved to raise the lifetime maximum limit to \$150,000 for Ag BMP applicants. Morris seconded the motion. The motion carried by the following roll call: Kuhns, yes; Peterson, yes; Ruhland, yes; Morris, yes; and Androli, abstained.

Angie talked about the need of extending the work on the comprehensive water plan. Kuhns introduced the following resolution and moved for its adoption. Peterson seconded the motion and it was passed by the unanimous vote of all members.

RESOLUTION AUTHORIZING EXTENSION OF THE
WASECA COUNTY
COMPREHENSIVE WATER MANAGEMENT PLAN

WHEREAS, 1995 amendments to Minnesota Statutes, Chapter 103B.301, Comprehensive Local Water Management Act, gave the Minnesota Board of Water and Soil Resources authority to extend the ending date of local water plans for a period not to exceed two years, and

WHEREAS, efforts and responsibilities associated with a revision of the Waseca County Comprehensive Land Use Plan and Land Use Zoning Map completed during the past five years as well as review and revision of the Waseca County Zoning Ordinance this year with anticipated completion next year, limited staff for the Water Management program and the Planning and Zoning Office (which has included unanticipated projects and major permits such as the new Highway 14, US Bio ethanol plant, various conditional use permits, appeals, subdivisions and plats, changes in staff, and new feedlot construction) have slowed the current revision process, and

WHEREAS, Waseca County assures continued effort towards completion of the Comprehensive Water Plan revision, and

WHEREAS, Waseca County will not order or commence any project using the authorities under 103B.331 subd. 3 and 4 until completion of the Comprehensive Local Water Management Plan revision.

NOW THEREFORE, BE IT RESOLVED that the Waseca County Board of Commissioners requests for the Board of Water and Soil Resources a one-year extension

of their existing local water plan to December 31, 2008 in order to complete the revision process.

Peterson moved and Kuhns seconded the motion to appoint Androli and Kuhns to serve on a Planning and Zoning Committee for the rest of 2007. Motion carried unanimously.

Jim Murray, Virchow Krause & Company, gave an overview of the 2006 financial statement for Waseca County. He also reviewed the internal control report. He explained that GASB has implemented many new standards for the county to implement in the next few years.

Upon completion of Jim Murray's presentation, Morris moved and Ruhland seconded the motion to approve the 2006 Waseca County Financial Statement. Motion carried unanimously.

Bruce Boyce, Coordinator, explained the options for continued paid insurance for Steve Schroeder in a spreadsheet. Morris moved and Kuhns seconded the motion to pay current insurance until Medicare eligible and then pay for Medicare supplement under separate BC/BS Preferred provider option plan for three years. The motion was carried by the following roll call: Kuhns, yes; Peterson, no; Ruhland, yes; Morris, yes and Androli, yes.

Bruce proceeded to review the 2008 budget review.

The board recessed for lunch at 12:30.

The board convened the meeting at 1:30 at the E.F. Johnson building with David Kane, Architect. Persons present were all members of the board, Marilee Reck, Cheri Lewer, Bob Breck, Bruce Boyce, Joan Manthe, Mark Leiferman, City of Waseca; Drew Amo, Waseca News Reporter; and a maintenance person from the building. The group toured the building in preparation to lease a part of it for housing Human Services and Public Health staff. Marilee reported her staff has toured the building previously and are very positive about a temporary move to this site. Cheri's staff also visited the building. If this move is temporary, they would just as soon stay in their present location until a new building is ready.

David Kane stated the County is on the City council agenda for this evening. He wants direction on what to request of the city on the Brattrud property. The architect suggested the following points:

- Ninety-nine year lease at \$1.00/year with the City
- If after five years the county doesn't plan to build, city can cancel lease
- Demolish human service building immediately.
- Let City continue to market the building site with county having right of refusal.
- Use of building would be at commissioners discretion for legal purpose

- Also to hold a joint meeting with the city.

Morris moved and Kuhns seconded the motion to adjourn the meeting at 3:30 p.m. Motion carried unanimously.

The next regular scheduled meeting of the Waseca County Board of Commissioner's will be November 20, 2007 at 9:30 a.m.

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

ATTEST:

S/_____
Joan Manthe
Waseca County Auditor

The following bills were audited and allowed:

ALLIED OVERHEAD DOOR	588.40
ASSOCIATED LUMBER MART	26.67
AUTO VALUE WASECA INC	50.89
AVAYA INC	1,437.64
BANKERS ADVERTISING CO INC	379.95
BOB BARKER COMPANY INC	717.89
BELLKATO CORP	47.87
BI INC	1,954.01
BOCKS SERVICE INC	84.00
BOYER FORD TRUCKS INC	264.91
WAYNE BROWN	3,750.00
BUDACH IMPLEMENT INC	37.73
CALL ONE INC	1,120.01
CARQUEST AUTO PARTS	144.32
CDW GOVERNMENT INC	2,368.25
CHARLIES HARDWARE	1,137.75
CHRISTENSEN TIRE SERVICE	398.22
DUANE COLE	24.00
KATHLEEN CONNOR	9.22
CONNORS PLUMBING & HTG INC	2,152.33
COPIER BUSINESS SOLUTIONS	7.41
COUNTRY IMPRESSIONS	221.90
COUNTRYSIDE MOTORS INC	37.68
CPS TECHNOLOGY SOLUTIONS INC	312.75

DEX MEDIA EAST LLC	113.29
DENNIS DINNEEN	27.16
DONAHUE ELECTRIC LLC	1,624.47
ERICKSON ENGINEERING	3,800.00
EVERGREEN LAND SERVICES	10,569.17
EXPRESS CARE INC	141.47
FERGUSON ENTERPRISES 1658	485.64
MARY FETTE	1,350.00
FLEX COMM SECURITY	48.99
FOUR SEASONS ATHLETICS	933.63
G&K SERVICES INC	1,188.37
GC DISTRIBUTING COMPANY INC	40.64
ALLEN GERDTS	650.00
GREG'S AUTO PARTS OF WASECA IN	13.47
DANIEL HANSON	16.00
HILLYARD INC	38.45
HOFFMAN FILTER SERVICE	100.00
RICHARD HOLTZ	59.98
HOYSLER ASSOCIATES INC	3,000.00
LENNY HULBERT	97.98
I-35 AUTO RECYCLING	105.00
IFACS	109.37
INDEPENDENT PEST CONTROL	234.31
INFORMATION SYSTEMS CORP	3.59
RHONDA JACOBSON	9.70
STEVE KAHNKE	30.00
ANDREW KAJEWSKI	435.61
KANE & JOHNSON ARCHITECTS INC	2,585.91
KATOLIGHT CORP	87.32
KSW ROOFING & HEATING	8,680.00
DANIEL KUHNS	272.57
ALAN KUNZ	85.97
LAMPERT YARDS	4.86
LARKSTUR ENG MANKATO	182.49
JAMES LARSEN	36.00
LEEF SERVICES INC	343.88
JERRY LEHMAN	312.82
M-R SIGN COMPANY INC	2,427.35
MAINSTREAM PUBLICATIONS, LLC	97.10
MALO ROOFING INC	808.50
DEANNE MALTERER	58.63
MICHAEL MCGEE MD	800.00
MIDWEST MONITORING	410.00
MINNEAPOLIS FINANCE DEPT TREAS	972.00
MN COUNTY ATTORNEY ASSOC	38.34
MN OFFICE OF ENTERPRISE TECHNO	683.85

NORTHLAND CHEMICAL CORP	346.42
OWATONNA CONCRETE PRODUCTS LLC	3,354.75
OWATONNA SALVATION ARMY	432.85
GARY OWENS	57.27
PAKOR INC-NW8935	210.63
PANTHEON COMPUTER SYSTEMS INC	8.73
PERSONALIZED PRINTING OF WASECA	97.98
QUALITY PRINT OF WASECA INC	1,208.22
RAMSEY COUNTY	2,400.00
RED FEATHER PAPER CO INC	954.31
REDWOOD TOXICOLOGY LAB	50.00
REGIONS HOSPITAL	230.00
RIVER BEND BUSINESS PRODUCTS	313.88
CARL RODAHL	30.00
STEVEN SCHEFFERT	55.82
TERESA SCHUMACHER	323.94
SEMREX	1,151.85
JIM SENNE	187.58
SIRCHIE FINGERPRINT LAB	192.80
SOUTH CENTRAL HUMAN RELATIONS	3,958.69
SOUTHERN MN INITIATIVE FOUNDAT	20.00
SPRINT-DALLAS	465.19
DR. STAHL	1,350.00
STANBIO LABORATORY INC	66.86
STAR EAGLE LLC	45.40
STATE OF HEALTH PRODUCTS	89.88
STATE OF MN BUREAU OF CRIM APP	60.00
STERN & ANDERSON	1,676.75
STEWART SANITATION	1,970.65
STONEBROOKE ENGINEERING INC	34,841.48
THE ELECTRONIC CONNECTION	54.98
TOTAL GLASS-LOCK INC	505.11
TRADES OFFICE PRODUCTS	3,203.19
ULINE	655.38
UNITED BUSINESS SUPPLY INC	107.52
UNIVERSITY OF MN PRINTING SERV	244.95
USA MOBILITY WIRELESS INC	21.84
MARK VAGTS	43.27
PAUL VOORHEES	27.50
WALMART PYMT PROCESSING ATLANT	294.66
WASECA AREA SENIOR CITIZENS IN	4,551.00
WASECA CHRYSLER CENTER	152.52
WASECA CO PUBLIC HEALTH	20.00
WASECA GLASS INC	456.78
WASECA MEDICAL CENTER	1,508.05
WASTE MANAGEMENT OF SO MN	1,038.95

CITY WELLS	231.00
WESTMAN FREIGHTLINER INC	62.02
DEB WESTPHAL	119.99
WHITEWATER WIRELESS INC	227.22
KALEENA WOLF	16.86
LAURA YOUNG	56.67
ZEP MANUFACTURING CO	344.27