

WASECA COUNTY BOARD OF COMMISSIONERS – DECEMBER 9, 2010

The Waseca County Board of Commissioners met in regular session on Thursday, December 9, 2010, in the Commissioners Room, 300 North State Street, Waseca, Minnesota. Members present were Jim Peterson, Mike Hintz, Dan Kuhns and Richard Androli. Commissioner Morris joined the meeting at 5:06 p.m.

Others present Todd Bodem, County Administrator; Tammy Wynkoop, Chief Deputy Auditor-Treasurer; Paul Dressler, County Attorney; Brad Milbrath, Sheriff; Marilee Reck, Human Services Director; Steve Peterson, Court Services Director; Nathan Richman, Highway Engineer; Mark Leiferman, Planning & Zoning Administrator; Cheri Lewer, Public Health Director; Russ Stammer, City Engineer; Drew Amo, News Reporter; Jerry Lehman, Assessor; Mark Vagts, Appraiser; Ann Ruedy, Fiscal Supervisor; Blair Nelson; and Greg Miller, landowner. Various interested persons joined the meeting for the Truth-in-Taxation section.

Chairman Peterson called the meeting to order at 5:00 p.m. The Pledge of Allegiance was recited.

The Agenda was approved with addition of New Richland Sportsmen's Club. The motion was made by Androli second by Kuhns passing with a unanimous vote.

It was noted that the January 4, 2011 meeting will begin at 9:00 a.m. with the swearing in of elected officials.

Chairman Peterson called the meeting to order at 5:00 p.m. The Pledge of Allegiance was recited.

Upon a motion by Androli and a second by Hintz the Consent Agenda was unanimously approved as follows excepting out items (c.) and (d.):

- a. Approval of the November 16, 2010 and November 30, 2010 Board Minutes.
- b. Approval of Bills.
- ~~c. Data Practices Policy – Waseca County Guidelines and Procedures.~~
- d. Accept Resignation of Charlena Overland effective December 5, 2010.
- ~~e. Waseca County Capital Improvement Program – 2011 Budget and 2011-2015 Plan.~~
- f. County Agency Appropriations – 2010 2nd Half Payments.
- g. Approve hiring of Jean Steffens for full-time License Bureau Technical Clerk.
- h. County Auditing Firm - Baker Tilly Engagement Letter.
- i. Ditch Repair – Co. Ditch #35 – Section 14 Wilton Twp.
- j. IT - Virtual Server Licenses – Windows 2008 Server Licenses and User Licenses.
- k. IT – ACS & TriMN Contracts – Board Ratification; Final Executed ACS Contract; Final Executed TriMN Contract; Final Golden Wiki Support Contract.
- l. Waseca County Vets / Emergency Management Monthly Report – 2010.
- m. Credit Card Agreement - Resolution.

- n. Department of Public Safety Lease.
- o. Approve Planning and Implementation Alcohol Prevention Grant.
- p. Human Services request for All-In-One Printer.
- q. Contract w/ SCHRC for Adult and Child Mental Health Targeted Case Management.

Commissioner Morris arrived at the meeting at 5:06 p.m.

Discussion was held regarding the items that were pulled from the consent agenda. The Data Practices Policy and the Capital Improvement Plan will be further review by staff and the County Attorney and brought back to the Board.

Mark Leiferman presented the following Conditional Use Permit:

Applicant: Gregory E. and Karen A.R. Miller
Applicant's Address: 39922 – 140th Street
Waseca MN 56093

Legal Description: North Half of Northwest Quarter (N1/2 of NW1/4),
Section 28, T108N, R22W

Parcel Identification Number (PID): 02.028.0900 80 acres

PROPOSED USE OF LAND:

To operate commercial agricultural chemical sales in a proposed 50'x90' building used for seed sales and storage, along with an advertising sign. The office is to be located within the adjacent residence. The storage and sale of agricultural chemicals in the A-1 Agricultural Protection District. The permit is for mini-bulk storage of chemicals in containers not exceeding 499 U.S. liquid gallons or 100 pounds or more net dry weight per individual container.

FINDINGS OF FACT

Gregory E. Miller submitted an application for a conditional use permit as described above on November 5, 2010.

1. The following documents were part of the application:
 - a) Conditional Use Permit application form.
 - b) Soil Survey Map of the Site
 - c) Applicant explanation of responses to code criteria.
3. As of the date of the application, the above-listed application and all related documents were on file for public inspection and copying at the Waseca County Planning and Zoning Office. The above listed application and supporting documents are incorporated into these Findings by reference.
4. Notice of a public hearing on the applicant's request for a conditional use permit was published in the New Richland Star (the 2010 official newspaper for Waseca County) on November 18, 2010. Affidavits of Publication are included in the file and are incorporated herein by reference.

5. On November 18, 2010 the Planning and Zoning Office notified owners of nearby properties and all of the Township Officers of the public hearing scheduled for December 2, 2010 by first-class mail. The Affidavits of mailing are included in the file and are incorporated herein by reference.
6. On November 24, 2010, Mark Leiferman, Planning & Zoning Administrator, submitted a staff report to the members of the Planning Commission by first-class mail regarding the application and accompanying documents. This staff report is incorporated in these Findings by reference. Attachments included:
 - a. Staff Analysis of Criteria.
 - b. Recommended conditions, if granting.
 - c. Application materials as submitted and documented.This staff report is incorporated into these Findings by reference.
7. At the meeting of December 2, 2010 Mark Leiferman, Waseca County Planning and Zoning Administrator, presented the staff report to the Planning Commission. He also read all of the conditions proposed by staff and read the criteria available in the Planning and Zoning Office into the record.
8. A public hearing for this matter was opened and closed at this meeting, however, there were no members of the public present and no public comments submitted.
9. The Planning Commission and the Waseca County Board of Commissioners took into consideration the criteria in making their decision on the application and applying and or modifying the conditions imposed upon the development. The Conditions are shown hereto as Attachment "A". The criteria for approval are on file in the Waseca County Planning and Zoning Office.

THE COUNTY BOARD MOTION TO ADOPT FINDINGS OF FACT AND THE COUNTY BOARD CONCLUSIONS AND ORDER

The Waseca County Board of Commissioners has read the Findings of Facts referenced above along with supporting information including the staff report, and the Criteria for approval of the Conditional Use Permit that were recommended by the Waseca County Planning Commission which are included as Attachment "A" to this report. The Planning and Zoning staff presented the Criteria to the Planning Commission and provided this data to the Board following the Planning Commission hearing. The Board hereby adopts the Findings of Fact referenced above and of record in the Waseca County Planning and Zoning Office, regarding the approval of the request for a Conditional Use Permit application by Gregory E. and Karen A.R. Miller described above.

The Waseca County Board also approves the recommendation of the Planning Commission to approve the request for a Conditional Use Permit, with conditions outlined.

Upon a motion by Hintz and second by Androli the Conditional Use Permit was granted by a unanimous vote with the following conditions:

CONDITIONS REQUIRED FOR APPROVAL OF THE CONDITIONAL USE PERMIT

The conditional use permit is approved for:

The storage and sale of agricultural chemicals in the A-1 Agricultural Protection District. The permit is for mini-bulk storage of chemicals in containers not exceeding 499 U.S. liquid gallons or 100 pounds or more net dry weight per individual container.

Standards/Regulations:

- 1) All County, State, and Federal laws, regulations, and ordinances shall be complied with and all necessary permits and licensures, including, but not limited to a Minnesota Department of Agriculture permit or license and a Waseca County Zoning Permit, and any other licenses shall be secured prior to the start of operation.
- 2) The applicant shall construct the building and access according to the plans as submitted to the Planning Commission and/or the County Board, and as required by the Minnesota Department of Agriculture including a chemical containment area, and shall pay the appropriate zoning permit fee(s). Blooming Grove Township must approve access to the township road including the width of the access.
- 3) There shall be a seventy-five foot front yard and fifty-foot setback from all other property lines. Any other building, including buildings located upon the same property as the proposed facility must be set fifty feet from this structure. The Minnesota State Fire Marshall regulates this setback; therefore the county shall not accept application for a variance from the required 50-foot setback. In cases where two governmental units regulate setbacks, the most restrictive setback shall apply.

Environmental

- 4) The applicant shall work cooperatively with the Waseca County Soil Water Conservation District (SWCD) to address soil erosion issues and/or wetland issues if needed. The applicant shall provide written documentation of any plan or report required by the SWCD to the Planning & Zoning Office prior to zoning permit approval. No wetlands delineation was submitted with this request.
- 5) A spill containment system will need to be employed as required by state and federal law.
- 6) The approval of this conditional use permit does not include bulk storage tanks and therefore no drain or septic system is anticipated for containment of grey-water.
- 7) The applicant shall demonstrate prior to opening that appropriate and acceptable measures shall be established for water, sewage, and proper waste disposal.

Unified Development Code:

- 8) The applicant shall be required to provide a topped parking area at his expense. The top shall consist of aggregate, pavement, concrete or other adequate surface as approved by the Waseca County Highway Engineer to allow for off-street parking in adverse weather conditions. A field parking area would not suffice for wet weather conditions. No parking shall be allowed upon the access road of the facility and no parking shall be allowed in the Township road right-of-way. It shall be the responsibility of the applicant to monitor such parking area to comply with these conditions. Statutory Handicap Accessibility Code shall be met or exceeded for parking and public facilities and appropriately marked.
- 9) All signage must comply with the provisions of the Waseca County Ordinance, and be located out of road right-of-ways.

Site Development, Access, Parking, Landscaping

- 10) Non-paved parking and traffic areas shall be treated to control dust as necessary.
- 11) Garbage receptacles shall be screened from view from adjacent property owners and public roadways. Garbage shall be disposed of by proper disposal methods and provided for on a regular basis so as not to accumulate, overflow, or create nuisance debris.
- 12) The site shall not be used as a junk yard or scrap yard. All refuse shall be properly disposed of. The site shall be kept tidy and not unsightly. Other than parking of licensed vehicles, no outside storage is permitted.

Public Health/Safety

- 13) An emergency response plan shall be submitted to local fire department(s), law enforcement agencies, and Waseca County Department of Emergency Management and the Planning and Zoning Office for review and inclusion of department files for the proposed property. Information shall include spill prevention and clean up, taking into account topography, tile lines, and runoff.

- 14) A closure plan for the proposed facility shall be submitted within ten (10) working days after recommendation for approval of the Planning Commission to the Board of Commissioners.
- 15) The applicant shall submit a Certificate of Liability Insurance annually to the Planning and Zoning Administrator for inclusion in the department files for this property.
- 16) Statutory Handicap Accessibility Code shall be met or exceeded for parking and public facilities and appropriately marked. Limited office space will be incorporated in the residence on site.
- 17) All lighting shall be directed downward to minimize glare to adjacent properties and public roadways. Lighting plans shall be included in the final site plan for review by the Zoning Administrator prior to signing of the building permit.
- 18) Precautionary measures consisting of a locked building entrance shall be required to prevent unlawful access to the chemicals stored.
- 19) Transport vehicles shall not be stored on the proposed site for more than 72 hours.
- 20) Driveway design and access must meet slope specifications (1 foot vertical for every 6 foot horizontal). Due to the time of the year when the majority of the applicant's deliveries will occur, the applicant must contribute to any excessive damage to the road.
- 21) No parking shall be allowed upon the access road of the facility and no parking shall be allowed in the road right-of-way. It shall be the responsibility of the applicant to monitor such parking area to comply with such placed conditions.

Advertising Sign

- 22) The sign shall be kept in a neat and tidy condition at all times and kept free of any noxious weeds. All signage must comply with the provisions of the Waseca County Ordinance, and be located out of road right-of-ways.

Duration

- 23) 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. Failure to commence, or complete, or both, such action within the time limit set shall void the conditional use permit.
- 24) Failure to comply with any of the above-listed conditions shall be grounds for suspension or revocation of the conditional use permit.
- 25) This Conditional Use Permit may be reviewed upon an annual basis and shall be subject to cancellation, revocation or modification at the discretion of the Waseca County Board of Commissioners for any violation of the above listed conditions or any additions or modifications deemed necessary. The Planning and Zoning Staff will be allowed access to the site at verify that all conditions of the permit are being met.
- 26) Any plans for expansion shall require review by Waseca County to make a determination of whether or not an amended or new conditional use permit application process will be necessary. Such expansion includes the addition of bulk storage tanks or an increase in the approved container sizes.

Upon a motion by Hintz and a second by Androli with condition number 20 amended as shown and property owner must meet all recommendations by the Planning Commission. The motion carried unanimously.

Russ Stammer, City of Waseca Engineer, came to the board to discuss County Ditch 18. There is a project in the works to restore a wetland area near Itron. A drain tile for County Ditch 18 goes diagonally through the site of the proposed restoration and they would like to move the drain tile. Commissioner Peterson recommended that Kurt Deter, our ditch attorney, be contacted to work out a plan for the City of Waseca to Petition the Ditch Authority.

Commissioner Peterson made a request on behalf of Sportsmen's Park in New Richland for \$1,135.76 from the Sportsmen's Fund to cover costs from flood damage. Upon a motion by Androli and second by Hintz it was approved to pay the \$1,135.76 from the Sportsmen's Fund. The motion was amended to allow for a 3 year payback. The motion carried unanimously.

Kuhns moved and Androli seconded the motion to adjourn. The motion passed unanimously and the meeting adjourned at 5:35 p.m.

The meeting was brought back to order at 7:00 p.m. by Chairman Peterson. The Pledge of Allegiance was recited. The 2011 Proposed Budget, which included a proposed 2% increase over 2009, was presented by County Administrator, Todd Bodem.

The Chairman opened the meeting for public comments.

Pat Milbrett representing her daughter, Julie Milbrett, addressed the Board regarding valuation of a home that was recently purchased. It was recommended that Ms. Milbrett meet with Mark Vagts, Property Appraiser, to review the property and how the process works.

Christopher James Hasher, property owner and business owner, addressed the Board to express his concerns over the burden of a tax increase.

Marvin Kahne brought forward some concerns regarding the proposed budget, and also asked about fund balances. Mr. Kahne would like to see the final year end balances rather than a partial year balance.

Upon a motion by Androli and second by Hintz the 2011 Budget was unanimously adopted at \$10,401,184 to reflect a 0% levy increase.

The following items were cut from the Proposed Budget:

IT – Non-Capitalized Inventory	\$56,062
County Attorney – Professional & Technical Services	\$100,000
Sheriff's Office – Salaries, Wages & PERA	<u>\$51,961</u>
Total Cuts	\$208,023

The Final Adopted 2011 Budget is as follows:

FUND	EXPENDITURES	NON-LEVY REVENUE	NET TAX LEVY
GENERAL REVENUE	9,403,750	3,718,668	5,685,082
BUILDING	75,000	0	75,000
ROAD & BRIDGE/PARKS	5,067,583	2,680,594	2,386,989
HUMAN SERVICES	4,864,228	3,340,619	1,523,609 IM/Adm: 528,762 Soc Serv : 994,847
LIBRARY	236,134	0	236,134
WASTE MANAGEMENT	634,250	634,250	0
DEBT SERVICE	494,370	0	494,370
DITCH	100,000	100,000	0
TOTAL	20,875,315 -8%	10,474,131 -15%	10,401,184 0%

The meeting was adjourned at 8:02 p.m. upon a motion by Hintz, second by Kuhns, and a unanimous vote.

S/ _____
Jim Peterson, Chairman
Waseca County Board of Commissioners

ATTEST:

S/ _____
Tammy Wynkoop
Waseca County Chief Deputy Auditor/Treasurer

The following bills were audited and allowed:

ADVANCED CORRECTIONAL HEALTHCA	427.76
ADVANCED DRAINAGE SYSTEMS INC	1,364.06
AMERICAN LUNG ASSOCIATION	454.80
AMERICAN SOLUTIONS FOR BUSINESS	691.09
ANCOM COMMUNICATIONS	2,225.13
ARNOLD'S OF MANKATO INC	152.65
ASSOC OF MN COUNTIES	25.00

AUTO VALUE WASECA INC	15.12
BOB BARKER COMPANY INC	296.82
BEAR GRAPHICS INC	192.73
BLACK HILLS AMMUNITION	134.50
BOHLEN PLUMBING	270.00
PATRICIA BOHN, C.R.	164.50
BUDACH IMPLEMENT INC	32.14
C&D OIL SERVICES OF WASECA LLC	150.00
CARQUEST AUTO PARTS	12.15
CHEMSEARCH	173.93
CIT INC	7,537.89
CITY OF ROCHESTER	200.00
COMPUTER FORENSIC SERVICES INC	10,125.00
KATHLEEN CONNOR	11.00
STEVE COOPER	100.00
CPS TECHNOLOGY SOLUTIONS INC	209.00
CRETEX CONCRETE PRODUCTS MIDWE	2,565.21
CROSSING BY GRAND STAY	229.95
DHS STATE OPERATED SERVICES	8,466.00
DENNIS DINNEEN	51.50
ELECTION SYSTEMS & SOFTWARE IN	3,242.41
EWERTS HARDWARE	28.71
FLEX COMM SECURITY	49.16
FRANK MADDEN & ASSOCIATES	462.20
G&K SERVICES INC	1,424.91
GAMBLES OUR OWN HARDWARE	35.18
ALLEN GERDTS	595.00
GULF SOUTH MEDICAL SUPPLY INC	5.60
TERRY HANSEN	70.00
HELP SYSTEMS-IL, INC	293.98
HENNEPIN CO MEDICAL CENTER	125.00
IFACS	277.18
RHONDA JACOBSON	10.00
JOBS PLUS INC	702.58
BRUCE JOHNSON	252.00
JOHNSTONE SUPPLY INC	95.43
LEAH KAISER	264.93
LESTER KROEGER	67.50
LESUEUR CO PHN SERVICE	5,640.96
LESUEUR CO TREASURER	51,564.28
LUBRICATION TECHNOLOGIES INC	556.99
M-R SIGN COMPANY INC	3,072.72
MARY MADEL	100.00
MEDTOX LABORATORIES	190.60
METRO SALES INC	262.00
CRAIG MILLER	145.00

MN COMM OF TRANSPORTATION	1,690.83
MN SHERIFFS ASSOC	74.81
NATL MEDICAL SERVICES	47.00
PAUL NEIGEBAUER	381.55
NEWMAN TRAFFIC SIGNS INC	190.38
NICOLLET CO SHERIFF	70.00
NRHEG STAR EAGLE INC	11.68
DAVID PAGE	93.15
PANTHEON COMPUTER SYSTEMS INC	3,703.64
PERFORMANCE OFFICE PAPERS CORP	522.41
PERSONALIZED PRINTING OF WASECA	569.88
JAMES PETERSON	248.50
PETTIPIECE & ASSOCIATES LLC	1,488.41
PIONEER FIBERS	3,036.60
QUALITY PRINT OF WASECA INC	57.71
RAMSEY COUNTY	1,400.00
CAROL RANDALL	55.00
RED FEATHER PAPER CO INC	606.63
REGIONS HOSPITAL (AUTOPSIES)	263.00
NATHAN RICHMAN	324.92
RIVER BEND BUSINESS PRODUCTS	411.02
JOHN ROHDE	100.00
JANET RUDOLPH	120.00
STEVEN SCHEFFERT	61.00
SCOTT CO SHERIFF	70.00
SELECTACCOUNT	201.30
SKJVELAND ENTERPRISES	1,084.15
SOUTH CENTRAL HUMAN RELATIONS	4,101.97
STEWART SANITATION	3,669.40
THRIFTY WHITE STORES INC	581.10
TIMMS TRUCKING INC	39,348.90
TRADES OFFICE PRODUCTS	1,782.58
TRANSACT TECHNOLOGIES INC	115.95
US POSTMASTER	112.00
VALLEY NAT'L GASSES-LOC 88	82.04
VERIZON WIRELESS	69.74
WALMART PYMT PROCESSING ATLANT	390.04
SANDRA WALSTROM	68.00
WASECA CO PUBLIC HEALTH	10,200.32
WASECA COUNTY NEWS (SUBSCRIPTION)	48.00
WASECA GLASS INC	1,404.52
WASECA MED CTR-CLINIC-MILWAUKE	27.70
WASECA PROPERTIES INC	197.80
WASECA RENT & SAVE	54.50
CITY WASECA UTILITIES	17.19
WASTE MANAGEMENT-CAROL STREAM	758.10

WATERVILLE CAFÉ	64.13
CITY WELLS	221.00
WEST GROUP PAYMENT CTR	339.86
DEB WESTPHAL	97.50
LEE WILLIAMS	396.84
XEROX CORPORATION	2,565.00
ZAHL EQUIPMENT SERVICE INC	267.30
3D SPECIALTIES INC	407.35