

WASECA COUNTY BOARD OF COMMISSIONERS-DECEMBER 20, 2011

The Waseca County Board of Commissioners met in regular session on Tuesday, December 20, 2011, in the Commissioners Room, 300 N. State Street, Waseca, Minnesota. Members present were Mike Hintz, Chair; Richard Androli and Blair Nelson. Absent was Jim Peterson. Dan Kuhns arrived at 9:34 a.m.

Others present were Laura Elvebak, County Administrator; Joyce Oliver, Auditor-Treasurer; Marilee Reck, Human Services Director; Paul Dressler, County Attorney; Cheri Lewer, Public Health Director; Mark Leiferman, Planning & Zoning Administrator; Laura Rohde, P&Z Staff; Ruth Ann Hager, News Reporter; Brad Milbrath, Sheriff; Robert Krause; Vern Benson; Lynn Skinner, CREST; Jim and Judy Kozan; Dr. Lois C. Anderson; Sarah Rykhus; Kay Berg; Susan Kroon; Katherine Nelson; Bonita and Donald Woitas; Thomas J. Kraus; Linda J. Wesseling; Nathan Groh; Richard H. and Deborah Perreault; Dennis and Laurie Woitas; Gary Anderson; Craig Miller; Trevor Kanewischer, Chief Deputy Sheriff; Tim Kinniry, Jailer; Jo Eastvold, AFSCME Union rep.

Chair Hintz called the meeting to order at 9:30 a.m. Roll call was taken and the Pledge of Allegiance was recited.

Chair Hintz called for public comments. Robert Krause, 36107 150th Street, Waseca, spoke to the board about billboard fees. He has 3 billboards on his property which he receives \$2,700.00 rent. He now received a \$300.00 billboard fee from the county. He feels the bill should be sent to the billboard company, not the landowner. There is an item on the consent agenda having to do with the approval of invoicing billboard fees. The matter will be discussed at that time.

Susan Kroon, Mankato MN, representing the Blue Earth County Humane Society, gave her opinion on the agenda item of the conditional use permit request of Bonnie & Donald Woitas for a dog kennel. She referred to the 14 conditions listed on the permit and said they were impossible to meet because there are no state and federal regulations concerning breeding kennels. She understands concerns of the people next door because the barking will be horrendous. There is nothing that regulates breeding in Minnesota but there are anti-cruelty laws that must go through a long process.

Androli moved and Kuhns seconded the motion to approve the agenda with the following additions and deletes: Add under other County Board Business- Vacant Office discussion and Security issues and to delete Annual Recognition of Milestone Employment Anniversaries. Motion carried unanimously.

Correspondence was shared. There was no discussion of bills and no department head time.

Androli moved and Nelson seconded the motion to approve the consent agenda with the removal of item ‘g’-Approval to Invoice Outstanding Annual Billboard Fees for discussion. Motion carried unanimously.

- a. Approval of November 15, 2011, County Board minutes.
- b. Approval of Auditor, Commissioner, Human Services and expense bills.
- c. Approval of the following 2nd Half Agency Appropriations:

Agricultural Society	\$23,887.50
Cannon River Watershed Partnership	500.00
Historical Society	30,000.00
MN Agricultural Interpretive Center	7,500.00
New Richland Ambulance	1,750.00
Region 9 Sm Business Development Ctr	1,500.00
Southern MN Initiative Foundation	2,000.00
Soil & Water Conservation District	38,081.00
Southern MN Tourism Association	500.00
Waseca Arts Council	4,750.00
Economic Development Assistance:	
Janesville	2,400.00
New Richland	2,400.00
Waldorf	1,200.00

- d. Approval of Colony Court Contract Addendum to the existing contract for the provision of Home and Community-Based services. Colony Court will be providing the same services at their new facility: Colony Court Memory Care and Care Suites.
- e. Approval of the following 2012 Ditch Assessments:

Ditch #	Original Benefits	% to Levy	Amount to Collect
CD 8A	58,078.00	11%	\$ 6,388.58
CD 18	257,179.00	3%	\$ 7,715.37
CD 23	29,052.54	13%	\$ 3,776.83
CD 26	26,725.00	5%	\$ 1,336.25
CD 29	3,346,183.00	2.5%	\$83,654.58
CD 30	4,929,802.00	2%	\$98,596.04
CD 31	4,073,705.00	1.5%	\$61,105.58
CD 47	123,471.00	20%	\$24,694.20
JD 10 - Steele	30,328.16	10%	\$ 3,032.82
JD 11 - Blue Earth	441,977.35	4%	\$17,679.09
JD 51 – Blue Earth	142,990.60	5%	\$ 7,149.53

- f. Approval of Resolution 2011-51 authorizing execution of lease documents for a copier.

Resolution 2011-51
Resolution Authorizing Execution of Lease Documents for Copier

WHEREAS, Waseca County has a need for efficient copier equipment in order for staff to effectively perform their duties; and

WHEREAS, the County's current copier equipment is no longer operating with the efficiency required for Court Services staff to effectively perform their duties; and

WHEREAS, the named lessor has evaluated the needs of County Staff and has proposed a satisfactory lease agreement that provides a new, higher technology copier.

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioner for Waseca County does resolve as follows:

SECTION 1. The foregoing recitals are adopted as findings of the Board of Commissioners as though set forth fully herein.

SECTION 2. The County Administrator is authorized to execute all documents and to perform all other necessary County acts to enter into a lease agreement with Riverbend Leasing for copier equipment, in an amount not to exceed \$136.84 per month (lease and maintenance), plus the cost of copies.

SECTION 3. That sufficient funds are available within Department budgets to cover the cost of this lease agreement.

SECTION 4. This resolution shall become effective immediately following passage and adoption thereof.

- g. ~~Approval to Invoice Outstanding Annual Billboard Fees.~~
- h. Acceptance of Resignation-Franklin J. Balak Jr. (Deputy Director-Emergency Management).
- i. Acceptance of Planning & Zoning report and meeting notice regarding Water Plan and Shoreland Buffer Initiative.
- j. Acceptance of Human Services monthly report.
- k. Approval of 2012 contract with the Human Relations Center for providing family based services for families determined by the case manager to require such services.
- l. Approval of 2012 contract agreement with Human Relations Center for the provision of Education and Prevention services, emergency (crisis) services, outpatient treatment, pre-petition screening and other uncompensated services.

- m. Approval of 2012 annual contract with the Human Relations Center for providing case management to adults and children needing mental health case management services.

Discussion ensued concerning the annual fee for billboards. The fee schedule was adopted by the County Board in 2003. Motion by Androli seconded by Nelson and carried by unanimous vote to send the matter back to the Planning & Zoning committee for review.

Marilee Reck introduced Lynn Skinner, CREST Coordinator. Lynn gave an update about CREST with a list of duties and achievements. She also spoke of the opening of the new Youngdahl Living Care Center in Owatonna. An overview of all services provided through the Mental Health Center was also provided by Ms. Skinner and Marilee.

Marilee spoke about SNBC Care Coordination for SCHA and gave an update on SE MN Human Services Redesign.

As noted previously, during the Public Comment portion of the agenda at the beginning of the meeting, Susan Kroon from the Blue Earth and Nicollet County Humane Society spoke about state and national issues involved in breeding of dogs and dog kennels. Commissioner Hintz informed the audience that the public hearing on the Woitas Conditional Use Permit for a dog kennel had already been held by the Planning Commission on November 3, 2011 and the public hearing had not been reopened. Attorney Thomas Kraus from Kraus Law Office, Waseca, representing the Kozans and other neighbors, stated his desire to comment. Commissioner Androli indicated he would have that opportunity when Item No. 3 of the agenda is considered.

A Conditional Use Permit request has been made by Bonnie and Donald Woitas for a dog kennel and advertising sign on their property located in Otisco Township, Section 7. Attorney Thomas Kraus, from Kraus Law Office, then spoke about his clients' concerns which included potential for such things as noise pollution of barking dogs and, as a result, potential loss of wildlife in the area, and possibly lowered land values, (although no definitive evidence was provided). He stated that the Waseca County Humane Society is in opposition to this development because they characterized it as a puppy mill and noted that there are state and national discussions currently underway concerning dog kennel standards. Mr. Kraus stated that his clients' petition (which had been circulated via internet nationally) should be taken with a grain of salt because some individuals may have signed without knowledge of the proposal as may be typical when individuals sign petitions, but that five adjacent neighbors signed in opposition. Although he recognized that the area is zoned A-1 Agricultural Protection, which allows dog kennels as a conditional use, Attorney Kraus asked that the CUP be denied because of the residences in the area, neighbor concerns, and because the subject property is currently in foreclosure process.

Commissioner Hintz, and a member of the Planning Commission, reminded the commissioners that public testimony had been made at the public hearing where testimony had been made by other neighboring property owners who are in favor of the proposal, who stated they hear other dogs barking in the neighborhood, and who stated that wildlife continues to be present in the area even though the local deer population may have decreased in general and that there had been a wolf pack in the neighborhood. Some of these other property owners (who had previously spoken in favor of the proposal at the public hearing) were also in attendance; however, the public hearing was not reopened. Prior to the meeting, the applicant had also submitted a petition signed by neighbors in support of the application.

Zoning Administrator Mark Leiferman outlined the request along with the information as contained in the staff report with a PowerPoint presentation which is also on file in the Planning & Zoning Office. Copies of the application and exhibits had been provided to the Commissioners for their review prior to the meeting. Leiferman outlined the location of this request within the residence, and showed several photos of the structure and kennels on screen. The primary kennel will be located in three rooms on the back of the home adjacent to the attached garage. The three rooms include: 1) a room for three male dogs with three stalls; 2) a room for females with crates of approximately 2 feet by 3 feet; and 3) a whelping room and office. Adjacent land uses in this A-1 Agricultural Protection Zone include residential and agricultural. The property and adjacent areas are set in the wooded areas adjacent to the LeSueur River and immediately adjacent to 128th Street (County Road 51). The applicant has also requested an advertising sign to be placed on the property. The applicant had originally requested a kennel for 20 dogs. After further consideration and discussion with the applicant during their deliberations, the Planning Commission recommended that the proposal be limited to up to fifteen (15) dogs and defined that number as over the age of four (4) months. Leiferman indicated that the applicant has submitted a plan to address barking/noise issues and he referred to the description and information regarding that equipment as submitted by the applicant. He noted that the proposal for the outdoor exercise area would meet the standards of the zoning ordinance.

Leiferman read all of the criteria for approval of the Conditional Use Permit to the Board as recommended by the Planning Commission as well as suggested criteria submitted by Judy Kozan, a neighboring property owner. After each of the individual criteria was discussed, the County Board, by voice vote, unanimously voted in favor of the Waseca County Planning Commission's criteria for approval.

Leiferman then read the conditions for approval of the Donald and Bonita Woitas Conditional Use Permit as recommended by the Waseca County Planning Commission into the record. Commissioner Nelson stated that he agrees that kennels could have a negative impact on the sale of adjoining property. Commissioner Androli noted that any uses of adjacent properties could affect a particular neighbor and depends on several factors. Leiferman stated that the proposal meets the standards of the zoning ordinance and reminded the Commissioners that there are no restrictions as to how many dogs a land owner can have on their property, except in regards to the need for a conditional use

permit to breed, board, or sell them if over four months of age. Commissioner Kuhns asked for an amendment to condition #4 for proper waste removal to include an appropriate means of carcass disposal, and commissioners concurred.

County Attorney Paul Dressler advised the Board of the following options: approve the Conditional Use Permit as per the Planning Commission's recommendations with the conditions; deny the Planning Commission's recommendations; or return the matter to the Planning Commission for further review, and that the Board has the option to have an additional public hearing.

After consideration of the record, Kuhns moved and Androli seconded the motion to approve the Woitas dog kennel Conditional Use Permit with the amended conditions as follows. Motion passed with the following roll call: Nelson-no; Androli-yes; Kuhns-yes; Hintz-yes.

The conditional use permit is approved for:

- 1) A dog kennel in the A-1 Agricultural Protection District located on the tract described. The permit is to allow for the breeding and sale of dogs with a limitation on the number of dogs as specified in the conditions.
- 2) An outdoor advertising sign.

**CONDITIONS REQUIRED FOR APPROVAL OF THE
CONDITIONAL USE PERMIT FOR A DOG KENNEL
BONNIE AND DONALD WOITAS**

1. Owner/operator shall comply with the all regulations set forth by county, state and federal law, rule or ordinance, specifically, but not limited to, the Federal Animal Welfare Act, The State of Minnesota Statutes, Chapter 35 and Chapter 343 are included by reference, and the local Unified Development Code, as such code may be amended.

2. The owner/operator intends to breed and sell dogs; therefore, the owner/operator shall obtain any kennel license from the State Board of Animal Health and maintain the license and any other permits that may be required by state and federal law and by Waseca County Ordinance.

3. This conditional use permit is approved for 15 adult dogs over the age of four (4) months. Kennel runs must be located twenty (20) feet from the well on the property and 100 feet from the property lines. The facility can only be expanded in the future with an amended Conditional Use Permit request.

4. Owner/operator shall allow inspections of the facility as requested by County staff in order to make a determination that the animals are appropriately cared for. The inspections of the kennel facility may be completed by Waseca County personnel, including, but not limited to, Waseca County Feedlot Officer, Waseca County Planning and Zoning Administrator, and/or the Waseca County Sheriff's

Department. The inspections shall be completed to determine if the terms and conditions of this Conditional Use Permit are being complied with and that the animals are being properly cared for. The inspection shall also be done to assure that animal and other waste that is being generated is appropriately processed and disposed of. Any carcasses of deceased animals shall be disposed of according to a plan reviewed and as approved by the Waseca County Feedlot Officer.

5. An annual inspection by a licensed veterinarian shall be completed by the owner/operator at the owner/operator's expense to assure that the facility meets the minimum requirements of the State Board of Animal Health. The inspection must be provided to the Planning and Zoning Office in written form annually by the anniversary date of the approval of the conditional use permit.

6. A sign, if constructed shall be maintained and kept in good repair. If the sign is found to be in disrepair, it shall be removed by the owner/operator of the facility upon written request of the Waseca County Board.

7. Complaints of barking dogs stemming from this operation shall be addressed by the owner/operator in a written plan if it should so be determined to become a nuisance to adjoining landowners. If an acceptable plan or nuisance elimination is not found by the applicant, review of the conditional use by the Planning Commission and Board of Commissioners may become necessary and subject to possible revocation of this permit.

8. The records for the facility shall be maintained within the existing residence. Since the office shall occupy only a small portion of the residence, no handicapped restrooms are required. If the handicapped restrooms facilities are to be utilized, the owner/operator must include the addition of grab bars. A handicapped parking space shall be signed and maintained by the applicant.

9. All business related parking shall occur out of the road right-of-way.

10. 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.

11. A Conditional Use Permit shall be issued for a particular use on a specific parcel and not for a particular person or firm.

12. Any other specific conditions the Planning Commission or Board of Commissioners deem necessary to protect the health, safety, comfort, morals, or general welfare of the public at any time in the future.

13. Shall the dogs become abandoned, abused or not fit for human pets and the live animals need to be placed in other care facilities, private homes, etc. or disposed of by the County, costs incurred by the County shall be assessed against the tax roll of the parcel. No wild or exotic animals shall be kept on the property.

14. Failure to comply with any of the above-listed conditions shall be grounds for suspension or revocation of the Conditional Use Permit.

Mark Leiferman then introduced the Conditional Use Permit request by Nathan Groh for a 51' x 392' total confinement feedlot barn with 8 foot manure pit to house 2400 (720 animal units) finish hogs within one-mile of the City of Janesville, in the Northwest Quarter of Section 26 of Janesville Township with two conditions. He outlined the request along with the information as contained in the staff report with a PowerPoint presentation, which is also on file in the Planning & Zoning Office, and included information about the location of the proposal, consideration of the University of Minnesota Odor Offset Model, and other zoning ordinance standards for feedlots. The public hearing for this application had been held by the Planning Commission on December 1, 2011. Copies of the application, exhibits which included the Feedlot Site Inspection Team's recommendations and the staff report had been provided to the Commissioners for their review prior to the meeting.

Leiferman read all of the criteria for approval of the Nathan Groh Conditional Use Permit to the Board as recommended by the Waseca County Planning Commission. The County Board unanimously recommended the Waseca County Planning Commission's criteria for approval.

Leiferman then read the conditions for approval as recommended by the Waseca County Planning Commission into the record.

County Attorney Paul Dressler advised the Board of the following options: approve the Conditional Use Permit as per the Planning Commission's recommendations with the conditions; deny the Planning Commission's recommendations; or return the matter to the Planning Commission for further review, and that the Board has the option to have an additional public hearing.

After consideration of the record, Androli moved and Kuhns seconded the motion to approve the Conditional Use Permit with conditions as presented and as recommended by the Planning Commission. Motion passed unanimously.

The conditional use permit is approved for:
Construction and operation of a 51' x 392' total confinement feedlot barn with 8' manure pit to house 2,400 finish hogs (720 animal units) within one-mile of the City of Janesville, with conditions as specified.

CONDITIONS REQUIRED FOR APPROVAL OF THE
CONDITIONAL USE PERMIT FOR A FEEDLOT
NATHAN GROH

1. As referenced in the Feedlot Site Inspection Team report, the operator shall use pit additive according to the manufacturer's recommendations for the purpose of reducing odor. The Feedlot Officer shall determine the method of proof regarding this condition.
2. Peter and Theresa Groh shall sign the Conditional Use Permit document in order to waive the 1,000 foot setback requirement as family members related by blood or marriage living within 1,000 feet of the facility.

Nelson moved and Androli seconded the motion to accept the Economic Development Authority Study Committee report and set January 17, 2012, as the date for a public hearing regarding the creation of a county EDA. Motion carried unanimously.

Mark Leiferman requested that the excess 2011 funds of \$7,000.00 in the Planning & Zoning Department funds be carried over to the 2012 budget and placed in the County Promotion Fund for 2012. Androli moved, Nelson seconded the motion and the motion carried unanimously.

Nathan Richman, Engineer, introduced resolutions for reorganizing, renumbering, revoking and establishing County and State Aid Roads. Androli moved, Nelson seconded and the motion passed unanimously to adopt the following resolution:

RESOLUTION 2011-49

STATE AID FOR LOCAL TRANSPORTATION

RESOLUTION RENUMBERING COUNTY STATE AID HIGHWAYS

WHEREAS, it appears to the County Board of Waseca County of the State of Minnesota that the road hereinafter described should be renumbered within the County State Aid Highway category and under the provisions of Minnesota Law.

NOW THEREFORE, BE IT RESOLVED, by the County Board of Waseca County that the road described as follows, to-wit:

A 2.2 mile segment of County State Aid 21 will be renumbered County State Aid 33. The segment is 50th Street. The south terminus is the intersection with 270th Avenue. The north terminus is the intersection with 293rd Avenue.

be, and hereby are established, located, and designated County State Aid Highways of said Waseca County subject to the approval of the Commissioner of Transportation of the State of Minnesota.

BE IT FURTHER RESOLVED, that the Waseca County Auditor is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for consideration, and that upon the approval of the designation of said roads or portions thereof, that same be constructed, improved and maintained as a County State Aid Highways of Waseca County, to be numbered and known as County State Aid Highway 33.

Androli moved and Kuhns seconded the motion to adopt the following resolution. Motion carried unanimously.

RESOLUTION 2011-48

STATE AID FOR LOCAL TRANSPORTATION

RESOLUTION REVOKING COUNTY STATE AID HIGHWAYS

WHEREAS, it appears to the County Board of Waseca County of the State of Minnesota that the road hereinafter described should be designated a County Highway or Township Road under the provisions of Minnesota Law.

NOW THEREFORE, BE IT RESOLVED, by the County Board of Waseca County that the road described as follows, to-wit:

Segment #1:

A 2.5 mile segment of County State Aid 25 will become a Janesville Township Road. The segment is 1.5 miles of 415th Avenue and 0.5 miles of 15th Street and 0.5 miles of 410th Avenue for a total of 2.5 miles. The west terminus is the intersection with the West County Line Road. The east terminus is the intersection with West Elysian Lake Road.

Segment #2:

A 1.0 mile segment of County State Aid 21 will become County Road 79. The segment is 293rd Avenue. The west terminus is the intersection with 50th Street. The east terminus is the intersection with 60th Street.

Segment #3:

A 2.8 mile segment of County State Aid 21 will become County Road 81. The segment is 60th Street. The south terminus is the intersection with 293rd Avenue. The north terminus is the intersection with 320th Avenue.

be, and hereby are described, located, and revoked County State Aid Highways of said Waseca County subject to the approval of the Commissioner of Transportation of the State of Minnesota.

BE IT FURTHER RESOLVED, that the Waseca County Auditor is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for consideration, and that upon the approval of the designation of said roads or portions thereof, that same be constructed, improved and maintained as County Highways and Township Roads of Waseca County, to be numbered and known as

Segment #1:
Janesville Township Road with portions 415th Avenue, 15th Street, and 410th Avenue.

Segment #2:
County Road 79

Segment #3:
County Road 81

Androli moved and Nelson seconded the motion to adopt the following resolution.
Motion carried unanimously.

RESOLUTION 2011-47

STATE AID FOR LOCAL TRANSPORTATION

RESOLUTION ESTABLISHING COUNTY STATE AID HIGHWAYS

WHEREAS, it appears to the County Board of Waseca County of the State of Minnesota that the road hereinafter described should be designated a County State Aid Highway under the provisions of Minnesota Law.

NOW THEREFORE, BE IT RESOLVED, by the County Board of Waseca County that the road described as follows, to-wit:

A 2.8 mile segment of County Road 68 will be designated County State Aid 33. The segment is 50th Street. The south terminus is the intersection with 293rd Avenue. The north terminus is the intersection with 320th Avenue.

be, and hereby are established, located, and designated County State Aid Highways of said Waseca County subject to the approval of the Commissioner of Transportation of the State of Minnesota.

BE IT FURTHER RESOLVED, that the Waseca County Auditor is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for consideration, and that upon the approval of the designation of said road or portions thereof, that same be constructed, improved and maintained as a County State Aid Highways of Waseca County, to be numbered and known as County State Aid Highway 33.

On motion by Androli and second by Nelson, the board unanimously adopted the following resolution:

RESOLUTION 2011-50

RESOLUTION RENUMBERING COUNTY HIGHWAYS

WHEREAS, it appears to the County Board of Waseca County of the State of Minnesota that the road hereinafter described should be renumbered within the County Highway category and under the provisions of Minnesota Law.

NOW THEREFORE, BE IT RESOLVED, by the County Board of Waseca County that the road described as follows, to-wit:

A 2.2 mile segment of County Road 79 will be renumbered County Road 81. The segment is 60th Street. The south terminus is the intersection with 270th Avenue. The north terminus is the intersection with 293rd Avenue.

be, and hereby are established, located, and designated a County Highway of said Waseca County.

Sheriff Milbrath requested to order dispatch consoles. The consoles that were installed in 2003 were purchased from the Orbacom Company, which is now out of business and parts are hard to locate. With the surrounding counties switching to the 800Mhz Radio System (State Armer), Waseca County will need to have this equipment to have interoperability with other agencies. The cost at state bid pricing with Motorola is \$514,769.00. The regional radio board has a grant for \$127,000.00 with the County matching the amount from the general fund balance. The remaining balance of \$260,000.00 will be paid out of the 911 fund. Androli moved and Nelson seconded the motion to purchase the dispatch consoles. Motion carried unanimously.

Sheriff Milbrath requested to purchase 5 squad cars with all the necessary equipment. \$200,000.00 has been set aside in a dedicated fund to cover the cost of the equipped squads. The quote from Deml Ford is for 2 squads with spotlights at \$29,394.00 each and 3 squads without spotlights at \$29,004.00 each. Androli moved and Nelson seconded the motion to purchase 5 squads and equipment. Motion carried unanimously.

A renewal of a two-year agreement with Ancom Communications was brought to the board for approval by Sheriff Milbrath. The cost would be \$86,842.92 of which half would be paid out of the 911 funds and the other half coming from the Sheriff's Dept 2012 budget. Kuhns moved and Androli seconded the motion to approve the service agreement. Motion passed unanimously.

The video recording equipment used for interviews by the Sheriff's Office was purchased in 1999. It experienced a major failure and needs to be replaced. There are 2011 funds still available for this purchase of \$9,980.00, which includes service maintenance, the setup, installation and software through Northland Systems. Kuhns moved and Androli seconded the motion to approve the purchase. Motion carried unanimously.

The Sheriff's Office also requested to purchase a DVR to record 32 cameras throughout the jail and other areas of the Sheriff's office. The cost would be \$6,595.00 from Reliance Telephone Inc. and would be paid from 2011 funds. Androli moved and Kuhns seconded the motion to purchase a DVR. Motion passed unanimously.

Cheri Lewer presented a Public Health Emergency Preparedness update on activities and accomplishments.

Step 3 grievance procedure, with Craig Miller and Jo Eastvold, AFSCME Courthouse/Human Services Unit Business Agent, came before the board. Miller stated that he believes he was not paid in error as to a conversation he had previously and there

was no document detailing how the raises were to be given. County Administrator Laura Elvebak confirmed there was no paperwork detailing any deviations from the contract. Miller stated he assumed that the raises had been approved otherwise he would not have received them. Miller is asking to waive the repayment amount of \$447.83. Jo Eastvold stated that AFSCME Courthouse/Human Services Unit is in support of the forgiveness of repayment. Laura gave options to approve or deny it. Discussion ensued. The board is concerned that this would be a precedent setting decision. Ms. Eastvold agreed to a memorandum of understanding between the County and the AFSCME Courthouse/Human Services Unit stating that it would not be. With that, Androli moved and Nelson seconded the motion to forgive the overpayment of \$447.83 with a letter from the AFSCME union. Motion carried unanimously.

Joyce Oliver presented a Fund Balance Policy for approval to provide a stable financial environment for the County's operations that allows the County to provide quality services to its residents in a fiscally responsible manner designed to keep services and taxes as consistent as possible over time. Kuhns moved and Androli seconded the motion to adopt the Fund Balance Policy. Motion carried unanimously.

On 12/16/2005, a loan agreement was made with Joshua Glynn to establish a business in New Richland. In mid 2006, an agreement was made with Mr. Glynn to pay principal only because the business had closed. No payments have been made since July, 2008 and an outstanding balance remains of \$18,286.81. Discussion ensued as to whether the loan should be written off as uncollectible. The board agreed that the county should pursue the collection of this outstanding debt to the Economic Development Fund. Kuhns moved and Androli seconded the motion to table the matter until the Auditor-Treasurer can research the legal aspects of collecting the loan. Motion passed unanimously.

Kuhns moved and Androli seconded the motion to move \$167,000.00 from the 2011 Public Works Fund budget line item Construction-County Funding to the balance sheet under Assigned Infrastructure. Motion carried unanimously.

Androli moved and Nelson seconded the motion to permanently transfer \$200,000.00 from Solid Waste Fund into Public Works Fund balance sheet Assigned Infrastructure. Motion carried unanimously.

Androli moved and Kuhns seconded the motion to forgive the balance of the 8/21/2007 loan from General Revenue Fund of \$1,075,000.00 to the Public Works Fund. The balance is \$430,000.00. The 2012 budgeted payment of \$236,500.00 should be moved into the Assigned Infrastructure line item in the Public Works balance sheet. Motion passed unanimously.

Joyce Oliver asked for a temporary transfer of \$100,000.00 to cover the negative balances of certain ditches in the Ditch Fund. Law states that ditches cannot borrow to other ditches to cover their expenses. Assessments will be added to the 2012 tax statements to fund the ditch systems. Kuhns moved and Androli seconded the motion to

loan the ditch fund \$100,000.00 with 1½% interest rate until the first tax settlement is made in June, 2012. Motion carried unanimously.

Laura Elvebak presented the County Administrator's report.

By state statute, Commissioners salaries need to be set prior to January 1 for the following year. Discussion ensued. Kuhns moved and Androli seconded the motion to set the salary with the same wage adjustment that the county employee unions received in 2011 at 32 cents per hour and 2 percent, or \$23,292.31 per year with the chairperson receiving an additional \$1,000.00. Motion carried by the following roll call: Nelson, no; Androli, yes; Kuhns, yes; Hintz, yes.

Kuhns moved and Androli seconded the motion to leave Commissioner per diems at \$80.00 per day. Motion passed unanimously. The following resolution was adopted.

Resolution 2011-54
Resolution Establishing County Commissioners
Salaries and Per Diems for 2012

WHEREAS, Minnesota Statute 375.055, Subdivision 1, requires the County Board of Commissioners to set salaries and per diem payments for its members prior to January 1 of the effective year.

NOW, THEREFORE, BE IT RESOLVED that the salary rate for Waseca County Commissioners be \$23,292.31 per year with the chairperson receiving an additional \$1,000, effective January 1, 2012.

BE IT FURTHER RESOLVED that the Waseca County Commissioner's per diem be set as follows: A county commissioner may collect one per diem of \$80.00 for each day spent in performing the official duties pertaining to county business as per resolution appointing commissioners to boards and committees. Regularly scheduled county board meetings are exempt from per diems. Per Diem bills must be turned in for payment before ninety days after the per diem was incurred.

This resolution shall become effective upon its passage and without further publication.

Having no other business, Kuhns moved and Nelson seconded the motion to adjourn. Motion carried unanimously and meeting adjourned at 1:01 p.m.

The next regular scheduled meeting of the Waseca County Board of Commissioners will be held on January 3, 2012, at 9:30 a.m. at the East Annex.

S/_____
Michael Hintz, Chairman
Waseca County Board of Commissioners

ATTEST:

S/_____
Joyce Oliver
Waseca County Auditor/Treasurer

The following bills were audited and allowed:

ADVANCED DRAINAGE SYSTEMS INC	115.45
AG POWER ENTERPRISES INC	1,432.68
ALCOHOL MONITORING SYSTEMS INC	1,929.20
RICHARD ANDROLI	356.31
ASSOC OF MN EMER MGRS CENTERVI	200.00
ASSOCIATED LUMBER MART	787.94
AUTO VALUE WASECA INC	412.72
BLACK HILLS AMMUNITION INC	2,097.00
BRIGGS & MORGAN P.A.	20,604.60
CARDINAL HEALTH DISTRIBUTION	90.73
CARQUEST AUTO PARTS	343.60
CATCO PARTS SERVICE INC	106.06
CHARLIES HARDWARE INC	1,312.93
CHRISTENSEN TIRE & AUTO REPAIR	4,262.44
CIT INC	3,072.66
CONDON FARM SERVICE	177.91
KATHLEEN CONNOR	3.89
COPIER BUSINESS SOLUTIONS INC	304.97
CORPORATE RECOGNITION INC	308.14
CRESCENT ELECTRIC SUPPLY CO IN	362.84
CULLIGAN	47.60
DEML FORD INC	2,841.09
DIAMOND MOWERS INC	4,862.81
LAURA ELVEBAK	74.46
NICK ENGEL	102.83
EWERTS HARDWARE	7.36
EXPRESS CARE INC	30.40
FIRST NATIONAL BANK 3603	9.19
FIRST NATIONAL BANK OMAHA 4572	64.90
FIRST NATIONAL BANK OMAHA 4614	355.69
FIRST NATIONAL BANK OMAHA 4739	313.90
FIRST NATIONAL BANK OMAHA 5215	101.70
FIRST NATIONAL BANK OMAHA 5348	1,780.33

FIRST NATIONAL BANK OMAHA 5462	240.40
FIRST NATIONAL BANK OMAHA 5595	218.00
FIRST NATIONAL BANK OMAHA 5835	292.45
FIRST NATIONAL BANK OMAHA 6957	1,155.49
FIRST NATIONAL BANK OMAHA 8264	852.32
FLEX COMM SECURITY	4,192.71
RUSSELL FREDERICK	57.22
THE FREE PRESS	619.80
G&K SERVICES INC	83.54
GAMBLES OUR OWN HARDWARE	43.57
GERBER MANUFACTURING LTD	582.64
GOVERNMENT MANAGEMENT GROUP	3,250.00
ALVIN GRAMS	145.52
RUSSELL GUSE	413.94
H&A ADMINISTRATORS	552.00
GEORGETTE HANSON	418.20
HUCKLE MEDIA, LLC	606.30
IFACS	511.68
INFORMATION SYSTEMS CORP	1,685.00
RHONDA JACOBSON	12.21
JANESVILLE TILE SUPPLY	3,703.22
CURTIS JOHNSON	69.99
JOHNSTONE SUPPLY INC	443.60
KALEENA KNOWLES	130.74
DANIEL KUHNS	417.36
LAMPERT YARDS INC	17.17
MARK LEIFERMAN	58.17
LESUEUR CO TREASURER	13,729.89
LIBERTY TIRE LLP-MN	14,535.51
DON LOKEN EXCAVATING INC	17,852.40
MACVSO-WACONIA	100.00
MAINTENANCE ENGINEERING LTD	466.69
DEANNE MALTERER	64.88
MATEJCEKS INC	226.68
MELISSA MAYO	150.00
MICHAEL MCGEE MD	3,000.00
MEDIACOM-NEW YORK	1,700.00
MEDTOX DIAGNOSTICS, INC	130.72
MEDTOX LABORATORIES	205.58
ALLEN METTLER	62.98
DARIN MILBRETT	20.97
MINNESOTA ELEVATOR INC	242.90
MN COUNTIES COMPUTER COOP	6,972.15
MN DEPT OF REVENUE REMITTANCE	1,250.00
MN OFFICE OF ENTERPRISE TECHNO	665.00
MN SUPREME COURT	658.00

MN VALLEY COUNCIL OF GOVTS	38.00
NAPA AUTO & TRUCK PARTS OF WAS	237.28
NATL 4-H SUPPLY SERVICE	43.01
NRHEG STAR EAGLE INC	310.26
JOYCE OLIVER	33.48
OWATONNA METAL RECYCLING INC	141.08
GARY OWENS	63.32
PANTHEON COMPUTER SYSTEMS INC	1,448.85
MARVIN PEARSON	69.20
DEAN PETERSON	137.85
PETTIPIECE & ASSOCIATES LLC	92.00
PREMIER VETERINARY CENTER LLC	1,094.12
QUILL CORPORATION	194.47
RATWIK, ROSZAK & MALONEY P.A.	32.00
RENT N SAVE PORTABLE SERVICES	138.94
RINKE-NOONAN ATTORNEYS AT LAW	888.00
RIVER BEND BUSINESS PRODUCTS	147.20
ROCKMOUNT RESEARCH & ALLOYS IN	604.11
LAURA ROHDE	15.32
RONCO ENGINEERING SALES INC	529.03
LEON SCHOENROCK	70.43
SHARE CORPORATION	175.38
SMITHS MILL IMPLEMENT INC	66.08
SPORTSMAN STOP	56.96
STEELE CO DETENTION CENTER	4,200.00
STEELE COUNTY LANDFILL	5,153.20
STONEBROOKE ENGINEERING INC	14,109.80
DAVE SYVERSON FORD TRUCK INC	62.65
TESCH SERVICE CENTER INC	7.48
THRIFTY WHITE STORES INC	994.48
TOTAL GLASS-LOCK INC	75.00
TRADES OFFICE PRODUCTS	2,013.12
UNIVERSITY OF MN EXTENSION SER	16,224.99
US BANCORP	38,986.50
VARDA SILENT ALARM	147.71
WASECA AREA SENIOR CITIZENS IN	10,164.12
WASECA CO PUBLIC HEALTH	30.00
WASECA COUNTY NEWS (SUBSCRIPTI	48.00
WASECA GLASS INC	401.74
WASECA MEDICAL CENTER-MAYO HEA	338.00
WASTE MANAGEMENT-CAROL STREAM	18,841.30
WENZEL AUTO ELECTRIC CO	336.65
WEST GROUP PAYMENT CTR	526.76
DEB WESTPHAL	92.13
ZIEGLER INC	164.10