

WASECA COUNTY BOARD OF COMMISSIONERS-AUGUST 2, 2011

The Waseca County Board of Commissioners met in regular session on Tuesday, August 2, 2011, in the Commissioners Room, 300 N. State Street, Waseca, Minnesota. Members present were Mike Hintz, Chair; Blair Nelson, Richard Androli, Jim Peterson and Dan Kuhns.

Others present were Laura Elvebak, County Administrator; Joyce Oliver, Auditor-Treasurer; Richard and Marie Borglum; Russ Guse, Ditch Inspector Intern and Jacob Guse; Lenny Hulbert, Planning & Zoning; Ron Purcell, SWCD; Ryan Engelstad, Baker Tilly; Paul Dressler, County Attorney; Marilee Reck, Human Services Director; Bob Breck, Building Maintenance; Brad Milbrath, Sheriff; Steve Peterson, Court Services Director; Sue Clayton, Human Services.

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

Public Hearing was called to order at 9:31 a.m. The hearing pertains to an ordinance amending sections of the Zoning Code in Article 6 Zoning District Regulations, Section 6 Specific Standards for Animal Agriculture, Section 18 HO Highway 14 Overlay District and Article 8 Definitions.

There are three components to this request.

1. Article 6 Zoning District Regulations-Section 6 Specific Standards for Animal Agriculture
  - a. Change feedlot size descriptions in Table 6.3 consistent with MN Pollution Control Agency equivalent of 0.3 for swine over 55 lbs. (page 6-12)
  - b. Setback distance amendment for feedlot structure to residence of family members in Table 6.4 (page 6-19)
2. Article 6 Zoning District Regulations-Section 18 HO Highway 14 Overlay District
  - a. Design and Setback Standards-Site lighting to be directed away from residential uses and traveling public as it relates to billboard lighting (page 6-94)
3. Article 8 Definitions
  - a. Add definitions of family farm as it relates to feedlot setbacks (page 8-11)

During public comments, Marie Borglum questioned the use of the term “domestic” employee. Paul Dressler recommended that the issue be taken back to the Planning & Zoning Committee for review.

The public hearing was closed at 10:07 a.m.

Androli moved and Kuhns seconded the motion to approve Component #1, Section “a & b” as presented. Motion carried unanimously.

Androli moved and Nelson seconded the motion to approve Component #2, Section “a” as presented. Motion carried unanimously.

Kuhns moved and Androli seconded the motion to send Component #3, Section “a” back to the Planning & Zoning Committee as recommended by the County Attorney, and the following Ordinance was adopted by unanimous vote:

## **ORDINANCE 105**

### **AN ORDINANCE AMENDING SECTIONS OF THE ZONING CODE**

#### **ARTICLE 6 ZONING DISTRICT REGULATIONS**

WASECA COUNTY ORDAINS:

**SECTION 1.** The Unified Development Code of Waseca County is amended as attached in Attachment “A” to this Ordinance.

#### Article 6 Zoning District Regulations

Section 5 General Standards for Agricultural and Natural Resource Uses

- a) Change feedlot size descriptions in Table 6.3 consistent with MN Pollution Control Agency equivalent of 0.3 for swine over 55 lbs (page 6-12)

Section 6 Specific Standards for Animal Agriculture

- b) Setback distance amendment for feedlot structure to residence of family members in Table 6.4 (page 6-19)

#### Article 6 Zoning District Regulations

Section 18 HO Highway 14 Overlay District

- a) Design and Setback Standards  
Site lighting to be directed away from residential uses and traveling public as it relates to billboard lighting (page 6-94)

ATTACHMENT "A"

CHANGES TO THE UNIFIED DEVELOPMENT CODE

Pages 6-12, 6-19, 6-95, and 8-11

(Additions Underlined)

(Deletions ~~Strikethrough~~)

**Article 6 Zoning District Regulations**

**Section 5 General Standards for Agricultural and Natural Resource Uses**

1. **Purpose.** The standards in this Section are established to provide supplemental regulations to address the unique characteristics of certain land uses.
2. **Applicability.** The standards in this Section apply to the uses listed below within the zoning districts in which they are allowed, whether the uses are permitted or conditional. The standards in this Section shall apply in addition to the general criteria for conditional uses in Article 3 Section 7, and all other applicable regulations.
3. **Exempted Agricultural Uses.** It is not the intent of this Section to control uses that qualify for the farm exemption.
4. **Animal Units.** Table 6.3 shows the Animal Unit measures for common agricultural animals.

**Table 6.3 Animal Unit Equivalents**

<b>ANIMAL</b>	<b>PER ANIMAL</b>
One mature dairy cow over 1,000 pounds	1.4 animal units
One dairy cow under 1,000 pounds	1.0 animal units
One heifer	0.7 animal units
One calf (under 500 pounds)	0.2 animal units
One slaughter steer or stock cow	1.0 animal units
One feeder cattle	0.7 animal units
One cow and calf pair	1.2 animal units
One swine over 55 pounds	<del>0.4 animal units</del> <u>0.3 animal units</u>
One nursery pig under 55 pounds	0.05 animal units
One horse	1.0 animal units
One sheep or lamb	0.1 animal units
One laying hen or broiler (using liquid manure system)	0.033 animal units
One chicken over 5 pounds (using dry manure system)	0.005 animal units
One chicken under 5 pounds (using dry manure system)	0.003 animal units
One turkey over 5 pounds	0.018 animal units
One turkey under 5 pounds	0.005 animal units
One duck	0.01 animal units

**Article 6 Zoning District Regulations  
Section 6 Specific Standards for Animal Agriculture**

**Table 6.4 Manure Storage Structures and Associated Feedlot Setbacks**

Land Use or Feature	Distance (feet)
Property line* (side yards, rear yard)	80
Public Roads (measured from centerline of road)	300
Shoreland: river, stream, drainage ditch (public or private- measured from Ordinary High Water Level)	300
Wetlands: Type I- VIII	300
An Existing Feedlot under separate ownership	500
A Residence (other than feedlot owner/applicant)	1,000
Parks <sup>1</sup>	1,000
Churches <sup>2</sup>	1,000
Cemeteries <sup>3</sup>	500
Golf Courses, private or public <sup>4</sup>	1,000
Well, private	as regulated by MN Dept. of Health
Well, public	as regulated by MN Dept. of Health
Shoreland: Lakes (measured from OHWL)	1,000
Incorporated Municipality <sup>5</sup>	2,640
Airport (FAA approved)	2,640

\* If a proposed feedlot structure or feedlot building does not encroach upon yard setbacks, and retains more than a 125 foot front yard setback, such additions will be permitted provided it is a permitted use within the zoning district in which the property is located. A front yard setback of less than 125 feet requires a variance prior to construction.

New feedlots and new manure storage structures are prohibited within one thousand (1,000) feet of the OHWL of a lake or within three hundred (300) feet of the OHWL of a stream or river. New feedlots and new manure storage structures are also prohibited in floodplain, floodway, bluff impact zones, and abandoned rock quarries.

<sup>1</sup> Parks subject to the above listed setback: From any park maintained or owned by an incorporated municipality and from the following four Waseca County Parks; Courthouse Park, Gooselake Park, Ray Eustice Park, and Blowers Park.

<sup>2</sup> Church defined as: A building used as a church, synagogue, or place of worship with regular scheduled services.

<sup>3</sup> Cemetery defined as follows: A cemetery governed by a cemetery association, local government, or congregation of worshippers.

<sup>4</sup> Public and private golf course setback shall be measured from the nearest point of the feedlot to the nearest point of any maintained and established golf fairway or green at the time of feedlot permit application.

<sup>5</sup> Incorporated Municipalities are the cities of Elysian, Janesville, New Richland, Waldorf, and Waseca.

New feedlots shall not be located within 1,000 feet of any dwelling, school, church, platted subdivision and/or public park, except for dwelling of the property owner or feedlot operator, or family member based upon the definition of "family" provided the owner of the dwelling and family member, signs a statement that will be recorded stating that they have no objection to the feedlot being closer than the required 1,000 feet. This exception to the 1,000 foot setback is limited to family members to current owner and all other setback requirements shall be adhered to. All "family related feedlots shall be considered separate feedlots in terms of permitting but shall be considered as one feedlot in terms of animal unit limits in accordance with the feedlot ordinance.

## **Article 6 Zoning District Regulations**

### **Section 18 HO Highway 14 Overlay District**

- 5. Design and Setback Standards.** The following design standards shall apply in addition to the requirements of the underlying districts.
- (a) Setbacks. The minimum setbacks for buildings, parking areas or other structures from the right-of-way of Highway 14 shall be 25 feet.
  - (b) Site lighting. All lighting shall be ~~down-lit style to reduce overhead glare~~ directed away from residential uses and glare impacting the traveling public.

The Chair asked for public comments. There were none.

Androli moved and Peterson seconded the motion to approve the agenda with the addition of item "c" – Discussion of Courthouse Park Caretaker's House under Highway Department. Motion carried unanimously.

Correspondence was shared. There was no discussion of bills.

Androli moved and Peterson seconded the motion to approve the consent agenda with the removal of "d" for discussion and adding the list of delinquent mobile homes to "e". Motion carried unanimously.

- a. Approval of July 19, 2011, Regular and July 12 and July 26, 2011, Special County Board Minutes.
- b. Approval of Auditor, Commissioner, Human Services and expense bills.
- c. Approval of 1<sup>st</sup> Half Payment of the cemetery maintenance agreement with Gerdts Lawn Care for \$600.00.
- ~~d. Agreement with the City of Waseca Regarding Clear Lake~~
- e. Approval of the following Delinquent Manufactured Homes from the Tax Rolls for various reason:

DELINQUENT MANUFACTURED HOMES				
Year	Parcel	Bal Due W/O P & I	Name	Reason
2001	17.980.0500	118.00	AYALA, MYRA	No Soc Sec # - cannot enter on MN Rev Recapture
1997	17.980.1210	48.00	BENNETT, TAMMY	Have Soc Sec #/Not registered with State of MN
1998- 1999	02.980.0635	79.00	DAHLE, JAMES T	Have Soc Sec #/Not registered with State of MN
2001	17.980.0910	62.00	ESPINOSA, MARCO A	Have Soc Sec #/Not registered with State of MN
1999- 2002	17.980.1575	317.20	GALLEGOS, ALBERTA	Have Soc Sec #/Not registered with State of MN
1995	14.980.0360	46.00	HAMMEL, DOLORES	No Soc Sec # - cannot enter on MN Rev Recapture
1999	17.980.0270	60.00	HERNANDEZ, JUANA	No Soc Sec # - cannot enter on MN Rev Recapture
2001	17.980.0855	416.00	HOLLAND, BEVERLY	Have Soc Sec #/Not registered with State of MN
1999	17.980.1040	70.00	HUTCHENS, JEREMY	Have Soc Sec #/Not registered with State of MN
1994- 1995	14.980.0105	100.00	JOHNSON, ROBERT	Have Soc Sec #/Not registered with State of MN
1998	17.980.1210	36.00	KOVACEVIN ILIJE HANS	No Soc Sec # - cannot enter on MN Rev Recapture
1996	15.980.0150	46.00	KUPISZEWSKI, CHESTER	Have Soc Sec #/Not registered with State of MN
2001- 2002	17.980.0400	86.00	MACIAS, OMAR	Have Soc Sec #/Not registered with State of MN
1999	12.980.0130	4.00	MADSON, KENNETH	Less than \$25.00 requirement
2002	17.980.0170	76.00	MARTINEZ, VIVIANA	Have Soc Sec #/Not registered with State of MN
2002	17.980.1500	56.00	OLSON, PETER A	Have Soc Sec #/Not registered with State of MN
2001	17.980.0220	146.00	PAGLIAI, ANTONETTE M	Have Soc Sec #/Not registered with State of MN
2000	17.980.1340	60.00	RODREGUEZ, SALINIA	No Soc Sec # - cannot enter on MN Rev Recapture
1996	17.980.1550	15.58	SCHMITZ, BRIAN	Fifteen years or more
2001	17.980.0190	48.00	SILVA, LESPADO	No Soc Sec # - cannot enter on MN Rev Recapture
2000	17.980.1570	76.00	TOVAR, ENRIQUE	Have Soc Sec #/Not registered with State of MN
	<b>Total</b>	<b>1,965.78</b>		

- f. Approval of Investment Portfolio as of June 30, 2011.
- g. Approval of Case Management Contract with Thomas Allen, Inc (TAI) for providing services effective 7-1-11 through 6-30-13. The expenses of this contract are reimbursed through medical assistance for waiver case management.
- h. Approval of current contract extension with Jobs Plus until new rate figures is received from DHS but no later than 10-1-11.
- i. Approval of current contract extension with ICAN until new rate figures is received from DHS but no later than 10-1-11.
- j. Acceptance of Veteran Services/Emergency Management monthly report.

Ron Purcell presented an update for Waseca SWCD.

Joyce Oliver presented an invoice for a ditch repair on JD 10. Lowell Schmidt brought the invoice to the Auditor-Treasurer's Office for payment and explained that he had hired Hanks Excavating to do a repair so that he could plant his crops. The cost of the repair is \$1,309.00, A Ditch Inspector was not called out to the site and none of the Ditch Authority board members were contacted prior to the repair. It was understood that this repair falls under the Ditch Laws. Both Mr. Schmidt and Ralph Hanks were contacted and invited to the board meeting to discuss this situation but neither party was present.

Discussion ensued. Russ Guse stated that Andy Kajewski and he had been out to the site and because they couldn't see the repair because it was covered up, they were not willing to approve the bill.

It was agreed that there is a benefit to the ditch system, however, the repair was not preauthorized. Kuhns moved and Peterson seconded the motion to approve payment of 50% of the cost, or \$654.50, and that a letter of explanation be sent to both parties. Motion carried unanimously.

Bob Breck spoke about the flag pole in front of the courthouse. The flag is not being flown properly and he was asked to bring back information as to how to resolve the problem. A new pole, raising the flag 7 feet, will cost about \$5,220.00. A bigger flag will be needed, as well as lighting. The total cost will be under \$10,000. Commissioner Kuhns inquired if it wouldn't be cheaper to cut the trees down. The two evergreen trees in front of the courthouse are old and repairing the decorative lights on them has become expensive. Bob was to look into the matter and report back to the board.

Ryan Englestad, CPA, Baker Tilly Virchow Krause LLP, gave a review of the 2010 Financial Audit and reported on internal controls. Nelson moved and Kuhns seconded the motion to approve the 2010 Waseca County Financial Statement. Motion carried unanimously.

Steve Peterson requested to recruit a fourth Court Services Officer position to fill a recent vacancy. Nelson moved and Kuhns seconded the motion to fill the position. Motion passed 3-2 by the following roll call: Nelson-yes; Androli-no; Peterson-no; Kuhns-yes; Hintz-yes.

Marilee Reck requested recruitment of the vacated Financial Worker position. Sue Clayton spoke about the critical need of this position. Peterson moved and Nelson seconded the motion to fill the position. Motion carried 3-2 by the following roll call: Nelson-yes; Androli-no; Peterson-yes; Kuhns-no; Hintz-yes.

Nathan Richman asked the board to consider suspending the park overnight \$10 camping fees at Courthouse Park. A consistent collection process is difficult without the staff resources of a caretaker at the site. Androli moved and Nelson seconded the motion to suspend the fee effective immediately until further notice. Motion carried unanimously.

The Highway Department held bid openings on July 26, 2011, for three culvert repair projects. The bids were as follows:

**Waseca County Highway Dept.  
Centerline Culvert and Erosion Repairs  
Bid Tab (Summary)**

Bid opening: 10:00 A.M. 7-26-2011

**Contract No. 81116: SAP 081-028-008, SAP 081-598-013** Southwestern portion of Waseca County

**Contract No. 81117: SAP 081-030-002, SAP 081-598-014** Northern portion of Waseca County.

**Contract No. 81118: SAP 081-030-001, SAP 081-598-015** Southeastern portion of Waseca County.

	Contract No. 81116		Contract No. 81117		Contract No. 81118:	
Engineer's Estimate	SAP 081-028-008 SAP 081-598-013 Total	\$ 1,900.00 <u>\$ 108,550.00</u> \$ 110,450.00	SAP 081-030-002 SAP 081-598-014 Total	\$ 65,890.00 <u>\$ 97,040.00</u> \$ 162,930.00	SAP 081-030-001 SAP 081-598-015 Total	\$ 108,770.00 <u>\$ 96,295.00</u> \$ 205,065.00
Borneke Construction, Inc. Janesville MN 56048	SAP 081-028-008 SAP 081-598-013 Total	\$ 1,243.00 <u>\$ 97,716.00</u> \$ 98,959.00 10.4 % Below Est.	SAP 081-030-002 SAP 081-598-014 Total	\$ 57,837.00 <u>\$ 79,381.00</u> \$ 137,218.00 15.8 % Below Est.	SAP 081-030-001 SAP 081-598-015 Total	\$ 100,240.00 <u>\$ 96,726.00</u> \$ 196,966.00 3.9 % Below Est.
Timm's Trucking, Inc. Morristown MN 55052	SAP 081-028-008 SAP 081-598-013 Total	\$ 1,881.40 <u>\$ 126,445.54</u> \$ 128,326.94 16.2 % Above Est.	SAP 081-030-002 SAP 081-598-014 Total	\$ 83,702.09 <u>\$ 109,080.68</u> \$ 192,782.77 18.3 % Above Est.	SAP 081-030-001 SAP 081-598-015 Total	\$ 118,459.89 <u>\$ 134,647.74</u> \$ 253,107.63 23.4 % Above Est.
Selly Excavating, Inc. Le Center MN 56057	SAP 081-028-008 SAP 081-598-013 Total	\$ 1,565.00 <u>\$ 136,111.00</u> \$ 137,676.00 24.6 % Above Est.	SAP 081-030-002 SAP 081-598-014 Total	\$ 84,062.00 <u>\$ 117,865.00</u> \$ 201,927.00 23.9 % Above Est.	SAP 081-030-001 SAP 081-598-015 Total	\$ 135,612.00 <u>\$ 125,142.00</u> \$ 260,754.00 27.2 % Above Est.
Mathiowetz Const Co Sleepy Eye MN 56085	SAP 081-028-008 SAP 081-598-013 Total	\$ 4,926.00 <u>\$ 185,367.00</u> \$ 190,293.00 72.2 % Above Est.	SAP 081-030-002 SAP 081-598-014 Total	\$ 112,368.00 <u>\$ 157,485.00</u> \$ 269,853.00 65.6 % Above Est.	SAP 081-030-001 SAP 081-598-015 Total	\$ 185,089.00 <u>\$ 170,658.00</u> \$ 355,747.00 73.5 % Above Est.
Heselton Const., LLC Faribault MN 55021	SAP 081-028-008 SAP 081-598-013 Total	\$ 6,024.00 <u>\$ 252,602.00</u> \$ 258,626.00 134.2 % Above Est.	SAP 081-030-002 SAP 081-598-014 Total	\$ 159,415.00 <u>\$ 214,005.00</u> \$ 373,420.00 129.2 % Above Est.	SAP 081-030-001 SAP 081-598-015 Total	\$ 228,358.00 <u>\$ 244,167.00</u> \$ 472,525.00 130.4 % Above Est.

Androli moved and Nelson seconded the motion to award the bid on all three contracts to the lowest bidder, Borneke Construction. Motion carried unanimously.

Discussion ensued concerning the Courthouse Park caretaker's house. The issue will be put on the next regular board meeting agenda.

Laura Elvebak presented the County Administrator's report. Work session dates were set for August 16, 2011 (1:00 p.m.), and August 30, 2011 (9:00 a.m.). Discussion was held concerning the Risk Assessment Worksheet that was compiled from Department Head input. The board commended the Department Heads for their time and effort and stressed the importance of the assessment for future use.

Committee reports were given. Commissioner Androli gave a report on the NACO conference he recently attended.

Androli moved and Kuhns seconded the motion to adjourn the meeting. Motion carried unanimously and the meeting adjourned at 12:41 p.m.

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 CORRECTIONAL HEALTHCA	4.96
ALLSTATE CASH REGISTER	58.78
AMHERST WILDER FOUNDATION	8,888.55
RICHARD ANDROLI	326.32
ASSOC FOR NONSMOKERS-MN	658.48
BLUE EARTH CO SHERIFFS OFFICE	2,014.77
BOYDS PAINT & MACHINE SHOP	124.00
CENTRAL FIRE PROTECTION INC	234.00
CENTRAL STATES WIRE PROD INC	1,353.04
CLEAR LAKE SIGNS INC	37.41
KATHLEEN CONNOR	7.77
CPS TECHNOLOGY SOLUTIONS INC	209.00
CROP PRODUCTION SERVICES INC	9,193.40

FASTENAL CO	298.04
FIRST LAB	79.90
FLEX COMM SECURITY	252.03
FRONTIER PRECISION INC	227.83
G&K SERVICES INC	818.20
GEORGETTE HANSON	20.30
RHONDA JACOBSON	6.66
CURTIS JOHNSON	43.98
ANDREW KAJEWSKI	405.81
LESUEUR CO PHN SERVICE	2,920.32
LEXIS-NEXIS MATTHEW BENDER INC	655.52
M PETERS ENTERPRISES	42.75
MICHAEL MCGEE MD	500.00
METRO SALES INC	864.91
CRAIG MILLER	39.96
MINNESOTA RIVER BOARD	1,500.00
MN STATE UNIVERSITY MANKATO	4,272.22
MARK MUELLERLIELE	119.97
PANTHEON COMPUTER SYSTEMS INC	82.09
PATCHIN MESSNER & DODD	10,000.00
PATTON HOVERSTEN & BERG PA	603.50
PERSONALIZED PRINTING OF WASEC	99.39
JAMES PETERSON	147.66
PROBUILD-WASECA	168.14
RAMSEY COUNTY	1,400.00
REGIONS HOSPITAL (AUTOPSIES)	165.00
RIVER BEND BUSINESS PRODUCTS	277.37
SELECTACCOUNT	203.13
SHORT ELLIOTT HENDRICKSON INC	304.98
STATE BANK OF NEW RICHLAND	11,863.74
TIRE SOLUTIONS, INC	407.64
TMP CONTRACTING AND MANAGEMENT	2,205.90
TRADES OFFICE PRODUCTS	756.72
VERIZON WIRELESS	69.15
WALMART PYMT PROCESSING ATLANT	104.56
WASECA AREA SENIOR CITIZENS IN	40.00
WASECA CO PUBLIC HEALTH	5,839.34
WASECA COUNTY NEWS (SUBSCRIPTI	48.00
WASECA MEDICAL CENTER-MANKATO	122.00
WENZEL AUTO ELECTRIC CO	41.68
WEST GROUP PAYMENT CTR	155.50