

PROCEEDINGS OF THE STEELE COUNTY BOARD OF COMMISSONERS

SPECIAL SESSION

May 13, 2014

STATE OF MINNESOTA)

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COUNTY OF STEELE )

The Steele County Board of Commissioners met in Special Session at 7:00 p.m. on May 13, 2014 with Commissioners Ebeling, Kubicek, Schultz, Huntington and Johnson present. Also present were County Sheriff Lon Thiele, Planning & Zoning Director Dale Oolman, County Engineer Anita Benson, Detention Center Administrator Ron Hammann, County Attorney Dan McIntosh, Human Services Director Charity Floen, County Administrator Tom Shea and County Auditor Laura Ihrke.

Call to Order and Pledge of Allegiance.

Motion by Commissioner Ebeling, seconded by Commissioner Schultz to approve the agenda. Ayes all.

Motion by Commissioner Huntington, seconded by Commissioner Kubicek to approve the minutes of April 22, 2014. Ayes all.

Sheriff Lon Thiele was present to do the swearing in ceremony for Deputy Zach Wagner.

Motion by Commissioner Kubicek, seconded by Commissioner Ebeling to approve the following Tobacco Licenses: Lerberg's, CJ Foods, Medford Municipal Liquor Store and Nielsen's Pit Stop North and to approve the Temporary 1 Day temporary On-Sale Liquor License for Knights of Columbus subject to consent of the Township Board and proof of insurance. Ayes all.

Motion by Commissioner Huntington, seconded by Commissioner Kubicek to approve the Houston Engineering Software Grant Agreement for the Drainage Database. Ayes all.

Motion by Commissioner Kubicek, seconded by Commissioner Ebeling to approve the review for Conditional Use Permit #233 for Ulland Brothers (Olson Pit) in section 10-106-21 of Lemond Township with conditions per the Planning Commission and to adopt the Findings of Facts. Ayes all.

Motion by Commissioner Schultz, seconded by Commissioner Huntington to approve the review for Conditional Use Permit #310 for Ulland Brothers (Brady Pit) in section 8-105-19 of Blooming Prairie Township with conditions per the Planning Commission and to adopt the Findings of Facts. Ayes all.

Motion by Commissioner Ebeling, seconded by Commissioner Schultz to approve of Interim Use Permit #2009-0002 for Ulland Brothers (Deml Pit) in section 6-105-20 of Summit Township- with conditions per the Planning Commission and to adopt the Findings of Facts. Ayes all.

The Public Hearing for the Dangerous Dog Ordinance was opened at 7:15 p.m.

Attorney Dan McIntosh summarized the purpose for the Dangerous Dog Ordinance.

Motion by Commissioner Schultz, seconded by Commissioner Kubicek to close the Public Hearing at 7:18 p.m.

Commissioner Kubicek offered a **Resolution**, seconded by Commissioner Huntington to adopt the following:

**STEELE COUNTY ORDINANCE NO 38  
DANGEROUS DOGS**

Pursuant to Minnesota law, Steele County established a Dangerous Dog Ordinance effective May 13, 2014. The ordinance provides definitions of terms, including "Dangerous Dog" and "Potentially Dangerous Dog." The ordinance authorizes the County to designate a dog as either "Dangerous" or "Potentially Dangerous" and includes a process for appealing that designation by the County to an impartial hearing officer. There is a \$100 fee for filing the appeal and conducting a hearing on the designation of the dog as "Dangerous" or "Potentially Dangerous." The decision of the impartial hearing officer may be appealed to the District Court. The ordinance authorizes the Animal Control Authority to seize a "Dangerous Dog" under specific circumstances and imposes a criminal penalty (misdemeanor) for failing to comply with the ordinance.

The full text of the ordinance is available at the Steele County Auditor's Office.

Upon the vote being taken, five Commissioners voted in favor thereof, none absent and not voting. A copy of the Resolution is on file in the Auditor's office.

Motion by Commissioner Huntington, seconded by Commissioner Ebeling to approve the review of Conditional Use Permit #2009-06 for Ulland Brothers (Wencl Pit) in section 30-108-20 of Owatonna Township with conditions per the Planning Commission and to adopt the Findings of Facts. Ayes all.

Motion by Commissioner Schultz, seconded by Commissioner Kubicek to approve of review of Conditional Use Permit #302 for Southern Minnesota Construction (Owatonna Quarry) in section 33-108-20 of Clinton Falls Township with conditions per the Planning Commission and to adopt the Findings of Facts. Ayes all.

Commissioner Huntington offered the following **Resolution**, seconded by Commissioner Ebeling

BE IT RESOLVED that the following meetings shall be eligible for the \$70 per diem for 2014:

Highway 14 Partnership, Public Works Task Force, Drug Court Committee, Transportation Planning Committees, Intergovernmental Committee, MN Prairie SDA Committees and the Workforce Development Committee.

Upon the vote being taken, five Commissioners voted in favor thereof, none absent and not voting. A copy of the Resolution is on file in the Auditor's Office.

Motion by Commissioner Kubicek, seconded by Commissioner Schultz to accept and place on file the correspondence from Steve & Debra Charles from River View Campground and the MnDOT Highway 14 Expansion update. Ayes all.

Motion by Commissioner Ebeling, seconded by Commissioner Huntington to approve the Department Of Corrections contract renewal. Ayes all.

The Public Hearing for the MN Investment Fund Grant for the Jostens expansion project was opened at 7:30 p.m.

Roger Guinette from Advance Resources was present to give an overview of the project.

Motion by Commissioner Schultz, seconded by Commissioner Huntington to close the Public Hearing at 7:34 p.m.

Commissioner Huntington offered the following **Resolution**, seconded by Commissioner Ebeling

**A RESOLUTION AUTHORIZING PARTICIPATION IN THE ECONOMIC DEVELOPMENT PROGRAM AND APPLICATION FOR PROJECT FUNDING**

BE IT RESOLVED that the County Board of Steele County, Minnesota (the "COUNTY") act as the legal sponsor for project(s) contained in the Business and Community Development Application to be submitted on May 13, 2014 and that the Chairperson and County Administrator are hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of the COUNTY.

BE IT FURTHER RESOLVED that the COUNTY has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life. In this regard the COUNTY authorizes the City of Owatonna, MN to assist with the management and administration of the proposed project.

BE IT FURTHER RESOLVED that the COUNTY has not incurred any costs and has not entered into any written agreements to purchase property.

BE IT FURTHER RESOLVED that COUNTY has not violated any Federal, State, or local laws pertaining to fraud, bribery, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the state, the COUNTY may enter into an agreement with the State of Minnesota for the above-referenced project(s), and that the COUNTY certifies that it will comply with all applicable laws and regulations as stated in all contract agreements and described on the Compliance Section (S-7) of the Business and Community Development Application.

AS APPLICABLE, BE IT FURTHER RESOLVED that the COUNTY has obtained credit reports and credit information from Josten's, Inc. Upon review by the COUNTY and Mark Walbran the COUNTY's Legal Counsel for this specific project, no adverse findings or concerns regarding, but not limited to, tax liens, judgments, court actions, and filings with state, federal and other regulatory agencies were identified. Failure to disclose any such adverse information could result in revocation or other legal action.

NOW, THEREFORE BE IT RESOLVED that the Chairperson and County Administrator, or their successors in office, are hereby authorized to execute such agreements and amendments thereto, as are necessary to implement the project(s) on behalf of the COUNTY.

Upon the vote being taken, five Commissioners voted in favor thereof, none absent and not voting. A copy of the Resolution is on file in the Auditor's office.

Motion by Commissioner Ebeling, seconded by Commissioner Huntington to approve Interim Use Permit #2014-03 for Mathiowetz Construction (Burnham Pit) in Section 28-107-20 of Owatonna Township with 22 conditions as stated in staff report and 3 conditions offered by Mathiowetz. A written Findings of Fact to be developed and approved at the next meeting.

Motion by Commissioner Kubicek, seconded by Commissioner Schultz to approve Construction Plans, authorize advertising for bids and set bid opening for June 12<sup>th</sup> at 10:00 a.m. on SAP 74-634-21. Ayes all.

Motion by Commissioner Schultz, seconded by Commissioner Ebeling to approve the Access Variance request on CSAH 18 for Mark & Deborah Burnham. Ayes all.

Commissioner Ebeling offered the following **Resolution**, seconded by Commissioner Schultz

WHEREAS, the County of Steele is planning to implement County State Aid Street Project(s) in 2014 which will require State Aid funds in excess of those available in its State Aid Regular and Municipal Construction Accounts; and

WHEREAS, said County is prepared to proceed with the construction of said project(s) through the use of an advance from the County State Aid Construction Fund to supplement the available funds in their State Aid Regular and Municipal Construction Accounts; and

WHEREAS, the advance is based on the following determination of estimated expenditures:

	Regular	Municipal
Account Balances as of May 5, 2014:	\$ <u>3,386,255</u>	\$ <u>485,219</u>
Less estimated disbursements:		
Project # <u>SP 74-070-003</u>	\$ <u>15,171</u>	
Project # <u>SAP 074-612-039 &amp; 040</u>	\$ _____	\$ <u>2,187,500</u>
Project # <u>SAP 074-610-002 &amp; 610-003</u>	\$ <u>810,993</u>	
Project # <u>CSAH 17 RR Lights &amp; Gates</u>	\$ <u>27,500</u>	
Project # <u>SAP 074-613-006</u>	\$ <u>429,178</u>	
Project # <u>SAP 074-635-009</u>	\$ <u>795,000</u>	
Project # <u>SAP 074-635-010</u>	\$ <u>205,298</u>	
Project # <u>SAP 074-645-033</u>	\$ <u>104,934</u>	
Project # <u>SAP 074-634-021</u>	\$ <u>75,000</u>	
Total Estimated Disbursements		\$ <u>4,650,574</u>
Advance Amount (amount in excess of acct balance)		\$ <u>779,100</u>

WHEREAS, repayment of the funds so advanced will be made in accordance with the provisions of Minnesota Statutes 162.08, Subd. 5 & 7 and Minnesota Rules, Chapter 8820; and

WHEREAS, the County acknowledges advance funds are released on a first-come-first-serve basis and this resolution does not guarantee the availability of funds.

NOW, THEREFORE, Be It Resolved: That the Commissioner of Transportation be and is hereby requested to approve this advance for financing approved County State Aid Highway Project(s) of the County of Steele in an amount up to \$779,100 in accordance with Minnesota Rules 8820.1500, Subp. 9. I hereby authorize repayments from subsequent accruals to the Regular Construction Account of said County from future year allocations until fully repaid.

Upon the vote being taken, five Commissioners voted in favor thereof, none absent and not voting. A copy of the Resolution is on file in the Auditor's office.

Commissioner Schultz offered a **Resolution**, seconded by Commissioner Huntington to approve the MN Prairie County Alliance Joint Powers Agreement subject to County Attorney approval and Section 15 certification. Upon the vote being taken, five Commissioners voted in favor thereof, none absent and not voting. A copy of the Resolution is on file in the Auditor's office.

Motion by Commissioner Schultz, seconded by Commissioner Huntington to appoint Commissioners Huntington and Johnson and representatives on the MN Prairie County Alliance Board and to appoint Commissioner Ebeling as the alternate. Ayes all.

Motion by Commissioner Ebeling, seconded by Commissioner Kubicek to approve the following personnel report. Aye all.

**New Hires/Transfers.**

<i>Name</i>	<i>Position</i>	<i>Grade, Step</i>	<i>Start Date</i>
Chet Macht	Deputy – Sheriff's Office	21/1	05/03/14
Rosalva (Rose) Kaiser	Accounting Tech	23/1	05/12/14
Debbie Gremis	WIC Clerk	16/9	05/19/14

**Resignations/Retirements:**

<i>Name</i>	<i>Position</i>	<i>End Date</i>
Patti Krueger	Human Resources Director	05/02/14
Juanice (Cassandra) Calandra	OSA V/Records – Sheriff's Office	05/15/14

**Anniversaries:**

<i>Name</i>	<i>Position-Dept</i>	<i>Step</i>	<i>Anniv. Date</i>	<i>Yr Service</i>
Alicyn Hinze	Correctional Officer – Det. Ctr.	Step 3	04/25/14	3 Yrs
Elisha DeGrego	Correctional Officer – Det. Ctr.	Step 6	05/13/14	6 Yrs
Kevin Kozel	Correctional Officer – Det. Ctr.	Step 2	05/15/14	2 Yrs
Benjamin Hougas	Correctional Officer – Det. Ctr.	Step 1	05/20/14	1 Yr
Mary Wacek	Accounting Supervisor – DHS	Step 8	05/21/14	2 Yrs
Jorge Jimenez	Correctional Officer – Det. Ctr.	Step 1	05/22/14	1 Yr
Kali Jensen	Correctional Officer – Det. Ctr.	Step 1	05/31/14	1 Yr

Motion by Commissioner Huntington, seconded by Commissioner Schultz to authorize the Administrator and Human Resource Director to further develop the MN Prairie Human Resource proposal. Ayes all.

Motion by Commissioner Huntington, seconded by Commissioner Ebeling to approve the following listing of bills and Human Services bill in the amount of \$149,093.21. Ayes all.

LISING OF BILLS  
5/13/2014

A'viands LLC	9,669.50
Advanced Correctional Healthcare, Inc.	7,949.71
Anoka County Human Services	13,037.44
Businessware Solutions Corporation	3,746.40
CDW Government Inc.	7,890.00
City of Ellendale	4,870.00
Computer Professionals Unlimited, Inc.	4,032.00
Custom Communications Inc.	2,061.63
Ellis Body Shop Inc.	3,113.11
Falkstone LLC	14,440.24
Fleet Pride	2,445.06
Groff, Stanley A.	9,750.37

Huckle Media LLC	2,404.00
Industrial Properties LLC	4,812.62
Integra Telecom	3,117.57
Jones, Haugh & Smith Inc.	2,550.00
Kwik Trip Inc.	5,599.45
MCF-Red Wing	4,216.00
Met-Con Construction Faribault Div	11,915.04
Metro Sales Inc.	5,823.04
MN Pollution Control Agency	67,049.49
MVTL Laboratories Inc.	7,153.50
NEC Financial Services LLC	4,269.61
Olmsted County Community Svcs	7,095.00
Owatonna Police Dept	8,238.97
Owatonna Public Utilities	37,039.58
S & T Office Products, Inc.	2,733.10
Schultz Excavating	2,310.00
Steele County Agricultural Society	150,000.00
Steele County Highway Dept.	12,364.10
Steele County Humane Society	10,000.00
Steele County Revenue	6,728.74
Steele County Treasurer	2,998.82
Stewart Sanitation	2,141.16
Thomson Reuters – West	3,049.03
Turnkey Corrections	5,609.80
194 Warrants under \$2,000	<u>71,375.61</u>
<b>TOTAL:</b>	<b>\$523,599.69</b>

Motion by Commissioner Huntington, seconded by Commissioner Ebeling to adjourn to the Call of the Chair at 9:58 p.m. Ayes all.

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CHAIRMAN

ATTEST: \_\_\_\_\_  
 AUDITOR