

**Minutes of Le Sueur County Board of Commissioners Meeting
Tuesday, June 23, 2009**

The Le Sueur County Board of Commissioners met in regular session on Tuesday, June 23, 2009 at 9:30 a.m. in the Courthouse at Le Center, Minnesota. Those members present were: Joe Connolly, John Grimm, Robert Culhane, William Stangler, and Joseph Doherty, Chairman. Also present were Brent Christian and Peggy Donovan.

On motion by Grimm, seconded by Stangler and unanimously approved, the Board approved the amended agenda for the business of the day.

On motion by Stangler, seconded by Grimm and unanimously approved, the Board approved the consent agenda:

- Approval of June 17, 2009 County Board Meeting Minutes
- Approval of Tobacco Licenses for the period of July 1, 2009 to June 30, 2010

At 9:30 am the Chairman called the Board of Equalization continuation meeting to order.

On motion by Connolly, seconded by Culhane and approved, the minutes of June 13 Board of Equalization Meeting minutes were approved.

On motion by Stangler, seconded by Culhane and unanimously approved, the Board accepted the recommendation of the County Assessor and ordered the following 2009 parcel assessment changes:

2009 Le Sueur County Board of Equalization and Appeal Recommendations

Name	Parcel Number	Value Was	Value Changed To	Reduction	Other
Wayne Matz-*	02.035.7800	450,000	440,000	10,000	
Wayne Matz-*	02.026.7500	383,300	369,400	13,900	
Lavonne Matz-*	02.035.7700	241,100	235,400	5,700	
Dorothy Knish-*	06.010.2500	87,100	87,100	0	
Dorothy Knish-*	06.010.5200	51,600	51,600	0	
Dorothy Knish-*	06.010.5400	5,300	5,300	0	
Dorothy Knish-*	06.015.2600	160,000	160,000	0	
Dorothy Knish-*	06.015.2650	29,700	29,700	0	
Dorothy Knish-*	06.015.2700	417,200	417,200	0	
Dorothy Knish-*	06.015.5000	274,400	274,400	0	
Jerome Miller-*	06.015.7600	139,600	139,600	0	
Jerome Miller-*	06.016.2600	341,800	341,800	0	
Jerome Miller-*	06.016.5000	281,000	281,000	0	
Jerome Miller-*	06.016.5100	272,000	272,000	0	
Jerome Miller-*	06.021.2500	344,200	344,200	0	
Roger Odenthal	07.030.2700	355,500	339,600	15,900	
Luann Villwock	07.016.9000	361,100	355,700	5,400	
Cole Vanhorn	07.035.5600	371,200	355,500	15,700	
Ronald Witter Trust	08.028.2600	258,000	172,500	85,500	

Name	Parcel Number	Value Was	Value Changed To	Reduction	Other
Charles Leary	08.030.2600	292,800	272,700	20,100	
Seneca Foods Corp	09.015.2500	585,600	554,400	31,200	
Milen Lovich-*	10.010.2500	281,400	281,400	0	
Milen Lovich-*	10.010.5200	120,500	120,500	0	
David Deno	11.021.7900	213,300	195,700	17,600	
Dorothy Knish-*	14.035.0500	171,900	159,900	12,000	
Dorothy Knish-*	14.034.2600	25,800	22,100	3,700	
Clifford Elwood	14.760.0160	223,600	188,400	35,200	
Robert Frechette	16.410.0690	160,000	150,500	9,500	
James Faith	16.420.0040	326,700	293,000	33,700	
Nick Roman	16.410.1020	195,700	195,700	0	Split Class Residential Commercial
Robert Silver	16.440.1150	226,700	214,100	12,600	
Robert Silver	16.035.7500	87,100	87,100	0	Split Class Commercial Residential
Scott Roemhildt	16.440.1145	63,000	63,000	0	Change Class to Ma & Pa Resort
Elezabeth Stuckmayer-*	16.412.0420	229,800	229,800	0	
Audrey Arneson-*	16.415.0230	206,400	206,400	0	
Larry Roche-*	20.028.0300	197,400	197,400	0	
Roy Richter	20.033.0100	269,500	251,800	17,700	
Paper Trust-*	20.530.0410	84,200	48,900	35,300	
Kubes Development Inc-*	20.575.0340	38,600	29,900	8,700	
Kubes Development Inc-*	20.575.0330	38,600	29,900	8,700	
Kubes Development Inc-*	20.575.0320	38,600	29,900	8,700	
Kubes Development Inc-*	20.575.0310	38,600	29,900	8,700	
Kubes Development Inc-*	20.575.0300	38,600	29,900	8,700	
Kubes Development Inc-*	20.575.0380	38,600	19,900	18,700	
Kubes Development Inc-*	20.575.0450	40,300	25,900	14,400	
Kubes Development Inc-*	20.575.0460	40,300	25,900	14,400	
Kubes Development Inc-*	20.575.0470	40,300	25,900	14,400	
Kubes Development Inc-*	20.575.0480	38,300	25,900	12,400	
Brutger Equities Inc	21.500.0010	1,005,100	857,900	147,200	
R & R Metal Works	22.003.9150	451,800	419,100	32,700	
Montgomery Car Wash	22.009.5800	23,000	16,000	7,000	
Daniel Taraba-*	22.003.9100	239,900	239,900	0	
Linda Pint	23.730.0080	200,200	191,500	8,700	
Tom Miles	23.520.0120	234,900	216,400	18,500	
ABC Land Storage LLC	23.520.0120	414,000	351,000	63,000	
Randolph Kubes-*	23.710.0720	64,200	59,900	4,300	
Randolph Kubes-*	23.710.0730	64,200	59,900	4,300	
Randolph Kubes-*	23.710.0740	64,200	59,900	4,300	
Randolph Kubes-*	23.710.0750	64,200	59,900	4,300	
Randolph Kubes-*	23.710.0760	64,200	59,900	4,300	
Randolph Kubes-*	23.710.0770	64,200	59,900	4,300	
Randolph Kubes-*	23.710.0780	64,200	59,900	4,300	

Name	Parcel Number	Value Was	Value Changed To	Reduction	Other
Randolph Kubes-*	23.710.0790	64,200	59,900	4,300	
Randolph Kubes-*	23.710.0800	64,200	59,900	4,300	
Randolph Kubes-*	23.710.0810	64,200	59,900	4,300	
Randolph Kubes-*	23.710.0830	64,200	59,900	4,300	
Randolph Kubes-*	23.710.0840	64,200	59,900	4,300	
Randolph Kubes-*	23.710.0850	64,200	59,900	4,300	
Randolph Kubes-*	23.710.0860	64,200	59,900	4,300	
Randolph Kubes-*	23.710.0880	64,200	59,900	4,300	
Randolph Kubes-*	23.710.0900	63,800	59,900	3,900	
Randolph Kubes-*	23.710.0420	63,800	59,900	3,900	
Randolph Kubes-*	23.710.0920	64,200	59,900	4,300	
Randolph Kubes-*	23.710.0930	66,800	59,900	6,900	
Randolph Kubes-*	23.710.0890	63,800	59,900	3,900	
Randolph Kubes-*	23.710.0300	63,800	62,900	900	
Randolph Kubes-*	23.710.0310	63,800	62,900	900	
Randolph Kubes-*	23.710.0320	63,800	62,900	900	
Randolph Kubes-*	23.710.0530	63,800	62,900	900	
Randolph Kubes-*	23.710.0820	63,800	62,900	900	
Randolph Kubes-*	23.710.0520	63,800	62,900	900	
Randolph Kubes-*	23.710.0340	63,800	62,900	900	
Randolph Kubes-*	23.710.0510	63,800	62,900	900	
Randolph Kubes-*	23.710.0350	63,800	62,900	900	
Randolph Kubes-*	23.710.0500	63,800	62,900	900	
Randolph Kubes-*	23.710.0360	63,800	62,900	900	
Randolph Kubes-*	23.710.0490	63,800	62,900	900	
Randolph Kubes-*	23.710.0370	63,800	62,900	900	
Randolph Kubes-*	23.710.0420	66,000	62,900	3,100	
Randolph Kubes-*	23.710.0540	63,800	62,900	900	
Randolph Kubes-*	23.710.0480	63,800	62,900	900	
Randolph Kubes-*	23.710.0380	63,800	62,900	900	
Randolph Kubes-*	23.710.0470	63,800	62,900	900	
Randolph Kubes-*	23.710.0460	63,800	62,900	900	
Randolph Kubes-*	23.710.0450	63,800	62,900	900	
Randolph Kubes-*	23.710.0440	63,800	62,900	900	
Randolph Kubes-*	23.710.0430	66,000	62,900	3,100	
Randolph Kubes-*	23.710.0580	66,800	64,900	1,900	
Randolph Kubes-*	23.710.0710	66,800	64,900	1,900	
				891,000	

Name-* equals appearance at County Board of Equalization & Appeal

At 10:00 am the Chairman adjourned the 2009 Board of Equalization.

Kathy Brockway, Planning and Zoning Administrator appeared before the Board with the following action items:

On motion by Connolly, seconded by Grimm and unanimously approved via roll call vote 5-0, the Board granted a Conditional Use Permit to MICHAEL JABAS, NEW PRAGUE,

MN (APPLICANT/OWNER); to allow grading and filling of approximately 200 cubic yards of materials in a Recreational-Residential “RR” District, on a Recreational Development “RD” Lake, Lake Gorman. Property is located in Government Lot 4, Section 13, Cordova Township and is subject to the following conditions:

- The applicant is to continue working with the Le Sueur County Resource Specialist as to the construction and placement of rain gardens on the property; and
- Plant some native plantings along the shoreline.

On motion by Grimm, seconded by Culhane and unanimously approved via roll call vote 5-0, the Board granted a Conditional Use Permit to GEROLD BROTHERS CONSTRUCTION, NEW PRAGUE, MN (APPLICANT); DOUG MEYER, NEW PRAGUE, MN (OWNER); to allow grading and filling of approximately 960 cubic yards of materials in a Special Protection District, on a Tributary River. Property is located in the NW 1/4 SW 1/4, Section 5, Lanesburgh Township.

Chairman Doherty called the Public Hearing to order at 10:30 am on the proposed ordinance revisions.

Brad Potter, I & S Group, gave a brief presentation on the proposed ordinance revisions.

Chair Doherty opened the meeting for public input. Kathy Brockway, Planning and Zoning Administrator, read letters from four individuals unable to attend today’s meeting. Several people in attendance expressed their viewpoint concerning the elimination of the AR District and the lot of record date.

On motion by Connolly, seconded by Stangler and unanimously approved, the Public Hearing was closed at 11:11 am.

On motion by Grimm, seconded by Culhane and unanimously approved by a 5-0 roll call vote, the Board approved the following ordinance resolution:

**COUNTY BOARD RESOLUTION 2009-17
ORDINANCE AMENDING LE SUEUR COUNTY ZONING ORDINANCE**

WHEREAS, zoning ordinances are designed for the purpose of promoting the public health, safety, and general welfare; and

WHEREAS, from time to time it is in the best interest of the County to revise the zoning ordinance for the purpose of promoting the public health, safety, and general welfare; and

WHEREAS, the County recognizes that the Zoning Ordinance needs to be amended to reflect the goals of the County Land Use Plan which was completed in 2007; and

WHEREAS, the Planning and Zoning Commission has reviewed the proposed amendments on June 9, 2009 and June 15, 2009 and unanimously recommended adoption to the County Board.

WHEREAS, based upon the Planning and Zoning Commission's recommendation, minutes, the County Board hereby find and determines that:

1. State Statute enables counties to enact land use plans through zoning ordinances.
2. The proposed amendments reflect the goals and policies of County Land Use Plan.
3. The proposed amendments encourage land use and zoning practices that will protect the public's health, safety, morals and general welfare.
4. The proposed amendments will preserve significant bluff areas, wetlands, and natural resources.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Le Sueur County Zoning Ordinance is amended by the following ordinance language:

These amendments pertain to the following:

- ** Elimination of Section 9 of the Zoning Ordinance, which currently is the Agricultural Residential (AR) District. Properties currently zoned, as Agricultural Residential will be rezoned to the Agriculture (A) District designation.
- ** Elimination of Section 19, Subdivision 6, Letter C, Dwelling Siting Standard requirements as listed in #1.2. and 3.General Regulations, Subdivision 6,
- ** Elimination of requiring a conditional use permit for new single-family dwellings per quarter of the quarter section. The amendment would eliminate the conditional use permit in the following sections:

Section 7, Conservancy District, Subdivision 3, Conditional Uses, Number 3;

Section 8, Agricultural District, Subdivision 3, Conditional Uses, Number 7;

Section 13, Le Sueur County Shoreland Management, Subdivision 5 Special Protection District, Section 5.30 Conditional Uses, Letter B
- ** Amending Section 7 Conservancy, C District, Section 8 Agriculture (A) District, Section 10 Urban/Rural Residential (R-1) District, Section 13 Special Protection District (SP) and Residential-Recreational (R-R) District by amending the required separation distances between existing feedlots and new dwellings and other land uses and conversely new feedlots to existing dwellings and other land uses.

- ** Amending Section 4 Rules and Definitions to include definitions for Swimming Pools, terminology affiliated with wetlands and bluffs, buildable area, livestock, domesticated fowl and other definitions.
- ** Swimming Pool Regulations. Regulations for Swimming Pools would be added to the following districts:
 - Section 7 C- Conservancy District
 - Section 8 A - Agriculture District
 - Section 10 R1-Urban/Rural Residential District
 - Section 11 B- General Business District
 - Section 13 RR Recreational Residential
 - SP- Special Protection District
 - R-C Recreational-Commercial District
- ** Amending Section 19, General Provisions Subdivision 7, Accessory Structures and Uses for accessory structure size and height in Districts in lot sizes less than five (5) acres
- ** Amending Section 19, General Provisions Subdivision 6, Dwelling and Lot Standards defining buildable area and amending buildable area provisions.
- ** Amending Section 19, Subdivision 14, Erosion Control, Letter B. Development of Bluff Zones and Steep Slopes.
- ** Creating Section 18, Environmental Standards, which creates standards and setbacks for Wetlands and Bluffs.
- ** Amending Section 10, Urban/Rural Residential (R-1) District and Section 13, Residential-Recreational (R-R) District to reduce the required interior side yard setback non-conforming lots of record from 15 feet to 10 feet.

The amendments will become effective upon publication of this notice.

On motion by Culhane, seconded by Grimm and unanimously approved, the Board approved the promotion of Audrey Hoffman, Support Enforcement Aide in the Human Services Department at a B21 Step 2 \$13.69 per hour to a Social Worker in the Human Services Department at a C41 Step 1 \$18.94 per hour effective July 7, 2009.

Cindy Westerhouse, Personnel Coordinator, along with the Employee Recognition Committee Members-Pica Rodriguez, Judy Yokiell, Dave Struckman, and Commissioner Stangler, appeared before the Board to present the 2009 2nd Quarter recipients with their certificates and pins for their significant length of service with Le Sueur County. Those employees who were present to receive their awards were Amy Beatty, 5 years, Environmental Services; Dave Armstrong, 10 years, Assessor's Office; Tom Widmer, 15 years, Assessor's Office and Doug McCabe, 20 years, Highway Department.

These individuals were unable to attend the meeting: Herb Moon, 5 years, Sheriff's Office; Dave O'Malley, 5 years Building Maintenance; and Tom Beer, 20 years, Highway Department.

On consensus motion, the following 2009 Municipal Maintenance (19.67 miles for a total of \$111,633.74) Agreements were authorized for payment:

	<u># of Miles</u>	<u>\$\$ Per Mile</u>	<u>2008 Payment</u>
City of Cleveland	2.35	\$5,675.33	\$ 13,337.03
City of Elysian	1.35	\$5,675.33	\$ 7,661.70
City of Kasota	2.54	\$5,675.33	\$ 14,415.34
City of Le Center	2.57	\$5,675.33	\$ 14,585.60
City of Le Sueur	4.05	\$5,675.33	\$ 22,985.09
City of Montgomery	3.36	\$5,675.33	\$ 19,069.11
City of Waterville	3.45	\$5,675.33	<u>\$ 19,579.89</u>
Totals	19.67		\$ 111,633.74

On motion by Stangler, seconded by Connolly and approved, the Board approved the contract with Chard Tiling & Excavating of Belle Plaine, MN in the amount of \$1,014,916.85 for County Road 100, CP 2019 Project.

Cindy Shaughnessy, Public Health Director, appeared before the Board to discuss the Letter of Agreement for Weekend and Holiday Work Assignments and On-Call Pay for her department. Commissioner Stangler made a motion to approve the Letter of Agreement as written. This motion died for a lack of a second. The Board instructed Cindy Westerhouse, Personnel Coordinator, to gather additional information on this issue and to report back at a future board meeting along with Cindy Shaughnessy, Public Health Director.

Ron Germscheid, County Auditor, presented the Board with the unallotment amounts for 2009 of \$161,706 and 2010 of \$328,313. He stated that Human Services will be cut in 2009 by \$90,250 and in 2010 by \$119,101. The Board did set the date of July 7, 2009 at 1:00 pm in the Commissioner's Room to start the discussion on how to deal with these reductions.

On motion by Connolly, seconded by Culhane and approved, the Board adjourned until Tuesday, July 7, 2009 at 9:30 am.

ATTEST: _____
Le Sueur County Coordinator **Le Sueur County Chairman**