

**Minutes of Le Sueur County Board of Commissioners Meeting
June 22, 2010**

The Le Sueur County Board of Commissioners met in regular session on Tuesday, June 22, 2010 at 9:30 a.m. in the Courthouse at Le Center, Minnesota. Those members present were: Joe Doherty, John Grimm, William Stangler, and Joe Connolly. Robert Culhane was excused. Also present were Brent Christian and Darrell Pettis.

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

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

- Approved the June 12, 2010 County Board Minutes.
- Approved the June 12, 2010 County Board of Appeal and Equalization Minutes.
- Approval of Tobacco Licenses for the period of July 1, 2010 to June 30, 2011:
 1. Le Sueur County Club – Le Sueur
 2. Mac’s Green Mill Bar – Le Sueur
 3. Denny’s Bar, Inc. – Waterville
 4. Kamp Del’s Inc. – Waterville
 5. The Pit Stop – Le Sueur
- Approved the 2010 County Ditch Spraying Agreement with Scott’s Helicopter Service at \$ 26.68 per acre.
- Approved the Montgomery KC’s Application for Exempt Permit with no waiting period for gambling on September 19, 2010 at the Montgomery Sportsman’s Trap Range.

Joe Boettcher, County Auditor / Treasurer, appeared before the Board with two requests for action on tax forfeited parcels within the County.

On motion by Stangler, seconded by Doherty, and unanimously approved, the following resolution was adopted:

WHEREAS, The County Board of Commissioners of the County of Le Sueur, State of Minnesota, desires to offer for sale certain parcels of land that have forfeited to the State of Minnesota for non-payment of taxes, and

WHEREAS, Said parcels of land have been viewed by the County Board of Commissioners and have been classified as non-conservation lands as provided for in Minnesota Statutes 282.01.

NOW, THEREFORE, BE IT RESOLVED, that the Le Sueur County Board of Commissioners hereby certify that all parcels of land on the attached list have been viewed and comply with the provisions of Minnesota Statutes 85.012, 92.461, 282.01 Subd. 8 and 282.018 and other statutes that require the withholding of tax forfeited lands from sale.

BE IT FURTHER RESOLVED, That the Le Sueur County Board of Commissioners hereby request approval from the Minnesota Department of Natural Resources for the sale of said lands as follows:

Parcel Number	Name & Address	Description	Section or Lot	Township or Block	Range
15.700.0010	Michael & Ruth Johnson 900 3 rd Ct Cleveland MN 56017	Cink's Creekside Addn	1	1	
18.410.0460	Bruender Offices 302 Elmwood Ave Le Sueur MN 56058	City of Kasota	10	23	
20.530.0840	Edward & Brenda Wick 395 Washington St E Le Center MN 56057	E 70ft of Lot 15 Emery Addn		4	
20.572.0030	Gail L Gustafson 432 Woodlawn St E Le Center MN 56057	E ½ of S 100ft of Lot 3, G W Dickinson 2 nd Addn		1	
22.540.0070	Grace Kukacka 510 3 rd St SW Montgomery MN 56069	Lots 13 &14 Mary Richter Addn		1	
23.480.1340	Norman Hallet 109 1 st Ave SE New Prague MN 56071	Lot 9, City of New Prague & N 30ft of Outlot 1 Bruzek Addn		10	
24.510.1420	Kathryn L Beach Randt 227 2 nd St S Waterville MN 56096	W ½ of Lot 10, City of Waterville		18	
24.510.1530	Daniel J Gehring 316 Paquin St E Waterville MN 56096	W 35ft of E 91ft of Lots 1&4, City of Waterville		18 ½	
24.580.0160	Scott Pullen & Fran Tasho 211 Sakatah Blvd N Waterville MN 56096	Lot 7 & undivided 1/8 interest in access , Hileman Sub-Div		2	
24.580.0170	Scott Pullen & Fran Tasho 211 Sakatah Blvd N Waterville MN 56096	Lot 8 & undivided 1/8 interest in access, Hileman Sub-Div		2	

On motion by Grimm, seconded by Doherty, and unanimously approved, the following resolution was adopted:

The Le Sueur County Board of Commissioners hereby appraises the following non-conservation classified tax forfeited lands to be sold at public sale, on a future date. Those appraisals are as follows:

PARCEL	TWP OR CITY SUBDIVISION	LOT/BLOCK	APPRAISED VALUE
15.700.0010	CLEVELAND CITY Cink's Creekside Addn	Lot 1, Block 1, .61 ac	\$240,600
18.410.0460	KASOTA CITY City of Kasota	Lot 10, Block 23	\$67,000
	LE CENTER CITY		

20.530.0840	Emery Addition	E 70ft of Lot 15, Block 4	\$90,700
20.572.0030	G W Dickinson 2 nd Addn	E ½ of S 100 ft of Lot 3, Block 1	\$97,900
MONTGOMERY CITY			
22.540.0070	Mary Richter Addn	Lots 13-14, Block 1	\$125,400
NEW PRAGUE CITY			
23.480.1340	City of New Prague, Bruzek Addn	Lot 9, Block 10 & N 30ft of Outlot 1	\$93,100
WATERVILLE CITY			
24.510.1420	City of Waterville	W ½ of Lot 10, Block 18	\$102,000
24.510.1530	City of Waterville	W 35ft of E 91ft of Lots 1 &4, Block 18 ½	\$46,700
24.580.0160	Hileman Sub-Div	Lot 7, Block 2 & undivided 1/8 int in access	\$67,000
24.580.0170	Hileman Sub-Div	Lot 8, Block 2 & undivided 1/8 int in access	\$64,400

Le Sueur County Historical Society Coordinator Kathy Burns, appeared before the Board to give the quarterly progress update and to request funding.

On motion by Stangler, seconded by Doherty, and unanimously approved, the Board approved the final payment of the 2009 budgeted funds and the first half of the 2010 budgeted funds in the total amount of 26,727.69 to the Le Sueur County Historical Society.

Cindy Shaughnessy, Public Health Director, appeared before the Board to request the approval of a Home and Community Based Services contract.

On motion by Doherty, seconded by Stangler, and approved, the Board authorized the Chair to sign the contract between Suite Living of Le Sueur and Le Sueur County for Home and Community Based Services. This contract runs from April 1, 2010 to June 30, 2011.

Sue Rynda, Human Services Director, appeared before the Board with a request for action on Prepaid Medical Assistance Program (PMAP) Procurement Process.

On motion by Doherty, seconded by Grimm, and approved, the Board adopted the following resolution:

Recommendation for Managed Care Procurement

WHEREAS, the State of Minnesota has issued a Request for Proposal for Managed Care Organizations to provide Health Care Services to Medical Assistance and MinnesotaCare eligible recipients in Le Sueur County; and

WHEREAS, Blue Cross/Blue Shield, Medica and UCare have provided responses to the Request for Proposal in order to provide Health Care Services to eligible recipients in Le Sueur County; and

WHEREAS, representatives from Le Sueur County have reviewed the responses from Blue Cross/Blue Shield, Medica and UCare and recommends that the Managed Care Organizations of Blue Cross/Blue Shield and UCare be approved to provide Health Care Services to eligible Medical Assistance and MinnesotaCare recipients in Le Sueur County.

NOW THEREFORE BE IT RESOLVED that the Le Sueur County Board of Commissioners hereby supports the recommendation that Blue Cross/Blue Shield and UCare be approved to provide Health Care Services to Medical Assistance and MinnesotaCare eligible recipients in Le Sueur County.

Ann Traxler, Emergency Management Director, appeared before the Board to request the approval of the Le Sueur County Emergency Operations Plan.

On motion by Stangler, seconded by Doherty, and unanimously approved, the Board authorized the Chair to sign the Le Sueur County Emergency Operation Plan (EOP).

Scott Gerr, Management Information Systems Director, came before the Board with a quote in the amount of \$8,179.06 from AppAssure Inc. for the purchase of Replay, a file recovery, backup and disaster recovery software program.

On consensus motion, the Board approved the purchase of Replay.

Kathy Brockway, Planning & Zoning Administrator, came before the Board with three recommendations from the Planning Commission.

On motion by Stangler, seconded by Grimm, and approved via roll call vote 4-0, the Board granted an After-The-Fact Conditional Use Permit to VETTER STONE, KASOTA, MN,

(APPLICANT/OWNER) for mineral extraction of 2.2 acres and to allow an additional 28.2 acres for a project total of 30 acres in a Conservancy "C" District. Property is located in the W 1/2 SW 1/4, Section 17 of Kasota Township:

This application is approved with the following conditions

- Mining of Phase 1 only;
- Amend Conditional Use Permit #10044 for Phases 2 & 3 with the PZ Commission to develop conditions;
- Bond set at \$5,000/acre;
- Abide by Section 20, of the Le Sueur County Zoning Ordinance.

On motion by Grimm, seconded by Stangler, and approved via roll call vote 4-0, the Board amended the existing Conditional Use Permit # 29140 and tabled the After-The-Fact Conditional Use Permit for OMG MIDWEST, dba SMC, (APPLICANT/OWNER) for mineral extraction of 2.48 acres with an additional 47.52 acres for a project total of 50 acres in a Conservancy District. Property is located in SE 1/4 SE 1/4, Section 18, and the SW 1/4 SW 1/4, Section 17 of Kasota Township. The application was tabled in order to move forward with the environmental review process.

On motion by Grimm, seconded by Stangler, and approved via roll call vote 4-0, the Board approved the adequacy of the data portion of the Environmental Assessment Worksheet (EAW) for OMG MIDWEST dba SMC, (APPLICANT/OWNER) for mineral extraction of 50 acres in a Conservancy District. Property is located in SE 1/4 SE 1/4, Section 18, and the SW 1/4 SW 1/4, Section 17 of Kasota Township. This allows the environmental review process to continue.

Cindy Westerhouse, Personnel Coordinator, came before the Board with three requests for action.

On motion by Stangler, seconded by Doherty, and unanimously approved, the Board approved Julie Ohm's request to continue Le Sueur County's Telecommuting Agreement from June 7, 2010 to December 7, 2010

On motion by Doherty, seconded by Stangler, and unanimously approved, the Board accepted the retirement of Josephine Bachinski, Homemaker, in the Public Health Department, effective May 31, 2010.

On motion by Grimm, seconded by Stangler, and unanimously approved, the Board moved to proceed with the comparable worth appeal process for job classifications in Groups I and II with Bjorklund Compensation Consulting.

Darrell Pettis, Administrator / Engineer, appeared before the Board with a seven requests for action.

On motion by Doherty, seconded by Stangler, and approved, the Board adopted the following Resolution:

**A RESOLUTION OF THE COUNTY BOARD OF LE SUEUR COUNTY
AUTHORIZING THE CREATION OF A RECOVERY ZONE UNDER THE
PROVISIONS OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF
2009 WITHIN THE CITY OF LE CENTER FOR THE PURPOSE OF ISSUING
RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS; AND DESIGNATING
THE LOCAL ALLOCATION OF THE RECOVERY ZONE ECONOMIC
DEVELOPMENT BONDS OF LE SUEUR COUNTY TO THE CITY OF LE CENTER
FOR STREET AND UTILITY RECONSTRUCTION PROJECTS**

WHEREAS, the American Recovery and Reinvestment Act of 2009 (“ARRA”) revised the Internal Revenue Code (“Code”) to create Recovery Zone Bonds which can only be issued for certain “qualified economic development purposes” in a Recovery Zone; and

WHEREAS, for purposes of §§ 1400U-1 and 1400U-2 of the Code, the term “recovery zone” means any area designated by the issuer as having significant unemployment, rate of home foreclosures, or general distress; and

WHEREAS, §1400U-2 (c) of the Code defines the term “qualified economic development purpose” to mean any expenditures for purposes of promoting development or other economic activity in a recovery zone, including (1) capital expenditures paid or incurred with respect to property located in the recovery zone, and (2) expenditures for public infrastructure and construction of public facilities; and

WHEREAS, before any Recovery Zone Bonds can be issued, the County must designate the area in which a capital project is financed by Recovery Zone Bonds as a Recovery Zone; and

WHEREAS, the City of Le Center is currently economically stressed as evidenced by increasing unemployment rates and housing foreclosures; and

WHEREAS, the State of Minnesota has allocated \$808,000 of its Recovery Zone Bond volume cap limitation to Le Sueur County for use in the Recovery Zone Economic Development Bond Program; and

WHEREAS, I.R.S. Notice 2009-50 provides that for this purpose, any state, county, or large municipality that receives a volume cap allocation for Recovery Zone Economic Development Bonds may make these designations of recovery zones in any reasonable manner as it shall determine in good faith in its discretion; and

WHEREAS, this Board supports the effort of the City of Le Center to reconstruct Minnesota Street (CSAH 39); and

WHEREAS, this Board desires to allocate up to \$650,000 of Le Sueur County’s recovery zone bond allocation to the City of Le Center to help finance the reconstruction of Minnesota Street (CSAH 39) (“Project”) within the City of Le Center; and

WHEREAS, this Board desires to designate the City of Le Center as the issuer of all Recovery Zone Bonds for the Project;

WHEREAS, the County will not be responsible for any costs of the Project, nor shall it be deemed to constitute a general obligation of the County, and neither the full faith and credit nor the taxing power of the County shall be pledged to the payment of the Bonds.

NOW, THEREFORE, BE IT RESOLVED by the Board of Le Sueur County, State of Minnesota, that:

- Section 1. The Board hereby designates the entire geographical area of the City of Le Center as a Recovery Zone under §1400U-1 due to increasing unemployment rates and housing foreclosures (“Le Center Recovery Zone”).
- Section 2. The Board hereby designates the City of Le Center as its agent to issue Recovery Zone Bonds in the Le Center Recovery Zone.
- Section 3. The Board hereby authorizes and directs \$650,000 of Le Sueur County’s allocation of its Recovery Zone Economic Development Bonds to the City of Le Center for the issuance of bonds to finance the Project. This allocation will terminate on August 31, 2010 unless the bonds are issued on or before August 31, 2010.
- Section 4. The Board authorizes and directs the County Auditor to sign, deliver, or file any documents, agreement, or certificates in connection with the designation of the Recovery Zone and the designation of the City of Le Center as the issuer of the Recovery Zone Bonds, as may be required by ARRA, the Code, the Treasury Regulations promulgated under the Code, and any other applicable statute or regulation, as the County Auditor deems necessary and appropriate.

On motion by Doherty, seconded by Stangler, and approved, the Board adopted the following Resolution:

**DECLARATION
Washington County Park**

WHEREAS, the County of Le Sueur, through the Le Sueur County Parks Board, has received a grant from the Minnesota Department of Natural Resources to be allocated for the project entitled Lake Washington Park Plan Development, on the Le Sueur County Lake Washington Park, legally described as follows:

Lots One (1) and Two (2) and the East Half of the East Half of the East Half of the Northwest Quarter (E ½ of E ½ of E ½ of NW ¼) of Section Twelve (12), Township One Hundred Nine (109) Range Twenty-six (26) West, Le Sueur County, Minnesota.

All that part of the West 140 acres of the Northwest Quarter of Section No. 12, Township No. 109 North, Range No. 26 West, Le Sueur County, Minnesota, described as follows: Beginning at a point on the East line of the West 140 acres of said Northwest Quarter, said point being 1170.00 feet South of the Northeast corner of said West 140 acres, thence North on said East line 470.00 feet, thence North 69 degrees 00 minutes West 680.00 feet, thence South 60 degrees 00 minutes West 900.00 feet more or less to the Easterly right of way line of proposed County Road No. 19, thence Southeasterly along said right of way 308.00 feet more or less to a point bearing due West of place of beginning, thence East

1298.00 feet more or less to place of beginning. Containing 17.33 acres more or less.

All that part of the West 140 acres of the Northwest Quarter of Section No. 12, Township No. 109 North, Range No. 26 West, described as follows: Beginning at a point on the North line of said Northwest Quarter, said point being 775.00 feet East of the Northwest Quarter of said Section No. 12, said point also being the intersection of the North line of said Northwest Quarter and the easterly right of way line of proposed County Road No. 19, thence East on the North line of said Northwest Quarter 1535.00 feet more or less to the Northeast corner of said West 140 acres of the Northwest Quarter, thence South on the East line of said West 140 acres 700.00 feet, thence North 69 degrees 00 minutes West 680.00 feet, thence South 60 degrees 00 minutes West 300.00 feet to the center line of Shanaska Creek, thence Northwesterly along the center line of said creek to the easterly right of way line of said proposed County Road No. 19, thence North 05 degrees 00 minutes West on said right of way line 225.00 feet to place of beginning. Containing 17.33 acres more or less.

All that part of the West 140 acres of the Northwest Quarter of Section No. 12, Township No. 109 North, Range No. 26 West, Le Sueur County, Minn., described as follows: Beginning at a point on the East line of the West 140 acres of said Northwest Quarter, said point being 1170.00 feet South of the Northeast corner of said West 140 acres, thence West 1298.00 feet to the Easterly right of way line of proposed County Road No. 19, thence southeasterly on said easterly right of way line to the East line of the West 140 acres of said Northwest Quarter, thence North on said East line 1070.00 feet to place of beginning. Containing 17.33 acres.

WHEREAS, as a condition to receive the grant money through the Grant Agreement, Park Legacy Grants PL09-003, Le Sueur County is required to impose certain restrictions on the property.

NOW THEREFORE, pursuant to the Department of Natural Resources Park Legacy Grants Agreement, PL09-003, Le Sueur County does hereby impose the following restrictions upon the above-described property:

1. The property shall be managed and maintained consistent with the purpose and type of property acquired and/or developed using appropriate management and protection practices to protect the natural, scenic and/or recreational resources.

2. Le Sueur County shall not at anytime convert any portion of the area to uses other than permitted in the Park Legacy Grants Agreement without the prior written approval of the State.

On motion by Doherty, seconded by Stangler, the Board unanimously approved the contract with William Mueller and Sons Inc. of Hamburg, MN in the amount of \$2,372,260.42 for projects CSAH 11- SAP 40-611-26, CSAH 21 - SAP 40-621-13 and CR 105 - CP 2010.

On motion by Stangler, seconded by Grimm, the Board unanimously approved the contract with Max Johnson Trucking, Inc. of Le Center, MN in the amount of \$1,921,472.51 for CSAH 39 – SAP 40-639-03, Minnesota Street in Le Center.

On motion by Doherty, seconded by Stangler, the Board unanimously approved the Residential Anti Displacement and Relocation Assistance Plan under Section 104(d) of the Housing and Community Development Act of 1974 as Amended for Le Sueur County. A copy of the Plan is available for review at the County Administrators Office.

On motion by Grimm, seconded by Doherty, the Board unanimously approved the Le Sueur County 2010 Housing Rehabilitation Program Policies and Procedures. A copy of the Policy and Procedures is available for review at the County Administrators Office.

On motion by Grimm, seconded by Stangler, the Board unanimously approved the Le Sueur County, Minnesota Program Income Policy. A copy of the Policy is available for review at the County Administrators Office.

On motion by Doherty, seconded by Stangler, the Board unanimously approved the Le Sueur County, Minnesota Adopted Fair Housing Policy. A copy of the Policy is available for review at the County Administrators Office.

On motion by Doherty, seconded by Grimm, and approved, the Board adjourned until Tuesday, July 13, 2010 at 9:30 am.

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