



Le Sueur County, MN

Tuesday, September 5, 2017

Board Meeting

Item 1

9:00 a.m. Agenda and Consent Agenda

RE: August 22, 2017 Minutes and Summary Minutes

RE: August 2017 Transfers

Staff Contact:

Minutes of Le Sueur County Board of Commissioners Meeting

August 22, 2017

The Le Sueur County Board of Commissioners met in regular session on Tuesday, August 22, 2017 at 9:00 a.m. at the Courthouse in Le Center, Minnesota. Those members present were: Steve Rohlfling, Lance Wetzel and Dave Gliszinski. Brent Christian and Darrell Pettis were also present. Joe Connolly and John King were excused.

On motion by Wetzel, seconded by Gliszinski and unanimously approved, the Board approved the agenda.

On motion by Gliszinski, seconded by Wetzel and unanimously approved, the Board approved the consent agenda:

- Approved the August 15, 2017 County Board Minutes and Summary Minutes

Kathy Brockway, Planning & Zoning Director appeared before the Board with two items for approval.

On motion by Wetzel, seconded by Gliszinski and unanimously approved via roll call 3-0 with Connolly and King absent, the Board approved a Conditional Use Permit to Jerry & Caroline Loader, Waterville, MN, (Applicant\Owner) to allow grading, excavating, and filling of approximately 145 cubic yards of material for the construction of retaining walls for a bluff restoration project in a Recreational Residential “RR” District and a Flood Fringe “FF” Floodplain District on a Recreational Development “RD” lake, Lake Tetonka. Property is located at Lot 14, 15, & 16 Auditor’s Subdivision, Section 28, Waterville Township. The application was approved with the following conditions and findings are on file at the Planning and Zoning Office:

- Use Minnesota, deep-rooted native vegetation to further provide site stability and to provide natural screening of the block walls;
- Have an engineer sign off on certified construction plans and provide a copy to the Department prior to beginning work on site.

On motion by Gliszinski, seconded by Wetzel and unanimously approved via roll call 3-0 with Connolly and King absent, the Board approved a conditional use permit to Anthony Heyda, New Prague, MN, (Applicant\Owner) for the Rezoning of approximately 2.04 acres from General Industry “I” District to an Urban/Rural Residential District “R1” District. Property is located in the SW 1/4 SE 1/4, Section 10, Lanesburgh Township. Findings are on file at the Planning and Zoning Office.

Cindy Shaughnessy and Public Health staff presented a 2016 Annual Agency Evaluation.

On motion by Gliszinski, seconded by Wetzel and unanimously approved, the Board convened a public hearing for an ATV, Golf Cart and Mini Truck Ordinance at 10:00 a.m.

Darrell Pettis gave a brief overview of the proposed ordinance.

There was one public comment received.

On motion by Wetzel, seconded by Gliszinski and unanimously approved, the Board closed the public hearing at 10:05 a.m.

On motion by Wetzel, seconded by Gliszinski and unanimously approved, the Board approved the following ATV, Golf Cart, Mini Truck Ordinance:

**RESOLUTION OF THE LE SUEUR COUNTY
BOARD OF COMMISSIONERS**

Regulating the Use of
ATV's, Golf Carts and Mini Trucks
on County Highways

BE IT AND IT IS HEREBY RESOLVED, By the Le Sueur County Board of Commissioners, County of Le Sueur, State of Minnesota, under authority provided in Minn. Stat. § 169.045, do ordain:

An Ordinance regulating the use and operation of motorized golf carts, four-wheel all-terrain vehicles, and mini trucks on portions of designated roadways under the County's jurisdiction be and hereby is established as follows:

SECTION I - PURPOSE

The purpose of this Ordinance is to provide authority for the use of more fuel efficient and cost effective vehicles on county roads which are located within cities that adopt an Ordinance establishing standards and permitting the use of such vehicles on designated roadways within its jurisdiction pursuant to the authority granted by Minn. Stat. § 169.045.

SECTION II - SCOPE

This Ordinance shall provide for the authorization of the operation of motorized golf carts, four-wheel all-terrain vehicles, or mini trucks on portions of county roadways which are located within the jurisdictional boundaries of cities that have adopted an Ordinance permitting the use of such vehicles as allowed by Minnesota law.

SECTION III - AUTHORITY

This Ordinance is enacted pursuant to Minnesota Statute § 169.045 which establishes the authority of the County to authorize by Ordinance the operation of motorized golf carts, four-wheel all-terrain vehicles, or mini trucks on designated portions of county roadways under its jurisdiction.

SECTION IV - DEFINITIONS

For the purpose of this Ordinance, the following definitions will apply:

- 4.1 Designated Roadway means that portion of county roads or county state-aid highways within Le Sueur County which are located within the jurisdictional boundaries of a city that has enacted an Ordinance authorizing, providing standards, and establishing a permitting process for the use of motorized golf carts, four-wheel all-terrain vehicles, or mini trucks on roadways under its jurisdiction pursuant to Minn. Stat. § 169.045.
- 4.2 Four-wheel all-terrain vehicle means a motorized floatation-tired vehicle with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and has a total dry weight of less than 600 pounds.
- 4.3 Mini truck means a motor vehicle that has four wheels, is propelled by an electric motor with a rated power of 7500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less, has a total dry weight of 900 to 2200 pounds, contains an enclosed cabin and a seat for the vehicle operator, commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the Code of Federal Regulations, title 49, sections 571.101 to 571.404 and successor requirements. A mini truck does not include:
 - (i) A neighborhood electric vehicle or a medium speed electric vehicle; or
 - (ii) A motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements.
- 4.4 Motorized golf cart means any vehicle designed for use primarily on a golf course that is propelled by either a gas or electric motor.

SECTION V - PERMIT REQUIRED

- 5.1 It shall be unlawful for any person to operate a motorized golf cart, a four-wheel all-terrain vehicle, or a mini truck on roadways under the jurisdiction of Le Sueur County, except when the vehicle is traveling on designated roadways and is prominently displaying a valid permit obtained from the city in which the designated roadway is located.
- 5.2 Permits are to be granted for duration not to exceed one year and must be renewed annually, as required by law, to remain valid.

SECTION VI - RIGHTS AND DUTIES

- 6.1 Every person operating a motorized golf cart, four wheel all-terrain vehicle, or mini truck under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stat. Chapter 169, except when those provisions cannot reasonably be applied to the vehicle.
- 6.2 Motorized golf carts and four-wheel all-terrain vehicles may only be operated on designated roadways from sunrise to sunset. Motorized golf carts and four-wheel all-terrain vehicles may not be operated in inclement weather or when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.
- 6.3 Motorized golf carts shall display the slow-moving vehicle emblem provided for in Minn.

Stat. § 169.522.

- 6.4 The provisions of Minn. Stat. Chapter 171 are applicable to persons operating mini trucks under permit on designated roadways.
- 6.5 Notwithstanding any other law, a mini truck may be operated on designated roadways under permit only if it is equipped with:
- (a) at least two headlamps;
 - (b) at least two tail lamps;
 - (c) front and rear turn-signal lamps;
 - (d) an exterior mirror mounted on the driver's side of the vehicle and either:
 - (i) an exterior mirror mounted on the passenger's side of the vehicle; or
 - (ii) an interior mirror;
 - (e) a windshield;
 - (f) a seat belt for the driver and front passenger; and
 - (g) a parking brake.

SECTION VII - REVOCATION

Law enforcement officers shall report all violations of this Ordinance to the office responsible for issuing the required permit for travel on designated roadways for determination of revocation of the permit.

SECTION VIII - SEVERABILITY

The provisions of this Ordinance shall be severable. Should any section, paragraph, sentence, clause, phrase or portion of this regulation be declared invalid for any reason, the remainder of said regulation shall not be affected and the remainder of the provisions shall remain in full force and effect.

SECTION IX - PENALTIES

Violations of this Ordinance shall be petty misdemeanors, except that violations committed under circumstances that endanger or are likely to endanger persons or property, which shall be misdemeanors. A violation of this Ordinance within twelve (12) months of a conviction for a prior violation of this Ordinance shall be a misdemeanor and shall result in revocation of the violator's permit to operate the motorized golf cart, four wheel all-terrain vehicle, or mini truck, on designated roadways for a period of twelve (12) months following conviction.

SECTION X - EFFECTIVE DATE

This regulation shall be in full force and effect upon publication and adoption pursuant to law.

Brett Mason, Sheriff appeared before the Board with one item for approval.

On motion by Gliszinski, seconded by Wetzel and unanimously approved, the Board approved and authorized the Board Chair and County Administrator to sign a Resolution Approving State

of Minnesota Joint Powers Agreements with the County of Le Sueur on Behalf of its County Attorney and Sheriff.

Cindy Westerhouse, Human Resources Director came before the Board with several items for discussion and approval.

On motion by Wetzel, seconded by Gliszinski and unanimously approved, the Board approved to hire Breanna Lloyd as a full time Support Enforcement Aide in Human Services, as a Grade 5, Step 1 at \$16.92 per hour, effective September 7, 2017.

On motion by Gliszinski, seconded by Wetzel and unanimously approved, the Board approved to hire Theresa Kubes as a full time Sheriff Administrative Assistant in the Sheriff's Office, as a Grade 6, Step 1 at \$17.94 per hour, effective September 5, 2017.

On motion by Wetzel, seconded by Gliszinski and unanimously approved, the Board approved to grant regular status to Jason Squires, full time Corrections Sergeant in the Sheriff's Office, effective August 17, 2017. Jason has completed the one-year probationary period.

Darrell Pettis, County Administrator appeared before the Board with several items for discussion.

At the request of Commissioner Rohlfing, Stan Wills appeared before the Board with a West Jefferson project update.

Commissioner Committee Reports:

Commissioner Gliszinski attended Justice Center meetings with BKV and AP.

Commissioner Wetzel attended LCDS and P&Z meetings.

Commissioner Rohlfing attended an Elysian City Council, Elysian Township and LCDS meetings.

On motion by Wetzel, seconded by Gliszinski and unanimously approved, the Board adjourned until Tuesday, September 5, 2017 at 9:00 a.m.

ATTEST:

Le Sueur County Administrator

Le Sueur County Chairman

Summary Minutes of Le Sueur County Board of Commissioners Meeting, August 22, 2017

•This is only a summary publication per MN Statutes 375.12 and 331A.01 sub. 10. The complete minutes are on file in the Le Sueur County Administrator's Office at 88 S Park Ave. Le Center, MN and are available at www.co.le-sueur.mn.us.

- Approved the agenda. (Wetzel-Gliszinski)
- Approved the consent agenda. (Gliszinski-Wetzel)
- Approved a Conditional Use Permit to Jerry & Caroline Loader, Waterville, MN, (Applicant\Owner) with conditions and findings are on file at the Planning and Zoning Office. (Wetzel-Gliszinski)
- Approved a conditional use permit to Anthony Heyda, New Prague, MN, (Applicant\Owner) and findings are on file at the Planning and Zoning Office. (Gliszinski-Wetzel)
- Convened a public hearing for an ATV, Golf Cart and Mini Truck Ordinance at 10:00 a.m. (Gliszinski-Wetzel)
- The Board closed the public hearing at 10:05 a.m. after one public comment. (Wetzel-Gliszinski)
- Approved a Resolution of the Le Sueur County Board of Commissioners Regulating the Use of ATV's, Golf Carts, and Mini Trucks on County Highways. (Wetzel-Gliszinski)
- Approved a Resolution Approving State of Minnesota Joint Powers Agreements with the County of Le Sueur on Behalf of its County Attorney and Sheriff. (Gliszinski-Wetzel)
- Approved to hire Breanna Lloyd in Human Services. (Wetzel-Gliszinski)
- Approved to hire Theresa Kubes in the Sheriff's Office. (Gliszinski-Wetzel)
- Approved to grant regular status to Jason Squires in the Sheriff's Office. (Wetzel-Gliszinski)
- Adjourned until Tuesday, September 5, 2017 at 9:00 a.m. (Wetzel-Gliszinski)

ATTEST: Le Sueur County Administrator Le Sueur County Chairman

August 2017 Transfers

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| #1665 | Transfer 2,667.90 from Bonded Indebt to Env Serv
(AJE 03 2016 Baker Tilly) |
| #1666 | Transfer 3,182.00 from Human Services to Revenue
(A87 Qtr Ending 6-30-17) |
| #1667 | Transfer 3,788.00 from Agency to Revenue
(August Landshark) |