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# Le Sueur County, MN

Tuesday, November 27, 2018

Board Meeting

## Item 3

**9:10 a.m. Joshua Mankowski (5 min)**

*RE: RFA*

*RE: Recycling Agreement*

Staff Contact:

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION  
November 08, 2018

**TO: LE SUEUR COUNTY BOARD OF COMMISSIONERS**  
**FROM: LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**SUBJECT: "REQUEST FOR ACTION"**

The Planning Commission recommends your action on the following items:

**ITEM #1: JORDAN SMITH, MADISON LAKE, MN, (APPLICANT); KIM KUNKEL, GOOD THUNDER, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to construct a retaining wall on a steep slope and a retaining wall within the shore impact zone to include grading, excavating, and filling of 11.11 cubic yards of material within the shore impact zone (total of 42.08 cubic yards on the lot) in a Recreational Residential "RR" District on Lake Washington, a Recreational Development "RD" lake. Property is located at Lot 3, Auditor's Subdivision, Section 18, Kasota Township.

**Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the attached findings for this request:**

Therefore, the Planning Commission recommends Approval of the application as written.

**ITEM #2: TERRY CLODFELTER & PATRICIA LINEHAN, MANKATO, MN, (APPLICANT); MICHAEL KEINZ, KASOTA, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to establish and operate a dog training facility in an Agriculture "A" District, and an Airport Zoning Overlay District-Zone C. Property is located in the NE 1/4 NE 1/4, Section 14, Kasota Township.

**Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the attached findings for this request:**

Therefore, the Planning Commission recommends Approval of the application with the following conditions:

1. Trees/shrubs need to be trimmed on the East side of the access to allow for appropriate site distance.
2. The profile of the approach needs to be improved to provide a landing area for a vehicle to sit on while accessing the highway.

ACTION: ITEM #1: \_\_\_\_\_

ITEM #2: \_\_\_\_\_

DATE: \_\_\_\_\_

COUNTY ADMINISTRATOR'S SIGNATURE: \_\_\_\_\_

## ITEM # 1 FINDINGS OF FACT

**WHEREAS, JORDAN SMITH, MADISON LAKE, MN, (APPLICANT); KIM KUNKEL, GOOD THUNDER, MN, (OWNER)** has applied for a Conditional Use Permit to allow the applicant to construct a retaining wall on a steep slope and a retaining wall within the shore impact zone to include grading, excavating, and filling of 11.11 cubic yards of material within the shore impact zone (total of 42.08 cubic yards on the lot) in a Recreational Residential "RR" District on Lake Washington, a Recreational Development "RD" lake. Property is located at Lot 3, Auditor's Subdivision, Section 18, Kasota Township.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held on public hearing on November 8, 2018 in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends Approval of the application due to the following findings:

- 1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- 3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
- 4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
- 5. Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
- 6. The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
- 7. The Conditional Use Permit is consistent with the Comprehensive Land Use Plan?*

**WHEREAS,** On November 27, 2018, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **JORDAN SMITH, MADISON LAKE, MN, (APPLICANT); KIM KUNKEL, GOOD THUNDER, MN, (OWNER).**

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the November 27, 2018 Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

- 1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
- 2. The establishment of the conditional use will not impede the normal and orderly*

*development and improvement of surrounding vacant property for uses predominant in the area.*

3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *The Conditional Use Permit is consistent with the Comprehensive Land Use Plan?*

**BE IT FURTHER RESOLVED**, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow **JORDAN SMITH, MADISON LAKE, MN, (APPLICANT); KIM KUNKEL, GOOD THUNDER, MN, (OWNER)**, is APPROVED/DENIED.

ATTEST:

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Lance Wetzel, Chairman, Le Sueur County Board of Commissioners.

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Darrell Pettis, Le Sueur County Administrator

DATE: \_\_\_\_\_

## ITEM # 2 FINDINGS OF FACT

**WHEREAS, JORDAN SMITH, MADISON LAKE, MN, (APPLICANT); KIM KUNKEL, GOOD THUNDER, MN, (OWNER)** has applied for a Conditional Use Permit to allow the applicant to construct a retaining wall on a steep slope and a retaining wall within the shore impact zone to include grading, excavating, and filling of 11.11 cubic yards of material within the shore impact zone (total of 42.08 cubic yards on the lot) in a Recreational Residential "RR" District on Lake Washington, a Recreational Development "RD" lake. Property is located at Lot 3, Auditor's Subdivision, Section 18, Kasota Township.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held on public hearing on November 8, 2018 in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends Approval of the application due to the following findings:

- 1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- 3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
- 4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
- 5. Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
- 6. The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
- 7. The Conditional Use Permit is consistent with the Comprehensive Land Use Plan?*

**WHEREAS,** On November 27, 2018, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **JORDAN SMITH, MADISON LAKE, MN, (APPLICANT); KIM KUNKEL, GOOD THUNDER, MN, (OWNER).**

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the November 27, 2018 Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

- 1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses*

*predominant in the area.*

3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *The Conditional Use Permit is consistent with the Comprehensive Land Use Plan?*

**BE IT FURTHER RESOLVED**, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow the applicant to construct a retaining wall on a steep slope and a retaining wall within the shore impact zone to include grading, excavating, and filling of 11.11 cubic yards of material within the shore impact zone (total of 42.08 cubic yards on the lot) in a Recreational Residential "RR" District on Lake Washington, a Recreational Development "RD" lake. Property is located at Lot 3, Auditor's Subdivision, Section 18, Kasota Township, is APPROVED/DENIED.

ATTEST:

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Lance Wetzel, Chairman, Le Sueur County Board of Commissioners.

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Darrell Pettis, Le Sueur County Administrator

DATE: \_\_\_\_\_

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057**  
**November 8, 2018**

**MEMBERS PRESENT:** Don Reak, Jeanne Doheny, Don Rynda, Shirley Katzenmeyer, Doug Krenik, Al Gehrke, Pam Tietz, Commissioner John King

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Joshua Mankowski, Michelle Mettler, Commissioner Steven Rohlfig

1. The meeting was called to order at 7:00 p.m. by Chairperson Jeanne Doheny.
2. Agenda. Motion to approve agenda was made by Doug Krenik. Second by Al Gehrke. Approved.
3. Minutes from October 11, 2018 Meeting. Motion to approve minutes was made by Shirley Katzenmeyer. Second by Don Reak. Approved.
4. Applications

**ITEM #1: : JORDAN SMITH, MADISON LAKE, MN, (APPLICANT); KIM KUNKEL, GOOD THUNDER, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to construct a retaining wall on a steep slope and a retaining wall within the shore impact zone to include grading, excavating, and filling of 11.11 cubic yards of material within the shore impact zone (total of 42.08 cubic yards on the lot) in a Recreational Residential "RR" District on Lake Washington, a Recreational Development "RD" lake. Property is located at Lot 3, Auditor's Subdivision, Section 18, Kasota Township.

Joshua Mankowski presented power point presentation. Kim Kunkel was present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: Holly Kalbus, Environmental Resources Specialist regarding her recommendation for approval.

PUBLIC COMMENT: None.

Discussion was held regarding the need and construction of the proposed retaining walls. There were some questions about the proposed removal of one of the walls, reason being it was not needed and the area could be properly contoured without it. The existing walls are failing and constructed with railroad ties; the proposed replacement walls will use boulders. There was some discussion about the variance that was granted for impervious surface on the lot. The fact that the property was purchased in this condition was discussed. The applicant was asked about the project's proposed timeline.

Findings by majority roll call vote:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *The Conditional Use Permit is consistent with the Comprehensive Land Use Plan.*

Motion was made by Shirley Katzenmeyer to approve the application.

Second by Al Gehrke. Motion approved. Motion carried.

**ITEM #2 TERRY CLODFELTER & PATRICIA LINEHAN, MANKATO, MN, (APPLICANT); MICHAEL KEINZ, KASOTA, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to establish and operate a dog training facility in an Agriculture "A" District, and an Airport Zoning Overlay District-Zone C. Property is located in the NE 1/4 NE 1/4, Section 14, Kasota Township.

Joshua Mankowski presented power point presentation. Patricia Linehan was present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: Kevin Baker, Airport Manager stating that the Mankato Reginal Airport did not have any issues with he proposed dog training facility.

Discussion was held regarding: Patricia Linehan stated she is applying for a permit to operate a dog training facility. There will be no boarding of dogs. This will be her facility and she has recently been become a certified dog trainer. There was discussion on how one becomes a certified dog trainer. There will be other certified trainers on-site besides the applicant and the applicant has trained dogs before. Dogs will not be boarded on-site. One hour long classes will be held for six to eight week periods. The driveway access and comments that were made by David Tiegs, County Highway Engineer, were discussed. Plans for improving the facility to conduct training classes were reviewed. Future retail sales on-site are planned but will only involve toys and treats to aid in training classes. The need for this type of facility in the area was reviewed.

PUBLIC COMMENT: Seth Hammon regarding plans to train service dogs. Patricia Linehan responded that she is not planning to train service dogs at this time. Service dogs are very special and take a lot of work. She hopes to get to do so in the future. It is a long-term goal.



Mary Ellis Hollenhorst regarding how the refuse from the dogs is being handled. Is it going to be buried on-site or deposited in the trash? Patricia Linehan replied that it will go out as solid waste, must be double bagged.

Findings by majority roll call vote:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
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6. *The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *The Conditional Use Permit is consistent with the Comprehensive Land Use Plan.*

Motion was made by Don Reak to Approve the application with conditions to address access issues.

1. Trees/shrubs need to be trimmed on the East side of the access to allow for appropriate site distance.
2. The profile of the approach needs to be improved to provide a landing area for a vehicle to sit on while accessing the highway.

Discussion was held regarding: None.

Second by Al Gehrke. Motion approved. Motion carried.

**ITEM #3: LE SUEUR COUNTY ZONING ORDINANCE REVISIONS: SECTION 4, DEFINITIONS; SECTION 7, CONSERVANCY; SECTION 8, AGRICULTURE; SECTION 9, URBAN/RURAL RESIDENTIAL; SECTION 10, GENERAL BUSINESS; SECTION 11, GENERAL INDUSTRY; SECTION 13, SHORELAND; SECTION 17, SUBSURFACE SEWAGE TREATMENT SYSTEMS; SECTION 18, ENVIRONMENTAL PERFORMANCE STANDARDS; SECTION 19, LAND USE PERFORMANCE STANDARDS; SECTION 30, VIOLATIONS.**

Joshua Mankowski presented power point presentation.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: None

Discussion was held regarding: Spelling out the word condominium instead of abbreviating it as condo in the proposed ordinance. The approved language establishing the exemption for setback from the bluff is for tanks only in the proposed Ordinance revision. There was discussion about

providing a map to show where the proposed Short-Term Private Lodging Rentals would be allowed. Joshua Mankowski explained that the proposal would only allow the use on conforming lots in the Recreational Residential District. We do not have a map of conforming versus Non-conforming lots and this undertaking would require a lot by lot review of the district. Discussion on Conforming versus Non-conforming lots and the different lot requirements for Recreational Residential versus Natural Environment Lakes. Other requirements that can make a lot Non-conforming besides just lot dimensions were elaborated.

PUBLIC COMMENT: Brenda Hennek regarding: Is Conforming Lot in the definitions? Commissioner John King responded that it is defined in the County Zoning Ordinance. Brenda Hennek then asked if all the factors that are required to be considered a conforming lot were part of the definition. Michelle Mettler clarified that the requirements for being a conforming lot are outlined in each Zoning District, including but not limited to lot dimensions, lot size, buildable area. Section 24 of the Zoning Ordinance goes into more details about Non-conformities. Discussion by the Board on how a Conforming Lot is defined in the Zoning Ordinance. Bruce Klugherz explained how difficult it was navigating the County's website to find the information about the meeting and asked that the County try to address this issue. Bruce Klugherz questioned if Short-Term Private Lodging Rentals will be allowed on private roads. Michelle Mettler responded that there is no private road restriction listed in the performance standards for the proposed use. There was then discussion about the issues that may arise for the property owners on a private road and the difficulty that would arise if this use was prohibited on all private roads. This is an issue that could be addressed per Conditional Use Permit application. Bruce Klugherz asked how much the fine would be if there were violations and where to find this information. It was explained that the fines are determined by the County Board and a fine has not been determined. Bruce Klugherz asked how a neighbor would know how to contact the caretaker? Complaints should be filed with Planning and Zoning and the Sheriff's Department. Michelle Mettler clarified that if a Condition Use Permit is obtained for this use, registration will be required and we would have that contact information on file. If there are issues, Planning and Zoning needs to be contact so we can document the issue. If the issues are after hours or on holidays, then you would contact the Sheriff's Department. Bruce Klugherz then asked about the definition of a designated parking area. Michelle Mettler explained that information is in Section 19 of the Zoning Ordinance. Bruce Klugherz asked if trailers needed to be kept in the designated parking area? It was explained that it is covered in the performance standards, all motorized vehicles and trailers must be parked in the designated parking area. Bruce Klugherz then asked about rental of motorized watercraft being prohibited. It was explained that this means the property owner cannot rent out motorized watercraft. Bruce Klugherz then asked about the reference to flood plain violations in the ordinance. It was determined that this is not an area being changed by the proposed ordinance revision, the area is not in reference to Short-Term Private Lodging Rental. Bruce Klugherz then asked for clarification on the next step for the proposed Ordinance revisions. It was explained that, depending on the actions of the Planning and Zoning Commission, the proposed ordinance revisions will then be brought to the County Board of Commissioners at a public hearing for consideration. Bruce Klugherz asked that the material be made available for the public to view prior to the next meeting. It was explained by staff that the materials have been available online as well as hard copies in both the Planning and Zoning office and the Auditor/Treasurer's office. David Ellis Hollenhorst voiced his issues with the difficult navigating the County's website when looking for information for meetings. David Ellis Hollenhorst asked about the allowed capacity and the number of bedrooms. Joshua Mankowski explained that there is information defining a bedroom in the Ordinance and the proposed ordinance also refers to the capacity of the septic system. Jerold Lucas regarding his concerns on the proposed Short-Term Private Lodging Rental Ordinance. The information was very difficult to find and review online. It is important that the public is allowed input, the information was not easy for the public to understand. He voiced his concerns with allowing the use on private roads; the property owners are responsible for the maintenance of the road, increased traffic. Suggest not allowing this use on private roads. Jerold Lucas continued by stating the general public is not able to understand all the requirements, a summary should be provided. Understands that it is our interpretation that the use requires a Conditional Use Permit, this should be more clearly stated. Short-Term Private Lodging in Section 13 should have cross-references to the performance standards. He believes the language used is too cryptic and too short. Jerold Lucas then asked who will be responsible for performing the required building inspection. The proposed language doesn't state it needs to be someone who is certified to do so. He then asked if the County Attorney has reviewed and

commented on the proposed ordinance. Michelle Mettler explained that the County Attorney would review the proposed revisions prior to the public hearing that would be the County Board of Commissioners. Bruce Klugherz stated that the document will be what is used to establish a Short-Term Private Lodging Rental and asked that language be added that directed people who suspect a violation to contact the Planning and Zoning Department. Joshua Mankowski responded that Planning and Zoning is responsible for enforcing the Zoning Ordinance, if you suspect a violation of the Zoning Ordinance, please contact Planning and Zoning. Brenda Hennek asked that the County have additional meetings to take additional public comment. She also voiced concern that there is nothing about wells in the proposed ordinance. Allowing this use could cause problems with shared wells. There may also be issues for the sewer system. Brenda Hennek then went on to describe some of the issues she has had living next to a vacation rental. She then requested that the County require that a background check is ran on each person renting a Short-Term Private Lodging Rental before they are allowed to rent. Jerold Lucas voiced additional concerns including possible issues with properties currently being rented out in violation of the Zoning Ordinance claiming they are grandfathered in. Language should be added to make it clear that this will not be allowed. Michelle Mettler responded that information is already in Section 24. They would not be a legal non-conformity. Commissioner Steven Rohlifing asked how many violations would be allowed before terminating the Conditional Use Permit? Joshua Mankowski responded that there is no set number. If there are issues, it would come back to the Planning and Zoning Commission and then the County Board to possibly revoke the Conditional Use Permit. Jeanne Doheny added that they need to look at the seriousness of the violation. Commissioner Steven Rohlifing then asked if covenants overrule the Conditional Use Permit. Joshua Mankowski responded that the County cannot enforce covenants, but upon review it can be used as a reason to deny a Conditional Use Permit. Commissioner Steven Rohlifing then asked if there was a way to allow staff to go onto the property if there is a violation to obtain evidence. Joshua Mankowski responded that, in reference to the specific issues where trespass was filed, after discussing the issue with the County Attorney, staff is still supposed to investigate complaints. Discussion about the how to proceed with the ordinance revisions, the Planning and Zoning Commission can recommend the current language to the County Board, change the current language and then send a recommendation to the Board, or table ordinance revisions to hold additional workshops and public hearings. There was continued discussion about the issues of private roads. Seth Hamman gave an explanation on how the private road he lives on, Limberdink Rd, which is dedicated to the property owners, functions; with each property owner helping pay for repairs and maintenance. Michelle Mettler clarified that Seth Hamman is describing his private road, there are a gamut of private roads in the County and different road authorities. Private roads can be dedicated to the public for example. There are many variables that need to be considered so there isn't just one blanket answer for private roads. Pam Tietz went on to describe the private road that she lives on and how maintenance is shared by all the landowners despite who is using it more or causing more wear. She also went on to describe her use of a shared well and that the County doesn't limit the number of people that can use that private well. Michelle Mettler clarified that all these issues can and should be brought before the Planning and Zoning Commission during a public hearing for Conditional Use Permit for the proposed use. These are factors that should be discussed at that time. Commissioner John King clarified that the neighbors will be notified for the public hearing if an application is being considered and that is how they will know if they are next to a valid Short-Term Private Lodging Rental. Bruce Klugherz explained that the questions on private roads was an issue is because it was discussed during a work session but it wasn't in the proposed language. There was continued discussion about holding additional work sessions and public meetings. Jeanne Doheny asked that the public provide comments to the Planning and Zoning Department by December 1, 2018 to be discussed at a work session and recommended that there should be another public hearing on this topic. Jerold Lucas expressed concern how the public notice was listed and the ability of the public to understand what is being discussed. There was discussion on how the public notice should be written.

Motion was made by Don Reak to Table the proposed Ordinance revisions to address comments made at the meeting and to gather additional public comment.

Discussion was held regarding: None

Second by Pam Tietz. Motion approved. Motion carried.

5. Discussion Items: None

6. Warrants/Claim-signatures.

7. Motion to adjourn meeting by Shirley Katzenmeyer. Second by Jeanne Doheny. Motion approved. Motion carried.

Respectfully submitted,

Joshua Mankowski

*Tape of meeting is on file in the  
Le Sueur County Environmental Services Office*

DRAFT



## ENVIRONMENTAL SERVICES

Mailing Address: 88 South Park Avenue, Le Center, MN 56057  
Physical Address: 515 South Maple Avenue, Le Center, MN 56057  
Direct Dial: 507-357-8538 Fax: 507-357-8541  
Email: [environmentalservices@co.le-sueur.mn.us](mailto:environmentalservices@co.le-sueur.mn.us)  
County Website: [www.co.le-sueur.mn.us](http://www.co.le-sueur.mn.us)

Date: Wednesday, November 21, 2018  
To: Le Sueur County Board of Commissioners  
From: Amy Beatty, Le Sueur County Environmental Programs Specialist  
RE: 2019 Le Sueur County and City of Le Center Recycling Agreement

Since 2001, the City of Le Center has operated a recycling facility open to all county residents. The county has funded the recycling facility with SCORE<sup>1</sup> funding.

Change to the 2019 agreement:

1. The term of the agreement – January 1, 2019 to December 31, 2019.

A payment of \$2,300 per month for the years 2017, 2018, and 2019 was agreed upon at the December 20, 2016 County Board of Commissioners meeting.

The agreement was reviewed, approved, and signed by the City of Le Center's Mayor and Attorney at the November 13, 2018 City Council Meeting.

If you have further questions or comments regarding this agreement, please contact me at 507-357-8203.

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<sup>1</sup> In 1989, the Minnesota Legislature adopted comprehensive waste reduction and recycling legislation based on the recommendations of the Governor's Select Committee on Recycling and the Environment. SCORE is part of Minnesota's Waste Management Act and provides counties with a funding source to develop waste reduction, recycling and solid waste management programs. Ambitious goals for recycling and waste reduction were set for Minnesota counties and have typically been met, if not exceeded.

RECYCLING SERVICES AGREEMENT  
BETWEEN CITY OF LE CENTER AND LE SUEUR COUNTY

THIS AGREEMENT is between the City of Le Center and Le Sueur County, through their respective City Council and Board of Commissioners, (hereinafter singly referred to as "Party" or jointly referred to as "Parties").

WHEREAS, Le Sueur County desires to create a mechanism whereby residents of the county may use a county-wide recycling facility; and

WHEREAS, it is recognized that there is a benefit derived from increasing the availability for recycling by the City of Le Center operating a county-wide recycling facility; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the City of Le Center and Le Sueur County hereby agree as follows:

1. PURPOSE

This Agreement is to provide recycling and waste reduction services to the residents of Le Sueur County. The City of Le Center has agreed to receive the recyclable materials brought to the recycling center located at the city garage, 112 S. Lexington Avenue, Le Center, by any resident of Le Sueur County.

2. TERM

This Agreement shall commence on January 1, 2019, and terminate on December 31, 2019, unless terminated earlier as provided herein.

3. FACILITIES AND EQUIPMENT

The City agrees to receive recyclable materials at its recycling drop site at 112 S. Lexington Avenue, Le Center. The City has entered into a contract with a waste management company to provide recycling service. In this contract, the company will provide containers and will remove the recyclable materials on a set schedule. These materials will be transported to recycling facility that meets the requirements under state statutes and rules, county ordinances and solid waste management plan, and city ordinances.

The City of Le Center shall provide, at its own expense, such machinery and equipment as may be necessary to receive these recyclable materials.

4. RECYCLABLE MATERIAL

The following recyclable materials will be received at this recycling drop site at no charge to residents of Le Sueur County:

- a. Corrugated Cardboard. These are corrugated cardboard materials used primarily for packaging. Materials to be accepted must be 100% true corrugated, not coated with wax, plastics, or food contaminants or contain no chipboard.
- b. Aluminum, Tin/Steel, and Bi-Metal Food and Beverage Cans. These are containers fabricated primarily of aluminum, bi-metal, and tin-plated steel and commonly used for beverages and canned food products. Cans shall be rinsed and be reasonably clean. The following types of metals shall not be accepted aerosol cans, sheet metal, or scrap metal.
- c. Plastics, Numbers 1 through 7. Plastic containers must have a neck or pourable content. Containers shall be rinsed with all caps and lids removed. The following items shall not be accepted margarine tubs, ice cream buckets, food trays, and 5-gallon plastic pails.
- d. Glass Food and Beverage Containers. Clear, green, blue, and amber glass. These shall include containers fabricated of glass and used for packaging and bottling of various foods and beverages. Containers shall be rinsed with the caps removed. The following types of glass shall not be accepted window glass, mirrors, light bulbs, ceramics, and glass jars or

- bottles that contained hazardous materials.
- e. Mixed Paper. This included newspaper, magazines, catalogs, direct mail advertisements, brochures, booklets, office paper, hard and soft cover books, phone books, manila office folders, computer paper, envelopes, letters, and boxboard (cookie, cake, cereal, and chip boxes). The following items shall not be accepted beer/pop carrying cases, egg cartons, milk cartons, frozen food boxes, foil, plastic wrap, and carbon paper.

It is understood that recyclable materials will be accepted "commingled." Commingled recyclable materials shall be aluminum, bi-metal, steel/tin food and beverage containers, glass food and beverage containers, and numbers 1 through 7 plastic containers received together and handled as one commodity.

Recycled materials may be added to or deleted from the list by written request of the parties or as required by law.

5. FACILITY OPERATIONS

- a. Hours for operation of the recycling drop site are as follows: Each Saturday from 7:00 am to 12:00 pm. On the event a state or federal holiday falls on a Saturday, the recycling drop site is not required to be open to the public.
- b. The City of Le Center agrees to have at least one employee on site at all times during operational hours to assist county residents with recycling questions and sorting of recyclables.

6. PAYMENT

Le Sueur County shall pay the City of Le Center in the amount of \$2,300.00 per month for the term of the agreement. This payment will cover the costs for labor, recycling services, insurance, and miscellaneous costs.

7. PERMITS AND LICENSES

The City of Le Center shall be responsible for all applicable state and county permits and licenses required to operate the facility.

8. RECORDS

Each Party shall maintain financial and other records and accounts in accordance with requirements of the State of Minnesota. Each Party shall maintain strict accountability of all funds and maintain records of all receipts and disbursements.

9. AUDIT/ACCESS TO FACILITY

Each Party shall allow the other Party and the State of Minnesota pursuant to Minn. Stat. § 16C.05, subdivision 5, including the Legislative Auditor or the State Auditor, access to its records at reasonable hours, including all books, records, documents, and accounting procedures and practices relevant to the subject matter of this Agreement, for purposes of audit.

8. COMPLIANCE WITH REQUIREMENTS OF THE LAW

In performing the provisions of this Agreement, each Party agrees to comply with all applicable federal, state or local laws, ordinances, rules and regulations.

9. AFFIRMATIVE ACTION

No person shall illegally, on the grounds of race, creed, color, religion, sex, marital status, public assistance status, sexual preference, handicap, age or national origin, be excluded from full employment rights in, participation in, be denied the benefits of, or be otherwise subject to unlawful discrimination under any program, service or activity hereunder.

10. ENTIRE AGREEMENT

It is understood and agreed that this Agreement constitutes the entire agreement of the parties and that this Agreement supersedes all oral and written agreements and negotiations between the parties relating to the subject matter hereof.

11. AMENDMENTS

Except as otherwise provided in this Agreement, any amendments, alterations, variations, modifications, or waivers of this Agreement shall be valid only when they have been reduced to writing and duly signed by each Party.

12. TERMINATION

Either Party may terminate this Agreement, with or without cause, by providing ninety (90) days' written notice to other Party. Termination shall not act to discharge any liability incurred by any Party before the effective date of termination, including payments or credits due. Such liability shall continue until appropriately discharged by law or agreement.

13. CONTACTS

The individuals designated as contact persons for this agreement for each party shall be:

Chris Collins  
City of Le Center  
10 West Tyrone Street  
Le Center, MN 56057  
Ph: 507-357-4450  
Email: [collinschrisl@yahoo.com](mailto:collinschrisl@yahoo.com)

Amy Beatty  
Le Sueur County Environmental Services  
88 South Park Avenue  
Le Center, MN 56057  
Ph: 507-357-8203  
Email: [abeatty@co.le-sueur.mn.us](mailto:abeatty@co.le-sueur.mn.us)

14. LIABILITY/INDEMNIFICATION AMONG THE PARTIES

- a. General Indemnification. The Parties agree that each Party will be responsible for its own acts and the results thereof and shall not be responsible for the acts of the other Party and the results thereof. Each Party therefore agrees that it will assume liability for itself, its agents, employees, or contractors for any injury to persons or property resulting in any manner from the conduct of its own operations, and operations of its agents, employees or contractors. Each Party shall defend, indemnify and hold harmless the other Party for all liability, obligations, claims, loss and expense, including reasonable attorneys and other professional fees, resulting from its acts or the acts of its agents, employees or contractors.
- b. Indemnification for Benefit of Parties. The indemnification provisions of this Section 14 are for the benefit of the Parties only and shall not establish, of themselves, any liability to third parties. Nothing in this Agreement is intended to waive or limit the provisions of Minn. Stat. Chap. 466, or any other law, legislative or judicial, which limits governmental liability.



IN WITNESS WHEREOF, the parties to this Agreement have hereunto set their hands on the date written as follows:

CITY OF LE CENTER

COUNTY OF LE SUEUR

\_\_\_\_\_  
Mayor, City of Le Center

\_\_\_\_\_  
Chair, Le Sueur County Board of Commissioners

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Approved as to form:

Approved as to form:

\_\_\_\_\_  
City of Le Center Attorney's Office

\_\_\_\_\_  
Le Sueur County Attorney's Office

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

City of Le Center Recycling Facility

Year	Co-Mingled (tons)	Paper/Cardboard (tons)	Cost Per Month	Yearly Cost
2001	53.785	126.57	\$ 1,000.00	\$ 7,000.00
2002	51.4	150.01	\$ 1,033.00	\$ 12,396.00
2003	58.47	153.89	\$ 1,056.00	\$ 12,672.00
2004	62.67	168.18	\$ 1,073.00	\$ 12,876.00
2005	58.95	162.3	\$ 1,110.56	\$ 13,326.72
2006	69.44	160.31	\$ 1,149.43	\$ 13,793.16
2007	75.82	163.48	\$ 1,500.00	\$ 18,000.00
2008	77.19	153.12	\$ 1,564.50	\$ 18,774.00
2009	80.88	137.08	\$ 1,581.71	\$ 18,980.52
2010	84.42	141.83	\$ 1,950.00	\$ 23,400.00
2011	78.92	132.93	\$ 1,950.00	\$ 23,400.00
2012	86.28	139.32	\$ 1,950.00	\$ 23,400.00
2013	90.38	137.77	\$ 1,950.00	\$ 23,400.00
2014	97.64	128.88	\$ 1,950.00	\$ 23,400.00
2015	103.32	143.52	\$ 1,950.00	\$ 23,400.00
2016	103.13	148.97	\$ 1,950.00	\$ 23,400.00
2017	103.94	137.74	\$ 2,300.00	\$ 27,600.00
<b>Total</b>	<b>1336.635</b>	<b>2485.9</b>		<b>\$ 319,218.40</b>

1st year of county-wide operation

\*Will receive the 2018 recycling tonnages when the city submits its next license application (May 1, 2019 to April 30, 2020) .

Monthly payment adjusted annually by an amount equal to the percentage increase from the previous 12 month period by the Consumer Price Index. In 2006, the city asked for the 2007 monthly payment to be \$1500 + Consumer Price Index increase to cover the costs to operate.

The City of Le Center is responsible for all applicable permits and insurance.