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# Le Sueur County, MN

Tuesday, May 6, 2014

## Board Meeting

### Item 1

#### 9:00am Agenda and Consent Agenda

*Approve the Summary and Regular Minutes for April 22, 2014*

*Approve the Ditch Repair Request for Ditch #38*

*Approve the 3.2 On Sale and Off Sale License for the Best Point Resort*

*Approve the Ditch Repair Request for Ditch # 64*

Minutes: test

Staff Contact:

**Minutes of Le Sueur County Board of Commissioners Meeting  
April 22, 2014**

The Le Sueur County Board of Commissioners met in regular session on Tuesday, April 22, 2014 at 9:00 a.m. in the Courthouse at Le Center, Minnesota. Those members present were: Steve Rohlfling, Lance Wetzel, Dave Gliszinski, John King and Joe Connolly. Also present were Darrell Pettis and Brent Christian.

On motion by Connolly, seconded by Wetzel and unanimously approved, the Board approved the agenda for the business of the day.

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

- Approved the April 15, 2014 County Board Minutes and Summary Minutes.
- Approved four Applications for Exempt Permit with on waiting period for G.A.C. at the Le Sueur Country Club.

Kathy Brockway, Environmental and P & Z Director came before the Board with two items for consideration and approval.

On motion by Connolly, seconded by King and approved via roll call vote 5-0, the Board granted a Conditional Use Permit to VETTER FARMS, ST. PETER, MN (APPLICANT/OWNER) to allow the applicant to expand an existing animal feedlot from 400 animal units to 600 animal units in an Agricultural "A" District. Property is located in the Southwest 1/4 Southwest 1/4, Section 16, Kasota Township. Findings of Fact are on file at the Planning and Zoning Office. The application is approved as written.

On motion by Wetzel, seconded by Gliszinski and approved by a vote of 3 to 2 with Commissioners King and Connolly voting no, the Board approved the following Settlement Agreement and authorized the Chair to sign said agreement:

Minnesota Municipal Power Agency, a  
Minnesota municipal corporation,  
William M. McCue and Lynette M.  
McCue,  
Plaintiffs,

SETTLEMENT AGREEMENT

vs.

The County of Le Sueur, and Kathleen  
Brockway, solely in her capacity as the  
County of Le Sueur Zoning  
Administrator,  
Defendants.

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The parties to this settlement agreement and release are Plaintiffs Minnesota Municipal Power Agency, and William M. McCue and Lynette M. McCue (collectively, "Plaintiffs") and the County of Le Sueur ("the County"). The settlement agreement pertains to both matters currently pending between the parties: MMPA v. County of Le Sueur, District Court File No. 40-CV-13-1107; and MMPA v. County of Le Sueur, Court of Appeals File No. A13-2121. The parties agree to settle all claims related to the district court action and the pending appeal, actions that are related to Plaintiff's application for a conditional use permit related to a silage stockpile to provide an energy source to meet renewable energy mandates.

#### RECITALS

1. On April 15, 2014 the Le Sueur County Board of Commissioners granted Plaintiff's conditional use permit with conditions.
  2. Because the conditional use permit has been granted the above-referenced actions no longer have any purpose and the parties wish to dismiss them with prejudice and without costs, disbursements, or attorney fees being awarded to any party.
- NOW THEREFORE, the parties agree as follows:

#### 1. DISMISSAL OF ACTIONS.

The parties to these actions, MMPA v. County of Le Sueur, District Court File No. 40-CV-13-1107; and MMPA v. County of Le Sueur, Court of Appeals File No. A13-2121, agree that they may be dismissed with prejudice and without costs, disbursements, or attorney fees being awarded to any party. After execution of this agreement the parties agree to promptly execute stipulations of dismissal in both actions.

#### 2. NO ADMISSION OF LIABILITY.

Both parties agree that this settlement is a compromise of disputed claims and that the consideration accepted hereunder is not intended nor shall it be construed by anyone to be an admission of liability by or on behalf of any party, the parties to this agreement intending by this settlement merely to avoid litigation and buy their peace.

#### 3. BINDING EFFECT.

The terms of this settlement agreement and release shall be binding upon and be enforceable against and shall inure to the benefit of the parties hereto jointly and severally and the heirs, successors, personal representatives, and assigns of each. The Plaintiffs agree that in entering this agreement they have relinquished any rights based on the prior zoning permit and CUP applications and proceedings. Plaintiffs agree that the CUP as issued on April 15, 2014 with conditions is enforceable, and that they are bound by its terms. In entering this settlement agreement and release the parties represent that they, and each of them, have relied upon the advice of their respective attorneys, who are the attorneys of their own choosing, concerning the legal consequences of this settlement agreement and release; that the terms of this settlement agreement and release have been completely read and explained to them by their respective attorneys; and that the terms of this settlement agreement and release are fully understood and voluntarily accepted by the parties.

#### 4. INTERPRETATION.

Because the terms of this settlement agreement have been the subject of negotiation and because both parties have participated in arriving at agreement as to its terms, the parties agree that this agreement is not to be interpreted against any party as the drafter of the agreement.

#### 5. ENTIRE AGREEMENT.

The parties further understand and agree that this document contains their entire agreement and that the terms of this settlement agreement and release are contractual and not a mere recital. By their signatures below the undersigned each represent that they have carefully read this

document, know and understand the terms, have fully discussed the terms of this document with their attorneys or clients, have authority to enter into this settlement agreement and release, and have signed this settlement agreement and release as their free and considered act.

6. EXECUTION IN COUNTERPARTS AND DUPLICATE ORIGINALS.

This settlement agreement and release includes separate signature pages and this agreement may be signed in counterparts and duplicate originals.

Cindy Westerhouse Human Resource Director came before the Board with several items for approval.

On motion by Connolly, seconded by Gliszinski and unanimously approved, the Board accepted the retirement request from Terry Sladek, part time Homemaker in Public Health, effective April 28, 2014.

On motion by Wetzel, seconded by King and unanimously approved, the Board granted regular status to Judy Hepworth, full time Social Worker Team Leader in Human Services, effective April 21, 2014.

On motion by Connolly, seconded by King and unanimously approved, the Board approved the transfer of Becky Factor from a full time Deputy Auditor-Treasurer I, in the Auditor-Treasurer's Office, to a part time Administrative Assistant, in the County Administrator's Office, as a Grade 2, Step 8 at \$16.80 per hour, effective May 1, 2014.

On motion by Wetzel, seconded by Gliszinski and unanimously approved, the Board authorized the hiring of Ruby Kramer, as a full time Deputy Auditor-Treasurer I, in the Auditor-Treasurer's Office, as a Grade 5, Step 1 at \$15.63 per hour, effective May 5, 2014.

On motion by King, seconded by Gliszinski and unanimously approved, the Board approved the 2014 Wellness Plan Program.

Jim McMillen Building and Grounds Director came before the Board with quotes for the retaining wall around the Courthouse.

On motion by Wetzel, seconded by Gliszinski and approved by a 4 to 1 vote with Commissioner King voting no, the Board accepted the quote from Clayton Roemhildt and Sons Concrete in the amount of \$39,923.50 for the replacement of the courthouse retaining walls.

Darrell Pettis, Administrator / Engineer appeared before the Board with a number of items for consideration.

On motion by King, seconded by Gliszinski and unanimously approved, the Board approved the Contract between Le Sueur County and Crane Creek Construction for the construction of SAP 40-636-010, CP 2114, CP 2214, CP2414, CP 2414, CP 2514, CP 2614 and CP 2714 in the amount of \$2,605,641.21

On motion by Wetzel, seconded by King and unanimously approved, the Board approved the following Resolution Approving Modification to the Joint Powers Agreement forming the South Central Regional Radio Board.:

A RESOLUTION APPROVING MODIFICATIONS TO THE  
JOINT POWERS AGREEMENT FORMING THE  
SOUTH CENTRALMINNESOTA REGIONAL RADIO BOARD

WHEREAS, Le Sueur County is a participating member of the South Central Minnesota Regional Radio Board (hereinafter the “Board”), a Joint Powers Entity formed pursuant to Minnesota Statutes 403.39 and 471.59; and

WHEREAS, a Joint Powers Agreement creating the Board was approved by the thirteen counties and two cities comprising the Board, including Le Sueur County; and

WHEREAS, the Minnesota legislature has amended Minnesota Statute 403.39 by adding a new section entitled “Regional Emergency Communications Boards” that provides authority for Regional Radio Boards to assume responsibility for coordinating regional 911 services; and

WHEREAS, compliance with this amendment to Minnesota statute requires modification of the existing Joint Powers Agreement; and

WHEREAS, the Board recommends modification of the Joint Powers Agreement governing the Board to provide for regional coordination of 911 services and public safety broadband data services and changes the name of the Board to “South Central Minnesota Regional Emergency Communications Board”.

NOW THEREFORE, BE IT RESOLVED the Le Sueur County Board of Commissioners approves the modifications to the Joint Powers Agreement recommended by the Board and attached hereto; and be it further

RESOLVED that the Board Chair is hereby authorized to execute the required addendum to the existing Joint Powers Agreement to implement the authorized modifications.

Other discussion items included:

- German - Jefferson Sewer District
- Le Sueur County Officials Association
- Lower Minnesota River Watershed Kickoff Meeting
- Website information

On motion by Connolly, seconded by King and unanimously approved, the Board adjourned until Tuesday, May 6, 2014 at 9:00 am.

**ATTEST:**

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**Le Sueur County Administrator**

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**Le Sueur County Chairman**

**Summary Minutes of Le Sueur County Board of Commissioners Meeting  
Tuesday April 22, 2014**

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](http://www.co.le-sueur.mn.us).

The Le Sueur County Board of Commissioners met in regular session on Tuesday, April 22, 2014 at 9:00am in the Commissioners Room in Le Center, Minnesota. Those members present were: John King, Dave Gliszinski, Lance Wetzel, Joe Connolly and Steve Rohlfsing. Also present were Darrell Pettis and Brent Christian.

- The Board unanimously approved the amended agenda for the business of the day. (Connolly – Wetzel)
- The Board unanimously approved the consent agenda. (King – Gliszinski)
  - A. Approved the Minutes and Summary Minutes from the April 15, 2014 regular meeting.
  - B. Approved the four Applications for Exempt Permit with on waiting period for G.A.C. at the Le Sueur Country Club.
- Kathy Brockway, Environmental and P & Z Director came before the Board with two items for consideration and approval.
- The Board granted a Conditional Use Permit to VETTER FARMS, ST. PETER, MN (APPLICANT/OWNER) to allow the applicant to expand an existing animal feedlot from 400 animal units to 600 animal units in an Agricultural "A" District. (Connolly – King 5-0)
- The Board approved the Minnesota Municipal Power Agency – William M. McCue and Lynette M. McCue Settlement Agreement and authorized the Chair to sign said agreement. (Wetzel - Gliszinski 3-2 with Commissioner King and Connolly voting no)
- Cindy Westerhouse Human Resource Director came before the Board with several items for approval.
- The Board accepted the retirement request from Terry Sladek, part time Homemaker in Public Health. (Connolly –Gliszinski)
- The Board granted regular status to Judy Hepworth, full time Social Worker Team Leader in Human Services. (Wetzel – King)
- The Board approved the transfer of Becky Factor from a full time Deputy Auditor-Treasurer I, in the Auditor-Treasurer's Office, to a part time Administrative Assistant, in the County Administrator's Office, as a Grade 2, Step 8 at \$16.80 per hour. (Connolly – King)
- The Board authorized the hiring of Ruby Kramer, as a full time Deputy Auditor-Treasurer I, in the Auditor-Treasurer's Office, as a Grade 5, Step 1 at \$15.63 per hour. (Wetzel – Gliszinski)
- The Board approved the 2014 Wellness Plan Program. (King – Gliszinski)
- Jim McMillen Building and Grounds Director came before the Board with quotes for the retaining wall around the Courthouse.
- The Board accepted the quote from Clayton Roemhildt and Sons Concrete in the amount of \$39,923.50 for the replacement of the courthouse retaining walls. (Wetzel – Gliszinski 4-1 with King voting no)
- Darrell Pettis, Administrator / Engineer appeared before the Board with a number of items for consideration.
- The Board approved the Contract between Le Sueur County and Crane Creek Construction for the construction of SAP 40-636-010, CP 2114, CP 2214, CP2414, CP 2414, CP 2514, CP 2614 and CP 2714 in the amount of \$2,605,641.21. (King – Gliszinski)

- The Board approved the Resolution Approving Modification to the Joint Powers Agreement forming the South Central Regional Radio Board. (Wetzel – King)
  - The Board adjourned until Tuesday May 6, 2014 at 9:00 am. (Connolly – King)
- ATTEST:    Le Sueur County Administrator                      Le Sueur County Chairman**

REPAIR REQUEST

We, the undersigned land owners, do hereby request the Le Sueur County Board Of Commissioners to clean out and repair Le Sueur County Ditch # 38 located in Kilkenny Section 35-25 township(s).  
Spur # 3

Signed

Address & Phone No.

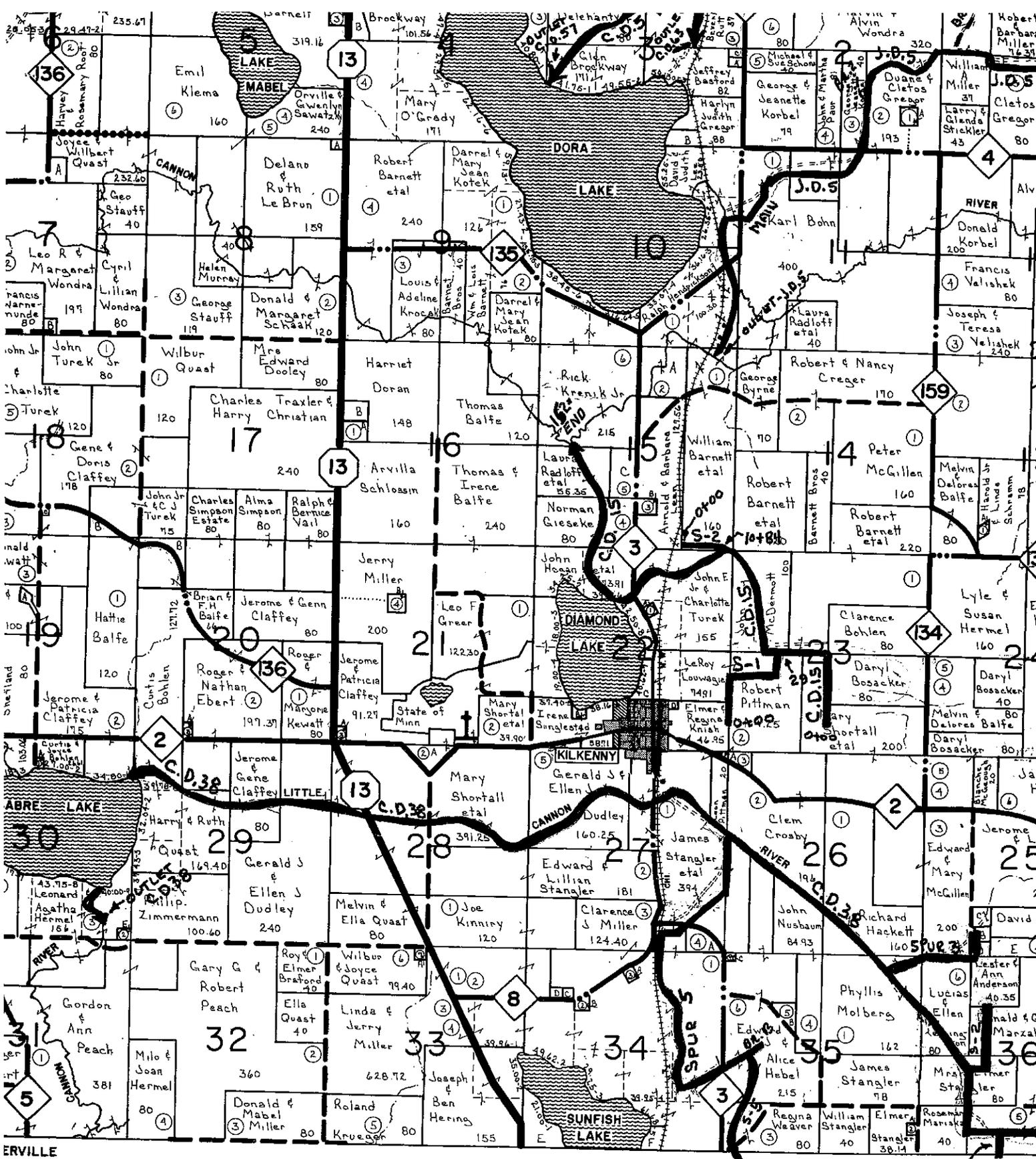
Kenneth Wetzel

21104 Le Sueur Ave

Date: 4-18-14

Description of problem: Pip cap approx. 15' at  
inslope of road / damage ditch to prevent  
washing of road right of way

Sue Pthal 4-21, 14



**SMALL TRACT OWNERS**

SEE SMALL TRACT SECTION FOLLOWING TOWNSHIP MAPS

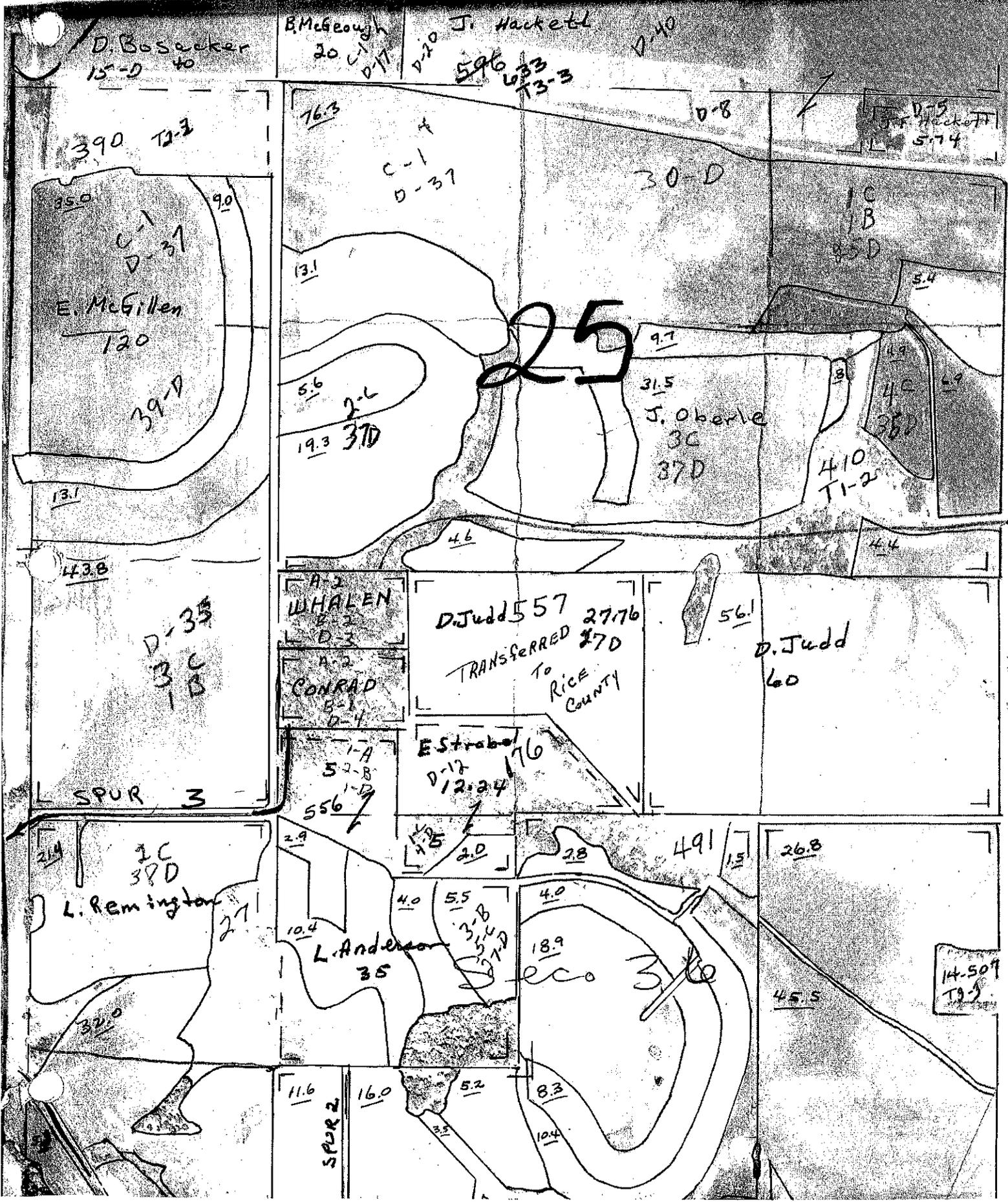
- LAKE VOLNEY SUBDIVISIONS
- ▲ MINARS SUBDIVISION
- ▲ BROCKWAY'S BEACH

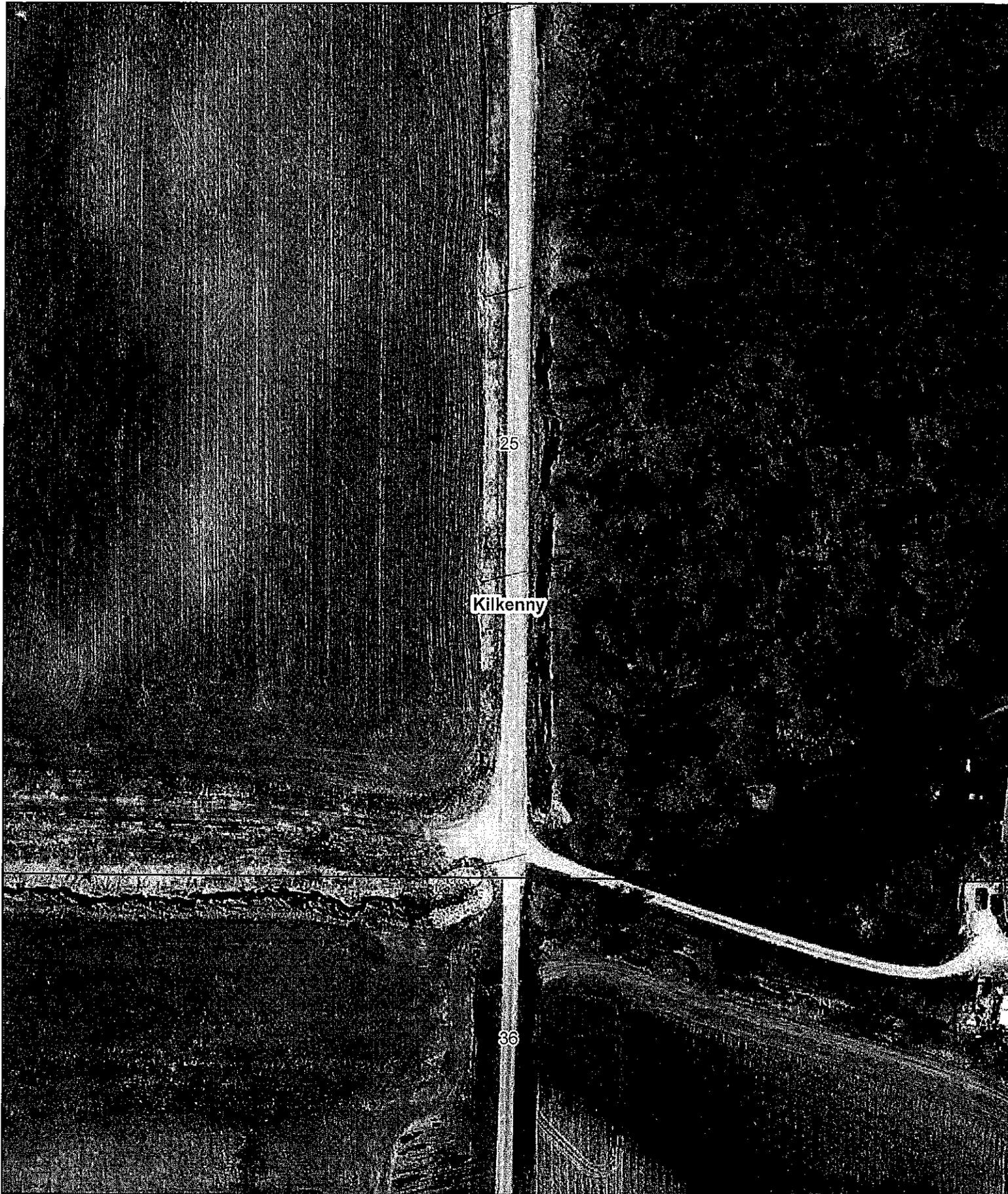


Le Sueur

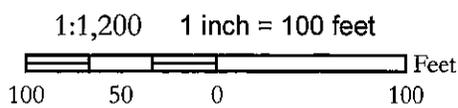
not to scale

137-R





-  Civil Townships
-  Sections



Maps are for graphical purposes only. They do not represent a legal survey.



**Le Sueur SWCD**  
 181 W. Minnesota St.  
 Le Center, MN 56057  
 (507) 357-4879 Ext. 3  
 Fax: (507) 357-6982

REPAIR REQUEST

We, the undersigned land owners, do hereby request the Le Sueur County Board Of Commissioners to clean out and repair Le Sueur County Ditch # 64 located in Cordova township(s).

Signed

Address & Phone No.

George Zimmerman

44656 Blue Grass Rd

LeCenter MN 56057

357-6326

Date: 4-14, 14

Description of problem: Clean slides

4-18, 14 needs cleaning Sue Puhel

