

TODD COUNTY BOARD OF COMMISSIONERS

*Minutes of the Meeting of the Todd County Board of Commissioners held on
August 20, 2013*

Call to Order

The Todd County Board of Commissioners met in the Commissioner's Board Room in the City of Long Prairie, MN on the 20th day of August, 2013 at 9:00 AM. The meeting was called to order by Chairperson Neumann. The meeting was opened with the Pledge of Allegiance. All members present.

Approval of Agenda

On motion by Blessing and second by Kneisl, the following motion was introduced and adopted by unanimous vote: To approve the agenda with the following additions.

1. Rainbow Rider Contract

Routine Business

On motion by Kircher and second by Blessing, the following motion was introduced and adopted by unanimous vote: To approve the July 16, 2013 Regular Board Minutes as read.

On motion by Kneisl and second by Erickson, the following motion was introduced and adopted by unanimous vote: To approve Commissioner Warrant numbers 35200 thru 35354 in the amount of \$122,608.17.

On motion by Erickson and second by Kneisl, the following motion was introduced and adopted by unanimous vote: To approve HHS Commissioner Warrant in the amount of \$43,090.50.

On motion by Kneisl and second by Blessing, the following motion was introduced and adopted by unanimous vote: To approve advertising to purchase a motor pool vehicle, not to exceed the budgeted amount of 20,000 for 2013 plus insurance reimbursements and trade in allowances.

On motion by Kircher and second by Kneisl, the following motion was introduced and adopted by unanimous vote: To approve a one year On Sale 3.2 Malt Liquor License for Rodney Lanners, for Eagle Mountain, Inc starting Sept. 15, 2013.

On motion by Blessing and second by Erickson, the following motion was introduced and adopted by unanimous vote: To approve a one day dance license for the American Legion Post 417 to hold a street dance outside in the parking lot on August 24, 2013.

On motion by Erickson and second by Blessing, the following motion was introduced and adopted by unanimous vote: To approve a one day On Sale 3.2 Malt Liquor License for the American Legion Post 417, Little Sauk to serve beer at the street dance on August 24, 2013.

On motion by Kircher and second by Blessing, the following motion was introduced and adopted by unanimous vote: To approve contract with Rainbow Rider for county transportation services for CY 2014 in the amount of \$60,000.

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Public Works

On motion by Blessing and second by Kneisl, the following resolution was introduced and adopted by unanimous vote:

AMENDMENT TO BOARD ACTION 20130122-20

WHEREAS, on January 22nd, 2013 the Todd County Board of Commissioners approved Board Action 20130122-20 which requested the Minnesota Department of Transportation to remove the temporary state aid designation of County State Aid Highway #54 in the City of Staples and revoke the jurisdiction of said roadway to the City of Staples per the 2008 Todd County/City of Staples Cooperative Construction Agreement for the turnback project of the old Trunk Highway #10, and;

WHEREAS, the legal description used in Board Action 20130122-20 is the same legal description that the Minnesota Department of Transportation used in 2008 for Release #1392 (Notice of Release of Trunk Highway #10), and;

WHEREAS, on July 1st, 2013 the Minnesota Department of Transportation approved a quit claim deed that transferred the actual property of the old Trunk Highway #10 alignment to Todd County, and;

WHEREAS, during the recording process of that quit claim deed (recorded as attached Document #485277) it was determined that there was additional lands deeded to the County by the State that were not included in Release #1392 and Board Action 20130122-20.

NOW, THEREFORE BE IT RESOLVED, that the Todd County Board of Commissioners amend BA 20130122-20 to correct the legal description and to clarify that Todd County transfers all jurisdiction of the road and property received from the State of Minnesota per recorded Document #485277 to the City of Staples. (On file in the Administration and Recorder's Office).

On motion by Blessing and second by Kircher, the following motion was introduced and adopted by unanimous vote: To approve the Public Works Department to combine the 2013 projects with similar type projects that are currently scheduled for construction in the summer of 2014 and bid all the projects together under one contract for construction in the Fall of 2014 as per Minnesota Statute 371.25 and Minnesota Statute 471.345.

Todd County Solid Waste

On motion by Kneisl and second by Kircher, the following resolution was introduced and adopted by unanimous vote: To approve hire of Michael Zimmermann as Part Time Truck Driver, 24 hours per week, Grade 17 Step 4.

Soil, Water & Conservation

On motion by Erickson and second by Kircher, the following motion was introduced and adopted by unanimous vote: Property Owners: Angelo & Marjorie Smieja. Site address: 18837 US 71, Long Prairie, MN 56347. The existing building will be utilized for office and to store small items. Large items displayed outside. Use permit is required for a Commercial business in Rural Townsite (RT) zone Lot 2, Block 1, Pine Tree Acres, Section 18, Twp 128, Range 33, Round Prairie Township.

Conditional Use Permit to operate an internet auction site selling misc machinery, autos, boats with one or two auctions per week. Granted with the following conditions: 1) Adequate parking must be provided to ensure that there is no parking on Hwy 71 and "No Parking" signs posted in driveway area. 2)

Document that the Department of Transportation approves of entrance off Highway 71.

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On motion by Erickson and second by Kneisl, the following motion was introduced and adopted by unanimous vote: Property Owners: William and Anna Swartzentruber. Site address: 48671 Co 71, Verndale, MN 56481. After the Fact Conditional Use Permit (1) to operate a commercial sawmill in the existing 26x48 ft building and to expand onto the building an additional 32 ft; (2) to establish a temporary housing unit for family members. A home already existing on the site and is to be used as the temporary house is under the 1280 sq ft requirement. Existing abandoned mobile home will be removed from the site by the end of 2013. Property is zoned Ag/Forestry (AF-2). (40 acres) N ¾ of N2 NE4 Ex W870.83 ft, Section 29, Twp 133, 34W, Bartlett Township. granted as presented with conditions: (1) Sawmill hours are daylight hours; (2) fence be installed around all sawdust piles to control drift onto neighbor's property; (3) existing abandoned mobile home be remove and all log and slab stockpiles be moved to the north side of the existing sawmill building in the location where the mobile home will be taken out; (4) A 6 ft solid privacy fence be installed along the south property line – to start 400 ft west of County #77 and run west 200 feet; (5) A conforming sewer system be installed by October 30th for the main dwelling and for the temporary house; (6) Land Use Permits must be obtained and after the fact fees paid for all structures constructed without permits; (7) A one year review of the site.

On motion by Blessing and second by Kneisl, the following resolution was introduced and adopted by unanimous vote:

RESOLUTION FINDING NO NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR THE PROPOSED SUBDIVISION "KANDOTA LANDING" ON FAIRY LAKE

WHEREAS, Charles Anderson has applied for a Conditional Use Permit to create a subdivision located on Fairy Lake, Part of Gov't Lot 1, Section 29 and part of Gov't lot 5, Section 20, Kandota Township, and;

WHEREAS, The Minnesota Environmental Policy Act of 1973 established a formal process for investigating the environmental impacts of major developments projects and that process is called the Environmental Assessment Worksheet (EAW);

WHEREAS, Todd County is the responsible governmental unit ("RGU") and has jurisdiction in determining the need for an Environmental Impact Statement ("EIS") and;

WHEREAS: the EAW for the proposed subdivision has been prepared and circulated to the appropriate public agencies and private citizens for comments in accordance with Minnesota Rules Chapter 441 and;

WHEREAS: the RGU has reviewed the information contained in the EAW, planning & zoning records, EAW comments received, and responses to the EAW comments;

NOW, THEREFORE, the Todd County Board of Commissioners resolves to adopt the following findings of fact and decision on the need for an EIS:

Findings of Fact

1. The applicant proposes to create a residential subdivision to be called "Kandota Landing" dividing 49 acres of the 98 acres available into 13 residential lakeshore lots and 1 residential non-lakeshore lot with remaining land available for future development or other uses. Property is located on Fairy Lake.
2. The Applicant has applied for a CUP to plat as required by the RGU's zoning ordinance. The CUP process has been tolled until the conclusion of the environmental review process.
3. The RGU has jurisdiction to determine the need for an EIS for the proposed subdivision development.
4. The Applicant supplied information to the RGU for preparation of the EAW in compliance with the Minnesota Environmental Policy Act and Minnesota Rules Parts 4410.1000 to 4410.1700.

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5. The RGU approved the EAW for submission to the Minnesota Environmental Quality Board (“EQB”) and the EAW was submitted to the EQB on June 23, 2013, and was published in the EQB Monitor on June 24, 2013.

6. Public comments were accepted for 30 days after publication in the EQB Monitor. Public comment period closed on July 24, 2013.

7. The RGU received and responded to comments from two agencies, Minnesota Pollution Control Agency – Environmental Review Unit and Department of Natural Resources – Environmental Review Planning Director. The public comments primarily related to stormwater and erosion control and water quality. The RGU responded to the comments and responses are (a) stormwater runoff; (b) sediment and erosion control; and (c) the impacts of stormwater runoff, sediment and other contaminants on Fairy Lake and wetlands.

8. In evaluating the EAW and the need for an EIS, the RGU has considered the criteria found in Minnesota Rules 4410.1700 Subp. 7 and finds that:

a. Type, extent and reversibility of environmental effects.

The environmental effects of the proposed project are typical of the intensified used and development of the area. The environmental effects may be mitigated through federal, state and local regulations and subsequent permit and approval processes.

The project will be subject to an NPDE permit which requires a storm water pollution prevention plan and an erosion control plan. These plans require the implementation of best management practices to control and treat runoff.

Environmental impacts to Fairy Lake and wetlands resulting from storm water runoff and other discharges will be mitigated through state and local licensing and regulatory process as well as conditions imposed by the RGU in the CUP permitting process.

b. Cumulative potential effects of related or anticipated future projects.

The EAW, comments and responses examined the potential for cumulative effects of related or anticipated future projects. The EAW does not identify other potential cumulative effects.

c. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.

The proposed subdivision is subject to significant regulatory controls which should eliminate any significant potential environmental effects. The RGU will have regulatory control through the CUP process to require additional conditions that may be necessary to mitigate impacts.

d. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

No other environmental studies have been undertaken or are anticipated in the area.

9. The evidence in the record is complete and adequate to support a reasoned decision that no significant adverse effects are reasonably expected to occur as a result of the proposed project.

10. The RGU finds that environmental impacts will result from the proposed project, but the impacts do not have the potential to become significant environmental impacts based upon other required permits, approvals, and regulatory processes. The RGU’s existing ordinance regulates the proposed project by requiring a CUP which will allow the RGU to impose reasonable conditions on the project to control stormwater runoff and potential water quality impacts.

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11. Based on the evidence in the existing regulatory procedures, existing ordinances of the RGU, the EAW, the comments, and the responses, the RGU finds that the proposed project has no potential for significant environmental impacts, feasible mitigation will be provided, and no EIS is required.

12. The finding by the RGU that the EAW is adequate, and no EIS is required, is not an endorsement or approval of the project. The project is required to proceed through the CUP process to examine consistency with zoning and the comprehensive plan, impacts to neighboring properties, and the feasibility of conditions that may be imposed on the project. The standards used to evaluate the appropriateness of the project for land use regulatory purposes are separate from, and different than, the standards used to evaluate the project from for environmental review purposes.

The above Findings of Fact are adopted and shall constitute a negative declaration of need for an Environmental Impact Statement.

On motion by Erickson and second by Kircher, the following motion was introduced and adopted by unanimous vote: To authorize expenditure of funds for cost sharing replacement septic systems as listed on the supporting documents. Four landowners selected for cost share using MPCA and BWSR grant funds are listed on supporting documents. A total of \$2,049.90 in MPCA funds and \$18,315.10 in BWSR funds will be allocated for replacement system cost share. Cost share averages 80%. This will complete both grants supporting low income septic cost share with 14 landowners assisted. Additional funds for next season have been applied for.

Health & Human Services

On motion by Blessing and second by Kneisl, the following motion was introduced and adopted by unanimous vote: To approve the hire of Megan Beaudry, health education coordinator, effective start date is September 3, 2013.

On motion by Kircher and second by Blessing, the following motion was introduced and adopted by unanimous vote: To approve the Tobacco Application License for the Hub Supper Club, Burtrum, MN.

Annex and Elevator Renovation Update

Earl Fuechtmann, Contegrity Group and Stephan Howe, Studio E gave their monthly update on the construction on the annex and on the elevator.

Todd County Sheriff's Department

Retirement recognition for Bob Cuchna, Dispatch Supervisor was given for his service of 21 years to Todd County.

Commissioner's Report

Kircher announced Burtrum was having their Heritage Days this weekend. Kneisl reported the Todd County Fair went well this year. Blessing announced Staples was celebrating Rail Road Days this weekend.

Adjourn

On motion by Blessing and second by Kneisl the meeting was adjourned for the month of August.

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Commissioner Warrants

Vendor Name	Amount
CDW GOVERNMENT INC	5,678.27
CENTRAL APPLICATORS INC	5,574.54
CONTECH CONSTRUCTION PRODUCTS	37,253.73
DELL MARKETING L.P.	4,947.78
ELECTION SYSTEMS & SOFTWARE INC	3,313.13
HILLYARD	2,110.27
IMPACT TECHNOLOGY	3,927.66
KRIS ENGINEERING	2,514.28
LONG PRAIRIE LEADER	2,140.35
LONG PRAIRIE MACHINERY CO INC	2,040.05
LPGE HS STUDENT COUNCIL	2,312.97
M-R SIGN COMPANY INC	2,299.44
SHIRLEY'S GAS & GROCERIES	2,440.43
STAPLES WORLD	4,801.80
Payments less than \$2000	41,253.47
Final Total	122,608.17

Health & Human Service Commissioner Warrants

# 10981 Foster Care Provider	\$3,669.78
# 11417 Foster Care Provider	\$6,409.35
# 16220 Foster Care Provider	\$5,499.40
Payments less than \$2000	\$27,511.97
Final Total	\$43,090.50

On a motion by Blessing and second by Kneisl the preceding minutes of the County Board meeting held August 20, 2013 were duly approved by a unanimous vote of the Todd County Board of Commissioners at the Regular Board Meeting held on September 3, 2013.

Witness my hand and seal:


Randy Neumann, County Board Chairperson


Karen Busch, Todd County Auditor-Treasurer