



Le Sueur County, MN

Tuesday, November 3, 2015

Board Meeting

Item 1

9:00 a.m. Agenda and Consent Agenda

RE: October 27, 2015 Minutes and Summary Minutes

RE: CD 28 Repair Request

RE: CD 46 Repair Request

RE: CD 44 Repair Request

RE: JD 1, Lat 1 Repair Request

RE: On-Sale Liquor License, Westwood

Staff Contact:

Minutes of Le Sueur County Board of Commissioners Meeting
October 27, 2015

The Le Sueur County Board of Commissioners met in regular session on Tuesday, October 27, 2015 at 9:00 a.m. in the Courthouse at Le Center, Minnesota. Those members present were: Steve Rohlffing, Lance Wetzel, Dave Gliszinski, John King and Joe Connolly. Darrell Pettis and Brent Christian were also present.

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

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

- Approved the October 20, 2015 County Board Minutes and Summary Minutes
- Approved the CD #23 Repair Request
- Approved the CD #38 Repair Request
- Approved the CD #56 Repair Request

LuAnn Hiniker, Extension Regional Director appeared before the Board with one item for consideration.

On motion by King, seconded by Rohlffing and unanimously approved, the Board approved and authorized the Chair to sign a Memorandum of Agreement between Le Sueur County and the University of Minnesota for providing Extension programs locally and employing Extension staff.

Kathy Burns, Coordinator with the Le Sueur County Historical Society came before the Board with one item for consideration.

On motion by King, seconded by Rohlffing and unanimously approved, the Board approved the dispersal of funds in the amount of \$11,800 for the planning of the Ottawa Stone Church restoration project.

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

A retirement plaque was presented to Harry Baker, full time Mechanic I – Shop Foreman in the Highway Department. Harry will retire on October 30, 2015 after 28 years of service with Le Sueur County.

A retirement plaque was presented to Kathy Rusch, full time Team Lead Social Worker in Human Services. Kathy will retire on October 30, 2015 after 23 years of service with Le Sueur County.

On motion by King, seconded by Rohlffing and unanimously approved, the Board approved the recommendation to accept the resignation request from Charlie Anderson, full time Highway Maintenance Worker in the Highway Department, effective November 6, 2015.

On motion by Gliszinski, seconded by Connolly and unanimously approved, the Board approved the recommendation to post and advertise for a full time Highway Maintenance Worker in the Highway Department as a Grade 6, Step 1 at \$17.07 per hour.

On motion by Rohlfig, seconded by King and unanimously approved, the Board approved the recommendation to accept the resignation request from Robert Petrasek, part time Jailer/Dispatcher in the Sheriff's Office, effective October 25, 2015. Robert has been employed with Le Sueur County since April 2014.

On motion by Connolly, seconded by Gliszinski and unanimously approved, the Board approved the recommendation to advertise for a part time Jailer/Dispatcher the Sheriff's Office, Grade 6, Step 1 at \$17.07 per hour.

On motion by Gliszinski, seconded by King and unanimously approved, the Board approved the recommendation to transfer Sierra Copp from a part time Jailer/Dispatcher in the Sheriff's Office, Grade 6, Step 2 at \$17.69 per hour to a full time Jailer/Dispatcher in the Sheriff's Office, Grade 6, Step 2 at \$17.69 per hour.

On motion by Rohlfig, seconded by Connolly and unanimously approved, the Board approved the recommendation to advertise for a part time Jailer/Dispatcher the Sheriff's Office, Grade 6, Step 1 at \$17.07 per hour.

On motion by Rohlfig, seconded by Gliszinski and unanimously approved, the Board approved Lance Wetzal, Board Chairman to recess the Board Meeting and call the Public Hearing for the County Ditch 16 Redetermination of Benefits to order at 9:35 a.m.

John Kolb, Attorney with Rinke Noonan presented background information regarding County Ditch 16 and was available to answer questions.

Ron Ringquist, Ditch Viewer presented information and explanation of the Ditch Report and was available to answer questions.

There were 3 public comments from Mary Jo Kukacka, Myron Tietz and Betty Trinkka.

On motion by Rohlfig, seconded by Connolly and unanimously approved, the Board approved to close the public hearing at 10:30 a.m.

On motion by King, seconded by Rohlfig and unanimously approved, the Board approved the recommendation by John Kolb to accept the following Findings and Order for Adopting Redetermined Benefits for County Ditch 16:

Findings

1. CD 16 was originally established and constructed in the early 1900's.

2. The ditch system consists of an open ditch drainage system.
3. The outlet of the system is Le Sueur County Ditch No. 6.
4. The system provides an outlet for lands in Sections 13 and 24 in Lexington Township, and Sections 18 and 19 in Montgomery Township, all in Le Sueur County.
5. Benefits and damages for CD 16 have not been redetermined since original establishment.
6. Based on its finding that the conditions required for the initiation of a redetermination of benefits exist, that the original benefits and damages do not reflect reasonable present day land values and the benefitted areas have changed for CD 16, the Drainage Authority ordered a redetermination of benefits and appointed Ron Ringquist, John Dotolo and Allan Kerber as viewers for the redetermination of benefits.
7. Upon taking their oath, the viewers initiated a redetermination of benefits according statutes chapter 103E.
8. Under Minnesota Statutes § 103E.351 subdivision 1, the viewers obligation is to proceed as provided for viewers and the Viewers' Report in sections 103E.311 to 103E.321. Under § 103E.311, they are obligated to determine the benefits and damages to all property affected by the drainage project and make a Viewers' Report.
9. The viewers completed their report which included a benefits and damages statement in September 2015, for all property affected by the drainage project and filed their report with the Drainage Authority.
10. The Drainage Authority prepared Property Owners' Reports and mailed them to the owners of property identified in the Viewers' Report.
11. Property Owners' Reports were mailed on October 9, 2015.
12. Notice of the hearing was posted not later than October 5th at the Le Sueur County Courthouse and remained through the date of the Final Hearing.
13. Notice of the hearing was published the weeks of October 5th, 12th and 19th in a legal newspaper in general circulation in the county.

14. Notice of the hearing was mailed within one week after the first publication, but not later than October 16th to owners of properties identified in the Viewers' Report, governmental units affected by the project and the commissioner of the MDNR.
15. Evidence of all actions in this matter, including preliminary orders, appointments, oaths, affidavits of mailing, publication and posting as well as hearing agendas and presentation materials are present in the record of proceedings and are incorporated herein by reference.
16. The final hearing on the viewers' redetermination of benefits was held on October 27, 2015.
17. At the hearing, the viewers appeared and presented the Viewers' Report, Benefits and Damages Statement and redetermined benefits. The viewers further provided detail of the viewing process and the information used by the viewers to: (1) verify the boundary of the watershed of the Ditch; (2) verify and confirm the existence of drainage benefit; and (3) determine the economic benefit to lands deriving a drainage benefit from the construction of CD 16.
18. The viewers included, in their determinations, the amount of damages necessary to acquire and establish a one rod grass buffer strip along all reaches of open ditch on CD 16.
19. Several members of the public attended the hearing and asked questions or made comments regarding the redetermination of benefits.
20. At the conclusion of public comment during the hearing, the Board adopted a motion to: close the hearing to public comment and, after discussion, adopted the findings and order herein adopting the Viewers' Report and the redetermined benefits and damages for CD 16 as amended consistent with the proceedings; and acquiring the grass buffer area on the open ditch portions of CD 16.
21. The Viewers' Report is attached as Exhibit A.
22. The viewers prepared a Benefits and Damages Statement outlining the basis of their benefits and damages determinations. The Benefits and Damages Statement is attached as Exhibit B.
23. The viewers reviewed all property within the drainage areas of the drainage system as part of the redetermination of benefits process.

24. The viewers determined the amount of damages to be paid for the acquisition of property for the establishment of best management practices, including grass strips, necessary to control erosion, sedimentation, improve water quality, or maintain the efficiency of the drainage system as required under statutes section 103E.021. The viewers compared sales in the area in arriving at an average sales price used in establishing a payment rate.
25. The viewers used maps, LIDAR data and other information, along with visual inspection of the watershed of the drainage system to determine the boundaries of the benefiting area.
26. Within the watershed of the drainage system, the viewers paid particular attention to altered land use and drainage alterations which facilitate the removal of water from property directing it to the drainage system.
27. To determine the economic benefit to lands deriving a drainage benefit from the drainage system, the viewers conducted a condition comparison comparing the expected, pre-ditch, unaltered state of the watershed to the existing, altered and improved condition of the watershed. The viewers used this comparison in determining the increased market value of the properties receiving a direct drainage benefit.
28. Based on their detailed observations, the viewers determined benefit classifications, classified acres and assigned economic benefit on a per acre basis.
29. The viewers determined that some acres within the watershed of the drainage system, i.e. existing wetlands and non-contributing basins, received no benefit from the drainage system.
30. The viewers accounted for the efficiency of the drainage system, as designed, and the proximity of lands to and the elevations of lands above the ditch.
31. The viewers applied an economic analysis using sales and income approaches to determine the increased value to each classification acre based on the drainage benefit provided by the drainage system.
32. The viewers determined the amount of economic benefit to property benefited immediately by the drainage system, or for property for which the drainage system can become an outlet for drainage, make an outlet more accessible, or otherwise directly benefit the property.

33. The viewers determined that the drainage system draws off water from lower, previously assessed lands, thereby allowing drainage from unassessed lands to flow more readily and escape faster, thus preventing damage to the previously assessed lands, and such drainage constitutes a drainage benefit.
34. The viewers determined economic benefits based on: {1) an increase in the current market value of the property as a result of constructing the project; {2) an increase in the potential for agricultural production as a result of constructing the project; or (3) an increased value of the property as a result of a potential different land use.
35. Within the watershed of the drainage system, the viewers determined benefits on property that is responsible for increased drainage system maintenance, or increased drainage system capacity because the natural drainage on the property has been altered or modified to accelerate the drainage of water from the property.
36. Owners of property affected by the redetermination offered comments regarding the nature and amount of benefit determined by the viewers.
37. The viewers addressed the concerns of each property owner as they related to the value of benefit or damage and the methods used by the viewers.
38. The viewers kept an accurate account of all time engaged in viewing and examination; the nature and kind of work done performed; the days each viewer was engaged in said works; the amount charged per day by each viewer; and every item of expense incurred by the viewers in said work.
39. The viewers' account of work has been filed with the drainage authority.
40. Upon review of information provided to the Drainage Authority during the public hearing, the Drainage Authority further finds and confirms that the benefits and damages determined in the original proceedings as well as the benefited and damaged areas determined in the original proceedings, do not reflect current, existing, actual benefits and benefited areas.
41. Based on the record before it, and the comments of those present at the hearing, the Drainage Authority determines that the redetermined benefits, as reflected in the Viewers' Report at Exhibit A are proper, reasonable and conform to the drainage code.

Order

- A. The redetermined benefits on CD 16, the amended Viewers' Report and the Benefits and Damages Statement, prepared by the viewers and attached hereto as Exhibits A and B are hereby adopted by the Drainage Authority.
- B. The viewers are allowed payment of their account of work.
- C. The County Auditor shall ensure that the redetermined benefits replace the existing benefits previously determined for the ditch.
- D. The damages for the acquisition of the grass buffer area shall be paid and the grass buffer areas established as required by statute.
- E. The Drainage Authority staff is directed to work with the County Recorder's office to ensure that the drainage system and the grass buffer area acquisition is reflected on the property record of affected landowners.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing findings and order and there were 5 yeas and 0 nays.

Darrell Pettis, Administrator/Engineer appeared before the Board with one item for discussion.

On motion by Connolly, seconded by Gliszinski and unanimously approved, the Board approved to seek funding from the State Park Road Account for the Clear Lake Lane Project.

On motion by Connolly, seconded by Gliszinski and unanimously approved, the Board approved to set the bid opening date for the CSAH 7 Bridge project for December 4, 2015 at 1:15 p.m.

There were 3 bids received for the 4H building remodel project:

Malterer Mechanical	\$ 42,500
TEK Service, Inc.	\$ 43,452
Javens	\$102,290

On motion by King, seconded by Rohlfing and unanimously approved, the Board approved the bid from Malterer Mechanical in the amount of \$42,500.

On motion by Connolly, seconded by King and unanimously approved, the Board adjourned until Tuesday, November 3, 2015 at 9:00 a.m.

ATTEST:

Le Sueur County Administrator

Le Sueur County Chairman

Summary Minutes of Le Sueur County Board of Commissioners Meeting, October 27, 2015

- 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.
 - The Le Sueur County Board of Commissioners met in regular session on Tuesday, October 27, 2015 at 9:00 a.m. in the Courthouse at Le Center, Minnesota. Those members present were: Steve Rohlfiing, Lance Wetzel, Dave Gliszinski, John King and Joe Connolly. Darrell Pettis and Brent Christian were also present.
 - The Board approved the agenda for the business of the day. (Connolly-King)
 - The Board approved the consent agenda: (Rohlfiing-Gliszinski)
 - Approved the October 20, 2015 County Board Minutes and Summary Minutes
 - Approved the CD #23 Repair Request
 - Approved the CD #38 Repair Request
 - Approved the CD #56 Repair Request
 - The Board approved and authorized the Chair to sign a Memorandum of Agreement between Le Sueur County and the University of Minnesota for providing Extension programs locally and employing Extension staff. (King-Rohlfiing)
 - The Board approved the dispersal of funds in the amount of \$11,800 for the planning of the Ottawa Stone Church restoration project. (King-Rohlfiing)
 - The Board approved the recommendation to accept the resignation request from Charlie Anderson, full time Highway Maintenance Worker in the Highway Department, effective November 6, 2015. (King-Rohlfiing)
 - The Board approved the recommendation to post and advertise for a full time Highway Maintenance Worker in the Highway Department as a Grade 6, Step 1 at \$17.07 per hour. (Gliszinski-Connolly)
 - The Board approved the recommendation to accept the resignation request from Robert Petrasek, part time Jailer/Dispatcher in the Sheriff's Office, effective October 25, 2015. (Rohlfiing-King)
 - On motion by Connolly, seconded by Gliszinski and unanimously approved, the Board approved the recommendation to advertise for a part time Jailer/Dispatcher the Sheriff's Office, Grade 6, Step 1 at \$17.07 per hour.
 - The Board approved the recommendation to transfer Sierra Copp from a part time Jailer/Dispatcher in the Sheriff's Office, Grade 6, Step 2 at \$17.69 per hour to a full time Jailer/Dispatcher in the Sheriff's Office, Grade 6, Step 2 at \$17.69 per hour. (Gliszinski-King)
 - The Board approved the recommendation to advertise for a part time Jailer/Dispatcher the Sheriff's Office, Grade 6, Step 1 at \$17.07 per hour. (Rohlfiing-Connolly)
 - The Board approved Lance Wetzel, Board Chairman to recess the Board Meeting and call the Public Hearing for the County Ditch 16 Redetermination of Benefits to order at 9:35 a.m. (Rohlfiing-King)
 - The Board approved to close the public hearing at 10:30 a.m. (Rohlfiing-Connolly)
 - The Board approved the recommendation by John Kolb to accept the Findings and Order for Adopting Redetermined Benefits for County Ditch 16. (King-Rohlfiing)
 - The Board approved to seek funding from the State Park Road Account for the Clear Lake Lane Project. (Connolly-Gliszinski)

 - On motion by Connolly, seconded by Gliszinski and unanimously approved, the Board approved to set the bid opening date for the CSAH 7 Bridge project for December 4, 2015 at 1:15 p.m. (Connolly-Gliszinski)
 - The Board approved the bid from Malterer Mechanical in the amount of \$42,500 for the 4H Building project. (King-Rohlfiing)
 - The Board adjourned until Tuesday, November 3, 2015 at 9:00 a.m. (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 # 29 located in Derrymane 14 township(s).

Signed

Address & Phone No.

Dennis Korcewski

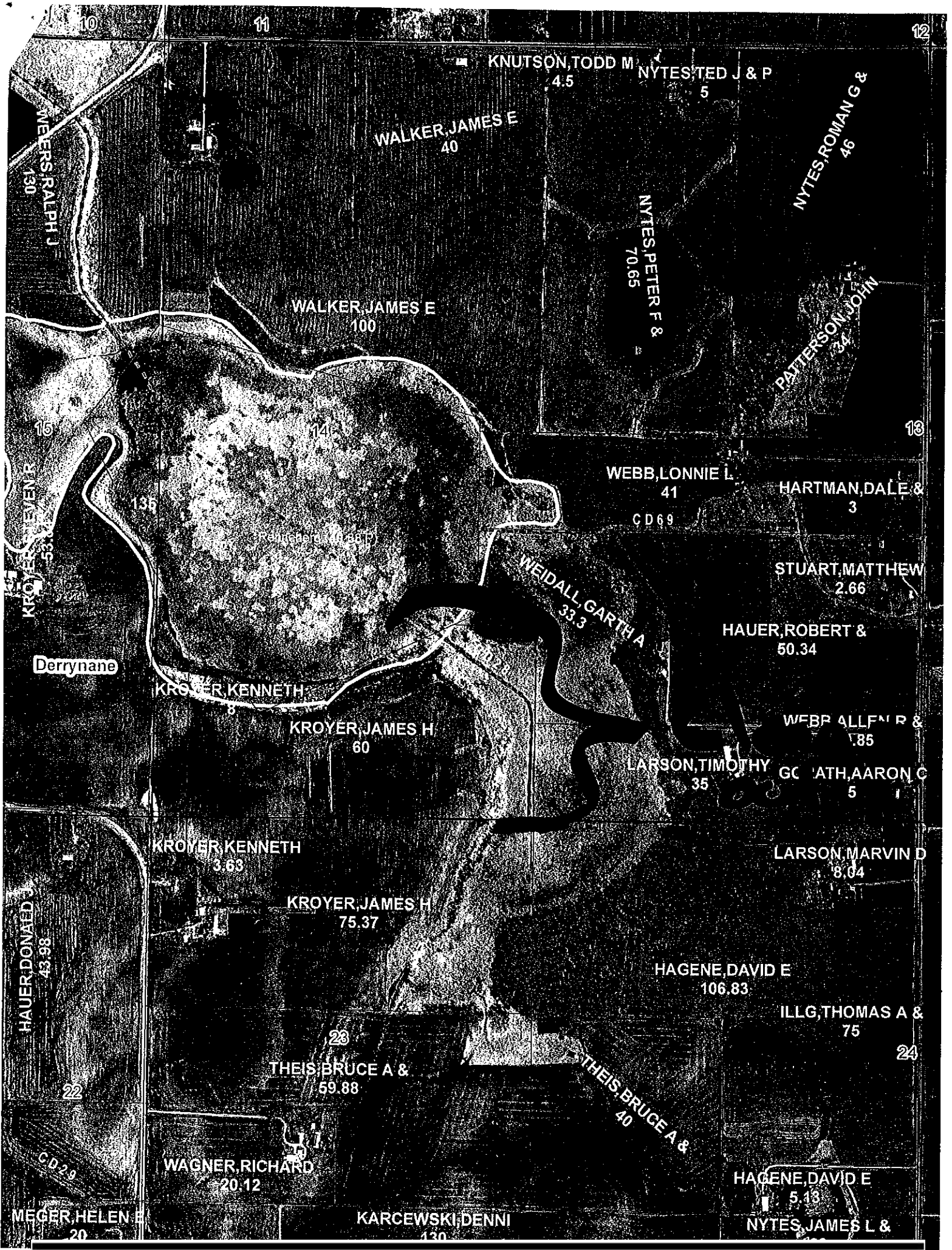
31649 21st Ave 507-364-5486

Date: 4-30-15

Description of problem: update drainage at start of ditch 28 - for extra drainage from Theis + Korcewski Farms - clean out ditch prior to lake 2.

Needs to be cleaned

Roger Kubler
10-26-15



REPAIR REQUEST

We, the undersigned landowners, do hereby request the Le Sueur County Board of Commissioners to clean out and repair Le Sueur County Ditch # 46 located in MONTGOMERY township.

Signed	Address/Phone #
<u>Gene Krauthamer</u>	<u>38300 165TH AVE MONTGOMERY</u> <u>507-364-8740</u>
_____	_____
_____	_____
_____	_____

Date: 10-28-15

Description of problem: SLIDES IN CROPLAND AND

CLEAN ALL OF PASTURE DEEP ~~WH~~

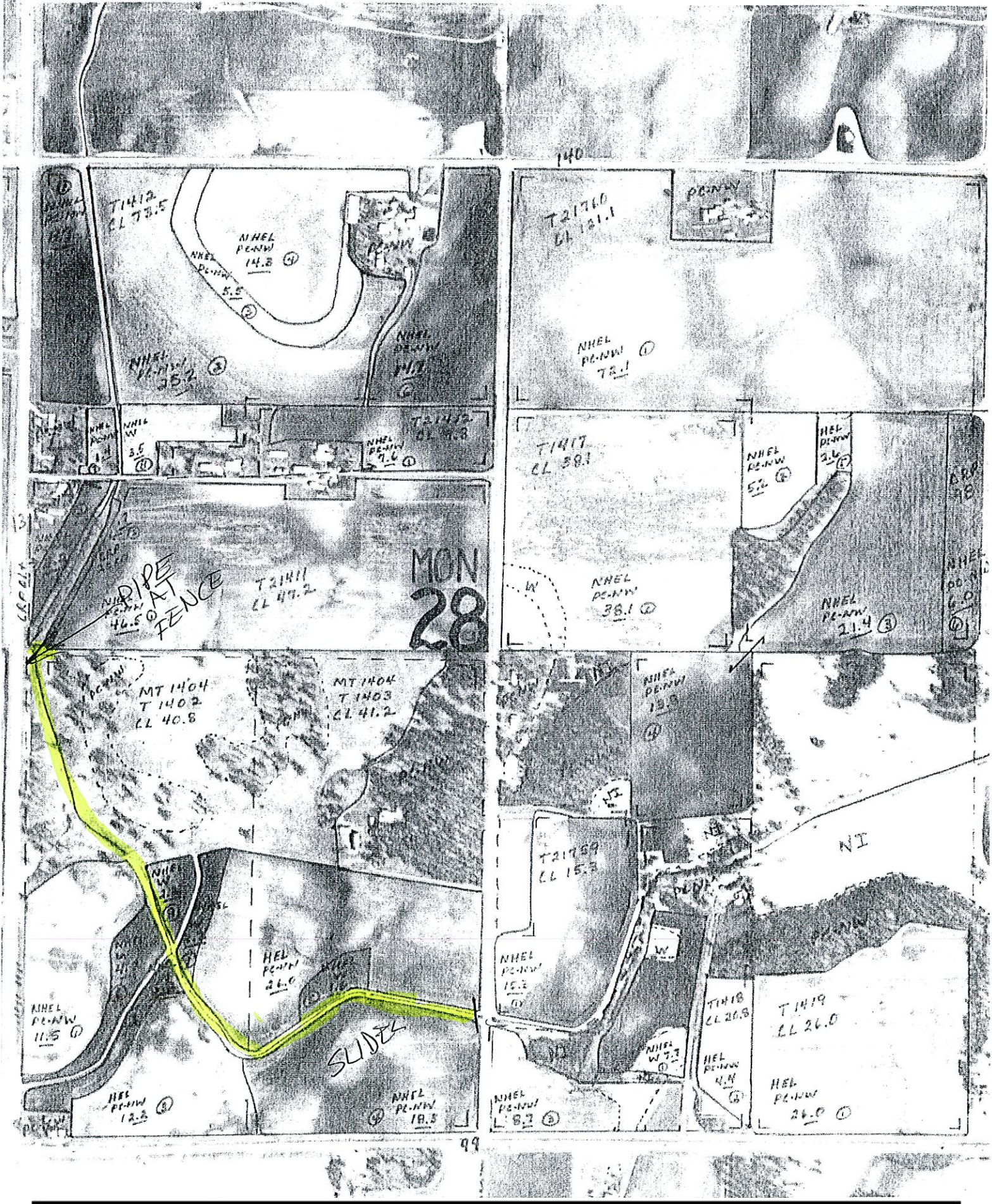
CATTLE FILLING IT IN.

ALSO, CULVERT AT FENCE HAS OUTLET TOO HIGH

Needs cleaning & repair.

Roger Ruben

W=Wetland FW=Farmed Wetland EW=Forest Wetland	PE=Perennially Flooded CW=Cultivated Wetland NA=Non-Agricultural AM=Artificial Wetland	HE=Highly Erodible PE=Permanently Flooded EX=Exempt/Commented CW	AW=Artificial Wetland MWC=Marsh Wetland S=Soil Dependent SI=Non-Inventoried
COUNTY LE SUEUR	ROTC SCALE	REPROJCTED 2001	CROP YEAR 2001
			PHOTO NO H6-LS



REPAIR REQUEST

We, the undersigned landowners, do hereby request the Le Sueur County Board of Commissioners to clean out and repair Le Sueur County Ditch # 44 & S-7 located in section 29 Lonsburgh township.

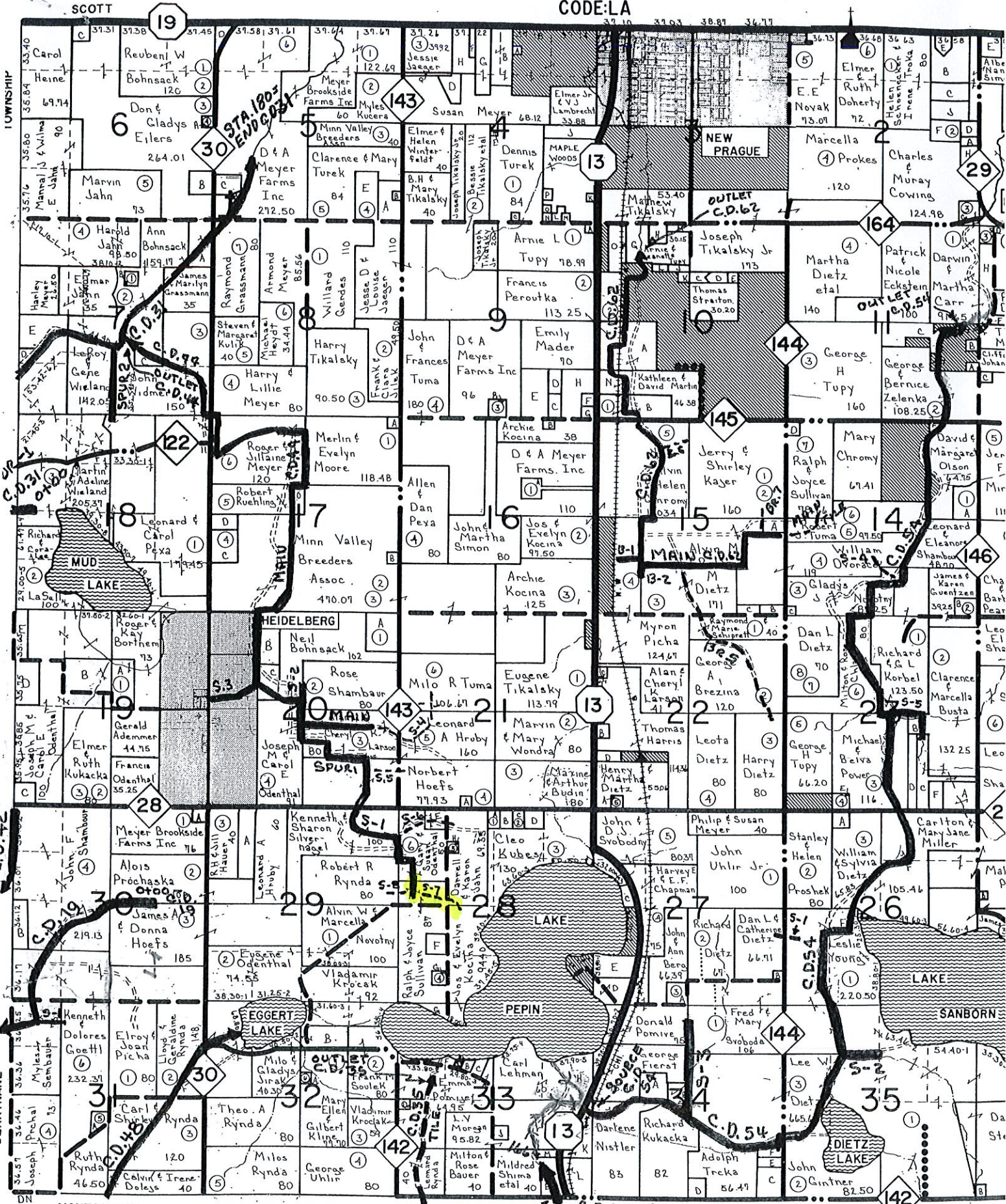
Signed	Address/Phone #
<u>Chris Hayes</u>	<u>217 7298</u>
_____	_____
_____	_____
_____	_____

Date: 11-2-15

Description of problem: County Tile Needs Repair
Broken Tile & Ditch Slide Needs
Repair

Needs to be repaired
Progn. Hubbard
11 2 15

CODE:LA



SMALL TRACT OWNERS

SEE SMALL TRACT SECTION FOLLOWING TOWNSHIP MAPS



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 # JD 1 located in Section 33 Blakeley township(s), Lat 1

Signed

Address & Phone No.

Merlin J. Stier

15490 W. 280th St.

Bella Plaine Minn 56011

507 665-2931

Date: 11-2-15

Description of problem: A. Surface inlet was put in last spring & is now eroding ditch bank on other side. Roger Rukland looked at it & said it needs fabric & rocks on that side.

Needs repair.
Roger Rukland
11-2-15

over

B. Needs a 18" Pipe & stand pipe for surface inlet, because it is washing over ditch bank all long Ditch Bank

C. Has a surface inlet but needs a stand pipe to get ready for Buffer Strips.

D. Needs ditch clean out in low areas because of clarks Lake being drained.

Le Sueur County, MN

