

Le Sueur County, MN

Tuesday, December 15, 2015 Board Meeting

Item 2

4:30 p.m. Agenda and Consent Agenda

RE: December 1, 2015 Minutes and Summary Minutes

RE: CD #53 Repair Request

RE: CD #51 Repair Request

RE: CD #23 Repair Request

RE: CD #40 Repair Request

Staff Contact:

Minutes of Le Sueur County Board of Commissioners Meeting December 1, 2015

The Le Sueur County Board of Commissioners met in regular session on Tuesday, December 1, 2015 at 9:00 a.m. in the Courthouse at Le Center, Minnesota. Those members present were: Steve Rohlfing, Lance Wetzel, Dave Gliszinski, John King and Joe Connolly. Darrell Pettis and Brent Christian were also present.

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

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

- Approved the November 24, 2015 County Board Minutes and Summary Minutes
- Approved the CD #29 Repair Request
- Approved the CD #52 Repair Request

On motion by Gliszinski, seconded by King and unanimously approved, the following cases and claims were approved:

Soc Serv: \$ 63,607.81 Financial: \$ 19,275.18

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

On motion by King, seconded by Rohlfing and unanimously approved, the Board approved the recommendation to grant regular status to Joshua Mankowski, full time Environmental Resources Specialist, in Environmental Services Water Planning Department, effective November 26, 2015. Joshua has completed the six-month probationary period.

On motion by Connolly, seconded by King and unanimously approved, the Board approved the recommendation to promote Tammy Stewig, full time Administrative Assistant III in Public Health, Grade 5, Step 8 at \$20.61 per hour to a part time Deputy Emergency Management Director in Emergency Management, Grade 9, Step 3 at \$21.84 per hour. Tammy will continue to work as a part time Administrative Assistant III in Public Health.

On motion by King, seconded by Gliszinski and unanimously approved, the Board approved the recommendation to accept the resignation request from Marjorie Maetzold, part time Nutrition Educator in Public Health, effective December 15, 2015. Marjorie has been an employee with Le Sueur County since August 2011.

On motion by Rohlfing, seconded by King and unanimously approved, the Board approved the recommendation to advertise for a part time Nutrition Educator in Public Health as a Grade 8, Step 1 at \$19.19 per hour or a part time RN as a Grade 10, Step 1 at \$21.55 per hour.

On motion by Gliszinski, seconded by Connolly and unanimously approved, the Board approved the recommendation to accept the resignation request from Jessica Born, full time

Jailer/Dispatcher in the Sheriff's Office, effective December 6, 2015. Jessica has been an employee with Le Sueur County since May 2012.

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

Bruce Kimmel, Senior Municipal Advisor with Ehlers came before the Board.

On motion by Connolly, seconded by Rohlfing and unanimously approved, the Board approved and authorized the Chair and County Administrator to sign the following bond sale resolution:

SIGNATURE NO-LITIGATION, ARBITRAGE CERTIFICATE AND PURCHASE PRICE RECEIPT

The undersigned hereby certify that we are the Chairperson and the County Auditor-Treasurer, respectively, of Le Sueur County, Minnesota (the County), and that:

- 1. In our capacity as such officers, we have caused the true and correct facsimiles of our signatures to be affixed to each bond of an issue of \$2,505,000 General Obligation Bonds, Series 2016A, dated, as originally issued, as of January 5, 2016 (the Bonds). We are duly qualified and acting as such officers and duly authorized to execute the Bonds and the facsimile signatures on each and all of the Bonds are the true and proper signatures of such officers for the execution thereof. The Bonds are in fully registered form. The Bonds have been in all respects duly executed for delivery pursuant to authority conferred upon such officers and no obligations other than the Bonds have been issued pursuant to such authority.
- 2. The Bonds mature on the dates, bear interest at the rates and are substantially in the form prescribed by a resolution duly adopted by the Board of Commissioners on December 1, 2015 (the Bond Resolution). The Bond Resolution has not been amended or repealed.
- 3. We have delivered the Bonds to Bond Trust Services Corporation, as Bond Registrar (the Registrar), for authentication and delivery to The Depository Trust Company on behalf of the purchaser, United Bankers' Bank, in Bloomington, Minnesota (the Purchaser). None of the proceedings or records which have been certified to the Purchaser or to Dorsey & Whitney LLP, the attorneys rendering an opinion as to the validity of the Bonds has been in any manner repealed, amended or changed. There has been no material change in the financial condition of the County or the facts affecting the Bonds.
- 4. No litigation of any nature is now pending or, to the best of our knowledge, threatened, seeking to restrain or enjoin the issuance or delivery of the Bonds or the levy or collection of any ad valorem taxes to pay the interest on or principal of the Bonds, or in any manner questioning the authority or proceedings for the issuance of the Bonds or the application of the proceeds thereof or for the levy or collection of ad valorem taxes, or affecting the validity of the Bonds or questioning the corporate existence or boundaries of the County or the title of any of the present officers thereof to their respective offices.

- 5. The Preliminary Official Statement prepared for the issuance of the Bonds on behalf of the County by Ehlers & Associates, Inc., as of its date, November 19, 2015, and the Addendum thereto, as of its date, December 1, 2015, and each as of the date of this Certificate, did not and do not contain any untrue statement of material fact or omit to state a material fact necessary in order to make the statements made therein, in light of the circumstances under which they were made, not misleading.
- 6. On the basis of facts, estimates and circumstances in existence on the date of issue of the Bonds, the proceeds of the issue will not be used in a manner that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986 (the Code) and applicable Treasury Regulations (the Regulations). The facts and circumstances upon which this certificate is based are as follows:
 - (a) The Bonds are being issued to (a) finance a public loan program that assists property owners with site evaluation, design, installation, repair, and replacement of failing individual sewage treatment systems on privately owned property (the Program), pursuant to Minnesota Statutes, Chapter 475 and Section 115.57; and (b) currently refund the County's General Obligation Capital Improvement Plan Bonds, Series 2005B, dated, as originally issued, as of December 1, 2005, maturing in the years 2018 through 2022 and outstanding in the principal amount of \$1,000,000 (the Refunded Bonds). The Refunded Bonds are expected to be called for redemption and prepayment on February 1, 2016 (the Redemption Date), which is within 90 days of the date of issue of the Bonds; the Bonds are therefore not advance refunding bonds. The refunding the Refunded Bonds, pursuant to the optional redemption provisions contained in Section 2.03 of the resolution authorizing the issuance of the Refunded Bonds, will enable the County to achieve a debt service savings of \$76,359.28 on a net present value basis, using the yield on the Bonds as the discount rate.
 - (b) The County will receive from the Purchaser \$2,543,275.90 for the principal of the Bonds (representing \$2,505,000 plus a net reoffering premium of \$48,296.20, and less underwriter's discount of \$10,020.30), no interest having accrued from their dated date to the date hereof. The principal amount of the portion of the Bonds allocable to the financing of the Program (\$1,510,000) is hereby designated as the "New Money Bonds," and the principal amount of the portion of the Bonds allocable to the refunding of the Refunded Bonds (\$995,000) is hereby designated as the "Refunding Bonds."
 - (c) Of the amount set forth in (b), \$1,500,000 of the New Money Bonds will be used to pay the costs of the Program, \$1,000,000 of the Refunding Bonds will be deposited in the sinking fund established for the Refunded Bonds and applied to the redemption and prepayment of the Refunded Bonds on the Redemption Date, \$40,608.00 will be used to pay costs of issuance of the Bonds (representing costs of legal services, advertising and printing and similar items), and \$2,667.90 will be deposited in the General Obligation Bonds, Series 2016A Bond Fund created by the Bond Resolution (the Bond Fund).

- (d) The County will, within six months of the date hereof, incur substantial binding obligations to third parties to expend at least five percent of the net sale proceeds of the New Money Bonds on the Program.
- (e) Work under the Program and allocation of the net sale proceeds of the New Money Bonds to expenditures will proceed with due diligence to completion, and it is reasonably expected the Program will be commenced and all net sale proceeds of the New Money Bonds so allocated by January 5, 2019.
- (f) The Bonds have been sold at competitive sale after solicitation of bids by the County's independent municipal advisor. To the best of our knowledge, the price paid by the Purchaser is reasonable under customary standards applied in the market.
- (g) There are no other governmental obligations of the County: (i) sold at substantially the same time as the Bonds; (ii) sold pursuant to the same plan of financing with the Bonds; and (iii) reasonably expected to be paid out of substantially the same source of funds as will be used to pay the Bonds. No other general obligation bonds of the County are being sold and issued on the same dates as the Bonds pursuant to the same offering document.
- (h) The yield on the Bonds (the Bond Yield) has been calculated, as provided in Section 1.148-4(b) of the Regulations, as that discount rate which when used in computing the present value as of the issue date of all unconditionally payable payments of principal, interest and fees paid or reasonably expected to be paid for qualified guarantees on the Bonds, produces an amount which is equal to the present value, using the same discount rate, of the aggregate issue price thereof. The "issue price" of the Bonds is \$2,553,296.20 (the initial offering price of the Bonds to the public), plus accrued interest of \$-0- on the Bonds from their dated date to the date hereof. Utilizing this methodology and semiannual compounding, the Bond Yield is 1.5760%. The price at which each maturity of the Bonds will be initially reoffered for sale is set forth in the Certificate of Purchaser.
- (i) The net sale proceeds of the Bonds, plus investment earnings thereon, do not exceed the amount to be spent by the County to finance the Program, refund the Refunded Bonds and to pay costs of issuance of the Bonds.
- (j) As of the date hereof, all sale and investment proceeds of the Refunded Bonds have been expended or will be so expended by the Redemption Date. No such proceeds will become "transferred proceeds" of the Bonds.
- (k) The County expects to spend on the Program, within three years from the date hereof, all of the net sale and investment proceeds to be derived by the County from the issuance of the New Money Bonds. Any amount not so expended by said date will, pending expenditure, be invested at a yield which does not exceed the Bond Yield unless the County determines to take advantage of the provisions of Section 1.148-5(c) relating to yield reduction payments. The proceeds of the Refunding Bonds will be expended

solely for refinancing costs of the acquisition and betterment of municipal facilities, which facilities are owned and operated by the County.

- (l) The County has not entered into and will not enter into any lease, operating agreement, management agreement or other contractual arrangement which would cause the Bonds to be considered "private activity bonds" or "private loan bonds" as defined in Section 141 of the Code and applicable Regulations. Property acquired by the County with proceeds of the New Money Bonds and property refinanced with proceeds of the Refunding Bonds has not and is not expected to be sold or otherwise disposed of by the County during the term of the Bonds.
- (m) The principal of and interest on the Bonds are payable from the Bond Fund. The County expects to use only the Bond Fund to pay principal of or interest on the Bonds and no other funds are pledged as security for the Bonds. The ad valorem taxes pledged to the Bond Fund by the Resolution are expected to produce amounts sufficient to pay all principal of and interest on the Bonds when due, and it is expected the Bond Fund will be depleted each February 1 other than for a reasonable carryover as permitted pursuant to the definition of a "bona fide debt service fund" as set forth in Section 1.148-1(b) of the Regulations. Based upon the foregoing, the Bond Fund is expected to qualify as a "bona fide debt service fund" and amounts deposited therein may be invested without yield restriction.
- (n) Amounts deposited in the Bond Fund, other than the sum of \$100,000 qualifying for investment as part of a "minor portion" of the Bonds in accordance with Section 1.148-2(g) of the Regulations, and other than amounts qualifying for investment as part of a "bona fide debt service fund," shall be invested at a yield not exceeding the Bond Yield within a period of 30 days of the date of deposit into the Bond Fund.
- (o) Other than amounts deposited into the Bond Fund, it is not expected that any other replacement proceeds of the Bonds will arise subsequent to the issuance of the Bonds. The weighted average maturity of the Bonds does not exceed 120 percent of the average reasonably expected economic life of the assets financed by the Program.
- (p) None of the proceeds of the Bonds will be used to reimburse the County for costs of the Program paid prior to the date of issuance of the Bonds unless the County shall have fully complied with the provisions of Section 1.150-2 of the Regulations with respect to such reimbursed amounts.
- (q) In the Bond Resolution, the County has covenanted and agreed with the registered owners of the Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action that would cause the interest on the Bonds to become subject to taxation under the Code and applicable Regulations and has also covenanted and agreed to comply with the provisions of Section 148(f) of the Code, to the extent applicable to the Bonds.

- (r) The Refunded Bonds were not "hedge bonds" (and the Refunding Bonds will not be hedge bonds) as defined in Section 149(g) of the Code since the County reasonably expected to expend not less than 85% of the spendable proceeds of the Refunded Bonds to pay project costs within three years of the date of issue of the Refunded Bonds and not more than 50% of the proceeds of the Refunded Bonds were invested in nonpurpose investments having a substantially guaranteed yield for four years or more. The New Money Bonds are not "hedge bonds" within the meaning of Section 149(g) of the Code. The County reasonably expects to spend not less than 85% of the spendable proceeds of the New Money Bonds on the Program within three years after the date hereof and less than 50% of the proceeds of the Bonds are invested in nonpurpose investments having a substantially guaranteed yield for four years or more.
- (s) To the best of the knowledge and belief of the undersigned, the expectations of the County, as set forth above, are reasonable, and there are no present facts, estimates or circumstances which would change the foregoing expectations.
- 7. On the date hereof the County received from the Purchaser the purchase price of the Bonds set forth in paragraph 6(b) and the Registrar was thereupon directed to deliver the Bonds to The Depository Trust Company on behalf of the Purchaser.

Darrell Pettis, County Administrator/Engineer came before the Board with several items for consideration and approval.

On motion by Gliszinski, seconded by Connolly and unanimously approved, the Board approved the purchase of a Case 721F Wheel Loader from State bid pricing in the amount of \$148,382 from Titan Machinery. Price includes trade-in of Badger Excavator.

On motion by Rohlfing, seconded by King and unanimously approved, the Board approved the final payment to Pearson Bros, Inc. in the amount of \$73,181.43 and authorized the Chair to sign the following acknowledgement:

WHEREAS; Contract No. 20152 Has in all things been completed, and the County Board being fully advised in the premises, NOW THEN BE IT RESOLVED; that we do hereby accept said completed project for and in behalf of the County of Le Sueur and authorize payment as specified herein.

On motion by Rohlfing, seconded by King and unanimously approved, the Board approved the advertisement for bids for the Le Sueur County Human Services Remodeling Project. Bids will be opened on January 7, 2016 at 10:00 a.m. at the Le Sueur County Auditor's Office.

At 10:00 a.m. the Board recessed the Board meeting and convened the public hearing on County Ditch #38.

John Kolb, Attorney with Rinke Noonan gave information regarding County Ditch #38 and was available to answer questions.

There were 5 public comments.

On motion by King, seconded by Rohlfing and unanimously approved, the Board closed the public hearing and reconvened the Board Meeting at 10:18 a.m.

Commissioner Gliszinski made a motion to adopt the following Findings and Order:

WHEREAS, the Le Sueur County Board of Commissioners, Drainage Authority for Le Sueur County Ditch (LCD) 38, upon the petition of landowners within the benefitted area of LCD 38, investigated whether conditions exist to warrant the redetermination of benefits of LCD 38; and

WHEREAS, upon investigation, the Board has determined the following:

Benefits for LCD 38 were last determined in 1983, prior to the enactment of various laws, regulations and programs protecting wetlands.

The current benefits roll reflects the benefited properties, benefitted areas and benefit values as determined by viewers based on assumptions regarding the ability of landowners to convert wetlands for agricultural purposes.

Additionally, since the most recent determination of benefits and damages land uses and drainage practices have changed to accelerate and increase to flow of water to the drainage system changing the nature and value of benefits accruing to lands from construction of LCD 38. Since the most recent determination of benefits and damages additional lands, not previously determined to be benefitted have improved drainage to take advantage of LCD 38 as an outlet for drainage.

Since the most recent determination of benefits and damages land values have changed within the benefitted area of LCD 38.

The Drainage Authority noticed and held an informational hearing on the proposed redetermination of benefits for LCD 38 on December 1, 2015. The informational hearing was attended by several landowners who confirmed the determinations of the Drainage Authority.

THEREFORE, the Le Sueur County Board of Commissioners, Drainage Authority for LCD 38, finds 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.

ORDER

IT IS HEREBY ORDERED that a Redetermination of Benefits, pursuant to Minnesota Statutes 103E.351 is ordered to be completed and that Ron Ringquist, Bill Anderson and Brad Wick are appointed viewers, with John Dotolo as alternate viewer, to redetermine and report the benefits and damages for LCD 38.

The motion was seconded by Commissioner Rohlfing, and after discussion, the motion to move forward with the Redetermination of Benefits and the Findings and Order were approved by a vote of 5 yes and 0 no.

On motion by Rohlfing, seconded by Connolly and unanimously approved, the Board approved the following claims:

Warrant #	Vendor Name	Amount
38540	A'Viands	\$ 3,317.24
38541	Ag Power Enterprises	\$ 3,495.00
38551	Bolton & Menk Inc.	\$ 19,392.50
38552	Boyer Truck Parts	\$ 3,117.24
38556	Cargill Inc.	\$ 15,768.15
38559	Champ Software Inc.	\$ 8,791.00
38564	Contech Engineered Solutions LLC	\$ 5,224.14
38573	Genesis	\$ 2,723.80
38589	Johnson Aggregates	\$ 8,494.25
38593	Kris Engineering Inc.	\$ 16,671.36
38615	S.E.H. Inc.	\$ 53,489.18
38616	S.M.C. Co. Inc.	\$ 6,375.94
38618	Technical Solutions of Madison Lake Inc.	\$ 4,519.44
38622	Tire Associates Inc.	\$ 3,411.36
38623	Traxler Construction Inc.	\$ 2,204.52
38632	Zimmerman Construction	\$ 5,100.00
77 Claims paid le	ess than \$2,000.00:	\$ 24,313.10
16 Claims paid m	nore than \$2,000.00:	\$162,095.12
93 Total all claim	s paid:	\$186,408.22
	nnolly, seconded by King and unanimously approved cember 15, 2015 at 9:00 a.m.	, the Board adjourned

Le Sueur County Chairman

ATTEST:

Le Sueur County Administrator

Summary Minutes of Le Sueur County Board of Commissioners Meeting, December 1, 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, December 1, 2015 at 9:00 a.m. in the Courthouse at Le Center, Minnesota. Those members present were: Steve Rohlfing, 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-Rohlfing)
- The Board approved the consent agenda: (Gliszinski-King)
 - Approved the November 24, 2015 County Board Minutes and Summary Minutes
 - Approved the CD #29 Repair Request
 - Approved the CD #52 Repair Request
- The following cases and claims were approved: Soc Serv: \$ 63,607.81 and Financial: \$ 19,275.18 (Gliszinski-King)
- The Board approved the recommendation to grant regular status to Joshua Mankowski, full time Environmental Resources Specialist, in Environmental Services Water Planning Department, effective November 26, 2015.
- •The Board approved the recommendation to promote Tammy Stewig, full time Administrative Assistant III in Public Health, Grade 5, Step 8 at \$20.61 per hour to a part time Deputy Emergency Management Director in Emergency Management, Grade 9, Step 3 at \$21.84 per hour. Tammy will continue to work as a part time Administrative Assistant III in Public Health. (Connolly-King)
- The Board approved the recommendation to accept the resignation request from Marjorie Maetzold, part time Nutrition Educator in Public Health, effective December 15, 2015. (King-Gliszinski)
- •The Board approved the recommendation to advertise for a part time Nutrition Educator in Public Health as a Grade 8, Step 1 at \$19.19 per hour or a part time RN as a Grade 10, Step 1 at \$21.55 per hour. (Rohlfing-King)
- The Board approved the recommendation to accept the resignation request from Jessica Born, full time Jailer/Dispatcher in the Sheriff's Office, effective December 6, 2015. (Gliszinski-Connolly)
- The Board approved the recommendation to post and advertise for a full time Jailer/Dispatcher in the Sheriff's Office as a Grade 6, Step 1 at \$17.07 per hour. (Connolly-Rohlfing)
- The Board approved and authorized the Chair and County Administrator to sign the bond sale resolution. (Connolly-Rohlfing)
- The Board approved the purchase of a Case 721F Wheel Loader from State bid pricing in the amount of \$148,382 from Titan Machinery. Price includes trade-in of Badger Excavator. (Gliszinski-Connolly)
- The Board approved the final payment to Pearson Bros, Inc. in the amount of \$73,181.43 and authorized the Chair to sign the project acknowledgement. (Rohlfing-King)
- The Board approved the advertisement for bids for the Le Sueur County Human Services Remodeling Project. Bids will be opened on January 7, 2016 at 10:00 a.m. at the Le Sueur County Auditor's Office. (Rohlfing-King)
- •At 10:00 a.m. the Board recessed the Board meeting and convened the public hearing on County Ditch #38
- •The Board closed the public hearing and reconvened the Board Meeting at 10:18 a.m. (King-Rohlfing)
- The Board approved to move forward with the Redetermination of Benefits for County Ditch #38. (Gliszinski-Rohlfing)
- The Board approved the following claims: (Rohlfing-Connolly)

Warrant #	Vendor Name	Amount
38540	A'Viands	\$ 3,317.24
38541	Ag Power Enterprises	\$ 3,495.00
38551	Bolton & Menk Inc.	\$ 19,392.50
38552	Boyer Truck Parts	\$ 3,117.24

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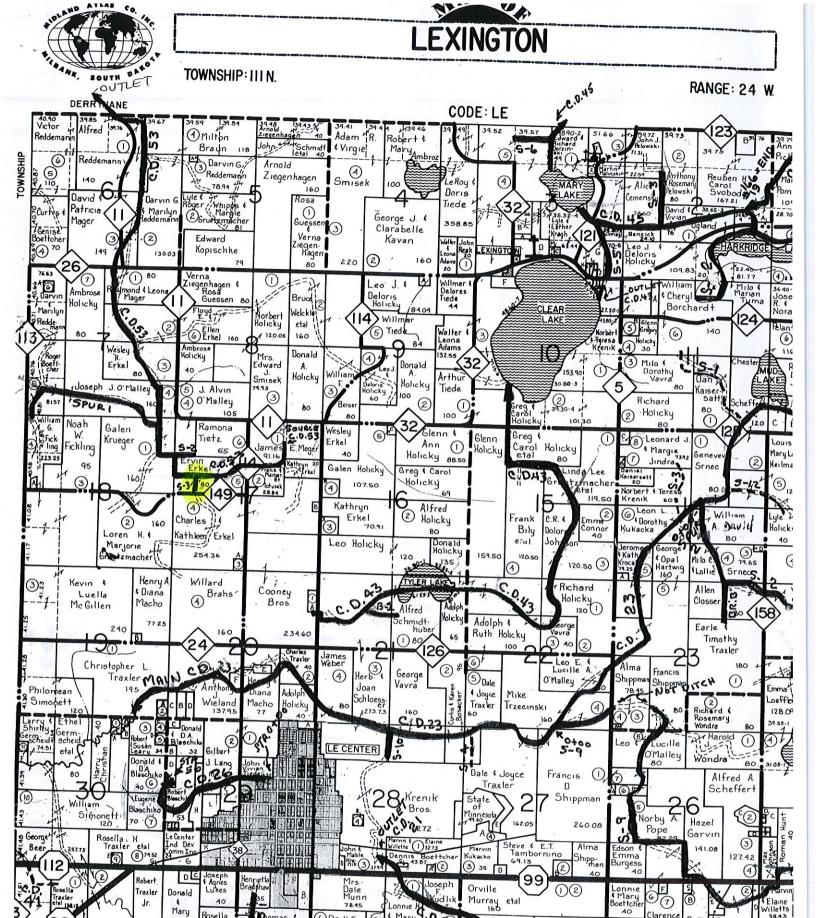
 •The Board adjourned until Tuesday, December 15, 2015 at 4:30 p.m. (Connolly-King)

 •ATTEST: Le Sueur County Administrator Le Sueur County Chairman

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NC=Non-cropland
N(=Non-inventoried
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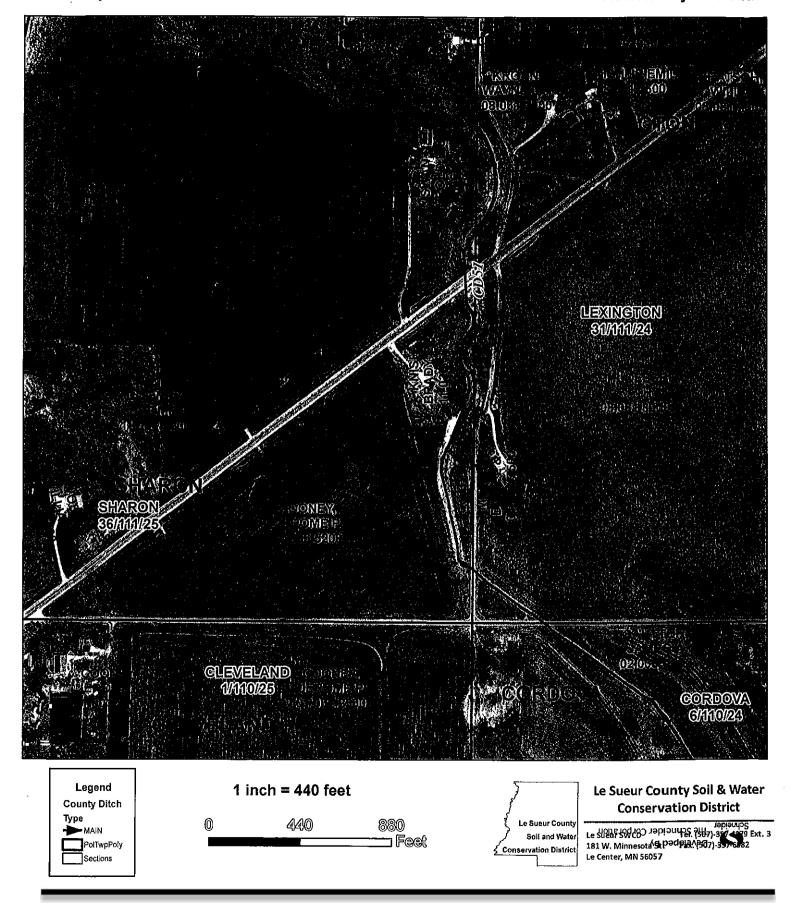
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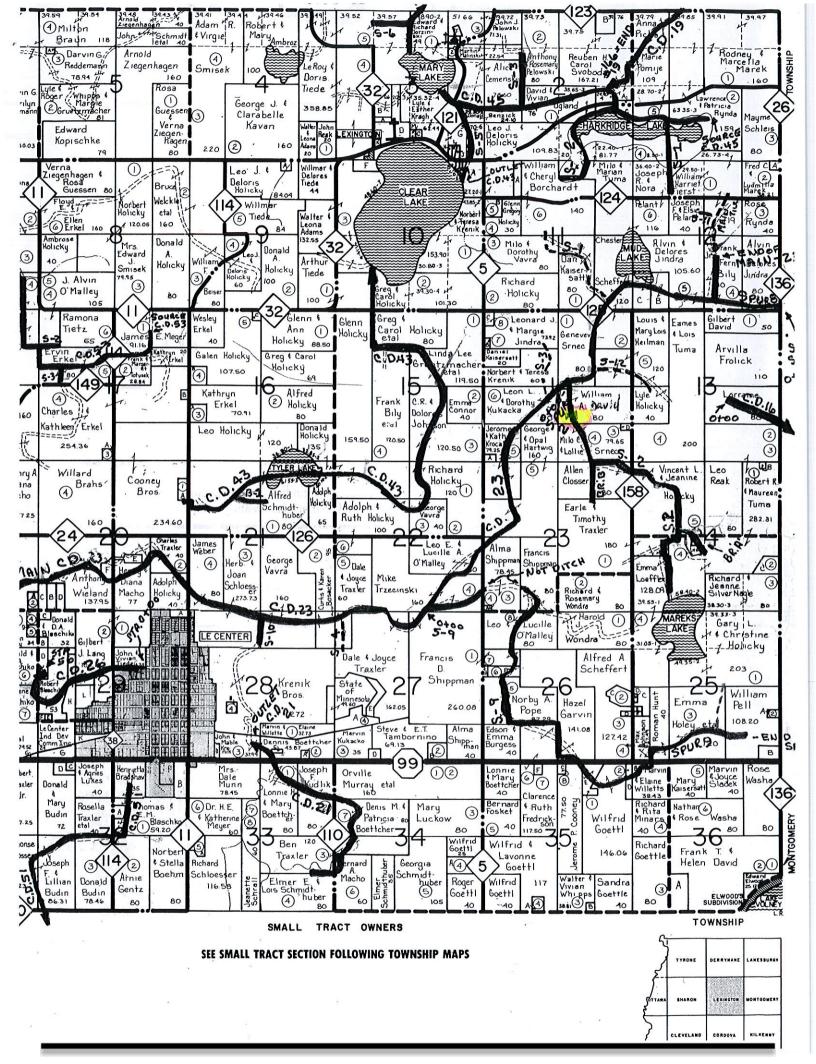
We, the undersigned landowners, do hereby request the Le Sueur
County Board of Commissioners to clean out and repair Le Sueur 3 (County Ditch # 5 / located in Sharan 5 fownship.
County Ditch # 5 / located in Sharan > township.
Signed Address/Phone # (2) 527_381-253/
Date: 11 _ 30 _ 15
Description of problem: Pitch plught High aga to county 110
Clean out 99 h
Roger Ruhland

Landowner: Jerome Cooney

Le Sueur Soil and Water Conservation District Township & Section: Sharon 36 Date: 11/30/2015 Assisted By: Joe Jirik



We, the undersigned land owners; o	io hereby request the Le Sueur County
Board Of Commissioners to clean c	out and repair Le Sueur County Ditch Lington Sect 14 township(s).
	11.19.1. ССС 1 го милопир(в).
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Date: Dec	4 2015
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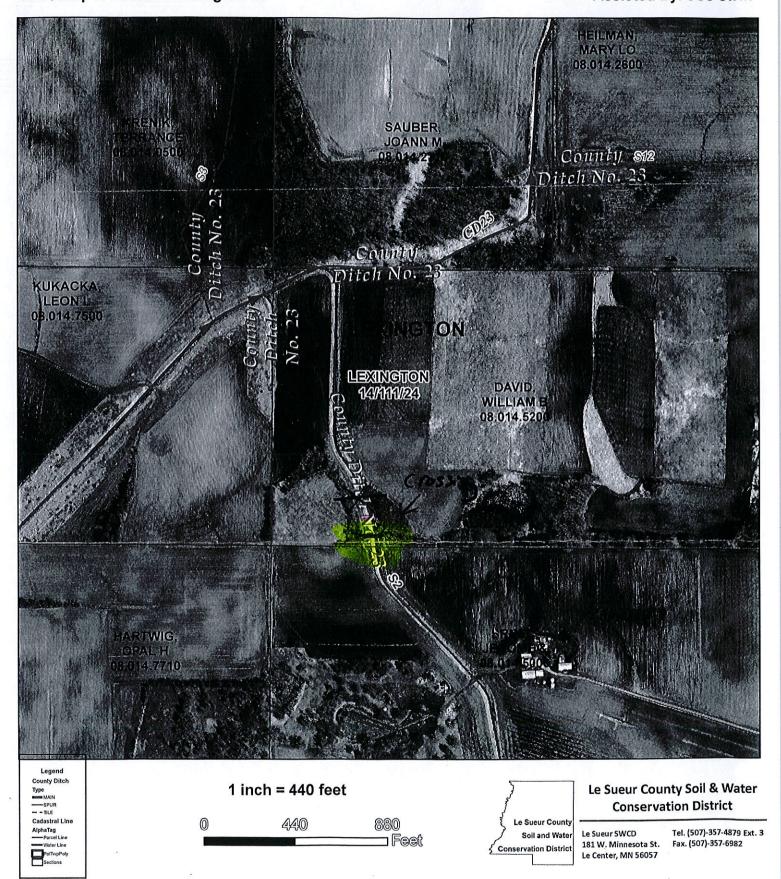




Landowner: Bill David

Le-Sueur Soil and Water Conservation District Township & Section: Lexington 14

Date: 11/13/2015 Assisted By: Joe Jirik



Signed	Address & Phone No.
Kevin Johnson	Sonece Foods 42-856-0
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Date: 12-7.	
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