



Le Sueur County, MN

Tuesday, November 15, 2016

Board Meeting

Item 8

11:00 a.m. West Jefferson Public Hearing

Staff Contact:

NOTICE OF PUBLIC HEARING ON POTENTIAL WEST JEFFERSON SUBORDINATE SERVICE DISTRICT

Notice is hereby given that the Le Sueur County Board of Commissioners, pursuant to Minnesota Statute Chapter 375B will hold a public hearing on November 15, 2016 at 11:00 a.m. at the Le Sueur County Courthouse at 88 S. Park Avenue, Le Center, MN for the purpose of receiving public comment, either oral or written on the establishment of a voluntary subordinate service district on West Jefferson Lake in order to facilitate the construction and administration of a wastewater system connected to the City of Cleveland's existing wastewater treatment system. The area served by the proposed district will be withdrawn from the existing German-Jefferson Lakes Area Sanitary Sewer District. The subordinate service district is expected to accommodate up to 140 sewer connections within a defined area on a 'first come, first served' basis. Grants and financial assistance may be available to property owners within the proposed district.

Darrell Pettis
County Administrator

Attn: Please run the two successive weeks of October 31 and November 7, 2016

[15741-0031/2474202/1]

INSTRUCTIONS FOR PETITION

1. Identify the Property.

The property address and tax parcel identification number are adequate for the petition. The property's legal description will be necessary at a later time.

2. Identify the Owners and Obtain Signatures.

All owners of a property must sign the petition. This includes spouses -- ***even if the deed just lists one of the spouses, both spouses must sign.*** Property owned by a trust must have all necessary trustees sign. Property owned by an entity must be signed by the properly authorized individual.

3. Complete Contact Information.

To insure timely communication, identify a single individual to serve as the representative for the property. A person should be identified when the owner is an entity. Include mailing address, telephone and email addresses to insure the County is able to reach you. The more information, the better. You may indicate a preferred method.

4. Identify Encumbrances.

Please list any mortgages that might encumber the property, any parties that might hold an option to purchase the property, any tenants of the property, and any other encumbrances of record.

5. Submission.

Upon completion and signature of the petition, the signed original should be submitted in-person or by mail to the Le Sueur County Administrator between November 15, 2016 and January 1, 2017 at:

Attn: Darrell Pettis
Le Sueur County Courthouse
88 South Park Avenue
Le Center, MN 56057

**PETITION FOR ESTABLISHMENT OF SUBORDINATE SERVICE
DISTRICT AND WASTEWATER IMPROVEMENTS**

To the Le Sueur County Board, Minnesota:

We, the undersigned, are the owners of real property at the following address:
_____; Tax PIN No.: _____ (the
“Property”). We petition the County Board as follows:

1. **New Subordinate Service District.** We have reviewed the Wastewater Facility Plan dated May 25, 2016, commissioned for by private citizens and prepared by Bolton & Menk, Inc. We voluntarily request the creation of a new subordinate service district (“New District”) on West Jefferson Lake for the purpose of constructing, owning, and operating a wastewater system (“New System”) to be connected to the wastewater system currently owned and operated by the City of Cleveland, as generally contemplated in the Wastewater Facility Plan. We acknowledge that the establishment of the New District, its boundaries, and the construction of the New System are discretionary decisions for Le Sueur County and that limited connections will be available within the New District, which shall be allocated based on priorities of water quality protection, efficient construction, and proximity to West Jefferson Lake.
2. **Removal from Existing Subordinate Service District.** Upon creation of the New District, we request to be voluntarily removed from the existing German-Jefferson Subordinate Service District, the purpose of which is to maintain continuous compliance of subsurface sewage treatment systems within the existing district.
3. **Construction of New System.** We petition for the construction of the New System consisting of a pressurized sanitary sewer system, with individual grinder pumps and service lines for each parcel, connected to the City of Cleveland’s existing wastewater system. We acknowledge that the New System may be administered by the City of Cleveland pursuant to a joint powers agreement.
4. **Assessment for New System.** We request that the entire cost of the New System, less any amount covered by outside grants or funding, be proportionately specially assessed against our Property pursuant to Minnesota Statutes Chapter 429, and we agree to pay the entire special assessment cost, including interest. We acknowledge that if our Property is included in the New District, but we opt to delay connection, the future costs of connecting (grinder pump, service lines, connection and access charges, etc.) may not be eligible for outside grants or funding and we will then be responsible for 100% of such costs.
5. **Waivers.** We expressly waive any objection to any notice or other procedural irregularity in the establishment of the New District, removal from the existing district, and the special assessment process for the New System. We expressly waive any claim that the amount levied against our Property for the New System is excessive or exceeds the benefit provided by the New System, together with all rights to appeal in the courts. We acknowledge that an estimated assessment amount resulting from a feasibility study is just that—an estimate. We acknowledge that the final, specially assessed cost for the

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New System may exceed the estimated assessment amount and we agree to pay the entire final special assessment cost, including interest, nonetheless.

6. **Right of Entry**. We hereby grant Le Sueur County, and its agents and assigns, a right of entry onto the Property for the purpose of performing necessary investigations and feasibility studies for the New System. The right of entry can be revoked only through written notice to the Le Sueur County Engineer.
7. **Future Easements**. We acknowledge that future easements may be necessary for the construction of the New System and we agree to grant such easements for the New System without additional compensation.

We represent and warrant that we are the sole owners of the Property, have full and good lawful authority to sign this Petition, and agree to be bound by the terms of this Petition.

OWNERS:

_____	_____	_____
Print Name	Signature	Date
_____	_____	_____
Print Name	Signature	Date
_____	_____	_____
Print Name	Signature	Date
_____	_____	_____
Print Name	Signature	Date

CONTACT INFORMATION:

Designated Representative for the Property: _____

Mailing Address: _____

Telephone: _____

Email: _____

MORTGAGES OR OTHER LIEN HOLDERS:

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LE SUEUR COUNTY RESOLUTION NO. ____

**RECOMMENDING A PETITION PROCESS FOR THE CREATION OF A
SUBORDINATE SERVICE DISTRICT TO PROVIDE SANITARY SEWER SERVICE
TO A PORTION OF WEST JEFFERSON LAKE IN LE SUEUR COUNTY**

WHEREAS, Le Sueur County established the German-Jefferson Lakes Area Sanitary District (the “Existing District”), a subordinate service district pursuant to Minnesota Statutes § 375B, on November 16, 2004;

WHEREAS, the original purpose of the Existing District was to establish a system for the “collection, conveyance and treatment of wastewater”;

WHEREAS, ultimately, a wastewater system was not created and the Existing District instead implemented a mandatory septic inspection and continuous compliance program;

WHEREAS, the residents around West Jefferson Lake commissioned a Wastewater Facility Plan dated May 25, 2016 (the “Facility Plan”), prepared by Bolton & Menk, Inc. to explore the potential for the provision of sanitary sewer service around West Jefferson Lake;

WHEREAS, the Facility Plan calls for the construction of a pressurized sanitary sewer around West Jefferson Lake, serving up to 140 connections (the “New System”) to convey wastewater to the City of Cleveland’s wastewater treatment facility;

WHEREAS, the City of Cleveland, in a draft joint powers agreement, has indicated a willingness to accept the additional wastewater and administer the New System if a new subordinate service district (the “New District”) is created pursuant to Minnesota Statute § 375B in order to construct and own the New System around West Jefferson Lake;

WHEREAS, the creation of the New District will require that properties served by the New System be removed from the Existing District;

WHEREAS, a significant portion of the cost of the New System may be financed through outside funding;

WHEREAS, Le Sueur County supports voluntary efforts to improve wastewater management within the County, including the formation of subordinate service districts when requested by property owners;

WHEREAS, Le Sueur County supports the voluntary construction of necessary wastewater improvements when those costs are covered by outside sources, the property owners benefitting from such improvements, or any combination of the two;

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WHEREAS, Le Sueur County desires to facilitate the voluntary formation of the New District around West Jefferson Lake and the construction of the New System, if requested through the petition process provided in Minnesota Statute § 375B.05; and

WHEREAS, in order to facilitate an efficient and expedited petition process for the voluntary formation of the New District, the County has prepared an example petition form and expressed certain policy positions that are likely to expedite the petition process and factor into the consideration of whether to establish the New District.

NOW THEREFORE, the Le Sueur County Board of Commissioners hereby resolves as follows:

1. The example petition form attached as **Exhibit A** has been prepared by the County and its use, although not mandatory, will simplify the petition review and consideration process for the creation of the New District.
2. Inclusion in the New District should be 100% voluntary.
3. Capacity of the New System would be limited to 140 connections within the New District due to the existing constraints of the City of Cleveland's wastewater treatment facility.
4. Consideration for inclusion in the New District shall be prioritized based on a petitioner's property being: (1) a riparian parcel on West Jefferson Lake identified as being within the proposed service area in the Facility Plan; (2) a non-riparian parcel on West Jefferson Lake identified as being within the proposed service area in the Facility Plan; or (3) adjacent to parcels identified as being within the proposed service area in the Facility Plan and that can be efficiently connected to the New System.
5. Any petitioned request should include a request for the uniform assessment of all costs for the construction of the New System against benefitted properties, less any cost covered by outside funding, together with a waiver of all procedural objections and appeal rights.
6. If a petitioned property is included in the New District, but the property owner opts to delay connection, the future costs of connecting may not be eligible for outside grants or funding and the owner will then be responsible for 100% of such connection costs.
7. Any petitioned request should include a request for the removal of the petitioned property from the Existing District, a right of entry to allow the County to investigate the feasibility of the New System, and an acknowledgement of potential new easements that may be necessary for the New System.

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8. The New District should be supervised by the County, but staff expertise and capacity is insufficient to administer the New System.
9. The New System would be administered by the County pursuant to a joint powers agreement, and the cost of administration will be financed by taxes, special assessments and service charges from all properties within the New District.
10. All petitioned requests for inclusion in the New District should be submitted to the Le Sueur County Administrator no later than January 1, 2017.

Dated this 15th day of November, 2016.

Chairperson, Le Sueur County
Board of Commissioners

ATTEST:

Le Sueur County Administrator

Exhibit A

(Example Petition Form)

[15741-0031/2491964/1]

West Jefferson Lake Sanitary Sewer Collection System

Le Sueur County, Minnesota

Option #2 - No Lake Crossings
October 10, 2016

