



Le Sueur County, MN

Tuesday, October 24, 2017

Board Meeting

Item 5

9:35 a.m. Darrell Pettis, County Administrator

RE: Buffer Ordinance

RE: West Jefferson Update

RE: Voting Equipment Resolution

RE: County Ditch 54 - Hearing on Redetermination of Benefits and Lake Sanborn Matters on January 23, 2018 at 9:15 a.m.

Staff Contact:

LE SUEUR COUNTY BUFFER ENFORCEMENT ORDINANCE

PURSUANT TO STATUTES SECTION 103F.48

1.0 STATUTORY AUTHORIZATION AND POLICY

1.1 **Statutory authorization.** This buffer ordinance is adopted pursuant to the authorization and policies contained in Minn. Stat. §103F.48, the Buffer Law as amended from time to time, Minn. Stat. §103B.101, subdivision 12a, authority to issue penalty orders and the County planning and zoning enabling legislation in Minn. Stat. chapter 394.

1.2 **Purpose and intent.** It is the purpose and intent of the County to:

(a) Provide for riparian vegetated buffers and water quality practices to achieve the following purposes:

(1) Protect state water resources from erosion and runoff pollution;

(2) Stabilize soils, shores and banks; and

(3) Protect or provide riparian corridors.

(b) Coordinate the implementation and enforcement of the water resources riparian protection requirements of Minn. Stat. §103F.48 with the shoreland management rules and ordinances adopted under the authority of Minn. Stat. §103F.201 to 103F.227 and the management of public drainage systems established under Minn. Stat. chapter 103E where applicable; and

(c) Provide efficient and effective direction to landowners and protection of surface water quality and related land resources.

2.0 DEFINITIONS AND GENERAL PROVISIONS

2.1 **Definitions.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the same meaning they have in common usage and to give this ordinance its most reasonable application. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.

2.1.1 **"APO"** means the administrative penalty order issued pursuant to Minn. Stat. §103F.48, subd. 7 and Minn. Stat. §103B.101, subd. 12a.

2.1.2 **"Buffer"** has the meaning provided in Minn. Stat. §103F.48, subd. 1(c).

2.1.3 **"Buffer protection map"** has the meaning provided in Minn. Stat. §103F.48, subd. 1(d) and which are available on the Department of Natural Resources website.

- 2.1.4 **"BWSR"** means the Board of Water and Soil Resources.
- 2.1.5 **"County"** means Le Sueur County and its employees, designees or representatives.
- 2.1.6 **"Cultivation farming"** means farming practices that disturb root or soil structure or that impair the viability of perennial vegetation due to cutting or harvesting near the soil surface.
- 2.1.7 **"Drainage authority"** has the meaning provided in Minn. Stat. §103E.005, subd. 9.
- 2.1.8 **"Landowner"** means the holder of the fee title, the holder's agents or assigns, any lessee, licensee, or operator of the real property and includes all land occupiers as defined by Minn. Stat. §103F.401, subd. 7 or any other party conducting farming activities on or exercising control over the real property.
- 2.1.9 **"Local water management authority"** has the meaning provided in Minn. Stat. §103F.48, Subd. 1(g).
- 2.1.10 **"Normal water level"** means the level evidenced by the long-term presence of surface water as indicated directly by hydrophytic plants or hydric soils or indirectly determined via hydrological models or analysis.
- 2.1.11 **"Parcel"** means a unit of real property that has been given a tax identification number maintained by the County.
- 2.1.12 **"Public drainage system"** has the meaning given to "drainage system" in Minn. Stat. §103E.005, subd. 12.
- 2.1.13 **"SWCD"** means Soil and Water Conservation District.
- 2.1.14 **"Subsequent Initial Noncompliance"** means a first incidence of noncompliance occurring on a parcel after an incidence of noncompliance has occurred on a different parcel.
- 2.1.15 **"Validation of Compliance"** means a notice issued by SWCD that validates that a site(s) is compliant and that said validation is good as long as all practices identified/ documented continue to be in place and substantially in the condition identified at the time of issuance. Said notice shall be in recordable form.
- 2.2 **Severability.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- 2.3 **Data sharing/management.**
- 2.3.1 The County may enter into arrangements with an SWCD, a watershed district if applicable, BWSR and other parties with respect to the creation and maintenance of, and access to, data concerning buffers and alternative practices under this ordinance.

2.3.2 The County will manage all such data in accordance with the Minnesota Data Practices Act and any other applicable laws.

2.4 **Delegation of Enforcement.** Nothing herein shall prevent the County from entering into an agreement with any other entity, authorized under statutes section 103F.48 to enforce buffer requirements, for the enforcement of buffer requirements within its jurisdiction according to this ordinance or other properly adopted enforcement rule. The County may delegate certain other functions under this ordinance to the SWCD under separate agreement.

2.5 **Drainage System Acquisition and Compensation for Buffer.** Nothing in this ordinance shall prevent the acquisition and compensation of grass buffers on public drainage systems pursuant to Minnesota Statutes chapter 103E.

3.0 JURISDICTION

3.1 **Jurisdiction.** The provisions of this ordinance apply to all waters, excluding public drainage systems for which the County is not the drainage authority or a member of a joint drainage under Minn. Stat. chapter 103E, shown on the buffer protection map, where another enforcement authority has elected enforcement jurisdiction.

4.0 BUFFER REQUIREMENTS

4.1 **Buffer width.** Except as provided in subsection 4.4 and 4.5, a landowner owning property adjacent to a water body identified on the buffer protection map must establish and maintain a buffer area as follows:

(a) For waters shown on the buffer protection map requiring a fifty (50) foot width buffer, the buffer width will be fifty (50) foot average and thirty (30) foot minimum width as provided in Minn. Stat. §103F.48, subd. 3.

(b) For waters shown on the buffer protection map requiring a sixteen and a half (16.5) foot minimum width buffer, the buffer width will be sixteen and a half (16.5) feet as provided in Minn. Stat. §103F.48, subd. 3 and as measured according to subsection 4.2

4.2 **Measurement.**

(a) The width of any required buffer on land adjacent to a water requiring a fifty (50) foot average width and a thirty (30) foot minimum width buffer shall be measured from the top or crown of the bank. Where there is no defined bank, measurement must be from the edge of the normal water level as provided in Minn. Stat. §103F.48, subd. 3(c).

(b) The width of any required buffer on land adjacent to a water requiring a sixteen and a half (16.5) foot minimum width buffer shall be measured in the same manner as for measuring the vegetated grass strip under Minn. Stat. §103E.021, subd. 1 as provided in Minn. Stat. §103F.48, subd. 3(c).

- 4.3 **Use of buffer area.** Except as provided in sections 4.4 and 4.5 a buffer as defined in this ordinance may not be put to any use, included but not limited to cultivation farming, which would remove or prevent the permanent growth of perennial vegetation.
- 4.4 **Exemptions.** The requirement of section 4.1 does not apply to land that is exempted from the water resources riparian protection requirements under Minn. Stat. §103F.48, subd. 5.
- 4.5. **Alternative practices.** As provided in Minn. Stat. §103F.48, subd. 3(b) an owner of land that is used for cultivation farming may demonstrate compliance with subsection 4.1 by establishing and maintaining an alternative riparian water quality practice(s), or combination of structural, vegetative, and management practice(s) which provide water quality protection comparable to the water quality protection provided by a required buffer as defined in sections 4.1 to 4.3. The adequacy of any alternative practice allowed under this section shall be based on:
- (a) the Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG);
 - (b) common alternative practices adopted and published by BWSR;
 - (c) practices based on local conditions approved by the SWCD that are consistent with the Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG); or
 - (d) other practices adopted by BWSR.
- 4.6 Nonconformities: Where the provisions of any statute, other ordinance or regulation imposes greater restrictions than this ordinance, the provisions of such statute, other ordinance, or regulation shall control. Parcels that are considered nonconforming for other land uses shall not be nonconforming with respect to these provisions and with respect to compliance with Minn. Stat. § 103F.48.

5.0 COMPLIANCE DETERMINATIONS

- 5.1 **Compliance determinations.** Compliance with the buffer requirements set forth in section 4 will be determined by the SWCD on a parcel by parcel basis. The compliance status of each bank, or edge of a watercourse on an individual parcel will be determined independently.
- 5.2 **Investigation and notification of noncompliance.** The SWCD is responsible for identifying and notifying the County of noncompliance. If the County becomes aware of a potential noncompliance with the buffer requirements or receives a third party complaint from a private individual or entity, or from another public agency, it will consult with the SWCD to determine the appropriate course of action to document compliance status. This may include communication with the landowner, inspection or other appropriate steps necessary to verify the compliance status of the parcel. On the basis of the evidence gathered in this process, the SWCD may issue a Notification of Noncompliance to the County. If the SWCD does not issue such a Notification, the County will not pursue a compliance or enforcement action under Minnesota Statutes §103F.48 and subsection 6.2. If the SWCD does issue such a Notification,

the SWCD must include, for consideration by the County, a list of corrective actions needed to come into compliance with the requirements of Minn. Stat. §103F.48; a recommended timeline for completing the corrective actions; and a standard by which the SWCD will judge compliance with the requirements of Minn. Stat. §103F.48 after the corrective actions are taken.

At any time during process set forth in 5.2 and 5.3, the landowner may provide documentation of compliance to the SWCD.

5.2.1 Compliance determination. The SWCD will evaluate the available documentation, and/or evaluate and/or inspect the buffer and/or alternative practices to determine if the parcel is in compliance. Upon completion of the evaluation and/or inspection the SWCD shall issue a written compliance determination to the landowner, the County and BWSR. The SWCD may also issue a Validation of Compliance if applicable and requested by the landowner.

5.3 Corrective Action Notice. On receipt of an SWCD Notification of Noncompliance, the County or assigned Agent will issue the landowner a Corrective Action Notice that will:

- (a) include a list of corrective actions needed to come into compliance with the requirements of Minn. Stat. §103F.48;
- (b) provide a timeline for completing the corrective actions;
- (c) provide the standard by which compliance will be evaluated after the corrective actions are taken; and
- (d) include a statement that failure to complete corrective actions and achieve compliance within the timeline provided may result in civil or administrative enforcement actions and the assessment of administrative penalties.

The County may send the landowner a combined Corrective Action Notice and APO as provided in section 6.2 so long as the combined Notice/APO includes all the required elements of both.

The County shall transmit the corrective action notice by either personal service to the landowner or by depositing the same in the U.S. Mail. If service is made by U.S. mail, the document is deemed received three business days after the notice was placed in the U.S. mail. Failure of actual receipt of a corrective action notice that has either been personally served or served by depositing the same in the U.S. Mail shall not be deemed a defense in an enforcement proceeding under section 6.0. The County shall also send a copy of the Notice to the SWCD and BWSR.

Counties may modify the corrective actions and timeline for compliance, in accordance with section 5.2, to extend the compliance timeline for a modification that imposes a substantial new action or significantly accelerates the completion date for an action.

- 5.3.1 At any time after receipt of a corrective action notice, the landowner may provide documentation of compliance to the County. In addition, the landowner may supply information to the County or the SWCD in support of a request to modify a corrective action or the timeline for compliance. On the basis of any such submittal or at its own discretion, the County, after consulting the SWCD, may make a written modification to the Corrective Action Notice or timeline for compliance. The County, upon review and notification by the SWCD, should also make a written determination documenting whether the noncompliance has been fully corrected. Any such modification of a compliance determination will be served on the landowner in the manner provided for in section 5.3. The County shall provide the SWCD and BWSR a written copy of any modification made pursuant to this provision.
- 5.3.2 The SWCD may, after an evaluation of the evidence documenting compliance submitted by the landowner, issue a written Validation of Compliance if requested by the landowner. Upon receipt by the County of a written compliance determination issued by the SWCD, the Corrective Action Notice will be deemed withdrawn for the purpose of section 6.0, and the subject property will not be subject to enforcement under that section.

6.0 ENFORCEMENT

6.1 The County may issue an APO as provided for in Minn. Stat. §§103F.48, subd. 7(b) and (c) and 103B.101, subdivision 12a to a landowner who has failed to take the corrective action as set forth in the corrective action notice. For the APO to be effective it must be served on the landowner together with a copy of the corrective action notice or alternatively the County may serve the landowner with a combined Corrective Action Notice and APO so long as the combined Notice/APO includes all the elements of both. Service is effective either by personal service or by depositing the documents set forth herein in the U.S. Mail. Any penalty assessed in the APO shall continue to accrue until the violation is corrected as provided in the Corrective Action Notice and APO.

6.2 Administrative Penalty Order (APO).

(a) Initial violation. The penalty for a landowner on a single parcel that has not previously been issued a corrective action notice by the County shall be:

- i. \$0 for 11 months after issuance of the Corrective Action Notice or during the schedule issued for taking correction actions, whichever is greater;
- ii. Up to \$200 per parcel per month for the first six (6) months (180 days) following the time period in i; and
- iii. Up to \$500 per parcel per month after six (6) months (180 days) following the time period in ii.

(b) Repeat violation. The penalty for a landowner on a single parcel that has previously been issued a corrective action notice by the County shall be:

- i. Up to \$200 per parcel per day for 180 days after issuance of the subsequent Corrective Action Notice; and
- ii. Up to \$500 per parcel per day for after 180 days following the time period in i.

(c) Ongoing penalty assessment. Any penalty assessed under this section shall continue until the corrective action notice has been satisfied.

6.2.1 **Penalty Determination.** For administrative penalties imposed by the County, the County shall determine the severity of the noncompliance, intentional nature of noncompliance and frequency of noncompliance in determining the amount of violation. The amount of an administrative penalty will be based on considerations including the extent, gravity and willfulness of the noncompliance; its economic benefit to the responsible party; the extent of the responsible party's diligence in addressing it; any noncompliance history; the public costs incurred to address the noncompliance; and other factors as justice may require. Upon appropriate findings, the County shall use the following table to determining a penalty amount:

Nature of Violation	Severity of Violation		
	Minor	Moderate	Substantial
Initial noncompliance (initial term)	\$50	\$100	\$150
Initial noncompliance (subsequent term)	\$200	\$300	\$400
Subsequent initial noncompliance (new parcel, initial term)	\$100	\$150	\$200
Subsequent initial noncompliance (new parcel, subsequent term)	\$300	\$400	\$500
Repeat noncompliance (same parcel, initial term)	\$100	\$150	\$200
Repeat noncompliance (same parcel, subsequent term)	\$300	\$400	\$500

6.2.2 APO. To be valid the APO shall include, at a minimum:

- i. The facts constituting the violation of the riparian protection and water quality practices requirements set forth in this section 4.0 of this ordinance or Minn. Stat. §103F.48 ;
- ii. The specific statute and/or ordinance section(s) that has/have been violated;
- iii. A written description of prior efforts to work with the landowner to resolve the violation;
- iv. The amount of the penalty to be imposed;
- v. The facts supporting the amount of the penalty;
- vi. The date the penalty will begin to accrue;
- vii. The date that payment of the penalty is due;

- viii. The date by which all or part of the penalty may be forgiven if the landowner has/have complied with the Corrective Action Notice; and
- ix. A statement of the landowner's right to appeal the APO.

6.2.3 All or part of the penalty may be forgiven based on the correction of the noncompliance by the date specified in the APO by the landowner as provided in Minn. Stat. §103F.48, subd. 7(d).

6.2.4 A copy of the APO must be sent to the SWCD and BWSR.

6.2.5 An APO issued under this section may be appealed to the BWSR within 30 days of receipt by the landowner in accordance with the requirements set for the in Minn. Stat. §103F.48, subd. 9. Any APO that is not appealed within the 30 day period shall be deemed final.

6.3 Administrative Penalty Order Procedures

6.3.1 Statute of limitations. According to Minn. Stat. §541.07, the County has two years in which to commence an APO action after the date the violation is discovered. The goal is to complete the action as soon as reasonably practical, recognizing that situations for which data must be gathered, field investigations must be completed and/or modeling must be performed will require adequate time to complete the work and communicate with the landowner involved.

6.3.2 Compliance verification. Once a landowner has provided notice and submitted written evidence of correction of the violation set forth in the notice of compliance, compliance must be verified. The County will refer the landowner's evidence and notice to the SWCD to:

- i. Review and evaluate all information related to the corrective action notice or APO to determine if the violation has been corrected;
- ii. Verify compliance by site visit, re-inspection, examination of documentation, or other means as may be reasonable under the facts of the case; and
- iii. Document compliance verification.

The SWCD may consult with the County when conducting a compliance verification.

6.3.3 Right to appeal. Within 30 days after receipt of the APO, a landowner may appeal the terms and conditions of an APO issued by a County to BWSR as provided in Minn. Stat. §103F.48, subd. 9. The appeal must be in writing and must include a copy of the APO that is being appealed, the basis for the appeal and any supporting evidence. The appeal may be submitted personally, by U.S. mail, or electronically, to the Executive Director of BWSR.

6.3.4 Penalty due. Unless the landowner appeals the APO as provided in section 6.3.3 the penalty specified in the APO becomes immediately due and payable to the County as set

forth in the APO. If, however, the landowner submits written documentation that the violations has been corrected prior to the time the penalty becomes due and payable the County shall verify compliance and adjust the penalty to an amount the landowner would have owed had the penalty been paid on the date the landowner submitted written documentation of compliance. Written documentation of compliance may include a written validation of compliance issued by the SWCD.

However, if the County determines the violation was not fully corrected, the County shall notify the landowner by issuing a written letter of determination and depositing it in the U.S. Mail. Any determination sent by U.S. Mail shall be deemed received three business days after the letter of determination has been deposited in the U.S. Mail. The landowner shall have an additional 20 days after receipt of the letter of determination to pay the penalty or the time period specified in the APO as issued, whichever is later. The penalty will continue to accrue until the violation is corrected as provided in the Corrective Action Notice and APO.

6.3.5 Referral for collection of penalty. All penalties and interest assessed under an APO must be paid by the landowner. All payments shall be made payable to the County. Any penalty or interest not received may be collected by the County using any lawful means including, if lawful, recovery by additional property tax or by recording a lien against the property.

6.3.6 Reporting and documentation. The SWCD shall maintain the following records for any potential violation of the riparian protection and water quality practices requirements. Said records shall include but are not limited to the following:

- i. The cause of the violation;
- ii. The magnitude and duration of the violation;
- iii. Documentation showing whether the violation presents an actual or imminent risk to public health and safety;
- iv. Documentation showing whether the violation has the potential to harm to the natural resources of the state;
- v. A record of past violations;
- vi. Efforts by the SWCD, County, Watershed District or BWSR to assist the responsible party or parties to become compliant, including written and oral communications with the responsible party or parties ; and
- vii. Past and present corrective action efforts by the responsible party or parties.

ADOPTION

The Board of County Commissioners, after proper notice and publication, held a public hearing on the adoption of this Ordinance on ***October 17, 2017, with the adoption of said Ordinance on October 24, 2017*** at the Le Sueur County Courthouse and with due deliberation, the Board of County Commissioners voted ____ Yes and ____ Nay to adopt this Ordinance.

EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication.

Passed on this date: October 24, 2017.

Chairperson, Board of County Commissioners

ATTEST: _____
County Administrator

LE SUEUR COUNTY RESOLUTION NO. ____

**ACCEPTING SUBORDINATE SERVICE DISTRICT PETITION AND ORDERING
THE ESTABLISHMENT OF THE WEST JEFFERSON SANITARY SEWER
SUBORDINATE SERVICE DISTRICT**

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; and

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

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

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; and

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

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

WHEREAS, the creation of the West Jefferson Sewer Service District will require that properties served by the Sanitary Sewer System be removed from the Existing District; and

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

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; and

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; and

[15741-0031/2545858/1]

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

WHEREAS, in order to facilitate an efficient and expedited petition process for the voluntary formation of the West Jefferson Sewer Service District, the County prepared an example petition form and expressed certain policy positions for the establishment of the West Jefferson Sewer Service District; and

WHEREAS, the County has received a petition and set a public hearing as required by Minnesota Statutes § 375B.

NOW THEREFORE, the Le Sueur County Board of Commissioners hereby adopts the following findings of fact:

FINDINGS OF FACT

- A. The County received a petition from owners of 110 properties. Copies of the petitions are shown in **Exhibit A** (the “Petition”).
- B. County staff have reviewed and verified the Petition.
- C. The County conducted a public hearing on January 17, 2017, at 10:00 a.m., at the Le Sueur County Courthouse at 88 S. Park Avenue, Le Center, as required by Minnesota Statutes § 375B.05, Subd. 2. A copy of the hearing notice is shown in **Exhibit B**.
- D. The County solicited comments from the public regarding the Facility Plan, the Sanitary Sewer System, **withdrawal of properties from the Existing District**, and establishment and financing of the West Jefferson Sewer Service District.
- E. The consensus of those present at the public hearing was that the County should (1) pass a resolution establishing the subordinate service district; (2) execute an interconnection agreement with the City of Cleveland for wastewater treatment; and (3) continue to pursue additional outside funding for the project. Sufficient public support and utility exists within the geographic boundaries of the proposed West Jefferson Sewer Service District.

FURTHER, the Le Sueur County Board of Commissioners acknowledges and accepts the Petition requesting the creation of a new subordinate service district.

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

- 1. The West Jefferson Sewer Service District is hereby established.

2. The West Jefferson Sewer Service District shall be 100% voluntary.
3. The West Jefferson Sewer Service District shall include the properties listed in **Exhibit C** and as depicted in the map in **Exhibit D**.
4. The service provided by the West Jefferson Sewer Service District shall consist of the construction and administration of a residential wastewater system of sewers, force mains, lift stations, grinder pumps, and meters.
5. The service provided by the West Jefferson Sewer Service District will be financed by taxes, uniform assessment of all construction costs of the Sanitary Sewer System against benefitted properties, and service charges originating within the subordinate service district, as well as federal, state, and local grants or loans.
6. County staff is directed to negotiate an interconnection agreement with the City of Cleveland for wastewater treatment and present a final draft to the Le Sueur County Board of Commissioners at a future date for approval.
7. County staff is directed to prepare an ordinance for the West Jefferson Sewer Service District that:
 - a. Establish methods for setting fees;
 - b. Determines levels, methods and costs of operational oversight;
 - c. Sets performance standards in accordance with an interconnection agreement with the City of Cleveland; and
 - d. Determines responsibilities and obligations of the citizen participants, and the West Jefferson Subordinate Service District.

A final draft of the ordinance shall be presented to the Le Sueur County Board of Commissioners at a public hearing for approval.

8. The West Jefferson Sewer Service District shall be supervised by the County Administrator in conjunction with the County Department of Environmental Services, but administration of the Sanitary Sewer System shall be conducted pursuant to an interconnection agreement with the City of Cleveland.
9. County staff is directed to immediately publish a copy of this resolution, without copies of the exhibits, once in the official newspaper; the public may contact the County Department of Environmental Services for copies of the exhibits.

Dated this 17th day of January, 2017.

Chairperson, Le Sueur County
Board of Commissioners

ATTEST:

Le Sueur County Administrator

[15741-0031/2545858/1]

Exhibit A

(Copies of Signed Petition Forms)

[15741-0031/2545858/1]

Exhibit B

(Copy of hearing notice for January 17, 2017 public hearing)

[15741-0031/2545858/1]

Exhibit C

(Legal Description of Properties in West Jefferson Sewer Service District)

[15741-0031/2545858/1]

Exhibit D

(Map of Properties in West Jefferson Sewer Service District)

[15741-0031/2545858/1]

**LE SUEUR COUNTY
INTERIM SUBSURFACE SEWAGE TREATMENT
STANDARDS (SSTS)
FOR
~~GERMAN-JEFFERSON~~ WEST JEFFERSON SANITARY SEWER
SUBORDINATE SERVICE DISTRICT**

Effective Date: Shall become effective upon publication. ~~prior to or at the start of the inventory process.~~

Upgrading Non-Complying Systems:

- Imminent Health Threats: Shall be upgraded within ten (10) months of the date of the compliance inspection. To bring systems into compliance, allow property owners to install a holding tank for temporary use with a valid pumping contract detailing the location of the sewage disposal. The holding tank will only be permitted until ~~December 31, 2017~~ December 31, 20??.
- Non-Imminent Health Threats (Failing to Protect Groundwater): Shall be upgraded on or before ~~December 31, 2017~~ December 31, 20??.

Holding Tanks: The Department will require pumping contracts.

Property Transfer:

- Continue to require a compliance inspection at the time of sale. The compliance inspection will then be on file with the Department.
- Inform the buyer and seller of the potential construction of a wastewater system currently owned and operated by the City of Cleveland ~~sewer-district inventory~~ and what the County's interim policy is for non-compliance.

Permits:

- The issuance of any zoning permit (building, variance, conditional use permit, shoreland restoration) shall continue to require a compliance inspection to determine the compliance status.
- ~~Non-imminent health threats shall be upgraded on or before~~ ~~December 31, 2017.~~ December 31, 20??.
- Imminent health threats shall have ten (10) months to update from the date of the compliance inspection.
- Any current deadlines on file with the Department shall be subject to the above listed deadlines.
- ~~Non-participation with the Inventory: Continue with current SSTS program.~~
- ~~Inventory Started:~~ The County will allow installation of the septic tank(s) for use as a holding tank with a valid pumping contract. The holding tank will only be allowed until ~~December 31, 2017.~~ December 31, 20??.
- The potential drainfield area shall be fenced off for protection from building and/or disturbance.

**RESOLUTION PROVIDING FOR THE ESTABLISHMENT
OF INTERIM TECHNICAL AND ADMINISTRATIVE STANDARDS
FOR THE WEST JEFFERSON SANITARY SEWER SUBORDINATE SERVICE
DISTRICT**

WHEREAS; LE SUEUR COUNTY, in accordance with M.S. 375.B.04 has established a Subordinate Service District;

WHEREAS; LE SUEUR COUNTY, will enact a Subsurface Sewage Treatment System (SSTS) Ordinance which delineates the County's authority and responsibilities for the administration and enforcement of these requirements for the protection of the health, safety, and welfare of the public. And that this ordinance further provides for the granting of variances from these requirements; and

WHEREAS; LE SUEUR COUNTY has recognized that some densely populated areas have physical limitations which preclude the continued long term utilization of on-site sewage systems to provide adequate sewage treatment and may not be suitable for the construction of a complying on-site SSTS under the current standards; and

WHEREAS; the shore land areas of West Jefferson Lake, which lay within the townships of Cleveland and Washington and have undergone redevelopment into high density residential homes; and

WHEREAS; the residents located within the shore land areas of West Jefferson Lake have formed the West Jefferson Sanitary Sewer Subordinate Service District under the authority of M.S. 375.B.04 for the purpose of development and upgrade collection and treatment of sewage at a municipal waste water treatment facility; and

WHEREAS; LE SUEUR COUNTY finds that it would be counterproductive to require strict adherence to all the requirements of the SSTS Ordinance which will not adversely impact the health, safety and welfare of the public in the short term; now

THEREFORE BE IT RESOLVED; the Le Sueur County Board of Commissioners directs the Environmental Services Staff to administer and enforce the SSTS Ordinance in accordance with the Interim Technical and Administrative SSTS Standards adopted by the Board and made part of this resolution.

BE IT FURTHER RESOLVED; that this resolution shall be rescinded on or upon discovery of upgraded individual SSTS, cluster SSTS, and/or collection and treatment of sewage at a municipal wastewater treatment facility.

Le Sueur County Voting Equipment Resolution

Approving Le Sueur County's application for funding from the Voting Equipment Grant.

WHEREAS, Minnesota counties are responsible for administering elections, which includes the purchase and maintenance of supplies and election equipment, including accessible voting equipment; and

WHEREAS, Minnesota last updated much of its voting equipment between 2002 and 2006 meaning that the equipment is rapidly approaching the end of its 10 to 15 year lifespan; and

WHEREAS, it's essential for precincts to have functioning voting equipment so that voters are able to cast their ballot on equipment that is secure, accessible, accurate, and reliable; and

WHEREAS, Minnesota's 90th Legislature authorized \$7 million for the Voting Equipment Grant Account to assist counties, cities, towns, and school districts with the purchase of voting equipment; and

WHEREAS, to receive funding from the Voting Equipment Grant Account, counties must submit an application to the Minnesota Secretary of State before December 15, 2017; now, therefore,

BE IT RESOLVED, Le Sueur County approves its application for funding from the Voting Equipment Grant; and

BE IT FURTHER RESOLVED, the County certifies that any funds awarded from the Voting Equipment Grant will be used only to purchase assistive voting technology, an electronic roster system, an electronic voting system, any individual component of an electronic voting system, or any other equipment or technology approved by the Secretary of State.