



**LE SUEUR COUNTY BOARD OF COMMISSIONERS
MEETING AGENDA
October 24, 2017**

1. **9:00 a.m. Agenda and Consent Agenda**
RE: October 17, 2017 Minutes and Summary Minutes
RE: Minnesota Pheasants Gambling Application
RE: Liquor Licenses for Westwood Marina and Jonny BBQ, LLC
2. **9:05 a.m. Kathy Brockway, Zoning Administrator (5 minutes)**
Request for Action-CUPs-- BWSR Grant Agreement
3. **9:10 a.m. Human Resources (10 min)**
4. **9:20 a.m. Pam Simonette, Auditor-Treasurer and Carol Blaschko, Finance and Elections Director (15 min)**
RE: German-Jefferson Update
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.
6. **Commissioner Committee Reports**
7. **Future Meeting List**



Le Sueur County, MN

Tuesday, October 24, 2017

Board Meeting

Item 1

9:00 a.m. Agenda and Consent Agenda

RE: October 17, 2017 Minutes and Summary Minutes

RE: Minnesota Pheasants Gambling Application

RE: Liquor Licenses for Westwood Marina and Jonny BBQ, LLC

Staff Contact:

Minutes of Le Sueur County Board of Commissioners Meeting October 17, 2017

The Le Sueur County Board of Commissioners met in regular session on Tuesday, October 17, 2017 at 9:00 a.m. in the Courthouse at Le Center, Minnesota. Those members present were: Steve Rohlfling, Lance Wetzel and John King. Also present were Darrell Pettis and Brent Christian. Joe Connolly and Dave Gliszinski were excused.

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

On motion by King, seconded by Wetzel and approved with Gliszinski abstaining, the Board approved the consent agenda:

- Approved the October 3, 2017 County Board Minutes and Summary Minutes
- Approved a Liquor License for Hobber's.

Sue Rynda, Human Services Director, appeared before the Board to give the monthly Human Services Report. This presentation covered Finance, Income Maintenance, Child Support, Family Services, and Mental Health.

On motion by King, seconded by Wetzel and unanimously approved, the Board approved the Human Services claims:

Financial: \$ 28,366.55
Soc Services: \$125,122.73

Ryan Engelstad with Baker Tilly Virchow Krause, LLC appeared before the Board with a review of 2016 Audits.

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

On motion by King, seconded by Wetzel and unanimously approved, the Board approved to grant regular status to Nicole Farr, full time Administrative Assistant III in Public Health, effective October 4, 2017. Nicole has completed the six-month probationary period.

On motion by Wetzel, seconded by King and unanimously approved, the Board approved to grant regular status to Alex Malmstedt, part time Corrections Officer/Dispatcher in the Sheriff's Office, effective October 4, 2017. Alex has completed the six-month probationary period.

On motion by King, seconded by Wetzel and unanimously approved, the Board approved to grant regular status to Jeff Neisen, full time Information Technology Director in Information Technology Department, effective October 4, 2017. Jeff has completed the one-year probationary period.

Pam Simonette, Auditor-Treasurer appeared before the Board with two items for approval.

On motion by Wetzel, seconded by King and unanimously approved, the Board approved and authorized the Board Chair and County Administrator to sign the 2018 Snowmobile Maintenance and Grooming Grant Agreement for Le Sueur County trails in the amount of \$41,813.70.

On motion by King, seconded by Wetzel and unanimously approved, the Board tabled a request from David Woestehoff for a farm lease on Ney property. The matter will be referred to Tyler Luethje, Parks Director and the Ney Center Board for discussion.

Bryan Murphy with H2Over Viewers appeared before the Board with a presentation and introduction.

Vicki Walechka, Victim Witness appeared before the Board with one item for approval.

On motion by King, seconded by Wetzel and unanimously approved, the Board approved and authorized the Board Chair and County Attorney to sign the 2018 Victim Witness Grant Agreement.

Darrell Pettis, County Administrator appeared before the Board with several items for discussion.

On motion by Wetzel, seconded by King and unanimously approved, the Board approved to open a public hearing for a Le Sueur County Buffer Ordinance.

There were 5 public comments

On motion by King, seconded by Wetzel and unanimously approved, the Board approved to close the public hearing.

An updated draft of the Le Sueur County Buffer Enforcement Ordinance Pursuant To Statutes Section 103F.48 will be presented at the October 24th Board Meeting.

On motion by King, seconded by Wetzel and unanimously approved, the Board approved to re-appoint Judy Graham to the Waseca-Le Sueur Library Board.

Board Member Committee Reports:

- Commissioner King attended a Waseca-Le Sueur County Library Board Meeting, a TRUE Transit Advisory Council meeting and a Le Center Board Meeting.
- Commissioner Wetzel attended a Planning & Zoning meeting
- Commissioner Rohlfing attended a Elysian City Council meeting and a Region 9 meeting.

On motion by King, seconded by Wetzel and unanimously approved, the following claims were approved for payment:

Warrant #	Vendor Name	Amount
47163	Advanced Correctional Healthcare Inc.	\$ 2,408.09
47176	Bolton & Menk Inc.	\$ 47,033.50
47181	City of St.Peter	\$ 3,746.29
47182	CPS Technology Solutions	\$ 5,200.00
47184	D @ J Landscaping	\$ 3,843.96
47185	Dell Marketing LP	\$ 5,486.15
47190	Ehlers & Assoc. Inc.	\$ 3,800.00
47197	Genesis	\$ 18,794.00
47211	I & Group Inc.	\$ 44,577.03
47217	Kozie's German Shepards	\$ 2,500.00
47225	Le Sueur Soil & Water	\$ 8,121.12
47226	Richard Lea	\$ 2,055.00
47229	Loken's Parking Lot Painting & Sweeping	\$ 4,210.00
47241	Minn St Admin ITG Telecom	\$ 5,140.00
47242	MN CCC	\$ 13,626.25
47260	Paragon Printing & Mailing Inc.	\$ 5,081.34
47269	Ramsey County	\$ 2,820.00
47270	Regents of the University of MN	\$ 28,382.52
47271	Rinke-Noonan Law Firm	\$ 3,814.00
47273	Robinson Appraisal & Associates Inc.	\$ 5,000.00
47277	S.E.H. Inc.	\$ 22,914.50
47280	S.M.C. Co. Inc.	\$ 11,272.68
47282	St.Francis Regional Medical Center	\$ 2,427.20
47292	Tire Associates Inc.	\$ 3,200.42
47294	Traxler Construction Inc.	\$ 20,821.52
47308	Wondra Automotive Inc.	\$ 2,647.20
47312	Ziegler Inc.	\$ 62,115.10
124	Claims paid less than \$2,000.00:	\$ 35,433.39
27	Claims paid more than \$2,000.00:	\$341,037.87
151	Total all claims paid:	\$376,471.26

On motion by Wetzel, seconded by King and unanimously approved, the Board adjourned until Tuesday, October 24, 2017 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 17, 2017

•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.

- Approved the agenda. (Wetzel-King)
- Approved the consent agenda. (King-Wetzel)
- Approved the Human Services claims: Financial \$28,366.55 and Soc Services \$125,122.73 (King-Wetzel)
- Approved regular status to Nicole Farr in Public Health.(King-Wetzel)
- Approved regular status to Alex Malmstedt in the Sheriff's Office. (Wetzel-King)
- Approved regular status to Jeff Neisen in Information Technology Department. (King-Wetzel)
- Approved the 2018 Snowmobile Maintenance and Grooming Grant Agreement. (Wetzel-King)
- Approved to table a request from David Woestehoff for a farm lease on Ney property. (King-Wetzel)
- Approved the 2018 Victim Witness Grant Agreement. (King-Wetzel)
- Approved to open a public hearing for a Le Sueur County Buffer Ordinance. (Wetzel-King)
- Approved to close the public hearing and an updated draft of the Le Sueur County Buffer Enforcement Ordinance will be presented at the October 24th Board Meeting. (King-Wetzel)
- Approved to re-appoint Judy Graham to the Waseca-Le Sueur Library Board. (King-Wetzel)
- The following claims were approved for payment: (King-Wetzel)

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47176	Bolton & Menk Inc.	\$ 47,033.50
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151	Total all claims paid:	\$376,471.26

•Adjourned until Tuesday, October 24, 2017 at 9:00 a.m. (Wetzel-King)

ATTEST: Le Sueur County Administrator Le Sueur County Chairman

LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.

Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: Blue Earth County Chapter of Minnesota Pheasants, Inc. Previous Gambling Permit Number: X-33227-17-013

Minnesota Tax ID Number, if any: 4854207 Federal Employer ID Number (FEIN), if any: 41-1597196

Mailing Address: PO Box 202

City: Good Thunder State: MN Zip: 56037 County: Blue Earth

Name of Chief Executive Officer (CEO): Howard O. Ward

Daytime Phone: 507-549-3151 Email: hottoward@gmail.com

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

☐ Fraternal ☐ Religious ☐ Veterans ☒ Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

☒ **A current calendar year Certificate of Good Standing**

Don't have a copy? Obtain this certificate from:

MN Secretary of State, Business Services Division
60 Empire Drive, Suite 100
St. Paul, MN 55103

Secretary of State website, phone numbers:

www.sos.state.mn.us

651-296-2803, or toll free 1-877-551-6767

☐ **IRS income tax exemption (501(c)) letter in your organization's name**

Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.

☐ **IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**

If your organization falls under a parent organization, attach copies of both of the following:

1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): Caribou Gun Club

Address (do not use P.O. box): 30649 380th Street

City or Township: Le Sueur Zip: 56058 County: Le Sueur

Date(s) of activity (for raffles, indicate the date of the drawing): May, 18, 2018

Check each type of gambling activity that your organization will conduct:

☐ Bingo ☐ Paddlewheels ☐ Pull-Tabs ☐ Tipboards

☒ Raffle (total value of raffle prizes awarded for the calendar year: \$ 25,000.00)

Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under **List of Licensees**, or call 651-539-1900.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

CITY APPROVAL for a gambling premises located within city limits	COUNTY APPROVAL for a gambling premises located in a township
<p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print City Name: _____</p> <p>Signature of City Personnel: _____</p> <p>Title: _____ Date: _____</p>	<p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print County Name: _____</p> <p>Signature of County Personnel: _____</p> <p>Title: _____ Date: _____</p>
<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: 0 auto;"> <p>The city or county must sign before submitting application to the Gambling Control Board.</p> </div>	<p>TOWNSHIP (if required by the county)</p> <p>On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)</p> <p>Print Township Name: _____</p> <p>Signature of Township Officer: _____</p> <p>Title: _____ Date: _____</p>

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: Howard O. Ward Date: 10-17-2017
(Signature must be CEO's signature; designee may not sign)

Print Name: Howard O. Ward

REQUIREMENTS	MAIL APPLICATION AND ATTACHMENTS
<p>Complete a separate application for:</p> <ul style="list-style-type: none"> all gambling conducted on two or more consecutive days, or all gambling conducted on one day. <p>Only one application is required if one or more raffle drawings are conducted on the same day.</p> <p>Financial report to be completed within 30 days after the gambling activity is done:</p> <p>A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.</p> <p>Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).</p>	<p>Mail application with:</p> <p><input type="checkbox"/> a copy of your proof of nonprofit status, and</p> <p><input type="checkbox"/> application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is \$100; otherwise the fee is \$150. Make check payable to State of Minnesota.</p> <p>To: Minnesota Gambling Control Board 1711 West County Road B, Suite 300 South Roseville, MN 55113</p> <p>Questions? Call the Licensing Section of the Gambling Control Board at 651-539-1900.</p>

<p>Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the</p>	<p>application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Depart-</p>	<p>ment of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.</p>
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This form will be made available in alternative format (i.e. large print, braille) upon request.

An Equal Opportunity Employer



Le Sueur County, MN

Tuesday, October 24, 2017

Board Meeting

Item 2

9:05 a.m. Kathy Brockway, Zoning Administrator (5 minutes)

Request for Action-CUPs-- BWSR Grant Agreement

Staff Contact: Kathy Brockway - Environmental and P & Z Director

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
October 12, 2017

MEMBERS PRESENT: Don Reak, Jeanne Doheny, Don Rynda, Shirley Katzenmeyer, Doug Krenik, Commissioner Wetzel

MEMBERS ABSENT: Al Gehrke, Pam Tietz

OTHERS PRESENT: Michelle Mettler, Joshua Mankowski, Commissioner Gliszinski

The meeting was called to order at 7:00 by Chairperson Jeanne Doheny

ITEM #1: LE SUEUR COUNTY SOIL & WATER CONSERVATION DISTRICT (SWCD), LE CENTER, MN, (APPLICANT); PATRICK TRAXLER, LE CENTER, MN, AND STEVEN RUTT, LE CENTER, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 3,064 cubic yards of material for a wetland enhancement project in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Volney. Property is located at Lot 16 and Outlot A, Block 2, Lake Volney Estates, and part of Government Lot 1, Section 1, Cordova Township.

Michelle Mettler presented power point presentation. Joshua Mankowski, on behalf of SWCD, and Ryan Jones, engineer, were present for application. Lake Volney Grant project. Highly degraded wetland restore hydrology.

TOWNSHIP: Cordova Township notified through the application process. **DNR:** No response
LETTERS: None.

PUBLIC COMMENT: None

Discussion was held regarding: Not part of the development. Constructed outlet with rip rap. Mostly on Traxler property, a little onto Rutt property. Existing culvert under road. Completion in fall or spring. Grant is done next year. Outflows to an existing ditch. Surface area drainage of approximately 237 acres. Will help with low flow. SWCD has 10-year contract with landowner. O & M plan, rodents, tree roots, sediment, etc. Grass waterway drains into. Water quality of lake Volney. Lake Volney TMDL, samples taken will look at sources, external loading vs. internal what is already there. Will help filter what goes into the lake. Wetlands absorb nutrients. Heavy rain falls will flow right through. Keep shallow because of size, keep natural looking. Storm water ponds tend to be deeper.

Findings by majority roll call vote:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities or are being provided.*
4. *Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *The Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*

7. *The Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

Motion was made by Doug Krenk to approve the application as written. Seconded by Don Reak. Motion approved. Motion carried.

ITEM #2: MIKE WEINANDT, NEW PRAGUE, MN, (APPLICANT); WILDLIFE HAVEN LLC, NEW PRAGUE, MN, (OWNER): Request that the County grant a rezone of 33.08 acres from an Agriculture "A" District to an Urban/Rural Residential "R1" District. Property is located in Sections 1 and 12, Lanesburgh Township.

Michelle Mettler presented power point presentation.

Michael Weinandt was present for application. Rezone marginal farmland and corner. County Road 29 dissected property. Best use to put houses on. Small part in corner best purpose to rezone and put houses. New Prague school district wants more money, will increase taxes for county and township, will generate tax revenue.

TOWNSHIP: Lanesburgh Township notified through the application process. CITY OF NEW PRAGUE: Notified through the application process. Email from Ken Ondich, City of New Prague Planner, see file. DNR: N/A LETTERS: Email from Joe and Sue Wondra- see file.

PUBLIC COMMENT:

Dave Halvorson-Right next to Mike's property. Who is going to engineer? Who is building houses? Opposed to rezone. Has a mess, needs to clean up and annex to the City of New Prague.

David Tupy-Across the road in section 12. Some of the property is CRP. If marginal enough for CRP may not be efficient for residential. If rezone, rule following may be stretched without permission. Too far out for rural subdivision. Was farmed for many years. Doesn't think the demand is there.

Jenny Witt- Has property that doesn't have a house on it. Has been out there since about 98. Wetland used to be farmed. Ditch is full of tree stumps, drainage problem, adjacent to CRP. Used to be profitable farmland. Enough room on lots to meet setbacks from well and septic? Rezone area used to be farmland, now its semi-trailers and tires.

Nancy Witt-Witt Construction had a new development in New Prague. Phase 2 of that haven't sold a city lot in the new development this year. There are about 150 lots in New Prague for sale. Live south of 29, liked the low-density area. Opposed to adding additional dwellings and how Mike handles property. Like low-density.

Denis Rohloff-Lives in the area. Against rezone. Land value will go down because of land Mike is involved with. Covenants only work if enforced.

Rory Jensen-If rezone is approved, goes before the City of New Prague, is a public hearing, there are covenants, probably will split outlot in half.

Discussion was held regarding: Applicant met with Ken from City of New Prague helped with plat for Wildlife Haven, designed lots to meet 9000 sq ft lot size in future. Clarification, Wildlife Haven is not a residential subdivision. Area is zoned agriculture, City of New Prague requires platting in the 2-mile jurisdiction for splits. Property referred to in Joe Wondra email was a bank repo, brought house in, water is a problem, working on improving. Urban/Rural Residential is to the West of the rezone request. Triangle piece does not have a house on it, house is to the east in Rice County. 10 acre lot in concept plan, might replat later. New Prague lot size 9,000 sq ft. If county rezones, plat through the city but must meet County Zoning requirements for lots size etc. Part of property is in CRP. If platted can have CRP. Similar density, nice subdivision vs. low income. Call and get on County Board agenda with complaints. Contact Environmental Services with complaints. Existing rural residential was done before the comp plan was done. City of New Prague wanted farm ground around city. Need to follow comp plan. Don't want to create islands of residential, area would be contiguous to R1, wouldn't be an island. Need to respect City of New Prague 2035 growth. Realtor stated 150 lots in New Prague already there, still development available in New Prague. Proximity to City of New Prague, protect city for future development, 2-mile

jurisdiction. Existing Rural residential was done before the Comp Plan, old subdivision new Comp Plan city requests not to rezone outside growth area within 2-mile jurisdiction.

Findings by majority roll call vote:

1. The proposal **does not** reflect and **is not** consistent with the goals and policies of the Le Sueur County Land Use Plan.
2. The proposal **is not** compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.
3. The proposal **will have** an adverse effect on the value of adjacent properties.
4. The proposal **will not** be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted.
5. The proposal **will** impede the normal and orderly development of surrounding vacant property for predominant uses in the area.
6. The density of the proposal **is** greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District.
7. **Not applicable**-Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided.
8. Soil conditions **are not** adequate to accommodate the proposal.
9. The proposal **will not** create a potential pollution hazard.
10. The proposal **will not** degrade the water quality of the County.
11. The proposal **will** have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits.
12. The proposal **will not** negatively affect the protection of the public health, safety, and general welfare.

Motion was made by Don Reak to deny the application. Reason for denial: Rezone goes against the City of New Prague Comp Plan, 2-mile jurisdiction. Seconded by Shirley Krenik. Motion approved 4:1. Motion carried.

Motion was made by Shirley Katzenmeyer to approve the minutes from the September 14, 2017 meeting. Seconded by Don Reak. Motion approved. Motion carried.

Motion to adjourn meeting by Don Rynda. Seconded by Doug Krenik. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,

Michelle R. Mettler

*Tape of meeting is on file in the
Le Sueur County Environmental Services Office*

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
October 24, 2017

TO: LE SUEUR COUNTY BOARD OF COMMISSIONERS

FROM: LE SUEUR COUNTY PLANNING AND ZONING COMMISSION

SUBJECT: "REQUEST FOR ACTION"

The Planning Commission recommends your action on the following items:

ITEM #1: LE SUEUR COUNTY SOIL & WATER CONSERVATION DISTRICT (SWCD), LE CENTER, MN, (APPLICANT); PATRICK TRAXLER, LE CENTER, MN, AND STEVEN RUTT, LE CENTER, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 3,064 cubic yards of material for a wetland enhancement project in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Volney. Property is located at Lot 16 and Outlot A, Block 2, Lake Volney Estates, and part of Government Lot 1, Section 1, Cordova Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:

Therefore, the Planning Commission recommends approval of the application as written.

ITEM #2: MIKE WEINANDT, NEW PRAGUE, MN, (APPLICANT); WILDLIFE HAVEN LLC, NEW PRAGUE, MN, (OWNER): Request that the County grant a rezone of 33.08 acres from an Agriculture "A" District to an Urban/Rural Residential "R1" District. Property is located in Sections 1 and 12, Lanesburgh Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:

Therefore, the Planning Commission recommends denial of the application.

ACTION: ITEM #1: _____

ITEM #2: _____

DATE: _____

COUNTY ADMINISTRATOR'S SIGNATURE: _____

FINDINGS OF FACT

WHEREAS, LE SUEUR COUNTY SOIL & WATER CONSERVATION DISTRICT (SWCD), LE CENTER, MN, (APPLICANT); PATRICK TRAXLER, LE CENTER, MN, AND STEVEN RUTT, LE CENTER, MN, (OWNER): has applied for a Conditional Use Permit to allow grading, excavating, and filling of approximately 3,064 cubic yards of material for a wetland enhancement project in a Recreational Residential “RR” District, on a Recreational Development “RD” lake, Lake Volney. Property is located at Lot 16 and Outlot A, Block 2, Lake Volney Estates, and part of Government Lot 1, Section 1, Cordova Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on October 12, 2017, in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends approval of the application due to the following findings:

- 1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- 3. Adequate utilities, access roads, drainage and other facilities are being provided.*
- 4. Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
- 5. Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
- 6. The Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
- 7. The Conditional Use Permit consistent with the Comprehensive Land Use Plan.*

WHEREAS, On October 24, 2017, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **LE SUEUR COUNTY SOIL & WATER CONSERVATION DISTRICT (SWCD), LE CENTER, MN, (APPLICANT); PATRICK TRAXLER, LE CENTER, MN, AND STEVEN RUTT, LE CENTER, MN, (OWNER).**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the October 24, 2017, Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

- 1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- 3. Adequate utilities, access roads, drainage and other facilities have been provided.*
- 4. Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
- 5. Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
- 6. The Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
- 7. The Conditional Use Permit consistent with the Comprehensive Land Use Plan.*

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow grading, excavating, and filling of approximately 3,064 cubic yards of material for a wetland enhancement project in a Recreational Residential “RR” District, on a Recreational Development “RD” lake, Lake Volney. Property is located at Lot 16 and Outlot A, Block 2, Lake Volney Estates, and part of Government Lot 1, Section 1, Cordova Township, is **APPROVED/DENIED**.

ATTEST:

Steve Rohlffing, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____

FINDINGS OF FACT

WHEREAS, MIKE WEINANDT, NEW PRAGUE, MN, (APPLICANT); WILDLIFE HAVEN LLC, NEW PRAGUE, MN, (OWNER): has applied to rezone 33.08 acres from an Agriculture “A” District to an Urban/Rural Residential “R1” District. Property is located in Sections 1 and 12, Lanesburgh Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing October 12, 2017 in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends denial of the application due to the following findings:

1. The proposal **does not** reflect and **is not** consistent with the goals and policies of the Le Sueur County Land Use Plan.
2. The proposal **is not** compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.
3. The proposal **will have** an adverse effect on the value of adjacent properties.
4. The proposal **will not** be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted.
5. The proposal **will** impede the normal and orderly development of surrounding vacant property for predominant uses in the area.
6. The density of the proposal **is** greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District.
7. **Not applicable-**Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided.
8. Soil conditions **are not** adequate to accommodate the proposal.
9. The proposal **will not** create a potential pollution hazard.
10. The proposal **will not** degrade the water quality of the County.
11. The proposal **will** have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits.
12. The proposal **will not** negatively affect the protection of the public health, safety, and general welfare.

WHEREAS, On October 24, 2017, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **denied/approved** the Rezone application as requested by **MIKE WEINANDT, NEW PRAGUE, MN, (APPLICANT); WILDLIFE HAVEN LLC, NEW PRAGUE, MN, (OWNER).**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the October 24, 2017 Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

1. The proposal **does not** reflect and **is not** consistent with the goals and policies of the Le Sueur County Land Use Plan.
2. The proposal **is not** compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.
3. The proposal **will have** an adverse effect on the value of adjacent properties.
4. The proposal **will not** be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted.
5. The proposal **will** impede the normal and orderly development of surrounding vacant property for predominant uses in the area.
6. The density of the proposal **is** greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District.
7. **Not applicable-**Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided.
8. Soil conditions **are not** adequate to accommodate the proposal.
9. The proposal **will not** create a potential pollution hazard.
10. The proposal **will not** degrade the water quality of the County.
11. The proposal **will** have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits.
12. The proposal **will not** negatively affect the protection of the public health, safety, and general welfare.

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, the rezoning of 33.08 acres from an Agriculture “A” District to an Urban/Rural

Residential "R1" District. Property is located in Sections 1 and 12, Lanesburgh Township, is
APPROVED/DENIED.

ATTEST:

Steve Rohlfing, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____

**FY 2018 & 2019 STATE OF MINNESOTA
BOARD OF WATER and SOIL RESOURCES
NATURAL RESOURCES BLOCK GRANT AGREEMENT**

Vendor:	0000197299	VN#:		
PO#:	3000008573	Date Paid:		

This Grant Agreement is between the State of Minnesota, acting through its Board of Water and Soil Resources (Board) and **Le Sueur County, 88 S Park Ave LeCenter Minnesota 56057.**

<i>This grant is for the following Grant Programs :</i>		
P19-1567	2019 - Shoreland-NRBG (Le Sueur County)	\$4,918
P18-3414	2018 - Septic Treatment Systems - NRBG (Le Sueur County)	\$18,600
P18-6324	2018 - Septic Treatment Systems Incentive - NRBG (Le Sueur County)	\$9,000
P18-5017	2018 - Local Water Management - NRBG (Le Sueur County)	\$13,501
P19-6898	2019 - Local Water Management - NRBG (Le Sueur County)	\$13,501
P18-4044	2018 - Wetland Conservation Act - NRBG (Le Sueur County)	\$16,447
P19-6573	2019 - Wetland Conservation Act - NRBG (Le Sueur County)	\$16,447
P18-8530	2018 - Shoreland-NRBG (Le Sueur County)	\$4,918

Total Grant Awarded: \$97,332

Recitals

1. This Grant Agreement is for the FY 2018 and 2019 LWM, WCA, DNR Shoreland, and FY 2018 MPCA SSTS Program Grants.
2. The Laws of Minnesota 2017, 1st Special Session, in S.F. 844 2nd Engrossment, Article 1, Section 4, appropriated FY 2018 and 2019 Natural Resources Block Grant (NRBG) LWM, WCA, and DNR Shoreland funds to BWSR.
3. The MPCA transferred to BWSR funds for their 2018 SSTS Grant Programs to be allocated with this Agreement.
4. Minnesota Statutes 103B.101, subd. 9 (1), and 103B.3369, subd. 5 authorize the Board to award grants.
5. The Board has adopted the Fiscal Years 2018 and 2019 Natural Resources Block Grant Authorization Resolution #17-50 to authorize and allocate these grants.
6. The Grantee has met the criteria established by statute, the Board, the DNR, and the MPCA, and is eligible to receive NRBG grant funds.
7. The Grantee has agreed to appropriate and expend the required local match.
8. The Grantee represents that it is duly qualified and agrees to perform all services described in this grant agreement to the satisfaction of the State.
9. As a condition of the grant, the Grantee agrees to minimize administration costs.

Authorized Representative

The State's Authorized Representative is Wayne Zellmer, BWSR Grants Coordinator, 520 Lafayette Road North, Saint Paul, MN 55155, 651-297-7361, or his successor, and has the responsibility to monitor the Grantee's performance and the authority to accept the services and performance provided under this Grant Agreement.

The Grantee's Authorized Representative is

TITLE Joshua Mankowski, LSC Resource Specialist
ADDRESS 88 South Park Ave
CITY Le Center MN 56057
TELEPHONE NUMBER (507)357-8538

If the Grantee's Authorized Representative changes at any time during this grant contract, the Grantee must immediately notify the State.

Grant Agreement

1. Term of Grant Agreement

- 1.1. **Effective date:** The date the State obtains all required signatures under Minnesota Statute 16B.98, Subd.5. **The State will notify the Grantee when this grant agreement has been executed. The Grantee must not begin work under this grant agreement until it is executed.**
- 1.2. **Expiration date:** December 31, 2020, or until all obligations have been satisfactorily fulfilled, whichever comes first.
- 1.3. **Survival of Terms:** The following clauses survive the expiration or cancellation of this grant contract: 7. Liability; 8. State Audits; 9. Government Data Practices; 11. Governing Law, Jurisdiction, and Venue; 15. Intellectual Property Rights.

2. Grantee's Duties

- 2.1. The Grantee is responsible for the specific duties for the NRBG, as follows:
- 2.2. **Match:** The Grantee's participation in the NRBG is conditioned upon Grantee expenditures to match the NRBG as required by the Board.
- 2.3. **Reporting:** All data and information provided in a Grantee's report shall be considered public.
 - 2.3.1. The Grantee will submit an annual progress report to the Board by February 1 of each year on the status of program implementation by the Grantee. Information provided must conform to the requirements and formats set by the Board.
 - 2.3.2. The Grantee will submit a final progress report to the Board by February 1, 2021. Information provided must conform to the requirements and formats set by the Board.
 - 2.3.3. A late or incomplete annual progress or final report will result in the withholding of any future NRBG allocations.
- 2.4. **Compliance:** The Grantee will comply with Minnesota Statutes Section 103B.3361 through 103B.3369 (LWP), Minnesota Rules Chapter 8420 (WCA); Minnesota Statutes Section 103F.201 and Minnesota Rules Chapter 6120 (Shoreland) and have a DNR approved shoreland ordinance; Minnesota Rules Chapter 7082.0040 through 7082.0700 (SSTS); and amendments thereto, for Comprehensive Water Planning, Wetland Conservation Act, Shoreland Management, and Subsurface Sewage Treatment Systems.
- 2.5. **Wetland Conservation Act Funds Transfer:** As required by the Board, the Grantee's participation in the NRBG is conditioned upon a transfer of funds to the Soil and Water Conservation District (SWCD) for Wetland Conservation Act activities, or such greater amount as agreed upon by the county and SWCD. This transfer must occur within 120 days of receipt of NRBG funds by the Grantee. This amount is listed on the BWSR website.

3. **Time.** The Grantee must comply with all the time requirements described in this Grant Agreement. In the performance of this Grant Agreement, time is of the essence.

4. Terms of Payment

- 4.1. All FY 2018 Grant funds will be distributed in one installment promptly after the execution of the Grant Agreement. FY 2019 Grant fund will be distributed in September of 2018. FY 2019 grant funds may not be spent before they are received.
- 4.2. Any grant funds remaining unspent after the end of the expiration date stated above will be returned to the Board within one month of that date.
- 4.3. The Board must consult with the state agency responsible for administering the grant program before granting an amendment to the Grant Agreement, or a component thereof.
- 4.4. The obligation of the State under this Grant Agreement will not exceed the amount stated above.
- 4.5. This grant is an advance payment. Advance payments allow the Grantee to have adequate operating capital for start-up costs, ensure their financial commitment to landowners and contractors, and to better schedule work into the future.

5. Conditions of Payment

- 5.1. All services provided by the Grantee under this Grant Agreement must be performed to the State's satisfaction, as determined at the sole discretion of the State's Authorized Representative and in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations. The Grantee will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal, state, or local law.
- 5.2. The Minnesota Department of Administration's Office of Grants Management Policy on Grant Closeout Evaluation

(Policy 08-13), requires the Board to consider a grant applicant's past performance before awarding subsequent grants to them. The Board must consider a grant applicant's performance on prior grants before making a new grant award of over \$5,000. The Board may withhold payment on this and grants from other programs if the Grantee is not in compliance with all Board reporting requirements.

- 5.3. All Grantees must follow the Grants Administration manual policy, procedure, and guidance. Minnesota Statutes §103C.401 (2014) establishes BWSR's obligation to assure program compliance. If the noncompliance is severe, or if work under the grant agreement is found by BWSR to be unsatisfactory or performed in violation of federal, state, or local law, BWSR has the authority to require the repayment of grant funds, withhold payment on this and grants from other programs, or an additional penalty. Penalties can be assessed at a rate up to 150% of the grant agreement.
- 5.4. For the LWM, WCA, and DNR Shoreland Programs, Grantees have the flexibility of determining the amount of grant *and* required match to expend on each of these three Programs locally. This is to provide needed spending flexibility for yearly fluctuations in workload and program activity in counties and SWCDs.

6. Assignment, Amendments, and Waiver

- 6.1. **Assignment.** The Grantee may neither assign nor transfer any rights or obligations under this Grant Agreement without the prior consent of the State and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this Grant Agreement, or their successors in office.
- 6.2. **Amendments.** Any amendment to this Grant Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Grant Agreement, or their successors in office.
- 6.3. **Waiver.** If the State fails to enforce any provision of this Grant Agreement, that failure does not waive the provision or its right to enforce it.

7. **Liability.** The Grantee must indemnify, save, and hold the State, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by the State, arising from the performance of this Grant Agreement by the Grantee or the Grantee's agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the State's failure to fulfill its obligations under this Grant Agreement.

8. State Audits

- 8.1. Under Minnesota Statutes 16B.98, subd. 8, the Grantee's books, records, documents, and accounting procedures and practices of the Grantee or other party relevant to this Grant Agreement or transaction are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Grant Agreement, receipt and approval of all final reports, or the required period of time to satisfy all State and program retention requirements, whichever is later.
- 8.2. The books, records, documents, accounting procedures and practices of the Grantee and its designated local units of government and contractors relevant to the NRBG, and match and grant expenditures, may be examined at any time by the Board or Board's designee and are subject to verification. The Grantee or delegated local unit of government will maintain records relating to the receipt and expenditure of grant and match funds.
- 8.3. The Grantee or designated local unit of government implementing this Grant Agreement will provide for an audit that meets the standards of the Office of State Auditor. The audit must cover the duration of the Agreement Period and be performed within one year after the end of the Agreement Period or when routinely audited, whichever occurs first. Copies of the audit report must be provided to the Board if requested.

9. **Government Data Practices.** The Grantee and State must comply with the Minnesota Government Data Practices Act, Minnesota Statute Chapter 13, as it applies to all data provided by the State under this grant agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee under this Grant Agreement. The civil remedies of Minnesota Statute 13.08 apply to the release of the data referred to in this clause by either the Grantee or the State.

10. **Workers' Compensation.** The Grantee certifies that it is in compliance with Minnesota Statute 176.181, subd. 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.

11. **Governing Law, Jurisdiction, and Venue.** Minnesota law, without regard to its choice-of-law provisions, governs this Grant

Agreement. Venue for all legal proceedings out of this grant contract, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

- 12. Termination.** The State may cancel this Grant Agreement at any time, with or without cause, upon 30 days' written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.
- 13. Data Disclosure.** Under Minnesota Statute 270C.65, subd. 3, and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Grantee to file state tax returns and pay delinquent state tax liabilities, if any.
- 14. Prevailing Wage.** It is the responsibility of the Grantee or contractor to pay prevailing wages on construction projects to which state prevailing wage laws apply (Minnesota Statute 177.42 – 177.44). All laborers and mechanics employed by grant recipients and subcontractors funded in whole or in part with these State funds shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality.
- 15. Intellectual Property Rights.** The State owns all rights, title, and interest in all of the intellectual property rights, including copyrights, patents, trade secrets, trademarks, and service marks in the Works and Documents *created and paid for under this grant*. Works means all inventions, improvements, discoveries (whether or not patentable), databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, and disks conceived, reduced to practice, created or originated by the Grantee, its employees, agents, and subcontractors, either individually or jointly with others in the performance of this grant. Works includes "Documents." Documents are the originals of any databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, disks, or other materials, whether in tangible or electronic forms, prepared by the Grantee, its employees, agents, or subcontractors, in the performance of this grant. The Documents will be the exclusive property of the State and all such Documents must be immediately returned to the State by the Grantee upon completion or cancellation of this grant at the State's request. To the extent possible, those Works eligible for copyright protection under the United States Copyright Act will be deemed to be "works made for hire." The Grantee assigns all right, title, and interest it may have in the Works and the Documents to the State. The Grantee must, at the request of the State, execute all papers and perform all other acts necessary to transfer or record the State's ownership interest in the Works and Documents.

IN WITNESS WHEREOF, the parties have caused this Grant Agreement to be duly executed intending to be bound thereby for FY 2018 and FY 2019 Natural Resources Block Grants.

Approved:
Le Sueur County

Board of Water and Soil Resources

BY: _____

(print)

(signature)

TITLE: _____

DATED: _____

BY: _____

TITLE: _____

DATED: _____



Le Sueur County, MN

Tuesday, October 24, 2017

Board Meeting

Item 3

9:10 a.m. Human Resources (10 min)

Staff Contact:



Human Resources

88 SOUTH PARK AVENUE • LE CENTER, MINNESOTA 56057

Telephone: 507-357-8517 • Fax: 507-357-8607

Cindy Westerhouse – Human Resources Director

HUMAN RESOURCES

AGENDA ITEMS

October 24, 2017

The Le Sueur County Board of Commissioners and the Employee Recognition Committee would like to recognize the following employees on their significant length of service with Le Sueur County.

Colleen Baker	25 Years	Highway Dept.
Margaret Kline	15 Years	Human Services
Melanie Nelson	15 Years	Sheriff's Office
Jay Sowieja	10 Years	Assessor's Office
David Tiegs	10 Years	Highway Department
Derek Rossow	5 Years	Sheriff's Office

Recommendation to accept the retirement request from Kathy Brockway, full time Environmental, Planning and Zoning Administrator in the Environmental, Planning and Zoning Department, effective December 29, 2017. Kathy has been employed with Le Sueur County since December 1979.

Recommendation to post and advertise for a full time Environmental, Planning and Zoning Administrator in the Environmental, Planning and Zoning Department, a Grade 14, Step 1 at \$28.59 per hour.

Recommendation to reclassify the following full time Case Aide position in Human Services, effective October 30, 2017.

Caitlin Meyer Grade 5, Step 2, \$17.54 per hour
Tricia Kruger Grade 5, Step 10, \$23.20 per hour

Recommendation to set wages for David Tiegs, full time County Engineer in the Highway Department, Grade 14, Step 11 at \$40.58 per hour to Grade 18, Step 8 at \$46.20 per hour, effective October 3, 2017.

Equal Opportunity Employer



Le Sueur County, MN

Tuesday, October 24, 2017

Board Meeting

Item 4

**9:20 a.m. Pam Simonette, Auditor-Treasurer and Carol Blaschko,
Finance and Elections Director (15 min)**

RE: German-Jefferson Update

Staff Contact:

**RESOLUTION ON THE GERMAN – JEFFERSON SUBORDINATE SERVICE
DISTRICT
WITHDRAWAL PETITION**

WHEREAS, THE LE SUEUR COUNTY Board of Commissioners on October 3, 2017, received the German – Jefferson Subordinated District Withdrawal Ballot Question Petition hereby referred to as the “petition”, and;

WHEREAS, the dates on the signatures were all between September 26, 2017 and October 2, 2017, and;

WHEREAS, the petition contained 119 signatures, and;

WHEREAS, it was determined by county staff that 106 signatures on the petition were from qualified voters within the territory of the subordinate service district, and;

WHEREAS, it was also determined by county staff that 7 of the signatures on the petition were from property owners within the district who are not qualified voters within the territory of the subordinate service district, and;

WHEREAS, it was also determined by county staff that 6 of the signatures on the petition were from individuals who were not property owners nor qualified voters within the territory of the subordinate service district, and;

WHEREAS, it was determined by county staff there are an estimated 568 qualified voters within the territory of the subordinate service district, and;

WHEREAS, Minnesota Statue 375B.10 Withdrawal; Election states “Upon receipt of a petition signed by ten percent of the qualified voters within the territory of the subordinate service district requesting the removal of the district...”, and;

WHEREAS, the 106 qualified voter signatures out of a possible 568 qualified voter signature is 18.66% of the qualified voters.

THEREFORE BE IT RESOLVED, that the Le Sueur County Board of Commissioners hereby accepts the German – Jefferson Subordinated District Withdrawal Ballot Question Petition because it meets the minimum requirement of ten percent of qualified voters.

ss

COUNTY OF Le Sueur County

I, Darrell Pettis, County Administrator of said County of Le Sueur, do hereby certify that I have compared the foregoing copy with the original resolution adopted by the County Board of said County at their meeting held on the 24th day of October, 2017 and recorded in Commissioner

Record Book now remaining on file and on record in my office and that the same is a correct transcript there from, and of the whole of such original.

Witness by hand and official seal this _____ day of _____.

County Administrator

Resolution Adopting One Time Mail Election

WHEREAS, the Le Sueur County Commissioners desire to call for a Special Election on whether the German-Jefferson Subordinate Service District be removed and the service(s) of Le Sueur County as provided for the German-Jefferson Subordinate Service District be discontinued; and

WHEREAS, the Le Sueur County Commissioners desire to have said Special Election be conducted as a one-time mail election.

THEREFORE, BE IT RESOLVED, that the Le Sueur County Commissioners hereby adopts a one-time mail election for a special question election to be held on April 10, 2018:

“Shall the German-Jefferson Subordinate Service District presently established be removed and the service of Le Sueur County as provided for the German-Jefferson Subordinate Service District be discontinued?”

BE IT FURTHER RESOLVED, that the Le Sueur County Commissioners authorize said election under Minnesota Election Law 375A and the election will be conducted by mail as provided in M.S. 204B.46.

Adopted this 24th day of October, 2017.

ATTEST:

Le Sueur County Board Chairman

Le Sueur County Administrator

[15741-0019/2829480/1]



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 it's 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.



Le Sueur County, MN

Tuesday, October 24, 2017

Board Meeting

Item 6

Commissioner Committee Reports

Staff Contact:



Le Sueur County, MN

Tuesday, October 24, 2017

Board Meeting

Item 7

Future Meeting List

Staff Contact:

Future Meetings October - December 2017

October

Tuesday, Oct. 24, 2017 **Board Meeting, 9:00 a.m.**

November

Wednesday, Nov. 1, 2017 District 7 AMC Meeting, 8:00 a.m. at the Nicollet Conservation Club

Tuesday, Nov. 7, 2017 **Board Meeting, 9:00 a.m.**
*CHB Meeting, 1:00 p.m. in Waterville

Thursday, Nov. 9, 2017 P&Z Meeting, 7:00 p.m. at Environmental Services

Friday, Nov. 10, 2017 Offices Closed – Veteran’s Day

Thursday, Nov. 16, 2017 Board of Adjustment Meeting, 3:00 p.m. at Environmental Services

Tuesday, Nov. 21, 2017 **Board Meeting, 9:00 a.m.**

November 23-24, 2017 Offices Closed – Thanksgiving Holiday

Tuesday, Nov. 28, 2017 **Board Meeting, 9:00 a.m.**

Thursday, Nov. 30, 2017 Final Redetermination Hearings, 10:00 a.m.
County Ditches 19, 28, 42, 52 and 69

December

Tuesday, Dec. 5, 2017 No Board Meeting – AMC Conference, Dec. 4-5 in St. Cloud, MN

Thursday, Dec. 7, 2017 Le Sueur – Scott Joint Ditch 4 Public Hearing, 9:00 a.m.
County Ditch 41 and 61 Public Hearings, 10:00 a.m.

Tuesday, Dec. 12, 2017 **Board Meeting, 9:00 a.m.**

Thursday, Dec. 14, 2017 P&Z Meeting, 7:00 p.m. at Environmental Services

Tuesday, Dec. 19, 2017 **Board Meeting, 4:30 p.m.**
***2018 Budget and Levy Public Hearing 6:00 p.m.**

Thursday, Dec. 21, 2017 Board of Adjustment Meeting, 3:00 p.m. at Environmental Services

Monday, Dec. 25, 2017 Offices Closed – Christmas Day

Tuesday, Dec. 26, 2017

No Board Meeting