

**LE SUEUR COUNTY BOARD OF COMMISSIONERS
MEETING AGENDA
COMMISSIONERS ROOM
May 6, 2014**

1. **9:00am Agenda and Consent Agenda**
Approve the Summary and Regular Minutes for April 22, 2014
Approve the Ditch Repair Request for Ditch #38
Approve the 3.2 On Sale and Off Sale License for the Best Point Resort
Approve the Ditch Repair Request for Ditch # 64

2. **9:05am Claims and Commissioners Warrants**

3. **9:10am Amy Beatty - Environmental Specialist**
Solid Waste Licenses

4. **9:20am Don Reak - Parks Director**
Grant for Geldner Saw Mill

5. **9:30am Jim Golgart - Veterans Services Officer**
Memorial Day Distribution

6. **9:35am Dave Tietz - Sheriff**
Squad Cars - Purchase
Purchase Tasers

7. **9:40am Cindy Westerhouse - Human Resources**
Retirement Request
Promotion
Vacation Donation

8. **9:50am Mike Schultz - Soil and Water**
Request for Aggregate Tax

9. **10:00am Stacy Lieneman - Le Sueur Waseca Library**

10. **10:10am Darrell Pettis Administrator**
Sale of Tax Forfeited Property of City of Montgomery
Lake Washington Outlet Structure
MPCA Letter
CSAH 23
Tyrone Twp Bridge
Waters of the US

11. **Future Meetings**

Le Sueur County, MN

Tuesday, May 6, 2014

Board Meeting

Item 1

9:00am Agenda and Consent Agenda

Approve the Summary and Regular Minutes for April 22, 2014

Approve the Ditch Repair Request for Ditch #38

Approve the 3.2 On Sale and Off Sale License for the Best Point Resort

Approve the Ditch Repair Request for Ditch # 64

Minutes: test

Staff Contact:

**Minutes of Le Sueur County Board of Commissioners Meeting
April 22, 2014**

The Le Sueur County Board of Commissioners met in regular session on Tuesday, April 22, 2014 at 9:00 a.m. in the Courthouse at Le Center, Minnesota. Those members present were: Steve Rohlfling, Lance Wetzel, Dave Gliszinski, John King and Joe Connolly. Also present were Darrell Pettis and Brent Christian.

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

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

- Approved the April 15, 2014 County Board Minutes and Summary Minutes.
- Approved four Applications for Exempt Permit with on waiting period for G.A.C. at the Le Sueur Country Club.

Kathy Brockway, Environmental and P & Z Director came before the Board with two items for consideration and approval.

On motion by Connolly, seconded by King and approved via roll call vote 5-0, the Board granted a Conditional Use Permit to VETTER FARMS, ST. PETER, MN (APPLICANT/OWNER) to allow the applicant to expand an existing animal feedlot from 400 animal units to 600 animal units in an Agricultural "A" District. Property is located in the Southwest 1/4 Southwest 1/4, Section 16, Kasota Township. Findings of Fact are on file at the Planning and Zoning Office. The application is approved as written.

On motion by Wetzel, seconded by Gliszinski and approved by a vote of 3 to 2 with Commissioners King and Connolly voting no, the Board approved the following Settlement Agreement and authorized the Chair to sign said agreement:

Minnesota Municipal Power Agency, a
Minnesota municipal corporation,
William M. McCue and Lynette M.
McCue,
Plaintiffs,

SETTLEMENT AGREEMENT

vs.

The County of Le Sueur, and Kathleen
Brockway, solely in her capacity as the
County of Le Sueur Zoning
Administrator,
Defendants.

The parties to this settlement agreement and release are Plaintiffs Minnesota Municipal Power Agency, and William M. McCue and Lynette M. McCue (collectively, "Plaintiffs") and the County of Le Sueur ("the County"). The settlement agreement pertains to both matters currently pending between the parties: MMPA v. County of Le Sueur, District Court File No. 40-CV-13-1107; and MMPA v. County of Le Sueur, Court of Appeals File No. A13-2121. The parties agree to settle all claims related to the district court action and the pending appeal, actions that are related to Plaintiff's application for a conditional use permit related to a silage stockpile to provide an energy source to meet renewable energy mandates.

RECITALS

1. On April 15, 2014 the Le Sueur County Board of Commissioners granted Plaintiff's conditional use permit with conditions.
 2. Because the conditional use permit has been granted the above-referenced actions no longer have any purpose and the parties wish to dismiss them with prejudice and without costs, disbursements, or attorney fees being awarded to any party.
- NOW THEREFORE, the parties agree as follows:

1. DISMISSAL OF ACTIONS.

The parties to these actions, MMPA v. County of Le Sueur, District Court File No. 40-CV-13-1107; and MMPA v. County of Le Sueur, Court of Appeals File No. A13-2121, agree that they may be dismissed with prejudice and without costs, disbursements, or attorney fees being awarded to any party. After execution of this agreement the parties agree to promptly execute stipulations of dismissal in both actions.

2. NO ADMISSION OF LIABILITY.

Both parties agree that this settlement is a compromise of disputed claims and that the consideration accepted hereunder is not intended nor shall it be construed by anyone to be an admission of liability by or on behalf of any party, the parties to this agreement intending by this settlement merely to avoid litigation and buy their peace.

3. BINDING EFFECT.

The terms of this settlement agreement and release shall be binding upon and be enforceable against and shall inure to the benefit of the parties hereto jointly and severally and the heirs, successors, personal representatives, and assigns of each. The Plaintiffs agree that in entering this agreement they have relinquished any rights based on the prior zoning permit and CUP applications and proceedings. Plaintiffs agree that the CUP as issued on April 15, 2014 with conditions is enforceable, and that they are bound by its terms. In entering this settlement agreement and release the parties represent that they, and each of them, have relied upon the advice of their respective attorneys, who are the attorneys of their own choosing, concerning the legal consequences of this settlement agreement and release; that the terms of this settlement agreement and release have been completely read and explained to them by their respective attorneys; and that the terms of this settlement agreement and release are fully understood and voluntarily accepted by the parties.

4. INTERPRETATION.

Because the terms of this settlement agreement have been the subject of negotiation and because both parties have participated in arriving at agreement as to its terms, the parties agree that this agreement is not to be interpreted against any party as the drafter of the agreement.

5. ENTIRE AGREEMENT.

The parties further understand and agree that this document contains their entire agreement and that the terms of this settlement agreement and release are contractual and not a mere recital. By their signatures below the undersigned each represent that they have carefully read this

document, know and understand the terms, have fully discussed the terms of this document with their attorneys or clients, have authority to enter into this settlement agreement and release, and have signed this settlement agreement and release as their free and considered act.

6. EXECUTION IN COUNTERPARTS AND DUPLICATE ORIGINALS.

This settlement agreement and release includes separate signature pages and this agreement may be signed in counterparts and duplicate originals.

Cindy Westerhouse Human Resource Director came before the Board with several items for approval.

On motion by Connolly, seconded by Gliszinski and unanimously approved, the Board accepted the retirement request from Terry Sladek, part time Homemaker in Public Health, effective April 28, 2014.

On motion by Wetzel, seconded by King and unanimously approved, the Board granted regular status to Judy Hepworth, full time Social Worker Team Leader in Human Services, effective April 21, 2014.

On motion by Connolly, seconded by King and unanimously approved, the Board approved the transfer of Becky Factor from a full time Deputy Auditor-Treasurer I, in the Auditor-Treasurer's Office, to a part time Administrative Assistant, in the County Administrator's Office, as a Grade 2, Step 8 at \$16.80 per hour, effective May 1, 2014.

On motion by Wetzel, seconded by Gliszinski and unanimously approved, the Board authorized the hiring of Ruby Kramer, as a full time Deputy Auditor-Treasurer I, in the Auditor-Treasurer's Office, as a Grade 5, Step 1 at \$15.63 per hour, effective May 5, 2014.

On motion by King, seconded by Gliszinski and unanimously approved, the Board approved the 2014 Wellness Plan Program.

Jim McMillen Building and Grounds Director came before the Board with quotes for the retaining wall around the Courthouse.

On motion by Wetzel, seconded by Gliszinski and approved by a 4 to 1 vote with Commissioner King voting no, the Board accepted the quote from Clayton Roemhildt and Sons Concrete in the amount of \$39,923.50 for the replacement of the courthouse retaining walls.

Darrell Pettis, Administrator / Engineer appeared before the Board with a number of items for consideration.

On motion by King, seconded by Gliszinski and unanimously approved, the Board approved the Contract between Le Sueur County and Crane Creek Construction for the construction of SAP 40-636-010, CP 2114, CP 2214, CP2414, CP 2414, CP 2514, CP 2614 and CP 2714 in the amount of \$2,605,641.21

On motion by Wetzel, seconded by King and unanimously approved, the Board approved the following Resolution Approving Modification to the Joint Powers Agreement forming the South Central Regional Radio Board.:

A RESOLUTION APPROVING MODIFICATIONS TO THE
JOINT POWERS AGREEMENT FORMING THE
SOUTH CENTRALMINNESOTA REGIONAL RADIO BOARD

WHEREAS, Le Sueur County is a participating member of the South Central Minnesota Regional Radio Board (hereinafter the “Board”), a Joint Powers Entity formed pursuant to Minnesota Statutes 403.39 and 471.59; and

WHEREAS, a Joint Powers Agreement creating the Board was approved by the thirteen counties and two cities comprising the Board, including Le Sueur County; and

WHEREAS, the Minnesota legislature has amended Minnesota Statute 403.39 by adding a new section entitled “Regional Emergency Communications Boards” that provides authority for Regional Radio Boards to assume responsibility for coordinating regional 911 services; and

WHEREAS, compliance with this amendment to Minnesota statute requires modification of the existing Joint Powers Agreement; and

WHEREAS, the Board recommends modification of the Joint Powers Agreement governing the Board to provide for regional coordination of 911 services and public safety broadband data services and changes the name of the Board to “South Central Minnesota Regional Emergency Communications Board”.

NOW THEREFORE, BE IT RESOLVED the Le Sueur County Board of Commissioners approves the modifications to the Joint Powers Agreement recommended by the Board and attached hereto; and be it further

RESOLVED that the Board Chair is hereby authorized to execute the required addendum to the existing Joint Powers Agreement to implement the authorized modifications.

Other discussion items included:

- German - Jefferson Sewer District
- Le Sueur County Officials Association
- Lower Minnesota River Watershed Kickoff Meeting
- Website information

On motion by Connolly, seconded by King and unanimously approved, the Board adjourned until Tuesday, May 6, 2014 at 9:00 am.

ATTEST:

Le Sueur County Administrator

Le Sueur County Chairman

**Summary Minutes of Le Sueur County Board of Commissioners Meeting
Tuesday April 22, 2014**

This is only a summary publication per MN Statutes 375.12 and 331A.01 sub. 10. The complete minutes are on file in the Le Sueur County Administrator's Office at 88 S Park Ave. Le Center, MN and are available at www.co.le-sueur.mn.us.

The Le Sueur County Board of Commissioners met in regular session on Tuesday, April 22, 2014 at 9:00am in the Commissioners Room in Le Center, Minnesota. Those members present were: John King, Dave Gliszinski, Lance Wetzel, Joe Connolly and Steve Rohlfsing. Also present were Darrell Pettis and Brent Christian.

- The Board unanimously approved the amended agenda for the business of the day. (Connolly – Wetzel)
- The Board unanimously approved the consent agenda. (King – Gliszinski)
 - A. Approved the Minutes and Summary Minutes from the April 15, 2014 regular meeting.
 - B. Approved the four Applications for Exempt Permit with on waiting period for G.A.C. at the Le Sueur Country Club.
- Kathy Brockway, Environmental and P & Z Director came before the Board with two items for consideration and approval.
- The Board granted a Conditional Use Permit to VETTER FARMS, ST. PETER, MN (APPLICANT/OWNER) to allow the applicant to expand an existing animal feedlot from 400 animal units to 600 animal units in an Agricultural "A" District. (Connolly – King 5-0)
- The Board approved the Minnesota Municipal Power Agency – William M. McCue and Lynette M. McCue Settlement Agreement and authorized the Chair to sign said agreement. (Wetzel - Gliszinski 3-2 with Commissioner King and Connolly voting no)
- Cindy Westerhouse Human Resource Director came before the Board with several items for approval.
- The Board accepted the retirement request from Terry Sladek, part time Homemaker in Public Health. (Connolly –Gliszinski)
- The Board granted regular status to Judy Hepworth, full time Social Worker Team Leader in Human Services. (Wetzel – King)
- The Board approved the transfer of Becky Factor from a full time Deputy Auditor-Treasurer I, in the Auditor-Treasurer's Office, to a part time Administrative Assistant, in the County Administrator's Office, as a Grade 2, Step 8 at \$16.80 per hour. (Connolly – King)
- The Board authorized the hiring of Ruby Kramer, as a full time Deputy Auditor-Treasurer I, in the Auditor-Treasurer's Office, as a Grade 5, Step 1 at \$15.63 per hour. (Wetzel – Gliszinski)
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- Darrell Pettis, Administrator / Engineer appeared before the Board with a number of items for consideration.
- The Board approved the Contract between Le Sueur County and Crane Creek Construction for the construction of SAP 40-636-010, CP 2114, CP 2214, CP2414, CP 2414, CP 2514, CP 2614 and CP 2714 in the amount of \$2,605,641.21. (King – Gliszinski)

- The Board approved the Resolution Approving Modification to the Joint Powers Agreement forming the South Central Regional Radio Board. (Wetzel – King)
 - The Board adjourned until Tuesday May 6, 2014 at 9:00 am. (Connolly – King)
- ATTEST: Le Sueur County Administrator Le Sueur County Chairman**

REPAIR REQUEST

We, the undersigned land owners, do hereby request the Le Sueur County Board Of Commissioners to clean out and repair Le Sueur County Ditch # 38 located in Kilkenny Section 35-25 township(s).
Spur # 3

Signed

Address & Phone No.

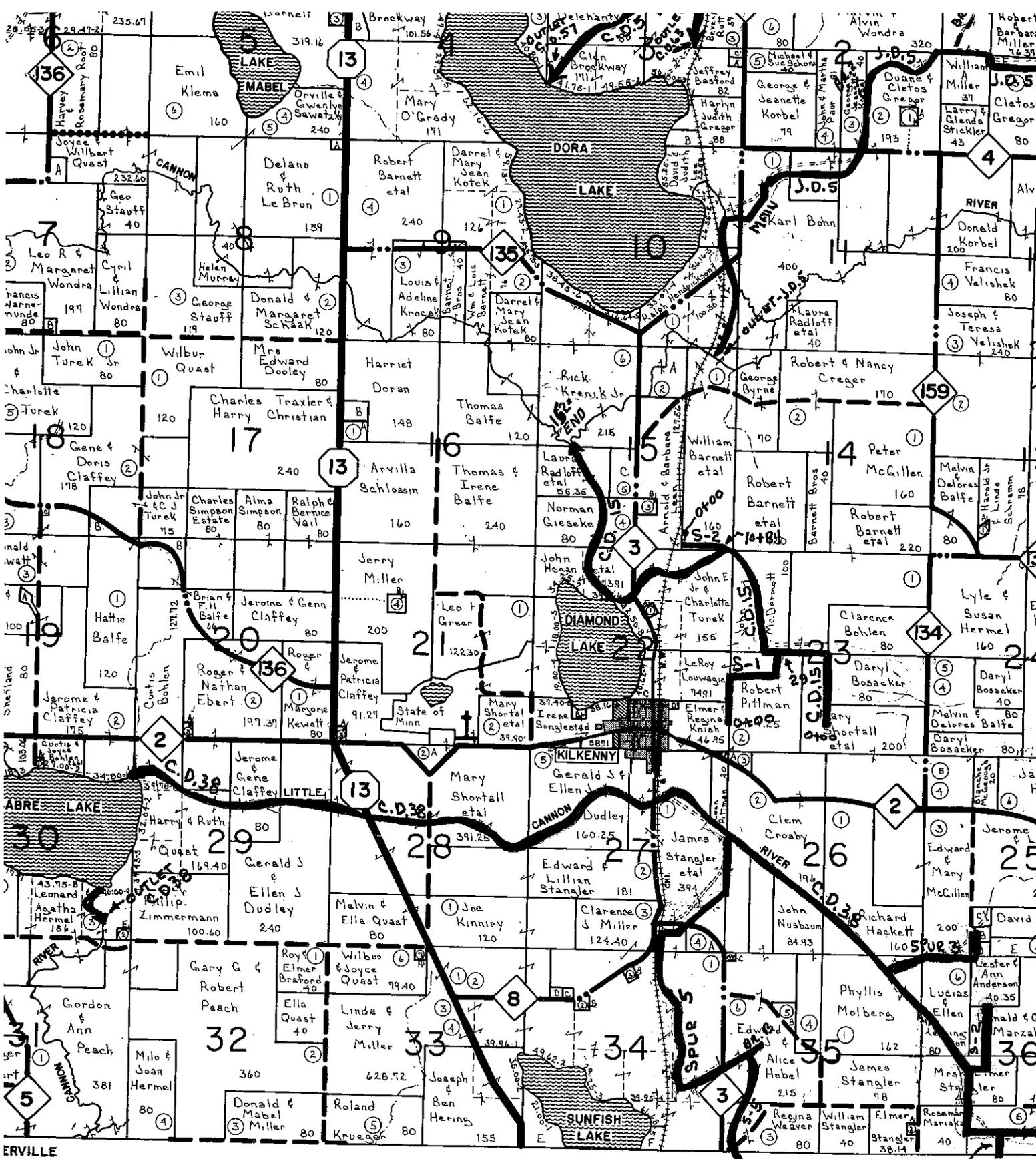
Kenneth Wetzel

21104 Le Sueur Ave

Date: 4-18-14

Description of problem: Pip cap approx. 15' at
inslope of road / damage ditch to prevent
washing of road right of ways

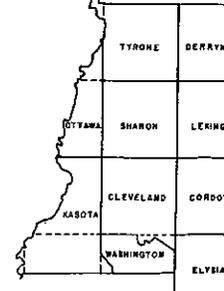
Sue Pthal 4-21, 14



ERVILLE SPUR 1 TOWNSHIP SOUTH

**SMALL TRACT OWNERS
SEE SMALL TRACT SECTION FOLLOWING TOWNSHIP MAPS**

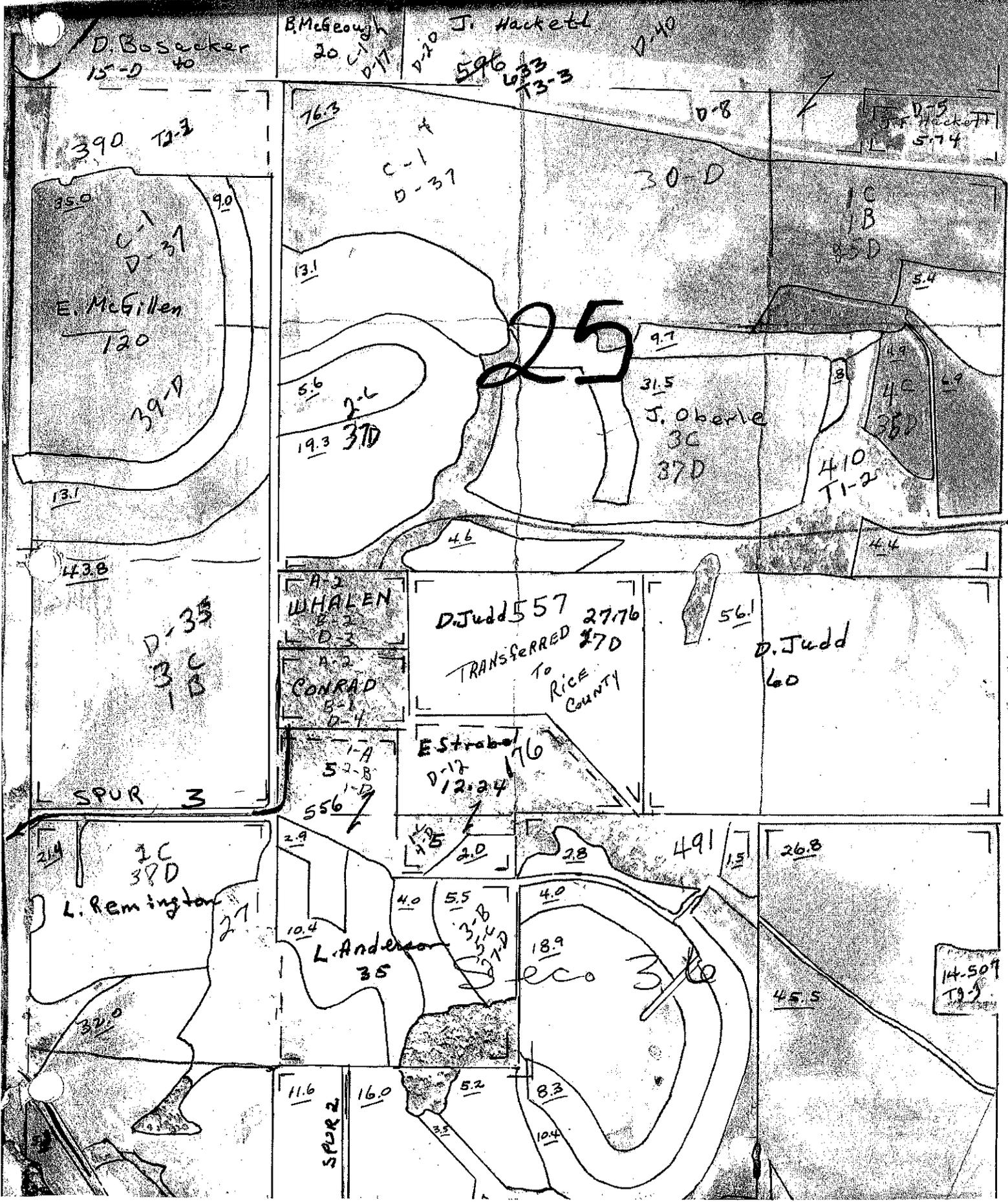
- LAKE VOLNEY SUBDIVISIONS
- ▲ MINARS SUBDIVISION
- ▲ BROCKWAY'S BEACH

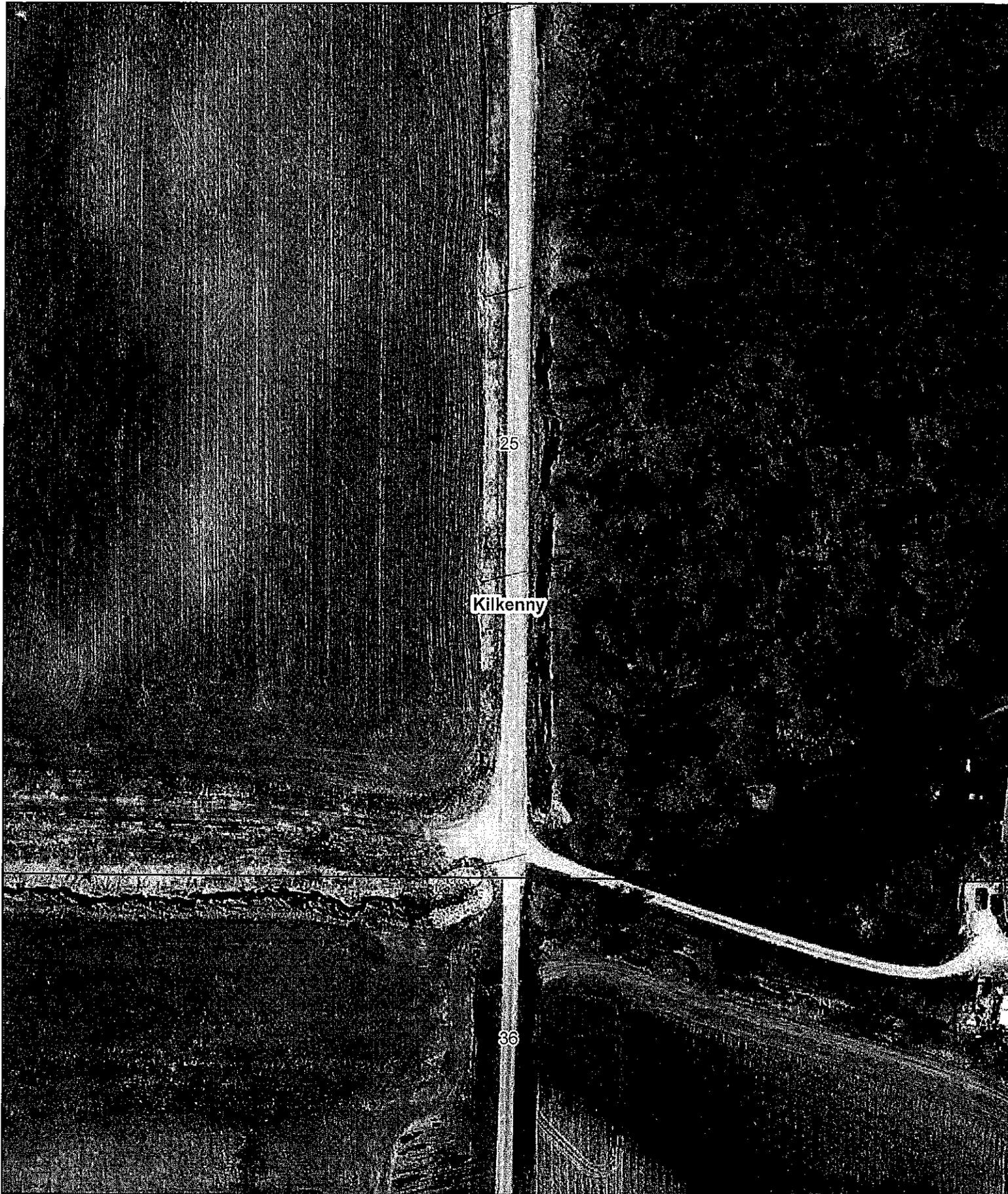


Le Sueur

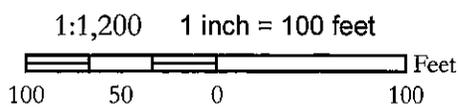
not to scale

137-R





-  Civil Townships
-  Sections



Maps are for graphical purposes only. They do not represent a legal survey.



Le Sueur SWCD
 181 W. Minnesota St.
 Le Center, MN 56057
 (507) 357-4879 Ext. 3
 Fax: (507) 357-6982

REPAIR REQUEST

We, the undersigned land owners, do hereby request the Le Sueur County Board Of Commissioners to clean out and repair Le Sueur County Ditch # 64 located in Cordova township(s).

Signed

Address & Phone No.

George Zimmerman

44656 Blue Grass Rd

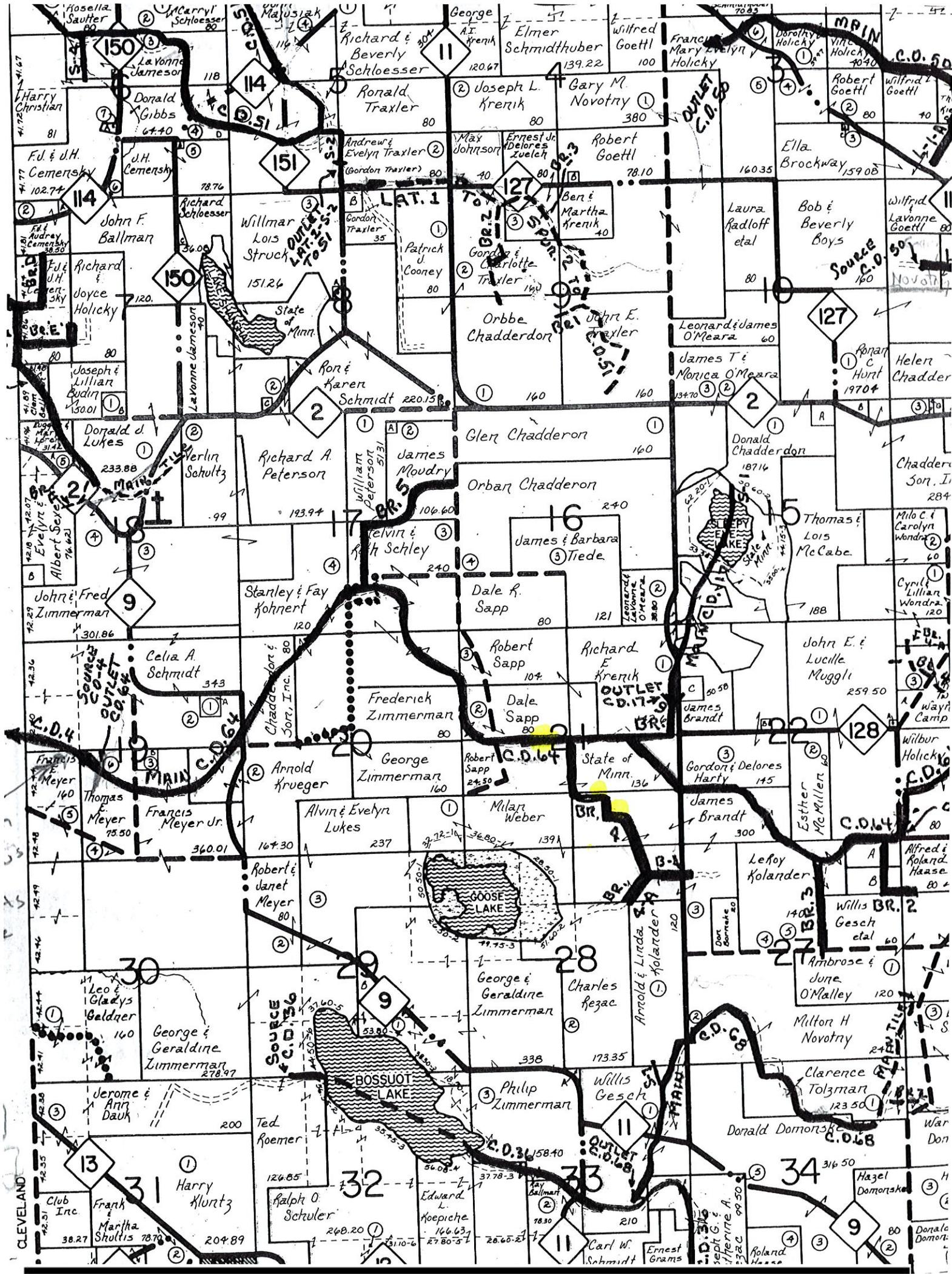
LeCenter MN 56057

357-6326

Date: 4-14, 14

Description of problem: Clean slides

4-18, 14 needs cleaning Sue Puhel



Le Sueur County, MN

Tuesday, May 6, 2014

Board Meeting

Item 2

9:05am Claims and Commissioners Warrants

Staff Contact:

Le Sueur County, MN

Tuesday, May 6, 2014

Board Meeting

Item 3

9:10am Amy Beatty - Environmental Specialist

Solid Waste Licenses

Staff Contact:

Le Sueur County Environmental Services

Mailing Address:
88 South Park Avenue
Le Center, MN 56057
Direct Dial (507) 357-8538

Physical Address:
515 South Maple Avenue
Le Center, MN 56057
Fax (507) 357-8541

DATE: Wednesday, April 30, 2014

TO: Le Sueur County Board of Commissioners

FROM: Amy Beatty, Le Sueur County Environmental Programs Specialist

RE: 2014 Solid Waste License Applications

City Facilities

The following cities have requested a license to operate a composting facility. As in the past, the Cities are asking the County Board of Commissioners to waive the licensing fee and insurance and bonding requirements.

1. City of Cleveland – the facility is open to residents of the City of Cleveland to dispose of leaves, brush, and tree material.
2. City of Le Center – the facility is open to residents of the City of Le Center to dispose of leaves. This site is for temporary storage until the city can take the material to SMC Composting Facility in Mankato.
3. City of Le Sueur – the facility is open to residents of the City of Le Sueur to dispose of yard waste.
4. City of Montgomery – the facility is open to residents of the City of Montgomery to dispose of yard waste.
5. City of Saint Peter – the facility is open to residents of the City of Saint Peter to dispose of tree/brush and grass/plant material. The City of Saint Peter has paid the licensing fee of \$200.00. In the past, the City was waived proof of bonding.

The City of Le Center Recycling Facility

The City of Le Center operates a recycling facility that is open to all Le Sueur County residents. The facility is located at 180 South Lexington Avenue. Le Sueur County funds the recycling facility through money it receives under the SCORE program – SCORE legislation provides counties with a funding source to develop effective waste reduction, recycling and solid waste management programs. The City asks the County Board of Commissioners to waive the licensing fee and bonding requirement.

The City of Le Center Collection and Transportation of Solid Waste – 1 truck

The City of Le Center collects and transports solid waste and recyclable materials. Its service area is the City of Le Center. The destinations of the solid waste and recyclables are Minnesota Waste Processing – Mankato and LJP Enterprises, Inc. Recycling Facility – North Mankato. The City asks the County Board of Commissioners to waive the licensing fee and bonding requirement.

Collection and Transportation

The following companies have applied for a license to collect and transport solid waste in Le Sueur County.

Hansen Sanitation, Inc. – Kasota, MN – 5 Trucks - \$190.00

Hansen Sanitation, Inc. will be serving the City of Kasota and Kasota Township. The destination of the solid waste and recycling materials will be Minnesota Waste Processing Center - Mankato and North Mankato Recycling Center – North Mankato. The company has provided proof of insurance. The company has provided a letter of credit from Community Bank in Mankato in lieu of a performance bond.

Lakers New Prague Sanitary, Inc. – New Prague, MN – 4 Trucks - \$190.00

Lakers New Prague Sanitary, Inc. will be serving the Cities of New Prague, Le Center, Montgomery, and the surrounding areas. The destination of the solid waste and recycling materials will be Resource Recovery Technologies/RRT Processing Solutions - Shakopee for solid waste, DemCon in Shakopee for construction and demolition debris, and Buckingham Recycling – Prior Lake for recyclable materials. The company has provided proof of insurance and bonding.

LJP Enterprises, Inc. – Saint Peter, MN – 13 Trucks - \$505.00

LJP Enterprises, Inc. will be serving commercial, corporate, business, and rural accounts in Le Sueur County. The destination of the solid waste and recycling materials will be Minnesota Waste Processing Company – Mankato, Ponderosa Landfill – Mankato, and LJP Recycling Facility – North Mankato. The company has provided proof of insurance and bonding.

Waste Management of Minnesota – Mankato, MN – 13 Trucks - \$505.00

Waste Management of Minnesota will be serving all of Le Sueur County. The destination of the recycling materials will be their own facilities in Le Sueur County. The destination of the solid waste will be Hennepin County Resource Co. – Minneapolis, NRG – Newport, Rice County Landfill – Dundas, Dickinson County Landfill – Spirit Lake, IA, Spruce Ridge Res. Mgmt – Glencoe, NRG – Elk River, Burnsville Landfill – Burnsville, Elk River Landfill – Elk River, SMC – Mankato, Hoffman Demo Landfill – New Ulm, Central Disposal Landfill – Lake Mills, IA, NRG – Empire – Rosemount, Brown County Landfill – Sleepy Eye, Prairieland Compost – Truman, Valley Demo & Recycling – New Ulm, Steele County Landfill – Blooming Prairie, Spruce Ridge Landfill – Glencoe, Ponderosa Landfill – Mankato, and Minnesota Waste Processing - Mankato. The company has provided proof of insurance and bonding.

Recycling Facility

The following companies have applied for a license to operate a recycling facility in Le Sueur County.

Barnett Brothers, Inc. – Kilkenny, MN - \$200.00

Barnett Brothers, Inc. service area will be an approximate twenty-mile radius around the City of Montgomery. The facility recycles bituminous and concrete materials. The company has proof of insurance and bonding.

Fessel’s Wood Recycling Services, LLC – Waterville, MN - \$200.00

Fessel’s Wood Recycling Services, LLC will be serving companies in the following counties Le Sueur, Rice, Waseca, Blue Earth, Nicollet, and Olmsted. The company recycles unadulterated wood and paper products for use as wood chips for landscaping and for animal bedding and mortality composting facilities. The company has provided a letter of credit from Roundbank in Waseca in lieu of a performance bond. The company has provided proof of insurance.

Hansen Recycling and Transfer Station – Kasota, MN - \$200.00

Hansen Recycle and Transfer Station will serve all of Le Sueur County and its residents, contractors, and municipalities. The facility will be recycling demolition and new construction waste. The company has provided proof of insurance and bonding.

Selly Excavating, Inc. – Le Center, MN - \$200.00

Selly Excavating Inc. service area will be all of Le Sueur County and its residents, contractors, and municipalities. The facility will be recycling bituminous and concrete materials. The company has provided proof of insurance and bonding.

Waste Management of Minnesota – Mankato, MN - \$200.00

Waste Management of Minnesota will be serving Le Sueur, Nicollet, and Sibley Counties. The company has provided proof of insurance and bonding.

Transfer Station

The following company has applied for a license to operate a transfer station in Le Sueur County.

Waste Management of Minnesota – Mankato, MN - \$675.00

Waste Management of Minnesota will be serving Le Sueur, Nicollet, and Sibley Counties. The company has provided proof of insurance and bonding.

Upcoming Solid Waste Events

Saturday, June 21, 2014 – Annual Tire, Appliance, and Electronics Collection Day from 8 am to 1 pm at the Le Sueur County Highway Department in Le Center (515 South Maple Avenue/County Road 114).

Le Sueur County, MN

Tuesday, May 6, 2014

Board Meeting

Item 4

9:20am Don Reak - Parks Director

Grant for Geldner Saw Mill

Staff Contact:



**National Trust for
Historic Preservation**

Save the past. Enrich the future.

April 11, 2014

Don Reak
Parks Director and Project Co-Coordinator
Le Sueur County Parks Department
88 Park Avenue So.
Le Center, MN 56057

Dear Don:

It is a pleasure to inform you that your application for a National Trust Preservation Fund grant has been approved. We have allocated \$5,000 from the Virginia Sweatt Preservation Fund for Minnesota and the Jeffris Heartland Fund to match local funds to help support the Preservation Architect Services.

The National Trust for Historic Preservation is very supportive of your worthwhile preservation activity. It was selected from a large number of qualified applicants competing for a very limited amount of funds. We hope that this letter of support and financial commitment will assist your organization in raising any additional funds needed for this historic preservation activity.

Please contact our office for any additional assistance. We are pleased to assist in your preservation project and trust that this grant will prove valuable to your effort.

Sincerely,

A handwritten signature in black ink that reads "N. Vann".

Nicky Vann
Director, Administration, Grants, and Affinity Programs



News Release

MEDIA CONTACT: NTHP PUBLIC AFFAIRS, 202.588.6141, PR@SAVINGPLACES.ORG

National Trust for Historic Preservation Awards Le Sueur County A Preservation Grant Towards Geldner Saw Mill Restoration

Le Center, MN April 22, 2014 — Collaborating partners Le Sueur County and Le Sueur County Historical Society were awarded a \$5,000 grant by the National Trust for Historic Preservation made possible by the Virginia Sweatt Preservation Fund for Minnesota and the Jeffris Heartland Fund. These grant funds will be used to cover architect fees for creating an overall preservation work plan for the historic Geldner Saw Mill.

The 1870 Geldner Mill has been on the National Register of Historic Places since 1975. It is the only remaining stationary, steam-powered saw mill of its kind in the state and a preserved example of the type of mill every Minnesota county had at one time. Between 1979 and 1984, a series of grants made it possible to complete a full restoration of the mill and its working components. It was dedicated into service as a historic site in October 1982. The 2014 preservation project involves replacing the boiler, structural stabilization, work on the building exterior and re-shingling the roof. Preservation partners, Le Sueur County Parks Department and Le Sueur County Historical Society have teamed up as they did 30 years ago to preserve the mill for future generations to learn from and enjoy.

"Collaborations like this help to ensure that communities and towns all across America retain their unique sense of place," said Stephanie Meeks, president of the National Trust for Historic Preservation. "We are honored to provide a grant to help preserve an important piece of our shared national heritage."

Grants from the National Trust Preservation Funds range from \$2,500 to \$5,000 and have provided over \$15 million since 2003. These matching grants are awarded to nonprofit organizations and public agencies across the country to support wide-ranging activities including consultant services for rehabilitating buildings, technical assistance for promoting historic resources, and the development of materials for education and outreach campaigns.

About Le Sueur County Parks Department

Le Sueur County owns the Geldner Saw Mill and adjoining property on a lagoon south of Lake Jefferson. The 3-acre site is located at 46542 Beaver Dam Road, Cleveland, Minnesota and is offered as a county park for public use as a fishing and picnic area. The Parks Department maintains 12 public parks around Le Sueur County.

About Le Sueur County Historical Society

Le Sueur County Historical Society was established in 1965 and is a 501 c 3 nonprofit affiliated with the Minnesota Historical Society. The organization maintains five historic sites around Le Sueur County. The Society supports a volunteer Sawyer Team that brings the Geldner Mill to life on "Sawing Sundays" by offering public demonstrations of the milling process.

About the National Trust for Historic Preservation

The National Trust for Historic Preservation is a privately-funded nonprofit organization that works to save America's historic places to enrich our future. The National Trust for Historic Preservation is committed to protecting America's rich cultural legacy and helping build vibrant, sustainable communities that reflect our nation's diversity. Follow us on Twitter @presnation. For more information on National Trust for Historic Preservation's Preservation Fund grants, visit: www.PreservationNation.org/funding

The National Trust for Historic Preservation, a privately funded nonprofit organization, works to save America's historic places.

The Watergate Office Building 2600 Virginia Avenue NW Suite 1000 Washington, DC 20037 E info@savingplaces.org P 202.588.6000 F 202.588.6038
www.PreservationNation.org

Le Sueur County, MN

Tuesday, May 6, 2014

Board Meeting

Item 5

9:30am Jim Gorgart - Veterans Services Officer

Memorial Day Distribution

Staff Contact:



Veterans Service Office

88 SOUTH PARK AVENUE LE CENTER, MINNESOTA 56057

PHONE (507) 357-8279

FAX (507) 357-8608

James W. Gorgart – Director of Veteran Services

Jamie M. Von Bank – Veterans Benefits Councilor

TO: Le Sueur County Commissioners

April 29, 2014

I am requesting authorization for the release of funds in the amount of \$1100.00 to the Le Sueur County Service Clubs to assist in the Memorial Day expenses. I recommend the funds be disbursed as follows:

Le Sueur County American Legion

1. Le Center Post #108	\$100.00
2. Cleveland Post #207	\$100.00
3. Montgomery Post #79	\$100.00
4. Elysian Post #311	\$100.00
5. Kilkenny Post #380	\$100.00
6. Le Sueur Post #55	\$100.00
TOTAL:	\$600.00

Le Sueur County Veterans of Foreign Wars

1. Le Sueur Post #4297	\$100.00
2. Le Center Post#1803	\$100.00
3. Montgomery Post#5340	\$100.00
4. Waterville Post#2633	\$100.00
TOTAL:	\$400.00

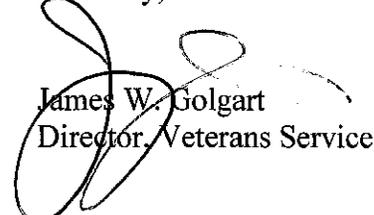
Le Sueur County Posts with joint Responsibilities with Scott County

*1. American Legion Post #45	\$50.00
*2. VFW Post #5145	\$50.00
TOTAL:	\$100.00

TOTAL: \$1100.00

*Posts listed above are eligible for funds from Scott County, as responsibility for decorations of shared gravesites exists.

Sincerely,


James W. Gorgart
Director, Veterans Service

Le Sueur County, MN

Tuesday, May 6, 2014

Board Meeting

Item 6

9:35am Dave Tietz - Sheriff

Squad Cars - Purchase

Purchase Tasers

Staff Contact:

Le Sueur County, MN

Tuesday, May 6, 2014

Board Meeting

Item 7

9:40am Cindy Westerhouse - Human Resources

Retirement Request

Promotion

Vacation Donation

Staff Contact:

Le Sueur County, MN

Tuesday, May 6, 2014

Board Meeting

Item 8

9:50am Mike Schultz - Soil and Water

Request for Aggregate Tax

Staff Contact:



Le Sueur County Soil & Water Conservation District

Le Sueur County SWCD
181 W Minnesota St
Le Center, MN 56057

Tel. (507) 357-4879 Ext. 3
Fax. (507) 357-6982

E-mail: Michael.Schultz@mn.nacdnet.net
E-mail: Sue.Prchal@mn.nacdnet.net

April 25, 2014

Lake Volney Soil Erosion Stabilization Project Request for Gravel Tax Funding Cordova Township, Section 1

Le Sueur County SWCD and Le Sueur County Environmental Services have been working on this project since September 2012 when Cordova Township replaced and lowered a failing culvert that flowed to Lake Volney 40-50' east (see pictures attached). The lowering of the culvert has created an erosion issue that has become one of the top priorities for the SWCD. Multiple agencies (MN DNR, MN PCA, Le Sueur County Environmental Services, Le Sueur County SWCD, and the Lake Association) have all made this a high priority project with protecting Lake Volney from any future sediment issues. No enforcement is available to change any of the township road culvert plans/design. Leaving the SWCD to take a lead role and find funds to fix the issue.

The Le Sueur County SWCD has worked with the landowner (Cyril Miller) on the field that is contributing sediment to Lake Volney, and the Cordova Township Board on a resolution to fix the problem. After many discussions with both the landowner and the township an agreement to build an embankment and install a 2.5 acre buffer was agreed upon. The approximate cost of the project is \$10,000. Cordova Township has agreed to pay for the building of the embankment and necessary tile work needed by the landowner which would cost approximately \$3,550. The Lake Volney Association has agreed to donate \$500 to the project. This would leave a balance of \$5,950 to complete a 5 year hayable buffer with the landowner.

Agreed Upon Timeline:

2014 Spring:	Landowner will install a wheat buffer.
2014 Summer:	Construction of embankment will start after wheat is harvested.
2014 Fall:	Establish a winter wheat cover crop and beginning of 5 year haying agreement.
2015 Spring:	Harvest cover crop and interseed alfalfa/hay mix.
2019 Fall:	End of 5 year hayable buffer contract.

Approximately 40% of the project will be matched between the township and lake association. The preliminary plans of this project are based off of the South Central Technical Service Area engineer's concept design.

I am requesting \$5,950 of gravel tax money for this project. If funding is not secured for the project the embankment will likely be installed but sediment from the field will not be buffered and therefore entering Lake Volney.

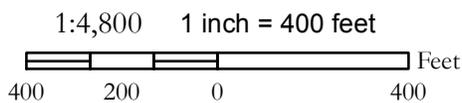
Sincerely,



Michael Schultz
District Technician



-  Volney Miller Buffer
-  Civil Townships



Maps are for graphical purposes only. They do not represent a legal survey.



Le Sueur SWCD
 181 W. Minnesota St.
 Le Center, MN 56057
 (507) 357-4879 Ext. 3
 Fax: (507) 357-6882

Schultz, Michael - NRCS-CD, Le Center, MN

From: Ryan Jones <ryan.jones@blueearthswcd.org>
Sent: Tuesday, January 21, 2014 12:56 PM
To: Schultz, Michael - NRCS-CD, Le Center, MN
Lake Volney Lane - erosion issues
Subject:
Attachments: Volney Ln_Drainage Area_400 Scale.pdf; Volney Ln_100 Scale.pdf

In August you, Greg Schemmel and I looked at an area of erosion that is a concern along Lake Volney Lane, adjacent to the Cyril Miller property on the south side of the lake. There are some erosion problems on the upstream side of a culvert that drains under the township road and directly into Lake Volney.

The culvert was replaced in the past few years at a lower elevation to help prevent runoff from washing over the roadway. There appeared to be problems associated with erosion in the ditch itself (due to steep sideslopes) plus deposition of sediment from the adjacent field. I looked at the elevation contours available and determined the culvert's watershed is approximately 10 acres.

Two conceptual options for dealing with the erosion are described below:

1. Construct an embankment (terrace) on the Miller property
 - The embankment would run approximately 350 feet along the property edge. Width would vary. Total footprint would be between a quarter acre and a half acre (probably closer to a quarter acre)
 - A tile inlet would be designed to drain the water from upstream of the embankment within 24 to 36 hours.
 - The tile inlet piping could be configured to either drain to the culvert in the ditch, or to drain across the road to the lake side.
 - The embankment would be configured with an overflow, to direct runoff from very large rains into the road ditch and the existing culve

2. Grade the ditch backslope into the field and plant a buffer
 - It may be possible to grade the slope from the bottom of the ditch back into the field to eliminate the existing dropoff.
 - Use sideslopes that would still allow for farming
 - Plant a buffer of vegetation along the edge of the field to help collect sedimentation.
 - This would also have the effect of increasing the storage area for the culvert.
 - Would need to find a place to waste the material that is excavated (on the property or haul off-site).

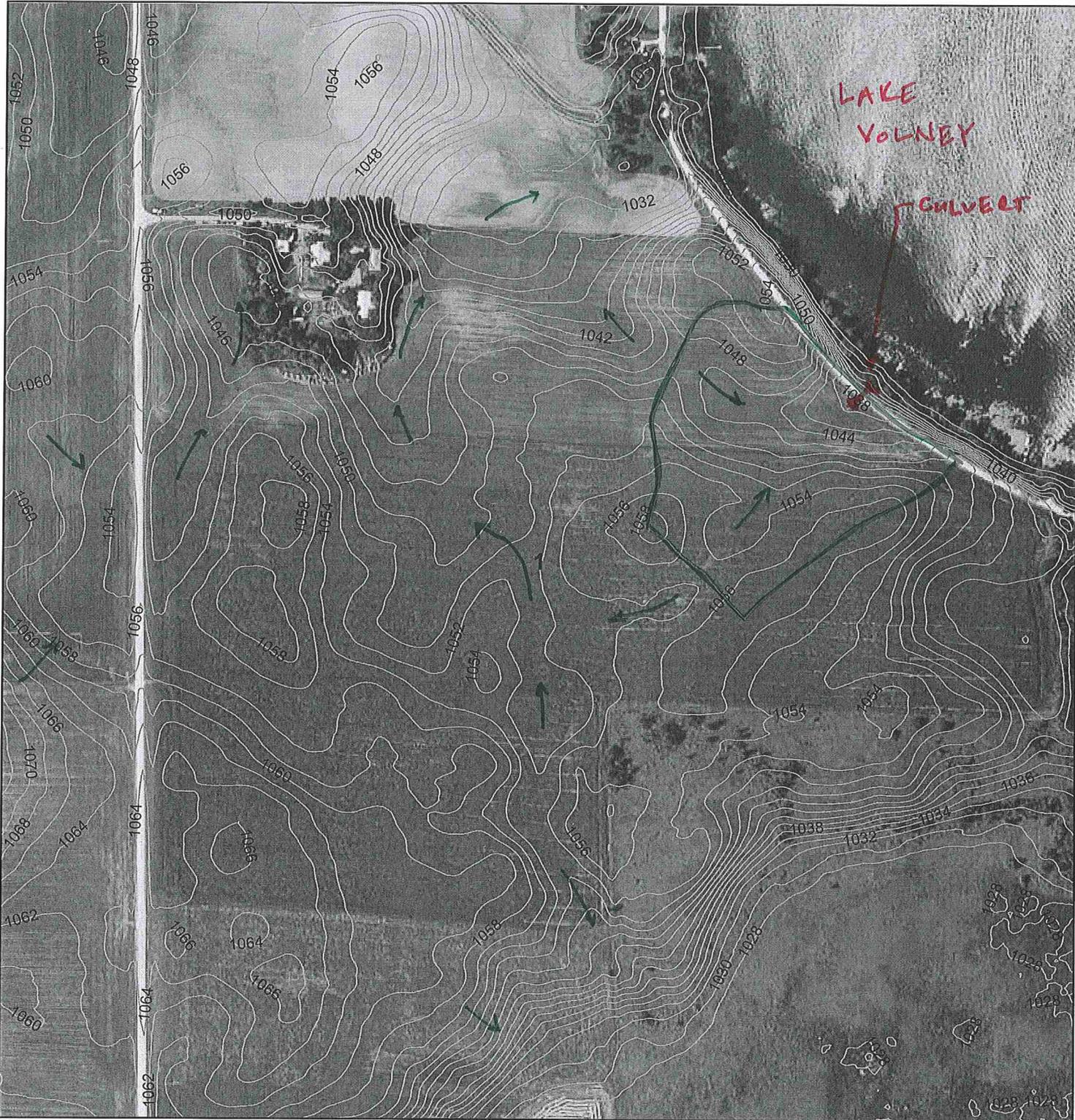
Please let me know if you have any questions.

Ryan Jones, P.E.
Area Engineer

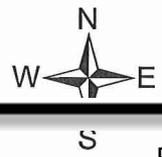
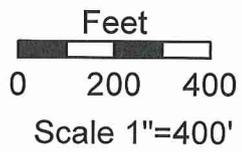
South Central Technical Service Area

1160 South Victory Drive, Suite 3, Mankato, MN 56001
Ph 507.345.1051 | ryan.jones@blueearthswcd.org

Lake Volney - Cyril Miller Property

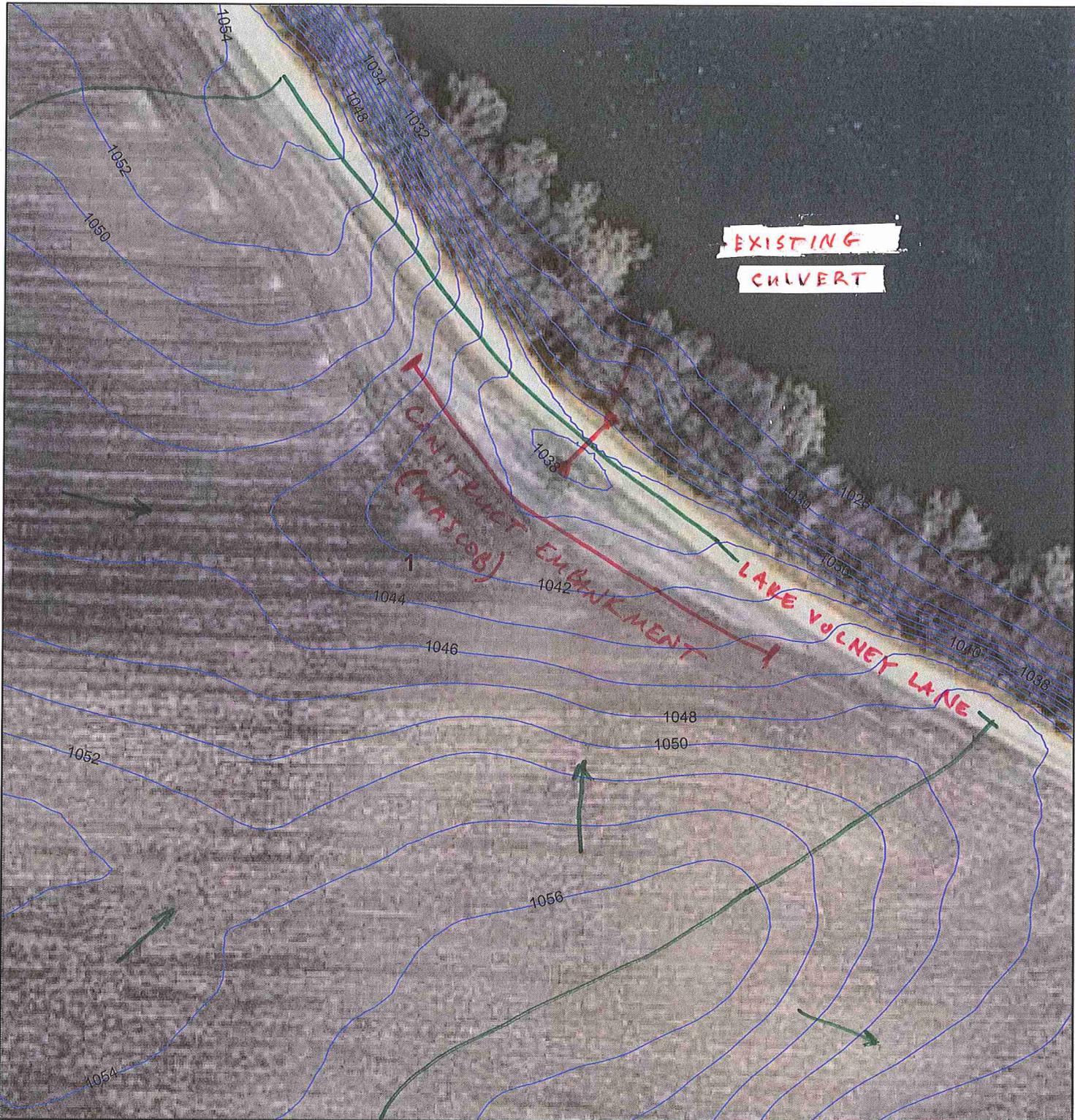


 Drainage Area = 10.0 ac
 Flow Direction

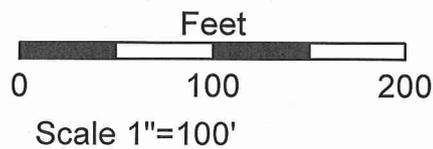


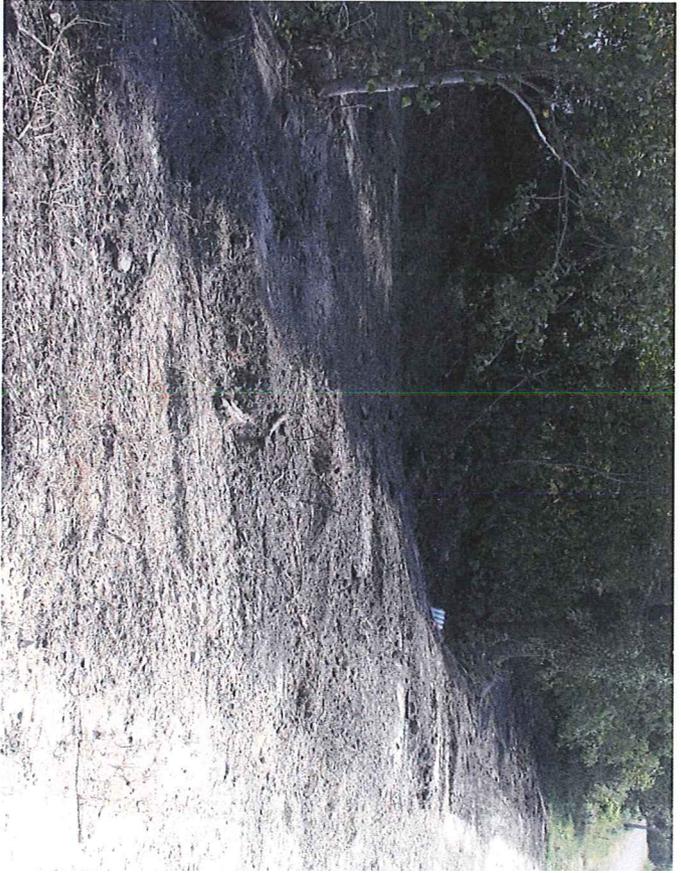
Lake Volney Lane Cyril Miller Property

January 2014

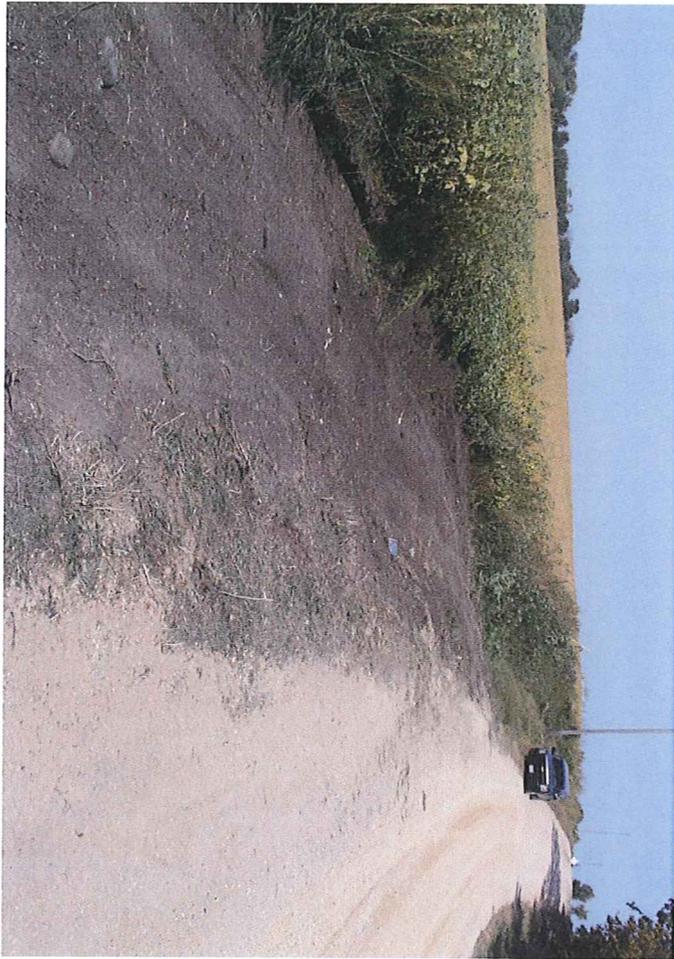


- Drainage Boundary
- Flow Direction









Le Sueur County, MN

Tuesday, May 6, 2014

Board Meeting

Item 9

10:00am Stacy Lieneman - Le Sueur Waseca Library

Staff Contact:

Le Sueur County, MN

Tuesday, May 6, 2014

Board Meeting

Item 10

10:10am Darrell Pettis Administrator

Sale of Tax Forfeited Property of City of Montgomery

Lake Washington Outlet Structure

MPCA Letter

CSAH 23

Tyrone Twp Bridge

Waters of the US

Staff Contact:



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

April 17, 2014

Mr. Steve Rohlfig, County Board Chair
Le Sueur County
88 Park Avenue South
Le Center, MN 56057

Mr. Robert Barnett, Chief Executive Officer
Barnett Bros. Inc.
41375 State Highway 13
Kilkenny, MN 56052

RE: Notice of Violation – NPDES/SDS Construction Stormwater Permit No. C00036321

Dear Messrs. Rohlfig and Barnett:

Enclosed is a Notice of Violation (NOV) issued by the Minnesota Pollution Control Agency (MPCA) to Le Sueur County and to Barnett Bros. Inc. (Regulated Parties) for alleged violations at the Regulated Parties' site SAP 040-614-009 located in Waterville, Minnesota. By sending this NOV, the MPCA is notifying the Regulated Parties of alleged violations that the MPCA staff discovered during inspections on October 22, 2013, and November 6, 2013. This NOV also provides the Regulated Parties an opportunity to respond to the alleged violations.

The first section of the NOV cites the state rules and permit conditions which the MPCA alleges that the Regulated Parties violated, and describes the actions or omissions constituting the violations. The second section titled, "Corrective Action" contains corrective actions that the Regulated Parties are to complete in order to resolve the NOV.

Given the seriousness of the alleged violations cited in the NOV, the Regulated Parties will be sent a proposed Stipulation Agreement (Agreement) which will be used to resolve the violations. An Agreement is a legally binding document between the Regulated Parties and the MPCA involving a compliance schedule, a civil penalty for the alleged violations and stipulated penalties for any future violation of the Agreement. Within ten days of receipt of the proposed Agreement, the Regulated Parties and their legal counsel will be requested to arrange to meet with the MPCA staff at the MPCA Office in St. Paul to discuss the draft Agreement. The Regulated Parties will be expected to offer evidence, comments and proposed revisions to any part of the Agreement which they feel is inaccurate or incomplete.

Please note, the Corrective Action section contains dates by which the actions should be completed. Please also note, if the Regulated Parties believe the allegations in this NOV are incorrect, the MPCA requests a written response within ten days.

i-enf-iii-10a · 11/6/13 · Doc Type: Notice of Violation

STATE OF MINNESOTA
Minnesota Pollution Control Agency
Municipal Division

NOTICE OF VIOLATION

In the Matter of: Le Sueur County and Barnett Bros. Inc.
SAP 040-614-009
Waterville, Minnesota

To: Le Sueur County	Barnett Bros. Inc.
88 Park Avenue South	41375 State Highway 13
Le Center, MN 56057	Kilkenny, MN 56052

PLEASE BE ADVISED, that the Minnesota Pollution Control Agency (MPCA) has sufficient information to allege that Le Sueur County and Barnett Bros. Inc. (hereinafter Regulated Parties) have violated the following provisions of state rules and permit conditions at their site SAP 040-614-009 (Site) located in Waterville, Minnesota.

1. NPDES/SDS General Stormwater Permit for Construction Activity (MNR100001) APPENDIX A. Part C.1.a. Additional BMPs for Special Waters and impaired waters provides in relevant part:

1. During Construction.

- a. All exposed soil areas must be stabilized as soon as possible to limit soil erosion but in no case later than seven days after the construction activity in that portion of the site has temporarily or permanently ceased.

On October 22, 2013, the MPCA conducted an inspection of the Site and observed temporary stockpiles with exposed soils that were not stabilized in the following locations: Site Markers 44+50 on the North side of the road and 35+00 on the North side of the road. There was no construction activity in the locations inspected on October 22, 2013. On November 6, 2013, the MPCA re-inspected the Site and observed temporary stockpiles with exposed soils that were not stabilized in the same locations. There was no construction activity in the locations inspected on November 6, 2013.

On October 22, 2013, the MPCA conducted an inspection of the Site and observed exposed soils that were not stabilized in the following locations: Site Markers 51+00 thru 54+00 on the North side of the road. Around Site Markers 51+00 thru 54+00 on the North side of the road, excessive riling was observed in the exposed soils. According to the Regulated Parties' inspection reports, the last rainfall event greater than 0.5 inches was the weekend of October 5, 2013, and October 6, 2013. The inspection reports also stated that on October 15, 2013, the Site had a light rain event. In addition to the Regulated Parties' inspection reports, the MnDNR State Climatology website, documented that there were no rainfalls events between the Site inspection conducted by the Regulated Parties on October 19, 2013, and the MPCA's inspection on October 22, 2013. Based on the information from the Regulated Parties' inspection reports and the MnDNR State Climatology website, 16 days from the last rainfall event greater than 0.5 inches had lapsed and the Regulated Parties had completed two inspections.

4. NPDES/SDS General Stormwater Permit for Construction Activity (MNR100001) Part IV.C.2. Sediment Control Practices provides in relevant part:

2. Sediment control practices must be established on all down gradient perimeters before any up-gradient land disturbing activities begin. These practices shall remain in place until final stabilization has been established in accordance with Part IV.G.

On October 22, 2013, the MPCA inspected the Site and observed and documented that upgradient land disturbing activities had begun and sediment control practices were absent at the following downgradient perimeter locations on the Site: along the bottom edges of a pipe culvert located on the South side of the road at Site Marker 59+50, along the bottom edges of a pipe culvert located on the North side of the road at Site Marker 59+50, and along the bottom edges of a pipe culvert at Site Marker 207+00.

On November 6, 2013, the MPCA re-inspected the Site and observed and documented that upgradient land disturbing activities had begun and sediment control practices were still absent at the downgradient perimeter located along the bottom edges of the pipe culvert on the South side of the road at Site Marker 59+50.

5. NPDES/SDS General Stormwater Permit for Construction Activity (MNR100001) Part IV.C.5. Sediment Control Practices.

5. Temporary soil stockpiles must have silt fence or other effective sediment controls, and cannot be placed in surface waters, including stormwater conveyances such as curb and gutter systems, or conduits and ditches unless there is a bypass in place for the stormwater.

On October 22, 2013, the MPCA inspected the Site and observed and documented temporary soil stockpiles at the following locations: In the general area of Site Markers 35+50, 62+50, and stockpiles located between Site Markers 45+00 and 48+00. These stockpiles did not have silt fence or other effective sediment controls installed at the base of the piles.

On November 6, 2013, The MPCA re-inspected the Site and observed and documented temporary soil stockpiles located between Site Markers 45+00 and 48+00. These stockpiles still did not have silt fence or other effective sediment controls installed at the base of the piles.

6. NPDES/SDS General Stormwater Permit for Construction Activity (MNR100001) Part IV.C.1. Sediment Control Practices provides in relevant part:

1. Sediment control practices must minimize sediment from entering surface waters, including curb and gutter systems and storm sewer inlets.

On October 22, 2013, the MPCA inspected the Site and observed and documented that sediment control practices at Site Markers 201+00 thru 206+00 on the West side of the road and at Site Markers 204+00 through 206+00 on the East side of the road were not sufficient to minimize sediment from entering surface waters.

9. NPDES/SDS General Stormwater Permit for Construction Activity (MNR100001) Part. IV.E.4.c. Inspections and Maintenance:

c. Surface waters, including drainage ditches and conveyance systems, must be inspected for evidence of erosion and sediment deposition. The Permittee must remove all deltas and sediment deposited in surface waters, including drainage ways, catch basins, and other drainage systems, and re-stabilize the areas where sediment removal results in exposed soil. The removal and stabilization must take place within seven (7) days of discovery unless precluded by legal, regulatory, or physical access constraints. The Permittee shall use all reasonable efforts to obtain access. If precluded, removal and stabilization must take place within seven (7) calendar days of obtaining access. The Permittee is responsible for contacting all local, regional, state and federal authorities and receiving any applicable permits, prior to conducting any work.

On October 22, 2013, the MPCA inspected the Site and observed and documented sediment deposited in the drainage ditch located at Site Markers 59+50 North and South of the road and at Site Marker 207+00 South of the road. According to the Regulated Parties' inspection reports, the last rainfall event greater than 0.5 inches was the weekend of October 5, 2013, and October 6, 2013. The inspection reports also stated that on October 15, 2013, the Site had a light rain event. In addition to the Regulated Parties' inspection reports, the MnDNR State Climatology website, documented that there were no rainfalls events between the Site inspection conducted by the Regulated Parties on October 19, 2013, and the MPCA's inspection on October 22, 2013. Based on the information from the Regulated Parties' inspection reports, 16 days from the last rainfall event greater than 0.5 inches had lapsed and the Regulated Parties had completed two inspections. During the Regulated Parties' inspections, the Regulated Parties would have identified the sediment deposits in the drainage ditch. The Regulated Parties failed to remove sediment from the drainage ditch within seven days of discovery.

10. NPDES/SDS General Stormwater Permit for Construction Activity (MNR100001) Appendix A. Part C.1.b. Additional BMPs for Special Waters and Impaired Waters:

1. During Construction.

b. Temporary sediment basin requirements described in Part III.B.1-5 must be used for common drainage locations that serve an area with five (5) or more acres disturbed at one time.

On October 22, 2013, the MPCA inspected the Site. Based on the MPCA's inspection, the MPCA has determined that five (5) or more acres of disturbed soil drain to a common location. Therefore, a temporary sediment basin must be provided prior to the runoff leaving the construction site or entering surface waters. The Regulated Parties failed to construct a temporary sediment basin or provide equivalent sediment controls to treat runoff before it leaves the construction site or enters surface waters as required under Part III. B. of the Permit.

- d. Corrective actions taken (including dates, times, and party completing maintenance activities);
- e. Date and amount of all rainfall events greater than 1/2 inch (0.5 inches) in 24 hours;
- f. Documentation of changes made to the SWPPP as required in Part III.A.4.

On October 25, 2013, the MPCA reviewed the inspection and maintenance records provided by the Regulated Party (Owner) for the Site. The inspection and maintenance records provided by the Regulated Party were missing the following required elements: a) Time of inspections; c) Recommendations for corrective actions; e) Date and amount of rainfall events greater than 0.5 inches in 24 hours; and f) Documentation of changes made to the SWPPP.

According to the Regulated Parties' inspection reports, the last rainfall event greater than 0.5 inches was the weekend of October 5, 2013, and October 6, 2013. The inspection reports also stated that on October 15, 2013, the Site had a light rain event. In addition to the Regulated Parties' inspection reports, the MnDNR State Climatology website, documented that there were no rainfalls events between the Site inspection conducted by the Regulated Parties on October 19, 2013, and the MPCA's inspection on October 22, 2013. Based on the information from the Regulated Parties' inspection reports, 16 days from the last rainfall event greater than 0.5 inches had lapsed and the Regulated Parties had completed two inspections. There were many sediment and erosion BMPs that were in need of maintenance. There was sediment deposited into the drainage ditch. There were no rainfall events between the last Regulated Parties' inspection and the MPCA's inspection on October 22, 2013. Given all of that, the Regulated Parties' inspection records did not identify the maintenance needs of the BMPs and what corrective actions were required to correct them. The Regulated Parties' inspection records identified the date of the inspections but did not provide the time of the inspections. The Regulated Parties' inspection records identified that there was rainfall, but failed to provide the amount. The Regulated Parties failed to record the maintenance and inspection requirements and retain them in the SWPPP in accordance with Part III.D.

CORRECTIVE ACTIONS

To address the alleged violations cited in this Notice of Violation (NOV), the Regulated Parties are to complete the following actions:

1. Within 30 days the Regulated Parties must submit to Noel Kepler, MPCA, 520 Lafayette Road North, St Paul, Minnesota 55155-4194, a receipt indicating that the Regulated Parties have registered for and paid for at least one individual from Barnett Bros., Inc. and one individual from Le Sueur County to attend one of the University of Minnesota's "2001 Certification: Construction Site Management" courses.
2. Within ten days after receipt of this NOV, stabilize exposed temporary stock piles, which have had inactivity for seven (7) days or longer.

...THIS REQUIREMENT HAS BEEN COMPLETED.

3. Immediately upon receipt of this NOV, stabilize ditch bottoms 200 feet back from property edge or from the point of discharge to surface waters.

...THIS REQUIREMENT HAS BEEN COMPLETED.

NOTICE

THEREFORE, you are hereby given notice that the above alleged violations have been recorded and documented by the MPCA. This NOV and your response does not preclude the MPCA from taking further action with respect to the above alleged violations. The MPCA reserves the right to seek any and all remedies available under Minn. Stat. §§ 115.071, 116.072, 116.073, and 609.671 and all applicable rules or permits for any violation cited in the NOV. If the Regulated Parties believe the allegations in this NOV are incorrect, please respond in writing within ten days after receiving this NOV and explain any inaccuracies. If the Regulated Parties do not respond, the MPCA will conclude that the alleged violations occurred as set forth in the NOV.

DATED:

4/17/14

MUNICIPAL DIVISION



Marni Karnowski, Manager
Stormwater Section
Municipal Division

MK/NK:ch

Address Submittals Requested Above To:

Noel Kepler, Pollution Control Specialist
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

April 23, 2014

320-656-3503
Jkolb@RinkeNoonan.com

LeSueur County Highway Department
Attn: Darrell Pettis
88 South Park Avenue
LeCenter, MN 56057

Re: Comments to U.S. EPA Proposed Rule on Waters of the United States

Dear Mr. Pettis:

On March 25, 2014, the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Army Corps) jointly released a proposed rule to define the scope of streams and wetlands the agencies claim jurisdiction for protection under the Clean Water Act.

The Clean Water Act, for example, requires a permit for the discharge of dredged or fill materials into “navigable waters,” which are defined by the Act as “waters of the United States.” In 2001 and again in 2006, the U.S. Supreme Court issued decisions attempting to define “waters of the United States” which left the regulated community unclear as to which streams and wetlands were subject to the Act’s protections and permitting requirements.

In 2001, the Court ruled on *SWANCC v. Army Corps of Engineers*, holding that isolated wetlands which are not adjacent to open water are not subject to the federal agencies’ jurisdiction. In its most recent decision, *United States v. Rapanos*, no single opinion commanded a majority of support from the nine-member Court to create a controlling, precedential standard. As a result, the Court issued two recommended standards.

First, the plurality opinion authored by Justice Scalia held that agencies could only claim jurisdiction over wetlands that demonstrated a “continuous surface water connection” to bodies of water that are “waters of the United States” in their own right. The concurrence opinion authored by Justice Kennedy broadens the scope to claim that the Clean Water act covers wetlands that have a “significant nexus” to “waters of the United States.” Kennedy wrote “wetlands possess the requisite nexus, and thus come within the statutory phrase ‘navigable waters,’ if the wetlands, either alone or in combination with similarly situated lands in the region, significantly affect the chemical, physical, and biological integrity of other covered waters more readily understood as ‘navigable.’”

April 23, 2014

Page 2

Since *Rapanos* was issued in 2006, the regulated community has struggled to understand the scope of the EPA and Army Corps' regulatory authority under the Clean Water Act. In the fall of 2013, the EPA Office of Research and Development issued a report entitled *Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence*, which summarized current, scientific understandings about water connections, the factors that influence them, and the mechanisms by which connected waters singly or in aggregate affect the function of waters downstream. The report was drafted to bolster the agencies' evidence that ephemeral-flowing streams and wetlands have a significant nexus to downstream, navigable waters. Rinke Noonan prepared comments to the report on behalf of the Lincoln County Board of Commissioners, as the county drainage authority, discussing the county's concerns that the report did not provide a clear understanding of the science behind establishing a "significant nexus" and would contribute to the complex, jurisdictional bureaucracy already plaguing the agencies for making jurisdictional determinations over streams and wetlands.

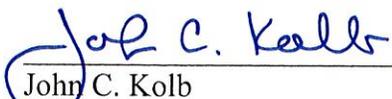
On Monday, April 21, 2014, the EPA and Army Corps published their proposed rule for public comment. Rinke Noonan has again been asked to draft comments to be submitted to the EPA and the Army Corps on behalf of several county drainage authority clients and watershed district clients. Comments must be submitted to the agencies on or before July 21, 2014.

As you may know, we represent many drainage authorities across Minnesota that will be directly affected by this rule. In order to have it represent the largest group possible, we are suggesting that each of the counties and watershed districts receiving this letter consider contributing \$500 toward a joint submission of comments. If enough counties and watershed districts join in submitting joint comments, the total cost of preparing and submitting the comments will be divided equally among all clients and any funds not used will be returned equally to each client.

These proposed rules will have a direct impact on your constituents. The drafting of comments will take time and effort and we would appreciate hearing from you by May 15th on joining the group comments.

Do not hesitate to contact us if you have any questions.

Sincerely,



John C. Kolb
JCK/KRV



Kurt A. Deter
KAD/KRV

4/22/2014 2:55 PM

Le Sueur County, MN

Tuesday, May 6, 2014

Board Meeting

Item 11

Future Meetings

Staff Contact:

Future Meetings

May 6, 2014	Board Meeting Public Hearing – Waterville City Hall – 7:00pm – Wellhead Protection Rule
May 8, 2013	Planning and Zoning Meeting – 7:00pm – Environmental
May 13, 2014	No Meeting.
May 15, 2014	Board of Adjustment Meeting –7:00pm – Environmental Building
May 16, 2014	Bid Opening for the SAP 40-599-022 - Kilkenny Township Bridge – 1:00pm East Conference Room
May 20, 2014	Board Meeting
May 27, 2014	Nothing on the Agenda so far
May 29, 2014	HRA – East Conference Room – 10:00am
June 3, 2014	Board Meeting
June 10, 2014	No Meeting
June 12, 2014	Planning and Zoning Meeting – 7:00pm – Environmental
June 14, 2014	Board Meeting – 9:00am - Saturday - Board of Appeal and Equalization Meeting –10:00am
June 17, 2014	Board Meeting
June 19, 2014	Board of Adjustment Meeting –7:00pm – Environmental Building
June 24, 2014	Nothing on the Agenda so Far
June 26, 2014	HRA – East Conference Room – 10:00am