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# **Le Sueur County, MN**

**Tuesday, September 15, 2015**

**Board Meeting**

## **Item 1**

### **9:00 am Agenda and Consent Agenda**

*RE: September 1, 2015 Minutes and Summary Minutes*

*RE: CD #36 Repair Request*

*RE: CD #68 Repair Request*

Staff Contact:

## Minutes of Le Sueur County Board of Commissioners Meeting September 1, 2015

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

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

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

- Approved the August 25, 2015 County Board Minutes and Summary Minutes

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

Soc Serv:	\$ 42,413.48
Financial:	\$ 22,480.82

Jim McMillen, Maintenance appeared before the Board with one item for consideration.

On motion by Rohlffing, seconded by Connolly and unanimously approved, the Board approved to move forward with the Human Services remodel. Jim will get a final architect draft and bids to present to the Board.

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

At 10:00 a.m. the Board reconvened the County Ditch #58, Branch #2 Public Hearing.

Chuck Brandel, Engineer with I&S Group presented findings from further scoping of the tile system as instructed at the July 16, 2015 hearing.

John Kolb, Attorney with Rinke Noonan presented background information, and was available to answer questions.

There were no public comments.

On motion by Rohlffing, seconded by Connolly and unanimously approved, the Board approved to close the Public Hearing at 10:40 a.m.

At a hearing on the repair of Branch 2 or Le Sueur County Ditch (LCD) 58, on May 19, 2015, recessed and continued to June 16, 2015, further recessed and continued to September 1, 2015 in the Commissioner's room of the Le Sueur County Courthouse, 88 South Park Avenue, Le Center Minnesota, Commissioner Rohlffing made a motion to adopt the following Findings and Order:

**WHEREAS**, the Le Sueur County Board of Commissioners, Drainage Authority for LCD 58, upon concerns expressed by owners of property benefited by the drainage system in the vicinity of Branch 2 of LCD 58, directed an inspection of a portion of the drainage system and preparation of a condition report along with recommendations for repair, if necessary to restore the drainage system as nearly as practicable to the same hydraulic capacity as originally constructed and subsequently improved; and

**WHEREAS**, Branch 2 of LCD 58 consists of buried tile and a shallow swale on the same alignment; and

**WHEREAS**, the inspection was completed and the consulting engineer reported that Branch 2 of LCD 58 is failing and in need of repair; and

**WHEREAS**, in his initial report, the consulting engineer presented two options for repair that would restore the hydraulic capacity of the system and protect the system from further deterioration; and

**WHEREAS**, the Board, after making findings regarding the condition of the drainage system and the need for its repair, directed that the engineer evaluate a third repair option more closely following the original alignment of the drainage system; and

**WHEREAS**, the engineer filed a revised repair report dated April 13, 2015, detailing three repair options for the drainage system; and

**WHEREAS**, on June 10, 2015, the engineer submitted a repair report amendment detailing a fourth repair option; and

**WHEREAS**, at its continued hearing on June 16, 2015, the Board directed that the extent of Branch 2 be televised to determine the extent of deterioration and to further evaluate the feasibility of the various recommended repair options; and

**WHEREAS**, the engineer issued a second amendment to his repair report after considering the results of the televised investigation of Branch 2. Based on his further review, the engineer reiterated his repair alternative recommendation in the first amendment to repair report; and

**WHEREAS**, the four alternatives presented are feasible and consistent with the statutory definition of repair found in statutes section 103E.701 which includes restoring “all or a part of a drainage system as nearly as practicable to the same hydraulic capacity as originally constructed” and “realignment to original construction if necessary to restore the effectiveness of the drainage system;” and

**WHEREAS**, the Board noticed and held a hearing on the engineer’s repair report in order to take public comment regarding the repair alternatives, including the cost and functionality of the repair alternatives; and

**WHEREAS**, the engineer recommends repair option four, as detailed in the first repair report amendment. The engineer's recommendation is based on efficient restoration of drainage function, cost, protection of the drainage system and low, long term repair and maintenance costs; and

**WHEREAS**, the public concerns expressed at the hearing indicated a public preference for lower cost, increased functionality and long term protection of the function of the drainage system; and

**WHEREAS**, the public comments and the Board's analysis of the alternatives provided by the engineer lead the Board to conclude that the engineer's recommended alternative 4 (\$161,443), though not the least expensive alternative (alternative 1, \$148,274; alternative 2 (\$183,950); and alternative 3, \$154,816), will best provide the protection that is desired for the tile, accessibility required by existing private drainage tile, and restoration of hydraulic capacity; and

**WHEREAS**, alternative 1 may cause interference with the function of private tile connecting with the drainage system from the east and will require the acquisition of additional right of way and damage payment, alternative 2 is the most expensive alternative and will require the acquisition of additional right of way and damage payment, and alternative 3 will result in a shallow laid tile that will likely be prone to future damage and increase maintenance costs; and

**WHEREAS**, the Board restates its findings that Branch 2 of LCD 58 is failing and in need of repair and the repair of Branch 2 of LCD 58 is necessary to restore the hydraulic efficiency of the system and to protect the system from further deterioration; and

**WHEREAS**, the Board further finds, based on the repair report, the repair report amendments and the evidence presented, that the recommended repair is necessary for the best interests of the affected property owners.

**THEREFORE**, based upon findings above, the Board makes the following:

#### **ORDER**

1. That Branch 2 of LCD 58 be repaired according to the engineer's recommended repair alternative 4 as indicated in the engineer's repair report amendment dated June 10, 2015.
2. The engineer shall specify best management practices to protect the sole surface intake on Branch 2 of LCD 58 to include an intake structure and grass buffer.
3. The shallow swale that follows the alignment of the tile portion of Branch 2 of LCD 58 shall be maintained as a grass waterway of at least 6 foot width.
4. That the engineer prepare plans and specifications for the repair and bid the project.
5. That the drainage authority authorizes the engineer and staff to proceed as provided in statutes sections 103E.501, et seq. and reserves to itself those actions required by the drainage code to be taken by the drainage authority.
6. That if a contract is awarded for the repair, the assessment for repair of Branch 2 of LCD 58 be divided over a period of at least 2 years in order to satisfy the requirements of statutes section 103E.705, subd. 6 which limits annual repair assessments to an amount less than \$100,000.

The motion was seconded by Commissioner Gliszinski, and after discussion, the motion Passed and the findings and order were Adopted by a vote of 5 yes and 0 no.

Cindy Shaugnessy and Public Health staff presented the Public Health 2014 Annual Agency Evaluation.

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

<b>Warrant #</b>	<b>Vendor Name</b>	<b>Amount</b>
37382	Aquatic Gardens & Landscaping Inc.	\$ 4,096.64
37386	Bolton & Menk Inc.	\$ 3,310.00
37393	Contech Engineered Solutions LLC	\$ 11,225.79
37413	Loken's Parking Lot Painting & Sweeping	\$ 3,200.00
37425	Prairie Restorations Inc.	\$ 29,250.00
37428	Regents of the University of MN	\$ 2,031.75
37433	Simplexgrinnell	\$ 9,870.50
37444	Waseca Co. Public Health	\$ 2,288.40
57 Claims paid less than \$2,000.00:		\$ 19,650.62
8 Claims paid more than \$2,000.00:		\$ 65,273.08
65 Total all claims paid:		\$ 84,923.70

On motion by Gliszinski, seconded by King and unanimously approved, the Board adjourned until Tuesday, September 15, 2015 at 9:00 a.m.

ATTEST: \_\_\_\_\_  
Le Sueur County Administrator                      Le Sueur County Chairman

## Summary Minutes of Le Sueur County Board of Commissioners Meeting, September 1, 2015

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

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

● The Board approved the agenda for the business of the day. (Connolly-Rohlfsing)

● The Board approved the consent agenda: (Gliszinski-King) Approved the August 25, 2015 County Board Minutes and Summary Minutes.

● The following cases and claims were approved: (King-Gliszinski)

Soc Serv: \$ 42,413.48 and Financial: \$ 22,480.82

● The Board approved to move forward with the Human Services remodel. (Rohlfsing-Connolly)

● At 10:00 a.m. the Board reconvened the County Ditch #58, Branch #2 Public Hearing. There were no public comments.

● The Board approved to close the Public Hearing at 10:40 a.m. (Rohlfsing-Connolly)

● The Board approved the following: (Rohlfsing-Gliszinski)

1. That Branch 2 of LCD 58 be repaired according to the engineer's recommended repair alternative 4 as indicated in the engineer's repair report amendment dated June 10, 2015.
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● The Board approved the following claims: (Gliszinski-King)

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8 Claims paid more than \$2,000.00:		\$ 65,273.08
65 Total all claims paid: \$		84,923.70

● The Board adjourned until Tuesday, September 15, 2015 at 9:00 a.m. (Gliszinski-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 # 36+68 located in Section 33 Cordova township(s).

Signed

Address & Phone No:

Madeline J. J. J.

45305 Rice Lake Rd

Le Center, MN 56057

Date: 8-27-15

Description of problem: Spot Clean Ditch 36

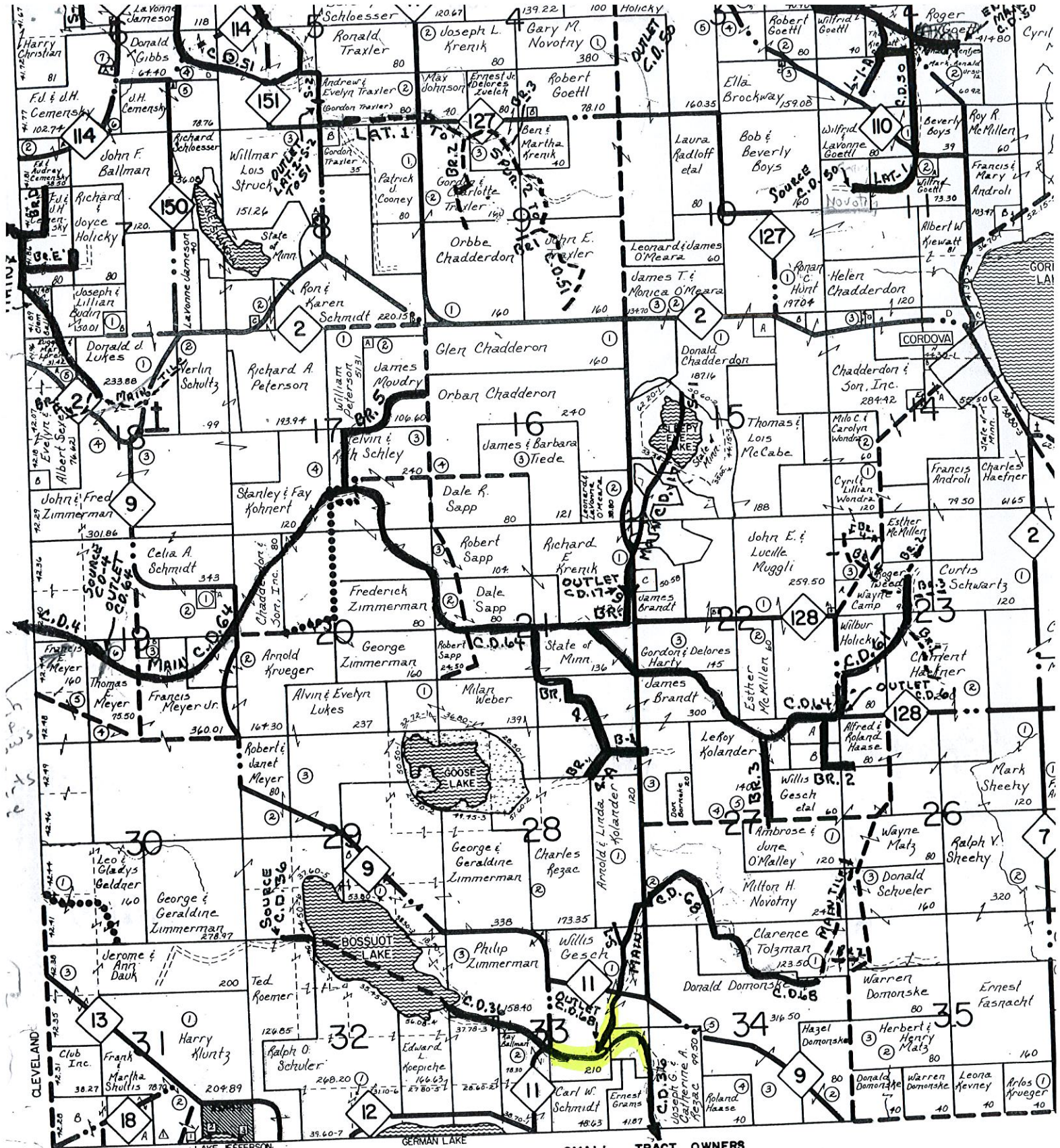
1000 Ft

Spot Clean Ditch 68

500 Ft

Needs repair  
Roger Rullert  
9-1-15





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

- GORMAN LAKE SUBDIVISIONS
  - ▲ OAK SHORES SUBDIVISION
  - ▲ GLENN VIEW ESTATES
- LAKE JEFFERSON SUBDIVISIONS
  - ▲ HARDEGGER'S FIRST ADDITION
- RESORTS/TRAILER PARKS
  - ① HI LOW TERRACE RESORT
  - ② CAST-A-LINE RESORT-TRAILER PARK
  - ③ BLUE MARINA-TRAILER PARK