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# Le Sueur County, MN

Tuesday, October 6, 2015

Board Meeting

## Item 9

**10:50 am Darrell Pettis**

*RE: Data Services Resolution*

*RE: CD #38*

*RE: CD #16 Redetermination of Benefits Public Hearing*

*RE: JD #1 Lat 2*

*RE: CD # 58 Bid Opening on October 23*

*RE: Lake Emily Siren*

*RE: Emergency Management Grant*

*RE: Transit*

*RE: Scott-Le Sueur General information ditch workshop on Oct. 28*

Staff Contact:





# Le Sueur County

**WHEREAS**, the County of Le Sueur desires to improve efficiencies through participating in a more efficient court process with the Minnesota Judicial Branch; and,

**WHEREAS**, the Minnesota Judicial Branch moves toward a more efficient court process, the eCourtMN initiative is committed to ensuring that non-court governmental agencies have appropriate access to court records and documents; and,

**WHEREAS**, Le Sueur County desires to subscribe to the Minnesota Court Data Services Program,

**NOW, THEREFORE, BE IT RESOLVED** that the Le Sueur County Board of Commissioners approves and authorized Darrell Pettis to sign the Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies. This Agreement is between Le Sueur County Court Services and the State of Minnesota.

BY:

\_\_\_\_\_  
Chairman, Le Sueur County Board of Commissioners

Attested by:

\_\_\_\_\_  
Darrell Pettis, County Administrator

Dated this   6   day of October, 2015.

**BEFORE THE LE SUEUR COUNTY BOARD OF COMMISSIONERS  
ACTING AS THE DRAINAGE AUTHORITY FOR  
LE SUEUR COUNTY DITCH # \_\_\_**

**PETITION FOR REDETERMINATION OF  
BENEFITS FOR LE SUEUR COUNTY  
PURSUANT TO MINN. STAT.**

Petitioners represent and request as follows:

1. That Petitioners believe that the original benefits or damages determined for Le Sueur County Ditch #38 do not reflect reasonable present date land values and/or benefit and damaged areas have changed.

2. That Petitioners request that Viewers be appointed to redetermine and determine benefits and damages of Le Sueur County Ditch #38.

3. That further, Petitioners request that the Le Sueur County Board of Commissioners acting as the drainage authority for Le Sueur County Ditch #38 hold necessary hearings and procedures to redetermine benefits for Le Sueur County Ditch #38.

Dated this 15 day of SEPT, 2015.

LANDOWNERS:

1. James B Heibel  
JIM HEIBEL

2. \_\_\_\_\_  
\_\_\_\_\_

3. \_\_\_\_\_  
\_\_\_\_\_

LEGAL DESCRIPTION:

06.026.7600

06.035.7700  
EO'S 04040

**BEFORE THE LE SUEUR COUNTY BOARD OF COMMISSIONERS  
ACTING AS THE DRAINAGE AUTHORITY FOR  
LE SUEUR COUNTY DITCH # \_\_\_**

**PETITION FOR REDETERMINATION OF  
BENEFITS FOR LE SUEUR COUNTY  
PURSUANT TO MINN. STAT. § 58.01**

Petitioners represent and request as follows:

1. That Petitioners believe that the original benefits or damages determined for Le Sueur County Ditch # 38 do not reflect reasonable present date land values and/or benefit and damaged areas have changed.

2. That Petitioners request that Viewers be appointed to redetermine and determine benefits and damages of Le Sueur County Ditch # 38

3. That further, Petitioners request that the Le Sueur County Board of Commissioners acting as the drainage authority for Le Sueur County Ditch # 38 hold necessary hearings and procedures to redetermine benefits for Le Sueur County Ditch # 38

Dated this 14 day of Sept, 2015.

LANDOWNERS:

- 1. [Signature]  
Genome H. Miller
- 2. \_\_\_\_\_  
\_\_\_\_\_
- 3. \_\_\_\_\_  
\_\_\_\_\_

LEGAL DESCRIPTION:

- 06.036.7500
- 06.035.2500
- 06.036.7500
- 06.026.79.00

072715  
SourceDocument.rtf

**BEFORE THE LE SUEUR COUNTY BOARD OF COMMISSIONERS  
ACTING AS THE DRAINAGE AUTHORITY FOR  
LE SUEUR COUNTY DITCH # 38**

**PETITION FOR REDETERMINATION OF  
BENEFITS FOR LE SUEUR COUNTY  
PURSUANT TO MINN. STAT. § 43.01**

Petitioners represent and request as follows:

1. That Petitioners believe that the original benefits or damages determined for Le Sueur County Ditch # 38 do not reflect reasonable present date land values and/or benefit and damaged areas have changed.

2. That Petitioners request that Viewers be appointed to redetermine and determine benefits and damages of Le Sueur County Ditch # 38.

3. That further, Petitioners request that the Le Sueur County Board of Commissioners acting as the drainage authority for Le Sueur County Ditch # 38 hold necessary hearings and procedures to redetermine benefits for Le Sueur County Ditch # 38.

Dated this 13<sup>th</sup> day of SEPT, 2015

LANDOWNERS:

- 1. X J. E. M. Gilly  
JOHN Mc GILLEN
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

LEGAL DESCRIPTION:

- 06.025.0300
- 06.025.2800
- 06.026.2600

072715  
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**BEFORE THE LE SUEUR COUNTY BOARD OF COMMISSIONERS  
ACTING AS THE DRAINAGE AUTHORITY FOR  
LE SUEUR COUNTY DITCH # 38**

**PETITION FOR REDETERMINATION OF  
BENEFITS FOR LE SUEUR COUNTY  
PURSUANT TO MINN. STAT. § 43A.01**

Petitioners represent and request as follows:

1. That Petitioners believe that the original benefits or damages determined for Le Sueur County Ditch # 38 do not reflect reasonable present date land values and/or benefit and damaged areas have changed.

2. That Petitioners request that Viewers be appointed to redetermine annual benefits and damages of Le Sueur County Ditch # 38.

3. That further, Petitioners request that the Le Sueur County Board of Commissioners acting as the drainage authority for Le Sueur County Ditch # 38 hold necessary hearings and procedures to redetermine benefits for Le Sueur County Ditch # 38.

Dated this 10 day of SEPT, 2015

LANDOWNERS:

LEGAL DESCRIPTION:

1.	<u>X</u> <u>ED SROBEL II</u>	<u>06.036.0100</u> <u>06.036.0100</u>
2.	<u>SHARON SROBEL</u>	<u>06.036.0500</u> <u>06.025.7600</u>
3.	_____ _____	_____ _____

072715  
SourceDocument.rtf

LeSueur County Commissioners:

My name is Rocky Stangler, I own 192 acres on County Ditch 38. I am initiating the request for re-determination of benefits along with Ed Strobel, Sharon Strobel, John McGillen, Jerome Miller, Jim Hebel and justify it as follows:

A re-determination meeting was held on 4/12/ 1983. At that time (I refer you to exhibit #1) If you read Mr Dietz's comments, the classification A to D, wetlands were the biggest target being rated "A" land and getting the greatest assessment at \$300/acre. High crop producing ground got the least at \$75/acre. It appears that after much discussion the viewers were to re-look at some parcels, and the meeting adjourned.

They came back on 5/10/1983 and presented an amended version to a packed house. (I refer you to exhibit #2) This was a lengthy hearing. But decision was again delayed.

At the next meeting on 7/26/1983 the commission met again and passed the viewers amended version from the 5/10/83 hearing as follows: A land \$30/acre, B land \$20/acre and high ground totally farmable \$10/acre.

This was the SWAMP BUSTER era! The wet, cattail infested land that likely never was or could be farmed or grazed got the biggest assessment per acre, and I quote: "LANDOWNERS MIGHT RESORT TO A PUMPING SYSTEM" (Exhibit #2) This was the mentality back then. Drain, clear and farm everything.

However the game changed effective December 23, 1985 with the "Food Security Act of 1985/ Swamp Buster Provision." And it didn't stop there. (I refer you to exhibit #3).

In conclusion: Wetlands are a protected endangered species. You can't blow your nose on that property without permission from the county, state, feds, DNR and Army Corp Of Engineers. It produces **zero** income. Yet we are being assessed three (3) times more than a 40 acre parcel on high ground with 5 miles of tile thru it dumping directly in the ditch. There is a portion of Rice County utilizing Ditch 38 and they pay **NOTHING**. Today's median price (in 2015) to date is \$8834.00/acre in LeSueur County. (assessors figures)

It's about what is right and fair in the assessment process. Wetlands are nature's purification process. We should be getting paid for the land not penalized at a tax rate of 3-1 to cropland.

I also submit to you that the determination passed by the board in "83 (exhibit #2) does not match the colored map and the Auditor's Assessment Statement. No one west of County RD 3, **on the ditch** was assessed RED \$30/acre. The taxed amounts were incorrectly divided and should be re-done and credited back.

Thank You

Rocky



DIETZ CONTINUED: speaking should be lower than those lands that are immediately bounding the ditch. We classified these lands according to what we felt those lands receiving the greatest benefit, would be class A, those lands receiving least benefits would be class D. Now to go into a little detail as to what classes A, B, C, and D are. Your A land received the greater assessment because it is the wettest and that typical A land, would be land that has water standing on it during the greater portion of your summer months, it has cattails, it has brush and very likely peat and never cropped and rarely even pastured because it's wet, wet, wet and it doesn't lend itself to do any economic benefit except probably some water life: B land, a typical B land would be one that has reed canary meadow, a low pasture, occasionally can be plowed in a dry year and sometimes attempted to crop, but rarely cropped because the crop is either too wet in the spring or too wet in the fall to really realize any crop benefits so it would be land where you would gain some economic benefit by owning it. Wet pasture and reed canary sloughs. C land would be land little better grade than your B, which would be primarily meadow type soil that no longer has any peat connected with it, but it lays in such a manner that it is very likely you will have some difficulty in cropping it due to seepage and many cases it would be a swail coming down a steep hill where you have seepage and it remains wet and for that reason we classified it in the C category. Anything else beyond the C would be your number one lands, adequate drainage, mineral type soil and all other soils that drain in to the watershed and we refer to this type of land as watershed lands. So if you have land that top hauls within the watershed, then it is class D land, we call it watershed land and that is, as far as the ditch is concerned, has got the smallest assessment. If there are any questions, why keep them in the back of your mind and ask them when I wind up over here. I think that about completes my report with the exception of giving you the dollar value probably for each classification and that dollar value would be A land we assessed benefits at \$300/acre, B land at \$150/acre, C land at \$75/acre, D land at \$7/acre.

R. MILLER: You might tell them you went out and looked at all of the lands within the watershed.

DIETZ: The question is did we view all the land within the watershed? True, I believe that we covered and viewed and saw every forty acre parcel, now as we do our viewing, the engineers are out with us and we don't know the detail of the map as well as the engineer and he points out to us and says we are on this and that property, his 40 is over here, some north line is here, south line is here, the west line is there. He identifies 40 acre parcels and we then view that area. If there is a hill, we walk over the hill, so we know darn well we have seen it. Anything else?

R. MILLER: Mr. Dietz, in making your determination did you find that there were in fact numerous 40 acre parcel located within the watershed which previously had no redetermination of benefits which we found now to actually be benefited?

DIETZ: True. There are areas in that ditch, not apparently on your original viewers report. I think it was viewed when the ditch was established, although those lands were not

EXHIBIT #2

May 10, 1983 - A Commissioners are present, Christian & Overn

OVERN: If you have any discussion by yourself would you please do it out here way behind.

?????: This meeting would be a May 10th meeting make sure that all members of the board were present as were Harry and myself. The next order of business is the determination of benefits on county ditch #38 and we have a very large crowd here today and as chairman I will ask you to please come up to the mike and give your name and we will give everyone an opportunity to speak, so with that I call the attorney for the Petitioner, Mr. Cowell.

COWELL: That's correct I believe the viewers have reviewed the properties that were directed to and have prepared a new benefits and also a percentage table that I believe are being passed out amongst the people here I guess at this point call upon Mr. Dietz to providing comments he has regarding the reviewing that was done.

CASEY: okay Mr. Dietz.

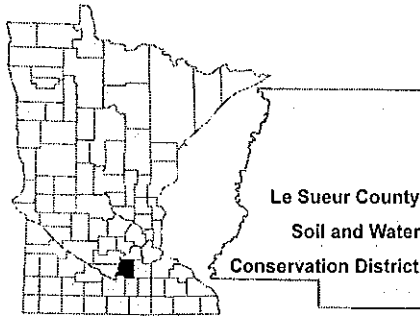
DIETZ: I guess our main objective in viewing this ditch or any other ditch is to try to be as fair as unbiased, and unprejudicial as we possibly can and mother nature layed down some of the lands and she didn't use the calculator or make things come out to the exact acre or exact drop of water or what have you, and it's very difficult thing we had to do. Now the first time around we classified this land by the degree of wetness and the wettest land we felt after being drained would get the greatest benefits. That is what we did and later finding out that some of these lands layed below the level of the ditch and therefore in regards of what we the ditch did they would not be drainable. So that was unfair anyone can see that water doesn't run up hill to jump into the ditch and run off.

So actually we throw that whole system away because it was unfair to many land owners. We went and reviewed some of these areas felt that those areas that are closest to the ditch would reap the greatest benefit, and wo we set up a schedule or a criteria where closeness to the ditch determined the degree of benefit. In some cases where the pothole might be below the level of the ditch we felt there would still be some benefit in as much as the landowner might resort to a pumping system. Nevertheless he's still got that ditch so he's still assessed towards making some contribution towards the ditch so that is what we did. Now you have the schedule in your hand and those lands lying immediately

CHANGE OF TAPE acre where ever 40 rods or for every 40 acres removed from the ditch that assessment dropped down to \$20, and in some cases where it was only high land to \$10. However if there was wet land there, then it would be assessed \$20 and the further away from the ditch the lesser the assessment, and in many cases comparing the old assessment with the new there wasn't that much difference but there were individual cases where there were differences. Now I guess that is about all I have to say I did the best I could and we present our report and we ask for your consideration. Could you repeat the cost break land lying immediately on the ditch would be assessed \$30 an acre, and that land lying 40 rods or a 40 acre plot away from the ditch would be assessed \$20 an acre, 3 and that lying would be \$10.

CASEY: Mr. Cowell we turn it back to you then.

COWELL: At this point I'd entertain questions from the viewers I think rather than.



## Le Sueur County Soil & Water Conservation District

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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](mailto:Michael.Schultz@mn.nacdnet.net)  
E-mail: [Sue.Prchal@mn.nacdnet.net](mailto:Sue.Prchal@mn.nacdnet.net)

1/8/2014

# EXHIBIT # 3

Rocky Stangler  
33515 Lake Pepin RD  
Montgomery, MN 56069

Mr. Stangler,

As you requested in writing from your letter dated 12/23/2014, addressed to Roger Ruhland regarding what State and Federal programs would restrict your property from farm drainage. The following are the programs and agencies that you would need to work with to receive permitting.

**Minnesota Department of Natural Resources (DNR)**- The land is identified as a DNR Public Water which would require a DNR permit to do any work on that ground. Without DNR approval the land would not be in compliance.

**Minnesota Wetland Conservation Act (WCA) (MN Statute 8420)**- The MN WCA has a no net loss in wetlands in Le Sueur County. Which would likely need mitigation package to drain the wetland. Mitigation packages would likely require a minimum of 2 acres or more to be restored to every acre that will be drained.

**Army Corps of Engineers (ACOE)**- ACOE regulates the Federal Clean Water Act and would likely have jurisdiction of this wetland. The Clean Water Act also has a no net loss in wetlands.

**US Department of Agriculture, Federal Farm Bill**- Draining this wetland would conflict with the Wetland Compliance program and would make the landowner ineligible for Farm Programs.

If you have any further questions on this matter do not hesitate to contact me.

Michael Schultz  
Le Sueur SWCD-Technician  
Le Sueur County WCA-LGU

# Ready Watt ELECTRIC

21269 Jarvis Street NW  
Nowthen, MN 55330

Phone (763) 241-4944

Fax (763) 241-5245

www.readywattelectric.com

rschiller@readywattelectric.com

## Invoice



Date	Invoice #
9/21/2015	99525

Bill To
Ann Traxler LeSueur County Emergency Management 88 South Park Avenue LeCenter, MN 56057

P.O. No.	Terms	Due Date	Project
	Net 30	10/21/2015	15-669 LeSeure County

Description	Amount
Siren not working. Checked all fuses, chargers, batteries, connections, cleaned boxes good, caulk conduit, installed KO seal (weather proof) Ground box properly. (2) batteries were bad the other 2 load tested low. Replaced all (4) batteries checked and adjusted all chargers. Replaced (1) bad charger, replaced (2) bad 10amp fuses. Tightened all loose connections. Manual test good. County silent test good. Cleaned batteries acid inside cabinets and trays from old battery exploded.	1,105.00

Thank you for your business, Rob Schiller 612-221-4983	<b>Total</b>	\$1,105.00
<p>If payment is not received within 30 days 1 1/2% interest penalty will be added to the total of the invoice.</p>		



<b>Minnesota Department of Public Safety (“State”)</b> Homeland Security and Emergency Management Division 445 Minnesota Street, Suite 223 St. Paul, Minnesota 55101	<b>Grant Program:</b> Radiological Emergency Preparedness 2016-17  <b>Grant Agreement No.:</b> A-REP-2016-LESUECO-0038
<b>Grantee:</b> Le Sueur County 88 S. Park Avenue Le Center, MN 56057	<b>Grant Agreement Term:</b> <b>Effective Date:</b> 7/1/2015 <b>Expiration Date:</b> 6/30/2017
<b>Grantee’s Authorized Representative:</b> Ann Traxler 88 S. Park Avenue Le Center, MN 56057 Phone: 507-380-0048 atraxler@co.le-sueur.mn.us	<b>Grant Agreement Amount:</b> Original Agreement \$12,000.00 Matching Requirement \$0.00
<b>State’s Authorized Representative:</b> Patrick McLaughlin Homeland Security and Emergency Management 445 Minnesota St., Suite 223 St. Paul, Minnesota 55101 Phone: 651-201-7434 Patrick.McLaughlin@state.mn.us	Federal Funding: None State Funding: Minnesota Statutes Chapter 12, Section 12.22, Subd.2 and Sections 12.13 and 12.14 Special Conditions: None

Under Minn. Stat. § 299A.01, Subd 2 (4) the State is empowered to enter into this grant agreement.

**Term:** Effective date is the date shown above or the date the State obtains all required signatures under Minn. Stat. § 16B.98, subd. 7, whichever is later. Once this grant agreement is fully executed, the Grantee may claim reimbursement for expenditures incurred pursuant to the Payment clause of this grant agreement. Reimbursements will only be made for those expenditures made according to the terms of this grant agreement. Expiration date is the date shown above or until all obligations have been satisfactorily fulfilled, whichever occurs first.

The Grantee, who is not a state employee will:  
Perform and accomplish such purposes and activities as specified herein and in the Grantee’s approved Radiological Emergency Preparedness 2016-17 Application (“Application”) which is incorporated by reference into this grant agreement and on file with the State at Homeland Security and Emergency Management Division, 445 Minnesota Street, Suite 223, St. Paul, Minnesota 55101. The Grantee shall also comply with all requirements referenced in the Radiological Emergency Preparedness 2016-17 Guidelines and Application which includes the Terms and Conditions and Grant Program Guidelines (<https://app.dps.mn.gov/EGrants>), which are incorporated by reference into this grant agreement.

**Budget Revisions:** The breakdown of costs of the Grantee’s Budget is contained in Exhibit A, which is attached and incorporated into this grant agreement. As stated in the Grantee’s Application and Grant Program Guidelines, the Grantee will submit a written change request for any substitution of budget items or any deviation and in accordance with the Grant Program Guidelines. Requests must be approved prior to any expenditure by the Grantee.



**Matching Requirements:** (If applicable.) As stated in the Grantee’s Application, the Grantee certifies that the matching requirement will be met by the Grantee.

**Payment:** As stated in the Grantee’s Application and Grant Program Guidance, the State will promptly pay the Grantee after the Grantee presents an invoice for the services actually performed and the State's Authorized Representative accepts the invoiced services and in accordance with the Grant Program Guidelines. Payment will not be made if the Grantee has not satisfied reporting requirements.

**Certification Regarding Lobbying:** (If applicable.) Grantees receiving federal funds over \$100,000.00 must complete and return the Certification Regarding Lobbying form provided by the State to the Grantee.

**1. ENCUMBRANCE VERIFICATION**

*Individual certifies that funds have been encumbered as required by Minn. Stat. §§ 16A.15 and 16C.05.*

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**3. STATE AGENCY**

By: \_\_\_\_\_  
(with delegated authority)

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Grant Agreement No. A-REP-2016-LESUECO-0038 / PO# 3000036435

**2. GRANTEE**

*The Grantee certifies that the appropriate person(s) have executed the grant agreement on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.*

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Distribution: DPS/FAS  
Grantee  
State’s Authorized Representative

2016-17 (REP) Radiological Emergency Preparedness

EXHIBIT A

Organization: Le Sueur County

A-REP-2016-LESUECO-0038

Budget Summary

REP SFY 2016: Ingestion				
Budget Category		Award		
Planning/Training/Drills/Exercise				
2016		\$6,000.00		
<b>Total</b>		<b>\$6,000.00</b>		
<b>Total</b>		<b>\$6,000.00</b>		
REP SFY 2017: Ingestion				
Budget Category		Award		
Planning/Training/Drills/Exercise				
2017		\$6,000.00		
<b>Total</b>		<b>\$6,000.00</b>		
<b>Total</b>		<b>\$6,000.00</b>		
<b>Total</b>		<b>\$12,000.00</b>		
<b>Allocation</b>		<b>\$12,000.00</b>		
<b>Balance</b>		<b>\$0.00</b>		