

**LE SUEUR COUNTY RESOLUTION NO. \_\_\_**

**RECOMMENDING A PETITION PROCESS FOR THE CREATION OF A  
SUBORDINATE SERVICE DISTRICT TO PROVIDE SANITARY SEWER SERVICE  
TO A PORTION OF WEST JEFFERSON LAKE IN LE SUEUR COUNTY**

**WHEREAS**, Le Sueur County established the German-Jefferson Lakes Area Sanitary District (the “Existing District”), a subordinate service district pursuant to Minnesota Statutes § 375B, on November 16, 2004;

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

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

**WHEREAS**, the residents around West Jefferson Lake commissioned a Wastewater Facility Plan dated May 25, 2016 (the “Facility Plan”), prepared by Bolton & Menk, Inc. to explore the potential for the provision of sanitary sewer service around West Jefferson Lake;

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

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

**WHEREAS**, the creation of the New District will require that properties served by the New System be removed from the Existing District;

**WHEREAS**, a significant portion of the cost of the New System may be financed through outside funding;

**WHEREAS**, Le Sueur County supports voluntary efforts to improve wastewater management within the County, including the formation of subordinate service districts when requested by property owners;

**WHEREAS**, Le Sueur County supports the voluntary construction of necessary wastewater improvements when those costs are covered by outside sources, the property owners benefitting from such improvements, or any combination of the two;

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

**WHEREAS**, in order to facilitate an efficient and expedited petition process for the voluntary formation of the New District, the County has prepared an example petition form and expressed certain policy positions that are likely to expedite the petition process and factor into the consideration of whether to establish the New District.

**NOW THEREFORE**, the Le Sueur County Board of Commissioners hereby resolves as follows:

1. The example petition form attached as **Exhibit A** has been prepared by the County and its use, although not mandatory, will simplify the petition review and consideration process for the creation of the New District.
2. Inclusion in the New District should be 100% voluntary.
3. Capacity of the New System would be limited to 140 connections within the New District due to the existing constraints of the City of Cleveland's wastewater treatment facility.
4. Consideration for inclusion in the New District shall be prioritized based on a petitioner's property being: (1) a riparian parcel on West Jefferson Lake identified as being within the proposed service area in the Facility Plan; (2) a non-riparian parcel on West Jefferson Lake identified as being within the proposed service area in the Facility Plan; or (3) adjacent to parcels identified as being within the proposed service area in the Facility Plan and that can be efficiently connected to the New System.
5. Any petitioned request should include a request for the uniform assessment of all costs for the construction of the New System against benefitted properties, less any cost covered by outside funding, together with a waiver of all procedural objections and appeal rights.
6. If a petitioned property is included in the New District, but the property owner opts to delay connection, the future costs of connecting may not be eligible for outside grants or funding and the owner will then be responsible for 100% of such connection costs.
7. Any petitioned request should include a request for the removal of the petitioned property from the Existing District, a right of entry to allow the County to investigate the feasibility of the New System, and an acknowledgement of potential new easements that may be necessary for the New System.

8. The New District should be supervised by the County, but staff expertise and capacity is insufficient to administer the New System.
9. The New System would be administered by the County pursuant to a joint powers agreement, and the cost of administration will be financed by taxes, special assessments and service charges from all properties within the New District.
10. All petitioned requests for inclusion in the New District should be submitted to the Le Sueur County Administrator no later than January 1, 2017.

Dated this 15th day of November, 2016.

  
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Chairperson, Le Sueur County  
Board of Commissioners

ATTEST:

  
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Le Sueur County Administrator