

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Petition by the
Unincorporated Area known as the
Village of Leota, Leota Township, for
the Formation of the Leota Sanitary
District

FINDINGS OF FACT
CONCLUSIONS AND ORDER

The Leota Township Board Chair, the Chair of the Nobles County Board of Commissioners, and 85 property owners residing within an unincorporated area known as the Village of Leota, Leota Township, filed a petition with the Minnesota Pollution Control Agency (MPCA) requesting the formation of the Leota Sanitary District.

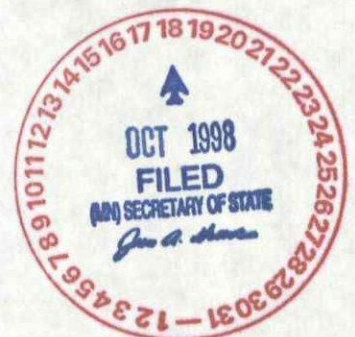
The MPCA published notification of the intent to approve the creation of the Leota Sanitary District in the State Register on July 13, 1998. The MPCA also notified the property owners in the affected area by mail of the notification published in the State Register using addresses supplied by the Nobles County Auditor.

The MPCA, after reviewing the petition, publishing notice of intent to approve creation of the sanitary district in the State Register, notifying the property owners of the intent to create the district, and receiving no written comments or requests for hearing, being fully advised in this matter, hereby makes the following:

FINDINGS OF FACT

1. The Village of Leota is an unincorporated area located in Leota Township, Nobles County, Minnesota. The boundaries of the proposed sanitary district include areas surrounding the Village of Leota.

9802656



2. The area of the proposed sanitary district is located in Sections Four (4), Eight (8), and Nine (9), all in Township 104 North (T 104 N), Range 43 West, (R 43 W) of the Fifth Principal Meridian (5th P.M.), Nobles County, Minnesota. The area proposed for formation of the sanitary district is specifically described in the attached legal description (Attachment 1) and map (Attachment 2).
3. Currently, all homes and businesses located within the proposed district utilize a form of on-site treatment system. A majority of the homes and businesses within the Village of Leota are connected to a wastewater collection system which transports wastewater to a community drainfield. The community drainfield system does not provide adequate secondary treatment of the wastewater and is not considered a conforming type of wastewater treatment.
4. On April 17, 1997, a public hearing was held at the Leota Christian School Gym to consider the proposed creation of a sanitary district. Notification of the public hearing was published once each week for two weeks in The Edgerton Enterprise, a newspaper published in the area, on April 2, 1997, and on April 9, 1997. Attendees of the meeting were given information on the proposed creation of the district, including a description of the district's proposed structure, bylaws, territory, ordinances, budget and charges.
5. On April 22, 1997, the Leota Township Board adopted a resolution authorizing the Chair of the Township Board to petition the MPCA for establishment of the Leota Sanitary District. The resolution was published in the Township's official newspaper, The Edgerton Enterprise, on April 30, 1997, and became effective forty (40) days after publication.
6. On July 1, 1997, a petition was filed with the MPCA requesting approval for the formation of the Leota Sanitary District. The Chair of the Leota Township Board signed the petition for creation of the district as authorized by the resolution. In addition, the petition was signed by

the Chair of the Nobles County Board of Commissioners and 85 of the property owners in the proposed district supporting the creation of the Leota Sanitary District. The petition requesting approval for formation of the sanitary district has met all the requirements of Minn. Stat. § 115.20, subd. 1(a).

7. Two hundred thirty-one (231) individuals own property within the area proposed for formation of a sanitary district. The Nobles County Auditor provided a list of names and addresses for the 231 individuals owning property within the boundaries of the proposed district.
8. The proposed sanitary district will not be within twenty-five (25) miles of the boundary of any city of the first class.
9. On July 13, 1998, the MPCA published the Notice of Intent to Approve Creation of the Leota Sanitary District in the State Register at 23 SR 88 and mailed the notice to the property owners in the area of the proposed district using the names and addresses provided by the Nobles County Auditor. The public notice period lasted for 30 days and ended August 12, 1998.
10. By August 12, 1998, the end of the public notice period, the MPCA had received neither written comments nor written requests for public hearing.
11. There is a need throughout the proposed district for an adequate and efficient means of treating and disposing of domestic sewage. Currently, a majority of the homes and businesses that generate wastewater are connected to a collection system and conveyed to a community drainfield that does not meet current standards for adequate treatment. Failing systems such as this can cause degradation of the ground water.
12. The creation and maintenance of the sanitary district will be administratively feasible, and will further the public health, safety and welfare. The district will be administered by a five-

member governing board who are voters within the sanitary district and who will be elected by the voters residing within the sanitary district. When formed, the Leota Sanitary District will adopt sewer use ordinances and a sewer service charge system to adequately and equitably fund the wastewater treatment operation throughout the district. The record contains a proposed ordinance establishing sewer use regulation and proposed by-laws of the sanitary district.

CONCLUSIONS

1. The Commissioner has subject matter jurisdiction over the petition and proposed establishment of the district pursuant to Minn. Stat. §§ 115.18 to 115.37 (1996).
2. The petitioners have complied with all the procedural requirements of Minn. Stat. §§ 115.20 and 115.21 (1996), as well as other substantive and procedural requirements of law and rule. This matter is, therefore, properly before the Commissioner.
3. The conditions described in Minn. Stat. § 115.21 for the annexation of an area to a sanitary district do exist within the area identified in the legal description (Attachment 1).
4. Any of the foregoing findings of fact that might properly be termed conclusions and conclusions that might properly be termed findings are hereby adopted as such.

NOW THEREFORE, the Commissioner hereby makes the following:

ORDER

It is ORDERED that the Leota Sanitary District is hereby created to include the unincorporated area known as the Village of Leota, Leota Township as described in the legal description attached to the petition filed with the MPCA.

Dated this 25 day of August 1998.

for Gordon E. Weyant
Peder A. Larson
Commissioner

ATTACHMENT 1

LEGAL DESCRIPTION FOR LEOTA SANITARY DISTRICT

The Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$, SE $\frac{1}{4}$) of Section Four (4), and
the South Half of the Southeast Quarter (S $\frac{1}{2}$, SE $\frac{1}{4}$) and all of the Southwest Quarter (SW $\frac{1}{4}$) of
Section Five (5), and
the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$, NW $\frac{1}{4}$) of Section Eight (8), and
the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$, NW $\frac{1}{4}$) of Section Nine (9);
all in Township 104 North (T 104 N), Range 43 West (R 43 W), of the Fifth Principal Meridian
(5th P.M.), Nobles County, Minnesota.

ATTACHMENT 2

320 000
FEET



4860

T. 105 N.

T. 104 N.

4859

3.3 MI. TO M(N.N. 91

50'

4857

4856

(SLAYTON SW)
6871 IV SW

MURRAY CO
NOBLES CO.

WASTEWATER
TREATMENT
SITE

DISTRICT BOUNDARY

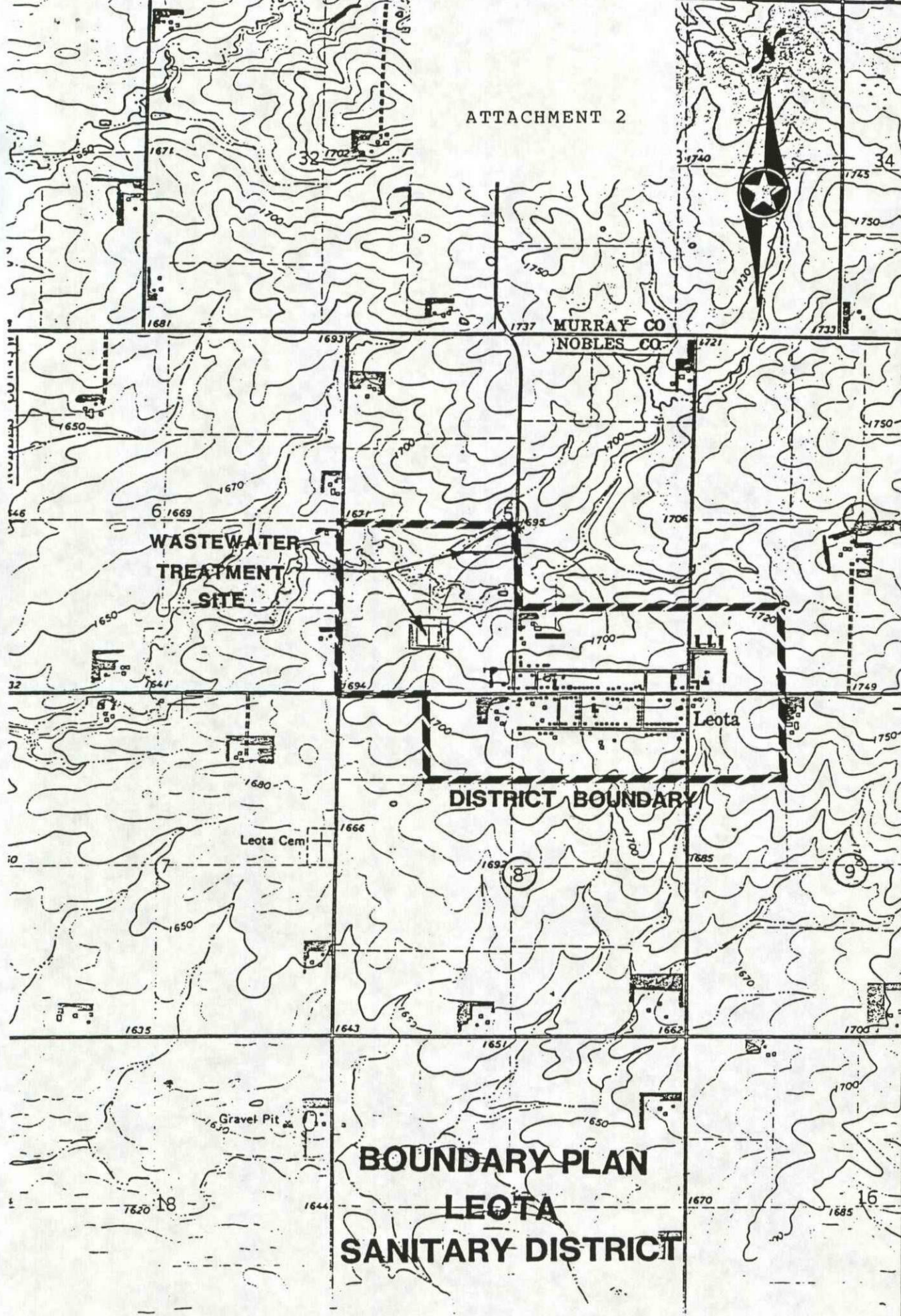
Leota

Leota Cem

Gravel Pit

BOUNDARY PLAN
LEOTA
SANITARY DISTRICT

L E O T A

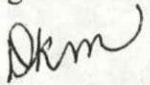


DEPARTMENT : POLLUTION CONTROL AGENCY

STATE OF MINNESOTA

Office Memorandum

DATE :

TO : Peder A. Larson
CommissionerTHRU: Sharon Meyer, Manager
Regular Facilities & Site Remediation Section
Policy and Planning DivisionFROM : Debra Moynihan 
Regular Facilities & Site Remediation Section
Policy and Planning Division

PHONE : 296-5426

SUBJECT : Findings of Fact Conclusions and Order Creating the Leota Sanitary District

The Leota Township Board, the Nobles County Board, and 85 property owners residing within the unincorporated area known as the Village of Leota have submitted a petition to the MPCA under Minn. Stat. §§ 115.18 to 115.20 requesting the creation of the Leota Sanitary District. Bill Hefner of the Attorney General's Office provided assistance with the review of the petition, the public noticing procedures, and the preparation of the attached Findings of Fact, Conclusions and Order. As a requirement under the statute, the Findings of Fact, Conclusions and Order will be published in the State Register.

The Findings of Fact, Conclusions and Order are now being submitted to you for signature.

DM:ls

Attachment



Minnesota Pollution Control Agency

September 18, 1998

Harvard and Clara Rozeboom
Box 356
Leota, Minnesota 56153

Dear Mr. and Mrs. Rozeboom:

RE: Request for a Hearing concerning the Creation of the Leota Sanitary District

This letter is in response to your written request for a hearing on the matter of the creation of the Leota Sanitary District.

Minn. Stat. § 115.20 Subd. 4(b), regarding the procedures for creating a sanitary district, requires the Minnesota Pollution Control Agency (MPCA) to hold a public hearing if 25 or more timely requests for such a hearing are received. The MPCA has not received 25 requests for a hearing and, therefore, has decided to proceed with the creation of the Leota Sanitary District. I am sorry to inform you that the MPCA will not grant your request for a public hearing.

I have discussed your situation with Mr. Thomas Wall, the consulting engineer hired to design the wastewater treatment system for the Leota Sanitary District. Mr. Wall told me that it is *possible* that due to your location on the edge of the District boundaries, you *may* not be required to hook into the District's sanitary sewer system.

The MPCA does not have the authority to decide which individuals should or should not be included into a sanitary district that has been created under our statute. However, I would be happy to discuss this with you further. If you have any questions or comments, please feel free to call me at our toll free number 1-800-657-3864. My direct line number is (651) 296-5426.

Sincerely,

A handwritten signature in cursive script that reads "Debra K. Moynihan".

Debra K. Moynihan
Pollution Control Specialist
Regular/Remediation Section
Policy and Planning Division

DKM:ls

cc: Mr. Thomas Wall, P.E., DeWild Grant Reckert & Associates
Mr. Don DeBoer

Post-It™ brand fax transmittal memo 7671 # of pages > 2	
To: Thomas Waw	From: Deb Moynihan
Co. DER + ASSOC.	Co. MPCA
Dept.	Phone # (612) 296-5426
Fax # (912) 472-2710	Fax # (612) 297-8676

Gordon E. Wegner
 Peder Larson

Debra K. Moynihan

9-14-98

This is a letter for a person who has real concern about our water - one who knows it's the Thousands and Thousands of of gals. of anhydrous ammonium (Nitrate pollution) allowed to be put on the land yearly. We had a speaker from the University of Minnesota in 1960's who warned the people not to use anhydrous ammonium, because it would go down till it's in the wells. we were farmers and never use it, now you send out a speaker who falsely denies that. I heard him say - don't worry it will only go down 3 ft. and it's gone. could you maybe do like Clinton, and confess you are getting good pay for saying and pushing

Tom -
 If you can
 shed any light
 on this, please
 otherwise
 all me.
 I could try
 on De Boer.
 Thank you,
 Deb Moynihan
 651-296-5426.

307-443-5351

something that is really
not true & our water gets
its nitrates from the land
not from the Leota tile
Thanks for reading this. I do
really care.

Willemina Dopperberg
Box 322
Leota mn 56153

P.S. remember the Spring on
Highway 16, closed for high
nitrates - no Leota tile no farm
waste, but field nitrates. I
also wrote St Paul.

507-443-5431

9/25 - 9:25 no answer

9/25/98 I spoke to Ms. Willemina Dopperberg.
She wanted to express concern for the amount of
fertilizer that is being spread on the land and
that that is the real cause of contamination of the
ground water. I expressed the need for correcting
nonconforming septic systems also. She believes that's a
much smaller problem. Ms. Dopperberg said she requires no
ci. thanked me for calling and said I could forward
to Don DeFries at the Leota

Willemina

RECEIVED

AUG 05 1998

Administrative Services
Division

Leota, Mn.
August 3, '98

Debra Moynihan
Point Source Compliance Section
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Mn. 55155-4194

Attention Peder A. Larson, Commissioner
A request for a hearing.
Dear Sir;

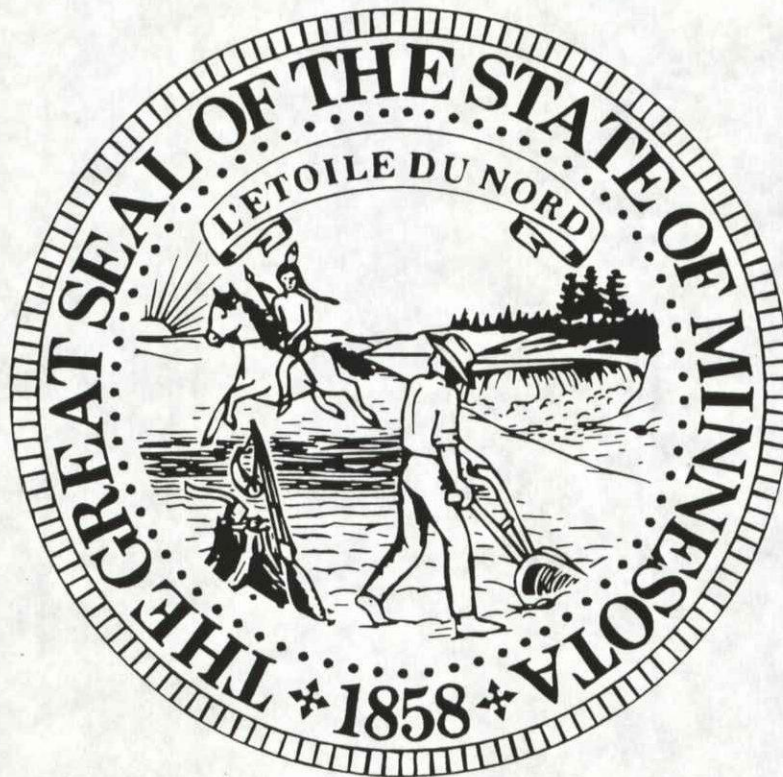
In regard to the Notice of Intent to approve the creation of the Leota Sanitary District we are a property owner in the Northwest Quarter of Section 9 and we are not in favor of you making us change our system. We are on the east edge of Leota not in it.

Our farm was destroyed by a tornado and so we had to rebuild and so we went down the hill on our land and built a yard. And we had to put in a drain field by law and that cost us a lot of money, but we followed our orders from the county to a T. We went to our lawyer and he advised us that there is no reason for you to make us get on your system. we did get on Leota's water system but we are not on their sewer system so please leave our property as is as it has all just been new in 1992-'93.

Thank you. Sincerely,
Harvard and Clara Rozeboom Box 356 Leota Mn 56153

The Minnesota
**State
Register**

Rules and Official Notices Edition



Published every Monday (Tuesday when Monday is a holiday) by the
Department of Administration – Communications Media Division

Monday 13 July 1998
Volume 23, Number 2
Pages 51-106

Pollution Control Agency

Water Quality Division

Point Source Compliance

Notice of Intent to Approve the Creation of the Leota Sanitary District in Accordance with Minnesota Statutes § 115.20

The Minnesota Pollution Control Agency (MPCA) has been petitioned by the Leota Township Board, the Nobles County Board of Commissioners, and 85 property owners located within the territorial boundaries of the proposed district, to approve the creation of a sanitary district to be known as the Leota Sanitary District. The purpose of the sanitary district is to promote the public welfare by providing the residents within its boundaries with an adequate and efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage. The territory of the proposed sanitary district is described as:

Sections Four (Section 4), Five (Section 5), Eight (Section 8), and Nine (Section 9), all in Township 104 North (T104N), Range 43 West (R43W), of the Fifth Principal Meridian (5th P.M.), Nobles County, Minnesota.

The proposed Leota Sanitary District shall contain those parts of the previously named sections described as follows:

Section 4: The Southwest Quarter of the Southeast Quarter (SW 1/4, SE 1/4);

Section 5: The South Half of the Southeast Quarter (S 1/2, SE 1/4) and all of the Southwest Quarter (SW 1/4) thereof;

Section 8: The Northeast Quarter of the Northwest Quarter (NE 1/4, NW 1/4);

Section 9: The Northwest Quarter of the Northwest Quarter (NW 1/4, NW 1/4).

All contained in Leota Township. A map of the area is available at the MPCA.

The public has 30 days to submit written comments on the petition. If a person objects to the petition, that person may submit a written request for a hearing. The written comments or a written request for a hearing must be submitted to the MPCA by 4:30 p.m. on August 12, 1998. The written request for a hearing must state your interest in the petition, the nature of your objection and the reason for your objection. If 25 or more timely requests for hearing are received, the MPCA will schedule a hearing prior to making a determination on the petition.

Following the end of the comment period and, if held, the public hearing, the MPCA Commissioner will decide whether to approve the petition for creation of the district unless, as provided by *Minnesota Statutes* § 116.02, the MPCA Citizens' Board makes this decision. You have the right to submit a petition to the MPCA Commissioner asking that the MPCA Citizens' Board make the decision on approval of the petition for creation of the Leota Sanitary District. Your petition must be in writing and must be received by MPCA staff during the public comment period. Your petition will be granted or denied in the sole discretion of the MPCA Commissioner. The MPCA Citizens' Board will only make the decision on approval of the petition for creation of the sanitary district if the MPCA Commissioner grants your petition or if an MPCA Citizens' Board member makes a timely request to have the decision be made by the MPCA Citizens' Board.

A copy of the petition, resolutions, map of the area within the proposed sanitary district with legal description, and other documents relevant to the petition can be requested from the MPCA. Comments, questions and request for hearing regarding the creation of the sanitary district and requests for information must be submitted in writing to:

Debra Moynihan	Telephone:	(612) 296-5426
Point Source Compliance Section		1-800-657-3864
Water Quality Division	Out of state	1-800-627-3529
Minnesota Pollution Control Agency	TTY	(612) 282-5332
520 Lafayette Road North	FAX:	(612) 297-8683
St. Paul, Minnesota 55155-4194		

This notice, the petition, and other documents relevant to this petition can be made available in other formats, including Braille, large print, and audio tape, upon request.

Peder A. Larson
Commissioner

State Register

117 University Avenue
St. Paul, Minnesota 55155

ATTENTION: Deb Moynihan

AGENCY PCA DIVISION WQ Point Source Compliance

ADDRESS: 520 Lafayette Rd

Enclosed find the computer disk(s) sent with your entry(ies) for publication in the *State Register*.

Your notice, Approve Creation of the Leota Sanitary District

will be published on *Monday 13 July 1998* in Vol. 23, Number 2, on page(s) 88.

Thank you for your assistance in sending a disk(s) along with your hard copy. It helps speed up production, and ensures a higher degree of accuracy for your entry.

Yours sincerely,

Robin PanLener, editor
State Register
(612) 297-7963
FAX: (612) 297-8260

State Register

PRINTING ORDER

Print Communications Division

117 University Avenue, St. Paul, MN 55155

Editorial Office: 612-297-7963 FAX: 612-297-8260

Toll-free Nationwide: 1-800-657-3757

Circulation Manager: 612-296-0931

TDD: Metro Area 612-282-5077 Nationwide 1-800-657-3706


INSTRUCTIONS:

- ON THIS FORM:** print clearly and heavily so that all carbon copies are legible. **DO NOT WRITE** in the shaded areas.
- Complete all applicable blocks, including your department/division and sequence number, and name and phone of contact person.
- Check the inside front cover of the **State Register** for submission deadlines.
- Submit **TWO COPIES** of everything to be published.
- Text **must be typed double-spaced**, with one-inch margins all around.
- Include a completed "Certification/Internal Contract Negotiation" form for all **CONTRACTS** for Professional, Technical and Consulting Services.
- Please include a copy of your submission on a 3.5" computer disk and list the computer software program used if your notice is more than four pages, or contains listings of numbers and special tabular matter.
- Your agency's **State Register** "Liaison Officer" must sign this form.
- Call the State Register office to obtain more detailed instructions, and to add or change "Liaison Officers."
- Retain the last copy for your records.

CHECK ALL THAT APPLY:

- REQUEST FOR PUBLICATION (Attach two copies of text to be printed)**
Desired Date(s) of Publication: July 13, 1998
- REQUEST FOR INDIVIDUAL AGENCY COPY(IES):**
Number of Copies 2 Date(s) of Issue: July 13, 1998
- REQUEST FOR LARGE QUANTITY OVERRUNS (Request must be made prior to printing)**
Number of Copies _____ Date(s) of Issue: _____
- REQUEST FOR ANNUAL SUBSCRIPTION**

SHIP AGENCY INDIVIDUAL OR OVERRUN COPIES TO:

Name Debra Moynihan
Department/Division MN Pollution Control Water Quality/Point Source Compliance
Address 520 Lafayette Rd.
City/State/Zip St. Paul, MN 55155-4194
Telephone (612) 296-5426

Description of Agency Submission

Notice of Intent to Approve the Creation of the Leota Sanitary District

Authorized Department State Register Liaison Officer Signature/Phone/Date

TRANSACTION NUMBER (FOR NA68 ONLY)

Kody T. Moynihan 296-1305
 July 6, 1998

 DEPARTMENT
R32

 DIVISION
Water Quality 160

 BILLING ADDRESS Fiscal Services MPCA
 520 Lafayette Rd, St. Paul, MN 55155-4194

NA68	INVOICE NO.	DEPT./DIV. NO.	SEQ. NO.	SUFF.	FY.	OBJ	AMOUNT	CC1	CC2	CC3
	STR19734	R32	3419974		98					
	CC4	CC5	OCC DATE	REC INDEX	ITEM FUND	REC CLASS	REC CC5			
				160991384		348				

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_____ Page(s) of text in the *State Register* Vol. _____, Number _____, \$ _____ /page = \$ _____

_____ Extra copy(ies) of *State Register* Vol. _____, Number _____, \$ _____ /copy = \$ _____

_____ Affidavit of Publication in *State Register* (includes one copy of *State Register*) Vol. _____, Number _____, \$ _____ /affidavit = \$ _____

_____ Other _____ \$ _____ \$ _____

TOTAL: \$ _____



Minnesota Pollution Control Agency

July 9, 1998

RE: Notice of Intent to Approve the Creation of the Leota Sanitary District

Dear Interested Party:

The purpose of this letter is to notify you that the Minnesota Pollution Control Agency intends to approve a petition submitted by the Leota Township Board, the Nobles County Board of Commissioners, and 85 property owners located within the boundaries of the area affected, for the creation of the Leota Sanitary District.

We have enclosed a copy of the notice that will be published in the State Register on July 13, 1998. The enclosed notice describes the area that would be included within the proposed district's boundaries. The notice also explains the procedures you must use if you wish to submit written comments or request a hearing on the proposal to create the Leota Sanitary District.

If you have any questions about the proposal or the procedures to comment, please feel free to call me using the telephone numbers listed on the last page of the enclosed notice.

Sincerely,

Debra K. Moynihan
Point Source Compliance Section
Water Quality Division

DKM:mbo

Enclosure: Notice of Intent to Approve the Creation of the Leota Sanitary District in Accordance with Minn. Stat. § 115.20

**STATE OF MINNESOTA
POLLUTION CONTROL AGENCY**

**In the Matter of the Petition by the
Unincorporated Area known as the
Village of Leota, Leota Township, for
the Formation of the Leota Sanitary
District**

**FINDINGS OF FACT
CONCLUSIONS AND ORDER**

The Leota Township Board Chair, the Chair of the Nobles County Board of Commissioners, and 85 property owners residing within an unincorporated area known as the Village of Leota, Leota Township, filed a petition with the Minnesota Pollution Control Agency (MPCA) requesting the formation of the Leota Sanitary District.

The MPCA published notification of the intent to approve the creation of the Leota Sanitary District in the State Register on July 13, 1998. The MPCA also notified the property owners in the affected area by mail of the notification published in the State Register using addresses supplied by the Nobles County Auditor.

The MPCA, after reviewing the petition, publishing notice of intent to approve creation of the sanitary district in the State Register, notifying the property owners of the intent to create the district, and receiving no written comments or requests for hearing, being fully advised in this matter, hereby makes the following:

FINDINGS OF FACT

1. The Village of Leota is an unincorporated area located in Leota Township, Nobles County, Minnesota. The boundaries of the proposed sanitary district include areas surrounding the Village of Leota.

2. The area of the proposed sanitary district is located in Sections Four (4), Eight (8), and Nine (9), all in Township 104 North (T 104 N), Range 43 West, (R 43 W) of the Fifth Principal Meridian (5th P.M.), Nobles County, Minnesota. The area proposed for formation of the sanitary district is specifically described in the attached legal description (Attachment 1) and map (Attachment 2).
3. Currently, all homes and businesses located within the proposed district utilize a form of on-site treatment system. A majority of the homes and businesses within the Village of Leota are connected to a wastewater collection system which transports wastewater to a community drainfield. The community drainfield system does not provide adequate secondary treatment of the wastewater and is not considered a conforming type of wastewater treatment.
4. On April 17, 1997, a public hearing was held at the Leota Christian School Gym to consider the proposed creation of a sanitary district. Notification of the public hearing was published once each week for two weeks in The Edgerton Enterprise, a newspaper published in the area, on April 2, 1997, and on April 9, 1997. Attendees of the meeting were given information on the proposed creation of the district, including a description of the district's proposed structure, bylaws, territory, ordinances, budget and charges.
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the Chair of the Nobles County Board of Commissioners and 85 of the property owners in the proposed district supporting the creation of the Leota Sanitary District. The petition requesting approval for formation of the sanitary district has met all the requirements of Minn. Stat. § 115.20, subd. 1(a).

7. Two hundred thirty-one (231) individuals own property within the area proposed for formation of a sanitary district. The Nobles County Auditor provided a list of names and addresses for the 231 individuals owning property within the boundaries of the proposed district.
8. The proposed sanitary district will not be within twenty-five (25) miles of the boundary of any city of the first class.
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10. By August 12, 1998, the end of the public notice period, the MPCA had received neither written comments nor written requests for public hearing.
11. There is a need throughout the proposed district for an adequate and efficient means of treating and disposing of domestic sewage. Currently, a majority of the homes and businesses that generate wastewater are connected to a collection system and conveyed to a community drainfield that does not meet current standards for adequate treatment. Failing systems such as this can cause degradation of the ground water.
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member governing board who are voters within the sanitary district and who will be elected by the voters residing within the sanitary district. When formed, the Leota Sanitary District will adopt sewer use ordinances and a sewer service charge system to adequately and equitably fund the wastewater treatment operation throughout the district. The record contains a proposed ordinance establishing sewer use regulation and proposed by-laws of the sanitary district.

CONCLUSIONS

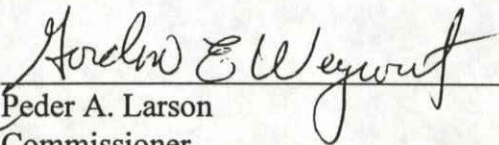
1. The Commissioner has subject matter jurisdiction over the petition and proposed establishment of the district pursuant to Minn. Stat. §§ 115.18 to 115.37 (1996).
2. The petitioners have complied with all the procedural requirements of Minn. Stat. §§ 115.20 and 115.21 (1996), as well as other substantive and procedural requirements of law and rule. This matter is, therefore, properly before the Commissioner.
3. The conditions described in Minn. Stat. § 115.21 for the annexation of an area to a sanitary district do exist within the area identified in the legal description (Attachment 1).
4. Any of the foregoing findings of fact that might properly be termed conclusions and conclusions that might properly be termed findings are hereby adopted as such.

NOW THEREFORE, the Commissioner hereby makes the following:

ORDER

It is ORDERED that the Leota Sanitary District is hereby created to include the unincorporated area known as the Village of Leota, Leota Township as described in the legal description attached to the petition filed with the MPCA.

Dated this 25 day of August 1998.

for 
Peder A. Larson
Commissioner

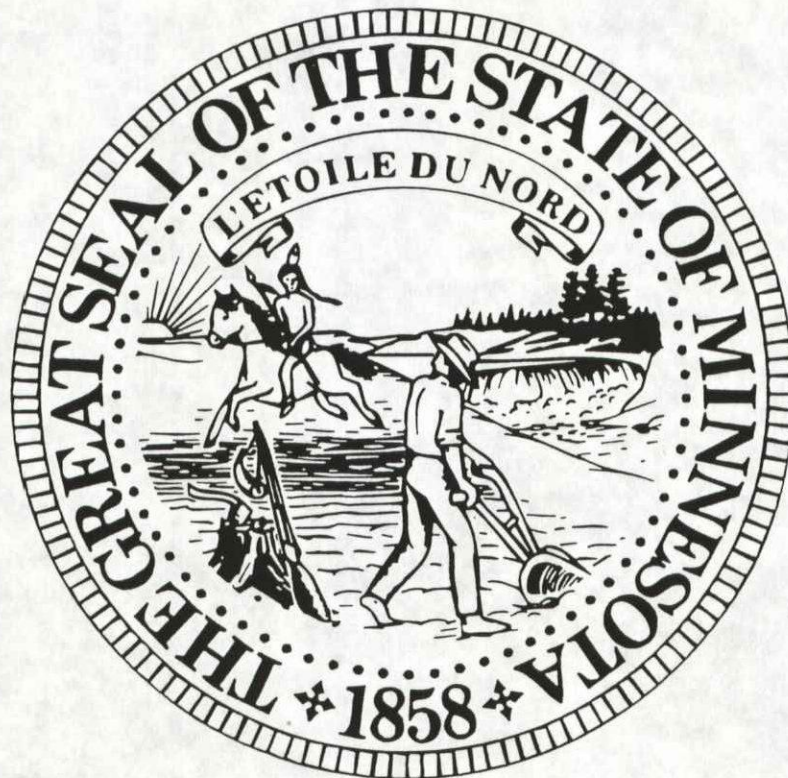
ATTACHMENT 1

LEGAL DESCRIPTION FOR LEOTA SANITARY DISTRICT

The Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$, SE $\frac{1}{4}$) of Section Four (4), and
the South Half of the Southeast Quarter (S $\frac{1}{2}$, SE $\frac{1}{4}$) and all of the Southwest Quarter (SW $\frac{1}{4}$) of
Section Five (5), and
the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$, NW $\frac{1}{4}$) of Section Eight (8), and
the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$, NW $\frac{1}{4}$) of Section Nine (9);
all in Township 104 North (T 104 N), Range 43 West (R 43 W), of the Fifth Principal Meridian
(5th P.M.), Nobles County, Minnesota.

The Minnesota
**State
Register**

Rules and Official Notices Edition



Published every Monday (Tuesday when Monday is a holiday) by the
Department of Administration – Communications Media Division

Monday 14 September 1998
Volume 23, Number 11
Pages 589-616

Department of Natural Resources

Request for Comments on a Proposed Land Transfer from the Department of Natural Resources to Lake County

The Lake County Board of Commissioners and Minnesota Department of Natural Resources will hold a public open house to receive comments and input on a proposed land transfer from the Department of Natural Resources to Lake County. The open house will be held on Tuesday, September 22, 1998 from 4:00 PM to 7:00 PM in the first floor conference room of the Lake County Law Enforcement Center located at 613 3rd Avenue, Two Harbors, Minnesota.

The land transfer includes a Memorandum of Understanding (MOU) between Lake County and the Department of Natural Resources on future management of the lands. The MOU provides for cooperative management of timber, wildlife, fisheries and recreation resources on the lands.

Representatives from both agencies will be on hand to discuss the proposal, answer questions and receive oral and written comments. A map showing the lands proposed to be transferred and copies of the Memorandum of Understanding will be available for public viewing.

Pollution Control Agency

Notice of Findings of Fact, Conclusions and Order Creating the Leota Sanitary District

Findings of fact, conclusions and order In the Matter of the Petition by the Unincorporated Area known as the Village of Leota, Leota Township, for the Formation of the Leota Sanitary District.

The Leota Township Board Chair, the Chair of the Nobles County Board of Commissioners, and 85 property owners residing within an unincorporated area known as the Village of Leota, Leota Township, filed a petition with the Minnesota Pollution Control Agency (MPCA) requesting the formation of the Leota Sanitary District.

The MPCA published notification of the intent to approve the creation of the Leota Sanitary District in the *State Register* on July 13, 1998. The MPCA also notified the property owners in the affected area by mail of the notification published in the *State Register* using addresses supplied by the Nobles County Auditor.

The MPCA, after reviewing the petition, publishing notice of intent to approve creation of the sanitary district in the *State Register*, notifying the property owners of the intent to create the district, and receiving no written comments or requests for hearing, being fully advised in this matter, hereby makes the following:

FINDINGS OF FACT

1. The Village of Leota is an unincorporated area located in Leota Township, Nobles County, Minnesota. The boundaries of the proposed sanitary district include areas surrounding the Village of Leota.
2. The area of the proposed sanitary district is located in Sections Four (4), Eight (8), and Nine (9), all in Township 104 North (T 104 N), Range 43 West, (R 43 W) of the Fifth Principal Meridian (5th P.M.), Nobles County, Minnesota. The area proposed for formation of the sanitary district is specifically described in the attached legal description (Attachment 1) and map (Attachment 2).
3. Currently, all homes and businesses located within the proposed district utilize a form of on-site treatment system. A majority of the homes and businesses within the Village of Leota are connected to a wastewater collection system which transports wastewater to a community drainfield. The community drainfield system does not provide adequate secondary treatment of the wastewater and is not considered a conforming type of wastewater treatment.
4. On April 17, 1997, a public hearing was held at the Leota Christian School Gym to consider the proposed creation of a sanitary district. Notification of the public hearing was published once each week for two weeks in *The Edgerton Enterprise*, a newspaper published in the area, on April 2, 1997, and on April 9, 1997. Attendees of the meeting were given information on the proposed creation of the district, including a description of the district's proposed structure, bylaws, territory, ordinances, budget and charges.
5. On April 22, 1997, the Leota Township Board adopted a resolution authorizing the Chair of the Township Board to petition the MPCA for establishment of the Leota Sanitary District. The resolution was published in the Township's official newspaper, *The Edgerton Enterprise*, on April 30, 1997, and became effective forty (40) days after publication.

Official Notices

6. On July 1, 1997, a petition was filed with the MPCA requesting approval for the formation of the Leota Sanitary District. The Chair of the Leota Township Board signed the petition for creation of the district as authorized by the resolution. In addition, the petition was signed by the Chair of the Nobles County Board of Commissioners and 85 of the property owners in the proposed district supporting the creation of the Leota Sanitary District. The petition requesting approval for formation of the sanitary district has met all the requirements of *Minnesota Statutes* § 115.20, subd. 1(a).
7. Two hundred thirty-one (231) individuals own property within the area proposed for formation of a sanitary district. The Nobles County Auditor provided a list of names and addresses for the 231 individuals owning property within the boundaries of the proposed district.
8. The proposed sanitary district will not be within twenty-five (25) miles of the boundary of any city of the first class.
9. On July 13, 1998, the MPCA published the Notice of Intent to Approve Creation of the Leota Sanitary District in the *State Register* at 23 SR 88 and mailed the notice to the property owners in the area of the proposed district using the names and addresses provided by the Nobles County Auditor. The public notice period lasted for 30 days and ended August 12, 1998.
10. By August 12, 1998, the end of the public notice period, the MPCA had received neither written comments nor written requests for public hearing.
11. There is a need throughout the proposed district for an adequate and efficient means of treating and disposing of domestic sewage. Currently, a majority of the homes and businesses that generate wastewater are connected to a collection system and conveyed to a community drainfield that does not meet current standards for adequate treatment. Failing systems such as this can cause degradation of the ground water.
12. The creation and maintenance of the sanitary district will be administratively feasible, and will further the public health, safety and welfare. The district will be administered by a five-member governing board who are voters within the sanitary district and who will be elected by the voters residing within the sanitary district. When formed, the Leota Sanitary District will adopt sewer use ordinances and a sewer service charge system to adequately and equitably fund the wastewater treatment operation throughout the district. The record contains a proposed ordinance establishing sewer use regulation and proposed by-laws of the sanitary district.

CONCLUSIONS

1. The Commissioner has subject matter jurisdiction over the petition and proposed establishment of the district pursuant to *Minnesota Statutes* §§ 115.18 to 115.37 (1996).
2. The petitioners have complied with all the procedural requirements of *Minnesota Statutes* §§ 115.20 and 115.21 (1996), as well as other substantive and procedural requirements of law and rule. This matter is, therefore, properly before the Commissioner.
3. The conditions described in *Minnesota Statutes* § 115.21 for the annexation of an area to a sanitary district do exist within the area identified in the legal description (Attachment 1).
4. Any of the foregoing findings of fact that might properly be termed conclusions and conclusions that might properly be termed findings are hereby adopted as such.

NOW THEREFORE, the Commissioner hereby makes the following:

ORDER

It is ORDERED that the Leota Sanitary District is hereby created to include the unincorporated area known as the Village of Leota, Leota Township as described in the legal description attached to the petition filed with the MPCA.

Dated: 25 August 1998

Peder A. Larson
Commissioner

ATTACHMENT 1

LEGAL DESCRIPTION FOR LEOTA SANITARY DISTRICT

The Southwest Quarter of the Southeast Quarter (SW 1/4, SE 1/4) of Section Four (4), and the South Half of the Southeast Quarter (S 1/2, SE 1/4) and all of the Southwest Quarter (SW 1/4) of Section Five (5), and the Northeast Quarter of the Northwest Quarter (NE 1/4, NW 1/4) of Section Eight (8), and the Northwest Quarter of the Northwest Quarter (NW 1/4, NW 1/4) of Section Nine (9); all in Township 104 North (T 104 N), Range 43 West (R 43 W), of the Fifth Principal Meridian (5th P.M.), Nobles County, Minnesota.

State Register

117 University Avenue
St. Paul, Minnesota 55155

ATTENTION: Deb Moynihan
AGENCY PCA DIVISION Policy & Planning
ADDRESS: _____

Enclosed find the computer disk(s) sent with your entry(ies) for publication in the *State Register*.

Your notice, Leota Sanitary District

will be published on *Monday 14 September 1998* in Vol. 23, Number 11, on page(s) 597.

Thank you for your assistance in sending a disk(s) along with your hard copy. It helps speed up production, and ensures a higher degree of accuracy for your entry.

Robin PanLener, editor
State Register
(612) 297-7963
FAX: (612) 297-8260

Deb/FYI
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STATE OF MINNESOTA

Department of Administration



The Minnesota

State Register

PRINTING ORDER

Print Communications Division

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Name	Debra Moynihan
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Billing Address: MPCA/Fiscal Services 520 Lafayette Road North St Paul MN 55155-4194		Invoice No. STR 20722	Amount \$ <u>220.00</u>
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**STATE OF MINNESOTA
PURCHASE ORDER**

POLLUTION CONTROL AGENCY

STATE REGISTER/DEB MOYNIHAN

PURCHASE ORDER NO: 31511575

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FY: 99

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**MINN ST ADMIN STATE REGISTER
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REQN. NO. :
REQR. NAME : POLLUTION CONTROL/POLICY&PLAN REG
AGENCY REQN. NO.: 1003130WD3

SOLICITATION NO. :
CONTRACT NO. :

VENDOR NO. : 200004104-00
VENDOR CONTACT : MARY MIKES
VENDOR PHONE : (612) 297-3979

VENDOR QUOTE NO:

SUPPLEMENTARY TERMS

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2. This purchase order incorporates by reference all terms, conditions, and specifications of the Contract, the RFP/RFB and vendor's response. In case of a conflict in terms, the order of precedence shall be: First, this P.O., second the Contract, third the RFP/RFB and fourth the vendor's response.
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NAME : EVA JOHNSON
PHONE : (612) 296-7276

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REG FAC/SITE REMEDIATION
520 LAFAYETTE ROAD N
ST PAUL, MN 55155-4194

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00001	COMMODITY CODE: 023-18-001181 STATE REGISTER PRINTING SERVICE;BY PRINTCOMM NOTICE OF FINDINGS OF FACT CONCLUSION AND ORDER CREATING THE LEOTA SANITARY DISTRICT SEPTEMBER 14, 1998 PUBLICATION	1.000	LOT	220.00	\$ 220.00
ORDER TOTAL					\$ 220.00

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EXECUTIVE AGENCY: POLLUTION CONTROL/POLICY&PLAN REG
PHONE NUMBER: (612) 296-7276

SIGNED

Eva Johnson
Authorized signature

VENDOR COPY

September 8, 1998

RE: Notice of Publication of Order Creating the Leota Sanitary District

Dear Interested Party:

The purpose of this letter is to notify you that the enclosed copy of the Findings of Fact, Conclusions, and Order will be published in the State Register on September 14, 1998.

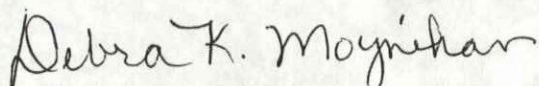
The Minnesota Pollution Control Agency (MPCA) published a Notice of Intent to Approve the Petition requesting the creation of the Leota Sanitary District in the State Register on July 13, 1998. The petition was submitted by the Leota Township Board with the support of the Nobles County Board and several property owners residing within the boundaries of the proposed District. A copy of the notice was mailed to all property owners within the affected territory.

The 30-day public comment period for submitting written comments and/or a request for a hearing on the petition has passed and the MPCA has not received any written comments nor requests for a public hearing. The MPCA has determined that the conditions requisite for the creation of the Leota Sanitary District as described in the petition do exist and has prepared the enclosed order forming the District.

The public has 30 days to appeal the MPCA order forming the Leota Sanitary District. The 30-day period to submit an appeal will begin on the date the enclosed order is published in the State Register.

If you have any questions about the enclosed order or the procedures to submit an appeal to the order, please contact me at 651/296-5426.

Sincerely,



Debra K. Moynihan
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DKM:ej

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Pella, Iowa 50219-8063

**Notice of Intent to Approve the Creation of the Leota Sanitary District in Accordance with
Minn. Stat. § 115.20**

The Minnesota Pollution Control Agency (MPCA) has been petitioned by the Leota Township Board, the Nobles County Board of Commissioners, and 85 property owners located within the territorial boundaries of the proposed district, to approve the creation of a sanitary district to be known as the Leota Sanitary District. The purpose of the sanitary district is to promote the public welfare by providing the residents within its boundaries with an adequate and efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage. The territory of the proposed sanitary district is described as:

Sections Four (Section 4), Five (Section 5), Eight (Section 8), and Nine (Section 9), all in Township 104 North (T104N), Range 43 West (R43W), of the Fifth Principal Meridian (5th P.M.), Nobles County, Minnesota.

The proposed Leota Sanitary District shall contain those parts of the previously named sections described as follows:

- Section 4: The Southwest Quarter of the Southeast Quarter (SW 1/4, SE 1/4);
- Section 5: The South Half of the Southeast Quarter (S 1/2, SE 1/4) and all of the Southwest Quarter (SW 1/4) thereof;
- Section 8: The Northeast Quarter of the Northwest Quarter (NE 1/4, NW 1/4);

Section 9: The Northwest Quarter of the Northwest Quarter (NW 1/4, NW 1/4).

All contained in Leota Township. A map of the area is available at the MPCA.

The public has 30 days to submit written comments on the petition. If a person objects to the petition, that person may submit a written request for a hearing. The written comments or a written request for a hearing must be submitted to the MPCA by 4:30 p.m. on August 12, 1998.

The written request for a hearing must state your interest in the petition, the nature of your objection and the reason for your objection. If 25 or more timely requests for hearing are received, the MPCA will schedule a hearing prior to making a determination on the petition.

Following the end of the comment period and, if held, the public hearing, the MPCA Commissioner will decide whether to approve the petition for creation of the district unless, as provided by Minn. Stat. § 116.02, the MPCA Citizens' Board makes this decision. You have the right to submit a petition to the MPCA Commissioner asking that the MPCA Citizens' Board make the decision on approval of the petition for creation of the Leota Sanitary District. Your petition must be in writing and must be received by MPCA staff during the public comment period. Your petition will be granted or denied in the sole discretion of the MPCA

Commissioner. The MPCA Citizens' Board will only make the decision on approval of the petition for creation of the sanitary district if the MPCA Commissioner grants your petition or if an MPCA Citizens' Board member makes a timely request to have the decision be made by the MPCA Citizens' Board.

A copy of the petition, resolutions, map of the area within the proposed sanitary district with legal description, and other documents relevant to the petition can be requested from the MPCA. Comments, questions and request for hearing regarding the creation of the sanitary district and requests for information must be submitted in writing to:

Debra Moynihan	Telephone: (612) 296-5426
Point Source Compliance Section	1-800-657-3864
Water Quality Division	Out of state 1-800-627-3529
Minnesota Pollution Control Agency	TTY (612) 282-5332
520 Lafayette Road North	Fax: (612) 297-8683
St. Paul, Minnesota 55155-4194	

This notice, the petition, and other documents relevant to this petition can be made available in other formats, including Braille, large print, and audio tape, upon request.

Peder A. Larson
Commissioner

Property Owners Within the Leota Sanitary District

Marvin & Henrietta
Achterhoff
P.O. Box 333
Leota, MN 56153-0333

Willard Clarence Anker
1510 Brandon Road
Glenview, IL 60025

Durky Baar
P.O. Box 252
Leota, MN 56153-0252

Bethel Reformed Church
P.O. Box 308
Leota, MN 56153-0308

Floyd & Elda Beukelman
460 S. First St.
P.O. Box 291
Leota, MN 56153

Peter & Henrietta Beukelman
P.O. Box 295
Leota, MN 56153-0295

Dick & Pauline Blom
435 Main St.
P.O. Box 216
Leota, MN 56153

Joan Lucille Strauss
~~P.O. Box 216~~ P.O. Box 121
~~Leota, MN 56153~~ Strawberry

Glenn & Geraldine Blom
P.O. Box 304
Leota, MN 56153-0304

Henry & Edna Blom
P.O. Box 303
Leota, MN 56153-0303

Kenneth & Lucy Bolkema
RR2 Box 115
Edgerton, MN 56128

John & Marlys Bouw
P.O. Box 372
Leota, MN 56153-0372

Henry Bovendam
P.O. Box 342
Leota, MN 56153-0342

Conrad & Linda Brouwer
P.O. Box 371
Leota, MN 56153-0371

Martha Brouwer
RR2 Box 169
Edgerton, MN 56128

Florence Buys
Box 261
Leota, MN 56153

Joan Willemsen
~~243 South St.~~ 1083 Hwy 163
~~Leota, MN 56153~~ Pella, IA

Christian Reformed Church
P.O. 277
Leota, MN 56153-0277

Gilbert & Bertha Corbin
Box 311
Leota, MN 56153

Ricky & Vonda Danneman
111 S. DeBoer Ave.
Leota, MN 56153

Don & Louisa DeBoer
P.O. Box 366
Leota, MN 56153-0366

Nicholas & Cynthia DeBoer
P.O. Box 274
Leota, MN 56153-0274

Peter DeBoer
P.O. Box 368
Leota, MN 56153-0368

DeBoer Chevrolet
P.O. Box 368
Leota, MN 56153-0368

Rodney DeBoer
P.O. Box 301
Leota, MN 56153-0301

Patrick & Rhonda DeGroot
117 Church St.
P.O. Box 363
Leota, MN 56153-0363

Donald & Martha DeJong
P.O. Box 382
Leota, MN 56153-0382

Ivan DeJong
Leota, MN 56153
50219-8063

Minnie DeJong
P.O. Box 273
Leota, MN 56153-0273

Scott & Cheryl DeJong
P.O. Box 269
Leota, MN 56153-0269

Pete & Esther DeKam
P.O. Box 263
Leota, MN 56153

Verlyn & Helen DeKam
P.O. Box 232
Leota, MN 56153

Albert & Willeminia
Doppenberg
P.O. Box 322
Leota, MN 56153

Nettie Eernisse
P.O. Box 324
Leota, MN 56153-0324

Steven Eernisse
P.O. Box 248
Leota, MN 56153-0248

Bernard & Elbetha Engeltjes
Leota, MN 56153

Gerrit & Dorothy Esselink
P.O. Box 306
Leota, MN 56153-0306

John & Esther Evink
P.O. Box 231
Leota, MN 56153-0231

Genevieve Sas
P.O. Box 341
Leota, MN 56153-0341

Frank & Irene Feikema
P.O. Box 275
Leota, MN 56153-0275

Faith & Marlyn Groen
Trustees
P.O. Box 386
Leota, MN 56153-0386

Klaas & Alice Groen
P.O. Box 246
Leota, MN 56153-0246

Mary Groen
P.O. Box 262
Leota, MN 56153-0262

John Groen
P.O. Box 109
Chandler, MN 56122

~~20520~~ Sena Groen
P.O. 276
Leota, MN 56153-0276

Arnold Gunnink
P.O. Box 335
Leota, MN 56153

Ivan Gunnink
P.O. Box 331
Leota, MN 56153-0331

Josephine Gunnink
P.O. Box 293
Leota, MN 56153-0293

Loren & Sandra Gunnink
Box 219
Leota, MN 56153

Helen Hofkamp
P.O. Box 212
Leota, MN 56153-0212

John & Marlene Hofkamp
P.O. 312
Leota, MN 56153-0312

Vernon & Elaine Hofkamp
P.O. Box 364
Leota, MN 56153

Gary Hulstein
P.O. Box 296
Leota, MN 56153-0296

Myron & Mavis Hulstein
P.O. Box 217
Leota, MN 56153-0217

Arthur & Henrietta
Koelewyn
P.O. Box 241
Leota, MN 56153-0241

Arthur Koelewyn
328 1st. St.
P.O. Box 241
Leota, MN 56153

Randall & Mary Ann Kooi
RR1 Box 147B
Edgerton, MN 56128

Dick & Hazel Kroon
5230 Riley Road
Hudsonville, MI 49426

Gerrit & Harriet Kroontje
P.O. Box 361
Leota, MN 56153-0361

Wayne & Helen Kroontje
P.O. Box 254
Leota, MN 56153

Howard & Clarice Landhuis
P.O. Box 342
Leota, MN 56153-0342

Nelson & Grace Landhuis
P.O. Box 332
Leota, MN 56153-0332

Randy Landhuis
P.O. Box 294
Leota, MN 56153-0294

Leota Burial Assn. Trustees
P.O. Box 366
Leota, MN 56153-0366

Leota Christian School
P.O. Box 278
Leota, MN 56153-0278

Leota Community Water
Works
c/o John Mouw
P.O. Box 233
Leota, MN 56153-0233

Leota Senior Citizens, Inc.
P.O. Box 333
Leota, MN 56153-0333

M & H Pullet Growing Co.
P.O. Box 337
Leota, MN 56153-0337

Brad & Linda Mouw
P.O. Box 344
Leota, MN 56153-0344

Gordon Mouw
476 21st St.
Chandler, MN 56122

John & Lillian Mouw
P.O. 233
Leota, MN 56153-0233

William Mouw
P.O. Box 383
Leota, MN 56153-0383

William & Lori Mouw
P. O. Box 235
Leota, MN 56153

Henry, Alyda & Leslie Netjes
209 2nd St.
P.O. Box 309
Leota, MN 56153

Cornelius & Mary Osenga
P.O. Box 251
Leota, Mn 56153

Bertha Overbeek
P.O. Box 272
Leota, Mn 56153-0272

Harlan & Nadine Overbeek
P.O. Box 365
Leota, MN 56153-0365

in record
~~Jacob & Kathryn Overbeek
P.O. Box 365
Leota, MN 56153-0365~~

Theo & Florence Pool
P.O. Box 355
Leota, MN 56153-0355

?
Russell & Carole Pool
9160 Nash Road
Bozeman, MT 59715

*turned
wife*

Anthony & Dorothy Prins
121 Church Ave.
P.O. Box 218
Leota, MN 56153

deceased
~~Peter & Johanna Prins
Box 245
Leota, MN 56153-0245~~

Vernon & Arlis Prins
P.O. Box 385
Leota, MN 56153-0385

Janet Pronk
RR 2, Box 101
Edgerton, MN 56128

Ronald & Jacquelin Pronk
Box 215
Leota, MN 56153-0215

Rieckhoff Family Partnership
421 Central Ave. N.E.
Orange City, IA 51041

R.L. Rieckhoff Farm
Capital Agricultural Prop.
801 Warrenville Road, Suite
150
Lisle, IL 60532-1357

Harvard & Clara Rozeboom
P.O. Box 356
Leota, MN 56153

Marvin & Alma Rozeboom
P.O. Box 237
Leota, MN 56153

Arthur & Marion Ruiter
P.O. Box 253
Leota, MN 56153-0313

Carrie Ruiter
P.O. Box 313
Leota, MN 56153-0313

Dick Ruiter
P.O. Box 354
Leota, MN 56153

Verlyn & Barbara Ruiter
P.O. Box 266
Leota, MN 56153-0266

William Sandbulte
P.O. Box 336
Leota, MN 56153-0336

Bill & Dianne Sandbulte
P.O. Box 302
Leota, MN 56153

Harvey & Gertrude Sas
P.O. Box 279
Leota, MN 56153-0279

Lugene & Karen Sas
6725 N. County Rd 19
Fort Collins, CO 80524-
9720

Calvin & Marcella Schaap
P.O. Box 353
Leota, MN 56153-0353

Bertus Schelhaas
P.O. Box 224
Leota, MN 56153-0224

Ivan & Sandra Kay Schelhaas
P.O. Box 211
Leota, MN 56153-0211

Sophia & Harvey Scholten
P.O. Box 334
Leota, MN 56153-0334

Lora Tinklenberg
RR2 Box 96
Edgerton, MN 56128

Lora Anker
RR2 Box 96
Edgerton, MN 56128

Brian & Heidi Tschetter
510 N. 1st St.
Box 329
Leota, MN 56153

Marvin & Verla Jean
Tinklenberg
P.O. Box 373
Leota, MN 56153-0373

Gerrit Van Dyk
437 S. 1st St.
Leota, MN 56153

Lance & Trena Van Dyk
P.O. Box 244
Leota, MN 56153

Henry & Betty Van Essen
P.O. Box 325
Leota, MN 56153-0325

Doris Van Surksun
P.O. Box 264
Leota, MN 56153-0264

Anthony & Elizabeth Vant
Hof
RR 2
Edgerton, MN 56128

Glenn Van Essen
RR 2, Box 180
Edgerton, MN 56128

First American Trust Co.
Trustee Winkelhorst Trust
P.O. Box 1156
Marshall, MN 56258-1156

Randall Van Naanen
RR3
Lismore, MN 56155

Mouw Feed & Grain
RR
Leota, MN 56153

Eugene & Brenda Vant Hof
RR2, Box 190
Edgerton, MN 56128

Leon Vant Hof
Box 271
Leota, MN 56153-0271

Marvin & Bertha Vant Hof
121 Short Ave.
P.O. Box 265
Leota, MN 56153-0265

Margaret Vander Lugt
P.O. Box 283
Leota, MN 56153-0283

Stanley & Marlys Vander
Maten
RR2 Box 81
Edgerton, MN 56128

Robin Hamilton Et Al
~~777 Larimer 707~~ 8761 East Via De Encanto
~~Denver, CO 80202~~ Scottsdale
AZ
85258

Bernard Vander Ziel
423 1st St. N.
Box 214
Leota, MN 56153

Mouw Hatchery Inc.
P.O. Box 337
Leota, MN 56153-0337

Mark Sas Et Al
RR 2 Box 82A
Edgerton, MN 56128

Stanley Koedam
RR 2, Box 92
Edgerton, MN 56128

Henrietta Hulstein
601 Main St.
Edgerton, MN 56128

Bessie Vander Ziel
P.O. Box 221
Leota, MN 56153-0221

Katherine Vastenhout
247 S. 2nd St.
Box 236
Leota, MN 56153

Garvin & Bonita Vis
407 North St.
Leota, MN 56153

Jennie Vis
P.O. Box 222
Leota, MN 56153-0222

Arent & Winnie Vos
Edgerton, MN 56128

Abram & Lydia Westenberg
P.O. Box 326
Leota, MN 56153-0326

Elizabeth Wiekeraad
P.O. Box 323
Leota, MN 56153-0323

Gerrit & Julean Wiekeraad
RR2 Box 109
Edgerton, MN 56128

Henry Prins
P.O. Box 281
Leota, MN 56153

Kooiman Farm Corp.
RR 1, Box 49
Chandler, MN 56122-9602

Gene & Joyce Valnes
604 Roaring Cloud Circle
P.O. Box 614
Luverne, MN 56156

Glenn & Peter Kooiman
RR2, Box 99
Edgerton, MN 56128

Ebenezer Christian Church
P.O. Box 277
Leota, MN 56153-0277

~~Llyod & Sharon Van Essen
6012 Andy St.
Lakewood, CA 90713~~

Michael & Ronald
Vanderlinden
P.O. Box 280
Leota, MN 56153

Harvey & Gertrude Sas
P.O. Box 279
Leota, MN 56153

~~Daryl Sas & Gayle Walhof
P.O. Box 279
Leota, MN 56153~~

Dennis & Linda Gilbertson
RR2, Box 188
Edgerton, MN 56128

State Bank of Edgerton
P.O. Box 7
Edgerton, MN 56128

Randall & Tillie Steffen
P.O. Box 314
Leota, MN 56153

Wilma Vant Hul
P.O. Box 292
Leota, MN 56153

Douglass & Brenda
VanPeursem
P.O. Box 352
Leota, MN 56153

Frederick & Johanna Vis
~~4809 Grant
Loveland, CO 80538~~

Vista Telephone Co.
14450 Burnhaven Dr.
Burnsville, MN 55337

↓
property sold to:

Henry and Lucille VanDerLinder
1556 - 51st St.
Slayton, MN 56172

→ Dr. Darrell Sas
2827 5th Ave.
Beaver Falls, PA 15010

ms. Peggy Sammor

↗
~~Mr. Tom Swierczewski~~
SW Reg Develop Commission
Suite 1, 2401 Broadway Avenue
Slayton, Minnesota 56172

F:\word\support\faxpage

FAX COVER SHEET

SOUTHWEST REGIONAL DEVELOPMENT COMMISSION

2401 Broadway Avenue
Suite 1
Slayton, MN 56172-1142
Phone No. 507-836-8547 Ext. 103
Fax No. 507- 836-8866

Please deliver this 2 page document, including cover sheet

TO: Deb Maynihan

Fax #: 651-297-8683

Fax #: _____

Fax #: _____

Fax #: _____

Fax #: _____

FROM: Tom Swierczewski

Date: 7-22-98

COMMENTS:

Attached please find (5) five addresses
for your questions regarding notification of
residents within the Leola San. Jery Dist.
If you have any questions, please call me.

Hard copy WILL WILL NOT follow by mail

The information contained in this facsimile message may be privileged and confidential. It is intended only for the use of the individual or entity to whom it is sent. If the recipient of this transmittal is not the intended recipient, or an employee or agent responsible to deliver it to the intended recipient, any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the US Postal Service.

✓ *
Russell Pool
9160 Nash Road
Baseman, MT 59040

✓ *
Joan L. Strauss
PO Box 121
Strawberry Point, IA 52076

✓ *
Joan Willemsen
1083 Hwy 163
Pella, IA 50219-8063

✓ *
Dr. Darrell Sas
2827 5th Ave.
Beaver Falls, PA 15010

✓ *
Fredrick and Johanna Vis
1105 Ridgeway Dr.

Alexandria, MN 56308

To: Tom Swierczewski
Southwest Regional Development Commission

From: Debra Moynihan
MPCA
(651) 296-5426

RE: Notice to Create the Leota Sanitary District

Tom,

Here are the names and addresses from the mailing of the notice that were returned to us:

Theo and Florence Pool (post office states: moved, forward expired)
P.O. Box 355
Leota, Minnesota 56153-0355

Jean Lucille Strauss (post office states: attempted - not known)
P.O. Box 216
Leota, Minnesota 56153

Daryl Sas & Gayle Walhof (post office states: attempted - not known)
P.O. Box 279
Leota, Minnesota 56153

Joan Wilemsen (post office states: attempted - not known)
243 Smith Street
Leota, Minnesota 56153

If we can confirm that these people no longer reside within the boundaries of the proposed district, then we don't have to trace their current address. Obviously they won't need to be made aware of the proposal to form the district. Thank you for your assistance.

Notified Tom by voice mail: Frederick + Johanna Vis
4809 Grant
Loveland, CO 80538

Post-It™ brand fax transmittal memo 7671 # of pages ▶ 1

To Tom Swierczewski	From Deb Moynihan
Co. SRDC	Co. MPCA
Dept.	Phone # (651) 296-5426
Fax # (507) 836-8866	Fax # 651-297-8683



Southwest Regional Development Commission

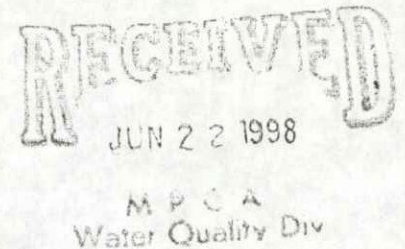
2401 Broadway Avenue
Suite 1
Slayton, MN 56172-1142
(507) 836-8547
Fax: (507) 836-8866
E-Mail: srdc@rconnect.com

Marlowe Nelsen, Chairman
Craig Rubis, Vice-Chairman
Bob Byrnes, Secretary
Claire Gerber, Treasurer

**Randy L. Jorgenson, AICP
EXECUTIVE DIRECTOR**

June 17, 1998

Debra K. Moynihan
MPCA, Water Quality Division
520 Lafayette Road North
St. Paul, MN 55155-3898



Dear Ms. Moynihan:

As per our conversation on June 15, 1998, enclosed please find the signed, original, attachment to the petition to create the Leota Sanitary District that you should have received by fax on June 17, 1998. The Village of Leota is an unorganized area wholly within Leota Township. Therefore, the Leota Township Board has jurisdiction, and is in favor of the creation of the Leota Sanitary District. If you need any further information, please contact me.

The Leota Sanitary District is applying for Public Facilities Authority loan dollars, and requires the legal formation of the District by September, 1998 to ensure placement on the MPCA Intended Use List by October 1998. I would like to thank you for the help you have provided me with regards to the Sanitary District. Any additional assistance you can provide to ensure the District is legally formed by October is greatly appreciated. Thank you again for your assistance in this matter.

Sincerely,

Tom Swierczewski,
Planning Generalist

Attachment to Petition to Create Leota Sanitary District

Pursuant to Minnesota Statute §115.20 Subdivision 1 and Subdivision 2, I am signing this petition within my capacity as Leota Township Board Chairman, pursuant to Leota Township Resolution, in support of the creation of the Leota Sanitary District.

Signed: *Kenneth Belburn* Date 6-15-98
Leota Township Board Chairman

Witnessed: *Brent Anderson* Date 6-15-98
Leota Township Board Clerk

F:\wrs\support\faxpage

FAX COVER SHEET

SOUTHWEST REGIONAL DEVELOPMENT COMMISSION

2401 Broadway Avenue
Suite 1
Slayton, MN 56172-1142
Phone No. 507-836-8547 Ext. 103
Fax No. 507- 836-8866

Please deliver this 2 page document, including cover sheet

TO: Deb Moynihan

Fax #: 612-297-8683

Fax #: _____

Fax #: _____

Fax #: _____

Fax #: _____

FROM: Tom Swierczewski

Date: 6-17-98

COMMENTS:

RECEIVED
JUN 17 1998

M. P. C. A.
Water Quality Div.

Hard copy WILL NOT follow by mail

The information contained in this facsimile message may be privileged and confidential. It is intended only for the use of the individual or entity to whom it is sent. If the recipient of this transmittal is not the intended recipient, or an employee or agent responsible to deliver it to the intended recipient, any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the US Postal Service.

f:\word6\develop\leotasas

Attachment to Petition to Create Leota Sanitary District

Pursuant to Minnesota Statute §115.20 Subdivision 1 and Subdivision 2, I am signing this petition within my capacity as Leota Township Board Chairman, pursuant to Leota Township Resolution, in support of the creation of the Leota Sanitary District.

Signed: Kenneth Balbourn
Leota Township Board Chairman

Date 6-15-98

Witnessed: Brian A. Johnson
Leota Township Board Clerk

Date 6-15-98

RECEIVED
JUN 17 1998

MPCA
Water Quality Div.

Township - A resolution was passed by the Township Board on April 22, 1997, and published in the official newspaper on April 30, 1997. Under Minn. Stat. § 115.20, subd. 2, the resolutions authorizing the Chairs to sign do not become effective until 40 days after publication in the newspaper. In the case of the Township, the petition indicates that the Town Chair signed it on the same day that the resolution was passed, April 22, 1997. Therefore, as the resolution had not yet been published and run its 40-day course, it was not yet effective under the statute, and therefore, the Chairman had not signed the petition "pursuant to resolution."

County - Since the petition does not provide the date of the Chairman's signature on the petition, it is unclear whether the County Chair signed the petition "pursuant to resolution." According to the submitted documents, the resolution giving the Chair power to sign was passed on May 6, 1997. The County's resolution was published on May 29, 1997, making the effective date July 8, 1997. If the County Chair signed the petition after that date, he did so "pursuant to resolution." If he signed the petition before July 8, 1997, he did not.

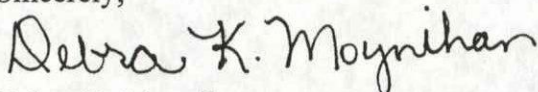
2. Statement regarding territorial units represented and the qualifications of each signer - Minn. Stat. § 115.20, subd. 1 (a) (5)

Minn. Stat. § 115.20 subd. 1(a)(5) states that the petition must contain "A statement of the territorial units represented by and the qualifications of the respective signers." Although Mr. David Benson, Chairman of the Nobles County Board; and Mr. Kenneth Bolkema, Chairman of the Leota Township Board; placed their titles (and hence, "qualifications") behind their names, the petition does not contain a specific "statement" to that effect.

Again, once it is established who has jurisdiction over the proposed district, the signature concerns and the need for a statement of qualifications can both be remedied in the following manner. Since the respective 40 days have passed for each published resolution and the Chairs are now officially empowered to sign the petition, they could resubmit their signatures to the petition with a statement making it clear that they are doing so in their official capacities, pursuant to resolution in support of creation of the proposed Leota Sanitary District.

Please feel free to contact me if you have any questions concerning the contents of this letter or if you need further assistance. My telephone number is (612) 296-5426.

Sincerely,



Debra K. Moynihan
Point Source Compliance Section
Water Quality Division

DKM:mbo

cc: Don DeBoer, Leota Sewer Board

William P. Hefner, Assistant Attorney General, Environmental Protection Division

Township - A resolution was passed by the Township Board on April 22, 1997, and published in the official newspaper on April 30, 1997. Under Minn. Stat. § 115.20, subd. 2, the resolutions authorizing the Chairs to sign do not become effective until 40 days after publication in the newspaper. In the case of the Township, the petition indicates that the Town Chair signed it on the same day that the resolution was passed, April 22, 1997. Therefore, as the resolution had not yet been published and run its 40-day course, it was not yet effective under the statute, and therefore, the Chairman had not signed the petition "pursuant to resolution."

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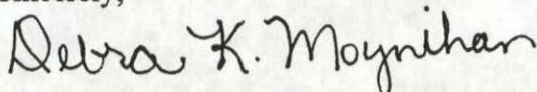
2. Statement regarding territorial units represented and the qualifications of each signer - Minn. Stat. § 115.20, subd. 1 (a) (5)

Minn. Stat. § 115.20 subd. 1(a)(5) states that the petition must contain "A statement of the territorial units represented by and the qualifications of the respective signers." Although Mr. David Benson, Chairman of the Nobles County Board; and Mr. Kenneth Bolkema, Chairman of the Leota Township Board; placed their titles (and hence, "qualifications") behind their names, the petition does not contain a specific "statement" to that effect.

Again, once it is established who has jurisdiction over the proposed district, the signature concerns and the need for a statement of qualifications can both be remedied in the following manner. Since the respective 40 days have passed for each published resolution and the Chairs are now officially empowered to sign the petition, they could resubmit their signatures to the petition with a statement making it clear that they are doing so in their official capacities, pursuant to resolution in support of creation of the proposed Leota Sanitary District.

Please feel free to contact me if you have any questions concerning the contents of this letter or if you need further assistance. My telephone number is (612) 296-5426.

Sincerely,



Debra K. Moynihan
Point Source Compliance Section
Water Quality Division

DKM:mbo

cc: Don DeBoer, Leota Sewer Board

William P. Hefner, Assistant Attorney General, Environmental Protection Division



MAP inc.

Midwest Assistance Program

Field Office

P.O. Box 154

So. St. Paul, MN 55075

612.453.0722

Fax: 612.453.0722

July 1, 1997

Debra K. Moynihan
Minnesota Pollution Control Agency
Point Source Compliance Section
Water Quality Division
520 Lafayette Road
St. Paul, MN 55155-4194

RE: Leota Sanitary District Creation Materials

Dear Ms Moynihan,

Please find attached with this letter, a packet of material necessary to create a sanitary district under MN Statute 115. The following materials are being submitted to create the Leota Sanitary District:

- 1) An affidavit of publication advertising the public meeting;
- 2) the minutes from the public meeting;
- 3) petitions signed by property owners within the sanitary district;
- 4) from Nobles County - a resolution to sign the petition, the petition, official newspaper designation, affidavit of publication for the petition;
- 5) from Leota Township - a resolution to sign the petition, the petition, official newspaper designation, affidavit of publication for the petition;
- 6) a letter from the Nobles County auditor confirming the resident status of the petition signers, and a list of all property owners within the district boundaries;
- 7) a draft sewer use and sewer rate ordinance;
- 8) a draft by-laws for the proposed sanitary district.

If you have any questions about this material please contact me, or the following contacts in Leota:

Don DeBoer
P.O. Box 366
Leota, MN 56153-0366
507-443-5251

Randy Landhuis
P.O. Box 294
Leota, MN 56153-0294
507-443-5271

Sincerely,

George Eilertson
Rural Development Specialist

cc: Tom Wall, project engineer - DGR Engineering

Affidavit of Publication

STATE OF MINNESOTA)
) ss.
COUNTY OF PIPESTONE)

Melvin DeBoer, being duly sworn, on oath says that he is the publisher or authorized agent and employee of the publisher of the newspaper known as *The Edgerton Enterprise*, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualifications as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07 and other applicable laws, as amended.

(B) The printed NOTICE OF PUBLIC MEETING ON WASTE-WATER IMPROVEMENTS AND A PETITION

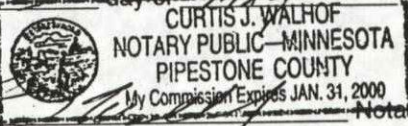
which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 2 successive weeks; it was first published on Wednesday, the 2ND day of APRIL, 1997, and was thereafter printed and published on every Wednesday to and including Wednesday, the 9TH day of APRIL, 1997; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

By: Melvin DeBoer
Publisher

Subscribed and sworn to before me

on this 2 day of APRIL, 1997.


Notary Public.

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space - \$4.30/column inch
- (2) Maximum rate allowed by law for the above matter - \$4.30/column inch
- (3) Rate actually charged for the above matter - \$3.90/col. inch

Notice of Public Meeting

on Wastewater Improvements and a Petition for Creation of Leota Sanitary District.

April 17, 1997 7:30 p.m.

Leota Christian School Gym

To be conducted for the Minnesota Pollution Control Agency

The public meeting is being conducted to obtain public comment on

VILLAGE OF LEOTA PUBLIC MEETING MINUTES
APRIL 17, 1997

As per a notice of public meeting, published twice in the Edgerton Enterprise of Edgerton, MN, a public meeting was held on April 17, 1997 at 7:30 p.m. at the Leota Christian School Gym. The public meeting was held to inform residents of the Village of Leota of the proposed creation of the Leota Sanitary District.

Present at the public meeting were: Don DeBoer and Randy Landhuis, members of the Leota Sewer Board; Tom Wall, consulting engineer with DGR Engineering; George Eilertson, Midwest Assistance Program; and Ann Peterson and Lisa Voss from the Southwest Regional Development Commission. Approximately 100 members of the public attended the meeting.

Don DeBoer opened the meeting at 7:30 p.m. by introducing the speakers.

Tom Wall described the project background. He explained the need to upgrade Leota's present wastewater treatment system. The current community drainfield does not adequately treat wastewater and the drainfield's effluent exceeds acceptable MN Pollution Control Agency standards. Mr. Wall then detailed two options to correct the problem that were outlined in an engineering facilities plan. First, was the construction of a new community drainfield. This option would cost \$539,900. Mr. Wall explained that a recent change in Minnesota regulations will add significantly to the drainfield cost.

The second option was the construction of a stabilization pond system. The cost for this option is \$629,575. The engineer stated that this is the preferred of the two options based on low operation and maintenance costs, in addition to being a proven technology. Stabilization ponds are also less sensitive to wastewater flow variations. Both options would utilize the existing collection system. Mr. Wall explained that Leota would need to hire an operator to maintain the stabilization ponds and collection system. The operator would need a Class D license.

George Eilertson next described the annual budget. The annual costs for operation, maintenance and replacement is \$18,000. He then described what the cost per user could be. He described two scenarios. Both involved the construction of the stabilization ponds and 130 connections. First, a 50% grant and 50% loan at 3% over 20 years. The resulting monthly cost per connection is \$13.48 for debt service and \$11.54 for operation, maintenance and replacement. The total monthly cost is \$25.02. The second scenario involves a 75% grant and 25% loan at 3% over 20 years. The resulting monthly cost per connection is \$6.75 for debt service and \$11.54 for operation, maintenance and replacement. The total monthly cost is \$18.29.

George Eilertson also described the creation of a sanitary district. He described that a sanitary district is typically created to apply for the financing of a wastewater improvement in an

unincorporated area, and to operate and maintain the system. He displayed a map showing the boundaries of the sanitary district. He described a petition to create a sanitary district. The petition should be signed if the public is in favor of creating a sanitary district.


Mr. Eilertson described that the sanitary district would be governed by a five member board of managers. The first board is appointed by the Leota Township Board. Eligible board members are residents within the territorial district who are property owners and voters. Mr. Eilertson next shared sample by-laws and ordinances being used by a different sanitary district which the Leota Sanitary District could use.

Ann Peterson discussed the financing options available to a sanitary district. She first described the Small Cities Development Program. The District could be eligible for a \$600,000 grant through this program. She indicated that the District may need County sponsorship for this program. Ms Peterson next described the Wastewater State Revolving Fund. This is a low interest loan program which the District could apply for. The loan interest rate is between two and four percent, and the loan term is 20 years. Ms Peterson stated that the Southwest Regional Development Commission would assist the sanitary district apply for both programs.

Lisa Voss next gave more detail about the Small Cities Development Program. She described a community development survey. At least 70 percent of the households in Leota need to complete the survey. To be eligible for this grant, 51% or more of Leota's residents need to have a low-to-moderate income. She stated that the survey information, such as income data, is confidential, and will only be used to determine eligibility for a grant.

Randy Landhuis invited questions from the public. All speakers answered the public's questions. Don DeBoer closed the meeting by inviting the residents to fill out a survey for the grant program, and to sign the petition to create the sanitary district.

The meeting was closed at 9:00 p.m.



Don DeBoer
Leota Sewer Board

(1)

PETITION TO CREATE LEOTA SANITARY DISTRICT

This petition will be filed with the commissioner of the Minnesota Pollution Control Agency (MPCA) for the purpose of creating a sanitary district which will be known as the "Leota Sanitary District." The proposed district encompasses the area known as the Village of Leota, in Leota Township, Nobles County, Minnesota. A map showing the proposed district is attached as "Attachment A."

A description of the Leota Sanitary District is as follows:

A Sanitary District situated in Sections Four (Sec. 4), Five (Sect. 5), Eight (Sect. 8) and Nine (Sect. 9), all in Township 104 North (T104N), Range 43 West (R43W) of the Fifth Principal Meridian (5th P.M.), Nobles County, Minnesota.

Said District to be known hereafter as Leota Sanitary District and shall contain those parts of the previously named sections described as follows:

- Section 4: The Southwest Quarter of the Southeast Quarter (SW 1/4 - SE 1/4):
- Section 5: The South Half of the Southeast Quarter (S 1/2 - SE 1/4) and all of the Southwest Quarter (SW 1/4) thereof:
- Section 8: The Northeast Quarter of the Northwest Quarter (NE 1/4 - NW 1/4):
- Section 9: The Northwest Quarter of the Northwest Quarter (NW 1/4 - NW 1/4).

All homes and businesses within the Village of Leota utilize on-site sewage treatment. A majority of the homes and businesses are connected to a wastewater collection system which transports sewage to a community drainfield. The community drainfield does not provide adequate secondary treatment of the wastewater. According to present environmental standards, the community drainfield system is not considered a conforming type of wastewater treatment.

The residents in this territory intend to create the Leota Sanitary District for the purpose of promoting the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage within the district. The District will construct waste stabilization ponds to treat the wastewater. The creation of a sanitary district under MN Statutes Ch. 115.18 - 115.37 and subsequent construction of a community facility to treat wastewater can be effectively accomplished on an equitable basis by the created district, and the creation and maintenance of the district will be administratively feasible and in furtherance of the public health, safety, and welfare.

This district will not be within 25 miles of the boundary of any city of the first class. This petition is being presented to landowners in the territorial unit of the proposed district, the Nobles County Board of Commissioners, and the Leota Township Board.

Your signature on this petition shows your support for the creation of the Leota Sanitary District. This petition will be filed with the Commissioner of the Minnesota Pollution Control Agency.

(Note: To Sign the Petition You Must Be a Landowner in the District Boundaries - a Husband and Wife Can Both Sign)

<u>Printed Name</u>	<u>Signature</u>	<u>Mailing Address</u>
1. John Mow	<i>John W Mow</i>	120 MAIN ST BOX 233 r
2. ^{WILLIAM MOW} William Mow	<i>William Mow</i>	Leota Mow 210 MAIN ST Leota Mow
3. Michael Mow	<i>Michael Mow</i>	211 MAIN ST PO Box 235 Leota, Minn 56153
4. FLOYD BEUKELMAN	<i>Floyd Beukelman</i>	460 S 1ST ST PO Box 291 Leota Minn
5. Elda BEUKELMAN	<i>Elda Beukelman</i>	PO Box 291 Leota, Minn.
6. ARTHUR KOELEWYK	<i>Arthur Koelwyk</i>	328 S 1ST ST PO Box 241 Leota Minn.
7.		
8.		
9.		
10.		

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<u>Printed Name</u>	<u>Signature</u>	<u>Mailing Address</u>
1. <u>MARGARET VANDER LUGT</u>	<u>Margaret Vander Lugt</u>	234 S 2nd ST Box 283 Leota, Minn 56153 328 MAIN ST
2. <u>Wilma Vanit Hul</u>	<u>Wilma Vanit Hul</u>	P.O. Box 292 Leota Minn 56153 402 S 1ST ST
3. <u>GILBERT CORBIN</u>	<u>Gilbert Corbin</u>	Box 311 Leota, Minn. 56153 407 N 1ST ST
4. <u>Garvin Vis</u>	<u>Garvin Vis</u>	Box 351 Leota, Mn 56153 510 N 1ST ST
5. <u>Brian Tschetter</u>	<u>Brian Tschetter</u>	Box 329 Leota, MN 56153 111 S MILL ST
6. <u>Bert Schelhaas</u>	<u>Bert Schelhaas</u>	Box 327 Leota MN 56153
7. _____	BERT SCHELHAAS	
8. _____		
9. _____		
10. _____		

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Printed Name

Signature

Mailing Address

444 N 1ST ST

1. Henry and Betty Van Essen Henry St. Van Essen Box 325 Leota, Mn 56153
332 MAIN ST.
2. EMILIE VIS Jennie Vis Box 224 Leota Mn 56153
ANTHONY V PRINS 117 CHURCH AVE
3. Anthony & Dorothy Prins Box 218 Leota Mn
VERNON PRINS 502 MAIN ST
4. Vernon & Arlis Prins Box 385 Leota Mn. 56153
103 S MILL AVE
5. GENEVIEVE SAS Genevieve Sas Box 341 Leota, Mn. 56153
335 S 1ST ST
6. ~~John Hofkamp~~ John Hofkamp Box 312 Leota, Mn 56153
7. _____
8. _____
9. _____
10. _____

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<u>Printed Name</u>	<u>Signature</u>	<u>Mailing Address</u>
1. Bobbi Fernisse	^{NEHE} Bobbi Fernisse	440 N 1ST ST Box 224 Leota
2. Tena Winkelhorst	Tena Winkelhorst	210 N PARK AVE Box 305 Leota MN.
3. Rodney DeBoer	Rodney DeBoer	242 S 2ND ST Box 301 Leota
4. Harvey Scholten	^{HARVEY SCHOLTEN} Harvey Scholten	205 S MILL AVE Box 334 Leota
5. Bill Sandbulte	^{BILL} Sandbulte	427 MAIN ST SANDBULTE Box 302 Leota
6. Alice Groen	^{KLAUS GROEN} Alice Groen	348 S 1ST ST Box 246 Leota
7. Randy Landhuis	Randy Landhuis	408 MAIN ST Box 294 Leota
8. Lance Van Dyke	^{LANCE VAN DYKE} Lance Van Dyke	205 S DEBOER AVE BOX 244 LEOTA MN 56153
9.		
10.		

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<u>Printed Name</u>	<u>Signature</u>	<u>Mailing Address</u>
1. Josephine Gunnink	Josephine Gunnink	218 S 1ST ST Box 293 Leota
2. Killian Moww	Lillian Moww	Box 233 Leota 623 MAIN ST
3. CYNTHIA DEBOER	Cynthia DeBoer	Box 274 623 MAIN ST LEOTA MN
4. Nick DeBoer	Nick DeBoer	Box 294 303 N 1ST ST
5. Arnold W Gunnink	ARNOLD W GUNNIK	LEOTA MN 249 S RD ST
6. Val D DeKam	Val D DeKam	PO Box 232 Leota Mn 520 MAIN ST
7. VERNON HOEKAMP	Vernon Hoekamp	LEOTA MN
8. BRAD Moww	Brad Moww	121 Main St Leota, MN. 56153
9.		
10.		

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Printed Name

Signature

Mailing Address

- | | | |
|-----|-----------------------------------|--|
| | | 370 5 1ST ST |
| 1. | <u>MRS DURKY BAAR</u> | <u>Mr Durky Baar PO BOX 252 Leota MN 56153</u> |
| | | 370 MAIN ST
Edgerton, Mn. 56128 |
| 2. | <u>Mrs. Martha Brower</u> | <u>Martha Brower Box 169 R.R. 2</u> |
| | | 218 N PARK AVE |
| 3. | <u>Mr & Mrs Gary Hulstein</u> | <u>Leota Minn</u> |
| | | 245 5 2ND ST |
| 4. | <u>P. De Kan</u> | <u>Peter W De Kan Box 263 Leota, MN 56153</u> |
| 5. | <u>Esther De Kan</u> | <u>Box 263 Leota MN 56153</u> |
| 6. | <u>Sophia Scholten</u> | <u>Box 334 Leota 56153</u> |
| | | 236 5 1ST ST |
| 7. | <u>Don De Boer</u> | <u>DON DE BOER PO. 366 LEOTA MN 56153</u> |
| | | 113 CHURCH AVE |
| 8. | <u>GLENN BLUM</u> | <u>BOX 304 LEOTA MN 56153</u> |
| 9. | _____ | |
| 10. | _____ | |

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<u>Printed Name</u>	<u>Signature</u>	<u>Mailing Address</u>
1. <u>Willemina Dappenberg</u>	<i>Willemina Dappenberg</i>	438 S 1ST ST WILLAMINA DOPPENBER LEOTA, MN
2. <u>Carrie Ruiter</u>	<i>Carrie Ruiter</i>	433 S 1ST ST LEOTA MN
3. <u>Abbe Westenberg</u>	<i>Abbe Westenberg</i>	101 N PARK AVE LEOTA MN
4. <u>Lon Wiekemaad</u>	<i>Lon Wiekemaad</i>	505 MAIN ST LEOTA MN
5. <u>Julian Wiekemaad</u>	<i>Julian Wiekemaad</i>	RR2 BOX 109 Edgenton MN 56127
6. <u>Wayne Kroontje</u>	<i>Wayne Kroontje</i>	364 MAIN ST Box 254 Leota MN 56115
7. <u>Loren Gunnink</u>	<i>Loren Gunnink</i>	222 S 1ST ST Box 219 Leota MN
8. <u>MARVIN VAN'T HOF</u>	<i>Marvin Van't Hof</i>	121 SHORT AVE Box 265 LEOTA, MN
9. <u>MARVIN Bozeboom</u>	<i>Marvin Bozeboom</i>	347 S 1ST ST Box 237 Leota MN
10. _____		

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Printed Name

Signature

Mailing Address

1. Katherine Vastenhout Katherine Vastenhout 247 S 2~~ND~~ ND ST

2. Dick R. Ruiter Dick R. Ruiter Box 236 Leota Minn. 56153
443 S 1ST ST

3. DICK R RUITER Dick R. Ruiter BOX 354 LEOTA, MINN 56153
433 - S 1ST ST

4. CARRIE RUITER Carrie Ruiter

5. _____ Box 313 Leota Minn 56153

6. _____

7. _____

8. _____

9. _____

10. _____

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<u>Printed Name</u>	<u>Signature</u>	<u>Mailing Address</u>
1. MARLYN GROEN	<i>Marlyn Groen</i>	433 - MAIN ST BOX 386 LEOTA MN 56153
2. Lena GROEN	<i>Lena Groen</i>	339 MAIN ST BOX 386 Leota MN 56153
3. HENRY BOVEN ^{Estate,} _{by Faith Groen}	<i>Henry Boven</i>	238 S 2ND ST BOX 386 Leota, MN 56153
4. JENNIE DE BRER	<i>Jennie De Brer</i>	401 MAIN ST Box 366 Leota mn
5. _____		
6. _____		
7. _____		
8. _____		
9. _____		
10. _____		

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Printed Name

Signature

Mailing Address

- | | | |
|---|-----------------------------|---|
| | | 232 S 1ST ST |
| 1. PETER N BEUKELMAN | Peter N Beukelman | Bx 295 |
| 2. Henrietta Beukelman | Henrietta Beukelman | 232 So. 1st St.
Box 295 |
| 3. Seriel & Harriet Kraantje | Harriet Kraantje | 324 MAIN ST |
| 4. JOHN EVINK | John Evink | 320 MAIN ST
Box 231 Seald 56153 |
| 5. Tony Vant Hog | Tony Vant Hog | 121 MILL AVE EDGERTON MN
Box 190 - 56128 |
| 6. Case Osenga | Case Osenga | 447 - MAIN ST
P.O. Box 251 56153 |
| EUGENE VANT HOP | | 115 S DE BOKER AVE |
| 7. Eugene Vant Hog | Eugene Vant Hog | RR2 Edgerton 56128 |
| CALVIN SCHAAP. | | 442 S 1ST ST |
| 8. Cal Schapp | Cal Schapp | Leota Mn. 56153 |
| 9. | | |
| 10. | | |

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<u>Printed Name</u>	<u>Signature</u>	<u>Mailing Address</u>
1. Helen Kroontje	Helen Kroontje	PO Box 254 Leota MN 56153 123 S DEBEEK AVE
2. Marlene Hofkamp	Marlene Hofkamp	P.O. Box Leota MN 56153 230 S 1ST ST
3. DOROTHY PRINS	Dorothy Prins	Box 218 - Leota - 56153 202 N PARK AVE
4. HOWARD LANDHUIS	Howard Landhuis	202 Park Ave - 56153
5. CLARICE LANDHUIS	Clarice Landhuis	202 Park Ave - 56153
PETER G. PRINS	Peter G. Prins	361 S 1ST ST
6. Peter G Prins	Peter G. Prins	Leota M. 56153
7. EVAIV GUNNINK	Evaiv Gunnink	428 S 1ST ST Box 331 Leota
8. Grace Landhuis	Grace Landhuis	447 S 1ST ST Box 332 Leota
9. Don D. Jong	DON DEJONG	432 S 1ST ST Leota Box 4842
10. Scott J. DeJong	Scott J. DeJong	443- MAIN ST Box 269 Leota

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<u>Printed Name</u>	<u>Signature</u>	<u>Mailing Address</u>
1. <u>VERLYN RUITER.</u>	<u>Verlyn Ruitter</u>	<u>436 - N 1ST ST Box 266 Leota MN 56153</u>
2. <u>Art Ruitter</u>	<u>Art Ruitter</u>	<u>235 S 1ST ST ST Leota MN 56153</u>
3. <u>Ronald Pronk</u>	<u>Ronald Pronk</u>	<u>108 N PARK AVE Box 253 Box 215 - Leota Minn. 602 MAIN ST 56153</u>
4. <u>Janet Pronk</u>	<u>Janet A. Pronk</u>	<u>Box 101 - Rt 2 Edgerton Mn 56158</u>
5. _____		
6. _____		
7. _____		
8. _____		
9. _____		
10. _____		

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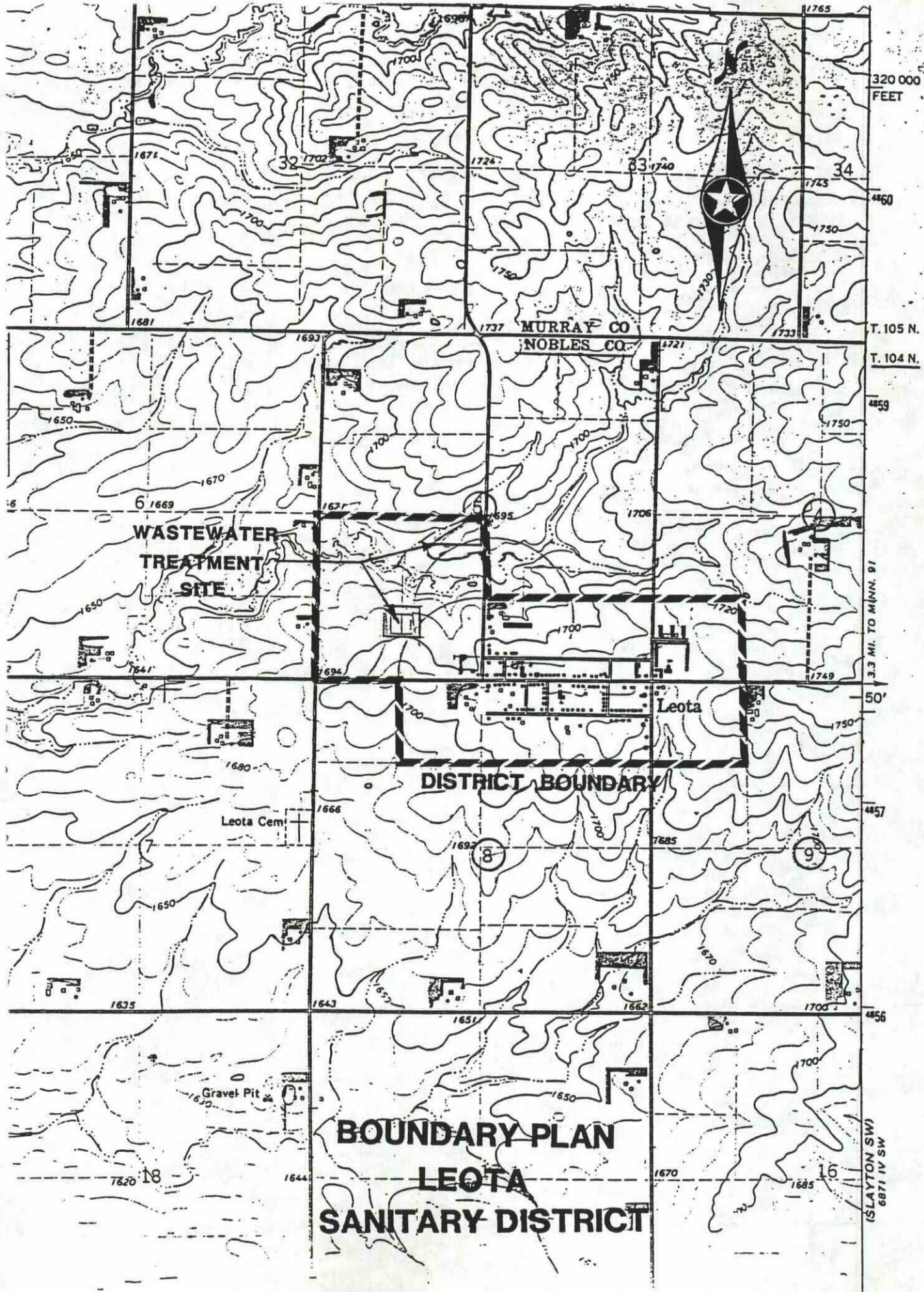
<u>Printed Name</u>	<u>Signature</u>	<u>Mailing Address</u>
1. Mrs. Irene Feikema	Mrs. Irene Feikema	231 5 1st St P.O. Box 275 Leota, MN. 56153
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

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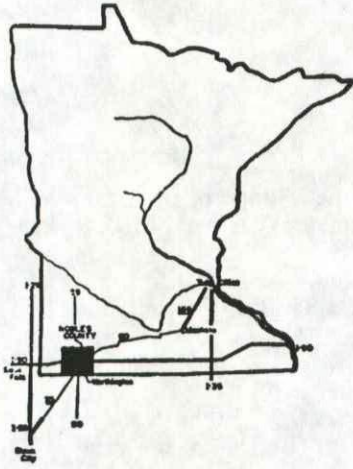
(Note: To Sign the Petition You Must Be a Landowner in the District Boundaries - a Husband and Wife Can Both Sign)

<u>Printed Name</u>	<u>Signature</u>	<u>Mailing Address</u>
1. <u>Juan Schelhaas</u>	<u>Juan Schelhaas</u>	<u>107 S PARK AV</u> <u>Box 374 Box 211</u> <u>Leota, Mn - 56153</u>
2. <u>Candy Wood</u>	<u>Candy Wood</u>	<u>321 CENTER ST W</u> <u>Randall-Kodi-Edgerlon 56128</u>
3. <u>HARVEY L. SAS</u>	<u>Harvey L. Sas</u>	<u>324 1ST ST</u> <u>Box 279</u> <u>Leota Mn. 56153</u>
4. _____		
5. _____		
6. _____		
7. _____		
8. _____		
9. _____		
10. _____		



ATTACHMENT A

(SLAYTON SW)
6871 IV SW



COUNTY OF NOBLES
OFFICE OF
COUNTY ADMINISTRATOR

Phone 507-372-8241 Fax 507-372-8223
P.O. Box 757 Worthington, MN 56187-0757
Melvin J. Ruppert, County Administrator

May 14, 1997

George Eilertson
Midwest Assistance Program
P.O. Box 154
So. St. Paul, MN 55075

Dear Mr. Eilertson,

At their meeting held May 6, 1997, the Board passed the resolution in support of the creation of the Leota Sanitary District. Enclosed please find a copy of this resolution and the petition.

Should you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Melvin J. Ruppert".

Melvin J. Ruppert
County Administrator
Nobles County, Minnesota

MJR:vmr

Enclosure

RESOLUTION

WHEREAS pursuant to needed wastewater treatment improvements in the Village of Leota, the Village is pursuing the creation of a sanitary sewer district in compliance with MN Statutes Chapter 115.18 to 115.37; and

WHEREAS the name of the proposed sanitary district will be the Leota Sanitary District; and

WHEREAS a description of the proposed sanitary district is:

A Sanitary District situated in Sections Four (Sect. 4), Five (Sect. 5), Eight (Sect. 8) and Nine (Sect. 9), all in Township 104 North (T104N), Range 43 West (R43W) of the Fifth Principal Meridian (5th P.M.), Nobles County, Minnesota.

Said District to be known hereafter as Leota Sanitary District and shall contain those parts of the previously named sections described as follows:

- Section 4: The Southwest Quarter of the Southeast Quarter (SW 1/4 - SE 1/4):
- Section 5: The South Half of the Southeast Quarter (S1/2 - SE 1/4) and all of the Southwest Quarter (SW 1/4) thereof:
- Section 8: The Northeast Quarter of the Northwest Quarter (NE 1/4 - NW 1/4):
- Section 9: The Northwest Quarter of the Northwest Quarter (NW 1/4 - NW 1/4).

WHEREAS the proposed district meets the conditions requisite for creation of a district as prescribed in MN Statutes Section 115.19, which states that "a sanitary district may be created for the purpose of promoting the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage"; and

WHEREAS proceeding to create a district may be initiated by a petition to the Minnesota Pollution Control Agency requesting creation of a district; and

WHEREAS the petition must be signed by each county wherein there is a territorial unit of the proposed district consisting of an unorganized area. For the purposes of the creation of this district, the Village of Leota is an unorganized area wholly within Nobles County; and

WHEREAS the County of Nobles has determined that the interests of the people served by the proposed District is best served by creating a sanitary sewer district; and

THEREFORE, BE IT RESOLVED that the Nobles County Board of Commissioner does hereby authorize the Chairperson to sign, on behalf of Nobles County, the petition to the Minnesota Pollution Control Agency in support of the creation of the Leota Sanitary District.

CERTIFICATION

STATE OF MINNESOTA)
) (SS
COUNTY OF NOBLES)

I, Melvin J. Ruppert, Administrator of said County of Nobles, do hereby certify that I have compared the foregoing copy with the original resolution adopted by the County Board on the 6th day of May, 1997, and now remaining on file and of record in my office and that the same is a correct transcript and of the whole of such original.

Witness my hand and official seal this 9th day of May, 1997.

S E A L



Melvin J. Ruppert, County Administrator
Nobles County, Minnesota

PETITION TO CREATE LEOTA SANITARY DISTRICT

This petition will be filed with the commissioner of the Minnesota Pollution Control Agency (MPCA) for the purpose of creating a sanitary district which will be known as the "Leota Sanitary District." The proposed district encompasses the area known as the Village of Leota, in Leota Township, Nobles County, Minnesota. A map showing the proposed district is attached as "Attachment A."

A description of the Leota Sanitary District is as follows:

A Sanitary District situated in Sections Four (Sec. 4), Five (Sect. 5), Eight (Sect. 8) and Nine (Sect. 9), all in Township 104 North (T104N), Range 43 West (R43W) of the Fifth Principal Meridian (5th P.M.), Nobles County, Minnesota.

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 (SW 1/4 - SE 1/4):
- Section 5: The South Half of the Southeast Quarter (S 1/2 - SE 1/4)
 and all of the Southwest Quarter (SW 1/4) thereof:
- Section 8: The Northeast Quarter of the Northwest Quarter
 (NE 1/4 - NW 1/4):
- Section 9: The Northwest Quarter of the Northwest Quarter
 (NW 1/4 - NW 1/4).

All homes and businesses within the Village of Leota utilize on-site sewage treatment. A majority of the homes and businesses are connected to a wastewater collection system which transports sewage to a community drainfield. The community drainfield does not provide adequate secondary treatment of the wastewater. According to present environmental standards, the community drainfield system is not considered a conforming type of wastewater treatment.

The residents in this territory intend to create the Leota Sanitary District for the purpose of promoting the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage within the district. The District will construct waste stabilization ponds to treat the wastewater. The creation of a sanitary district under MN Statutes Ch. 115.18 - 115.37 and subsequent construction of a community facility to treat wastewater can be effectively accomplished on an equitable basis by the created district, and the creation and maintenance of the district will be administratively feasible and in furtherance of the public health, safety, and welfare.

This district will not be within 25 miles of the boundary of any city of the first class. This petition is being presented to landowners in the territorial unit of the proposed district, the Nobles County Board of Commissioners, and the Leota Township Board.

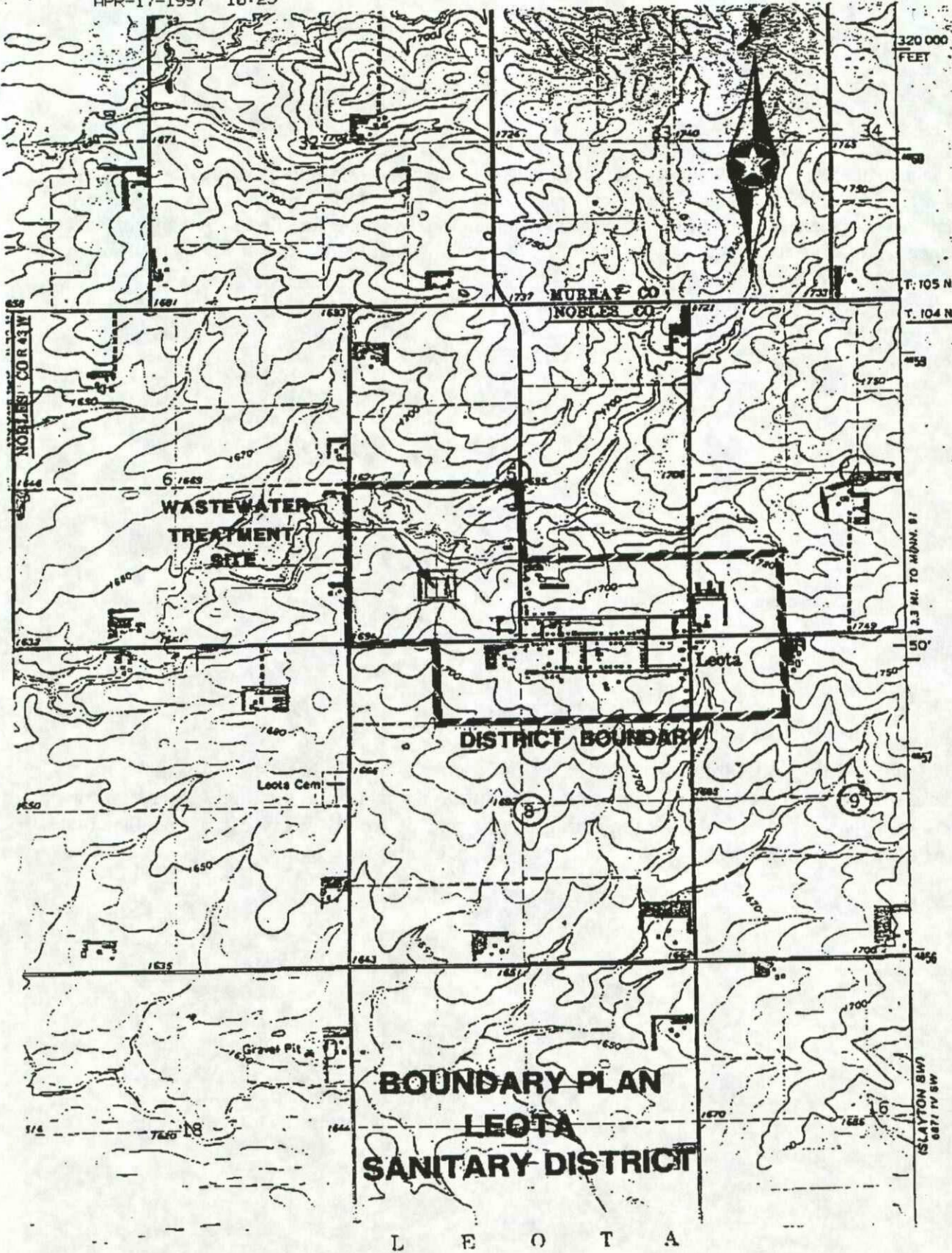
Your signature on this petition shows your support for the creation of the Leota Sanitary District. This petition will be filed with the Commissioner of the Minnesota Pollution Control Agency.

Printed Name

Signature

Mailing Address

- 1. David Benson David Benson Nobles Co. Board Chairman
P.O. Box 757 Worthington, MN
ANN: Co ADMIN 56187
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____



320 000
FEET

T. 105 N.

T. 104 N.

1.3 MI. TO MUN. ST.

50'

45'

40'

ISLAYTON SW
6871 IV SW

**BOUNDARY PLAN
LEOTA
SANITARY DISTRICT**

L E O T A

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
OF NOBLES COUNTY, MINNESOTA
County Board Room and Administrator's Office
May 6, 1997**

The County Board of Nobles County met in Special Session this date with the following members present: Michael Peil, Delbert Lutmer, David Benson, Mary Wasko and Claire Gerber.

On a motion by Michael Peil and seconded by Delbert Lutmer, it was duly passed to approve the Official Proceedings of April 22, 1997.

Jay Klein, Rock-Nobles Community Corrections Director, updated the Board on the Juvenile Detention Services Subsidy Program.

On a motion by Claire Gerber and seconded by Michael Peil, it was duly passed to adopt the following resolution:

BE IT RESOLVED, that Nobles County hereby accepts Memorandum of Agreement-Amendment No. 1 with the State of Minnesota for juvenile detention services subsidy funds, to be expended during the period July 1, 1995 and ending June 30, 1997 and further, that David Benson, Board Chairperson and Jay P. Kelin, Corrections Director are hereby authorized to sign and execute this amendment as necessary on behalf of the County. A copy of the Memorandum of Agreement was before the Board and is made a part of this resolution by reference.

On a motion by Claire Gerber and seconded by Mary Wasko, it was duly passed to approve travel requests totaling \$3,633.99 for various County Departments. A summarized copy of the individual travel requests was before the Board and is made a part of this resolution by reference.

Larry Gasow, Environmental Services Officer, presented the Board with information and recommendations from the Nobles County Planning Advisory Commission.

On a motion by Delbert Lutmer and seconded by Michael Peil, it was duly passed to approve Conditional Use Permit No. 97-10 to Whitetail Run, Hal Schmidt, Pipestone, MN for the construction of three (3) barns with concrete pits in the NE 1/4 of Section 32, T104N, Range 43W (Leota Township) as recommended by the Nobles County Planning Advisory Commission.

Steve Schnieder, Nobles County Highway Engineer, presented the Board with information and recommendations in the transportation area of the County.

On a motion by Delbert Lutmer and seconded by Mary Wasko, it was duly passed to adopt the following resolution:

WHEREAS, Nobles County has determined that the following deficient bridges on the CSAH, County Road and Township systems are a high priority and require replacement or rehabilitation with the next five (5) years (see attached sheet), and

WHEREAS, Local roads play an essential role in the overall state transportation network and local bridges are the critical component of the local road systems, and

WHEREAS, State support for the replacement or rehabilitation of local bridges continues to be crucial to maintaining the integrity of the local road systems and is necessary for the County and the townships to proceed with the replacement or rehabilitation of the high priority deficient bridges described above, and

WHEREAS, Nobles County intends to proceed with replacement or rehabilitation of these bridges as soon as possible when State Transportation Bond Funds are available,

BE IT RESOLVED, That Nobles County commits that it will proceed with the design and contract documents for these bridges immediately after being notified that funds are available in order to permit construction to take place within one year of notification.

Bridge No.	Road No.	Estimated Project Cost	Federal Funds	Local Funds	Bond Funds Needed	Proposed Const. Year
L-3424	T-113	\$156,000	N/A	\$141,000	\$15,000	1997
1459	T-176	150,000	N/A	138,000	12,000	1997
L-3539	T-81	90,000	N/A	5,000	85,000	1997
1760	T-81	76,000	N/A	5,000	71,000	1997
L-3536	T-217	60,000	N/A	5,000	55,000	1998
L-3526	T-86	47,000	N/A	4,000	43,000	1997
L-3337	T-124	50,000	N/A	5,000	45,000	1999
L-1283	T-78	23,000	N/A	3,000	20,000	1997
L-3302	T-61	31,000	N/A	3,000	28,000	1997
L-3229	T-173	70,000	N/A	6,000	64,000	1997
L-3532	T-95	26,000	N/A	3,000	23,000	1998
L-3313	T-125	42,000	N/A	4,000	38,000	1997
L-1280	T-175	130,000	N/A	118,000	12,000	1999
L-3501	T-182	55,000	N/A	6,000	49,000	1997
*53121	T-126	55,000	N/A	5,000	50,000	1997
*53120	T-125	28,000	N/A	3,000	25,000	1997
*53119	T-75	24,000	N/A	3,000	21,000	1997
L-3323	C.R. 70	30,000	N/A	5,000	25,000	1998

On a motion by Mary Wasko and seconded by Michael Peil, it was duly passed to authorize the Highway Department to proceed with temporary easements and the regrading of the township road from County Road 61 to the landfill entrance.

On a motion by David Benson and seconded by Claire Gerber, it was duly passed to authorize excavated materials to be placed as additional cover on segments of Judicial Ditch No. 8 at a cost not to exceed \$1,000.00.

Lee McAllister, Nobles County Family Services Director, presented the Board with information in the human service area.

On a motion by Delbert Lutmer and seconded by Mary Wasko, it was duly passed to approve the following: 1) to proceed with the filling of the child support officer position due to a resignation; 2) to allow for the payment of up to 300 hours of over time to staff in the child support unit during conversion to the PRISM system, and; 4) authorization to hire a temporary clerical working during a FMLA leave.

George Ellertson with Midwest Assistance Program, Tom Wall with DeWild, Grant, Reckert & Associates and Lisa Voss, Planner with Southwest Regional Development, met with the Board to discuss the creation of a sanitary sewer district in the community of Leota to enhance availability of options to fund the installation of a wastewater treatment facility.

On a motion by Claire Gerber and seconded by Delbert Lutmer, it was duly passed to adopt the following resolution:

WHEREAS pursuant to needed wastewater treatment improvements in the Village of Leota, the Village is pursuing the creation of a sanitary sewer district in compliance with MN Statutes Chapter 115.18 to 115.37; and

WHEREAS the name of the proposed sanitary district will be the Leota Sanitary District; and

WHEREAS a description of the proposed sanitary district is:

A Sanitary District situated in Section Four (Sect. 4), Five (Sect. 5), Eight (Sect. 8) and Nine (Sect. 9), all in Township 104 North (T104N), Range 43 West (R43W) of the Fifth Principal Meridian (5th P.M.), Nobles County, Minnesota.

Said District to be known hereafter as Leota Sanitary District and shall contain those parts of the previously named sections described as follows:

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Section 9: The Northwest Quarter of the Northwest Quarter (NW 1/4 - NW 1/4).

WHEREAS the proposed district meets the conditions requisite for creation of a district as prescribed in MN Statutes Section 115.19, which states that "a sanitary district may be created for the purpose of promoting the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage"; and

WHEREAS proceeding to create a district may be initiated by a petition to the Minnesota Pollution Control Agency requesting creation of a district; and

WHEREAS the petition must be signed by each county wherein there is a territorial unit of the proposed district consisting of an unorganized area. For the purposes of the creation of this district, the Village of Leota is an unorganized area wholly within Nobles County; and

WHEREAS the County of Nobles has determined that the interests of the people served by the proposed District is best served by creating a sanitary sewer district; and

THEREFORE, BE IT RESOLVED that the Nobles County Board of Commissioner does hereby authorize the Chairperson to sign, on behalf of Nobles County, the petition to the Minnesota Pollution Control Agency in support of the creation of the Leota Sanitary District.

Bonnie Frederickson, Nobles-Rock Public Health Services and Lee McAllister, Family Services Director, met with the Board to begin discussing the options available to Nobles County in regards to county based purchasing and State legislation on Prepaid Medical Assistance Program (PMAP) as preliminary plans need to be submitted to the State by September 1, 1997. No action was taken.

On a motion by Claire Gerber and seconded by Mary Wasko, it was duly passed to declare the Highway Shop in Wilmont to be "surplus property" and further, that proceeds from the sale of the property be dedicated for highway building purposes.

On a motion by Mary Wasko and seconded by Michael Peil, it was duly passed that Family Services Administration, Family Services Social Services, and General Government claims be allowed and ordered paid.

Family Services Administration

Warrant No. 69755 through 69723

Distribution Formula.....	\$	13,668.19
Social Service Fund.....		11,831.36
Agency Fund.....		73,046.89
Total	\$	98,046.89

Family Services Social Services

Warrant No. 69705 through 69721

Total \$ 52,202.92

General Government

Warrant No. 73731 through 73806

General Fund.....	\$	18,929.01
Road & Bridge Fund.....		14,705.75
Environmental Services Fund.....		676.45
Building Fund.....		37,949.74
Extension Fund.....		243.71
Total	\$	72,504.66

There being no further business, the Board adjourned sine die.

David G. Benson
Chairperson

ATTEST:
Melvin J. Ruppert
County Administrator

(May 29)
#1563

0

LEOTA TOWNSHIP RESOLUTION

WHEREAS pursuant to needed wastewater treatment improvements in the Village of Leota, the Village is pursuing the creation of a sanitary sewer district in compliance with MN Statutes Chapter 115.18 to 115.37; and

WHEREAS the name of the proposed sanitary district will be the Leota Sanitary District; and

WHEREAS a description of the proposed sanitary district is:

A Sanitary District situated in Sections Four (Sec. 4), Five (Sect. 5), Eight (Sect. 8) and Nine (Sect. 9), all in Township 104 North (T104N), Range 43 West (R43W) of the Fifth Principal Meridian (5th P.M.), Nobles County, Minnesota.

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- Section 9: The Northwest Quarter of the Northwest Quarter (NW 1/4 - NW 1/4).

WHEREAS the proposed district meets the conditions requisite for creation of a district as prescribed in MN Statutes Section 115.19, which state that "a sanitary district may be created for the purpose of promoting the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage"; and

WHEREAS proceeding to create a district may be initiated by a petition to the Minnesota Pollution Control Agency requesting creation of a district; and

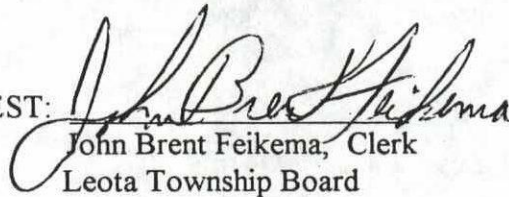
WHEREAS the petition must be signed by each township wherein there is a territorial unit of the proposed district consisting of an unorganized area. For the purposes of the creation of this district, the Village of Leota is an unorganized area wholly within Leota Township and Nobles County; and

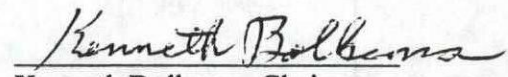
WHEREAS the Township of Leota has determined that the interests of the people served by the proposed District is best served by creating a sanitary sewer district; and

THEREFORE, the Leota Township Board does hereby authorize the Chair to sign the petition to the Minnesota Pollution Control Agency in support of the creation of the Leota Sanitary District.

BE IT ADOPTED THIS 22 DAY OF April, 1997.

ATTEST:


John Brent Feikema, Clerk
Leota Township Board


Kenneth Bolkema, Chairman
Leota Township Board

**LEOTA TOWNSHIP
RESOLUTION**

WHEREAS pursuant to needed wastewater treatment improvements in the Village of Leota, the Village is pursuing the creation of a sanitary sewer district in compliance with MN Statutes Chapter 115.18 to 115.37; and

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WHEREAS proceeding to create proposed District is best served by creating a sanitary sewer district; and

THEREFORE, the Leota Township Board does hereby authorize the Chair to sign the petition to the Minnesota Pollution Control Agency in support of the creation of the Leota Sanitary District.

BE IT ADOPTED THIS 22ND DAY OF APRIL, 1997.

s/Kenneth Bolkema, Chairman
Leota Township Board

ATTEST: s/John Brent Feikema,
Clerk

9c Leota Township Board

Affidavit of Publication

STATE OF MINNESOTA)
) ss.
COUNTY OF PIPESTONE)

Melvin DeBoer, being duly sworn, on oath says that he is the publisher or authorized agent and employee of the publisher of the newspaper known as *The Edgerton Enterprise*, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualifications as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07 and other applicable laws, as amended.

(B) The printed LEGAL NOTICE ABOUT SANITARY SEWER

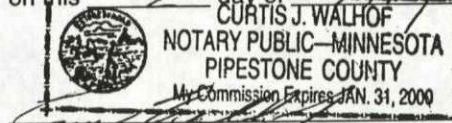
which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive weeks; it was first published on Wednesday, the 30TH day of APRIL, 1997, and was thereafter printed and published on every Wednesday to and including Wednesday, the - day of -, 199-; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

By: Melvin DeBoer
Publisher

Subscribed and sworn to before me

on this 22 day of APRIL, 1997.



Notary Public.

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space - \$4.30/column inch
- (2) Maximum rate allowed by law for the above matter - \$4.30/column inch
- (3) Rate actually charged for the above matter - \$3.90/col. inch

PETITION TO CREATE LEOTA SANITARY DISTRICT

This petition will be filed with the commissioner of the Minnesota Pollution Control Agency (MPCA) for the purpose of creating a sanitary district which will be known as the "Leota Sanitary District." The proposed district encompasses the area known as the Village of Leota, in Leota Township, Nobles County, Minnesota. A map showing the proposed district is attached as "Attachment A."

A description of the Leota Sanitary District is as follows:

A Sanitary District situated in Sections Four (Sec. 4), Five (Sect. 5), Eight (Sect. 8) and Nine (Sect. 9), all in Township 104 North (T104N), Range 43 West (R43W) of the Fifth Principal Meridian (5th P.M.), Nobles County, Minnesota.

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This district will not be within 25 miles of the boundary of any city of the first class. This petition is being presented to landowners in the territorial unit of the proposed district, the Nobles County Board of Commissioners, and the Leota Township Board.

Your signature on this petition shows your support for the creation of the Leota Sanitary District. This petition will be filed with the Commissioner of the Minnesota Pollution Control Agency.

Printed Name

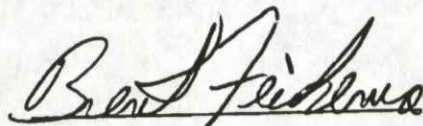
Signature

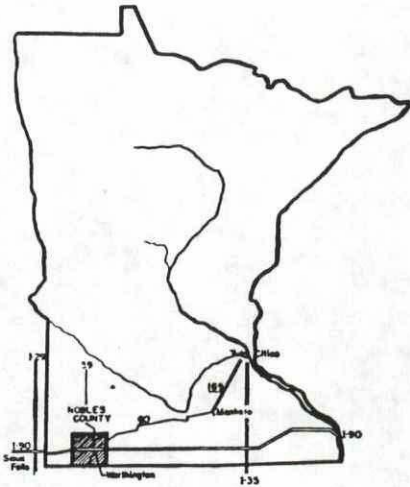
Mailing Address

1. Marion H Bellkema Marion H Bellkema RT 1 Box 115 Edgerton, Minn
56128
2. Leota Township Board Chairman RT 1 Box 115 Edgerton, Minn
56128
3. _____ H-21-97
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

At regular Leota Twp. board meeting held April 22, 1997 the Edgerton Enterprise was adopted as the official newspaper of the township. Article 7 of that meeting reads as follows.

A motion was made to adopt the Edgerton Enterprise as the official newspaper of Leota Twp. The motion was supported and carried.

 Clerk of Leota Twp.



COUNTY OF NOBLES
OFFICE OF
COUNTY AUDITOR-TREASURER

Phone 507-372-8233 Fax 507-372-8223
P.O. Box 757 Worthington, Minnesota 56187-0757
Sharon A. Balster, Auditor-Treasurer

June 19, 1997

Peder Larson
Commissioner
MN Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-3898

Dear Mr. Larson:

The purpose of this letter is to provide information required by MN Statutes when creating a sanitary sewer district. The Leota Sanitary District is being proposed for creation within Nobles County.

The attached list contains the names and addresses of all property owners located within the proposed territorial boundaries of the Leota Sanitary District.

In addition, I have reviewed the petitions signed in favor of creation of the sanitary district. Based on the Nobles County Auditor's tax assessment records, I certify that each of the signers are landowners within the boundaries of the proposed sanitary district.

Sincerely,

Sharon A. Balster
Auditor-Treasurer
Nobles County, Minnesota

Property Owners Within the Leota Sanitary District

Marvin & Henrietta
Achterhoff
P.O. Box 333
Leota, MN 56153-0333

Willard Clarence Anker
1510 Brandon Road
Glenview, IL 60025

Durky Baar
P.O. Box 252
Leota, MN 56153-0252

Bethel Reformed Church
P.O. Box 308
Leota, MN 56153-0308

Floyd & Elda Beukelman
460 S. First St.
P.O. Box 291
Leota, MN 56153

Peter & Henrietta Beukelman
P.O. Box 295
Leota, MN 56153-0295

Dick & Pauline Blom
435 Main St.
P.O. Box 216
Leota, MN 56153

Joan Lucille Strauss
P.O. Box 216
Leota, MN 56153

Glenn & Geraldine Blom
P.O. Box 304
Leota, MN 56153-0304

Henry & Edna Blom
P.O. Box 303
Leota, MN 56153-0303

Kenneth & Lucy Bolkema
RR2 Box 115
Edgerton, MN 56128

John & Marlys Bouw
P.O. Box 372
Leota, MN 56153-0372

Henry Bovendam
P.O. Box 342
Leota, MN 56153-0342

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ORDINANCE NO. 46

VILLAGE OF LEOTA, MINNESOTA

AN ORDINANCE ESTABLISHING USE AND RATE REGULATIONS FOR MUNICIPAL
WASTEWATER TREATMENT FACILITIES

An ordinance regulating the use of and establishing a charge system for public and private sewers, establishing methods for a sewer service charge system, and providing penalties for violations of the regulations herein defined.

Be it ordained and enacted by the Council of the Village of Leota, Minnesota as follows:

ARTICLE I

Definitions

Unless the context specifically indicates otherwise, the terms used in this Article shall have the meanings hereby designated:

- Sec. 1. "Act" - The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251 et seq.
- Sec. 2. "BOD₅" or "Biochemical Oxygen Demand" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees Centigrade and as expressed in terms of milligrams per liter (mg/l).
- Sec. 3. "Building Drain" - That point of a building which conveys wastewater to the building sewer, beginning 1 ft. outside the building wall.
- Sec. 4. "City" - The area within the corporate boundaries of the Village of Leota, the Village Trustees, its authorized representative, or the authorized representative of the sanitary sewer district.
- Sec. 5. "Debt Service Charge" - A charge to users of the wastewater treatment facility for the purpose of repaying capital costs.
- Sec. 6. "Equivalent Residential Unit" (ERU) - A unit of wastewater volume of 300 gallons per day at a strength not greater than Normal Domestic Strength Waste (NDSW).
- Sec. 7. "Industrial User"
- (a) Any entity as defined in the Standard Industrial Classification Manual (latest edition) as categorized, that discharge wastewater to the public sewer.
 - Division A: Agriculture, Forestry and Fishing
 - Division B: Mining
 - Division D: Manufacturing
 - Division E: Transportation, Communications, Electric, Gas, and Sanitary Sewers

Division I: Services

- (b) Any user whose discharges, singly or by interaction with other wastes:
- * contaminate the sludge of the wastewater treatment system,
 - * injure or interfere with the treatment process,
 - * create a public nuisance or hazard,
 - * have an adverse effect on the waters receiving wastewater treatment plant discharges,
 - * exceed NDSW limitations,
 - * exceed normal residential unit volumes of wastewater.

- Sec. 8. "Infiltration/Inflow (I/I)" - Water other than wastewater that enters the sewer system from the ground or from surface runoff, as defined in Minnesota Rules.
- Sec. 9. "MPCA" - Minnesota Pollution Control Agency.
- Sec. 10. "National Categorical Pretreatment Standards" - Federal regulations establishing pretreatment standards for introduction of pollutants in publicly owned wastewater treatment facilities. Section 307(b) of the Act.
- Sec. 11. "National Pollutant Discharge Elimination System (NPDES) Permit" - A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge pursuant to Sections 402 and 405 of the Act.
- Sec. 12. "Natural Outlet" - Any outlet, including storm sewers and combined sewers, which flows into a body of surface water or ground water.
- Sec. 13. "Normal Domestic Strength Waste" (NDSW) - Wastewater that is primarily introduced by residential users with BOD5 concentrations not greater than 204 mg/l and total suspended solids (TSS) concentrations not greater than 240 mg/l.
- Sec. 14. "Non-residential User" - A user of the treatment facility whose building is not used as a private residence, and discharges NDSW.
- Sec. 15. "Operation, Maintenance and Replacement Costs" (OM&R) - Expenditures necessary to provide for the dependable, economical, and efficient functioning of the treatment facility throughout its design life, including operator training, and permit fees. Replacement refers to equipment replacement costs, not the cost of future replacement of the entire facility.
- Sec. 16. "Residential User" - A user of the treatment facility whose building is used primarily as a private residence and discharges NDSW.
- Sec. 17. "Sewer" - A pipe or conduit that carries wastewater or drainage water.
- (a) "Building Sewer" - The extension from the building drain to the public sewer or other place of disposal, also referred to as a service connection.
- (b) "Sanitary Sewer" - A sewer designed to carry only liquid and water-carried wastes from residential, non-residential, and industrial sources together with minor quantities of I/I.

- (c) "Storm Sewer" - A sewer intended to carry unpolluted surface and sub-surface water from any source.
- Sec. 18. "Sewer Service Charge" - The total of the User Charge and the Debt Service Charge.
- Sec. 19. "Slug" - A discharge of water or wastewater which in concentration or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24-hour concentration of flows during normal operation.
- Sec. 20. "State Disposal System (SDS) Permit" - A permit issued by the MPCA pursuant to Minn. Stat. § 115.01, subd. 8.
- Sec. 21. "Total Suspended Solids" (TSS) - The total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" (latest edition).
- Sec. 22. "Unpolluted Water" - Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards. An example could be non-contact cooling water.
- Sec. 23. "User Charge" - A charge to users of a treatment facility for the user's proportionate share of the cost of operation and maintenance, including replacement.
- Sec. 24. "Wastewater" - Liquid and water-carried wastes from residential, non-residential, and industrial users, together with any ground water, surface water, and storm water that may be present.
- Sec. 25. "Wastewater Treatment Facilities" or "Treatment Facilities" - The land, devices, facilities, structures, equipment, and processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal wastewater, and the disposal of residues resulting from such treatment.

ARTICLE II

Control by the Authorized Representative

The community's governing council shall appoint an Authorized Representative who shall have control and general supervision of all public sewers and service connections in the community or sewer district, and shall be responsible for administering the provisions of this Ordinance to ensure that a proper and efficient public sewer is maintained. The authorized representative may delegate responsibilities to designated representatives.

ARTICLE III

Use of Public Sewers Required

Within 60 days of receiving official notification the owners of all properties within 300 feet of a sanitary sewer collection system shall install a suitable service connection, at their own expense in accordance with the provisions of this ordinance.

In the event an owner shall fail to connect to a public sewer in compliance with a notice given under this Ordinance, the community or sewer district will have said connection made and shall assess the cost against the benefited property.

Except as provided hereinafter, it shall be unlawful to construct or maintain any private facility intended or used for the disposal of wastewater.

ARTICLE IV

Private Wastewater Disposal

- Sec. 1. Where a public sewer is not available under the provisions of Article II, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.
- Sec. 2. Before construction of a private wastewater disposal system, the owner(s) shall obtain a written permit signed by the authorized representative. The permit shall not become effective until the installation is completed to the representative's satisfaction. A designated representative shall be allowed to inspect any stage of construction. The applicant for the permit shall give notification when ready for the system's final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice.
- Sec. 3. The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of Minnesota Rules Chapter 7080, and applicable local ordinances.
- Sec. 4. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the community or sewer district.
- Sec. 5. When the public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 60 days in compliance with this Ordinance, and within 90 days private wastewater disposal systems will be cleaned of all sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.
- Sec. 6. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the MPCA, the State Department of Health, or other responsible federal, state, local agencies.

ARTICLE V

Building Sewers and Connections Design

- Sec. 1. No person(s) shall make any alterations to the public sewer or any appurtenances thereof without first obtaining a written permit from the City. No private building drain shall extend beyond the limits of the building or property for which the permit has been given.

Any new connection to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to, capacity for flow, BOD5, and TSS as determined by the authorized representative.

- Sec. 2. A separate and independent building sewer shall be provided for each building. Old building sewers may be used to service new buildings only when they are found to meet all requirements of this Ordinance.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater shall be lifted by an approved means and discharged to the building sewer.

- Sec. 3. The construction and connection of the building sewer to the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code, applicable rules and regulations of the City and the materials and procedural specifications set forth in the American Society of Testing Materials (ASTM) and the Water Pollution Control Federation (WPCF) Manual of Practice No. 9. All such connections shall be made gas and watertight, and verified by proper testing to prevent I/I.

- Sec. 4. No unpolluted water sources shall be connected to the sanitary sewer.

- Sec. 5. The applicant for the building sewer permit shall notify the community or sewer district when the building sewer is ready for connection to the public sewer. The connection shall be made under the supervision of a designated representative.

ARTICLE VI

Use of Public Wastewater Treatment Facilities

- Sec. 1. No unpolluted water or storm water shall be discharged to the sanitary sewer. Such water shall be discharged only to storm sewers or to natural outlets approved by the City and other regulatory agencies.

- Sec. 2. No person(s) shall discharge any of the following substances to the public sewer.

- (a) Liquids, solids, gases, or other substances which singly or by interaction with others may cause fire or explosion.
- (b) Solid or viscous substances which may cause obstruction to the flow in a sewer.
- (c) Wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive or caustic property capable of causing damage or hazard.
- (d) Wastewater containing toxic pollutants, as defined in section 307(a) of the Water Pollution Control Act and Minn. Stat. § 115.01 subd. 14.

Sec. 3.

Discharges of the following substances shall be limited to concentrations or quantities which will not harm the wastewater facility, streams, soils, vegetation, ground water, and will not otherwise create a hazard or nuisance. The authorized representative may set limitations lower than the prohibition limits outlined below. Consideration will be given to such factors as the quantity of waste in relation to flows and velocities, materials of construction, the community's NPDES and SDS permits, capacity of the treatment plant, degree of treatability of wastes and other pertinent factors.

- (a) Wastewater having a temperature greater than 150° F (65.6° C), or causing, individually or in combination with other wastewater, the influent at the treatment facilities to have a temperature exceeding 104° F (40° C), or having heat in amounts which will be detrimental to biological activity in the treatment facilities.
- (b) Wastewater containing fats, wax, grease or oils in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° F and 150° F (0° C and 65.6° C).
- (c) A discharge of water or wastewater which in concentration or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24-hour concentration of flows during normal operation.
- (d) Food wastes not properly shredded to such a degree that all particles will be carried freely under normal flow conditions with no particle greater than 1/2 inch in any dimension.
- (e) Noxious or malodorous liquids, gases, or solids.
- (f) Wastewater with objectionable color not removed in the treatment process.
- (g) Wastewater containing inert suspended solids in such quantities that would cause disruption to the wastewater treatment facilities.
- (h) Radioactive wastes or isotopes in concentrations that exceed limits established by applicable state and federal regulations.
- (i) Wastewater with BOD₅ or suspended solids levels that require additional treatment, except as may be permitted by specific written agreement with the city subject to Article V, Sec. 11 of this ordinance.
- (j) Wastewater containing substances which cannot be treated to produce effluent quality required by the permit or causes a violation of any applicable local, state, or federal regulation.

Sec. 4.

In the event of discharges to the public sewers which contain substances or possess characteristics prohibited in Secs. 2 and 3 of this Article or which in the judgment of the Representative, may have a deleterious effect to the treatment facility, receiving

waters, soils, vegetation, or which create a hazard or nuisance, the Representative may:

- (a) Refuse to accept the wastes.
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act and all addenda thereof.
- (c) Require control over the quantities and rates of discharge.
- (d) Require payment to cover all the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer charges.

If the Representative permits the pretreatment or equalization of waste flows, the design, installation, maintenance and efficient operation of the facilities and equipment shall be at the owner's expense and shall be subject to review and approval by the City pursuant to the requirements of the MPCA.

Sec. 5. No user shall increase the use of process water or in any manner attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this Article, the National Categorical Pretreatment Standards, and any state or local requirement.

Sec. 6. Grease, oil and sand interceptors shall be provided at the owner's expense when, in the opinion of the Representative, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, any flammable wastes, sand or other harmful ingredients. All interceptors shall be readily and easily accessible for cleaning and inspection. The owner shall be responsible for the maintenance of interceptors, including proper removal and disposal of the captured materials by appropriate means.

Any material removal and hauling must be performed by the owner's personnel or a currently licensed waste disposal firm and in compliance with all applicable laws and regulations.

Sec. 7. Where required by the Representative, industrial users shall install and maintain at their own expense a suitable structure or control manhole with such necessary meters and other testing equipment needed to facilitate observation, sampling, and measurement of wastewater. The manhole will be safe and accessible at all times. The Council may require submission of laboratory analyses to illustrate compliance with this Ordinance and any special conditions for discharge established by the Council or responsible regulatory agency. All measurements, tests and analyses to which reference is made in this ordinance shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

Sec. 8. Where required by the Representative, users shall provide protection from an accidental discharge of substances regulated by this Ordinance. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans and operating

procedures of said facilities shall be submitted to the Representative for review and approval prior to construction of the facility. Approval of such plans and operating procedures shall not relieve user from the responsibility of modifying the facility as necessary to meet the requirements of this Ordinance.

Users shall notify the Representative immediately if a slug or accidental discharge of wastewater occurs in violation of this Ordinance. Notification will allow measures to be taken to minimize damage to the treatment facilities. Notification will not relieve users of liability for any expense, loss or damage to the treatment facilities, or for fines imposed on the community or sewer district by any state or federal agency as a result of their actions.

Sec. 9. No person shall permit any substance or matter which may form a deposit or obstruction of flow to be discharged into the public sewer. Whenever any service connection becomes clogged, obstructed, detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall make repairs as directed by the Representative.

Each day after 2 days that the owner neglects to make said repairs, shall constitute a separate violation of this Section. The Representative may then cause the work to be done and recover related expenses from the owner or agent by an action in the name of the community or sewer district.

Sec. 10. In addition to penalties that may be imposed for violation of any provision of this Article, the City may assess against the user/owner the cost of repairing or restoring sewers and associated facilities damaged as a result of the discharge of prohibited wastes and may collect the assessment as an additional charge for the use of the public sewer system.

Sec. 11. No statement contained in this Article shall prevent any special agreement or arrangement between the community or sewer district of Leota, Minnesota and any industrial user. Industrial waste of unusual strength or character may be accepted by the facility for treatment, subject to adequate payment by the industrial user, providing that National Categorical Pretreatment Standards and the City's NPDES and SDS permit limitations are not violated.

ARTICLE VII

No person(s) shall willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the wastewater treatment facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

ARTICLE VIII

Powers and Authority of Inspectors

Duly authorized employee(s) of the community or sewer district, bearing proper credentials and identification, shall be permitted to enter all properties for inspection, observations, measurement, sampling, testing, repair and maintenance in accordance with the provisions of this Ordinance.

Industrial users shall be required to provide information concerning industrial processes which have a direct bearing on the type and source of discharge to the collection system. An industry may withhold information considered confidential. However, the industry must establish that the information in question might result in an advantage to competitors and that the industrial process does not have deleterious results on the treatment process.

ARTICLE IX

The Sewer Service Charge System

Sec. 1. The Village of Leota hereby establishes a Sewer Service Charge System. All revenue collected from users of the wastewater treatment facilities will be used for annual operation, maintenance, replacement, and capital costs. Each user shall pay a proportionate share of operation, maintenance and replacement costs based on the users proportionate contribution to the total wastewater loading.

Charges to users of the wastewater treatment facility shall be determined and fixed in a Sewer Service Charge System (SSCS) developed according to the provisions of this Ordinance. The SSCS adopted by resolution upon enactment of this Ordinance shall be published in the local newspaper and shall be effective upon publication. Subsequent changes in the sewer service rates and charges shall be adopted by Council resolution and published in the local paper.

Revenues collected through the SSCS shall be deposited in a separate fund known as the Sewer Service Fund (SSF).

Sec. 2. The community or sewer district of Leota, Minnesota hereby establishes a Sewer Service Fund as an income fund to receive all revenues generated by the SSCS and all other income dedicated to the wastewater treatment facility.

The SSF administered by a designated representative shall be separate and apart from all other accounts. Revenue received by the SSF shall be transferred to the following accounts established as income and expenditure accounts.

- 1) Operation and Maintenance
- 2) Equipment Replacement
- 3) Debt Retirement for the treatment facility (if any)

Sec. 3. Administration of the Sewer Service Fund

A designated representative shall maintain a proper system of accounts and records suitable for determining the operation, maintenance, replacement (OM&R) and debt retirement costs of the treatment facilities, and shall furnish the Council with a report of such costs annually.

At that time the Council shall determine whether sufficient revenue is being generated for the effective management of the facilities and debt retirement. The Council will also determine whether the user charges are distributed proportionately. If necessary, the SSCS shall be revised to insure proportionality of user charges and sufficient funds.

In accordance with State requirements, each user will be notified annually in conjunction with a regular billing of that portion of the Sewer Service Charge attributable to OM&R.

Sewer Service Charges shall be billed on a monthly basis. Any bill not paid in full 30 days after the due date will be considered delinquent. At that time the user will be notified regarding the delinquent bill and subsequent penalty. The penalty shall be computed as 1.5% of the original bill and shall be increased by the same percent for every month the bill is outstanding.

ARTICLE X

Penalties

- Sec. 1. To collect delinquent sewer service charge accounts, the community or sewer district may file a civil action suit or levy a lien against the violator. Related attorneys fees fixed by court order shall also be collected. The violator shall be liable for interest on all balances at a rate of 18 percent annually.
- Sec. 2. Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss or damage occasioned by the community or sewer district by reason of such violation.

ARTICLE XI

Validity

- Sec. 1. This Ordinance shall be in full force and take effect from and after its passage and approval and publication as provided by law.
- Sec. 2. All other ordinances and parts of other ordinances inconsistent or in conflict with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.
- Sec. 3. Passed by the Village Trustees of the Village of Leota, Minnesota on the _____ day of _____, 19____.

_____ Mayor

Attest:

_____ City Clerk

Published in the _____ on the _____ day of _____, 19____.

APPENDIX A

Determination of Sewer Service Charges (Metered)

Sec. 1. Users of the wastewater treatment facilities shall be permitted into one of the following classes:

- 1) Residential
- 2) Non-residential
- 3) Industrial

Charges to users who discharge NDSW will be calculated on the basis of metered water use.

Sec. 2. Each user shall pay operation, maintenance and replacement costs in proportion to the user's contribution of wastewater flows and loadings to the treatment plant, with a minimum rate for loadings of BOD and TSS being the rate established for normal domestic strength waste (NDSW) concentrations.

Those industrial users discharging only segregated NDSW can be classified as non-residential users for the purposes of rate determination.

Sec. 3. Charges for residential and non-residential users will be determined proportionately according to billable wastewater flow.

RESIDENTIAL USERS: Billable wastewater volume for residential users shall be calculated on the basis of metered water usage. The monthly billable wastewater volume will be equal to the average monthly usage from the last calendar year. The city may require residential users to install water meters for the purpose of determining billable wastewater volume.

NON-RESIDENTIAL USERS: Billable wastewater volume of non-residential users may be determined in the same manner as for residential users, except that if the City determines that there are significant seasonal variations in metered water usage resulting in a proportionate increase in wastewater volume, the billable wastewater volume will be:

- 1) Calculated on the basis of monthly water usage as recorded throughout the year; or
- 2) Calculated on the basis of metered wastewater flow. The City may require non-residential users to install such additional water meters or wastewater flow meters as may be necessary to determine billable wastewater volume.

Sec. 4. Determination of User Charges

A. For producers of Normal Domestic Strength Wastes:

$$Uomr = \frac{Comr}{Tbwv}$$

Where: Uomr = Unit cost for Operation, Maintenance and Equipment Replacement in \$/Kgal.

Comr = Total annual OM&R costs.

Tbwv = Total annual billable wastewater flow in Kgal.

\$15,000

$$Uomr = (20.5) (365) = \$2.00/1,000 \text{ gal.}$$

B. Calculation of User Charges:

$$Uc = Uomr \times bwv$$

Where: UC = User Charge.
 Uomr = Unit cost for Operation, Maintenance and
 Equipment Replacement in \$/Kgal.
 bwv = Billable wastewater volume in Kgal.

$$Uc = \$2.00 \times \frac{(200) (30)}{1,000} = \$12.00/mo.$$

Sec. 5. Recovery of Local Construction Costs

Local construction costs for the wastewater treatment facility will be recovered through a per-connection debt service charge determined as follows:

$$Cc = \frac{Cds}{Tc}$$

Where: Cc = Debt Service Charge per connection.
 Cds = Cost of annual debt service.
 Tc = Total number of connections to the wastewater treatment facilities.

$$Cc = \frac{\$27,706.78}{(121) (12)} = \$19.08/mo.$$

Sec. 6. Determination of Sewer Service Charges

The sewer service charge for a particular connection shall be determined as follows:

$$SSC = Uc + Tc$$

Where: SSC = Sewer Service Charge.
 Uc = User Charge.
 Tc = Debt Service Charge.

Sec. 7. The Sewer Service Charges established in this ordinance will not prevent the assessment of additional charges to users who discharge wastes in concentrations greater than NDSW or of unusual character (industrial users). Special contractual agreements can be made with such users, subject to the following conditions:

- 1) The user pays OM&R costs in proportion to the user's contribution of wastewater flows and loadings to the treatment facility, and no user is charged at a rate inferior to the charge for normal domestic strength wastes.

- 2) The sampling of wastewater shall be conducted in accordance with the techniques established in "Standard Methods for the Examination of Water and Wastewater," latest edition.

A study of unit costs of collection and treatment processes attributable to flow, BOD, TSS, and other significant loadings shall be developed and used to determine the proportionate allocation of costs to flows and loadings for industrial users.

GUIDANCE FOR OM&R COST DETERMINATION

The following is a guide to help cities determine the annual operation, maintenance, and equipment replacement costs incurred in the efficient operation of their wastewater treatment facility. The costs usually associated with OM&R are itemized below. Please include any additional line items for additional costs that your city may incur.

A. Projected Equipment Replacement Costs (items with design life < 20 years)

<u>Item</u>	<u>cost/ unit</u>	<u>avg. useful life in yrs.</u>	<u>annual repl. cost/unit</u>	<u>annual repl. fund investment</u>
1. Pump No. 1	\$3,000	10	\$300	\$300
2. Pump No. 2	\$3,000	10	\$300	\$300
3.	\$		\$	\$
4.	\$		\$	\$

Total annual equipment replacement costs.....				\$600

B. Projected Utility Costs
(contact your utility for rate information)

<u>Component</u>	<u>Equiv. HP</u>	<u>daily KW hours</u>	<u>avg. KWH /month</u>	<u>avg. KWH \$ /month</u>	<u>Demand Charge</u>	<u>Total Cost</u>
1. Pumps				\$	\$	\$4/da.
2.				\$	\$	\$
3.				\$	\$	\$
4.				\$	\$	\$

Total annual utility costs.....						\$1,500

C. Projected Operator Training Costs

<u>Training Item</u>	<u>Costs</u>	<u>Annual Cost</u>
1. License Fees	\$	\$
2. Tuition and Training Materials	\$	\$
3. Food	\$	\$
4. Lodging	\$	\$
5. Travel	\$	\$

Total annual operator training costs.....		\$

Training and licensing required every 3 years at a minimum.
 License cost is \$15.00, Tuition and Training \$75.00

D. Projected Permit Costs

<u>Item</u>	<u>Cost</u>	<u>Annual Cost</u>
1. Permit fees	\$	\$
NPDES	\$	\$ 500
SDS	\$	\$
2. Sampling	\$	\$
3. Lab Fees	\$	\$ <u>1,200</u>
Total Annual		\$ 1,700

E.

Projected Labor Costs

<u>Task</u>	<u>wage rate</u>	<u>annual hours</u>	<u>annual cost/task</u>
1. Inspection & Records	\$	\$	\$
2. Scheduled Maintenance	\$	\$	\$
3. Grounds & Housekeeping	\$	\$	\$
4. Emergency Maintenance	\$	\$	\$
5. Operator Training	\$	\$	\$
6. Sampling	\$	\$	\$
7. Chemical Feed	\$	\$	\$
8. Administration	\$	\$	\$
9.	\$	\$	\$
10.	\$	\$	\$
Total annual labor costs.....			\$

Total Operation, Maintenance, and Replacement Costs

<u>Itemized Costs</u>	<u>Total Annual Costs</u>
1. Labor Costs.....	\$ 5,000
2. Employee Benefits.....	\$ 1,000
3. Administration	
Supplies.....City Clerk.....	\$ 2,000
Postage.....	\$ 600
4. Utilities	
Electricity.....	\$ 1,500
other.....	\$
5. Chemicals.....	\$
6. Transportation	
Fuel.....	\$ 300
Parts.....	\$
Tools.....	\$
7. Building Grounds & Maintenance	
Parts.....Mowing.....	\$ 1,500
Tools.....	\$
Fuel.....	\$
8. Contractual Services	
Testing.....	\$
Other.....	\$
9. Permit Costs.....	\$ 1,700
10. Equipment Maintenance	
Tools.....	\$
Parts.....	\$
Meters.....	\$
11. Replacement Costs.....	\$ 600
12. Operator Training.....	\$
13. Contingency Fund.....	\$ 800

TOTAL ANNUAL OM&R COSTS.....	\$15,000

BY-LAWS
OF
LEOTA SANITARY DISTRICT

PREAMBLE

These By-Laws are hereby enacted, approved and adopted by the Board of Managers of the Leota Sanitary District as created pursuant to Chapter 115.18 to 115.37, Laws of Minnesota, be referred to, to determine the basic purposes of the Board and the Sanitary District. These By-Laws are herewith adopted for the purpose of outlining the operational procedures to be followed by the Board, its officers and employees in carrying out the purposes set forth in the Statute. If, at any time, any conflict should arise between the provisions of these By-Laws and the provisions and directives of the Statute, then and in those events the Board hereby declares that the provisions of said Statute shall in all cases be controlling.

ARTICLE I: MEETINGS OF THE BOARD

1. **REGULAR MEETINGS.** The regular monthly meetings of the Board shall be on the second Friday of each month at 7:00 o'clock P.M. at the Board's general office, or at such other place as the Board may determine by resolution.

2. **SPECIAL MEETINGS.** Special meetings may be held at any time subject to the call of the Chair or of any two Board members. Such special meetings shall be called by written notice, sent by regular mail, to each member of the Board at least three (3) business days prior to the meeting, or upon such other notice as the Board may by resolution provide, or without notice,

if each member of the Board files with the Secretary a written waiver of notice and consent to the meeting, either before or after said meeting.

“Business days” as used herein shall mean Monday through Saturday, inclusive, but shall not include the following holidays: New Years Day, January 1; Washington and Lincoln’s birthdays, the 3rd Monday in February; Martin Luther King’s birthday, the third Monday in January; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veteran’s Day, the fourth Monday in October; Thanksgiving Day, the fourth Thursday in November; and Christmas Day, December 25; provided, when New Years Day, January 1; or Independence Day, July 4; or Christmas Day, December 25; falls on Sunday, the following days shall be a holiday, and, provided, when New Years Day, January 1; or Independence Day, July 4; or Christmas Day, December 25; falls on Saturday, the proceeding day shall be a holiday.

3. **ANNUAL MEETING.** The Board shall hold a regular meeting at the call of the Chair or otherwise as it shall prescribe on or as soon as practicable after the first business day in January of each year, to elect the officers to serve until the first business day in January next following. Each officer shall serve until a successor is elected and has qualified.

ARTICLE II: BOARD OF MANAGERS

1. **RESIDENCY.** The governing body of the Leota Sanitary District shall be a Board of Managers of five members, who shall be voters residing in the District, and who may but need not be officers, members of governing bodies, or employees of the related governmental subdivisions, except where there are more than five territorial units in a district there shall be one board member for each district.

2. **TERRITORIAL UNITS.** The District shall be comprised of one (1) defined territorial unit as delineated per map attachment identified as "Boundary Plan Leota Sanitary District."

3. **QUALIFICATIONS.** Any interested person, who shall be a voter residing in the District, shall be qualified to serve on the Board of Managers.

4. **TERM OF OFFICE.** The terms of the first board members elected after creation of the District shall be so arranged and determined by the electing body as to expire on the first business day in January as follows:

(1) The terms of two members in the second calendar year after the year in which they were elected;

(2) The terms of the two other members in the third calendar year after the year in which they were elected;

(3) The term of the remaining member in the fourth calendar year after the year in which the member was elected.

Thereafter, board members shall be elected successively for regular terms beginning on expiration of the preceding terms and expiring on the first business day in January of the third calendar year thereafter. Each board member shall serve until a successor is elected and has qualified pursuant to Chapter 115.23, Laws of Minnesota.

5. **NOMINATIONS.** Nominations for board members shall be made by petitions, each signed by ten (10) or more voters residing and owning land in the District, filed with the clerk, or secretary of the electing body, or board, prior to the election meeting, or regular annual meeting. No person shall sign more than one petition. The electing body shall give due consideration to all such nominations but shall not be limited thereto.

6. **ELECTIONS.** The District's first board members shall be elected by the Leota Township Board. The Township Board shall elect the officers at the regular annual meeting for terms expiring on the first business day in January next following.

7. **NOTICE.** The Secretary of the Board shall notify the secretary of state, the secretary of the Minnesota Pollution Control Agency (hereinafter known in the bylaws as the agency), the Nobles County Auditor, and the clerk or recorder of each related governing body of the election of district officers, the location and the post office address of the District meeting place and any changes therein.

8. **VACANCIES.** Any vacancy in the membership of the Board shall be filled for the unexpired term in like manner as provided for the regular election of board members.

Vacancies on the Board by reason of death, disability, failure to reside in the District, or otherwise, shall be declared to exist and shall be filled by the Board of Managers, and the members thus appointed to fill vacancies shall serve until members to fill out the remainder of such terms respectively may be elected at the next succeeding district election.

ARTICLE III: OFFICERS

The officers of the Leota Sanitary District shall be a Chair and a Vice-Chair, who shall be members of the Board, and a Secretary and a Treasurer, who may but need not be members of the Board. The Board shall elect the officers at each regular annual meeting for terms expiring on the first business day in January next following. Each officer shall serve until a successor is elected and has qualified.

1. **CHAIR.** The Chair shall preside at all meetings of the Board, except as otherwise authorized by resolution of the Board. The Chair shall sign all contracts, deeds, and other instruments made or entered into by the Board. At each meeting, the Chair shall submit such recommendations and information as he / she may consider proper concerning business, affairs and policies of the Board.

2. **VICE-CHAIR.** The Vice-Chair shall perform the duties of the Chair in the absence or incapacity of the Chair, and in the case of the resignation or death of the Chair, the Vice Chair shall perform the Chair's duties until such time as a new Chair is elected and / or appointed.

3. **TREASURER.** The Treasurer shall have the care and custody of all funds of the District and shall deposit same in the name of the District in such depository as the Board may direct. He/she shall sign all orders and checks for the payment of funds and shall pay out and disburse such funds under the direction of the Board, all such orders and checks shall be countersigned by the Chair. The Treasurer shall keep regular books of accounts showing all receipts and disbursements and shall render to the Board at each regular meeting, an account of the transactions and the current financial standing of the Board.

4. **SECRETARY.** The Secretary shall keep the records of the Board, shall act as secretary of the meetings of the Board of Managers and record all votes, and shall keep a record of the proceedings to be kept for such purpose, and shall perform duties incident to the office.

ARTICLE IV: POWERS OF THE BOARD

1. The Board of Managers of the District shall have charge and control of all the funds, property, and affairs of the District. With respect thereto, the Board shall have like powers and duties as are provided by law for a statutory city council with respect to similar statutory city

matters, except as otherwise provided. Except as otherwise provided, the Chair, Vice-Chair, Secretary, and Treasurer of the District shall have like powers and duties, respectively, as the mayor, acting mayor, clerk, and treasurer of a statutory city. Except as otherwise provided the exercise of the powers and the performance of the duties of the Board and officers of the District and all other activities, transactions, and procedures of the District or any of its officers, agents, or employees, respectively, shall be governed by the provisions of law relating to similar matters in a statutory city, so far as applicable, with like force and effect.

2. The Board may enact ordinances, prescribe regulations, adopt resolutions, and take other appropriate action relating to any matter within the powers and purposes of the District, and may do and perform all other acts and things necessary or proper for the effectuation of said powers and the accomplishment of said purposes. The Board may provide that violation of any ordinance shall be a penal offense and may prescribe penalties therefor, not exceeding those prescribed by law for violation of statutory city ordinances.

3. Arrest; prosecution. Violations of District ordinances may be prosecuted before any court having jurisdiction of misdemeanors. Any constable or other peace officer may make arrests for violations committed anywhere within the District in the same manner as for violations of city ordinances or for statutory misdemeanors.

4. Reimbursement. Members of the Board of Managers shall be paid their actual expenses while engaged in performing the duties of their office or otherwise engaged upon the of the District.

ARTICLE V: SURETY BONDS

A. **COVERAGE.** The following officers and / or employees of the Board shall be covered by surety bonds in the following amounts:

- 1) Chair - \$10,000.00
- 2) Vice-Chair - \$10,000.00
- 3) Treasurer - \$10,000.00
- 4) Secretary - \$10,000.00

B. **BOND REQUIREMENTS AMENDMENT.** The Board may, by resolution, establish surety bonds requirements for such other employees in such amounts as it deems advisable and may increase the amount of surety bond required in Paragraph A above, by resolution. However any decrease in the amount of bonds required in Paragraph A above must be provided for by an appropriate amendment to these By-Laws.

ARTICLE VI: FINANCIAL MATTERS

A. **GENERAL.** The Board shall have complete authority over all financial affairs of the Sanitary District and shall be responsible for determining all expenses of the District and in the auditing and settlement of accounts, and in the collection, safekeeping and disbursements of all public monies coming into its possession.

B. **DISBURSEMENTS.**

1. **Checks and Orders.** All disbursements shall be duly authorized by the Board and shall be made only upon regular vouchers issued by the District Treasurer. The vouchers shall indicate the fund out of which the disbursement shall be made. Each order, when signed by any two (2) of the following persons, namely: Chair, Vice-Chair or Treasurer, shall become a check

payable to the payee at the Bank indicated thereon. The Chair, Vice-Chair or Treasurer shall issue no checks upon any fund except as above. No checks shall be issued until there is money to the credit of the fund out of which it is to be paid, sufficient to pay the same, together with all then outstanding vouchers against and encumbrances upon such fund. Any check for the payment of money violating any provision of this section shall be void and any officer of the Board violating any provision of this section shall be personally responsible for the amount of such payment, if any such payment is made contrary to the provisions hereof.

2. Claims. No claims against the District shall be allowed unless accompanied by an itemized, verified statement, payroll, or time sheet, signed by the officer who has personal knowledge of the facts of the case, and vouches for the correctness and the reasonableness of the claim. The Board, by resolution may make further regulations for the safekeeping and disbursement of the District funds.

C. BUDGET.

1. Committee. There shall be a Budget Committee composed of the Board Chair, Treasurer and a Board member selected by the Board. Such Budget Committee shall be responsible for preparing the budget for the Board for each fiscal year, and for such other duties as may be prescribed by the Board.

2. Committee Duties. Not later than the first meeting in August of each year, the Budget Committee shall prepare and submit to the Board a budget for the ensuing fiscal year. The budget shall be based upon detailed estimates and shall present the following information:

a). An itemized statement of the appropriations recommended by the Board Budget Committee for current expenses and for permanent improvements for the ensuing fiscal year, with

comparative statements of the appropriations and expenditures for the current and past preceding fiscal year.

b). Such other information as may be required by the District Board.

3. Consideration. The budget shall be the principal item of business at the first regular meeting in August and of all subsequent regular meetings until passed and adopted. The proposed budget shall be read and considered at, at least two (2) meetings of the District Board and such meetings shall not be less than seven (7) days apart.

4. Notice of Hearing and Hearing. All interested citizens of the District shall have a reasonable opportunity to be heard at any meeting at which the budget is considered. Prior to the adoption of the budget, the Board shall hold a hearing at which time interested citizens of the District may be heard. Notice of such hearing shall be published one (1) time in the official Jackson County newspaper at least seven (7) days prior to the hearing. The hearing may be held in conjunction with a regular or special meeting of the District Board.

ARTICLE VII: ACCOUNTING

A. FISCAL YEAR. The fiscal year of the District shall be the same as the calendar year.

B. ACCOUNTING METHODS. The Board may prescribe and enforce such accounting methods, forms, blanks, and other devices as are consistent with the law.

C. FINANCIAL STATEMENTS. The Treasurer shall submit to the Board a statement each month showing the amount of money in the Board Treasury, the status of all funds, the amount expended or chargeable against each of the annual allowances and the balance

left in each, and such other information relative to the finances of the District as the Board may require.

D. ANNUAL REPORT. Once in each year, and on or before the first day of March, the Treasurer shall submit a report for the past fiscal year, such report shall be as complete and detailed as said monthly reports and as complete as required by the Board, and shall cover the entire past fiscal year. It shall also show the total outstanding bonds and debts of the District, the maturity of the same, and the amount of the bonds and other evidence of indebtedness issued during the past fiscal year and the amount redeemed during the same period. It shall also show the rate of interest of said bonds or other evidence of indebtedness. It shall show the condition of the annual budget allowances and contain an inventory of all property owned by the District and such other information as the Board may require.

E. AUDIT. The books of the Board shall be audited regularly at least once each year by a reliable firm of certified public accountants employed by the Board or by the state public examiner. In addition to the reports furnished to the Board, such certified public accountant shall furnish a condensed report covering the audit, and such condensed report shall be published once in the official Leota Sanitary District newspaper.

ARTICLE VIII: COMMITTEES

Standing or temporary committees may be appointed from its own number by the Board from time to time, and the Board may from time to time invest such committees with such powers as it may see fit, subject to such conditions as may be prescribed by the Board. All committees so appointed shall report to the Board at such time or times as the Board may designate. If the

Board does not designate a time to report, all committees appointed shall report to the Board at the next regular meeting of the Board following the committee's appointment.

ARTICLE IX: EXECUTION OF DOCUMENTS

All contracts, bonds, certificates of indebtedness and all instruments of every kind to which the Board shall be a party, shall be signed by the Chair of the District and countersigned by the Secretary on behalf of the Board, and shall be executed in the name of the Board and shall have the official seal of the Board, if attached thereto.

ARTICLE X: PUBLIC ENTITY

1. The District shall be a public corporation and a governmental subdivision of the state, and shall be deemed to be a municipality or municipal corporation for the purpose of obtaining federal or state grants or loans or otherwise complying with any provision of federal or state law or for any other purpose relating to the powers and purposes of the district for which such status is now or hereafter required by law, pursuant to Chapter 115.25, Subdivision 1, Laws of Minnesota.

2. Except as otherwise provided, a power or duty vested in or imposed upon the District or any of its officers, agents, or employees shall not be deemed exclusive and shall not supersede or abridge any power or duty vested in or imposed upon any other agency of the state or any governmental subdivision thereof, but shall be supplementary thereto.

3. All powers of the District shall be exercised by its Board of Managers, except so far as approval of any action by popular vote or by any other authority may be expressly required by law.

4. The District may sue and be sued and may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.

5. The District may acquire by purchase, gift, or condemnation or may lease or rent any real or personal property within or without the District which may be necessary for the exercise of its powers or the accomplishment of its purposes, may hold such property for such purposes, and may lease or rent out or sell or otherwise dispose of any such property so far as not needed for such purposes.

6. The District may accept gifts, grants, or loans of money or other property from the United States, the state, or any person, corporation, or other entity for District purposes, may enter into any agreement required in connection therewith, and may hold, use, and dispose of such money or property in accordance with the terms of the gift, grant, loan, or agreement relating thereto.

ARTICLE XI: SPECIFIC POWERS

1. The District may construct, install, improve, maintain, and operate any system, works, or facilities within or without the District required to control and prevent pollution of any waters of the state within its territory. Pursuant to Chapter 115.26, Laws of Minnesota.

2. The District may construct, install, improve, maintain, and operate any system, works, or facilities within or without the District required to provide for, regulate, and control the disposal of sewage, industrial waste and other waste originating within its territory. The District may require any person upon whose premises there is any source of sewage, industrial waste, or other waste within the District to connect the same with the disposal system, works, or facilities of the District whenever reasonable opportunity therefor is provided.

3. The District may construct, install, improve, maintain, and operate any system, works, or facilities within or without the District required to provide for, regulate, and control the disposal of garbage or refuse originating within the District, and may require any person upon whose premises any garbage or refuse is produced or accumulated to dispose thereof through the system, works, or facilities of the District whenever reasonable opportunity is provided.

4. The District may procure supplies of water so far as necessary for any purpose under subdivisions 1, 2, and 3 above, and may construct, install, improve, maintain, and operate any system, works, or facilities required thereof within or without the District.

ARTICLE XII: DISTRICT PROJECTS AND FACILITIES

1. For the purpose of constructing, improving, maintaining, or operating any system, works, or facilities designed or used for any purpose under ARTICLE XI: SPECIFIC POWERS, the District, its officers, agents, employees, and contractors may enter, occupy, excavate, and otherwise operate it, upon, under, through, or along any public highway, including a state trunk highway, or any street, park, or other public grounds so far as necessary for such work, with the approval of the governing body or other authority in charge of the public property affected and on such terms as may be agreed upon with such governing body or authority respecting interference with public use, restoration of previous conditions, compensation for damages, and other pertinent matters. If such an agreement cannot be reached after reasonable opportunity therefor, the District may acquire the necessary rights, easements, or other interests in such public property by condemnation, subject to all applicable provisions of law as in case of taking private property, upon condition that the court shall determine that there is paramount public necessity for such acquisition.

2. The District may, upon such terms as may be agreed upon with the respective governing bodies or authorities concerned, provide for connecting with or using or may lease or acquire and take over any system, works, or facilities for any purpose under ARTICLE XI, belonging to any other governmental subdivision or other public agency.

3. The District may, upon such terms as may be agreed upon with respective governing bodies or authorities concerned, authorize the use by any other governmental subdivision or other public agency of any system, works, or facilities of the District constructed for any purpose under ARTICLE XI, so far as the capacity thereof is sufficient beyond the needs of the District. The District may extend any such system, works, or facilities and permit the use thereof by persons outside the District, so far as the capacity thereof is sufficient beyond the needs of the District, upon such terms as the board may prescribe.

4. The District may be a party to a joint cooperative project, undertaking, or enterprise with any one or more other governmental subdivisions or other public agencies for any purpose under ARTICLE XI, upon such terms as may be agreed upon between the governing bodies or authorities concerned.

ARTICLE XII: CONTROL OF SANITARY FACILITIES

The District may regulate and control the construction, maintenance, and use of privies, cesspools, septic tanks, toilets, and other facilities and devices for the reception or disposal of human or animal excreta or other domestic wastes within its territory so far as necessary to prevent nuisances or pollution or to protect the public health, safety, and welfare, and may prohibit the use of any such facilities whenever reasonable opportunity for such connection is provided; provided, that the authority of a District under this section shall not extend or apply to

the construction, maintenance, operation, or use by any person other than the District of any disposal system or part thereof within the District under and in accordance with a valid and existing permit heretofore or hereafter issued by the agency.

ARTICLE XIII: ANNEXATION, DETACHMENT, AND DISSOLUTION

1. An area adjacent to the District may be annexed thereto upon a petition to the agency stating the grounds therefor as hereinafter provided, signed by an authorized officer or officers of the District pursuant to a resolution of the board, also signed with respect to the area proposed for annexation in like manner as provided for a petition for creation of a district. Except as otherwise provided, a proceeding for annexation shall be governed by the provisions now or hereafter in force relating to proceedings for the creation of districts, so far as applicable. For the purpose of giving the required notices the territory involved shall comprise the area proposed for annexation together with the entire territory of the District. If the agency determines that the requisite conditions exist in the area proposed for annexation together with the territory of the District, it may make an order for annexation together with the territory of the District, it may make an order for annexation accordingly. All taxable property within the annexed area shall be subject to taxation for an existing bonded indebtedness or other indebtedness of the District for the cost of acquisition, construction, or improvement of any disposal system or other works or facilities beneficial to the annexed area to such extent as the agency may determine to be just and equitable, to be specified in the order for annexation. The proper officers shall levy further taxes on such property accordingly.

2. An area within a District may be detached therefrom upon a petition to the agency stating the grounds therefor as hereinafter provided, signed by an authorized officer or officers of

the District pursuant to a resolution of the board, also signed with respect to the area proposed for detachment in like manner as provided for a petition for creation of a district. Except as otherwise provided, a proceeding for detachment shall be governed by the provisions now or hereafter in force relating to proceedings for the creation of districts, so far as applicable. For the purpose of giving the required notices the territory involved shall comprise the entire territory of the District. If the agency determines that the requisite conditions for inclusion in a district no longer exist in the area proposed for detachment, it may make an order for detachment accordingly. All taxable property within the detached area shall remain subject to taxation for any existing bonded indebtedness of the District to such extent as it would have been subject thereto if not detached, and shall also remain subject to taxation for any other existing indebtedness of the District incurred for any purpose beneficial to such area to such extent as the agency may determine to be just and equitable, to be specified in the order for detachment. The proper officers shall levy further taxes on such property accordingly.

3. Different areas may be annexed to and detached from the District in a single proceeding upon a joint petition therefor and upon compliance with the provisions of subdivisions 1 and 2 with respect to the area affected so far as applicable.

4. The District may be dissolved upon a petition to the agency stating the grounds for dissolution as hereinafter provided, signed by an authorized officer or officers of the District pursuant to a resolution of the board, and containing a proposal for distribution of the remaining funds of the District, if any, among the related governmental subdivisions. Except as otherwise provided, a proceeding for dissolution shall be governed by the provisions now or hereafter in force relating to proceedings for the creation of districts, so far as applicable. If the agency determines that the conditions requisite for the creation of the District no longer exist therein, that

all indebtedness of the District has been paid, and that all the property of the District except funds has been disposed of, it may make an order dissolving the District and directing the distribution of its remaining funds, if any, among the related governmental subdivisions on such basis as the agency determines to be just and equitable, to be specified in the order. Certified copies of the order for dissolution shall be transmitted and filed as provided for an order creating a district. The secretary of the agency shall also transmit a certified copy of the order to the Treasurer of the District, who shall thereupon distribute the remaining funds of the District as directed by the order, and shall be responsible for such funds until so distributed.

ARTICLE XIV: TAX LEVIES, ASSESSMENTS AND SERVICE CHARGES

1. The Board may levy taxes for any District purpose on all property taxable within the District.

2. In the case where a particular area within the District, but not the entire District, is benefited by a system, works, or facilities of the District, the Board, after holding a public hearing as provided by law for levying assessments on benefited property, shall by ordinance establish such area as a taxing subdistrict, to be designated by number, and shall levy special taxes on all the taxable property therein, to be accounted for separately and used only for the purpose of paying the cost of construction, improvement, acquisition, maintenance, or operation of such system, works, or facilities, or paying the principal and interest on bonds issued to provide funds therefor and expense incident thereto. Such hearing may be held jointly with a hearing for the purpose for levying assessments on benefited property with the proposed taxing subdistrict.

3. The Board shall levy assessments on benefited property to provide funds for payment of the cost of construction, improvement, or acquisition of any system, works, or facilities

designed or used for any district purpose, or for payment of the principal of and interest on any bonds issued therefor and expenses incident thereto.

4. The Board shall prescribe service, use, or rental charges for persons or premises connecting with or making use of any system, works, or facilities of the District, prescribe the method of payment and collection of such charges, and provide for the collection thereof for the District by any related governmental subdivision or other public agency on such terms as may be agreed upon with the governing body or other authority thereof.

ARTICLE XV: BORROWING POWERS; BONDS

1. The Board may authorize the borrowing of money for any District purpose and provide for the repayment thereof, subject to MN Statutes Ch. 475. The taxes initially levied by the District in accordance with MN Statutes Section 475.61 for the payment of its bonds, upon property within each municipality included in the District, shall be included in computing the levy of such municipality.

2. The Board may authorize the issuance of bonds or obligations of the District to provide funds for the construction, improvement, or acquisition of any system, works, or facilities for any District purpose, or for refunding any prior bonds or obligations issued for any such purpose, and may pledge the full faith and credit of the District or the proceeds of tax levies or assessments or service, use, or rental charges, or any combination thereof, to the payment of such bonds or obligations and interest thereon or expenses incident thereto. An election or vote of the people of the District shall be required to authorize the issuance of any such bonds or obligations.

ARTICLE XVI: FUNDS; DISTRICT TREASURY

The proceeds of all tax levies, assessments, service, use, or rental charges, and other income of the District shall be deposited in the District treasury and shall be held and disposed of as the Board may direct for District purposes, subject to any pledges or dedications made by the Board for the use of particular funds for the payment of bonds or interest thereon or expenses incident thereto or for other specific purposes.

ARTICLE XVII: EFFECT OF DISTRICT ORDINANCES AND FACILITIES

In any case where an ordinance is enacted or a regulation adopted by the District Board relating to the same subject matter and applicable in the same area as an existing ordinance or regulation of a related governmental subdivision for the District, the District ordinance or regulation, to the extent of its application, shall supersede the ordinance or regulation of the related governmental subdivision. In any case where an area within a District is served for any District purpose by a system, works, or facilities of the District, no system, works, or facilities shall be constructed, maintained, or operated for the same purpose in the same area by any related governmental subdivision or other public agency except as approved by the District Board.

ARTICLE XIV: AMENDMENT AND REVOCATION

These By-Laws may be amended or revoked by resolution approved by four-fifths (4/5) of the members of the Board.

These By-Laws are hereby adopted this _____ day of _____, 19_____.

CHAIR

ATTEST:

SECRETARY



Minnesota Pollution Control Agency

October 16, 1998

Ms. Renee Coffey
Election Division
Secretary of States Office
180 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

RE: Certified Copy of the Finding of Fact, Conclusions and Order in the Matter of the
Creation of the Leota Sanitary District

Dear Ms. Coffey

Pursuant to Minn. Stat. § 115.21, I am sending a certified copy of the Finding of Fact, Conclusions and Order concerning the creation of the Leota Sanitary District to your office for filing. Attached to the Order is a copy of the Minnesota Pollution Control Agency's administrative record regarding the creation of the District.

If you have any questions, please feel free to call me at (612) 296-5426.

Sincerely,

Debra K. Moynihan
Pollution Control Specialist
Regular Facilities/Site Remediation Section
Policy and Planning Division

DKM:ls

Enclosure: Findings of Fact, Conclusions and Order Creating the Leota Sanitary District with
Administrative Record

cc: Don DeBoer, Leota Sewer Board (w/enclosure)
Sharon A. Balster, County Auditor-Treasurer, Nobles County (w/enclosure)
John Brent Feikema, Clerk, Leota Township Board (w/enclosure)
Thomas Wall, P.E., DeWild Grant Reckert & Associates
Peggy Sammons, Southwest Regional Development Commission

I, Debra Moynihan, Pollution Control Specialist Senior, certify that the attached Finding of Fact, Conclusions and Order in the matter of the creation of the Leota Sanitary District is a true and correct copy of the Finding of Fact, Conclusions and Order located in the Minnesota Pollution Control Agency files.

Debra Moynihan
Signature of Debra Moynihan

Subscribed & Sworn to before

me this 15th day of October 1998.

Kristin K. Lukes

Notary Public

