

# PUBLIC NOTICES

**PUBLIC NOTICE  
CITY OF WATERVILLE**

**NOTICE OF PUBLIC HEARING ON IMPROVEMENTS**

TO WHOM IT MAY CONCERN: Notice is hereby given that the City Council of the City of Waterville, Minnesota, will meet at the Council Chambers, 200 Third Street South in the City of Waterville, Minnesota, at 7:00 o'clock P.M. on November 13, 2018, to consider the construction of the following improvements, to wit: water and sewer improvements on Highway 13 North from 1240 Highway 13 North and ending at address 1280 State Highway 13 North in the City.

The total estimated cost of said improvements is \$185,435.

**AREA PROPOSED TO BE**

The area proposed to be assessed for such improvements is as follows: All properties on Highway 13 North from 1240 Highway 13 North and ending at address 1280 Highway 13 North.

The Council proposes to proceed under the authority granted by Chapter 429 M.S.A.

Such persons as desire to be heard with reference to the proposed improvements will be heard at this meeting. Written or oral objections will be considered. A reasonable estimate of the impact of the assessments will be available at this meeting.

DATED: October 2, 2018

BY ORDER OF THE CITY COUNCIL

Teresa Hill, Administrator-Clerk

(Published in the Waterville Lake Region Life, Thursdays, October 11 and 18, 2018; No. W444-10-18)

**PUBLIC NOTICE**

**DESCRIPTION OF PROPOSED SCHOOL  
CONSTRUCTION PROJECT**

Waterville-Elysian-Morristown Public School, ISD #2143, is proposing a single question bond referendum on November 6, 2018, that would authorize \$19.3 million in bonding authority to finance facility site improvements at the Morristown and Waterville schools. Proposed projects at both locations include: secure entrances, HVAC upgrades, renovations and a classroom addition at the Waterville school.

Proposed projects would be scheduled for completion in the 2019-2020 calendar years. Cost estimates by project type/location are as follows:

**Morristown School**

Secure Entrance/Fire Alarm/Drop-Off Area	\$295,000
HVAC Upgrades	\$3,262,500
Restroom & Locker Renovations	\$607,500
	\$4,165,000

**Other Costs**

Bond Issuance	\$163,215
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**Waterville School**

Secure Entrances/Fire Alarm/Drop-Off Area	\$1,401,250
HVAC Upgrades	\$6,168,125
Restroom & Locker Renovations	\$525,000
Classroom Addition	\$2,112,500
Renovations	\$4,925,000
	\$15,131,875

The district has supplied cost estimates to operate and staff the additional building space and believes existing revenues will be sufficient to fund any operational cost increases. In addition, the school board believes the proposed projects are in the best long-term interest of the district.

If the bond referendum is successful and bonds are sold, the debt service on the bonds will be eligible for debt service equalization under Minnesota Statutes, section 123B.53, subdivision 3, if the bond schedule is approved. The amount of debt service equalization aid, if any, the district receives is determined annually and is dependent upon property wealth, student population, and other statutory requirements.

**REVIEW AND COMMENT STATEMENT**

Based upon the department's analysis of the school district's required documentation and other pertinent information from sources of the Minnesota Department of Education, the Commissioner of Education provides a positive review and comment.

**ADDITIONAL INFORMATION IS AVAILABLE**

Persons desiring additional information regarding this proposal should contact the school district superintendent's office.

/s/ Dr. Brenda Cassellius, Commissioner

October 5, 2018

(Published in The Elysian Enterprise No. E245 and Waterville Lake Region Life No. W441, Thursday, October 11, 2018)

**PUBLIC NOTICE  
NOTICE OF MORTGAGE  
FORECLOSURE SALE**

**THE RIGHT TO VERIFICATION OF THE DEBT AND IDENTITY OF THE ORIGINAL CREDITOR WITHIN THE TIME PROVIDED BY LAW IS NOT AFFECTED BY THIS ACTION.**

NOTICE IS HEREBY GIVEN: That default has occurred in the conditions of the following described mortgage:

DATE OF MORTGAGE: September 23, 2005

ORIGINAL PRINCIPAL AMOUNT OF MORTGAGE: \$69,000.00

MORTGAGOR(S): Bruce D. Childs and Brenda A. Childs, as husband and wife

MORTGAGEE: Wells Federal Bank, FSB

DATE AND PLACE OF FILING: Filed September 29, 2005, Office of the Le Sueur County Recorder, Document No. 333952

ASSIGNMENTS OF MORTGAGE: N/A.

LEGAL DESCRIPTION OF PROPERTY: Lot Eight (8) and the West Half (W1/2) of Lot Seven (7), in Block Fourteen (14) in the Village of Elysian, formerly called Logan, according to the recorded plat on file and of record in the Office of the County Recorder in and for Le Sueur County, Minnesota.

TAX PARCEL NO.: 16.440.0680

STREET ADDRESS OF PROPERTY: 203 Park Ave. NE, Elysian, MN 56028

COUNTY IN WHICH PROPERTY IS LOCATED: Le Sueur County, Minnesota

THE AMOUNT CLAIMED TO BE DUE ON THE MORTGAGE ON THE DATE OF THE NOTICE: \$61,950.03

THAT no action or proceeding has been instituted at law to recover the debt secured by said mortgage, or any part thereof; that there has been compliance with all pre-foreclosure notice and acceleration requirements of said mortgage, and/or applicable statutes;

PURSUANT, to the power of sale contained in said mortgage, the above-described property will be sold by the Sheriff of said county as follows:

DATE AND TIME OF SALE: November 28, 2018, at 1:00 p.m.

PLACE OF SALE: Le Sueur County Sheriff's Office, 130 South Park Avenue, Le Center, Minnesota 56057.

To pay the debt then secured by said mortgage and taxes, if any actually paid by the mortgagee, on the premises and the costs and disbursements allowed by law. The time allowed by law for redemption by said mortgagor(s), their personal representatives or assigns is six (6) months from the date of sale.

Unless said mortgage is reinstated or the property redeemed, or unless the time for redemption is reduced by judicial order, you must vacate the premises by 11:59 p.m. on May 28, 2019.

"THE TIME ALLOWED BY LAW FOR REDEMPTION BY

THE MORTGAGOR, THE MORTGAGOR'S PERSONAL REPRESENTATIVES OR ASSIGNS, MAY BE REDUCED TO FIVE WEEKS IF A JUDICIAL ORDER IS ENTERED UNDER MINNESOTA STATUTES, SECTION 582.032, DETERMINING, AMONG OTHER THINGS, THAT THE MORTGAGED PREMISES ARE IMPROVED WITH A RESIDENTIAL DWELLING OF LESS THAN FIVE UNITS, ARE NOT PROPERTY USED IN AGRICULTURAL PRODUCTION, AND ARE ABANDONED."

Dated: October 3, 2018  
CITIZENS COMMUNITY FEDERAL N.A.,  
AS SUCCESSOR IN INTEREST BY MERGER WITH WELLS FEDERAL BANK F/K/A WELLS FEDERAL BANK, FSB

By: /s/ Mark J. Rahrick  
Mark J. Rahrick  
SMITH, TOLLEFSON,  
RAHRICK & CASS  
108 W. Park Square, Suite A  
P.O. Box 271  
Owatonna, MN 55060  
Phone: (507) 451-6540  
Attorney Reg. No. 252402

ATTORNEYS FOR CITIZENS COMMUNITY FEDERAL N.A., AS SUCCESSOR IN INTEREST BY MERGER WITH WELLS FEDERAL BANK F/K/A WELLS FEDERAL BANK, FSB, MORTGAGEE, AND ON BEHALF OF CITIZENS COMMUNITY FEDERAL N.A., AS SUCCESSOR IN INTEREST BY MERGER WITH WELLS FEDERAL BANK F/K/A WELLS FEDERAL BANK, FSB

**THIS IS A COMMUNICATION FROM A DEBT COLLECTOR.**

(Published in The Elysian Enterprise, Thursdays, October 11, 18, 25, November 1, 8, and 15, 2018; No. E244-11-15)

**PUBLIC NOTICE  
NOTICE OF MORTGAGE  
FORECLOSURE SALE**

Minn. Stat. 580.025, 580.04  
DATE: 09/04/2018

YOU ARE NOTIFIED that default has occurred in the conditions of the following described Mortgage:

**INFORMATION REGARDING MORTGAGE TO BE FORECLOSED**

1. Date of Mortgage: 09/29/2016

2. Mortgagors: Daniel Nusbbaum, a single person

3. Mortgagees: First State Bank of Le Center

4. Recording Information: Recorded on 10/03/2016, as Document Number 406399 in the Office of the County Recorder of Le Sueur County, Minnesota.

5. Assignments of Mortgage, if any: Assigned to N/A

**INFORMATION REGARDING MORTGAGED PREMISES**

6. Tax parcel identification number of the mortgaged premises: 24.510.1010

7. Legal description of the mortgaged premises:

The North 44 feet of Lot 7 and the South 21 feet of Lot 1, Block 13, Waterville, Le Sueur County, Minnesota.

8. The physical street address, city, and zip code of the mortgaged premises: 116 3rd Street S. Waterville, MN 56096

**OTHER FORECLOSURE DATA**

9. The person holding the Mortgage: is not a transaction agent, as defined by Minn. Stat. 58.02, subd. 30.

The name(s) of the residential mortgage servicer, and the lender or broker, as defined in Minn. Stat. 58.02, is/are

10. If stated on the Mortgage, the name of the mortgage originator, as defined in Minn. Stat. 58.02, is First State Bank of Le Center

**INFORMATION REGARDING FORECLOSURE**

11. The requisites of Minn. Stat. 580.02 have been satisfied.

12. The original principal amount secured by the Mortgage was \$105,000.00

13. At the date of this notice the amount due on the Mortgage, including taxes, if any, paid by the holder of the Mortgage, is: \$99,423.87

14. Pursuant to the power of sale in the Mortgage, the Mortgage will be foreclosed, and the mortgaged premises will be sold by the Sheriff of Le Sueur County, Minnesota, at public auction on November 28, 2018, 1:00 p.m., at 88 South Park Ave. Le Center, MN 56057

15. The time allowed by law for redemption by Mortgagor or Mortgagor's personal representatives or assigns is six months after the date of sale.

16. Minn. Stat. 580.04(b) provides, "If the real estate is an

owner-occupied, single-family dwelling, the notice must also specify the date on or before which the mortgagor must vacate the property if the mortgage is not reinstated under section 580.30 or the property redeemed under section 580.23." If this statute applies, the time to vacate the property is 11 :59 p.m. on 05/29/2019.

"THE TIME ALLOWED BY LAW FOR REDEMPTION BY THE MORTGAGOR, THE MORTGAGOR'S PERSONAL REPRESENTATIVES OR ASSIGNS, MAY BE REDUCED TO FIVE WEEKS IF A JUDICIAL ORDER IS ENTERED UNDER MINNESOTA STATUTES, SECTION 582.032, DETERMINING, AMONG OTHER THINGS, THAT THE MORTGAGED PREMISES ARE IMPROVED WITH A RESIDENTIAL DWELLING OF LESS THAN FIVE UNITS, ARE NOT PROPERTY USED IN AGRICULTURAL PRODUCTION, AND ARE ABANDONED."

Name and address of Attorney for Mortgagee or Mortgage Assignee:

David A. Yates  
(ID# 0368946)  
Christian, Keogh, Moran & King  
65 S. Park Avenue  
PO Box 156  
Le Center, MN 56057-0156  
Phone: 507-357-2278  
Fax: 507-357-2270

Name of Mortgagee or Mortgage Assignee: First State Bank of Le Center

(Published in the Waterville Lake Region Life, Thursdays, October 4, 11, 18, 25, November 1 and 8, 2018; No. W438-11-8)

**PUBLIC NOTICE**

**City of Waterville**

**NOTICE OF PUBLIC HEARING ON IMPROVEMENTS**

TO WHOM IT MAY CONCERN: Notice is hereby given that the City Council of the City of Waterville, Minnesota, will meet at the Council Chambers, 200 Third Street South in the City of Waterville, Minnesota, at 7:00 o'clock P.M. on November 13, 2018, to consider the construction of the following improvements, to wit: water, sewer, street, and storm sewer improvements on Kanne Cartway from South Reed Street to Herbert Street South in the City.

The total estimated cost of said improvements is \$524,762.00.

The area proposed to be assessed for such improvements is as follows: All properties on Kanne Cartway and Properties located at the intersection of Kanne Cartway and Herbert Street South.

The Council proposes to proceed under the authority granted by Chapter 429 M.S.A.

Such persons as desire to be heard with reference to the proposed improvements will be heard at this meeting. Written or oral objections will be considered. A reasonable estimate of the impact of the assessments will be available at this meeting.

DATED: October 2, 2018

BY ORDER OF THE CITY COUNCIL

Teresa Hill, Administrator-Clerk

(Published in the Waterville Lake Region Life, Thursdays, October 11 and 18, 2018; No. W443-10-18)

**PUBLIC NOTICE  
WATERVILLE CITY  
COUNCIL  
REGULAR COUNCIL  
MEETING**

**October 2, 2018, 6:00 P.M.**

There was a regular Council meeting of the Waterville City Council held in Council Chambers at 6:00 p.m. on October 2, 2018. Present McIntyre, Grobe, Smith, Wollin and Mayor Schmidtke

Absent: None; Also Present: Administrator / Clerk Teresa Hill, Jason Moran City Attorney and Jason Femrite of Bolton & Menk; Absent: None

**1. Call to Order / Roll Call / Pledge of Allegiance.** Mayor Schmidtke called the meeting to order at 6:00 p.m., noting that all Council members were present. Also present was Teresa Hill, Administrator / Clerk Jason Femrite of Bolton & Menk, Jason Moran City Attorney, Doug Spicer Emergency Management and Ann Traxler Le Sueur County Emergency Management Coordinator. Pledge of Allegiance was recited.

**2. Approval of Agenda/Additional Items to Agenda.** Mayor Schmidtke added 3D Trick or Treat for the Food Shelf insert approval; 5G remove the word Final; 5H add Statewide Health Improvement Partnership (SHIP) Grant Agreement. Motion by Smith, seconded by McIntyre to approve the agenda as amended. Unanimous vote. Motion carried.

**3. Consent Agenda:**

**A. Approval of Minutes - September 4, 2018 and September 21, 2018;**

**B. Approval of Disbursements;**

**C. Approval of Impress Cash Fund;**

**D. Approval of the Trick or Treat for the Food Shelf insert**

Motion by McIntyre, seconded by Smith for approval of the September 4, 2018 and Septem-

ber 21, 2018 minutes; approval of disbursements in the amount of \$161,620.89; and approval of Impress Cash Fund in the amount of \$34.09. Unanimous vote. Motion carried.

Motion by McIntyre, seconded by Wollin to approve the trick or treat for the food shelf insert. Unanimous vote. Motion carried.

**4. Citizen Time (Comments, Information from those present).** No one wished to address Council.

**A. Joel Whitehurst,** Superintendent of the Waterville Elysian Morristown Schools addressed Council regarding the tornado and thanked the Council and the community for the help with the devastation that we had.

**B. Joel Whitehurst,** Superintendent of the Waterville Elysian Morristown Schools addressed Council regarding the school building bond proposal and the upgrades that are projected if the proposal goes through.

**5. New Business**

**A. Kanne Cartway Feasibility Report.** Jason Femrite addressed Council regarding the Kanne Cartway Feasibility Report. Motion by McIntyre, seconded by Grobe to adopt Resolution 2018R-035 receiving Preliminary Report and Calling Public Hearing on Kanne Cartway improvements to schedule the public hearing for November 13, 2018 at 7:00 p.m. Unanimous vote. Motion carried.

**C. Tornado Update and Action Items.** Mr. Spicer said he would like to thank all the local departments, the fire department, the Sheriff's office, the police department, the emergency management department Waterville and Le Sueur County, public works and the power companies and all of our volunteers for the response that they had during this tornado event. It was spectacular to see the community pulling together and

helping each other out in this time of need and we got a lot accomplished. Mr. Spicer gave Council an update and the actions taken during the tornado event. Discussion regarding zoning permits to rebuild or replace.

**B. HWY 13 sewer extension from Reed Street to 1280 Hwy 13 North feasibility report.** Jason Femrite presented the feasibility report for the Highway 13 sewer extension. Motion by McIntyre, seconded by Smith to adopt resolution 2018R-036 receiving preliminary report and calling for public hearing on November 13th for the Highway 13 North utility extension improvements of 2018 with the revision of adding one extension to the east to one more property. Unanimous vote. Motion carried.

**D. Trailer Parking Ordinance Revision.** Motion by Smith, seconded by McIntyre to set the public hearing for the trailer parking ordinance revision for the November 13th meeting at 6:00 p.m. Unanimous vote. Motion carried.

**E. November Meeting Date Changes.**

**1.** Motion by McIntyre seconded by Schmidtke to set the November meeting to November 13, 2018 at 6:00 p.m. Unanimous vote. Motion carried.

**2.** Motion by Wollin, seconded by Grobe to set the caucuses of votes for November 13, 2018 at 6:00 p.m. Unanimous vote. Motion carried.

**F. 2019 Voluntary Assessment for Environmental Action Fund.** Motion by Smith, seconded by McIntyre to approve the 2019 voluntary assessment for environmental action fund in the amount of \$653. Unanimous vote. Motion carried.

**G. Pay Estimate #3 M & W Blacktopping.** Motion by Wollin, seconded by McIntyre to approve pay estimate #3 to M &

W Blacktopping in the amount of \$17,280.77. Unanimous vote. Motion carried.

**H. Statewide Health Improvement Partnership (SHIP) Grant Agreement.** Motion by Smith, seconded by Wollin to approve the acceptance of the Statewide Health Improvement Partnership Grant Agreement. Unanimous vote. Motion carried.

**6. Engineer's Report.** No Engineer report.

**7. Attorney's Report.** Mr. Moran said he wanted to give an update on the Blake Wilmes property. Mr. Moran said that we do have both the civil process going and criminal process. The criminal side he is charged with public nuisance because of the condition of the building and the civil side his goal is for him to either repair the building or the City is going to step in and do something different and more drastic. Mr. Moran said we are set for the civil portion on October 11th, we have a jury trial scheduled on the public nuisance at the end of this month on October 25th. Mr. Moran said he hopes to report back in November that we have some progress on this. Based upon the way that the case has been postured over the past month he thinks that our options will be pretty bleak. We will have decisions to make in November and we can revisit that in November. Mr. Moran said several other nuisance properties are proceeding through the system. He has six or seven of them tomorrow on the Court docket. He is exercising some discretion with regard to the tornado but some of these nuisances are habitual properties. Mr. Moran said that he and Ms. Hill will be discussing about a landlord in town, one particular landlord in town has been charged with public nuisance approximately 5 times over the past year and he will probably be

making a recommendation to the Council in November to either suspend or revoke a particular landlord's rental license. Mr. Moran said the wastewater treatment plant case is continuing on. We will be wrapping up the Wapasha situation hopefully over the next month, he will be bringing Council some options with regard to that situation in November as well.

**8. Administrator's Report.** Ms. Hill said she received a notice today that Officer Robert Petrasek was nominated by Trooper Jonathan Newton for the Minnesota State Patrol Commendation Award. He was selected and he will be receiving that award for an act that he did on May 17, 2018. A very nice pat on the back for Officer Petrasek. She just wanted Council to know that it is pretty cool for somebody to notice his actions and take it to a higher level for a pat on the back. Ms. Hill said she also has included some miscellaneous thank you notes that we have received throughout the storm damage for Council to review.

**9. Council Discussion.**

**A.** Mr. Smith said he just wants to say that he thinks everybody pulled together real well during the storm to get things cleaned up quickly. He thinks this is probably one of the quickest clean ups he has ever seen after a tornado to get the City back on its feet again. Granted we are far from complete but he thinks it has gone very quickly and very smoothly. Mr. Wollin said he thinks that people that we had that came from other towns was so quick and so tremendous. Mayor Schmidtke said that he doesn't know who you would say thank you to, thank you to everybody, he doesn't want to miss somebody because there was so much help, neighbors helping neighbors and everything. Mr. McIn-

tyre said all the volunteers were just outstanding. He couldn't believe the number of volunteers. Mayor Schmidtke said it was a devastating thing but it seems like Waterville really comes together whether it is floods or anything. The City comes together and that is what makes it such a great town for everybody.

**B.** Mayor Schmidtke said he was asked and he doesn't remember Council saying this in our five year plan about doing the sewer lines out to different areas, and this person said that we were going to force them to hook up to the sewer and he told them that Council did not say that, it is a five year plan and if it happens, it might not even happen. He just wants to make sure that the Council didn't say we are going to run the sewer all the way around the lake. Somebody told him that somebody told them that the City Council was going to do that. Mayor Schmidtke said we will not do that. Mr. McIntyre said that is not the City's responsibility, it is the County. Mr. Wollin said it is a long range desire but we are not going to force it.

**10. Adjourn.** Motion by McIntyre, seconded by Grobe to adjourn. Unanimous vote. Motion carried. Meeting adjourned at 7:10 p.m.

*Alan Schmidtke, Mayor  
Teresa Hill,  
Administrator / Clerk  
Published Without Formal  
Council Approval*

*The full text of this summary is available for public inspection at City Hall. A full version of the Council meeting minutes is available on the City's website. Audio of the Council meeting is available on the City's website cityofwaterville.com.*

(Published in the Waterville Lake Region Life, Thursday, October 11, 2018; No. W442-10-11)

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