

PROCEEDINGS OF THE  
MARTIN COUNTY BOARD OF COMMISSIONERS  
TUESDAY, MARCH 6, 2012  
@ 9:00 A.M.

The regular meeting of the Martin County Board of Commissioners was called to order at 9:00 a.m. by Chairman Donnelly.

Commissioners present were Potter, Schmidtke, Pierce, and Belgard. Also present were Scott Higgins, Martin County Coordinator, James Forshee, Martin County Auditor/Treasurer, Terry Viesselman, Martin County Attorney, Kevin Peyman, Martin County Highway Engineer, Jennifer Brookens, Sentinel Newspaper, Rod Halvorsen, KSUM/KFMC Radio, Julie Walters, Administrative Assistant, and members of staff and public.

Motion by Commissioner Pierce, seconded by Commissioner Belgard, Be it Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following addition: 8.6 Consider Acceptance of FY2012 Off Highway Vehicle Grant – Elm Creek Trail. Carried unanimously.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the February 21, 2012 regular Board of Commissioners Meeting. Carried unanimously.

Terry Viesselman, Martin County Attorney, was present and had nothing to report at this time.

Pam Flitter, Martin County Zoning Official, reviewed a Conditional Use Permit (CUP) request from Gary and Linda Hanson (Flying Goose Campground) for the purpose of adding ten seasonal campsites to the existing campground in an “SL-2” Residential Recreational District. The Planning Commission approved the CUP request during their February 28, 2012 meeting and is recommending approval of the Conditional Use Permit.

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce,

R-#18/12

CONDITIONAL USE PERMIT  
GARY & LINDA HANSON (FLYING GOOSE CAMPGROUND)  
ADD NEW SEASONAL CAMPSITES  
IN AN “SL-2” RESIDENTIAL RECREATIONAL DISTRICT  
WITHIN SECTION 7 OF PLEASANT PRAIRIE TOWNSHIP

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce,

WHEREAS, a Conditional Use Permit was requested by Gary and Linda Hanson (Flying Goose Campground), applicant/owner of property located within Section 7 of Pleasant

Prairie Township in Martin County, Minnesota (legally described in applications) for the purpose of adding new seasonal campsites to the existing campground in an “SL-2” Residential Recreational District; and

WHEREAS, the Martin County Planning and Zoning staff has completed a review of the application and made a report pertaining to the request, a copy of said report has been presented to the County Board of Commissioners; and

WHEREAS, the Planning Commission of the County on the 28<sup>th</sup> day of February, 2012 following proper notice, held a public hearing regarding the request and, following the hearing, adopted a recommendation that the request for a Conditional Use Permit be granted; and

WHEREAS, the Martin County Board of Commissioners finds that Conditional Use Permit is to be issued for the following purpose:

Add ten new seasonal campsites to the existing campground in an “SL-2” Residential Recreational District, and

WHEREAS, the following conditions have been applied:

- Any additional permits required from the State or Federal Government must be obtained by the applicant.
- Additional “green” space to be added (buffer of grass separating from field crops and additional tree plantings).
- Five additional future camp sites have been moved to tier two to help offset additional density requirements in tier one.
- Runoff goes to the manmade pond first separating sediment from going directly to the lake reducing impact to a natural environment lake.
- Proposed sites are light seasonal usage therefore a low impact of lake shore.
- Requested use is not in conflict with County Comprehensive Plan.

NOW THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners, and upon the recommendation of the Martin County Planning Commission, hereby approves the Conditional Use Permit for the above described property and is hereby issued pursuant to MS 394.301 and Martin County Ordinance #1, Chapter 6.01 and that this permit shall remain in full force and effect provided in the conditions as described above are met and maintained by the applicant and his/or her successors in interest. This permit is binding upon the applicant, the record titleholder to the property, and his/her successors in interest. Notice is hereby given that this permit may be revoked if the conditions set forth above are not maintained as described above. This resolution shall become effective immediately upon its passage and without publication.

Dated this 6<sup>th</sup> day of March, 2012.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Donnelly, Board Chair

ATTEST: \_\_\_\_\_  
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Potter, Schmidtke, Donnelly, Belgard, and Pierce.  
NAYS: None. Resolution duly passed and adopted this 6<sup>th</sup> day of March, 2012.

Flitter stated that due to the need for municipalities to address and reconfigure municipal wastewater ponds outside of city limits; and stating that currently there is nothing in our current Zoning Ordinance that addresses municipal wastewater ponds. Flitter suggested that it may be time to address this issue through the county's Zoning Ordinance, which would require a conditional Use Permit for potential new or expanding wastewater ponds. Flitter stated that she had discussed this issue with the Planning Commission and wanted to let the board know as well.

Motion by Commissioner Schmidtke, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of Pam Flitter, Zoning Officer, for the County Planning Commission to move forward in the matter of determining the need for conditional use permits for wastewater ponds or not. Carried unanimously.

Chairman Donnelly asked Flitter of the status of the locations of the ARMER towers.

Flitter stated that the ARMER towers, through legislature, have received exemptions from any setbacks or any county government regulations; therefore Planning and Zoning doesn't have anything to do with the tower sites.

Discussion continued regarding potential sites for the ARMER radio towers. No action taken.

James Forshee, Martin County Auditor/Treasurer, stated we have received the application and other required paperwork from Rose Lake Golf Club for renewal of its Liquor, Wine, Club or 3.2% License. Forshee stated all paperwork is in order.

Motion by Commissioner Belgard, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the renewal of Liquor, Wine, Club or 3.2% License with Sunday Sales beginning at 10:00 a.m. for Rose Lake Golf Club effective April 1, 2012 through March 31, 2013. Carried unanimously.

Higgins presented Personnel Action Forms from the Sheriff's Office for two individuals

whose employment was terminated due to a lack of need. Higgins requests the Board consider and approve the Personnel Action Forms in order to remove these individuals from the County's payroll system.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the termination of employment for the following Martin County Sheriff's Office staff: Diana Anderson, Bailiff, effective March 6, 2012; and Zeb Skow, Part-time Corrections Officer, effective March 6, 2012. Carried unanimously.

Higgins presented a resolution received from Tom Warmka, AMC District VII Director, requesting County support for the continued operation of the Waseca County Farm Service Agency (FSA) Office.

Commissioner Schmidtke asked why they are choosing to close the Waseca County FSA. If they don't close the Waseca FSA Office, then is Martin County on the list to be closed. I understand the need to save money.

Commissioner Pierce stated concern that the Waseca County FSA is not closed and then the one here in Martin County is closed. Pierce went on to state that supporting such a resolution may have a negative effect and not sure what concern it is of ours.

Commissioner Potter stated I think the purpose of the resolution is to support each of the county's that may be affected.

Commissioner Schmidtke stated the resolution needs to state that we are in support of all the FSA offices staying open in southern Minnesota.

Commissioner Belgard concurred with support of all FSA offices, not just Waseca County.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, Be it Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign resolution in support of continued operation of all Farm Service Agency Offices in southern Minnesota.

R-#17/'12

A RESOLUTION OF SUPPORT BY THE  
MARTIN COUNTY BOARD OF COMMISSIONERS FOR THE CONTINUED OPERATION  
OF FARM SERVICE AGENCY (FSA) OFFICES IN SOUTHERN MINNESOTA

WHEREAS, due to recent notices regarding the potential consolidation and closure of Farm Service Agency (FSA) offices; and

WHEREAS, FSA offices in southern Minnesota, rely heavily on agriculture and agricultural related businesses for improving and sustainable economic growth; and

WHEREAS, FSA offices provide a valuable resource for local farmers in need of funding, emergency assistance, or who are beginning or socially disadvantaged; and

WHEREAS, visits to FSA offices from local farmers help support the local community by providing opportunities for patronage to locally owned and/or small businesses; and

WHEREAS, it is recognized that all levels of government must work to streamline and become more efficient in their activities; but this must not result in hardship to those currently utilizing the services of the FSA or the communities which they serve.

NOW THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners, fully supports that the US Department of Agriculture Secretary Tom Vilsack reconsider the consolidation and closure of the Farm Service Agency offices in southern Minnesota.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, resolution duly passed and adopted this 6<sup>th</sup> day of March, 2012.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Donnelly, Board Chair

ATTEST: \_\_\_\_\_  
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Belgard, Schmidtke, Potter, and Donnelly. NAYS: Commissioner Pierce. Resolution duly passed and adopted this 6<sup>th</sup> day of March, 2012.

Higgins stated administrative agreements have been received from Hanratty and Associates, Inc. and H&A Administrators, Inc. for 2012. Higgins noted the monthly service fee for the Select 105<sup>TM</sup> Administration Agreement and other service fees have remained the same as in 2011.

Motion by Commissioner Pierce, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Board Chair to sign the 2012 Select 105<sup>TM</sup> Adoption Agreement and the Select 105<sup>TM</sup> Administration Agreement, which includes Business Associate provisions as required by HIPPA with H&A Administrators, Inc., and Hanratty and Associates, Inc.; to include the Select 105<sup>TM</sup> Administration Agreement – Monthly fees for administrative services at \$8.00 per Participant. Carried unanimously.

With the recent election of Commissioner Belgard, the Board is being asked to review their Committee Assignments for the remainder of 2012, from the changes that were approved during the previous board meeting. After review and several revisions,

It was decided by Consensus of the Board to approve the reassignment of Board Standing Committees for the remainder of 2012.

2012 – MARTIN COUNTY BOARD  
STANDING COMMITTEE ASSIGNMENTS

ELLIOT BELGARD – FIRST DISTRICT:

3 Rivers RC&D, Alternate  
AMC Delegate/Ag & Transportation  
Community Corrections  
Compensation Advisory Committee  
County Park Board, Alternate  
District One Ditch Authority  
EDA Commission  
F/M Human Services Board  
Highway 15 Coalition  
Labor/Management Committee  
Prairieland Joint Powers  
Public Relations Campaign Committee  
Region 9  
SBDC Partnership Board  
Transit Advisory Committee (TAC)

STEVEN PIERCE – SECOND DISTRICT:

AMC Delegate/General Government  
Building Committee  
County GASB Committee  
County Insurance Committee  
County Solid Waste Committee  
District Two Ditch Authority  
F/M Human Services Board  
GIS Committee  
Law Library Board  
MVAC Delegate  
Prairieland Joint Powers  
Regional Radio Board/PSAP/ARMER  
Region 9 EMS Committee  
South Central HRA Board  
State Health Improvement Plan (SHIP)  
Transit Advisory Committee (TAC)  
Workforce Council

DAN SCHMIDTKE – FOURTH DISTRICT:

AMC Delegate  
Community Corrections  
County Highway Liaison  
County Park Board Delegate  
District Four Ditch Authority  
EDA Commission  
F/M Human Services Board  
GIS Committee  
Investment in Current/Future Employees Committee

JACK POTTER – FIFTH DISTRICT:

3 Rivers RC&D  
AMC Delegate/Human Services  
County Highway Liaison  
County Water Plan Committee  
District Five Ditch Authority  
Economic Development Committee – Strategic Plan  
F/M Human Services Board  
Greater Blue Earth River Basin Alliance (GBERBA) Alternate  
Investment in Current/Future Employees Committee  
Labor/Management Committee  
Library Board, Delegate  
MN Extension Committee, Alternate  
MN River Basin Joint Powers Board, Delegate  
MVAC Delegate  
Personnel Committee  
Prairieland Joint Powers  
Regional Radio Board/PSAP/ARMER, Alternate  
Region 9 EMS Committee, Alternate  
Rural Minnesota Energy Board, Delegate  
Soil & Water Conservation District Liaison (SWCD)  
SW Rural Energy Task Force, Delegate  
Iowa Lakes Regional Water Advisory Committee

STEVE DONNELLY – THIRD DISTRICT:

AMC Delegate/Environmental  
Building Committee  
Compensation Advisory Committee  
County Insurance Committee  
County Solid Waste Committee  
County Water Plan Committee  
District Three Ditch Authority  
F/M Human Services Board  
Greater Blue Earth River Basin Alliance (GBERBA) Delegate  
MCIT Delegate  
Minnesota River Basin Joint Powers Board, Alternate  
Prairieland Joint Powers  
Personnel Committee

SCOTT HIGGINS:

Building Committee  
Personnel Committee  
Labor/Management Committee  
Economic Development Committee – Strategic Plan  
Collaboration/Regionalization – Strategic Plan  
Internal Efficiencies Committee – Strategic Plan

Library Board, Alternate  
MN Extension Committee  
Prairieland Joint Powers  
Planning & Zoning Commission  
Public Relations Committee – Strategic Plan  
SW Rural Energy Task Force Alternate  
Economic Development Committee – Strategic Plan  
Iowa Lakes Regional Water Advisory Committee

Compensation Advisory Committee  
AMC Delegate  
County Insurance Committee  
Iowa Lakes Regional Water Advisory Committee

James Forshee, Martin County Auditor/Treasurer, stated the All Season Wheelers Club – Elm Creek ATV Trail (on behalf of the County) has been approved to receive \$14,000.00 in grant funds for maintenance of the ATV Trails for FY2012.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, Be it Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Board Chair to sign the Minnesota Trails Assistance Program Off Highway Vehicles – FY2012 Traditional Grant Agreement in the amount of \$14,000.00 for the All Seasons Wheelers Club – Elm Creek Trail; and to approve and authorize the Board Chair (or designee) and/or the Martin County Auditor/Treasurer to sign other required documents as necessary. Carried unanimously.

The Board reviewed the Other Post Employment Benefits Actuarial for Martin County for postemployment benefits other than pensions (OPEB) prepared by Gallagher Benefit Services, Inc.

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file the Other Post Employment Benefits (OPEB) Actuarial for Martin County postemployment benefits other than pensions prepared by Gallagher Benefit Services, Inc. for valuation results from January 1, 2012 through December 31, 2013. Carried unanimously.

Commissioners presented their Board member reports:

Commissioner Potter stated he attended Human Services on February 22<sup>nd</sup>; Drainage Wetland Conference in St. Cloud on February 23<sup>rd</sup>; WorkForce Council on February 24<sup>th</sup>; MVAC on February 27<sup>th</sup>; Sibley County Work Session with Minnesota Energy Board on February 28<sup>th</sup>; Healthy Youth Committee meeting at the Red Rock Center on March 2<sup>nd</sup>; Corn and Soybean Day at the KC Hall on March 5<sup>th</sup>.

Commissioner Schmidtke stated he had nothing new to add to what was already listed other than he went to the Drainage Conference on February 23<sup>rd</sup>; and has received many calls from a farmer by Sherburn, MN regarding the construction of the ARMER tower being built in that area.

Commissioner Donnelly stated he attended a Personnel Committee meeting on February 21<sup>st</sup>; Human Services on February 22<sup>nd</sup>; EMS meeting on February 23<sup>rd</sup>; Entry Audit meeting on February 27<sup>th</sup>; City/County/School Sharing of Services meeting on February 28<sup>th</sup>; Services for Challenging Youth on March 2<sup>nd</sup>.

Commissioner Pierce stated he had nothing to add.

Commissioner Belgard stated he had nothing new to add other than visiting the State Capitol on March 5<sup>th</sup>.

Commissioners reviewed their calendars of upcoming meetings and activities: March 6<sup>th</sup> – Building/Purchasing Committee Meeting following regular Board meeting, JD #7 meeting at 1:00 p.m. in Blue Earth, MN; March 7<sup>th</sup> – Human Services Executive Board at 9:00 a.m.; March 8<sup>th</sup> – Martin Soil and Water Conservation District meeting at 9:00 a.m.; March 9<sup>th</sup> – GBERBA meeting in Mankato, MN; March 13<sup>th</sup> – Library Board at Sherburn, MN; March 14<sup>th</sup> – Department Directors meeting at 8:30 a.m. in the Sisseton Conference Room, Martin County Park Board at 4:30 p.m.; March 15<sup>th</sup> – Informational Ditch meeting at 2:00 p.m. in Trimont, MN, Chamber Business After Hours; March 16<sup>th</sup> – Prairieland; March 19<sup>th</sup> – MVAC, Minnesota River Board at the KC Hall in Fairmont; March 20<sup>th</sup> – regular Board of Commissioners meeting at 9:00 a.m.

The Board recessed at 9:50 a.m.

The Board reconvened at 10:00 a.m.

Chairman Donnelly opened the continuation hearing for consideration of the redetermination of JD #39. Those present were Potter, Schmidtke, Pierce, Donnelly, and Belgard. Also present were Deb Mosloski, Martin County Drainage Specialist, Mike Forstner, Martin County Ditch Inspector, Ron Ringquist, Viewer, and members of the public and landowners from part of the Drainage System including Bruce Krahmer, Jim Keithan, and Kurt Kuehl.

Ringquist stated there were some concerns expressed at the original public hearing for JD #39, as to the benefits being assessed to both the tile and the open ditch portion of that. There were also a couple of minor changes that came up; one was Mr. Krusemark that had tiled a little bit of ground into JD #109, rather than into JD #39, which we can address on JD #109 as well. What we have looked at and Mr. Krahmer has presented a map that we can use as a guideline to look at this issue. One of the big concerns is that maintenance costs in the future may be inappropriately charged against those parts that are now open ditch. JD #39 was originally built mainly as a tile system.

Ringquist went on to state that there have been various subsequent improvements of the main open ditch down through Mr. Krahmer's. Then there was the Branch R that goes up into the lake just west of Jack's, and those two are open ditches and have adequate capacity to meet current design recommendations. The other two are the pink line and the purple line (on the map) that have gone under improvements. The pink is the old original main. That one was improved but it was improved by putting a second tile parallel to the existing tile. This happened about ten years after that the south branch (or the purple line) was improved the same way. Originally the whole system was designed typical 1900's design for 1910 farm practices; too small to meet today's farming practices.

Ringquist further stated that when we evaluated this system, we came up with is the two parallel tile lines both in the main branch and the branch "O" are still undersized compared to today's recommendations. So what we've kind of run into when we were trying to evaluate this system, is the situation similar to what JD #14 M&F is; where it was once an original system that everybody paid equally on, however, because of improvements it may not be best administered any longer as a single system because we really can't come up with a good way to adjust benefits to reflect the distribution of future maintenance costs. Especially with separable maintenance. So our conclusion was is that we would recommend to the Board that once this report is adopted, the board re-determine the benefits before a system can be combined or separated; but to better deal with future maintenance, is to that this system should be separated into two or three different ditch systems, because of the improvements that have taken place over time. This way those people along the open ditch wouldn't pay a disproportionate share of taking care of those parallel tile lines in the future. The reason for that is that if you were to do an improvement, let's say on the main branch and you've got now a 20" and 24" tile, the maintenance cost of replacing both the 20" and 24" tile would probably exceed the cost of the improvement. Therefore, their improvement may be paid for more by the people on the open ditch, than by the people that are requesting that improvement. So rather than offer at this time any recommended changes to JD #39, and I can make that recommendation if the Board wants to adopt it; but my feeling is that I would ask the Board to consider to order the separating the systems prior to accepting the redetermination so that we could continue this hearing. We give notice of how the assessments would work out once the systems were separated, and then hold a hearing at that time to adopt the redetermined benefits and then separate the systems for future maintenance. This may be confusing, but it's my opinion that would best address all future maintenance and potential improvements on those two tile branches.

On the open ditch portions, the tile will be recommended to be abandoned so that tile will no longer be a public benefit. The original mains or up on Branch R, which is the branch down to the south that is open. But yet the two branches that are supplemental tile everybody on the main is going to have to pay for that even though we discounted the benefits to those people on those tile branches, because they don't meet design standards. So they would pay more than their proportionate share. We would charge an outlet benefit to both Branch O and the main branch on the tile so that they would help take care of the outlet. But they wouldn't pay as much towards that as they would now.

Commissioner Potter stated that this is a huge system that probably does need dividing up just because of the enormity of the system for one reason. Right?

Ringquist stated well you know it's more not because of the original design, its because of the subsequent differences in the improvements that have taken place through the 1950's and 1960's; because we can't charge the people on the tile the same benefit as the people on the open ditch because their outlet doesn't have the same design capacity. Yet their repairs are going to be more expensive to take care of two tile lines instead of one.

Ringquist went on to state, that it's also my understanding, and I haven't done the

research, is that when the main branch was constructed as an open ditch, most of that cost was paid for by those people right on the open ditch. I know that the Branch R, which goes to the south, everybody to the west paid nothing towards that improvement. That was paid for solely by those people on that branch to the south. So like I said, this is kind of like what we ended up with the #14 M&F, where future maintenance and administration may best be done by separating it into three different systems.

Commissioner Potter stated the purpose of a redetermination is to make it fair for all parties involved and this is the best way to get it fair for all parties involved; to split the ditch just like Ron (Ringquist) is suggesting.

Ringquist stated in the affirmative.

Deb Mosloski inquired if this means that we need to start the process all over again.

Ringquist stated no, we're not going to start over. The benefits that we determined are not going to change. It's just where they are applied that will change. So we will take the benefits that we determined and those on the open ditch will have a new number established. The benefits on Branch O or you could combine the main and Branch O, but I'm thinking that it would be better as three systems rather than two, because if they're going to work on the main, the question would be, should those people on Branch O end up paying for all of that. So the benefits are all there.

Ringquist stated that all we have to do is take our ditch numbers and split them to the various branches and main. The smaller tile system where there haven't been improvements like on the south end of the open ditch down through the lake, which will remain with the open ditch. You can't separate it into that many small systems. It's really the large improvements where they supplemented the main branch and with Branch O.

Kurt Kuehl inquired whether these tile lines that go into the open ditch would stay with the open ditch.

Ringquist stated they would be in the open ditch portion. Everything from the cistern where there's the three lines and below would be part of the open ditch system.

Kuehl stated that you will have the ones higher up here (location) on the open ditch.

Ringquist stated yes but they would still pay their benefits as they would apply to the open ditch. Then the open ditch system would then be responsible to help with the maintenance of those tiles as well. If you tried to break it down too much then you end up with a new system on every line and that doesn't work. So what I was looking at, which was discussed was probably three different systems here rather than two.

Commissioner Belgard inquired if they would all be a different number instead of JD #39.

Ringquist stated yes...391, 392, 393...each would be administered separately. The upper two would pay an outlet benefit into the open ditch; but it would be a much smaller value than individually because they'd have to take care of their tile system themselves.

Commissioner Schmidtke asked would each system then have enough value.

Ringquist stated in the affirmative. The integrity of the system would remain solid. We had prior to the minor adjustments \$6,689,000.00 worth of benefits so repairs would be easily done. Improvements with the separable maintenance on the Branch O and R would still be feasible if they chose to do that rather than take care of their two old tiles.

Ringquist stated that when we get into these supplemental tile systems the problem is one tile is one hundred years old, one is only fifty years old, then we don't know which will fail or not fail first; but they need both to operate. So what we're finding with so many of these dual tile systems, it's cheaper and better to improve them and put in one adequate size outlet rather than taking care of two lines that aren't adequate. You can band aid one tile together; but when it fails, you're going to spend two-thirds as much and still have an inadequate system and still have at that time another fifty year old tile that you don't know how long its going to last. My suggestion is that you start thinking about replacing both of them with something that's new and adequate, yet it will meet today's hydraulic capacity demands rather than having something that fills only two-thirds the size of what it should be.

Bruce Kraemer stated I'm in agreement essentially with what Ron (Ringquist) is saying and I can explain this map a little better and the history of this if you would like. On this map the dark black outline is the overall watershed. The shaded red area is the open ditch system that was put in oh about 1966. The petition started in 1965. The open outlet is the upper right corner there where I've got it shaded in yellow. That was natural or open drainage since it started in 1914. In the 1965-1966 improvement the open ditch was constructed through the shaded red area where I've got the dashed line down through Section 24 and into Section 25. At the same time Branch R was improved as an open ditch system (that's the green shaded area in the lower right), that's the watershed for that and the sort of dashed red line is where most of the open ditch system is. And at that time also a second tile was added going west from that into Section 26 at the bottom of the connection and the main line that's where I've got the very wide red line. Ten years later in the 1970's the main branch (the red/pinkish system) going several miles there to the west all the way to Highway 4 was improved as he indicated with a parallel system. The original 1914 tile stayed and another tile was added. About ten years later the purple system was improved and the third main tile was added down at the bottom of the Y going to the open ditch. When the open ditch system was done in 1965 separable maintenance was deemed by the Attorney General's opinions at that time it would not be applicable when you are converting from tile to open ditch systems. So the payments at that point were based on the improvements being done not by the fact that we had a 4,000 acre watershed coming into our property from the west, dumping into a 20" tile going out as about a 24" tile with .05 percent grade. The system was breaking up before my grandfather died in 1920. In the 1950's they tried to do an improvement and they didn't

get it done. Since I became one of the owners in 1960 when my mother died and in 1965 the Branch R people wanted to do something and we got together and got this going with these open ditch systems. And as Ron indicated, we've got a 98 year old tile system upstream from us and if you put it all together we're assessed between three or four hundred thousand of benefits as far as this system is concerned. We pay a lot of bucks when they have to replace that 1914 system. The 1914 system through our farm was dug up in 1966. It doesn't exist anymore. We have no benefit from the original system. It just isn't there anymore. And that's why the separating and the open system's easier to repair than 98 year old tile is going to be. That's why separating it seems to be better. Otherwise my original thought was we needed some kind of proximity discount and they weren't adequately taking that into account. Again, I agree with what he (Ringquist) is proposing.

Commissioner Belgard asked is that the common way that you usually do that to create another entity. Or can't you just determine benefits. that they don't benefit from it, and pass those on to the west there.

Ringquist stated you can't really separate a benefit analysis. It is strictly a before and after analysis. You have to ask yourself without the drainage system what did they have? Or what did they have with the drainage system? And when I come to defending benefits I don't like making fictitious things up or down trying to make that work. Because I can't defend those fictitious numbers. They have a system now that because of their improvements now works pretty darn good. It meets design standards. Their benefits are what their benefit value is. It's my feeling that the law put this separating statute in there for situations like this. This is so that you could create more equity in maintenance on the system rather than saying this is your benefit. I wouldn't want to argue with Bruce about saying well your benefit is only \$1,000.00 an acre therefore your land is only worth \$2,000.00 an acre because that's fair when you have to pay something on this old tile. It wouldn't work. You also run the risk once you start discounting, is do you still have enough maintenance dollars in what you determine are the benefits.

Kuehl asked when you talk about separating out the open ditch now, you have to place some 30 feet of grass on both sides of the open ditch?

Ringquist stated once viewers have been appointed we have within our redetermined benefits the acquisition cost of establishing that one rod buffer strip. That will take place.

Kuehl inquired does that money for this buffer strip come out of the open ditch?

Ringquist stated that comes out of the ditch system as a whole. Those are things that as we set outlet benefits for the upper two ditches we will make sure, in our opinion, that's part of the consideration. The buffer strip will be part of the cost of the redetermination. It will also be one of the considerations we give in how much of their responsibility is to help take care of that open ditch.

Chairman Donnelly asked if there was any other public comment. There was none.

Ringquist suggested that the Board may want to continue this Continuation Hearing, so to allow further public input. My thinking is that if we continue this hearing to a date certain then we don't have to renotice, specifically on the redetermination. That way we do not need send out the paperwork on the redetermination again. However, the county should give notice of the separation of the systems.

Commissioner Pierce asked do we have a date and time in mind.

Ringquist stated that his thoughts are to give people springtime to do their farming. So we're looking at the second half of June or first part of July of this year. We should be able to get our separated system benefits and all of the notices and all of the paperwork done by then.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby set the date of June 19, 2012 at 5:00 p.m. for a Continuation Hearing for the Redetermination of JD #39 at the Martin County Courthouse – Commissioners Board Room. Carried unanimously.

Mosloski asked when and who is going to rename these ditches; or when does that take place?

Ringquist stated once the Board separates them then they will establish new numbers. It is my understanding that will be done on June 19<sup>th</sup>. The only other thing then is I would like from the Board, is order to prepare a separate benefits report for each of the three sub-watersheds.

Motion by Commissioner Schmidtke, seconded by Commissioner Belgard, Be it Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby approve and order Ron Ringquist, Ditch Viewer, to separate JD #39 into three separate systems; and authorize Viewer to prepare a separate benefit report for each of the three sub-watersheds. Carried unanimously.

Chairman Donnelly opened the continuation hearing for consideration of the redetermination of JD #109. Those present were Potter, Schmidtke, Pierce, Donnelly, and Belgard. Also present were Deb Mosloski, Martin County Drainage Specialist, Mike Forstner, Martin County Ditch Inspector, Ron Ringquist, Viewer.

Ringquist stated we asked for the continuance hearing for JD #109 because Mr. Krusemark had not visited with us prior to the hearing. The changes that we had talked with him about, is a parcel he owns in Section 26. It's a small part included in a watershed that physically was intended to go into Ditch #39. He now tiled that all back into JD #109 because he did not have a tile branch and it changed by 9 acres of benefits; that would be in Parcel 08 in the southwest quarter. It's a chopped up piece where the descriptions aren't 40's and we would recommend that the benefits of the west half of the southwest be increased to \$18,590.40 and that those lands will be removed from Ditch

#39; and then that the east half of the southwest quarter be increased to \$15,685.60. I will provide a copy of this amended report to go with the Order so that the numbers are all included correctly. The other part is a reduction of benefits on his part where he had tiled part of the quarter south into the creek rather than underneath the blacktop road. The question that we had asked him at that time was to look at if he wanted to take a whole quarter to the south because he would only have had to dig three or so feet deeper to get the outlet to take the whole thing to the south rather than being concerned that he would have to bore under the blacktop road some day. We left the meeting with the assumption that unless he told us different that we were going to leave the approximately 40 acres on the north side of that quarter within the JD #109 watershed. So in the northeast of the northwest then we reduced the benefits down to \$19,195.20; and in the northwest of the northwest we reduced the benefits down to \$8,240.00; and that left approximately 40 acres of that quarter within the watershed...four acres of that being roads. Ringquist stated our recommendation is that the Board then accept the Viewers Report with those changes.

Motion by Commissioner Pierce, seconded by Commissioner Belgard, after having received input from the public concerning the matter, the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby close the public portion of the continuation hearing for the Redetermination of JD #109. Carried unanimously.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby accept the Viewers Report with amendments for the Redetermination of JD #109. Carried unanimously.

Motion by Commissioner Potter, seconded by Commissioner Belgard, Be it Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby adjourn the continuation hearing for the Redetermination of JD #109. Carried unanimously.

Chuck Brandel, Engineer with I&S Engineering, was present to review an Improvement Petition for JD #40. Brandel stated it (JD #40) is an approximate 1200 acre watershed in Center Creek Township. There was a request by landowners to do a costs and options for improvement. There was a meeting right around the New Year. The landowners almost unanimously said we want to move ahead with an improvement. A petition and a bond was put together. The system right now is a combination of 18", 14", and 12" tile. The petitioners would like to redo almost the entire system. They didn't include the branches; we can review those as part of the preliminary engineer report if the project moves ahead. But to review, all of the main and Branch B replace that with a combination of 36", 30", and 24" tile to increase the capacity of the system includes a new outlet, a railroad crossing, and a couple of road crossings. Brandel stated the petition has been turned in, I believe it was reviewed by Kurt Deter.

Mosloski stated that is correct. Deter reviewed it and everything is in order.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby accept the Petition for the Improvement of increasing the drain capacity of JD #40 located within Section(s) 13, 14, 11, 10, & 3 of Center Creek Township. Carried unanimously.

Ringquist noted the viewing process on JD #40, stating that if you remember we had informational meetings on 28, 40, & 51. My understanding is there is an improvement petition coming on 51 as well; and 28 have chosen not to, at this point, to pursue the improvement any further. We were appointed to do a redetermination of benefits on those three systems trying to anticipate that, plus its just part of the line of things that are going on. Our part of the field work is done. We have done nothing with the reports themselves and it's my feeling that we'll kind of delay any further work on those until after the preliminary engineers report on the two improvements is done. Now that's up to Chuck to coordinate so we don't sit on one of the improvements for a long time while he gets the other ones done. But I don't want to delay anything so the Board could go forward and complete the Ditch #28 report, because they've chosen not to pursue an improvement. We could include the redetermination at that time of 40 and 51 as well. But my thinking is why have one more meeting in the chain of meetings so that if the two improvements go semi-closely together on the time line, and do the redetermination at the same time to include the final engineer's report and the improvement report so that everything is coordinated.

Brandel stated yes, from a timing standpoint JD #40 is relatively small. We'll probably have that ready come May 1<sup>st</sup>; but we wouldn't have a meeting until June.

Ringquist stated and we can't do anymore of the improvement benefits until after the preliminary engineers hearing anyway. So notice for the preliminary engineers hearing will come if the Board, at that time, determines that it is still practicable, feasible for them to move forward. Then the board can appoint the viewers to do the benefits of the improvement and we'll coordinate our reports accordingly at that time.

Brandel stated on #51, I know the petition is drafted, and I know people have signed it. They're waiting on some land to change names.

Ringquist stated yes, Mr. Krahmer is involved in that one representing some of the parties and he said that one is very close to getting it done.

Motion by Commissioner Potter, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby appoint Chuck Brandel, Engineer with I&S Engineering, as engineer for the JD #40 Improvement Project. Carried unanimously.

With no further business to wit, Board Chair adjourned the meeting at 10:45 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Donnelly, Board Chair

ATTEST: \_\_\_\_\_  
Scott Higgins, County Coordinator