

PROCEEDINGS OF THE  
MARTIN COUNTY BOARD OF COMMISSIONERS  
TUESDAY, JULY 17, 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 Steve Donnelly.

Commissioners present were Schmidtke, Pierce, Belgard, and Potter. 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, Rod Halvorsen, KSUM/KFMC Radio, Jennifer Brookens, Sentinel Newspaper, Julie Walters, Administrative Assistant, and members of staff and public.

Motion by Commissioner Schmidtke, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following addition: Information Update on Peer Mentoring Position – Miranda Rosa, FMJ Drug Court. Carried unanimously.

Miranda Rosa, FMJ Drug Court Coordinator, reviewed her previous request to use \$2,000 of the \$5,000 Drug Court allocation to pay for running a peer mentoring position for helping with Family Dependency Treatment Court. Rosa noted this request is not new money, just a shift from what has historically been used for supplies and using it as salary for the new position. Rosa stated that she has received 100% support from Jackson County to use \$2,000 from their Drug Court allocation to go toward the position; and Faribault County is willing to give \$2,000 from their Drug Court allocation toward the position providing they receive an evaluation of the Family Dependency Treatment Court program. The functions of the peer mentoring position will be to help keep people involved in the program by attending sober activities the alumni association helps our participants learn how to become productive members of society; and help me out with Family Dependency Court with data entry, filing, recovery outreach, sponsors, meetings, etc. Rosa stated that this position would be an employee of the Fifth Judicial District.

Commissioner Belgard asked Viesselman if this is a worthwhile endeavor.

Terry Viesselman, Martin County Attorney, stated his position has not changed. One of the main concerns is when the drug court fund was set up it was specified not to be used for salary; but for drug court expenses. Also, the adult court steering committee has not met to make a determination on a hire. Viesselman noted the money is there. If you took the \$2,000 out of the drug court fund there would still be enough money for expenses. I have no comment as to if I think this is a worthwhile endeavor. Viesselman noted that the next steering committee meeting is August 1<sup>st</sup>.

Commissioner Schmidtke stated I see some hesitancy here if we're doing the right thing. I know what the budget is going to look like this year and it is not going to look good. If there's any doubt at all I guess I would have trouble voting to approve it.

Commissioner Pierce stated it is my opinion that we have to get the buy-in from the county attorney; and more importantly, from the Steering Committee.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby table the requested use of the Drug Court county budget allocation for the purpose of the proposed Peer Mentoring position for the Family Dependency Treatment Court; with resolution to be determined at the August 7, 2012 regular Board of Commissioners meeting. Carried unanimously.

Motion by Commissioner Pierce, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the July 3, 2012 regular Board of Commissioners meeting. Carried unanimously.

Viesselman opened discussion regarding hazardous property located at the corner of Dewey and 4<sup>th</sup> Street in Fairmont. Viesselman stated that in a conversation with City Attorney Bloomquist, the City of Fairmont had started condemnation proceedings against this property; but ran out of funds to demolish the building and inquired if the County is willing to pay half of the cost for demolition. Viesselman stated that the County's Solid Waste Coordinator has been working on this also and has contacted the landowner and talked about the option of having the landowner deed the property to the County. Then, the County could proceed tearing the building down prior to the August, 2013 tax sale.

Commissioner Pierce stated I'm aware of that house and it is half fallen in. We're going to have ownership eventually and in my opinion we should proceed to obtain title from the owner of the property and offer to pay half of the demolition costs contingent upon commitment from the City of Fairmont to pay half the demolition costs. The County is not purchasing this property.

James Forshee, Martin County Auditor/Treasurer, stated there are funds in the Forfeited Land fund that have been put aside each year.

After further discussion,

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve obtaining title a parcel of property located at the corner of Dewey and 4<sup>th</sup> Streets in Fairmont, MN; contingent upon commitment from the City of Fairmont to pay half of the demolition costs and satisfactory title search by the Martin County Recorder's Office; and that the county has no intent on purchasing the property. Carried unanimously.

Captain Corey Klanderud, Martin County Sheriff's Office, presented and reviewed the recommendation of step increase based on satisfactory performance evaluation and

according to Union Contract for the following Martin County Sheriff's Office personnel:  
Andrew Boe, Corrections Officer.

Motion by Commissioner Belgard, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of Sheriff Jeff Markquart, hereby approve and authorize step increase based on satisfactory performance evaluation and according to Union Contract for Andrew Boe, Corrections Officer (LELS #115), from 4 Year Step at \$21.80/hour to 5 Year Step at \$22.19/hour effective July 23, 2012. Carried unanimously.

Sheriff Markquart stated that the Martin County firefighters were able to re-write and re-submit the grant application, again this year to the Department of Homeland Security-Assistance to Firefighters (AFG) grant in the amount of approximately \$780,000. Grant award notification will begin in September of this year; the Sheriff's Office has begun receiving invoices for ARMER radio equipment; remaining grant dollars from training at the Radio Advisory Committee in the amount of \$6,100 each will be disbursed to Martin County and McLeod County, which will be used toward the ARMER radio equipment in Martin County; and concrete has been poured at the second ARMER radio tower site near Fairmont, MN ; and recent code red mass notification system in assisting with the state patrol out of Marshall, MN with a pursuit which ended in Lake Belt Township.

Kevin Peyman, Martin County Highway Engineer, asked about the status of ARMER system radios for township motorgrader operators.

Commissioner Pierce stated the ARMER radios are not easy to use and it takes a lot of training. If you took the radios on the road and the person hasn't operated the motorgrader for a month or two or six months, or doesn't need to use the radio, the operator isn't necessarily going to use the ARMER radio; they are going to use a cell phone. If the operator needs to use the ARMER radio, he's not going to know how to use it, so why spend the money on the radios. Unless the ARMER radios are used on a regular basis you're not going to know how to use them when the time comes to use one.

Peyman asked if is okay if townships purchase their own radios.

Commissioner Belgard stated if the townships have somebody that they feel comfortable with running them (the radios)...for the most part the radios are not going to be an asset to them.

Sheriff Markquart noted there is 16 hours of required training for everybody that touches a radio. If townships purchase their own (radios) and want the training, we can make sure they get all the frequencies that they need for those radios so they can use them.

Donnelly thanked Markquart for the report.

Holli Arp, University of Minnesota Extension Regional Director, presented a new three year Memorandum of Agreement (MOA) with the University of Minnesota Extension

Office for Board approval, stating that the term of which shall be three (3) years beginning January 1, 2013 and ending December 31, 2015. The proposed annual increases include 1% in 2013 (\$65,550), 1.5% in 2014 (\$66,530), and 1.5% in 2014 (67,530). The proposed contract amounts include all wages, benefits, travel expenses, administrative University of Minnesota costs, and professional development. Arp noted that even though we're in the second year of the County's current MOA we wanted to bring forward the three year MOA with the new pricing structure that was recommended by the AMC County Extension Committee and approval by the County Extension Committee.

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the Agreement between Martin County and the University of Minnesota Extension for the term beginning January 1, 2013 through December 31, 2015 with annual increases of 1% in 2013 (\$65,550), 1.5% in 2014 (\$66,530), and 1.5% in 2015 (\$67,530); and locally employing a County Extension Staff position to provide programming for the County 4-H program. Carried unanimously.

Rebecca Bentele, Victim Witness Coordinator, stated the Victim Witness Program has received notification from the Office of Justice Programs Crime Victim Services that there are Emergency Funds available in the amount of \$600.00 for the period of July 1, 2012 to June 30, 2013. Emergency Funds are an additional source of supplemental funding to aid in direct services to victims of crime.

Motion by Commissioner Pierce, seconded by Commissioner Potter,

R-#32/'12

RESOLUTION AUTHORIZING EXECUTION  
OF EMERGENCY FUND GRANT AGREEMENT

BE IT RESOLVED that Martin County, Minnesota will enter into a cooperative agreement with the Office of Justice Programs in the Minnesota Department of Public Safety.

BE IT FURTHER RESOLVED that funds for this grant contract in the amount of \$600.00 for the period of July 1, 2012 to June 30, 2013 are for emergency funds to county and city prosecutors and victims' assistance programs to reimburse crime victims who have emergency needs under MN Stat. 611A.675.

BE IT FURTHER RESOLVED that the Martin County Board Chair is hereby authorized to execute such agreements and amendments, as are necessary to implement the project on behalf of Martin County.

BE IT FINALLY RESOLVED upon a motion by Commissioner Pierce, and seconded by Commissioner Potter, and was unanimously carried.

Resolution duly passed and adopted this 17<sup>th</sup> day of July, 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, Pierce, and Donnelly.  
NAYS: None. Resolution duly passed and adopted this 17<sup>th</sup> day of July, 2012.

Bentele stated that interviews have been completed for the Supervised Visitation Coordinator position and that four applicants were interviewed and three applicants had second interviews. Bentele recommends the hire of Jane Vader to fill the Supervised Visitation Program Coordinator position contingent upon background checks that are satisfactory to the County.

Motion by Commissioner Belgard, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of the Martin County Victim Witness Coordinator, hereby approve the hire of Jane Vader as Supervised Visitation Program Coordinator at Grade 8 Step 1 at \$13.32/hour effective July 30, 2012; and is not eligible for benefits; and is subject to successfully serving a twelve (12) month probationary period; and is contingent upon background checks that are satisfactory to the County. Carried unanimously.

Discussion ensued regarding office location for the Supervised Visitation Program Coordinator. Office options discussed were: vacant office in the Probation Department, postage machine room between the Coordinator's Office and Solid Waste Office, possible sharing space with the Drug Court Coordinator Office, sharing space with the Victim Witness Administrative Assistant Office, located in the Extension/4-H Office, judge's chambers/visiting law clerk office, and possible space in the County owned vacant building at 121 North Main Street in Fairmont.

After much discussion, Commissioner Belgard stated there's an office in the Probation Department that is not used that could be used for the Supervised Visitation Program Coordinator. We (the Board) looked at the area a couple of meetings ago; however, there is opposition from the Probation Department.

After further discussion,

Motion by Commissioner Belgard, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, after careful review and consideration, hereby approve and authorize use of the extra office in the Martin County

Probation Department to house the newly hired Martin County Supervised Visitation Program Coordinator. Carried unanimously.

Wendy Chirpich, Planning & Zoning Technician, presented an update on the status of the Lake Belt Township/Lake Fremont Township Septic Grant Project. Chirpich stated the grant started January 1, 2011 and was opened up just to Lake Belt Township property owners and had to meet the low income guidelines set by the USDA in order to qualify for the grant, which pays for the septic system in full. Letters were sent to all eligible homeowners and a total of nine people signed up for the project. With funds still available, we contacted the Board of Water and Soil Resources (BWSR) last September and they were willing to let us expand the grant to another township. It was determined to offer grant funds to Lake Fremont Township and another thirty to forty letters were sent to eligible homeowners and we picked up a couple more properties; so in total we have about twelve systems that already have the cost estimate or have been paid out and installed in full. The total funds granted was \$223,000 and we have about \$28,000 left to spend which may be enough for two more systems. Installations and paperwork must be turned in by December 31, 2012. Funding is on a first come, first served basis.

Judd Schultz, MVAC Housing Services Director, congratulated the Board for receiving the Small Cities Grant to help twenty-three homes in the communities of Ceylon, Dunnell, Granada, and Northrop; stating funds in the amount of \$595,000 was received and will cover both the rehab costs and the admin for the program. Schultz presented and reviewed a resolution establishing policies and procedures for the administration of loans for the 2012 Martin County Housing Rehabilitation Loan Program, including: Housing Rehabilitation Policies Summary; Housing Rehabilitation Program Policies and Procedures; Housing Rehabilitation Standards; Program Income Policy; Fair Housing Policy; Section 3 Plan; Residential Antidisplacement and Relocation Plan; and Administrative Contract.

Higgins stated the policies and documents have been reviewed by the County Attorney and approved as to form.

Motion by Commissioner Pierce, seconded by Commissioner Potter,

Resolution No. 34

A RESOLUTION OF MARTIN COUNTY  
ESTABLISHING POLICIES AND PROCEDURES  
FOR THE ADMINISTRATION OF LOANS FOR  
THE 2012 MARTIN COUNTY  
HOUSING REHABILITATION LOAN PROGRAM

**WHEREAS**, Martin County has received a Department of Employment and Economic Development Small Cities Development Program Grant; and

**WHEREAS**, Martin County needs to establish policies and procedures for the administration of loans through this program as required by the Department of Employment and Economic Development; and

**WHEREAS**, Martin County has committed resources to assist with the rehabilitation of properties; and

**WHEREAS**, the Small Cities Program is designed to assist with the rehabilitation activities in Martin County; and

**WHEREAS**, the Small Cities Development Program guidelines and policies are attached as follows:

- Housing Rehabilitation Policies Summary
- Housing Rehabilitation Program Policies and Procedures
- Housing Rehabilitation Standards
- Program Income Policy
- Fair Housing Policy
- Section 3 Plan
- Residential Antidisplacement and Relocation Plan
- Administrative Contract

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of Martin County that the policies and procedures outlined in the above-referenced exhibits are hereby adopted.

Adopted this 17<sup>th</sup> day of July, 2012

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Steve Donnelly, Board Chairperson

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ATTEST

Roll Call AYES: Commissioners Schmidtke, Belgard, Potter, Pierce, and Donnelly.  
NAYS: None. Resolution duly passed and adopted this 17<sup>th</sup> day of July, 2012.

Kevin Peyman, County Engineer, stated we've been discussing the need for building a shower/restroom at Cedar Hanson Park for probably 15-20 years. We have completed a dump station and some electrical and water hookups for the park. Bruce Goraczkowski, member of the Martin County Park Board, has attended a couple of seminars on the best way of applying for and receiving grant funding for these types of buildings, and generally what he's been told both through the Legacy and the Lottery funds, is that they like to award complete projects. Peyman went on to state that the Park Board has

decided it would be best to go out and have a park study done at Cedar Hanson for park layout for future development of electrical and water hookups. This is in addition to the shower/restroom building, where the septic would go. We contacted various architect firms. We ended up contacting Bob Sworski with CBS Squared, Inc. out of Chippewa Falls, WI. They used to be based out of Minnesota and are currently doing the Jackson County Highway Building so they're in the area twice a month already. CBS Squared, Inc. has extensive experience with park restrooms and has done over 35 park buildings. We looked at some different scopes of service with them and decided that the best way to go was to have them do a complete project where they do a total park development plan for us, in which would be used as the long term plan for the park and would include the restroom building, locations for septic systems, utilities, some possible playground equipment, including some additional camping sites. We have met with the DNR and we would submit with the park plan to both the Legacy and Lottery funds. Costs for the complete proposal would not exceed \$12,495. Peyman noted the Park Board is recommending that we move forward with the full plan. Peyman went on to note we generally have some of the rental money of the McClain Property designated towards development funds so we always have \$25,000 to \$30,000 dollars roughly that we use for a specific project; and the CBS Squared, Inc. park plan proposal would be paid out of that money. The scope of services includes,

### Scope

- 1) Develop a park restroom and shower building that contains an aggregate for both men and women – (8) toilets, (8) lavatories, (6) showers and associated urinals
- 2) Identify possible locations for associated septic system
- 3) Locate existing utilities
- 4) Site new playground equipment
- 5) Development of 18 to 20 trailer type camping spaces
  - a) Sizes of the camping sites to be determined during the study
  - b) Connection of water and electricity to the trailer camp sites
- 6) Selective cutting/limbing of trees on the lakeshore
- 7) Review/develop options for campsite waste collection
- 8) Development of any additional enhancements as uncovered during our cooperative planning process
- 9) Assistance with grant writing efforts as requested

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of the County Engineer and the Martin County Park Board, hereby approve entering into an Engineering Agreement with CBS Squared, Inc. of Chippewa Falls, WI for a Master Park Plan, Shower Building design, and grant writing assistance for Cedar Hanson Park. Carried unanimously.

Peyman presented a brief department update including recent completion of seal coating project and that things went real well with the new construction company of H.G. Meigs; gave an update on a recent accident involving a semi driving through a stop sign and

hitting a county highway truck in the East Chain area. Peyman noted the driver of the county truck has two broken ribs and will be out of commission for a short time.

Deb Mosloski, Martin County Drainage Administration, stated a continuation hearing on JD #39 will be held this morning to hear the final viewer's report on the separation of JD #39 into three systems. In addition to the division of JD #39 into three systems, Mr. Gaalswyk was assessed into CD #35 and he actually goes north. Mosloski introduced Jim Weidemann, Viewer.

Weidemann stated Charles Bowers and Ron Ringquist were viewers on this separation of JD #39 as well. After the last hearing, a Mr. Swanson in the southwest quarter of Section 23 said that he tiled the other way when the system was split. We had him in the system and everything was fine; but, when we split JD #39 into three systems his was going one way for part of it, was going this way into the O, and part of it was going back into the west main. He tiled all into the west main, he told us that at that hearing, so we went through and made the correction so it is just going in the west main. Same number of acres; but, it is going in the west main instead...so we have that correction. That's the main reason we're here. But then there's something else that came up and that's the Gaalswyk property in the northwest quarter of Section 27 and basically what it is, is the watershed line comes on that quarter on these two 40's down here (on map) if you can visualize that the sub watershed as it is, he had a few acres that went into CD #35. As a matter of fact there was a county tile-50 foot of county tile on one of those parcels, 80 foot of county tile going into the other parts of CD #35. So we took them that way. Well he identified this now after the appeal time and so what we want to do is put him into JD #39 now because he tiled it into JD #39. Why? Because this (section) wasn't working...they were plugged. So what we'd like to do, is say it was an obvious error and it wasn't because he had county tile up there and abandon those two little pieces of tile, the 50 foot and 80 foot, into CD #35 – abandon those, and put that on record so that he is not in CD #35 anymore; and then take him out of CD #35 and put him into JD #39. Now I've got the net benefits figured out and it's going to be different. We're taking out so many dollars out of CD #35 and we're putting it more into JD #39, which it is actually putting more net benefits into JD #39. The reason being this one was 70% efficient, this one is 79% efficient. It's already done. This is just the legality of getting off of CD #35 system.

Chairman Donnelly opened the continued public hearing to hear the corrected Final Viewers Report for the Redetermination of Benefits of JD #39.

Paul Gaalswyk, landowner from Trimont, Minnesota was present and stated I would like to have those 39 acres removed from CD #35 and put into JD #39 because when we put this tile in Branch O we were assessed for Branch O and the revised watershed map does have them into Branch O. That would be the right and proper place for them to be.

Kurt Deter, attorney with Rinke Noonan (representing the County) stated normally it would be a little more complicated; but, it sounds like you're (Gaalswyk) a long way down the process and if the tile line is already into 39...usually it's an outlet issue. The

question is does JD #39 have the capacity to handle it? But it sounds like the tile lines are already into JD #39.

Gaalswyk stated they were sized accordingly when the new Branch O improvement was made, I believe in 1985, we asked that we be included into that Branch O Improvement at the time and so the tile was sized accordingly.

Deter stated the one question I had when you said abandon CD #35 is, are those two county lines we're abandoning?

Weidemann stated only the last 80 feet of this one and the last 50 feet of this one (on map) that goes into the Gaalswyk property so they are no longer into CD #35.

Deter stated if I got all that information what Jim just said I could put it into an Order form. We just have to make it clear exactly what stretch we're abandoning so that we don't abandon something that you didn't intend to. I'm sure Deb (Mosloski) and Mike (Forstner) can provide me with that.

Weidemann stated the west main new net benefits are going to be \$2,402,804.88. And the new net benefits for Branch O will be \$1,525,000.88, which resulted in an increase.

Deter inquired then we'll be taking some benefits off the CD #35 system.

Weidemann stated yes we'll be taking off \$43,000 off CD #35.

Deter stated we can do all of this as long as someone provides the information at some point so that we can put it into an Order so they know years from now what happened.

After further discussion,

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, acting as Martin County Drainage Authority, upon the recommendation of Jim Weidemann, Ditch Viewer, hereby approve amendments to the Final Viewers Report for the Redetermination of Benefits and Separation of JD #39 and includes the new net benefits as follows: \$2,402,804.88 decrease to the West Main; and \$1,525,000.88 increase to Branch O. Carried unanimously.

Chairman Donnelly asked if there was any further public comment. There was no further input from the public.

Motion by Commissioner Potter, seconded by Commissioner Belgard, after having received input from the public concerning the matter, the Martin County Board of Commissioners, acting as the Martin County Drainage Authority, hereby close the public portion of the Ditch hearing.

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, acting as the Martin County Drainage Authority, hereby accepts the corrected Final Viewers Report for the Redetermination of Benefits and Separation of JD #39. Carried unanimously.

Deter stated if you supply me all the information we'll put it into an Order and then you'll be able to give Mr. Gaalswyk a copy of that Order once the chairperson signs it.

Mosloski, Martin County Drainage Administration, stated a continuation hearing will also be held this morning for the acceptance of Petition, Viewer's Report, and Engineer's Analysis for CD #72. Petitioners Pork Behrens Farms, Inc., and Douglas and Lorna Bicknase request to cross a watershed line and use CD #72 as an outlet. Mosloski introduced Chuck Brandel, Engineer with I&S Group, to review the CD #72 Watershed.

Brandel stated at the County's request, I&S Group has completed a preliminary review of CD #72. The scope included a preliminary hydraulic analysis of the system reviewing capacities of the existing open ditch, existing road crossings and the outlet. It should be noted that some general assumptions were made during this analysis and no survey information was gathered. Additional information may or may not modify our findings, but it is not anticipated that a significant change to our recommendation would result.

Brandel stated that Existing Conditions – CD #72 is a 4,158 acre system made up of approximately 6.5 miles of open ditch and 2.0 miles of buried tile including 3.5 miles of buried tile that makes up JD #24. An onsite visit was conducted and found that CD #72 was recently cleaned and seemed to be in good working order.

The original plans dated October of 1965 were used to identify the existing crossing sizes of the system. Sizes of crossings range from 48" to 78" Corrugated Metal Pipes. Without completing a detailed survey of the system, the grade of each crossing was assumed to be the same as the planned legal grade of the ditch, with grades ranging from 0.02% to 0.13% at the downstream end of the system and 0.05% to 0.24% at the upstream end of the system.

Brandel continued that the preliminary hydraulic analysis of the system shows that for the existing conditions, over half of the crossings fall below the suggested 1.0 in/day drainage coefficient recommended by the Natural Resources Conservation Service (NRCS). These calculations are based off the assumption that the culverts at the crossing match the legal grade of the open ditch. Drainage coefficients of the culvert crossings range from 0.55 in/day in the middle to 2.20 in/day on the upstream end of the system. Original plans and LIDAR data show that the CD #72 open ditch is fairly deep, resulting in drainage coefficients as high as 44.6 in/day in the upstream portion of the system to 2.52 in/day near the outlet. These results far exceed the recommended 1.0 in/day from the NRCS.

Brandel further stated when the additional 165 acres was added to the system the results show that the drainage coefficients of the crossings at the upstream end of the system

drop from 2.40 in/day to 1.73 in/day. The drainage coefficients of the open ditch drop from 44.6 in/day to 32.2 in/day; a decrease of approximately 30%, but still has the capacity to handle the additional flow.

Near the outlet of the system, where effects are less noticeable, the drainage coefficients of the crossings drop from 1.08 in/day to 1.04 in/day. The drainage coefficients of the open ditch drop from 2.5 in/day to 2.4 in/day, a decrease of approximately 3.8%.

Brandel stated that the recommendation includes that after adding the proposed 165 acres to the watershed; it has been shown that the CD #72 open ditch has enough capacity to handle the added flow from the additional acres. The culverts at the crossings show less capacity and do not meet standards recommended by the NRCS, if the existing culvert grades match the legal grade of the ditch. If any of the roads that cross the open ditch are repaired or improved, a more detailed analysis of the culverts should be completed to determine if the culverts need to be upsized.

We would recommend that when the township roads are looked at that maybe these culverts sizes be looked at again. But when you look at the outlet of the system we were 3% different in just flow and that's assuming the whole system gets there at once. But in reality this is five miles away and you've got culvert crossings that are going to restrict flow so this area is actually going to be gone by the time this area gets there. So we would recommend that the system does have capacity to add the 165 acres; but I would add one stipulation that the tile is limited to a half inch drainage coefficient which is the standard for tiling which would either be a 15" tile at .4% or an 18" tile at .2%.

Chairman Donnelly opened the continued public hearing for accepting of petition and viewer's report for using CD #72 as an Outlet.

Duane Behrens stated that I haven't taken the time to figure this out on Doug Bicknase's side...I've got 93.5 acres so there's another 70 acres and Doug (Bicknase) is looking at the fact that if he doesn't go along with this proposal, his cost is actually cheaper if he doesn't go along with this and go to the north like it's supposed to go, my cost either way is going to be about the same because of the digging that needs to be done. I've got to take it to the north as opposed to going to the south. Now, what does that change?

Brandel stated so you would look at 95 acres instead of 165 which is better.

Behrens stated it's better, but does it change when you get into assessments...that's all part of this original proposal.

Brandel stated I don't know how exactly the assessments are broken down, but I think it was broken down for each parcel coming in. So your assessment I think would be the same.

Kurt Deter, Attorney with Rinke Noonan (representing the County) stated the viewer's report did split it up between the Behrens Farms and Bicknase; so I guess we'd need to

know whether the time is right to petition and get both of them in. If that is different we should know that.

Behrens stated when (Bicknase) saw that he was assessed for the whole thing. At the last meeting we said let's go ahead and find out whether we can or cannot, so that's why we left it go. We decided we'll pay for your work of doing this and just go through the process. Doug couldn't be here today. He says if you want to go that's up to you. I mean it was his choice for the little bit that he's going to drain and he felt it wasn't worth it. This is what he's telling me.

Brandel asked so it will just be your (Behrens) part?

Behrens stated just my part.

Brandel stated so 95 acres which still would have capacity. I still say that we limit it to the half inch drainage.

Behrens stated I don't have any problem with that at all.

Deter stated the Petition right now is for both. I don't have any problem and I'm sure that this is correct; but, I want to see it in writing from him (Bicknase) that I'm removing my request or maybe you're representing him?

Darren Haugen, Attorney representing Pork Behrens Farms and Doug Bicknase, stated that's my question. I guess I have a couple of procedural questions that you just started hitting on. Number one, this is a little bit of a surprise. I guess it was not a total surprise Doug was concerned about the price. But there are a couple of things...I understand are coming. Is there going to be a redetermination of this watershed coming in the really near future?

Mosloski stated it (the redetermination) has been ordered.

Haugen asked would the redetermination affect the price tags that we see in the Viewer's Report.

Deter stated not for the outlet fee. It might change the benefit a little bit; but, the outlet fee is separate from a redetermination of benefits.

Haugen stated okay, so that wouldn't change that. My other question pertains to whether or not just procedurally if Doug (Bicknase) decides to withdraw as a petitioner we could submit perhaps an amended petition; but obviously we want to do it in such a way that we're continuing on with the notice we first started with, without having to start the whole thing over again. Is there a way to do that?

Deter stated yes. I don't have a problem with your representing both indicating on the record amending the petition and taking Bicknase off. You're representing him; he's

here as his legal counsel and I don't have a problem with that and so under 401, capacity is the issue. Chuck (Brandel) has indicated the capacity is there, its close, but for a 401, also allows you to set conditions. I agree if it is close and you could approve the Behrens outlet petition, set the outlet fee and the benefit as Ron Ringquist has indicated and make a condition that the outlet not exceed a half inch drainage coefficient. You have the authority to do all of those things. Otherwise, I can't see doing an amended petition to do what we already know today and then having another hearing. I think we can do it all today.

Haugen stated now my other question, mostly for counsel, is can we continue...I'm not exactly sure what Doug's (Bicknase) answer is to this.

Deter stated well that was my question. I mean we could approve the Behrens part of it today and if they want to continue the other one fine, knowing that they're going to have some expense of another hearing. I don't have a problem with that. The ball's in their court.

Haugen stated I didn't get anything in writing from Doug (Bicknase) but I talked to him yesterday afternoon.

Deter stated the ball is in their court. You're (the Board) the Drainage Authority but they're the ones that have to decide what they're requesting of you.

Behrens stated one of the main reasons for all of this was the road being torn up and we could put the culvert underneath the road.

Commissioner Belgard asked did we not continue this because we had an outlet concern with the downstream initially. I assume that's why Billeye Rabbe representing the Township is here for. That was the original reason why we continued this was because of the township concern on the other end of that on the outlet that it was already overloaded so we've addressed that concern?

Deter stated that the engineer (Brandel) has stated his opinion.

Brandel stated the ditch system itself has the capacity. That's my opinion. Downstream you've got a lake...this culvert down here was not part of the analysis.

Commissioner Belgard stated and that's the problem area...that road already gets under water.

Brandel noted just a quick opinion on stating that this was a month ago and the culverts were half under water already, so I'm questioning if there is some control downstream that would have to be looked at. But that's not a ditch issue, that's a DNR issue.

Billeye Rabbe, Supervisor for Rutland Township, stated I have talked with the DNR about the whole scenario and I think we have problems with the water outletting from the

drainage ditch. But I don't know that the problems are going to be caused by Mr. Behrens.

Commissioner Belgard stated this isn't going to make it any worse. We can probably get rid of that part of our concerns.

Rabbe noted that's what he's saying with the amount of water going in there that it isn't going to make the problem any worse. And they're not going to fix the problem.

Brandel stated I would suggest that you (Rutland Township) look at some grants to repair this issue. We just got one for another township road where we had to move it because of some flooding issues. I'd look at pursuing that. I can talk to you more on that too. That's separate from the ditch.

Rabbe stated I appreciate him taking a look at that and I appreciate the continuing so that we could sort things out a little bit rather than try and sort it out that day. Deb (Mosloski) has been helpful, Mike (Forstner) has been helpful...the problem has been ongoing for many years. Our concern, or my concern, was that this was going to put more water there; but, it sounds like it isn't. By the time it gets there it isn't going to amount to much. I don't have a concern and I appreciate the concern from you in the beginning.

Chairman Donnelly asked if there was any further public comment. There was no further input from the public.

Motion by Commissioner Potter, seconded by Commissioner Belgard, after having received input from the public concerning the matter, the Martin County Board of Commissioners, acting as the Martin County Drainage Authority, hereby close the public portion of the Ditch hearing.

Motion by Commissioner Potter, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, acting as the Martin County Drainage Authority, has determined that the Behrens property has sufficient capacity and approve the outlet fee and benefits as presented in the report by Ron Ringquist, Viewer; and to continue the Bicknase matter for future consideration should he come back and ask that his land be included; and is subject to no larger than a half inch drainage coefficient. Carried unanimously.

Deter noted when Deb (Mosloski) provides me with the minutes of today's hearing, I'll put it into an Order form. If Bicknases don't come back, that will kind of die a natural death. The ball is in their court. If they don't come back it would be nice if their attorney would write to us and say yes we're coming back or no we aren't. If they aren't then we'll simply dismiss that. Mr. Haugen after you talk to Mr. Bicknase if you could just send Deb (Mosloski) a letter stating yes we're going to come back or no we aren't then we can clean this up and be done with this.

The Board recessed at 10:37 a.m.

The Board reconvened at 10:44 a.m.

Mosloski stated JD #2 they're looking at an Improvement. Chuck Brandel has been working with the landowners on whether or not they're going to do a Petition to do this large improvement. Mr. Ed Bell has called me several times about trying to figure out how long of a time period landowners will have to pay the assessments. Mosloski introduced Mr. Bell as he wanted to speak before the Board today. Mosloski noted this could be over a \$2 million dollar project and the ditch crosses over into Watonwan County.

Ed Bell stated thank you very much for letting me have a few minutes of your time. This is a big project and I think when we get into this it is going to be one of the best projects put together in the area. We're going from the start to the end and everybody's going to have hookups and the private tile system, in my perspective, being pretty well a thing of the past. So my question has to do with you know when we get to the end of this, how long we are going to have to pay; what is the longest amount of time for repayment. The second question is when that time comes will people in the district have any input as far as options...nobody seems to have the answer. So today I'm asking for some guidance. We have some folks that have been on this from the start to the finish and will be biting off a pretty sizeable chunk and many of us would be sticking more than one hundred grand into it. And also, we have Gary Wassman here and David Kuehl from South Silver Township.

Kurt Deter, Attorney with Rinke and Noonan (representing the County), stated the statute allows you to go up to twenty years. To be honest with you I've never seen it go over fifteen years.

Commissioners inquired if all landowners are on board with the Improvement, what the statutory interest rate is, prepayment options, and bonding.

Mosloski noted their concern is that there could be some out there that get an assessment as much as \$160,000 for one landowner. Their concern about that is if you collect that in fifteen years this guy could lose his farm and I don't think that's the desire of anybody here.

Deter stated according to statutes drainage liens against property benefited under this for improvement payable to the treasurer and county in twenty or less equal installments. The interest rate must be set by the Board; but must not exceed the rate determined by the state administrator for judgments under Section 549. This is not normally followed because the judgment rate now is down and (at 3%) so what we do is if we do it by selling bonds, it is whatever the bond rate is plus a percent or a percent and a half to cover the County's administrative expenses. The repayment schedule could be written into their Petition for the Board to consider the maximum length of time; with the prepayment option included also. Until the viewer's go out...you've got issues about separable maintenance. You call this a new project but it is kind of in the petitioner's ballpark. They can request a lot of things in the petition. It is a fair amount of money, but if it is a good project that makes sense and Chuck Brandel tells me that this is a very

undersized system, unless we have twenty years of drought the project should pay for itself by the fifth year. If the County bonds for the improvement and you know you had commitments to prepay, you could have less of a bond. Bonding questions should be addressed by your bond counsel. Until you receive a Petition, this is just information.

Commissioners stated they will go on record advocating going the maximum amount if that is what the landowners want.

Deter noted I wouldn't lock yourself into anything until you see down the road where the bonds come in.

Donnelly thanked Deter for the legal guidance.

Mosloski presented her request for Martin County to open up its Beacon system ditch layer to the public so contractors have access to information on the systems they are working on and would eliminate a lot of emails and phone calls to the Ditch Administration Office with requests to print off maps. The public now has to pay \$50 per month to access the ditch layer. Contractors need to include the ditch system they are working on, on all invoices. Invoices that do not have the ditch system written on them do not get paid. Contractors need to know that they are working on county tile if they're going to bill the county.

Higgins stated there is a policy out there that states to open up the ditch layer for county projects to those individuals which would include contractors.

Forshee stated it is not going to cost the county anymore money to open up the ditch layer to the public.

Commissioner Schmidtke stated I think that would be an awesome thing to have happen because if they (the contractors) submitted it with that voucher we can tell if they're actually doing a county tile or if part of it was private. After further discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Belgard, Be it Resolved that the Martin County Board of Commissioners, hereby approve and authorize Steve McDonald, Martin County MIS Director, to open up the Beacon ditch layer to the general public. Carried unanimously.

Steve McDonald, MIS Director, presented a demonstration pertaining to the use of tablet computers (IPAD). In May, the Board discussed the potential of purchasing tablet computers (tablets) to be used by the County Board for county business purposes, including uploading various committee agendas, board agendas, county emails, and the board agenda packets. The tablets would provide the technology to go paperless. The agendas would be electronically uploaded onto the tablet device and would be entirely digital, without the need to print copy or distribute paper documents.

Consensus of the Board is for Commissioner Schmidtke to try out the tablet computer over the next few months.

Higgins stated in order to be in compliance with the federal narrow band radio frequency, the Martin County Transit system will need to upgrade their bus radios to a digital radio system for compatibility to this requirement. The digital radio upgrade cost is allocated 80% State/Federal share and 20% local share with anticipated cost to be in an amount not to exceed \$25,000.

Motion by Commissioner Belgard, seconded by Commissioner Pierce,

R-#33/12

RESOLUTION

Authorizing the Procurement and Upgrade to Digital Radios  
for the Martin County Transit System

WHEREAS, the County of Martin, MN operates a public transit system; and

WHEREAS, the County of Martin, MN desires to purchase digital radios to be used in the transit system; and

WHEREAS, the digital radio upgrade cost is allocated 80% State/Federal share and 20% local share of the “contract amount”; and

NOW THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners of the County of Martin, MN hereby authorizes the purchase of digital radios in an amount not to exceed \$25,000.

BE IT FURTHER RESOLVED, that the Martin County Board Chair and/or County Coordinator are hereby approved and authorized to sign and execute the necessary agreements and other documents for the Martin County Transit digital radio upgrade project.

Motion by Commissioner Belgard, seconded by Commissioner Pierce, Resolution was duly passed and adopted this 17<sup>th</sup> day of July, 2012.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Donnelly, Board Chair

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

Roll Call AYES: Commissioners Schmidtke, Potter, Pierce, Belgard, and Donnelly.  
NAYS: None. Resolution duly passed and adopted this 17<sup>th</sup> day of July, 2012.

Higgins presented a listing of warrants, Highway Department and Ditch Administration bills to be paid on July 17, 2012.

Forshee stated yesterday when we got the bills all done Sheriff came up and presented invoices from Motorola for ARMER hand held radios and base radios that are going to be in the vehicles totaling \$835,000. The radios are still up in Mankato, MN and we haven't received them yet. These invoices do not appear on the July, 2012 Audit List.

After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Belgard, Be it Resolved that the Martin County Board of Commissioners, hereby approve bills to be paid July 17, 2012 as presented; and includes the Martin County Highway Department bills and Ditch Administration bills as presented, and not the pay the radio invoices . Carried unanimously.

Warrants Received and paid July 17, 2012 are registered on file in the Auditor/Treasurer's Office as follows:

Revenue Fund – Warrants Approved July 17, 2012	\$190,181.76
Enhanced 9-1-1 Fund	\$ 83.62
Recreation and Safety Fund	\$ 700.00
Martin Co. Economic Development Authority	\$ 320.15
Solid Waste Management Fund	\$104,722.27
Law Library Fund	\$ 1,434.76
Martin County Transit Fund	\$ 43,944.16
Recorder's Technology Fund	\$ 3,021.88
Building – CIP – Fund	\$ 7,372.01
Bank Building Fund	\$ 5,840.13
Taxes and Penalties Even Years	\$ 479.00
Miscellaneous Tax Fund	<u>\$ 316.00</u>
Total	\$358,415.74
Road and Bridge Funds	\$ 69,501.71
Martin County Ditch Fund – Warrants Totaled	\$ 56,508.07

With no other business to wit, Chairman Donnelly adjourned the meeting at 12:07 p.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Donnelly, Board Chair

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