

PROCEEDINGS OF THE
MARTIN COUNTY BOARD OF COMMISSIONERS
TUESDAY, AUGUST 19, 2014
@ 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 Schmidtke.

Commissioners present were Steve Flohrs, Elliot Belgard, Dan Schmidtke, Steve Pierce, and Steve Donnelly. Also present were Scott Higgins, Martin County Coordinator, James Forshee, Martin County Auditor/Treasurer, Judy Bryan, Sentinel Newspaper, Julie Walters, Administrative Assistant, and members of staff and public.

Motion by Commissioner Donnelly, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda for the August 19, 2014 regular Board of Commissioners meeting with the following: Delete 8.1 Highway Department Update; and Add 8.7 Discuss Sheriff's Office Staffing. Carried unanimously.

Scott Higgins, Martin County Coordinator, presented the FY2015 State of Minnesota Board of Water and Soil Resources MPCA County Feedlot Performance Grant Agreement, noting that Martin County will receive additional grant funds in the amount of \$9,792 for work done above and beyond the minimum feedlot program requirements.

Motion by Commissioner Pierce, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the State of Minnesota Board of Water and Soil Resources MPCA 2015 County Feedlot Performance Grant Agreement for the period of January 1, 2015 – December 31, 2015 in the amount of \$9,792. Carried unanimously.

James Forshee, Martin County Auditor/Treasurer, stated it is time to schedule the annual Road and Tax Forfeited Land Tour where the commissioners are asked to view various tax forfeited parcels and road construction projects and equipment in Martin County. Forshee noted the meeting needs to be scheduled by the end of the first week in September.

After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby set a special meeting date and time for the annual Road and Tax Forfeited Land Tour for September 2, 2014 immediately following the regular Board of Commissioners meeting. Carried unanimously.

Higgins stated each year a resolution is needed for the county's annual grant application to Mn/DOT Office of Transit for the operation of the Martin County Transit public transportation system. Higgins noted the county is required to provide for 15% of all operational costs and 20% of all capital costs. Higgins went on to note the resolution also authorize the Board Chair and/or Coordinator to sign all necessary documents on behalf of the county. Higgins also noted

the requested operations budget for CY2015 is projected at \$728,449 (CY2014 approved budget \$714,000) an approximate increase of 2% from CY2014. Higgins stated capital items for CY2015 include one (1) replacement bus at a projected cost of \$72,000 which is a shared cost of 80% Mn/DOT and 20% local share.

Motion by Commissioner Flohrs, seconded by Commissioner Belgard,

R-#40/14

RESOLUTION
MARTIN COUNTY TRANSIT SYSTEM
CY2015

BE IT RESOLVED, that Martin County, MN enters into an Agreement with the State of Minnesota to provide public transportation service in Martin County, MN.

BE IT FURTHER RESOLVED, that Martin County, MN agrees to provide a local share of fifteen percent (15%) of the total operating cost and twenty percent (20%) of the total capital costs for CY2015.

BE IT FURTHER RESOLVED, that Martin County, MN authorizes the Chairman of the Martin County Board of Commissioners and/or the Martin County Coordinator to execute the aforementioned Agreement and any amendments thereto.

BE IT FURTHER RESOLVED, that the Board Chairman or the County Coordinator is authorized to execute requests for reimbursement to the Minnesota Department of Transportation. Dated this 19th day of August, 2014.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Dan Schmidtke, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Donnelly, Pierce, Belgard, Flohrs, and Schmidtke. NAYS: None. Resolution duly passed and adopted this 19th day of August, 2014.

Jeff Markquart, Martin County Sheriff, presented the Sheriff's Office recommendation for the hire of Beau Karge as a part time corrections officer. Markquart noted the position is non-union and hired on an as needed basis.

Motion by Commissioner Belgard, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the hire of Beau Karge as a part time corrections officer, on an as needed basis, for the Martin County Sheriff's Office,

effective August 24, 2014 at \$15.96/hour, and is not eligible for full time employee benefits, and is a non-union position. Carried unanimously.

Markquart stated due to the hiring process the Sheriff's Office is short of part time dispatchers and recommends entering into an agreement with Faribault County for use of their part time dispatchers to fill open shifts in Martin County until Martin County is at full staff again. Markquart noted Faribault and Martin County use the same records system, and same CAD system.

Discussion ensued as to procedure for reimbursement of services.

After further discussion,

Motion by Commissioner Pierce, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Martin County Sheriff's Office to move forward and work with Faribault County to schedule communications staff to temporarily fill open shifts in the Martin County Sheriff's Office. Carried unanimously.

Markquart gave a Martin County Jail Update including twenty-four (24) in-house, twenty-five (25) out between Faribault, Jackson, and Nobles County, and approximately five or six (5/6) on Electronic Home Monitoring (as of Monday, August 18, 2014).

Markquart informed the board that there is a concern out there that the ARMER radio coverage in certain areas of schools, businesses, and hospitals within Martin County is not working. When these radios were handed out each agency was asked to go out and find where these radios work where they don't work great, and if there were problems to report back as to where the problems are so that we can contact a vendor and come up with a solution. However, at this point, I have not received any concerns, except from what I am now hearing from out in the public that there is now a concern that the radio system won't work inside the Fairmont Schools. At the time the ARMER system was implemented we instructed all of the radio users that if there are areas in the county that are not reachable as well as other concerns or issue that they needed to contact me.

Markquart continued that there are upcoming projects to enhance the E911 systems including the Computer Aided Dispatch (CAD) system and FirstNet, the nationwide interoperable broadband network.

Commissioner Pierce noted there will be discussion on these systems at the upcoming Association of Minnesota Counties Fall Policy Committee meetings in September.

Forshee presented a resolution ordering the redetermination of and appointing viewers for CD #73.

Motion by Commissioner Belgard, seconded by Commissioner Flohrs,

R-#47/'14

ORDER APPOINTING VIEWERS AND
REDETERMINATION OF CD #73

WHEREAS, the Martin County Board of County Commissioners hereby determines that the original benefits or damages determined in drainage proceedings for Martin County Ditch #73 do not reflect present day land values or that the benefited or damaged areas have changed.

IT IS THEREFORE ORDERED, that:

Ron Ringquist
402 Valley View Dr.
Redwood Falls, MN 56283

Charles Bowers
78799 335th St.
Madelia, MN 56062

Chris Christianson
27258 810th Ave.
Hollandale, MN 56045

Three disinterested residents of the state, be and hereby are appointed viewers to re-determine and report the benefits and damages and the benefited and damaged areas of County Ditch #73.

IT IS FURTHER ORDERED, that the viewers, after taking an oath to faithfully perform their duties as viewers and, after having received from the County Drainage Office (Auditor/Treasurer), certified copies of the order appointing them as viewers and of the order designating the time and place of their first meeting, proceed with their work as such viewers pursuant to law and make and file their report with the Auditor at the earliest possible date.

Upon motion by Commissioner Belgard, seconded by Commissioner Flohrs, and unanimously carried, said resolution was duly passed and adopted this 19th day of August 2014.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Dan Schmidtke, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Pierce, Donnelly, Flohrs, Belgard, and Schmidtke. NAYS: None. Resolution duly passed and adopted this 19th day of August, 2014.

Motion by Commissioner Pierce, seconded by Commissioner Belgard , Be It Resolved that the Martin County Board of Commissioners, hereby approve payment of claims for the month of August, 2014 as presented; and includes the Martin County Highway Department bills as presented and Drainage Administration bills as presented. Carried unanimously.

Warrants received and paid August 19, 2014 are registered on file in the Auditor/Treasurer's Office as follows:

Revenue Fund – Warrants Approved August 19, 2014	\$119,922.37
Enhanced 911 Fund	\$ 26,066.87
Martin Co. Economic Development Authority	\$ 1,001.49
Solid Waste Management Fund	\$ 43,025.16
Law Library Fund	\$ 5,268.63
Martin County Transit Fund	\$ 50,604.72
Recorder's Compliance	\$ 27,240.49
Ind. Sewage Treatment System Loans	\$ 14,268.00
Bank Building Fund	\$ 4,838.53
Debt Service Fund	\$ 40,722.50
Taxes and Penalties Even Years	\$ 14,166.00
Forfeited Tax Fund	<u>\$ 1,734.75</u>
Total	\$348,859.51

Road and Bridge Funds Totaled	\$ 85,732.74
Martin County Ditch Funds Totaled	\$105,841.25

The Board reviewed the July, 2014 Monthly Financial Statements; AMC Fall Policy Committee Meeting Agenda – September 3-4, 2014; Update Letter from the Fairmont Area Dog Park Committee; Discussed establishing a county LEAN Program; and Discussed parking stall request for Guardian Ad Litem Program vehicle.

Commissioners presented their individual board member reports.

Commissioner Flohrs stated he attended a Personnel Committee meeting in the afternoon on August 5, 2014; and Library Board meeting on August 12, 2014.

Commissioner Belgard stated after returning from vacation he worked a couple of shifts in the county fair booth on Sunday, August 17, 2014.

Commissioner Pierce stated he attended a reception for the Martin County Youth Internship Program; and Canvass Board meeting on Thursday, August 14, 2014.

Commissioner Donnelly stated he attended the Canvass Board meeting on Thursday, August 14, 2014; and Prairieland Exec. Board Meeting on August 15, 2014.

Commissioner Schmidtke stated he had nothing new to add to what had already been mentioned.

Commissioners reviewed their calendars of upcoming meetings and activities: August 19, 2014 – Personnel Committee meeting immediately following regular Board of Commissioners meeting; August 20, 2014 – Human Services Exec. Board meeting and Park Board meeting at 4:30 p.m. at Cedar-Hanson Park; August 21, 2014 – Drug Court Steering Committee meeting at 11:30 a.m.; August 25, 2014 – Rural Minnesota Energy Board meeting in Slayton, MN; August 26, 2014 – Adult Substance Abuse Court Graduation at 12:30 p.m., Planning & Zoning meeting at 5:30 p.m., and Human Services Appreciation Supper meeting at 5:30 p.m.; August 27, 2014 – Human Services meeting in Blue Earth, MN; August 28, 2014 – South Central Services Cooperative meeting in North Mankato, MN; September 1, 2014 – Labor Day Holiday Observed – Courthouse Closed; September 2, 2014 – next regular Board of Commissioners meeting at 9:00 a.m. – Commissioners Board Room.

Forshee and Higgins reviewed requested budget cuts that were discussed at the August 5, 2014 budget work session.

Steve Flohrs, Board Chair-Martin County Drainage Authority, opened the public hearing for the consideration of the final Engineer's Report and Viewer's Report for the proposed Improvement of County Ditch #30. All county board members representing as the Martin County Drainage Authority were present, along with Mike Forstner, Drainage Inspector, James Forshee, Auditor/Treasurer, Scott Higgins, Martin County Coordinator, Kurt Deter, Attorney for the Board, Chuck Brandel, Engineer for the project (I&S Group), Ron Ringquist, Viewer, Charles Bowers, Viewer, Daniel Girolamo-DNR Area Hydrologist landowners, and other members of the public were present.

Deter noted as you may recall earlier this year we had a final hearing on ditch #30 and it was continued and to my recollection there was some DNR issues that were going to be reviewed and I think that was the main purpose; but one of the purposes today that may have affected the Viewer's Report and there is an amended Viewer's Report and we'll open it up to the public for comments and questions, and then if you have enough information under Number IX on the agenda; those are the six things that you would have to find in order to approve this project. The main purpose of the hearing is to provide updates to the revisions that may have occurred with the project since the last meeting.

Mike Forstner, Martin County Ditch Inspector/Technician, stated the public hearing notice in consideration of the final Engineer's Report and final Viewer's Report for the proposed improvement of County Ditch #30 was published; and notices were mailed to landowners.

Chuck Brandel with I&S Group presented and reviewed the Amendment to the Martin County Ditch #30 Final Engineer's Report. Brandel noted the original project was petitioned to close an open ditch through Section 7, 18, and 12 of Rutland and Fraser Townships; replace the original 18" pipe with a 42" pipe, a 36" pipe, and a 30" pipe, and then add a branch which is Branch G out into Section 11. The rest of the branches were not going to be improved so we were replacing the 100 year old tile which is deeper than the shallow open ditch, filling in the open ditch and replacing both of those with a larger pipe. Some of the concerns were that we were losing storage in the channel itself along with some other concerns so the revision was to look at the outlet and provide storage and some treatment and we came up with an idea to do a two-cell

treatment basin at the end of the system. Brandel went on to note this would eliminate a section of 42" pipe, this area is relatively steep, there's a CREP easement right along the edge of this. At one time we did look at an option of trying to make the CREP easement wetter but that being a permanent easement it was decided to leave that alone and move the pond outside of that area into more of an upland area, excavate the pond – basically maximize the amount that we could do with the benefits that we had and get as much storage as we could. In doing that we can match and slightly reduce the peak flows out of the system. Brandel also noted from a cost standpoint it's very cost effective because we're eliminating a portion of our most expensive pipe and we needed to excavate some material to fill the ditch. So from a cost standpoint it was only a few thousand dollars more to do this, we included an easement area, the Viewer's adjusted the damages accordingly. We also looked at ways to do alternative side inlets and came up with a plan along the county road. There aren't any inlets on the system so there are many opportunities to do this where we would do a rock inlet on each side of the 199th Avenue that would include rock with the inlet. The inlet would be set higher so it would come in and get filtered to the rock and if we get a really heavy rain event we'd have an overflow on it. And then with some grass areas around that would provide a kind of sediment area for the inlets on the system and then provide a treatment at the end of the system. All in all you end up with the original proposed improvements were just over \$1.5 million; amended improvements would be \$1,008,901 when you add in the damages paid to the road authority you get a total project cost of \$1,112,696; separable maintenance for the old pipe system and maintenance of the original open ditch was \$739,000 so you have a net cost of \$373,000 and the viewers will report their benefits of \$407,652 for a total benefits minus cost of \$34,634. Brandel continued stating that there were a couple of more meetings on the proposed project, and met with Dan Girolamo, DNR Area Hydrologist, and Rich Perrine, WCA/Water Plan Coordinator with Martin SWCD, I went through these ideas and the email I got for the plan was good and so we have a draft report very similar to what you have in front of you. At the final hearing there weren't any other concerns that I was aware of. I did talk with Lonny Schwieger (not present today) about this and at first he inquired if we find another spot. I indicated that this would not work, and he stated to me, that well if that's what we have to do to keep this project moving forward that's what we've got to do. Just so you're aware, I did talk to him before we submitted the report. He wanted us to look at a wooded area and that is actually all wetland and you can't do anything with that and after that he said okay. So at this point pending comments, I would say the project is still cost effective, there's more benefits than cost, we can accomplish the goals of treating some of the water before it goes into High Lake, provided storage reducing our peak flows, providing some storage on some upper end inlets, and at the same time getting us an area to get material to build a ditch. Brandel asked for any questions from the Board?

Commissioner Belgard inquired if this is the ditch that floods the road in Rutland Township.

Brandel noted that ditch was #72. However, both of these projects started at the same time.

Daniel Girolamo, DNR Area Hydrologist, stated we did do a final report after the March version, stating that Chuck (Brandel) mentioned before, mostly what him and his staff do is to try some innovative new ideas for treating tile water. Our main concerns have been addressed, in that the system is trying to maintain some treatment of the tile water before it goes into High Lake. Also the need to try to control the quantity of water so we don't have an increase. Chuck has taken

care of both of those issues. The next step would be to try and do more work in the uplands, but you can only do so much at a time and this addresses our concerns. Therefore, there is no further comments from the Department. We have also determined that no permit would be needed from the department.

Deter stated Mr. Chair, I think we should restrict it to the engineer at this point so if there is any questions from the public about the engineering part of this.

Vice Chairman Flohrs asked for input from the public. There were no comments from the public in neither attendance, nor public input or comments submitted in writing were received concerning the Amended Engineer's Report for the proposed improvement for CD #30.

Vice Chairman Flohrs stated if there are no other comments we'll hear the Viewer's Report.

Ron Ringquist, Viewer, reviewed the Viewer's report was completed and the benefits determined in the original report were \$407,652 worth of improvement benefits. The redetermination had been completed prior to that. What has changed most significantly since the time that our report was submitted is that there was an increase the area of the damages. So we adjusted for the damages, and it did not change the damage value significantly because it was down in the bottom area of very little value anyway, since it is right next to the lake, mostly because you can't get through that little area of the impoundment. It adds 2 acres of easement and a partial acre of impoundment) but it doesn't affect the damage value because it was an area that currently is ditch and isn't farmed anyway. But that area is included in the damage areas and the damage areas are now 38.2 acres and in the original proceedings it was 37.57 acres so we have increased the areas of compensation for the damage areas.

Ringquist further noted the benefit values that we have used we did not change. One of the reasons, although corn prices have significantly come down, the question gets to be is what cash value do you put on a commodity now. A year like this and typical farming practices, establish an insurance value at the time that we submitted these reports last spring. I think that the cash price for insurance was \$4.62 even though it is \$3 something now. In viewing, ultimately what we're doing is a comparison of land value between what the land is worth with and without a project. Land values have not come down significantly; in fact I read an article just the other day that said Midwestern agricultural lands are actually up 8% from a year ago. So although the income is down, sales values have not changed. Ringquist went on to note to compensate for that, if we would have changed the values, what changes is the income percent which is the difference between the income that a property will produce and the value that is paid for that piece of property. Because sales values have not decreased we never used the peak values because we knew that was a short term peak. We didn't ever use \$10,000 an acre for land value we used \$8,500. Sales are still occurring at \$8,500. So what we have done with the most recent reports, this report was written with \$5.00/ bushel corn and a 5% return on investment, which when we put this report together it was short compared to what it was. The actual return was probably 7 or 8% for what the people were getting on that same ratio. What we're finding now is with \$3.50/ bushel corn that ratio is down to 1% or less. Ringquist also noted we did not change the values because that was the value during redetermination and what would have changed was the cap rate or the return of the investment, not the value of the land sales. So the

benefits we feel are still the same as what would have been recommended at the first proceedings.

Chairman Flohrs asked for input from the public. There were no comments from the public in attendance nor public input or comments submitted in writing were received concerning the Amended Viewer's Report for the proposed improvement for CD #30.

Deter noted that the letter "g" be added to the listing of six findings and should read *Approval of separable maintenance that the system is out of repair.*

Motion by Commissioner Belgard, seconded by Commissioner Donnelly, to close the public portion of the hearing.

After review further discussion and review of the listed findings,

- a) The Engineer's Final Report and Viewer's Report have been made and other proceedings have been completed under Minnesota Statutes 103E.
- b) The reports made or amended are complete and correct.
- c) The damages and benefits have been properly determined.
- d) The estimated benefits are greater than the total estimated costs, including damages.
- e) The proposed drainage project will be of public utility and benefit and will promote the public health.
- f) The proposed drainage project is practicable.
- g) Approval of separable maintenance that the system is out of repair.

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 the establishment of the proposed JD #30 improvement based on meeting the seven criteria required by MN Statues 103E, including: 1) The Engineer's Final Report and Viewer's Report have been made and other proceedings have been completed under Minnesota Statutes 103E, 2) The reports made or amended are complete and correct, 3) The damages and benefits have been properly determined, 4) The estimated benefits are greater than the total estimated costs, including damages, 5) The proposed drainage project will be of public utility and benefit and will promote the public health, 6) The proposed drainage project is practicable, and 7) Approval of separable maintenance that the system is out of repair. Carried unanimously.

Deter stated I'll put that into an order that will also direct Chuck (Brandel) to start doing the plans and specifications with a 30 day appeal period and Chuck (Brandel) will be back at some point asking to award contracts.

Vice Chairman Flohrs adjourned the ditch hearing at 10:32 a.m.

Forshee and Higgins continued with review of the CY2015 Preliminary Budget information noting that after the budget work session held on August 5, 2014, the preliminary budget levy increase is a little over 18%. With the cuts we discussed at the last meeting, that brought us

down to an approximate 13% budget and levy request. Forshee noted after again reviewing the budget line by line, an additional \$400,000 in cuts will get us down to an approximately 10.46% increase over CY2014. No action taken.

With no further business to win, Board Chair adjourned the meeting at 10:38 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Dan Schmidtke, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator