

PROCEEDINGS OF THE  
MARTIN COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 3, 2015  
@ 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 Flohrs.

Commissioners present were Dan Schmidtke, Steve Flohrs, Tom Mahoney, Steve Donnelly, and Elliot Belgard. Also present were Scott Higgins, Martin County Coordinator, Rod Halvorsen, KSUM/KFMC Radio, Jodelle Greiner, Sentinel Newspaper, Julie Walters, Administrative Assistant, and members of staff and public.

Motion by Commissioner Belgard, seconded by Commissioner Mahoney, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda for the February 3, 2015 regular Board of Commissioners meeting with the following: delete 8.8 Consider Supplemental Heating in Probation Offices; and replace with 8.8 Consider Quote received from KARR Tuckpointing for courthouse maintenance. Carried unanimously.

Motion by Commissioner Schmidtke, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the January 20, 2015 regular Board of Commissioners meeting. Carried unanimously.

Commissioner Belgard noted Patty Mielke is interested in serving on the Extension Advisory Committee representing District #1.

Motion by Commissioner Schmidtke, seconded by Commissioner Mahoney, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the appointment of Patty Mielke to serve on the Extension Advisory Committee for a three year term commencing January 1, 2015 and ending December 31, 2017. Carried unanimously.

Kevin Peyman, Martin County Highway Engineer, reviewed bids received for the purchase of a used scissor lift for ceiling and lighting maintenance at the Highway Shop. Peyman noted \$6,000 is in the 2015 budget and after looking at a variety of places the best option is to purchase a used 2011 lift with 68.2 hours from API Supply Lifts in Rochester, MN, for \$7,000. Peyman went on to note this lift is over budget but does come with specialized training for up to five (5) operators, includes new lift batteries and comes with a two (2) year warranty. Peyman also noted new lifts run between \$10,000 and \$11,000 and recommends the purchase of the 2011 scissor lift.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of Highway Engineer, hereby approve and authorize the purchase of a 2011 scissor lift from API Supply Lifts of Rochester, MN, in the amount of \$7,000.00. Carried unanimously.

Peyman noted the Highway Department has received the retirement resignation of Gary Anderson, Heavy Equipment Operator out of the Dunnell Shop, effective April 30, 2015.

Motion by Commissioner Belgard, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby accept the retirement resignation of Gary Anderson, Heavy Equipment Operator – Dunnell Shop, for the Martin County Highway Department effective April 30, 2015. Carried unanimously.

Peyman, at this time, recommended advertising to fill this position via internal posting.

Motion by Commissioner Mahoney, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of Highway Engineer, hereby approve and authorize recruitment to fill the Heavy Equipment Operator – Dunnell Shop position. Carried unanimously.

Peyman concluded with a Highway Department update including recent snow maintenance noting crews were out for six hours on Sunday; and recent election (January, 2015) to the position of secretary with the Minnesota County Engineers Association. Peyman noted during the next three (3) years he will serve as secretary, vice president, and president of the Association.

The Board congratulated Peyman on his recent election to the Minnesota County Engineers Association.

Shawn Chambers, Martin County Mentoring Network Coordinator, was present to recommend the integration of a pilot program called Parents to Parents Mentoring Program for one year. Chambers noted those working in the areas of corrections, social work, and education; report a lack of parenting competency in young parents with preschool children. The Program's mission is to strive to promote parenting competency and community connections for parents of young children. Chambers went on to note the program will connect with parents typically between 15-25 years of age, and will be paired up with experienced parent mentors, who are volunteers. These parent mentors will serve as a resource or advice and support, as well as accompany them to Parents to Parents programming and other healthy family activities already in communities throughout Martin County. Measured outcomes will be evaluated by the Parents to Parents Board through monthly reports, submitted by parent mentors, tracking the relationship with their young parent mentees. Chambers also noted the funding for this program comes from grants and donations. It is estimated at this time the total budget is approximately \$3,500 with in-kind assistance from the Martin County Mentoring Network Coordinator. Chamber noted I think it is important to understand that we are running this only as a pilot program right now. We're only making a commitment until the end of December, 2015. If at that time we find that the Program doesn't work then we've all been in agreement in our discussions that the Program dissolves. So, I'm just asking until the end of the year. Let's see if it works and if it doesn't then we all have agreed to an out. Chambers introduced Parents to Parents Mentoring Program co-chairs Dr. Alice Maday and Kate Hawkins, and noted Val Jepsen is the third co-chair of the Program.

Hawkins noted \$3,500 has been raised from ourselves and from private individuals who have the same vision. Hawkins went on to note most of the funds raised will reimburse the County for

background check fees; but we would also like to use as much as we can toward incentives for bringing these young parents in to the Program. The money is really devoted to them. Hawkins also noted it is anticipated that there will be no cost to the County.

Maday noted we are asking Shawn (Chambers) to oversee what the Program is doing financially, and Hawkins and Jepsen will recruit the parents and the preschool age children. Maday noted her part is to be in charge of the young children from 2-5 years of age during the two hour Program sessions, ten times during the course of the year. The organization Youth for Christ has offered us to use their meeting area in the evening so we have a place to meet from 5:30 p.m. to 7:30 p.m. Maday also noted mentors will be trained and their tentative start date is February 23, 2015.

After further discussion and review,

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the pilot program for Parents to Parents Mentoring Program for one year, as a pilot program under the operations of Martin County Mentoring Network Program, and to accept grants and donations already received to date effective November 1, 2014; and the Board will review the effectiveness of the program at year end; and the County Board reserves the right to discontinue the pilot program at its discretion. Carried unanimously.

Jeff Markquart, Martin County Sheriff, presented the annual Equitable Sharing Agreement and Certification which sets forth requirements for participation in the federal equitable sharing program and various restrictions upon the use of forfeited cash, property, and proceeds which is equitably shared by participating law enforcement agencies.

Motion by Commissioner Mahoney, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve the Equitable Sharing Agreement and Certification between the Department of Justice Department of Treasury as a prerequisite to receiving any equitably shared cash, property, or proceeds. Carried unanimously.

Markquart updated the Board on recent "IRS" telephone scam; 911 equipment coming in March, 2015 for installation (same week as Boy/Girl County Program); current Martin County Jail population including nineteen (19) in-house, eleven (11) out of county, and five (5) on Electronic Home Monitoring (EHM); and installation of some kiosks in cells this last week for commissary questions, video visitation, and reporting purposes.

Commissioner Belgard inquired about lighting issues.

Corey Klanderud, Chief Deputy-Martin County Sheriff's Office, noted he is working on a proposal to bring before the Building/Purchasing Committee for changing from fluorescent to LED lighting in the jail.

Pam Flitter, Martin County Zoning Official, presented the Minnesota Pollution Control Agency (MPCA) Feedlot Program 2014 Annual County Feedlot Officer and Performance Credit Report

(data for the period January 1, 2014 through December 31, 2014) noting total feedlots that are required to be registered is 477 (number of sites, not barns); last year we had 8 new sites varying from one to four barns; and performed about 62 inspections in our rotation last year. Flitter noted with inspections on a 1 through 4 rotation, with 4 being a lesser number, Martin County will be at the number 1 rotation for 2015 with 104 inspections. Flitter noted concern at meeting the inspection quota due to concerns with some diseases that have come up regulating how often you can be to a site, and current office staffing levels. Flitter went on to note she will continue talks with the Personnel Committee for a part time person to help with inspections.

Commissioner Belgard inquired what a feedlot inspection entails.

Flitter noted the main thing we are looking for is their manure management plan and designated acres. Typically an inspection can take one-half hour but it can take longer.

After further discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Belgard, Be it Resolved that the Martin County Board of Commissioners, hereby approve and accept the Minnesota Pollution Control Agency Feedlot Program 2014 Annual County Feedlot Officer and Performance Credit Report (data for the period of January 1, 2014 through December 31, 2014); and authorize Board Chair to sign the report. Carried unanimously.

Flitter next reviewed the 136 building permits issued in 2014:

Type of Structure or Project	Number Issued
Home	14
Home Additions	14
Patios, Walks, Decks, Pools, Misc.	7
Garage	15
Shop, Office, Addition, Business	6
Grading & Fill	-
Lean-to	1
Animal Barns	17
Grain Bins	10
Grain Dryers, Legs	4
Communication Antennas	4
Sheds, Machine Sheds, Hoop Barns, Barn Additions	44
2014 Septic Permits Issued	54

Ashley Brenke, District Technician-Martin Soil and Water Conservation District, presented a year-end review of the 2014 Natural Resources Block Grant. Brenke reviewed financial reports showing how the NRBG money was spent in 2014 including feedlot funding, septic funding, shoreland funding, the wetland conservation act funding, and the local water plan funding.

Motion by Commissioner Mahoney, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the FY2014 Natural Resources Block Grant year-end financial reports. Carried unanimously.

Scott Higgins, Martin County Coordinator, reviewed a bid received from KARR Tuckpointing for cleaning and masonry repair work for the courthouse. Higgins noted the Building/Purchasing Committee reviewed the need for courthouse maintenance and the quote from KARR Tuckpointing. Higgins went on to note KARR Tuckpointing last maintained the courthouse in 2005. Higgins reviewed the quote including pictures of needed courthouse maintenance (damaged mortar joints, granite slab replacement) and that the total cost including labor and materials is \$16,118. Higgins also noted with Minnesota weather there is a lot of wear and tear on the outside of the building with thawing, expanding, and contracting. The Building/Purchasing Committee recommended approval of the quote received from KARR Tuckpointing for courthouse maintenance.

Commissioner Belgard inquired did we budget for this and shouldn't there be a second quote for this project?

Higgins noted funds are available in the Capital Improvement Projects (CIP) Fund.

Commissioner Schmidtke noted this company has worked with us in the past; they do good work, and know our building. In this particular case, I was good with the one bid.

After further discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the quote received from KARR Tuckpointing, Inc., of Vinton, Iowa, in the amount of \$16,118; and to authorize the Board Chair to sign the required agreements and other necessary documents needed for the work to begin. Commissioners voting in favor: Schmidtke and Donnelly. Commissioners voting against: Flohrs, Belgard, and Mahoney. Motion denied.

Motion by Commissioner Mahoney, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve and recommend the Building/Purchasing Committee move forward with requesting an additional bid for tuckpointing and cleaning of the courthouse. Carried unanimously.

Commissioners reviewed information including notification of DNR Acquired Land in Section 18 of Westford Township; donation request letter received from the Interlaken Heritage Days Summer Festival committee; and thank you letter received from the Martin County Historical Society, Inc.

Commissioners presented their individual board member reports.

Commissioner Schmidtke noted he attended a Building/Purchasing Committee meeting on January 30, 2015.

Commissioner Belgard noted he attended a Human Services meeting and Region 9 meeting on January 21, 2015; Regional Radio Board meeting in Mankato, MN, on January 22, 2015; and JD #51 Informational meeting on January 27, 2015.

Commissioner Flohrs noted he attended the NIMS Training in the LEC Basement and Agribusiness Committee meeting at The Ranch Restaurant in Fairmont on January 20, 2015; MCIT Coverage Review webinar on January 21, 2015; SHIP meeting in Truman, MN, and Soil and Water meeting on January 22, 2015; Rural Minnesota Energy Board meeting in Slayton, MN, and Minnesota Valley Action Council meeting in Mankato, MN, on January 26, 2015; Blandin Organizational meeting on January 27, 2015; and Beyond the Yellow Ribbon meeting on February 2, 2015.

Commissioner Mahoney noted he attended the Human Services meeting on January 21, 2015; Broadband Seminar in Willmar, MN, on January 21-22, 2015; Substance Abuse Committee meeting at the Fairmont High School and Minnesota Valley Action Council meeting on January 26, 2015; Blandin Organizational meeting on January 27, 2015; and AMC's Government 101 Conference in St. Paul, MN, on January 28-29, 2015.

Commissioner Donnelly noted he attended the Human Services meeting and NIMS Training.

Commissioners reviewed their calendars of upcoming meetings and activities: February 3, 2015 – Labor Management Committee meeting at 11:00 a.m.; February 4, 2015 – F/M Joint Transit Executive Board meeting at 9:00 a.m., and Red Rock Rural Water meeting at 1:30 p.m.; February 11, 2015 – Convention & Visitors Bureau meeting at twelve noon, and Park Board meeting at 4:15 p.m.; February 12, 2015 – Farewell Reception for Duane Schultz 2:30 p.m. – 3:30 p.m. in the Commissioners Meeting Room; February 16, 2015 – Presidents Day Holiday, Courthouse Closed; February 17, 2015 – next regular Board of Commissioners meeting at 9:00 a.m. in the Commissioners Board Room (Commissioner Schmidtke will be absent); February 18, 2015 – Prairieland meeting.

The Board recessed at 9:55 a.m.

The Board reconvened at 10:00 a.m.

Chairman Flohrs relinquished the public hearing duties for the proposed improvement and redetermination of benefits to Martin County Ditch #51 to Commissioner Elliot Belgard.

Commissioner Belgard welcomed those present to the public hearing on Engineer's Final Report and Viewer's Final Report for the proposed improvement and redetermination to Martin County Ditch #51. Those present were Martin County Commissioners Belgard, Flohrs, Mahoney, Donnelly, and Schmidtke; also present were Scott Higgins, County Coordinator, Kurt Deter, Attorney for the Board, Chuck Brandel, Project Engineer with I&S Group, Ron Ringquist, Viewer, Mike Forstner, Martin County Ditch Inspector/Technician, Angie DeBoer, Martin County Auditor/Treasurer's & Drainage Administration Office, Bruce Sellers, Attorney for Petitioners, Darin Haugen, Attorney for Richard Kroon, landowner, other landowners and members of the public (a sign-up sheet available).

Kurt Deter, Attorney for the Board, reviewed the public hearing agenda and noted the hearing is two-fold. First is the redetermination of benefits and the second is the final hearing on the proposed improvement of Martin County Ditch #51. Deter noted we will be switching around Agenda Items No. IV and V as the engineer has requested that I read the Department of Natural Resources (DNR) Advisory Report first because then it will make more sense when he responds to whatever is in the report and makes more sense to the people listening. Deter went on to note Agenda Item No. VI will be for public comment and questions concerning the engineer's report and then there are two viewer's reports – the redetermination of benefits report for the existing system and then the viewer's report of benefits for the proposed improvement. Agenda Item No. IX will be for public comment and questions regarding the viewer's report; and under Agenda Item No. X the Board will have two decisions to make. The first one would be the redetermination of the benefits. If you find those three listed items have been met (based on the statutes), and the second one is the improvement and whether those six listed items have been met (based on the statutes). Deter also noted at the conclusion there is basically three choices...three different alternatives to each of these. You can approve it, deny it, or if you believe more information is needed you can continue the hearing for more information.

Mike Forstner, Martin County Ditch Inspector/Technician, noted the public hearing notice in consideration of the final engineer's report for the proposed improvement to JD #51; and the final viewer's report for the redetermination of benefits and damages and benefited areas of JD #51 was published for three weeks in the Truman Tribune (Martin County's 2015 Legal Newspaper), and the Fairmont Photo Press; and all notices were mailed to landowners.

Deter read into the record the letter received from the Minnesota Department of Natural Resources, Division of Ecological and Water Resources, regarding JD #51 – Final Engineer's Report – Martin County, MN. After reading the letter, Deter noted it does not appear that permits are required. The DNR is advising what they recommend and things which we should evaluate in conjunction with everything else here.

Chuck Brandel with I&S Group presented and reviewed the Engineer's Final Report in response to the advisory report dated January 14, 2015, from the Minnesota Department of Natural Resources (DNR) to Deb Mosloski, Martin County Drainage Administration, regarding JD #51.

Brandel noted JD #51 was originally constructed in 1915. The watershed is approximately 1500 acres. The system was established as an all tile system. It has a 20 inch outlet and has multiple branches. The 20 inch outlet comes down...there's a Branch G which is a 10" line, there's a Branch F which is a 10" line, and 20" tile continues down and then there's an 18" tile. On the southern half of the system there's an 18" tile, a 16" tile, the main breaks off into the main line which goes west, Branch B which comes down you've got a 10", a 14" tile, and then there's multiple branches throughout the system.

Brandel noted we've had multiple meetings on this project and the petition was written in such a way that storage was essential to the project. That's what the petitioners wrote into the project, that's what we had in the preliminary hearing report. A lot of that is due to the flood plain area along Elm Creek and some of the comments that the DNR had in their report. That's been the

biggest challenge with this system is where is the best place for storage and how do you make storage.

Brandel noted a proposed improvement is to upsize the system to a half inch drainage coefficient and at the same time try and balance the peak flows out of the system. The engineer's report that was filed had a two stage ditch through the Roberts property with two ponds in the flood plain area. Since receiving the DNR advisory letter we've kind of gone backwards to where we were at, at the preliminary engineer's hearing, which was trying to find storage up in the upper part of the watershed. So we put together three options for improvement. All of the options are getting the tile to a half inch drainage coefficient and trying to match the peak flow out of the system to meet the requirements of the DNR.

Brandel went on to note if you recall from the preliminary engineering report...there was a multipurpose drainage plan that was looked at...a grant outside of the ditch project; and that plan identified areas in the watershed where potential water quality for storage features could be put in the watershed. And there was a review of the Roberts property for potentially a two stage ditch, a sediment basin along the creek which the DNR is not in favor of. The Kroon property where a water storage area could go down on the southern part of the watershed, there were areas that could be controlled drainage for storage on the Palmer property, Becker property, and what was previously the Snyder property which I think is now owned by Becker's, to be a wetland area or controlled drainage. But that study was done outside of the ditch system identifying the areas that are best suited for storage. So that's where we're at today.

Brandel also noted with the DNR's comments we recommend revising the report or the project to eliminate the two stage ditch and eliminate the storage area in Elm Creek. It was an attempt to try to solve the storage issue and using non-ag land to do that. With the comments that we got I don't think that is feasible, we're going to have to look at doing storage somewhere on the watershed. So I put together three alternatives and costs of three alternatives and I'll just go through those...I call them Option 1, Option 2, and Option 3, with my recommendation of a proposed change I don't think we could accept the project today. I'd like to get landowner feedback and the Board's input on a direction to go so we can finalize a report and come back with that recommendation.

Brandel reviewed the three options.

Option 1 – Roberts and Becker Pond. What we would do is take 3 acres and the shape that I've shown (on the map) could be modified to square it up potentially to make it a little bit more of a farmable field; but taking approximately 3 acres, getting adequate storage to reduce the peak flow coming in from the entire system. At the same time on the southern portion of the watershed...an approximate 2 acre pond that would treat about 300 acres on the Becker property. The original estimate in the final report was \$1,570,000. With this Option 1 the increase in cost would bring the project to \$1,718,000. The benefits are not approved for this project...I have an approximate number here; but looking at that number the project wouldn't be feasible with those two options. The cost would be higher than the benefits.

Option 2 – Roberts Pond Only. Would be to not do the Becker pond and do a pond just on the Roberts property. That would lower the cost to \$1,609,000 and would make the project feasible. Why eliminate the south pond and do the north pond? Because it treats more watershed that's getting improved. It can treat almost the entire watershed...it gets it out of the flood plain...it's still higher up, but we're storing the water after some of the increases that have been dumped here in the watershed. That's the reason to put it there. Here you're treating almost 1400 acres and with the Becker pond you're treating 300 acres so there's a little more benefit from a peak flow standpoint to put it in that location.

Option 3 – Kroon Pond Only. This option was presented at the preliminary engineering report. If we were to put a pond on the Kroon property as you can see you save approximately \$20,000 by doing that and getting the same amount of storage. The reason being is that this area is...just the way the contours are and the ground lays there would be less excavation on that property. I know that the property owner has not been favorable to that idea and that's why we came up with that alternative. But it is our job as the engineer to come up with the most cost effective solution so we are still presenting that as an option. So if storage is put into the system and done in a manner with Option 2 or Option 3, the project could still be cost effective. The outlet will be adequate because we would be reducing the peak flow out of the system or matching the existing peak flows, meeting the petition by having storage and still sizing the remainder of the system. But because the viewer's haven't taken a full look at all the easements we haven't completed a full hydraulic study...we've taken the amount of storage needed and placed it in a few areas. I guess I would recommend we continue this part of the hearing; but I'd like to get public input and direction on where to go with these options.

Brandel noted another alternative is we have been looking for outside funding to help the project. There is potential through GBERBA to get some outside funding. At this point we're not assuming anything for that. If there is some outside funding that could be available we could do a pond in the upper part of the watershed and the lower part of the watershed; or potentially look at some of the areas in the upper part of the watershed. There's funding to do controlled drainage which would help reduce the peak flows and there are plenty of opportunities because once you get south of County Road 38 the land is relatively flat so there's opportunities to do controlled drainage and store some water that way. Those would be outside of the ditch system. There are programs that the individual landowner can do so that's another option. One thing that I do cover in the existing shape of the system it was televised this spring...there are areas especially on the southern part of the system that are in disrepair so it would be our opinion that separable maintenance could be used for this project. When you look at the costs of the separable maintenance or the repair costs all of the options to repair the areas that are being proposed to be improved...those repair costs are just under \$940,000 and we did have landowner meetings to review the tile tape. There were some portions in the middle of the watershed that weren't in as bad of shape as originally thought; but there is a large portion of the system that is in disrepair and with them being in the bottom part of the watershed it is hard to repair them. It's a quick summary...there's been a lot of discussion on the system where to put storage, where is the best spot, and that's been the major struggle. Brandel asked for comments from the Board.

Commissioner Belgard noted I think we've probably got a good understanding of it. But I certainly would entertain comments now from the public that will be addressed to you probably. If you would just state your name for the record.

Belgard asked for input from the public.

Darwin Roberts, landowner, noted Chuck (Brandel) I appreciate...you know you and I have worked very close on this project all the way along. I guess I would ask the engineering design and calculations what assurance by placing that 3 acre retention area I'm not going to have significant flooding overflow over whatever berm or banking that we put around.

Brandel noted by statute we are obligated to design and review up to the 50 year event. We take it one step further and look at the 100 year event. So we would try to size the basin to hold the 100 year event. If not, at least the 50 year event. Now we're modeling a rain event 24 hours over the whole system. We've designed a pond similar to this...about 3 acres serving about a 2,000 acre watershed. This is in Blue Earth County. We're doing flow monitoring. We've had the 25 year event go through that system and it has shown that it has reduced the peak flow and held water back. So I have that assurance to tell you. I have my professional experience, and that. If we get 12 inches of rain in 2 hours...it's going to overflow. We can't size a system for that. But we try to size it for those events...a 6 inch rain, a 7 inch rain. By increasing the outlet that helps too because you've got more of a system and you've got storage and you've got a bigger pipe to handle it. In all of our modeling we assumed the entire system is approved to a half inch drainage coefficient. It won't be at this point with the project that's in place. So we are being conservative from that standpoint.

Darwin Roberts – Can I make one more comment? The element that exists...continuously we talk about the flood plain and that whole bottom area floods radically. Not only on mine but several areas along Elm Creek with 173,000 acres along Elm Creek. Just this past June an inch and one-third rain that whole bottom area of about 7 or 8 acres was under 1 to 2 feet of water...the water comes from the west and floods. My point being...if it shuts down the flow...in other words because the system is so flat and level it can't force the head pressure into the stream. So with that and with the experiences I've had I guess I really support upland storage in addition to the 3 acre area. We got to have it. Because you can't use an engineering principal not knowing what the head pressure is going to be on that stream when it's flooded over its banks.

Brandel noted we model the system as soon as the pipe is full. So we model some pressure that its draining so...it changes your outlet capacity you can say you've got a free flowing outlet you say it's half full you know whatever...we assume that the pipe is full...that the outlet is full...which is another conservative way to look at it; but this is going to peak out first before the river raises. Another item that we included in the cost is that you fill some of this low area with the spoils which I think it would help and if there's a structure here once we get into the flood plain that if this is not working it has a potential relief area also so...I think those are all things that help with the situation that we're talking about.

Lonnie Becker, landowner, noted Chuck (Brandel) and I have talked quite a bit about the pond for the upland storage and I'm in favor of it as long as it's feasible and also very interested in the controlled drainage part of it.

Brandel noted and maybe if I can talk a little bit more about controlled drainage...as part of the multi-purpose drainage management plans at meetings we've talked about all of the practices that can be done...no till, controlled drainage, wetland restorations, bioreactors, and on the southern part of the watershed wetland restorations or controlled drainage because of the way the land lays would be both viable options that could help with controlling water flow. There are programs like I said outside of the ditch process that could assist landowners with that.

Darin Haugen, Attorney for Randy Kroon, noted we've talked about this too and you've been very helpful along the way meeting with us and talking about this. But I want the Commissioners to see an answer to with respect to my clients' land because he has this tiny 16.76 acre parcel...the Kroon Option. Our question that we have not been able to get answered is how does taking the Kroon Option not render Randy's (Kroon's) land useless for farming purposes?

Brandel noted it takes that portion of the land and I think we had estimated approximately 5 acres out of production because it becomes a storage area. So we propose that if that option whether the pond is here or here (on map) go into effect wherever land is disturbed would be put into a permanent easement just like an open ditch would be and that land would be purchased at a price determined by the viewers. I think the viewers were using...we're getting a little ahead of ourselves...but approximately \$8,500 per acre for a permanent easement. So yes it would make that portion of the property a flood area so a permanent easement would be proposed.

Haugen noted so yeah I'm not going to hold you to \$8,500 but it's something in that neighborhood because this property becomes useless.

Brandel noted and that's why I'm showing a couple different options because in my opinion it's easier not to fight. I still have to show where it's the most cost effective.

Belgard inquired if the Roberts pond was put in that too would be subject to 3 acres in the same way, correct? What's your feeling on it Darwin...are you willing to lose the 3 acres?

Darwin Roberts noted I'm going to support the need for improvement on the system. Whatever it takes I try to remain flexible and open to every option. I guess I was the one that initially proposed a 2 stage ditch...not that I want to farm around it but the system is over 100 years old...we've got to do something...we've got to do upgrades and take you know whatever upland storage is necessary and whatever other practices that allow it to happen.

Brandel noted the reason we removed the 2-stage ditch when we do the storage areas the easement cost for the 2-stage ditch would push the cost and make it not feasible. So instead we'd run a 36" outlet.

Roger Hall, landowner, inquired the proposed holding pond on the top side from there right now how much water actually goes overland?

Brandel noted not much...you get more overland flow once you get further up in the system.

Hall continued okay...why are we stopping a minute amount of water when the water should be stopped not on the top end or the bottom end why does it not stop in the middle where you're feathering it out.

Brandel noted we looked at probably six different pond options along the entire main line and to get enough depth and storage the costs were higher than these other options and not feasible.

Hall noted well if we're getting no overland flow of water on the north side that's a natural holding pond so why are we messing with it? It's a natural holding pond.

Brandel inquired on the north side?

Hall noted on the south end. That's a natural...so why are we spending money to make it?

Brandel noted we're making more storage.

Hall noted but we've never had enough water to flow out of there now so why do you want to make more?

Brandel noted to slow the flow down even more...to reduce the pressure on the tile.

Hall noted so from that pond northward is where we're getting the overland flows so that means we're trying to stop everything on the very bottom end rather than in the middle...we don't want to stop it all but we want to stop enough to stop a flood.

Brandel noted that's why I'm saying something in this area (on map) on the north end needs to be put in place to at least protect the outlet of the system. In looking at the area through and it's the Palmer property, because of the slope of the land and elevation of tile it wasn't a good spot to put a pond. We did look at it at one point we looked at it just where I think you are saying right in the middle of Section 8 and from a cost standpoint the costs were too much. This area here (on map) are lower and we can get more bang for our buck.

Hall noted okay but I'm hearing from all this water going across the Township road between Section 8 and 9 (270<sup>th</sup> Street) and going across the road there and coming back across the road on 180<sup>th</sup> Street and going over the land this is not going to stop any of that because we've still got all this overland water going across the roads. You have not stopped any water from not going across that road.

Brandel noted by increasing the tile size you'll be able to get more water into the tile system and adding intakes so you'll have less water overland...there will be more in the tile system and then

it will be slowed down when it hits the bottom. That's the theory of how an improvement works. You get more water into the tile system which disturbs less in the field.

Hall noted if it is going to take this much water why are we talking about a pond then? We're doubling the size of this tile from 18 or 16 to 30 or whatever...we've got more or at twice the capacity already.

Brandel noted the pond is to protect the outlet and protect Elm Creek.

Hall noted but you're trying to stop all the water down there off this whole watershed and it isn't going to happen.

Brandel noted it will hold the water. This pond will be dug 10-12 feet deep.

Hall noted I understand but when it's full it won't hold no more.

Brandel noted correct. There's a limit. You're exactly right...there is a limit. We can design to a certain amount.

Hall noted that one up at LeSueur...I don't know what kind of a holding pond it is but I see you couldn't even see the holding pond this spring along that Minnesota River.

Brandel noted they work...I can show you pictures of them working.

Commissioner Belgard asked if there were any more questions or comments.

Deter noted Mr. Chair then procedurally as you knew there were two parts to this...the improvement and the redetermination. My suggestion subject to anybody's objection would be on the improvement there'd be a motion to continue the final hearing on the improvement not to a specific date and time because I don't think we would know right now when they'd be ready so it would be simply a continuance of the final hearing on the improvement. When they're ready for a final hearing there will be re-notices to everybody with a chance to review whatever options they come forward with. But we would go ahead with the redetermination of benefits hearing today because that unless the viewer's tell me something different that is the same whether there is this project or not.

Commissioner Belgard inquired that would require an action on our part today?

Deter noted the redetermination...yeah the redetermination was noticed and we can go ahead with that. You may approve it, you may not, you may want more information; but it is more likely that one will just go ahead.

Ron Ringquist, Viewer, noted Mr. Chairman generally the benefits will not change; but potentially the damages and the acres benefited could change because of the design of the improvement. In redeterminations either we re-compensate them for the loss of those acres; but

the benefits of the system itself as it exists would not change other than those damaged acres being removed from the benefits.

Deter noted then subject to the viewer's recommendation I have no problem I thought maybe we could...but if he is saying yeah it could have a small affect then I don't want to approve something that might change. So then my recommendation would be to continue both of these hearings to a later date.

Brandel noted I would like some direction on options so we could...and one other note that I forgot to mention I did talk with Randy Mixon from the DNR for the recommendations of the letter and I told him our alternative plans we're looking at storage upstream and eliminating the 2-stage ditch and he said that's what we wanted to see so at least I got a verbal response that would be favorable if we revised the report.

Deter noted and I understand Chuck's (Brandel's) request...but the Board is in a difficult position to say look at this option or look at that option because you're not representing the landowner who may or may not be interested...again, it isn't total interest...it's the right to acquire property but...whatever direction you can give Chuck (Brandel) I'd like you to give it; but I don't think you can say Chuck (Brandel) only look at Option 1 because I don't think you're in a position to say that today. So maybe if Chuck (Brandel) says what are you looking at from the Board, Chuck (Brandel)?

Brandel noted well...the most cost effective option is to put storage on the improved property and there has been some objection to that. Should we continue down that path or find another solution like we've been trying to?

Deter noted I think you probably do both. You continue working on the Kroon property...see where that goes...and if that doesn't go for whatever reason you look at the next efficient option.

Commissioner Belgard noted well that's why we're here today. This is a public hearing and we're trying to listen to everybody...this Board needs to gather as much information as they can to make a knowledgeable and prudent decision on how we're going to go ahead with this project. We don't want to take somebody's land away...we don't want to disrupt the process of getting the rest of the land better. We need information...that's why we're here and I wish frankly there were a few more people here and we had more opinions because I don't see other than Mr. Kroon, I don't see a lot of people against any of it and sometimes there are people complaining about the cost and I haven't heard any of that. It's a pretty expensive project.

Deter noted and one option would be for the Board to say you will help facilitate some type of informational meeting and hopefully get some more involvement so Chuck (Brandel) can get a little better direction. But again, it's a Catch 22, you're not the petitioners so for you to you know say look only at this option I don't think that would be appropriate for you.

Commissioner Belgard noted we're the neutral authority that's going to decide this eventually.

Deter noted you're the neutral authority but technically Chuck (Brandel) is your engineer so in some ways you're supposed to direct him; but I don't know what you would direct unless you have some idea of what you'd like to direct him today.

Commissioner Schmidtke noted I agree with Deter...you need to pursue more than one option obviously...maybe Mr. Kroon isn't so negative if he knows that there's a...it felt like from what I read in the letter and I heard read that it looked like we were taking his land for the project. Maybe he understands now that there's a price tag going with it...maybe it isn't all negative so I would encourage you to continue to work with Mr. Kroon and his attorney and also look at the other option...we've got to have more than one; but I think that's going to be a big thing there.

Commissioner Belgard noted inevitably, Kurt (Deter); you're going to have us go down the list. At some point we're going to go down that list and if it meets the criteria it's probably going to happen and if it doesn't meet the criteria it's not going to happen.

Deter noted I think Chuck (Brandel) that's as good as you're going to get today. It would be nice from an engineer's point of view I understand...look at Option X...that takes all the variables out but I don't think this Board's goal is to...right now it's the petitioners money being spent and I think there's been some direction today but I think subject to any other comments today there needs to be a motion to continue this final hearing on both the redetermination and the improvement to a later date. But I don't want to close things down if there are any other comments.

Lonnie Becker, landowner, noted we are four years into this and the camera that Mike (Forstner) did of the tile last summer it is deteriorating especially on the south end of it...there's offsets and under County Road 38 this thing is falling apart so Chuck (Brandel) he's got four years of his life into this.

Commissioner Belgard noted and that's part of our consideration too...if it needs to be fixed we're the body that's in charge of seeing that it gets fixed so that's all part of this procedure and we probably are going to continue it today but this is a good time for anybody that wants to speak. Does anybody else have any comments?

Brandel noted I have one. If I come back with two options that are cost effective, we can talk to both landowners that are affected by that, come back with their opinions, and present that to the Board at the final hearing...get the redetermination updated with those 2 options...is that reasonable?

Deter noted yeah because at some point you've got to give a couple options so the viewer's know because they'll have alternative reports then based on what option is being pursued. Will the next final hearing be the absolute final hearing? Hope so, but who knows.

Brandel noted what was presented in the final engineering report is the cheapest option and it wasn't viewed favorably by the DNR so that's why we're looking at other options. Just to state why we're going down that path. We try to get the most cost effective.

Higgins noted for the record that the Martin County Board of Commissioners did receive a letter from Mr. Haugen on behalf of his client regarding the proposed improvement.

After further discussion,

Motion by Commissioner Donnelly, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby approve a “No Date Certain” Continuation Hearing to hear the final Engineer’s Report for the proposed improvement of JD #51; and to hear the final Viewer’s Report for the redetermination of benefits and damages and benefited areas of JD #51; and that new notices will be mailed to affected landowners when the new public hearing date has been determined. Carried unanimously.

With no further business to wit, Motion by Commissioner Mahoney, seconded by Commissioner Belgard, to adjourn the meeting at 11:00 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

\_\_\_\_\_  
Steve Flohrs, Board Chair

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