

PROCEEDINGS OF THE
MARTIN COUNTY BOARD OF COMMISSIONERS
TUESDAY, DECEMBER 1, 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 Elliot Belgard, Dan Schmidtke, Steve Flohrs, and Tom Mahoney. Commissioner District Three is vacant. Also present were Scott Higgins, Martin County Coordinator, James Forshee, Martin County Auditor/Treasurer, Desiree Diaz, Fairmont Sentinel Reporter, Rod Halvorsen, KSUM-KFMC Radio, Terry Viesselman, Martin County Attorney, Kevin Peyman, Martin County Engineer, Jeff Markquart, Martin County Sheriff, 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 for the December 1, 2015, regular Board of Commissioners meeting. Carried unanimously.

Motion by Commissioner Mahoney, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the November 17, 2015, regular Board of Commissioners meeting. Carried unanimously.

Terry Viesselman, Martin County Attorney, was present to announce that Assistant County Attorney, Michael D. Trushenski, has been appointed by Governor Dayton to fill the Fifth Judicial District Vacancy, replacing the Honorable Robert D. Walker, who retired earlier this year. Viesselman noted it is anticipated that Trushenski's last day serving as Assistant County Attorney will be December 31, 2015. Viesselman went on to note it is anticipated that the draft contract for the merging of the Martin County Mentoring Network and Fairmont Area Kinship Programs will be presented for consideration at the next regular Board of Commissioners meeting on December 15, 2015.

James Forshee, Martin County Auditor/Treasurer, noted the Fox Lake Conservation League, Inc. is requesting approval of a gambling license for off-site operation on the east end of Fox Lake for an Ice Fishing Contest to be held on February 20, 2016.

Motion by Commissioner Belgard, seconded by Commissioner Schmidtke,

R-#47/'15

GAMBLING PERMIT APPLICATION APPROVAL (OFF-SITE)
FOX LAKE CONSERVATION LEAGUE, INC.

BE IT RESOLVED, the Martin County Board of Commissioners, hereby approve the Minnesota Lawful Gambling Off-site Permit Application – Form LG230 Application to Conduct Off-site Gambling Activity for the Fox Lake Conservation League, Inc. per the requirements of

Minnesota Statutes; and concurrent with the rest of their off-site permits, to include the following location at: the east end of Fox Lake in Martin County, MN (Ice Fishing Contest February 20, 2016).

Motion by Commissioner Belgard, seconded by Commissioner Schmidtke, and was duly passed and adopted this 1st day of December, 2015.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Flohrs, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Mahoney, Schmidtke, Belgard, and Flohrs. NAYS: None. Resolution duly passed and adopted this 1st day of December, 2015.

Kevin Peyman, County Engineer, presented Highway Resolution No. 7-2015 Eliminating a Stop Intersection; noting the intersection of Lake Aires Road (CSAH 20) and East Amber Lake Drive will be a stop intersection from one direction only. Traffic from East Amber Lake Drive will stop and traffic on Lake Aires Road (CSAH 20) from both the east and west will be free flowing without a stop sign. Peyman reviewed at the November 17, 2015, regular Board of Commissioners meeting, the Board authorized the Martin County Highway Department to take down the stop signs on Lake Aires Road when the speed limit changed. Peyman noted in between time we got that first snowfall and it did not go well at that intersection as Peyman observed over a three hour period and right after our County truck went and sanded people were still not getting going and we had trucks that were kind of jack-knifing and wanted to back partway down the hill and so I thought we needed to get the stop signs out of there. Even with a County truck out there three hours scraping and sanding with almost a full load of sand we finally got it clear; but I don't think that going forward over the winter this is a workable solution so I think we need to rule out the stop signs as a permanent solution, in my opinion. Peyman went on to note because of that we hadn't gotten the speed study officially back yet...but since I didn't feel comfortable taking the stop signs out since it was the Board's authorization to put them up so the only way I felt we could take those down is to go ahead and change the speed limit before we got the official notice from MnDOT. So we did that. We put the signs up prior to having that notice and took the stop signs down for what in my opinion was a safety issue. Peyman recommends approval of the resolution eliminating a stop intersection at the intersection of Lake Aires Road and East Amber Lake Drive.

Motion by Commissioner Schmidtke, seconded by Commissioner Mahoney,

Martin County Highway Department
Resolution No. 7 - 2015

RESOLUTION ELIMINATING STOP INTERSECTION

In order to control, safeguard and expedite traffic on County and County State Aid roads in Martin County, the County Board of Commissioners deems it advisable to make the following resolution:

THEREFORE, BE IT RESOLVED, that the following intersection to and hereby is designated as a STOP INTERSECTION from one direction only replacing the previous condition of a three way stop and the County Engineer be and hereby is instructed to cause the removal of STOP SIGNS thereat:

The intersection of Lake Aires Road (CSAH 20) and East Amber Lake Drive will be a STOP INTERSECTION from one direction only. Traffic from East Amber Lake Drive will stop and traffic on Lake Aires Road (CSAH 20) from both the East and West will be free flowing without a stop sign.

Upon motion by Commissioner Schmidtke, seconded by Commissioner Mahoney, and carried said resolution was duly passed and adopted this 1st day of December, 2015

BOARD OF COMMISSIONERS
MARTIN COUNTY, MINNESOTA

By: _____
Chairman, Martin County
Board of Commissioners

Attest: _____
Scott Higgins
County Coordinator

CERTIFICATION

I hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the County of Martin at a duly authorized meeting thereof held on the 1st day of December, 2015.

Scott Higgins
County Coordinator

Roll Call AYES: Commissioners Belgard, Mahoney, Schmidtke, and Flohrs. NAYS: None. Resolution duly passed and adopted this 1st day of December, 2015.

Peyman continued noting yesterday he received notice from MnDOT that they are not authorizing lowering the speed limit down to 30 mph on that stretch of Lake Aires Road without conducting a speed study. Peyman went on to note the 30 mph speed limit signs will remain in place while working things out with MnDOT's central office. Peyman also noted that a resolution will have to be passed requesting the speed study and as I understand it we would have to accept it if a speed limit increase came out of the study. If we don't get the official Commissioner Order from MnDOT to lower the speed down to 30 mph eventually those signs are going to have to come down and we'll have to talk about this again and see what we want to do. But, I'm hoping to iron this out with MnDOT. If you only look at the speed of the traffic going east and west...that road does feel like it is faster and looking over the hill you can't see if trucks are coming 45 mph so I think there needs to be some consideration factor other than just the east and west traffic.

Peyman presented and reviewed a draft copy of the revised Highway Technician/Maintenance job description which combines the job description of the Highway Technician duties and responsibilities (engineering and construction inspection) with Highway Maintenance (driving truck) duties and responsibilities. Peyman recommends approval of the revised Highway Technician/Maintenance job description.

Motion by Commissioner Belgard, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve the revisions to the Highway Technician/Maintenance job description as presented dated December 2015. Carried unanimously.

Peyman presented a brief Highway Department update including road maintenance over the Thanksgiving holiday and holiday weekend.

Billee Rabbe, Prairieland Director, presented a resolution that is required by the Department of Revenue, declaring a Solid Waste Market Price for establishing the Minnesota Solid Waste Management Tax liable by Martin County. Rabbe noted per state statutes the market price is to be the lowest price available in the area and that the Nobles County Landfill in Worthington, Minnesota, was used this year. Rabbe noted there is no increase from previous years' price per ton in declaring a market price of \$35 per ton for a facility, based on a tipping fee amount of \$26.00 per ton.

Motion by Commissioner Schmidtke, seconded by Commissioner Mahoney,

R-#48/'15

RESOLUTION

WHEREAS, the Minnesota solid waste management tax requires political subdivisions to identify by resolution a market price if the political subdivision:

- a. Subsidizes the cost of service at a facility; or
- b. Directly bills on a property tax statement for organized collection of mixed municipal solid waste.

WHEREAS, the political subdivision will be liable for any solid waste management tax based only on the market price amount identified through this resolution.

WHEREAS, the market price is identified in the state statute as the “lowest price available in the area”;

WHEREAS, Martin County has performed research to identify the lowest price available in the area.

NOW THEREFORE BE IT RESOLVED, the Martin County Board declares a market price of \$35 per ton for a facility, based on a tipping fee amount of \$26.00 per ton at the Nobles County Landfill and additional transportation costs.

Motion was made by Commissioner Schmidtke, seconded by Commissioner Mahoney, and was duly passed and adopted this 1st day of December, 2015.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Flohrs, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Belgard, Mahoney, Schmidtke, and Flohrs. NAYS: None. Resolution duly passed and adopted this 1st day of December, 2015.

Scott Higgins, County Coordinator, noted the Martin County Sheriff’s Office is requesting approval of the revised Personnel Action Form for Beau Karge, Corrections Officer, with correct effective date of step increase. Higgins went on to note the original form had an incorrect effective date of September 7, 2015, when in fact the correct effective date of Karge’s step increase is November 16, 2015.

Motion by Commissioner Belgard, seconded by Commissioner Mahoney, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of Jeff Markquart, Martin County Sheriff, hereby approve and revise the effective date of Beau Karge’s step increase to November 16, 2015. Carried unanimously.

Higgins noted the Martin County Veterans Service Office has received notification that Martin County is eligible to receive a CVSO Operational Enhancement Grant for FY2016 in the amount of \$10,000. Higgins went on to note funds must be used to enhance the operations of the County Veterans Service Office and should not be used to supplant or replace other funding.

Motion by Commissioner Mahoney, seconded by Commissioner Schmidtke,

RESOLUTION
AUTHORIZING EXECUTION OF
COUNTY VETERANS SERVICE OFFICE
OPERATIONAL ENHANCEMENT GRANT

BE IT RESOLVED, by the Martin County Board of Commissioners that Martin County, MN, enter into the attached Grant Contract with the Minnesota Department of Veterans Affairs (MDVA) to conduct the following program: County Veterans Service Office Enhancement Grant Program. This grant must be used to provide outreach to the county's veterans; to assist in the reintegration of combat veterans into society; to collaborate with other social service agencies, educational institutions, and other community organizations for the purposes of enhancing services offered to veterans; to reduce homelessness among veterans; and to enhance the operations of the county veterans service office, as specified in Minnesota Laws 2013 Chapter 142 Article 4. This grant should not be used to supplant or replace other funding.

BE IT FURTHER RESOLVED, by the Martin County Board of Commissioners, that Doug Landsteiner, Martin County Veterans Service Officer, and Board Chair, be authorized to execute the attached Grant Contract for the above-mentioned Program on behalf of Martin County, MN.

Motion by Commissioner Mahoney, seconded by Commissioner Schmidtke, said resolution was duly passed and adopted this 1st day of December, 2015.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Flohrs, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

STATE OF MINNESOTA

MARTIN COUNTY, MINNESOTA

I, Scott Higgins, do hereby certify that I am the custodian of the minutes of all proceedings had and held by the Martin County Board of Commissioners of Martin County, MN, that I have compared the above resolution with the original passed and adopted by the Martin County Board of Commissioners of Martin County, MN at a regular meeting thereof held on the 1st day of December, 2015, at 9:00 a.m., that the above constitutes a true and correct copy thereof, that the same has not been amended or rescinded and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto placed my hand and signature this 1st day of December, 2015, and have hereunto affixed the seal of the Martin County, MN.

Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Belgard, Schmidtke, Mahoney, and Flohrs. NAYS: None. Resolution duly passed and adopted this 1st day of December, 2015.

Higgins noted in a review of the current South Central Minnesota Multi-County HRA board members, it has come to our attention that the term of Elliot Belgard will expire on January 30, 2016. Higgins went on to note the South Central Minnesota Multi-County HRA is requesting verification if Belgard's term will be extended or if a new member will be appointed to this position.

Motion by Commissioner Mahoney, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby authorize the reappointment of Elliot Belgard to the South Central Minnesota Multi-County HRA Board of Directors with term beginning January 30, 2016. Carried unanimously.

Higgins reviewed the 2016 Small Load Energy Management Program Agreement between SMMPA and Martin County which allows the Courthouse and Law Enforcement Center to curtail a portion of their electric usage during the peak periods of time as requested by SMMPA. Higgins noted this program has changed due to lower MISO Energy Market prices. SMMPA will continue to pay \$5.00 per actual metered kW during summer months for months where there has been at least one curtailment; and that during summer months with no curtailment, SMMPA will pay \$2.50 per designated kW.

Motion by Commissioner Belgard, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize participation in the Small Load Energy Management Program between SMMPA and Martin County for 2016. Carried unanimously.

Forshee noted the County's Tax Forfeited Land Sale was held on November 24, 2015, and that thirteen (13) of the twenty-four (24) properties sold which brought in \$11,704.

Commissioners presented their individual board reports.

Commissioner Schmidtke noted he attended the Continuation Hearings on JD #367 and CD #29 at 2 p.m. on November 17, 2015; Faribault-Martin County Joint Transit meeting on November 20, 2015; Human Services meeting on November 25, 2015; and joint meeting with Martin SWCD this morning, December 1, 2015.

Commissioner Mahoney noted that in addition to those already mentioned he attended a Surface Water Forum in Wells, Minnesota, on November 18, 2015; Blandin Broadband Conference in Minneapolis, Minnesota, November 19-20, 2015; and Human Services meeting on November 25, 2015.

Commissioner Belgard noted he had nothing new to add to what has already been mentioned.

Commissioner Flohrs noted in addition to what has already been mentioned he attended a Department Directors meeting on November 18, 2015; and Rural Minnesota Energy Board meeting in Slayton, Minnesota, on November 23, 2015.

Rebecca Bentele, Victim Witness Coordinator, presented award notice for the FY2016 Continuation Grant with the Office of Justice Programs in the Minnesota Department of Public Safety. Bentele noted that Federal Funds for this grant contract are provided under the Victims of Crime Act (VOCA) for the purpose of providing supplemental funding to aid in the provision of direct services to victims of crime. Bentele went on to note State and Federal funds for this grant contract are expected in the amount of \$105,000 and are provided for the purpose of providing crime victim services to victims of child abuse, domestic violence, sexual assault, and other crimes. Bentele also noted the contract is effective October 1, 2015 through September 30, 2016. Bentele noted when she came before the Board in September, 2015, she mentioned that funding is currently in a competitive stage and was just recently informed that it will be spring of 2016 that she will be starting the competitive process for the next five year period.

Motion by Commissioner Mahoney, seconded by Commissioner Belgard,

R-#50/15

RESOLUTION

AUTHORIZING EXECUTION OF AGREEMENT

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

BE IT FURTHER RESOLVED that Federal Funds for this grant contract are provided under the Victims of Crime Act (VOCA) for the purpose of providing supplemental funding to aid in the provision of direct services to victims of crime. State and Federal funds for this grant contract are expected in the amount of \$105,000 and are provided for the purpose of providing crime victim services to victims of child abuse, domestic violence, sexual assault, and other crimes; and

BE IT FURTHER RESOLVED, that the State is in need of services to victims of crime; and

BE IT FURTHER RESOLVED, that Scott Higgins, County Coordinator, 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 Mahoney, and seconded by Commissioner Belgard, and unanimously carried.

Said Resolution was adopted this 1st day of December, 2015.

BOARD OF COMMISSIONERS

MARTIN COUNTY, MN

Steve Flohrs, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Schmidtke, Belgard, Mahoney, and Flohrs. NAYS: None. Resolution duly passed and adopted this 1st day of December, 2015.

Commissioners reviewed their calendars of upcoming meetings and activities: December 1, 2015 – Labor Management Committee meeting at 11:00 a.m., and Personnel Committee meeting at 11:30 a.m.; December 2, 2015 – Convention and Visitor’s Bureau meeting at noon and South Central Minnesota Multi-County HRA meeting at 5:45 p.m. in North Mankato, Minnesota; December 3, 2015 – Department Director Evaluations beginning at 1:00 p.m. and Truth in Taxation meeting at 6:00 p.m.; December 4, 2015 – Blandin Broadband meeting at 10:30 a.m. in the Sisseton Room – Courthouse; December 7-8, 2015 – Association of Minnesota Counties Conference in St. Cloud, Minnesota; December 9, 2015 – Park Board meeting at 4:00 p.m. and Region Nine meeting at 6:00 p.m. in Mankato, Minnesota; December 10, 2015 – Soil and Water meeting at 9:00 a.m.; December 11, 2015 – Prairieland meeting 9:30 a.m. Executive Board and 10:00 a.m. regular Board and Canvass Board meeting at 1:00 p.m.; December 14, 2015 – Faribault-Martin County Joint Transit Executive Board meeting at 3:00 p.m. and EDA meeting at 5:15 p.m.; December 15, 2015 – next regular Board of Commissioners meeting at 9:00 a.m. – Commissioners Meeting Room and Annual Holiday Potluck at 11:30 a.m.

The Board recessed at 9:38 a.m.

The Board reconvened at 10:02 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 continuation public hearing on the Engineers Final Report and Viewers Final Report for the proposed improvement and redetermination to Martin County Ditch #51. Those present were Martin County Commissioner Belgard, Scott Higgins, County Coordinator, Commissioner Tom Mahoney, Chuck Brandel, Engineer with I&S Group, Commissioner Dan Schmidtke, Commissioner Steve Flohrs, Chuck Deter, Legal Counsel for the Board, Mike Forstner, Martin County Drainage Inspector/Technician, Deb Mosloski, Martin County Drainage Administration, Chuck Bowers, Viewer, Jim Wiedemann, Viewer, Ron Ringquist, Viewer, Bruce Sellers, Legal Counsel for the Petitioners, Darin Haugen, Legal Counsel for Richard Kroon, Marion Bahr, Ron Bahr, Angie DeBoer, Martin County Auditor/Treasurer’s & Drainage Administration Office, Lonnie Becker, Bruce Kraemer, Attorney for the Palmer’s, Sandy Larson (inaudible), Darwin Roberts, and Roger Hall (a sign-up sheet is available).

Kurt Deter, Attorney for the Board, reviewed the public hearing agenda, and noted as you may recall we had the original final hearing on this matter on February 3, 2015, and my notes reflect that Mr. Brandel gave a report that felt the DNR Advisory Report indicated to find a new location for the retention area and at that time both hearings were continued until a later date for the engineer to look at alternatives. You will note the agenda is basically the same as in February. Mr. Brandel will give an update on his findings, I don't believe there has been an additional DNR Advisory Report to be read, then there will be public questions and comments concerning the Engineers Report and then the Viewers will give a report as to the redetermination of benefits which is one report and then they'll report on the improvements and public questions. If you get to the point today where you want to make a decision first would be the redetermination and if you can meet those three findings and then the six findings for the drainage project.

Deb Mosloski, Drainage Administrator, noted the public hearing notice in consideration of the final Engineers Report for the proposed improvement to JD #51; and the final Viewers 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.

Chuck Brandel with I&S Group noted this project has had a few amendments. At the previous Final Hearing for JD #51, ISG provided multiple options to store water within the watershed. The water storage features were designed to minimize flow rates, maximize storage volume and improve water quality. It was also necessary to design these features to be cost effective and practical. The different water storage options have been narrowed down to one final option that consists of two separate water storage features.

Brandel went on to note the first water storage feature is to construct a pond on the Kroon property in the lower half of the watershed. The Kroon pond will be 2.3 acres in size and will provide approximately 16 acre-feet of water storage. The pond will have a permanent easement of 5 acres that we recommend to be paid at a higher rate of \$12,000 per acre. The pond will be constructed to run at an angle through the Kroon property while staying in the existing low-land area. It will have a ditch running through the center for low-flow events and will provide more storage for high-flow events above the ditch.

Brandel also noted the second water storage feature is to construct a pond on the Becker property in the upper half of the watershed. The Becker pond will be 2.1 acres in size and will provide approximately 17 acre-feet of water storage. The pond will be constructed as a rectangular pond in a natural low-land area. The pond will have the Main tile and Branch B tile coming into the pond on the south side and the Main tile draining the pond on the north side.

Brandel also noted in addition to constructing a pond on the Becker property, controlled drainage is also recommended to be implemented in the watershed. Controlled drainage systems are designed to allow agricultural producers the ability to regulate water levels in their fields. The water level in the ground can be lowered during planting and harvest, while allowing the water level to rise during the summer growing season. This can be extremely helpful in drier years because more rainfall is stored in the soil by essentially turning off the buried tile systems that

many producers have today. The majority of the land within the watershed in Sections 16 and 17 of Center Creek Township has been identified a prime candidate for controlled drainage. The controlled drainage would be implemented privately.

Brandel noted the cost estimate for the JD #51 Improvement has been updated to show the two proposed ponds as well as the modified tile alignment. To allow for the construction of the Kroon Pond the landowner has asked for higher damages than what was originally recommended. The Kroon Pond is necessary for this project and the damages have been raised to reflect the value that was asked for.

Brandel reviewed the proposed costs of the project.

Cost Estimate Summary

Branch	Improvement Cost	Separable Maintenance	Net Cost
Mainline	\$1,229,340.00	\$850,400.00	\$378,940.00
Kroon Pond	\$167,724.00	\$ -0-	\$167,724.00
Branch B	\$139,160.00	\$158,894.13	\$(19,734.13)
Becker Pond	\$133,722.00	\$ -0-	\$133,722.00
Branch G	\$18,800.00	\$16,696.48	\$2,103.52
Total	\$1,688,746.00	\$1,025,990.62	\$662,755.38
Approximate Benefits per Ditch Viewers greater than			\$750,000.00
Benefits minus Cost			\$87,244.62

Brandel went on to note based on the request to look into this final option, the amendment has been made to the JD #51 Final Engineers Report. It should be noted that the benefits of this option do outweigh the costs of improvement. It is our recommendation that the Drainage Authority approve this final option, have the viewer’s review these modifications to the project and set a time for the continuance of the final hearing.

Deter noted we’ll make a record, Mr. Chair, that the DNR Report was read into the record on February 23, 2015, and it has not changed.

Commissioner Belgard asked for input from the public.

Darwin Roberts, landowner, inquired on the existing tile that crosses my property...are you going to parallel that, destroy it, cut through it, what are the plans because I have various laterals that do hook into that.

Brandel noted this sheet is in the packet but we’re proposing to run the new 36” tile on the east side of the existing pipe and then on the north side and then around on the east side. We’ll connect in Branch G at this location (on map) we have a short section of Branch G to get it across the road...and then we will have a connection to the Main at this location and at the southern part of your property connecting north of the pond. We did include some temporary damages to take some of the pond spoils and fill in your low area. We can move that around but we have included some temporary damage to do that which would offer a little bit more cover on the pipe. The elevation of the pipe in this location where we’re starting out the top of the pipe is

very close to where the bottom of the existing pipe is now. By the time we get to the southern part of your property there will be about a foot separation between the top of the new pipe and the bottom of the old pipe.

Roberts inquired will the size of line going off to Branch A and under the township road...where will the inlet be?

Brandel noted that is proposed to be an 18" line. The inlets would be in the road ditch themselves so that the road ditch can properly drain outside...my standard is to put an intake on both sides of a road. The tile acts as an outlet for both the farmland and the township road.

Roberts inquired where is the 36" dual wall going to actually start.

Brandel noted it's going to start on your property at the creek and then go all the way up to where Branch D comes in which is just north of County Road 38, the Palmer property, and it varies in grade...from steeper to flatter in a few areas. The reason we could have a 36" continue that far and only have a 36" on your property is because of the pond. The pond takes a whole bunch of the volume of water and stores it there. Otherwise, we would have to look at maybe a 42" pipe on your property. To get that half inch drainage coefficient we're taking down the flow at that location and keeping the flow within the pond area. There's a lot of material that will be excavated but we're actually going to lower how high that area floods by about a foot...like eight inches to a foot, depending on which event you will get.

Roberts inquired the bottom line as I would understand it then the elevation of the bottom of the 36" dual wall will be the same as is at Elm Creek right now? We're just barely above water flow now.

Brandel noted the bottom of the dual wall will be lower than the current outlet. At that location you can't have the pipes in the same trench because they would hit each other. But then as we go the new 36" run at a flatter grade so we start gaining depth right away. We're maximizing the amount of depth we can get out of it.

Roberts inquired am I understanding correct then that part of the time or the majority of the time that the outlet is going to be partially submerged?

Brandel noted part of the time, yes, it will be partially submerged.

Commissioner Belgard asked for additional questions or comments.

Roberts inquired I don't mean to dominate...but the Becker pond...the depth of that pond...I'm sure there's going to be a controlled structure there I would assume...will that retain a certain level of water at all times or is it designed to totally empty?

Brandel noted at this point it is designed to totally empty out. It could be deepened and there could be permanent water there if requested. But at this point there will be a 24" pipe and an 18" pipe coming in and only a 24" coming out and so that will restrict the water up to a point and

then there will be a drop inlet that will be a secondary outlet and then the 100 year event gets up to about ground level. If there would be a catastrophic event there is another intake just to the north that could take overland flow so it's got three outlets; but, it is primarily set up to function below that second outlet so you've got a lot of storage a larger event will fill up. It could easily be deepened a foot or two to provide more sediment storage but that is not part of the project at this point.

Roberts inquired Chuck (Brandel) have you done core samplings to see what the water table is at that site?

Brandel noted we have not. My guess is that the water table is close to the bottom of the tile by bringing in the new tile we should be able to drain that out to that elevation.

Bruce Krahmer inquired regarding the Becker Pond...under what circumstances would that fill up and then go over the top. Would there be any circumstances that the tile couldn't handle it?

Brandel noted it will stay on the Becker property up until about the 25 year event and then it raises about another half a foot so at a very large event it would come out of the top of the pond and then get into this intake so that's about the 25 year event and with new numbers that's about a 5 inch rain.

Commissioner Belgard asked if there were any more questions or comments. There were none.

Ron Ringquist, Viewer, noted the redetermination of benefits is reconsidering the values added because of the existing ditch system with the assumption that it is in a reasonable state of repair and then functioning hydrologically as when originally installed. That ditch was originally completed in about 1915. As Mr. Brandel had said it is currently a fully tiled system. There is no open ditch. And, it serves as an outlet for the 1600 plus acres of watershed.

Ringquist went on to note to do benefits then what we look at is a comparison of the lands with no artificial drainage and compare that with what that ditch system does currently provide. To do a valuation difference based on the need for drainage we do a mass appraisal and use four general benefiting classes. An "A" benefited acre is an acre that without artificial drainage would be standing water, cattails, or have no agricultural use or value; "B" lands would be those lands that would be seasonally flooded and in our opinion would be usable for hay and pasture; "C" lands are those lands that would be farmable even without artificial drainage but benefit from improved surface and/or subsurface drainage; and "D" acres are the upland acres that really don't see an increase in production because of drainage but benefit because of current farming practices.

Ringquist noted so what we do is we went out and did a field investigation...we used the soil survey; we used GIS, and classified all acres within this project watershed as to one of those four benefiting classes. Once that is completed then we went back and looked at if this ditch system were to meet NRCS design guidelines what were the potential benefits to each of those land classes and this is where we look at not just the sales approach but we also use the income approach to try and better break down how an overall sale would apply to those various classes.

In any sale, not every acre is valued the same. Currently we are using benefits on this particular project as a potential benefit for the difference in value between the "A" acres of potentially \$4,610. per acre added value, "B" acres \$3,430., "C" acres \$2,110., and the "D" acres at \$590. As I said what we did in the redetermination is looked at with this restricted capacity of the existing system how much of that potential benefit is currently being received. With a .11 drainage coefficient and knowing the designs and the timing of the construction of this ditch the "A" acres were probably intended to be drained and used as hay and pasture as a highest and best use and therefore we allowed only 30% of that potential benefit to be applied to the existing system. "B" acres become better...we applied 50% of this potential value, "D" acres at 75% of the potential value of it, and "D" acres at 90% of that potential benefit. Therefore, the benefits for each of the land classes – the "A" acres currently benefit by \$1,383; "B" acres by \$1,720; "C" acres by \$1,582; and the "D" acres by \$531 per acre.

Ringquist also noted to determine our estimated value increase to any of those properties within this watershed we would then take the number of acres in each class times that hydrologically adjusted value and come up with the potential or the gross benefits that were available. We do consider two other potential benefits or impacts on value. One is that we apply benefit for each foot of county tile...that county tile is not based on the size of the tile but that it is one line of tile that individually does not have to be installed and maintained and we've applied \$2.25 as a 6" mainline tile regardless of the size of that branch itself and if the tile does not run directly to each 40 acres we've made a proximity adjustment to allow remaining benefit so that the individual has value left to get his water to that ditch system in order to receive the same values as if the tile went directly to that property. Benefits were also given to the road authorities. Road benefits are based on the cost and maintenance savings that each road realizes because the ditch system exists and those benefits are currently applied at 100% for the system that's in place because the roads that are going to be built are all assumed to be in place and functioning now. With those considerations we've determined that there are benefits to the lands within this watershed of \$1,865,669.20; road benefits of \$60,520.55; for a total current benefit of \$1,926,189.75. That is our opinion and the total value added to the lands within this watershed because of the current JD #51.

Ringquist noted to then go and look at the benefit of the improvement we have to start from what currently does exist so we're not starting from any drainage...we're starting from the value of the land with the existing drainage system in place. We do the same type of a consideration and use the same acre identification. The potential benefits would be the same but what we're looking at then is with this proposed improvement how much additional value is added because of the increased capacity of that outlet. We then said that the "A" acres would benefit by an additional 55% of that potential value making the total potential at 85% because it is a half inch design rather than a one inch design that is typical recommendation for open ditches and so that the "A" acres along this system could potentially benefit by an additional \$2,535; the "B" acres would gain by 45% additional and be at \$1,548; the "C" acres by 24% additional or \$506; and the "D" acres finally that 10% that they don't currently have or only \$59. To get the gross benefit of the improvement we would multiply the number of acres of each class times that hydrologically adjusted potential benefit, adjust once again for proximity because the improvement does not cover every foot of tile or every piece of property out there so the proximities are different on the improvement than they are on the current system and we go

through and because it is paralleling existing tile there are not additional tile benefits and because all of the roads currently exist with outlets into that system there are no road benefits. The improved benefits that we are estimating are \$751,046.35.

Ringquist also noted as Mr. Brandel talked about we also looked then at the need for the damage for the construction period and for the ponds that are being proposed storage within this project. Because the pond areas are being acquired as they currently exist they are not at the optimum value as far as what our consideration and the market values are. We've allowed \$7,500 per acre for the acres taken from the permanent easement to develop and construct the two storage ponds and we've allowed a \$600 per acre temporary easement for the construction areas. That is one year of full loss during construction where there is no crop produced and a phase back into full production because of the compaction and the issues of allowing for a reduced rate application for the next two to four years or a five year impact period where it will not be fully productive again. So total damages for the ponds are estimated to take a total of 8 acres at a value of \$60,000 for the permanent damages, the temporary construction easement is 62.3 acres at a value of \$37,180. With that estimated cost of \$662,000 vs. the \$751,000 of benefits it is our opinion that this proposed improvement is practicable.

Commissioner Belgard asked for input from the public.

Brandel noted just to make a note in the cost estimate that we prepared we used a value of \$12,000 per acre on the Kroon property and we used \$800 an acre for temporary damages based on previous estimates so we're conservative there and I think we used \$8,000 an acre on the Becker property so our numbers are conservative but we had added in that extra amount in the cost estimate.

Ringquist noted and within the damages there may be other value issues that aren't supportable solely within the market evaluation as to what that land would be worth today. Those were not things that were considered specifically because we didn't have those issues or information on what those issues might be.

Commissioner Belgard asked for other comments and questions.

Bruce Krahrmer inquired I'll speak to the engineer first. Is the new Main line solid pipe?

Brandel noted primarily it will be a solid pipe...it can be perforated. There are portions of it that are eight to ten feet deep...it doesn't need to be perforated at that point. But, where it shallows up to under eight feet deep we would put it in perforated.

Krahrmer inquired you're allowing benefits for the Main line as eliminating the need for separate tile. That was true on the existing system for the last hundred years but now the Palmers have more than a mile and a half of the Main which is now a solid pipe and not taking drainage directly from the surface. Would that appropriately justify some change in your benefits?

Ringquist noted it is our feeling that the value of having that available as the outlet is one of the main purposes of having that although it is only valued as a six inch because the size is to

accommodate everybody else's water that runs through that it still would serve as the Main outlet that you could hook all of your pattern and lateral tile into. It should still retain an additional value.

Krahmer inquired I thought you said that you're allowing a benefit for whatever 50 feet of each side and you (in-audible) but that's no longer the case with a solid pipe.

Ringquist noted but we think that there is still value to that pipe even though it may be solid...it was for the outlet...it's one pipe that you as an individual wouldn't have to put that Main in yourself because it still exists whether it's perforated or non-perforated...the Main is still there and that's where you will hook all of your pattern or lateral tile into.

Lonnie Becker inquired would that be optional whether you went perforated or non-perforated on your property?

Brandel noted yes, we could go perforated the entire way unless we have areas that are potentially wetland areas which we've already identified.

Becker inquired could it be optional by landowner like if the Palmers wanted to get perforated and...

Brandel noted it sure could...some counties have the standard that everything is perforated. Some have the standard that none of the Main line is so I leave the option open...it doesn't make a big difference.

Bruce Sellers, Attorney for the Petitioners, inquired isn't some of the consideration the size of the tile too?

Brandel noted the depth. At certain depths it doesn't need to be perforated because your other tile...your private tiles are draining the water table at that point. Where it is an advantage to be perforated is on the smaller branches and on the southern part of the system where it is shallower.

Commissioner Belgard noted perforated or non-perforated tile...it doesn't change the cost so much. Does it change anything from your side Ron (Ringquist)?

Ringquist noted no. We're looking at it as although we limit the size of the outlet to six inches what is typically what you need for a 40 acre parcel to do that main line through that whether it is perforated or non-perforated the access is still there because that line exists so you can hook your pattern tile into it anyplace you choose.

Brandel noted there will also be a few spots even though on the southern part of the system we probably won't hook up the Main where it's full of sand and broken...there's a few other spots where we may hook up portions of the Main...that old Main will still drain the land because it's got gaps in the tile. So that will also be there and it will gain a lot of capacity as a private tile

because it will break at property lines and connect it in in certain spots. On this system there is easily a third of it that we won't hook up just because of how bad a shape it is in. Commissioner Belgard asked for other comments or questions on the Viewers Report.

Bruce Sellers noted there has been some discussion...Mr. Haugen can certainly speak to this as well. Mr. Kroon felt that the value for this pond especially as it related to the project was valued at more. I think Mr. Brandel had just gone through he was able to justify the number that he is recommending and I believe that it was accepted by Mr. Haugen or much more comfortable with that value. But, as long as Mr. Brandel can justify that number the petitioners have no issue with it. It's definitely providing a value and a benefit to the system.

Darin Haugen, Legal Counsel for Richard Kroon, noted we're satisfied with the figure that Mr. Brandel came up with.

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

Motion by Commissioner Schmidtke, seconded by Commissioner Flohrs, to close the oral portion of the public hearing.

Deter addressed the Board noting the Board has two decisions to make. The first one is on the Redetermination of Benefits. You need to make a motion that the Viewers Report has been made and the hearing has been held under Minnesota Statutes 103E and the report as made or amended is complete and correct and the damages have been properly determined. If you feel that has been met then we need to make that motion.

Motion by Commissioner Mahoney, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, determines the Viewers Report as to the Redetermination of Benefits has been made and other proceedings have been completed under Minnesota Statutes 103E, and the reports made or amended are complete and correct, and the damages and benefits have been properly determined, hereby approves the Redetermination of Benefits for Martin Judicial Ditch #51. Carried unanimously.

Deter noted the other issue is the establishment of the improvement.

Motion by Commissioner Schmidtke, seconded by Commissioner Mahoney, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, determines that the Engineers Amended Final Report and the Viewers Amended Report have been made and other proceedings have been completed under Minnesota Statutes 103E, and that reports made or amended are complete and correct, and the damages and benefits have been properly determined, and the estimated benefits are greater than the total estimated costs, including damages, and the recommended drainage project will be of public utility and benefit and will promote the public health, and the recommended drainage project is practicable, and that the ration of separable maintenance as recommended by the engineer is hereby approved, and that the damages for the Kroon Pond are to be in the amount of \$12,000.00 per acre, hereby orders the establishment of the Improvement to Martin Judicial Ditch #51, and that the Viewers

Report is hereby approved, and the engineer is directed to move forward toward awarding of a contract and construction. Carried unanimously.

Deter noted once the Findings of Fact and Orders are signed, there will be a 30 day appeal period.

Brandel noted if there is no appeal we will start working on final plans in approximately 30 days. That puts us into a bid opening probably in mid to late February. For this size of a project we would leave the time frame open...if it is awarded in March we'd give them one full year which would make a completion date of March 31^s to April 10th of 2017; but that ensures that there is only one year of crop loss. A bidder may come in and say I'm going to do most of the work in the fall...I might do some of the work in the summer...it's a big enough project that I think there will be some areas that will be potentially no crop for 2016. When the project is bid, if the bids come in favorably and you award it, we'll have a preconstruction meeting...we can have it here...we'll invite all the landowners and go over the contractors schedule. I anticipate that we would do that before planting so shoot for mid to late March. That way you know what the schedule is and when approximately it will be on your property and we can also talk about some details on where to put some of the spoils. There are three landowners that we're proposing to put pond spoils on...Roberts, Kroon, and Becker, and we can talk about those locations at that time also. Brandel also noted the entire line will be televised once the project is complete.

Deter noted when the project is complete there will be one more public hearing sometime probably spring or summer of 2017 which is an acceptance hearing to make sure the project has been done the way you think it should be done.

With no further business to wit, Board Chair adjourned the meeting at 10:55 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Flohrs, Board Chair

ATTEST: _____
Scott Higgins, Coordinator