

Martin County Board of Commissioners  
Work Session  
June 13, 2017

The work session was called to order at 5:00 p.m. by Chairman Schmidtke. Those present were Commissioners Flohrs, Belgard, Smith, Schmidtke, and Mahoney. Also present were James Forshee, Auditor/Treasurer, Terry Viesselman, County Attorney, Jason Sorensen, Sentinel Newspaper, Ashley Brenke, District Manager-Martin SWCD, Jesse Walters, Outreach Coordinator-Martin SWCD, Mike Forstner, Drainage Administrator, Julie Walters, Administrative Assistant.

The Pledge of Allegiance was recited.

By consensus, approve the agenda for the June 13, 2017, Board Work Session with one addition:  
4.5 Discuss Manyaska Township Road Permits.

Chairman Schmidtke opened discussion on financial contribution to the Martin County Veterans Memorial Marker. Chairman Schmidtke reviewed the proposed memorial marker noting there is one change to the marker that was discussed at the last Martin County Veterans Memorial Committee meeting pertaining to the bottom two legs of the marker. Those legs will be put together so it looks like the marker is sitting on a pedestal.

Commissioner Belgard inquired the price is still \$20,643?

Chairman Schmidtke noted yes. It is not changing other than they're just moving the bottom two pieces in.

Commissioner Mahoney inquired did we only get one bid.

Chairman Schmidtke noted yes. There are only so many places you can get the granite. But it has already been ordered and is probably being engraved right now the way it sounded last week. I thought it would be a good thing to donate to. I sit on that committee so that's why it came here. We make a lot of donations to other people every year and this is just a one-time thing so in my opinion that's the least we can do for our veterans.

Much discussion ensued regarding the purchase of the marker including: it (the marker) is certainly a good cause but constituents aren't going to understand when other communities in the County have been turned down for much smaller donation requests to veterans memorials due to state law; perhaps paying for a portion but not paying for the entire marker; the County's role in continued maintenance at the memorial site; comparison of marker price versus budgeted allotments to the Martin County Historical Society, Martin County Fair, and Red Rock Center for the Arts (Martin County Preservation Society); and the fact that the Martin County Veterans Memorial Committee has never asked us (Martin County) to pay for anything.

Chairman Schmidtke next opened discussion on the County's Wheelage Tax/Local Option Sales Tax, noting that Kevin Peyman, County Engineer, had reviewed local options for transportation funding at a previous meeting, but could not be at today's work session.

Commissioner Belgard noted I think we got a pretty good handle on what that is. The wheelage tax we've got at \$10 and we can set at anything from \$0 to \$20 now for next year; and the local option sales tax can be a half a percent which I think they estimated to be something around \$800,000...right now we're getting a little over \$240,000 from the Wheelage Tax...so we could go from zero to let's say \$480,000 on that or we can do nothing. I don't think I'd be in favor of the Local Option Sales Tax.

Commissioner Mahoney noted I think if we went with that local option sales tax we'd probably tap in on some of that I-90 business and some of the people that shop around here.

Commissioner Belgard noted when it comes to doing a road you know you only make \$200,000 and it costs \$300,000 to overlay one mile.

Commissioner Smith inquired is this something that we address every year.

Chairman Schmidtke noted we've got a chance to change it now every year.

Commissioner Flohrs and Commissioner Smith noted they would just as soon hold off on both.

Chairman Schmidtke next opened discussion on Buffer Enforcement including which county office will take on compliance and enforcement.

Forshee noted I talked with Mike (Forstner) and Mike feels that the Drainage Office can do the work and so our feeling is that it should stay in the Drainage Office.

Chairman Schmidtke noted I know that some of the lake shore stuff that they do that's a little different...this buffer strip around the waterways I just don't see that will be Planning and Zoning.

Forshee noted I don't know how much Soil and Water will get involved with that.

Ashley Brenke, District Manager-Martin SWCD, was present and noted no, we have no enforcement-our involvement is providing technical assistance. We're working with landowners...our option is trying to get everyone in compliance because November 1, 2017, is the public waters so that would be anything around the creeks and the lakes and that sort of stuff and then next year, November 1, 2018, will be buffers installed along all the public drainage systems.

Commissioner Belgard inquired they all have to be installed. There are some counties that don't have hardly any of that done and that's why this came into play because if they didn't redetermine the ditch apparently they didn't have to come into compliance so some counties did none and that's what this is about is forcing them to do that...in a way.

Schmidtke inquired Mike (Forstner) you'd handle everything in your office then not just the county drainage ditches...you'd do the...

Forstner noted I thought we were just...we don't have easement rights to anything but ditches...on a public watercourse...no one has any rights there.

Chairman Schmidtke noted I don't know that Planning and Zoning would have any other rights than you would have. Without easement rights how do you know that it is still being taken care of with that buffer strip if you can't go on it and look at it.

Forstner noted the 16 ½ feet...I can go look at ditches. If it's a creek or a lake...that's private property.

Commissioner Smith inquired Ashley (Brenke) aren't you doing a lot of your work from aerial photos?

Brenke noted yes. We're working as proactively as we can with every landowner to get them installed ahead of the deadline I mean there are still some that aren't and right now we're focusing on public waters with the redeterminations we would look at ditches and work with Mike (Forstner) on it but that's the Drainage Office thing but for the public waters I mean we're trying to get them in compliance.

Commissioner Mahoney inquired so is that pretty much what all the other Soil and Water Districts are doing... just public waters or is it all different.

Brenke noted I think it is all different and we're not doing enforcement – I don't want to give that impression – we're just doing the best we can to provide options for people because there are certain programs out there that landowners can enroll in so we're trying to make sure they know about those; and in terms of the ditches I mean every county is different.

Commissioner Smith inquired what do you think there's going to be left by November 1<sup>st</sup> of 2017 on the public waters.

Brenke noted there will be some parcels I would imagine...perhaps 20 parcels...right now we're like at 140 as of this morning based on aerial imagery and we're working with people on some to try and get in programs they'll get more time but it's also what happens in five years from now.

Commissioner Smith noted so you have 140 that aren't installed or in compliance

Jesse (Walters) noted based on the aerial review and I haven't taken into account I don't have the CRP list yet of people that have applied for CRP.

Commissioner Mahoney inquired do the people approach you or do you have to go out and approach them.

Brenke noted right now its people coming into our office...we have plenty of people that know about it coming in.

Commissioner Mahoney inquired so Planning and Zoning they really won't have much of an impact in the buffers.

Chairman Schmidtke noted well that's the discussion here.

Commissioner Belgard inquired I wonder what the expectations of the state are for how everybody else is going to do it. I mean that money was going to be ongoing wasn't it for at least four years and that was a lot of money.

Commissioner Flohrs inquired of Forstner do you think you can do all of this work up here all this enforcement without hiring another person.

Forstner noted on ditches, no problem.

Commissioner Smith inquired of Terry (Viesselman) what do you think it's going to take if somebody doesn't want to be in compliance.

Viesselman noted that hasn't really been decided yet on how we're going to enforce compliance. The easiest way that carries the most heat is with a criminal penalty. With that we'd have to draft an ordinance adopting the setbacks and making it a violation of the ordinance as a misdemeanor. Otherwise you can set up an administrative hearing which is separate from the court system but one we run and that can be cumbersome. And then the other way is to handle it civilly in court by obtaining an order, ordering them to comply with the state law.

Commissioner Smith inquired about fines.

Viesselman noted with an administrative procedure that would be the penalty...you'd give them fines. At this time I do not know what the fines would be.

Commissioner Mahoney inquired can you put it in CRP.

Brenke noted yes but when you put it in CRP then you have more restrictions on what you can plant.

Chairman Schmidtke noted my thinking is when that funding comes in you put it into the Ditch funds to help reduce some of the levies on these ditches too.

Commissioner Smith noted I think Terry's (Viesselman) office might need some of that money for enforcement.

Viesselman noted I think most people will be in compliance. Initially there might be a bunch of stubborn ones but I don't think it is going to be that bad. And once we get a procedure set up too it will be kind of routine for us.

Chairman Schmidtke inquired do you all think it should stay with the Drainage Office or are we going to let some of that go to the Planning and Zoning Office.

Commissioner Flohrs noted I think a good place for it is in the Drainage Office.

Commissioner Belgard noted until we find out that for some reason it doesn't work on the lakes.

Commissioner Mahoney inquired do you think enforcement will be a big problem.

Brenke noted most landowners you talk to have been willing to be proactive and do stuff and like I said we've been busy with people coming into our office. And again I'm only talking about public waters.

Commissioner Flohrs inquired if a meeting will be set with the Planning and Zoning Office.

Forshee noted my feeling is that it stays with Drainage. If we have to do the ordinance Planning and Zoning can help us with the ordinance.

Forstner noted we should also find out how we're going to enforce when we don't have rights to the land.

Forstner next opened discussion noting that Manyaska Township is requiring a road permit to be filed for each crossing that occurs during the CD #29 Improvement Project and that along with each crossing/permit a cashier's check in the amount of \$1,500 is required to cover any damages that may occur as a result of the project. Forstner went on to note there are a total of eight (8) crossings on this system that affect the township roads. Forstner also noted that if the roads are found to be placed back to original or an improved condition, the money will be given back.

After discussion, it was suggested that Forstner contact Kurt Deter, Attorney for the Martin County Drainage Authority Board, to ask for his opinion, and bring an update to the commissioners meeting on June 20<sup>th</sup>.

Chairman Schmidtke opened discussion on the proposal received from Wold Architects and Engineers to update a Martin County Justice Center Study. Chairman Schmidtke noted back when we did this study in my opinion it just didn't pay off because the cost of our travel time wasn't high enough to cover the interest at that time; and there was talk of needing to add a bunch of jailers. But, now things are different. They say that we don't have to add staff.

Viesselman noted they said in Faribault County they use fewer jailers. But, unless we have the study completed we won't really know.

Much discussion ensued regarding the need of an updated Martin County Justice Center Study and the proposed cost in the amount of \$11,100; with most noting the update would be worth pursuing.

With no further business to wit, Board Chair adjourned the meeting at 5:52 p.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Board Chair

ATTEST: \_\_\_\_\_  
James Forshee, Auditor/Treasurer