

The Wright County Board met in regular session at 9:00 A.M. with Husom, Sawatzke, Daleiden, Potter and Borrell present.

The following corrections were made to the 3-18-14 County Board Minutes: Page 5, 3rd paragraph, 2nd to last sentence should read, "Daleiden envisioned the group to be active while the Park is developed" (Borrell). Borrell moved to approve the County Board Minutes as amended. The motion was seconded by Daleiden and carried 5-0.

The following items were petitioned onto the Agenda: Aud./Treas. Item #5, "Approve Bill To Impact For Tax Valuation Notices" (Hiivala); Item For Consid. #4, "Building Committee" (Daleiden). Daleiden moved to approve the Agenda as presented, seconded by Borrell, carried unanimously.

On a motion by Daleiden, second by Potter, all voted to approve the Consent Agenda:

- A. ADMINISTRATION
 - 1. Approve Charitable Gambling Application, Form LG220, St. John's Catholic Church, 17260 Hwy. 12, Cokato, MN 55321 (Cokato Township).
- B. HIGHWAY
 - 1. Bid Openings Scheduled At The Highway Department On 4-25-14:
 - a) 9:00 A.M., Seasonal Requirements;
 - b) 9:30 A.M., 2014 Pavement Preservation Contract;
 - c) 10:00 A.M., CSAH 33 Pavement Preservation/Federal Funds.
 - 2. Approval Of 2014 Maintenance Agreements Between Wright County And Six Cities (Delano, Elk River, Maple Lake, Monticello, Montrose, and Waverly).
- C. HUMAN SERVICES
 - 1. Position Replacement:
 - a) Child Support Supervisor.
- D. PLANNING & ZONING
 - 1. Approve Planning Commission Recommendation To Rezone Approximately 41 Acres, PID #216-000-023400, Keith Burnham, (Silver Creek Twp.) From AG General Agricultural To A/R Agricultural-Residential.

Bob Hiivala, Auditor/Treasurer, presented the 3-13-14 County Ditch 10 Minutes for approval. The following changes was made to the Minutes: Page 3, last paragraph, last sentence should read, "Borrell let the landowners know that the Board is considering having Sentence to Serve (STS) clean out a lot of the trees and then have Wright County Parks Department use the wood" (Borrell). Borrell moved to approve the Minutes as corrected, seconded by Daleiden, carried 5-0. The Committee Minutes follow:

Commissioner Borrell began the meeting at 6:00 pm by making introductions and explaining that this was an informational meeting to discuss the possibility of completing a redetermination on County Ditch 10. Borrell pointed out that the ditch is called a County Ditch but the County does not own the ditch, the landowners do and the County Board is the Ditch Authority. Borrell then explained a little bit about the buffer strips required if a redetermination were completed. Land rights for the buffer strips are acquired by the drainage system. Harvesting of perennial vegetation remains a right of the landowner. The primary purposes of these buffer strips are to improve ditch bank stability and reduce ditch maintenance and to trap sediment and nutrients.

Borrell then began the Power Point Presentation and asked that landowners maybe hold their questions until the end of the presentation.

Slide 1 of Power Point Presentation: Key Definitions

3-13-14 County Ditch 10 Minutes (cont.):

Redetermination of benefits: Update the benefit rolls of the drainage authority. May add lands, remove lands or change the amount of the benefits assigned to individual parcels.

Drainage Authority: County or watershed district boards, or joint county boards, authorized by MN. statutes to administer public drainage systems under Chapter 103E.

Viewers: Residents of MN who are qualified to determine benefits and damages of drainage systems and are appointed by the drainage authority for that purpose.

Buffer Strips: Section 103E.021 requires the establishment of minimum 1-rod (16.5 ft) buffer strips of perennial vegetation along drainage ditches whenever viewers are appointed, including for a redetermination of benefits. The primary purposes of these buffer strips are to improve ditch bank stability and reduce ditch maintenance by setting back tillage from the top of the ditch bank, and to trap sediment.

Slide 2 of Power Point Presentation: Why Redetermine Benefits

(The decision of whether to go ahead with a redetermination is that of the Board)

- 1) Benefited lands and benefits of many public drainage systems have not been updated for decades, some for over a century.
- 2) To increase the total benefits to reflect modern land values. By doing this, it becomes possible to increase the ceiling on permissible repairs..
- 3) Repairs are paid for in proportion to each properties share of the total benefits assessed against all land. It is very likely that the actual proportionate benefits accruing to properties throughout the watershed have changed over the years. Some lands have become relatively more valuable than others. Some lands benefit more by modern drainage practices than other; some lands have become undrainable because of regulatory changes. The redetermination of benefits brings the share of properties into line with their current share of the total benefits.

Slide 3 of Power Point Presentation: How Benefits and Damages are Redetermined

Viewers first verify or identify the land parcels, roads and other infrastructure served by a drainage system. Viewers then use mass appraisal methods to determine benefits of the drainage system. A number of variables, including land use, productivity and value, drainage outlet potential, and drainage system requirements or impacts are used by viewers to determine drainage system benefits and damages.

The individual benefits for each parcel establishes a cap on assessments for that parcel and sets the parcel's pro rata share of benefits. Viewers estimate the increase in the value of the land which comes from having a drainage system. Most viewer's look at soil information, aerial photos, and assessor's records.

Slide 4 of Power Point Presentation: Systematic Redetermination of Benefits

A number of drainage authorities in Minnesota have undertaken a systematic redetermination of benefits and damages for all of the drainage systems under their jurisdiction, including surface ditches and subsurface tile systems.

Freeborn, Martin, Steele, Sibley and Fairbault Counties. Freeborn County started in 1995. Martin County started in 2001 and is well along with redeterminations for its 200+ public drainage systems.

3-13-14 County Ditch 10 Minutes (cont.):

Slide 5 of Power Point Presentation: Examples of Redeterminations

Martin County:

County Ditch 11: Original benefits of \$137,682 for 2,312 acres in 1908. After redetermination of benefits in 2009, total benefits of \$6,807,504 for 11,003 acres. A total of 56.7 acres of buffer strips were acquired and established by the drainage system. Redetermination cost was \$2.36 per acre.

Kandiyohi County:

County Ditch 38: (all subsurface tile system) Original benefits of \$22,995 for 472 acres in 1917. After redetermination of benefits in 2010-11, total benefits of \$765,867 for 1,206 acres. Redetermination cost was \$3.75 per acre.

Bois de Sioux Watershed District:

Judicial Ditch 2: original benefits of \$20,507 for 17,577 acres in 1900. After redetermination of benefits in 1999, total benefits of \$3,927,667 for 59,690 acres. A total of 15.1 acres of buffer strips were acquired and established by the drainage system. Redetermination cost was approximately \$2.00-\$3.00 per acre.

Slide 6 of Power Point Presentation: Redetermination Process

Three viewers are appointed by the drainage authority to redetermine and report the benefits and the benefited areas. Because of the shortage of viewer's in Minnesota a redetermination is probably 2 years out at least.

Once the redetermination process is completed, the auditor must prepare a property owners' report from the viewer's report. A copy of the property owners' report is mailed to each owner of property affected by the drainage system. The viewers like to hold one meeting prior to a public hearing with the owners of property affected by the ditch to answer questions on a one on one basis. The ditch authority is required to hold a final hearing on the report and confirm the benefits 30 days after the property owners' report is mailed. A person aggrieved by the redetermination of benefits may appeal from the order.

Slide 7 of Power Point Presentation: Cost of a redetermination

A redetermination of benefits does not result in assessment of any levy against the original benefited lands. Rather, it results in an amended benefits roll which will later be used to apportion the reasonable cost of repairs assessed against all benefited properties and the cost of the redetermination itself.

Many old systems were assessed based upon farming practices essential at the time the system was first constructed. If it appears that lands and property not originally included in the ditch system are draining into the system or otherwise benefiting from the system, the viewers must include such a finding in their report.

Previous estimates for viewing costs on Wright County Ditches:

Joint Ditch 15: 20 thousand acres. The ditch is about 55 thousand feet long and would require around 42 acres of buffer strip. An estimate of \$2.50 to \$3.00 per watershed acre. So estimate for JD 15 would be (20,000 x \$3.00 = \$60,000)

The acquisition of the buffer strips would be above these estimates.

Slide 7 of the Power Point Presentation: Shall maintain the Ditch

The drainage code makes repair of systems mandatory. Minnesota Statutes, section 103E.705 states that the drainage authority shall have the drainage system inspected on a regular basis by an inspection

3-13-14 County Ditch 10 Minutes (cont.):

committee of the drainage authority or a drainage inspector appointed by the drainage authority. The drainage authority shall maintain the drainage system including grass strips and provide the repairs necessary to make the drainage system efficient.

Two primary ways of initiating a repair:

- 1) The first is for the county itself to conduct a repair under its routine maintenance
- 2) A repair of a ditch may also be initiated by petition. Any party interested in or affected by a ditch may petition. The petition is filed with the county auditor.

Borrell also stated that County Ditch 10 was established in 1906 and has never had a redetermination of benefits. Daleiden added that currently County Ditch 10 has 6,953 benefited acres. The whole watershed has approximately 20,000 acres. So, a redetermination is going to bring in additional landowners and change the percentage of benefits that the current landowners are being assessed for.

Borrell added that in all honesty he does not know if the redetermination is the right thing for the landowners on County Ditch 10. A lot of work has all ready been done on County Ditch 10. What the benefited landowners need to decide is if the cost and benefits of the redetermination outweigh the list of the current benefited landowners paying for future repairs without the roles being changed.

Borrell stated that repairs and maintenance of Wright County ditches has not happened over the past years. Some of the ditches have not had anything done to them since establishment in the early 1900's. Borrell assured the landowners that he and Commissioner Daleiden are not going to allow that to happen, and will make sure that action is taken on the ditches and landowners will be involved and informed in regards to the decisions that need to be made.

A brief discussion took place in regards to the current repairs and maintenance on the ditch being done by Blackstone, Inc. Some of the landowners had concerns regarding the trees that still remain on the ditch after the clean out. Borrell and Saxton assured the landowners that the cleanout that Blackstone completed was what the Board had contracted for and that Blackstone had done a good job. However, there are still a lot of trees on the ditch. Borrell let the landowners know that the Board is considering having Sentence to Serve (STS) clean out a lot of the trees and then have Wright County Parks Department use the wood. Borrell also encouraged landowners to cut the trees and use the wood themselves on their property.

There were other areas on County Ditch 10 that landowners were concerned about in regards to needing repair. Borrell stated that the Board is in the process of hiring a Ditch Inspector. Kerry Saxton has acted as our Ditch Inspector the last several years. Borrell asked that those with clean out requests contact him or Janice Edmonson at (763)682-7583 to submit a Action Request Form.

It was decided at this point in the meeting; Joe Jacobs from SWCD would do a short 10 minute presentation. Jacobs stated that concerning a watershed, there maybe different viewpoints, different goals but the same outcome. Jacobs then showed slides of the Ann Lake Watershed and the number of acres that would be included in the redetermination of County Ditch 10. Jacobs stated that County Ditch 10 is directly connected to Lake Ann's water quality. Jacobs then showed a map of the areas in this watershed that have highly erodible soils. Soil erosion decreases soil fertility, causes a decrease in crop production and crop quality and can cause environmental damage as loss of soil can make it difficult for natural vegetation to grow in it and thus turn a fertile land into desert.

Water monitoring can be conducted at regular sites ("fixed stations") on a continuous basis; at selected sites on an as-needed basis, to answer specific questions, or to characterize a watershed. Monitoring can be conducted for many purposes to characterize waters and identify changes or trends in water quality over time and identify specific existing or emerging water quality problems.

3-13-14 County Ditch 10 Minutes (cont.):

Jacobs then went over the best way to control erosion and sediment control.

- Pipe installation and fill compaction
- Completed basin which is farmable
- Basin with stable outlet
- Manure stacking slab
- Buffer Strip
- Planting prairies where there once were prairies
- Natural resources conservation programs help people reduce soil erosion, enhance water supplies, improve water quality, increase wildlife habitat, and reduce damages caused by floods and other natural disasters.
- The reestablishment of wetland conditions similar to the original condition in an area where wetlands were altered.

Jacob closed by saying the benefits of controlling erosion are, of course, manifold. Less erosion means the better soil quality, with the soil retaining the nutrients and chemicals added to it, and this naturally leads to better and more improved crop yields. Erosion control can reduce the expenses involved in drainage and in water filtration. And better yet, it can counter and help redress any long-term damage to the environment.

Borrell then asked if there were any questions regarding the information Jacobs shared. Since there were no questions, Borrell then asked for a show of hands as to who would be in favor of a redetermination on County Ditch 10. The majority of landowners showed interest in the redetermination. Borrell stated that our next step would be to have one more informational meeting, where Kurt Deter from Rinke Noonan, and Ron Ringquist a Minnesota Viewer would be present to give more specifics in regards to a redetermination and the costs involved. Also, the ditch authority will obtain some quotes in regards to a complete clean out on County Ditch 10. This will allow the landowners to compare the cost of a redetermination verses a complete clean out on the ditch. Daleiden again reminded landowners of the additional acres in the watershed. Landowners also have to remember that a majority of them will probably be passing their land onto family members. The redetermination will increase the total benefits to reflect modern land values. By doing this, it becomes possible to increase the ceiling on permissible repairs in the future. The meeting was adjourned at 7:45 pm.

(End of 3-13-14 County Ditch 10 Meeting Minutes)

Hiivala requested the Board schedule a Deferred Compensation Committee Meeting for the purpose of ruling on a hardship withdrawal request. Sawatzke moved to convene the Deferred Compensation Committee on 4-01-14 at 8:30 A.M. for the purpose of reviewing the request. The motion was seconded by Potter and carried unanimously.

At the request of Hiivala, Daleiden moved to schedule a Drainage DB Demonstration on 4-28-14 at 9:00 A.M. in the Government Center Community Room. In addition to Wright County Board members, other Counties invited will be Carver, McLeod, Meeker, Nicollet, Renville and Sibley. The motion was seconded by Borrell and carried 5-0.

Hiivala requested approval of payment in the amount of \$8,120 to Impact for services provided to mail the property valuation notices to taxpayers from the Assessor's Office. If approved, this will be paid on an Auditor's warrant. Daleiden moved to approve the payment, seconded by Potter, carried unanimously.

The claims listing was reviewed. Daleiden referenced claims on Page 11, Buffalo Hospital OTPT Commercial, Inmate Medical, totaling \$9,529.27. He questioned what the claims relate to. Hiivala stated the claim does not reference whether this is for outpatient services. Buffalo Hospital and Allina have multiple vendor numbers in the County's system, so he will verify that this is being paid to the correct one. Borrell moved to approve the claims as

listed in the abstract, subject to audit, for a total of \$153,048.39, with 111 vendors and 201 transactions. The motion was seconded by Daleiden and carried 5-0.

A Committee Of The Whole Meeting was held on 3-11-14. At today's County Board Meeting, the following correction was made to the Minutes: Page 1, Item IV, last sentence, should be changed from "...at the annual Township Officer's Meeting" to "...at the quarterly Township Officer's Meeting" (Sawatzke). On a motion by Sawatzke, second by Daleiden, all voted to approve the Minutes as corrected. The Committee Of The Whole Minutes follow:

- I. Planning & Zoning Administrator, Sean Riley, explained after discussion at the February Planning Commission meeting, it was suggested the idea of Developer's Agreements be provided the County Board early in the process. These agreements would be used for future plats that come before the Commission and would involve amending the Subdivision Ordinance that requires County Board action to adopt. At this time they are looking for any questions or comments. A copy of the Planning Commission minutes outlining their discussion was provided the County Board. If the County Board sees merit, a public hearing would be scheduled before the Planning Commission who would forward a recommendation for final action to the County Board.
- II. Kryzer added since the County Board is the last step in the process, they are looking for direction before spending considerable staff time and resources. He summarized his involvement in negotiating the completion of roads in two plats since he was hired 3.5 years ago. He felt the County was lucky to resolve these, but would suggest the Developer's Agreement to make the process a team effort between the developer, County and Township and ultimately protects the interest of the County taxpayers. He suggested the County take the lead rather than have the potential for eighteen different ways. Riley pointed out that the agreement is not needed for simple lot divisions. It will be used when there is infra-structure involved.
- III. Questions followed regarding the agreement and who pays for the cost and inspections required by engineers. The developer covers all costs. Couri explained he has years of experience in representing townships and cities. His experience has been positive using the agreements and although Townships don't have to participate, most come on board. Further examples were discussed where the lack or improper inspections of road construction resulted in sub-standard road conditions. His law firm would provide the standard framework for the three-party agreement that has been used in cities the past twenty years. The County Attorney would review these agreements.
- IV. County Board was informed that the Subdivision Ordinance was adopted in 1977 and needs updating. The question is whether there is interest in including the Developer's Agreement. Commissioners expressed support, some noting these are now used in the cities in Wright County. All parties would understand and agree what their responsibilities are from the onset. Sawatzke asked how they would handle a development that a Township does not want to require an agreement. Riley explained they would still require the Letter of Credit as they currently do. Consensus was favorable, noting it protects the Townships and taxpayer and Staff was directed to proceed with the development of the Ordinance and public hearings. Kryzer and Riley plan to provide education on the subject to the Town Boards at the quarterly Township Officer's Meeting.

(End of 3-11-14 Committee Of The Whole Minutes)

Advisory Committee/Advisory Board Updates:

MET Council I-94 Public Hearing. Potter attended the Hearing and said public input was provided on the projects before the MET Council. All comments in support of the I-94 Project were positive. Hwy. 610 did not receive any public comment. The written comment period ends 4-04-14. Potter asked that a letter be drafted and sent to MnDOT in support of the I-94 project and the importance of lane expansion in case of a nuclear event. Potter made a motion to direct Lee Kelly, County Coordinator, and Genell Reese, Veteran Services Director, to make sure this is done. The motion was seconded by Daleiden and carried 5-0.

MEADA. Husom said there are grants available for schools through MEADA. More information is available on the MEADA website.

(End of Advisory Committee/Advisory Board Updates)

Sean Riley, Planning & Zoning Administrator, announced a Land Use and Zoning Presentation that will be held on 4-09-14 at 1:00 P.M. at the Wright County Government Center. Members of the Planning Commission, Board of Adjustment, and County Board have been invited. Borrell moved to authorize attendance, seconded by Daleiden. The motion carried 5-0.

Daleiden stated he is unable to attend the Building Committee Meeting scheduled for 4-26-14 at 10:00 A.M. Agenda items include: 1) Compost Facility Equipment; 2) Additional Security Cameras, Human Services Center Building & Property; and 3) Suggestion Box. Potter moved to cancel the Building Committee Meeting of 4-26-14 and refer the items to the 4-16-14 Building Committee Meeting. The motion was seconded by Daleiden and carried 5-0.

The meeting adjourned at 9:33 A.M.