

SYNOPSIS OF COUNTY BOARD MEETING

October 18, 2016

Members present were Seeboth, Berg, Windschitl, Simonsen, and Potter, along with County Administrator Enter and County Attorney Hanson.

M/Berg, S/Potter, to accept the Minutes of 10-4-2016 and authorize publication of the Synopsis of same; carried.

M/Seeboth, S/Potter, to schedule a closed session for labor negotiation strategy planning to be held in the Commissioners Room 204 of the Brown County Courthouse, New Ulm, MN at approximately 11:00 AM this date 10-18-2016 for the LELS Locals #94 and #98, and for the AFSCME Courthouse and Highway Collective Bargaining Units pursuant to M.S. 13D.03; passed.

At 9:02 AM, Chairman Windschitl convened a Public Hearing for the purpose of setting assessments/liens to Brown County drainage ditches that have deficit balances or insufficient funds in their accounts for proper maintenance and repair. Auditor/Treasurer Prochniak noted that the public hearing notices were published in all newspapers. A/T Prochniak presented information on the proposed assessments which amounted to \$767,000 in total for 2017. Forty-one (41) citizens attended the public hearing.

Chairman Windschitl recognized individuals who requested to provide testimony, and numerous questions, concerns, and opinions were expressed. It was clarified that the proposed assessment printed in the public notice was the total assessment for each ditch system; the portion of the total assessment to be paid by the individual landowners is determined by the percentage of benefit on record for each individual landowner in the ditch system.

The County Board of Commissioners serves as the County Drainage Authority for administrative purposes; The landowners in the ditch system pay for all ditch maintenance expenses through the ditch assessment process.

Ditch cleanouts are pursued by the Drainage Authority upon requests from landowners in the ditch system. The Ditch Inspector performs field inspections and requests bids for the clean-out from up to nineteen (19) area contractors who have the required equipment to perform ditch clean-outs; bids are presented to the Drainage Authority for approval; and assessments are made to the ditch system landowners to pay for the clean-out costs and any other repairs needed in the individual ditch systems.

The effectiveness of county ditch weed spraying by helicopter was questioned; It was noted that helicopter spraying is significantly less expensive to the ditch system landowners than using land based spraying equipment and that some landowners manage weed concerns in their respective ditch areas.

There was considerable discussion about the 16.5' buffer required in the Redetermination of Benefits process and the possible effects of the new Minnesota buffer law upon county ditch systems. It was noted that long-standing Minnesota ditch law will be applied for establishing the required one-rod buffer when Redetermination of Benefits occurs. Application of the new Minnesota buffer law with respect to county open ditches has not yet been fully clarified by the State of Minnesota.

It was also noted that questions about individual assessments should be addressed to the County Auditor/Treasurer's Office. County Ditch system information is also available on the county web site at <http://www.co.brown.mn.us/drainage>

After considerable discussion, the public hearing closed at 10:40 AM.

M/Simonsen, S/Seeboth, to approve the amounts for ditch assessments on the following drainage ditches for taxes payable in 2017 with no interest and to establish the interest rate of 4% for landowners opting to enter into the lien process: \$1,000 – CD#21, CD#48, CD#52, IMP#03, JD#17 R&B, JD#18 W&B; \$2,000 – CD#02, CD#16, CD#18, LAT 1A to 9B&BE, LAT 04 CD#58; \$3,000 – CD#38, CD#64; \$5,000 – CD#29, CD#45, CD#47, CD#53, CD#70, JD#12 B&R, JD#24 R&B, JD#35 R&B, JD#36 R&B; \$6,000 – CD#55, JD#48 BE_B_W; \$7,000 – CD#12, MAIN A to CD#24; \$8,000 – CD#05, JD#10 B&BE, JD#13 W&B; \$9,000 – JD#14 B&W, JD#30 R&B; \$10,000 – JD#18 B&R; \$13,000 – CD#49, CD#75; \$16,000 – CD#67; \$17,000 – JD#29 B&R; \$18,000 – CD#20; \$25,000 – CD#60; \$26,000 – JD#09 B&BE; \$27,000 – CD#57; \$28,000 – CD#68; \$53,000 – CD#01; \$62,000 – CD#63; \$68,000 – CD#10; \$72,000 – IMP CD#11; \$120,000 – CD#33; carried.

M/Seeboth, S/Berg, to approve the ditch assessment in the amount of \$8,000 for CD#4; passed.

M/Berg, S/Potter, to approve the ditch assessment in the amount of \$9,000 for LAT5 CD#58; passed.

M/Seeboth, S/Windschitl, to approve the ditch assessment in the amount of \$10,000 for CD#58; passed.

M/Simonsen, S/Potter, to approve the ditch assessment in the amount of \$13,000 for CD#32; passed.

M/Potter, S/Berg, to approve the ditch assessment in the amount of \$24,000 for CD#13; passed.

M/Potter, S/Simonsen, to authorize payment of General Government claims in the amount of \$256,482.80 as follows: Revenue \$118,508.11; Public Health \$11,291.42; Road and Bridge \$26,076.76; Family Services \$1,092.14; Park \$17,544.70; Ditch \$6,434.10; Landfill \$61,365.31; Score \$14,170.26; carried.

M/Seeboth, S/Berg, to accept and file the Cash Management/Investment Report for the quarter ending 9-30-2016, noting a total portfolio balance of \$23,303,613.82 with an average interest rate of 1.1%; carried.

M/Berg, S/Potter, to award the CD#68 Open Ditch Clean Out contract to Rickert Excavating in the amount of \$78,800.50 for the clean out of 17,950 feet of CD#68 southwest of New Ulm which is scheduled to begin approximately 10-24-2016 and to be completed by 12-17-2016; and noting that the contract also includes replacement of tile outlets if needed; passed. One other clean-out bid was received from Ed Rettman Excavation.

M/Seeboth, S/Simonsen, to award the JD#14 B&W Open Ditch Clean Out contract to Rickert Excavating in the amount of \$5,481 for the clean out of 5,220 feet of JD#14 B&W south of Hanska which is scheduled to begin approximately 10-24-2016 and to be completed by 12-17-2016; and noting the contract also includes replacement of tile outlets if needed; passed. No other bids were received.

M/Potter, S/Berg, to accept the quote from Full Service Electric in the amount of \$18,009 to update the lighting in the New Ulm Shop & Office of the Highway Dept. with square shop light fixtures; passed. Additional quotes were received from Paul's Electric for round shop light fixtures and for square shop light fixtures.

M/Berg, S/Potter, to plan for the use of State Aid bonding funds in the amount \$5 Million for the following highway constructions projects: CSAH 24 from CSAH 16 to CSAH 8 (5.1 miles); CSAH 8 from CSAH 24 to TH 14 (4.2 miles); CSAH 8 from TH 14 to TH 68 (4.1 miles); CSAH 10 from CSAH 27 to CSAH 29 (4.5 miles); and CSAH 11 from CSAH 24 to TH 14 (6.0 miles); and to plan for CSAH 24 from CSAH 11 to CSAH 13 (5.0 miles) as an optional project in the bidding process; carried 5-0.

M/Seeboth, S/Simonsen, to approve the FY17 Grant Agreement No. A-CVS-2017-BRWNPROB-00006 with the MN Dept. of Public Safety Office of Justice Programs in the amount of \$68,531 to allow Brown County Probation Dept. to continue serving victims of general crime for the period of 10-1-2016 thru 9-30-2017 and authorize the Board Chairman and County Administrator to sign said Agreement on behalf of Brown County; carried.

M/Seeboth, S/Simonsen, to accept and file the Public Health Update 10-18-2016 on Elevated Blood Lead Level Cases, Influenza Vaccine Clinics, Children of Incarcerated Parents, Breastfeeding Friendly Public Health Department Bronze Certification, CHS Conference, WIC Management Evaluation, Suicide Rates Increase in MN, and Advisory Committee Meeting Minutes 8-10-2016; passed.

M/Berg, S/Potter, to accept and file the update on Brown County Extension activities and the 4-H Youth Development Program Report dated 10-18-2016 as presented by the 4-H Coordinator Jaime Hanson; passed.

M/Simonsen, S/Potter, to approve Conditional Use Permit (CUP) Application #C-0031 by Scott Peterson on property described as the NE4 of Section 6-T110N-R32W, Home Township, Brown County for the purpose to renew current CUP #C-00144 to continue to allow 720 AU (2400 Head) in a finishing hog operation, all located in the A-1 Agricultural Protection Zoning District, with nine (9) conditions; carried.

M/Berg, S/Potter, to approve CUP Application #C-0030 by Norbert Krzmarzick on property described as SW4 of NE4 & SE4 of NW4 of Section 9-T109N-R32W, Stark Township, Brown County for the purpose to renew the current CUP #C-00309 to continue to allow gravel extraction and crushing and for the temporary use of a hot-mix and processing plant, all located in the A-1 Ag Protection Zoning District, with three (3) conditions; carried.

M/Berg, S/Potter, to approve Preliminary Plat P-0012 by Judy Havemeier on property described as NE4 of NE4, Section 29-T109N-R30W, Cottonwood Township, Brown County; Parcels being platted are a multi lot subdivision in the R-1 Rural Residential Zoning District; carried.

M/Potter, S/Windschitl, to approve Preliminary Plat P-0011, a Single Lot split by James Pietz known as Pietz Subdivision on property described as part of SE4, Section 30-T108N-R34W, Bashaw Township, Brown County; Parcel being platted is a building site being split off from the tillable land in the A-1 Ag Protection Zoning District; carried.

M/Berg, S/Potter, to approve Preliminary Plat P-0013, a Single lot split by Kenneth Hoffmann known as Hoffmann 8th Subdivision on property described as part of SW4 of NE4, Section 27-T108N-R31W, Milford Township, Brown County; Parcel being platted is a building site being split off from the tillable land in the A-1 Ag Protection Zoning District; carried.

M/Potter, S/Simonsen, to approve Final Plat P-0005, a Multi Lot (7) split by Lorin Helget known as North Shore Sixth Subdivision on property described as part of the E2, Section 14-T108N-R32W, Albin Township, Brown County; Parcels being platted are currently tillable ground being split to create a 7 lot residential development all located in the A-1 Ag/Shoreland Protection Zoning District; carried.

M/Berg, S/Seeboth, to approve Final Plat P-0009, a single lot combine by John & Brooke Knisley known as Harmony Acres 2nd Subdivision on the property described as lot 1, block 1 Harmony Acres Subdivision and part of the E2 of NE4 Section 23-T108N-R30W, Linden Township, Brown County; Parcel being platted is an existing single lot subdivision that is having additional land added to it, all located in the A-1 Ag Protection Zoning District; carried.

M/Potter, S/Berg, to approve revisions to the Brown County Zoning Ordinance effective 10-18-2016 as recommended by the Brown County Planning Commission as follows: Section 304 deleted and incorporated into Section 901.1. Sections 305 to 309 renumbered to reflect removed section. Section 402 - Added definitions for the following terms: Array (Solar); Bluff, Actively Eroding; Dwelling, Non-farm; Large Solar Energy System; Module (Solar); Native Prairie Plan; Photo Voltaic Device; Small Solar Energy System; Tracking Solar Array. Section 402 – Amended definition for the term “Dwelling Detached”. Section 503.1 – updated wording of “not allowed” to “prohibited”, and “exceptional hardship” to “practical difficulty” to keep word use consistent. Section 506.1 – Added point #2, and revised wording of point #9 to list of findings for Conditional Use Permits. Section 506.3 (1) and Section 506.4 (12A) – Incorporated together into Section 506.3(1) since they are both about procedures. Added section 506.5: Revocation of Conditional Use Permit. Section 508.1 – Added sentence to say each day a violation occurs is a separate offense. Section 603.2 – Added Ag Crop and Seed Sales under permitted uses. Section 603.2 – Revised wording of #5 under Single Family non-farm dwellings. Section 603.2 – Removed #6 under Single Family non-farm dwellings (already incorporated into definition), and renumbered 7 through 9. Section 603.4 – Added Truck Wash to list of conditional uses. Section 603.6(2) – Revised wording to reflect township board notification procedure. Section 603.6(8) – (Along with all other zoning districts) Increased bluff setbacks – 50 feet for non-eroding bluffs and 100 feet from actively eroding bluffs. Section 604.4 – Added micro WECS to list of conditional uses and removed from prohibited uses. Section 604.6 – Removed #9 due to being incorporated into definitions and renumbered 10 and 11 to reflect change. Section 702 – Removed and incorporated into section 734: Renewable Energy Systems. Sections 703 through 705 renumbered. Sections 706 through 736 – Renumbered to reflect removed section, and reorganization of sections. Shorter sections have been moved earlier and longer sections have been moved later into Chapter 7: Performance Standards. This removes unnecessary blank pages. Section 720 (renumbered 719) – Added #5 to be consistent with subdivision regulations. Section 721 (renumbered 720) – Added section 720.14: SSTS Enforcement. Section 723 (renumbered 722) – Corrected structure value for permit requirements. Section 725.5 (renumbered 724) – Updated permit expiration procedure to match current practices. Section 730.4 (renumbered 729.4) – Corrected renewal procedure for mining permits to reflect state statute. Section 730.7 (renumbered 729.7) – Renamed to Land Reclamation and changed “rehabilitation” to “reclamation” throughout the section to be consistent with word usage. Section 733.2 (renumbered 732.2) – Call out setback and exception of Shoreland and add language to clarify setbacks. Section 734 (Previously 735: WECs) – Combined current WECs regulations with Solar Energy system standards. Used solar energy farm size (50MW) that would trigger an environmental review with the state as the maximum size that would be permitted within the county. Added mitigation language of damage to public infrastructure. Section 901 – Changed Separability to Severability and Updated 901.1 to reflect standard statute language; carried.

M/Berg, S/Potter, to receive and order filed the report on the Best Practices-Hazard Mitigation Award that was received by Wetlands, Water Planning, & Recycling Administrator John Knisley from Association of MN Emergency Managers on 9-20-2016; carried.

M/Seeboth, S/Simonsen, to approve payment of Family Services administrative claims in the amount of \$132,295.67; carried.

M/Berg, S/Windschitl, to authorize the payment of Social Services payments in the amount of \$152,997.83; carried and the Closed Session ended at 11:52 AM.

M/Seeboth, S/Simonsen, to give preliminary approval to revisions in the County Recorder fee schedule for 2017 and include the proposed revisions in the public hearing to be scheduled later this year; carried.

M/Potter, S/Seeboth, to ratify the acceptance of the quote of \$5,033.61 (which includes carpet, vinyl base, labor and floor prep) from Hayden Furniture & Floor Covering, Springfield, MN to purchase and install carpeting in the Assessor’s Office; carried. Three other quotes were received from Design Home Center Inc., New Ulm, MN; New Ulm Furniture Co. Inc., New Ulm, MN; and Miessen’s Color Center Company, Inc, Springfield, MN.

M/Seeboth, S/Windschitl, to appoint Nancy Smith as the PT Transit Dispatcher (30+ hrs/wk) at \$15.3376/hour (Grade VIII, Step 2), and accept her resignation from the PT Heartland Bus Driver position with an anticipated effective date of 11-1-2016; and authorize to post for the PT Bus Driver position (up to 25 hrs/wk) according to policy; carried.

M/Potter, S/Berg, to appoint Amanda Lang as FT Feedlot Technician at \$18.4446/hour (Grade XI, Step 1) effective 11-2-2016; carried.

M/Berg, S/Simonsen, to accept the resignation of Deanna Mohr, Family Services Child Care Specialist effective 10-31-2016 and authorize to delay posting the vacancy for one FT Family Services Child Care Specialist until the Dept. Head makes a determination on possible changes to the Position Description; carried.

M/Seeboth, S/Simonsen, to accept and file the 2016 3rd Quarter (Cash Basis and Unaudited) Budget Report which reflects activity at 75% of the budget year as follows: Expenditures of \$23,116,646.60 or 77.0%, and revenues of \$21,912,587.82 or 73.0%; and the 2016 3rd Quarter Supplemental Budgets Report noting expenditures of \$1,368,807.25 or 60.4%, and revenues of \$1,286,077.46 or 54.4% of budgeted activity; carried.

Correspondence C-1 thru C-13 were accepted and filed. Seeboth reported on the Regional IEIC meeting in Mankato on 10-12-2016; the Brown County Historical Society meeting on 10-10-2016; and the Mental Health Conference in Mankato on 10-11-2016; Berg reported on the Greater Blue Earth River Basin Alliance Policy Committee meeting on 10-14-2016; Windschitl reported on the Drug Task Force meeting on 10-13-2016; South Country Health Alliance meeting on 10-6-2016; Inter-active TV meeting with Judge Docherty; and on the Mental Health Conference in Mankato on 10-11-2016; Potter reported on the Redwood-Cottonwood Rivers Control Area and on AREA II meetings on 10-7-2016.

At 12:26 PM, Chairman Windschitl convened a Closed Session pursuant to M.S. 13D.03 for labor negotiation strategy planning in the Commissioners Room 204 of the Brown County Courthouse, New Ulm, MN for the LELS Locals #94 and #98, and for the AFSCME Courthouse and Highway Collective Bargaining Units. This session was attended by Commissioners Seeboth, Berg, Windschitl, Simonsen, and Potter, along with County Administrator Enter, County Attorney Hanson, Sheriff Hoffmann, Engineer Stevens, HR Director Schaefer, and Attorney Frank Madden via telephone at 12:30 PM. The Closed Session ended at 12:58 PM.

Calendars were coordinated for the next two week period.

There being no further business, Chairman Windschitl declared the Meeting adjourned at 1:02 PM.

The Official Minutes of the Regular Meeting of 10-18-2016 are on file in the County Administrator's Office and may be viewed during normal business hours, M-F, 8AM-4:30PM. Correspondence and requests for additional information may be directed to the County Administrator's E-Mail Address: cntyadmn@co.brown.mn.us Home Page Address: www.co.brown.mn.us