

## SYNOPSIS OF COUNTY BOARD MEETING

November 15, 2016

Members present: Seeboth, Berg, Windschitl, Simonsen, and Potter, along with County Administrator Enter and County Attorney Hanson. District 1 Commissioner-Elect Borchert and District 2 Commissioner-Elect Berg also were in attendance.

M/Simonsen, S/Potter, to accept the Minutes of 11-1-2016 and authorize publication of the Synopsis of same; carried.

M/Seeboth, S/Berg, to schedule a closed session for labor negotiation strategy planning to be held in the Commissioners Rm 204 of the Brown County Courthouse, New Ulm, MN at approximately 11:15 AM this date 11-15-20 for the LELS Locals #94 and #98, and for the AFSCME Courthouse and Highway Collective Bargaining Units pursuant to M.S. 13D.03, passed.

M/Berg, S/Potter, to authorize payment of General Government claims in the amount of \$240,034.76 as follows: Revenue \$159,933.52; Public Health \$14,905.95; Road and Bridge \$45,230.63; Building Fund 12,918.30; Park \$854.86; Ditch \$4,001.50; Landfill \$1,915.00; Score \$275.00; carried.

M/Simonsen, S/Seeboth, to approve one (1) Drainage Repair request and the payment of said repair; carried.

M/Seeboth, S/Simonsen, to accept and file the report on the Local Road Wetland Replacement Program through which the MN Board of Water and Soil Resources (BWSR) replaces wetlands impacted by local road projects; noting that state funding of the Local Road Wetland Replacement Program is running out since the state bonding bill in 2016 was not approved; and that the county may need to create replacement wetlands, buy replacement credits, or delay the grading project on CSAH 6 and CSAH 14 southwest of Hanska which will impact 1.5 acres of wetlands; carried.

M/Seeboth, S/Potter, to accept the quote from Sleepy Eye Electric Co. in the amount of \$4,000 to update the lighting in the Sleepy Eye Shop of the Highway Dept.; passed. One other quote was received from Zinniel Electric. It was noted that said lighting project will qualify for an estimated \$500 Utility Rebate.

At 9:30 AM, Chairman Windschitl convened the CD#73 Drainage System Division public hearing. The public hearing was attended by Auditor/Treasurer Prochniak, Highway Engineer Stevens, and Assistant County Engineer Lang. There were five (5) landowners of the ditch system present. Also present were the Viewers Chris Christianson and Mark Behrends with respect to the Redetermination of Benefits process. A/T Prochniak noted that the public hearing notice was published as required, the affidavit of publication is on file, and that the Notice of Hearing was sent to all landowners of record. A/T Prochniak noted that the Redetermination of Benefits process for CD#73 has been suspended due to consideration of dividing CD#73 into two county ditch systems. Several questions were raised concerning the proposed outlet and the share of future maintenance costs, and will be addressed in the Redetermination of Benefits process. After limited discussion, the County Board considered the resolution for the division of CD#73 into CD#73 and CD#73-Outlet. M/Potter, S/Berg, and passed 5-0 to approve Resolution No. 2016-18 approving the division of CD #73 as follows: CD #73 Outlet will be a new drainage system beginning at Station 19+68 and ending at station 0+00; Ditch Viewers will be asked to assign benefits based upon the watershed areas for each of these systems; The costs for the ROB will be billed to CD 73 and then reallocated back to CD 73 Outlet based upon the benefits assigned by the viewers; The County Attorney will be directed to draft the Finding of Fact outlining the division of the system and the items listed above.

M/Seeboth, S/Simonsen, to approve the change in resignation date of Jon Schiro, Corrections Agent in the Probation Dept., to 11-4-16; carried.

M/Potter, S/Berg, to appoint Matthew Gleisner and Tricia Hamre as IPT Dispatchers, at \$17.8119/hr (Grade XI, Entry) contingent on the passage of the pre-employment evaluations and physicals with effective hire date to be determined pending results; carried.

M/Simonsen, S/Potter, to approve CUP Application #C-0035 by Leon and Renee Kral on property described as part of N2 of SE4, Sec. 17, Twp. 109N, Range 32W, Stark Township, Brown County, MN for the purpose to renew existing CUP #C-00369 to continue to allow use of an existing gravel mine to include gravel mining and extraction, crushing, and hot-mix plant all located in the A-1 Ag Protection Zoning District, with three (3) conditions; carried.

M/Berg, S/Potter, to approve CUP Application #C-0033 by the Mathiowetz Construction Co. on property described as Gov't Lot 1 & Lots 11 & 12 of Gov't Lot 2 Excepting from said land all that part lying North & East of Brown County Road 10, Sec. 17, Twp 111N, Range 32W, Home Township, Brown County, MN to renew existing CUP C-00375 to continue to allow use for mining cretaceous shale & kaolin clay, also the stockpiling & sale of pit-run, all located in the A-1 Ag Protection Zoning District, with eight (8) conditions; carried.

M/Simonsen, S/Windschitl, to approve CUP Application #C-0032 by Ladd Demolition & Aggregates on property described as Lot A of the NE4 of the NE4, Sec. 13, Twp. 109N, Range 33W, Leavenworth

Township, Brown County, MN to renew existing CUP C-00364 to continue to allow use for existing gravel mining to include gravel mining and extraction, crushing, and hot-mix plant, all located in the A-1 Ag Protection Zoning District, with three (3) conditions; carried.

M/Berg, S/Potter, to approve CUP Application #C-0036 by Raymond & Janet Seifert on property described as NW4 of NW4, W2 of SW4 of NW4 & W2 of E2 of SW4 of NW4, Sec. 4, Twp109N, Range 31W, Milford Township, Brown County, MN to renew existing CUP C-00362 to continue to allow use for existing gravel mining to include gravel mining and extraction, crushing, and hot-mix plant, all located in the A-1 Ag Protection Zoning District, with three (3) conditions; carried.

M/Berg, S/Simonsen, to approve Final Plat P-0012 Havemeier Third Subdivision, by Judy Havemeier on property described as NE4 of NE4, Section 29-Twp 109N-30W, Cottonwood Township, Brown County; Parcels being platted are a multi lot subdivision in the R-1 Rural Residential Zoning District; carried.

M/Seeboth, S/Simonsen, to approve Final Plat P-0013 Hoffmann 8<sup>th</sup> Subdivision (6.25 acres), by Kenneth Hoffmann on property described as part of SW4 of NE4, Section 27-Twp108N-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-0011, by James Pietz known as Pietz Subdivision (6.56 acres) on property described as part of SE4, Section 30-Twp108N-34W, 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/Seeboth, S/Windschitl, to approve payment of Family Services administrative claims in the amount of \$76,852.29; carried.

At 10:31 AM, Chairman Windschitl convened a Closed Session to consider Social Services Payments, whereupon M/Seeboth, S/Berg, to authorize the payment of Social Services payments in the amount of \$206,267.10; carried, and the Closed Session ended at 10:37 AM.

At 10:38 AM, the Board reviewed Commissioners' representation in the 2017 County Committees.

At 10:45 AM, Chairman Windschitl convened the CD#21 Redetermination of Benefits public hearing. The public hearing was attended by Auditor/Treasurer Prochniak; County Engineer Stevens; and Ditch Viewers Mark Behrends and Joe Mutschler. There were seven (7) landowners of the ditch system present for the four (4) county ditch hearings scheduled this date. A/T Prochniak noted that the public hearing notice for CD#21 was published as required, the affidavit of publication is on file, and that the Notice of Hearing was sent to all landowners of record. Viewer Behrends presented CD#21 information, noting that CD#21 was established in 1915; includes about 19,530 feet of county tile (no open ditch); and \$1,266,745 worth of benefits over 25 years were determined. No public testimony was received. After limited discussion, M/Potter, S/Simonsen, to accept the County Ditch No. 21 Redetermination of Benefits and to direct the County Attorney to prepare the Findings of Fact and Order to be considered a following County Board meeting; passed.

At 10:51 AM, Chairman Windschitl convened the CD#32 Redetermination of Benefits public hearing. The public hearing was attended by Auditor/Treasurer Prochniak; County Highway Engineer Stevens; and Ditch Viewers Mark Behrends and Joe Mutschler. There were several landowners present. A/T Prochniak noted that the public hearing notice was published as required, the affidavit of publication is on file, and that the Notice of Hearing was sent to all landowners of record. Viewer Behrends presented CD#32 information, noting that CD#32 was established in 1915; includes about 56,435 feet of county tile and about 845 feet of open ditch; and \$2,749,414 worth of benefits over 25 years were determined. A/T Prochniak noted that there are 3.1 acres of land to be purchased for the ROW's on CD#32, with a total payment to landowners of \$5,665 for grass strip and construction easement; and a \$13,000 assessment was ordered for 2017. Payment will be made in March 2017 for said easements. No public testimony was received. After limited discussion, M/Berg, S/Potter, to accept the County Ditch No. 32 Redetermination of Benefits and to direct the County Attorney to prepare the Findings of Fact and Order to be considered at a following County Board meeting, with said Order to include the effective date of 3-1-2017 for the acquisition of the one (1) rod strip required from the open ditch; passed.

At 11:01 AM, Chairman Windschitl convened the CD#53 Redetermination of Benefits public hearing. The public hearing was attended by Auditor/Treasurer Prochniak; County Engineer Stevens; and Ditch Viewers Mark Behrends and Joe Mutschler. There were several landowners present. A/T Prochniak noted that the public hearing notice was published as required, the affidavit of publication is on file, and that the Notice of Hearing was sent to all landowners of record. Viewer Mutschler presented CD#53 information, noting that CD#53 was established in 1921; includes about 20,820 feet of county tile (no open ditch); and \$1,155,029 worth of benefits over 25 years were determined. It was noted that 100% of the landowners in the watershed will have a share of the assessment based on the Redetermination of Benefits. After limited discussion, M/Simonsen, S/Potter, to accept the County Ditch No. 53 Redetermination of Benefits and to direct the County Attorney to prepare the Findings of Fact and Order to be considered at a following County Board meeting; passed.

At 11:06 AM, Chairman Windschitl convened the CD#55 Redetermination of Benefits public hearing. The public hearing was attended by Auditor/Treasurer Prochniak; County Engineer Stevens; and Ditch Viewers Mark Behrends and Joe Mutschler. There were several landowners present. A/T Prochniak noted that the

public hearing notice was published as required, the affidavit of publication is on file, and that the Notice of Hearing was sent to all landowners of record. Viewer Mutschler presented CD#55 information, noting that CD#55 was established in 1921; includes about 17,030 feet of county tile and about 290 feet of open ditch; and \$1,978,694 worth of benefits over 25 years were determined. The public hearing notification process was questioned and reviewed. After limited discussion, M/Simonsen, S/Potter, to accept the County Ditch No. 55 Redetermination of Benefits and to direct the County Attorney to prepare the Findings of Fact and Order to be considered at a following County Board meeting, with said Order to include the effective date of 3-1-17 for the acquisition of the one (1) rod strip required from the open ditch; passed.

At 11:21 AM, the County Board concluded the initial review of the 2017 Committee Memberships and by consensus, the County Commissioners agreed to continue review of the 2017 Brown County Committee memberships at an up-coming Board meeting.

At 11:38 AM, Chairman Windschitl convened a Closed Session pursuant to M.S. 13D.03 for labor negotiation strategy planning in the Commissioners Rm 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, Engineer Stevens, and HR Director Schaefer. The Closed Session ended at 11:50 AM.

At 11:50 AM, Correspondence C-1 thru C-17 were accepted and filed. Seeboth reported on the Brown County Evaluation Center meeting; the Brown County Park Commission meeting on 11-14-16; the training in New Ulm on Children of Incarcerated Parents; and the annual meeting of the Brown County Historical Society on 11-3-16. Berg reported with Windschitl on the MVAC meeting on 11-14-16. Potter reported on the Brown County Library Board meeting on 11-14-16; and with Seeboth and Berg on the AREA II/RCRCA meeting on 11-12-16. Windschitl reported on the South Country Health Alliance on 11-3-16.

Calendars were coordinated for the next two week period.

There being no further business, Chairman Windschitl declared the Meeting adjourned at 12:34 PM.

The Official Minutes of the Regular Meeting of 11-15-2016 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](mailto:cntyadmn@co.brown.mn.us) Home Page Address: [www.co.brown.mn.us](http://www.co.brown.mn.us)