



**BOARD MINUTES**  
**BOARD OF WRIGHT COUNTY COMMISSIONERS**  
**MARCH 24, 2020**

Christine Husom	District 1
Darek Vetsch	District 2
Mark Daleiden	District 3
Michael Potter	District 4
Charles Borrell	District 5

**DATE APPROVED: APRIL 7, 2020**

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The Wright County Board met in regular session at 10:00 A.M. with Husom, Vetsch, Potter, and Daleiden present. Commissioner Borrell joined the meeting remotely.

**COUNTY BOARD MINUTES 3-17-20**

The following change was made to the minutes:

- Page 6, Wright County Emergency Declaration, move the second paragraph before the first paragraph (Husom)

Borrell moved to approve the 3-17-20 Wright County Board Minutes as amended. The motion was seconded by Potter and carried 5-0 on a roll call vote.

**AGENDA**

Petitions were accepted to the Agenda as follows:

- Approval Of 3-20-20 Wright County Board Minutes (Lee Kelly)

Vetsch moved to approve the Agenda as amended. The motion was seconded by Daleiden and carried 5-0 on a roll call vote.

**APPROVAL OF 3-20-20 WRIGHT COUNTY BOARD MINUTES**

Vetsch moved to approve the 3-20-20 Wright County Board Minutes. The motion was seconded by Potter and carried 5-0 on a roll call vote.

**CONSENT AGENDA**

The Consent Agenda was reviewed. Daleiden requested that Item C1 be pulled for discussion. Daleiden moved to approve the remainder of the Consent Agenda with the removal of Item C1. The motion was seconded by Vetsch and carried 5-0 on a roll call vote.

**A. ADMINISTRATION**

1. Cancel The Committee Of The Whole Meeting On 3-26-20 @ 2:00 PM To Discuss Economic Development Authority

**B. ADMINISTRATION**

1. Approve Charitable Gambling Application Form LG220, the Arthritis Foundation, Inc., Event Location Stockholm Karting Center, 13185 US Highway 12 SW, Cokato MN 55321 (Stockholm Township), Event Date 8-01-20.

**C. AUDITOR/TREASURER**

2. Acknowledge Warrants Issued Between March 11, 2020 And March 17, 2020

**D. HEALTH & HUMAN SERVICES**

1. 2020-02-10 HHS Board Minutes
2. Village Ranch Incorporated Addendum #1 To The January 1, 2020 - December 31, 2020 Contract (Requirement Regarding Enhanced Background Studies)
3. 2020-04-24 HHS Manager Retreat, Location To Be Determined
4. Accept Advisory Committee Resignation And New Applications
  - A. HHS Advisory Committee
    1. Jennifer Wenzler, District 2 - New Applicant
  - B. Mental Health Advisory Council
    1. Tina Sklors, District 3 - New Applicant
    2. Jim Becker, District 3 - New Applicant
    3. Brandon Pellaton, District 2 - Resignation

**E. SHERIFF'S OFFICE**

1. Position Replacement:
  - A. Computer Forensic Specialist
  - B. Communications Officer

Consent Agenda Item C1C. AUDITOR/TREASURER

1. Approve Request To Increase License Bureau Change Fund By \$1,000.00 For A Total Change Fund Of \$3,000.00

Daleiden questioned whether Consent Agenda Item C1 needed to be approved at this time due to the License Bureau being closed because of the Coronavirus. After discussion, it was the consensus to approve the request.

Potter moved to approve Consent Agenda C1, approving the request to increase the License Bureau Change Fund by \$1,000 for a total Change Fund of \$3,000. The motion was seconded by Daleiden and carried 5-0 on a roll call vote.

**TIMED AGENDA ITEMS****BOB HIVALA, AUDITOR/TREASURER**Approve Minutes From CD 13 Public Hearing On February 19, 2020

Vetsch moved to approve the Ditch Committee Of The Whole (COTW) Public Hearing Minutes for County Ditch 13. The motion was seconded by Daleiden and carried 5-0 on a roll call vote. The 2-19-20 Ditch COTW Minutes for County Ditch 13 follow:

*Meeting was called to order by Commissioner Husom at 3:45 PM*

**Statement of County Board Chairperson, Commissioner Husom**

*This is a public hearing on the reestablishment and correction of Wright County Ditch 13 drainage system records under statutes section 103E.101, subdivision 4a.*

*I would like to welcome everyone who has come today. Under consideration at this hearing is the reestablishment and correction of the drainage system record Wright County Ditch 13 including defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and the right-of-way of this public drainage system.*

*The purpose of this hearing is to review the engineer's investigation and report of findings and receive comment from those affected by the proposed reestablishment and correction of the public drainage system records.*

*The order of business for the hearings will be as follows. First, the Drainage Authority's legal and engineering consultants will present the procedural and legal requirements followed and the engineering analysis of historical records, physical investigation and other evidence supporting its determinations regarding the drainage system record. Following the staff presentation, I will open the hearing for public comment. The Board would like to hear your comments on the proposed reestablishment and correction of the drainage system record and any information relevant to that purpose.*

*Specifically, the Board is interested in:*

- *Whether it is missing information used to define the public drainage system*
- *Whether the recommended alignment, grade or configuration of the ditch creates concerns about loss of drainage benefits*
- *Whether and how your land drains to the public system*
- *Whether you have concerns or issues associated with any portion of the public systems crossing your property*
- *Whether the recommended alignment, grade or configuration of the ditch creates other material concerns the Board should consider prior to adopting the engineer's recommendation*

*Though information may be presented regarding the current condition of the drainage system, this hearing is not an appropriate time to discuss issues related to possible, future actions such as a repair. If such actions are warranted, the Drainage Authority will initiate separate proceedings to discuss those issues. However, if you have an immediate concern, we invite you to contact our drainage coordinator, Matt Detjen.*

*The purpose of this hearing is to review the findings and evidence regarding records defining the alignment, cross-section, profile, hydraulic structure locations, materials, dimensions, and elevations, or right-of-way of the drainage systems as originally constructed or subsequently improved.*

*Husom turned the meeting over to Kryzer.*

**ATTORNEY COMMENTS FOR REESTABLISHMENT OF DRAINAGE SYSTEM RECORDS**

1. *This is a public hearing on the reestablishment and correction of Wright County Ditch 13 drainage system records under Minnesota statutes section 103E.101, subdivision 4a.*
2. *The drainage system is located in Buffalo Township, and generally flows from south to the north east*
3. *The watershed consists primary of agricultural farmland.*
4. *Inspection of drainage system by the Drainage Authority's staff revealed a lack of written documentation describing elevations and grades throughout the system.*

## 2-19-20 COTW Public Hearing Minutes for County Ditch 13 (cont.):

5. *The Drainage Authority's engineer investigated and drafted a historical and technical analysis for the drainage systems which is contained in the Engineer's Historical Review Memorandum dated June 28, 2019.*
6. *As part of his analysis of the drainage system, the engineer has identified the existing functional alignment, dimension and grade of the drainage system as it provides beneficial public drainage. This functional alignment, dimension, and grade match the basic functional efficiency of the system as designed and established to provide beneficial public drainage.*
7. *The engineer has also identified the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of the drainage system in its as constructed and subsequently improved state.*
8. *The engineer's study included evaluation of existing records and evidence, including, but not limited to, applicable aerial photographs, soil borings or test pits, culvert dimensions and invert elevations, and bridge design records.*
9. *To properly manage the drainage system in a way that recognizes its intended, beneficial public functions, the Drainage Authority initiated proceedings to identify the extent of its jurisdiction over the system as currently existing and providing beneficial public drainage. The Board initiated the records correction process by resolution adopting findings and an order dated November 28, 2017 and assigned number 17-62.*
10. *Resolution 17-62 directed the engineer to investigate and report findings defining the alignment; cross-section; profile; hydraulic structure locations; materials; dimensions; elevations; and right-of-way of the drainage system.*
11. *Pursuant to the requirements of 103E.101, subdivision 4(c), the Board mailed notice of this final hearing to the commissioner of natural resources, the executive director of the Board of Water and Soil Resources, and all property owners benefited or damaged by the drainage systems. Other interested parties were provided notice by publication in the Herald Journal. Evidence of all notices is on file with the Drainage Authority.*
12. *Substantive comments received during today's hearing, if any, will be incorporated into the final findings for the Board.*
13. *Evidence of all actions in this matter, including preliminary orders, appointments, oaths, affidavits of mailing, publication or posting as well as hearing agendas and presentation materials shall be considered the record of proceedings in this matter.*
14. *At this hearing, the engineer will present his report. The engineer will also provide an explanation of the process and information used to determine the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of the drainage system.*
15. *The intent of this proceeding is to reconcile the historical record of the drainage system with the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of the drainage systems as determined by analyzing existing records and evidence, including, but not limited to, applicable aerial photographs, soil borings or test pits, culvert dimensions and invert elevations, field investigation and bridge design records.*
16. *Future work on the drainage system will utilize the as-constructed and subsequently improved condition established in these proceedings, as a baseline for determining repair or improvement of the system.*
17. *Based on your comments and testimony today, the Drainage Authority may make one or more of the following decisions:*
  - a. *Adopt an order affecting reestablishment and correction of the drainage system records as described in the engineer's Historical Review Memoranda and Addendum.*
  - b. *Direct the engineer to further review the area or portions of the drainage systems and determine if adjustments should be made to the proposed drainage system records.*
  - c. *Adopt an order rejecting the engineer's report and directing a new report be conducted.*
  - d. *Direct the engineer to adjust and submit a revised report.*
18. *The decision standard for the Board is whether, based on the proceedings herein, the evidence presented at this hearing and the testimony of the consulting engineer and the public, the Board finds that the existing and reestablished records together define the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of the drainage system.*

*Husom turned the meeting over to Joe Lewis from Houston Engineering.*

**Engineer's (Joe Lewis) Presentation for Re-establishment of Records**

- ***Drainage Authority Responsibilities***
  - *Wright County serves as the "drainage authority"*
  - *Enforces State Drainage Law (Minnesota Statutes Chapter 103E)*
  - *The drainage system is "owned" by landowners that*
  - *paid for it (i.e., assessed)*
  - *Lands assessed have a right to drain water to the ditch*  
*(within reason)*
  - *Assessed landowner can request action by the drainage authority*
  - *Drainage authority "administers" the system on behalf of*  
*the assessed landowners*
  - *M.S 103E.101 Subd. 4a: If, after investigation of drainage system records, the drainage authority finds that the records are lost, destroyed, or otherwise incomplete, it may, by order, reestablish records defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; or right-of-way of the drainage system as originally constructed or subsequently improved.*

## 2-19-20 COTW Public Hearing Minutes for County Ditch 13 (cont.):

- **Record Re-establishment Purpose**
  - Defines where the Drainage Authority can do work
  - Defines maximum level of repair (as-built) and therefore drainage quality
  - Work beyond the as-built (Improvement) has regulatory implications
    - Not exempt from Core of Engineers (COE)
    - Wetland mitigation
    - Potential downstream impacts
- **Record Re-establishment Process**
  - Investigate the historical development of the system by record review
  - Field Survey
  - Establish the “As-Constructed and subsequently improved condition”
  - Describe the right-of-way of the system
  - Engineer’s Report
- **CD 13 Location and History**
  - Located in Buffalo Township
  - Established in 1910
  - 3.09 miles
  - 1,128 acres (1.76 sq. miles) drainage area
- **CD 13 Location and History**
  - Main Trunk – 2.45 miles
  - Lateral 1: 2,200 feet
  - Lateral 2: 1,137 feet
  - 400 feet of Tile
  - Road and field crossings
- **Determination of the As-Constructed Grade**
  - One of the historic documents the county does have is the Design Profile Drawing which tells HEI the grade or the slope of the system from the longest length that is on a local datum. So, the true elevation is not known because it was done one hundred plus years ago using a spike, pound into a tree, as the benchmark to complete the survey.
- **Field work by HEI**
  - Field survey
  - Find the Open Channel Ditch
  - Find the tile
  - Take Soil Borings (material change from an organic sediment to a native soil to determine the original bottom of system)
  - Design profile grade is then adjusted vertically to reflect a modern sea level datum
  - Current Channel Profile
  - Cross Section (size of the ditch)
  - Look at historic photos

**County Ditch 13 Location and History (results from field data)****As-Constructed or Subsequently Improved Condition**

- Lateral 1 (2 soil borings collected-all open ditch with a couple of field crossings)
- Lateral 2 (extends south- 2 soil borings collected – 2 field crossings/road crossings)
- Main trunk starting on the downstream end – ending point is a wetland called Wren’s slough which is on the public waters inventory
- Main Trunk – Upstream End
- Historic documents referenced 300 feet of tile in the original design of the system starting 100 feet from the very southern end of the main trunk, which is station zero, and is out in the lake which is a public water. The tile started approximately 200 feet south of the road. HEI spent some time looking for the tile but did not find a pipe or elevation that HEI thought they would; based on the soil borings. What HEI did find was a different pipe at a higher elevation.
- In total 16 soil borings were collected (12 along the main trunk and 2 each along Lateral 1 and Lateral 2)
- If field work done does not find the tile, how does HEI determine it was there?
- Original design profile – 1910
- Engineer’s Report – 1910
- “Sale of Ditching Jobs” – 1910
- Acceptance Report – 1911

## 2-19-20 COTW Public Hearing Minutes for County Ditch 13 (cont.):

- *If HEI can not find the tile, how does HEI determine the ACSIC?*
- *Datum adjustment calculated from 16 soil borings plus the design profile to determine ACSIC elevation*
- *Verify it against other sources (Historical imagery)*
- *Cut depths on design profile*
- *Intent of the establishment*
- *Unlikely to invest in partially draining the basin*
- *80 acres benefited in Viewers Report – biggest amount listed – east half of that quarter which is essentially a basin now which indicates in 1910 they intended to drain that basin.*
- *Not based on one single data point*

**MN. Department of Natural Resources letter**

*Vetsch asked Lewis if HEI received any data from the DNR regarding an ordinary high-water level (OHWL). Lewis said they did not receive any data from the DNR and only saw the letter submitted on Feb. 19<sup>th</sup> referencing the OHWL. In 103E drainage law there is no statute that forces using an OHWL as a data point. Detjen said in the letter the DNR references an unnamed basin (86-57W) and the DNR's assumed ordinary high-water mark level is 988.5. In looking at the upper most high tile that is not a part of the county ditch system, it has an invert elevation of 987.3. Vetsch was concerned because the DNR references an OHWL several times in the letter received, but no supporting data with it.*

*Lewis gave some background on the OHWM. What happens is a survey is done of the plants and trees surrounding a basin to look at what the water level ordinarily gets to and affects that type of vegetation and plants. If a lake or basin has been elevated for a long period of time, it creates a new OHWM to reflect those higher elevations. HEI tends to not give an OHWL a lot of weight if it is a basin that has seen a lot of water changes over time and in this case an increase.*

*Detjen pointed out that the letter from the DNR states that the referenced OHWM is assumed. Lewis stated that the DNR also references in the letter that the depth of cut at station 0+00 was 4 feet and included one 12" pipe at the outlet. There is a couple of issues with that projection. Station 0 is about 100 feet out into the lake and would be under water. HEI does not have that ground or basin elevation and did not collect it in the survey. I would suspect that if HEI would survey that at station 0, it is going to be close to what HEI has already determined or shown for that 12" tile of 982.5 elevation. The DNR is using one data point to argue the as constructed should be higher than what HEI shows and I would counter that HEI has significantly more data used in our process to make determinations.*

**Right-of Way**

*Proceedings for the original establishment of the system awarded damages for the areas physically occupied by the drainage system along with an easement for the area required for construction activities such as land clearing and spoil disposal. The combination of areas constitutes the right-of-way (ROW). The 1910 Engineer's Report states that dirt should be placed at least 2 feet from the edge of the ditches and utilized to fill the old channel. The geometry of the spoil pile was assumed to have 3:1 in-slopes and 10:1 field slope with an 8-foot bench as was common practice of the time. The total ROW width, the entire length of the Main Trunk, and the Laterals were determined to be 60 feet.*

**Recommendations**

- *Prepare Findings and Order re-establishing the public drainage system record following MS103E.101*

*Borrell wanted to point out one more statement, in the letter, submitted by the DNR. The DNR states "Due to the conditions presented at this location, it is unlikely that 3 feet of sediment would have accumulated." On County Ditch 31 there was almost 6 feet of sediment that accumulated. So, 3 feet is nothing out of the realm of possibilities at all. No further comments from the board so Husom opened the hearing for public comment.*

**Alan Gutknecht; 3337 40<sup>th</sup> St. NE, Buffalo MN 55313**

*"I have lived at this property all my life. The water has been rising and rising all the time, the ditch is full of water. If the bottom tile of mine was working, it would not drain a dime because it is not going to go lower than the water level in the ditch, which is full on either side of the road. I think that explains why it keeps increasing in height. So, now on Dave Erotas side, the ditch comes through a wetland, so I know there is some regulations on that land that you couldn't lower the water level which has created issues also. You are limited as to what can be done. My thought is, the system should be grandfathered in. The system was constructed for a purpose and a wetland law shouldn't override the purpose of the ditch system. I have buildings standing in water because the system isn't draining properly and its not just because my tile is broke."*

*Kryzer asked Mr. Gutknecht if he knew when the buildings, that are underwater, were built. Gutknecht estimated that the buildings have been there over 70 years. Detjen added that when a site visit was done, Mr. Gutknecht had a picture that showed his farm and inquired if Gutknecht knew when the picture was taken. Gutknecht could not remember the date of the photo but mentioned that he had several photos that he would be willing to let the county take copies of. Vetsch added that it just would not be possible to build a barn that was under the OHWM.*

2-19-20 COTW Public Hearing Minutes for County Ditch 13 (cont.):

**David Erotas; 3436 40<sup>th</sup> St. NE, Buffalo MN 55313**

*“About 20 years ago Alan Gutknecht started having trouble with water backup and I was starting to have trouble with water backup. So, we grouped together and talked to the drainage authority at the time and went out with them and walked a section from the end of my property plus Elletson’s property to the north. At that time, we found that there was a little bridge put across the ditch with tile. It is now filled in and the culvert was just a little 10-inch culvert that was not aligned properly, it was way up high. At that time, we were told by the drainage authority that it would be taken care of. Well that has been 20 some years ago and nothing was ever done. This is one of the reasons the water level has gotten progressively worse.”*

**Don Schmidt; 1178 Edmonson Ave NE, Buffalo MN 55313**

*“Al Gutknecht and I have known each other for many years. I remember their farm, a nice farm, with lots of buildings along the lake shore with cattle, hogs, machine shed, and I believe a silo. Nice place. Go out and look at it now. I don’t know how many buildings he has got underwater now. Commissioner Husom was out last fall to look at the 300 feet of tile. I was involved in a lawsuit years ago with the DNR. The DNR goes out and looks for an OHWM, if they can find one. They are documented if they are established. If not documented, they go out and look at the surrounding area, trees, and see what is dead and come up with one. I think if there is one documented in this area, the DNR etched one, which is about 3 or 4 feet higher than it should be. The ditch is supposed to drain that whole area. I don’t know what the answer is, but we have a hardship here. It needs to be looked at and seen what can be done.”*

*No further comments were made so Husom closed the public comment portion of the hearing.*

*Vetsch made a motion that the matter be continued until more information can be obtained. That the Drainage Authority instruct HEI to reach out to the DNR and collect a Commissioner’s order on the OHWM that the DNR references in their letter. Without the information, we can not move forward. Also, to obtain the aerial photos Gutknecht has available and make them part of the record.*

*Kryzer agreed with the motion. Also, I feel staff needs to instruct HEI to go out in the field and try to find the tile. An attempt needs to be made and when we dig to try and find this tile, and to invite the DNR to be there at the time. HEI will then come back to the Drainage Authority, at a later date, with a revised Engineers Report.*

*Motion second by Borrell. Motion carries 5-0.*

*Public Hearing adjourned at 4:23 pm*

*2-19-20 Ditch COTW Minutes submitted by Janice Edmonson, Drainage Administrator  
(End of 2-19-20 COTW Public Hearing Minutes for County Ditch 13)*

**Approve Minutes From CD 10 Public Hearing On February 19, 2020**

At today’s County Board Meeting, Vetsch moved to approve the 2-19-20 Ditch Committee Of The Whole Public Hearing Minutes for County Ditch 10. The motion was seconded by Potter and carried 5-0 on a roll call vote. The 2-19-20 Ditch COTW Minutes for County Ditch 10 follow:

**Public Hearing on the Petition to Remove Property from the County Ditch 10 Drainage System**

*Public Hearing was called to order by Commissioner Husom at 5:00 PM*

*Matt Detjen: Pursuant to Minn. Stat. 103E.805, Petitioners, Kendell and Susan Kubasch, seek to remove benefited property from the County Ditch 10 drainage system. Petitioners are the owners of property located at:*

*10659 County Road 30 SW  
Howard Lake MN 55349  
Parcel ID 219-000-202100*

*This parcel was split during the redetermination of benefits process and was not caught before the Viewers’ Report was adopted. The Petitioners are asking to remove their property from the CD 10 drainage system. The Kubasch’s now own an 8-acre residential lot. The original parcel number was owned by Jared and Kelsey Bakeberg and was sold to Kubasch’s in September of 2019. The adopted Viewers’ Report calculated that the parcel had 49 acres benefitted on a 76.4-acre parcel, when in fact Kubasch’s only own 8-acres of the 76.4 acres but are being assessed as a 76.4-acre parcel and as ag. land. The parcel was split, and 68.36 acres is actually parcel 219-000-202102. The landowners affected by the split were unable to come to any agreement as to how the benefitted parcels should now be split.*

*Husom opened the hearing to public comments regarding the removal of parcel 219-000-202100.*

2-19-20 COTW Public Hearing Minutes for County Ditch 10 (cont.):

**Carol Fistman; 10805 Grover Ave SW, Howard Lake MN 55349**

*"The notice that was mailed to the landowners, gave an impression that it was a meeting to discuss the removal of any property from the benefitted roles and regarding the assessments. It would be very helpful if after the Kubasch and Reil property was discussed, if the board would take comments from other landowner's present, who feel that their property should not be included as a benefitted landowner on CD 10. I was not under the impression from the notice that this was a specific case being addressed by the board today."*

*Vetsch stated that the board is not prepared to hear from other individuals today and anyone wishing to be taken off the benefitted roles would have to petition to do so and prove that their parcel does not benefit at all from the ditch system. The board would not be able to take any action regarding the matter at today's hearing. The best thing the board can do is recommend that those who wish to do so, should obtain records, documents, or proof that they do not benefit from the system and then petition to be removed.*

**Sean Groos; 8082 County Road 6 SW, Howard Lake, MN 55349**

*"What I am trying to understand from this whole process, is they want to separate these 2 properties because it sold, correct? The 2 landowners are not requesting to not pay any assessment, but just want to get the percentage of benefits changed correct? I think the misunderstanding is a lot of the landowners attending today's hearing, want to petition to be completely taken off the benefitted roles list."*

*Kryzer clarified that with the petition the Kubasch's are requesting that the 68.36 acres be removed as benefitted acres on their parcel and only the 8 acres they own would be benefitted. Borrell added that the 68.36 acres would still then need to be assessed and there would be further action to correct that portion of the roles. Kryzer added that it is a two-step process that would need to happen.*

*As there were no further comments from the public, Husom closed the public comment portion of the public hearing.*

*A motion was made by Potter to approve the petition filed by Kendell and Susan Kubasch pursuant to Minn. Stat. 103E.805 to remove 68.36 acres of benefitted land from the Kubasch parcel ending in 202100 and to direct this back to the County Board on April 7<sup>th</sup>, 2020. Second by Daleiden. Motion carries 5-0.*

2-19-20 Ditch Committee Of The Whole (COTW) Minutes submitted by Janice Edmonson, Drainage Administrator  
(End 2-19-20 COTW Public Hearing Minutes for County Ditch 10):

**Approve Minutes From CD 16 And CD 19 Public Hearing On February 19, 2020**

At today's County Board Meeting, Potter moved to approve the 2-19-20 Ditch Committee Of The Whole Public Hearing Minutes for County Ditch 16 and County Ditch 19. The motion was seconded by Daleiden and carried 5-0 on a roll call vote. The 2-19-20 Ditch COTW Minutes for County Ditch 16 and County Ditch 19 follow:

**Public Hearing on the Redetermination of Benefits for County Ditch 16 and County Ditch 19**

*Public Hearing called to order at 6:00 PM by Commissioner Husom*

**STATEMENT OF WC Attorney, Greg Kryzer:**

*This is a public hearing on the redetermination of benefits and damages on Wright County Ditches 16 and 19 under statutes section 103E.351.*

*I would like to welcome everyone who has come today. Under consideration at this hearing is the redetermination of benefits and damages for Wright County Ditches 16 and 19 which includes the acquisition and valuation of buffer seeding areas.*

*The purpose of this hearing is to review the viewer's report and receive comment from those affected by or interested in the proposed redetermination of benefits and damages report.*

*This is an evidentiary proceeding. The proceedings are being recorded in order to preserve the record.*

*The presentation for each drainage system will be taken in numerical order.*

*The order of business for the hearings will be as follows. First, I will cover some of the legal requirements of these proceedings and then one of the viewers will make their presentation. After the viewer has made his presentation, the board will open the hearing for public comment. The Board would like to hear your comments on the proposed redetermination of benefits and damages of the drainage system and any information relevant to that purpose.*

## 2-19-20 COTW Public Hearing Minutes for County Ditch 16 and County Ditch 19 (cont.):

*Specifically, the Board is interested in:*

- *Whether it is missing information used to define the public benefit, damage, or valuation.*
- *The extent and basis of any benefits or damages.*
- *Whether and how your land drains to the public system*
- *Whether you have concerns with the soil classifications as presented by the viewers.*
- *Whether the seeding and right of way acquisition area and valuation is correct or missing information.*
- *Whether you have concerns or issues associated with any portion of the benefits of damages assessed to your property*
- *Whether the recommended benefits and damages creates other material concerns the Board should consider prior to adopting the viewers report*
- *As part of the viewers analysis of the drainage system, the viewers have provided the Drainage Authority with a report showing the following:*

*A description of the lot or tract, under separate ownership, that is benefited or damaged;*

*The names of the owners as they appear on the current tax records of the county and their addresses;*

*The number of acres in each tract or lot;*

*The number and value of acres added to a tract or lot by the proposed drainage of public water;*

*The damage, if any, to riparian rights;*

*The damages paid for the permanent strip of perennial vegetation under MN ST section 103E.021;*

*The total number and value of acres added to a tract or lot by the proposed drainage of public waters, wetlands, and other areas not currently being cultivated;*

*The number of acres and amount of benefits being assessed for drainage of areas that would be considered conversion of a wetland under United States Code, title 16, section 3821, if the area was placed in agricultural production;*

*The amount of right-of-way acreage required; and*

*The amount that each tract or lot will be benefited or damaged.*

*3. In order to properly manage the drainage system in a way that recognizes its intended, beneficial public functions, the Drainage Authority initiated proceedings to redetermine the benefits and damages over the system. The Board initiated the redetermination of benefits and damages processes by resolution adopting findings and an order.*

*4. The Drainage Authority adopted the Resolution because the original benefits or damages do not reasonably reflect current land value s or because the benefited or damaged areas have changed.*

*5. Pursuant to the requirements of 103E.351 subd, 2, the Board mailed notice of this final hearing to all property owners benefited or damaged by the drainage systems. Other interested parties were provided notice by publication in the Herald Journal. Evidence of all notices are on file with the Drainage Authority.*

*6. Substantive comments received during today's hearing, if any, will be incorporated into the final findings for the Board.*

*7. Evidence of all actions in this matter, including the viewers report, preliminary orders, appointments, oaths, affidavits of mailing, publication or posting as well as hearing agendas and presentation materials shall be considered the record of proceedings in this matter.*

## 2-19-20 COTW Public Hearing Minutes for County Ditch 16 and County Ditch 19 (cont.):

8. *At this hearing, the viewers will present their report. The viewers will also provide an explanation of the process and information used to determine the benefits and damages and valuation and acquisition of the right-of-way of the drainage system.*
9. *The intent of this proceeding is to confirm the benefits and damages and the benefited and damaged areas and to also acquire any permanent strips of perennial vegetation under Minn. Stat. § 103E.021*
10. *The redetermined benefits and damages will be used in all subsequent proceedings relating to the drainage system.*
11. *Based on your comments and testimony today, the Drainage Authority may make one or more of the following decisions:*
- Rise and report to the full board an order accepting the redetermination the benefits and damages as described in the viewer's report*
  - Direct the viewers to further review the area or portions of the drainage systems and determine if adjustments should be made to the proposed benefits and damages and perennial strips of vegetation.*
  - Rise and report to the full board that it adopts an order rejecting the viewers report and directing a new report be conducted.*
  - Direct the viewers to make adjustments and submit a revised report.*

*Though information may be presented regarding the current condition of the drainage system, this hearing is not an appropriate time to discuss issues related to possible, future actions such as a repair unless the repair or lack of an ability to make a repair will alter the benefits or damages of the system. If repairs are warranted, the Drainage Authority will initiate separate proceedings to discuss those issues. However, if you have an immediate concern, we invite you to contact our drainage coordinator, Matt Detjen.*

*During the public hearing, commissioners may ask questions of staff or the viewers making presentations and of commenters, in order to clarify any testimony.*

*If you would like to make a comment, please stand and address the Board when recognized. Speak clearly and state your name and address for the record. If you have a specific question concerning the proposed viewers report, the board may ask our drainage coordinator, one of the viewers or myself to respond. If you have anything in writing you wish to submit, you can provide it to me before the close of the public comments and I will note its receipt in the record.*

*To ensure that all wishing to comment on the proposed viewers report concerning the redetermination of benefits and damages of the public drainage system may have time to speak, the board chair may limit the time any single speaker may comment to three minutes. Please limit redundant or repetitive comments.*

*There were no further remarks by the board, so the meeting was turned over to Brian Murphy from H2Over Viewers.*

### **I. Presentation by Bryan Murphy from H2Over Viewers**

#### **A. Definitions:**

- Drainage Authority, the Board or Joint Drainage Authority having jurisdiction over a drainage system or project.*
- Benefits, Improvement of properties in terms of increased value, increased production capacity, and/or increased utility resulting from the construction of the public and private drainage system. Benefitted acres are lands that drain towards the ditch system and contribute to the need to maintain the capacity of the system.*
- Notional Amount, Dollar amount that would be charged to the landowner, in a theoretical project scenario. (part of the Property Owners Report mailed out)*
- LiDar, Acronym for light detection and ranging. A method of mapping topography where as a laser light is used in a similar fashion as radar uses sound.*

#### **B. Reasons for a Re-determination of Benefits**

*(CD 16 was established in 1912 and CD 19 in 1914)*

- Original benefits no longer reflect current market values (Benefits determined many years ago when land was selling for a fraction of what it is selling for today).*
- Division-system has been divided into two or more separate systems.*
- Lands utilizing the system not originally included in the benefiting area.*
- Remove lands no longer receiving benefits.*

## 2-19-20 COTW Public Hearing Minutes for County Ditch 16 and County Ditch 19 (cont.):

**C. LiDar Explained**

- a. *LiDar is fundamentally a distance technology. From an airplane, LiDar systems actively sends light energy to the ground. This pulse hits the ground and returns to the sensor. Basically, it measures how long it takes for the emitted light to return back to the sensor. The time it takes the light to travel determines if it is high ground, low ground, wet ground, vegetative or hard surface. LiDar is used in many different industries such as forestry, agriculture and one of the most common is Autonomous vehicles. It was developed to create a full 360-degree environmental view. It gathers this information at a hundred of thousands of times a second.*
- b. *LiDar can also be used to detect things that a person cannot see.*
  - i. *Carbon Dioxide*
  - ii. *Sulphur Dioxide*
  - iii. *Methane*
  - iv.

*City planners use LiDar to detect pollutant particles which helps create a better planning of the city. Viewers do not use it for such a sophisticated thing but do use it to create a digital elevation map. The colors on an elevation map show the difference between high lands and low lands. It also becomes visible as to which way the water flows across a landscape.*

**D. Other data used by viewers**

- a. *SRTM Data (Shuttle Radar Topography Mission from the 90's)*
  - i. *SRTM provides more complete digital elevation data. A space shuttle endeavor orbited the earth and captured earth's topography.*
  - ii. *Virtual Dam*
  - iii. *Watershed Map*
  - iv. *Drainage Boundary*
  - v. *Aerial Imagery*
  - vi. *Ditch Alignment*
  - vii. *Soil types that are within the watershed*
  - viii. *Road Alignments*
  - ix. *PLSS (Sections, Quarters, QQs)*
  - x. *Parcels*
  - xi. *Data collected from field work*

*As viewers we start to stack all the information gathered to determine how we classify the lands with different values to calculate the percentage of total benefits for each landowner. A tabular report generation map is then created showing the different classes of land. Agriculture lands are classified into four different classifications.*

*All the gathered data is sent to HEI who then produces a Tabular Report which is now automated and eliminates having to enter the data manually and some of the errors that could occur. With the maps accurately showing where the different land classifications are, it makes it much easier for a county to reassign benefits for a parcel that has been split.*

**2. Overview of H2Over Viewers process**

1. *An Oath of Office was signed on April 30, 2019 per MN. Statue 103E.305*
2. *A Public Informational meeting regarding the redetermination was held on Jan. 14, 2020*
3. *Redetermination of Benefits Process*
  - a. *Review historic drainage system records including original plans/profiles/survey/reports used to create the original drainage system.*
  - b. *Identify lands/properties currently utilizing the drainage system.*
  - c. *Review contour maps, aerial photos, LiDar and other data to determine drainage patterns and boundaries.*
  - d. *Evaluate land use within the drainage system including those lands restricted from receiving drainage benefits (wetlands).*
  - e. *Determine property values based on similar groups of property/classifications.*
  - f. *Identify acres using the existing ditch system.*
  - g. *Identify areas for the establishment of the 1 rod grass strip & the amount of the damage payment(s)*

## 2-19-20 COTW Public Hearing Minutes for County Ditch 16 and County Ditch 19 (cont.):

**Extent and Basis of Benefits**

- 4 Main areas of land classifications along with residential land, roads, and woodlots, grass strips, ditches, wetlands, Federal land, Tribal acres
  - Red (most benefited land – Class 1)
  - Yellow (Class 2)
  - Green (Class 3)
  - Blue (least benefited land – Class 4)
- County Ditch 16 uses County Ditch 19 as an outlet. Each parcel is broken down into 40-acre tracks, where every acre within that 40 acres is accounted for by a class number of 1-4 within 1/100<sup>th</sup> of an acre. An Engineering firm has automated the process and is hired by H2Over Viewers to take the map with land classifications and put it into a tabular report format.

**Factors used in analysis:**

- a. Land values based on extracted sales data, tax valuations and land use.
- b. Drainage value based on the drainage system operating in its as constructed or subsequently improved condition.
- c. Benefit based on before and after project condition less private improvement cost.
- d. Topography used to analyze proximity of channel and relative influence (Direct vs. Indirect)
- e. Crop productivity index used to rank soils based on their potential for intense crop production.

Murphy ended his presentation by stating that County Ditch 16 flows into County Ditch 19 and does receive outlet benefits. County Ditch 16 total benefits is just over four million. By statute the viewers are required to calculate total benefits. When the viewers apply benefits to the individual parcels, it will indicate what percentage of the total benefits each parcel is assigned. On the Viewers Report (as an example) there is a column that will show each landowner what their percentage of a \$100,000 repair would be and that is the column the landowners should draw their attention to. It gives an indication to each landowner what their share of every dollar spent on the system would cost them. Total damages for County Ditch 16 was \$22,300, which is different than the Property Owners Report mailed out. There was an adjustment made for the amount allowed for damages when the buffer strip intersects with a wetland. It does not make sense to pay a landowner for a buffer strip that is underwater. So, those lands were set at one dollar for damages for a paper trail.

Potter opened the meeting to Public Comment. (Husom had to leave the meeting)

**Robert Neumann; 9468 Co. Rd 37, Annandale MN 55302:**

“Is the DNR included in the list of benefitted landowners?”

Murphy stated that where the DNR has land on the system they are included, but areas where the DNR has a lake there is no benefits. The DNR has a control structure on the lake, but it is not an operational one. It is set at a higher elevation that cannot be adjusted. The lake that the DNR has, is a holding area that slows the water down from entering into the ditch system which prevents the viewers from applying benefits to those lands. Basically, the DNR has landowners that contribute to that basin and when that basin gets to a certain elevation it overtops and spills into the ditch. It actually benefits the ditch system by being set at a higher elevation.

Neumann: “So even though my water runs into that area, I am paying for the system and the DNR is not.”

Murphy stated that Neumann is a benefitted landowner because the water that his parcel contributes to that water basin eventually fills that basin and finds its way into the ditch system. The DNR always has the low basin, that does not change. The DNR cannot farm it, they are not using it for any economic benefit and that is why it works that way. It is outlined in statute how viewers must treat wetlands and how the viewers must treat basins like the one on CD 16. The viewers did reach out to the DNR and received a management plan for that area and that is how the viewers knew it was not an operational control structure.

**Darryl Karie; 14426 20<sup>th</sup> St NW, Annandale MN 55302:**

“I have a question on the classification of the land I have. It is highly erodible land, would it be classified as regular land?”

Murphy explained that there is still a burden that is passed through on some of that land. The way that the viewers classify that land is still via classification. So, the soil type is one of the factors that the viewers use, and it is one of the layers in that 70 plus layers we factor in. So, what type of soil, how that soil is managed and so on, is all calculated into that. How the land is managed is a little bit different because how one person manages it could change to the next owner. How it is managed is not a prevailing factor but is a consideration when the viewers evaluate things.

(Darryl Karie submitted a document in writing as part of the record; Attachment “A”)

2-19-20 COTW Public Hearing Minutes for County Ditch 16 and County Ditch 19 (cont.):

**Howard Walberg; 4797 Keats Ave NW, Annandale MN 55302:**

*"I am on the east end of the wetlands and the DNR they control the water level, and, in the spring, my land gets flooded on the lower end. So, is my property going to be demised because of that, is there a charge for it? My land is farm land not a wetland, and, in the spring, it gets wet because the DNR controls the water level and the water level stays up in the spring and later on in June or July it goes down. Every year the land gets more and more diminished. If I am being charged for the ditch system, is my land going to receive less benefits because that land is not useable?"*

*Murphy stated the DNR has a set elevation, but they do not raise and lower the control structure. The only way the viewers could charge less benefits on the land, is if you had the land was allocated as a wetland, because then you couldn't farm it. If what your saying is the land gets wet and then the ditch system presumably conveys that water away through out the year and lowers it, that is where you are receiving benefits from the system. Walberg: "But it doesn't benefit the farm land, because it is too late to farm it." Murphy added in this case it sounds like you would be better off allocating it as a wetland and not farming it. Walberg: "That is not what the agriculture department consider it, they consider it farm land." Murphy explained that is what the viewers had to classify it as also, because it is not on the DNR inventory as a wetland. If it was, we would remove it from the benefits.*

**Adam Perry; 5474 Co. Rd 5 NW, Annandale MN 55302:**

*"I have a question as to when was the process done, when did the viewers do the lidar? Was it done during the day or night? Did you do it during the spring or the fall? Did you do it during the summer? That lidar system is not infallible. In fact, if you do it after a rain it could cause a lot of problems, it will not show a true thing. The DNR owns land by me and that is Ducks Unlimited land that is utilized by them, so they are receiving a benefit from the system. So that needs to be looked at. Like I was saying if this process is not done during the right time of year, you do not see the true results. I was in the military and I know all about lidar."*

*Murphy responded by saying the viewers did not actually gather the lidar information. The lidar information is a county data set that is a state-wide data set. It was gathered at 16 different intervals during a four-year period that was gathered at multiply different times of the year and multiply different times of the day, night and so on. There is going to be a circumstance no matter when the lidar data is gathered when landowners are going to say that is wasn't the correct time. So, the state gathered the lidar at 16 different times over a four-year period and they analyzed that different data set and put it together. It is at a one-meter resolution which means that every single one-meter by one-meter had a cell applied to it and an elevation applied to it. That is the most accurate you can get. The accuracy is proven within a sub inch accuracy. The lidar knows what type of surface it is hitting, it knows if it is vegetative surface, if it is water surface or if it is high level vegetation, or low-level vegetation, permeably or impermeably. The water level changing does not affect the lidar data set on these because it was gathered at all these different times.*

*Kryzer stated if the landowners request the County to fly the land with a plane to get a more current lidar, they would be happy to do that. However, it will cost the landowners well over \$150-\$300 thousand dollars to complete that process. If that is an expense that the landowners would like to pay for, the County would be happy to do that for them this spring. We are using the data that is available from the state at no charge. Murphy added that the viewers are using the best information that is available to us at this time.*

*No further comments from the public, so Potter closed that portion of the hearing.*

*Vetsch made a motion for staff to draft Findings of Facts and Order consistent with the proceedings, including responses to all comments received through the public comment process; that the draft findings and order be written to affect the redetermination of benefits and damages of the public drainage system consistent with the viewer's report and recommendation; direct recording of the order to reflect the redetermination of benefits and damages of the public drainage system record; and that we rise and report this matter to the Board's regular meeting on April 7<sup>th</sup>, at which meeting we will consider findings and an order for the proposed viewer's report on the redetermination of benefits and damages of the public drainage system records. Motion second by Borrell. Motion carries 4-0.*

**County Ditch 19 Redetermination**

*Murphy wanted to point out, just prior to the meeting, Barin Nygren – parcel number 209-000-033400; brought to the viewers attention that there were some woodlots classified as ag. land. So, if the viewer's report were to get approved by the board, the viewers would like the opportunity to change that area from ag. land to woodlot, as it was an oversight on the viewers' part. On the County Ditch 19 system total benefits are just short of 4.6 million dollars. Total damages, or acquisition of the grass buffer strip easement, is just short of 20 thousand dollars.*

*Potter opened the public comment portion of the hearing.*

2-19-20 COTW Public Hearing Minutes for County Ditch 16 and County Ditch 19 (cont.):

**Barin Norgren; 5003 Co. Rd 3 NW, Annandale MN 55302:**

*"The issue was the land was deemed to have agricultural benefits and it is all wooded. Just a change to the classification of land."*

**Daryl Anderson; Section 23 in French Lake Township:**

*"My question, as I was not able to make the other meeting, the property has been tiled and I would like to know if there are records of what has been tiled? We have one section that drains into the lake, which is part of this, but the other part has been tiled and runs down a ditch into our driveway and into the Crow River. So, would this affect any of the benefit?"*

*Murphy stated that there are not records of where things are tiled. At the informational meeting it is one piece of information the viewers hope to get, as only the landowner would know this information. So, if you do have a portion of your land that is tiled possibly out of this drainage system the viewers would need to investigate that and evaluate that. What the viewers would like to see, if possible, is as-builts of when the tile was installed, where it was installed and what direction it drains. This data would then be entered in our evaluation process. If it does in fact drain out of the CD 19 drainage system, it would not receive the same benefit. One of the things the viewers must look at also, is even though the subsurface drainage drains another direction, what does the surface drainage do. That is what the viewers set this up on, totally off the surface drainage because that is what the lidar data is set and the elevation contours and what not tells the viewers what that outline is. That process is established for the viewers by Houston Engineering. The viewers then go out and evaluate and maintain the accuracy of the boundary. The information Mr. Anderson is referring to, is something the viewers would investigate and try to get an accurate evaluation. Ultimately what the viewers want is the most accurate report possible.*

**Lawrence Free; South of Co. Rd 37 NW-French Lake Township**

*"I have frontage property on Dans Lake, which I believe is connected to French Lake with a very small trench along Norris Avenue. Back in 2003 the DNR came out, regarding the water level problems on French Lake and did an assessment. The assessment came back that very little contribution of water in French Lake was from Dans Lake. Basically, the culvert serves as overflow. I walked the area in the fall and it is dry sometimes because there is a wetland next to it and the slope on the north side of 37 slopes toward that trench. I sent pictures to Matt Detjen who distributed them to you. So, you can see it is a very small trench, maybe a foot or foot and half across. In one spot they have a snowmobile trail that runs over the top of it. I don't know how big the culvert is. Looking at Oliver Ave, where the outlet to French Lake is, I believe there is at least two 36-inch culverts going out and it looks like it is 15-20 feet across with a 3-foot depth. I am wondering if the assessment for those properties in the Dans Lake watershed, keep in mind the DNR findings said the Dans watershed is a sub-watershed. The only thing that doesn't make it an independent basin, is the culvert that goes under County Road 37. So, I am wondering are we being assessed the correct portion of benefits? The DNR wetlands are contributing a mass majority of the water. County Road 37 is basically a dam to Dans Lake and French Lake and the outlet is constricted by the culvert. It doesn't seem like the constriction of the flow is a factor in the calculation for benefits.*

*(Lawrence Free submitted a document in writing as part of the record; Attachment "B")*

*Murphy stated that one of the evaluations that the viewers use when we set up the classifications and are looking at the different types of things, is the agricultural classification which does get different sets of classification further away from the open channel of the ditch. So, that is one of the factors when the viewers are looking at what is the benefits. The viewers are also looking at soils and a multitude of different things. One of the evaluations is the lands relative location to the ditch system itself. Typically, the further you move away from the ditch, the benefits start to go down just inherently by the classifications. Distance is a factor in the calculation of benefits, but the dollar amount of those classifications does not change.*

*Vetsch recommended that Lawrence Free's questions and considerations be part of the public comment that the board will leave open.*

**Robert Zeider; South of County Road 37 on the east side of Dans Lake:**

*"I would also like to be part of the consideration by the viewers that Larry Free just spoke about."*

*Murphy stated that the viewers can look at the culvert or dam that the landowners are talking about by County Road 37. Vetsch stated he would leave the public comment portion open for the whole south side of Dans Lake and County Road 37.*

*Kryzer pointed out that if there is a change to this area, it will change the whole viewers' report.*

2-19-20 COTW Public Hearing Minutes for County Ditch 16 and County Ditch 19 (cont.):

**Kenneth Felger: 2658 Hamlin Ave SE, Buffalo MN 55313**

*"My wife and I own a recreational cabin on French Lake. French Lake is generally a conduit between County Ditch 16 and County Ditch 19. Now for the 16-foot buffer purposes, are the lots of French Lake considered a subject to this buffer strip?"*

*Murphy stated that those lots would not be subject to the buffer strip. It is not part of the legally established drain on either of those systems. Even though it is a pass through, it is only the open channel portion that is required to have that 16 1/2 foot buffer on each side.*

*Potter closed the public comment portion of the hearing as there were no further comments.*

*Vetsch stated that if the changes from Dans Lake area were greater than a five percent shift, then staff would notify all benefited landowners on both systems.*

*Kryzer recommended that the Public Hearing be continued to another time and date.*

*Vetsch made a motion for staff to draft Findings of Facts and Order consistent with the proceedings, including responses to all comments received through the public comment process; that the draft findings and order be written to affect the redetermination of benefits and damages of the public drainage system consistent with the viewer's report and leave the public comment portion open reflective of Barin Norgren, Lawrence Free comments and the other areas around Dans Lake. Awaiting further investigation by H2Over Viewers, who will report this matter to the Board's regular meeting on April 7<sup>th</sup>, at which meeting we will consider findings and an order for the proposed viewer's report on the redetermination of benefits and damages of the public drainage system records. Motion second by Borrell. Motion carries 4-0.*

*Meeting was adjourned.*

*2-19-20 Ditch COTW Minutes submitted by Janice Edmonson, Drainage Administrator*

(End of 2-19-20 COTW Public Hearing Minutes for County Ditch 16 and County Ditch 19)

**Approve A Seasonal County On-Sale Intoxicating Liquor Including Sunday Sales For Fountain Hill Winery & Vineyard, LLC For The Period May 4, 2020 Through November 30, 2020 Contingent Upon Franklin Town Board Approval.**

Hiivala stated the applicant currently has a winery license and now wants to sell craft beer. Corinna Township has approved the application.

Vetsch moved to approve the Seasonal County On-Sale Intoxicating Liquor including Sunday sales for Fountain Hill Winery & Vineyard, LLC for the period May 4, 2020 through November 30, 2020 contingent upon Franklin Town Board Approval. The motion was seconded by Potter and carried 5-0 on a roll call vote.

**Approve Temporary Liquor License For True Friends Contingent Upon Corinna Town Board Approval.**

Hiivala said the event is on 5-01-20 at Camp Friendship in Annandale. The application has been approved by the Sheriff's Office and Attorney's Office.

Potter moved to approve the temporary Liquor License for True Friends contingent upon Corinna Township Board approval. The motion was seconded by Daleiden and carried 5-0 on a roll call vote.

**SGT. BRIAN JOHNSON, SHERIFF'S OFFICE**

**Resolution to accept a grant from the MN DNR for boating patrol hours**

Sgt. Johnson requested approval of the draft resolution accepting a \$9,500 grant from the MN DNR (Department of Natural Resources) for water patrol during periods of high watercraft use. The grant allows an additional 2-4 recreational service members to provide enforcement and education. No funding match is required.

Daleiden moved to adopt Resolution #20-24 accepting the \$9,500 grant from the MN DNR. The motion was second by Vetsch and carried 5-0 on a roll call vote.

**VIRGIL HAWKINS, HIGHWAY DEPARTMENT**Approve Agreement 20-52 with the City of Maple Lake for CSAH 8 Alternate Bid work included in the 2020 Pavement Preservation Contract (SAP 086-608-032, Contract No. 2001)

The Agreement outlines the funding participation, construction, and maintenance responsibilities between the City of Maple Lake and Wright County for CSAH 8 Alternate Bid work (watermain replacement, curb & gutter, pedestrian ramps, and new pavement). Funding split is \$991,543 City funds and \$245,630.28 CSAH Municipal State Aid Funds.

Vetsch moved to approve Agreement 20-52 with the City of Maple Lake. The motion was seconded by Daleiden. Hawkins explained the detour of CSAH 8 will last about three months. Work is anticipated to commence in early to mid-June. The motion carried 5-0 on a roll call vote.

Award Contract 20-01, Pavement Preservation project to Knife River Corp. of Sauk Rapids, MN in the amount of \$7,677,996.11 (Base Bid plus Alternate Bid)

Hawkins stated that bids for the project were received on 3-17-20. The recommendation is to award the Contract to the low bidder, Knife River Corp. of Sauk Rapids, \$7,677,996.11 (Base Bid plus Alternate Bid). The City of Maple Lake approved including the Alternate Bid. Project Funding is: \$245,630.28 CSAH Municipal State Aid Funds; \$1,315,771.07 County Local Levy; \$5,125,051.76 CSAH Regular State Aid Funds; and \$991,543.00 City of Maple Lake Funds.

Potter moved to award Contract 20-01 to Knife River Corp., \$7,677,996.11 (Base Bid plus Alternate Bid). The motion was seconded by Vetsch and carried 5-0 on a roll call vote.

**MARC MATTICE, PARKS & RECREATION DIRECTOR**Take Action To Approve Parks Commission Recommendation To Enter Into A Lease Agreement Establishing A Nature Based Preschool At Robert Ney Regional Park For The 2020 - 2021 School Year

Mattice said a nature preschool was started at Bertram Chain Of Lakes Park last year. The request is to expand this type of program to Ney Park. He requested approval of the draft Agreement with Nature Explorers, a non-profit organization. The draft Agreement has been reviewed by Risk Management and the County Attorney's Office. Mattice said the program, which closely follows the mission of the Ney Nature Center, will run five days/week for preschoolers aged 3-4. The preschoolers spend 90% of their time outside. It has been a very popular program and is a trend. Nature Explorers carries its own insurance. Mattice said the program allows a revenue stream without much liability and cost to the County.

Potter moved to approve entering into a Lease Agreement with Nature Explorers establishing a nature-based Preschool at Robert Ney Regional Park for the 2020-2021 School year. The motion was seconded by Daleiden and carried 5-0 on a roll call vote.

Accept Donation By Resolution - Clint and Diane Herbst - \$1,000 For A Memorial Bench At Bertram Chain Of Lakes Regional Park

Vetsch moved to adopt Resolution #20-25 accepting a donation by Clint and Diane Herbst in the amount of \$1,000 for a memorial bench at the Bertram Chain of Lakes Park. The motion was second by Daleiden and carried 5-0 on a roll call vote. The Commissioners acknowledged the generous donation.

**ITEMS FOR CONSIDERATION****3-17-20 COMMITTEE OF THE WHOLE MINUTES**

At today's County Board Meeting, Daleiden moved to approve the minutes and recommendations. The motion was seconded by Vetsch and carried 5-0 on a roll call vote. The 3-17-20 COTW Minutes follow:

**I. CORONAVIRUS (COVID-19)**

*Sarah Grosshuesch, Public Health Director, provided a presentation titled, "COVID-19 Update, March 17, 2020" (see attachment).*

*Grosshuesch said the Minnesota Department of Health (MDH) updated the number of COVID-19 cases in the state. As of today, there are 60 positive cases. The counties with cases included Anoka, Benton, Blue Earth, Carver, Dakota, Hennepin, Olmsted, Ramsey, Renville, Stearns, Wright, Waseca, and Washington. Three of the cases in Minnesota were from community transmission in places where there wasn't social distancing, such as restaurants or bars. They are seeing new positives showing up in younger people across the State. The concern is that younger people aren't following MDH recommendations.*

*Grosshuesch went through the presentation. People who believe they may have been exposed to the virus, or have symptoms, are told to stay home unless they meet certain criteria. Priority testing is for those who are hospitalized.*

*Grosshuesch said her staff is ready, reliable, and willing to deliver essential services.*

## 3-17-20 COTW Minutes (cont.):

*Department heads will meet tomorrow at 9:00 A.M. for the Continuity Of Operations Planning (COOP) meeting to discuss their plans for operations and staffing during the pandemic. On Thursday, March 19, there will be a Committee of The Whole meeting at 11:00 A.M. to develop recommendations going forward. On Friday, March 20, there will be an Emergency County Board Meeting at 10:00 A.M.*

*Recommendations:*

- 1) Continuity Of Operations Planning (COOP) meeting at 9:00 A.M. on Wednesday, 3-18-20.*
- 2) Committee Of The Whole (COTW) meeting at 11:00 AM on Thursday, 3-19-20.*
- 3) Emergency County Board meeting at 10:00 A.M. on Friday, 3-20-20.*

(End of 3-17-20 COTW Minutes)

## **FUTURE COUNTY BOARD MEETINGS FUTURE ADVISORY BOARD MEETINGS**

Vetsch referenced the 3-26-20 Committee Of The Whole Meeting which is being held to discuss the Coronavirus. He said there is not another Board Meeting scheduled until 4-07-20 as the 3-31-20 Meeting is cancelled. He suggested scheduling another Board Meeting to discuss any COVID-19 updates.

Daleiden moved to schedule a County Board Meeting on 4-02-20 at 3:00 PM to discuss the Coronavirus (COVID-19). The motion was seconded by Vetsch and carried 5-0 on a roll call vote.

Lee Kelly, County Administrator, asked the Board's intent on holding the following meetings:

- 4-07-20 County Board Meeting
- 4-13-20 Health & Human Services Board Meeting
- 4-14-20 County Board Workshop

Daleiden said the intent is to hold the meetings at this point but it will be discussed further at the 3-26-20 COTW Meeting and at the 4-02-20 County Board Meeting. Husom said some Advisory Committee meetings are being postponed or cancelled. More will be known in the next few days.

Daleiden said if the Governor decides to shut down, it will be important to be able to disseminate information and indicate what are essential services. He suggested use of the County website to provide that information to the public. It was noted that the Real ID deadline has been extended by the Federal Government, but the date has not yet been disclosed.

## **ADVISORY COMMITTEE / ADVISORY BOARD UPDATES**

1. Vetsch extended appreciation to the City of Monticello for their letter of support for the Dental Center bonding bill. Daleiden said Representative Marion O'Neill has been working on this effort. The Dental Center will also serve residents in surrounding counties. Potter said the bill has a good chance of passing with the in-kind services included. It will save many dollars for the State as it should help to alleviate the number of people who end up in the emergency room for dental services.
2. Potter said the second round of interviews has been postponed for the Wright County Economic Development Executive Director position.
3. Potter will not be present for the 4-21-20 Wright County Board Meeting, as he will be attending the Big Stone County Board Meeting as the President of the Transportation Alliance.
4. Husom attended a Safe Communities of Wright County Meeting where retiring Police Chief Jeff Herr was honored and the COVID-19 topic was discussed.
5. Husom attended a meeting at the Career Force Center where they listened to the Governor's message on COVID-19.
6. Daleiden said Wright County Community Action has senior programs with meal availability for about 90 seniors in need. Contact the Wright County Community Action Agency in Maple Lake for information.
7. Administrator Updates:
  - A. Kelly said staff is monitoring the COVID-19 developments. He referenced new laws passed at the Federal level that take effect on 4-02-20, and said there has been some ambiguity amongst labor attorneys that he has discussed this with. Kelly will look for additional information to bring to the 3-26-20 Committee Of The Whole Meeting.
  - B. Kelly said a great number of staff are working remotely and they are finding new ways to do business in the County.

The meeting adjourned at 9:46 AM.

County Board Minutes submitted by Susan Backes, Clerk to the County Board