

WATONWAN COUNTY BOARD
SEPTEMBER 6, 2022
9:00 A.M.

The Watonwan County Board of Commissioners met in regular session on September 6, 2022 at 9:00 A.M. in the Commissioners' Meeting Room of the Courthouse, City of St. James. The following Board members were present: Jim Branstad, Dillon Melheim, Bill Miller, Jim Pettersen and Bob Rinne. The meeting was opened with the Pledge of Allegiance.

Melheim moved, Pettersen seconded and the motion passed unanimously, to approve the Agenda as presented.

Miller moved, Branstad seconded and the motion passed unanimously, to approve the minutes of the August 1 special meeting and August 16 regular meeting.

Jake Oldenburg and Kevin Jones of NuWay were present to discuss setbacks from their anhydrous storage tanks at their Ormsby location. Setbacks required by Minnesota Department of Ag are 50 feet from the adjoining property line. They would like to purchase the land back from the County and grant a permanent easement for the trail. Another option was to set up a purchase agreement, then they would move the tank to meet the setback.

Public Works Director Teal Spellman was present to review items with the Board.

Branstad moved, Pettersen seconded and the motion passed unanimously, to approve payment of bills as audited and filed in the County Auditor/Treasurer's Office as follows by fund: General Fund—\$58,140.99; Solid Waste Fund—\$2,045.64; Ditch Fund—\$55,852.36; and the Road and Bridge Fund—\$174,399.40.

Miller moved, Rinne seconded and the motion passed unanimously, to approve the 2023 MPCA Subsurface Sewage Treatment System (SSTS) Program Grant Agreement for funding in the amount of \$18,600.00, and to approve Land Management Director David Haler as the County's representative.

The sonar purchase from Scheels that was approved at the April 5, 2022 meeting in the amount of \$4,529.97 was no longer available. It is available from Amazon for \$4,580.43.

Melheim moved, Pettersen seconded and the motion passed unanimously, to approve the purchase of sonar equipment from Amazon in the amount of \$4,580.43.

Melheim Rinne seconded and the motion passed unanimously, to approve the training request submitted by Dave Haler.

Branstad moved, Melheim seconded and the motion passed unanimously, to approve the annual pay step increase of James Hodge upon the satisfactory completion of his probationary period.

Pettersen moved, Miller seconded and the motion passed unanimously, to approve annual pay step increases for Brandon Sprenger, Jarred Urban and Rebecca Senf.

Branstad moved, Melheim seconded and the motion passed unanimously, to approve the resignation in good standing of Jennifer Sanchez from the position of Transit Office Clerk.

Branstad moved, Pettersen seconded and the motion passed unanimously, to approve advertising for the Transit Office Clerk position and increasing the weekly hours to 30.

Branstad moved, Melheim seconded and the motion passed unanimously, to approve the resignation during probation of Stephen Ferrazzano, III from the position of Dispatcher.

Melheim moved, Pettersen seconded and the motion passed unanimously, to approve advertising for a Dispatcher.

Branstad moved, Miller seconded and the motion passed unanimously, to approve training pay of \$1.00/hr. for Dispatcher Michelle Perez as needed.

Pettersen moved, Miller seconded and the motion passed unanimously, to approve the appointment of Teri Hall to the part-time position of Solid Waste Assistant.

The Board, as the Drainage Authority for Judicial Ditch 26 (“JD26”) considered a petition for the improvement of JD 26.

Rinne moved, Pettersen seconded and the motion passed unanimously, to adopt the following:

IN THE MATTER OF THE PETITION FOR
THE IMPROVEMENT OF WATONWAN COUNTY JUDICIAL DITCH 26

Findings:

1. The petition for the improvement of JD 26 was filed with the Watonwan County Auditor-Treasurer pursuant to statutes section 103E.215.
2. The Drainage Authority, by its attorney, verified the signatures and ownership interests of the petitioners and finds that the petitioners are at least 26 percent of the owners of property that the proposed improvement passes over, are the owners of at least 26 percent of the property area affected by the proposed improvement, and are the owners of at least 26 percent of the property area that the proposed improvement passes over.
3. The petition properly designated the drainage system proposed to be improved by number or another description that identifies the drainage system.
4. The petition alleges that the drainage system has insufficient capacity or needs enlarging to furnish sufficient capacity.
5. The petition describes the improvement, including the names and addresses of owners of the 40-acre tracts or government lots and property that the improvement passes over.

6. The petition alleges that the proposed improvement is necessary and will be of public utility and promote the public health.
7. The petition contains an agreement by the petitioners that they will pay all costs and expenses that may be incurred if the improvement proceedings are dismissed.
8. The petition alleges that the existing drainage system needs repair and further petitions the Board to consider separable maintenance when determining the allocation of costs of the improvement. Should the portion of the petition seeking improvement be withdrawn by the petitioners, the Board may still consider the petition as one for repair pursuant to statutes section 103E.715.
9. The petition was accompanied by a bond from the petitioners of \$50,000 in the form of a commercial bond payable to the Drainage Authority. The bond is adequate surety and has been reviewed and approved by Board's attorney. The bond is conditioned to pay the costs incurred if the proceedings are dismissed or a contract is not awarded to construct the drainage system proposed in the petition.
10. The costs incurred before the proposed drainage project is established may not exceed the amount of the petitioners' bond. A claim for expenses greater than the amount of the bond may not be paid unless an additional bond is filed. If the Drainage Authority determines that the cost of the proceeding will be greater than the petitioners' bond before the proposed drainage project is established, the Drainage Authority shall require an additional bond to cover all costs to be filed within a prescribed time. The proceeding will be stopped until the additional bond prescribed by the Drainage Authority is filed. If the additional bond is not filed within the time prescribed, the proceeding will be dismissed.
11. The Drainage Authority's attorney has reviewed the petition and bond and has determined they meet the statutory requirements to initiate these proceedings.

Based on the foregoing findings, the Board of Commissioners adopts the following:

Order:

- a. The Board appoints the engineering firm of ISG, Inc., and Chuck Brandel, P.E., to make a preliminary survey and file a report.
- b. The engineer shall serve as the engineer for the drainage project throughout the proceedings and construction unless otherwise ordered.
- c. The engineer shall file an oath to faithfully perform the assigned duties in the best manner possible and file a bond with the Board. The Board's attorney is directed to prepare a draft of the bond and oath upon execution of this order and deliver the same, along with a copy of this order, to the engineer for execution.
- d. Upon execution and return of his bond and oath, the engineer shall proceed promptly with the preparation of a preliminary survey report.

- e. The engineer shall include in his preliminary survey and report an investigation of the scope of improvement to include consideration of alternative improvement configurations and the impact of regulatory permitting requirements related to wetlands or other environmental factors on the possible alternatives.
- f. The engineer shall include in his preliminary survey and report an investigation of the current condition of the portion of the drainage system proposed to be improved and provide a recommendation on the propriety of a separable maintenance allocation of project costs.
- g. The engineer is directed to initial early coordination with the Department of Natural Resources and other regulatory and funding agencies as contemplated by statutes section 103E.015.

Melheim moved, Pettersen seconded and the motion passed unanimously, to adjourn at 9:55.

Bob Rinne, Chairman
Watowan County Board

Lisa Schumann, Deputy Clerk
Watowan County Board

ATTEST: Kelly Pauling
Watowan County Auditor/Treasurer