

Wabasha County
Board of Commissioners
Meeting Agenda
July 5, 2016
9:00 a.m.

Agenda Item:

- 1.0 **Call to Order**
 - Please be respectful and turn off all cell phones and pagers during the Board meeting.
 - 2.0 **Pledge of Allegiance**
 - 3.0 **Roll Call** (Goihl, Hall, Key, Springer, Wobbe)
 - 4.0 **Approve Agenda**
 - 5.0 **Staff Updates**
 - A. **Department:** Description
 - 6.0 **Administrator Update**
 - 7.0 **Citizen Involvement** MS13D.01. subd 6

Any person may observe Board meetings. Citizens must be able to hear the discussion at a meeting and must be able to determine who votes for or against a motion. One copy of the agenda and all materials made available to the Board should be made available to the audience unless doing so would violate the Minnesota Government Data Practices Act. Although anyone can attend Board meetings, citizens cannot speak or otherwise participate in any discussions unless the Board recognizes them for this purpose.
 - 8.0 **Public Forum**
 - A. Craig Falkum – County Road 30 Request
 - Sign-up for the public forum will be done prior to the beginning of the meeting.
 - No personal attacks to persons present or not.
 - No inflammatory language used during time that you have the platform.
 - Thank you for participating in County government.
 - 9.0 **Consent Agenda**

Items on the Consent Agenda are considered to be routine by the County Board of Commissioners and may be enacted through one motion. Any item on the Consent Agenda may be removed by any of the Commissioners for separate consideration.
 - A. Minutes: June 28th, 2016
 - B. Claims
 - C. Meal Vouchers
 - D. Per Diems
 - E. Donations: Accept donations from Robert and Kathleen Majerus and Wepay Go Fund Me to be used toward the purchase of a new K-9
 - F. Donation: Accept donation on behalf of the Youth Link Mentorship Program from Cheryl Key
- 10.0 Action/Discussion Items**
- A. SWCD: 2016 Reporting on AIS and Noxious Weeds
 - B. Zoning: Bartholome Conditional Use Permit (2016-165)
 - C. Zoning: Bremer Conditional Use Permit (2016-166)
 - D. Sheriff-Approve 2016 Spring Creek Motocross Contract (2016-167)
- 11.0 **Commissioner Reports**
 - 12.0 **Board Concerns**
 - 13.0 **Recess/Adjourn**

MINUTES - REGULAR MEETING – TUESDAY, JUNE 28, 2016

The Board of County Commissioners of Wabasha County, Minnesota, convened in Regular Session at the Wabasha County Courthouse, in the City of Wabasha, Minnesota on Tuesday, June 28, 2016 at 9:00 a.m.

06/28/16

The meeting was called to order by Board Chairman Hall.

CALL TO ORDER

The following Commissioners were present: Goihl, Hall, Key, Springer, Wobbe

ROLL CALL

KEY-SPRINGER

Motion to approve the agenda

APPROVE AGENDA

Adopted Unanimously

Staff Updates

STAFF UPDATES

A/T – Asking Board Chair & Vice Chair to meet with Assessor to set sale price for a piece of forfeited property

SPRINGER-KEY

Motion to approve the consent agenda including the following:

Minutes: June 21th, 2016

Claims

Meal Vouchers

Donations: Accept donation from Marian King to be used toward the purchase of a new K-9

APPROVE CONSENT AGENDA

Resolution No.: 2016-156

Whereas, the Wabasha County Board approves employees that are authorized to sign the Certificate of Title for the transfer of title.

RES 2016-156:
APPROVE EMPLOYEES TO SIGN CERTIFICATE OF TITLE

Now, therefore, be it resolved by the Wabasha County Board of Commissioners that Dietrich Flesch, County Engineer is hereby approved as an authorized signer on the Certificate of Title to a Motor Vehicle for the transfer of title

Resolution No.: 2016-157

Whereas, Lisa Koehler has resigned from her position as a collections officer, which was accepted with regrets and best wishes in future endeavors; and

RES 2016-157:
APPROVE HIRING COLLECTIONS OFFICER/CASE AID

Whereas, this has created a vacancy in the Social Services Accounting Unit; and

Whereas, the Social Services Director has recommended the hiring of a collections officer or a case aide to fill this vacancy; and

Whereas, the Minnesota Merit System will make the final determination as to whether the position is classified as a collections officer or a case aide after reviewing the final job description; and

Whereas, the Wabasha County Personnel Committee has reviewed the Social Services Director's request to fill this vacancy in this manner and supports his recommendation;

Now Therefore be it Resolved by the Wabasha County Board of Commissioners that, the Social Services Director is hereby authorized to fill the vacancy in the Social Services Accounting Unit with a collections officer or a case aide as determined by the Minnesota Merit System.

Resolution No.: 2016-158

Whereas, Jaimi Smiley has announced her resignation from her position as a social worker, which has been accepted with regrets and best wishes in future endeavors; and

RES 2016-158:
APPROVE HIRING CMH SOCIAL WORKER

Whereas, this will create a social worker vacancy in the Children and Family Services Unit; and

Whereas, the Social Services Director has recommended the hiring of a social worker to fill this vacancy; and

Whereas, the Wabasha County Personnel Committee has reviewed the Social Services Director's request to hire a social worker to fill this vacancy and supports his recommendation;

Now Therefore be it Resolved by the Wabasha County Board of Commissioners that, the Social Services Director is hereby authorized to hire a social worker to fill the vacancy created in the Children and Family Services Unit.

Adopted Unanimously

GOIHL-WOBBE

Resolution No.: 2016-160

Whereas, August 9th 2016 is the Primary Election date and November 8th 2016 is the State General Election date.

Whereas, if a recount(s) is called by the Secretary State, Recount Agreements are needed between State of Minnesota and Wabasha County.

Whereas, , State of Minnesota has drafted the Recount Agreements (attached).

Now Therefore be it Resolved by the Wabasha County Board of Commissioners that, authorizes Denise M Anderson, Chief Election Official, to sign the agreements with State of Minnesota dealing with a possible recount.

Adopted Unanimously

GOIHL-KEY

Resolution No.: 2016-161

Whereas, The County Board of Commissioners of the County of Wabasha, State of Minnesota, desire to offer for sale certain parcel (listed below) of land that have been forfeited to the State of Minnesota for non-payment of taxes; and

- Parcel Number 23.00026.00, Sec 06 Twn 109 Ran 014, City of Mazeppa, Village of Mazeppa, Lots 7 & 8 Blk 4

Whereas, said parcel of land have been viewed by the Wabasha County Environmental Services and have been classified as non-conservation lands as provided for in Minnesota Statutes 282.01.

Now Therefore be it Resolved by the Wabasha County Board of Commissioners that, That the Wabasha County Board of Commissioners hereby certify that all parcel of land listed above have been viewed and comply with the Provisions of Minnesota Statutes 85.012, 92.461, 282.01, Subd 8, and 282.018 and other statutes that require the withholding of tax-forfeited lands from sale.

BE IT FURTHER RESOLVED That the Wabasha County Board of Commissioners hereby request approval from the Minnesota Department of Natural Resources for the sale of said lands.

Adopted Unanimously

WOBBE-SPRINGER

Resolution No.: 2016-162

Whereas, the following applicants wish to have their County On Sale, Off Sale, Sunday and Brew Pub Liquor License approved:

On Sale & Sunday Liquor

Dave Schmidt	Lake Pepin Golf Course	Pepin Township
Paul Pehler	Piper Hills Golf Course	Plainview Township
Kevin Kautz	Zumbro Falls Golf Club	Zumbro Township

RES 2016-160:
APPROVE
RECOUNT
AGREEMENTS

RES 2016-161:
APPROVE
CLASSIFICATION
OF FORFEITED
PROPERTY

RES 2016-162:
APPROVE
WABASHA
COUNTY
LIQUOR
LICENSES

Gary Todd Pioneer Club Greenfield Township
Robert Nihart Reads Landing Brewing Co Pepin Township

On Sale, Off Sale & Sunday Liquor

Mark Jensen BJ's Bar & Grill Highland Township
Randy Rouhoff Mac's Park Place Mazeppa Township

Brew Pub Off Sale Liquor

Robert Nihart Reads Landing Brewing Co Pepin Township

Whereas, the applicants do have current food & beverage licenses issued by Wabasha County Public Health, and

Whereas, the applications have been approved by the County Attorney and County Sheriff. The Wabasha County Auditor/Treasurer has received the certificate of insurance and the appropriate license fee. The liquor license will run from August 1, 2016 to July 31, 2017.

Now Therefore be it Resolved by the Wabasha County Board of Commissioners, approves the renewal of Liquor License to the individuals listed above, subject to the approval of the State of Minnesota Liquor Control Commissioner.

Presentation: A/T – Discussion regarding forfeited house in Mazeppa City

Presentation: Senator Matt Schmit

GOIHL-KEY

Resolution No.: 2016-159

Whereas, Corval Group is the lowest responsible bidder for the Courthouse HVAC project.

Now Therefore be it Resolved by the Wabasha County Board of Commissioners that Wabasha County hereby accepts the mechanical bid of Corval Group for the County Courthouse HVAC Project in the amount of \$447,006 which includes the alternate amount of \$45,000 to replace the second roof top unit (RTU 2) and that the Honeywell is hereby authorized to execute a Contract with Corval Group for this work.

Adopted Nay:Wobbe

GOIHL-SPRINGER

Resolution No.: 2016-163

Whereas, Wabasha County implements many network servers in a virtual configuration using detached storage;

Whereas, the oldest detached storage array has reached the end of its useful life;

Whereas, the county needs additional storage capacity;

Whereas, the IT Department has researched options compatible with our other systems and is implementing a long term plan, and has received sales quotes for replacement equipment;

Now Therefore be it Resolved by the Wabasha County Board of Commissioners that, the IT Director is hereby authorized to purchase the necessary parts and build two new disk storage arrays, for not more than \$10,000.

Adopted Unanimously

GOIHL-WOBBE

Resolution No.: 2016-164

Whereas, Wabasha County uses a virtual private network (VPN) to secure data between our law enforcement records system and remote devices, such as the mobile data terminals in squad cars;

Whereas, such data communication is an important and growing aspect of our public safety efforts;

PRESENTATION:REG
ARDING FORFEITED
PROPERTY

PRESENTATION:
SENATOR MATT
SCHMITT

RES 2016-159:
ACCEPT BID
HVAC PROJECT

RES 2016-163:
APPROVE
PURCHASE OF
TWO NEW DISK
ARRAYS

RES 2016-
164:APPROVE
VPN LICENSE

Whereas, a cost-effective means of improving the reliability and performance of the VPN system has been identified;

Now Therefore be it Resolved by the Wabasha County Board of Commissioners that, the IT Director is hereby authorized to purchase one Netmotion Mobility server license with two years of maintenance and support, and up to 25 device licenses, with a total cost of not more than \$12,000.

Adopted Unanimously

Presentation: Wabasha County Cell Phone Policy

To be revisited at July 26th 2016 meeting

KEY-HALL

Motion to Recess to Board of Appeal and Equalization

Adopted Unanimously

BOARD OF COUNTY COMMISSIONERS
WABASHA COUNTY, MINNESOTA

BY: _____
Board Chairman, Rich Hall

ATTEST:

BY: _____
Michael P. Plante, County Administrator

PRESENTATION:
WABASHA COUNTY
CELL PHONE
POLICY

COMMISSIONER
REPORTS

BOARD
CONCERNS

RECESS TO
BOARD OF
APPEAL AND
EQUALIZATION

**WABASHA COUNTY
BOARD MEETING
5-Jul-16**

AUDITOR'S WARRANTS

<u>DATE</u>	<u>ACH NUMBERS</u>	<u>WARRANT NUMBERS</u>	<u>AMOUNT</u>
6/28/2016		30849 - 30856	\$ 60,249.58
6/28/2016	1422 - 1447	30857 - 30946	\$ 179,643.41

TOTAL AUDITOR'S WARRANTS	<u><u>\$ 239,892.99</u></u>
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MEAL VOUCHERS

<u>EMPLOYEE</u>	<u>DATES</u>	<u>AMOUNT</u>
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TOTAL MEAL VOUCHERS	<u><u>\$ -</u></u>
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TAXABLE UNIFORM ALLOWANCE

<u>EMPLOYEE</u>	<u>DATES</u>	<u>AMOUNT</u>
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TOTAL UNIFORM ALLOWANCE VOUCHERS	<u><u>\$ -</u></u>
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DONATION
Board of Commissioners
Wabasha County

Date:

July 5, 2016

Agenda:

Consent Agenda Item 9.0 E

Agenda Item:

Accept donation to be used toward the purchase of a new K-9

Requested Action:

Approve and accept donation to the Wabasha County Sheriff's Office

Fiscal Impact:

Donation to be used toward the purchase of a new K-9

Background/Recommendation:

Resolution #2016-139 was previously approved by the County Board on May 24, 2016.
Resolution Authorizing the Sheriff's Office to set up a designated fund for donations to be used to purchase a new K-9.

The following donations were received:

Robert & Kathleen Majerus - \$50.00 – Check #7788

Wepay – Withdrawal from the K-9 *Go Fund* account - \$1,188.04 – Check #0012585283

Action:

Motion by: _____

Second by: _____

Vote Aye: _____

Vote Nay: _____

No action required: _____

DONATION
Board of Commissioners
Wabasha County

Date: 7/5/16

Agenda Item Number:

Consent Agenda Item 9.0 F

Agenda Item:

Accept donation

Requested Action:

Accept donation to be used toward the Youthlink/Mentorship Program

Fiscal Impact:

Used to offset the costs of the Youthlink/Mentorship Program

Background/Recommendation:

Cheryl Key is making a \$100 donation to the Youthlink/Mentorship Program in honor of Kathy Kruger of Lake City, who has made a huge difference in the lives of many young girls.

Action:

Motion by:_____

Second by:_____

Vote Aye:_____

Vote Nay:_____

No action required:_____

2016 Reporting on AIS and Noxious Weeds (2nd quarter mid-March to present)

AIS

Education

5th grade conservation day - >300 students/teachers/adult chaperones
Contacted teacher with Lake City about doing curriculum in their classroom
SAISAC (State AIS Advisory Committee) – participated in monthly meetings; member of a 16 member group with 8 ad hoc members to help guide the State's AIS plan
Contacted tourism boards and Chambers of Commerce in the County about impacts of AIS and what their concerns/thoughts may be
Contacting fishing tournaments about having a table with AIS info available at the rules meeting

Monitoring/Data Collection

Submitted a sample of *Glyceria sp?* to Utah State University for genetic testing for verification at request of DNR and Midwest plant experts
Released over 600 *Galerucella*, purple loosestrife defoliating beetles – biocontrol agents
Started stream monitoring field work at the end of May/beginning of June
Poison Hemlock off of County Road 74

Training/Conferences

Presented at Gathering Partners Conference in Winona with Amanda Gentry, Winona SWCD
Invited to present at the Aquatic Invaders Summit in St. Cloud in October
Invited to present at the Upper Midwest Invasive Species Conference in La Crosse in September
Invited to present/exhibit at the National Eagle Center for their event in June

Project Development

No response from landowners for shoreland restoration program; Jeff Hasting from TU contacted me about stream easements and there may be opportunities for working together on shoreland improvement projects.
WI, MN DNR, border counties working together with water garden retailers
Japanese Knotweed – continued treatment from last year, working with DNR Nongame Wildlife and CCM

NOXIOUS WEEDS

27.25 hours to-date put towards program with 9 hour training day, 2-3 hours for drafting/sending letter of introduction to townships and cities, drafting/submitting general notice of noxious weeds. Follow up to a few inquiries over the phone (about 1 hour total) Remaining approximately 14-15 hours spent on Durow property (beginning in 2014) compiling notes, gathering information, issuing 1st notice of violation...more to come.

OTHER

Cooperative Weed Management Area (CWMA) – have 3 contracts for invasive management
Buffer Initiative– assisting District Technician; sent out all letters, took phone calls/walk-ins, site checks
GreenCorps – selected to be a member host site (1 of 40) in Minnesota

Board of Commissioners Wabasha County

Agenda Item Number: 10.0 B

Date:

July 5, 2016

Agenda Item:

Bartholome CUP

Requested Action:

Wabasha County Planning Commission voted to recommend the CUP be approved with three conditions on a vote of 5-0.

Fiscal Impact:

None

Background/Recommendation:

On May 16, 2016 James Bartholome submitted an application for a Conditional Use Permit to expand an existing feedlot to have a total of 500 milking cows (700 animal units). The location for the request is described as parcel R01.00047.00 located in Section 5, Township 110 North, Range 14 West, Town of Chester. The property is zoned A-2 and feedlots over 500 animal units are required to have a CUP in the district. The Wabasha County Planning Commission conducted a public hearing on June 27, 2016. After all comments were considered, the Planning Commission voted 5-0 to forward the request to the County Board for consideration with a recommendation that the Board approve the CUP with three conditions. The conditions are as follows:

1. The number of animal units on the respective parcel shall be limited to 700.
2. The owners shall maintain compliance with the MPCA regulations that pertain to feedlots.
3. The construction of any new building or manure storage structure shall adhere to the setback requirements established in the Wabasha County Feedlot Ordinance or the Wabasha County Zoning Ordinance unless a variance is granted for any setback established in either ordinance.

Action:

Motion by: _____

Second by: _____

Vote Aye:_____

Vote Nay:_____

No action required:_____

Wabasha County Board of Commissioners

Resolution Number: 2016-165

Bartholome Conditional Use Permit

WHEREAS, James Bartholome submitted an application for a Conditional Use Permit to expand an existing feedlot to have a total of 500 milking cows (700 animal units) on parcel R01.00047.00 located in Section 5, Township 110 North, Range 14 West, Town of Chester; and

WHEREAS, The Wabasha County Planning Commission conducted a public hearing on June 27, 2016 to provide an opportunity for the public to present any testimony related to the request; and

WHEREAS, The Wabasha County Planning Commission discussed the matter after the public hearing and with a vote of 5-0 recommends to the Wabasha County Board of Commissioners that the request be approved with three conditions.

NOW THEREFORE BE IT RESOLVED, the Wabasha County Board of Commissioners approves the Conditional Use Permit for James Bartholome with the conditions as follows:

1. The number of animal units on the respective parcel shall be limited to 700.
2. The owners shall maintain compliance with the MPCA regulations that pertain to feedlots.
3. The construction of any new building or manure storage structure shall adhere to the setback requirements established in the Wabasha County Feedlot Ordinance or the Wabasha County Zoning Ordinance unless a variance is granted for any setback established in either ordinance.

Adopted this 5th day of July 2016, by the Wabasha County Board of Commissioners.

By: _____
Rich Hall
Board Chair

Attest:

By: _____
Michael P. Plante
County Administrator

Board of Commissioners Wabasha County

Agenda Item Number: 10.0 C

Date:

July 5, 2016

Agenda Item:

Bremer CUP

Requested Action:

Wabasha County Planning Commission voted to recommend the CUP be approved with six conditions on a vote of 5-0.

Fiscal Impact:

None

Background/Recommendation:

On May 26, 2016 a Conditional Use Permit application was submitted by Rick Bremer for a seasonal labor camp to be on parcel R08.00069.03 located in Section 16, Township 111 North, Range 12 West, Town of Lake. The seasonal labor camp is to be used to house workers that will assist in picking apples on Mr. Bremer's orchard. The Planning Commission conducted a public hearing on the matter on June 27, 2016. After all comments were considered, the Planning Commission voted 5-0 to forward the request to the County Board for consideration with a recommendation that the Board approve the CUP with six conditions. The conditions are as follows:

1. The labor camp shall only be used for the purpose of housing seasonal workers employed for the purpose of picking apples and maintenance of the orchard and shall not be used for any other purpose.
2. The labor camp shall adhere to all applicable Minnesota Department of Health rules.
3. The water source for the modular unit shall be from a well constructed for potable domestic use and shall not be from a well constructed for irrigation. A water test performed by Wabasha County Public Health will be required showing results free of bacteria and nitrates below 10 mg/L.
4. A Subsurface Sewage Treatment System (SSTS), meeting all Wabasha County and MPCA State rules shall be approved, constructed and Certificate of Compliance issued before any occupancy of the modular unit.
5. Any structure used as part of the seasonal labor camp shall adhere to all applicable Minnesota Building Code provisions.

6. The landowner shall abide by all representations and commitments presented in the application or presented to the Planning Commission.

Action:

Motion by:_____

Second by:_____

Vote Aye:_____

Vote Nay:_____

No action required:_____

Wabasha County Board of Commissioners

Resolution Number: 2016-166

Bremer Conditional Use Permit

WHEREAS, Rick Bremer submitted a Conditional Use Permit Bremer for a seasonal labor camp to be on parcel R08.00069.03 located in Section 16, Township 111 North, Range 12 West, Town of Lake; and

WHEREAS, The Wabasha County Planning Commission conducted a public hearing on June 27, 2016 to provide an opportunity for the public to present any testimony related to the request; and

WHEREAS, The Wabasha County Planning Commission discussed the matter after the public hearing and with a vote of 5-0 recommends to the Wabasha County Board of Commissioners that the request be approved with six conditions.

NOW THEREFORE BE IT RESOLVED, the Wabasha County Board of Commissioners approves the Conditional Use Permit for Rick Bremer with the conditions as follows:

1. The labor camp shall only be used for the purpose of housing seasonal workers employed for the purpose of picking apples and maintenance of the orchard and shall not be used for any other purpose.
2. The labor camp shall adhere to all applicable Minnesota Department of Health rules.
3. The water source for the modular unit shall be from a well constructed for potable domestic use and shall not be from a well constructed for irrigation. A water test performed by Wabasha County Public Health will be required showing results free of bacteria and nitrates below 10 mg/L.
4. A Subsurface Sewage Treatment System (SSTS), meeting all Wabasha County and MPCA State rules shall be approved, constructed and Certificate of Compliance issued before any occupancy of the modular unit.
5. Any structure used as part of the seasonal labor camp shall adhere to all applicable Minnesota Building Code provisions.
6. The landowner shall abide by all representations and commitments presented in the application or presented to the Planning Commission.

Adopted this 5th day of July 2016, by the Wabasha County Board of Commissioners.

By: _____
Rich Hall
Board Chair

Attest:

By: _____
Michael P. Plante
County Administrator

Board of Commissioners Wabasha County

Agenda Item Number: 10.0 D

Date:

July 5, 2016

Agenda Item:

Sheriff-Approve 2016 Spring Creek Motocross Contract

Requested Action:

Consider adoption of Resolution 2016-167 authorization and signing of 2016 Spring Creek Motocross Contract

Fiscal Impact:

Payroll will be run through the county and reimbursed by Spring Creek

Background/Recommendation:

The Spring Creek Motocross event will take place from July 14 through July 17, 2016 in which the County will need to provide personnel for security and traffic control. The events will be held at 63633 298th Avenue, Millville, MN 55957.

In consideration for the services to be performed, Spring Creek agrees to reimburse the actual cost (wages, benefits, and workers compensation) for all personnel providing such services under this contract.

A minimum payment of \$35.00 per hour plus benefits and workers compensation will apply to both full-time and part-time employees with the exception of Dispatcher. The Dispatcher wage will be \$22.00 per hour plus benefits and workers compensation.

Action:

Motion by:_____

Second by:_____

Vote Aye:____

Vote Nay:____

No action required:____

Wabasha County Board of Commissioners

Resolution No: 2016-167

Resolution Authorizing
2016 Spring Creek Motocross Contract

Whereas, the Spring Creek Motocross event will take place from July 14 through July 17, 2016 at 63633 298th Avenue, Millville, MN in which the County will need to provide security and traffic control services.

Whereas, the Sheriff's Office has received the 2016 contract agreement made by and between Wabasha County and John and Greta Martin d/b/a Spring Creek Motocross which needs to be approved and signed by the County Board Chairperson, County Administrator, and County Attorney; and,

Whereas, the Sheriff requests the approval and signing of the 2016 Spring Creek Motocross contract by the County Board Chairperson, County Administrator, and County Attorney.

Now Therefore be it Resolved by the Wabasha County Board of Commissioners that: the 2016 Spring Creek Motocross contract is hereby approved and authorizes it's signing by the County Board Chairperson, County Administrator, and County Attorney.

Adopted this 5th day of July 2016 by the Wabasha County Board of Commissioners.

By: _____
Richard Hall, Wabasha County Board Chair

Attest:

By: _____
Michael Plante, Wabasha County Administrator

AGREEMENT

AGREEMENT made by and between Wabasha County, hereafter "County," and John and Greta Martin, d/b/a Spring Creek Motocross, hereafter "Spring Creek."

In consideration of the mutual covenants contained in this Agreement, County and Spring Creek agree as follows:

SECTION 1: WORK TO BE DONE

County shall provide personnel for security and traffic control from July 14 to July 17, 2016 in connection with the Spring Creek Motocross racing events to be held at 63633 298th Avenue, Millville, Minnesota 55957. In addition, County shall provide personnel for roving patrols through the racing site, campground and parking areas at the Spring Creek site.

SECTION 2: EQUIPMENT AND MATERIALS

County will furnish all equipment and materials necessary for the performance of its duties under and pursuant to this Agreement.

SECTION 3: STAFFING

The personnel provided by County shall be in the sole discretion of the County so as to be able to fulfill the rights, duties, and obligations under this Agreement and to ensure public safety.

SECTION 4: PAYMENT

In consideration for the services to be performed under this Agreement, Spring Creek agrees to pay to County the actual cost (wages plus benefits and workers compensation) for all personnel providing services under this contract, with the understanding that the minimum payment shall be \$35/hour plus benefits and workers compensation. The parties understand the current rate for workers compensation for County is \$2.10 per \$100 of payroll.

Spring Creek shall pay County a one-time administrative fee of \$1,000.

All payments shall be made on or before September 1, 2016. Interest shall accrue thereafter on any unpaid balance at a rate of 8% per annum. Payments shall be applied first to interest and then to reduction of principal.

SECTION 5: APPLICABLE LAW

It is the agreed that this Agreement shall be governed by, construed and enforced in accordance with the laws of the State of Minnesota.

SECTION 6: ENTIRE AGREEMENT

This Agreement shall constitute the entire agreement between the parties, and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding upon either party except to the extent incorporated in this Agreement.

SECTION 7: MODIFICATION

Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if placed in writing and signed by each party or an authorized representative of each party.

WABASHA COUNTY

Rich Hall, Board Chair (Date)

Michael Plante, County Administrator (Date)

SPRING CREEK MOTOCROSS

John or Greta Martin (Date)

Approved as to form and content:

Karrie Kelly, County Attorney (Date)