

PROCEEDINGS OF THE  
MARTIN COUNTY COMMISSIONERS  
TUESDAY, APRIL 6, 2010  
@ 9:00 A.M.

The regular meeting of the Martin County Board of Commissioners was called to order at 9:00 a.m. by Chairman Schmidtke.

Commissioners present were Pierce, Donnelly, Boler, and Potter. Also present were Scott Higgins, Martin County Coordinator, James Forshee, Martin County Auditor/Treasurer, Kevin Peyman, Martin County Highway Engineer, Rod Halvorsen, KSUM/KFMC Radio, Megan Alexander, Sentinel Newspaper, Julie Walters, Administrative Assistant, and members of staff.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following additions: 8.14 Consider Microwave Assisted Pyrolysis Support Letter; 8.15 Consider Computer Training Classes for county employees; 8.16 Consider Recorder's Office Temporary Office Position Extension; and 8.17 Emergency Generator Discussion. Carried unanimously.

Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the March 16, 2010 regular Board of Commissioners meeting as presented. Carried unanimously.

Motion by Commissioner Boler, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve renewal of Liquor, Wine, Club or 3.2% License and On-sale and Off-sale 3.2% License for Our Place LLC in Granada, MN effective April 8, 2010 through April 7, 2011; contingent upon receiving proper documentation. Carried unanimously.

Beverly Snow, FJM Multi-County Problem Solving Courts Coordinator, presented a request for approval of the Faribault, Jackson, and Martin County Legal Services Contract for Family Dependency Treatment Court (FDTC). Snow stated that attorneys hired by the counties shall be paid on a monthly basis in the amount of \$75 per hour for two hours a week not to exceed \$150 per week for legal representation for FDTC participants. Snow went on to state this agreement does not make the attorney the employee, agent, partner, joint venture, or legal representative of the county for any purpose whatsoever. Snow noted that funding for the attorney fees is in the Court Administration budget.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign Legal Services Contract for Family Dependency Treatment Court effective January 1, 2010 and terminate on December 31, 2010. Carried unanimously.

Kevin Peyman, Martin County Highway Engineer, requested approval to purchase a second packer/roller for the Highway Department that is budgeted. Peyman stated the State Contract cost of a new packer/roller is about \$25,000 which is the amount he budgeted for in 2010. Peyman went on to state that Handy Hitch Manufacturing was able to find a used 2006 model for \$13,553. Peyman recommends purchasing the used packer/roller.

Motion by Commissioner Boler, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of the County Highway Engineer, hereby approve the purchase of a used Handy Hitch 90” Contour Packer/Roller with Heavy Duty Lift Assembly and 24” Packer Offset from Handy Hitch Manufacturing, Inc. in the amount of \$13,553.00 plus applicable taxes. Carried unanimously.

Peyman presented a Highway Department Update including upcoming meeting with the Minnesota Department of Transportation (Mn/DOT) regarding signage regulation changes that will effect the county, townships and cities and what will need to be done to be in compliance with the first phase of implementation by 2012; discussed recent letter received from Mn/DOT regarding Trunk Highway 15; and reviewed the current condition of county gravel roads.

Brad Gerhardt, Martin County Sheriff, presented the annual County Boat and Water Safety Grant noting that Martin County has been awarded \$3,189.00 for FY2010 (a decrease of \$662 over FY2009) with an effective date of January 1, 2010 through June 30, 2011. The grant will cover expenses incurred for patrol, enforcement, search and rescue, watercraft inspection, waterway marking, and accident investigation.

Motion by Commissioner Donnelly, seconded by Commissioner Pierce,

R-#18/’10

## RESOLUTION

### AUTHORIZING EXECUTION OF ANNUAL COUNTY BOAT AND WATER SAFETY AGREEMENT

BE IT RESOLVED THAT, Martin County enters into a grant agreement with the Minnesota Department of Natural Resources for the program entitled County Boat and Water Safety in the grant amount of \$3,189.00 to cover expenses incurred for patrol, enforcement, search and rescue, watercraft inspection, waterway marking and accident investigation effective January 1, 2010 and expires June 30, 2011.

BE IT FURTHER RESOLVED, that the Martin County Sheriff, Chairman of the Martin County Board of Commissioners, and Martin County Auditor/Treasurer, are hereby authorized to execute and sign such grant agreement on behalf of Martin County.

Motion made by Commissioner Donnelly, seconded by Commissioner Pierce, and duly adopted this 6<sup>th</sup> day of April.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Board Chair

ATTEST: \_\_\_\_\_  
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Potter, Boler, Pierce, Donnelly, and Schmidtke.  
NAYS: None. Resolution duly passed and adopted this 6<sup>th</sup> day of April, 2010.

Gerhardt next presented the monthly Sheriff's Office update including recent meeting with Brown County regarding Detox. and Juvenile Detention holds; the week of April 11-17<sup>th</sup> is National Telecommunications Week; the week of April 19-23<sup>rd</sup> is Severe Weather Awareness Week; minimal damage to Martin County regarding spring water issues; Hazard Mitigation Review grant is in the final stages; increase in jail population; and recent countywide EMS meeting with an additional meeting scheduled on June 28<sup>th</sup>.

Kathy Smith, Martin Soil and Water Conservation District Director, presented an Amendment to the 2010 AgBMP Loan Program for an additional \$74,000 with no county match required. The additional funding will be used for a number of different programs including Conservation Tillage.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign Amendment to Attachment A of the 2010 AgBMP Loan Agreement for \$74,000 additional dollars; with no county match requirement. Carried unanimously.

Rich Perrine, WCA/Water Plan Coordinator with SWCD, stated the Joint Powers Agreement for the East Fork of the Des Moines River Watershed for the coordination and implementation of various projects and grant programs has been sent back to Iowa for further review and will not be presented for approval and authorization at today's meeting.

No action taken on East Fork Alliance Joint Powers Agreement.

Deb Mosloski, Martin County Drainage Specialist, opened discussion on a recent situation regarding drainage contractors working on repairs to drainage systems and not having the proper paperwork in place before working on county drainage tile. The issue involves wetlands and the Department of Natural Resources (DNR) enforcement of wetland matters in the county. There is a potential for fines and cease and desist orders if drainage contractors do not have the proper authorization documents. However, one of

the issues is how such requirement or enforcement applies when contractors are sent to repair drainage systems. Mosloski stated Kurt Deter, Rinke Noonan Attorneys at Law, will attend the Martin County Board of Commissioners meeting on April 20<sup>th</sup>, 2010 to bring resolution to this issue.

Rich Perrine stated he can assist the contractors while they are out in the field if they give him a call and he is aware of the site. Perrine went on to state a lot of the times I can give the go ahead especially if work to be performed is from a “blow-outs” as these sites are usually high and dry and there’s no wetland nearby. Perrine presented a Landowner Statement and Contractor Responsibility for Work in Wetlands or Public Waters form that if signed by the contractor, removes their liability. Perrine stated that all contractors have these forms with them. Perrine continued the notification form used to be for WCA but now this same form covers public waters with the Department of Natural Resources (DNR).

This issue will be discussed again at the April 20, 2010 regular Board of Commissioners meeting.

Mosloski next presented recommendation to order the redetermination of and appoint viewers for CD #35 and JD #109 to be redetermined at the same time as JD #4 (a/k/a JD #301) and JD #80, JD #21, etc. This will then have all drainage systems complete in Galena Township.

Motion by Commissioner Potter, seconded by Commissioner Boler,

R-#15/’10

ORDER APPOINTING VIEWERS AND  
REDETERMINATION OF CD #35 and JD #109

WHEREAS, the Martin County Board of County Commissioners hereby determines that the original benefits or damages determined in drainage proceedings for Martin County Ditch No. 35 and Martin County Judicial Ditch No. 109 do not reflect present day land values or that the benefited or damaged areas have changed.

IT IS THEREFORE ORDERED, that:

Ron Ringquist  
402 Valley View Dr.  
Redwood Falls, MN 56283

Charles Bowers  
78799 335<sup>th</sup> St.  
Madelia, MN 56062

Jim Weidemann  
41480 Ideal Ave.

Belview, MN 56214

Three disinterested residents of the state, be and hereby are appointed viewers to redetermine and report the benefits and damages and the benefited and damaged areas of Martin County Ditch No. 35 and Martin County Judicial Ditch No. 109.

IT IS FURTHER ORDERED, that the viewers, after taking an oath to faithfully perform their duties as viewers and, after having received from the County Drainage Office (Auditor/Treasurer), certified copies of the order appointing them as viewers and of the order designating the time and place of their first meeting, proceed with their work as such viewers pursuant to law and make and file their report with the Auditor at the earliest possible date.

Upon motion by Commissioner Potter, seconded by Commissioner Boler, and unanimously carried, said resolution was duly passed and adopted this 6<sup>th</sup> day of April, 2010.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Board Chair

ATTEST: \_\_\_\_\_  
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Potter, Pierce, Donnelly, Boler, and Schmidtke.  
NAYS: None. Resolution duly passed and adopted this 20<sup>th</sup> day of April, 2010.

Higgins stated at the March, 2010 South Central Workforce Service Area Joint Powers meeting, the Joint Powers Board distributed a draft Joint Powers Agreement (JPA) with new language on insurance requested by Brown County. The only changes are to Section 5.2.9 on pages 8 and 9. Higgins stated the county attorney has received a copy of this JPA and approves it as to form and content.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Chair to sign the revised Joint Powers Agreement with new language requested by Brown County as adopted by the South Central Workforce Council at their March, 2010 meeting. Carried unanimously.

Randy Markl, Area Wildlife Supervisor with the Department of Natural Resources (DNR), was present to seek approval for the DNR to purchase approximately 160 acres from the Fox Lake Conservation League located in Section 31 of Fox Lake Township. This property will be an addition to the Four Corners State Wildlife Management Area. The land would be basically managed as a typical wildlife management area and for the

most part seeded to native grasses and flowers and the potential is there to restore several wetlands. Markl stated the purchase price of the land is \$700,000.00 with the Fox Lake Conservation League donating \$10,000.00 to help in the effort to restore area wetlands. Markl went on to state that funding for this project is from the American Recovery and Reinvestment Act (ARRA) Heritage Fund dedicated to development projects such as this.

Markl continued stating that payment in lieu of taxes is typically made by one unit of government to the local unit of government instead of paying property tax. In lieu payments have been higher in most cases than taxes prior to purchase. Payment is made to the County Auditor/Treasurer and then allocated to the counties, towns, and school districts on the same basis as if the payments were taxes on the land received that year. In lieu payment is based on three quarters of one percent of the appraised value of the purchase amount. The appraised value is the purchase price for five years after acquisition and the appraised value shall be determined by the County Assessor every five years after the acquisition. The most recent payment to the county for 2009 and to be paid in July of 2010 appears to be \$34,254.62. For this particular piece of property it appears to be the current taxes due for this year are about \$1,690. The in lieu payment for those properties because it is based on purchase price and current land values are fairly high would be \$5,250. Markl went on to state the DNR has dedicated crews for noxious weed control beginning the first of June running through mid July. DNR crews also mow along the roadside and have become more intensive in the last twelve years in addressing trees and other things in the roadsides both in cutting and herbicide spraying.

Rolland Phillip of Fox Lake Township was present and voiced his concern that the DNR is not taking care of their roadsides. Phillips stated he has called the DNR Office in Windom many times about this matter and nothing has been done. Markl stated he will look into this matter. Markl went on to state agreements with farmers are arranged to take mow the roadsides, but not the ditches.

Doug Hartke from Fox Lake Conservation League was present and stated the club purposely bought this property next to our existing property on Fox Lake to get it into a wildlife management area or a wildlife production area.

Tim Eisenmenger, President of the Fox Lake Conservation League, was present and offered the League's services to help with mowing. After discussion,

Motion by Commissioner Potter, seconded by Commissioner Donnelly,

R-#20/10

RESOLUTION  
Martin County  
Board of County Commissioners  
Review of Proposed State Land Acquisition

In accordance with Minnesota Statutes 97A.145, Subd. 2, the Commissioner of the Department of Natural Resources on April 6<sup>th</sup>, 2010 provided the county board with a

description of lands to be acquired by the State of Minnesota for water, forestry, wildlife, and natural plant community conservation purposes.

Lands to be acquired are described as follows:

Parts of Section 31, Fox Lake Township as described in attached Exhibit A (Four Corners Wildlife Management Area (WM0A1806) Parcel No. 1, Acquisition No. 136380).

IT IS HEREBY RESOLVED, by the Board of County Commissioners of Martin County on April 6, 2010 that the State's proposed acquisition of the attached described property be approved.

If applicable, reasons for disapproval:

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This resolution was presented by Commissioner Potter, seconded by Commissioner Donnelly and upon vote was duly adopted.

I, James Forshee, County Auditor of the County of Martin, State of Minnesota, certify that the foregoing resolution is a true and correct excerpt of the minutes of the Board of County Commissioners, County of Martin, State of Minnesota held at Fairmont, Minnesota, on the 6<sup>th</sup> day of April, 2010.

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James Forshee, County Auditor/Treasurer  
County of Martin  
State of Minnesota

Roll Call AYES: Commissioners Potter, Pierce, Donnelly, Boler, and Schmidtke.

NAYS: None. Resolution duly passed and adopted this 6<sup>th</sup> day of April, 2010.

Pam Flitter, Martin County Zoning Official, was present to request GIS Data Creation of a Zoning Layer by The Schneider Corporation. Creation of the Zoning Layer will incorporate getting the latest information from the County Zoning Map, converting the data into a GIS layer, and integrate data into existing geodatabase. The Schneider Corporation has stated they will teach us how to continue to maintain the Zoning Layer so as changes occur we can make those changes and continue to use the layer so we don't continually have an expense or have an outdated map. Flitter stated the cost for creating the Zoning Layer is \$2,500.00 to be expended from the county's Feedlot Grant.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign Authorization to Proceed for GIS Professional Services for GIS Data Creation of Zoning Layer by the Schneider Corporation in the amount of \$2,500.00. Carried unanimously.

Barbara Schreier and Bonnie Taplin, Interlaken Heritage Days Committee members, provided an information update on the upcoming Summer Fun Festival that is scheduled for June 11-13, 2010. Taplin requested sponsorship from Martin County in the form of Martin County Express bus usage and a cash donation.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file the service and monetary donation request from the Interlaken Heritage Days Committee. Carried unanimously.

The Board recessed at 10:18 a.m.  
The Board reconvened at 10:28 a.m.

At this time, the Board welcomed and presented county government information to the 2010 Boy and Girl County participants. The Board thanked the students and chaperones for their interest and attendance.

Dominic Jones, Manager – Red Rock Rural Water System, presented a brief review of the Red Rock Rural Water System and stated the system will be embarking on a large expansion project. There are 129 people committed to the expansion project in Cottonwood, Jackson, Watonwan, Murray, Redwood, Brown and Martin counties, with 8 people signed up in Martin County. Red Rock Rural Water System began service to customers in 1985 and today it has more than 1,400 miles of pipeline. When finished, the project will provide a clean, safe, and reliable source of drinking water in an area where it is difficult to find good quality and large supply of clean water. Jones stated the next step for the water system is authorization from each county to execute the Joint Powers Agreement (JPA) relative to the Red Rock Rural Water System expansion, and authorizing Cottonwood County to issue the necessary interim financing bonds and long-term financing bonds to fund the system expansion and to have the JPA govern the repayment of bonds.

Commissioner Potter stated he uses the water system and it works beautifully. The money he has saved on softener salt has helped pay a portion of the cost to sign up with Red Rock.

Jones concluded how far Red Rock will go depends on demand. The system currently has 1,900 members. People aren't aware better water quality is available. When people know about it, they'll sign up when it's available. Jones stated the water system has discussed working with the City of Trimont to expand its services. After discussion,

Motion by Commissioner Boler, seconded by Commissioner Potter,

R-#16/10

RESOLUTION  
PERTAINING TO JOINT POWERS AGREEMENT  
RED ROCK RURAL WATER SYSTEM  
2009-2010 EXPANSION BONDING

BE IT RESOLVED, that the Martin County Board of Commissioners, State of Minnesota, at its duly convened meeting and pursuant to discussions had, and pursuant to motion by Commissioner Boler, and seconded by Commissioner Potter, duly resolved as follows:

Hereby approved Joint Powers Agreement among the counties of Cottonwood, Jackson, Watonwan, Murray, Martin, Lyon, Redwood and Brown and directing the Chairman and/or Clerk/Auditor to execute the Joint Powers Agreement relative to the Red Rock Rural Water System expansion, and authorizing Cottonwood County to issue the necessary interim financing bonds and long-term financing bonds to fund said system expansion and to have said Joint Powers Agreement govern the repayment of said bonds; said Joint Powers Agreement being executed with the understanding that the counties of Cottonwood, Jackson, Watonwan, Murray, Martin, Lyon, Redwood and Brown would all be parties to this Agreement.

Duly passed and adopted this 6<sup>th</sup> day of April, 2010.

VOTE:

For: Commissioners Pierce, Donnelly, Potter, Boler, and Schmidtke.

Against: None.

Absent: None.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

\_\_\_\_\_  
Dan Schmidtke, Chair

ATTEST: \_\_\_\_\_  
James Forshee, County Auditor/Treasurer

Roll Call AYES: Commissioners Pierce, Donnelly, Potter, Boler, and Schmidtke.  
NAYS: None. Resolution duly passed and adopted this 6<sup>th</sup> day of April, 2010.

Higgins stated the State has applied for and received approval of a Federal Transit Administration (FTA) grant for American Recovery and Reinvestment Act (ARRA) Transit Bus Vehicle-Related Equipment installation. Higgins went on to state this proposed resolution approves the cost to purchase the two way radio and other equipment installed on the ARRA bus that Martin County received in 2009.

Motion by Commissioner Donnelly, seconded by Commissioner Boler,

R-#17/'10

#### RESOLUTION

##### Authorizing State Funding for ARRA Transit Bus Vehicle-Related Equipment

BE IT RESOLVED, that Martin County, MN enter into an Agreement with the State of Minnesota to provide public transportation service in Martin County, MN; and

BE IT FURTHER RESOLVED, that Martin County, MN is entering into this grant contract with Mn/DOT for state funding for vehicle-related equipment; and

BE IT FURTHER RESOLVED, that Martin County, MN agrees to provide any costs that exceed the grant contract maximum.

BE IT FURTHER RESOLVED, that Martin County, MN authorizes the Martin County Commissioners Chair and Martin County Coordinator to execute the aforementioned Agreement and any amendments thereto.

Motion by Commissioner Donnelly, seconded by Commissioner Boler, was duly passed and adopted this 6<sup>th</sup> day of April, 2010.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Board Chair

ATTEST: \_\_\_\_\_  
Scott Higgins, County Coordinator

#### CERTIFICATION

I hereby certify that the foregoing resolution is a true and correct copy of the resolution presented to and adopted by the Martin County Board of Commissioners at a duly authorized meeting thereof held on the 6<sup>th</sup> day of April, 2010, as shown by the minutes of said meeting in my possession.

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Scott Higgins  
County Coordinator

Roll Call AYES: Commissioners Potter, Pierce, Boler, Donnelly, and Schmidtke.  
NAYS: None. Resolution duly passed and adopted this 6<sup>th</sup> day of April, 2010.

Higgins continued presenting a copy of a letter to Dr. Roger Ruan congratulating him for the advancements made in the development of the Microwave Assisted Pyrolysis units to efficiently convert biomass to bio-products; and the County's desire to continue collaborations, foster entrepreneurship and build toward commercialization of this or other promising technologies here in Martin County.

Motion by Commissioner Potter, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve Board Chair of the Martin County Economic Development Authority and the Martin County Board of Commissioners to sign a congratulatory letter to Dr. Roger Ruan for the advancements made in the development of Microwave Assisted Pyrolysis units to efficiently convert biomass to bio-products. Carried unanimously.

Higgins next stated that Rita Craven, current Temporary Office Staff in the Recorder's Office and past Computer Technology Teacher with the Fairmont School System and community colleges, is willing to conduct two Xcel computer training sessions to staff at \$100 per session.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve moving forward with scheduling two Xcel computer training sessions for county staff with Rita Craven at \$100 per session. Carried unanimously.

Higgins stated Rita Craven has been working on a temporary basis in the Recorder's Office. It was originally thought that the special project would be complete by April 30, 2010. It is now estimated the project will take an additional four months and Kay Wrucke, Martin County Recorder would like to extend Craven's office time to August 31, 2010.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve extension of Rita Craven as Temporary Office Staff for data entry project in the Recorder's Office for an additional four months from May 1, 2010 to August 31, 2010, at the same rate of pay; not eligible for county benefits. Carried unanimously.

Commissioner Donnelly opened discussion pertaining to inspection and maintenance of the county's two emergency generators.

The Board reviewed information the Blizzard Snowmobile Club's Annual Landowner Appreciation Meal; response letter from the Minnesota Department of Transportation regarding the Highway 15 Spring Load Restrictions; and two temporary summer positions for 4-H Extension (summer office assistant and summer program assistant).

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize per diems and expenses for Gerald Boler to attend the Resource Conservation and Development (RC&D) District Meeting to be held April 10-13, 2010 in Ohio. Carried unanimously.

The Board gave their reports and reviewed their calendars of previous and upcoming meetings and activities.

With no further business to wit, Board Chair declared the meeting adjourned at 11:25 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Board Chair

ATTEST: \_\_\_\_\_  
Scott Higgins, County Coordinator