

PROCEEDINGS OF THE MARTIN  
COUNTY BOARD OF COMMISSIONERS  
TUESDAY, JULY 17, 2007  
@ 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 Potter.

Those present were Commissioners Schmidtke, Boler, Pierce, and Donnelly. Also present were James Forshee, Martin County Auditor/Treasurer, Kevin Peyman, Martin County Highway Engineer, Terry Viesselman, Martin County Attorney, Jennifer Brookens, Sentinel Newspaper, Rod Halvorsen, KSUM/KFMC, Julie Walters, Administrative Assistant, and members of staff and public.

Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following addition: Consider Solid Waste Hauler License for B&B Sanitation of Winnebago, MN. Carried unanimously.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the July 3, 2007 regular Board of Commissioners meeting as presented. Carried unanimously.

Terry Viesselman, Martin County Attorney, reviewed a letter received from the Attorney General's Office regarding a petition to commit a sexual psychopathic personality/sexually dangerous person; and committal fees that Martin County will incur.

Viesselman next stated that he has received a Notice of Dismissal regarding the K-Mart Corporation v. Martin County – Tax Appeals and informed the Board the K-Mart Corporation has dropped the appeals.

Commissioner Pierce inquired about recovering attorney fees with respect to the tax appeals.

Viesselman stated attorney fees are not recoverable.

Dan Whitman, Martin County Assessor, presented an office update including information relating to a letter recently sent to all townships and small cities in the county notifying them of a per parcel increase this year for assessment services. Whitman stated Martin County has fallen behind in its charges to perform this function and the increase will bring our rate up in line with surrounding counties.

Whitman continued that the new on-line property information web site has been well received, with approximately 400 requests for information per day and over 55,000 requests for information since the service went on-line. Whitman stated that at a recent

Technology Committee meeting, he informed the committee that there is only one paying subscriber and the committee discussed and recommends eliminating the subscription fee and offering all information at no charge. Whitman went on to state that the Assessor's Office would be able to monitor the site for search engine abuse and if any was found, the office would still be able to take that right of free information away. Whitman concluded that the web site has definitely cut down on the phone traffic in the Assessor's Office and has had 100% positive feedback on presentation and information. After discussion,

It was decided by consensus of the Board to review the subscription site fees for the Beacon Web Presence Solution of \$50 per month for the expanded information.

James Forshee, Martin County Auditor/Treasurer, stated that the Sherburn Lion's Club has submitted their application for a 3.2% On-Sale Liquor License to be used for Cornstalk Festival to be held August 3<sup>rd</sup> to August 5<sup>th</sup>, 2007. Forshee noted the application fee has been received and recommends approval contingent upon receipt of the Certificate of Insurance.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize 3.2% On-Sale Liquor License for The Sherburn Lion's Club; contingent upon the Auditor/Treasurer's Office receiving the required Certificate of Insurance. Carried unanimously.

Billee Rabbe, Prairieland Solid Waste Coordinator, stated that B&B Sanitation of Winnebago, MN has requested a solid waste hauling license for the county; and that all of the required paperwork has been received, with the exception of the bond. Rabbe recommends approval contingent upon receipt of that bond.

Motion by Commissioner Schmidtke, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair and County Auditor/Treasurer, to sign the Solid Waste Hauler License for B&B Sanitation of Winnebago, MN; contingent upon receipt of bond. Carried unanimously.

Lynn Anderson of Ceylon, MN opened discussion regarding the county controlling the lake level of Clear Lake near Ceylon, MN. Anderson stated that due to Martin County issuing a permit to one person who said his field tile wasn't working correctly, the water level of Clear Lake is down to 6 foot of water. Anderson stated he has a petition signed by several people to have a dam installed to control the level of the lake. Anderson noted if the lake level isn't controlled the lake will lose all of the fish and will basically turn into a large slough. Anderson stated he has lived on Clear Lake for 33 years, has raised his family on the lake, and has many memories of fishing, boating, tubing, and skiing. Anderson handed out a map and pointed out that the channel in-between Fish Lake and the culvert that empties into Lake Susan, was opened up this year due to the County issuing a permit to a landowner and this is what has dropped our lake. Anderson went on to explain on the map, the lake level between Fish Lake and Clear Lake is maintained by this spillway; it equalizes the level between these two lakes and this channel empties into

this culvert. Anderson went on to state the majority of the water now is right around 6 feet; and the map I gave to you is showing that this lake should be held at approximately 8 foot. Anderson also noted he has been on the phone several times with Leo Getsfried, Area Hydrologist DNR Waters, who recommended he come to the Board to present his case, stating that one of the things Getsfried said, was tile should not be controlling this lake, it should be the level of the mouth of Fish Lake where it empties out down to this tile. Clear Lake is now at the same level as Fish and that spillway is full of water and it's right to the bottom of the tile, and the lakes are the same level, and if a dam were to be put in it would be up to the county.

Kevin Peyman, Martin County Highway Engineer, stated that putting in a dam would not be up to the county; it would be up to the Department of Natural Resources (DNR) as the DNR controls all of the lake elevations and the county is neutral. The DNR has a surveyed lake elevation that they have to maintain. Peyman continued that as Mr. Anderson stated, one person did approach the DNR, wanting to do some clean out and get that permitted. The DNR contacted us (the County) as permits need to be issued through the county on behalf of a landowner. The county's only involvement was as a recipient and was not involved in anything else. Peyman drew a diagram of Fish and Susan Lakes and the location of the outlet, pipe under the township road, and where the beaver dam was. Peyman included the DNR surveyed elevation levels of the lakes and pipe.

Wayne Hanson and Clair Schmidt, residents of Ceylon, MN were present for this discussion. Hanson views the problem of the lake level is in connection with a neighbor two tiles that drain into the lake and feels the lake level can be controlled by the county installing a dam upstream. Schmidt on the other hand is not placing blame on anyone and stated no one was aware there was a beaver dam holding water back. Schmidt continued that they were just doing what the DNR had said as far as bringing the problem to the County Board.

Commissioner Pierce suggested that Mr. Anderson look into forming a Lakes Association which provides many benefits including funding for the management of the water. After much discussion,

It was decided by consensus of the Board to ask the Martin County Engineer to set up a separate meeting with the Department of Natural Resources, County Highway Engineer, Board of Commissioners, and Lynn Anderson of Ceylon, MN to further discuss the water level of Fish Lake.

Chairman Potter thanked Mr. Anderson, Mr. Hanson, and Mr. Schmidt for attending the meeting and presenting a good discussion.

Nathan Behne of Jay Township was present and opened discussion pertaining to a Cease and desist order received in the fall of 2006 from Martin County Soil & Water Conservation District to immediately stop any activity draining, filling, or excavating the wetland. Behne stated he started this project last year to improve the waterway and make

more wetland than had been originally on the property so that wildlife will have better conditions. Behne handed out and reviewed maps of the project area and continued with plans that include excavation, grading of berm, cleaning out brush, and adding fill to plant trees. Behne stated the property was purchased for hunting purposes; but realized that the clogged waterway was in need of repair and that is how the project got started. Behne is requesting that the Order be lifted so he can complete the project and estimates there are a couple weeks worth of work left to do.

Rich Perrine, District Technician Martin Soil & Water Conservation District, stated a restoration plan has to be submitted and approved by the DNR before projects are to begin. Perrine went on to note that in discussing the proposed project with Behne, upon completion Behne will have a nice wildlife area. However, trees will need to be planted where that type of tree will grow without filling wetland. There are trees that can be planted in the wetland and there are trees that you can plant on the uplands – you can't fill in wetlands to plant trees. After discussion,

Commissioner Boler commented that the Board does not have any control over the DNR. While you might own the land, the DNR controls the wetland. Restoration plans must be submitted to Martin Soil & Water Conservation District and approved by the DNR before work can be started.

It was decided by consensus of the Board to suggest a separate meeting with Martin Soil & Water Conservation District, the Department of Natural Resources, and Nathan Behne to work out a wetland restoration plan in Jay Township.

Chairman Potter thanked Behne for attending the meeting and leading a good discussion.

Peyman stated that the Bid Letting for C.P. 07:08 Maintenance Gravel Production (Laue Pit) was held on Friday, July 13<sup>th</sup>, 2007 at 10:00 a.m. at the Martin County Highway Department – Fairmont, MN. Four bids were received:

### **Insert Bids**

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, after the appropriate advertisement for bids; and upon receiving bids for C.P. 07:08; and upon the recommendation of the County Engineer, hereby approve and award the low bid for Maintenance Gravel Production project to Rupp Construction of Slayton, Minnesota in the amount of \$149,305 (\$2.297/ton); and to authorize the Chair and County staff to sign and execute the necessary documents for the listed project. Carried unanimously.

Bob Wallace, President of the Fairmont Chamber of Commerce, introduced the Services for Challenging Youth, Inc. (SCY) stating it is a non-profit entity that has been in the community for some time now and strives to become a licensed facility in order to have billable hours and be self-sustaining. Wallace noted the program that SCY is most interested in is the Brief Strategic Family Therapy (BSFT) program that detects substance

abuse early in youth long before the youth become a problem for our law enforcement and court systems. Wallace concluded that SCY is requesting a commitment from the County of \$30,000 to \$40,000 to aid in the start-up of the BSFT program.

Greg Brolsma, Chief of Police, and Brad Gerhardt, Martin County Sheriff, were present to voice their support of the SCY and the BSFT program.

Brenden Babcock, President-Services for Challenging Youth, Inc., was present and reviewed the proposed BSFT program model which is an adolescent outpatient program in the schools. Babcock continued to have this program in the schools is primarily to help these young people begin to get back on track with their school, behaviors, sports, etc. Babcock went on to state the idea here is when kids begin to use chemicals early on, one of the first places it begins to appear indirectly is in the school setting. When we start to see kids with no previous difficulties in schools begin to suffer with grades, behavior, show up in the principal's office, and they don't tend to respond to the traditional interventions, we're typically looking at a chemical health issue or a mental health issue. Babcock continued to have this program model in the school is primarily to help these young people begin to get back on track with their school, behaviors, and sports, whatever. Babcock noted that it has been determined that the best way to sustain BSFT involves SCY to seek application from the Minnesota Department of Human Services to become a licensed Alcohol and other Drug Treatment Program. Babcock stated that in order to seek application from the State, he requests that the Board write a letter directed to the Department of Human Services Commission supporting the proposed program. Babcock stated that the SYC has had recent meetings with potential backers and have been given some initial good indications that the SYC can come up with funding to carry them from August, 2007 to January 1, 2008; but SYC is looking for that second half of \$30,000 to \$40,000 from the county to fund the BSFT program until licensing is received and the program is able to start billing and receiving income for services. After much discussion,

It was decided by consensus of the Board to request the Services for Challenging Youth, Inc., to draft and present a formal Letter of Support for consideration at the next regular Board of Commissioners meeting; and to submit the programs proposed CY2008 Operating Budget for review.

Commissioner Pierce left the meeting at 10:30 a.m.

Senator Julie Rosen and Representative Bob Gunther were present and gave a legislative update to the Board. Both reviewed what they felt were the most important issues of the State Legislative session including Human Services, Renewable Energy, Education, and the statewide smoking ban.

The Board along with the Martin County Highway Engineer asked Senator Rosen and Representative Gunther to address Roads and Bridges and the transportation funding package that was vetoed by Governor Pawlenty.

Peyman presented documentation outlining Martin County's Highway Department Funding showing Revenues of State Aid Allotment (Fuel Tax, License Fees, Motor Vehicle Sales tax); and Local Levy (Property taxes) from 2004 to 2007. State Aid Allotment during this period saw a \$69,376 decrease; and the Local Levy saw a \$397,249 increase (32% - an average of 8% per year). Peyman pointed out that Martin County has raised our property tax levy 32% over 4 years (8% per year average) to get the Highway Department a 7.3% budget increase over 4 years (1.8% per year average). Peyman next reviewed the department's expenditures including seal coat oil, road salt, crushed rock, blacktopping, and aggregate crushing in the year 2004 and 2007; all of which have had major increases each year, forcing the county to fall further and further behind each year. Peyman next reviewed the County's construction history and schedule dating from 1980 to 2009, noting that by using property taxes alone, the Highway Department just can't keep up.

After much discussion regarding the transportation funding package vetoed at the legislative session, Chairman Potter thanked Senator Rosen and Representative Gunther for their report.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, to recess the meeting at 11:05 a.m. Carried unanimously.

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, to reconvene the meeting at 11:35 a.m. Carried unanimously.

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, to recess from the regular Board of Commissioners meeting at 11:35 a.m. Carried unanimously.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, to convene as the Martin County Drainage Authority for Continuation Hearing for Improvement of JD #47 at 11:35 a.m. Carried unanimously.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, to close the public portion of the hearing. Carried unanimously.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, to adjourn at 12:10 p.m. Carried unanimously.

### **Insert Ditch Authority Minutes**

Motion by Commissioner Schmidtke, seconded by Commissioner Boler to reconvene the regular Board of Commissioners meeting at 12:11 p.m. Carried unanimously.

Reuven Doron, Donor Services & Outreach Officer with Southern Minnesota Initiative Foundation (SMIF), and Bob Wallace, past president of SMIF presented an update highlighting what the foundation has contributed to Martin County over the last 15 years

and thanked the Board for contributions made and the partnership formed between Martin County and SMIF in helping to fund this worthwhile program.

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, to recess for lunch at 12:16 p.m. Carried unanimously.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, to reconvene the regular Board of Commissioners meeting at 1:36 p.m. Carried unanimously.

Deb Mosloski, Drainage Administration, opened discussion that included the planting of 1 rod (16 ½ ft.) buffer strips on open ditches that have been redetermined; drafting a policy on preparation, seeding, and maintenance of the 1 rod buffer strips; and a draft letter to be sent to taxpayers that are not in compliance with maintaining the 1 rod buffer strip. Greg Johanson, Program Specialist - Martin Soil and Water Conservation District, was also present and contributed to this discussion regarding SWCD's proposed role in the clean out and removal of large rocks in these ditches and seeding preparation. After discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Martin County Drainage Authority to send letters informing taxpayers affected that compliance with MS 103E.021 for maintaining the 1 rod buffer strip on the open ditches that have been redetermined will be strictly enforced effective in 2008; and to further discuss the necessary preparation, seeding, and maintenance of the 1 rod buffer strips with Martin County Soil and Water Conservation District. Carried unanimously.

Mosloski next reviewed a letter received from Bear Cub Energy and certain language included on page 2 of their Agricultural Best Management Procedures, listed under Mitigative Actions – Repair of Damaged and Adversely Affected Tile. Mosloski continued that the language as stated “Drain tiles and drainage systems damaged by the construction will be mitigated and returned to serviceable condition” is too vague. Mosloski then presented suggested language she had written for Bear Cub Energy on “Repair of Damaged and Adversely Affected Tile and Drainage Systems.” After discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize county staff to draft a letter to Bear Cub Energy to revise language making it more understandable as far as rules and obligations for existing tiles and utilities. Carried unanimously.

Mosloski concluded with a brief discussion requesting more precise and descriptive footage and map measurements when citizens come up to Drainage Administration to find out if there is county tile within so many feet of their hog lot.

Commissioner Donnelly stated Joanne DeLoss will be unable to fill the balance of her one year term on the Martin County Economic Development Authority Commission and is recommending the appointment of Jerry Clark of Fairmont, MN to fill the balance of the one year term.

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, Be It resolved that the Martin County Board of Commissioners, hereby approve and authorize the appointment of Jerry Clark of Fairmont, MN to the Martin County Economic Development Authority Commission; to serve the balance of one year term expiring December 31, 2007. Motion carried. Carried unanimously.

Pam Flitter, Martin County Zoning Official, was present and informed the Board that Buffalo Lake had already been approved; therefore, the suggested language revisions regarding the repair of damaged and adversely affected tile and drainage systems should be sent under separate cover to Bear Cub Energy. Flitter stated that in the future, items may certainly be tied into the conditions on Conditional Use Permits or Variances.

Forshee stated an invoice has been received from the Minnesota River Board for the 2007 Yearly Dues payment in the amount of \$1,926. Forshee continued that the yearly dues for 2006 were \$1,390 and that the difference of \$536 was not included in the 2007 budget.

Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize payment to the Minnesota River Board in the amount of \$1,926 for the 2007 Yearly Dues. Carried unanimously.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the payment of claims for the month of July, 2007 as presented; including Martin County Highway Department claims as presented. Carried unanimously.

Warrants received and paid July 17, 2007 are registered on file in the Auditor/Treasurer's Office as follows:

Revenue Fund – Warrants Approved July 17, 2007	\$213,412.20
Enhanced 9-1-1 Fund	\$ 11,018.72
Recreation and Safety Fund	\$ 2,453.64
Solid Waste Management Fund	\$ 22,453.50
Law Library Fund	\$ 3,824.66
Martin County Transit Fund	\$ 84,629.01
Building-CIP-Fund	\$ 106.18
Bank Building Fund	\$ 4,061.07
Debt Service Fund	\$ 1,461.25
Taxes & Penalties Fund	\$ 115.00
Forfeited Tax Fund	<u>\$ 6.00</u>

Grand Total \$343,541.23

Martin County Ditch Fund – Warrants Totaled \$ 23,653.50  
Road and Bridge Fund – Warrants Totaled \$ 38,266.27

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

With no further business to wit, Motion by Commissioner Donnelly, seconded by Commissioner Boler, to adjourn the meeting. Motion Carried. Commissioner Pierce was absent. Meeting adjourned at 3:10 p.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Jack Potter, Chair

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