

PROCEEDINGS OF THE MARTIN
COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 18, 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, Scott Higgins, Martin County Coordinator, Kevin Peyman, Martin County Highway Engineer, Julie Walters, Administrative Assistant, Kylie Saari, Sentinel Newspaper, Terry Viesselman, Martin County Attorney, and members of staff and public.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda as presented. Carried unanimously.

There were no minutes to approve.

Terry Viesselman, Martin County Attorney, was present and had nothing new to report.

Kevin Peyman, Martin County Highway Engineer, presented a resolution authorizing Board Chair and Auditor/Treasurer to sign the Agency Agreement with MN/DOT to conduct a county wide roadway safety audit.

Motion by Commissioner Pierce, seconded by Commissioner Boler,

Martin County Highway Department
#H Resolution
No. 1 - 2007

**RESOLUTION FOR
AGENCY AGREEMENT**

BE IT RESOLVED, that pursuant to Minnesota Statute Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the County of Martin to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

BE IT FURTHER RESOLVED, the County Board Chairman and the County Auditor are hereby authorized and directed for and on behalf of the County to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 91741", a copy of which said agreement was before the County Board and which is made a part hereof by reference.

Upon motion by Commissioner Pierce, seconded by Commissioner Boler, and carried, said resolution was duly passed and adopted this 18th day of September, 2007.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MINNESOTA

Jack Potter, Chairperson

Attest: _____

Scott Higgins
County Coordinator

CERTIFICATION

I hereby certify that the above is a true and correct copy of a Resolution duly passed, adopted and approved by the County Board of Commissioners of said County on September 18th, 2007.

Scott Higgins
County Coordinator

Roll Call AYES: Commissioners Schmidtke, Donnelly, Boler, Pierce, and Potter.
NAYS: None. Duly passed and adopted this 18th day of September, 2007.

Peyman continued presenting the Agreement between the Minnesota Department of Transportation (MN/DOT) and Martin County, whereas Martin County designates MN/DOT to act as its agent in accepting federal funds in its behalf made available for the county wide roadway safety audit project in the estimated cost of \$50,000.

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 Agency Agreement between the Minnesota Department of Transportation (MN/DOT) and Martin County for Federal Participation in Preliminary Engineering for S.P. 46-030-02; M.P. CHSP 07(016) federal aid project to conduct county wide roadway safety audit in the estimated cost of \$50,000. Carried unanimously.

Jeff Markquart, Sheriff's Deputy, reviewed information on a one time grant received from the Minnesota Institute of Public Health in the amount of \$5,000 targeted to adults who provide alcohol to minors, called Zero Alcohol Provider or ZAP which allows each Law Enforcement Agency to request help from another Agency without concern about liability, damage, or compensation. Markquart continued this means that if there is a problem with a party in Trimont, an officer can call for help from surrounding Agencies to assist when needed. Markquart noted that other strategies in the ZAP Program include

media releases, reward program, posters in the schools, and other enforcement operations.

Commissioners agreed that keeping young kids from drinking is a valuable use of law enforcement's time. However, Commissioners did raise their concern regarding law enforcement and the legal drinking age of 21.

Chief Brolsma was present and stated he believes the Mutual Aid Agreement allows police to help kids trying to stay away from drugs and alcohol. Brolsma continued that 8th, 9th, and 10th graders have come to me saying they are trying to stay clean, but there is so much peer pressure and availability it makes it difficult. After much discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the County Sheriff to sign Martin County Underage Drinking Mutual Aid Agreement, whereas the Martin County Sheriff's Office, Dannel Police Department, Fairmont Police Department, Sherburn/Welcome Police Department, Trimont Police Department and Truman Police Department desire to participate in Mutual Aid Enforcement, Now therefore be it resolved, by all parties to this agreement, who voluntarily authorize the participation of their respective Departments in this Martin County Mutual Aid Agreement, this agreement will remain in effect until May 31, 2008. Carried unanimously.

Scott Higgins, Martin County Coordinator, stated that the Sheriff's Office is recommending a renewal agreement with GeoComm Inc. for providing E-911 System Maintenance Consulting Services for the Sheriff's Office. Higgins noted the renewal agreement no longer includes new software version releases resulting in a cost reduction with the annual fee at \$4,450 and is effective October 1, 2007 through September 30, 2008.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Board Chair to sign the maintenance and support contract between GeoComm Inc. of St. Cloud, MN and Martin County, for professional services for E-911 System Maintenance Consulting Services effective October 1, 2007 and continuing through September 30, 2008 in the amount of an annual fee of \$4,450. Carried unanimously.

Dan Whitman, Martin County Assessor, presented a proposal for establishing an electronic Certificate of Real Estate Value process through the Minnesota Department of Revenue (DOR). Whitman stated one of the main objectives is the ability to submit CRV's electronically via file or on-line form to the DOR. Whitman noted the cost of this project is \$1,250 and in order to begin this process, the county would need to submit payment of one-half of the cost.

Commissioners questioned the importance of the Certificate of Real Estate Value and what does it actually accomplish?

Whitman stated the CRV gives the Assessor's Office the information of all sales so that we (appraisers) can go out and verify all sales to determine if there is something unusual about a particular sale. Whitman went on to state that Minnesota law prohibits the selling of a piece of property without a CRV; thus allowing an Assessor's Office to know every piece of property that is actually sold. After further discussion,

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve filing electronically Certificate of Real Estate Values through process established by the Minnesota Department of Revenue and to authorize and approve expenditure of the process in the amount of \$1,250 to be expended from the County Assessor's budget. Carried unanimously.

Deb Mosloski, Drainage Administration, and Ron Ringquist, Viewer, were present for a telephone conference with Faribault County Commissioners regarding the redetermination of JD #14.

Ringquist presented the report pertaining to Judicial Ditch #14 to both Boards and that no action on the report was needed at this time. Ringquist continued the reason the two County Ditch Authorities are meeting at this time was so that a public hearing meeting date could be set, noting the law says that within 30 days of receiving the reports the Board will set a hearing; which means that we've got 30 days to officially set the hearing date. Ringquist went on to state he would also like is to tentatively set up meetings in both counties to meet with the landowners prior to the official public hearing to be able to review the redetermination and answer any questions the landowners may have prior to the public hearing. Ringquist stated the need to have at least one day in Fairmont and one day in Blue Earth. Ringquist stated these meetings do not require the Board to attend, but you are welcome to. Then at the second meeting in October the Board will confirm and officially set the hearing date which must be between 25 and 50 days after the hearing is set. That will put us in the second half of November or the first part of December for the actual hearings. Ringquist continued by then field work should be done and people will be able to come to the meeting.

Ringquist went on to propose that the public hearing date be set for the second half of November or the first half of December for Joint Ditch Authority to meet. This is a large system and contains a large number of landowners. My understanding is that it will be the Joint Ditch Authority with three members of Martin County and two from Faribault County, to approve the the Re-determination of JD#14. If after that the system is split into the four recommended reports then new boards will be established for those separate systems. There the outlet ditch will be three members from Faribault County and two from Martin County.

Tom Loveall, Faribault County Commissioner, stated as he understood it Butch Erichsrud and he would be the two Commissioners that would be part of the Joint Ditch Authority for JD #14. Commissioner Steier will be the third involved if system is separated. After discussion,

By consensus of the Martin County Board of Commissioners, acting as the Martin County Drainage Authority, and the Faribault County Board of Commissioners, acting as the Faribault County Drainage Authority, hereby set a tentative public hearing date for Tuesday, November 20, 2007 beginning at 2:00 p.m. for the redetermination of JD #14, to be held at the Martin County Library - Lower Level Meeting Room - 110 North Park Street in Fairmont, MN.

James Forshee, Martin County Auditor/Treasurer, presented a resolution requesting approval from the Minnesota Department of Natural Resources for the sale of said parcels of land that have been forfeited to the State of Minnesota for non-payment of property taxes.

Motion by Commissioner Schmidtke, seconded by Commissioner Boler,

MARTIN COUNTY BOARD RESOLUTION # 46 /'07

WHEREAS, The County Board of Commissioners of the County of Martin, State of Minnesota, desires to offer for sale certain parcels of land that have forfeited to the State of Minnesota for non-payment of taxes, and

WHEREAS, Said parcels of land have been viewed by the County Board of Commissioners and have been classified as non-conservation lands as provided for in Minnesota Statutes 282.01.

NOW, THEREFORE, BE IT RESOLVED That the Martin County Board of Commissioners hereby certify that all parcels of land on the attached list 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 Martin County Board of Commissioners hereby request approval from the Minnesota Department of Natural Resources for the sale of said lands.

MOTION WAS MADE by Commissioner Schmidtke, seconded by Commissioner Boler, and carried to adopt said resolution.

Dated the 18th Day of September, 2007.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MINNESOTA

Jack Potter, Chairperson

ATTEST: _____
 Scott Higgins
 Martin County Coordinator

CLASSIFICATION AND APPRAISED VALUE OF FORFEITED LANDS:

The following list of tax forfeited lands are classified as non-conservation lands in accordance with Minnesota Statutes 282.01, appraised value set as listed and filed with the County Auditor/Treasurer:

ASSMTS SUBDIVISION	SEC/ LOT	TWP OR BLOCK	RANGE	APPRAISED VALUE OF LAND	SPEC. BEFORE FORFEITURE
<u>CITY OF CEYLON</u>					
21.060.0050					
ORIGINAL	7	1			
\$157.07					
<u>CITY OF FAIRMONT</u>					
23.041.0030					
AUDITOR'S PLAT W 35' OF E 75' OF AP		2		\$1.00	\$2,316.65
23.122.0570					
GOULD'S E50' OF N ½		10			
\$2,756.92					
23.239.0010					
STOKE'S N ½ OF	1 & 2	1			
\$3,809.58					
<u>CITY OF GRANADA</u>					
35.180.0010					
BECKERS ADDN.	1 & 2	2		\$500.00	\$3,012.25
<u>CITY OF SHERBURN</u>					
38.650.1030					
SOUTH SIDE ADDITION	12	5			
\$4,295.50					
38.650.1040					

SOUTH SIDE ADDITION 13 &14 5
 \$8,591.00

CITY OF TRIMONT(M)

39.040.0050

UNPLATTED 1 2 \$7500.00 \$6522.29
 3.30 AC TRACT S OF
 AIRPORT ADDITION (M)

39.100.0120

AIRPORT ADDITION (M) 9 2 \$500.00 \$833.95

39.100.0130

AIRPORT ADDITION (M) 10 2 \$500.00 \$833.95

39.100.0140

AIRPORT ADDITON (M) 11 2 \$1000.00 \$1310.87

39.325.0080

JENKIN'S ADDN(M)
 E 19' OF W 37' OF 4 2 \$1.00 \$ 0.00

CITY OF TRIMONT(T)

39.820.0220

ORIGINAL (T)
 (EX W 7" OF 2) 1 & 2 3 \$2,442.57

CITY OF TRUMAN

41.060.0780

ORIGINAL 4 & 5 8 \$37.16

41.060.0790

ORIGINAL 6 8

Roll Call AYES: Commissioners Donnelly, Pierce, Boler, Schmidtke, and Potter.
 NAYS: None. Duly passed and adopted this 18th day of September, 2007.

Higgins stated the Martin County Economic Development Authority (MCEDA) submitted a grant proposal for the Development of Entrepreneurs and Small Businesses in Martin County to the Department of Employment and Economic Development – Business and Community Development Division and has been awarded said grant in the amount of \$49,000 effective State Fiscal Year 2008-2009. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve acceptance of the grant from the Department of Employment and Economic Development (DEED) for the

Development of Entrepreneurs and Small Businesses in Martin County, in the amount of \$49,000 annually, effective for the State Fiscal Years of 2008-2009; and to approve the required annual match for the grant; and to authorize Lawrence Sukalski, Chairman-Martin County Economic Development Authority (MCEDA) to sign Grant Contract on behalf of the county. Carried unanimously.

Motion by Commissioner Schmidtke, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the appointment of the following Martin County citizens to the Martin County Water Plan Advisory Committee for the following positions and terms: Jason Greenfield, Engineer – VeraSun Energy Project, BioFuels Representative, Term Ending 2009; and Douglas Hilgendorf, Whole Grain Milling, Small Business Representative, Term Ending 2009. Carried unanimously.

Higgins stated Commissioner Schmidtke received a letter from the community of Sherburn, MN stating that the City of Sherburn has had a movie theater in existence and operating for many years and has provided reasonable entertainment for people, young and old. Higgins continued the equipment in this theater is from the 1940’s and has reached the point that it is inoperable. Higgins noted a Task Force group of concerned citizens have come together and have been able to secure a bid for updated, used equipment at a cost of \$25,000. Higgins concluded the Task Force is respectfully requesting financial assistance from the Martin County Commissioners to help with the cost of this equipment. After discussion,

Consensus of the Board to table the request from City of Sherburn Task Force group for financial assistance for used movie theater equipment until the next regular Board of Commissioners meeting.

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

Warrants received and paid September 18, 2007 are registered on file in the Auditor/Treasurer’s Office as follows:

Revenue Fund – Warrants Approved September 18, 2007	\$161,179.51
Park & Recreation Fund	\$ 42,574.16
Enhanced 9-1-1 Fund	\$ 7.04
Solid Waste Management Fund	\$ 17,188.35
Law Library Fund	\$ 730.00
Martin County Transit Fund	\$ 49,188.17
Ind. Sewage Treatment Sys. Loan FD (ISTS)	\$ 16,137.00
Building – CIP – Fund	\$ 8,103.15
Bank Building Fund	\$ 661.67
Forfeited Tax Fund	\$ 130.65
Grand Total	\$295,899.70

Martin County Ditch Fund – Warrants Totaled	\$ 16,591.67
Road and Bridge Fund – Warrants Totaled	\$142,539.23

Forshee presented clarification on the September, 2007 warrant list for the County Attorney allotment; and two vouchers turned in by employees for reimbursement of their Martin County Fair admission for working at the county fair booth. Forshee noted reimbursement was never approved nor did anyone else turn in a voucher for reimbursement and recommends these warrants be taken off the Warrant list.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby deny the reimbursement claims for County Fair admission fees. Carried unanimously.

Pam Flitter, Zoning Official, reviewed the Amendment to the Martin County Zoning Ordinance, Bed & Breakfast/Guest Cottages, including specific questions by the Commissioners regarding Chapter 26 General Regulations. Flitter continued that no one has questioned the proposed Amendments and no one came to the Public Hearing that was held by the Martin County Planning Commission in late August, 2007. Flitter concluded the Board now has the option of adopting the proposed Amendments to the Martin County Zoning Ordinance as is; or if the Board wishes to significantly change the proposed Amendment to send those changes back to the Martin County Planning Commission; or the Board may schedule their own Public Hearing. There were no public present and no written public comments submitted. After careful review and discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, upon careful consideration and review, hereby approve and adopt the Amendment to the Martin County Zoning Ordinance, Bed & Breakfast/Guest Cottages as presented and to direct county staff to publish and record the Ordinance as required. Carried unanimously.

**ADOPTION NOTICE OF AMENDMENT
TO THE MARTIN COUNTY ZONING ORDINANCE**

NOTICE IS HEREBY GIVEN, An amendment to the Martin County Zoning Ordinance by the Martin County Board of Commissioners took place on Tuesday, September 18, 2007, at 10:00 a.m. in the Martin County Commissioners Room (located on the first floor of the Martin County Courthouse), 201 Lake Avenue, Fairmont, Minnesota. The amendments adopted include:

- Table of Contents ~
Add Subdivision 28 to Chapter 26 ~ General Regulations ~ Bed & Breakfast/Guest Cottages Establishments

- Chapter 3 ~ Definitions ~
Add Definitions:

- Bed & Breakfast. An owner-occupied dwelling unit where short-term lodging rooms and meals are provided.
 - Guest Cottage. Means a structure used as a dwelling unit that may contain sleeping spaces, kitchen or bathroom facilities in addition to those provided in the primary dwelling unit on a lot. Such cottage shall only be permitted as an accessory use to the primary dwelling.
- Chapter 10 ~ Agricultural District ~
Add #15 Guest Cottage and #16 Bed & Breakfast to Subdivision 3. Conditional Uses.
- Chapter 19 ~ “R-1” Single Family Residential District ~
Add #6 Guest Cottage and #7 Bed & Breakfast to Subdivision 3. Conditional Uses.
- Chapter 14 ~ “SL-1” Special Protection District ~
Add #5 Guest Cottage and #6 Bed & Breakfast to Subdivision 3. Conditional Uses.
- Chapter 15 ~ “SL-2” Residential Recreational District ~
Add # 6 Guest Cottage and #7 Bed & Breakfast to Subdivision 3. Conditional Uses.
- Chapter 26 ~ General Regulations ~
Add Subdivision 28. Bed & Breakfast and Guest Cottage Establishments. The purpose of the Bed and Breakfast/Guest Cottage Section shall be to allow persons to engage in economic activities that do not disturb their neighbors or create safety or environmental concerns at levels that are higher than as otherwise permitted in the areas.
 1. The Bed & Breakfast facility shall not provide more than eight (8) rooms for rent or no more than twenty (20) guests at one time.
 2. The Guest Cottage facility shall not provide more than one (1) unit for rent or no more than eight (8) guests at one time and may not exceed either 700 sq. ft. or 15’ in height. Guest Cottages are only allowed if the lot meets the lot area requirements for a duplex.
 3. No meals will be provided other than breakfast served to persons who rent the rooms.
 4. The Bed and Breakfast/Guest Cottage facility will follow state guidelines with regard to food and alcoholic beverages.
 5. The Bed and Breakfast facility was originally built and occupied as, or was converted to, a single-family residence prior to being used as a place of lodging.
 6. There shall be adequate parking for renters of the facility.
 7. The septic system shall meet standards as set forth in Chapter 7080 of the Individual Sewage Treatment System Standards and Martin County Sewage and Wastewater Treatment Ordinance.

8. The facility will be located on the same property as the owner's personal residence. Owner must live on the premises. Cottages shall only be permitted as an accessory use to the primary dwelling, must remain part of the property, and may not be split off and sold separately.
9. Bed & Breakfast/Guest Cottages must be fully compliant with other applicable standards including PUD requirements if needed in Shoreland Districts.
10. No additional recreational facilities for guests unless specifically allowed in Shoreland Districts. (example: boat access)

A copy of the amendments are available at the Martin County Planning & Zoning Office located on the first floor of the Courthouse during normal working hours.

Pam Flitter
Martin County Zoning Official

The Board reviewed reports and calendars.

With no further business to wit, Motion by Commissioner Schmidtke, seconded by Commissioner Pierce, to adjourn the meeting. Motion carried. Meeting adjourned at 10:24 a.m.

The Board attended the Annual Employee Recognition Day program beginning at 11:30a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Jack Potter, Chair

ATTEST: _____
Scott Higgins, County Coordinator