

PROCEEDINGS OF THE  
MARTIN COUNTY BOARD OF COMMISSIONERS  
TUESDAY, DECEMBER 2, 2008  
@ 9:00 A.M.

The regular meeting of the Martin County Board of Commissioners was called to order at 8:59 a.m. by Chairman Pierce.

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

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following deletions: Delete 3.1 Review minutes of regular Board of Commissioners meeting on November 18, 2008; and 8.1 Consider Hire of Full-Time Shop Mechanic – Highway Department. Carried unanimously.

James Forshee, Martin County Auditor/Treasurer, presented his office's request for consideration of a second year-end bill payment cycle in December, 2008.

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve a second year-end bill payment cycle in December, 2008; and authorize the Auditor/Treasurer to approve such bill payments for December, 2008. Carried unanimously.

Forshee next stated Tobacco License applications have been received from various establishments throughout the county and requested Board approval of the Tobacco License applications contingent upon receiving the required documents.

Motion by Commissioner Potter, seconded by Commissioner Boler,

R-#35/'08

RESOLUTION

ISSUANCE OF TOBACCO LICENSE FOR 2009

WHEREAS, the County of Martin, MN (County) has established a Tobacco Ordinance (Ordinance) relating to the sale, possession, and use of tobacco in Martin County and to reduce the illegal sale, possession, and use of such items to and by minors, along with compliance with Minnesota Statutes and Rules; and,

WHEREAS, applications for a tobacco license to sell tobacco shall be made through the County and its required forms as established by the Ordinance; and,

WHEREAS, the Martin County Board of Commissioners (Board) may either approve or deny the license, or delay it for such reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the Board approves the application, the County Coordinator shall issue the license. If the application is denied, notice of the denial shall be given to the applicant along with notice of the applicants right to appeal the Board's decision; and,

WHEREAS, all licenses shall be valid under the Ordinance for one calendar year from the date of issuance; and,

NOW THEREFORE BE IT RESOLVED that the Martin County Board of Commissioners, hereby approve and authorize tobacco license for the following Retail Establishments, and valid for the year 2009; contingent upon receiving required documents:

License Approved for:

- NuWay Cooperative, d/b/a NuMart/Cenex – Welcome, MN
- NuWay Cooperative, d/b/a NuMart/Cenex – Trimont, MN

Upon this motion made by Commissioner Potter, seconded by Commissioner Boler, was duly made and passed this 2<sup>nd</sup> day of December, 2008.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Pierce, Chair

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

Roll Call AYES: Commissioners Potter, Donnelly, Schmidtke, Boler, and Pierce.  
NAYS: None. Duly passed and adopted this 2<sup>nd</sup> day of December, 2008.

Kevin Peyman, Martin County Highway Engineer, presented his recommendation for step increase for Greg Rabbe who has reached his employment anniversary date.

Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of County Highway Engineer, hereby approve and authorize step increase according to Supervisor's Union Contract for Greg Rabbe, Road Foreman, from Grade 16 Step 7 at \$26.89/hour to Grade 16 Step 8 at \$27.55/hour, effective December 8, 2008. Carried unanimously.

Peyman stated his office is close to bringing a recommendation before the Board for filling the open Shop Mechanic position at the Highway Department.

Peyman stated that at times there are requests to hunt on county owned land. Peyman stated it has been the county's policy not to allow hunting on any county owned land; however, each year the Highway Department receives a few requests. Peyman stated that there is a potential for increased liability to county.

Sheriff Gerhardt stated there is a model policy in Minnesota to study that would allow for training classes to be held, specializing in safety, and issuing permits that would allow hunting in special areas where perhaps the deer population or turkey population needs to be thinned out.

Commissioner Schmidtke voiced his concern for citizens that are out walking in or near county owned land as hunters don't always know what is on the other side of where they are shooting. After much discussion,

Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, after careful review and consideration, hereby approve to continue current County policy of No Hunting Allowed on any County Owned Property for the remainder of the 2008 hunting season; and to explore a permit type policy for the 2009 hunting season. Carried unanimously.

Peyman concluded with an update on the new salt shed that has been installed at the Fairmont Highway Department.

Terry Viesselman, Martin County Attorney, stated he has reviewed the AIA agreement from Klein/McCarthy Architects for facility master planning for Martin County and has approved it as to content and form.

Viesselman next reviewed information received from the Department of Natural Resources (DNR) regarding this morning's public hearing on the petition to change the name of Lake Wilmert.

Brad Gerhardt, Martin County Sheriff, stated the Sheriff's Office has submitted the annual Emergency Management Performance Grant (EMPG) for Federal Fiscal Year 2008 and has received notification of approval in the amount of \$16,342. Grant dollars received go toward expenses for Emergency Management in the Sheriff's Office.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke,

R-#36/'08

RESOLUTION AUTHORIZING EXECUTION OF  
EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM  
AGREEMENT

Be It Resolved, that Martin County, MN enters into a Grant Agreement with the State of Minnesota, acting through its Commissioner of Public Safety, Division of Homeland Security and Emergency Management for the program entitled Emergency Management Performance Grant (EMPG) in the amount of \$16,342.00 effective January 1, 2008 through December 31, 2008 for the Federal Fiscal Year 2008.

Martin County Sheriff, along with Board Chair, is hereby authorized to execute and sign such Grant Agreements and amendments as are necessary to implement the project on behalf of Martin County, MN.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, and was duly made and adopted this 2<sup>nd</sup> day of December, 2008.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Pierce, Chair

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

Roll Call AYES: Commissioners Donnelly, Boler, Schmidtke, Potter, and Pierce.  
NAYS: None. Duly passed and adopted this 2<sup>nd</sup> day of December, 2008.

Gerhardt continued that Tom Garry, Corrections Officer with the Martin County Sheriff's Office, has submitted his resignation effective January 3, 2009.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby accept the resignation of Tom Garry, Corrections Officer, from employment with Martin County effective January 3, 2009. Carried unanimously.

Kathy Smith, Martin Soil and Water Conservation District Director, presented the proposed Service Agreement for the implementation of the County Water Plan in the amount of \$23,387 noting that this amount is derived from the 2009 Allocation from the Natural Resources Block Grant (NRBG) funds with \$18,033 in grant dollars and \$5,354 County cash match; and the proposed Service Agreement and resolution authorizing the administration of the Wetland Conservation Act (WCA) in the amount of \$20,000 with \$10,000 grant funding (NRBG) and \$10,000 County cash match.

Motion by Commissioner Boler, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign Service Agreement between Martin County and Martin Soil and Water Conservation District for Martin SWCD to administer the 2009 Martin County Water Plan Program in the amount of \$23,387. Carried unanimously.

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign Service Agreement between Martin County and Martin Soil and Water Conservation District for Martin SWCD to administer the 2009 Minnesota Wetland Conservation Act in the amount of \$20,000. Carried unanimously.

Motion by Commissioner Donnelly, seconded by Commissioner Boler,

A RESOLUTION REGARDING THE ADMINISTRATION OF THE  
WETLAND CONSERVATION ACT

MARTIN SOIL AND WATER CONSERVATION DISTRICT

Resolution No. R-#37/'08

WHEREAS, Martin County is authorized by Minnesota Administrative Rules Part 8420.0200, subpart 2, to delegate certain functions with regard to implementation of the Wetland Conservation Act, including decision authority for exemption, no loss, wetland boundary and type, replacement plan, and wetland banking determinations with its staff.

THEREFORE; BE IT RESOLVED by the Board of the Commissioners of martin County that decision authority for exemption, no loss, wetland boundary and type, sequencing determinations, replacement plan, and wetland banking determinations are placed with the District Technician, Rich Perrine.

Date: 12/02/08

Martin County

By: \_\_\_\_\_  
Chair of the Board of Commissioners

Resolution No. 37: Offered by Commissioner Donnelly, seconded by Commissioner Boler, adopted by a vote of Five-Zero at the regular meeting of the Board of Commissioners of Martin County on 12/02/08.

\_\_\_\_\_  
Scott Higgins, County Coordinator

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

NAYS: None. Duly passed and adopted this 2<sup>nd</sup> day of December, 2008.

Rich Perrine, SWCD Technician – WCA/Water Plan, presented an agency update on the 2008 Water Plan Activities and Wetland Conservation Act activities, stating the District continues to focus on projects toward meeting Water Plan goals and objectives, and that approximately twenty-five sites have been reviewed for potential wetland impact.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file the Martin Soil and Water Conservation District Agency Update on the 2008 Water Plan and Wetland Conservation Act activities in Martin County as presented. Carried unanimously.

Darwin Roberts, Martin Soil and Water Conservation District Supervisor, was present to discuss two separate issues: proposed legislation to redistrict all Soil and Water Conservation Districts to realign the nine water basins in Minnesota, making the counties responsible for collecting taxes to compensate the Wetland Conservation Act; and the potential for contractors to lose their license if found to be working in a possible wetland area.

Roberts concluded with proposed dates for a special joint meeting with the Martin Soil and Water Conservation District. After discussion,

It was decided by consensus of the Board to set the date of Tuesday, January 6, 2009 for a special joint meeting with Martin Soil and Water Conservation District. The meeting will begin at noon at a location yet to be determined.

Scott Higgins, Martin County Coordinator, stated the MRCI janitorial services contracts are up for renewal for one year (2009) and that according to the proposed agreements there is 4% increase to the monthly charge as follows:

- Human Resources Building (Human Services) from \$1,372.80 per month to \$1,428.00 (\$55.20/month increase)
- Courthouse, Security Building, Library from \$1,047.28/month to \$1,090.00 (\$42.72/month increase)

Higgins noted the scope of work to be completed has been reviewed with MRCI and our Maintenance Director states that MRCI has done a nice job for the county in the last year and would like to continue with their services. After discussion,

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, realizing the request for a 4% increase for CY2009 for Janitorial Services with MRCI; hereby offers a 2% increase for the listed janitorial services, effective January 1, 2009 through December 31, 2009 for the following facilities: Human Resource Building (Human Services); Courthouse, Security Building, and Library. AYES: Commissioners Potter, Schmidtke, Boler, and Pierce. NAYS: Commissioner Donnelly. Motion carried.

The Board recessed at 9:58 a.m.

The Board reconvened at 10:02 a.m.

Chairman Pierce opened the public hearing for consideration of the petition received to change the name of Lake Wilmert in Silver Lake Township in Martin County, Minnesota

from Lake Wilmert (spelled with one “l”) to Lake Willmert (spelled with two “l’s”). Petitioners were present as well as members of the public including those who are affected by the proposed change.

Scott Higgins, Martin County Coordinator, stated the county has received the affidavit of publication and has notified Lawrence Sukalski, Silver Lake Township Chair, and Mark Holsten, Commissioner of the Department of Natural Resources, as required.

Chairman Pierce asked for input from the public.

Grant Willmert, a descendent of August and John Willmert who founded and named the lake, was present. Willmert stated August and John Willmert settled the lake and farmed a plot of land there. Once they had a standoff with the Indians, the Willmert’s relocated to Blue Earth, Minnesota because there was a fort there and there wasn’t one in Fairmont at that time. Willmert continued that August and John spelled their name with two l’s and that he did not know how one of the l’s got dropped from the lake name. Willmert stated he is not asking for a name change, he is asking that the spelling be corrected.

Robert Pousch, a resident that lives on the west side of Lake Wilmert, was present and questioned how long the current name has been on the books. According to state statutes, if the name has been on the books for more than forty years, it cannot be changed at the county level. Pousch was also concerned about confusion on the street name with the different spelling especially with the 911 addressing system.

Pete Boulay of the Department of Natural Resources (DNR), geographic names liaison for the state, was present and pointed out that the earliest recording of the lake had it listed as Lake Wilmont. Then it went back and forth between the two names, but after the 1920’s it was referred to as Lake Wilmert. Boulay also pointed out that he found August Willmert on the books and spelled with two l’s; and that either of the spellings would be acceptable to the DNR. Boulay stated if Commissioners approve today to change the name from Lake Wilmert to Lake Willmert, the state would likely take the county’s stance into consideration. Boulay continued that if approved, the changes would take place gradually and that the new name would appear on new maps as they were published and there wouldn’t be a rush to replace signs.

Fred Zoeller stated he would pay for the two sign changes that are on the lake.

Duane Bursaw, Silver Lake Township Clerk, was present and stated the township has no objections to correcting the spelling of Lake Wilmert.

Chairman Pierce asked for any additional input from the public. There was none.

Motion by Commissioner Donnelly, seconded by Commissioner Boler, to close the public portion of the meeting. Carried unanimously. After further discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, upon careful consideration and review, hereby approve the Findings of Fact and Resolution on the Petition to Change the name of Lake Wilmert (spelled with one “l”) to Lake Willmert (spelled with two “l’s”) in Silver Lake Township, Martin County, Minnesota.

R-#38/’08

FINDINGS OF FACT AND RESOLUTION  
ON PETITION TO CHANGE THE NAME  
OF LAKE WILMERT

WHEREAS, the Martin County Board of Commissioners is given authority in Minnesota Statutes (83 A.05-83 A.07) to name lakes, rivers and streams within the County;

WHEREAS, the Martin County Board of Commissioners hereby makes the following Finding of Facts:

1. The required petition was received by the Auditor/Treasurer from legal voters of residence requesting changing the name of Lake Wilmert (spelled with one “l”) to Lake Willmert spelled with two “l’s”) in Silver Lake Township, Martin County. Such petition was filed with the Auditor/Treasurer on the 19<sup>th</sup> day of September, 2008. This petition met the statutory requirements of Minnesota Statute 83A.05, sub. 2.
2. The Auditor/Treasurer’s Office requested and the County Board ordered a time and location for the hearing on the petition which was held more than 30 days after the order was made.
3. The notice of public hearing was published for four weeks in the official newspaper of the County on the following dates: November 3, 2008, November 12, 2008, November 19, 2008, and November 26, 2008. Service of the notice of hearing was made to the Commissioner for the Department of Natural Resources, and the Town Board chair.
4. A public hearing was held at 10:00 a.m. on December 2, 2008, at the Martin County Courthouse in the Commissioners Board Room – First Floor of Courthouse, Fairmont, Minnesota, after proper notice to Silver Lake Township and the Department of Natural Resources; and
5. The Martin County Board of Commissioners has considered the Petition for renaming the lake from “Lake Willmert” (spelled with one “l”) to Lake Willmert spelled with two “l’s”).
6. The Martin County Board of Commissioners heard from all interested persons on changing the spelling of the lake.

NOW THEREFORE, BE IT RESOLVED by the Martin County Board of Commissioners hereby names the lake “Lake Willmert” spelled with two “l’s”; and

That Martin County hereby notified the Minnesota Department of Natural Resources of the naming for inclusion on future public water listings.



Motion by Commissioner Schmidtke, seconded by Commissioner Potter, and was duly passed and adopted this 2<sup>nd</sup> day of December, 2008.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Pierce, Chair

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

Roll Call AYES: Commissioners Donnelly, Boler, Potter, Schmidtke, and Pierce.  
NAYS: None. Duly passed and adopted this 2<sup>nd</sup> day of December, 2008.

Chairman Pierce opened discussion regarding merit increases for eligible Courthouse Union staff and various non-union staff.

Higgins stated performance evaluations are completed annually for all Courthouse Union Staff and all non-union and elected officials. Higgins presented a list of those who are eligible for merit increases per the County Classification/Compensation Plan and Union Contract for 2009 for Courthouse Union employees. After consideration and discussion,

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize merit increases (including the General Wage Adjustment of 3% for 2009) for all Courthouse Union staff that are eligible per the County Classification/Compensation Plan and Union Contract for CY2009 as presented with exception of part time employees. Carried unanimously.

Higgins presented various non-union employees (excluding Elected Officials, Dept Dirs. and other appointed officials) and recommended approval of merit increases for those eligible per the County Classification/Compensation Plan for 2009. After discussion and consideration,

Motion by Commissioner Schmidtke, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize merit increases for various non-union staff eligible (as presented) for merit increases per the County Classification/Compensation Plan for 2009 as presented (including the General Wage Adjustment of 3% for 2009). Carried unanimously.

Higgins next stated that each year the Board is required to establish its annual compensation and per diem and other reimbursable expenses for the County Board of Commissioners when conducting their official duties prior to January 1<sup>st</sup>. The Board may increase/decrease annual compensation. In the past, the Board has adjusted by either percentages or dollar amounts. A 4% increase has been included in the CY2009 Budget which equates to \$20,766.00.

Commissioners discussed adjusting the CY2009 annual compensation increase from 4% to 3%, and increasing the per diems for each day spent in performing the official duties from \$60.00 per day to \$75.00 per day. After discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Boler,

R-#34/'08

**R E S O L U T I O N**

COUNTY COMMISSIONERS COMPENSATION, PER DIEM & EXPENSES:

WHEREAS, Chapter 301 of the Session Laws 1975 provides a method for determining County Commissioners' compensation, per diem pay, and expense allowances, and

WHEREAS, resolution of the County Board establishing the salary, schedule of per diem payments, and expense allowance must be made before January first of each year so as to become effective January first of the next year, and

WHEREAS, the Board of County Commissioners of Martin County after due deliberation and discussion, have determined the annual salary, schedule of per diem payments, and expense allowances that will be effective January 1, 2009 and thereafter, until changed by resolution of the Board in a manner provided by law.

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Martin County as follows:

1. That the annual salary of each County Commissioner of Martin County shall be the sum of \$20,567.00 plus an additional \$1,000 per year for the Chairman; and \$500 per year for Commissioners appointed to the Personnel Committee with the exception of the Board Chair, payable bi-weekly, less such deductions as are authorized or required by law, and shall be paid to such Commissioner during such interval as he or she is qualified by law to hold such office.
2. That each individual County Commissioner shall be paid one per diem of \$75.00 each day spent in performing the official duties connected with the office. The per diem pay may be paid to any individual County Commissioner making application therefore, who, by proper designation or authorization, has served or is an alternate on any board, committee, or commission of County government, including committees of the Board or for the performance of service for any of the following work, service or activity.

Region Nine Delegate  
 F/M. Human Services Board  
 Prairieland Joint Powers  
 Delegate to M.V.A.C.

Workforce Council  
 County Planning Commission  
 County Water Plan Committee  
 GBERBA

Building Committee	A.M.C. Delegate
Personnel Committee	County Park Board
MN Extension Service	Community Corrections
Region Nine E.M.S.	R.I.M. & Soil Conservation
County Highway Liaison	Minnesota River Basin JPB
3 Rivers RC & D	Law Library Board
SouthCentral HRA Board	MAAH
Economic Development Committee	County Insurance Committee
Transit Advisory Comm. (TAC)	County GASB Committee
Dist. 1, 2,3,4,5, Ditch Insp.	Soil & Water Conservation Dist.
South Central Finance Committee	Library Board
New Law Enforcement Ctr. Comm.	Public Relations Campaign Comm.
Investment in Current/Future Emp.	Centennial Committee
Martin Co. Recreational Trails Comm.	S.W. Rural Energy Task Force
Labor Management Committee	Highway 15 Coalition
GIS Committee	Fox Lake Improvement Dist. Board (non-active)
Library Board Alternate	MCIT Delegate
Drug Court Representative	Tax (CAMA) Study Committee
Red Rock Rural Water	Iowa Lakes Regional Water

Activities relating to Ditches under the Jurisdiction of the County Board, or under Jurisdiction of a Joint County Ditch Authority.

For such committee, board, or commissioner work or meetings which may be required by law or which is authorized by the Board of County Commissioners, providing that such work, service or activity is authorized by Board action prior to the performance of such work, service or activity.

3. No Commissioner may receive an amount greater than one full per diem payment on any one day. A Commissioner may accept or claim less than the full per diem. If a per diem is paid by another entity or authority for work, service, or activity permitted by this resolution, Martin County shall not pay a per diem for the same work, service or activity.
4. That in addition to the salary and per diems set forth herein, each individual County Commissioner may be paid his or her actual and necessary expenses and the County mileage allowance, according to County Policy when traveling on official business authorized by Board action.

Motion was made by Commissioner Schmidtke, seconded by Commissioner Boler, and carried, for the adoption of said resolution.

Dated this 2<sup>nd</sup> day of December, 2008.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

\_\_\_\_\_  
Steve Pierce, Chair

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

Roll Call AYES: Commissioners Donnelly, Boler, Schmidtke, and Pierce. NAYS:  
Commissioner Potter. Duly passed and adopted this 2<sup>nd</sup> day of December, 2008.

The Board reviewed the proposed 2009 Standing Committee Assignments.

James Forshee, Martin County Auditor/Treasurer, presented the annual Resolution Order Fixing Ditch Repair and Maintenance Levies and Assessments on County, Joint County, and Judicial Ditches of Martin County, MN.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly,

R-#39/'08

### RESOLUTION

#### ORDER FIXING DITCH REPAIR AND MAINTENANCE LEVIES AND ASSESSMENTS ON COUNTY, JOINT COUNTY, AND JUDICIAL DITCHES OF MARTIN COUNTY, MN:

WHEREAS, ditch repair and maintenance expenditures having been made, or to be made, on various County, Joint County, and Judicial Ditches located wholly or partly within Martin County, MN and it appearing that there are not sufficient funds to the credit of the ditches to finance said repairs and maintenance expenditures; therefore the Martin County Board of Commissioners do hereby, by resolution; levy and assess the following ditch fund accounts to pay for current expenditures for repairs and maintenance or to reimburse other funds where monies have been or will be loaned to the ditch fund, or for the designated purpose of payments on future repair and maintenance expenditures, and

WHEREAS, the various drainage system levy and assessments hereby made by the County Board of Commissioners shall be apportioned and assessed pro rata upon all lands, corporations, and municipalities which have participated in the total benefits theretofore determined; and such levy and assessments for repairs and maintenance of any one ditch system be limited in any one calendar year based upon pro rata percentage of the original calendar year based upon pro rata percentage of the original benefits of that particular drainage system thereof in Martin County, MN under the provisions of Minnesota Statutes Annotated 103-E.

THEREFORE, BE IT RESOLVED, by the Martin County Board of Commissioners of Martin County, MN that the following County, Joint County, and Judicial ditches hereby levied and assessed in the amounts so indicated as sufficient to take care of their obligations for repairs and maintenance heretofore made, or to be made, and equal installments be spread and made payable where necessary, with and made payable where necessary, with and as apart of the Real Estate Taxes in the indicated as follows, to-wit:

#### DITCHES LEVIED FOR ONE YEAR PAYABLE 2009 :

NUMBER	DITCH	AMOUNT
1003	CD #2 IMP	\$ 5,000.00
1006	CD #6	\$ 1,000.00
1016	CD #20	\$ 2,000.00
1017	CD #22	\$ 500.00
1029	CD #30	\$ 1,000.00
1031	CD #32	\$ 500.00
1036	CD #37	\$ 500.00
1038	CD #40	\$ 500.00
1041	CD #43	\$ 500.00
1042	CD #44	\$ 2,000.00
1045	CD #50	\$ 1,000.00
1046	CD #51	\$ 1,000.00
1048	CD #53	\$ 1,000.00
1055	CD #59	\$ 2,000.00
1057	CD #61	\$ 1,000.00
1059	CD #63	\$ 1,000.00
1060	CD #64	\$ 500.00
1063	CD #67	\$ 1,000.00
1064	CD #69	\$ 1,500.00
1066	CD #71	\$ 2,000.00
1067	CD #72	\$ 5,000.00
1068	CD #73	\$ 1,000.00
9004	JD #2 M & W	\$ 2,000.00
9138	JD #9 (IMP)	\$ 2,000.00
9018	JD #11 M & J	\$ 5,000.00
9025	JD #15 M & J (IMP)	\$ 5,000.00
9037	JD #25 M, BE & W	\$ 500.00
9038	JD #25 M & F	\$ 800.00
9041	JD #27	\$ 2,000.00
9139	JD#28 (IMP) SCHOCK	\$ 4,000.00
NUMBER	DITCH	AMOUNT
9046	JD#30	\$ 1,000.00
9048	JD #31 M & W	\$ 200.00
9050	JD #33	\$ 1,000.00
9058	JD #39	\$ 500.00
9059	JD #39 BR-R	\$ 5,000.00
9140	JD #39 Main Drain	\$ 6,000.00
9062	JD#40	\$ 500.00
9066	JD #43 IMP	\$ 1,000.00
9068	JD #46	\$ 3,000.00
9073	JD #49	\$ 1,000.00

9074	JD #50	\$ 5,000.00
9077	JD #56	\$ 1,000.00
9078	JD #57	\$ 1,000.00
9080	JD #60	\$ 5,000.00
9082	JD #64	\$ 4,000.00
9088	JD #70 OUTLET IMP	\$ 1,000.00
9090	JD #72	\$ 1,000.00
9091	JD #73	\$ 2,000.00
9098	JD #80	\$ 2,000.00
9108	JD #91 M & J	\$ 2,000.00
9115	JD #99	\$ 2,000.00
9122	JD #108	\$ 1,000.00
9125	JD #110 IMP	\$ 2,000.00
9128	JD #116 M,F & BE	\$ 3,000.00
9129	JD #201	\$ 600.00
9137	JD #301 M & W	\$ 2,000.00

Upon motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and carried, said resolution was duly passed and adopted this \_\_\_\_ day of December, 2008.

BOARD OF COMMISSIONERS

\_\_\_\_\_  
Steve Pierce, Chairman

ATTEST: \_\_\_\_\_

James Forshee  
Martin County Auditor/Treasurer

DITCHES LEVIED FOR MORE THAN ONE YEAR

<u>Ditch #</u>	<u>Name of Ditch</u>	<u>Year Ending</u>
9026-1	Judicial Ditch #15 M & J	2017
1009	County Ditch #11	2013 (\$ 45,000)
9036	Judicial Ditch #25	2013 (\$ 35,000)
9054	Judicial Ditch #367	2013 (\$ 45,000)
9015	Judicial Ditch #10 (5 years) (2005)	2009 (\$100,000)
9018	Judicial Ditch #11 (5 years) (2005)	2009 (\$ 10,000)

<u>Ditch #</u>	<u>Name of Ditch</u>	<u>Year Ending</u>
1001	County Ditch #1 (5 years) (2006)	2010 (\$ 40,000)

9143	Judicial Ditch #34 (5 years) (2006)	2010 (\$ 20,000)
9103	Judicial Ditch #85 (5 years) (2006)	2010 (\$100,000)
1024	County Ditch #28 (5 years) (2007)	2011 (\$ 20,000)
9143	Judicial Ditch #34 (5 years) (2007)	2011 (\$ 30,000)
1032	County Ditch #33 (3 years) (2008)	2010 (\$ 10,000)
9004	Judicial Ditch #2 (5 years) (2008)	2012 (\$ 6,000)
9009	Judicial Ditch #7 M & F (3 years) (2008)	2010 (\$20,000)
9015	Judicial Ditch #10 (10 years) (2008)	2017 (\$40,000)
9021	Judicial Ditch #12 (3 years) (2008)	2010 (\$ 7,000)
9028	Judicial Ditch #18 (3 years) (2008)	2010 (\$20,000)
9049	Judicial Ditch #32 (5 years) (2008)	2012 (\$10,000)
9094	Judicial Ditch #76 (5 years) (2008)	2012 (\$10,000)
9103	Judicial Ditch #85 (5 year) (2008)	2012 (\$35,000)
9054	Judicial Ditch #367 (5 years) (2008)	2012 (\$25,000)
1043-2	County Ditch #46 (5 years) 2009	2013(\$ 2,000)
1054-1	County Ditch #58 (3 years) 2009	2011(\$ 1,000)
1069-1	County Ditch #74 (3 years) 2009	2011(\$ 1,500)
9001-1	Judicial Ditch #1 (15 years) 2009	2023(\$ 75,000)
9005-1	Judicial Ditch #3 (12 years) 2009	2020(\$120,000)
9009-3	Judicial Ditch #7 M & F (3 years) 2009	2011(\$ 10,000)
9011-1	Judicial Ditch #8 M & F (3 years) 2009	2011(\$ 3,000)
9012-1	Judicial Ditch #8 (12 years) 2009	2020(\$ 65,000)
9015-4	Judicial Ditch #10 (5 years) 2009	2013(\$ 40,000)
9032-2	Judicial Ditch #22 (10 years) 2009	2018(\$ 30,000)
9036-2	Judicial Ditch #25 (12 years) 2009	2020(\$ 20,000)
9063-1	Judicial Ditch #41 (12 years) 2009	2020(\$ 27,000)
9067-1	Judicial Ditch #44 (3 years) 2009	2011(\$ 14,390)
9071-3	Judicial Ditch #48 (3 years) 2009	2011(\$ 3,500)
9085-1	Judicial Ditch #67 (12 years) 2009	2020(\$ 15,000)
9094-2	Judicial Ditch #76 (5 years) 2009	2013(\$ 2,000)
9095-2	Judicial Ditch #77 (12 years) 2009	2020(\$ 5,000)
9097-1	Judicial Ditch #79 (12 years) 2009	2020(\$ 5,000)
9111-1	Judicial Ditch #95 (5 years) 2009	2013(\$ 5,000)
9127-1	Judicial Ditch #115(2 years) 2009	2010(\$ 3,000)
9150-1	Judicial Ditch #214(N System)(5years) 2009	2013(\$ 50,000)
9152-1	Judicial Ditch #414(S System)(12 years) 2009	2020(\$ 90,000)

\*\*\* The following drainage systems have borrowed from another ditch fund\*\*\*

9001 (701) Judicial Ditch #1 borrowed \$30,000.00 from 9135 ( 839) JD 204 Hugoson  
Petition  
9012 (713) Judicial Ditch # 8 borrowed \$8,000.00 from 9135 (839) JD 204 Hugoson  
Petition  
9063 (769) Judicial Ditch # 41 borrowed \$25,000.00 from 9142 (840) JD #204 Br A-38  
Petition

9099 (803) Judicial Ditch # 81 borrowed \$500.00 from 9045 (750) JD 29  
1009 (869) County Ditch #11 borrowed \$15,000.00 from 1070 (928) CD #75

This money must be paid back at 6% per annum interest from January 1, 2008 until paid back.

9036-2(739) Judicial Ditch #25 borrowed \$25,000 from Revenue Fund in 2002.

This money must be paid back at 6% per annum interest from January 1, 2002 until paid back.

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

NAYS: None. Duly passed and adopted this 2<sup>nd</sup> day of December, 2008.

Forshee continued presenting a separate resolution that includes the ditch systems of JD #2, JD #4, and JD #65 that were inadvertently left off the Resolution Order Fixing Ditch Repair and Maintenance Levies and Assessments on County, Joint County, and Judicial Ditches of Martin County, MN in 2007.

R-#40/'08

## RESOLUTION

### ORDER FIXING DITCH REPAIR AND MAINTENANCE LEVIES AND ASSESSMENTS ON COUNTY, JOINT COUNTY, AND JUDICIAL DITCHES OF MARTIN COUNTY, MN:

WHEREAS, ditch repair and maintenance expenditures having been made, or to be made, on various County, Joint County, and Judicial Ditches located wholly or partly within Martin County, MN and it appearing that there are not sufficient funds to the credit of the ditches to finance said repairs and maintenance expenditures; therefore the Martin County Board of Commissioners do hereby, by resolution; levy and assess the following ditch fund accounts to pay for current expenditures for repairs and maintenance or to reimburse other funds where monies have been or will be loaned to the ditch fund, or for the designated purpose of payments on future repair and maintenance expenditures, and

WHEREAS, the various drainage system levy and assessments hereby made by the County Board of Commissioners shall be apportioned and assessed pro rata upon all lands, corporations, and municipalities which have participated in the total benefits theretofore determined; and such levy and assessments for repairs and maintenance of any one ditch system be limited in any one calendar year based upon pro rata percentage of the original calendar year based upon pro rata percentage of the original benefits of that particular drainage system thereof in Martin County, MN under the provisions of Minnesota Statutes Annotated 103-E.

THEREFORE, BE IT RESOLVED, by the Martin County Board of Commissioners of Martin County, MN that the following County, Joint County, and Judicial ditches hereby levied and assessed in the amounts so indicated as sufficient to take care of their obligations for repairs and maintenance heretofore made, or to be made, and equal installments be spread and made payable where necessary, with and made payable where necessary, with and as apart of the Real Estate Taxes in the indicated as follows, to-wit:



DITCHES LEVIED FOR ONE YEAR PAYABLE 2007 :

NUMBER	DITCH	AMOUNT
9002	JD #2 M & F	\$ 10,000.00
9007	JD #4 M & F	\$ 2,000.00
9083	JD #65	\$ 2,000.00

Upon motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and carried, said resolution was duly passed and adopted this 2nd day of December, 2008.

BOARD OF COMMISSIONERS

\_\_\_\_\_  
Steven Pierce, Chairman

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

DITCHES LEVIED FOR MORE THAN ONE YEAR

9143 JD #34 Impr (2007) 5 years 2011 (\$30,000.00)

\*\*The above drainage systems were inadvertently omitted from the 2007 Resolution but levied and proper notifications sent as required. \*\*

Roll Call AYES: Commissioners Donnelly, Boler, Schmidtke, Potter, and Pierce.  
NAYS: None. Duly passed and adopted this 2<sup>nd</sup> day of December, 2008.

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 10:58 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

\_\_\_\_\_  
Steve Pierce, Chair

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