

PROCEEDINGS OF THE
MARTIN COUNTY BOARD OF COMMISSIONERS
TUESDAY, MARCH 3, 2009
@ 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 Donnelly.

Those present were Commissioners Boler, and Pierce. Commissioners Schmidtke and Potter were absent. Also present were Scott Higgins, Martin County Coordinator, Julie Walters, Administrative Assistant, Kevin Peyman, Martin County Engineer, Jennifer Brookens, Sentinel Newspaper, Rod Halvorsen, KSUM/KFMC Radio, and members of staff and public.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following addition to 6.1: Consider renewal of Consumption & Display Permit and renewal of Liquor, Wine, Club or 3.2% Licenses for Fox Lake Golf Club. Carried unanimously.

Motion by Commissioner Boler, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the February 17, 2009 regular Board of Commissioners meeting as presented; and minutes of the February 12, 2009 Special Budget meeting as presented. Carried unanimously.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the renewal of Liquor, Wine, Club or 3.2% License with Sunday Sales for Rose Lake Golf Club effective April 1, 2009 through March 31, 2010; and approve the renewal of Consumption & Display Permit effective April 1, 2009 and renewal of Liquor, Wine, Club or 3.2% Licenses for Fox Lake Golf Club effective April 6, 2009 through April 5, 2010. Carried unanimously.

No action taken on appointment to the Extension Committee from Commissioner District I.

At this time, Sheriff Brad Gerhardt read aloud and presented a Letter of Commendation to Deputy Paul Frerichs, acknowledging his professionalism and empathy when responding to an injury accident involving a local family.

Gerhardt went on to present the Sheriff's Office Update that included: the 2008 statistics from the Minnesota River Valley Drug Task Force as well as the availability of future grant funding for the Task Force; upcoming presentation by the Emergency Response Unit scheduled for Wednesday, April 15, 2009; and an update on the testing process for Deputy Sheriff and Corrections Officer vacancies.

Gerhardt next recognized Brad Hady, retired Chief Deputy with the Martin County Sheriff's Office, for his thirty plus years of service to the citizens of Martin County and the Martin County Sheriff's Office, and presented Hady with a commemorative shadow box.

Kevin Peyman, Martin County Highway Engineer, was present and stated the Minnesota Department of Natural Resources is requesting permits from landowners granting permission to the Blizzard Snowmobile Club for maintaining two-way snowmobile trails in the county's right-of-ways and ditches. Peyman went on to state that Minnesota statutes currently states snowmobiles have the right to use the ditch but only on one side and that the requested permits allow two-way trails as well as some grooming rights. Peyman recommends granting the County Highway Engineer authority to work with the Blizzard Snowmobile Club in reviewing the permit requests and working with landowners for permission to have trails in certain right-of-way and ditch locations within the County.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Martin County Highway Engineer to work with the Blizzard Snowmobile Club in reviewing trail permit requests and working with landowners in granting permission for the Blizzard Snowmobile Club to have and maintain two-way snowmobile trails in the county's right-of-ways and ditches. Carried unanimously.

Peyman next presented the Martin County Highway Department's Five Year Construction Plan stating that there are a lot of unknowns right now with costs and funding. The Plan is focusing more on projects for 2009 including the surfacing of County Road 36 from Trunk Highway 4 to the west County line at a cost of \$2.6 million; plus two East Chain Township Bridges at a cost of \$100,000 each. There are two overlays listed in 2010, a six mile stretch of County Road 39 from County Road 38 to County Road 50 is budgeted for \$950,000; and three miles of County Road 50 from Trunk Highway 4 to County Road 39 is budgeted for \$540,000. A salvage and grade is listed in 2011, a six mile stretch of County Road 38 from County Road 27 to County Road 39 is budgeted for \$1,200,000; and in 2012, a six mile stretch of surfacing to County Road 38 from County Road 27 to County Road 39 is budgeted for \$3,000,000; plus numerous possible overlay projects listed in 2013. Peyman noted instead of listing every possible project, his strategy is to undershoot and perhaps be able to complete more projects toward the end of the time span and not have to scale back later.

Peyman continued with an update on the federal stimulus package, which could have a trickle-down effect on county highway projects. Peyman stated that looking at the projects the stimulus was targeting and seeing if Martin County had any that might qualify, the result was virtually none. Peyman noted there are only two counties in our district receiving money for a road project, those being Nobles and Sibley; and that both of those were projects were already scheduled for federal money in a future year and they just moved them up into 2009. Peyman stated that if money is saved by the state from some of those projects, we may see a residue effect.

Peyman concluded with a brief update on the status of the county's gravel roads after last Thursday's snow.

James Forshee, Martin County Auditor/Treasurer, presented his recommendation to establish a new Special Fund for the Recorder's Technology Fund and transfer \$15,761.90 from the General Fund (Recorder's Fund) to the new special fund; and establish a new Special Fund for the Recorder's Compliance Fund and transfer \$107,323.27 from the General Fund (Recorder's Fund) to the new special fund. Forshee stated the purpose is to be able to keep better controls and accounting of the receipts and expenditures. Forshee noted the expenses for the Recorder's Technology Fund include purchase of equipment and other related expenses for the Recorder's Office; and the expenses for the Recorder's Compliance Fund include Beacon, Recorder's Compliance Expenses, and GIS.

Commissioners expressed their concern over setting up separate checking accounts for each requested fund to track receipts and expenditures, is exactly what the County has been working for years to get away from. The IFS Computer System that we have records and is able to extract that information.

Higgins and Forshee stated that yes all of the data is in the IFS System and what they are proposing is to do is not create checking accounts; but to separate out the two Recorder's funds so at any given time, there is a running cash balance of each account.

After further discussion and the request of additional time to review this recommendation,

Motion by Commissioner Boler, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby agree to table the Transfer of Funds from Revenue Fund 01 to Recorder's Technology Fund 18; and to table the Transfer of Funds from Revenue Fund 01 to Recorder's Compliance Fund 19. Carried unanimously.

Pam Flitter, Martin County Zoning Official, presented the annual feedlot report and stated the Minnesota Pollution Control Agency (MPCA) has completed the feedlot review for Martin County and was informed that Martin County continues to do an outstanding job of administering the county's feedlot program as well as conducting manure management plan reviews for all livestock production sites inspected. Flitter noted that Martin County has 538 registered feedlots and 97 feedlots were inspected last year.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby accept and authorize Board Chair to sign the annual Martin County Feedlot Report as presented. Carried unanimously.

Deb Mosloski, Martin County Drainage Specialist, and Monte Rohman, City of Truman Clerk/Treasurer, were present to review the City of Truman project that involves the improvement of Judicial Ditch #47 in Section 10 of Westford Township, the purpose of

which is to provide an adequate drainage outlet for the City of Truman to aid in the reduction of inflow and infiltration into the City's wastewater collection system and reduce the potential for sewer back-ups into residential basements. At an estimated project cost of \$820,000 and with the City of Truman wanting to make this as economically feasible as possible for all people on that ditch system, it was determined to go through the Public Facilities Authority (PFA) which is a state agency that funds these types of projects at interest rates that are 1 ½% below market rates. The project is currently ranked at 61 on the 2009 list. However, because the project falls under the jurisdiction of Martin County as the Drainage Authority for the project, the County of Martin will submit the request to have this project placed on the amended 2009 Intended Use Plan. Rohman continued that the recently signed Economic Recovery Bill will provide additional 5% grant money available for projects and hopes to receive that as well.

Mosloski noted that while bonding is also possible, she has not checked into this yet as it is not known what the project will bid out at. The cost of \$820,000 is the engineers estimated cost and it is unknown if the estimate factored in prevailing wage. Mosloski stated this option will also be researched; but in order to keep the project moving forward, recommends acceptance of the Intended Use Plan and to approve the draft letter to the Public Facilities Authority (PFA) and Project Priority List Stormwater application for placement of the City of Truman JD #47 project on the Clean Water Revolving Fund 2009.5 Intended Use Plan.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby accept the Intended Use Plan for the JD #47 improvement project in Section 10 of Westford Township, the purpose of which is to provide an adequate drainage outlet for the City of Truman; and approve and authorize Commissioner Gerald Boler to sign the request letter to the Public Facilities Authority and Project Priority List Stormwater Application, for placement of the City of Truman project on the Clean Water Revolving Fund 2009.5 Intended Use Plan. Carried unanimously.

Mosloski next presented a resolution authorizing to submit the Engineer's Final Report to the Minnesota Pollution Control Agency (MPCA) as the Facility Plan for the JD #47 Improvement Project.

Motion by Commissioner Boler, seconded by Commissioner Pierce,

R-#13/09

RESOLUTION
AUTHORIZE AND DIRECT TO SUBMIT
ENGINEER'S FINAL REPORT TO THE MPCA
AS THE FACILITY PLAN FOR THE JD #47 IMPROVEMENT PROJECT

WHEREAS, the County of Martin, as the Ditch Authority, is pursuing financing for the Judicial Ditch (JD) No. 47 Improvement Project through the State of Minnesota's Clean Water Revolving Fund (CWRF); and

WHEREAS, the CWRF is administered by the Minnesota Pollution Control Agency (MPCA) and the Public Facilities Authority (PFA); and

WHEREAS, for the purposes of funding eligibility, a "Facility Plan", in accordance with Minnesota Rules 7077.0271, must be submitted to and approved by the MPCA; and

WHEREAS, the ENGINEER'S FINAL REPORT for Judicial Ditch No. 47, prepared in accordance with the requirements of Minnesota Statute 103E (drainage law), will also meet the requirements as a Facility Plan and can be submitted as such.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MARTIN, MINNESOTA:

1. On behalf of the Board of Commissioners and the County Ditch Administrator, the appointed Ditch Engineer for the JD No. 47 Improvement Project is hereby authorized and directed to submit the ENGINEER'S FINAL REPORT to the MPCA as the Facility Plan for the proposed improvement.
2. The Ditch Engineer is directed to coordinate the submittal of all additional information that may be required for a complete application for financing through the CWRF.

Motion by Commissioner Boler, seconded by Commissioner Pierce, and unanimously carried, said resolution was duly passed and adopted this 3rd day of March, 2009.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Donnelly, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Pierce, Boler, and Donnelly. NAYS: None.
Commissioners Absent: Potter and Schmidtke. Duly passed and adopted this 3rd day of March, 2009.

Mosloski next presented a resolution to order the redetermination and appoint viewers for JD #59 in Lake Belt Township. Mosloski stated JD #59 is a small system in the area around CD #11 which is in the process of being redetermined right now and that JD #59

outlets into CD #11. Mosloski went on to state that for cost savings purposes, Commissioner Schmidtke asked that JD #59 be included with the other redeterminations.

Motion by Commissioner Pierce, seconded by Commissioner Boler,

R-#12/'09

ORDER APPOINTING VIEWERS AND
REDETERMINATION OF JD #59

WHEREAS, the Martin County Board of County Commissioners hereby determines that the original benefits or damages determined in drainage proceedings for Martin County Judicial Ditch No. 59 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 335th 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 Judicial Ditch No. 59.

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 Pierce, seconded by Commissioner Boler, and unanimously carried, said resolution was duly passed and adopted this 3rd day of March, 2009.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Donnelly, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Boler, Pierce, and Donnelly. NAYS: None.
Commissioners absent: Schmidtke and Potter. Duly passed and adopted this 3rd day of March, 2009.

Higgins reviewed the proposed Meeting Room Policy for the Martin County Human Resources Building Community Room. Higgins stated that at this time, there is no policy establishing the procedures in the use of the meeting room. The County Building and Purchasing Committee has reviewed the proposed policy and is recommending the policy be approved. The policy includes use procedures, fees for use by Business and Commercial groups, exempts fees for nonprofit groups for educational, cultural, civic, or public service organizations, along with other pertinent information regulating the use of the Community Meeting room. For meetings after hours, there is a proposed fee of \$20/hour. Higgins noted that since this is a change to the current practice in the procedures for the use of the meeting room and there are a number of meetings scheduled at this time, it is suggested that if policy is approved the effective date be six months from the approval of proposed policy. Higgins went on to note that during the weekends and evenings, our county maintenance staff has been called out on various occasions due to heating and cooling problems, and have found that groups are not cleaning up their own mess after using room use.

Warren Knudson, Human Services of Faribault & Martin Counties Executive Director, was present and stated that a copy of the proposed Meeting Room Policy was received and reviewed and that since the 1993 Board had a pretty strong feeling that this room should be open for public use at no charge, current practice has been to allow anyone to use the room, free of charge, based on a first come first served reservation system. The Community Room use guidelines provide information about available equipment and it also provides for a fee of \$50 to be charged if a key is not returned within two business days of the event. This fee has been charged on only one occasion; generally the key is left in the building after the event. The use guidelines also allow for assessing a fee for cleaning. This fee has only been assessed on one occasion in almost sixteen years. Knudson went on to state there is concern that if a fee is charged for the room, groups will expect more from the room. They will expect equipment to be available (projector for power point presentations, markers for the white boards, Internet access, etc.) and will expect a person to be available to assist if there is a problem. If the room use is to be restricted during office hours, it needs to be restricted to County, State, and Human Services use as there is no mechanism in place for reviewing non-profit or governmental status of groups. Knudson continued regarding the after hours fee, there is no way to

monitor how many hours the room is used so it would not be possible to accurately charge for this time. An evening event could be over at 7 p.m. or 11 p.m. And again, what will the group get for the room? Can they expect that the heat will be left at a comfortable level during the winter and that the air conditioning is on during the summer? Finally, currently there is no procedure to handle the fee structure outlined in the policy. While Linda Mohwinkel makes all of the reservations, she rarely sees the person who made the reservation as they deal with the receptionist to get the key and instructions. For almost sixteen years the room has been available under the current conditions. There have been only a handful of issues with this room use and those have been dealt with immediately. In summary, Knudson stated that he would recommend either of the two following options: (1) Allow the situation to remain as it has since the room was made available in 1993; or (2) Restrict room access to only direct government use such as Martin County, Human Services, or State of Minnesota.

Discussion ensued concerning use of the Community Room after hours and on the weekends. Many groups are using the room for three days straight, 24/7, and there are costs to be recovered i.e. lights, heating, and water, and the fact that county staff is called in after hours for problems encountered with the meeting room. The current and past year's room schedule was reviewed and from October, 2008 through March, 2009 every month indicates a three day use of the meeting room. After much more discussion,

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve to eliminate weekend use of the Community Room located at the Human Resource Building, 115 West First Street, Fairmont, MN by any group after 5:00 p.m. on Friday through Sunday, effective March 3, 2009; and to honor existing reservations on the current Community Room schedule through October 31, 2009. Carried unanimously.

Higgins stated the Building Committee has received and reviewed quotes for painting/spraying two (2) coats of thermal barrier product over the spray foam ceiling at the Martin County Transit Facility. The Building Committee recommends approval and award of low bid to S & S Painting of Fairmont, MN in the amount of \$1,570. From information gathered, it has been determined that even though our facility has a functioning sprinkler system in place, Minnesota State code states that ignition resistant spray foam ceilings must also have a thermal barrier applied.

Bob Engman Painting & Decorating Bid to paint 2 coats on ceiling insulation at Transit Facility	\$3,000.00
Whitmore's Painting and More Bid for prep and spray foam ceilings with two coats per spec sheet provided from Thermal Product Research. Will be using Graco airless sprayer	\$4,150.00
S and S Painting Bid for 1 tack coat and full coat of non-flammable paint to cover 9,800 sq. ft. of foam ceiling at Transit Facility	\$1,570.00

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby award quote received from S & S Painting of Fairmont, MN in the amount of \$1,570 for applying two (2) coats of thermal product over the spray foam ceiling at the Martin County Transit Facility. AYES: Commissioners Pierce and Donnelly. NAYS: Commissioner Boler. Motion carried. The Board reviewed information on County Support of Historical Societies in Minnesota; Southern Minnesota Tourism Association Appropriation Request letter; and letter received from Representative Bob Gunther on Human Service Delivery Consolidation Program.

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 10:42 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Donnelly, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator