

PROCEEDINGS OF THE
MARTIN COUNTY COMMISSIONERS
TUESDAY, JUNE 16, 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 Potter, Pierce, and Schmidtke. Commissioner Boler was absent. Also present were Scott Higgins, Martin County Coordinator, Julie Walters, Administrative Assistant, Jennifer Brookens, Sentinel Newspaper, Kevin Peyman, Martin County Engineer, James Forshee, Martin County Auditor/Treasurer, Terry Viesselman, Martin County Attorney, and members of staff and public.

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following additions: 8.6 Consider Appointment to County Parks & Trails Commission; and 4.2 Consider the South Central Small Business Development Center Appropriation Request for CY2010. Carried unanimously.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the June 2, 2009 regular Board of Commissioners meeting as presented. Carried unanimously.

Scott Higgins, Martin County Coordinator, presented CY2010 Allocation Requests from the Martin County Historical Society in the amount of \$25,000.00 and from the South Central Small Business Development Center in the amount of \$3,500.00.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file for consideration the 2010 Appropriation Request from the Martin County Historical Society and the South Central Small Business Development Center. Carried unanimously.

Terry Viesselman, Martin County Attorney, stated that of the three tax appeals that were set for trial last week, one was dismissed and the other two asked for continuances.

James Forshee, Martin County Auditor/Treasurer, stated that I-90 Expo Center has applied for renewal of an on-sale liquor license and recommends approval contingent upon receiving necessary paperwork.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve On-Sale Liquor License for Skinny Minnow Inc., d/b/a I-90 Expo Center in Sherburn, MN; contingent upon receiving all necessary paperwork. Carried unanimously.

Forshee stated that the Martin County VFW Post 1222 has applied for a temporary one day permit for 3.2% on-sale liquor. The Post is hosting a fundraiser at the Flying Goose Campgrounds in Fairmont on June 27, 2009 and recommends approval as all necessary paperwork has been received.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve a Temporary One-Day 3.2% On-Sale Liquor License for the Martin County VFW Post 1222. Carried unanimously.

Peyman stated that Bid Letting for C.P. 09:01 Supplying Bituminous Material for Seal Coating was held on Friday, June 12, 2009 at 10:00 a.m. at the Martin County Highway Department – Fairmont, MN and that Flint Hills Resources LP was the only bid received.

Specification or Item Number	Item Description	Approx. Quantities	Unit Price	Total Amount
2356.505	Bituminous Material for Sealcoat MC 3000 Liquid Asphalt	50 Tons	Flint = 570.43	Flint = 28,521.50
2356.505	Bituminous Material for Sealcoat CRS 2P Liquid Asphalt	405 Tons	Flint = 495.24	Flint = 200,572.20

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. 09:01; and upon the recommendation of the County Engineer, hereby approve and award the low bid for Supplying Bituminous Material for Seal Coating to Flint Hills Resources LP in the amount of \$229,000.00; and to authorize the Board Chair, County Engineer, and County Attorney to sign and execute the necessary documents for the listed project. Carried unanimously.

Peyman next presented a Stop Sign Resolution for the intersection of 60th St. (CSAH 14) and 190th Av. (Township Road) and recommends approval of placing a stop sign at this intersection; a Yield Sign Resolution for the intersection of 90th St. (CSAH 22) and 60th Av. (Township Road) and recommends approval of placing a yield sign at this intersection; and a Yield Sign Resolution for the intersection of 95th St. (CR 122) and 280th Av. (Township Road) and recommends approval of placing a yield sign at this intersection.

Motion by Commissioner Pierce, seconded by Commissioner Potter,

H-#3/'09

Martin County Highway Department
Resolution No. 3 – 2009

RESOLUTION DESIGNATING STOP INTERSECTION

In order to control, safeguard and expedite traffic on county and township roads in Martin County, and upon recommendation of the County Engineer, the County Board of Commissioners deems it advisable to make the following resolution:

THEREFORE, BE IT RESOLVED, that the following intersection to and hereby is designated as a STOP INTERSECTION and the County Engineer be and hereby is instructed to cause the installation and maintenance of STOP SIGN thereat:

The intersection of 60th St. (CSAH 14) and 190th Av. (Twp Road) will be a STOP INTERSECTION. North and South bound traffic on 190th Av. will stop.

Upon motion by Commissioner Pierce, seconded by Commissioner Potter, and carried said resolution was duly passed and adopted this 16th day of June, 2009.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Chairman, Martin County
Board of Commissioners

ATTEST: _____
Scott Higgins
County Coordinator

CERTIFICATION

I hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the County of Martin at a duly authorized meeting thereof held on the 16th day of June, 2009.

Scott Higgins
County Coordinator

H-#4/'09

Martin County Highway Department
Resolution No. 4 – 2009

RESOLUTION DESIGNATING YIELD INTERSECTION

In order to control, safeguard and expedite traffic on county and township roads in Martin County, and upon recommendation of the County Engineer, the County Board of Commissioners deems it advisable to make the following resolution:

THEREFORE, BE IT RESOLVED, that the following intersection to and hereby is designated as a YIELD INTERSECTION and the County Engineer be and hereby is instructed to cause the installation and maintenance of YIELD SIGN thereat:

The intersection of 90th St. (CSAH 22) and 60th Av. (Twp Road) will be a YIELD INTERSECTION. North and South bound traffic on 60th Av. will yield.

Upon motion by Commissioner Pierce, seconded by Commissioner Potter, and carried said resolution was duly passed and adopted this 16th day of June, 2009.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Chairman, Martin County
Board of Commissioners

ATTEST: _____
Scott Higgins
County Coordinator

CERTIFICATION

I hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the County of Martin at a duly authorized meeting thereof held on the 16th day of June, 2009.

Scott Higgins
County Coordinator

H-#5/'09

Martin County Highway Department
Resolution No. 5 – 2009

RESOLUTION DESIGNATING YIELD INTERSECTION

In order to control, safeguard and expedite traffic on county and township roads in Martin County, and upon recommendation of the County Engineer, the County Board of Commissioners deems it advisable to make the following resolution:

THEREFORE, BE IT RESOLVED, that the following intersection to and hereby is designated as a YIELD INTERSECTION and the County Engineer be and hereby is instructed to cause the installation and maintenance of YIELD SIGN thereat:

The intersection of 95th St. (CSAH 122) and 280th Av. (Twp Road) will be a YIELD INTERSECTION. North and South bound traffic on 280th Av. will yield.

Upon motion by Commissioner Pierce, seconded by Commissioner Potter, and carried said resolution was duly passed and adopted this 16th day of June, 2009.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Chairman, Martin County
Board of Commissioners

ATTEST: _____

Scott Higgins
County Coordinator

CERTIFICATION

I hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the County of Martin at a duly authorized meeting thereof held on the 16th day of June, 2009.

Scott Higgins
County Coordinator

Roll Call AYES: Commissioners Schmidtke, Potter, Pierce, and Donnelly. NAYS: None. Resolutions duly passed and adopted this 16th day of June, 2009.

Peyman continued that preparatory aggregate work has begun on County Road 36 which will take approximately two weeks to complete before blacktopping can start. Peyman stated that depending on the weather, this project should be complete in a month's time.

Peyman concluded that he has offered the use of the County's rumble strip installation equipment to the City of Fairmont.

James Forshee, Martin County Auditor/Treasurer, stated that the new Manatron Tax System was scheduled to be "live" in Martin County during the month of June, 2009; however, now that date has once again been pushed out to September, 2009. Forshee went on to state that the contract with Affiliated Computer Systems (ACS), our current provider for tax support will end June 30, 2009 and recommends extending the contract with ACS until the end of 2009. Total costs for an additional six months is \$21,660 (\$3,610.00 x 6 months) for both Tax and CAMA Support, and has been included in the FY2009 Budget.

Forshee continued and asked that the Board send a letter to the Minnesota Counties Computer Cooperative (MCCC) stating Martin County's disappointment that Manatron has failed to meet any of the time tables established for this project and each additional delay enforces our concerns that we will not receive a fully working tax system. Forshee stated he would request to include in this letter that Martin County not be held liable for any new expenses for the Manatron project and that we be reimbursed for the cost of the extension of the ACS contract for the remainder of 2009.

Dan Whitman and Steve McDonald shared their concerns that Manatron has not delivered a proven product to the pilot counties.

Whitman stated there is some talk at the Department of Revenue; and that they have had some success in a different part of the taxation department in implementing a statewide system. So with that success now there's been a little bit of renewed talk about the State taking over and having one system for everyone. I've been lobbying my legislators for at least three or four years to have that happen. Because they've had success somewhere else now is a good time to lobby the legislators and say its time that the Department of Revenue take over the tax system and require everyone to do it the same and just turn in one report. Right now we're all on our own as to how to get that information and have to try and accomplish this and that's what causes us so much trouble because everybody does something a little different. I would just say now is a good time to lobby the legislature into having the Department of Revenue implement a statewide system.

Commissioner Pierce stated he suggests drafting a resolution to the Department of Revenue, our Legislators, and the Association of Minnesota Counties, requesting implementation of a statewide tax system.

After much discussion,

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize extending Martin County's contract with Affiliated Computer Systems (ACS) for Tax and CAMA Support from July 1, 2009 through December 31, 2009 at an additional cost of \$21,660.00 (\$3,610.00/month); and authorizes Board Chair to sign and execute the necessary documents for the contract extension; and approve and authorize Board Chair to sign letter to the Minnesota Counties Computer Cooperative (MCCC) stating that Martin County will no longer be committed for additional expenses approved by the MCCC and/or the Manatron Tax Group for the development of the Manatron Tax Software System beyond what has been committed through the initial contract and development phase, due to the problems, issues and concerns of not getting a full working product satisfactory to the County; and that the county reserves the right to determine whether it will commit to future expenses on the project; and to draft a resolution to the Department of Revenue, Legislators, and the Association of Minnesota Counties, requesting implementation of a statewide tax system. Carried unanimously.

Pam Flitter, Martin County Zoning Official, was contacted by John Schmidtke of Ceylon, MN with an inquiry as to whether a variance request could be granted to move the old church bell tower from the sister church in Ceylon out to the German Evangelical Church Cemetery. Flitter stated that when the cemetery was surveyed last summer it was determined to be a non-buildable lot of land and that setback requirements according to county ordinance would place the bell tower right in the area where graves are located. Flitter stated she spoke with Terry Viesselman, County Attorney, and was advised that due to the cemetery not having an owner, the County does manage it (the cemetery) and would be required to sign this variance request and advises against signing it. Flitter went on to state that a variance request is asking for a special privilege against the Zoning Ordinance, which the County created. John Schmidtke is also requesting that a 6 x 6 piece of concrete be poured at the cemetery site for the bell tower to set on. Flitter noted that Viesselman stated it would be the County's liability if someone should come back and want the concrete moved because it is sitting on top of a grave.

Commissioner Schmidtke stated I think we are setting ourselves up for trouble down the road. The survey of this piece of property is signed as a non-buildable lot and our county attorney has advised against it, and it's against our own ordinances. Schmidtke noted that no one had known about the existence of the former church cemetery before last year. If we had shown as much concern for this cemetery 50 years ago, we wouldn't be in this situation. The cemetery shouldn't have sat there and gotten overgrown; they shouldn't have let the farmer farm as close to it as they told him to do because they didn't want to have to deal with it. I was confirmed in this church, I grew up at this church, and I had never heard anything about this place out by Wilbert until last year. I don't think there's anyone who's alive today that remembers when the church was out there.

John Schmidtke, Don and Marilyn Stelter were present representing the Ceylon Historical Society.

John Schmidtke was saddened that the County would not allow a variance to the County Ordinance to help preserve the history of the pioneer cemetery.

Commissioner Potter stated it took us years to get these ordinances in place and that during that time; we had public hearings about four times a year. If we go back on our own ordinance now, what does that say?

John Schmidtke stated you'll (the County) do these things to help the hog barns, but not with this. We're trying to save some history here.

Flitter stated no, in fact the County increased those setbacks that were 130 feet from the centerline of the road, to 200 feet from the centerline of the road for new sites. Only structures in existence before 2004 are exempt from the current setbacks.

Commissioner Donnelly stated I will not sign a variance that goes against our own ordinance.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, as managers of the German Evangelical Church Cemetery located in Tenhassen Township; deny the request to be an applicant/signatory for a variance application to place a church bell tower in the aforementioned cemetery. Carried unanimously.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby appoint Joe Burns of Fairmont, MN to serve on the Martin County Parks & Trails Commission, effective immediately with term ending December 31, 2010. Carried unanimously.

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 June, 2009 as presented; and includes the Martin County Highway Department claims as presented. Carried unanimously.

Warrants received and paid June 16, 2009 are registered on file in the Auditor/Treasurer's Office as follows:

Revenue Fund – Warrants Approved June 16, 2009	\$175,947.44
Enhanced 9-1-1 Fund	\$ 9.79
Recreation and Safety Fund	\$ 101.18
Martin Co. Economic Development Authority	\$ 308.05
Solid Waste Management Fund	\$ 16,851.86
Law Library Fund	\$ 4,648.59
Martin County Transit Fund	\$ 42,661.72
Recorder's Technology	\$ 6,856.57
Recorder's Compliance	\$ 3,020.00
Building – CIP – Fund	\$ 7,650.00
Bank Building Fund	\$ 3,349.60
Grand Total	\$261,404.80
Road and Bridge Funds Totaled	\$122,820.15
Martin County Ditch Fund – Warrants Totaled	\$ 53,631.10

The Board reviewed an update from the Southern Minnesota Initiative Foundation; meeting summary of the June 3, 2009 South Central Service Cooperative Board of Directors meeting; and discussed this years' Employee Recognition Day event.

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

The Board recessed at 10:25am
Reconvened at 12:00pm.

Met with the Martin County Historical Society Board and staff. No action taken.

With no further business to wit, Board Chair declared the meeting adjourned at 12:55 p.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Donnelly, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator