

PROCEEDINGS OF THE  
MARTIN COUNTY BOARD OF COMMISSIONERS  
TUESDAY, FEBRUARY 1, 2011  
@ 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 Pierce.

Commissioners present were Potter, Schmidtke, Donnelly, 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, Jennifer Brookens, Sentinel Newspaper, Rod Halvorsen, KSUM/KFMC Radio, Julie Walters, Administrative Assistant, and members of staff and public.

Motion by Commissioner Potter, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following changes: Delete 8.6 Red Rock Center for the Arts Update & Funding Request; and Add 8.7 Approve and Authorize Trial Expense to be expensed out of Court Administration budget. Carried unanimously.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the January 4, 2011 and January 18, 2011 regular Board of Commissioners meetings. Carried unanimously.

Terry Viesselman, Martin County Attorney, presented an office update and stated that the Bennett re-trial is underway and is expected to continue through the week. Viesselman briefly reviewed the Bennett trial expenses recently received by the Auditor/Treasurer's Office and stated that the County is responsible for any expert expenses that the Court deems are reasonably necessary.

Commissioners thanked Viesselman for his report.

No action taken on appointment to the Martin County Economic Development Authority Commission.

Scott Higgins stated the Martin County Water Plan Advisory Committee is still in need of a Township board member and Commissioner Potter has suggested Philip Bettin who serves on the Galena Township Board. Bettin is interested and has agreed to join the committee. Higgins went on to state that Jerry Voyles has been appointed Chairman of Martin County's Planning & Zoning Commission and will replace Dave Kumm on the Water Plan Advisory Committee; Harold Rehling, Silver Lake Township Board, is interested and willing to serve; and Tonya Klunder, Bio-fuels Industry, is also interested and willing to serve on the Water Plan Advisory Committee.

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve appointments to the Martin County Water Plan Advisory Committee as follows: Philip Bettin, Galena Township, with term ending December, 2013; Jerry Voyles, Planning & Zoning Commission, with term ending December, 2013; Harold Rehling, Silver Lake Township, with term ending December, 2012; and Tonya Klunder, Bio-fuels Industry, with term ending December, 2012. Carried unanimously.

Kevin Peyman, Martin County Highway Engineer, presented a department update including recent snow maintenance of county roads; budget update including review of increased revenue for the Highway Department for 2011; and status of September, 2010 disaster relief from the Federal Emergency Management Agency (FEMA).

Peyman stated that a transportation bill passed in 2008 that included a higher gasoline tax, vehicle sales tax, and license tab fees, has resulted in a revenue increase of \$375,000 for Martin County in 2011. Peyman went on to state that when he began working on the 2011 budgets, he had to use figures available from 2010 and cut an additional \$86,500 from the Highway Department budget. Peyman continued state allotments are split 60/40 for construction and maintenance. This leaves an approximate \$150,000 to make up for cuts and for day to day operations; of which \$65,000 will be used to offset costs from the current winter season. Peyman noted that approximately \$225,000 of the new funding will go toward construction costs.

Peyman continued with a review of District 7 state allotments from 2001 through 2010 compared to state totals. Peyman noted that increases in state allotments is due to the transportation bill and that without the transportation bill there would be no increases in that fund since 2002. Peyman pointed out that from 2006 to 2011 our district (District 7) saw growth on average of 37% with Martin County at 64% which is a direct result of that transportation bill. Peyman noted the state average increase was 24% and District 7 was 37%. Metro counties in 2011 – Dakota County went up 7%, Ramsey County went up 6.3%; Washington County up 7.7%, Chisago County up 13.6%, Anoka County was 11%, Carver was 13%, Hennepin 12%, and Scott County was up 10.5% and Martin County was up 9.3%; showing that Metro counties are not getting that much of an increase over what Martin County received.

Commissioners thanked Peyman for his report.

Jeff Markquart, Martin County Sheriff, presented an office update including Chief Deputy Klanderud has officially begun his chief deputy duties; current jail population is 18 in-house with 1 in Nobles County and 3 in Faribault County; recent part-time deputy replacement hire has completed field training and will be worked into scheduling; will be attending new Sheriff's orientation beginning February 13<sup>th</sup> in Chaska, MN; weather related issues regarding the Martin County Sheriff's Office and area emergency responders and agencies; and extra expenses for staff traveling to Mankato, MN to testify in Bennett trial.

Commissioner Pierce thanked Markquart for his update.

Judd Schultz, Housing Services Director with Minnesota Valley Action Council, along with other MVAC staff members that work with the Small Cities Program were present to review the Small Cities Development Program and request approval for the Minnesota Valley Action Council (MVAC) to submit an application on behalf of Martin County for the Small Cities Loan Program funded through the Department of Employment and Economic Development (DEED).

Schultz stated the Small cities Development Program helps cities and counties with funding for housing, infrastructure and commercial rehabilitation projects that benefit people of low and moderate incomes. Projects must meet one of three objectives: benefit people of low and moderate incomes; eliminate slum and blight conditions; and eliminate an urgent threat to public health or safety. In addition, need impact and cost effectiveness must be documented and the general public must be involved in the application process. Cities with fewer than 50,000 residents and counties with fewer than 200,000 residents are eligible. Schultz continued state program rules subdivide grant funds into three general categories: Housing Grants, Public Facility Grants, and Comprehensive Grants. Schultz stated that application funding will be for spring 2012 with potential for up to \$600,000 to make needed repairs to homes throughout communities in Martin County including roofs, windows, and doors. Funds are revolved to the County and are set up on a ten year deferred loan at zero percent interest and no monthly payments; but there is a lien on the property for ten years. If the household moves anytime in that ten year period, the full amount is paid back to the County to create a revolving flow. If the household lives there for ten years, then the loan is forgiven. Schultz noted that applicants will apply directly to MVAC, with review by the project approval committee which is made up of me (Schultz) and the County Coordinator. Martin County would be the fiscal agent for the program so all monies will pass through the County. MVAC will complete all the reports and paperwork, report to the Board, requests the Board's signature for approved paperwork, and is the pass through of funds from DEED.

Schultz next presented a brief overview of programs MVAC has brought to Martin County. In calendar year 2010 we weatherized 76 homes in Martin County in an approximate amount of \$270,000. We've done a number of loans both payback and rehab loans in an approximate amount of \$230,000. We've served 848 households with the primary heat grant (energy assistance) helping pay heat bills in an approximate amount of \$400,000.

Schultz concluded requesting the Board consider moving forward with the small cities application process for 2012 funding through DEED.

Motion by Commissioner Boler, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Minnesota Valley Action Council (MVAC) to submit application on behalf of Martin County for the Small Cities Development Program. Carried unanimously.

Greg Johanson, Program Specialist with Martin Soil and Water Conservation District, presented an update on the Agricultural Best Management Practices (AgBMP) Program. Johanson stated SWCD has worked with this program since 1995 and over \$4 million dollars have been utilized through the program. Johanson went on to state that 2010 was a good year again with approximately \$438,000 loaned out to use for anything that has to do with water quality or soil. Funding is through a multi-lender program. Johanson continued the annual application is to be submitted by February 4<sup>th</sup> and we have estimated our work plan at \$500,000.

Motion by Commissioner Potter, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby Receive and File the 2011 Annual Report for the Agricultural Best Management Practices (AgBMP) Loan Program. Carried unanimously.

James Forshee, Martin County Auditor/Treasurer, inquired if the funds collected as Prairieland assessment fees to pay off the bonds at the facility should be paid to Prairieland now that those payments ended in December, 2010. After discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve to retain the remainder of the 2010 Prairieland assessment fees within the Martin County Solid Waste Fund. Carried unanimously.

Forshee stated he has received a court order for expert trial expenses in the amount of \$3,000 for doctor's testimony and \$200 for transcripts in preparation of the second Bennett trial.

Commissioner Schmidtke stated he is totally against this but the County doesn't have a choice.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby reluctantly approve and authorize court ordered payment of trial expenses in the amount of \$3,200. Carried unanimously.

Jack Nawrocki, landowner within Section 7 of Center Creek Township, was present to request removal of a beaver dam from a creek that runs through his property. Nawrocki stated that as a property owner he is paying a maintenance fee and assumes he is eligible for maintenance on the creek. Nawrocki went on to state he has talked with Commissioner Boler about the beaver and beaver dam problem.

Deb Mosloski, Martin County Drainage Administration, was present and pointed out Nawrocki's plat and asked where the beaver dam was located.

Nawrocki showed Mosloski where the beaver dam was located stating and pointing to the furthest point from the road.

Mosloski stated you're looking at a couple thousand feet from any ditch. The problem that we have with this is that the beaver dam is actually in a public waterway which we (the County) has no control over Department of Natural Resources (DNR) waters. Mosloski went on to state when we talk to the DNR; they no longer have funding for beaver dam removal. Mosloski continued that in talking with Kurt Deter, drainage law attorney with Rinke Noonan of St. Cloud, stated the law reads that we can go up to 250 feet from the outlet and maybe even go 300 feet for removal of beaver dams at a county's expense; but where you're talking is a couple thousand feet and not part of a drainage ditch.

Nawrocki stated that as a property owner I'm paying a maintenance fee and assume I'm eligible for maintenance on that creek.

Mosloski left the meeting to look up Nawrocki's land records in the Drainage Administration Office.

Commissioner Schmidtke stated Nawrocki would not be eligible for maintenance on a creek; but if you're part of a drainage system and being charged on that system, then yes you're eligible. Schmidtke went on to state that anybody that has farm land and is involved in a drainage system will pay something towards that to keep the drainage system working. The problem lies in that the beaver dam is not in the drainage system; it is in a public creek.

Commissioner Boler stated Nawrocki is still in the drainage system; and asked Nawrocki if the trapping had been done.

Nawrocki stated a trapper did come in the first part of November to remove the animal. The beaver dam is currently 10-15 yards across the creek and if it is not removed obviously we're going to have some water issues upstream this spring when the thaw hits.

Mosloski stated that Nawrocki's property is part of three ditch systems: JD #3, JD #1, and JD #8. If this beaver dam was on a ditch or closer to a ditch this wouldn't even be a question. However, because the beaver dam is on a creek (public waters) the Board will need to decide how to handle the removal and expense.

After discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize removal of beaver dam located on a public water creek within Section 7 of Center Creek Township, on land owned by Jack Nawrocki, with expenses for removal charged to landowners benefiting from JD #3, JD #1, and JD #8. Carried unanimously.

Nawrocki stated he requests to be notified when the County has made contact with an agency to come out and remove the beaver dam. Nawrocki will meet with agency and

walk them out to the location. Nawrocki also asked is there is a bounty for trapping beaver during the off season.

Commissioners stated that it is not the county's responsibility.

The Board reviewed letter received from the State of Minnesota Office of the State Auditor stating that audit rates for calendar year 2011 have been approved and that it is not necessary to increase the rates for 2011; Association of Minnesota Counties (AMC) Top Legislative Priorities 2011; Association of Minnesota Counties (AMC) 2011 Legislative Conference March 23-24, 2011 in St. Paul; City of Fairmont Drinking Water Revolving Fund Environmental Review Solicitation Letter Request for Environmental Assessment Comments; MRCI's request letter for Martin County representative to serve on their Board of Directors; and invitation from Fairmont Medical Center and FCH Foundation for the Martin County Board of Commissioners to conduct a membership meeting at Fairmont Medical Center during 2011.

Commissioners presented their Board Member Reports.

Commissioner Potter attended Human Services on January 19<sup>th</sup>; Herb Russ and Gene Hugoson retirement open houses on January 21<sup>st</sup>; Rural Minnesota Energy Board and Minnesota Valley Action Council meetings on January 24<sup>th</sup>; Prairieland on January 26<sup>th</sup>; Martin County Water Plan meeting on January 27<sup>th</sup>; Judy Sinn's retirement open house on January 28<sup>th</sup>; and Brad Gerhardt's retirement open house on January 29<sup>th</sup>; and today's regular Commissioners meeting on February 1<sup>st</sup>.

Commissioner Schmidtke stated the only thing I have to add is Planning and Zoning on January 25<sup>th</sup>; then on January 26<sup>th</sup> we all had the Prairieland Informational Meeting.

Commissioner Boler stated the only thing was Gerhardt's retirement open house on January 29<sup>th</sup> that was different from anybody else.

Commissioner Donnelly stated he attended all of the retirement open houses too; Personnel Meeting after the Board Meeting on January 18<sup>th</sup>; and exit interview with Judy Sinn on January 28<sup>th</sup>.

Commissioner Pierce stated he attended the State Health Improvement Plan Meeting in Truman last Thursday, January 13<sup>th</sup>.

The Board reviewed their calendars of upcoming meetings and activities: February 2, 2011 – Human Services Executive Committee and Leadership Martin County; February 7, 2011 – EDA Regular meeting at 5:15 p.m.; February 8, 2011 – Union Negotiations with Jailer/Dispatcher Group; February 9, 2011 – Department Director meeting at 8:30 a.m.; February 10, 2011 – MCIT's Property Casualty Webinar, Martin County Soil and Water Conservation District meeting; February 11, 2011 – Prairieland Meeting; February 15, 2010 – next regular Board of Commissioners meeting at 9:00 a.m.

Higgins stated he would like to attend MCIT's The Public Sector Human Resource Management Certificate Program for six sessions beginning March 24, 2011 in St. Paul. Higgins stated that the cost of the three, two day sessions is \$750.

By Consensus, the Martin County Board of Commissioners, hereby approve and authorize Scott Higgins, Martin County Coordinator, to attend MCIT's Human Resource Management Certificate Program sessions to be held March 24-25, April 14-15, and May 12-13, 2011 in St. Paul, MN. Carried unanimously.

With no further business to wit, Board Chair adjourned the meeting at 10:23 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Pierce, Board Chair

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