

PROCEEDS OF THE  
MARTIN COUNTY BOARD OF COMMISSIONERS  
TUESDAY, MARCH 15, 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 Boler, Potter, Schmidtke, and Donnelly. Also present were Scott Higgins, Martin County Coordinator, James Forshee, Martin County Auditor/Treasurer, Terry Viesselman, Martin County Attorney, Kevin Peyman, Martin County Highway Engineer, Jennifer Brookens, Sentinel Newspaper, Dan Whitman, Martin County Assessor, Rod Halvorsen, KSUM/KFMC Radio, Julie Walters, Administrative Assistant, and members of staff and public.

Motion by Commissioner Schmidtke, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following additions: 8.11 Consider Award of Final Contract for 2010 Overlay Projects 8.12 Consider Renewal of Consumption & Display Permit and Renewal of Liquor, Wine, Club or 3.2% License for Fox Lake Golf Club; and 8.13 Consider Energy Audit Recommendation to Retrofit Ballasts and Light Bulbs in Courthouse and Security Building. 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 March 1, 2011 regular Board of Commissioners meeting. Carried unanimously.

Brad Kollmann, Law Enforcement Liaison for the Minnesota Safe & Sober Campaign, was present to commend the Martin County Sheriff's Office and Fairmont's Police Department for consistent excellent work with traffic safety education through involvement in the states Safe and Sober campaigns. Kollmann stated that education and involvement with the campaigns is what makes the difference in fewer lives lost on the roads. Kollmann continued that in recognition of Martin County's consistent good partnership with the Minnesota Office of Traffic Safety through the seat belt enforcement and Safe and Sober campaigns; he presented the Sheriff's Office with a donation of Stalker Radar. Kollmann noted this is a \$3,000 piece of equipment that can clock speeders both in front and behind the squad. Kollmann went on to note if a vehicle decides to step on the gas after driving by a squad car, it could still get clocked and cited for speeding. Kollmann continued that statewide in 2003 there were approximately 657 fatalities and in 2009 approximately 415 which is quite a drop; with the ultimate goal of bringing that number down to zero.

Terry Viesselman, Martin County Attorney, was present and voiced his support for the Safe and Sober campaigns and stated there is much more to be done. Viesselman noted there is still an education problem out there. The hardest cases for me that come across my desk are the ones where someone has died as a result of a traffic accident. Even if

there are no charges, I still have to sign off on it. I hear people complaining about how the law enforcement sits outside the bars. And that's good, because it's effective and people are more aware. But, we aren't educating enough for people to realize the problem that alcohol causes.

James Forshee, Martin County Auditor/Treasurer, stated we have received the application and other required paperwork from Rose Lake Golf Club for renewal of its Liquor, Wine, Club or 3.2% Licenses; and from Fox Lake Golf Club, Inc. for renewal of its Liquor, Wine, Club or 3.2% License and renewal of Consumption and Display Permit. Forshee stated all paperwork has been received and is in order.

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the renewal of Liquor, Wine, Club or 3.2% License with Sunday Sales beginning at 10:00 a.m. for Rose Lake Golf Club effective April 1, 2011 through March 31, 2012; and approve and authorize the renewal of Consumption and Display Permit (Set-up License) and Liquor, Wine, Club or 3.2% Liquor Licenses for Fox Lake Golf Club effective April 6, 2011 through April 5, 2012. Carried unanimously.

Kevin Peyman, Martin County Highway Engineer, reported on the final contract for 2010 Overlay projects with Knife River Corp. of Sauk Rapids, MN. Peyman stated final examination has been made, contract has been completed, and the entire amount of work has been performed. The original contract was \$1,643,052.25 and the completed certified amount is \$1,697,231.23. Peyman recommended approval of the final payment of the contract.

Motion by Commissioner Boler, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of Kevin Peyman, County Highway Engineer, hereby approve the final contract payment for SAP 46-608-014, SAP 46-608-015, SAP 46-613-011, SAP 46-624-003, SAP 46-627-013, SAP 46-653-009, and SAP 46-653-010, 2010 Overlay Projects with Knife River Corp. of Sauk Rapids, MN in the amount of \$1,697,231.23. Carried unanimously.

Peyman continued with a brief department update including that road restrictions were posted on Monday, March 14<sup>th</sup>.

Jeff and Ben Scholl were present to discuss Judicial Ditch 77 & 91 and the Lakefield Junction Power Plant. Their concern is that the power plant has made changes in recent years that have changed the way and the amounts of storm water runoff. There are about 80 acres of storm water runoff that goes into a retention pond and drains into Ditch #91. Basically the way the power plant handles all of the runoff is they allow it to catch into the retention basin and then as it gets full they'll open up the valve and it will spill over into Ditch #91 and kind of runs out all over the ground and into the pipe. A lot of times in the spring when there's a lot of runoff from a large rain it will allow the pond to get too full and it will dump uncontrollably so there will be no control of that runoff water going into the pipe. This has happened several springs in a row and our concern as farmers is

as long as their water is going into the pipe our fields have to wait to dry out. So I'd like to state there is a need to do something to better manage that pond, also have the long term needs addressed, and to be done better for them to get rid of their water without flooding the cropland on the Ditch System.

Commissioner Potter asked if the Scholl's had checked with anybody as to what the cost would be if an additional pipe was installed, what size of pipe would be needed.

Jeff Scholl stated they are open to a lot of different options. If our tile is going to hook onto the power plants, I have no problem with a portion of that cost share. I think the hard surface runoff option should be handled a little bit differently because there's more water there. It's a mile to a mile and a quarter from the plant to Cedar Run. I met with the owners of the power plant out there last week and talked with them about the problem; and in meeting with them, they kind of felt that they were doing everything they thought they were supposed to be doing. But, they did recognize that there is more going on, that there is more hard surface there than planned and in going forward they maybe wanted to review some options as well. Scholl stated that the company officials were good about it.

James Forshee, Martin County Auditor/Treasurer, stated the need to set a date and time for a meeting with the landowners and the power plant, and that Deb Mosloski, Martin County Drainage Administration, will send letters out to have everybody come and sit down and talk about the situation and see what needs to be done to resolve the issues.

Jeff Markquart, Martin County Sheriff, presented the retirement resignation of Deputy Chuck Poppe effective April 30, 2011. Markquart stated the Sheriff's Office has accepted this retirement resignation and asks the Board to do the same; and requests to authorize the recruitment to fill the vacancy.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby accept, with regrets, the resignation of Chuck Poppe as full-time Deputy with the Martin County Sheriff's Office effective April 30, 2011; and approve and authorize the recruitment to fill the vacancy as determined by the Martin County Sheriff. Carried unanimously.

Markquart continued with a brief Sheriff's Office Update including current jail population.

Dan Whitman, Martin County Assessor, presented a resolution from the Southern Minnesota Municipal Power Agency (SMMPA) requesting support for legislation exempting the proposed Fairmont Energy Center from Personal Property Tax. Whitman continued electrical generating equipment is one of the only pieces of personal property that is still taxed in Minnesota, for some reason that's left in the law, and it has been standard procedure since the 1990's to have individual pieces of legislation that exempt that. Some type of property taxes will still be paid on the land and building, but it's the actual equipment that we're addressing.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter,

R-#14/'11

RESOLUTION  
SUPPORTING SOUTHERN MINNESOTA MUNICIPAL POWER AGENCY'S REQUEST  
FOR LEGISLATION EXEMPTING THE FAIRMONT ENERGY CENTER  
FROM PERSONAL PROPERTY TAX

WHEREAS, Southern Minnesota Municipal Power Agency (SMMPA) plans to construct a reciprocating engine electric generation facility fueled by natural gas with a capacity of between 20-30 Megawatts (the "Project"); and

WHEREAS, SMMPA has identified the Fairmont Public Utilities Commission's existing generation site in the City of Fairmont as a potential location for the Project; and

WHEREAS, the Project would utilize an existing brownfield site and make improvements to that property; and

WHEREAS, the Project will provide construction employment during the demolition, preparation and construction of the new electric generating facility; and

WHEREAS, the Project will provide additional full-time employment opportunities in the City of Fairmont once it is completed; and

WHEREAS, the Project will provide wholesale electricity to benefit the 18 Members of SMMPA including the City of Fairmont, with a facility fully capable of operating in the existing Midwest Independent System Operator (MISO) market; and

WHEREAS, the Project will not only provide enhanced reliability for SMMPA Members, but also will be designed to have black start capability and therefore can furnish backup and emergency power service to the City of Fairmont in the event of transmission emergencies or outages; and

WHEREAS, the Project will provide in lieu of real property tax revenues on a parcel that currently pays no property taxes, and the investment by SMMPA will increase the in lieu of real property tax value; and

WHEREAS, the Minnesota Legislature has granted personal property tax exemptions to more than two dozen proposed power plants in Minnesota since 1994, and as a result, personal property tax exemptions are critical to be competitive with other existing and proposed plants that have received an exemption in Minnesota, and would help the Project to proceed.

NOW THEREFORE, the County of Martin, acting by and through its County Board, RESOLVES:

1. That the construction of a 20-30MW reciprocating engine electric generation facility using natural gas in the City of Fairmont at the existing site of the Fairmont Public Utility generating plant would

provide reliability and other economic benefits with no material adverse impact on county governmental services; and

2. That the County supports an amendment to the Minnesota property tax statutes exempting the Project's electrical generation equipment from personal property taxes, taxing only its real property value via in lieu of taxes based upon the real property tax rate structure. Such an amendment would result in taxation similar to other previously exempted electric generation projects in Minnesota.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, said resolution was duly passed and adopted this 15<sup>th</sup> day of March, 2011.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Pierce, Board Chair

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

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

NAYS: None. Resolution duly passed and adopted this 15<sup>th</sup> day of March, 2011.

James Forshee, Martin County Auditor/Treasurer, stated the All Season Wheelers Club – Elm Creek ATV Trail (on behalf of the County) has been approved to receive \$14,400.00 in grant funds for maintenance of the ATV Trails for FY2011.

Motion by Commissioner Schmidtke, seconded by Commissioner Boler, Be it Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Board Chair to sign the Minnesota Trails Assistance Program Off Highway Vehicles – FY2011 Traditional Grant Agreement in the amount of \$14,400.00 for the All Seasons Wheelers Club – Elm Creek Trail; and to approve and authorize the Board Chair (or designee) and/or the Martin County Auditor/Treasurer to sign other required documents as necessary. Carried unanimously.

Greg Johanson, Program Specialist with Martin Soil and Water Conservation District, presented an Amendment to the 2011 AgBMP Loan Program for an additional \$114,000 with no county match required. The additional funding will be used for a number of different programs including Septic Systems and Conservation Tillage; basically anything that helps improve water quality and soil health.

Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign an Amendment to Attachment A of the 2011 AgBMP Loan Agreement for \$114,000.00 additional dollars; with no county match requirement. Carried unanimously.

Lisa Graphenteen, Community Development Director with the Southwest Minnesota

Housing Partnership, was present to review the Renter Rehab Program that has been administered in Martin County and is now being called the Renter Rehab Deferred Loan Program (RRDL). Graphenteen stated the RRDL program funds the rehabilitation of rental properties through the Minnesota Housing Finance Agency and that the Southwest Minnesota Housing Partnership will administer the program. Graphenteen noted the RRDL program is mainly used by larger rental properties of typically four or more units. After further discussion,

Motion by Commissioner Potter, seconded by Commissioner Schmidtke,

R-#15/'11

RESOLUTION  
AUTHORIZE ADMINISTRATION OF THE  
RENTER REHAB DEFERRED LOAN PROGRAM IN MARTIN COUNTY, MN

WHEREAS, the County of Martin desires to participate in the Minnesota Housing Finance Agency, Renter Rehab Deferred Loan Program (RRDL), and administer it in accordance with all applicable State and Federal regulations; and

WHEREAS, in order to participate in the program it is necessary for the County of Martin to file an application signed by the Southwest Minnesota Housing Partnership, Executive Director with the Minnesota Housing Finance Agency; and

WHEREAS, the need for Martin County Board approval concerning the submission of Application for Administrative Authority; and

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Martin County, MN that the Southwest Minnesota Housing Partnership, Executive Director is authorized to:

1. File an Application for Administrative Authority with the Minnesota Housing Finance Agency for participation in the Renter Rehab Deferred Loan Program (RRDL); and
2. Administer through the Southwest Minnesota Housing Partnership program funds awarded by the Minnesota Housing Finance Agency for the rehabilitation of rental property in the County of Martin.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, said resolution was duly passed and adopted this 15<sup>th</sup> day of March, 2011.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Pierce, Board Chair

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

### CERTIFICATION

I, Scott Higgins, Clerk of the Board of Commissioners do hereby certify that at a regular meeting of the Martin County Board of Commissioners duly and regularly called, and held at the office of Martin County on the 15<sup>th</sup> day of March, 2011 there being a quorum of said Board present, the following resolution was unanimously passed as appears from the records of Martin County and is now in full force and effect.

WITNESS my hand officially and the official seal of the County on March 15, 2011.

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

(SEAL)

Roll Call AYES: Commissioners Donnelly, Boler, Schmidtke, Potter, and Pierce.  
NAYS: None. Resolution duly passed and adopted this 15<sup>th</sup> day of March, 2011.

Neil Johnson, DOC District Supervisor, and John McDonald, STS Supervisor, presented an agency update and reviewed the 2010 - 4<sup>th</sup> Quarter 2010 STS Quarterly Report including Adult and Juvenile Work Service Summary Report information for total hours/days worked with the City, County, and Non-Profit agencies in Martin County, and State agencies; Crew Leader Work Service Daily Crew Detail Report information listing date, agency, site, project, crew size, and hours worked; 2010 Storm Clean-up in Martin County (September flood event); and STS Contract Budget Information for FY12 & FY13.

Scott Higgins, Martin County Coordinator, stated the Board is being asked to approve the separation of an employee from the Martin County Assessor's Office and that due to the fact that this matter involves private data pursuant to MN Statutes Sec. 13.43; no further detail is permitted at this time.

Motion by Commissioner Schmidtke, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the separation of Employee #129 from the Martin County Assessor's Office effective March 15, 2011; and authorize recruitment to fill the vacancy. Carried unanimously.

Dan Whitman, Martin County Assessor, presented an update on the Martin County's Beyond the Yellow Ribbon events that are scheduled including a brainstorming meeting to be held at the courthouse on March 29, 2011 at 7:00 p.m. to develop and enhance community support services and resources for Service members and their families; and upcoming troop send off party and parade at noon on May 15, 2011. Whitman is pleased with the way the whole community is embracing this program.

Higgins stated the Martin County Mentoring Network is requesting approval to submit an application for Martin County Youth Foundation grant funding in the amount of \$2,500.00. This funding request will help to reduce youth risk behaviors by providing supportive mentoring relationships and youth outreach activities for children who may face challenges in their lives. If granted, the funding period would be effective July 1, 2011 through July 1, 2012.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Martin County Mentoring Network to submit an application for Martin County Youth Foundation grant funding in the amount of \$2,500.00, and to authorize Scott Higgins, County Coordinator to sign the application on behalf of the Board. Carried unanimously.

Higgins stated the Board is being asked to approve a revised Memorandum of Understanding (MOU) for the County's – Martin County Express public transit system, to participate with five (5) other public transit systems in Minnesota for the collective purchasing of dispatching hardware and software for the systems. Higgins went on to state there were a few more operational details added to the MOU; mostly that any additional hardware or software a system wishes to purchase, that system is responsible for their own expenses beyond what the original amount of ARRA funds received for purchase of the dispatch software. Higgins noted the Board approved the original MOU for purchase of a computer web based dispatching system at the April 20, 2010 regular Board of Commissioners meeting; and that the dispatching system will be funded by the American Recovery and Reinvestment Act of 2009 through the Minnesota Department of Transportation – Office of Transit.

Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Board Chair to sign the revised Memorandum of Understanding (MOU) with the following public transit systems: Ecumen d/b/a Meeker County Transit, River Rider – Sherburne and Wright Counties, Pipestone – Pipestone County Transit, Brown County Heartland Express – Brown County, and Martin County – Martin County Transit, for the collective purchasing of transit dispatching hardware and software for a computer web based dispatching system. Carried unanimously.

Higgins stated the Building Committee recently met to discuss the County's Energy Audit Report that was completed on the Courthouse and Law Enforcement Center (LEC). Higgins stated that LuAnn Nelson, Energy Services Representative with SMMPA, toured both facilities and has completed a report that provides recommendations identified through the audit, the purpose of which is to help lower our energy costs while maintaining or improving our work environment. The report provides a no-cost energy analysis of our facility's electricity usage to help identify possible improvements, establish priorities for implementation, and quantify operating cost reductions as well as available utility rebates. The report is based on a thorough on-site evaluation. The investigation and analysis included: An inspection of the building, equipment and electricity costs; and a general understanding of building systems; as well as conduct an

analysis of electricity bills of the facilities being inspected.

Higgins noted the report recommends immediately replacing all existing T12 lamps and ballasts with T8 or Super T8 lamps and electronic ballasts in the Courthouse and Law Enforcement Center; along with incandescent light bulbs should be converted to screw-in compact fluorescent light bulbs (CFL's). The report also addressed Vending Misers to automatically power down the vending machines, HVAC's, and refrigerators.

Higgins further stated with projected cost and savings for Retrofit Lighting including projected energy savings, projected rebates, and projected savings during the first year of \$15,913.00. Higgins also noted the estimated cost to replace ballasts and light bulbs in the courthouse and LEC in the amount of \$14,612.00. Higgins went on to note that installation bids were received from both Kahler and Dewar Electric, and bulbs through J.H. Larson Company; and that Judge Walker would be in support of updating the lighting and fixtures in the third floor courtroom (Courthouse) as well. After further discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve moving forward with the installation of replacement and new energy efficient lighting and ballasts at the Martin County Courthouse and Security Building; and includes working with the Building Committee for replacement of new energy efficient lighting in the third floor courtroom of the Martin County Courthouse. Carried unanimously.

Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve payment of claims for the month of March 15, 2011; and includes the Martin County Highway Department as presented. Carried unanimously.

Warrants Received and paid March 15, 2011 are registered on file in the Auditor/Treasurer's Office as follows:

Revenue Fund – Warrants Approved March 15, 2011	\$238,404.93
Enhanced 9-1-1 Fund	\$ 708.60
Recreation and Safety Fund	\$ 17.17
Martin County Economic Development Authority	\$ 25,263.95
Solid Waste Management Fund	\$ 16,980.79
Martin County Transit Fund	\$ 40,928.02
Recorder's Compliance	\$ 5,240.00
Building – CIP – Fund	\$ 696.47
Bank Building Fund	\$ 3,807.14
Total	\$322,047.07
Road and Bridge Funds Totaled	\$173,247.54
Martin County Ditch Fund – Warrants Totaled	\$ 58,936.38

The Board reviewed the Septic Loan Update report; 2011 Interlaken Heritage Days

Schedule/Parade Entry form; and 2011 Budget Allocation request from Red Rock Center for the Arts; and inquired on the number of applications received for the Ditch Inspector/Technician and Accountant (A/T) positions.

Commissioners presented their Board Member Reports.

Commissioner Potter stated he attended Beyond the Yellow Ribbon on March 1<sup>st</sup>; Human Services Exec plus County Leadership on March 2<sup>nd</sup>; Martin County EDA on March 7<sup>th</sup>; Adult Drug Court and Library on March 8<sup>th</sup>; Legislative Visit at the Capital on March 10<sup>th</sup>; and BioFuels presentation at Blue Earth Ag Center on March 10<sup>th</sup>.

Commissioner Schmidtke stated he had nothing extra to report.

Commissioner Pierce stated he had nothing additional to report.

Commissioner Boler stated in addition to what was previously mentioned he attended Prairieland on March 11<sup>th</sup>.

Commissioner Donnelly stated he attended Human Services Exec Board on March 2<sup>nd</sup>; Personnel Committee on March 4<sup>th</sup>; Prairieland and Building Committee on March 11<sup>th</sup>.

The Board reviewed their calendars of upcoming meetings and activities: March 15, 2011 – Labor Management Committee at 1:30 p.m. and Agri-Business tonight; March 16, 2011 – Human Services at 9:00 a.m. in Fairmont; March 17, 2011 – Energy Audit at the Human Resource Building and Martin County Highway Department; March 21, 2011 – Special EDA Meeting at 7:30 a.m. at the Ranch Restaurant; Fairmont Economic Development at 1-5 p.m., River Board in the morning and MVAC in the evening; March 22, 2011 – Annual Meeting Association of Townships in Welcome; March 23-24, AMC's 2011 Legislative Conference in St. Paul; March 28 – Rural Minnesota Energy Board in Slayton, MN; March 29, 2011 – Beyond the Yellow Ribbon at 7:00 p.m. in the Courthouse – Board Room; April 5, 2011 next regular Board of Commissioners meeting at 9:00 a.m.; April 6, 2011 – Area Career Exploration (ACE) Event at 8:00 a.m. at Fairmont High School.

With no further business to wit, Board Chair adjourned the meeting at 10:00 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Pierce, Board Chair

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