

PROCEEDINGS OF THE
MARTIN COUNTY BOARD OF COMMISSIONERS
TUESDAY, MARCH 20, 2012
@ 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.

Commissioners present were Steve Pierce, Elliot Belgard, and Jack Potter. Commissioner Schmidtke was absent. 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 Belgard, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda as presented. Carried unanimously.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the March 6, 2012 regular Board of Commissioners meeting. Carried unanimously.

Rebecca Bentele, Martin County Victim/Witness Coordinator, was present to request Board consideration for approval of the Service Agreement with Committee Against Domestic Abuse, Inc. (CADA) out of Mankato, MN for training of staff and volunteers who are involved with the newly established County Supervised Visitation Center. Bentele reviewed fee and language revisions to the draft Agreement: the County is proposing to change billings from five (5) working days to within thirty (30) days, due to the County's billing schedule. Also, the County is proposing cancellation, renewal or revision of the Agreement from one (1) day to a thirty (30) day notice. However, CADA has indicated that it will agree to 10 days; and that will work for the county as well.

Terry Viesselman, Martin County Attorney, stated he has reviewed the Agreement and approves as to content and form.

Motion by Commissioner Pierce, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Board Chair to sign the Service Agreement with the Committee Against Domestic Abuse, Inc. (CADA) of Mankato, MN for the purpose of training of staff and volunteers of the County's Supervised Visitation Program at a rate of \$25.00 per hour, effective April 1, 2012. Carried unanimously.

Viesselman presented the Memorandum of Understanding (MOU) with St. John's United Church of Christ (Fairmont) and Kinship for use of the parsonage facility for the County's newly established Supervised Visitation Center. Viesselman noted the MOU

stated the County will pay to Kinship the sum of \$200.00 per month as County's contribution towards water, natural gas, electricity, and telephone utilities; and that the County's contribution for these services will be reviewed annually. Viesselman went on to note this sum for utilities was not included in the initial proposal previously presented to the Board for first year estimated costs. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve the Memorandum of Understanding between Martin County and the St. John's United Church of Christ, and the Fairmont Kinship Program for use of St. John's United Church of Christ parsonage facility for the County's Supervised Visitation Program; and that the County will pay \$200.00 per month for utilities, subject to an annual review. Carried unanimously.

Kevin Peyman, Martin County Highway Engineer, stated that ongoing concerns regarding the condition of what is commonly referred to as the "tree dump" road, prompted a meeting with the City of Fairmont, Rolling Green Township, and the Martin County Highway Department. The Rolling Green Township road gets frequent, heavy use from vehicles dropping loads at the City's tree dump and leaf compost site. A meeting with representatives from the Township, City, and County was held to address concerns the Township has regarding maintenance of this road and possible closure of the road for a couple of months in the spring that would impact all citizens that live in Fairmont as well as those outside of Fairmont that use the road. Peyman went on to state that as a result of this meeting a plan of action was formulated and that the Township would be responsible for providing the tile and replacement of centerline pipe that was crushed; the City of Fairmont would be responsible for providing gravel and rock for rebuilding the road; and Martin County would supply most of the labor and equipment needed for rebuilding the ditches to establish drainage, replace the centerline pipe that is crushed, and to crown on the road, and get rid of curb and gutter on the outside, which should make this stretch of road considerably easier to maintain. Peyman requested approval for the Highway Dept to provide the labor and equipment time to assist Rolling Green Township and the City of Fairmont for improvement on this section of road on 100th Street.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Martin County Highway Department to donate labor and equipment time to assist the City of Fairmont and Rolling Green Township with road improvements on 100th Street (commonly referred to as tree dump road). Carried unanimously.

Peyman concluded with a Highway Department update stating the grading project for this next year is going to be County State Aid Highway (CSAH) 38 running from the Fairgrounds road (CSAH 39) past Zion Lutheran – Fraser, to CSAH 27. A public meeting on the proposed grading project will be held Wednesday, March 21, 2012 beginning at 7:00 p.m. at the Martin County Highway Shop; and extended an invitation to the Board to attend this informational meeting.

Randy Van Dyke, CEO of Iowa Lakes Regional Water (ILRW), was present to provide and update and review the Iowa Lakes Regional Water Jackson/Martin Rural Water System Action Plan. Van Dyke stated rural residents within Jackson and Martin Counties of Minnesota have expressed a need and a desire for a safe, reliable water supply for more than 40 years. Initial efforts were made to start a rural water system in this area in the late 1960's early 1970's but those efforts failed because of organized opposition from area well drillers. More recent efforts beginning in 2004 were initiated by a Steering Committee that sent out an interest survey to rural residents and found strong interest in starting a rural water system in the area. This positive interest resulted in extensive work on the part of ILRW to identify a potential water source and a Preliminary Engineering Report was prepared in March, 2007 and later amended in March, 2008.

Van Dyke stated on the basis of the PER, USDA Rural Development obligated funds for the project and the Steering Committee began securing final commitments for the project based on a connection fee of \$450, and Assessment of \$12,000, a monthly minimum of \$32, and a rate per thousand gallons of \$2.50. The final commitment phase was not successful with only 51 rural residents or 12% of the 431 residents within the service area making a commitment for service. Discussions with potential residents indicated a concern with the then floundering economy and the relatively high Assessment cost as the reason for the low level of final commitments. Efforts continued throughout 2008 to the present time to develop a feasible project by considering phased development in areas showing the most interest and additional marketing activities to generate interest in the project.

Van Dyke went on to state in late 2010 Red Rock Rural Water, an adjacent Minnesota rural water system was asked to consider taking over the project. The Steering Committee and Engineer were asked to share all of the information they had on file regarding project development steps accomplished to date including test drilling data, reports, cost estimates, contacts with potential water providers, public hearing notes, and similar data. After lengthy consideration, in July, 2011, Iowa Lakes Regional Water received word that Red Rock Rural Water was officially declining to assume the project.

Van Dyke continued USDA Rural Development is now planning to de-obligate funding for the project unless a detailed plan of action to continue development of the project is approved by the agency. The Steering Committee met on November 9, 2011 to consider the future of the project. After extensive discussion, the Committee unanimously agreed to recommend that funds not be de-obligated and that the project proceed for the following three reasons: (1) the Committee felt very strongly that there remains a significant unmet need for a safe and reliable water supply in the project area and the proposed project is the only practical and effective way of meeting this need; (2) the Committee felt that restructuring the user fees by reducing the Assessment would make it more attractive for rural residents to participate; and (3) there has been a very significant change in the farm economy from the time in 2008 and 2009 when rural residents were invited to participate in the project. Since the end of 2010 through 2011 and likely moving forward into 2012 and beyond, commodity prices have risen and the farm economy in southwest Minnesota is far stronger than it has been in many, many years.

The robust economy has resulted in renewed optimism on the part of the residents of the area and the Committee expects this attitude to be reflected as the opportunity to participate in the project is again presented to the potential project participants. The Committee would therefore like to resurvey the rural residents in the project area with a proposed connection fee of \$450, and an Assessment of \$8,000 with the remaining loan payment generated by the monthly water rate. They felt that with this new approach and the much improved economic conditions that a survey of the rural residents would show that the project should continue. If the survey showed positive interest, a revised PER would be prepared. The revised report would consider purchasing water from local sources, such as the City of Jackson and other medium sized cities in the project area rather than developing a single large source. This and other modifications might reduce the overall cost of the project and would facilitate phased construction alternatives. If the amended report demonstrated a technically and financially feasible project, residents would be again contacted for a final commitment to be served by the project and if enough commitments were secured for a feasible project, it would proceed to design, bidding, and construction.

Van Dyke next presented the schedule and five phases of the action plan:

Phase 1 – Interest Survey and Water Source Alternatives (December 1, 2011 to February 13, 2012)

Interest Survey: The Steering Committee will prepare and send out an interest survey to the rural residents within the project area and tabulate the results to evaluate if there is interest in continued development of a rural water system. The survey would provide background and cost information on the project and ask the respondents if they would likely sign up for service if it was available. The survey would be prepared in December and sent out at the end of December to be returned by January 13th. After the due date, the Steering Committee will make phone calls to encourage those who haven't already returned the survey to do so. During this same time period the Cities of Alpha and Dunnell would also be contacted to ask each to consider the interest of the City becoming part of the proposed rural water system. The results would then be tabulated and the Project Stakeholders (the Steering Committee, Iowa Lakes Regional Water, and USDA Rural Development) would consider if there is adequate interest in moving forward to Phase 2. After considering the results of the survey, the Project Stakeholders will determine if the project should move forward or if it should be abandoned and the funding de-authorized. Because the loan amount in the two current funding packages will require in excess of 300 rural customers to be financially viable, a significant majority of the returned surveys will need to show positive interest if the project is to proceed to the next phase.

Water Source Alternatives: In order to identify additional potential water sources that can be considered in an amended PER and to discuss as part of the final sign up, during December, 2011 and January, 2012, potential water suppliers such as the City of Jackson and the City of Sherburn will be contacted to determine if they are willing to

consider a sale of water to supply the proposed system. Their commitment is not required at this stage of development, legitimate interest in a sale of water is necessary.

Financial Viability: After the survey results have been tabulated, a brief financial viability summary will be prepared to assist the project sponsors in their decision to proceed to Phase 2 of the project. The summary would utilize the available data to define a broad range of possible user costs that might occur at the level of interest shown in the survey.

- ◆ Survey Return Date – January 13, 2012
- ◆ Survey Follow Up Calls – January 16-31, 2012
- ◆ Survey Results Tabulated and Sent to Stakeholders – February 1, 2012
- ◆ Water source alternatives determined – February 1, 2012
- ◆ Meeting of Stakeholders to Discuss Survey Results – February 13, 2012

Phase 2 – Final Sign up – February 13, 2012 to May 31, 2012

Final Sign up: If the Project Stakeholders agree to proceed to Phase 2, work will begin to solicit a final commitment from potential rural residents. The commitment will be in the form of a signed Application for Service and the payment of the \$450 connection fee. The goal of the sign up campaign will be to secure a minimum of 300 commitments. Commitments for bulk service from Alpha and Dunnell will also be received during this phase as well as a commitment from potential water source providers to sell water to the system. As part of the sign up process, customers will be asked for an estimate of their water needs and information on possible water quality, connection fee, Assessment amount, water rate goals will be presented. The number of rural commitments will then be tabulated and the potential service locations will be plotted on a map kept current during the sign up process.

Financial Viability: The Financial Viability Summary prepared in Phase 1 will be updated at the end of this phase utilizing the sign up information to assist the project sponsors determine if they project should move on to Phase 3.

- ◆ Sign up Period Concludes – May 31, 2012
- ◆ Meeting of Stakeholders to decide to proceed to Phase 3 – June 1, 2012

Phase 3 – Amended Preliminary Engineer’s Report and Environmental Assessment Report – June 1, 2012 to July 31, 2012

If the Project Stakeholders agree to proceed to Phase 3, preliminary design alternatives would be developed based on the signed up locations and identified water sources and cost estimates prepared for each alternative. For each design alternative a preliminary design will be prepared and complete cost information prepared to select the preferred design alternative and evaluate the financial viability of the project. This information will be documented an amended Preliminary Engineering Report that would define the feasibility of constructing the project. The Environmental Assessment Report would also be amended based on the design changes made in the revised PER. These documents would be reviewed by the Project Stakeholders, and if they showed that the

project was both technically and financially feasible the Stakeholders would likely decide to continue on to the next step, and if not, a decision to abandon the project and de-authorize the funding might be made. In order to complete some of the critical items needed to complete the next phase (Phase 4), such as railroad permits and obtaining construction right-of-way, work on some of those items will be considered during Phase 3 based on the judgment of the project sponsors and how those items will impact the project timeline.

- ◆ Completion of the Preliminary Engineer's Report – July 31, 2012
- ◆ Preliminary Engineer's Report sent to Stakeholders – July 31, 2012
- ◆ USDA RD Review and Comments – August 31, 2012
- ◆ Stakeholder's Decision to Proceed to Final Design – September 5, 2012

Phase 4 – Final Design, Assessment Requirements, Environmental, and Right-of-Way – September 5, 2012 to December 15, 2012

If the Project Stakeholders determine that the project or portions of it can be feasibly built, the Engineer will be authorized to begin Final Design and prepare Plans and Specifications for review by USDA Rural Development and the Minnesota Department of Health. During the same time period the Environmental Assessment will be revised as needed based on the changes made and the Steering Committee/Iowa Lakes Regional Water would secure construction easements, property, finalize water purchase contracts, and related matters necessary to proceed to Construction. Other matters relating to the assessment process and USDA Rural Development project checklist will be completed.

- ◆ Plans and Specifications Complete – December 1, 2012
- ◆ Agency and Owner Reviews Complete – December 31, 2012
- ◆ Begin Advertising for Bids – January 2, 2013

Phase 5 – Bid Letting – January 30, 2013

Notice to Proceed – March 15, 2013

Construction – March 15, 2013 to December 15, 2013

Summary: The Plan of Action provides a step by step process for all of the Project Stakeholders to reach informed decisions at each step. The project will move forward only if all of the Project Stakeholders agree to move to the next step. The information gathered and the related analysis will allow all parties to proceed in a rational and logical manner and determine if the project or a portion of it can be built at a cost that can be supported by reasonable user fees.

Van Dyke concluded that he will be back to update the Board after sign up has been completed on May 31, 2012.

The Board chair thanked Van Dyke for the update.

Kathy Smith, Martin SWCD Director, and Greg Johanson, Martin SWCD Program Specialist, presented an Amendment to the 2012 AgBMP Loan Program for an additional \$428,000.00 to the Multi-Lender System with no County match required. The additional funding will be used for a number of different programs including Septic Systems and Conservation Tillage and other programs that help improve water quality and soil health. Motion by Commissioner Potter, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Board Chair to sign the Amendment to Attachment A of the 2012 AgBMP Loan Agreement for a \$428,000.00 increase to the Multi-Lender System; with no County match required. Carried unanimously.

Smith informed the Board of the area Contractors meeting today at the Martin Soil and Water Conservation District office at 1:00 p.m.; and farewell reception for Carissa Spencer on Friday, March 23rd beginning at 2:00 p.m. at the Martin Soil and Water Conservation District office. Spencer has accepted a position as NRCS State Agronomist in St. Paul, MN.

Patrick Rafferty, Chief Operating Officer for VistaPrairie Communities (Parent Company for Goldfinch Estates) was present to request Martin County to issue Housing Facility Revenue Refunding Notes in the amount not to exceed \$8,000,000 (\$7,000,000 of Tax Exempt, remaining \$1,000,000 are taxable to be used to pay legal fees, improvements, and issuer fees), on behalf of Goldfinch Estates. Rafferty stated the proceeds of the bonds will be used for refinancing facilities in Fairmont and to finance improvements to the facility. Rafferty went on to state this issuance through the County will serve as a conduit of the bonds, and does not constitute a general or moral obligation on the County, nor secured or payable from the property assets of the County, and will not have an adverse effect on the County's rating. Rafferty noted as part of the issuance of these Revenue Refunding Notes for Goldfinch, the County will receive a one time one quarter of one percent (.0025%) of the aggregate principal amount of the notes, which is estimated at approximately \$20,000. Rafferty went on to note before these Revenue Notes can be issued, the County will need to hold a public hearing which is proposed to be held during the April 17, 2012 Commissioners Board meeting. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Board Chair to sign resolution calling for public hearing on the proposed issuance of housing facility revenue refunding notes in an aggregate principal amount not to exceed \$8,000,000 at the request of Goldfinch Estates-GEAC, LLC; and set a public hearing on the issuance of said Notes and on the Housing Program for April 17, 2012 beginning at 9:00 a.m. in the Martin County Courthouse – Commissioners Board Room.

Resolution No.: R-#19/'12

RESOLUTION CALLING FOR PUBLIC HEARING ON THE PROPOSED
ISSUANCE OF HOUSING FACILITY REVENUE REFUNDING NOTES IN AN
AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,000,000, AT
THE REQUEST OF GOLDFINCH ESTATES - GEAC, LLC

WHEREAS, Martin County (the "Issuer") is a public body corporate and politic organized and existing under the Constitution and laws of the State of Minnesota, and Bond Counsel has advised that the Issuer is authorized and empowered by Minnesota Statutes, Chapter 462C, as amended (the "Act"), to issue revenue bonds and loan the proceeds from the sale of said bonds to one or more parties to be used to defray all or a portion of the cost of acquiring, constructing, improving and equipping multifamily housing developments, as that term is defined in the Act, including the discharge of liens and related rehabilitation in connection with such multifamily developments; and

WHEREAS, a proposal has been made to the Issuer by Goldfinch Estates - GEAC, LLC, a Minnesota limited liability company, the sole member of which is Governmental and Educational Assistance Corporation d/b/a Vista Prairie Communities, an Arkansas nonprofit corporation and 501(c)(3) organization (referred to herein as "GEAC"), that the Issuer authorize the issuance of its housing revenue bonds for the purpose of financing and refinancing one or more multifamily housing developments pursuant to the Act (all sometimes collectively referred to as the "Project"); and

WHEREAS, GEAC has advised the Issuer that the Project consists of 1) refinancing housing facilities for rental to the elderly, including a facility for residents with Alzheimer's disease and other memory disorders, and 2) financing certain improvements to such facilities; and the Project is more particularly described in the Housing Program developed pursuant to the Act with respect thereto, a copy of which Housing Program is attached hereto as Exhibit B (the "Housing Program"); and

WHEREAS, the funds to provide financing and refinancing for the Project would be obtained through the issuance by the Issuer of its Housing Facility Revenue Refunding Notes, in one or more series, in a principal amount not to exceed \$8,000,000 (the "Notes"), which Notes are to be repaid solely and only through payments to be made by GEAC (referred to in the alternative as the "Borrower") pursuant to a loan or similar agreement to be entered into between the Issuer, the Borrower and Piper Jaffray Lending LLC, as lead lender; and

WHEREAS, the Notes (if issued) shall be a limited obligation of the Issuer, and shall not constitute nor give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers, and the principal of, interest and premium, if any, on the Notes shall be payable solely out of the revenues derived from the loan agreement and security provided therefor; and

WHEREAS, Bond Counsel has advised that, pursuant to Section 462C.04, Subd. 2, of the Act and Section 147(f) of the Internal Revenue Code, as a condition to the issuance of the Notes, it is necessary to conduct a public hearing on the issuance of the Notes and on the Housing Program and to publish notice of said public hearing not less than 15 days prior to the date fixed for the hearing.

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

1. A public hearing shall be conducted by the Board of Commissioners on the issuance of said Notes and on the Housing Program, such hearing to be held at a meeting of the Council on April 17, 2012, beginning at 9:00 o'clock a.m. in the Martin County Courthouse, at which hearing all parties who appear shall be given an opportunity to express their views with respect to the issuance of the Notes and the Housing Program.

2. Notice of such public hearing, in substantially the form attached hereto as Exhibit A, shall be published at least once not less than 15 days prior to the date fixed for the hearing, in a newspaper having a general circulation in Martin County.

3. Prior to publication of said notice GEAC shall cause a copy of the Housing Program to be submitted to the regional development commission for the area in which Martin County is located, if any, for review and comments.

4. Nothing herein shall constitute a commitment by the Issuer to issue the Notes, which shall in all cases be subject to the sole and absolute discretion of the Board of Commissioners.

5. Any prior resolutions or orders adopted by the Board of Commissioners, or parts thereof, in conflict herewith are to the extent of such conflict, hereby repealed, and this Resolution shall be in full force and effect immediately upon its adoption.

Adopted on March 20, 2012 by the Martin County Board of Commissioners.

By: _____
Its Chair

Attest:

By: _____
County Coordinator

EXHIBIT A

RESOLUTION CALLING FOR PUBLIC HEARING ON THE PROPOSED ISSUANCE OF HOUSING FACILITY REVENUE REFUNDING NOTES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,000,000, AT THE REQUEST OF GOLDFINCH ESTATES - GEAC, LLC

NOTICE IS HEREBY GIVEN that a public hearing shall be conducted by the Board of Commissioners of Martin County, Minnesota (the "Issuer"), on a proposal that it issue its Housing Facility Revenue Refunding Notes, in an aggregate principal amount of not to exceed \$8,000,000, in one or more series (the "Notes"), and on the related Housing Program developed pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act"), all at the request of Goldfinch Estates - GEAC, LLC, a Minnesota limited liability company, the sole member of which is Governmental and Educational

Assistance Corporation d/b/a Vista Prairie Communities, an Arkansas nonprofit corporation (the "Company"). The hearing will be held at the Martin County Courthouse, located at 201 Lake Avenue, Fairmont, Minnesota, at a meeting of the City Council to be held on Monday, April 17, 2012, beginning at 9:00 o'clock a.m. The proposed project to be financed and refinanced by the Notes consists of 1) refinancing housing facilities for rental to the elderly, including a facility for residents with Alzheimer's disease and other memory disorders, and 2) financing certain improvements to such facilities (the "Project"), and all as further described in the Housing Program developed pursuant to the Act with respect thereto, a copy of which is on file at City Hall. The Project includes 92 units of assisted-living rental housing for elderly residents and 41 units for rental to residents with Alzheimer's disease or other memory disorders. The addresses of the facilities to be financed and refinanced by the Notes are 850 Goldfinch Street, Fairmont, Minnesota, and 1640 Blue Jay Boulevard, Fairmont, Minnesota. All of the facilities included in the Project are owned and operated by the Company (referred to in the alternative as the "Borrower"). The proceeds of the Notes will be loaned by the Issuer to the Borrower to provide financing and refinancing for the Project, and the Borrower will agree to repay the loan at times and in amounts sufficient to provide for payment in full of the Notes when due. At said time and place the Board of Commissioners shall give all parties who appear an opportunity to express their views with respect to the Housing Program and the issuance of the Notes. Written comments will be accepted at the Martin County Courthouse until the time of hearing.

Date: March 20, 2012.

**BY ORDER OF THE BOARD OF
COMMISSIONERS**

County Coordinator

EXHIBIT B

**HOUSING PROGRAM PURSUANT TO MINNESOTA STATUTES, CHAPTER 462C
GOLDFINCH ESTATES - GEAC, LLC**

This Housing Program describes a multifamily housing development initiative proposed to be undertaken in Martin County, Minnesota (the "Issuer"), pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act"), at the request of Goldfinch Estates - GEAC, LLC, a Minnesota limited liability company, the sole member of which is Governmental and Educational Assistance Corporation d/b/a Vista Prairie Communities, an Arkansas nonprofit corporation (the "Company"), in connection with 1) refinancing housing facilities for rental to the elderly, including a facility for residents with Alzheimer's disease and other memory disorders, and 2) financing certain improvements to such facilities (collectively referred to as the "Project" or the "Development"). The representations herein are based entirely on representations or

is Governmental and Educational Assistance Corporation d/b/a Vista Prairie Communities, an Arkansas nonprofit corporation; that said meeting was duly and publicly held in accordance with all applicable requirement of law, and that the information set forth in the attached Extract of Minutes with respect thereto is true, complete and correct.

WITNESS my hand officially as said County Coordinator this 20th day of March, 2012.

County Coordinator

Roll Call AYES: Commissioners Potter, Belgard, Pierce, and Donnelly. Commissioner Schmidtke was absent. NAYS: None. Resolution duly passed and adopted this 20th day of March, 2012.

Dan Whitman, Martin County Assessor and member of the Martin County Technology Committee, stated the Tech Committee has been meeting to discuss the current overhead aerial photo that the County uses in its GIS System and how a number of things have changed in the last three years since the initial aerial fly over (including ethanol plants and new rural building sites). The Committee contacted the Pictometry Company, which this company did the last flyover for the county, and met with a sales representative who evaluated the fly over images the County currently has versus new technology that the Pictometry Company will offer to us at the old technology price. This new technology improves the resolution or the accuracy of the photography images from 12” in rural areas and 6” within the cities to 9” in the rural and 3” in the cities; and also has been upgraded from straight ahead and straight back shots, to shots that view ahead, back, and both sides of property for increased clarity. Whitman noted the Pictometry Company has put together two proposals:

1 Flight over 3 Years:

\$86,754.50

2 Flights over 6 Years:

Flight #1 \$ 76,464.50

Flight #2 \$112,479.50

Whitman went on to note if the county were to sign for a flight now, and then three years from now, similar to the same schedule we’re doing now, they’ve got one price locked in for both of those flights. If you sign up for two flights you get a substantial discount (approximately \$10,000) on the first flight. Along with that comes the understanding that if you decide not to have another fly over in three years you can cancel that part for no reason and you won’t have any penalty against that discount (on the first of the two fly overs). The Technology Committee thinks it is a good time to have another fly over for updated information as we have noted a number of instances where our information is wrong. Whitman stated that if we wait until next year, we will not be able to take

advantage of getting the new technology at the old price; or the discount for signing up for two flights over a six year period.

Discussion ensued as to if there have been enough changes in the County in a three year period to warrant the expense of another fly over; if the fly over expense was included in the 2012 budget; and who benefits from the new technology.

Forshee noted this expense was not included in the 2012 budget; however, there are funds in either the E-911 or Recorder's Technology Fund to cover this expense.

Whitman stated repayment can be done over a three year period. Whitman went on to state the Assessor's Office uses this technology every day, and is used by other County offices and residents, for verification of measurements and property lines, and to ensure equalization of the tax burden in the County. Local law enforcement can use this technology for rescues to find the best way to get to that person.

Additional discussion ensued regarding use of the E-911 fund (previously dedicated for ARMER 800 MHz radio project expense) versus Recorder's Technology Fund. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Martin County Technology Committee to move forward with Pictometry proposal for updating of the County's Beacon System for two aerial photography flights over a six year period in the amount of \$76,464.50 for the first flight and \$112,479.50 for the second flight; and that the second flight is subject to cancellation by Martin County without penalty if deemed unnecessary; and that costs of the flight(s) will be expended from the Recorder's Technology Fund. Carried unanimously.

Whitman continued stating the Assessor's Office proposes to increase the fees for assessing property for the small cities, City of Fairmont, and townships that it services, to bring the fees more closely to the market region. Martin County's current charges are: Rural at \$7.70 per parcel, Small Cities at \$8.80 per parcel, and Large Town at \$12.75 per parcel. The Assessor is proposing a 5% increase per year until the rates reach the average rate for the region. After discussion,

Motion by Commissioner Belgard, seconded by Commissioner Pierce, Be it Resolved that the Martin County Board of Commissioners, after careful consideration and upon the recommendation of the County Assessor, hereby approve increasing assessing fees for the 2013 appraisal fee schedule as follows: Townships increase from \$7.70 per parcel to \$8.09 per parcel, Small Cities from \$8.80 per parcel to \$9.24 per parcel, and City of Fairmont from \$12.75 per parcel to \$13.39 per parcel. Carried unanimously.

Whitman stated that GIS data is available to the public free of charge via the public computer at the Assessor's Office window. If, however, companies come and ask for the data in a specific format (spreadsheets, pdf files, or shapefiles), there is work required by

our office personnel to get the data ready and recommend establishing a Property Data Fee Policy specifying that the Assessor's Office charge \$60.00 to set up the file to the requested report type, and \$.05 per parcel or shapefile. If anyone feels they should receive this information at no cost, they have the right to appeal the Assessor's decision to the County Board of Commissioners.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize establishing a Property Data Fee Policy for GIS property data requests effective March 20, 2012. Policy language will include:

"Martin County has invested a great amount of excess staff time in putting property data in a format which can be easily used by real-estate and other interested people in their day to day work. It is the desire of Martin County to make this data available to these professionals and others at a reasonable rate while recouping part of the extra expense incurred to make this available in this format. The standard fee for this will be \$60 setup plus \$.05 per parcel or shapefile. Any special requests should be addressed to the Assessor's Office. They will make a determination on the request and all parties will have the right to appeal the Assessor's decision to the County Board of Commissioners." Carried unanimously.

Jeff Markquart, Martin County Sheriff, and Mark Geerdes, Martin County Jail Administrator, were present to recommend the hire of one replacement part-time corrections officer.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve the hire of Brooke Sonnicksen as Part-time Corrections Officer at \$15.96/hour, effective March 20, 2012; not eligible for benefits. Carried unanimously.

Markquart presented an office update including current Martin County Jail population of twenty-two (22) in-house, and eight (8) or nine (9) out of County.

Commissioner Pierce opened discussion with regard to the locations of the state's ARMER radio systems towers in Martin County. Pierce noted one tower is going up west of Sherburn, and a second tower will be located west of Fairmont. Originally the second tower was to be in the eastern portion of the County. The first location, near the Rose Lake gravel pit, was in the way of the Fairmont airport traffic path, and a second option near East Chain fell through because of potential wind turbine development. Having two towers only 10 miles apart seems to be a waste. All the other towers are spaced 30 miles apart.

Sheriff Markquart noted when we're outdoors; we have nearly 100 percent radio coverage. However if we're inside buildings, we have no coverage at all. Markquart went on to note that east of Fairmont the ARMER radios get strong coverage from the Blue Earth, MN tower and believes the Blue Earth tower will effectively cover the

eastern portion of Martin County. But we still need that second tower. Firefighters need to get that signal inside buildings and I don't want to risk not having that coverage. A lot of buildings in Fairmont, we don't have that coverage now. Towers from the surrounding counties of Jackson, Watonwan, and Faribault provide coverage for fringe areas of Martin County, while the tower going up near Sherburn will cover the western portion. The Fairmont tower, two miles out of town, will give the entire City coverage. Markquart went on to note that Martin County has not yet received notification of grant funding to help with the costs associated with moving over to the 800 MHz radio transmission system.

The Board Chair thanked the Sheriff for his report.

Don Reffer, B & W Control Specialists of Algona, IA presented an update of maximum costs for continued brush maintenance of various county drainage ditch systems in 2012. After discussion,

Motion by Commissioner Belgard, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby approve the B & W Control Specialists, Inc. quote for brush control along the listed open drainage ditches in martin County for 2012; the quotes being a total maximum as follows:

<u>Ditch No.</u>	<u>Maximum Cost</u>
JD #2	\$ 8,500.00
CD #69	\$ 4,500.00 (do all sprayable trees under big trees on the south end)
JD #14	\$ 1,500.00
JD #14/204 Imp/Hugoson Br	\$ 3,500.00
JD #7	\$ 2,500.00
JCD #202	\$ 1,000.00
CD #26	\$ 2,500.00
JD #4/JCD #301	\$ 2,500.00
JD #39	\$ 2,000.00
JD #60 (Owens No Spray-see map)	\$ 4,500.00
CD #3	\$ 1,500.00
CD #52	\$ 2,500.00
CD #72	\$ 3,500.00
CD #30	\$ 1,000.00
JD #10	\$ 3,500.00
CD #42 (Hanson No Spray-see map)	\$ 1,500.00
JD #367	\$ 3,500.00
JD #15	\$ 3,500.00 (Includes Jackson County portion)
CD #63	\$ 2,500.00
Total	\$56,000.00

Carried unanimously.

Deb Mosloski, Drainage Specialist, introduced Bruce Sellers, Attorney with Wendland, Sellers Bromeland, PA of Blue Earth, MN. Sellers is currently handling some petitions on improvements in Martin County and will present information regarding the Petition for an Improvement of CD #30.

Sellers reviewed the Petition for an Improvement of CD #30 with the intention of increasing the drain capacity by proposing to replace the existing open ditch with a tile system in order to furnish sufficient capacity as well as increase land for production and make the existing land more efficient for planting and harvesting.

Mosloski recommends the Martin County Drainage Authority accept the petition, appoint the engineer for the improvement project, and set the preliminary hearing date.

Motion by Commissioner Potter, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby accept the Petition for the Improvement for CD #30 with the intention of increasing the drain capacity thereof, located within Fraser Township. Carried unanimously.

Motion by Commissioner Potter, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby appoint Chuck Brandel, Engineer with I & S Engineers, as engineer for the CD #30 Improvement Project. Carried unanimously.

Motion by Commissioner Pierce, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby set the date of June 5, 2012 at 10:00 a.m. in the Commissioners Board Room – Martin County Courthouse, to hear the Preliminary Engineer’s Report for the CD #30 Improvement Project. Carried unanimously.

The Board recessed at 10:37 a.m.

The Board reconvened at 10:44 a.m.

Chairman Donnelly introduced the permit request for various solid waste and recycling haulers stating that they have met the criteria to receive a license for collection and transportation of solid waste and recycling in Martin County and have met the requirements for licensure in Martin County for 2012.

Motion by Commissioner Belgard, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, with the listed haulers having met the requirements for licensure in the County of Martin, MN, hereby approve and authorize Board Chair and Martin County Auditor/Treasurer to sign the Solid Waste collection and Recycle Transportation licenses for the year 2012 for the following haulers:

Collection and Transportation of Solid Waste in Martin County for 2012:

Waste Management – Mankato, MN
Sanimax – S. St. Paul, MN

Collection and Transportation of Recyclables in Martin County for 2012:

Waste Management – Mankato, MN
The Trash Man, LLC – Webster City, IA

Carried unanimously.

Forshee stated we have received the application from Fox Lake Golf Club for renewal of Consumption & Display Permit (Set-up License) and renewal of Liquor, Wine, Club or 3.2% Licenses. Forshee noted renewal is contingent upon receiving proper insurance documentation.

Motion by Commissioner Potter, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve the renewal of Consumption & Display Permit (Set-up License) and Liquor, Wine, Club or 3.2% Liquor Licenses for Fox Lake Golf Club effective April 6, 2012 through April 5, 2013; contingent upon receiving proper documentation. Carried unanimously.

Forshee reviewed the Martin County portion of the County Commissioner Redistricting Report from the Minnesota Office of Secretary of State. Forshee stated every ten years, after the Census is taken, consideration in population changes for elected officials districts is reviewed per MN Statute 375.025 Subdiv. 1. In part, the statute states that: No district shall vary in population more than ten percent from the average for all districts in the county, unless the result forces a voting precinct to be split. When it appears after a federal census that the districts of the county are not in accord with the standards set forth in this subdivision, the county shall be redistricted by the county board within the times set in Section 204B.135, Subdivision 2. A county may be redistricted by the county board after each federal census. Before acting to redistrict, the county board, or a redistricting commission if one is appointed, shall publish three weeks notice of its purpose, stating the time and place of the meeting where the matter will be considered, in the newspaper having the contract to publish the commissioners proceedings for the county for the current year. Forshee noted recently the City of Fairmont has redistricted its Wards and Precincts. Due to redistricting in the City of Fairmont, which has an effect on various Commissioner Districts, the county will need to hold a public hearing on the changes. The proposed hearing date will be April 17, 2012 at 10:00 a.m. At the public hearing, Forshee will review these changes in the City of Fairmont and the effect these changes may have on the Commissioners Districts.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve setting a Public Hearing for the purpose of Redistricting of the Commissioner Districts for April 17, 2012 at 10:00 a.m. in the Commissioners Board Room, 201 Lake Avenue, Fairmont, MN. Carried unanimously.

Higgins stated the Fairmont Convention and Visitors Bureau has requested placing City of Fairmont and Martin County promotional “cling on” type advertising on the elevator doors in the Courthouse, Security Building, and Human Resource Center. Higgins went on to state he has checked with the elevator companies and they do not see a problem with this type of advertising.

Motion by Commissioner Belgard, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Fairmont Convention and Visitors Bureau to move forward with placing City of Fairmont and Martin County promotional advertisements on the Martin County Courthouse and Human Resource Building elevator doors. Carried unanimously.

Motion by Commissioner Pierce, seconded by Commissioner Belgard, Be it Resolved that the Martin County Board of Commissioners, hereby approve bills to be paid March 20, 2012 as presented; and includes the Martin County Highway Department bills as presented. Carried unanimously.

Warrants Received and paid March 20, 2012 are registered on file in the Auditor/Treasurer’s Office as follows:

Revenue Fund – Warrants Approved March 20, 2012	\$355,300.61
Park & Recreation Fund	\$ 24,771.86
Enhanced 9-1-1 Fund	\$ 179.57
Martin Co. Economic Development Authority	\$ 7,742.92
Solid Waste Management Fund	\$ 20,693.88
Martin County Transit Fund	\$ 43,831.35
Building – CIP – Fund	\$ 5,423.18
Bank Building Fund	\$ <u>2,631.91</u>
Total	\$460,575.28

Road and Bridge Funds	\$208,432.57
Martin County Ditch Fund – Warrants Totaled	\$113,679.15

Forshee stated the State Auditor’s Office has reviewed Martin County’s Fund Balance Policy in Accordance with GASB #54 that was approved and adopted at the December 1, 2011 regular Board of Commissioners meeting and has asked for terminology revisions as shown by strikethroughs and in red ink. Forshee noted the revisions are clerical and do not affect Policy content and purpose. After review,

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve the revised Martin County Fund Balance Policy – GASB #54. Carried unanimously.

Commissioners reviewed information received for the Interlaken Heritage Days Parade to be held on Saturday, June 9th; Congressional and Legislative Redistricted Maps; Area Career Exploration (ACE) Event Agenda to be held April 11, 2012; and newly revised

County Park Brochure.

Commissioners presented their Board member reports:

Commissioner Potter stated he attended a joint ditch meeting with Faribault County at 1:00 p.m. on March 6th; Human Services Executive Board meeting on March 7th; Martin Soil and Water Conservation District meeting on March 8th; Elm Creek meeting in conjunction with Linda Meschke and Martin Soil and Water Conservation District on March 9th; Library Board meeting in Sherburn, MN on March 13th; Prairieland meeting on March 16th; Minnesota River Board meeting at KC Hall in Fairmont at 9:00 a.m., and MVAC Development Committee meeting to discuss the manufacture of solar panels on March 19th.

Commissioner Pierce stated he had nothing to add.

Commissioner Belgard stated he attended the joint ditch meeting with Faribault County on March 6th; and Southern Minnesota Initiative Foundation meeting with Tim Penny and Jean Burkhart in Truman on March 12th.

Commissioner Donnelly stated he attended a Building and Purchasing Committee meeting on March 6th; Personnel Committee meeting on March 9th; GBERBA meeting in Mankato; Department Directors meeting and Bureau 14 on March 14th; Prairieland meeting on March 16th; Minnesota River Board meeting on March 19th.

Commissioners reviewed their calendars of upcoming meetings and activities: March 20th – Personnel Committee meeting and Contractors meeting at Martin Soil and Water Conservation District at 1:00 p.m.; March 21st – AMC Legislative Conference in St. Paul, MPCA Area Six meeting at KC Hall and Business Government at the Ranch Restaurant; March 22nd – Commissioner Pierce leaving town and will be back on April 4th; March 23rd – CD #2 meeting at 2:30 p.m. in Ormsby, MN, Carissa Spencer going away party at Martin Soil and Water Conservation District at 2:00 p.m.; March 26th – JD #350 meeting at 2:30 p.m. in Trimont, MN; March 27th – County Water Plan meeting; March 28th – Human Services meeting; April 2nd – Martin County EDA meeting at 5:15 p.m.; April 3rd – regular Board of Commissioners meeting at 9:00 a.m.

Commissioner Pierce opened a brief discussion regarding the Lincoln School building.

With no further business to wit, Board Chair adjourned the meeting at 11:18 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Donnelly, Board Chair

ATTEST: _____

Scott Higgins, County Coordinator