

PROCEEDS OF THE
MARTIN COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 17, 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 Steve Donnelly.

Commissioners present were Jack Potter, Dan Schmidtke, Steve Pierce, and Elliot Belgard. 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, Rod Halvorsen, KSUM/KFMC Radio, Julie Walters, Administrative Assistant, and members of staff and public.

Motion by Commissioner Pierce, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following additions: 8.5 Consider Purchase of ARMER Radio Consoles – Sheriff’s Office, 8.6 Ratify Equitable Sharing Agreement – Sheriff’s Office; and delete 3.1 Review Minutes of the April 3, 2012 regular Board of Commissioners meeting. Carried unanimously.

Bruce Casey, Minnesota Counties Intergovernmental Trust (MCIT) Loss Control Consultant, was present to review the annual MCIT 2011 Member Report for Martin County. The Martin County Board of Commissioners accepted the 2011 MCIT Member Report.

Terry Viesselman, Martin County Attorney, reviewed the status of various loans to individuals through the Martin County Area Redevelopment Fund (MCARA) – Small Cities Development Loan Program. Viesselman stated the County has approximately two dozen home improvement loans that were issued through Minnesota Valley Action Council (MVAC) in the 1980’s and early 1990’s. After meeting with the Auditor/Treasurer, there are now approximately twelve of these loans that are due. These type of MVAC loans were ones that if you live in your house for a specific period of time, you don’t have to repay the loan. Repayment is due, if the residence ceases to be your personal residence, if you lose your homestead status, or if you transfer or sell the property. If these properties were transferred or sold, record keeping did not track these loans that were attached to the property. Some of the new owners of these properties are not aware that they have these mortgages that are now due. Viesselman noted that the Auditor/Treasurer’s Office now has steps in place for tracking these types of properties. Viesselman went on to note there are a few of these properties that had foreclosed and are not collectible anymore. Viesselman recommends granting authority to the County Attorney and Auditor/Treasurer’s Office to start collection proceedings against the loans that have become due and negotiate repayment plans. If we reach the point where we actually foreclose on a property or have to file suit, those will be brought before the Board on an individual basis.

Commissioner Pierce stated if it would be prudent on our part to make a determination on each property to see whether there is anything in place to start collection proceedings; in addition to sending collection letters.

Viesselman stated he will prepare a report on each property and review the findings with the Board in the next few weeks. After further discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the County Attorney and Auditor/Treasurer to proceed with collection process of various loans to individuals through the Martin County Area Redevelopment Fund (MCARA) – Small Cities Development Loan Program; and authorize County Attorney to prepare a report on each outstanding loan to be reviewed at presented at an upcoming regular Board of Commissioners meeting. Carried unanimously.

Peyman presented the proposed gravel agreement between Martin County and Robert and Nancy Smith. Peyman stated that there is an estimated 36,000 tons of gravel located in the tract of land described as follows: the Southwest Quarter (SW ¼) of Section 31, T104N R33W; and that Martin County is interested in purchasing at an agreed upon price of \$1.50 per ton. After discussion,

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the Agreement for Sale of Gravel between Martin County and Robert and Nancy Smith with approximately 36,000 tons of gravel available at a cost of \$1.50/ton. Carried unanimously.

Chairman Donnelly opened the public hearing for consideration of Authorizing and Approving the issuance and the sale of its Housing Facilities Revenue Note (Goldfinch Estates-Vista Prairie Communities Project) Series 2012A and its Taxable Housing Facilities Revenue Note (Goldfinch Estates-Vista Prairie Communities Project) Series 2012B, fixing their forms and specifications; directing their issuance and delivery; and providing for their payment.

David Murphy, Law Firm of Kutak Rock in Minneapolis, MN – Bond Counsel, presented a resolution authorizing a housing program which was an exhibit to the preliminary resolution that was passed March 20, 2012 and that resolution authorized a public hearing today which is required under state law and federal law. So the resolution before you today would approve the housing program and also approve the issuance of two notes; a tax exempt note in the amount of \$7,000,000 and a taxable note which would be in an amount up to and not exceed \$1,000,000 that would not count against the County's \$10,000,000 bank qualified lender which the County has every year to issue \$10,000,000 or less which would make it much more palatable for banks to own so you get a lower rate which in turn makes it more marketable. Murphy stated all the monies will be going to refinance an existing debt of the City of Fairmont that was issued in 2002 and 2005 to construct the Goldfinch Facility and an expansion in 2005; and also the taxable proceeds

would be used to pay costs of issuance and also to do some improvements to the existing facility. But most of the proceeds would go to refinance the existing debt. Murphy noted this is conduit financing so the County will not be liable at all for any repayment of the note; it would just be a pass through, be payable by Goldfinch and be paid to Piper Jaffrey Lending LLC who will be the purchaser of these notes.

Murphy continued there is also authorization of three specific agreements; there's a Loan Agreement between the County, Goldfinch's borrower, and Piper Jaffrey as the purchaser of the notes and that outlines the repayment obligation of Goldfinch. There's also a Servicing Agreement which is between the County, the City of Fairmont (they're also issuing some tax exempt debt as part of this refinancing), and Piper Jaffrey Lending LLC and in that agreement the County's rights under the loan agreement are pledged and transferred to Piper Jaffrey Lending LLC so that's where the conduit nature comes in, except for some rights that aren't assigned which basically are indemnification rights in case some conflict comes up it's the right of the County to be reimbursed for any expenses, but everything else on the loan agreement is assigned and that basically takes the County out of the transaction. Murphy stated the last agreement that specifically references the resolution and the Joint Powers Agreement with the City of Fairmont which basically there is a state statute that says two different political entities can come together and issue debt for a project of benefit to both of the entities and it's a fairly simple agreement just saying that this facility benefits both Martin County and the City of Fairmont. It also authorizes some closing certificates which I distributed and are still being finalized but will be in final form for the closing date which is scheduled to be May 1, 2012.

Chairman Donnelly asked for input from the public.

Chairman Donnelly asked if there was any other public input. No representatives from the public in attendance nor public input or comments submitted in writing were received concerning the proposed Issuance and the Sale of a Housing Facilities Revenue Note(s).

Potter inquired if there were any obligations on the county to issue these bonds.

Murphy stated that there are no obligations on the county's part to issue these bonds.

Motion by Commissioner Belgard, seconded by Commissioner Pierce, to close the public portion of the meeting. Carried unanimously.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke,

MARTIN COUNTY, MINNESOTA
RESOLUTION NO. R-#23/'12

A RESOLUTION AUTHORIZING AND APPROVING THE ISSUANCE AND THE
SALE OF A HOUSING FACILITIES REVENUE NOTE

(GOLDFINCH ESTATES-VISTA PRAIRIE COMMUNITIES PROJECT) SERIES
2012A AND A TAXABLE HOUSING FACILITIES REVENUE NOTE
(GOLDFINCH ESTATES-VISTA PRAIRIE COMMUNITIES PROJECT)
SERIES 2012B; FIXING THEIR FORMS AND SPECIFICATIONS;
DIRECTING THEIR ISSUANCE AND DELIVERY;
AND PROVIDING FOR THEIR PAYMENT

WHEREAS, Martin County, Minnesota (the "Issuer") is a public body corporate and politic duly organized and existing under the Constitution and laws of the State of Minnesota; and

WHEREAS, the City of Fairmont, Minnesota (the "City") has previously issued (i) its \$6,385,000 City of Fairmont, Minnesota Housing Facilities Revenue Bonds (Homestead—GEAC Project), Series 2002A (the "Series 2002 Bonds"), in order to finance the acquisition, construction and equipping, initial marketing and operation of a 72-unit senior living congregate care/assisted-living/memory care facility located in Fairmont, Minnesota (the "Original Project"), and (ii) its \$5,900,000 City of Fairmont, Minnesota Housing Facilities Revenue Bonds (Goldfinch Estates—GEAC Project), Series 2005A (the "Series 2005 Bonds", and together with the Series 2002 Bonds, the "Prior Bonds"), in order to finance the acquisition, construction and equipping of a 58-unit addition (the "2005 Improvements") to the Original Project (the Original Project, as improved by the 2005 Improvements, collectively referred to as the "Project"); and

WHEREAS, pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act"), the Issuer has been requested by the Borrower to issue its Housing Facilities Revenue Note (Goldfinch Estates-Vista Prairie Communities Project) Series 2012A in an aggregate principal amount of \$7,000,000 (the "County Tax-Exempt Note") and its Taxable Housing Facilities Revenue Note (Goldfinch Estates-Vista Prairie Communities Project) Series 2012B in an aggregate principal amount not to exceed \$1,000,000 (the "Taxable Note" and, with the County Tax-Exempt Note, the "Notes"), the proceeds of which will be used to (i) redeem the Prior Bonds and (ii) finance certain improvements to the Project; and

WHEREAS, the Board of Commissioners, on the date hereof, has conducted a public hearing on a certain housing program (the "Program"), after publication of a notice of said hearing, providing for the issuance of the Notes by the Issuer; and

WHEREAS, the Notes would be issued pursuant to a Servicing Agreement dated as of May 1, 2012 (the "Servicing Agreement") among the Issuer, the City and Piper Jaffray Lending LLC, as servicer ("Piper"); and

WHEREAS, in connection with the issuance of the Notes, the Issuer, the Borrower and Piper would enter into a certain Loan Agreement, dated as of May 1, 2012 (the "Loan Agreement"), pursuant to which the proceeds of the Notes would be loaned to the Borrower; and

WHEREAS, in connection with the issuance of the Notes, the Issuer would enter into a Joint Powers Agreement, dated as of May 1, 2012 (the "Joint Powers Agreement"), between the Issuer and the City;

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

Section 1. The Program is hereby approved.

Section 2. The issuance of the Notes for the purpose of financing and refinancing the Project is hereby authorized, subject to the terms and conditions provided in this resolution. The Notes shall bear interest at an average rate not in excess of seven and one-half percent (7.25%) per annum subject to final determination and subsequent adjustments as set forth in the Servicing Agreement, shall be in such denomination and form, be numbered and dated, shall mature and be subject to redemption prior to maturity, and shall have such other details and provisions as are prescribed by the Servicing Agreement.

Section 3. The Notes do not and shall not constitute an indebtedness, a pecuniary liability, a moral or general obligation or a loan of the credit of the Issuer, and the Notes are not and may not be secured by, and are not a charge, lien or encumbrance, legal or equitable, against the Issuer's property, funds, general credit or taxing powers. The Notes are and shall be only special and limited revenue obligations of the Issuer payable solely from the revenues provided for the payment thereof pursuant to the Servicing Agreement, including the Issuer's rights under the Loan Agreement (except the Issuers' Unassigned Rights, as defined by the Servicing Agreement).

Section 4. The Notes, the Servicing Agreement, the Loan Agreement and the Joint Powers Agreement are hereinafter referred to as the "Issuer Documents". The Board of Commissioners hereby authorizes the Chair of the Board of Commissioners and the County Auditor/Treasurer, in their sole and absolute discretion and at such time, if any, as they may deem appropriate, to execute and deliver the Notes and the remaining Issuer Documents. The approval given herein to the execution of the Issuer Documents shall be to the same documents substantially in the form presented to the County in advance of this meeting of the Board of Commissioners, with such additions or omissions as may be acceptable to the officers of the County executing said documents, as evidenced by their execution and delivery thereof.

The County officials are also authorized to execute such other certificates as may be requested to show such facts and circumstances relating to the Notes as may be provided in County records within their custody or control.

In the event that either the Chair of the Board of Commissioners or the County Auditor/Treasurer, due to absence or incapacity, is unable to execute any of the Issuer Documents in accordance with the terms of this resolution, such officers of the County,

respectively, as may act in their stead may do so on behalf of the County, with the same force and effect as though specifically authorized herein.

Section 5. No provision, covenant or agreement contained in the Issuer Documents, the Notes or in any other document relating to the Notes, and no obligation therein or herein imposed upon the Issuer or the breach thereof, shall constitute or give rise to a moral or general obligation of the Issuer or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in the Issuer Documents, the Notes or in any other document relating to the Notes, the Issuer has not obligated itself to pay or remit any funds or revenues other than described in the Servicing Agreement.

Section 6. At the request of and based on representations made by the Borrower, the Issuer hereby designates the Tax-Exempt County Note as a "qualified tax-exempt obligation" within the meaning of Section 265(b) of the Internal Revenue Code of 1986, as amended (the "Code").

In that connection, the Issuer makes the following factual statements and representations:

(a) the reasonably anticipated amount of tax-exempt obligations (other than any private activity bonds other than qualified 501(c)(3) bonds) which will be issued by the Issuer (and all subordinate entities of the Issuer) during calendar year 2012 will not exceed \$10,000,000; and

(b) not more than \$10,000,000 of obligations issued by the Issuer during calendar year 2012 have been designated for purposes of Section 265(b)(3) of the Code.

(c)
ADOPTED ON APRIL 17, 2012.

MARTIN COUNTY, MINNESOTA

Chair, Board of Commissioners

Attest:

County Auditor/Treasurer

Roll Call AYES: Commissioners Belgard, Pierce, Schmidtke, Potter, and Donnelly.
NAYS: None. Resolution duly passed and adopted this 17th day of April, 2012.

Scott Higgins, Martin County Coordinator, stated that Kay Wrucke, Martin County Recorder, is requesting approval for hotel expenses for two nights and meals for the two

days of travel to attend the Fidler Technologies annual Educational Symposium to be held May 21-23, 2012 in Rock Island, Illinois.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the out of state travel request for Kay Wrucke, Martin County Recorder, to attend the Fidler Technologies annual Educational Symposium to be held May 21-23, 2012 in Rock Island, Illinois, with all transportation costs, supplies, and food to be provided by Fidler Technologies, with exception of hotel cost, which is to be expended from the Recorder’s budget up to \$200.00. Carried unanimously.

Steve McDonald, Martin County MIS Director, stated the County is proposing to upgrade from Microsoft Office 2003 products (Word, Excel, Access, Etc.) to Microsoft Office 2010. McDonald went on to state that a number of counties have moved or are moving to the 2010 version and we’re running into compatibility issues with certain documents. McDonald noted the County has been running the 2003 version since the year 2005 and recommends upgrading to Office 2010. McDonald received three proposals from Software House International, CDW-G, and Computer Technology Solutions, Inc.; with the low bid from Software House International for 90 licenses. McDonald stated this is a budgeted item for this year.

Company	No. of Licenses	Price Quote
Software House International	10	\$ 3,290.00
	80	\$19,280.00
	Tax	<u>\$ 1,551.69</u>
	Total	\$24,121.69
CDW Government	10	\$ 3,466.20
	80	\$20,308.00
	Tax	<u>\$ 1,634.46</u>
	Total	\$25,408.66
Computer Technology Solutions, Inc.	10	\$ 3,462.50
	80	\$20,286.40
	Tax	<u>\$ 1,632.74</u>
	Total	\$25,381.64

After discussion,

Motion by Commissioner Belgard, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, with the need to upgrade the County’s software used for word documents, spreadsheets, Access, etc., and currently using Microsoft Office Products 2003; and having received three quotes for the purchase of Microsoft Office 2010 software product; hereby approve the apparent low bid from Software House International (SHI) in the amount of \$24,121.69 (tax included). Carried unanimously.

Jeff Markquart, Martin County Sheriff, presented a proposal for the purchase of two dispatching consoles, including the system integration and project management, which includes installation, engineering and testing in the amount of \$251,598. Markquart stated this purchase is due to the ARMER system and the requirement for dispatch console upgrades. Markquart noted the County will receive a \$10,000 trade in for our old consoles and that grant monies in the amount of approximately \$128,000 have been allocated toward the purchase of the new consoles.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be it Resolved that the Martin County Board of Commissioners, due to the ARMER system and the requirement for dispatch console upgrades, based upon the recommendation of Jeff Markquart, Martin County Sheriff, and the quote received from Alpha Wireless of North Mankato, MN, hereby approve and authorize the purchase of two dispatching consoles in the amount of \$251,598.00 (including the trade in of existing dispatch console and various equipment in the amount of \$10,000.00); and authorize the Board Chair and/or Martin County Sheriff to sign the necessary documents with Motorola Solutions, Inc. for the MCC7500 Console Project. Carried unanimously.

Commissioners inquired about anticipated grant funding for the \$1.3 million conversion to the ARMER Radio System, and ARMER radio tower completion.

Markquart stated the grant status is checked every week. Markquart went on to state the two towers in Martin County that will be used for ARMER are under construction with the one west of Sherburn nearly complete. There is still some equipment that needs to be put on. For the one west of Fairmont, it's staked out, there are utility poles in, so we know there's power all the way up to the driveway.

Markquart next presented the Equitable Sharing Agreement and Certification for approval and ratification by the Board. The agreement sets forth requirements for participation in the federal equitable sharing program and various restrictions upon the use of forfeited cash, property, and proceeds which is equitably shared by participating law enforcement agencies.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby ratify the Equitable Sharing Agreement and Certification between the Department of Justice Department of Treasury as a prerequisite to receiving any equitably shared cash, property, or proceeds. Carried unanimously.

Markquart continued with a brief Sheriff's Office update stating that the Martin County Jail currently has forty-one (41) in custody with twenty-four (24) in-house.

Commissioner Pierce opened a brief discussion relative to required radios for public works and public utilities, and suggests meeting with the Sheriff for further discussion.

Motion by Commissioner Pierce, seconded by Commissioner Belgard, Be it Resolved that the Martin County Board of Commissioners, hereby approve bills to be paid April 17, 2012 as presented; and includes the Martin County Highway Department bills as presented. Carried unanimously.

Warrants Received and paid April 17, 2012 are registered on file in the Auditor/Treasurer's Office as follows:

Revenue Fund – Warrants Approved April 17, 2012	\$153,955.67
Enhanced 9-1-1 Fund	\$ 823.36
Martin Co. Economic Development Authority	\$ 3,251.99
Solid Waste Management Fund	\$115,947.90
Law Library Fund	\$ 1,820.44
Martin County Transit Fund	\$ 56,265.63
Recorder's Compliance	\$ 6,730.00
Building – CIP – Fund	\$ 955.66
Bank Building Fund	<u>\$ 8,197.01</u>
Total	\$347,947.66
Road and Bridge Funds	\$104,481.06
Martin County Ditch Fund – Warrants Totaled	\$ 65,504.53

Higgins stated the Board is being asked to set a public hearing date for accepting of Petition and Viewer's Report for County Ditch #72. Petitioners Pork Behrens Farms, Inc., and Douglas and Lorna Bicknase have filed a Petition with the Martin County Auditor/Treasurer's Office requesting the use of parts of the existing County drainage system and Martin County Ditch No. 72 as an outlet for draining their lands. It is recommended that the public hearing be set for Tuesday, May 15, 2012 at 9:50 a.m. in the Commissioners Board Room.

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 set the date for Tuesday, May 15, 2012 at 9:50 a.m. at the Martin County Courthouse, Commissioners Board Room, located at 201 Lake Avenue, for acceptance of Petition and Viewer's Report for County Ditch #72, petitioners Pork Behrens Farms, Inc., and Douglas and Lorna Bicknase, for use of the drainage system as an outlet. Carried unanimously.

Deb Mosloski, Martin County Drainage Specialist, presented a Petition for repair of Drainage System CD #42 to clean approximately 14,000 feet of open ditch in Pleasant Prairie Township. Mosloski stated the Drainage Administration Office is getting a lot of requests for repairs and clean outs as we are backed up with redeterminations; so the bills for getting this work done are exceeding the benefits. By having the landowner sign these Petitions this will allow us the opportunity to get the requested work done without having a public hearing. I have talked with Kurt Deter, Attorney with Rinke Noonan of St.Cloud, and was advised to being using the Petitions again so the landowners and Board

are better aware of what's going on.

Commissioner Potter asked just because we can't get the redetermination done on time is why we're doing it this way is that correct?

Mosloski stated well it's not so much on time...we've got them (the redeterminations) so backed up and the landowners want this work done and so that people aren't going to complain when they get 200% of their benefit. Remember you're using benefits from the year 1915 you know and there is no value out there that's why you're doing the redeterminations. So I'm going to start making them do this (complete a Petition) so when you are out there talking to these people you will want to let them know they may want to sign a petition.

Commissioner Schmidtke asked if somebody calls and wants something done they really should come up to the Drainage Administration Office and fill out that form.

Mosloski stated yes they really should and you know if it has been redetermined we're not going to have a problem. If it hasn't been redetermined is when we run into a problem; when repairs exceed the benefit of the ditch.

Commissioner Pierce stated as I understand it the only difference is now that by accepting the petition there's still no public hearing; but we can still assess in excess of benefits. Is that the only difference?

Mosloski stated yes and that's why we're going to start doing this.

Commissioner Belgard stated so by petitioning for this they are in essence then saying that you can go ahead and they will pay more than what they're going to benefit?

Mosloski stated yes.

Commissioner Belgard stated you're not redetermining that's why you don't have the benefit; and the ones that are redetermined already they're probably okay. So somebody comes in and says it (the repair) is going to cost \$35,000 and I'm willing to pay for that even though I only get \$19,000 worth of benefit?

Mosloski: He's not going to get \$19,000; the whole system is assessed. There's a statute out there that says that the Drainage Authority must keep the systems in the condition of which it was intended to be used. That's a repair. All it takes is one person to say I want this done and that's what we have and in fact we've had several.

Commissioner Potter asked the one person can file a petition for an improvement?

Mosloski: For a repair. If somebody has a \$5,000 assessment on a \$19,000 benefit you're not going to make them pay that in one year. If somebody is going to get a \$5,000 assessment on top of his taxes the Board would normally spread that over five years.

Commissioner Potter stated so even though the other members that are going to pay a big part of the bill say there's ten people on that ditch and only one signs the petition, the other nine are going to have to go along with that one petitioner.

Mosloski reiterated your job according to statute is to make sure that the systems are working in which they were intended to be used.

Commissioner Potter stated what if we have five people that say let's wait until it gets redetermined so we can equal out.

Commissioner Schmidtke stated we just have to tell them we have to keep them (the systems) in working order. It doesn't matter.

Commissioner Belgard asked so what happens if someone petitions and we decide that it's not worth it? As a group we have to approve it, you're saying we have to keep it in repair; but what if we think it's too expensive or there are some people that don't want to do it. We don't have a public hearing anymore, right?

Mosloski stated you can (have a public hearing). You can look at this and say I'm telling you right now that this system has got \$19,000 in benefits and the repairs are going to be \$35,000 which is twice as much. You can have a hearing.

Commissioner Belgard stated well one thing you're talking about where the other five people pulled up and said you know we need to do that, that's okay. I'm worried about the other one where the five people are going I don't want to pay that.

Commissioner Potter stated that's what I was alluding to.

Commissioner Belgard stated I guess we'll cross that bridge when we get to it

Commissioner Pierce inquired when this (CD #42) was last determined.

Mosloski stated looking at the value is \$19,000 for this system I would probably say probably about 1915.

Commissioner Pierce stated so the \$19,000 benefit is in 1915 dollars? That's totally irrelevant today then because that would make it \$300,000 so I don't know what this discussion is about.

Mosloski stated keep in mind that back in 1915 is only where those systems were that were paid now everybody else is hooked on is why you're doing the redeterminations.

Commissioner Potter stated originally in 1915 there were five people on it and now there's twenty-five and whether we go ahead with this \$300,000 repair that it involves those same five are going to pay the whole bill.

Commissioner Schmidtke stated what the whole problem is here is the 1915 land value and the 2012 land values are miles apart but we can't change that until it is redetermined.

Commissioner Potter noted it's the law that we have to do it pure and simple we have to follow that rule.

Mosloski stated that the Board has been good about spreading out the assessments.

Commissioner Schmidtke stated well I think it's a good thing.

Commissioner Belgard stated it makes sense to fill out the Petition and then we act on it on an individual basis.

Mosloski offered to provide Commissioners with a worksheet of assessment information for any future Repair Petitions.

Commissioner Potter noted we're also getting Petitions for people to get off of ditches because of their ditches running through their CREP ground which they receive no benefit from. We're going to have to face those things too and they're allowed to file a petition to get off. This will put more of a burden on those that are on the ditch.

Commissioner Pierce stated what happens when you have a plug up on the CREP ground as we found out because grass grows twenty feet deep, etc.

Commissioners agreed that's another big battle. After further discussion,

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby accept the Petition to clean approximately 14,000 feet of CD #42. Carried unanimously.

Chairman Donnelly opened the public hearing for consideration of adopting the boundary changes for those Commissioner Districts that are affected by the City of Fairmont's redistricted Wards and Precincts.

Forshee reviewed the Martin County portion of the County Commissioner Redistricting Report from the Minnesota Office of Secretary of State, whereby every ten (10) years after the Census is taken, consideration in population changes for elected officials districts is reviewed per MN Statute 375.025, Subdiv. 1. Forshee stated recently the City of Fairmont has redistricted its Wards and Precincts. Due to redistricting this changes a number of existing Commissioner District boundaries within the City of Fairmont and reviewed the current City of Fairmont Redistricting Map. Forshee went on to state the County will need to review the existing Commissioner District Boundaries and adopt the boundary changes for those Commissioner Districts that are affected by these changes.

Forshee stated there were no changes to Commissioner Schmidtke's or Commissioner Potter's districts; but there were changes to Commissioner Donnelly's, Commissioner Pierce's, and Commissioner Belgard's districts and Forshee reviewed the mapped changes.

Chairman Donnelly asked for input from the public.

Chairman Donnelly asked if there was any other public input. No representatives from the public in attendance nor public input or comments submitted in writing were received concerning the revised Martin County Commissioner District Boundaries in various Ward and Precinct Boundaries within the City of Fairmont.

Motion by Commissioner Belgard, seconded by Commissioner Potter, to close the public portion of the meeting. Carried unanimously.

Motion by Commissioner Schmidtke, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve the resolution to change Martin County Commissioners District Boundaries in various Ward and Precinct Boundaries within the City of Fairmont.

R #22/12

TO CHANGE MARTIN COUNTY COMMISSIONER DISTRICT BOUNDARIES IN
VARIOUS WARD AND PRECINCT BOUNDARIES WITHIN THE CITY OF
FAIRMONT

WHEREAS, Minnesota Statutes Chapter 375 establishes the procedure and requires a process of redistricting County Commissioner districts based on population figures from the Federal Census; and

WHEREAS, Minnesota Statute Section 204B.135 and Martin County require that after the federal census the County Board must either confirm the existing ward and precinct boundaries or if there has been a population change to consider changing the ward and precinct boundaries to equalize the populations; and,

WHEREAS, the 2010 Federal Census shows that Ward Four of City of Fairmont has had a population decrease that exceeded 10%; and

WHEREAS, this decrease in population necessitates a change in the ward and precinct boundaries to equalize the populations of all of the wards; and

WHEREAS, Martin County published a three week notice in the newspaper having the contract for publishing the commissioner's proceedings for the county for 2012; and

WHEREAS, the Martin County Board has reviewed the proposed changes to the ward and precinct boundaries within the City of Fairmont and taken into consideration the input from the community at the public hearing on April 17, 2012; and

WHEREAS, The Martin County Board has determined that it is necessary and proper to change the ward and precinct boundaries within the City of Fairmont to equalize the populations in the wards and precincts.

NOW THEREFORE IT IS HEREBY ORDAINED by the Martin County Board:

1. Martin County Board will be amended as follows within the City of Fairmont:

(strikethroughs are deletions and underlines are additions)

Wards.

(a) The limits and boundaries of the First Ward begin at the intersection of Lake Avenue (C.S.A.H. 26) and C.S.A.H. 39; then proceeding east along Lake Avenue to the channel between Lake George and Sisseton Lake; south along the west shoreline of Sisseton Lake and Budd Lake to the west end of Oak Beach Drive; and all properties south of Oak Beach Drive to Lake Street; Lake Street to Albion Avenue; and connecting channels to Lair Road; east along Lair Road to Albion Avenue; south along Albion Avenue to Hodgman Avenue; east to include the Albion Avenue Frontage Road to East Belle Vue Road; west to Albion Avenue to Hall Street; east along Hall Street to TH #15; south on TH #15 to Lake Aires Road (south city limits; west along the south city limits to C.S.A.H. 39 (west city limits); north along the west city limits to Lake Avenue (C.S.A.H. 26) and the point of beginning.

(b) The limits and boundaries of the Second Ward begin at the channel between Lake George and Sisseton Lake; then proceeding south along the west shoreline of Sisseton Lake and Budd Lake to the west end of Oak Beach Drive; and all properties north of Oak Beach Drive to Lake Street; Lake Street to Albion Avenue; and connecting channels to Lair Road; east along Lair Road to Albion Avenue; south along Albion Avenue to Hodgman Avenue east of the Albion Avenue frontage road to East Bellevue Road, west to Albion Avenue, south to Hall Street; east along Hall Street to TH #15; north along TH#15 to Willow Street; west along Willow Street one block; south to Victoria Street; west along Victoria Street to Prairie Avenue; north on Prairie Avenue to Willow Street; west on Willow Street to Albion Avenue; north on Albion Avenue to Webster Street; west on Webster Street extended to Sisseton Lake; and north along the east shoreline of Sisseton Lake to the point of beginning.

(c) The limits and boundaries of the Third Ward begin at the shoreline of Sisseton Lake and Third Street; then proceeding northeast along Third Street to Lake Avenue; southeast one (1) block along Lake Avenue to Third Street; northeast along Third Street to Lincoln; north along Lincoln to Fourth Street; east along Fourth Street to Dewey Street; south on Dewey Street to First Street; east on First Street to State Street

(TH 15); south along State Street (TH 15) to Blue Earth Avenue; east along Blue Earth Avenue to the city limits; south along the city limits to Johnson Street extension; west along the extension of Johnson Street and on Johnson Street to TH #15; north on TH #15 to Willow Victoria Street; west on Willow Victoria Street to Prairie Avenue; north one block to Willow Street; west on Willow Street to Albion Avenue; north on Albion Avenue to Webster Street; west on Webster Street extended to Sisseton Lake; and north along the east shoreline of Sisseton Lake to the point of beginning.

(d) The limits and boundaries of the Fourth Ward begin at the northwest corner of the city limits; then proceeding east along the north city limits to the northeast corner of the city limits; southerly along the east city limits to Blue Earth Avenue; west along Blue Earth Avenue to State Street (TH 15); north along State Street (TH15) to Fourth First Street; west along Fourth First Street to Dewey Street; north on Dewey Street to Fourth Street; west on Fourth Street to Lincoln Street; south along Lincoln Street to Third Street; southwest along Third Street to Lake Avenue; northwest along Lake Avenue to Third Street; southwest along Third Street to Sisseton Lake shoreline; west and north along Sisseton Lake shoreline to the channel at Lake Avenue; west along Lake Avenue and city limits located south of Lake Avenue to the west city limits; and then following the city limits to the northwest corner and the point of beginning.
(Ord. No. 92-4, 3-23-92)

Precincts.

(a) The first and second precincts lying within the First Ward are divided by Lair Road from the west city limits east to Albion Avenue. The First Precinct lies north of the dividing line and the Second Precinct lies south of the line.

(b) The first and second precincts lying within the Second Ward are divided by Prairie Avenue from Willow Street south to State Street; southwesterly along State Street to Albion Avenue; and southwesterly along Albion Avenue to ~~Lair Road~~ Lake Street. The First Precinct lies west of the dividing line and the Second Precinct lies east of the line.

(c) The first and second precincts lying within the Third Ward are divided by Grant Street from Fourth Street south to Webster Street; west along Webster Street to Hampton Street; and south along Hampton Street to Willow Street; west on Willow Street to Prairie Avenue; and south on Prairie Avenue to Victoria Street. The First Precinct lies west of the dividing line and the Second Precinct lies east of the line.

(d) The first and second precincts lying within the Fourth Ward are divided by North Avenue from the north city limits south to Twelfth Street; east along Twelfth Street to Prairie Avenue; and south along Prairie Avenue to Fourth Street. The First Precinct lies west of the dividing line and the Second Precinct lies east of the line.

PASSED, APPROVED AND ADOPTED, this 17th day of April, 2012

Martin County Board Chair

Martin County Auditor/Treasurer

Roll Call AYES: Commissioners Potter, Pierce, Belgard, Schmidtke, and Donnelly.
NAYS: None. Resolution duly passed and adopted this 17th day of April, 2012.

Commissioners presented their Board member reports.

Commissioner Potter stated he attended the Human Services Executive Board meeting and a ditch meeting with Chuck Brandel, Engineer with I&S Engineering on April 4th; Annual Meeting with Martin County Association of Townships in Welcome, MN on April 10th; meeting at the Library with the University on Elm Creek, and Area Career Exploration Event at the Fairmont High School on April 11th; Soil and Water meeting on April 12th; Prairieland meeting, and Healthy Youth Committee meeting at the Knights of Columbus Hall on Friday, April 13th.

Commissioner Schmidtke stated he had nothing new to add to those already mentioned.

Commissioner Donnelly stated in addition to those mentioned he attended the Bureau 14 meeting.

Commissioner Belgard stated after the last Commissioners meeting he accompanied Judd Schultz, Housing Services Director-MVAC, to the Granada City Council meeting and they were very appreciative of the County's backing of the Small Cities Development Program. Also heard from the mayor and city clerk of Northrop and they were very appreciative as well as Schultz went to their meeting the next week; went to Region 9 for an orientation to become the new commission member on April 4th; and attended the Region 9 meeting on April 11th.

Commissioner Pierce stated he had nothing new to add to those already mentioned.

Commissioners reviewed their calendars of upcoming meetings and activities: April 17th – SHIP meeting with Linda Meschke from 2 – 6 p.m. at the Knights of Columbus Hall; April 18th – Human Services meeting at Blue Earth, Department Directors meeting at 8:30 a.m. in the Sisseton Conference Room, Park Board at 4:30 p.m. at Cedar Park, and Ribbon Cutting Ceremony at bait shop at 3:00 p.m.; April 19th – SHIP meeting in Truman, MN; April 20th – Sherburn Head Start meeting from 2-3 p.m.; April 24th – Planning and Zoning meeting at 5:30 p.m. – Board Room; April 26th – Business Plan in a Day Workshop from 9 a.m. to 3 p.m. at the Southern Minnesota Education Campus, presented by Martin County EDA/IGNITE; May 1st – regular Board of Commissioners meeting at 9:00 a.m.

Commissioner Pierce opened a brief discussion regarding information received from the Department of Transportation on the placement and height of the ARMER radio towers and various other communication towers within Martin County.

With no further business to wit, Board Chair adjourned the meeting at 10:30 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Donnelly, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator