

PROCEEDINGS OF THE
MARTIN COUNTY BOARD OF COMMISSIONERS
NOVEMBER 1, 2016
@ 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 Elliot Belgard. Commissioners present were Elliot Belgard, Tom Mahoney, Steve Flohrs, Dan Schmidtke, and Kathy Smith. Also present were Scott Higgins, Martin County Coordinator, James Forshee, Martin County Auditor/Treasurer, Kevin Peyman, County Engineer, Jason Sorensen, Sentinel Newspaper, Rod Halvorsen, KSUM-KFMC Radio, Julie Walters, Administrative Assistant, and members of staff and public.

The Pledge of Allegiance was recited.

Motion by Commissioner Flohrs, seconded by Commissioner Mahoney, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda for the November 1, 2016, regular Board of Commissioners meeting with the following addition: 9.11 Update on Tax Court Settlement(s) – Dan Whitman, Assessor’s Office. Carried unanimously.

Motion by Commissioner Mahoney, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the October 18, 2016, regular Board of Commissioners meeting. Carried unanimously.

Dan Whitman, Martin County Assessor, presented a brief update on the recent Weigh-Tronix Tax Court Settlement noting the opinion of value received from the appraiser the County hired for the Weigh-Tronix Tax Court Petitions was lower in valuation than we had previously determined. Whitman went on to note upon review of the opinion of valuation we were able to reach a settlement with Weigh-Tronix and the County Attorney has filed that with the courts.

Pam Flitter, Martin County Zoning Official, presented a Conditional Use Permit (CUP) request from Lonny and Jeanne Schwieger/Ideal Energy within Section 12 of Fraser Township. Schwieger is proposing to construct a Solar Energy System in an “A” Agricultural District. Flitter noted the Planning Commission approved the CUP request during their October 25, 2016, meeting and is recommending approval of the Conditional Use Permit.

Motion by Commissioner Schmidtke, seconded by Commissioner Flohrs,

R-#45/'16

CONDITIONAL USE PERMIT
LONNY & JEANNE SCHWIEGER/IDEAL ENERGY
CONSTRUCT A SOLAR ENERGY SYSTEM
IN AN “A” AGRICULTURAL DISTRICT
WITHIN SECTION 12 OF FRASER TOWNSHIP

Motion by Commissioner Schmidtke, seconded by Commissioner Flohrs,

WHEREAS, a Conditional Use Permit was requested by Lonny & Jeanne Schwieger/Ideal Energy, husband and wife, owners of the property, located within Section 12 of Fraser Township in Martin County, Minnesota, legally described in application as:

The Southeast Quarter (SE ¼), Section 12, Township 103 North, Range 31 West of the Fifth Principal Meridian, subject to roads and easements of record.

for the purpose of constructing a Solar Energy System in an “A” Agricultural District; and

WHEREAS, the Martin County Planning and Zoning staff has completed a review of the application and made a report pertaining to the request, a copy of said report has been presented to the County Board of Commissioners; and

WHEREAS, the Planning Commission of the County on the 25th day of October, 2016, following proper notice, held a public hearing regarding the request and, following the hearing, adopted a recommendation that the request for a Conditional Use Permit be granted; and

WHEREAS, the Martin County Board of Commissioners finds that Conditional Use Permit is to be issued for the following purpose:

Place and operate a Solar Energy System with respect to the above described property.

WHEREAS, the following conditions have been applied:

- Building permit(s) must be obtained.
- Be in compliance with any applicable local, state and federal regulatory standards, including, but not limited to, the State of Minnesota Uniform Building Code, as amended, and the National Electric Code, as amended.
- Meet height and collector surface area requirements according to the Martin County Renewable Energy Ordinance.
- Meet all requirements for power and communication lines running between solar collectors and to electric substations or interconnections with buildings according to the Martin County Renewable Energy Ordinance.
- Electrical disconnect switch shall be clearly identified and unobstructed.
- Documentation given to the Zoning Administrator that the owner has notified the utility company of the customer’s intent to install an interconnected customer owned generator. Off-grid systems are exempt from this requirement.
- Provide written notice before the project begins to the County Engineer/Township Board establishing that relocating the utility lines/structures at any time exempts the County/Township of any costs.
- Provide and adhere to decommissioning plan with the minimum outlined in the Martin County Renewable Energy Ordinance.

NOW THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners, and upon the recommendation of the Martin County Planning Commission, hereby approves the Conditional Use Permit for the above described property and is hereby issued pursuant to MS

394.301 and Martin County Ordinance #1, Chapter 6.01 and that this permit shall remain in full force and effect provided in the conditions as described above are met and maintained by the applicant and his/or her successors in interest. This permit is binding upon the applicant, the record titleholder to the property, and his/her successors in interest. Notice is hereby given that this permit may be revoked if the conditions set forth above are not maintained as described above. This resolution shall become effective immediately upon its passage and without publication.

Dated this 1st day of November, 2016.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Elliot Belgard, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Mahoney, Smith, Flohrs, Schmidtke, and Belgard. NAYS: None. Resolution duly passed and adopted this 1st day of November, 2016.

Scott Higgins, County Coordinator, noted the County offers its retirees a supplemental Group Medicare coverage and that the monthly premiums for the renewal of the Group Platinum Blue Plan A and Group Medicare Blue Rx have increased \$6.00/month for the plan effective January 1, 2017. Higgins went on to note the County staff had contacted those retirees who are on the plan and were unanimous with keeping their current prescription copays and paying the \$6.00/month increase.

Motion by Commissioner Schmidtke, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, hereby approve the Group Platinum Blue Plan A and Group Medicare Blue Rx renewal for its retirees, effective January 1, 2017. Carried unanimously.

<u>Renewal Plan Options</u>	<u>Medical</u>	<u>Drug</u>	<u>Total</u>
Medicare Cost: Group Platinum Blue Plan A	\$101.00	N/A	\$101.00
High Option \$0 IP, \$0 OV, \$3,000 OOP			
Group Medicare Blue Rx: Option 4		\$142.00	\$243.00
\$0/\$20/\$40/\$60/25% (No Deductible; No Gap)			

Steve Fosness, Martin County Veterans Memorial Committee, was present to review the Committee's proposal to donate land to Martin County for the purpose of constructing a Veterans Memorial Park. Fosness noted the land is approximately 70 feet wide and 470 feet deep and is just to the east of the Winnebago Ball Diamonds, between the ball diamonds and Kahler Electric Company. Kahler Electric is donating the land to the Martin County Veterans Memorial Committee and the Martin County Veterans Memorial Committee would like to

donate this parcel of land to Martin County for the construction of a Martin County Veterans Memorial. Fosness went on to note the Committee is proposing a \$500,000 memorial and has raised approximately \$33,000 so far; with completion of the memorial anticipated over the next two to three years. Fosness also noted the Committee is asking that Martin County take care of minimal costs for upkeep to the memorial and grounds including snow removal, mowing after the memorial is completed, and electrical costs for lighting.

Much discussion ensued regarding the County's involvement with memorial upkeep and expense including that proposed snow removal and mowing be performed by the City of Fairmont.

Higgins noted he has contacted the County's insurer, Minnesota Counties Intergovernmental Trust (MCIT) and found that MCIT does extend coverage for monuments as it is being proposed, and that the cost for premiums was stated to be minimal.

After further discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, after careful consideration and review, and to assist in establishing a Martin County Veterans Memorial in the City of Fairmont, hereby states its intention to accept the donation of a parcel of land located on Winnebago Avenue (Fairmont) for the purpose of constructing a Martin County Veterans Memorial on said tract of land; and to authorize the County Attorney's Office to complete the legal requirements of the donation of land transfer to Martin County. Carried unanimously.

Peyman presented a resolution authorizing the transfer of all Martin County Municipal Construction funds in excess of two years apportionment into the County's regular construction account. Peyman noted once a set maximum is reached and funds are not depleted, your needs start to be reduced because you can only accumulate so much. Peyman recommends the transfer of excess funds so Martin County does not receive a deduction.

Motion by Commissioner Flohrs, seconded by Commissioner Mahoney,

Martin County Highway Department
Resolution No. 5 - 2016

COUNTY TRANSFER OF EXCESS MUNICIPAL FUNDS TO REGULAR FUNDS RESOLUTION

WHEREAS, Minnesota Statute 162.08, Subd. 4 (3d), provides that accumulated balances in excess of two years of municipal account apportionments may be spent on projects located outside of municipalities under 5,000 population when approved solely by resolution of the county board.

NOW THEREFORE BE IT RESOLVED, that the Commissioner of Transportation transfer all funds in excess of two years apportionment into the Regular Construction Account.

Upon motion by Commissioner Flohrs, seconded by Commissioner Mahoney, and carried said resolution was duly passed and adopted this 1st day of November, 2016

BOARD OF COMMISSIONERS
MARTIN COUNTY, MINNESOTA

By: _____
Chair Martin County
Board of Commissioners

Attest: _____
Scott Higgins
County Coordinator

CERTIFICATION

I hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the County of Martin at a duly authorized meeting thereof held on the 1st day of November, 2016.

Scott Higgins
County Coordinator

Roll Call AYES: Commissioners Smith, Schmidtke, Mahoney, Flohrs, and Belgard. NAYS: None. Resolution duly passed and adopted this 1st day of November, 2016.

Peyman reported on final contract for C.P. 16:08 Maintenance Gravel Production (Laue and Rose Lake Pit) with 100,000 tons of material crushed. Peyman noted final examination has been made, work has been completed, and the entire amount of work has been performed. Peyman recommends approval of the final contract to Hard Rock Screening, LLC, of Little Falls, Minnesota, in the amount of \$206,359.20.

Motion by Commissioner Mahoney, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of County Engineer, hereby approve the final contract payment for C.P. 16:08 Maintenance Gravel Production (Laue and Rose Lake Pit) with Hard Rock Screening, LLC, of Little Falls, Minnesota, in the amount of \$206,359.20. Carried unanimously.

Jeff Markquart, Martin County Sheriff, noted the Martin County Sheriff's Office is recommending step increase based on satisfactory performance evaluation and according to Union Contract for Beau Karge, Corrections Officer.

Motion by Commissioner Schmidtke, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of Sheriff Jeff Markquart, hereby approve and authorize step increase based on satisfactory performance evaluation and

according to Union Contract for Beau Karge, Corrections Officer (LELS #115), from 2 Year Step at \$21.17/hour to 3 Year Step at \$22.59/hour, effective November 16, 2016. Carried unanimously.

Markquart presented an update on the current Martin County Jail Population including eighteen (18) in-house, eight (8) in Faribault County, two (2) in Nobles County, and six (6) on Electronic Home Monitoring (EHM).

Ashley Brenke, District Manager for Martin SWCD, Pam Flitter, Martin County Zoning Official, and Michael Forstner, Drainage Administrator, were present to update the Board that we all continue to work with landowners who have questions regarding buffers with calls and walk-ins questioning how much of a buffer they have to put in; and that meetings are scheduled on November 10, 2016, with the Association of Minnesota Counties (AMC), the Minnesota Department of Natural Resources (DNR), and Board of Water and Soil Resources (BWSR) for discussion, review, and potential drafting of separate county buffer ordinances, and the Greater Blue Earth River Basin Alliance (GBERBA) informational buffer meeting on November 18, 2016.

Higgins introduced Diane Behn, AIA Designer and Technical Coordinator for ISG Architects and Engineers. Higgins noted ISG had been contracted to complete a space study in order to address the County's office space needs and efficient use of existing office space for the various County departments, and to assist the Board in future planning for office space needs of Martin County.

Diane Behn, AIA Designer and Technical Coordinator for ISG Architects and Engineers, was present to review the report that has come from ISG. Behn noted there were a couple of issues that triggered this space study including the desire to move Veterans Services out of the Human Services Building, and considering the county attorney's current leased space on Downtown Plaza. ISG spoke with staff in all of the various departments in the County and had sent a survey out before discussions began. Behn next reviewed the following:

- County's individual departmental needs
- Existing conditions and recommended improvements
- Recommended relocations and renovations
- Courthouse facility recommendations and cost estimates
- Security Building existing conditions and recommended improvements, relocations and renovations
- 123 Downtown Plaza Facility (County Attorney's Office) existing conditions and proposed improvements.

Behn continued based on meetings with Directors of Departments occupying the Martin County Courthouse and Security Building, and in discussions with members of the Building Committee, it was concluded that most Department's current locations, layouts, and available space are satisfactory. However, the Veteran Services and County Assessor Departments would be better served in different locations. Likewise, the Management Information Systems (MIS) Department is in need of more space to accommodate additional staff and equipment. To accommodate the needs of the County Assessor and MIS Departments, the County Coordinator

Department and existing Court storage could be relocated within the Courthouse and Security Building. The Extension and Joint Transit Departments could be relocated to other County-owned or leased facilities. The County Attorney is currently located in leased space, and could remain there or relocate to other County-owned or leased space. The Martin County Building Committee is currently evaluating options for local, leasable space and buildings for sale to accommodate displaced Departments while also considering the accessibility and security features of each potential space. Due to continuing issues with justice system functions in existing building locations, including the County Sheriff, Fairmont Police Department, County Jail, and Courts, the Building Committee is also considering commissioning an updated Justice Center study as a next step in the process of accommodating current and future needs of all County Departments. Behn concluded noting this space needs study is ultimately designed to be a working document that stays with us all into the future as we make our considerations for these spaces. We'll be able to go back to this study frequently and cover what we've gone through already as we proceed with deciding how to move forward.

By consensus, the Board received and filed the Martin County Office Space Study as presented by Diane Behn, AIA Designer and Technical Coordinator, ISG Architects and Engineers, dated November 1, 2016.

Michael Forstner, Martin County Drainage Administrator, reviewed a petition request received from Brian Petrowiak for maintenance cleaning of JD #38.

After discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby approve and authorize maintenance petition for clean out of JD #38 open ditch. Carried unanimously.

Forstner next presented a change order request on JD #51 noting that Todd Steuber's drain for his house...it used to outlet into the main tile which is now where we have the holding basin and he has concerns about how it currently is and would like to see it connect back to the main I believe.

Todd Steuber was present and noted that's the preferable.

Chairman Belgard noted he went out to look at it...so we put a 10 acre retention pond right across the road, dug it down deep...Steuber lives right across the street and his floor drain from his basement ran over and ran directly into the old tile. They cut it off now and the question would be the elevation of that pond and how high the water can get before it backs up into his floor drain.

Kyle Sammons, Engineer with I&S Group, noted the emergency overflow for the pond...so the top of the berm on the downstream side of both the 24" outlet and then the large drainage structure you see out there...the vertical riser, that is at the exact same height as his outlet tile would be. There are a couple of other options, neither are good options, actually there is no really great option involved in this. We have what would have been a good option would be to

run the tile along the road ditch and then outlet it into the actual tile itself. We are now finding those are very bad soils there...if you were out there Saturday you were probably seeing a lot of material kind of sluffing off into the pond. Instead of going across the road we'd just run it down the road on the west side of the road which is no longer a feasible option because it is sloppy soils right there. Sammons went on to note the other option would be, and I think Todd (Steuber) is more in favor of this, is to run it down the other side. However, when you run it down that side you're dealing with two separate utilities in that road ditch. So like I said there's really no great option. Obviously the easiest one is just to daylight it into the pond and it should function just fine. But I think for peace of mind you'd want a pipe instead of a storage basin.

After much discussion,

By consensus of the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, is to obtain pricing before moving forward with Todd Steuber's change order request for JD #51 Improvements.

Sammons noted there will be a substantial increase in price for the JD #51 improvement due to the amount of riprap that's going to be needed to hold that bank up and that Martin County can expect a change order coming for that in the near future.

Higgins noted the Compensation Advisory Committee (CAC) met to review and discuss recommendation creating a new Network Administrator position in the MIS Department and to move the current staff to that position and to classify this position at Grade 12. Higgins went on to note revisions and changes to the Network Administrator job description are noted in red and the CAC recommends creating this new position.

Steve McDonald, MIS Director, noted with the added job duties and as we have grown over time we need to move the current Information Specialist up into the new position. In working with the Personnel Committee they recommended creating the new position and new job description and then hiring a lower position once approved.

Motion by Commissioner Schmidtke, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, after careful review and consideration and upon the recommendation of the Martin County Compensation Advisory Committee, and due to the increased responsibilities and complexities of the job, hereby approve the reclassification and job description for the new Network Administrator position with the MIS Department at Grade 12 at the appropriate step, effective January 1, 2017. Carried unanimously.

James Forshee, Martin County Auditor/Treasurer, presented a resolution authorizing the public sale of tax forfeited land in the County. Forshee noted the resolution sets the terms and conditions, date, and time of sale. Forshee went on to note the sale is set for Tuesday, November 22, 2016, at 10:00 a.m. in the Commissioners Meeting Room – Martin County Courthouse.

Motion by Commissioner Flohrs, seconded by Commissioner Mahoney,

RESOLUTION #46 / 16

AUTHORIZING & FIXING TERMS OF TAX SALE:

BE IT RESOLVED, that all parcels of tax-forfeited land listed on the List of Tax-Forfeited Land #17 be classified as non-conservation land; that the basic sale price of each parcel on the List of Tax-Forfeited Land #17, that is on file with the Martin County Auditor/Treasurer, be approved and authorization for a public sale of this land be granted, pursuant to M.S. 282.01; that the sale will be held at **10:00 a.m. Tuesday, November 22, 2016**, by the Martin County Auditor/Treasurer, in the Commissioners Room, 1st Floor in the Martin County Courthouse, 201 Lake Avenue, Fairmont, Minnesota, beginning and not less than the basic sale price; and that all sales shall be full payment and on the terms set forth on the List of Tax-Forfeited Land #17 dated November 3, 2016.

BE IT FURTHER RESOLVED, that the conditions and terms of the public sale shall be as described in the list contained herein and approved by the Martin County Board of Commissioners.

Motion was made by Commissioner Flohrs, seconded by Commissioner Mahoney and carried.

Dated this 1st Day of November, 2016.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MINNESOTA

Elliot Belgard, Chairperson

ATTEST: _____

Scott Higgins
Martin County Coordinator

Roll Call AYES: Commissioners Schmidtke, Smith, Mahoney, Flohrs, and Belgard. NAYS: None. Resolution duly passed and adopted this 1st day November, 2016.

Higgins noted Minnesota Statutes require that bids be taken for Official County Newspaper for the publication of notices, minutes, etc., and that the Truman Tribune was awarded the bid for the 2016 Official County Newspaper. Higgins went on to note it is time to again advertise for bids to all known newspapers in Martin County in order to designate the Official County Newspaper for Martin County for the year 2017.

Motion by Commissioner Mahoney, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Martin County Coordinator's Office to advertise for bids for designation of the Official Newspaper for Martin County for the year 2017. Carried unanimously.

Higgins noted the Association of Minnesota Counties (AMC) requests that each county provide voting delegates to the annual conference which will be held December 5-6, 2016, in Minneapolis, Minnesota; with by-laws allowing up to eight participants.

After discussion,

Motion by Commissioner Flohrs, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, hereby approve up to eight delegates to attend the Association of Minnesota Counties (AMC) Annual Conference to be held December 5-6, 2016, in Minneapolis, Minnesota, which includes Commissioners Mahoney, Schmidtke, Smith, Flohrs, and Belgard; and James Forshee, Rebecca Bentele, and Julie Walters. Carried unanimously.

Higgins noted that annually the Board reviews the Citizen Advisory Boards and Commissions for (re)appointment for those terms expiring December 31, 2016. Higgins went on to review the various Martin County Boards and Advisory Committees with member terms ending December 31, 2016.

After review and discussion,

No action taken on (re)appointments to 2017 Citizen Advisory Board/Commissions.

Higgins presented an update on office space for the VSO Office including potential lease agreement for office space with Lakeside Agency on Albion Avenue. Higgins noted the county attorney is in receipt of and reviewing the agreement as to form and content. Higgins went on to note a number of other potential office spaces/buildings were visited and space at the Lakeside Agency appears to be the best fit.

The Board reviewed warrants to be paid November 1, 2016.

Motion by Commissioner Smith, seconded by Commissioner Mahoney, Be It Resolved that the Martin County Board of Commissioners, hereby approve bills to be paid on November 1, 2016, as presented; and includes the Martin County Highway Department and Drainage bills as presented. Carried unanimously.

Warrants received and paid November 1, 2016, are registered on file in the Auditor/Treasurer's Office as follows:

Revenue Fund – Warrants Approved November 1, 2016	\$117,744.06
Ind. Sewage Treatment Sys. Loan	\$ 12,016.33
Bank Building Fund	\$ 1,952.27
Taxes and Penalties Even Years	<u>\$ 9,854.00</u>
Total	\$141,566.66
Road and Bridge Funds Totaled	\$ 70,684.56
Martin County Ditch Funds Totaled	\$553,793.77

Commissioners reviewed their calendars of previous and upcoming meetings and activities: October 18, 2016 – Personnel Committee meeting; October 19, 2016 – Human Services Full Board meeting and Faribault-Martin County Joint Transit Executive Board meeting in Faribault County; October 20, 2016 – Traverse de Sioux Library meeting in Mankato, Minnesota; October 24, 2016 – Martin County Building Committee meeting, and meeting with Building Inspectors at the Martin County Transit Facility; October 25, 2016 – Planning & Zoning meeting at 5:30 p.m.; October 26, 2016 – Faribault-Martin County Joint Transit Board meeting in Faribault County; October 27, 2016 – South Central Emergency Medical Services meeting in Lake Crystal, Minnesota, and Candidate Form at 7:00 p.m.; November 1, 2016 – Extension Committee meeting at 8:00 a.m., Building Committee, Personnel Committee, and Union Negotiations immediately following the regular Board of Commissioners meeting; November 2, 2016 – AMC’s Fall District meeting in Truman, Minnesota, Human Services Executive Board meeting at 2:00 p.m., Leadership Martin County Government Day at the Courthouse 1 p.m. – 4:00 p.m., and Veterans Memorial Committee meeting; November 4, 2016 – Work Force meeting at 10:00 a.m. in New Ulm, Minnesota; November 7, 2016 – Personnel Committee meeting at 4:00 p.m., Martin County EDA meeting at 5:15 p.m., and Beyond the Yellow Ribbon meeting; November 8, 2016 – Election Day and Library Board meeting in the afternoon; November 9, 2016 – Park Board meeting at 4:00 p.m. and Bureau 14 meeting at 6:00 p.m.; November 10, 2016 – Soil and Water meeting at 9:00 a.m.; November 11, 2016 – Veterans Day Holiday – Courthouse Closed; November 14, 2016 – Canvass Board meeting at 9:00 a.m., Rural Minnesota Energy Board Executive meeting, and Minnesota Valley Action Council meeting; November 15, 2016 – regular Board of Commissioners meeting at 9:00 a.m.; November 16, 2016 – Human Services meeting at 9:00 a.m., and Prairieland meeting at 10:30 a.m.; November 18, 2016 – Government Policy Meeting with AMC & Board of Water and Soil Resources at the Armory in Mankato, Minnesota.

With no further business to wit, Board Chair adjourned the meeting at 10:37 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Elliot Belgard, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator