

BOARD PROCEEDINGS  
MARTIN COUNTY BOARD OF COMMISSIONERS  
TUESDAY, MAY 2, 2017  
@ 4:00 P.M.

The regular meeting of the Martin County Board of Commissioners was called to order at 4:03 p.m. by Chairman Dan Schmidtke. Commissioners present were Steve Flohrs, Elliot Belgard, Kathy Smith, Dan Schmidtke, and Tom Mahoney. Also present were Scott Higgins, Martin County Coordinator, James Forshee, Martin County Auditor/Treasurer, Kevin Peyman, County Engineer, Terry Viesselman, County Attorney, 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 Belgard, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda for the May 2, 2017, regular Board of Commissioners meeting with the following: Delete 8.1 Consider Request for Replacement Staff for Recorder's Office; and Add 9.12 Consider 2017 Annual Boat and Water Safety Grant Agreement – Sheriff's Office; 9.13 Consider Setting Date for Board Work Session; and add name of Darwin Roberts to Agenda Item 10.3 Discuss Concern with JD #51 Improvement Project. 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 April 18, 2017, regular Board of Commissioners meeting. Carried unanimously.

Chairman Schmidtke read aloud the proclamation designating May 7-13, 2017, as Public Service Recognition Week.

**DECLARATION OF  
PUBLIC SERVICE RECOGNITION WEEK – MAY 7-13, 2017  
MARTIN COUNTY BOARD OF COMMISSIONERS**

**In honor of the millions of public employees at the federal, state, county, and city levels:**

**WHEREAS**, Americans are served every single day by public servants at the federal, state, county and city levels. These unsung heroes do the work that keeps our nation working;

**WHEREAS**, Public employees not only provide public service, but take oaths;

**WHEREAS**, Many public servants, including military personnel, law enforcement officers, firefighters, embassy employees, health care professionals and many other public occupations, risk their lives each day in service to the people of the United States and around the world;

**WHEREAS**, County Public servants include, those in public safety (Sheriff Deputies, Corrections and Communications Officers, Emergency Management), Road and Bridge employees, Courthouse staff, (Auditing,

Land Records, Public Drainage, Administration, Elections, Planning and Zoning, Courts, Probation, Veterans Services, 4-H, Computer Technicians, Library, Victim Services, Social Services, Solid Waste, Public Transit, Elected officials (County Board, County Attorney, Auditor/Treasurer, County Recorder, Surveyor), and countless other occupations in county government. Day in and day out they provide the diverse services demanded by the American people of their government with efficiency and integrity; and

**WHEREAS**, Without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials;

**NOW THEREFORE BE IT RESOLVED**, I, Dan Schmidtke, Board Chair for the Martin County Board of Commissioners, do hereby announce and proclaim to all citizens and set seal hereto, that May 7-13, 2017, is Public Service Recognition Week. All citizens are encouraged to recognize the accomplishments and contributions of government employees at all levels — federal, state, county and city.

Motion by Commissioner Smith, seconded by Commissioner Belgard, said proclamation was duly passed and adopted this 2<sup>nd</sup> day of May, 2017.

BOARD OF COMMISSIONER  
MARTIN COUNTY, MN

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Dan Schmidtke, Board Chair

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

Roll Call AYES: Commissioners Flohrs, Mahoney, Belgard, Smith, and Schmidtke. NAYS: None. Proclamation duly passed and adopted this 2<sup>nd</sup> day of May, 2017.

Shanelle Montana, Senior Project Developer with EDF Renewable Energy, presented an overview on the proposed Rose Lake Wind Project including an introduction to EDF Renewable Energy; Development through Operation; EDF Renewable Energy in North America; Customer Base; Tentative Project Boundary map; Wind Project Development Team, Local Benefits of the Rose Lake Wind Farm including:

- Jobs: 400 Temporary jobs, potentially more, during construction; up to 10 long term permanent positions during operation
- Projection Tax Estimates: \$1M Annually split between townships and counties
- Sustainable Income to Landowners
- Induced/Direct Benefits

Common questions and answers including:

- Can I farm around wind turbines? Yes, the tower and access road take 1 acre. EDF works with farmers to site turbines to be advantageous to farming techniques.
- What about all the collection lines? Collection lines are low voltage and buried underground to not hinder farm practices.
- Will a turbine be in my back yard? No, the state of MN requires a 750 ft. setback. EDF RE's Best Management Practice typically sites over 1500ft minimally.

- What if I want to participate but my neighbor doesn't or vice versa? Every property owner has a right to, or not to, participate. While contiguous land is preferred, EDF RE does not have eminent domain.

Rose Lake To Do's including:

- Land Acquisition
- Continue MISO queue
- Met tower installation
- Environmental field studies (birds, bats, and nests)
- Reach out to environmental agencies (USFW, DNR, etc.) in summer of 2017.

Montana noted we have an agreement with counties that takes care of all the roads so we're talking about what the baseline of the roads is now, we do a road survey to identify that and then we are responsible for any of the damage we do to repair to what it was before or better. Montana went on to note there are three (3) agreements that we have with counties – one is an overall Development Agreement, one is the Road Agreement, and then the other is a Drainage Agreement that will say all of our area where we are carrying heavy equipment is tracked through GPS so we know exactly where the route is so that three years down the road when you have a wet season or an abnormally wet year you can say we know this tile is broken and we need to remedy that and that is exactly what that agreement is for.

Chairman Schmidtke thanked Montana for her presentation.

Rebecca Bentele, Victim Witness Coordinator, introduced Emily Ibarra, Victim Witness Assistant, for the Martin County Victim Services Office. Bentele noted Emily began her duties on April 24, 2017.

Bryan Stading, Senior Business Facilitator with Regional Center for Entrepreneurial Facilitation (RCEF) presented the 2016 Annual Report of the Martin County Economic Development Authority.

The Board thanked Stading for his report.

Terry Viesselman, County Attorney, was present to review the appointment of Court Visitors and request the Board decide on whether or not the county should pursue payback of Court Visitor service fees. Viesselman reviewed whenever someone petitions the court to get a guardianship or a conservatorship appointed for an incompetent person the court has to order an examination by what is called a Court Visitor and that typically takes 2-3 hours. Human Services was doing it and they feel they have a conflict, which they do, and so we're now hiring people to do that for us and Human Services will be training them and you previously approved a payment of \$30/hour for that. Viesselman noted we've been averaging 10-12 guardianships and conservatorships per year which is not very many so our total cost is probably \$1,000. Viesselman went on to note Court Administration pays the service fees out of the court appointed attorneys fund. But, what I need a decision from you on is, according to statute, says is that the court, for those guardianships or conservatorships where the person is indigent, the court can order the estate to pay the cost of the court visitor. Martin County's Court Administrator did a survey with about ten different counties and it was about 50/50...half of

them don't bother with it and the other half what they do is they bill the estates which are deemed able to pay. For indigent ones we haven't really tracked it but just from my experience in representing over the years I'd say probably 75% of them are going to be indigent so probably 25% that aren't so we're roughly talking about \$250 per year which we potentially can recover. Martin County's Court Administrator suggested that when we first start that we not do the recovery and the court will monitor just how many there are to see if it is really worthwhile or not. One of the problems we have is it's going to be a lot of paperwork to recover a few bucks all the time. Viesselman noted commissioners must decide seek or not seek the reimbursement.

After discussion,

Motion by Commissioner Belgard, seconded by Smith, Be It Resolved that the Martin County Board of Commissioners, hereby approve to not pursue recovery from the estates of those conservatorships/guardianships that have the ability to pay back Court Visitor service fees; and that Martin County Court Administration monitor and track the estates that are deemed able to pay. Carried unanimously.

James Forshee, Martin County Auditor/Treasurer, was present to request authorization to replace a full time position vacancy in the Auditor/Treasurer's Office.

Scott Higgins, Martin County Coordinator, noted the Personnel Committee has reviewed Forshee's request and recommends replacing the position with a full time staff person.

Motion by Commissioner Mahoney, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize recruitment to fill a full time vacancy in the Auditor/Treasurer's Office. Carried unanimously.

Higgins noted the Board did take action at the last meeting regarding private office space for the Martin County Recorder. There was some discussion later about considering an alternate location for an office; however, that alternate location has been taken off the table.

After discussion,

No action taken on County Recorder Office Space.

Kevin Peyman, County Engineer, was present and noted a few meetings back Calvin Saxton came to the Board meeting with some ideas for the Martin County Arena for tiling and the Fair Board and the City of Fairmont were partnering on the project and would work with Kellander Drainage to do some tile work. In moving forward we have met with them a couple of times. The extent that they're asking for county involvement is for removal of the blacktop like we talked about last time and then the restoration of the blacktop. So we kind have met out there and I looked at it a little further and I think if we were to do it ourselves it would be cheaper than if we were to try and hire a contractor to do it so my estimate to come in and do the removal so that it is ready for Kellander Farm Drainage to come in and do the tile work and then after they were done we'd come back they would compact the trench and bring it back up and haul some gravel in over the top, compact it and level it and then patch some bituminous over the top would

be about \$15,000 of labor, equipment, and materials. And we talked about last time is it is easier for us to donate labor and equipment than it is materials so of that \$15,000 about \$9,000 is our labor and equipment and about \$6,000 of it is materials (\$5,000 bituminous and \$1,000 for the aggregate). Peyman noted the question would be is #1. Do you want to donate anything and if you do, do you want it to be just our people and equipment time, or #2. Do you also want to donate money towards the material.

Commissioner Belgard inquired what are the estimated costs of the entire project that the Fair Board and the City of Fairmont are partnering with.

Robbin Celander, Martin County Fair Board, answered \$56,078; and that the Fair Board has voted to go ahead with the project.

Peyman reiterated basically what they're doing is they're taking tile...connecting all the downspouts and what we're doing is taking the bituminous out where they have to put that tile in front of the building and they they're taking the tile from there back to the creek so we would only be involved in the portion of removing the bituminous and of the restoring the bituminous, if you want us to be.

After further discussion,

Motion by Commissioner Mahoney, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize County Engineer to move forward with Highway Department labor, equipment, and materials in the amount of \$15,000 for work at the Martin County Fairgrounds – Martin County Arena Drainage Project. Carried unanimously.

Peyman presented and reviewed a resolution requesting completion of a speed study on County Road 26 from the Intersection with CSAH 39 to a point 0.9 miles west to determine the reasonable and safe speed limit for the roadway.

Motion by Commissioner Smith, seconded by Commissioner Mahoney,

Martin County Highway Department  
Resolution No. 1 - 2017

#### COUNTY REQUEST FOR SPEED STUDY ON CSAH 26

WHEREAS, Martin County (County) has determined that the existing speed limit on County Road 26 (120th St.) from CSAH 39 to 0.9 miles west is potentially not practical or safe under existing conditions; and

WHEREAS, Minnesota Statute 169.14, Subd. 5 requires the County to request that the Commissioner of Transportation (Commissioner) authorize, upon the basis of an engineering and traffic investigation (speed study) the erection of appropriate signs designating a reasonable and safe speed limit; and

WHEREAS, the County acknowledges that the requested limits of investigation on County Road 26 (120th St.) could be revised by the Commissioner, based on observations made while conducting the speed study; and

WHEREAS, the County agrees to accept the findings of the completed speed study, and implement any recommended signing changes; and

BE IT FURTHER RESOLVED that the County formally requests that the Commissioner complete a speed study on County Road 26 (120th St.), from the Intersection with CSAH 39 (190th Ave.) to a point 0.9 miles west to determine the reasonable and safe speed limit for the roadway.

Upon motion by Commissioner Smith, seconded by Commissioner Mahoney, and carried said resolution was duly passed and adopted this 2nd day of May, 2017

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 2nd day of May, 2017.

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

Roll Call AYES: Commissioners Belgard, Flohrs, Mahoney, Smith, and Schmidtke. NAYS: None. Resolution duly passed and adopted this 2<sup>nd</sup> day of May, 2017.

Peyman presented and reviewed a resolution providing for Martin County's payment to the State of the County's share of the cost of the Traffic Control Signal construction and other associated construction to be performed upon, along and adjacent to Trunk Highway 15 at the intersection of Blue Earth Avenue and CSAH 26 within the City limits of Fairmont under State Project No. 4603-45 (TH 15 work). Peyman noted the County's share is estimated at \$68,459.04.

Motion by Commissioner Belgard, seconded by Commissioner Flohrs,

Martin County Highway Department  
Resolution No. 2 - 2017

MnDOT AGREEMENT No. 1027063 (T.H. 15 WORK)

IT IS RESOLVED that Martin County enter into MnDOT Agreement No. 1027063 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the County to the State of the County's share of the cost of the Traffic Control Signal construction and other associated construction to be performed upon, along and adjacent to Trunk Highway 15 at intersection of Blue Earth Avenue and C.S.A.H. 26 within the corporate City limits of Fairmont under State Project No. 4603-45.

IT IS FURTHER RESOLVED that the County Engineer and the County Auditor/Treasurer are authorized to execute the Agreement and any amendments to the Agreement.

Upon motion by Commissioner Belgard, seconded by Commissioner Flohrs, and carried said resolution was duly passed and adopted this 2nd day of May, 2017

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 2nd day of May, 2017.

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

Roll Call AYES: Commissioners Mahoney, Smith, Flohrs, Belgard, and Schmidtke. NAYS: None. Resolution duly passed and adopted this 2<sup>nd</sup> day of May, 2017.

Peyman presented a brief Highway Department update including we were talking about Hwy 15 and the construction traffic I believe a while ago I told you I was going to try to pursue some lights on CSAH 39 south from Bixby's Corner to Woodland Avenue and Lair Road; and I'm hoping that we're getting close to getting those done...I've been working with the City of Fairmont and Federated Rural Electric and should happen in the not too distant future. I think it will be good long term especially during construction because those two corners are dark and a lot of people use that section of road.

Mahoney inquired if the Highway 15 bid was opened and accepted.

Peyman noted it has not been awarded yet but I think it will be by the end of this week and it will all move forward. Peyman next invited commissioners to attend a hot dog feed at 5:00 p.m. at Cedar-Hanson Park to celebrate the new playground equipment provided by the Martin County Area Foundation through grant funds applied for by the Galena 4-H group.

Corey Klanderud, Chief Deputy with the Martin County Sheriff's Office, noted the Sheriff's Office has received applications and interviews were conducted for a full time Communications Officer position and recommends the hire of Destiny Rainville, effective May 15, 2017.

Motion by Commissioner Flohrs, seconded by Commissioner Mahoney, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the hire of Destiny Rainville as full time Communications Officer for the Martin County Sheriff's Office, effective May 15, 2017, at \$20.20/hour, and is eligible for full benefits per LELS Local No. 115 Union Contract. Carried unanimously.

Klanderud noted the Sheriff's Office has received applications and interviews were conducted for a part time Communications Officer position and recommends the hire of Kaylee Sauck, effective May 4, 2017.

Motion by Commissioner Belgard, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the hire of Kaylee Sauck as part time Communications Officer for the Martin County Sheriff's Office, at \$20.20/hour, effective May 4, 2017; not eligible for benefits. Carried unanimously.

Klanderud noted the Sheriff's Office submitted the Annual County Boat and Water Safety Grant application and has been awarded \$2,210.00 for FY2017. Klanderud went on to note the effective date is January 1, 2017 through June 30, 2018.

Motion by Commissioner Flohrs, seconded by Commissioner Mahoney,

R-#15/'17

## RESOLUTION

### AUTHORIZING EXECUTION OF ANNUAL COUNTY BOAT AND WATER SAFETY AGREEMENT

BE IT RESOLVED THAT, Martin County enters into a grant agreement with the Minnesota Department of Natural Resources for the program entitled County Boat and Water Safety in the grant amount of \$2,210.00 to cover expenses incurred for patrol, enforcement, search and rescue, watercraft inspection, waterway marking and accident investigation effective January 1, 2017 and expires June 30, 2018.

BE IT FURTHER RESOLVED, that the Martin County Sheriff, Chairman of the Martin County Board of Commissioners, and Martin County Auditor/Treasurer, are hereby authorized to execute and sign such grant agreement on behalf of Martin County.

Motion made by Commissioner Flohrs, seconded by Commissioner Mahoney, and duly adopted this 2<sup>nd</sup> day of May, 2017.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Board Chair

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

Roll Call AYES: Commissioners Belgard, Smith, Mahoney, Flohrs, and Schmidtke. NAYS: None. Resolution duly passed and adopted this 2<sup>nd</sup> day of May, 2017.

Jeff Markquart, Martin County Sheriff, presented a current Martin County Jail Population update including twenty-three (23) in-house, twelve (12) out of county, and three (3) on Electronic Home Monitoring (EHM). Markquart also noted our jail inspection is slated in the next 30 days; and upcoming safety assessment for the court/courthouse area.

Forshee noted with the recent resignation of an Account Technician I/Payroll Backup position in the Auditor/Treasurer's Office, and approval to fill the vacancy, revisions were made to the Account Technician I job classes for the Auditor/Treasurer's Office. Job class revisions include:

- Account Technician I – Tax Calculation: position will assist in tax calculation as required and serves as backup for tax calculation; Identifies legal descriptions, checks for paid taxes, collects taxes and registers mortgages, miscellaneous receipts, and transfers deeds; Key person for scanning documents for the office and assisting other staff in process.
- Account Technician I – Payroll Backup: position serves as a backup for payroll and assists when needed; Assist in preparation on Confession of Judgments when needed.

Forshee recommended approval of the revised job class descriptions.

Motion by Commissioner Mahoney, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, hereby approve the revised job descriptions as presented for the Account Technician I – Tax Calculation, and Account Technician I – Payroll

Backup job classifications for the Auditor/Treasurer’s Office, which more accurately reflects the objective and essential functions of the positions. Carried unanimously.

Doug Borchardt, Building Maintenance Technician, reviewed bids received to waterproof the basement of the Human Resource Building, noting that five businesses were contacted to submit bids for the project and that only two submitted bids.

Complete Basement Systems of Mankato, MN	Basement Solutions of Mankato, MN
Total Contract Price: \$41,187.90	Total Contract Price: \$24,600.00
<p>Install Super Sump pump system with cast iron pump, liner, airtight lid with airtight floor drain, CleanPump Stand, and WaterWatch alarm system; Install WaterGuard sub-floor drainage system as indicated in job drawing; Install CleanSpace Wall System on walls as shown; Discharge Line; Install discharge plumbing as per drawing; Demo walls per drawing.</p> <p>Installation of the SuperSump pump system does not include painting, finished carpentry, extending discharge lines, electrical work, or replacement of floor tile or carpeting.</p>	<p>Installation of approximately 240’ of a subfloor drainage system to drain all water from wall/floor joints into 3 newly-constructed sump pits.</p> <p>Work also to include removal and disposal of all finished wall covering (studs, drywall, trim, insulation, etc.) to expose the entire surface of block walls/floor joint along work area to allow for system installation (no salvage, no replacement). <b>**NOTE: ALL REBUILDING/REMODELING IS NOT INCLUDED IN THIS PROPOSAL AND WILL NEED TO BE PERFORMED BY OTHERS.</b></p> <p><b>***OPTIONAL:</b> Installation of a new “Watchdog Special” battery back-up sump pump system - \$650.00 (if installed same day as drainage system).</p>

After review of the bids, Borchardt recommends the low bid of \$24,600.

Higgins noted film is applied on the outside of the wall...they’ve got to take all of the sheetrock off and they put up a “vapor” barrier directing the water into a drainage system and is done all on the inside. Higgins went on to note it doesn’t stop the water from coming in but it gets redirected into this drainage system all along the outside of the wall. Higgins also noted you can tell from the bids, we’re not doing the entire wall but just about three-quarters of it is going to be done as that was determined that was where the issues are. Higgins noted Complete Basements is proposing to demo it all and then install their product with three sump pumps in different areas. We’ve had a leaking issue at the Human Resource Building for as long as I’ve been here with water coming up through the porous cement floors. Higgins also noted payment will be expended from the Human Resource Building Fund.

Borchardt noted the wet basement people will demo the sheetrock, jack hammer a trench around the wall and then they’ll put the system in, put the cement back into the floor and then we have to hire a contractor to come in and put the drywall back on, the chair runners, put the electrical

boxes back on the wall, and tile the floor that was jack hammered up. Borchardt also noted five contractors were contacted and requested to bid and two bids were received.

Wilcon Construction Services	Hertzke Construction & Millworks, Inc.
Total Contract Price: \$23,576.00	Total Contract Price: \$19,150.00
<ul style="list-style-type: none"> <li>• Install steel studs, insulation on exterior walls per plan.</li> <li>• Sheetrock walls and finish to 6" above ceiling grid.</li> <li>• Fiberglass insulation R11 with 6 mil poly.</li> <li>1) TO CHANGE TO R14 CLOSED CELL SPRAY FOAM ADD \$3,212.00.</li> <li>• Repair up to 4'-0" from walls of ceiling tile and grid. If more is demoed then repairs will be done on a time and materials basis.</li> <li>• Reinstall chair rail. Owner to remove and mark location for install.</li> <li>• Install new 4" vinyl base.</li> <li>• Install new VCI tile out 3' from exterior walls. If more is demoed then repairs will be done on a time and materials basis.</li> <li>• Owner to supply painting, builders risk insurance, toilet, water and electricity.</li> <li>• All asbestos testing and abatement by owner.</li> <li>• Work to be done Monday – Friday from 8:00 to 5:00.</li> </ul>	<p>Martin County Human Service Basement Waterproofing Wall Repair.</p> <p>Rooms affected:</p> <ul style="list-style-type: none"> <li>• Break Room – south and west walls</li> <li>• Community Room – west and north walls</li> <li>• Hallway between Community Room and north stairway – north wall</li> <li>• North Stairway – north wall</li> </ul> <p>Work to be done:</p> <ul style="list-style-type: none"> <li>➤ Build wall with 1 5/8" metal studs.</li> <li>➤ Sheetrock walls with 5/8" drywall.</li> <li>➤ Tape drywall ready for painting (painting by other).</li> <li>➤ Install new wall angle for ceiling and reattach ceiling to wall.</li> <li>➤ Install new chair rail in break room and community room matching existing as close as possible.</li> <li>➤ Install new vinyl base matching existing as close as possible.</li> <li>➤ Stairway reinstall existing handrail and door stop</li> </ul> <p>**TO ADD FIBERGLASS INSULATION IN WALL CAVITY ADD TO ABOVE PRICE \$1,490.00.</p> <p>Items not included in above price:</p> <ul style="list-style-type: none"> <li>▪ Any Demo work</li> <li>▪ Wall insulation</li> <li>▪ Electrical work</li> <li>▪ Plumbing or heating work</li> <li>▪ Painting</li> <li>▪ Concrete repair</li> <li>▪ Flooring</li> </ul>

Higgins noted the Building Committee has reviewed and recommends approval the low bidders for the Human Resource Building basement waterproofing and remodel project.

After discussion,

Motion by Commissioner Mahoney, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of the Building and Purchasing Committee, hereby approve and award the low bid quote for waterproofing the basement of the Human Resource Building located at 115 W. First Street in Fairmont, Minnesota, to Basement Solutions of Mankato, Minnesota, in the amount of \$24,600.00 plus Installation of a new Watchdog Special battery back-up sump pump system in the amount of \$650.00; and to authorize the Board Chair and/or the County Coordinator to sign the necessary documents related to the project.

Motion by Commissioner Flohrs, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of the Building and Purchasing Committee, hereby approve and award the low bid quote for remodel of the lower level of the Human Resource Building after waterproofing is completed, to Wilcon Construction Services of St. James, Minnesota, in the amount of \$23,576.00; and to authorize the Board Chair and/or the County Coordinator to sign the necessary documents related to the project. Carried unanimously.

Jeremy Monahan, F-M Joint Transit Director, was present and noted in order to complete the asset transfer of the Fairmont Transit Facility located at 1023 North Dewey Street in Fairmont, the Minnesota Department of Transportation – Office of Transit has requested a few modifications to both the Joint Powers Agreement that was approved by each member County separately, along with the Transit Board By-Laws which is approved by the Full Transit Board. On April 19<sup>th</sup>, the Full Transit Board approved these similar changes to each document contingent on legal review by each County Attorney. The Transit Board then approved a request that each County consider the amended Joint Powers Agreement for approval and adoption. Monahan noted the Martin County Attorney has reviewed the amended JPA and approves it as to form.

THE MODIFICATION HAS TO DO WITH SECTION 14 OF THE JOINT POWERS AGREEMENT - PROPERTY. THE FOLLOWING IS THE ORIGINAL LANGUAGE FOR SECTION 14.

- 14. Property.** The F/M Co. Transit Board may acquire, hold, lease, and convey personal property necessary for the administration, operation, and coordination of the public transit system.

THE FOLLOWING CHANGES SHOWN IN RED TYPE WERE SUGGESTED BY MNDOT AND APPROVED BY THE TRANSIT BOARD ON APRIL 19, 2017 CONTINGENT ON LEGAL REVIEW. AFTER LEGAL REVIEW, THE COUNTY ATTORNEY'S AND MNDOT SUGGESTED ADDING THE WORDING SHOWN IN BLUE TYPE AS WELL.

- 14. Property.** The Faribault – Martin County Transit Board may acquire, **construct, own,** hold, lease, **sell,** and convey personal **and real** property, **including affixed land improvements, structures and appurtenances** necessary for the administration, operation, and coordination of the public transit system. **The Faribault – Martin County Transit Board may make all contracts and do all other acts in relation to the property and concerns of the Transit Board necessary to the exercise of its corporate powers. No sale of real estate owned by the Transit Board, nor any contract or option for it, shall be valid, without first receiving appropriate authorization from the Minnesota Department of Transportation and / or the Federal Transit Administration. The sale shall be conducted in accordance with all applicable Federal and State rules and regulations regarding sale of real and personal property.**

After discussion,

Motion by Commissioner Belgard, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the amended Faribault-Martin County Transit Board Joint Powers Agreement, effective upon final passage by both Faribault and Martin Counties. Carried unanimously.

Michael Forstner, Martin County Drainage Administrator, was present to request the Board set the 2017 Crop Damage Amounts for corn and soybeans. Forstner recommends that damages are set at \$650.00 per acre for corn and \$450.00 per acre for soybeans. Forstner also noted the 2016 damages were set at \$640.00 per acre for corn and \$430.00 per acre for soybeans.

After discussion,

Motion by Commissioner Flohrs, seconded by Commissioner Mahoney, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby approves the 2017 Crop Damage Payment in the amount of \$650.00 per acre for corn and \$450.00 per acre for soybeans. Carried unanimously.

Forstner presented a letter to the Legislative-Citizen Commission on Minnesota Resources regarding a 2018 grant proposal request for Martin County. Forstner noted funding for the proposed project on JD #50 and CD #11 would restore 160 acres of wetlands.

Chuck Brandel, Engineer for the proposed project, was present and noted we had looked at the system a couple of times and came up with some options of improvement versus storage. We met at the Sherburn Movie Theater and the landowners said we can't do anything until we figure out storage...there's nowhere for the water to go downstream into the river; there was no funding for RIM or WRP at the time so the LCCMR grant has come up so we already have cost estimates and put together a grant application for it. Since we already had all of the cost estimates in it didn't take much work to prepare the application. I think it is a good opportunity because we're not tying an improvement to it at this point...we're just saying landowners are looking for storage.

Chairman Schmidtke inquired about the dollar amount of the grant.

Brandel answered we're looking for a total of \$1.4 million and would include construction, design, and monitoring, with the biggest cost being land acquisition.

Commissioner Smith inquired if all landowners had been contacted and are in agreement with the project moving forward.

Brandel answered we had this on the docket at the informational meeting and we got a lot of head nods and that yes that's a good place to look. The LCCMR does not work fast...the application is technically due May 15<sup>th</sup> and we would find out if we could move on to the next phase in the summer, interviews in the fall, money available summer of next year (2018).

Commissioner Flohrs noted LCCMR funding is very competitive and asked Rich (Perrine with SWCS) what he thought the odds were of this going through.

Perrine noted I don't recall the exact amount of projects they get; but, it is usually more than double what they have money for.

Commissioner Flohrs inquired if this is a good project.

Perrine answered if it matches their priorities...the thing is you've got to match what their priorities are for each period. If you can make it match more than one of their criteria there's a chance.

Brandel noted my experience is we're 50/50. I've done four applications and gotten two.

Commissioner Smith noted Rich (Perrine) has a lot of experience with the LCCMR Program and it might be a good idea for him to be involved in the application process.

After further discussion,

Motion by Commissioner Flohrs, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby approve and authorize Board Chair to sign letter of support to the Legislative-Citizen Commission on Minnesota Resources (LCCMR) for submission of Martin County's 2018 Grant Proposal Request. Carried unanimously.

Mike Salic was present to state his concerns regarding JD #51 northeast of Granada, Minnesota. Also present were Darwin Roberts, Kent Larson, Todd Steuber, and Bruce Krahmer, landowners.

Chuck Brandel, Engineer for the Project, was present to review and update the Board and landowners on the Project. Brandel noted he drove through today and the contractor has finished all of the mainline pipe but not all the backfill and there are a lot of areas that need to be cleaned up yet but I think you guys are all aware of that. We've had a few meetings out on site. The areas that I see of concern would be starting from the north the area on Darwin (Roberts') right along the township road there's some areas on the pond that need to be reseeded and then as you go south the northern Palmer piece the corner of the two township roads is wet and needs some grading and as you go a little bit further south there's some tile that was hit or taken out that needs to be replaced and then I saw one wet area in the middle of the Palmer property that I could see from the road and looks like that needs grading or something and there's one intake by the road that definitely needs to be cut down because that's not taking water. So we've started a punch list you go further south on the Becker property that needs a lot of work and they just finished the tile. The substantial completion for all of the major work was March 31<sup>st</sup>. They're supposed to have everything cleaned up by May 17<sup>th</sup> according to the contract. There's been no request for an extension at this point.

Chairman Schmidtke inquired what the penalty is.

Brandel answered \$1,500 per day. I did have a discussion with the contractor in March and he said I'm getting down there. He's got to not leave and finish some of the punch list items. Is there anything I missed?

Mike Salic, landowner, answered yes. Salic noted he does not live in that part of the county and am not part of that shed, but I am a farmer down there and I have a concern about the sluffing part of where the pond is at. The water is still running under the road into the pond. The sluffing has been fixed once and I've heard rumors it's going to get fixed again, possibility of guard rails. Okay we would haul grain north...Larson is going to haul grain south...if somebody hits that sluff area if it continues to stay wet someone is going to end up in that drink. Why not tile that ditch out on each side of the road. I thought about maybe putting a culvert where its sluffing, well...you can't because when it stays wet and that road is going to do this. There is a (*inaudible*) pipe to the north I don't know if the grade is deep enough or go about one hundred feet that way to where the berm is on the north...put a tile across that road and tile out the ditch to get rid of that sub-water and dry that roadbed out then I think everything would be fine.

Brandel noted I think that is something that we need to at least look at and see if it continues to sluff. There was some material there...

Salic noted but that road never sluffed until that hole got stuck in the ground. That pond should have been scooted over to the west at least 50 to 75 feet.

Brandel noted there are about 250 feet that's closer to the road and the rest we didn't touch the ditch and that's the area that you're concerned about.

Salic inquired what do you mean wait until it dries out, as luck has it with the people who live there it's been wet ever since the road got opened up. Seems to me that there's still water running...find a way to get rid of the water.

Brandel noted I'll take a look at that. I looked at it today.

Salic noted and yes and you looked at it when you were standing there when they did the work at the time they opened that up. It was happening then.

Brandel answered it was wet.

Salic noted exactly...thank God it's wet now when you worked on it so two years down the road if it got wet. If it was dry when you did it two years down the road well it's not our problem...it was fine when we left. It's not fine and it needs to be addressed. The County has put enough money into it. ISG were the people who took the money under their recommendations this is what we need to do to make this right. It's not right. I believe the engineers should be held accountable for what needs to be taken care of at that point because it was fine before the hole got opened.

Brandel noted I'll definitely take a look at it and see what we can do. We've added riprap there.

Salic inquired and that cost how much money.

Brandel answered actually quite a bit.

Salic inquired what would happen if you put in the tile. How much would that cost?

Brandel noted I can look at that but at this point we haven't touched the road. We haven't taken anything out of the road but we are closer to the road than what it was before.

Salic noted right...but it never sluffed...the road or side ditch never had a problem until that hole got opened. You've got to get rid of that sub-moisture. Plain and simple.

Brandel noted I don't disagree.

Salic inquired who is going to pay for that. The County taxpayers already paid for the riprap and the fixing of it the first time. Who was the engineer that okayed this whole deal.

Brandel noted that was me.

Salic noted exactly. Who needs to pay for that.

Brandel noted there was a tile there and we opened it up and I will tell you there was more water flowing through there than what we expected.

Salic noted I understand that. Why didn't you tile the damn thing as long as you're there with the excavators. I'm an innocent bystander because I'm going to be farming it with loaded trucks going north and Mr. Larson is going to be heading south and if one of us screws up or wave at each other and if that road is wet come this fall who is liable.

Kent Larson noted, I think I even suggested that if they were going to tile right through there would solve all the problems. And you just fought me and fought me with it.

Brandel noted I will definitely take a look at it. Today I couldn't see anything.

Salic noted I guess you do what you have to do. I've said my piece. The taxpayers have put enough money into that system.

Brandel noted if it is causing a problem we need to deal with it. I 100% agree with that. The project is not done. There are things that they were supposed to do that they have not done.

Salic noted county commissioners, I hope to hell you're on board with this because taxpayers should not pay for something when there was nothing wrong before the hole got opened.

Brandel inquired and you're suggesting a tile on the east side of the road or on the west side.

Salic noted on the backside of the berm because you can't cut through the ditch where it is at, because right now it's wet enough that road, until it dries is going to do this...it's going to buckle. I would suggest going behind where your berm is and your big sand pipe...go about 75

feet or 100 feet behind the berm and go on an angle and keep that puppy deep and then come up and however deep you can put a tile in the ditch and tile it.

Brandel noted I need to check it. I think we tore most of the existing tile out of there.

Salic noted if you tear it out you just replace it with new. That's what a farmer would do. If it's not working just replace it, but there's a telephone wire in the ditch...move it the same day they come in and plow it and then rebury the telephone wire.

Darwin Roberts was present and noted they've got to finish further up too along the road.

Brandel noted one of the punch list items is on the east side of the road further north. That area hasn't been graded correctly and we've been telling the contractor to go back and do it for six to eight months so there's work to be done out there.

Salic noted and I understand it's been wet, but that's beyond everybody's control. But that Ditch has got a definite problem.

Brandel noted well I appreciate you bringing it up to me.

Roberts noted for the commissioners information all those pictures are dated on the bottom that happens to be how full that entire retention area is  $\frac{3}{4}$  full on October 26, 2016, if you'll notice.

Chairman Schmidtke inquired how we got that pond so close to the road.

Brandel noted the way the existing ground is there it kind of comes to a point and so we narrowed it up, you probably can't see this, but we kept away from the road, and then as you get through this area, there's probably... if we would have gone further south we would have cut into the bank more so we were trying to limit costs of an excavation and that spot previously is kind of where that ditch disappeared and gone into that culvert further away from the road. That's why we notched into the slope there. If the road is wet and soggy it needs to be addressed. Brandel also noted there's another area or a couple of other areas that have been brought up to me to be addressed just north of here the pond fill is going to fill areas on Darwin (Roberts') property...the contractor kept that further north and I think they were working with you (Roberts) so we've got more fill in an area than planned. It saves money on the project, but I think there's an area that we may have to look at.

Roberts noted yes...I can't drain it.

Brandel noted, and I don't want to set a precedent that you're going to tile everything where you dig and do mains...but here we've filled three/four feet and created a little different situation.

Bruce Krahmer noted, down in the bottom end of the Palmer property there's wet spots and I thought you said you authorized a couple of them and there may be some more, and said you're not authorizing them or whatever, and I think it should be authorized down there at the bottom where it is extremely wet at the moment (the very north end). You need to make that tile the

way it was before. It used to be a perforated main tile and now you've got closed tile. I raised a concern when the Viewers were viewing this thing they were assessing benefits based on perforated tile and they never changed that. They should at least tile that bottom area...have that drainage as good as it was before.

Brandel answered, agreed. There is definitely some work that needs to be done, yet down there from my observation and so everybody is aware there is a piece of tile in that area of the main that the contractor put in at a negative grade and we told him to stop and he kept going so there's going to be some more work to be done there...I think you guys are aware of that.

Krahmer noted that was my next question. I'd like to get clarified a little bit exactly what's going on.

Brandel noted that's not any of the system's cost and we're recommending they come back and do that work in the fall.

Krahmer inquired they're going to have to scrape all that land off again?

Brandel noted we're going to have to charge them for some extra damages because it was planned to only go through once. We could leave it and pay crop damage or do you want to try and get crop off of it, and that is what the damage payments are for is to cover those costs.

Roberts inquired when are you going to run the TV camera through the system. A lot of us want to know because we should be able to see hook-ups that have been missed possibly or which ones have *inaudible* and then some places where they need to seal the intakes like in my flood plain. That needs to be done so we can seal it.

Brandel noted most of it can be done now and the contractor has six months essentially to do it from when he finishes. I can tell them to televise your northern area now. What we really want is it to go through enough times to know if we've missed anything and if there is going to be a settling that occurs. Their warranty period doesn't start until they've televised it and we've accepted it. Then there's a three year warranty after that and that's state law. Contractors don't like it...bonding companies don't like it...but state law says it. As this project continues forward once they're all done we have a punch list of items that need to be done and once they are all done we have a final acceptance hearing but I'll meet with you guys before that.

Chairman Schmidtke thanked all present for the JD #51 discussion.

Higgins noted a bid notice was published that Martin County was accepting bids for the sale of a lot located at 320 Dewey Street N in Fairmont, MN, and that bids were to be accepted at the office of the County Coordinator until 4 p.m. on Wednesday, April 26, 2017, with the bid opening to be held today, May 2, 2017, in the Commissioners Meeting Room. Higgins went on to note one (1) bid was received and opened and read the bid received from Clayton Mitchell of Granada, Minnesota, in the amount of \$2,000.00.

After discussion,

Motion by Commissioner Belgard, seconded by Commissioner Mahoney, Be It Resolved that the Martin County Board of Commissioners, pursuant to MN Statute 373.01, after having advertised publicly for bids, and upon receiving a bid by the advertised date from Clayton Mitchell of Granada, Minnesota, in the amount of \$2,000.00 for the sale of property located at 320 Dewey Street N in Fairmont, Minnesota, hereby accept the bid received; and authorize the Board Chair to sign the necessary documents for the sale and disposal of property located at 320 Dewey Street N in Fairmont, Minnesota. Carried unanimously.

Higgins noted the Personnel Committee discussed establishing a Budget Committee that would include the Auditor/Treasurer, Coordinator, Accountant, and two County Board members. Higgins went on to note the purpose of the Budget Committee would be to allow the board members to be more involved with the budgeting process and to review the proposed preliminary budget, and to provide a recommendation to the full board on the proposed preliminary budget; and other pertinent tasks assigned by the County Board.

After discussion,

Motion by Commissioner Mahoney, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve establishment of a County Budget Committee for the purpose to allow the Board members to be more involved with the budgeting process and to review the proposed preliminary budget, and to provide a recommendation to the full board on the proposed preliminary budget; and other pertinent budget tasks assigned by the County Board; and the membership of the County Budget Committee is to include the Auditor/Treasurer, County Coordinator, Accountant, and two County Board members; and to authorize per diems and expenses for this committee. Carried unanimously.

The Board discussed appointment to the newly established Budget Committee.

Motion by Commissioner Smith, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approves the appointment of Dan Schmidtke, Board Chair, and Tom Mahoney, Board Vice Chair, to the County Budget Committee; and to authorize per diems and expenses for those Board members assigned to the County Budget Committee. Carried unanimously.

Higgins noted there has been discussion by the County Labor Management Committee to construct a "Retiree Recognition Board" much like the current Employee Recognition Board, honoring Martin County Retirees for their years of service to Martin County. Higgins went on to note that if approved this recognition board would be installed in the Courthouse and it is anticipated that the recognition board would include the name, start date, and retirement date of Martin County retirees. Higgins also noted the Labor Management Committee recommends approval.

Motion by Commissioner Smith, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve the establishment of a Retiree Recognition Board. Carried unanimously.

Higgins recommends a Board Work Session be scheduled in the next couple of weeks.

After discussion,

It was decided by consensus of the Board to set the date of May 16, 2017, at 2:00 p.m. to hold the next Board Work Session.

The Board reviewed warrants to be paid May 2, 2017.

Motion by Commissioner Belgard, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve bills to be paid on May 2, 2017, as presented; and includes the Martin County Highway Department and Drainage bills as presented. Carried unanimously.

Warrants received and paid May 2, 2017, are registered on file in the Auditor/Treasurer's Office as follows:

Revenue Fund – Warrants Approved May 2, 2017	\$ 89,419.43
Martin County Economic Development Authority	\$ 1,606.50
Human Services Fund	\$282,956.00
Bank Building Fund	\$ 13,874.63
Refunding Fund	\$ 132.00
State Agency Fund	\$ 6,115.50
Total	\$394,104.06
Road and Bridge Funds Totaled	\$153,801.53
Martin County Ditch Funds Totaled	\$288,876.58

Commissioners reviewed their calendars of previous and upcoming meetings and activities: April 18, 2017 – Boy and Girl County Government Day, Labor Management Committee meeting at 2:30 p.m., and regular Board of Commissioners meeting at 4:00 p.m.; April 19, 2017 – Human Services Full Board meeting, F-M Joint Transit Full Board meeting, Park Board meeting, and Kinship meeting; April 20, 2017 – Traverse de Sioux Library meeting in Mankato, Minnesota; April 24, 2017 – Personnel Committee meeting, CERT (Clean Energy Resource Team) Steering Committee meeting in Worthington, Minnesota, and Martin County Substance Abuse Prevention meeting; April 25, 2017 – Human Service Webinar on Public Health and Jackson Ditch meeting; May 1, 2017 – regular Martin County EDA meeting at 5:15 p.m., Beyond the Yellow Ribbon meeting, and Planning and Zoning meeting; May 2, 2017 – Building Committee meeting, CD #48 and JD #20 meetings; May 3, 2017 – Veterans Memorial Committee meeting, Human Services meeting and F-M Joint Transit Executive Board meeting, Tim Walz & Staff meeting at the Martin County Library, and People Against Windmills meeting at the Sherburn Legion at 7:00 p.m.; May 4, 2017 – Soil and Water meeting; May 8, 2017 – Pork Masters Golf Tournament meeting at noon, Scott Higgins will be back and forth to Iowa this week; May 9, 2017 – Library Board meeting and Family Dependency Court graduation; May 10, 2017 – Department Directors meeting at 8:30 a.m. and Cedar-Hanson Park Hot Dog Feed at 5:00 p.m.; May 12, 2017 – Prairieland meeting and GBERBA meeting; May 15, 2017 – Property Taxes are

due and Minnesota Valley Action Council meeting at 4:00 p.m.; May 16, 2017 – Public Service Recognition Week Appreciation Lunch at Courthouse, and regular Board of Commissioners meeting at 4:00 p.m.

With no further business to wit, Board Chair adjourned the meeting at 6:22 p.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Board Chair

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