

PROCEEDINGS OF THE  
MARTIN COUNTY BOARD OF COMMISSIONERS  
TUESDAY, MAY 5, 2020  
@ 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 Flohrs via WebX (video conferencing due to the COVID-19 Virus pandemic). Commissioners present via WebX were Richard Koons, Kathy Smith, Elliot Belgard, and Steve Flohrs. Absent: Commissioner Mahoney. Present in the Board Room were Scott Higgins, Martin County Coordinator, Rod Halvorsen, City of Lakes Media, Jason Sorensen, Sentinel Newspaper, Leigha Hauglid, Human Resources Manager, Mike Sheplee, Assessor, Doug Borchardt, Building Maintenance Supervisor, and Julie Walters, Administrative Assistant. Staff present via WebX was Jessica Korte, Martin County Auditor/Treasurer, Kevin Peyman, Highway Engineer, Terry Viesselman, County Attorney, Abigail Nesbit, Emergency Management Director, and Jeff Markquart, Martin County Sheriff.

The Pledge of Allegiance was recited.

Motion by Commissioner Belgard, seconded by Commissioner Koons, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda for the May 5, 2020 regular Board of Commissioners meeting with the following: Add 6.2 Update in Consideration of Martin County Revolving Loan Forgiveness (Berkness). Roll Call AYES: Commissioners Smith, Koons, Belgard, and Flohrs. NAYS: None. Commissioner Mahoney was absent. Motion carries.

Motion by Commissioner Smith, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the April 21, 2020 regular Board of Commissioners meeting. Roll Call AYES: Commissioners Koons, Belgard, Smith, and Flohrs. NAYS: None. Commissioner Mahoney was absent. Motion carries.

Abigail Nesbit, Emergency Management Director, was present via WebX to provide a COVID-19 pandemic update including Martin County is at 108 total cases with 64 active. Minnesota as a state is at a 58% recovery rate which is the highest that we've been at so far. Between Sunday and Monday 1,200 people recovered and no longer need to be isolated and that's been our biggest jump throughout the state. With the extension of the Stay at Home Order until May 18<sup>th</sup> we as individual people are still being pushed to stay home and only leave except for essential services. But, non-essential businesses are starting to open slowly. Non-essential retail places can now be open as long as they have a much publicized plan for curb-side delivery. Non-essential businesses must have a plan and the state has the right to review that plan. Nesbit noted masks were delivered to the Coordinator's Office last week so all courthouse employees should have a mask at this point. Nesbit went on to note the courthouse should be discussing how to reopen, when that time comes, if it is going to be all at once or slowly. Or, is everyone going to be wearing masks and continuing to use gloves and stay in back of Plexiglas. Most of the county commissioners in my region have discussed this so Martin County should have a plan of what you want to do because once the Stay at Home Order ends our numbers are going to jump up again I believe throughout the entire state. Nesbit also noted Fairmont Raceway has

contacted public health and me and are asking if they can have a practice at the raceway. There will be no audience there and no food will be served.

Discussion ensued pertaining to Fairmont Raceway's request.

After discussion,

By consensus, the Board did not have an issue with allowing Fairmont Raceway to practice at the Raceway as long as they maintain the requirements of the Governor's Stay at Home Order in including the Social Distancing and Gathering Guidelines along with obtaining permission and approval from the Martin County Fair Board.

Chera Sevcik, Director F/M Human Services was present via WebX to provide a COVID-19 Pandemic update including Martin County is currently at 108 cases down from 111. The decrease is not because people were testing here and not living here it's because their addresses were listed for Martin County which is why they were credited to Martin County and then it was further discovered that they had moved and that they don't live here but they still work here. So we are dealing with an outbreak at Fairmont Foods as you're aware. We have had a substantial number of positive results from that plant. Fairmont Foods is working with local public health in insuring that they have preventive measures in place to help prevent any further outbreaks that were to happen. Sevcik noted we (Martin County) don't have any hospitalized cases. Our active case count at this time is 63. We have a lot of unknowns at this point because the population or populous from Fairmont Foods has been a little more challenging to get a hold of and so the Minnesota Department of Health is working on doing case chasing for those individuals. Locally our public health staff and human services staff are working on doing outreach as well to make sure that our Spanish speaking community understands what the guidelines are for isolation and quarantine making sure they know we are here as a support for them if they need services such as grocery delivery, medication, cleaning supplies, those types of things. And then we also started the task of planning for a potential for needing to shelter individuals. We do know that we have a lot of families that are living together from multiple families in one household and so we are in charge of if somebody needs housing because somebody in their household is positive and they aren't able to isolate and quarantine safely in their homes we make sure that we have plans in place for that. So we are following some of the guidelines that came out of Nobles County particularly Worthington area with what they have done with their sheltering needs. Sevcik also noted I will say that we are nowhere near the end of this. We're looking at a few years until vaccines are available and until a vaccine is available things are going to be substantially changed. We have not nearly reached the peak at this time.

Menno Schukking, SRF Consulting Group, was present via WebX to provide a short presentation on the Regional Transportation Coordinating Council (RTCC) Planning Process. Schukking noted the goal of the RTCC is to fill transportation gaps, streamline access to transportation and provide individuals more options for travel throughout the region and to improve the coordination of transportation services through a network of existing public, private, and non-profit transportation providers.

Larry Moore, citizen, was present to review his homestead classification. Moore addressed the Board noting that he is seeking relief from the changing of the tax classification from a relative homestead to non-homestead of the property where he resides as a relative occupant. I ask for your intervention in this matter, I ask for your quick remedy of this matter, because we're talking about property taxes due in the next few days. Moore reviewed documents submitted to the Board. You should have the 2020 valuation notice on this property tax matter. When you look at it you will see that both 2018 and 2019 it was listed as a residential homestead. Now if you look in the left hand margin of the form you will see it says the time to appeal or question your classification or valuation is now. It will be too late when proposed taxes are sent. So that's a sort of a deadline consistent of the idea of Minnesota Truth in Taxation. Now if you look at the proposed taxes for 2020 you'll likewise see that both 2019 and 2020 is listed classified as relative homestead with the amounts of which I agree. So, now if you look at the property tax statement that we received a little over a month ago you'll see that the classification for the taxes due in a few days was changed. That change occurred after the proclaimed deadline which says it will be too late when proposed taxes are sent. And, by the way, proposed taxes are also known as the property specific notice in the Minnesota Truth in Taxation law. So I think that reclassification was arbitrary because it was not in conformity to the guidelines as I have said. Now I have one further comment to make. In looking into all of this I read something that said to this effect, one of the duties of the Assessor is to handle classifications consistent with Minnesota Statute. So I'm going to read to you from 273.124 the homestead determination and special rulings. I'm at subsection 13 paragraph E and it says as follows, "The homestead application shall also notify property owners that if the property is granted homestead status for any assessment year (you've seen it in the past on the documents I cited) that same property shall remain classified as homestead until the property is sold or transferred to another person or the owners, the spouse of the owner, or the relatives no longer use the property as their homestead". It goes on to talk about notifying the assessor if any of that aforementioned would change. So that's really the sum of what I have to say about this matter.

Mike Sheplee, County Assessor, was present to note Larry (Moore) submitted an application to my office dated November 29, 2019 for homestead application. That homestead application was after the Truth in Taxation notices were mailed and I denied that application in a letter of response to Larry on January 23, 2020 and the reason I denied it is because there has been no proof offered that Probate has begun on this property and the guidance that we have from the Department of Revenue under the Uniform Probate Code, Probate proceedings must typically start within three years of an individual's death. Furthermore, if the current occupant of the property asserts that homesteads are still subject to jurisdiction of Probate Court even though the estates have not been probated then the County given the interest in the tax payment on the property could petition to the courts to probate the estate of the decedents. In my letter of January 23, 2020 I asked Mr. Moore to submit information that it has begun probate, it is in probate, there's intent to probate. I checked the System for any probate court cases that have begun and I found zero. I have also let him know that I've removed the homestead, made it non-homestead, and that the changes in the property taxes payable in 2020 which is three years after his father passed away that the increase in the amount of real estate taxes would be \$1,000 annually.

Terry Viesselman, County Attorney, noted I talked to Mike (Sheplee) about this this morning and his interpretations from the state and support his interpretation as being reasonable. Commissioner Belgard inquired so this one isn't because of the reclassification that the County had to do. This one is because of a probate matter, is that right Mike (Sheplee)?

Sheplee noted we have a flag on our tax system that we try and keep on top of obituaries and who has passed away and when we have a death of an owner we flag it with a probate code. Every November 1<sup>st</sup> we review our probate codes to see if they are still active, if they've been closed, if the documents have been fully transferred to new owners. So this is an annual thing that we check on November 1<sup>st</sup>.

Commissioner Koons statute says this 273.124 where it talks about...and I read this entire 14 pages and there is no place in this statute where there is a limit on when probate has to start and all it says is subject probate well you know when somebody dies there is a subject to probate. It's still owned by Larry's parents technically yes they're gone he is still living in the residence and it is subject to probate. It hasn't been filed but it is subject to probate. We're overstepping our bounds with nothing backing it up.

Viesselman noted well like I said the statute is a little unclear and when I first looked at it and I actually talked to Richard (Koons) about this I agreed with Richard (Koons) but I hadn't talked to Mike (Sheplee) yet. I talked to Mike (Sheplee) and he read me the different instructions from the Department of Revenue and so it wasn't totally clear but seems to support Mr. Sheplee's interpretation and then after hearing that we looked at the statute. The statute says you know that when someone dies and the residence is occupied by the child or (*inaudible*) and the property is subject to jurisdiction of probate court. And the sentence goes on it says that the homestead classification remains the same until the probate is completed. That does imply that there's a probate open and so the interpretation of it says the property is subject to jurisdiction of probate court that there's a probate open which has jurisdiction over this property because the sentence goes on until the probate is completed. If you take that interpretation then this property should no longer be classified as homestead. I think the more reasonable interpretation is that the property has to be a probate going on right now. Because other statutes say the Assessor has the right to reevaluate these properties periodically and make a determination. (*Inaudible sentences*). I'm going to support Mr. Sheplee.

Scott Higgins, County Coordinator, noted Mr. Moore would like to add a comment if he could.

Moore I would just like to reiterate what I read from the law that says if the property is granted homestead status for any year that same property shall remain classified as homestead until the property is sold or transferred to another person or the owners and spouse of the owner or their relatives no longer use the property as their homestead. I think that's explicit and definitive. But more than that I just would say fair play is involved here. This is where I live. It's my homestead. I am the relative homesteader. I know something about properties that are not homestead. This isn't like any of those. Properties that don't get homesteaded are like houses which are rented out or something to that effect. Or you have multiple properties and you can only have one homestead like a summer home or something can't qualify for homestead. So I believe that when you read that it shall remain classified as homestead that should be the guiding

law or statute or principal especially when you mix in with it the necessity of empathy from the commissioners. I'm not in a position to open a probate or I would do it. I spent a lot of my money taking care of both of my parents. It cost thousands and thousands of dollars a month in the nursing home. I need money to do other things. I can't afford a lawyer. I can't turn this into a fight. I have no access to justice or a lawyer. Given what I said about the property remain classified I think fair play as well as that law seems to suggest that it should be classified as homestead and stay that way until I no longer use that property. I ask for fair play and empathy. The commissioners, you have millions of dollars of money. You have a lawyer. You have all the power. Part of good leadership is having empathy for citizens. I've told you about the circumstance, I believe I've made a reasonable case. Thank you.

Commissioner Smith noted I have a question for Terry (Viesselman) or Mike (Sheplee). How do you handle this situation when other people pass away and the children live in the home. How is this handled properly. This isn't the first time this has happened I'm sure.

Sheplee noted as I said in our office our policy is it starts on every November 1<sup>st</sup> we check any properties that are in probate, we regularly review obituaries to find people who are passed away and our policy is to allow three years to go by from the date of death for a probate to begin. If probate is open and available and subject to the court it can be for as long as that probate is open. In this case there has been no evidence that a probate has started and no intent to. So our three year policy is up and I've moved it to a residential non-homestead.

Moore noted I would like to respond and say that's true. Probate hasn't been started. I looked into it. So to say there's no intent is simply not true. You couldn't know that. I've gone and talked to lawyers and asked about the retainer they need. I've also been to the court and got the guidelines for probate from the clerk of the Probate Court. I'm trying to figure out if I can do probate myself. But, aside from hiring a lawyer, there's also fees to be paid associated with probating matters. So, to say that I haven't shown the intent to probate, I just simply dispute that statement as a misrepresentation trying to leverage against me I must say that. Again I must repeat I believe leaders need to show empathy. I've told you my situation. I've tried to be honest about it. I pay the taxes. I believe the fair matter here is to be classified as a homestead because aside from trying to leverage and gain additional tax revenues, which I believe is an unfair leveraging, the fact is this is a homestead. It's more of a homestead than anything else. And I believe that's what the law means when it says it shall be classified as a homestead until relatives are through using it. To cite policies and precedence which would seem to contradict what I'm saying isn't necessarily effective because you're making a presumption that because it's a policy that the policy is automatically correct. I'm saying that's not a valid assumption. But like I say I can't get into a big legal fight over this. I was almost wiped out by the cost for my parents both of them in the nursing home and in addition to that it cost all of their money, most of my money, and still I had to go on medical assistance so there's also that entanglement with this property. I ask for your empathy. I've given you a reasonable basis. I believe it is the correct basis to classify this property as a homestead. Thank you.

Chairman Flohrs inquired what type of precedence is this going to set for the County if it changes back to homestead.

Sheplee noted the homestead is administered by county assessors, local boards of appeal, County boards of equalization, and county boards do not have authority to make those changes. The tax court may entertain that.

Commissioner Smith noted did you just say that we do not have the authority to do that?

Sheplee noted yes I did.

Chairman Flohrs inquired if we don't have the authority to change it what is Mr. Moore's next step.

Sheplee noted for strictly homestead administration I need to receive a homestead application that is acceptable, which means Minnesota resident owned and occupied, and in this case that probate has begun and is subject to a jurisdiction of a Probate Court. Those are items I need as the assessor to change this to a residential relative. If he were the owner of the property he would own and occupy being a Minnesota relative that's also qualifying. Those are the two situations. The basics of Minnesota homestead you must own it, occupy it, and be a Minnesota resident. So if Mr. Moore were to become the owner of that property he could qualify with an application to my office.

Moore noted the only thing I can say to that is I'm not the owner. I have a right to the relative homestead designation. It was already done and again the end of that law says if it has the classification of homestead it shall remain that way until the relatives are done using it. I mean I think that has to be followed. That's the law on homestead and the assessor is obliged to administer the classifications according to the statute and I just repeated the statute regarding homestead classification and the fact that it must remain homestead until I quit using it.

Commissioner Smith noted I have a couple of things. First of all Mr. Moore I feel for you, I know how (*inaudible*) long term care can be for family members. We have both our county assessor and our county attorney telling us...first the county assessor is telling us we don't have the authority to do this and our county attorney is also telling us that he agrees with the county assessor so I believe our hands are tied today and I'm sorry to say that and I feel bad saying that.

Chairman Flohrs noted that's the way I feel also. I don't think there is anything we can do about this today.

After further discussion,

No action taken on Moore's request regarding Homestead Classification.

Doug Stockwell, citizen, was present to request board consideration regarding parcel #23.259.0150 noting he did not get his homestead classification on the property he owns at 610 Willow Street in Fairmont, MN. Stockwell noted my appeal to you is basically on two things, a problem in communication and basic fairness. We bought a house for our daughter at 610 Willow in Fairmont several years ago and it is our property, she lives there, it has been

categorized as homestead and our taxes have been paid through our mortgage and we have never been getting the statements mailed to us. They have been mailing them to my daughter's address and as to why she doesn't forward them readily I can't speak to that other than she does have some physical and mental problems that get in the way. But, the fact is assumptions were made that I had received notice that I needed to reapply. Had I received notice I most certainly would have. I did on our own property when that come around a couple years ago they asked for an update and I have called in to get the address changed concerning that property because we are the owners and the communication needs to come to our 220<sup>th</sup> Avenue address. And, I'm simply asking that the statement be refigured or reapplied with the homestead applied to it and the taxes stay as they should be. I'm basically not in a position to afford the \$600 but I'm sure nobody is. But, I feel strongly that the simple concept of right and wrong is involved heavily in this. If communication may be assumed and the responsibility transferred because of it, it would have been just as well had the outside door been opened and had been shouted into the wind. One could then assume that it has been communicated and it would be my responsibility to reply. Please reconsider. Thank you.

Sheplee noted again I'm sorry about the situation here and how it is affecting you. The responsibility of the Assessor's Office is to apply homestead administration in this case fairly and equitably for all taxpayers. So, the relative homesteads are due, the applications for those are due December 15<sup>th</sup> in our office and that's the case every year and when that time passed we sent out another notice in January and you're right. All of these notices went to the property site address which is the address from the deed recorded in the Recorder's Office which was the latest address that the auditor had on her tax system. So, we mailed properly according to the information that we had. There were at least seven times that the assessor put out information some directly, some communitywide, some through newspapers, some through social media. All of these things were intended to get a response and get applications in that were correct and I was able to approve. We even gave grace until February 24<sup>th</sup> this year (2020) in a special effort to include everyone that could have been included. So the first time I heard from you I believe was within the last 10 days.

Stockwell noted a week ago yesterday.

Sheplee noted so it was well past the date on which tax rates were calculated and tax amounts were billed out to everybody. So, in fairness to everyone else the other 4400 who did reply I need to have these deadlines, I need to enforce the deadlines, yes I know compassion is important and being considerate is important but without deadlines it would be chaos in my office and I hope you could understand that.

Stockwell noted I understand that but I am also willing to bet that those other 4400 people that responded receive a notice.

Sheplee noted we mail to the notice of the property owner the property owner has told us to mail to.

Stockwell noted that was the previous owner. And how they have the ability to dictate where the tax statements go to us I have no idea.

Sheplee noted you could have in the last five years notified the auditor's office. You've seen bills, notices and statements in the past four or five years because your daughter had been taking them to you as I understand it. You could have checked the address you could have...if you're getting it from the daughter for the last five years why wouldn't you say as the owner, auditor send them to me, here's my 220<sup>th</sup> Street address.

Stockwell noted as to legalities of it I had no reason to question that they send the statements to the property and address. And I had no reason to be concerned about it because I knew it was homestead and our taxes we get them taken out of the mortgage every month and of course now they're going to be short.

Commissioner Belgard noted you know I think this one is a little different than the last one and the thing here is that this situation was kind of our fault to start with. It was the previous assessor that failed and after we had 4400 people that needed to redo it not everybody did it. I think that if we are able and I don't know Mike (Sheplee) can we just say if they can redo it now and we can forgive that we can reclassify it? Is it too late? Does the Board have the ability to do that? I think we would just forgive it and move on.

Sheplee noted again a deadline not met sets a precedent if the Board overrules. So, I already have declined others for a similar situation where they missed the deadline and I've done that consistently and that's with two and one-half months grace on the deadline. So, in my opinion, if you open that Pandora's Box to a deadline missed it will spread countywide.

Viesselman inquired of Mike (Sheplee) doesn't an appeal have to go before the Board of Equalization?

Sheplee noted not for homestead. Those boards have no authority for homesteads.

Viesselman inquired so the Board does have authority on this?

Sheplee noted no. Homestead Administration is by the County Assessor.

Viesselman noted and if Stockwell disagrees with your decision, where does he take it?

Sheplee noted he can try and contact the Department of Revenue and see what they would say. He can try Tax Court. Those are the two people that I look to. Tax Court dictates to me what to do and the Department of Revenue gives guidance on statute and administration.

Commissioner Koons inquired of Sheplee if he could provide us with the statute to Relative Homestead Law.

Sheplee noted yes, I can.

Jessica Korte, Auditor/Treasurer, noted that if Stockwell wants his address changed he can stop at the Auditor/Treasurer's Office we'll make sure that we get it changed so that statement will be sent to the correct address next year.

Stockwell noted I did phone in last Tuesday morning right after I met with Mike (Sheplee).

Sheplee noted and you should complete a new application for this year for taxes payable next year.

Stockwell inquired and can I do that up at the office right now?

Sheplee noted you can do that at any time and it is due by December 15<sup>th</sup> of this year for taxes payable next year.

Stockwell noted I certainly will get one in, now that I know.

No action taken on Stockwell request regarding Homestead Classification.

Neal Meyer, citizen, addressed the Board to request that the Board declare Martin County as a Constitutional County. Meyer noted I'm here today to ask you currently at our county level to make some sort of resolution to define Martin County as a constitutional county and to maintain our God given right in Martin County to not put law enforcement in the position of issuing citations, fines, arrests, and be made out to be bad guys because they're not following the governor's executive orders at the state level. I'm asking for you to agree that there are nonessential workers here in Martin County that fears repercussions from law enforcement who can't make their own decision regarding their own health and safety. I'm asking you today the government should not be able to pick the winners and the losers out of all of this and who shall feed a family and who shouldn't. I'm asking if you agree churches in Martin County are nonessential and whose congregants can't make their own decision regarding their own health and safety. I'm asking you if there is a good reason why food is being taken off residents' shelves because the neighbors are afraid to go outside. I might ask what has happened in Martin County to our right to due process, religious freedom and equal protection from under the law, and rights to life, liberty and property. They've all been stripped. I'm asking you to trust your constituents, people who put you where you are, to take care of themselves and their families and do their own due diligence, seek their own medical attention and advice. I'm asking you to lead the way to wait for two and one-half years for a vaccine to come out. It's not going to stop. This could last for who knows how long. So how long are you willing to let the shutdown happen? The tradeoff we made sacrificing our economy to stave off an unknown virus has by putting us in a plastic bubbles. I drove by the liquor store the other day in Fairmont and there were 27 cars in the parking lot, I walked into Bomgaars on Saturday and it was packed, I walked into HyVee on Sunday it was packed, I walked into Fleet on Sunday packed, there were two food trucks in the Slumberland parking lot with lines...yet nail salons, hair salons, restaurants, bars, libraries, schools, churches, have all shuttered their doors. It makes no sense to say that people can eat here but you can't have a client in your hair cutting place under threat of the laws. Some of you may remember in 1968 the Hong Kong flu came through and nothing shut down nothing. Lakefield (MN) yesterday the city council passed 3-2 vote declaring it a constitutional city.

Viesselman noted well Mr. Meyer covered a lot of different topics and a lot of those issues are being debated across the country. I'm not going to get involved but ultimately the Board can

make a public declaration on any of those issues if it wishes. But, what's being requested that the Board make some resolution or statement that the Governor's Order is unconstitutional and shouldn't be followed I would advise against that. You, as a Board, do not have the authority to tell law enforcement or any county officials not to enforce the Governor's Order. The Governor's Order is constitutional unless challenged in court and the court declares otherwise. Our representatives who were elected by the Minnesota constituents voted to pass Emergency Management Chapter 12 and Minnesota Law gives the governor the authority to do this and issue Executive Orders. So again, we have to abide by that until someone or any citizen can challenge that in court and it has to be a court that could declare that.

Commissioner Koons noted I'd like to thank Neal (Meyer) for coming and presenting. I agree with him. I appreciate him coming today and I totally agree with him.

Chairman Flohrs noted when we took this office we all swore an oath to uphold the Constitution of the United States. Obviously we all agree with whatever is in it right now so I agree with Terry (Viesselman) and I don't think there is anything we can do lawfully to set anything today.

After further discussion,

No action taken on Meyer request for declaration of Martin County as a Constitutional County.

Higgins reviewed draft documents regarding the work proposed for the Lake Avenue Improvement with the City of Fairmont including:

- Temporary easement 1 SW – This is a 50' temporary easement along the front of the courthouse property. This is a little more area than is necessary across a good portion of the property, but it includes the work to be done on the east side of the building where we are proposing to add the 2 parking stalls.
- Temporary easement 2 NE – This is a 55' temporary easement for the work on the parking lot across the street.
- Quit claim deed – This is the deed to transfer the property that is needed as permanent right-of-way at the southeasterly corner of the parcel.

Higgins noted the County Attorney has reviewed these documents and approves them as to form and content.

Discussion ensued regarding compensation negotiations with the City of Fairmont.

After further review and discussion,

Motion by Commissioner Koons, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, hereby approve the Temporary Easement 1 SW, Temporary Easement 2 NE, and Quit Claim Deed related to use of County property related to the Lake Avenue Improvement Reconstruction Project (City of Fairmont). Roll Call AYES: Commissioners Belgard, Smith, Koons, and Flohrs. NAYS: None. Commissioner Mahoney was absent. Motion carries.

Don Reffer, B & W Control Specialists of Algona, Iowa, presented an update of maximum costs for continued brush maintenance of various County drainage ditch systems in 2020.

After discussion,

Motion by Commissioner Belgard, seconded by Commissioner Koons, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby approve the B & W Control Specialists, Inc., quote for brush control along the listed open drainage ditches in Martin County for 2020; the quotes being a total maximum as follows:

<u>Ditch No.</u>	<u>Maximum Cost</u>
JD #72	\$ 1,000.00
JD #60	\$ 6,500.00
CD #3	\$ 2,500.00
JD #18	\$ 750.00
CD #72	\$ 4,500.00
CD #52	\$ 3,500.00
CD #63	\$ 1,500.00
CD #71	\$ 3,500.00
CD #2	\$ 6,500.00
JD #367	\$ 5,500.00
CD #47	\$ 1,000.00
CD #28	\$ 2,500.00
Total	\$39,250.00

Roll Call AYES: Commissioners Smith, Koons, Belgard, and Flohrs. NAYS: None. Commissioner Mahoney was absent. Motion carries.

Jonathan Loose, Wold Architects and Engineer's, presented information on a Change Order received from DeWar Electric for install of new fuel tank and removal of in-ground fuel tank in connection with the Security Building Generator Replacement Project.

Loose noted he met with the Building Committee last week. Currently the existing fuel tank that is in-ground that serves the original generator now was projected to be connected to the new generator but was deemed by the Minnesota Pollution Control Agency (MPCA) as being out of compliance. It hadn't been tested and some of the records on it were dated so there was consideration that came previously by the County Board to move the tank. It became a little bit more complex when replacing the generator because we still needed a tank and it wasn't preferable to put one back in the ground just based on the location up against the bank towards the lake and with concerns about it being next to the existing building foundations and then frankly when you take the old tank out you know then you have a lot of down time and so trying to find a way that makes it more of a long term solution essentially going back in time again there was consideration just to move the tank which I think was roughly \$5-6,000 and that represented a small piece of the total scope of work that needs to happen to maintain fuel oil supply to your new generator which is now in place. So, we proposed that a new double wall fuel oil tank be installed inside the building protecting it. We re-piped to the new generator and

the old tank we originally had indicated to be moved; however, there was an agreement amongst the contractors and ourselves and with discussions with the County and the Building Committee that it was probably better to actually abandon the tank which is acceptable by the MPCA. So, essentially cut the top off the tank and then clean it all up and then backfill it and so that provides a lot less risk for its location near the transformer, the building foundation, and the lake itself. So it is a lot less invasive in terms of the site work. So we sent the proposal out to DeWar Electric to quote all of that work...the abandonment of the tank, the installation of the new one inside, connection to the new generator, and they came back with a price and some labor hours and things like that, that we spent a couple of weeks evaluating with our engineers, with our civil people, to make sure that they had everything covered to make sure the price was fair. In the meantime we also received a quote from Braun InterTech and they are a consultant that the County could consider hiring for services to be sure that all of the environmental conditions are being followed. They have a quote for roughly \$7,000 that we're sort of setting off to the side right now until we understand completely the scope of work that DeWar is going to cover. But, DeWar submitted a price and we finally came to a resolution that the \$55,422 that they proposed is really in alignment with the total scope of the work that has to happen. And so, again to recap, that the new double-walled fuel tank inside the building that's then piped to the new generator includes replacement of the roof of that old generator enclosure. We could have done a lot of little patchwork but with all of the work that had to happen it made more sense just to replace the whole thing. And then it also includes abandonment of the tank and then this is where there might be some overlap with the quote from Braun which will include soil testing necessary to make sure that the environment is clean and the soil is all cleaned before you cover it all up and say goodbye to that area altogether. So in total that's kind of the scope of work and description of the item.

Commissioner Belgard noted the Building Committee did recommend that we go ahead and bring this recommendation to the full Board.

Motion by Commissioner Belgard, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, after review and upon the recommendation of Wold Architects and Engineers, hereby approve change order received from DeWar Electric Inc. of Fairmont, Minnesota for an increase in the amount of \$55,422 to ensure a fully operational and new generator in connection with the Security Building Generator Replacement Project. Roll Call AYES: Commissioners Koons, Smith, Belgard, and Flohrs. NAYS: None. Commissioner Mahoney was absent. Motion carries.

Chairman Flohrs opened the public hearing to Consider Proposed Property Tax Abatement for Parker and Amanda Weihe.

Higgins noted Parker and Amanda Weihe, owners of property in connection with the proposed construction of a new single family home located at 28 Harris Lane in Sherburn, Minnesota, have applied for tax abatement to be levied by the County on Parcel No. 04.400.0060 in the City of Sherburn, Shady Beach Estates, for a period of 10 years. The total amount of the taxes proposed to be abated by the County on the property for the years 2021 through 2030 is estimated to be \$18,810.00.

Sheplee noted the Weihe's have submitted application, we've reviewed it and all of the requirements have been met. I've viewed the property to ensure that no construction has started as per policy. We have reviewed that their taxes are current on all of their properties and that they are the owners of this property by a recent deed and with the approval of this application for the tax abatement this will provide ten years of County tax relief starting after the building and the house is occupied. So everything is approved from my perspective and I'll let Pam (Flitter) weigh in on the building permit.

Pam Flitter, Planning and Zoning Director, noted everything has been put in place and Weihe has obtained all of his permits.

Sheplee noted so we're good to go from an administrative perspective.

Chairman Flohrs opened the meeting for public comments in consideration of the proposed property tax abatement. No representatives from the public were in attendance nor was public input or comments submitted in writing received concerning the proposed property tax abatement.

Parker Weihe noted his appreciation of the County's Tax Abatement Program.

Motion by Commissioner Belgard, seconded by Commissioner Koons, to close the public portion of the meeting. Roll Call AYES: Commissioners Smith, Koons, Belgard, and Flohrs. NAYS: None. Commissioner Mahoney was absent. Motion carries.

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 resolution granting Parker and Amanda Weihe abatement of property taxes to be levied by the County on Parcel ID No. 04.400.0060 in the City of Sherburn, Shady Beach Estates, for a period of 10 years. The total amount of the taxes proposed to be abated by the County on the Property for the years 2021 through 2030 is estimated to be \$18,810.00.

## **MARTIN COUNTY, MINNESOTA**

### **RESOLUTION NO. R-#34/'20**

#### **RESOLUTION APPROVING A PROPERTY TAX ABATEMENT FOR CERTAIN PROPERTY IN THE COUNTY**

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

##### Section 1. Recitals.

1.01. Pursuant to Section 469.1813, subdivision 1 of the Act, the County may grant an abatement of all or a portion of the taxes imposed by the County on a parcel of property.

1.02. On March 17, 2020, the Board of the County adopted a resolution establishing the Tax Abatement Policy for New Construction of Single and Multi-Family Housing (the “Policy”) to provide tax abatement assistance for single and multi-family housing projects in the County. The County has a shortage of decent, safe and sanitary housing for residents and job seekers in the County. Based on a City of Fairmont Housing Study completed in January 2020 by Community Partners Research, Inc., there is a need for future new rental and owner-occupied housing units in the County to keep up with projected housing needs in the County. Through the Policy, the County desires to provide incentives to encourage the construction of new owner occupied and rental residential housing units, and to encourage replacement of dilapidated housing.

1.03. The County has received an application from Parker and Amanda Weihe (the “Owners”), owners of certain real property located at 28 Harris Lane in Sherburn, Minnesota as described in Exhibit A attached hereto (the “Property”), to grant a property tax abatement (the “Abatement”) pursuant to the Policy and Minnesota Statutes, Sections 469.1812 to 469.1815, as amended (the “Act”), in connection with the construction of a new single-family home on the Property (the “Project”).

1.04. The County has determined that is reasonable and necessary to provide certain financial assistance to the Owners in order to facilitate the Owner’s plans for the Project and the Property, and to that end, the Board will consider approving the Abatement for the Owners

1.05. The Property is not located in a tax increment financing district.

1.06. On the date hereof, the Board of Commissioners of the County conducted a duly noticed public hearing on the Abatement proposed to be granted by the County to the Owners pursuant to this resolution. The views of all interested persons were heard at the public hearing.

## Section 2. Findings.

2.01. The recitals set forth above are incorporated into this resolution.

2.02. It is hereby found and determined that the benefits to the County from the Abatement will be at least equal to the costs to the County of the Abatement for the following reasons:

(a) The Project will generate additional County tax revenues after the termination of the Abatement, which revenues will exceed the amount of the Abatement itself.

(b) By helping to enhance the Property, the Abatement will help preserve and increase the value of the Property.

2.03. It is hereby found and determined that the Abatement is in the public interest because such action will increase or preserve the tax base. In addition, the Project will help provide employment opportunities by providing construction jobs and will increase the supply of decent, safe and sanitary housing for residents and job seekers in the County. The Abatement will provide additional housing options in the County which helps satisfy a critical housing goal and need in the County as set forth by the Policy.

## Section 3. Actions Ratified; Abatement Approved.

3.01. The Board hereby ratifies all actions of the County’s staff in arranging for approval of this resolution in accordance with the Act.

3.02. Subject to the provisions of the Act, the Abatement is hereby approved and adopted subject to the following terms and conditions:

(a) The term “Abatement” means the real property taxes generated in any tax-payable year by extending the County’s total tax rate for that year against the tax capacity of the Project and the Property, excluding the tax capacity of the land and the current value of any existing structures on the Property as outlined in the Policy.

(b) In accordance with Section 469.1813, subdivision 8 of the Act, in no case shall the Abatement, together with all other abatements approved by the County under the Act and paid in any one year exceed the greater of 10% of the County’s net tax capacity for that year or \$200,000 (the “Abatement Cap”). The County may grant any other abatements permitted under the Act after the date of this resolution, provided that to the extent the total abatements in any year exceed the Abatement Cap, the allocation of Abatement Cap to such other abatements is subordinate to the Abatement granted pursuant to this resolution.

(c) The Abatement shall commence the first year following the date of occupancy of the housing project and continue for 10 years, which is anticipated to be 2021 until 2030. The total amount of the taxes proposed to be abated by the County on the Property for the years 2021 through 2030 is estimated to be \$18,810.

(d) In no event shall the payment of the Abatement to the Owners be for more than ten (10) years.

(e) The Abatement is subject to modification in accordance with the Act and in accordance with the County’s Policy.

(f) In accordance with Section 469.1815 of the Act, the County will add to its levy in each year during the term of the Abatement the total estimated amount of current year Abatement granted under this resolution.

(g) The County makes no warranties or representations regarding the amount of the Abatement.

(h) The Owners shall comply with all terms of the Policy. In the event of any conflict between this resolution and the Policy, the Policy shall control.

(i) The City shall provide the Abatement payment on a pay as you go basis in accordance with the Policy.

(j) The Abatement shall be null and void if construction of the Project is not commenced within 1 year of the approval of this resolution

Section 4. Implementation. The Board Chair and the County Coordinator are authorized and directed to execute and deliver any agreements, certificates, or other documents that the County determines are necessary to implement this resolution.

Section 5. Effective Date. This resolution is effective upon the adoption of this resolution.

Approved by the Board of Commissioners of Martin County, Minnesota, this 5<sup>th</sup> day of May, 2020.

**MARTIN COUNTY, MINNESOTA**

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Attest:

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Scott Higgins, County Coordinator

**EXHIBIT A TO ABATEMENT RESOLUTION**

**THE PROPERTY**

PID Number: 04.400.0060

Roll Call AYES: Commissioners Koons, Smith, Belgard, and Flohrs. NAYS: None. Commissioner Mahoney was absent. Resolution duly passed and adopted this 5<sup>th</sup> day of May, 2020.

Korte noted we talked at the April 21, 2020 Board meeting that different counties have different opinions on whether to offer property tax relief due to COVID-19 related hardships and to see if the state was going to do anything. In speaking with other surrounding counties, Watonwan County did go with a waiver of penalties for the properties; but, you have to have an application and you have to show that your business was affected or you personally were laid off due to COVID-19; Jackson and Faribault County are going to be looking at doing a reduction of penalty, proposed and recommended as follows:

- 1% (from May 16<sup>th</sup> to June 20<sup>th</sup>)
- Then 2% (from July 1<sup>st</sup> to July 31<sup>st</sup>)
- Then back to the existing penalty/interest schedule beginning on August 1<sup>st</sup>, Penalty amount be the same for all types of real property
- Reduction would not apply to personal property and wind/solar;
- Parcels paid by escrow would still be May 15<sup>th</sup>
- Parcels paid with ACH draw would still be May 15<sup>th</sup>

After review and discussion,

Motion by Commissioner Koons, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, hereby approve the proposed reductions in property tax penalties due to COVID-19 Related Hardships (include proposal approved). Roll Call AYES: Commissioners Belgard, Smith, Koons, and Flohrs. NAYS: None. Commissioner Mahoney was absent. Motion carries.

Korte updated the Board pertaining to drive up service (at the courthouse) for tax collection the week of May 11 through May 15, 2020.

Peyman noted bid letting for C.P. 20:10 Supplying Bituminous Material for Sealcoating was held on May 1, 2020 at 10:00 a.m. at the Martin County Highway Department – Fairmont, MN and that three bids were received. Peyman recommends low bid award based on lowest constant to H.G. Meigs.

## Bid Results

Lettings on May 1, 2020 – 10:00 a.m.  
Martin County Highway Department  
Fairmont, MN 56031  
507-235-3347

### C.P. 20:10

#### Supplying of Bituminous Material for Sealcoating

<u>Bidder</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Bid</u>
<b>Flint Hills Resources</b> , St. Paul, MN CRS 2P Liquid Asphalt	575 T	\$446.00	\$256,450.00
<b>H.G. Meigs</b> , Portage, WI CRS 2P Liquid Asphalt	575 T	<b>\$404.60</b>	<b>\$232,645.00 *</b>
<b>Jebro, Inc.</b> , Sioux City, IA CRS 2P Liquid Asphalt	575 T	\$413.25	\$273,618.75

**\* Apparent low bidder**

Motion by Commissioner Smith, seconded by Commissioner Koons, Be It Resolved that the Martin County Board of Commissioners, after the appropriate advertisement for bids, and upon receiving bids for C.P. 20:10, and upon the recommendation of the County Engineer, hereby approve and award the low bid for C.P. 20:10 Supplying Bituminous Material for sealcoating to H.G. Meigs of Portage, WI in the amount of \$232,645.00; and to authorize the Chair and appropriate staff (County Engineer, County Auditor/Treasurer, County Attorney) to sign and execute the necessary documents for the listed project. Roll Call AYES: Commissioners Belgard, Koons, Smith, and Flohrs. NAYS: None. Commissioner Mahoney was absent. Motion carries.

Peyman noted that bid letting for C.P. 20:11 Supplying Gasoline and Diesel Fuel was held May 1, 2020 at 10:00 a.m. at the Martin County Highway Department – Fairmont, MN and that one bid was received. Peyman went on to note NuWay Cooperative has been our supplier three out of the last four years and has always done a good job and recommends continuing our fuel supply contract with NuWay Cooperative.

## Bid Results

Lettings on May 1, 2020 – 10:00 a.m.  
Martin County Highway Department  
Fairmont, MN 56031  
507-235-3347

### C.P. 20:11

#### Supplying gas & Diesel

**NuWay Cooperative, Trimont, MN**

<u>Product</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Constant</u>
<u>Amount</u>			
Diesel to Fairmont Shop \$43,668.00	45,000	\$0.97	\$0.083
Diesel to Dunnell Shop \$8,146.50	7,500	\$1.09	\$0.199
Diesel to Trimont Shop \$8,146.50	7,500	\$1.09	\$0.199
Gasoline to Fairmont Shop	50,000	\$0.96	<u>\$0.083</u>
<u>\$47,845.00</u>			
	<b>TOTAL</b>		<b>\$10,452.00</b>

**\$107,806.00**

- All Bid prices set on April 29<sup>th</sup> @ 10:00 AM.
- The constant (margin/freight) is set and stays the same as fuel prices fluctuate up or down.
- The “constant” is included in the bid prices above.

**\* Apparent low bidder**

Motion by Commissioner Belgard, seconded by Commissioner Koons, Be It Resolved that the Martin County Board of Commissioners, after the appropriate advertisement for bids, and upon receiving bids for C.P. 20:11, and upon the recommendation of the County Engineer, hereby approve and award the low bid for C.P. 20:11 Supplying Gas & Diesel to NuWay Cooperative of Trimont, MN in the amount of \$107,806.00; and to authorize the Chair and appropriate staff (County Engineer, County Auditor/Treasurer, County Attorney) to sign and execute the necessary documents for the listed project. Roll Call AYES: Commissioners Smith, Koons, Belgard, and Flohrs. NAYS: None. Commissioner Mahoney was absent. Motion carries.

Commissioner Belgard inquired when the road construction project over by Truman will begin.

Peyman noted we’re looking to get a pre-con set up and then we’ll have a better idea. Right now from the information they’ve give me is their summer is not full so they don’t think it will be a late project. They have one project they want to do first and then I think they’re going to come to Martin County.

Jeff Markquart, Martin County Sheriff, noted the South Central Minnesota Regional Communications Board has been awarded a total amount of \$288,262.38 for respective GIS applications. Markquart went on to note it is anticipated that Martin County will receive \$25,400 to update our GIS information. Markquart also noted he has already signed and returned the NG9-1-1 GIS Grant Application Addendum; however, when funds are received the Board needs to accept the grant funds in the form of a resolution.

After discussion,

Motion by Commissioner Belgard, seconded by Commissioner Koons, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign resolution accepting the NG9-1-1 GIS Grant Award in the amount of \$25,400. Roll Call AYES: Commissioners Smith, Koons, Belgard, and Flohrs. NAYS: None. Commissioner Mahoney was absent. Motion carries.

Higgins noted the Board had approved a number of new hires recently for the Sheriff's Office during the regular Board of Commissioners meeting on March 3, 2020 with effective start dates of March 15, 2020. However, it is contrary to their actual start date set by the Sheriff's Office. The correct start date for a newly hired Sheriff's Office employee is as follows:

- Renae Wallace, Transport Officer April 24, 2020

Higgins continued the Board, on March 3, 2020 also approved a starting wage of \$21.23 for Lindsey Weber, newly promoted full time corrections officer. The correct pay rate for Weber is \$22.80/hour per LELS #115.

After review,

Motion by Commissioner Smith, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, having approved during the March 3, 2020 Board meeting the effective start date of March 15, 2020 for the following Sheriff's Office employee, hereby approve and make the following correction to the effective start date for Renae Wallace to April 24, 2020. Roll Call AYES: Commissioners Koons, Belgard, Smith, and Flohrs. NAYS: None. Commissioner Mahoney was absent. Motion carries.

Motion by Commissioner Belgard, seconded by Commissioner Koons, Be It Resolved that the Martin County Board of Commissioners, having approved during the March 3, 2020 Board meeting the starting wage of \$21.23/hour for Lindsey Weber, hereby approve and make the following correction to the starting wage for Lindsey Weber to \$22.80/hour per LELS #115. Roll Call AYES: Commissioners Smith, Koons, Belgard, and Flohrs. NAYS: None. Commissioner Mahoney was absent. Motion carries.

Korte noted the Auditor/Treasurer's Office has received a request to rebate a portion of liquor license fees (On-Sale) to those business that are issued a liquor license through the County for the months that the establishments are not able to be open to serve alcohol (COVID-19). The Off-Sale is still allowed to be open per the Governor's Executive Order and there was no fee charged to that owner by the County. Korte noted this will affect only two entities that have that On-Sale license and so if you take the \$500 for the year for On-Sale and add the \$75 for the Sunday Sales and divide that by 12 months it came up to \$47.92 a month. So this is proposed for two entities for how many months they were closed. The businesses that qualify are: Rose Lake Golf Club Inc. and Ghost Town Tavern. Korte recommends approval.

After review and discussion,

Motion by Commissioner Belgard, seconded by Commissioner Koons, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Martin County

Auditor/Treasurer the authority to rebate a portion of Liquor License fees (On-Sale) to those businesses that are issued a liquor license through the County for the months that the establishments are not able to serve alcohol per the Governor's Executive Order and includes Rose Lake Golf Club, Inc. and Ghost Town Tavern. Roll Call AYES: Commissioners Smith, Koons, Belgard, and Flohrs. NAYS: None. Commissioner Mahoney was absent. Motion carries.

Doug Borchardt, Building Maintenance Supervisor, noted the fire alarm panels at the courthouse and security building needed replacement as the panels are losing memory and we are starting to have problems in both buildings. I did originally get three quotes for replacement of the whole system which would be addressable which means that if you have a problem it pinpoints exactly where your problem is. But those bids range from \$32,000 to \$40,000 and I felt that was probably too much money and so my recommendation is just to fix our existing system and that would come in at \$10,000. So, it won't be addressable; but, we've been getting by with this system this long. I recommend repairing our existing system.

Commissioner Belgard noted the Building Committee has discussed this and agrees this is probably the best way to go and to bring the recommendation to the full Board.

Discussion ensued pertaining to panel location and 24-hour monitoring in the Security Building

After further discussion,

Motion by Commissioner Belgard, seconded by Commissioner Koons, Be It Resolved that the Martin County Board of Commissioners, hereby approve and award quote received from Johnson Controls in the amount of \$10,165 for replacement of fire alarm panels and annunciator in the Courthouse and Security Building. Roll Call AYES: Commissioners Smith, Koons, Belgard, and Flohrs. NAYS: None. Commissioner Mahoney was absent. Motion carries.

Higgins noted the governor has extended the Stay at Home Order that expired on May 3, 2020 to May 17, 2020; and recommends the Board amend the original Resolution #29/'20 Payment of Employees Impacted by the MN Emergency Executive Order 20-33, to reflect such Executive Order by the Governor and that the County continue to operate at the reduced staffing levels through the extended time frame or until the end of May 2020.

Discussion ensued pertaining to if the governor ends the Stay at Home Order on May 18<sup>th</sup>, employees will be expected to be back at work in their offices; and extend the time frame from the end of May 2020 to the commissioners' first meeting in June 2020.

After further discussion,

Motion by Commissioner Koons, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby amend Resolution #29/'20 Approving the Payment of Employees Impacted by the MN Emergency Executive Order 20-20 to 20-33 dated April 7, 2020, that if the Governor of Minnesota expands the time duration of the Stay at Home Order as established by Governor's Executive Order 20-33, that the aforementioned resolution

will be amended accordingly to reflect the new time duration for the Stay at Home Provision, and/or continue County operations at the established reduced staffing level implemented by the Board through June 2, 2020; and that if the Governor's Executive Order ends on May 18, 2020 or earlier all County employees will have to return to work, providing that we have a Return to Work Plan in place. Roll Call AYES: Commissioners Smith, Belgard, Koons, and Flohrs. NAYS: None. Commissioner Mahoney was absent. Motion carries.

Chairman Flohrs opened the public hearing to Consider Revisions to the County Fee Schedule including proposed new Liquor License-Intoxicating Liquor Off Sale Fee in the amount of \$400.00; and proposed new Tax Abatement Application Fee in the amount of \$250.00.

Korte noted the County did not have a fee set for the Off-Sale Intoxicating Liquor License and recommends adding a \$400 fee and to keep all other liquor license fees the same. And then as well as adding that new Tax Abatement Application Fee in the amount of \$250 for that program.

Chairman Flohrs opened the meeting for public comments in consideration of adjustments to the County Fee Schedule. No representatives from the public were in attendance nor was public input or comments submitted in writing received concerning the proposed adjustments to the County Fee Schedule.

Motion by Commissioner Belgard, seconded by Commissioner Smith, to close the public portion of the meeting. Roll Call AYES: Commissioners Koons, Smith, Belgard, and Flohrs. NAYS: None. Commissioner Mahoney was absent. Motion carries.

Motion by Commissioner Belgard, seconded by Commissioner Koons, Be It Resolved that the Martin County Board of Commissioners, Whereas in accordance with Minnesota Statutes a public hearing was held at the Martin County Courthouse in the Commissioners Meeting Room on May 5, 2020 to consider the proposed County Fee Schedule and new proposed fees for 2020; and to take public input on the proposed new fees; and Now, Therefore, Be It Resolved that the Martin County Board of Commissioners, hereby adopt new Liquor License-Intoxicating Liquor Off-Sale Fee in the amount of \$400; and new Tax Abatement Application Fee in the amount of \$250; and is on file in the Office of the Auditor/Treasurer and the County Coordinator's Office, effective May 5, 2020. Roll Call AYES: Commissioners Smith, Koons, Belgard, and Flohrs. NAYS: None. Commissioner Mahoney was absent. Motion carries.

The Board reviewed Warrants, Auditor Warrants, and EFT Transactions to be paid May 5, 2020.

Motion by Commissioner Smith, seconded by Commissioner Koons, Be It Resolved that the Martin County Board of Commissioners, hereby approve Warrants, Auditor Warrants, and EFT Transactions to be paid on May 5, 2020, and includes the Martin County Highway Department and Drainage bills as presented. Roll Call AYES: Commissioners Belgard, Koons, Smith, and Flohrs. NAYS: None. Commissioner Mahoney was absent. Motion carries.

Warrants received and paid May 5, 2020, are registered on file in the Auditor/Treasurer's Office as follows:

Revenue Fund – Warrants Approved May 5, 2020	\$ 69,709.36
Martin County Economic Development Fund	\$ 52.00
Solid Waste Management Fund	\$ 5,221.42
Human Services Fund	\$302,451.17
County Attorney’s Forfeiture Fund	\$ 11,003.62
Building – CIP – Fund	\$ 35,094.76
Human Services Building Fund	\$ 1,611.99
Refunding Fund	\$ 53.00
Total	\$425,197.32

Road and Bridge Funds Totaled	\$ 52,238.39
Martin County Ditch Funds Totaled	\$222,592.02

The Board reviewed Reports and Announcements including AMC District 7 Virtual Meeting to be held on Wednesday, June 3, 2020 beginning at 9:00 a.m.

Viesselman presented an update on request for Martin County Revolving Loan Forgiveness. Viesselman noted Minnesota Housing Finance Agency (MHFA) had done a loan on the property for approximately \$27,000 and Minnesota Valley Action Council (MVAC) came and they asked us to give a loan too in the amount of \$12,700 and this was one we gave on condition that our loan would be the first lien and MVAC erred by recording MHFA lien first and ours second. There is an offer to purchase the property in the amount of \$18,500 and MVAC was going to contact Minnesota Housing and see if they would agree to let us go first as that was the intent and just a mistake and we’ve never gotten a response. Viesselman went on to note the realtor sent us an email that was forwarded from Minnesota Housing which said that they (MHFA) would accept \$12,500 in satisfaction of their lien and it didn’t mention Martin County at all and I suspect they have to take (*inaudible*) to agree to sign off because there isn’t enough to the first lien. But I’m questioning whether they even know what the issue is because it is just strange that they wouldn’t have said anything about us. So Jessica (Korte) and I thought we should communicate that to you because the realtor wants a response from us and obviously since we’re not first lien the Board decided well why would we give up our first lien and we have no incentive to just go ahead and let Minnesota Housing get paid. So my suggestion is let me respond this time to Minnesota Housing directly and I’m going to explain the issue to them and tell them we should have been first and see what they say. If you want, our mortgage is \$12,700 and there will be interest on it too and maybe if I send an email to Minnesota Housing saying it should have been first and we would like them to agree to being first and pay us like \$10,000 and they can have whatever proceeds are left on the sale from that \$18,500 take off our \$10,000 is \$8,500 (*inaudible*) so that some money will go to Minnesota Housing. Otherwise if you don’t want to offer any reduction I’ll just email them and explain the situation and tell them they need to put us first. If we do nothing like we discussed last time the property will eventually be forfeited.

After discussion,

Motion by Commissioner Belgard, seconded by Commissioner Koons, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize County Attorney to

contact Minnesota Housing Finance Agency directly concerning first and second lienholder error by MVAC on Berkness property improvement loans; and that the County Attorney's Office may offer to accept \$10,000 as first lienholder on the County's revolving loan to the Berknesses and that Minnesota Housing Finance Agency would receive the balance from the proceeds of the sale of the property less any commission and fees. Roll Call AYES: Commissioners Smith, Koons, Belgard, and Flohrs. NAYS: None. Commissioner Mahoney was absent. Motion carries.

The Board discussed postponing the Employee Appreciation Lunch to be held on May 19, 2020.

By consensus, the Martin County Board of Commissioners decided to cancel the Employee Appreciation Lunch scheduled for May 19, 2020 and will reschedule it later.

Commissioners reviewed their calendars of previous and upcoming meetings and activities: April 21, 2020 – Lobbyist Conference Call in the afternoon; April 22, 2020 – Highway 4 and Judicial Ditch System and MnDOT discussion; April 27, 2020 – Virtual Kinship of Martin County meeting; April 28, 2020 – Human Services Full Board meeting; April 29, 2020 – Personnel Committee meeting, Lobbyist Conference Call, Building Committee meeting in the morning; May 1, 2020 – Lobbyist Conference Call, and Martin County Veterans Memorial Committee meeting; May 7, 2020 – RCEF meeting; May 8, 2020 – GBERBA meeting, and F-M Joint County Transit Executive Board meeting; May 12, 2020 – Human Services Executive Board meeting, and Library Board meeting; May 13, 2020 – Department Director Meeting at 8:30 a.m.; May 14, 2020 – Soil and Water Committee meeting, May 15, 2020 – Prairieland meeting; May 19, 2020 – regular Board of Commissioners meeting at 9:00 a.m. – Commissioners Meeting Room – Martin County Courthouse, and first day (for commissioners) to file for reelection.

With no further business to wit, Motion by Commissioner Smith, seconded by Commissioner Belgard, to adjourn the meeting. Meeting adjourned at 12:04 p.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Flohrs, Board Chair

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