

PROCEEDINGS OF THE
MARTIN COUNTY BOARD OF COMMISSIONERS
TUESDAY, JULY 21, 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 Steve Flohrs via WebX (videoconferencing due to the COVID-19 Virus pandemic). Commissioners present via WebX were Smith and Flohrs. Commissioners Koons and Belgard were present in the Board Room. Commissioner District #2 is vacant. Also present were Scott Higgins, Martin County Coordinator, Jessica Korte, Martin County Auditor/Treasurer, Terry Viesselman, County Attorney, Rod Halvorsen, City of Lakes Media, Bill Fahey, Northland Securities, Leigha Johnson, Human Resources Manager, Julie Walters, Administrative Assistant, and members of staff and public.

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 July 21, 2020 regular Board of Commissioners meeting with the following: Delete 4.1 Consider Minutes from the July 7, 2020 regular Board of Commissioners meeting. Roll Call AYES: Commissioners Smith, Koons, Belgard, and Flohrs. NAYS: None. Motion carries.

Abigail Nesbit, Emergency Management Director, was present via WebX and provided a COVID-19 pandemic update noting Martin County's current numbers as of July 20, 2020 are 186 total confirmed cases with 11 active cases all recovering at home.

Terry Viesselman, County Attorney, was present via WebX and provided a status review of the Home Rehabilitation Loan for Parcel No. R60.050.0230. Viesselman noted he sent Minnesota Financing (HUD) an email telling them that Martin County's loan was to have priority so that the money (sale proceeds) should have gone to us as we weren't even sure if Minnesota Valley Action Council communicated that with them. Viesselman went on to note they responded simply saying they wanted all of the net proceeds. There's about \$12,500., a little less than that, that's going to be net from the sale and basically they have said they wanted \$12,500. I sent them another email and said we were open to sharing the \$12,500 in some way. That was July 18, 2020 and I haven't received a response yet. We'll see what they say in the next two weeks and I'll report further to you.

Viesselman next provided a review of easement rights on tax forfeited land for improvements to Highway 263. Viesselman noted there is a piece of tax forfeited property in Ceylon and the Department of Transportation is going to do some highway work going by there and so they need an easement on a small portion of that property. It is a three-year easement and they had their own appraisal and the value of that easement is \$500. So that is what they're proposing that it become an easement in the amount of \$500 and that seems okay and reasonable to me. So my recommendation is to accept the proposal.

After discussion,

Motion by Commissioner Koons, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby set the price, condition and terms of the property rights needed by the Minnesota Department of Transportation (MnDOT) to complete roadway and sidewalk work for the upcoming Highway 263 project in the City of Ceylon, MN. Martin County does hereby grant MnDOT the right to use the following described strips for highway purposes, which right shall cease on December 1, 2025, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes; and accepts compensation for the property rights in the certified appraised amount of \$500.

Parcel 59 C.S. 4609 (263=263) 901

S.P. 4609-17RW

The right to use the following described strips for highway purposes, which right shall cease on December 1, 2025, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes.

Tract A. Lot 7, Block 1, Tenhassen, according to the plat thereof on file and of record in the office of the County Recorder in and for Martin County, Minnesota; excepting therefrom the following described land, to wit: Commencing at a point 85 feet North of the southwest corner of said Lot 7, 35.08 feet; thence East, parallel with the north line of said Lot 7, 25 feet, more or less to the east line of said Lot 7; thence South, on the east line of said Lot 7, 35.08 feet; thence West, parallel with the north line of said Lot 7, 25 feet, more or less to the point of beginning;

A strip being the southerly 5 feet of Tract A hereinbefore described:

A strip being the southerly 30 feet of the westerly 5 feet of Tract A hereinbefore described, adjoining and northerly of the above described strip.

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

Jessica Korte, Auditor/Treasurer, was present via WebX and provided liquor license renewal information for Ghost Town Tavern, LLC. Korte noted the renewal is for both On-Sale and Off-Sale with Sunday Sales. Korte noted all documentation has been received and recommends renewal.

Motion by Commissioner Belgard, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize renewal of On-Sale, Off-Sale, with Sunday Sales Liquor License for Ghost Town Tavern, effective July 1, 2020 through June 30, 2021. Roll Call AYES: Commissioners Koons, Smith, Belgard, and Flohrs. NAYS: None. Motion carries.

Kevin Peyman, Highway Engineer, was present via WebX and provided a Highway Department Update. Peyman noted Brunz (Construction) is basically done with their grading work on CSAH 54. Duinink Construction is doing the second phase bituminous and has started hauling gravel hoping to finish this week and we're hoping to see some bituminous as early as the end of this week or early next week. Peyman went on to note the CSAH 52 Project that goes by Prairieland all the way to the Faribault County Line and then through the City of Truman, both of those have subcontractor work for Cold In Place Recycling and ADA work in Truman. So that way once the paving is done up on CSAH 54 the paving crew can jump right over to Truman and CSAH 52 to get that done too.

Leigha Johnson, Human Resources Manager, was present to note the Martin County Sheriff's Office has received and accepted a resignation letter from Desiree Meacham, part time Communications Officer, effective July 8, 2020.

Motion by Commissioner Koons, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby accept the resignation of Desiree Meacham as part time Communications Officer for the Martin County Sheriff's Office, effective July 8, 2020. Roll Call AYES: Commissioners Smith, Belgard, Koons, and Flohrs. NAYS: None. Motion carries.

Scott Higgins, County Coordinator, was present to note formal requests have been received for CY2021 Budget Allocation from the Small Business Development Center (SBDC) in the amount of \$2,000; and from the South Central Volunteer Dive Team in the amount of \$1,045.00.

Motion by Commissioner Belgard, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file the CY2021 Budget Allocation Request received from the Small Business Development Center (SBDC) in the amount of \$2,000 and from the South Central Volunteer Dive Team in the amount of \$1,045. Roll Call AYES: Commissioners Koons, Smith, Flohrs, and Belgard. NAYS: None. Motion carries.

Higgins noted Martin County has received a Change Order in the amount of \$7,355.00 from Renaissance Roofing for additional scaffold and hoisting installation costs for MAVO Abatement Work.

Lon Gorsch, Renaissance Roofing, was present via WebX and provided information on Change Order No. 1 noting the Change Order originates from additional costs associated with the hoisting requirements from the abatement company, MAVO. Gorsch went on to note we were instructed to include all of the scaffolding and enclosure materials necessary for the abatement work. But, due to some oversight we were not asked to provide a hoist. There was never any discussion between our two companies about what the exact needs were going to be. That requirement was overlooked. I have a quote from the scaffold company for those actual costs and I put those costs in the Change Order and asked that the County pay for it. Those costs are not included in our original bid. After the abatement work is completed the heavy lifting in a sense is done. There won't be that need for that power table hoist to be up there. Unfortunately it's just kind of a little oversight, a little hiccup there that neither of us picked up on and apparently neither did Mr. Mickelson (ISG).

Commissioner Smith inquired if Bob Mickelson (ISG) was on the meeting call.

Higgins noted I don't believe so. Higgins went on to note to add to that you kind of had some anticipation of additional scaffolding for the duration of MAVO; but, then they've (MAVO) anticipated instead of three weeks they anticipated four or five, is that correct?

Gorsch noted yes. So what I'm asking for is if you look on our original schedule I think I had 22 calendar days for the abatement work and that's what I was told by Bob (Mickelson) it would take about three weeks to do and now they're telling me it is four to five. So I've asked for an extra seven days to be added onto the end of the contract – that the completion date be pushed out seven days and I'll try and make up the other seven days myself to hopefully work an extra week or two into the winter schedule. I'm not adding those costs on at this time. So, the costs on this change order is just for the additional equipment. Then the rental fees before that particular equipment would be a second change order and you can see the rates on there what they are. Those are monthly rates. So if they're only on site for four weeks and we get the work done it would just be one month rental fees on the upper gantry and then the lower gantry, so both hoists, and then you see there at the bottom the line item unit price for \$15,375. That's what I'm being charged per month on the overall scaffold. So if we actually do end up using that extra seven days I would come back to you guys for 1/4th of that \$15,375 and that's only if we miss our original completion date.

Higgins noted so this last couple of weeks they've been working on this (change order) and Lon (Gorsch) has worked hard in an effort to bring it down to this \$7,000. Rather than pay for it all now, if we need it then we'll pay for it depending on the MAVO abatement and if they take longer than what was anticipated.

Gorsch also noted their work is not really under my control. I'm doing everything I can to facilitate them. We've pared down what they really would like to what they need minimum to get their work done reasonably and efficiently. If you take out equipment to help the project move along at a reasonable pace that just adds time and we're trying to negate that impact on the schedule. Overall the schedule is slipping yet again from the scaffold company. They don't have materials to start racking the scaffold this week. That's why they're not there. So, I'm losing another half a week because of delays from the scaffold company. I'm not real happy with them but we're doing the best we can and try and keep things amicable and moving forward as fast as we can.

Motion by Commissioner Belgard, seconded by Commissioner Koons, Be It Resolved that the Martin County Board of Commissioners, after review and upon the recommendation of ISG Architects and Engineers, hereby approve Change Order No. 1 received from Renaissance Roofing for additional Scaffold and Hoisting costs for MAVO Abatement Work in the amount of \$7,355. Roll Call AYES: Commissioners Smith, Koons, Belgard, and Flohrs. NAYS: None. Motion carries.

Jonathan Loose, Wold Architects and Engineers, was present via WebX and noted as a part of the building code there are a number of different inspections that are required and those have to be by a third party so they can't be influenced by the designer or the contractor and in this case

we need different inspections again based on the building code for the welds at the structural wall at the Recorder's Office Service Counter and then also at any fire stopping location where we have that fire separation wall going into our vehicle storage facility. The testing is again dictated by the code to ensure that you're getting an end result that is going to last and meets all the criteria of the code. Loose went on to note Braun Intertec has been with us for a long time and is our preferred person that we go out and get quotes for on testing like this and they're out of Mankato, MN so it's not too far for them to get down and do the testing. Their quote for that is \$6,430 and it includes all of the trip time and any of the testing that they have to do. Again that's a third party typically so that you're making sure that you have an unbiased opinion based on what construction items are going into place. So that's what this testing is for and again it would be a contract that the County would hold directly with Braun Intertec for the work.

Commissioner Smith inquired is this something that is in most city codes or how come we didn't know about this until now? Why wasn't it part of the proposal that we approved?

Loose noted it is in the state building code and again this is part of what we would call the soft process of a project so it would never be on the general contractors bid and it wouldn't be under our fees either. It's just third party testing that the owner hires directly and frankly when we go through the design process we're getting all of the details in on drawings as we go and when we finally have our completed set of drawings then we go back and look at it and say okay are there any tests that are required as a part of the building code. So early on we may anticipate what tests but we wouldn't get a quote until we actually have 100% drawings set because we don't know exactly all of our systems that we're going to use and where the testing would be required until after. So we went through that review process and again we know that the City of Fairmont we want to work closely with the building inspector being we're going to need to get his help to move these projects forward and so to follow building code to a tee only helps our position in making sure that we're keeping on track here.

Commissioner Smith inquired can we anticipate more of these soft costs as the project goes along?

Loose noted there shouldn't be any other testing per se from a construction testing standpoint. The only other item that I can anticipate now would be if we had a balancing contractor and we needed to balance air flow and water flow for work that is going on at the vehicle storage facility project. But that is something that the code doesn't say has to be third party so often times we will build that in to the general contractor's scope of work and I know that we have in the past on some other projects with you. But I guess I need to go back and look at the specifications and see whether we included that testing or not. But I'm not certain that there would be any other soft costs. Outside of just using up any sort of contingency fund that was established I think that is essentially the extent of the soft costs that we'd be looking for.

Higgins noted we have put contingencies in the CIP Plan to cover such costs.

Motion by Commissioner Smith, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, in reference to the Capital Improvement Construction Projects, which includes the 1200 North State Street Garage Facility and Recorder's Office

Service Counter, and the requirement for inspections and testing for certain materials used in the construction of these two projects, and the requirements of the City of Fairmont Building Code, and having received a proposal from Braun Intertec (Braun Intertec Corporation) for the aforementioned projects in the amount of \$6,430.00, hereby approve the proposal as presented. Roll Call AYES: Commissioners Koons, Belgard, Smith, and Flohrs. NAYS: None. Motion carries.

Tammie Hested, Family Resource Coordinator with Minnesota Valley Action Council (MVAC), along with seven (7) Martin County Summer Youth Intern Program participants, were present via WebX to introduce themselves to the commissioners and to share what business they are interning with in Martin County over the summer. Hested noted we did start our last intern today, Renae Wallace, and she is starting at the Martin County Sheriff's Office.

Madison Pierce	-	Avery Weigh-Tronix
Brenna Horkey	-	REM Heartland
Emily Lubenow	-	CER Office
Brenna Cutler	-	South Creek HR
Stuart Smith	-	Devinish
Michalia Cyphers	-	AdMfg
Claudia Bleess	-	Avery Weigh-Tronix

Higgins noted the Martin County EDA Board has received the resignation of one of its members, Larry Baarts, which leaves a vacancy for the remainder of his term, which expires December 31, 2021. Higgins went on to note the Board will need to appoint a replacement to finish the term and that this position represents Commissioner District No. 1.

No action taken on Citizen Appointment to the Martin County EDA Board.

The Board reviewed Warrants, Auditor Warrants, and EFT Transactions to be paid July 21, 2020.

Motion by Commissioner Koons, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve Warrants, Auditor Warrants, and EFT Transactions to be paid on July 21, 2020, and includes the Drainage bills as presented. Roll Call AYES: Commissioners Smith, Belgard, Koons, and Flohrs. NAYS: None. Motion carries.

Warrants received and paid July 21, 2020, are registered on file in the Auditor/Treasurer's Office as follows:

Revenue Fund – Warrants Approved July 21, 2020	\$ 99,674.55
Enhanced 9-1-1 Fund	\$ 153.95
Martin County Economic Development Fund	\$ 667.25
Solid Waste Management Fund	\$ 36,813.07
Law Library Fund	\$ 1,839.34
Recorder's Technology Fund	\$ 3,246.10
Ind. Sewage Treatment Systems Loan Fund	\$ 25,542.80
Building-CIP-Fund	\$ 7,050.62

Human Services Building Fund	\$ 6,287.12
Debt Service Fund	\$ 7,690.00
Refunding Fund	\$ 1,165.00
Miscellaneous Tax Fund	\$ <u>30.00</u>
Total	\$190,159.80

Martin County Ditch Funds Totaled \$221,263.14

Commissioners reviewed their calendars of previous and upcoming meetings and activities: July 7, 2020 – regular Board of Commissioners meeting – Commissioners Meeting Room – Martin County Courthouse; July 8, 2020 – Department Directors Meeting at 8:30 a.m., Martin County Veterans Memorial Committee-Dedication meeting; July 9, 2020 – Soil and Water Committee meeting; July 10, 2020 – F-M Joint County Transit Executive Board meeting; July 14, 2020 – Human Services Executive Board meeting and Library Board meeting; July 15, 2020 – Martin County Veterans Memorial Committee-Dedication meeting; July 16, 2020 – Traverse des Sioux Library meeting; July 17, 2020 – Prairieland meeting, Martin County Veterans Memorial Committee Ceremony meeting (Governor’s Order); July 20, 2020 – Minnesota Valley Action Council meeting.

Chairman Flohrs opened the public hearing to Consider Resolution Adopting a Capital Improvement Plan and Providing Preliminary Approval to the Issuance of Bonds.

Bill Fahey, Northland Securities (County Financial Consultant) was present to review the County’s proposed Capital Improvement Plan noting the Plan was reviewed by the Board over a month ago and then reviewed by the Building Committee in between, and that three publications have been made to notice today’s hearing date. Fahey noted the Plan is really a multi-purpose plan that lets the County put different types of projects in the same document. The Legislature kind of forfeited on updating older issuing laws and rather instead created a brand new one and this is what we call Capital Improvement. And it has made a long list of what you could put in there. So we’re using that plan. It involves not only the Board and committees of the Board and the staff but also the citizens of Martin County. So after we get done with the hearing the County Board will not take any more formal action other than the two resolutions for thirty (30) days. That gives the community time to take a look at the Plan. Copies of the Plan are already on file with the County Auditor/Treasurer and County Coordinator. So if you want to see one you can contact them. Any comments regarding anything today may be orally or they may be in writing. And within those thirty (30) days may submit your comments in writing. Fahey read the items that are included in the Capital Improvement Plan.

1. Courthouse Dome/Clock/Tuckpointing of Courthouse Building/Roof/Fixing Water Leaks all around the building and Murals inside the Building. We issued bonds called Courthouse Bonds in 2019 and that left about \$2,735,000 left to be financed and after we capitalize that and add interest there’s about \$3 million dollars left to be financed. Inside that \$3 million are two contingency funds and we’d like to see in this next thirty (30) days from architects and contractors a little bit more about what their intent is, what their plans are, so we don’t go into contingency funds every time they miss something.

2. Human Resource Building there are two projects there.

3. Martin County Garage Storage Facility there are two projects there.

4. Security System/Generator/Electrical Wiring.
5. Public Works – Highway Department Facility in Trimont, MN.
6. Land for Martin County Justice Center (if needed).

Fahey noted the primary purpose going into this was the County Board sought to have a budget this fall for taxes next year with a zero increase. So we've managed to move things around, to add interest during construction, so that there would be no tax increase because of these bonds if they're issued. Adopting this plan does not force the County to issue bonds but clearly because of the dome we're going to have to issue those bonds and perhaps some of the others. So those are the projects. And really the financial basis going back into it is no tax increase. So with that Mr. Chair I'll turn it back to you for comments from the public and then after the comments from the public, comments from the Board if they have any.

Chairman Flohrs opened the meeting for public comments in consideration of the resolution Adopting a Capital Improvement Plan and Providing Preliminary Approval to the Issuance of Bonds.

Wes Anderson, citizen, was present and noted he likes no tax increase.

No other representatives from the public were in attendance nor was public input or comments submitted in writing received concerning the proposed Capital Improvement Plan.

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. Motion carries.

Commissioner Koons suggests including County Highway Department instead of, or in addition to, Public Works on the Capital Improvement Plan Summary sheet.

Fahey noted one of the reasons I chose Public Works is because that's the way it is worded in the law. But, there's no reason why we can't add the County Highway Department.

Commissioner Smith inquired how long we have to complete these projects.

Fahey noted the Plan is a 5-year Plan. By adopting one of the resolutions we get to go back 90 days to recover costs that we've already expended. But generally the Plan would go for 5-years. As we reviewed the Plan it appeared to me that most of the projects would be done in 2020, 2021 and 2022, and there was only one issue that might go into 2023 and we decided to not actually put that in the Plan. So our thought was that if something came up this Plan is designed to be reexamined every year and if you're doing budgets either before or ending the budget cycle you can amend the Capital Improvement Plan. So it's kind of a rolling 5-years.

Motion by Commissioner Koons, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign resolution Adopting a Capital Improvement Plan and Providing Preliminary Approval for the Issuance of Bonds.

MARTIN COUNTY, MINNESOTA

RESOLUTION NO. R-#48/'20

**RESOLUTION ADOPTING A CAPITAL IMPROVEMENT PLAN
AND PROVIDING PRELIMINARY APPROVAL TO THE
ISSUANCE OF BONDS THEREUNDER**

WHEREAS, pursuant to Minnesota Statutes, Chapter 475, as amended, and Section 373.40, as amended (collectively, the “Act”), counties are authorized to adopt a capital improvement plan and carry out programs for the financing of capital improvements; and

WHEREAS, Martin County, Minnesota (the “County”) has caused to be prepared a Five-year Capital Improvement Plan for the Years 2020 through 2024 (the “Capital Improvement Plan”); and

WHEREAS, on the date hereof, the Board of Commissioners of the County (the “Board”) conducted a duly noticed public hearing regarding adoption of the Capital Improvement Plan pursuant to the requirements of the Act and the issuance of general obligation bonds thereunder in a maximum principal amount of \$5,000,000, to provide for the undertaking of certain capital improvements described in the Capital Improvement Plan, including but not limited to renovations of and improvements to the County courthouse, acquisition and installation of new roofs for the County human resource building and the County storage garage facility, the acquisition of land for a new County justice center, and the construction of a new public works garage; and

WHEREAS, in considering the Capital Improvement Plan, the Board has considered for each project and for the overall Capital Improvement Plan:

1. the condition of the County’s existing infrastructure, including the projected need for repair and replacement;
2. the likely demand for the improvement;
3. the estimated cost of the improvement;
4. the available public resources;
5. the level of overlapping debt in the County;
6. the relative benefits and costs of alternative uses of the funds;
7. operating costs of the proposed improvements; and
8. alternatives for providing services more efficiently through shared facilities with other counties or local government units.

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

1. The Capital Improvement Plan is hereby approved.
2. County staff are hereby authorized to do all other things and take all other actions as may be necessary or appropriate to carry out the Capital Improvement Plan in accordance with any applicable laws and regulations.
3. The County gives preliminary approval to the issuance of general obligation bonds in the maximum principal amount of \$5,000,000; provided, however, that if a petition requesting a vote on issuance of the bonds signed by voters equal to five percent (5%) of the votes cast in the County in the last County

general election is filed with County Auditor by August 20, 2020, the County may issue the bonds only after obtaining approval of a majority of voters voting on the question of issuing the bonds at an election.

Motion by Commissioner Koons, seconded by Commissioner Smith, said resolution was duly approved and adopted this 21st day of July, 2020.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Flohrs, Board Chair

Attest:

Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Belgard, Smith, Koons, and Flohrs. NAYS: None.
Resolution duly passed and adopted this 21st day of July, 2020.

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 Declaring the Official Intent of Martin County to Reimburse Certain Expenditures from the Proceeds of Bonds to be Issued by the County.

MARTIN COUNTY, MINNESOTA

RESOLUTION NO. 53'20

**DECLARING THE OFFICIAL INTENT OF MARTIN COUNTY
TO REIMBURSE CERTAIN EXPENDITURES FROM THE
PROCEEDS OF BONDS TO BE ISSUED BY THE COUNTY**

WHEREAS, the Internal Revenue Service has issued Treas. Reg. § 1.150-2 (the "Reimbursement Regulations") providing that proceeds of tax-exempt bonds used to reimburse prior expenditures will not be deemed spent unless certain requirements are met; and

WHEREAS, Martin County, Minnesota (the "County") expects to incur certain expenditures that may be financed temporarily from sources other than bonds, and reimbursed from the proceeds of a tax-exempt bond;

WHEREAS, the County has determined to make this declaration of official intent (the "Declaration") to reimburse certain costs from proceeds of bonds in accordance with the Reimbursement Regulations.

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

1. The County proposes to undertake certain capital improvements described in the County's Five-year Capital Improvement Plan for the Years 2020 through 2024, including but not limited to renovations of and improvements to the County courthouse, acquisition and installation of new roofs for the County human resource building and the County storage garage facility, the acquisition of land for a new County justice center, and the construction of a new public works garage (collectively, the "Project").

2. The County reasonably expects to reimburse the expenditures made for certain costs of the Project from the proceeds of bonds in an estimated maximum principal amount of \$5,000,000. All reimbursed expenditures will be capital expenditures, costs of issuance of the bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Reimbursement Regulations.

3. This Declaration has been made not later than 60 days after payment of any original expenditure to be subject to a reimbursement allocation with respect to the proceeds of bonds, except for the following expenditures: (a) costs of issuance of bonds; (b) costs in an amount not in excess of \$100,000 or 5 percent of the proceeds of an issue; or (c) "preliminary expenditures" up to an amount not in excess of 20 percent of the aggregate issue price of the issue or issues that finance or are reasonably expected by the County to finance the project for which the preliminary expenditures were incurred. The term "preliminary expenditures" includes architectural, engineering, surveying, bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.

4. This Declaration is an expression of the reasonable expectations of the County based on the facts and circumstances known to the County as of the date hereof. The anticipated original expenditures for the Project and the principal amount of the bonds described in paragraph 2 are consistent with the County's budgetary and financial circumstances. No sources other than proceeds of bonds to be issued by the County are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside pursuant to the County's budget or financial policies to pay such Project expenditures.

5. This Declaration is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations.

Approved by the Board of Commissioners of Martin County this 21st day of July, 2020.

Steve Flohrs, Board Chair

Attest:

Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Koons, Smith, Belgard, and Flohrs. NAYS: None. Resolution duly passed and adopted this 21st day of July, 2020.

Chairman Flohrs opened the public hearing to Consider Proposed Property Tax Abatement for the proposed construction of new single-family homes.

Higgins noted that four applicants have applied for the Housing Tax Abatement Program and that all application requirements have been met.

Jacob Lemon has applied for the Housing Abatement Program on his property to be built at 2692 180th Street in Granada, MN. Abatement to Lemon of property taxes to be levied by the County on Parcel ID No. 02.005.0600, in the City of Granada, for a period of 10 years and proposed to be abated by the County on the property for the years 2021 through 2030 is estimated to be \$12,110.

David and Debra Kroon have applied for the Housing Abatement Program on their property to be built at 2117 150th Street in Fairmont, MN. Abatement to the Kroons of property taxes to be levied by the County on Parcel ID No. 16.028.0550, in the City of Fairmont, for a period of 10 years and proposed to be abated by the County on property for the years 2021 through 2030 is estimated to be \$10,970.

Warren and Michelle Olson have applied for the Housing Abatement Program on their property to be built at TBD Shafer Shores in Sherburn, MN. Abatement to the Olsons of property taxes to be levied by the County on Parcel ID No. 12.450.0030, in the City of Sherburn, for a period of 10 years and proposed to be abated by the County on property for the years 2021 through 2030 is estimated to be \$12,110.

Steve and Cheryl Petrowiak have applied for the Housing Abatement Program on their property to be built at 635 Pioneer Drive in Fairmont, MN. Abatement to the Petrowiaks of property taxes to be levied by the County on Parcel ID No. 23.040.2830, in the City of Fairmont, for a period of 10 years and proposed to be abated by the County on property for the years 2021 through 2030 is estimated to be \$14,800.

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

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

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 granting Jacob Lemon abatement of property taxes to be levied by the County on Parcel No. 02.005.0600 in the City of Granada, MN for a period of 10 years. The total amount of taxes proposed to be abated by the County on the Property for the years 2021 through 2030 is estimated to be \$12,110.

MARTIN COUNTY, MINNESOTA

RESOLUTION NO. R-#49/20

**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 Jacob Lemon (the “Owners”), owners of certain real property located at 2692 180th Street, Granada, MN 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 \$12,110.00.

(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 County 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 21st day of July, 2020.

MARTIN COUNTY, MINNESOTA

Steve Flohrs, Board Chair

Attest:

Scott Higgins, County Coordinator

EXHIBIT A TO ABATEMENT RESOLUTION

THE PROPERTY

PID Number: 02.005.0600

Roll Call AYES: Commissioners Smith, Koons, Belgard, and Flohrs. NAYS: None. Resolution duly passed and adopted this 21st day of July, 2020.

Motion by Commissioner Koons, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign resolution granting David and Debra Kroon abatement of property taxes to be levied by the County on Parcel No. 16.028.0550 in the City of Fairmont, MN for a period of 10 years. The total amount of taxes proposed to be abated by the County on the Property for the years 2021 through 2030 is estimated to be \$10,970.

MARTIN COUNTY, MINNESOTA

RESOLUTION NO. R-#50/'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 David and Debra Kroon (the “Owners”), owners of certain real property located at 2117 150th Street, Fairmont, MN 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”).

.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 \$10,970.00.

(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 County 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 21st day of July, 2020.

MARTIN COUNTY, MINNESOTA

Steve Flohrs, Board Chair

Attest:

Scott Higgins, County Coordinator

EXHIBIT A TO ABATEMENT RESOLUTION

THE PROPERTY

PID Number: 16.028.0550

Roll Call AYES: Commissioners Smith, Belgard, Koons, and Flohrs. NAYS: None. Resolution duly passed and adopted this 21st day of July, 2020.

Motion by Commissioner Koons, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign resolution granting Warren and Michelle Olson abatement of property taxes to be levied by the County on Parcel No. 12.450.0030 in the City of Sherburn, MN for a period of 10 years. The total amount of taxes proposed to be abated by the County on the Property for the years 2021 through 2030 is estimated to be \$12,110.

MARTIN COUNTY, MINNESOTA

RESOLUTION NO. R-#51/'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 Warren and Michelle Olson (the “Owners”), owners of certain real property located at TBD Shafer Shores, Sherburn, MN 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 \$12,110.00.

(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 County 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 21st day of July, 2020.

MARTIN COUNTY, MINNESOTA

Steve Flohrs, Board Chair

Attest:

Scott Higgins, County Coordinator

EXHIBIT A TO ABATEMENT RESOLUTION

THE PROPERTY

PID Number: 12.450.0030

Roll Call AYES: Commissioners Belgard, Smith, Koons, and Flohrs. NAYS: None. Resolution duly passed and adopted this 21st day of July, 2020.

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 granting Steve and Cheryl Petrowiak abatement of property taxes to be levied by the County on Parcel No. 23.040.2830 in the City of Fairmont, MN for a period of 10 years. The total amount of taxes proposed to be abated by the County on the Property for the years 2021 through 2030 is estimated to be \$14,800.

MARTIN COUNTY, MINNESOTA

RESOLUTION NO. R-#52/'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 Steve and Cheryl Petrowiak (the “Owners”), owners of certain real property located at 635 Pioneer Drive, Fairmont, MN 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 \$14,800.00

(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 County 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 21st day of July, 2020.

MARTIN COUNTY, MINNESOTA

Steve Flohrs, Board Chair

Attest:

Scott Higgins, County Coordinator

EXHIBIT A TO ABATEMENT RESOLUTION

THE PROPERTY

PID Number: 23.040.2830

Roll Call AYES: Commissioners Smith, Koons, Belgard, and Flohrs. NAYS: None. Resolution duly passed and adopted this 21st day of July, 2020.

Michael Forstner, Drainage Administrator, was present via WebX and recommends setting a public hearing date to consider final acceptance of completion for JD #51 Improvement Project Contract. Forstner recommends setting the public hearing for August 4, 2020 at 11:00 a.m.

Motion by Commissioner Koons, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby sets a Public Hearing date and time to consider Final Acceptance of Completion for JD #51 Improvement Project Contract. Public Hearing will be held on August 4, 2020 at 11:00 a.m. in the Commissioners Meeting Room – Martin County Courthouse. Roll Call AYES: Commissioners Smith, Belgard, Koons, and Flohrs. NAYS: None. Motion carries.

Forstner reviewed bids received for JD #91 M&J noting two bids were received.

Contractor	Base Bid
Engineer's Estimate	\$2,195,000.00
Dirt Merchant Inc.	\$2,100,267.36
Hjerpe Construction, Inc.	\$2,719,380.15

Forstner noted ISG is recommending that the contract be awarded to Dirt Merchant Inc. Forstner also noted this is a joint board with Jackson County and the three Martin County Commissioners required to vote on this bid acceptance are Commissioners Flohrs, Belgard, and Koons.

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, after the appropriate advertisement for bids, and upon receiving bids for the JD #91 M&J Construction Project, hereby approve and award the low bid for the JD #91 M&J Construction Project to Dirt Merchant Inc. of Mankato, MN in the amount of \$2,100,267.36; and authorizes the Board Chair and appropriate staff (County Coordinator, County Auditor/Treasurer, County Attorney), to sign and execute the necessary documents for the listed project. Roll Call AYES: Commissioners Koons, Belgard, and Flohrs. NAYS: None. Commissioner Smith was not required to vote. Motion carries.

The Board reviewed Reports and Announcements including review of the Monthly Financial Statement for June 2020. Higgins noted the CY2020 Year to Date Department Revenues and Expenditures Report was placed in Commissioner Mailboxes in the Coordinator's Office.

Commissioners continued reviewing their calendars of previous and upcoming meetings and activities: July 21, 2020 – regular Board of Commissioners meeting at 9:00 a.m. – Commissioners Meeting Room – Martin County Courthouse, JD #48 Public Hearing at 11:15 a.m. – Commissioners Meeting Room – Martin County Courthouse, JD #414 M&F meeting at 2:00 p.m. in Blue Earth, MN and JD #4 F&M meeting at 3:00 p.m. in Blue Earth, MN; July 22, 2020 – Martin County Veterans Memorial Committee-Dedication meeting at 9:00 a.m.; July 23, 2020 – Budget Committee Meeting at 10:00 a.m. and South Central EMS Meeting at Eagle Lake, MN in the afternoon; July 27, 2020 – Rural Minnesota Energy Board meeting; July 28, 2020 – Human Services Full Board meeting and F-M Joint County Transit Full Board meeting; July 29, 2020 – Martin County Veterans Memorial Committee-Dedication meeting at 9:00 a.m.; August 1, 2020 – Bell Cobra Helicopter 327 Dedication Ceremony; August 3, 2020 – Martin County EDA meeting at 5:15 p.m. – Commissioners Meeting Room – Martin County Courthouse; August 4, 2020 – next regular Board of Commissioners meeting at 9:00 a.m. – Commissioners Meeting Room – Martin County Courthouse.

The Board recessed at 10:38 a.m.

The Board reconvened at 11:15 a.m.

Vice Chairman Elliot Belgard opened the public hearing for the consideration of the proposed repair to JD #48. Those present were Commissioners Flohrs, Smith, Koons, and Belgard. Also present were Michael Forstner, Drainage Administrator Kurt Deter, Counsel to the Board (Rinke-Noonan Law), Shane Fett, Ditch Inspector, Jessica Korte, Auditor/Treasurer, Scott Higgins, County Coordinator, Bill Fahey, Northland Securities, and members of public.

Deter was present to review today's Agenda for Approval of Structure Alteration to JD #48 noting years ago there was a structure put in to JD #48 and over the years some of the landowners have been concerned about that structure. And so they, working with Fairmont Foods, worked out a possible change in that structure that Mike (Forstner) will go through. So today's issue is to decide if you want to approve this change in structure to the system and then to decide who is paying what part of this.

Forstner noted speaking with Fairmont Foods they understand that they need that gate there for part of their compliance. But, their stance on this is they don't necessarily feel the pipe needs changing. But if it does, they're willing to pay for that end gate and they feel the rest of the tile should be spread out to the system. So they're willing on this quote for \$89,000 they'd pay for that slide gate for \$45,600. The rest being billed out to the system.

Vice Chairman Belgard inquired if the benefits have been determined.

Forstner noted yes it has already been redetermined. The average cost per landowner would be between \$4,000 and \$5,000 based off the remaining cost.

Deter noted the issue then today is, what I didn't talk about, is on the bottom of your agenda. We need to make sure, and I believe ISG has looked at this, to make sure this alteration doesn't in any way harm anybody on the system.

Forstner noted I talked to Chuck Brandel, Engineer with ISG, in the past when we had hearings on whether the structure was a blockage. They did a system analysis and at the time based off of the system a 72" is what they would put in there if we were to repair or do anything improvement wise.

Deter noted I talked with Chuck (Brandel) yesterday and their feeling is this doesn't in any way impair anybody's drainage. That's the main issue. If we're going to change any structure we've got to make sure it doesn't impair anybody and I talked to Chuck (Brandel) also and he said absolutely not. So I think that's the proposal Mr. Chair, members of the Board, is to alter this structure to have Fairmont Foods pay \$45,600 of the estimated \$89,000 cost and the system would pay the remainder of that cost. There may be some landowners here that have an opinion one way or the other that we should hear from. The engineer was at the meetings, Mike (Forstner) has talked to him, I've talked to him. His opinion is, like I said, and he will get a letter to fill out the file if we need it, but it is his opinion that this alteration does not impair the utility of the ditch at all. So no one is being adversely impacted by it.

Vice Chairman Belgard inquired if anybody is being helped by it.

Deter noted the landowners that worked with Fairmont Foods. I believe the reason they were pushing it is that they believe it will help.

Vice Chairman Belgard opened the hearing for public comments.

Lowell Spee, landowner, was present and noted you asked if it was going to be an improvement or try and help what has been going on with all of the drainage issues. This is something that has

been going on for, we started talking about this sixteen (16) years ago actually trying to get things straightened out and on this tile was a backlog of water whenever you have...a first 2" rain would come through, the water would generally go down the tile and down the creek and everything would work fine. When you'd have a second 2" by that time the backwater had made it to the system and you were not able to have it go through. The main thing we're trying to get done with this is when we have a big rain that you have it go through and available to get out of the way so that it's done before the backlog of water comes from the west on that creek. So that's one of the main things. You have a 36" opening that was supposed to be in there and some of that had been filled in by dirt over the years of blowouts and everything else that would happen. Not able to get the water through the system the way it should be. I do believe with a 72" opening that will be minimized anymore. You're going to be taking and having more water go through there. Anytime you enlarge something by double the amount, you have a 36" now and go to a 72", anytime you have something that is doubled in the size it will carry four times the amount of water so that is by an engineer's calculations. So the amount of water that will be able to go through there at any given time will be a much greater amount.

Vice Chairman Belgard inquired of Mike (Forstner) now that we're going to increase that four times was the DNR brought into this equation? We dump that water that much faster into that creek? I know we're trying to get rid of it before the rest of it comes but...

Spee noted the last that I've talked with anybody from the DNR and we had a conversation with Mr. Dan Girolamo, Bob (Lunz) and I had a conversation with him and at that time he did not see that as being a problem and that has been about two years ago. So that was not a problem and I think he relayed that to you (Forstner) as well.

Forstner noted yes. None of the work is being done on the stream bank.

Spee noted this is all before it actually gets to the stream where this is being done.

Vice Chairman Belgard noted but it controls the outlet into that doesn't it?

Spee noted it has a possibility of controlling that outlet and that would be another thing. At this time Fairmont Foods has total control over that whether it's open or shut and notifications have never been sent to the County to my knowledge. I know the one time that you did go out there and you found it partially closed and Fairmont Foods made statement at one time that in the last thirteen years it had never been closed well Mike (Forstner) found it partially closed when he was out there and inspected it the one time. So there is some issues that way. As a landowner and other landowners that I've talked with and also renters have said that they would really like to have some type of notification system that Mike (Forstner) is notified at least and Mike (Forstner) can then notify us of closures on that and what the purpose of the closure is. At this point their statement is that anytime they have a pollution or a possible pollution overflow from the plant itself at Fairmont Foods that is the reason for that. I have questions why the creek out there and the tributaries leading to that is the first line of defense for any spillage in the first place. I would have thought that there would have been something by the Minnesota Pollution Control Agency that those waters should be going through a treatment plant rather than going into a creek or a tributary going to a creek and getting rid of it that way. I think that is something

that is foreign in my way of thinking. Minnesota has had some of these in the past and this is the only one left in the state of Minnesota that is still allowed to run into a creek via some farm tile that goes out that way. There's another case where there is one that is being done and it is coming from an ethanol plant and the ethanol plant has it set up with the county that they are paying "x" amount of dollars per thousand gallons that goes through that tile and then they use that to repair any tile problems that they have on that. So there are different things that have been done over the years but most of them have been rectified where they are not allowed to push that water through a water system such as a tile line.

Vice Chairman Belgard inquired they can close it if they have an issue, right?

Spee noted yes and they're supposed to be able to pump it. Now in the 1975 Agreement that I have it states in there that there have to be pumps on hand and available for that at any time that happens. Mike (Forstner) you've got no knowledge of it and so do the rest of us that have researching this at this time there are no pumps available. The Fairmont Foods does not have pumps standing by, they don't have to my knowledge from what you and I have talked with them and Rick (Lunz) and Bob (Lunz) have talked with them that at this time there is no pumps available to bring in at a day's notice if they happen to have this thing flood or a flood with their glutens. They are then supposed to then be able to pump that into a lagoon out of the creek and the 1975 Agreement says that it is not supposed to be inhibitive of any drainage. They're supposed to have enough land to pump it out on. Over the years the Agreement says there is only supposed to be enough land or there's supposed to be enough land that they can put out that water on with no more than 1/8 of an inch per day on any of the acres that they pump it out on which over the years I've witnessed where they've got water running into a broken tile and it is just recycling the water. They pump it out, it runs right back into Ditch #31 which dumps it into Ditch #48 and goes right back in the system and just keeps rotating the water. The only thing that basically is happening is evaporation taking over instead of having enough land to do that on. They used to have over 400 acres to be able to pump their water out on and now they're down to less than 200...240 I think is what it is right now that they have that they pump the water onto. They do have irrigation pumps that will take their first line of water supposedly and then over the summer there is a number of times where you see it out there watering.

Vice Chairman Belgard inquired do you think this will take care of a lot of the problems.

Spee noted it should take care as long as the opening is open. As long as it's a 72" opening and it is open it should take care of the vast majority. It will be much better than a 36" with some dirt in it which I don't know how much is actually dirt in the bottom of it or not at this time. I haven't been down to where you can actually probe it and see how much dirt is actually in the bottom of it. And Commissioner Smith you know from being on the Soil and Water for years that this is not something new for the problem out in that area. There have been numerous problems over the years. Many times there back in the 60's there have been times when the drainage tile took it from the Fairmont Foods plant out to the creek had plugged up and there was multiple times that the tile has been dug up over the years prior to the Minnesota Pollution Control becoming more stringent.

Bob Lunz, landowner, was present and inquired do you know how many acres the City of Fairmont actually has in this whole watershed? You take the airport, you take the east side of Burton Lane and then you go up to Lincoln Park and all of this on the east. Do you know how many acres involves the City of Fairmont?

Forstner noted no not off the top of my head.

Lunz inquired being that the City has the majority of this has the City Administrator been notified of what's going on as far as this water?

Forstner noted the City is noticed just like all landowners are, yes.

Vice Chairman Belgard inquired but you think, Lowell (Spee), that this would remedy a lot of the problems? You're in favor of this?

Spee noted I'm in favor of it yes. The only question I have is due to the 1975 Agreement it was stated in there who was to pay the brunt of it when it comes to this type of Agreement on Page 9 of the 1975 Agreement says who pays for a new project and is there a process for redetermination. And it says in the event of a project moves forward the section under which the petition is filed will affect your legal rights and payments for the project. Generally speaking the cost of improvements are assessed only to those who benefit from the improvement. Whereas the cost of repairs are assessed to all of those who benefit from the ditch. The improvement for , and Fairmont Foods has already said they will take care of the gate that's going to be put in, and the rest of it then the way it looks it will be \$43,400 that will be assessed then to the tile line itself.

Forstner noted correct.

Vice Chairman Belgard inquired and you're okay with that? You think that's fair?

Spee noted well this problem was created by the Fairmont Foods because of being able to put their waste into a tile line. I still believe deep down that this is something we shouldn't have to be dealing with. This water that they are taking out of the plants...I believe whole heartedly should be going through a water treatment plant and there's enough water going through that ditch because like I said it's Ditch 31 which goes up into behind where Fleet and Farm actually up to Dewey Street is where the map shows that goes clear up into Dewey Street over on Winnebago in that area and the old K-Mart building and all that. That water there originally and some of it still does go through that tile system. Ditch 31 the last time I had viewed that and that has been a number of years ago but there was blow outs on Ditch 31 at that time which goes into Ditch 48. We try to keep all the blow outs taken care of on the part that goes through mine which is Ditch 48. The County has gone through it and we've done some updates on many of the tile lines and gotten rid of some of the old clay tile that was in there for over 100 years and you know as well as I do if you've got clay tile over 100 years old it's pretty brittle and when it was only about two to three feet under the ground to begin with that gets broken pretty easily. So I guess at this point I still believe that they should be going through a sewage treatment plant with their waste rather than putting it out onto farmland and into that ditch. But if that can't get

done we definitely need a bigger opening because over the years and Mike (Forstner) can attest to this the number of acres that are now being drained by that tile system is far exceeding what anybody thought of back when it was put in in 1905 or 1915. So with that said and a lot of the ground is not permeable ground that is the airport, some of the roads that are on the east side storm sewer that is out there and I know where the tile lays in the north ditch that comes from the Dairy Queen area up in that because when I was in 1985 when I couldn't farm they were redoing the road out east of Fairmont, on Old 16, I worked road construction out there and I helped put that tile in and it went from the Hawkins and the area there around the Dairy Queen all the way out to that first culvert that comes out east of Fairmont which now is owned by Mr. Krahmer so the ground on both sides of that. So I know where that comes out exactly because like I said I helped put it in and at one time a past administrator tried to tell me it wasn't there. So we had a discussion and I asked him to put on some boots because I was going to take him out there and show him where it comes in through the culvert and at that point he decided that he didn't need to talk about it.

Commissioner Koons inquired so if you take the \$46,000 off of here or the \$45,600 off of here the balance of that where it's spread out...will Fairmont Foods still pay part of that?

Forstner noted yes they pay their own portion of that around \$5,000 of that.

Commissioner Koons noted so my other question is there's rumors of expansion there at Fairmont Foods with the new owner. Is this going to be big enough to handle that or is this...

Spee noted or is it going to be something that their expansion is needing to go through the sewer system and go out through the sanitary sewer out at the Fairmont Treatment Plant?

Deter if they expand they're likely going to have to go through a permitting process that will address a lot of those issues. In other words they don't just get to add on to their existing permits so a lot of those questions are great questions but that will be addressed in the permitting process.

Bob Lunz noted I guess that's why I was asking about the City of Fairmont on how much land the airport, eastside, if the new administrator actually knows what's going on with the City of Fairmont.

Commissioner Smith could not hear and asked for clarification.

Spee noted that Bob (Lunz) asked about if the City Administrator has heard anything about this and if the expansion does happen with Fairmont Foods are they going to be able to just pile their waste water into the existing or if there has to be some other ways of doing it. Kurt (Deter) said that they're going to have to go through some permitting process and it will be determined at that time whether they can just empty it into the tile that is existing or if they've got to go through the septic system and a sanitary sewer for Fairmont and go through the Treatment Plant.

Vice Chairman Belgard noted those are probably issues that we won't take care of now...

Deter noted the only issue today is the alteration of the structure that it doesn't adversely impact anybody and the proposal of how it is going to be split. Seems like everybody is in agreement.

Vice Chairman Belgard noted technically according to statute and since it is a repair and somebody brings it to our attention and this is what it's going to cost to repair it we are obligated to repair it, right?

Deter noted yes. The only issue here is we are going from a 36" to a 72"...this was a structure put into an open ditch so we're still got less capacity...from the 1905 ditch we're not adding any more capacity than an open ditch has.

Vice Chairman Belgard asked if there were any other comments or questions.

Deter noted so Mr. Chair unless there are more comments the issue or what the Board needs to decide is whether somebody wants to make a motion to approve this alteration in the structure with the costs split as presented. And I'll put that all in an Order.

Bob Lunz inquired the only question I have is if they are going to expand, okay, which sounds like they're going to? Is this going to be sufficient enough?

Deter noted number one I can't answer the question and number two it's not the issue today.

Chairman Flohrs noted you're putting in a 72" tile you just told me that it will take four times the water so it should take a lot of water. Anything that happens at Fairmont Foods they're going to have to go through that permitting process and more than likely they won't be able to dump more water out. So I think we've got it handled here for today.

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

After consideration of the repair to JD #48,

Motion by Commissioner Koons, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, and based on evidence presented, hereby determines Martin County JD #48 drainage system needs repair and approves the structure alteration in the amount of \$89,000 and to split the costs of the repair as presented with Fairmont Foods paying \$45,600 and the balance of \$43,400 to be split amongst the landowners on the tile system. Roll Call AYES: Commissioners Smith, Flohrs, Koons, and Belgard. NAYS: None. Motion carries.

With no further business to wit, Motion by Commissioner Koons, seconded by Commissioner Smith, to adjourn the meeting. Meeting adjourned at 11:47 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Flohrs, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator