

**MARTIN COUNTY BOARD  
OF COMMISSIONERS REGULAR MEETING  
TUESDAY, AUGUST 17, 2004  
@ 9:00 A.M.**

The meeting was called to order by Chairman Jack Potter at 9:03 a.m.

Those present were Commissioners Steve Donnelly, Steve Pierce, Dan Schmidtke, Gerald Boler. Also present was Terry Viesselman, County Attorney, Jim Forshee, Auditor/Treasurer, Scott Higgins, County Coordinator, Kevin Peyman, County Engineer, and Christine Rupp, Sentinel.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, the agenda with the following additions are hereby approved, Consider Emergency Management Program Grant. Carried unanimously.

Motion was made by Commissioner Pierce, seconded by Commissioner Schmidtke, that the minutes for the August 3, 2004 regular Board of Commissioners meeting are hereby approved with one correction. Carried unanimously.

Terry Viesselman, County Attorney, updated the Board regarding a sex offender case that is pending. Viesselman stated that the recommendation at this point is not to commit the individual. , Although there has been no final decision on this individual yet.

Kevin Peyman, County Engineer, recommended merit increase for Highway Employee, Jeffery Hall, Maintenance II Worker, from Grade 11 Step 3 at \$14.76/hr to Grade 11, Step 4 at \$15.16/per hour effective August 1, 2004.

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, Be It Resolved, upon the recommendation of the County Engineer to approve the merit increase of Jeffery Hall, Maintenance II Worker, from Grade 11, Step 3 at \$14.76 per hour to Grade 11, Step 4 at \$15.16/per hour effective August 1, 2004. Carried unanimously.

Peyman stated that the Shop Mechanic interviews were completed and that they have selected an individual for the position and requested Board approval. Peyman further stated that there was a union issue regarding the selection and that as part of the approval, the Board allows the Engineer at his discretion; establish a start date for this individual.

Motion by Commissioner Boler, seconded by Commissioner Pierce, Be It Resolved, upon the recommendation of the County Engineer to approve the hire of Randall Martin as Shop Mechanic for the County Highway Department and to allow the Engineer to set the effective start date for this individual, with a starting wage at Grade 13, Step 1 at \$16.41 per hour, and eligible for benefits per the AFSCME Martin County Highway union contract. Carried unanimously.

Commissioner Donnelly inquired of Lair Road.

Peyman responded that he has not heard yet from the City of Fairmont of the progress on Lair Road.

Higgins presented the revised Rural Minnesota Energy Board Joint Powers Agreement.

Commissioner Potter, the County's member delegate to the Rural Minnesota Energy Task Force indicated the changes to the agreement.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners hereby approve the revised Rural Minnesota Energy Board Joint Powers Agreement as presented and to authorize the Chair to sign. Carried unanimously.

Higgins presented the resolution application maintenance funding for existing (Grant-in-Aid) Trail Systems for the Elm Creek Trail in Martin County. Higgins stated that the Department of Natural Resources provides grants for local units of government for maintenance of Snowmobile Trails and ATV Trails and on behalf of the County the All Season Wheelers ATV Club is requesting the County to allow the Club to apply for the Grant- In-Aid funding for the Elm Creek Trail in Martin County. The total requested amount for project cost is \$20,252 for the year 2005. Higgins stated that this is the annual GIA Trails maintenance grant agreement that the All Season Wheelers (Elm Creek ATV Trail System) has completed and represented on the County's behalf.

Motion by Commissioner Donnelly, seconded by Commissioner Boler

R-#31/'04

## RESOLUTION

### APPLICATION FOR MAINTENANCE FUNDING FOR GIA-ATV TRAIL SYSTEM ELM CREEK ATV TRAIL:

**WHEREAS, Martin** County, Minnesota desires to apply for maintenance funding of Elm Creek ATV Trail System and

**WHEREAS,** the maintenance of these trails are funded through Minnesota trail assistance program grants issued with the approval of the Minnesota Department of Natural Resources; and

**WHEREAS,** said Martin County will contract with the All Season Wheelers ATV Club to apply for this funding in the amount of \$20,252.00 to maintain said GIA Trail System.

**Now, therefore be it resolved,** that the Martin County Board of Commissioners approves the application for funding for the GIA-ATV Trail, and that the Board-Chair and the County Coordinator be authorized to sign all documents relating to the program.

Motion was made by Commissioner Donnelly, seconded by Commissioner Boler and carried this 17th day of August 2004.

**BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN**

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Jack Potter, Chairman

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

AYES: Commissioners Potter, Pierce, Schmidtke, Boler and Donnelly,  
NAYS: none. Passed and approved this 17<sup>th</sup> day of August 2004.

Higgins presented the Public Employees Retirement Association-Police Officer Declaration needed for part-time hire and recommended approval.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly,

**Public Employees Retirement Association  
- Police Officer Declaration**

WHEREAS, the policy of the State of Minnesota as declared in Minnesota Statutes 353.63 is to give special consideration to employees who perform hazardous work and devote their time and skills to protecting the property and personal safety of others; and

\WHEREAS, Minnesota Statutes Section 353.64 permits governmental subdivisions to request coverage in the Public Employees Police and Fire plan for eligible employees of police departments whose position duties meet the requirements stated therein and listed below.

BE IT RESOLVED that the Martin County Board of Commissioners, of Martin County, MN

hereby declares that the position titled Deputy Sheriff, meets all of the following Police and Fire membership requirements:

1. Said position requires a license by the Minnesota peace officer standards and training board under sections 626.84 to 626.863 and this employee is so licensed;
2. Said position's primary (over 50%) duty is to enforce the general criminal laws of the state;
3. Said position charges this employee with the prevention and detection of crime;
4. Said position gives this employee the full power of arrest, and
5. Said position is assigned to a designated police or sheriff's department.

BE IT FURTHER RESOLVED, upon a motion by Schmidtke, seconded by Donnelly, that this governing body hereby requests that the above-named employee be accepted as a member of the Public Employees Police and Fire Plan effective the date of this employee's initial Police and Fire salary deduction by the governmental subdivision.

STATE OF MINNESOTA  
COUNTY OF MARTIN

\_\_\_\_\_  
Jack Potter, Chairman

I, Scott Higgins, clerk to the Martin County Board of Commissioners, do hereby certify that this is a true and correct transcript of the resolution that was adopted at a meeting held on the 17th day of August, 2004; the original of which is on file in this office. I further certify that five (5) members voted in favor of this resolution and that five (5) members were present and voting.

Signed: \_\_\_\_\_ Date: 8-17-04

AYES: Commissioners Potter, Boler, Schmidtke, Donnelly, and Pierce  
NAYS: none. Passed and approved this 17<sup>th</sup> day of August 2004.

Higgins presented the Emergency Management Program Grant on behalf of the Sheriffs Office. Higgins stated the grant is to cover from a period of October of 2003 through September of 2004 in the amount of \$13,015. The grant requires a county match dollar for dollar for \$13,015. Higgins informed the Board that this is an annual grant the County Board receives for the Emergency Management Program and that the match is met by the salaries in the County's Emergency Management program, after discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Boler, Be It Resolved, that the Martin County Board of Commissioners hereby approve the Emergency Management Program Grant effective October 2003 through September of 2004 in the amount of \$13,015 and to authorize the Chair and designated representative (Sheriff Brad Gerhardt) to execute the contract as well as required reporting for the grant and that the match required for the grant is met through the salaries for the County's Emergency Management Program. Carried unanimously.

Higgins presented the bills to be paid for August 17, 2004.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, that the bills as presented to be paid August 17, 2004 are hereby approved. Carried unanimously.

Revenue Fund- Warrants to be paid 8-17-04 Totaled:	\$117, 483.22
Enhanced 911- Warrants to be paid 8-17-04 Totaled:	\$ 1.69
Solid Waste Management- “ “ “	\$ 15,783.23
Law Library- “ “ “	\$ 491.95
Martin County Transit- “ “ “	\$ 76,648.78
Build CIP- “ “ “	\$ 490.44
Bank Building- “ “ “	\$ 5,022.93
Forfeited Tax- “ “ “	\$ 2,172.76
Ind. Sewage Treatment “ “ “	\$ 5,332.34
Grand Total of Funds	\$ 223,427.34

Ditch Fund- Warrants to be paid 8-17-04 Totaled	\$ 5,737.95
Road & Bridge Fund- Warrants to be paid Totaled	\$ 82,168.00

Commissioner Pierce stated his concern that the Security Building energy cost is four times as much as the Courthouse energy costs. There was discussion regarding the replacements of the rooftop air conditioning units on the Security Building with higher efficiency units that would help reduce the energy costs for the building.

Higgins stated that the County Building/Purchasing Committee has been reviewing this issue over the last twelve months and are in the process of obtaining quotes for the replacement of these air conditioning units, which are over thirty years old. Higgins stated that replacing these units with high efficiency rated units is expected that the energy efficiency will increase tremendously with the replacement of these units. Higgins also stated that these units are at the point and time demanding more maintenance.

Chairman Potter opened the Public Hearing for the Wireless Communication Facilities Ordinance at 10:00 a.m.

Pam Flitter, Zoning Official for Martin County, was present and reviewed the Wireless Communication Facilities Ordinance for the Public and the Board.

Chairman Potter asked if there were any questions from the Board.

Commissioner Pierce inquired whether the ordinance needed a provision regarding taxation on these types of structures.

Flitter responded that the proposed ordinance was for land use only and would not apply to the Ordinance being proposed.

Chairman Potter asked for public input. There was no public present.

Commissioner Boler moved to close the public portion of the hearing for the Wireless Communication Facilities Ordinance, seconded by Commissioner Donnelly. Carried unanimously.

Chairman Potter asked for Board discussion. With no further discussion,

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke,

**R-#29/04**

**ORDINANCE 2004-08**

**ADOPTION AND THE ENACTMENT OF THE WIRELESS COMMUNICATIONS FACILITY ORDINANCE FOR MARTIN COUNTY, MN**

WHEREAS, the Martin County Board of Commissioners desire to establish an Ordinance regulating wireless communication facilities in Martin County, MN, and

WHEREAS, notice of the public hearing to be held by the Martin County Planning Commission on the Wireless Communication Facility Ordinance was published as required by law, and

WHEREAS, the Martin County Planning Commission has held a public hearing and took testimony from the public with respect to the WIRELESS COMMUNICATION FACILILTY ORDINANCE for Martin County on July 27, 2004, and

WHEREAS, the Martin County Planning Commission has recommends the adoption of the aforementioned Ordinance, and

WHEREAS, the notice of a public hearing in front of the Martin County Board of Commissioners was properly published as required by law, and

WHEREAS, the Martin County Board of Commissioners held a public hearing and took testimony from the public with respect to the aforementioned Ordinance on August 17, 2004, and

WHEREAS, the Martin County Board of Commissioners have determined the Wireless Communication Facilities Ordinance serves the best interest of the County.

NOW THEREFORE, upon on a motion by Commissioner Pierce, seconded by Commissioner Schmidtke, that the Martin County Board of Commissioners does hereby ordain the following WIRELESS COMMUNICATION FACILITIES ORDINANCE and that this Ordinance shall be in effect after its passage an approval and publication as required by law. (include text of Ordinance)

Passed and approve the 17<sup>th</sup> day of August 2004.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Jack Potter, Chair

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

AYES: Commissioners Potter, Donnelly, Boler, Schmidtke and Pierce.

NAYS: none. Adopted and approved this 17<sup>th</sup> day of August 2004.

Board recessed at 10:16 A.M.

Board reconvened at 10:24 A.M.

Darren Newville, Soil and Water Conservation District (SWCD) Technician, was present and provided the SWCD project update. Newville reviewed the revisions of the Clean Water Partnership work plan dated May 2002 through May 2005. Newville stated that the SWCD is recommending revisions to the current Blue Earth River (Center and Lily Creeks) Clean Water Partnership work plan. Newville stated that the dollar amount of the grant will not change and the dollars will be allocated accordingly to meet these revisions. Newville stated in order to be able to meet the proposed expansion of the watershed; additional staff will need to be hired and is proposed in the revisions to the work plan. Newville, further stated that the revisions also include expanded educational efforts and that a plan to build a kiosks at one of the Fairmont parks regarding water quality will aid in the educational efforts. Newville also stated that the current CWP

position will be extended for one year through May 2006 and that it is anticipated that the SWCD will on behalf of the County apply for the continuation grant for the CWP Program beyond 2006. Newville stated that individual in the current CWP position understands that the grant is extended for another year until May 2006. After further discussion and careful review,

Motion by Commissioner Pierce, seconded by Commissioner Donnelly,

R-#32/'04

#### RESOLUTION

#### PROPOSED REVISIONS FOR THE BLUE EARTH RIVER (CENTER AND LILY CREEKS) CLEAN WATER PARTNERSHIP MAY 2002-MAY 2005 WORK PLAN

BE IT RESOLVED by the County of Martin that the County has entered a Grant Agreement with the Minnesota Pollution Control Agency (MPCA) to conduct the implementation of the following project:

#### **Center and Lily Creeks-Blue Earth Rive Watershed Project-Clean Water Partnership Project**

WHEREAS, when the Blue Earth River (Center and Lily Creeks) CWP was proposed there was not adequate funding available to provide cost-share for projects that would need to be implemented to reach the goals outlined by the Watershed Implementation at the Local Level (WILL) Committee, and

WHEREAS, since that time there has been an influx of available funding through several programs, and

WHEREAS, the it was determined the need to expand the area covered by the CWP to include the Fairmont Lakes, the Elm Creek, the Cedar Run Creek, and the Blue Earth River Main Stream to the Faribault-Blue Earth County line, and

WHEREAS, the following changes are proposed to the "Blue Earth River (Center and Lily Creeks) Clean Water Partnership Project Work Plan Phase II Implementation May 30, 2002 through May 30, 2005" approved by MPCA December 2002 are as follows

1. Request a one-year extension to the CWP. This would extend the CWP project to May 30, 2006.
2. Expand the work area to include the following watersheds that were defined in the 1996 diagnostic study- Lily Creek (BT1), Center Creek (BT4), Fairmont Lakes (BT2), Elm Creek (BS1 & BT11), Cedar Creek (BT6), and the Blue Earth River (BP2 & BS2) to the Faribault/Blue Earth County line.
3. Expand the Monitoring effort to include the Elm Creek site in 2004 and the additional monitoring for the 2005- monitoring season on both Elm and Center Creeks.
4. Make the following changes to the budget to reflect the need for additional Technical assistance and educational efforts. (See attached amended budget for details)
  - A. Extend the current CWP Technician position to May 30<sup>th</sup>, 2006.

B. Fund additional Technical capacity in the SWCD offices to be used to promote the different programs available in the Blue Earth River Watershed.

C. Fund educational efforts including grants to schools, Prairie Ecology Bus visits, storm sewer marking and education, the Ney Soil Tunnel, Educational Trunks, Kiosks, GIS in the Classroom (MN Environmental Atlas)

WHEREAS, the Project will still target implementation, education, monitoring, and technical assistance within these watersheds, the goal will remain the same in extending the pollution reduction goals and other requirements of the Work Plan

BE IT FINALLY RESOLVED, upon on a motion by Commissioner Pierce, seconded by Commissioner Donnelly, that the proposed revisions to the “Blue Earth River (Center and Lily Creeks) Clean Water Partnership Project Work Plan Phase II Implementation May 30, 2002 through May 30, 2005” approved by MPCA December 2002 and per the Clean Water Partnership Project Grant Agreement is hereby approved.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Jack Potter, Chairman

AYES: Commissioners Boler, Schmidtke, Potter, Donnelly and Pierce.

NAYS: none. Passed and approved this 17<sup>th</sup> day of August 2004.

Higgins provided information regarding the Martin County Express Transit system’s ridership, miles, cost, operation hours from 1998 through 2003. Higgins further stated that the transit system is in good shape and shows a steady increase in passengers, which is a good indicator that the transit system is growing.

After review of the Great Lakes Management Company Report of the Amberfield Place Management Update, Commissioner Pierce stated that there is a growing concern that the various municipalities in the county are constructing their own subsidized housing which has a negative effect on Amberfield Housing. Pierce also informed the Board that a part-time director is being sought for the (HRA) Housing Re-Development Authority Board.

Chairman Potter read a letter by Don Droegemueller pertaining to Doug Landsteiner, Martin County VSO Director, commending him for his assistance to the family. Commissioner Potter, on behalf of the County Board, publicly commended Mr. Landsteiner for his work on

Higgins presented the CY2005 Preliminary Budget Request stating that the over all levy increase from 2004 to 2005 is 21.53 %, which equated to a \$1,561,375. Total expenditures are \$15,909,917 and total projected revenues of \$6,868,894. Higgins stated that the certified County Program Aid (CPA) from the Department of Revenue is for \$1,109,923. Higgins stated that a conservative approach was taken to include the amount of CPA of 454,029. The remainder was not included due to the uncertainty of the potential state budget deficit next year. Higgins stated that the option is there to include the full amount of CPA in the preliminary budget. Higgins stated that the preliminary departmental budget request is only preliminary and suggest that the Board set a budget workshop in order to go over the budget and to establish a target levy, which is to be certified by the Board by September 15<sup>th</sup>. Higgins also informed the Board that once the levy is certified the Board cannot increase the levy after September 15<sup>th</sup> but can reduce it. Higgins stated that Truth and Taxation is scheduled for December 2, 2004 at 5:30 P.M.

Commissioner Pierce inquired of the County Program Aid (CPA) whether the County has to show (The State of Minnesota) that the CPA has been included in the overall budget, in order to receive the full amount of CPA.

Jim Forshee, County Auditor/Treasurer, stated that he would need to look into this further and report at a future meeting.

The Board gave reports and reviewed their calendars of previous and upcoming meetings.

Higgins inquired whether or not all members of the Board will be attending the Annual AMC Conference December 6-8 to be held in St. Cloud, MN. It was suggested that reservations be made for the Commissioners nearest to the Conventions Center in St. Cloud. Higgins reviewed an invitation from the Knights of Columbus for the Board of Commissioners to attend an appreciation dinner for the Knights of Columbus on Sunday August 29, 2004 11:30 to 1:30 p.m. at the KC Hall in Fairmont, MN. Higgins informed the Board that he has received a request from the Minnesota River Board for the Board to consider an allocation for CY2005 Budget for \$1,390. Higgins stated that it has already been included in the preliminary budget.

Higgins stated that he had received a letter from the City of Fairmont regarding the annexation of a parcel of property in Rutland Township. A Public Hearing has been set for September 13, 2004 at 5:30 pm at the Fairmont City Hall. Discussion ensued whether or not Commissioners needed to attend the public hearing. It was determined they would not attend. Higgins reviewed a letter from the Jim Zarling, City Administrator for Fairmont, regarding the potential vacancy of the Aerospace Building on the 10<sup>th</sup> Street in Fairmont, to be purchased by the county for Martin County Express Transit System as a garage facility for the System. Commissioner Pierce stated that the county purchasing this building would be good for the county and City to collaborate on economic development opportunity for Aerospace Systems and to retain the jobs here in Martin County.

With no further business to wit,

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, to adjourn the meeting. Carried unanimously. Meeting adjourned 11:39 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Jack Potter, Chair

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