

PROCEEDINGS OF THE  
MARTIN COUNTY COMMISSIONERS  
TUESDAY, MARCH 16, 2010  
@ 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 Schmidtke.

Commissioners present were Potter, Pierce, Donnelly, and Boler. Also present were Scott Higgins, Martin County Coordinator, James Forshee, Martin County Auditor/Treasurer, Jennifer Brookens, Sentinel Newspaper, Kevin Peyman, Martin County Highway Engineer, Mike Trushenski, Assistant County Attorney, Julie Walters, Administrative Assistant, and members of staff.

Motion by Commissioner Boler, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda as presented. Carried unanimously.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the March 2, 2010 regular Board of Commissioners meeting as presented. Carried unanimously.

Mike Trushenski, Assistant County Attorney, was present and stated he had nothing new to report.

The Board reviewed the Planning Commission's recommendation for approval of a Conditional Use Permit for Justin Preuss within Section 9 of Fraser Township. Preuss is proposing to operate a business to sell firearm accessories and gun smithing on an existing building site located in an "A" Agricultural District.

Motion by Commissioner Pierce, seconded by Commissioner Potter,

R-#13/'10

CONDITIONAL USE PERMIT  
FROM JUSTIN PREUSS TO  
OPERATE A FIRE ARM ACCESSORIES & GUN SMITH BUSINESS  
ON AN EXISTING BUILDING SITE  
WITHIN SECTION 9 OF FRASER TOWNSHIP

Motion by Commissioner Pierce, seconded by Commissioner Potter,

WHEREAS, a Conditional Use Permit was requested by Justin Preuss, applicant/owner of property located within Section 9 of Fraser Township in Martin County, Minnesota (legally described in applications) for the purpose of operating a fire arm accessories and gun smith business on an existing building site; and

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

WHEREAS, the Planning Commission of the county on the 11<sup>th</sup> day of March, 2010 following proper notice, held a public hearing regarding the request and, following the hearing, adopted a recommendation that the request for a Conditional Use Permit be granted; and

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

Operate a business selling firearm accessories and gun smithing on an existing building site in an "A" Agricultural District, and

WHEREAS, the following conditions have been applied:

- Any additional permits/licenses required by the State or Federal Government must be obtained by the applicant.
- All signage must meet the requirements according to the Martin County Zoning Ordinance and receive proper permits

NOW THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners, and upon the recommendation of the Martin County Planning Commission, hereby approves the Conditional Use Permit for the above described property and is hereby issued pursuant to MS 394.301 and Martin County Ordinance #1, Chapter 6.01 and that this permit shall remain in full force and effect provided in the conditions as described above are met and maintained by the applicant and his/or her successors in interest. This permit is binding upon the applicant, the record titleholder to the property, and his/her successors in interest. Notice is hereby given that this permit may be revoked if the conditions set forth above are not maintained as described above. This resolution shall become effective immediately upon its passage and without publication.

Dated this 16<sup>th</sup> day of March, 2010.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Board Chair

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

Roll Call AYES: Commissioners Donnelly, Boler, Potter, Pierce, and Schmidtke.  
NAYS: None. Resolution duly passed and adopted this 16<sup>th</sup> day of March, 2010.

Kevin Peyman, Martin County Highway Engineer, presented a resolution supporting application to the Parks and Trails Legacy Grant Program for the construction of a trail that would access Cedar-Hanson Park from the City of Trimont without pedestrians/bicycles having to use Trunk Highway 4. Peyman stated grants range from \$20,000 to \$500,000 and there is a twenty-five (25) percent match requirement. If approved, projects are to be completed by June 30, 2011. Peyman went on to state a rough estimate for construction only is \$175,000 and does not include engineering costs. Peyman noted there is tremendous support for this project from the Trimont area including different organizations and individuals; which will be submitted in letter form as part of the application to the Trail Development Grant Program. Peyman recommended supporting application for a Trail Development Grant through the Legacy Grant Program.

Motion by Commissioner Pierce, seconded by Commissioner Boler,

H-#2/'10

Martin County Highway Department  
Resolution No. 2 – 2010

RESOLUTION SUPPORTING APPLICATION FOR A TRAIL  
DEVELOPMENT GRANT THROUGH THE LEGACY GRANT PROGRAM

WHEREAS, Martin County's Cedar-Hanson Park is a very popular and widely used County Park that is considered a regional Park, and

WHEREAS, Cedar-Hanson Park is located approximately three and a half (3.5) miles outside of the City of Trimont, and many residents of the City of Trimont frequently utilize this park for both day use and camping, and

WHEREAS, to reach Cedar-Hanson Park from the City of Trimont on foot or by bicycle you currently have to travel on Trunk Highway 4 which is a fairly high volume State Highway that is not designed for bicycle or pedestrian use, and

WHEREAS, Martin County secured adequate right-of-way that provides room to construct a trail that would allow access to the park from the City of Trimont without pedestrians/bicycles having to use Trunk Highway 4, and

WHEREAS, Martin County recognizes the twenty-five (25) percent match requirement for the Parks and Trails Legacy Grant Program, and is committed to securing the matching funds.

NOW, THEREFORE, BE IT RESOLVED, that Martin County supports constructing a trail connecting the City of Trimont with Cedar-Hanson County Park as well as the

subsequent grant application made to the Minnesota Department of Natural Resources for the Parks and Trails Legacy Grant Program to help us reach this goal.

Upon motion by Commissioner Pierce, seconded by Commissioner Boler, and carried said resolution was duly passed and adopted this 16<sup>th</sup> day of March, 2010.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Chair

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

Roll Call AYES: Commissioners Potter, Donnelly, Boler, Pierce, and Schmidtke.  
NAYS: None. Resolution duly passed and adopted this 16<sup>th</sup> day of March, 2010.

Peyman next presented a recommendation for disposal of a 1995 Ford F150 4/WD pickup. Peyman stated that the Highway Department purchased a new pickup in December, 2009 to replace Unit #4. Peyman went on to state that over the years, many different things have been tried for disposal of surplus property such as trade in, placing on the County Auction, and advertising for sealed bids with less than favorable results. Peyman noted that the Martin County Sheriff's Office has offered to list Unit #4 on the state website auction list without any extra costs involved and recommends placing Unit #4 on the state website.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of Martin County Highway Engineer, hereby approve and authorize sale of a 1995 Ford F150 4/WD pickup (Highway Unit #4) on the State auction website. Carried unanimously.

Peyman next reported on current road conditions within Martin County.

Commissioners stated their appreciation to Peyman and the Highway Department on the good condition of the roads.

Peyman concluded that the Minnesota Department of Transportation (Mn/DOT) wants to impose a weight restriction on Highway 15 south of Fairmont to the Iowa Line during the eight-week seasonal road restrictions from a 10 ton limit down to a 7 ton limit. Peyman stated that Mn/DOT plans a new overlay on that portion of Highway 15, but not until 2012. The reasoning the state would set the weight restriction so low on Highway 15 is because of the continuing damage caused by heavier truck traffic would call for a reconstruction of the road, not a simple overlay. However, the posting down of Highway 15 will compromise truck traffic coming in from the south. The posting essentially cuts off the south end of the county, leaving the options of County Road 53 which is only a

few miles from the east county line, or Highway 4 just a few miles from the West county line. Peyman went on to state that they have seen increased truck traffic on County Road 41 and Lake Aires road, where there's development and a heavy residential area, but it's a 9 ton road. People have addressed their complaints about truck traffic on these roads before to the Board in the past, and with these trucks not able to use TH#15 and rerouted to use of county roads, it's possible we'll see even more increase in truck traffic on Lake Aires Road. Peyman noted that getting the TH #15 project moved ahead in the state's schedule would be an uphill battle and he is more concerned that the overlay project will get bumped back even further. There was also concern with how heavily the state's weight restrictions will be enforced. Sheriff Gerhardt stated that usually the commercial vehicle enforcement segment of the State Patrol is responsible for enforcing weight restrictions. If enforcement gets in the way of business, that's not a good marriage. But if the State Patrol is aware of the issue down here, they can take it to the Minnesota Department of Transportation (MNDOT).

Commissioners suggested that with trucks hauling to the two recently constructed ethanol plants and a bean crushing plant, the state may not be aware that the Highway 15 overlay should be a priority; and questioned if the state is using ten year old figures to make these decisions. Things have changed so much in Martin County in just the past five years. We don't want to lose the two ethanol plants and the bean plan just because the trucks can't get there. After further discussion,

It was decided by consensus of the Board for Peyman to draft a letter to the Minnesota Department of Transportation, legislative representatives, and the Minnesota State Patrol, which would include suggestions for the weight postings and how to make the project a higher priority.

Sheriff Brad Gerhardt and Sergeant Matt Klages of the Martin County Sheriff's Office were present to review resolutions for the proposed Martin County Limited Interoperability Participation Plan and Agreement between Martin County and the State of Minnesota through its Commissioner of Transportation for the Operation of Subscriber Radios on the Allied Radio Matrix for Emergency Response (ARMER) System. The Limited Interoperability Participation Plan must be approved by the County and submitted to the Regional Radio Board for approval before ARMER radio equipment intended for public safety officials within the county can be programmed and installed. The Agreement for the Operation of Subscriber Radios on the ARMER System between Martin County, the South Central Regional Radio Board, and the Minnesota Department of Transportation, provides that the Board is responsible for oversight of the Plan implementation, and for establishing and enforcing performance and operational standards for the statewide radio and communication system with respect to the use of portable, mobile, desktop and other end user radios on the ARMER System. The county has grant funds available through the radio regional board to purchase the needed radios for the county. The amount of the grant is \$44,844 to include a county match of \$8,700. Gerhardt and Klages concluded that with grant funds received, the purchase of portable radios has already begun through Alpha Wireless (Mankato, MN) and will enable

officials to test which areas are receiving coverage from which towers, once they are constructed. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the Limited Interoperability Participation Plan; and Agreement between Martin County and the State of Minnesota through its Commissioner of Transportation for the Operation of Subscriber Radios on the Allied Radio Matrix for Emergency Response (ARMER) System. Carried unanimously.

James Forshee, Martin County Auditor/Treasurer, stated the All Season Wheelers Club – Elm Creek ATV Trail (on behalf of the County) has been approved to receive \$11,600 for maintenance of the ATV Trails for FY2010.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the Minnesota Trails Assistance Program Off-Highway Vehicles FY2010 Traditional Grant Agreement in the amount of \$11,600.00 for the All Seasons Wheelers Club – Elm Creek Trail; and to approve and authorize the Board Chair (or designee) and/or the Martin County Auditor/Treasurer to sign other required documents as necessary. Carried unanimously.

Rich Perrine, WCA/Water Plan Coordinator with SWCD, Tim Petersen, CWP Coordinator with SWCD, and Kathy Smith, SWCD District Manager were present to review the Natural Resources Conservation Service (NRCS) Rapid Watershed Assessment Project of the East Fork of the Des Moines River which provides initial estimates of where conservation investments would best address the concerns of landowners, conservation districts, and other community organizations and stakeholders. These assessments help landowners and local leaders set priorities and determine the best actions to achieve their goals. The group continued with a brief update on the proposed East Fork Alliance Joint Powers Agreement (JPA) between Martin and Jackson Counties and SWCD's in Minnesota and a number of various Iowa County Boards and SWCD's and stated that draft copies are being provided to all of the County and SWCD Boards for review. Perrine will meet with the County Attorney for review of the proposed JPA and will plan to bring before the Board for consideration at the next regularly scheduled meeting. The purpose of the JPA is to obtain the various grants for the project. Approval of the JPA will allow moving forward with the development of a Watershed Plan.

The Board recessed at 9:50 a.m.

The Board reconvened at 10:00 a.m.

Scott Higgins, Martin County Coordinator, stated he had representatives from the Fifth Judicial District ask about available office space for Guardian Ad Litem (GAL). After checking with Human Services and the Security Building, and having discussed with one of the Probation agents, there is a possibility of available space located in the Security Building's – Probation Department. GAL will be considered State employees effective

July 1<sup>st</sup>. GAL is run by the State District courts (under the direction of the District Judge). Requested office space will be used 20-29 hours per week, with some evening access needed. GAL will provide for their own office equipment and supplies. Concerns have been raised from Probation Agents on computer use, copier use, and use of support staff. The county is not obligated to provide office space for GAL. If the Board approves use of the office space, formulation of a lease agreement with the State of Minnesota would be in order to describe the terms for the use of the county office space. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the use of office space for GAL located in the Security Building in the Probation Department; and to approve a lease agreement between Martin County and the State of Minnesota for office space at a fair rental value; and authorize Board Chair to sign the lease agreement; and effective upon all parties signing the agreement. Carried unanimously.

Higgins stated tentative agreements have been reached with AFSCME Courthouse and Library. The proposed tentative agreements are for a one year period for the year 2010. Some of the highlights of the two union tentative agreements include: No General Wage Adjustments; No Step Increases; Funeral Leave-Defined In-Laws (Library); Increased Probationary Period from 6 Months to 12 Months; Health Insurance Employer Contributions the Same as Non-Union; Maximum PTO Payout was Increased from 220 Hours to 238 Hours for Library and 272 Hours for Courthouse; Severance Pay Criteria for Extended Sick Leave-Dropped from 20 Years of Service to 15 Years (Courthouse); and there were a few other minor language changes for clarification purposes for both the Courthouse and Library Union Contracts.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the AFSCME Courthouse and AFSCME Library Union Contracts effective January 1, 2010 through December 31, 2010; and authorize Board Chair to sign the respective Union Agreements for the AFSCME Courthouse and Library Unions, contingent upon final review and mutual agreement of contract language revisions by the County Coordinator. Carried unanimously.

Higgins stated the final version of the Jackson/Martin Rural Water System Joint Powers Agreement has been received. Higgins went on to state Iowa Lakes Regional Water has received Iowa Attorney General approval and their signature will be obtained following all parties' approval and signatures. The purpose of this agreement is to set forth the terms and conditions under which all parties will obtain the necessary funding and do any and all things necessary for the acquisition, construction, maintenance, repair, improvement and operation of the Jackson/Martin Rural Water System. Higgins noted the JPA has been sent to the County Attorney for review.

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

Chair to sign final Jackson/Martin Rural Water System Joint Powers Agreement; contingent upon final review by County Attorney. Carried unanimously.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the payment of claims for the month of March, 2010 as presented; and includes the Martin County Highway Department as presented.

Warrants received and paid March 16, 2010 are registered on file in the Auditor/Treasurer's Office as follows:

Revenue Fund – Warrants Approved March 16, 2010	\$246,728.77
Enhanced 9-1-1 Fund	\$ 9.54
Recreation and Safety Fund	\$ 1,221.42
Martin Co. Economic Development Authority	\$ 399.50
Solid Waste Management Fund	\$ 4,816.19
Martin County Transit Fund	\$ 48,303.74
County Attorney's Forfeiture	\$ 134.80
Recorder's Technology	\$ 5,138.70
Bank Building Fund	<u>\$ 3,601.57</u>
Grand Total	\$310,354.23
Road and Bridge Funds Totaled	\$ 80,551.47
Martin County Ditch Fund – Warrants Totaled	\$133,332.47

The Board reviewed information for the Request for Proposal (RFP) timetable from Integrity Employee Benefits LLC for ancillary benefits including dental, long term disability, and life insurance; the Circulation Tech II position vacancy at the Martin County Library has been posted internally and is expected to be advertised in official county newspaper as well; reviewed a breakdown of Martin County Investments as of March 1, 2010; and letter received from Minnesota Counties Intergovernmental Trust (MCIT) regarding membership of Community Action agencies in MCIT.

With no further business to wit, Board Chair declared the meeting adjourned at 10:39 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Board Chair

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