

**PROCEEDINGS OF THE MARTIN COUNTY  
BOARD OF  
COMMISSIONERS  
TUESDAY, MARCH 16, 2004  
@ 9:00 A.M.**

The meeting was called to order by Chairman, Jack Potter at 9:00 a.m. with the following Commissioners present: Commissioner Steve Donnelly, Commissioner Steve Pierce, Commissioner Dan Schmidtke, and Commissioner Gerald Boler. Also present were Jim Forshee, Auditor/Treasurer, Scott Higgins, County Coordinator, Kevin Peyman, County Engineer, Sheriff Gerhardt, Christine Rupp, Sentinel, Rod Halverson, KSUM/KFMC Radio and members of the Public.

Motion was made by Commissioner Pierce, seconded by Commissioner Boler to approve the Agenda with the following additions: (1) Consider Rose Lake Golf Club Liquor License (On Sale) (2) Consider David Mosley dba (D & D Redneck Place for non-Intoxicating Malt Liquor License (On & Off Sale) and approval for Cigarette/Tobacco License (3) Approve Resignation of Theresa Carlson, Corrections Officer for the Sheriffs Department. Carried unanimously.

Motion was made by Commissioner Pierce, seconded by Commissioner Schmidtke, to approve the minutes of the March 2, 2004 Board of Commissioners Proceedings. All voting in favor. Carried unanimously.

Kevin Peyman, County Engineer, requested approval and upon recommendation of the Park Board, to hire Richard Olson, as Park Caretaker for Cedar- Hanson Park from April 1, 2004 to September 2004 as a seasonal employee. The estimated salary will be \$12,500 for the year. There are no benefits for this position.

Motion was made by Commissioner Boler, seconded by Commissioner Donnelly to approve the hire of Richard Olson, as seasonal Park Caretaker, for Cedar-Hanson Park, effective April 1, 2004-September 2004, for a total salary of \$12,500 for the year; not eligible for insurance benefits or sick and vacation benefits. All voting in favor. Carried unanimously.

Peyman presented the Resolution "Supporting Mankato Being Designated as a Level One Trade Center. Peyman further stated that Mankato functions as a primary trade center for southern and southwestern Minnesota, including Martin County. MNDOT has done a study to determine the trade value of cities. A couple of factors that determine this category include the amount of traffic congestion and the area that the city serves as a trade center. Peyman further stated that MNDOT would use the trade center designations to help determine the amount of funds an area will receive. If Mankato's designation is raised to a Level One Trade Center, then the area could benefit by receiving more transportation dollars. Peyman requested the Boards support for MNDOT re-designating Mankato as a level 1 primary trade center and supports TH 169 from Mankato to the metro area as being classified as a high priority regional passageway.

Motion was made by Commissioner Schmidtke, seconded by Commissioner Donnelly to approve said Resolution "Supporting Mankato Being Designated as a Level One Trade Center adopted this 16<sup>th</sup> day of March 2004. Roll Call was taken: AYES: Commissioner Potter, Donnelly, Pierce, Schmidtke and Boler. NAYS: None. Carried unanimously.

Peyman reported on the recruitment and replacement of a Highway Maintenance Specialist I for the Dunnell Shop. There were 28 applicants and of those 5 were interviewed. Pending satisfactory reference checks and pre-employment drug tests, Peyman recommended approval to hire Chad Winchester, Trimont, MN to the position of Highway Maintenance Specialist I for the Martin County Highway Department.

Motion was made by Commissioner Boler, seconded by Commissioner Schmidtke to approve the hire of Chad Winchester, Trimont, MN for Maintenance Specialist I, Grade 10, Step 1 \$13.16/hour for the Martin County Highway Department, contingent upon satisfactory reference checks and pre-employment drug tests; is eligible for benefits per

the County Personnel Policies and Union contract as it applies to the position, effective March 18, 2004. All voting in favor. Carried unanimously.

Discussion ensued pertaining to roadside truck parking on CR #130 and other landowners concerns that live near the Cenex Harvest States facility in Fairmont. Commissioner Pierce suggested that Commissioners Potter and Schmidtke, along with the Highway Engineer to meet and discuss the truck parking and other landowners concerns with officials of Cenex Harvest States.

Sheriff Gerhardt was present and gave each Board member maps showing the number of counties in the State of Minnesota that have or are looking to implement a "Clandestine Drug Lab Ordinances" as reported to the Minnesota Department of Health. This information shows through out the state the definite movement of counties adopting the Meth Lab Ordinance.

Gerhardt further stated that he would be attending the AMC Legislative Conference March 25, 2004 in St. Paul and presenting information on "Meth" Awareness.

Gerhardt updated the Board with the following issues:

- Received an excellent letter from Special Agent Bergsgaard of the Minnesota Bureau of Criminal Apprehension (BCA). He really appreciates the good work being done by the area Drug Task Force.
- Jail Inspection on March 3<sup>rd</sup>. Everything was outstanding, commended Jail Administration staff for doing an excellent job.
- Martin County is eligible for ATV Enforcement/enhancement money. Deputy Mike Anderson will be spearheading that effort.
- Snowmobile season is coming to an end and there was enough money left in the grant to purchase a new 2002 Polaris to upgrade our "Fleet" of snowmobiles.
- Applied for Law Enforcement Terrorism Prevention Program (LETPP) for a \$255,000 Mobile Command Post.
- Will be meeting with Jim Forshee, Auditor/Treas, regarding Weapons of Mass Destruction (WMD) Grants for 2002 and 2003. 2004 WMD money for Martin County will be \$50,000. A large portion of this money will be used to help bring Emergency Operations Plan up to speed.
- Working with "Meth" Awareness: writing articles, meeting with Warren Knudson, Human Services on local response and interview with the Sentinel newspaper.

Gerhardt requested approval to commemorate the upcoming Sesquicentennial of the Martin County Sheriff's Office and the two former Sheriff's killed in the line of duty. Gerhardt stated that he would like to engage J.D. Speltz, a local artist, to paint a picture of the Martin County Courthouse and to include names of all past and present Sheriff's in Martin County and to be available to the public to sell. Gerhardt stated that the idea would serve as a commemorative and tribute to the two former Sheriff's killed in the line of duty. The two former Sheriff's killed served in the 1930's and 1950's. This would also be a good fundraiser for the Courthouse upcoming Centennial also in the year 2007. By consensus, the Board gave approval.

Gerhardt reported on a Shared Law Enforcement Operation with the Minnesota State Highway Patrol and stated that the Patrol has contacted the Sheriff's Office in regard to assisting in conducting shared patrolling in the area of Highway 15 and 169 to increase awareness to all motorists in response to increased aggressive driving which results in high fatalities and accidents on the highways. There is no cost to this program and patrols will be on a month to month rotation basis with other law enforcement agencies of surrounding counties.

Gerhardt requested approval for out of state travel for APCO Conference for Greta Olson and Kathy Peterson (Dispatchers) to be held in Rapid City, SD and recommended approval due to the available and needed training and to take advantage of the closeness of this annual conference to Minnesota.

Motion was made by Commissioner Donnelly, seconded by Commissioner Pierce Be It Resolved that per the Martin County Personnel Policies hereby approve and authorize the out of state travel request for Greta Olson and Kathy Peterson, of the Sheriff's Office to attend the APCO Annual Conference at Rapid City, SD April 20-23, 2004, for needed training; and that travel expenses be reimbursed per the County Policy. All voting in favor. Carried unanimously.

Motion was made by Commissioner Donnelly, seconded by Commissioner Boler to accept the resignation of Theresa Carlson, Correctional Officer, from the Martin County Sheriffs Department effective April 4, 2004. All voting in favor. Motion carried.

The Board thanked Sheriff Gerhardt for his report.

Motion was made by Commissioner Boler, seconded by Commissioner Donnelly Be It Resolved that the Martin County Board of Commissioners, after having received the necessary signatures of the County Attorney, Sheriff and Auditor/Treasurer and renewal fee in the amount of \$575.00 for 2004, hereby approve the Non-Intoxicating Malt Liquor (On Sale) License and Wine permit for Rose Lake Golf Club, Fairmont, MN. All voting in favor. Carried unanimously.

Motion was made by Commissioner Boler, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners after having received the necessary signatures of the County Attorney, Sheriff and Auditor/Treasurer and renewal fees, hereby approve the Non Intoxicating Malt Liquor License for (On & Off Sale) and Cigarette/Tobacco License for David Mosley, dba D & D's Redneck Place for the year 2004. All voting in favor. Carried unanimously.

Joel Rabbe, Rabbe Grain, and Kathy Bailey, Sherburn City Administrator, were present to request County assistance for an economic development proposal for Rabbe Grain of Sherburn. Rabbe informed the Board that he would like to expand his business to for a developing niche market for shipping and receiving of grain and other commodities by rail and for Martin County and the surrounding communities of Sherburn, Trimont and Ormsby. Rabbe stated that a preliminary survey and study is needed in order to obtain costs for the construction of an access road off of County Road #26 in order to access the I C & E rail road for loading of grains and other commodities. The proposed access is to be constructed along the rail line would be located west of Temperance Lake, along the East Side of the I C & E rail line, just to the east of the city limits of Sherburn. Rabbe stated that the areas would provide ample space to load thirty-five rail cars. Rabbe further informed the Board that portable equipment would be used to load the rail cars.

Commissioner Pierce stated that this would be an economic development opportunity for the area and that he received a proposal from Bruce Firkins, Bolton and Menk Inc., for the preliminary survey and study and basic design costs (including field survey' earthwork design/calculations; hydrologic analysis/design; preparation of biddable construct plan; specification) associated with this proposal at an estimated cost of \$10,000. After discussion,

Motion was made by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners authorize the County to engage Bolton and Menk Inc., Fairmont, MN, to complete the necessary preliminary study and design in order to obtain estimated costs for the construction of a access road to the I C & E rail road system for Rabbe Grain, not to exceed \$10,000; and that the I C & E Rail Road provide the necessary approval of proposed construction of access road and loading zone before proceeding with the proposed project. Carried unanimously.

Chairman Potter opened the public hearing at 10:00 a.m. for consideration of the Petition of Donald Mosloski, Raymond Sukalski, and Harry Petrowiak to abandon a portion of Judicial Ditch #20. Darren Newville, SWCD Technician, Deb Mosloski, Martin County Drainage Specialist, Tim McNaboe, Engineer for the Project, and Duane Petrowiak, Silver Lake Twp, were present.

Darren Newville introduced Tim McNaboe, Design Engineer with the Board of Water and Soil Resources (BWSR) for the project.

McNaboe stated that the portion of tile to be abandoned lies in Section 26, 27 and 35 of Silver Lake Township in order to promote the formation of natural wetlands. The Engineer has determined the following for the abandonment project: (1) that the Project is feasible (2) that the Project is of public benefit and utility; and promotes public welfare considering the environmental and land use criteria in Section 103E.015 of MN Statutes and (3) that the outlet is adequate. McNaboe further stated that it appears that the abandonment of portion of JD #20 tile will be of public and private benefit and will not impair the utility of the ditch or deprive affected landowners of its benefit. After input from the public and discussion by the Board,

Motion by Commissioner Boler seconded by Commissioner Schmidtke. Be It Resolved that the Martin County Board of Commissioners, as the Drainage Authority for Judicial Ditch #20 and per the recommendation from Tim McNaboe, the Engineer for the project, hereby approve the petition for abandonment by Donald Mosloski, Raymond Sukalski, and Harry Petrowiak and the Martin County Soil and Water Conservation District (SWCD); for portion of Judicial Ditch # 20; that the petition for abandonment is pursuant to 103E.811, located in the Northwest Quarter of the Northwest Quarter of Section 35 and Northeast Quarter of the Southeast Quarter of Section 27 and the Southwest Quarter of Section 26, Silver Lake Township, Martin County. All in favor. Carried unanimously.

Tim McNaboe engineer for the project presented the petition for Impoundment on Judicial Ditch #47 by Dan Roberts and the Martin County Soil and Water Conservation District (SWCD) to impound water on portion of Judicial Ditch #47. McNaboe stated that the Landowners have worked with the SWCD and the Minnesota Board of Water and Soil Resources (BWSR) to place a perpetual Conservation Easement on the affected property. The purpose of the Easement is to retire marginal farmland, restore and preserve both wetland and upland habitat. After public input and discussion by the Board,

Motion was made by Commissioner Boler, seconded by Commissioner Donnelly, Be It Resolved that Martin County Board of Commissioners, as Drainage Authority for Judicial Ditch #47, approves the Impoundment Petition on Judicial Ditch #47 by Dan Roberts and the Martin County Soil and Water Conservation District (SWCD) to re-align and outlet a portion of J.D. #47 Branch H tile and to impound waters on the petitioning landowners property in the North Half of the Southwest Quarter of Section 15. Westford Township, Martin County. All in favor, Carried unanimously.

Newville updated the Board on activities of the County Water Plan, Wetlands, and other Soil and Water Conservation District activities.

Newville presented the following Impoundment petitions, stating that the Board would need to set a public hearing date. Newville further informed the Board that additional information is needed from Bolton and Menk before a public hearing date can be set.

- a. Petition for Impoundment /Repair of J.D. #37-NE and SW quarters of Section 34 and NW and SW quarter of Section 35 Elm Creek Township.
- b. Petition for Impoundment/Repair of J.D., #37 NE quarter of Section 36 and NW quarter of Section 31, Elm Creek Township
- c. Petition for Impoundment/Repair J.D. #37- SE quarter of Section of 35, Elm Creek Township.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly. Be It Resolved that the Martin County Board of Commissioners, as the Drainage Authority for Martin County, has received the following Impoundment petitions,

- a. Petition for Impoundment /Repair of J.D. #37-NE and SW quarters of Section 34 and NW and SW quarter of Section 35 Elm Creek Township.

- b. Petition for Impoundment/Repair of J.D., #37 NE quarter of Section 36 and NW quarter of Section 31, Elm Creek Township
- c. Petition for Impoundment/Repair J.D. #37- SE quarter of Section of 35, Elm Creek Township.

for the Impoundment/Repair of J.D. #37 and to appoint Bolton and Menk, Inc. as engineers for the Impoundment project of aforementioned petitions. All voting in favor. Motion carried.

Jim Forshee, Auditor/Treasurer, requested approval for the Recording of Ditch Liens documents. After discussion,

Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners hereby approve the recording of documents for Ditch Liens, and such recording cost to be assessed to the respective Ditch systems. All voting in favor. Motion carried.

The Board recessed at 10:30 a.m.

The Board reconvened at 10:37 a.m.

Representatives from the Trimont Area Wind Farm LLC (TAWF) were present to request payment in lieu of tax for the TAWF. Those present were Neil Von Ohlen, Richard Peterson, Gary Wilson, Corey Ebeling, and Earl Cummings, Turning Point Management, Inc., consultant for the members of the Trimont Area Wind Farm Board.

Neil Von Ohlen, Trimont Area Wind Farm Board representative, introduced the TAWF project consultant, Earl Cummings.

Mr. Cummings proceeded to talk of the proposed wind farm to be located in Martin and Jackson counties. Cummings stated that members of the Trimont Area Wind Farm LLC Board are requesting payment in lieu of tax for the TAWF for the production tax the county will receive in the production of wind energy that will be paid to the county.

After discussion, by consensus, the Board determined that another work session may be needed and if the members of the TAWF would like to participate and provide more information on the TAWF request to the Board, would be acceptable. No further action taken. Cummings stated that he would be sending additional information to the Board as requested.

Chairman Potter thanked the Trimont Area Wind Farm LLC for their presentation.

Motion was made by Commissioner Donnelly, seconded by Commissioners Pierce to approve the warrants as presented. Full warrant list detail available at the County Coordinator's Office for Auditor/Treasurer. All voting in favor. Motion carried.

Warrants approved to be paid 3-16-04. The following funds are listed by detail in the Auditor/Treasurers Office at the Courthouse

REVENUE FUND-	\$180,741.48
ENHANCED 911 FUND-	\$ 550.14
SOLID WASTE MANG'T-	\$ 14,223.00
LAW LIBRARY FUND	\$ 80.75
MARTIN CO TRANSIT	\$ 25,948.19
BUILDING-CIP FUND	\$ 5,082.38
BANK BUILDING FUND	\$ 2,384.06
DEBT SERVICE FUND	\$ 402.50
RECREATION & SAFETY	\$ 3,838.39
FUNDS GRAND TOTAL	\$233,250.89
ROAD & BRIDGE FUND	\$186,873.72

DITCH FUND-

\$36.63

Motion was made by Commissioner Pierce, seconded by Commissioner Boler to approve Resolution "Police Officer Declaration" R-#14/'04

**RESOLUTION**

**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 hereby declares that the position titled Police Officer, #23 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**, 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**

I, Scott Higgins, clerk of 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 16<sup>th</sup> day of March, 2004; the original of which is on file in this office. I further certify that five members voted in favor of this resolution and that 5 members were present and voting.

**BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN**

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

ATTEST:\_\_\_\_\_

Roll call taken: Commissioners Potter, Schmidtke, Boler Pierce and Donnelly. AYE Carried unanimously.

Scott Higgins, County Coordinator stated that in approving the recent amendments to the County Ordinance to reflect the departmental name change for Environmental Service Department (ESD) to Martin County Planning and Zoning, that formal Board approval was is needed to reflect the departmental name change.

Motion was made by Commissioner Pierce, seconded by Commissioner Schmidtke, Be it Resolved that the Martin County Board of Commissioners hereby approve the departmental name change of the Environmental Service Department (ESD) to Martin County Planning and Zoning Department, to more accurately reflect the functions and responsibilities of the Department. All voting in favor. Carried unanimously.

Higgins stated the Board has authorized the recruitment of a Family Preservation Social Worker position. This is a new county hire and is 100% funded through the Faribault and Martin County Human Services Collaborative, including office expenses, travel, training, etc. The position will be officed in the Hodgeman Office Building on State Street in Fairmont. Higgins further informed the Board that James Sop, of the Department of Corrections would supervise the position.

Motion was made by Commissioner Schmidtke, seconded by Commissioner Pierce, Be it Resolved that the Martin County Board of Commissioners hereby approve the hiring of a Family Preservation Social Worker for Martin County (name of applicant to be determined by F/M Human Services Collaborative), at Grade 11, contingent upon satisfactory reference checks and required background checks; and is eligible for benefits according to the County Personnel Policies as it applies to this position and that continuation of the position is contingent upon full funding by the F/M Human Services Collaborative. All voting in favor. Carried unanimously.

Higgins recommended the hire of a part-time Domestic Violence/Sexual Assault Victim Advocate for the General Victim Services program for Martin County. This is a replacement county hire and continuation of this position in contingent upon continued grant funding received from the State of MN.

Motion made by Commissioner Pierce, seconded by Commissioner Donnelly. Be It Resolved that the Martin County Board of Commissioners upon the recommendation of the County Coordinator hereby approve the hiring of Deborah Schneider, as part-time Domestic Violence/Sexual Assault Victim Advocate for Martin County, Grade 10, Step 1-m\$13.16/hour, effective March 29, 2004; contingent on satisfactory reference and other required background checks; and is eligible for prorated benefits of vacation and sick time benefits per the County Personnel Policies as it applies to this position and that continuation of the position is contingent upon continued funding received from the State of MN for the position. All voting in favor. Carried unanimously.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners hereby approve per diem and expenses and authorize the out of state travel for Commissioner Gerald Boler to attend the Rural Conservation and Development National Convention located in Indiana March 22-24, 2004 Carried unanimously.

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

The next regular meeting of the Martin County Board of Commissioners will be April 6, 2004 at 9:00 a.m. in the Martin County Board of Commissioners room.

The meeting adjourned at 12:25 P.M. Dated this 16<sup>th</sup> day of March 2004.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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