

**PROCEEDINGS OF THE MARTIN
COUNTY BOARD OF COMMISSIONER
TUESDAY, APRIL 20, 2004
@9:00 A.M.**

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

Motion was made by Commissioner Donnelly, seconded by Commissioner Boler to approve the Agenda with the following additions: 12 (n.) Consider Nominations to serve on Environmental Quality Board (EQB) 12 (o.) Authorize Chair to Sign Agreement with Bolton & Menk for Preliminary Plan Design. Carried unanimously

Becky Bentele, Victim Witness Coordinator, introduced Deborah Schneider, part-time Domestic Violence/Sexual Assault (DV/SA) Victim Advocate and Alanna Hinz, Intern for Martin County Victim Witness Program to the Board. Bentele stated that Deborah Schneider began her employment with Martin County as of March 29, 2004. Alanna Hinz started in mid January and will have completed her internship on April 29, 2004.

The Commissioners welcomed Deborah Schneider and Alanna Hinz and thanked them for attending.

Kevin Peyman, County Engineer, presented an information sheet to the Board on the Bid Lettings that were held at the Highway Department April 16, 2004 at 10:00 a.m. Peyman stated that Jim Forshee, Auditor/Treasurer, attended the bid letting and bids were opened as follows:

C.P. 04:07 Maintenance Gravel Production

Fadness Bros. Gravel, Lynd, Minnesota	\$60,840.00
MR Paving, New Ulm, MN	\$65,975.00
Southern MN Construction, Mankato, MN	\$70,525.00
E & D Construction, Mankato, MN	\$76,700.00
Rupp Construction, Slayton, MN	\$81,055.00
Freeborn Construction, Albert Lea, MN	\$88,400.00

Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved, that the Martin County Board of Commissioners after review of sealed bids and having met the specifications for the project, and upon the recommendation by the County Engineer hereby award the bid to Fadness Bros. Gravel, Lynd, Minnesota for C.P. 04:07 Maintenance Gravel Production in the amount of \$60,840.00. Carried unanimously.

Peyman reviewed the bids received for County Project 04:08 Maintenance Graveling as follows,

C.P. 04:08 Maintenance Graveling

Fadness Bros, Gravel, Lynd, MN	\$70,128.00
Southern MN construction, Mankato, MN	\$71,223.75
Weerts Construction, Winnebago, MN	\$75,850.25
Dulas Excavating, Wells, MN	\$76,093.75

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners after review of sealed bids and having met the specifications for the project, and upon the recommendation by the County Engineer hereby Award the bid to Fadness Bros., Gravel, Lynd, MN for C.P. 04:07 Maintenance Graveling in the amount of \$70,128.00. Carried unanimously.

Peyman reviewed the following bids received for County Project 04:04 as follows,

C.P. 04:04 Highway Pavement Striping

Traffic marking Service, Buffalo, MN	\$32,405.00
AAA Striping, Rogers, MN	\$33,920.00

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners after review of sealed bids and having met the specifications for the project, and upon the recommendation by the county engineer hereby Award the bid to Traffic Marking Service, Buffalo, MN for C.P. 04:04 Highway Pavement Striping in the amount of \$32,405.00. Carried unanimously

Peyman reviewed the bid received for County Project 04:01 as follows,

C.P. 04:01 Supplying of Bituminous Materials (MC-3000)

Koch Materials Company, Savage, MN	\$132,361.25
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Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved, that the Martin County Board of Commissioners after review of sealed bids and having met the specifications for the project, and upon the recommendation by the county engineer hereby award the bid to Koch Materials Company, Savage, MN for C.P. 04:01 supplying of Bituminous Materials in the amount of \$132,361.35. Carried unanimously.

Peyman recommended approval for merit step increases for Brent Moeller, Dustin Splinter, and Tim Allevan of the Highway Dept.

Motion was made by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners upon the recommendation by the County Engineer approve merit step increases for Brent Moeller, Maintenance Worker II from Grade 11 Step 5 at \$15.57/hr to Grade 11 Step 6 at \$15.97/hr per the Highway AFSCME Union Contract for 2004, effective April 1, 2004. Carried unanimously.

Motion was made by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners upon the recommendation by the County Engineer approve merit increase for Dustin Splinter, Maintenance Worker I from Grade 10 Step 4 at \$14.15/hr to Grad 10 Step 5 at \$14.48/hr per the Highway AFSCME Union Contract for 2004, effective April 1, 2004. Carried unanimously.

Motion was made by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners upon the recommendation by the County Engineer approve merit increase for Tim Allevan, Maintenance Worker II from Grade 11, Step 9 at \$17.17/hr to Grade 11, Step 10 at \$17.57/hr per the Highway AFSCME Union Contract for 2004, effective April 1, 2004. Carried unanimously.

Peyman presented information regarding letters were sent to landowners regarding encroaching and use of the right-a-way to maintain ditches. Peyman further stated that the work in the north half of the county is already completed.

Peyman requested Board approval to advertise the sale of Unit #64 1989 Ford L 7000 a single axel truck from the Highway Department. After discussion,

Motion was made by Commissioner Schmidtke, seconded by Commissioner Pierce to authorize the County Engineer to advertise the sale of Unit #64 a 1989 Ford L 7000 single axel truck. Carried unanimously.

Peyman updated the Board concerning the Lair Road Project and stated that the City of Fairmont is still deciding on a product to apply to the road surface. It was his understanding that the City of Fairmont had decided to take a different approach in fixing up Lair Road and that the County would provide the equipment and labor for the project. After further discussion,

Motion was made by Commissioner Donnelly, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners approve the Martin County

Highway Department to work with the City of Fairmont on the repair of Lair Road and that the County would contribute equipment and labor to apply surfacing of Lair Road. Carried unanimously.

With no further business, Chairman Potter thanked Peyman for his report.

Jerry Voyles, SWCD Director, was on hand to present a SWCD report. Voyles stated that 54,000 trees were purchased are now being delivered to the Martin County Fairground for public pick up this week on Thursday, Friday, and Saturday for those who purchased them. Voyles reminded the Board that April 23, 2004 is Arbor Day and that every first grader in the county will receive a bagged spruce tree to plant. Voyles stated that a change was made in the work plan of the Lily, Center Creek Partnership Grant. Voyles informed the Board that Dutch and Elm Creek as well as the Blue Earth River Watershed were added to the Work Plan of the Martin County Local Water Plan. Voyles further stated that Minnesota Pollution Control Agency (MPCA) has been a part of these revisions to the original Plan.

Voyles requested approval of the 2004 Natural Resources Block Grant (NRGB) Agreement 2004 and informed the Board that there will be required local cash match for each program area with the exception of the ISTS program. The money from this grant will provide funding for the following County programs/services: Wetland Conservation Act (WCA), Local Water Plan, Feedlots, ISTS, and Shoreline.

Motion was made by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners hereby approve and authorize the Chair to sign the 2004 Natural Resource Block Grant agreement.

R-#14/'04

RESOLUTION

BOARD OF WATER AND SOIL RESOURCES NATURAL RESOURCES BLOCK GRANT FOR CY2004:

WHEREAS, Martin County has a State approved comprehensive local water plan, which has been 103B locally adopted pursuant to Minnesota Statutes Chapter; and

WHEREAS, Martin County may assess a levy under its general levy authority to match such grants by BWSR pursuant to Minnesota Statutes 103B.335;

NOW, THEREFORE BE IT RESOLVED: that the Martin county Board of Commissioners approves of Martin County entering into a Grant Agreement with the State of Minnesota to receive state funds for the implementation of its comprehensive local water plans, the administration of the wetland conservation act, administration of the DNR shoreland program, MPCA ISTS program and MPCA feedlot permit program, under the terms of the Grant Agreement and all statutory requirements; and

THAT THE Martin County Board of Commissioners authorizes the expenditure of cash and in-kind contributions to match the Natural Resources Block Grant as specified in Laws of Minnesota and the Grant Agreement.

BE IT FURTHER RESOLVED THAT, the Chairperson of the Martin County Board of Commissioners and the County Auditor or County Administrator are authorized to execute the Grant Agreement together with all related documents.

Motion was made by Commissioner Pierce, seconded by Commissioner Boler and was duly passed and adopted this 20th day of April 2004.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Jack Potter, Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll call taken: AYES: Commissioner Potter, Donnelly, Pierce, Schmidtke and Boler
NAYES: None. Passed and approved this 20th day of April 2004.

Voyles presented to the Board a draft Feedlot Inspection Service Agreement for review by the Board and future consideration for the SWCD to conduct feedlot inspections for Martin County. Voyles further stated that the Martin County Soil and Water Conservation Board will be approving this document at their May meeting.

Jane Hennagir, Minnesota Counties Insurance Trust (MCIT) Account Executive, presented the 2003 Annual MCIT Member County report to the Board. Hennagir acknowledged that Martin County has been a member of the trust since 1979 and congratulated the Board. Hennagir stated that MCIT has been providing members with cost-effective coverage and superior service for the last twenty five years.

The Board thanked Hennagir for her report.

The Board recessed at 10:15 a.m.

The Board reconvened at 10:25 a.m.

At this time Chairman Potter opened public hearing for consideration of amendments for Chapter 10, "Agriculture Districts" of the Martin County Zoning Ordinance.

Those in attendance were Pam Flitter, Scott Higgins, Jim Forshee, Steve Pierce, Steve Donnelly, Dan Schmidtke, Gerald Boler, and members of the Public.

Pam Flitter, Martin County Zoning Official, reviewed and recommended approval for the revisions to the Martin County Zoning Ordinance Chapter 10 "Agricultural District" to the Board. Flitter stated that the Planning Commission has held the required public hearing and recommend approval of the proposed amendments to the Zoning Ordinance.

Commissioner Pierce inquired about Subdivision 5. "Lot Size, Setback, Yard and Height Requirements," if all landowners needed to meet this requirement.

Flitter responded that all landowners before this amendment would be grandfathered- in.

Commissioner Schmidtke stated that he attended the Fairmont Economic Development Association (FEDA) meeting and discussion pursued on "Ag Easements", protecting towns from the farming community.

Flitter responded that she could take this concept to the Planning Commission for review at their next meeting. After discussion,

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

Motion was made by Commissioner Boler, seconded by Commissioner Donnelly, Be It Resolved and It Is Hereby Enacted by the Martin County Board of Commissioners to approve the following amendments to the Martin County Zoning Ordinance Chapter 10, "Agriculture Districts" as follows; p.28 Subdivision 5. Lot Size, Setback, Yard and Height Requirements, (1) to increase lot size from a one (1) acre minimum to a three (3) acres minimum: increase lot width from one hundred fifty feet (150') to two hundred fifty feet (250') at the building line; increase windbreak setback from twenty feet (20') from

any public right-of-way to fifty feet (50') from any public right-of-way in the "A" Agricultural District. Delete number one from Subdivision 6 in "A" Agricultural District requiring proposed property for development to not be cultivate for five (5) years for any non-farm dwelling. Carried unanimously.

Chairman Potter opened the public hearing for the Impoundment of portions of JD. #37. Those present were Commissioners Jack Potter, Steve Donnelly, Steve Pierce, Dan Schmidtke, and Gerald Boler, Jim Forshee, Auditor Treasurer, Scott Higgins, County Coordinator, Deb Mosloski, Drainage Specialist for Martin County, Darren Newville, SWCD Technician, Bill Douglass, Head of Water & Resources Engineer for the Project, and members of the Public.

Newville stated that JD #37 is a drainage system located entirely in Martin County. The undersigned petitioners have petitioned the Martin County Board of Commissioners, acting as the drainage authority, to establish an impoundment project that relates to a tile system located in the

- NE and SE quarters of Section 34 and NW and SW quarters of Section 35, Elm Creek Township, Township 103 North, Range 33 West
- NE quarter of Section 36 and the NW quarter of Section 31, Elm Creek Township, Township 103 North, Range 33 West.
- SE quarter of Section 35 Elm Creek Township, Township 103 North, Range 33 West

The petitioners are requesting that an Impoundment be established to restore three wetland basins on their property per Minnesota Statute 103E.227.

Darren Newville, SWCD Technician, introduced Bill Douglass, Engineer for the Project.

Bill Douglass, Engineer for the Impoundment of JD #37, stated that all three Impoundments were related, in Elm Creek Township. Douglass proceeded to explain the project to those attending the hearing with diagrams and maps of each proposed impoundment and tile re-route on the JD #37 tile system.

Commissioner Potter asked for any questions or input from the Public,

Paul Theobald, representative for landowner in Section 34 of Elm Creek Township, was present and inquired what effects this would have on his farm.

Douglass stated that the project would be abandoning parts of the Drainage System and that the effects would not do harm to the property.

There was discussion, regarding:

- distribution of benefits and how they are going to be assessed
- redetermination of ditches on the county tile system
- Restoration of wetland sites

Chairman Potter asked for any further public input. There was none at the time.

Motion was made by Commissioner Boler, second by Commissioner Donnelly to close the public portion of the Hearing session at 11:05 a.m. Carried unanimously. After discussion,

Chairman Potter opened for Board discussion/action,

Motion was made by Commissioner Schmidtke, seconded by Commissioner, Be It Resolved, that the Martin County Board of Commissioners, acting as drainage authority for Martin County and after due consideration and a Public Hearing held April 20, 2004, hereby approve the Impoundment of portions of JD #37 as follows,

That the undersigned petitioners have petitioned the Martin County Board of Commissioners, acting as the drainage authority, to establish an impoundment project that relates to a tile system located in the

- NE and SE quarters of Section 34 and NW and SW quarters of Section 35, Elm Creek Township, Township 103 North, Range 33 West
- NE quarter of Section 36 and the NW quarter of Section 31, Elm Creek Township, Township 103 North, Range 33 West.
- SE quarter of Section 35 Elm Creek Township, Township 103 North, Range 33 West

The petitioners are requesting that an Impoundment be established to restore three wetland basins on their property per Minnesota Statute 103E.227. Carried unanimously.

Scott Higgins, County Coordinator, presented the Watonwan Watershed Continuation Clean Water Partnership Project loan program. Higgins stated that additional funding has been made available to Martin County through the Watonwan Watershed Continuation Clean Water Partnership Project loan program and recommended approval.

Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly, to approve the following Resolution:

R-#15/'04

RESOLUTION

BE IT RESOLVED, by the Martin County Board of Commissioners, that it hereby designates Scott Higgins, County Coordinator, as Project Representative for the implementation of the Watonwan Watershed Continuation Clean Water Partnership Project for Martin County.

The Project Representative shall have the authority to represent the Martin County Board of Commissioners in all Project matters that do not specifically require action by the Martin County Board of Commissioners

BE IT FURTHER RESOLVED, by the Martin County Board of Commissioners that, as Loan Sponsor, the Martin County Board of Commissioners enters into the attached Minnesota Clean Water Partnership Project Implementation Loan Agreement along with Watonwan County, as Project Sponsor, and the Minnesota Pollution Control agency to conduct the implementation of the Watonwan Watershed Continuation Clean Water Partnership Program.

BE IT FURTHER RESOLVED, by the Martin County Board of Commissioners that the County Board Chair, Jack Potter and County Coordinator, Scott Higgins be authorized to execute the attached Minnesota Clean Water Partnership Project Implementation Loan Agreement for the above referenced Project on behalf of the Board as Loan Sponsor.

BE IT FURTHER RESOLVED, by the Martin County Board of Commissioners that the County Board Chair, Jack Potter and County Coordinator, Scott Higgins be authorized to execute loan disbursement requests for the above referenced project to the Minnesota Pollution Control Agency on behalf of the Board.

WHEREUPON the above resolution was adopted at the Martin County Board of Commissioners meeting this 20th day of 2004.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Jack Potter, Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call taken: AYES: Commissioners Pierce, Donnelly, Boler, Schmidtke and Potter

NAYES: None. Passed and approved this 20th day of April 2004.

Higgins presented the Rural Minnesota Energy Board Joint Powers Agreement. Martin County is a member of the Minnesota Energy Board. Higgins stated that the purpose of the Board is to provide policy guidance on issues surrounding energy development in rural Minnesota. The focus of the Board includes but not limited to renewable energy, wind energy, energy transmission lines, hydrogen energy, bio-diesel and ethanol use. The agreement authorizes the Board to finance the purchase, plan, construction and operation of property through appropriations by the Counties, Federal State grants and loans, sale of bonds or other obligations secured by revenue of Board. Higgins stated that the County Attorney has reviewed the Agreement and has no objections to it. After discussion,

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

Higgins informed the Board that the City of Fairmont and County hold a joint City/County auction for surplus county property. Auction expenses are shared between city and county. The auction is scheduled for April 29, 2004 at 5:00 p.m.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved, that the Martin County Board of Commissioners, hereby approve the disposal of county surplus property as listed and to be sold by auction April 29, 2004. Carried unanimously.

Higgins presented a letter from the Martin County Historical Society requesting an appointment and contact person for Martin County to serve on the County-wide Sesquicentennial Committee to plan and organize events related to the upcoming Sesquicentennial County Celebration in Martin County in 2007. Upcoming Sesquicentennial's are for the Sheriff's Office, and the First Settlers in the City of Fairmont and it will be the Centennial for Courthouse.

Motion by Commissioner Boler, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby appoints Commissioner Steve Pierce to the Sesquicentennial County Celebration Committee and to approve and authorize per diem and expenses as the County representative. Carried unanimously.

Higgins informed the Board that after discussion with the Department Directors, he would recommend that a long range/strategic planning session be held for future planning and a dialogue between the Board and Department Directors. The session could be an all day session (w/lunch) or half day and begin with lunch. Higgins would recommend a facilitator for the session and he has talked with Tobias Spanier, University of Minnesota Extension Educator. Higgins stated that Tobias had conducted a similar Priorities and Goals session a few years ago for the county. After discussion,

By consensus of the Board it was decided to contact Mr. Spanier on project cost for facilitating the Strategic Planning Session.

Higgins presented the information on the Environmental Quality Board (EQB) Advisory Task Force to have nominations to serve on the EQB. The purpose of this Board was to get citizens involved in the processes of the EQB. Higgins stated that the nominations being sought for this project does not affect Martin County. Although, citizens appointed are traditionally within the county of the project area. No action taken.

Higgins presented the service agreement for services to be provided by Bolton and Menk, Inc, Fairmont, MN for engineering services for the development of an access road for North Country Seed, Railroad Access Road in Sections 5 & 8, of Manyaska Twp Scope of Engineering/Services. The roadway is proposed to be located on or along the spur track right-of-way between CSAH 26, extending northerly approximately 2,200 feet to a terminal turn-around. Grain trucks for unloading onto railcars on the spur track will use the access road. The services provided are:

- Engineering route and topographic survey
- Detailed Design
- Preparation of plans and specifications
- Project administration

Higgins stated that according to the proposal the cost for all services is not to exceed \$11,000. Higgins stated that the Board has approved payment of up to \$10,000 for the preliminary design to obtain an estimated cost for the total project. After discussion,

Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly. Be It Resolved that the Martin County Board of Commissioners approve and authorize the Chair to sign the engineering services agreement with Bolton and Menk, Inc. Fairmont, MN, for the proposed economic development project being proposed by Joel Rabbe, d.b.a. Rabbe Grain, Sherburn, MN for the development of an access road for North Country Seed, LLC (Project Owner) along the I.C. & E. railroad spur line located in Sections 5 and 8 of Manayaska Township, and to approve the following engineering services as needed: Engineering route and topographic survey, Detailed Design, Preparation of plans and specifications, and Project administration to be completed, not to exceed \$10,000 and any remainder, construction costs, and other additional cost to be paid by the Project Owner; to be expended from the Economic Development Fund. Carried unanimously.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, to approve the payment of claims and ditch claims for April 2004 as presented with the amendment to exclude the claim to the County Recorder's Office of \$60 Recorder Fee payment and Recorder claim from the Highway Department in the amount of \$6.00 for recording of Highway easements. Carried unanimously.

MARTIN COUNTY CLAIMS AS PRESENTED TO THE BOARD

REVENUE FUND-	Warrant to be paid 4/20/04	Totaled	\$115,307.58
PARK & RECREATION-			\$ 239.22
ENHANCED 911-			\$ 360.00
SOLID WASTE MANG'T-			\$ 14,178.00
LAW LIBRARY-			\$ 15.95
MARTIN CO TRANIST-			\$ 29,002.26
BUILDING –CIP-			\$ 4,189.16
BANK BUILDING-			\$ 6,356.26
RECREATION & SAFETY-			\$ 143.78
IND. SEWAGE TREATMENT SYS LOAN-			<u>\$ 11,935.00</u>
GRAND TOTAL OF FUNDS			<u>\$ 181,727.21</u>

MARTIN CO. DITCH FUND- \$ 11,186.30

ROAD & BRIDGE FUND- \$51,378.31

(The extraction edit listing for Road & Bridge is found at the auditor/treasurers office as is all warrants listed in the individual funds.

Higgins presented the Small Load Energy Management Program Agreement to the Board. Member utilities complete agreements with Customer who agrees to curtail 25kW to 70 kW of load through the use of their on-site generation for short periods during peak use conditions (summer season). This provides relief from system peaks and can help delay the point at which additional peaking power plants are needed.

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioner approve and authorize the Chair to sign the Small Load Energy Management Agreement with the City of Fairmont for the year 2004. Carried unanimously.

Chairman Potter opened the meeting for general public discussion. There was none.

Reports and calendars were reviewed of previous and upcoming week's activities.

The next regular Board of Commissioners meeting will be May 4, 2004 at 9:00 a.m. in the Martin County Commissioners Board meeting room.

Motion was made by Commissioner Donnelly, seconded by Commissioner Boler to adjourn. Carried unanimously. Meeting adjourned at 12:00 p.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Jack Potter, Chair

ATTEST: _____
Scott Higgins, County Coordinator