

**PROCEEDINGS OF THE MARTIN
COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 1, 2004
@9:00 A.M.**

Chairman Jack Potter opened the meeting at 9:00 a.m. Commissioners present were Steve Donnelly, Dan Schmidtke, Gerald Boler and Steve Pierce. Also present were Terry Viesselman, County Attorney, Kevin Peyman, County Engineer, Scott Higgins, County Coordinator, Faye O'Sell Administrative Assistant, Jim Forshee, Auditor/Treasurer, Jim Hallstrom, County Assessor, Christine Rupp, Fairmont Sentinel, Rod Halverson, KSUM/KFMC radio, and members of the Public.

Chairman Potter asked if there were any additions or corrections to the Agenda. Commissioner Donnelly stated that he wanted to add, set meeting date with County Attorney, Commissioners and Steve Saggau, dba Gril-Del, to discuss Gril-Del Loan. Motion was made by Commissioner Donnelly, seconded by Commissioner Boler to approve the agenda with one addition (1) to set meeting date with County Attorney, Commissioner Pierce, Commissioner Donnelly and Steve Saggau, to discuss Gril-Del Loan. (2) To delete 12.(e) Frontier Service Agreement-Centrex System. All voting in favor. Unanimously carried.

Motion was made by Commissioner Schmidtke, seconded by Commissioner Pierce to approve the minutes of the May 18, 2004 Board of Commissioner Proceedings. All voting in favor. Unanimously carried.

Motion was made by Commissioner Schmidtke, seconded by Commissioner Boler to approve the Martin County Preservation Association CY2005 Budget Allocation request. All voting in favor. Unanimously carried.

Terry Viesselman, County Attorney, was on hand to inform the Board of the K-Mart Tax Appeals Case. Viesselman stated that separate appeals were filed and all set for trial next year and he needed approval from the Board to give Marc Manderscheid, Attorney working with K-Mart Tax Appeals Case, authorization to proceed with the appeals.

Motion was made by Commissioner Pierce, seconded by Commissioner Boler to approve the request from County Attorney Viesselman to give authorization for Attorney Marc Manderscheid to continue with the K-Mart Tax Appeals Case filed for next year. All voting in favor. Unanimously carried.

Viesselman stated that Steve Saggau had called him regarding the Gril-Del matter and wanted to set up a meeting with the Commissioners, the Attorney and himself to discuss further the issue on the Gril-Del Loan with the County.

Motion was made by Commissioner Boler, seconded by Commissioner Schmidtke to approve Commissioner Pierce, Commissioner Donnelly, County Attorney Viesselman, and Steve Saggau to meet on Friday June 4, 2004 at 11:00 a.m. at the County Attorney's Office to discuss the Gril-Del Loan and bring back a recommendation to the full Board at their regular July 15, 2004 meeting on resolving this matter. All voting in favor. Unanimously carried.

Jim Hallstrom, County Assessor, was present to update the Board on the Minnesota Counties Computer Cooperative (MCCC) Tax System support. Hallstrom reported that the Tax User Group has met and reviewed what options were available to upgrading the existing system and/or if the cooperative should go out and receive Requests for Proposals (RFP's). Hallstrom further stated that it was his recommendation that the Cooperative go out for proposals, that it was time to take a look at other companies that have wanted to do business in Minnesota. Hallstrom stated each county will get one vote on this issue at the next scheduled meeting Wednesday, June 9th in Alexandria, MN. After discussion, the Board thanked Hallstrom for this information.

Kevin Peyman, County Engineer, was present and passed out information regarding Herbicides which the Highway Department uses for spraying to control unwanted weeds,

brush and trees beneath electrical powerlines, along railroad beds, roadsides, and pipelines. Peyman also gave Agenda sheets to the Board on an upcoming Township Meeting that will be held Tuesday, July 13, 2004 at 8:00 a.m regarding Motor Grader Operators and road maintenance. Peyman invited the Commissioners to attend the meeting.

Peyman updated the Board on State Highway 15 Coalition regarding Trunk Highway 15 from Fairmont to St. Cloud, MN. Peyman attended the meeting May 21st including an organizational group of approximately 80 people. The Coalition's purpose for First Corridor Study (Highway 15 from Fairmont to St. Cloud) was to get more transportation funding to upgrade Highway 15.

Commissioner Schmidtke stated something definitely needs to be done to upgrade Highway 15 and that the County needs to be apart of this.

Commissioner Pierce agreed and stated that he would support having a representative go to the meetings and determine the costs in upgrading Highway 15 and dues needed to belong to the Coalition. After discussion,

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, to appoint Commissioner Boler to be the county representative and attend the meetings of the Highway 15 Coalition on the study of upgrading Highway 15. All voting in favor. Unanimously carried.

Peyman updated the Board on 2004 Legislative Impact on Local Bridge and Highway Projects. Peyman stated that the "Bridge Bonding Bill" was the biggest issue affecting the county. This is the only funding that we receive to repair or build bridges in the county. Martin County has 168 bridges and at this time we have fifteen that will qualify for bridge work. If this funding stops we will have a real problem.

Peyman informed the Board on Wetland Mitigation and Rural Road Safety programs and how not receiving funding for these Highway projects will affect the county.

Commissioner Boler stated that we should send a letter to Governor Pawlenty about the bonding bill and how the county will be affected.

After discussion, Peyman stated that he has contacted the State Legislature and will keep trying by writing the legislative officials and keeping them informed of the essential need for this funding.

Chairman Potter thanked Peyman for his reports.

Sheriff Gerhardt was present and introduced Michael Anderson and recommended his promotion to Sergeant at the Sheriff's Department and requested Board approval. Anderson is currently a full time Deputy with the Sheriff's Office. Gerhardt stated with the retiring of Sergeant Duffy Post, Anderson will be his replacement.

Motion was made by Commissioner Donnelly, seconded by Commissioner Schmidtke, to approve and authorize the promotion of Michael Anderson to Deputy Sergeant for the Martin County Sheriffs Office, at \$23.13/hour per the union contract, effective June 1, 2004. All voting in favor. Unanimously carried.

Chairman Potter congratulated Anderson on his promotion and thanked Sheriff Gerhardt and Michael Anderson for attending the meeting.

Gerhardt stated that coffee and cake would be in the basement of the LEC today from 2:00 p.m. to 4:00 p.m. honoring Sergeant Duffy Post on his years of service to Martin County. and that the Board is all invited.

Gerhardt reported that Kevin Peyman, himself and Captain Hady along with Sgt. Klages met with Richard Olson, County Park Caretaker, regarding issues at Cedar-Hanson Park. Gerhardt stated that is our hope to minimize issues that we have experience in past years.

We have had problems with 4-wheelers; fireworks and people claiming ownership of campsites without having proper park stickers or feel that they can just stay on a site for unlimited time.

Gerhardt stated that he will be attending the Sheriff's Summer Conference from June 6-9. Captain Hady will follow me by attending the Chief Deputy's Conference from the 9th to the 11th.

Sheriff Gerhardt requested approval to submit the Emergency Management Performance Grant for Federal Fiscal Year 2004 grant application. The County has received this grant on an annual basis. The grant dollars received go toward expenses for Emergency Management in the Sheriff's Office. In past years the county has received approximately \$5,500-\$6,000.

Motion was made by Commissioner Boler, seconded by Commissioner Donnelly to authorize Sheriff Brad Gerhardt, Martin County Sheriff, to submit the Emergency Management Performance Grant for Federal Fiscal Year 2004 grant application on behalf of the Martin County Emergency Management. All voting in favor. Unanimously carried.

The Board recessed at 9:55 a.m.

The Board reconvened at 10:05 a.m.

Chairman Potter opened the meeting to conduct a Public Hearing for Impoundment of J.D. #18. Members present at the public hearing were Commissioners, Donnelly, Schmidtke, Pierce and Boler. Also present were Deb Mosloski, Drainage Specialist for the County, Darren Newville, SWCD Technician, Attorney Gary Wollschlager, Bernard and Blossom Spencer, Theodore Stusse, and Doug Wedel.

Darren Newville, SWCD Technician, passed out maps showing the location of the Judicial Ditch #18 tile system. Newville reviewed the petition, stating that the undersigned petitioner's hereby petition the Martin County Board of Commissioners, acting as the drainage authority, to establish an impoundment project and to repair a portion of tile on the J. D. #18 tile system located in the SE ¼ of the SW ¼ of Section 2 Rolling green Township, T 102 North, R 31 West.

The petitioners are requesting an impoundment be established to restore wetland basins on their property via 103E.227. Said project involves the construction of an earthen embankment along the south and east end of Basin #1. A water control structure will be placed through the Basin #1 embankment into the planned reroute of the JD #18 tile system at the south property line to control the wetland elevation.

The repair will include the following: a) Approximately 1,060' of existing JD #18 Branch C tile will be rerouted around the south end of the wetland proposed for restoration. b) The 1,030' of existing Branch C tile within the wetland basin will be abandoned.

Chairman Potter asked the public if there were any questions.

Attorney Gary Wolschlager asked Newville if Industrial Park in Fairmont would be affected.

Newville responded that Industrial Park will not be affected. Everything is down stream from that area.

Mr. & Mrs. Spencer were concerned of the lake bottom on their land.

Newville responded that it will not affect the lake bottom, because everything will be downstream.

Doug Wedel stated his concern with the land being so saturated.

Newville responded that a 1 ½ to 2 feet “bounce” would be constructed to prevent this area from being too saturated.

With no further questions, Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly to close the public portion of the Hearing. All voting in favor. Unanimously carried. After discussion,

Motion was made by Commissioner Schmidtke, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners as the Drainage Authority for Martin County approves the Impoundment of portions of Judicial Ditch #18 as presented. All voting in favor. Carried unanimously.

Darren Newville informed the Board that the County has received a Petition for the Impoundment for portions of JD #14. This is a Joint Ditch with Faribault County and will need to establish a Joint Ditch Authority. Newville is recommending the appointment of Tim McNaboe as the Engineer for the Impoundment. Newville also stated that there is an easement on three property owners. JD #14 runs through the center. Newville stated that the System needs to be re-routed because the land is drowned out.

Motion was made by Commissioner Boler, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners acting as the Drainage authority for Martin County appoints Tim McNaboe as Engineer for the Impoundment of JD #14. All voting in favor. Carried unanimously.

Motion was made by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved, that the Martin County Board of Commissioners as the Drainage Authority for Martin County has received the petition for the impoundment of portions of Judicial Ditch #14; that being JD #14 is a Joint County ditch, appoints Commissioners Jack Potter, Gerald Boler and Dan Schmidtke as Martin County’s representatives to the Joint County Ditch Authority for the said impoundment of portions of JD #14. All voting in favor. Unanimously carried.

Pam Flitter, Planning and Zoning Official, was present and reviewed the Final Plat Request from Ronald Unke “Charlotte Oaks Third Addition”.

Flitter stated the Planning Commission has held its required public hearing regarding the Final Plat for “Charlotte Oaks Third Addition”. Ronald Unke, applicant, has proposed to divide approximately 18 acres of farmland into seven (7) lots. The Planning Commission on April 27, 2004 approved the Preliminary Plat. After discussion,

Motion was made by Commissioner Donnelly, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, after review of the Final Plat Request from Ronald Unke for “Charlotte Oaks Third addition, within Section 17-Rutland Township and after the Martin County Planning and Zoning Commission have held the required public hearings and have approved the Preliminary and Final Plat for said Subdivision and hereby approve the Final Plant request for aforementioned subdivision. All voting in favor. Unanimously carried.

Kay Wrucke, Martin County Recorder, was present and requested approval from the Board for out of state travel for Property Records Industry Conference, July 22-23, 2004, in San Antonio, TX. After discussion,

Motion was made by Commissioner Schmidtke, seconded by Commissioner Donnelly to deny out of state travel request for Kay Wrucke, Martin County Recorder, to attend the Property Records Industry Conference, July 22-23, 2004 in San Antonio, TX. Commissioners Schmidtke, Donnelly, Pierce and Potter Nays. Commissioner Boler Aye. Motion carried.

Scott Higgins, County Coordinator, informed the Board that there has been discussion by the County Labor Management Committee to construct an “Employee Recognition”

Board. This recognition Board would be installed in the Courthouse on the first floor near the Boardroom. It is anticipated that the recognition board would include the years of service of employees on five year increments and space for six individual recognition awards. There were two quotes received as follows:

D and S trophies (Fairmont, MN) "90 x 36" oak frame (similar to our "Directory" boards in the Courthouse), lettering and 110 name plates, approximate cost of \$670.

Fairmont Awards Mfg, Inc. (Fairmont, MN) "90 x 30" oak frame (similar to our "Directory" boards in the Courthouse), lettering and 120 name plates, approximate cost \$1,102.28

Higgins stated that he recommends proceeding with a recognition board and beginning design work with D & S Trophies. The Building and Purchasing Committee has reviewed the purchase request and recommends approval. After discussion,

Motion was made by Commissioner Donnelly, seconded by Commissioner Pierce to approve purchase of an "Employee Recognition Board" and based on the quotes received; authorize staff members to work with D & S Trophies, Fairmont, MN, at a cost not to exceed \$800. All voting in favor. Unanimously carried.

Higgins stated that the Martin County Preservation Association has requested the appointment of a County Commissioner to be appointed to the Red Rock Center for the Arts Dedication Committee. While construction is being completed on the Red Rock facility, a Committee will be planning the dedication of the building. At our previous meeting it was suggested by the Board members that Commissioner Steve Pierce be appointed. He has accepted.

Motion was made by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved, that the Martin County Board of Commissioners, hereby appoint Commissioner Steve Pierce to the Red Rock Center for the Arts, Dedication Planning Committee and to approve and authorize per diems and expenses in serving on the committee. All voting in favor. Carried unanimously.

Higgins informed the Board on the CY2005 Departmental Budget Request Packets. All Department Heads have received their budget packets and were asked to have them ready for review by June 30, 2004.

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

The next regular Board of Commissioners meeting will be June 15, 2004 at 9:00 a.m. in the Martin County Board of Commissioners meeting room.

With no further business, to wit,

Commissioner Potter declared the meeting adjourned at 11:15 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Jack Potter, Chairman

ATTEST: _____
Scott Higgins, County Coordinator
Recorded by Faye Osell, Administrative Assistant