

**PROCEEDINGS OF THE MARTIN
COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 15, 2004 @ 9:00 A.M.**

Chairman Potter opened the meeting at 9:03 a.m. Those Commissioners present were Steve Donnelly, Steve Pierce, Dan Schmidtke, and Gerald Boler. Also present were Terry Viesselman, County Attorney, Kevin Peyman, County Engineer, Jim Forshee, Auditor/Treasurer, Scott Higgins, County Coordinator, Faye O'Sell, Administrative Assistant, Dave Smith, Fairmont Sentinel, Jerry Voyles, SWCD Director, Steve and Connie Saggau and members of the Public.

Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly to approve the agenda with the following addition: (1) Approve OHV Enforcement Grant Program (ATV) for the Martin County Sheriff's Office (2) Consider Highway Employee Step Increases. All voting in favor. Carried unanimously.

Motion was made by Commissioner Schmidtke, seconded by Commissioner Donnelly to approve the minutes of the June 1, 2004 meeting with one correction on a motion to deny the Out of State Travel Request for the Recorder's Office with Commissioner Boler voting NAY and Commissioner Pierce voting AYE. Carried unanimously.

Terry Viesselman, County Attorney, was present and reported to the Board that Steve and Connie Saggau d.b.a. Gril-Del, Inc. had met with Commissioner Pierce, Commissioner Donnelly and himself and have a proposed settlement agreement regarding the loan repayment with the Martin County Area Economic Development Incorporated (MCAEDI). Viesselman recommended approval to the Board for payment of \$3,000 by Steve and Connie Saggau, (dba Gril-Del Inc.), for satisfaction of the note releasing the Saggau's from any further liability of the loan that Gril-Del Inc. had with MCAEDI and that notation of this working agreement be part of the record.

Motion was made by Commissioner Boler, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners hereby approve payment of \$3,000 from Steve Saggau, (dba Gril-Del Inc), for satisfaction of the note releasing Steve Saggau (dba Gril-Del Inc), from any further liability of the loan. Whereas, the Martin County Board of Commissioners appreciates the efforts of Steve Saggau (dba Gril-Del, Inc.) in working with the Board; all outstanding indebtedness associated with Gril-Del and MCAEDI has been satisfied.

Roll Call: Commissioners Potter, Donnelly, Schmidtke, Pierce and Boler all AYE;
Nays: None. Passed and approved this 15th day of June 2004.

Steve Saggau stated to the Board that he appreciated the efforts that the MCAEDI Board gave him with his business and thanked the Board for working through this matter with him.

Viesselman informed the Board on another sex offender that may be released and reside in the County. Viesselman stated that the Minnesota Attorney General's Office and Department of Corrections (DOC) have contacted him and they are considering commitment for the individual. Viesselman further stated that getting the evaluation approved while the person is still in prison saves the county about \$300 a day in holding expenses if his sentence runs out with the evaluation still pending. Viesselman further stated that final word on the valuation of another sex offender from the county, for whom evaluation payments were previously approved, are pending.

Motion was made by Commissioner Pierce, seconded by Commissioner Schmidtke to approve \$5,000 for an evaluation of a sex offender who is about to be released from prison and to be expended from the General Fund. All voting in favor. Carried unanimously.

Kevin Peyman, County Engineer, was present and updated the Board on County Road #53. Peyman stated that the road paving is almost complete. Peyman stated that a letting date is set for July on County Bridge #36 for repair.

Peyman requested approval for merit increases for Brian Winter, Survey Crew Chief and Kevin Gorackowski, Highway Technician.

Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved, that the Martin County Board of Commissioners, upon the recommendation of the County Engineer, approve merit step increases for Brian Winter, Survey Crew Chief, Martin County Highway Department, from Grade 14 Step 4 at \$19.32/hr. to Grade 14 Step 5 at \$19.83/hr per the Martin County Highway Supervisors Contract; and step increase for Kevin Gorackowski, Highway Technician, Martin County Highway Department from Grade 13, Step 7 at \$19.23/hr to Grade 13, Step 8 at \$19.70/hr. per the AFSCME Council #65 Martin Highway Union Contract for 2004, effective June 1, 2004. per the Highway Union Contract for 2004. All voting in favor. Carried unanimously.

Chairman Potter thanked Peyman for his report.

Jerry Voyles, SWCD Director, was present and gave an update on the following activities of the Soil and Water Conservation District.

- CREP Program, 75,000 trees were planted; sentence to serve helped with the planting.
- 33 wetland restorations still to be done
- Ryan Kruse is the new NRCS Director
- Blue Earth River (Center & Lily Creeks) Clean Water Partnership
 - 1) Request a one year extension to the CWP; this would extend the CWP to May 2006.
- Received federal funds for 18 watersheds as part of a Federal Farm Program.
- Feedlot Inspection- set up appointments in the next few days, everything ready for to proceed.
- Reported on Soil and Water Conservation District Supervisors up for Election this year, filing will be July 6-20th, 2004

Mike Humpal, City of Fairmont Economic Development Director, was present to request Board approval for the Sub-Zone Resolution to “Amend the Job Opportunity Building Zones in Martin County, MN.” Humpal stated that the resolution is allowing JOBZ acreages to be reassigned by municipalities to different areas where development might occur. Humpal further stated that the State allows such reapportionment as long as the 416 acres allowed to Martin County are not exceeded, without the resolution; the County Commission would have to approve every individual possibility prior to discussions with interested entities. After discussion,

Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved, that the Martin County Board of Commissioner approves said Sub-Zone Resolution to “Amend the Job Opportunity Building Zones in Martin County, MN”. Roll call: Commissioners Potter, Schmidtke, Boler, Donnelly, Pierce all AYES: NAYS: None. The Resolution was duly adopted and approved this 15th day of June 2004. Carried unanimously.

R-#22/'04

RESOLUTION

Sub-Zone Resolution of Approval to Amend the Job Opportunity Building Zones in Martin County, Minnesota

Whereas job creation, business development, and individual wealth growth in Martin County, Minnesota have been less than the national and state averages; and,

Whereas the resulting affects of such lagging job creation, business development, and individual wealth growth have harmed and are forecasted to continue to harm the economy of Martin County; and,

Whereas the Job Opportunity Building Zone (JOBZ) Program created in Minnesota Session Laws 2003, 1st Special Session, Chapter 21, Article 1 allows for the formation of tax free zones;

Whereas the location business development is difficult to predict;

Be it Resolved that Martin County, at its meeting held on the 15th day of June, 2004, upon careful consideration and review, approves the occasional Fairmont, Welcome, Truman, Sherburn and Trimont future modifications of the JOBZ Sub Zones that were approved by the Martin County Board of Commissioners on August 5, 2003, Resolution No. 34. occasional future modifications of the location of the JOBZ zones are limited to the use of 241.04 acres in Fairmont, 88.39 acres in Welcome, 43.55 acres in Truman, 28.41 acres in Sherburn and 14.97 acres in Trimont that were approved by the Martin County Board of Commissioners on August 5, 2003, Resolution No. 34.

Be it Further Resolved that Martin County approves of the use of tax exemptions and tax credits within the modified JOBZ zones, subject to proper review and approval by the other appropriate taxing authorities within the zones.

Be it Further Resolved that Martin County agrees to provide all of the local tax exemptions and credits required and provided for under the Job Opportunity Building Zones (JOBZ) Legislation and agrees to forego the tax benefits resulting from the local and state tax exemptions and credits provided under the Job Opportunity Building Zones (JOBZ) Legislation.

Adopted by the Martin County Board of Commissioners on June 15, 2004.

Commissioner Pierce moved the adoption of the foregoing resolution, which motion was duly seconded by Commissioner Donnelly, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

SIGNED:

Jack Potter, Chair

ATTEST:

Scott Higgins, Martin County Coordinator

Becky Bentele, Victim Witness Coordinator, was present to request from the Board approval and authorization of the Chairman of the Board signature on the FY2005 Grant Application and Resolution for Minnesota Center for Crime Victim Services. After presentation and discussion by the Board,

Motion was made by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners hereby approve and authorize signature of the Chairman of the Board for the FY2005 Grant Application Assurances and Resolution Authorizing Execution of Agreement with the Office of Justice Programs in the Minnesota Department of Safety.

R-#23/'04

R E S O L U T I O N

AUTHORIZING EXECUTION OF AGREEMENT

Be it resolved that County of Martin will enter into a cooperative agreement with the Office of Justice Programs in the Minnesota Department of Public Safety.

Jack Potter, Board Chair, is hereby authorized to execute such agreements and amendments, as are necessary to implement the project on behalf of County of Martin.

Said resolution was adopted this 15th day of June 2004.

Jack Potter, Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll call taken: Commissioners Potter, Donnelly, Boler, Schmidtke, and Pierce all AYES. NAYS: None. Said application and Resolution are hereby Adopted and approved this 15th day of June 2004. Carried unanimously.

Sheriff Gerhardt was present to request approval of the resignations of two Correction Officers and to approve the hire of two full-time replacement Correction's Officers, for the Sheriff's Office. After review and consideration by the Board,

Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly to accept resignations of Bradley Bodeker, Corrections Officer, and Susan Spencer, Correction's Officer, effective June 1, 2004. All voting in favor. Carried unanimously.

Motion was made by Commissioner Schmidtke, seconded by Commissioner Boler to approve the hiring, of Steve Moller, as full-time Correction's Officer, at \$15.16/hr per Union Contract LELS #115 and Darcie Christensen, as full-time Correction's Officer, at \$15.16/hr per union contract LELS #115, and Michelle I. Bell, as part-time Correction's Officer at \$14.56/hr, not eligible for benefits, for the Martin County Sheriffs Office, effective June 15, 2004. All voting in favor. Carried unanimously.

Sheriff Gerhardt requested approval for the Off Highway (ATV) Vehicle Enforcement Grant and stated that the Grant funds have been allocated by a formula based on the number of ATV's registered in the County.

Motion was made by Commissioner Boler, seconded by Commissioner Pierce to approve and authorize the Chair to sign the Off Highway (ATV) Vehicle Enforcement Grant Agreement and to accept funds in the amount of \$2,785 for participating in the new enforcement program. All voting in favor. Carried unanimously.

Motion was made by Commissioner Donnelly, seconded by Commissioner Boler, to approve promotion of Dawn Schwichtenberg, Corrections Officer at \$18.76/hr. to Assistant Electronic Home Monitoring (EHM) Director at \$19.16/hr. effective June 4, 2004. All voting in favor. Carried unanimously.

Chairman Potter thanked Sheriff Gerhardt for his report.

The Board recessed at 9:56 a.m.

The Board reconvened at 10:03 a.m.

Chairman Potter opened the public hearing, scheduled for 10:00am for public input and consideration of the proposed Adult Use Ordinance.

Scott Higgins, County Coordinator, stated that the purpose of the Adult Use Ordinance is to regulate adult uses in places open to the public. The ordinance states that "adult uses" are to be regulated in those premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or specified anatomical areas" that are capable of being seen by members of the public.

Higgins stated the ordinance is adopted for the purpose of protecting the best interest of the public health, safety and general welfare of the citizens of Martin County. The ordinance describes adult uses as including bookstores; motion picture theaters; mini-motion picture theaters; massage parlors; steam room/bathhouse facilities; and other enterprises meeting the definition. Adult uses are not permitted within 1,000 feet of residential areas or any school, church or licensed daycare. The ordinance also excludes adult-use businesses from areas within 1,000 feet of any hotel or motel; Public Park; hospitals and clinics; youth establishment or any nursing home. No one under the age of 18 will be allowed in any adult-use premises and no liquor license can be issued to any adult-use related business. No alcohol can be served in any form at these establishments.

Violations of the ordinance will result in misdemeanor charges being filed. Each day a violation continues will constitute a separate offense. Additionally, the county may sue for relief on any violation, or to prevent a violation, or may suspend or revoke any permits issued by the board, with cause.

Chairman Potter asked if there were any comments from the Board. There were none.

Chairman Potter asked for any public comments.

Representative Robert Gunther, was present, and asked if the proposed ordinance had been tested in any other counties.

Chairman Potter stated the proposed ordinance has been tested in other counties and held up. Potter further stated that Pam Flitter, Martin County Planning and Zoning Official, and that Terry Viesselman, County Attorney has reviewed the proposed ordinance before it was recommended to Commissioners.

Commissioner Potter stated "It has happened in counties that did not have (adult-use ordinances) that when (adult businesses) started they had no control," We are going to stay one step ahead. They will have to go before the Board.

Edward Lee, Elm Creek Township, was present and asked the Board if there was anything coming to Martin County that the County was aware of pertaining to the consideration of this ordinance.

Chairman Potter stated there was none.

Chairman Potter asked if there was any further public input. There was none.

Motion was made by Commissioner Boler, seconded by Commissioner Donnelly to close the public portion of the public hearing. All voting in favor. Carried unanimously.

Chairman Potter asked if there was any further discussion by the Board on the proposed Adult Use Ordinance. There was no further discussion,

Motion was made by Commissioner Schmidtke, seconded by Commissioner Boler, Be It Resolved, that the Martin County Board of Commissioners, after having met the requirements of publication of the hearing for consideration of an Adult Use Ordinance, and upon the recommendation of the Martin County Planning Commission to adopt the proposed Adult Use Ordinance, hereby approves and adopts the Adult Use Ordinance as presented, and to direct county staff to publish and record the Ordinance as required, Approved and Adopted this 15th day of June 2004. All voting in favor. Carried unanimously.

Chairman Potter thanked the public for attending.

Scott Higgins, Martin County Coordinator, presented the Martin County Historical Society Budget request for 2005 and requested that the Board receives and file the budget allocation request.

Motion was made by Commissioner Schmidtke, seconded by Commissioner Boler to receive and file the Martin County Historical Society Allocation request in the amount of \$20,000 and for consideration for the CY2005 budget. Carried unanimously

Higgins presented the Resolution regarding the Agreement with the State of Minnesota for capital assistance for the construction of or purchase of a transit garage facility. After discussion,

Motion was made by Commissioner Donnelly, seconded by Commissioner Pierce to approve and authorize Chairman of the Board and the Martin County Coordinator to execute the aforementioned Agreement this 15th day of June 2004.

R-#21/'04

RESOLUTION

Be It Resolved, that Martin County Board of Commissioners enter into an Agreement with the State of Minnesota for capital assistance to build/or purchase a Transit Garage Facility.

Be It Further Resolved, that Martin County agrees to provide a local share of 20% of the total capital costs of this project,

Further Resolved that Martin County authorizes the Chairman of the Martin County Board and the Martin County Coordinator to execute the aforementioned Agreement and any amendments thereto.

I hereby certify that the foregoing resolution is a true and correct copy of the resolution presented to and adopted by Martin County Board of Commissioners at a duly authorized meeting thereof held on this 15th day of June, 2004.

Jack Potter, Chairman
Martin County Board of Commissioners

ATTEST: _____
Scott Higgins, County Coordinator

Notary: _____

Roll Call: Commissioners Potter, Schmidtke, Boler, Pierce and Donnelly all AYES.
Nays: None. Passed and approved this 15th day of June 2004.

Motion was made by Commissioner Schmidtke, seconded by Commissioner Donnelly to establish a County Noxious Weeds and Appeals Committee, and that the Committee is to have a membership of two County Commissioners, and the Planning and Zoning Officer, and to authorize per diem and expenses for those who serve on the Committee. All voting in favor. Carried unanimously.

Commissioner Boler volunteered to be a member of the Committee.

Senator Julie Rosen and Representative Robert Gunther were present and gave a legislative update to the Board.

Representative Gunther reviewed the Affordable Health Care Bill, which he felt was the most important issue of the State Legislative session. This report focused on 1)

electronic medical records, 2) Health care mandates 23% of cost 3) Health care saving accounts and 4) save by Prevention. Gunther also stated that the Legislative Officials focused on Capitol Investment and Bonding, and Same Sex Marriage. Gunther was happy to announce that the labor force has only 4.4% unemployed. On a local standpoint, Martin County has gained 44 jobs.

Senator Julie Rosen asked the Board if they had any questions for her.

Commissioner Boler responded that the Legislative Session did not get their job done and there should be a special session in order to pass a much-needed B Bonding Bill.

Senator Rosen said there were many positive things addressed such as the “Meth Bill” and the Ethanol Bill.

Senator Rosen asked the Board if the prior Juvenile Facility was still owned by the County. Rosen stated she needed information in regards to what was available for housing for treatment centers. Rosen stated that the State is short on treatment centers.

After much discussion, Chairman Potter thanked Senator Rosen and Representative Gunther for their good work at the legislative session and for their report.

Richard Honetschlager, Director of South Central Minnesota Senior Federation and Dee Jones President of the Federation were present to inform the Board of their program regarding seniors and residents of Martin County who may qualify for free medications, free Pharmaceutical discount cards and what is available for them. The South Central Region needs support to identify and help those in need of affordable for free medications.

Dee Jones, President, explained to the Board that the Minnesota Senior Federation, South Central Region is this area’s only grassroots not-for-profit organization that effectively represents persons 55 years of age and over on local, state, and national issues. It is largely due to support from County Boards, such as yours, that South Central continues to be the leading rural organization of seniors in Minnesota. Jones further stated that the Minnesota Senior Federation is requesting financial support for the year 2005 of \$1,250. After discussion,

Motion was made by Commissioner Schmidtke, seconded by Commissioner Donnelly Be It Resolved, that the Martin County Board of Commissioner hereby receive and file the budget allocation request from the Minnesota Senior Federation, South Central Region, for the CY2005 Budget in the amount of \$1,250, and to approve an allocation to the Minnesota Senior Federation for \$500 for the current year, to be expended from the General Fund. Carried unanimously.

The Board thanked Dee Jones and Richard Honetschlager for their presentation.

Commissioner Boler stated his concerns regarding the hourly rate being charged by the Lawn Manicurists, Inc for County Drainage System maintenance (weed control and brush clearing). Commissioner Boler stated that County staff should contact this company, evaluate, and adjust this rate for the work done in the County.

Motion was made by Commissioner Boler, seconded by Commissioner Schmidtke to hold the June claim from Lawn Manicurists, Inc. until the County Coordinator has contacted them about an adjustment or discount for work being done in the County. All voting in favor. Carried unanimously.

Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly to approve the warrants to be paid June 15, 2004, as presented with the exception of the Lawn Manicurist claim. All voting in favor. Carried unanimously.

Revenue Fund-	Warrants to be paid 6-15-04	Totaled-\$116,497.25
Enhanced 911-	Warrants to be paid 6-15-04	Totaled-\$.52
Solid Waste Management	Warrants to be paid 6-15-04	Totaled- \$ 15,349.25

Law Library Fund	Warrants to be paid 6-15-04	Totaled \$ 87.95
Martin Co Transit	Warrants to be paid 6-15-04	Totaled \$ 27,431.34
Building CIP	Warrants to be paid 6-15-04	Totaled \$ 9,826.23
Bank Building	Warrants to be paid 6-15-04	<u>Totaled \$ 1,970.52</u>
		\$171,163.06
Ditch Fund	Warrants to be paid 6-15-04	\$23,128.11
Road & Bridge	Warrants to be paid 6-15-04	\$110,790.34

Commissioner Pierce inquired about the County Health Insurance prescriptions regarding 30 days limit at the local pharmacy and 90 days if mail ordered. Higgins stated he would follow up on this matter.

Scott Higgins, County Coordinator, reported to the Board that July 9, 2004 from 2:00 to 4:00 p.m. There will be an "Open House" for the public and staff on the newly remodeled areas of the Courthouse and Security Building. Refreshments will be provided.

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

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

With no further business, to wit,

Motion by Commissioner Pierce to adjourn the meeting, seconded by Commissioner Boler. The meeting adjourned at 11:55 a.m.

BOARD OF COMMISSIONERS

Jack Potter, Chair

ATTEST: _____
 Scott Higgins, County Coordinator