

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

The meeting was called to order by Chairman Jack Potter at 9:00 a.m. Commissioners present were Steve Donnelly, Steve Pierce, Gerald Boler and Dan Schmidtke. Also present were Jim Forshee, Auditor/Treasurer, Scott Higgins, County Coordinator, Kevin Peyman, County Engineer, Terry Viesselman, County Attorney, Sheriff Brad Gerhardt, Rod Halverson, KSUM/KFMC and Faye O'Sell Administrative Assistant.

Motion was made by Commissioner Donnelly, seconded by Commissioner Schmidtke to approve the Agenda with one deletion: 12 (e) Consider Replacement of LEC Air Conditioning Units. Carried unanimously.

Motion was made by Commissioner Schmidtke, seconded by Commissioner Boler to approve the November 2, 2004 Board of Commissioner minutes. Carried unanimously.

Kevin Peyman, Highway Engineer, requested approval for Resolution "Designating Yield Intersection" for the intersection of CSAH 33 and C.R. 148 (East and West bound traffic on C.R. 148 will yield).

Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners approves Resolution "Designating Yield Intersection" control signing for the Intersection of CSAH 33 and C.R. 148. Carried unanimously.

H-#3/'04

**DESIGNATING YIELD INTERSECTION**

In order to control, safeguard and expedite traffic on county and township roads in Martin County, and upon recommendation of the County Engineer, the County Board of Commissioners deems it advisable to make the following resolution:

THEREFORE, BE IT RESOLVED, that the following intersection to and hereby is designated as a YIELD INTERSECTION and the County Engineer be and hereby is instructed to cause the installation and maintenance of YIELD SIGN thereat:

The intersection of CSAH 33 (160<sup>th</sup> avenue) and C.R. 148 (220<sup>th</sup> St.) will be a YIELD INTERSECTION. East and West bound traffic on C.R. 148 (220<sup>th</sup> St.) will yield.

Upon motion by Commissioner Pierce, seconded by Commissioner Donnelly, and carried said resolution was duly passed and adopted this 16<sup>th</sup> day of November 2004.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MINNESOTA

By: \_\_\_\_\_  
Jack Potter, Chairman

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

Peyman stated that he has completed performance reviews for certain Highway personnel and recommended approval for merit increases for the following Highway employees: Scott Jones, Crew Foreman, from Grade 14, Step 4 at \$19.32/hour to Grade 14, Step 5, at \$19.83/hour; per the Highway Supervisors Association agreement and for Gary Shumski, Highway Maintenance Specialist I, Grade 10, Step 2 at \$13.49/hour to Grade 10, Step 3 at \$13.82/hour per the Highway Union Contract, effective November 1, 2004.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that upon the recommendation of the County Engineer, to approve merit increases for the following Highway Department employees as follows: Scott Jones, Crew Foreman, from Grade 14, Step 4 at \$19.32/hour to Grade 14, Step 5, at \$19.83/hour and Gary Shumski, Highway Maintenance Specialist I, from Grade 10, Step 2 at \$13.49/hour to Grade 10, Step 3 at \$13.82/hour, effective November 1, 2004. Carried unanimously.

Peyman updated the Board on the State Highway #15 Coalition meeting last month. Peyman stated that there were not many southern Minnesota counties represented at this meeting and in summary stated that the Coalition was in need of funding to pursue future projects along the corridor between Fairmont to St. Cloud, MN.

Peyman informed the Board that there is a need to publish a new Official Martin County Highway Map. Peyman presented a copy of Cottonwood County's map as an example. Peyman further reviewed a quote received from Don Pirus, Cartographic, Inc. Gilbert, MN as follows 3,000 maps at cost of \$5,572, 5,000 at a cost of \$6,060, 10,000 maps at a cost \$7,178. Peyman stated that he thought printing of 5,000 maps would be sufficient to supply the demand of a county map that would be distributed to the public.

Pierce suggested that the map include public boat launches be listed or noted in some way and that the various municipalities street map be on the backside of the map. Pierce suggested that quote be obtained from Cloud Cartographics, St. Cloud, MN who had done our previous street map and is easy to read. The Board requested that a proof be brought before the Board for review. Peyman stated that before proceeding with the printing of the map, he would bring a proof for the Board to review. After further discussion,

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners hereby approve and allow the County Engineer to proceed with an updated Official County Highway Map for Martin County; and to purchase up to 5,000 maps; and that a proof be brought before the Board for final review. Carried unanimously.

Commissioner Donnelly inquired of the "jake braking" signs and if they are in place on CR #39.

Peyman stated that the signs have been completed and will be going up in the next day or so.

Peyman asked if there were any questions concerning the bills. There were none.

Chairman Potter thanked Peyman for his report.

Terry Viesselman, County Attorney, was present to report on the inquiry and legalities to modify the current Jail Food Service Contract with Dave's Homeplate, Inc. Viesselman stated that the Board can adjust the price of the jail meal without going out for bids, if the vendor can justify an increase and is able to show his increase in cost of supplies or products for the preparation of the meals.

Viesselman stated that concerning the county owned property contiguous to the Gopher Landfill that is now being farmed, the county may lease it to the current operators without putting it out for bid if the lease amount is less than \$15,000.

Higgins stated that the current operator would lease the tillable land next year. The amount of tillable acres is approximately 10 acres.

Viesselman stated that he had received more information from the Attorney's General Office on a sex offender that was evaluated and to be released and return to Martin County. Viesselman further stated that he would go ahead and proceed with the commitment of this sex offender and report back to the board regarding the procedure and financial status of this process. The Board concurred.

Chairman Potter thanked Viesselman for his report.

Sheriff Gerhardt, was present and reported that he will not be giving an update on the “City Watch” System until he hears further regarding potential funding that may be available for this program. Gerhardt further stated that “City Watch” is the most widely used Alert Notification System for Emergency Response. Gerhardt stated that “City Watch” is a full featured, outbound and inbound notification system that enables agencies to quickly, accurately, and automatically send alert and non-alert messages to literally thousands of telephones, cell, fax machines, pagers, email addresses, and TDD-TTY machines within minutes. Gerhardt stated he is waiting to see what the Emergency Management regional vote will be regarding funding for this software.

Sheriff Gerhardt stated that Deputy Peterson has been working to finalize a “Landlord Manual” pertaining to contaminated property due to “Meth” and compliance to the Martin County Clandestine Drug Lab Ordinance that was passed this year. Gerhardt stated that this would be a valuable tool for landlords to have available and use. Deputy Peterson has customized the Manual for Martin County.

Sheriff Gerhardt reported on the ‘voice logger’ system in the Sheriffs Office, stating that it had just quit working today and needed to be repaired. The voice logger equipment records all telephone calls, including 911 and other radio traffic. The approximate cost to replace and repair is \$1,042.50. Gerhardt requested approval to contact the vendor to repair the equipment. Funding for this expense of this equipment would come from the E911 Fund.

By Consensus, the Board approved that the Sheriff Gerhardt have the voice logger repaired.

Billeye Rabbe, Prairieland Solid Waste Consultant, was present to update the Board on Select Committee on Recycling and Environment (SCORE) Funds. Rabbe stated that the county is required to provide a 25% match for the SCORE program. Rabbe further stated that since 1990, each county in Minnesota has produced a SCORE report, which is an annual report on the county’s recycling and waste management programs. The County SCORE report is submitted to the Office of Environmental Assistance (OEA). SCORE money is distributed to counties on a per capita basis. Rabbe reported that those municipalities eligible for SCORE funds has received them for this year.

Rabbe also reported on the county owned property contiguous to the Gopher Landfill that was purchased by the county July, 1990 (approx. 15.88 acres) for \$10,750, with warranty deed recorded February 26, 1991. The county purchased the land as long-term liability insurance and serve as a buffer between the landfill and the creek. The county board at that time was concerned with the possibility of leaching that may occur from the landfill. This parcel of land was retained in life estate until the death of Edwin Maschoff , who had passed away in February. Rabbe stated that Marlo and Tim Maschoff are currently farming the land and that Maschoff’s are interested in continuing to farm the land. After discussion,

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners hereby approves the renting of the farmland describes as Section 6, 103 North Range 30 W, Rutland Township (Parcel # R16.006.0550) of approximately 10.8 acres; and to direct staff to negotiate with Tim and Marlo Maschoff on a mutual rent agreement for 2005 contingent on Board approval. Carried unanimously

The Board recessed at 10:05 a.m.  
The Board reconvened at 10:15 a.m.

Chairman Potter opened the Public Hearing for consideration of the proposed “Wind Energy Conversion System Ordinance”.

Those Present were Commissioners, Donnelly, Pierce, Boler and Schmidtke, Jim Forshee, Auditor/Treasurer, Scott Higgins, County Coordinator, Pam Flitter, Martin County Zoning Official for Martin County, Faye O'Sell, Administrative Assistant, Christine Rupp, Sentinel and Rod Halverson, KSUM/KFMC.

Flitter stated that the Planning Commission has held its required public hearing and has recommended approval of the proposed Martin County Wind Energy Conversion Ordinance. The purpose of this ordinance is to promote effective and efficient use of Wind Energy Conversion Systems; to facilitate economic opportunities for local residents consistent with the public health, safety and general welfare; and to promote the supply of wind energy sources in support of Minnesota's stated goals to increase the percentage of energy production coming from clean, renewable energy.

Chairman Potter asked for public input. There was none.

Motion was made by Commissioner Donnelly seconded by Commissioner Boler to close the public portion of the Wind Energy Conversion System Ordinance hearing. Carried unanimously.

Chairman Potter asked for Board discussion.

Commissioner Boler inquired about the small windmills, and why there was nothing in the proposed Ordinance addressing the smaller energy producing windmills.

Flitter concurred, and said that it was determined by Commission that did not necessarily anticipate a need for the smaller windmills and that if that this could be addressed by the Planning Commission and County Board as needed. After further discussion,

Motion was made by Commissioner Boler, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners after having met the requirements of publication of hearing for consideration of the proposed Martin County Wind Energy Conversion Ordinance and upon the recommendation of the Martin County Planning and Zoning Commission, hereby approves and adopts the Martin County Wind Energy Conversion Ordinance as presented, and to direct county staff to publish and record said ordinance as required. Approved and adopted this 16<sup>th</sup> day of November 2004.

**R-#49/04**

**RESOLUTION  
ORDINANCE 2004-10**

**ADOPTION AND THE ENACTMENT OF THE "WIND ENERGY  
CONVERSION SYSTEM ORDINANCE" FOR MARTIN COUNTY, MN**

WHEREAS, the Martin County Board of Commissioners desire to establish an Ordinance to set forth the procedures to promote the effective and efficient use of Wind Energy Conversion System; to facilitate economic opportunities for local residents consistent with the public health, safety and general welfare; to promote the supply of wind energy sources in support the increase of energy production coming from clean, renewable energy in Martin County, MN, and

WHEREAS, notice of the public hearing to be held by the Martin County Board of Commissioners on the Wind Energy Conversion System Ordinance was published as required by law, and

WHEREAS, the Martin County Board of Commissioners has held a public hearing and took testimony from the public with respect to proposed WIND ENERGY CONVERSION SYSTEM ORDINANCE for Martin County during the Board of Commissioners regular meeting on November 16, 2004, and

WHEREAS, the Martin County Board of Commissioners have determined that the proposed Wind Energy Conversion System Ordinance serves the best interest of the County.

NOW THEREFORE, upon on a motion by Commissioner Boler, seconded by Commissioner Pierce, that the Martin County Board of Commissioners does hereby ordain the following the proposed WIND ENERGY CONVERSION SYSTEM ORDINANCE and that this Ordinance shall be in effect after its passage an approval and publication as required by law.

Passed and Approved the 16th day of November 2004.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Jack Potter, Chair

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

AYES: Commissioners Potter, Donnelly, Schmidtke, Pierce and Boler.

NAYES: None. Said resolution was duly adopted this 16<sup>th</sup> day of November 2004.

Jerome Gerdts CPA, Roessler, Nuss, and Co. presented and reviewed the 2003 County Audit with the Board.

Motion was made by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners hereby receive and file the 2003 County Audit report as presented by Roessler and Nuss and Company, Fairmont, MN. Carried unanimously.

Scott Higgins, County Coordinator, reported to the Board that the City of Fairmont is requesting financial participation from the County for a value-added processing economic development project in Martin County. The financial request is not to exceed \$50,000 for the project. After discussion,

Motion was made by Commissioner Pierce, seconded by Commissioner Schmidtke Be It Resolved, that the Martin County Board of Commissioners hereby approve the request from the City of Fairmont for financial participation by Martin County for a value-added processing economic development project in Martin County; and not to exceed \$50,000 for this development project; and to be expended from the County Economic Development Fund. Carried unanimously.

Higgins reported to the Board that the Minnesota Department of Transportation (MNDOT) has accepted the county's offer of \$25,000 to purchase approximately 2.5 acres of land of the easterly portion of the MNDOT Truck station property (along Indus Street). The proposed assessment was reduced from \$29,946.80 to \$0.00. Recommendation is for the approval to purchase the property.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners approves and authorize the Chair to sign the necessary purchase agreement and other necessary documents for the purchase of the property described as in the amount of \$25,000 for a 2.5 acre parcel; and to disburse payment of a 50/50 split from the county General Fund and Road and Bridge Fund. Carried unanimously.

Higgins presented information regarding a number of options the county has explored as possibilities for a transit garage facility. The most recent one was a 30,000 square foot warehouse on five acres located on 1000 Armstrong Street, Fairmont at an asking price of \$440,000. The Building and Purchasing Committee determined that it was not conducive to the transit needs. Higgins also stated that the Building/Purchasing Committee

recommended moving ahead with construction of a new facility on the newly purchased parcel.

Higgins stated that preparing design and bid specifications is projected to cost approximately \$9,900. Higgins further stated a preliminary construction estimate from I & S puts the cost of building a transit facility at about \$343,000. The County has been awarded a grant from the Minnesota Department of Transportation for 80 percent of the project cost, up to \$200,000. After discussion,

Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, approve moving forward with construction of a transit garage facility for the Martin County Express public transit system and to engage I & S Architects and Engineers of Mankato, MN to prepare design and bid specifications for the proposed transit garage facility. Carried unanimously.

Higgins presented the 2004 Individual Septic Treatment System (ISTS) Loan listing (agreements) to be approved, certified and placed as special assessments per the Martin County Individual Septic Treatment System Loan Program. In addition, the Board will need to review the rate of interest for next year. It is currently at 3% and 6% depending on the applicant's income level. Staff recommends approval for the 2004 Septic loans for \$204,104.35 to be certified to the Auditor/Treasurer. After discussion,

Motion was made by Commissioner Schmidtke, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners hereby approve and certify the Individual Septic Treatment System (ISTS) loans in the amount of \$204,104.35 as presented, and is properly recorded by the Martin County Records Office, and that the appropriate portion of principle and interest for each loan be certified to the County Auditor/Treasurer to be applied to the tax statements and special assessments per the ISTS Loan agreements. Carried unanimously.

During 2004, the following individuals applied for, and were granted, loans through the Martin County ISTS Loan Program. The appropriate portion of the principal and interest for each loan should be applied to the tax statements as a special assessment.

	Name	Parcel Number	Loan %	Years for Loan	Loan Type	Loan Amount
1	Laue, Jeffrey	18.011.0350	3 %	8	BE	\$ 4,425.00
2	Thompson, Tim	06.050.0245	6 %	6	MC	\$ 4,575.00
3	Nowak, Harold	06.150.0030	3 %	9	BE	\$ 4,915.58
4	Blachowske, Dwane	15.013.1000	3 %	10	BE	\$ 25,141.00
5	Bauer, Russell	04.027.0500	6 %	10	MC	\$ 6,450.00
6	Spear, Derek	03.032.0450	3 %	8	BE	\$ 4,190.00
7	Anderson, Gary	11.015.0250	6 %	10	MC	\$ 8,257.50
8	Bong, Clyde	06.050.0090	3 %	9	BE	\$ 4,650.00
9	Unke, Roland	16.016.0625	6 %	10	MC	\$ 6,902.55
10	VonBank, Dion <b>PAID</b>	18.027.0700	3 %	9	BE	\$ 4,875.00
11	Jass, Brent	01.007.0200	3 %	10	BE	\$ 6,450.00
12	Petrowiak, Dan	20.017.0350	3 %	10	WAT	\$ 5,822.00
13	Johnston, Kent	05.021.0400	3 %	10	BE	\$ 5,235.00

14	Lange, Brian	06.500.0030	3 %	10	BE	\$ 10,154.00
15	Kotewa, Nick	18.014.0650	6 %	10	MC	\$ 8,328.12
16	Cartwright, Joseph	02.011.0425	3 %	8	BE	\$ 4,195.30
17	Detloff, Kenneth	20.028.0050	6 %	10	MC	\$ 5,549.50
18	Steuber, Jared	20.005.0550	3 %	10	WAT	\$ 5,345.00
19	Gerhardt, Robert	12.025.0600	3 %	7	MC	\$ 3,702.50
20	Kockler, Robert and Kockler, Tina	03.022.0700	3 %	5	MC	\$ 3,066.78
21	Nordquist, Mark	17.795.0040	6 %	10	MC	\$ 5,312.34
22	Hopp, Terrance <b>PAID</b>	02.028.0350	6 %	10	MC	\$ 11,796.54
23	Benson, Ricki	16.036.0275	6 %	7	MC	\$ 3,675.00
24	Ogren, Bruce	05.031.0300	3 %	6	MC	\$ 3,175.00
25	Lewis, Ferne	13.028.0500	3 %	7	MC	\$ 3,675.00
26	Spear, Brian	19.004.0150	3 %	6	WAT	\$ 3,201.56
27	Bonnicksen, Brandon	06.250.0100	3 %	10	MC	\$ 5,322.15
28	Lindell, Allan	06.150.0020	3 %	9	MC	\$ 4,837.41
29	Olson, Eldon	01.030.0100	3 %	10	BE	\$ 7, 764.82
	<b><u>Need final paper work</u></b>					
30	Stolz, Michael	20.035.0550	6 %	10	MC	\$ 9,278.07
31	Schmidt, Barry	01.026.0150	6 %	10	MC	\$ 7,661.63
32	Beckendorf, Nathan	18.030.0400	6 %	10	MC	\$ 6,175.00
<b>Total Loans</b>						<b>\$ 204,104.35</b>

Motion was made by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners after review of the Martin County Individual Septic Treatment System (ISTS) Loan Program interest rate being charged for the Loan Program, hereby approves the interest rate of 3% and 6% annual interest to be charged accordingly per the income level of the applicants as described by the Martin County ISTS loan program for CY 2005. Carried unanimously.

Higgins presented the list of the Martin County Citizen Advisory Boards/Commissions for (re) appointments for terms expiring 2004. The Board received and reviewed the list of various Boards and Commissions of those whose terms are due to expire. After discussion,

By consensus, it was determined to take consideration and action regarding the appointments to the Citizen Advisory Boards and Commissions for 2005, at the next regular meeting.

Motion was made by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, receive and file the CY2005 budget allocation request from the Three Rivers Resource Conservation and Development Council (RC and D) of \$600. Carried unanimously.

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

warrants to be paid 11-16-04 as presented; and Road and Bridge bills; and that a detail copy of the warrant listing ins available at the Auditor/Treasurers Office. Carried unanimously.

Revenue Fund	- Warrants approved to be paid 11-16-04-Totaled	\$113,209.82
Solid Waste Mgmt Fund-	“ “ “	\$ 19,990.02
Law Library Fund-		\$ 471.52
Martin County Transit Fund-		\$ 25,778.41
Bank Building Fund-		\$ 2,015.31
Debt Service-Prairieland-		\$ 49,142.50
Recreation & Safety Fund-		\$ 209.01
Individual Sewage Treatment Sys Loan		<u>\$ 30,879.52</u>
	GRAND TOTAL	\$241,696.19

DITCH FUND-Warrants approved to be paid 11-16-04 Grand Total \$ 196.05

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

Motion was made by Commissioner Schmidtke, seconded by Commissioner Donnelly to approve per diems and expenses to the Farm Forum Meeting, December 3, 2004 at Mankato Technical College, Mankato, MN. Carried unanimously.

Commissioner Schmidtke discussed the Jail Meals with the Board and suggested an increase of .30 cents to the Jail Food Service Contract for Dave’s Homeplate, Inc. due to the increase in price of milk, meat, gas (transportation costs) and preparation of meals. Dave Kuhl has formally requested an increase in his current contract per letter dated June 14, 2004. After discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, that Dave Kuhl (owner Dave’s Homeplate) has requested an increase in per meal cost for the Jail Food Service Contract, due to expire December 31, 2005, because of substantial increase in food prices and preparation of the meals, hereby approves to amend the Jail Food Service Contract with Daves’ Homeplate, Inc. and to adjust the per meal cost from \$2.89 to \$3.19 per meal effective November 17, 2004 through the remainder of the Contract period to December 31, 2005. Carried unanimously.

By consensus, the Commissioners also stated that Dave Kuhl, proprietor of Dave’s Home Plate, serve inmates at the jail cold cereal for breakfast, a cold sandwich for lunch and a hot meal in the evening as long as the meals meet the nutritional requirements set forth by the state Department of Corrections.

Commissioner Schmidtke stated that there is a need to replace the serving trays currently used to serve the meals. The trays are worn and need to be replaced and do not do as good a job as they once did.

Motion was made by Commissioner Schmidtke, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners to approve expenditures for the replacement of the old serving meal trays for the Jail; and to allow purchase of up to 100 new serving trays for the inmates at the Martin County Jail. Carried unanimously.

Commissioner Boler stated if the County has not charged the Sentinel for the meals, they would need to be pay for those meals eaten during the reporter’s investigation of the jail food. Boler further stated that he does not believe taxpayers should have to pay for those meals.

Motion was made by Commissioner Boler, seconded by Commissioner Pierce to direct staff to check into whether or not the Sentinel was billed for the jail meals eaten by the reporter; and if not, the county staff is directed to bill the Sentinel for those meals. Carried unanimously.

With no further business, to wit, Motion by Commissioner Boler, seconded by Commissioner Donnelly to adjourn the meeting of the regular Board of Commissioners meeting for November 16, 2004. Carried unanimously. Meeting adjourned at 12:45 p.m. Dated this 16<sup>th</sup> day of November 2004.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Jack Potter, Chair

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