

**PROCEEDINGS OF THE MARTIN  
COUNTY BOARD OF COMMISSIONERS  
TUESDAY, APRIL 5, 2005  
@ 9:00 A.M.**

The meeting was called to order at 9:00 a.m. by Chairman Dan Schmidtke. Commissioners present were Steve Donnelly, Steve Pierce, and Jack Potter. Commissioner Gerald Boler was absent. Also present were Scott Higgins, County Coordinator, James Forshee, Auditor/Treasurer, Kevin Peyman, County Highway Engineer, Terry Viesselman, County Attorney, Christine Rupp, Fairmont Sentinel, Pam Flitter, Planning and Zoning, Julie Walters, Administrative Assistant, members of the public.

Chairman Schmidtke asked if there were any additions to the agenda. There were none.

Motion by Commissioner Donnelly, seconded by Commissioner Potter to approve the Agenda with no additions.

Chairman Schmidtke read and passed around to the Board a thank you note from Faye O'Sell for the Board presentation, open house celebration and gift on her retirement.

Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly to approve the minutes of the March 15, 2005 Board of Commissioners meeting. Carried unanimously.

Scott Higgins, County Coordinator, presented the following Personnel Consent Agenda Items for approval: 3 b. Approve and authorize hire of One (1) Part-time Corrections Officer – Sheriff's Office; and Approve hire of Administrative Secretary II - Victim Services; and to Approve hire of Two (2) Part-time Communications Officers – Sheriff's Office; and to Accept resignation of, and authorize recruitment of Maintenance Specialist II position – Martin County Highway Department. After discussion,

Motion was made by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of the County Coordinator to approve and authorize hire of Andrew Boe as part-time corrections Officer for the Martin County Sheriff's Office, effective March 25, 2005 at \$14.56/hour, not eligible for benefits; and to approve and authorize hire of Administrative Secretary II for the Martin County Victim Services Program contingent upon satisfactory receipt of criminal background check information; and to approve and authorize hire of Andrew Cartwright and Linda Gustafson as part-time Communications Officers for the Martin County Sheriff's Office, effective March 30, 2005 at \$14.56/hour, not eligible for benefits; and to accept resignation of Tim Allevan and authorize recruitment of Maintenance Specialist II position – Martin County Highway Department. Carried unanimously.

Kevin Peyman, County Engineer, and Mary Ebeling, Martin County Park Board, were present to update the Commissioners on the Cedar- Hanson Park Development Plan. Peyman recapped previous Park Board proceedings stating that a few years ago a long-term plan for Cedar Hanson Park was developed and approved by the County Board. Part of that plan was to install electrical and water hook-ups for camping. Peyman further stated that total completion of the utility hook-ups would take two seasons to complete. There still would be some areas left undeveloped. It is estimated that the first phase would cost \$40,000. The daily charge for those camp sites with electrical and water hookup is expected to be higher than those without. To complete the project the second year is expected to cost \$35,000.

Peyman also informed the Board that the cash balance of the Park fund at the end of 2004 was approximately \$72,500. As Cedar-Hanson Park is more developed, it may require a full time park caretaker position. Peyman stated that another major part of the development of Cedar-Hanson Park discussed by the Park Board, was constructing a permanent residence for the park caretaker. The Park Board is looking at many different options there. Other items the Park Board would be recommending are construction of shower house and dump stations. These types of projects will be completed as funds allow.

Peyman recommended approval to complete the first phase for the installation of the electrical and water hookups this year. Peyman stated that there would not be enough Park funds to pay for a caretaker residence and that the County would need to determine financing options. Jim Forshee, Auditor/Treasurer, added that the Park Board would be looking at grants for park development, to help offset costs.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners upon the recommendation of the County Engineer and County Park Board; and per the Development Plan for Cedar-Hanson Park, approve the first phase for the installation of water and electrical hook ups for Cedar-Hanson Park at an estimated cost of \$40,000, to be completed summer of 2005. Carried unanimously.

Peyman recommended the hire of Richard Olson as seasonal park caretaker for Cedar Hanson Park not to exceed \$13,000 for six- (6) month duration.

Motion by Commissioner Potter, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners upon the recommendation of the County Engineer, approve the hire of Richard Olson as Seasonal Parks Caretaker for the Martin County Highway Department, effective April 1, 2005, not to exceed \$13,000. for 6 months duration and not eligible for benefits. Carried unanimously.

With no further matters to discuss, Chairman Schmidtke thanked Peyman for his report.

Terry Viesselman, Martin County Attorney, was present and reported to the Board that Aquila has a pre-trial conference coming up on Friday this week regarding the proposed settlement.

With nothing further to report, Chairman Schmidtke thanked Viesselman for his report.

Captain Brad Hady, Sheriff's Office, presented the Monthly Sheriff's Update to the Board. Captain Hady stated that approximately one month ago, Sheriff Gerhardt brought before the Board a proposed "Burning Restrictions" Ordinance and asked whether the Board wished to proceed in adopting the proposed Ordinance. Higgins stated that the Board would need to set a public hearing date in consideration of adopting the proposed Ordinance.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners for the consideration to adopt the proposed "Martin County Burning Restrictions" Ordinance, hereby set a public hearing date for May 17, 2005 at 10:00 a.m.; hearing to be held at the Martin County Courthouse, in the Martin County Board of Commissioner meeting room. Carried unanimously.

Hady reported the road restrictions are currently in place and to please share with constituent's, the fragile condition of our roads this time of year. Hady further stated that the Sheriff's Office would be initiating an enforcement effort in the next two weeks.

Hady next presented the proposed Nursing Services Contract for 2005. The main highlights of the contract is an hourly charge increase from \$30.00/hour in 2004 to \$35.00/hour for 2005, on-call service fees of \$30.00/month for cell phone usage, and a minimum time of 2 hours for emergency callbacks. Hady stated that after researching other counties, the service fees requested were found to be average.

Discussion ensued regarding the increase in hourly service fees from last year's contract. Hady stated that in their research the highest hourly service fees were \$42.50/hour to \$45.00/hour. Mark Geerdes, Martin County Jailer, clarified to the Board what a callback was and those callbacks happen only a couple times each year. After further discussion,

Motion 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 Nursing Services Contract for 2005 between Martin County and Joy Poush (Independent Contractor); with the exception of the hourly service fee rate of \$35.00/hour be reduced to \$32.50/hour rate effective January 1, 2005. Carried unanimously.

Captain Hady stated that he would take the approved proposal back for consideration.

Hady next presented a Certificate of Completion to Commissioner Jack Potter for the MIMS training course he completed last year. Commissioner Potter was applauded for his efforts.

Hady continued with a request to approve resolution for the National Incident Management System (NIMS) Resolution. Hady stated that the objective is to standardize emergency management procedures and protocol across the nation. Forshee added that this is the result of 9-11.

R-#20/05

## RESOLUTION

### AUTHORIZING DESIGNATING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN MARTIN COUNT:

WHEREAS, the President of the United States, in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity;

WHEREAS, the collective input and guidance from all federal, state, local, and tribal security partners has been, and will continue to be vital to the development, effective implementation and utilization of a comprehensive NIMS;

WHEREAS, it is necessary and desirable that all federal, state, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management;

WHEREAS, to facilitate the most efficient and effective incident management, it is critical that federal, state, local, and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform planning, training, and exercising standards, comprehensive resource management, and designated incident facilities during emergencies or disasters;

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities, and resources will improve the county's ability to utilize federal and state funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes;

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the State and Martin County, including current emergency management training programs;

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System;

WHEREAS, the Governor of the State of Minnesota by Executive Order 05-02, February 9, 2005, has designated the NIMS as the basis for all incident management in the State of Minnesota;

NOW, THEREFORE, the Martin County Board of Commissioners do hereby establish the National Incident Management System (NIMS) as the standard for incident management in Martin County.

Motion by Commissioner Pierce, seconded by Commissioner Potter, to approve and authorize the Chair to sign said resolution.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Chair

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

Roll Call AYES: Commissioners Donnelly, Pierce, Potter, Schmidtke. NAYS: None. Said resolution was duly passed and adopted this 5<sup>th</sup> day of April, 2005.

Hady reported that the Justice Council is still meeting but plans to meet once a month rather than every other week in the future. The Committee is in the data collection stage and will have assembled another subcommittee to address the most frequently asked questions regarding a new jail facility. This will aid the committee members to be prepared for questions from the public. Commissioner Pierce stated his appreciation to the Sheriff Office, Court, and other county staff in doing an excellent job in putting all of the information together to this point.

Hady continued with his update with news on the Fairmont Trap Club shooting range. The range is located southeast of Fairmont and is currently in the construction phase in development of the shooting complex. Area law enforcement agencies have been working with the Club on this and will be able to train at an actual range again instead of a gravel pit.

Hady concluded with his summarization with the proposed "Mass Gathering" Ordinance. The main purpose of the proposed Mass Gathering Ordinance is to ensure that all security, medical, health and safety issues have been addressed and establishes guidelines and regulations of an anticipated assembly of 1,000 or more people, whether on public or private property. After discussion,

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby in consideration of adopting the proposed "Martin County Mass Gathering" Ordinance set a public hearing for May 3, 2005 at 10:00 a.m., at the Martin County Courthouse - Board Meeting Room. Carried unanimously.

With nothing further to discuss, Chairman Schmidtke thanked Hady and Geerdes for their reports.

Pam Flitter, Zoning Official, presented to the Board for consideration a Conditional Use Permit (CUP) for David and Lin Henriksen of Nashville Township-Section 3. The Henriksen's are proposing to operate a pet boarding and grooming business on an existing building site located in an "A" Agricultural District. The Planning Commission approved the CUP request during their March 24, 2005 meeting and is recommending approval of the Conditional Use Permit.

Motion by Commissioner Pierce, seconded by Commissioner Potter, WHEREAS, a Conditional Use Permit requested by David and Lin Henriksen (applicants) on approximately 7.8 acres of the n 1/2NW 1/4, West 1/3, of SW 1/4, West 1/3 of S 1/2 NW 1/4 all in Section 3-104-29, Martin County, MN (Nashville Township-Section 3), has applied for a Conditional Use Permit to operate a pet boarding and grooming business; and

WHEREAS, the Martin County Planning and Zoning staff has completed review of the application and made a report pertaining to the request, a copy of said report has been presented to the County Board of Commissioners; and

WHEREAS, the Planning Commission of the County on the 22<sup>nd</sup> day of March 2005, following proper notice, held a public hearing regarding the request and, following the hearing, adopted a recommendation that the request for a Conditional Use Permit be granted; and

WHEREAS, the Martin County Board of Commissioners finds that Conditional Use Permit is to be issued for the following purpose:

David and Lin Henriksen are proposing to operate a pet boarding and grooming Business on an existing building site and requires a Conditional Use Permit in an "A" Agricultural Zoning District, and

WHEREAS, the following conditions have been applied:

- Any septic work required to be designed and installed by a licensed septic contractor
- Any signage shall be located outside of the public right-of-way

THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners and upon the recommendation of the Martin County Planning Commission hereby approves the Conditional Use Permit for the above described property and is hereby issued pursuant to MS. 394.301 and the Martin County Ordinance Chapter 6, and that this permit shall remain in full force and effect provided in the conditions as described above are met and maintained by the applicant and his/or her successors in interest. This permit is binding upon the applicant, the record titleholder to the property, and his/her successors in interest. Notice is hereby given that this permit may be revoked if the conditions set forth above are not maintained as described above. Said Resolution unanimously carried and adopted this 5<sup>th</sup> Day of April, 2005.

Chairman Schmidtke thanked Flitter for her presentation.

Higgins reported that at a previous meeting, the proposal for accounting services by Larson, Allen, Weishair and Co. was presented for Board consideration. The Board requested that county staff discuss with the county's private audit firm. Staff has completed those discussions. It is recommended that the Board approve the scope of services and eventual agreement for the Firm to compile the County's financial statements, trial balances, financial statements and notes to the financial statements for Martin County for the upcoming 2004 audit. Fees for this service are not to exceed \$8,500. unless additional work is needed. Due to time constraints, Roessler and Nuss would not have enough time to complete the necessary work for us. Commissioner Pierce noted that the auditors, you could not create financial statements and then and audit those same statements. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that upon the recommendation of the County Coordinator, the Martin County Board of Commissioners approve and authorize the Chair to sign an agreement with Larson, Allen, Weishair and Co., for accounting services as presented for the preparation of the necessary financial statements for the 2004 audit in the amount of \$8,500. Carried unanimously.

Higgins presented the request for reclassification of the Account Clerk II position in the Records Office to an Account Technician I. Higgins stated that the County Personnel Committee has reviewed the request and recommends approval due to the position is performing the same job duties as an Account Technician I for the Records Office. Kay Wrucke, County Recorder, was present to confirm that the position is doing the same work as the current Account Technician I position. After discussion,

Motion by Commissioner Potter, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners upon on the recommendation of the County Personnel Committee and after careful review and study, approve the reclassification of the Kathryn Simmering, Account Clerk II, Grade 8 Step 6 to \$12.85/hour to Account Technician I Grade 10 Step 1 \$13.43/hour, effective April 17, 2005. Carried unanimously.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, as part of the initial purchase of the building located on 1023 North Dewey Street, Fairmont, hereby ratifies approval for the sale of a buildings #4 and #3 (approximately 192' x 100') described Tract A as Lot 1, Block 4 of Jahn's addition to the City of Fairmont, Martin County, Minnesota, excepting therefrom the south 100 feet thereof, and also excepting therefrom that part of Lot 1 of Block 4, Jahn's Third Addition to the City of Fairmont, Martin County, Minnesota to RediHaul Trailers Inc. of Fairmont, M N for \$140,000. Carried unanimously.

Darren Newville, Program Specialist with the Martin Soil and Water Conservation District (SWCD), presented the "Priority Concern Scoping Document for the Martin County Comprehensive Local Water Management Plan" as developed in accordance with the changes to the Comprehensive Local Water Management Act: Statutes: 103B.304-103B.355. Said Document lists the priority concerns the Martin County Local Water Plan Task Force Committee has chosen and a detailed account of how these concerns were identified and chosen. The document will be submitted to the State for their response within 30 days. After the State's response, the Document will go to the Board of Water and Soil Resources (BWSR) for approval and then the SWCD can begin drafting the necessary revisions to the County Water Plan. Newville stated that the revisions should be ready for a public hearing sometime in October or November. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners approve the "Priority Scoping Document for the Martin County Comprehensive Local Water Management Plan", as presented for the eventual inclusion in the Martin County Comprehensive Local Water Management Plan. Carried unanimously.

Chairman Schmidtke thanked Newville for his report.

Higgins discussed the upcoming AMC "Land Use" annual training session coming up to held on April 14, 2005 (Brainerd). April 29<sup>th</sup> (St. Cloud), May 5<sup>th</sup> (Mankato).

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners approve and authorize per diems and expenses for attendance to the AMC training session, "Making Solid Land Use Decisions" to be held on April 14, 2005 (Brainerd). April 29<sup>th</sup> (St. Cloud), May 5<sup>th</sup> (Mankato). Carried unanimously.

Higgins presented a letter from MN/DOT-Office of Transit, to the Board of Commissioners, citing that the letter is to give our transit system notice that the State of Minnesota may not have sufficient funding to reimburse costs associated with our calendar year 2005 funding agreement for the operation of the Martin County Express transit bus service.

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

The next regular meeting of the Martin County Board of Commissioners will be Tuesday, April 19<sup>th</sup>, 2005 at 9:00 a.m. in the Martin County Commissioners Room.

With no further business to wit, Motion by Commissioner Pierce, seconded by Commissioner Potter to adjourn the meeting. Carried unanimously. Meeting adjourned at 10:20 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Chair

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