

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

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

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, to approve the Agenda with no additions. Carried Unanimously.

Scott Higgins, County Coordinator, presented the following consent items to the Board: a. Approve the minutes of the June 21, 2005 Board of Commissioners Meeting; b. Consider the hire of a Summer Intern for the Extension Office; and, c. Receive and file 2006 Budget Appropriation Request from Minnesota Valley Action Council.

Motion by Commissioner Donnelly, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the June 21, 2005 Board of Commissioners Meeting; and to approve and authorize the hire of Laura Zehnder as 4-H Intern at Extension (temporary summer position) effective June 27, 2005 to August 26, 2005 at a rate of \$8.00/hour, up to 40 hours per week, not eligible for full-time benefits; and, Receive and File the CY2006 Budget Appropriation Request from Minnesota Valley Action Council in the amount of \$11,523. Carried unanimously.

Kevin Peyman, County Highway Engineer, was present to open discussion in consideration of donating recycled blacktop material to the City of Fairmont for shouldering use on Lair Road.

Motion by Commissioner Donnelly, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of Kevin Peyman, County Highway Engineer, hereby approve donating recycled blacktop material to the City of Fairmont for use on the Lair Road Project. Carried unanimously.

With no further Highway Business, Schmidtke thanked Peyman for his report.

Terry Viesselman, County Attorney, was present and had no report.

Pam Flitter, Zoning Official, presented to the Board for consideration the following six Conditional Use Permits (CUP's). After discussion,

R-#34/'05

Conditional Use Permit for Interstate Power Company for the Construction of a 300' Telecommunications Tower and Enlarge Substation Area on a Site located within Section 5 of Manyaska Township

Motion by Commissioner Pierce seconded by Commissioner Potter,

WHEREAS, a Conditional Use Permit requested by Interstate Power Company, applicant/owner of property located in a tract of land in the Northwest Quarter (NW ¼) of Section Five (5), Township One Hundred Two (102) North, Range Thirty-Two (32) West of the Fifth Principal Meridian in Martin County, Minnesota (legally described in applications) for the purpose of constructing a 300' telecommunications tower and enlarge substation area located in an "SL-2" Residential Recreational District, 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 28th day of June 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:

Constructing a 300' telecommunications tower and enlarge substation area located in an "SL-2" Residential Recreational District, and

WHEREAS, the following conditions have been applied:

- Approval of permit by FAA/FCC
- Building permit(s) be obtained
- Applicant must construct according to the plan, which has been submitted

NOW 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 #1 Chapter 6.01, 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.

This resolution shall become effective immediately upon its passage and without publication.

Carried unanimously.

R-#35/'05

Conditional Use Permit for Midwest Wireless for the Construction of a 265' Guyed Tower and a 12' x 20' Equipment Building for Cellular Phone Communications on a Site located within Section 9 of Pleasant Prairie Township

Motion by Commissioner Boler, seconded by Commissioner Potter,

WHEREAS, a Conditional Use Permit requested by Midwest Wireless, applicant Jon M. Balcom, owner of property located in the West One-Half of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter of Section 9, Township 102 North, Range 29 West of the Fifth Principal Meridian in Martin County, Minnesota (legally described in applications) for the purpose of construction a 265' Guyed Tower and a 12 x 20 equipment building for cellular phone communications on a site located in an "A" Agricultural District, 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 28th day of June 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:

Constructing a 265' Guyed Tower and a 12' x 20' Equipment Building for cellular phone communications on a site located in an "A" Agricultural District, and

WHEREAS, the following conditions have been applied:

- Approval of permit by FAA/FCC
- Building permit(s) be obtained
- Applicant must construct according to the plan, which has been submitted

NOW 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 #1 Chapter 6.01, 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.

This resolution shall become effective immediately upon its passage and without publication.

Carried unanimously.

R-#36/'05

Conditional Use Permit for Midwest Wireless for Constructing a 195' Lattice Tower and a 12' x 20' Equipment Building for Cellular Phone Communications within Section 28 of Silver Lake Township

Motion by Commissioner Pierce, seconded by Commissioner Boler,

WHEREAS, a Conditional Use Permit requested by Midwest Wireless, applicant Lawrence E. Sukalski and Diane Kay Sukalski, husband and wife, owners of property located in the East Half of the Southwest Quarter, Section Twenty-eight, Township One Hundred One North, Range Thirty West in Martin County, Minnesota (legally described in applications) for the purpose of Constructing a 195' Lattice Tower and a 12' x 20' equipment building for cellular phone communications on a site located in an "A" Agricultural District for any new tower to a maximum of 400 feet, 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 28th day of June 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:

Constructing a 195' Lattice Tower and a 12' x 20' Equipment Building for Cellular Phone Communications on a Site Located in an "A" Agricultural District for any new tower to a maximum of 400 feet, and

WHEREAS, the following conditions have been applied:

- Approval of permit by the FAA/FCC
- Building permit(s) be obtained
- Applicant must construct according to the plan, which has been submitted
- Martin County reserves the right to require the addition of a light should it be determined to be necessary for safety purposes.

NOW 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 #1 Chapter 6.01, 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.

This resolution shall become effective immediately upon its passage and without publication.

Carried unanimously.

R-#37/'05

Conditional Use Permit for Navitas Energy for Installing and Operating a Meteorological Tower (Met Tower) within Section 32 of Elm Creek Township

Motion by Commissioner Pierce, seconded by Commissioner Potter,

WHEREAS, a Conditional Use Permit requested by Navitas Energy, applicant Gail E. Finke, owner of property located in the Northwest Quarter (NW ¼) and the West Half of the Southwest Quarter (W ½ SW ¼) of Section Thirty-Two (32), and the Northeast Quarter (NE ¼) and the Northeast Quarter of the Southeast Quarter of Section Thirty-Two (32), Township One Hundred Three (103), Range Thirty-Three (33) in Martin County, Minnesota (legally described in applications) for the purpose of Installing and Operating a Meteorological Tower (Met Tower) in an "A" Agricultural District, 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 28th day of June 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:

Install and Operate a Meteorological Tower (Met Tower) in an “A” Agricultural District, and

WHEREAS, the following conditions have been applied:

- Approval of permit by FAA/FCC
- Building Permit(s) be obtained
- Applicant must construct according to the plan, which has been submitted
- Martin County reserves the right to require the addition of a light should it be determined to be necessary for safety purposes.

NOW 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 #1 Chapter 6.01, 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.

This resolution shall become effective immediately upon its passage and without publication.

Carried unanimously.

R-#38/'05

Conditional Use Permit for Kevin and Mary Hugoson for Expanding Current Hog Operation on an Existing Site located within Section 2 of East Chain Township

Motion by Commissioner Donnelly, seconded by Commissioner Boler,

WHEREAS, a Conditional Use Permit requested by Kevin A. and Mary A. Hugoson, husband and wife, applicant and owners of property located in the Northwest Quarter of Section 2, Township 101 North, Range 29 West of the 5th P.M. in Martin County, Minnesota (legally described in applications) for the purpose of expanding current hog operation on an existing site located in an “A” Agricultural District. The site is currently 720 animal units (2,400 head) and will be 1,440 animal units (4,800 head). This is a state permit, 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 28th day of June 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:

Expand current hog operation on an existing site located in an “A” Agricultural District. The Martin County Zoning Ordinance requires a CUP in An “A” Agricultural District for any animal feedlot new or expanding containing Over 1,000 animal units. The site is currently 720 animal units (2,400 head) and Will be 1,440 animal units (4,800 head). This is a state permit, and

WHEREAS, the following conditions have been applied:

- Approval of NPDES (feedlot permit) by the Minnesota Pollution Control Agency
- Building permit(s) be obtained after the MPCA/County Boards approval
- Applicant must construct according to the plans that have been submitted
- Tree planting/screening to the North/West of the site working with SWCD

NOW 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 #1 Chapter 6.01, 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.

This resolution shall become effective immediately upon its passage and without publication.

Carried unanimously.

Conditional Use Permit for Expanding Current Hog Operation on an Existing Site located within Section 28 of East Chain Township

Motion by Commissioner Boler, seconded by Commissioner Potter,

WHEREAS, a Conditional Use Permit requested by Kevin A. and Mary A. Hugoson, husband and wife, applicant Myron G. Latzke and Sharon A. Latzke Revocable Trust, owners of property located in that part of Government Lot Two (2) and of Lake Lots "K" and "L" lying East of the North and South center line of Section Twenty-eight (28); all of Government Lot Three (3); the South 7.25 acres in width of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼); all of Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4); the whole of the Southeast Quarter (SE ¼); the Southeast Quarter of the Southwest Quarter (SE ¼ SW ¼); and the South 40 rods in width of Government Lot Four (4), all being in

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 28th day of June 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:

Expand current hog operation on an existing site located in an "A" Agricultural District. The Martin County Zoning Ordinance requires a CUP in an "A" Agricultural District for any animal feedlot new or expanding containing over 1,000 animal units. The site is currently 726 animal units (2,420 head) and will be 1,320 animal units (4,400 head). This is a state permit.

WHEREAS, the following conditions have been applied:

- Approval of NPDES (feedlot permit) by the MPCA
- Building permit(s) be obtained after the MPCA/County Boards approval
- Applicant must construct according to the plans that have been submitted

NOW 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 #1 Chapter 6.01, 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.

This resolution shall become effective immediately upon its passage and without publication.

Carried unanimously.

Schmidtke thanked Flitter for her presentation.

Jerry Voyles, SWCD Director, was present to update the Board with comments from the Board of Water and Soil Resources (BWSR) pertaining to the State Review of the Martin County Priority Concerns Scoping Document. Voyles stated that he, Jack Potter, Darwin Roberts, Linda Meschke and Billeye Rabbe had met with the BWSR Board in Austin, Minnesota about a month ago to review the scoping document sent to the State, which resulted in a good review. The next step is revising the County Water Plan now that the structure and priority concerns have been presented. Voyles stated a Water Plan Meeting has been scheduled for July 14th, 2005. Voyles continued that approximately a dozen feedlot inspections have been completed and went on to update the Board on the Conservation Security Program. Voyles proposed and confirmed having a joint meeting between the SWCD and County Board of Commissioners at the Holiday Inn, Fairmont, on Tuesday, July 19th, 2005 at 12:30 p.m.

With nothing further to report, Schmidtke thanked Voyles.

Sheriff Brad Gerhardt was on hand to present the annual Off Highway Vehicle Enforcement Grant Contract. This grant is a reimbursement grant provided to cover expenses related to labor and equipment dedicated to off highway vehicle enforcement, including water and snowmobiles, from July 1, 2005 through June 30, 2006 in the amount of \$2,785.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Sheriff Brad Gerhardt and Board Chair, to sign the annual Off Highway Vehicle Enforcement Grant Contract effective July 1, 2005 through June 30, 2006 in the amount of \$2,785. Carried unanimously.

Gerhardt continued with a brief Sheriff's Office update that included a meeting regarding the Mobile Communications vehicle to be housed in Martin County; a brief discussion regarding the AMC Jail Summit meeting held in St. Cloud, MN; and taking part in the tabletop exercise held in Mankato, MN last week, concerning the mass dispensing and handling the Strategic National Stockpile of vaccines and other medicines in the event of a major biological event.

Gerhardt inquired as to the status of the Nursing Services Contract.

Scott Higgins, County Coordinator, provided updated contract information with regard to the number of hours needed to work per week and presented the most recent proposal offered of \$32.50 per hour plus \$90 per month for personal cell phone usage. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Sheriff Gerhardt and Board Chair to sign the Nursing Services Agreement between Joy Poush – RN, BSN, and Martin County to provide regular and on-call nursing services for inmates in the jail at a rate of \$32.50 per hour plus \$90 per month fee for personal cell phone usage (\$13,560 annually) retro to January 1, 2005 through December 31, 2005. Carried unanimously.

Schmidtke thanked Gerhardt for his report.

Higgins presented an agreement for consideration from Leggette, Brashears and Graham, Inc., Professional Ground-Water and Environmental Engineering Services firm, which provides the scope of work for assessing the ground-water resources in the uppermost bedrock aquifer located on property owned by Richard and Gloria Hein east of the City of Welcome. The services include installation of a 6” test well, aquifer pumping tests, and summary report with an estimated cost of \$64,000. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agreement between Martin County and Leggette, Brashears and Graham, Inc. (Environmental Services Company) at an estimated cost of \$64,000 for services that includes installation of water test wells and aquifer pumping test on the Hein property east of the city of Welcome. Carried unanimously.

Higgins next presented an agreement for consideration between the City of Welcome, the County of Martin, and Richard and Gloria Hein for the investigation of potential sites and construction of test wells in connection with the possible construction of an ethanol plant near Welcome, MN. The County will agree to provide up to \$100,000 of associated costs including, but not limited to, the drilling of the test wells and the temporary monitoring of the test well, along with the existing well on the site; property damage and crop damage which may result from the drilling of the wells and/or from the drainage and discharge of water produced by the wells during testing; and, costs for sealing the wells if abandoned after testing is completed.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the Agreement between the City of Welcome, the County of Martin, and Richard and Gloria Hein for the investigation of potential sites and for construction of test wells in connection with the possible construction of an ethanol plant near Welcome, MN. Carried unanimously.

Higgins stated there had been a preconstruction meeting with the bid contractors last week for the renovations to the transit facility. At the meeting there was discussion regarding adding the wash bay to the transit facility as provided in Bid Alternate #1. Higgins stated that due to the fact that the floor will be cut in order to install floor drains, it is recommended to have the contractors go ahead and install the floor drains for the wash bay. Higgins stated that the alternate bid for the wash bay was \$8,137. At this time the budget would allow for installation of the underground plumbing for the wash bay and be able to include it as part of the 80% reimbursement from the State bonding money the county is expected to receive for the project. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve Bid Alternate #1 from Royers, Inc. of Winnebago, MN in the amount of \$8,137 for the installation of the underground plumbing for the proposed wash bay. Carried unanimously.

Deb Mosloski, Drainage Specialist for Martin County, stated that Ron Ringquist had called expecting a report this week on six ditches that were re-determined, requesting a public hearing date be set with individual times set five minutes apart. Mosloski called the Sherburn City Clerk and was told that the City of Sherburn has a theater that will hold up to 500. Mosloski suggested that the public hearing date be set after August 23rd.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve setting a public hearing date for Wednesday, August 24th, 2005 (along with times) , for the re-determination of CD #1 at 2:00 p.m.; JD #92 at 2:05 p.m.; JD #65 at 2:10 p.m.; JD #32 at 2:15 p.m.; JD #15 (M & J) at 2:20 p.m.; and CD #23 at 2:25 p.m. to be held at the Sherburn Theater in Sherburn, MN. Carried unanimously.

Ron Strom, Private Citizen, presented a petition with approximately 210 signatures to the Board entitled "Something is wrong with Fairmont's Estimated Market Values." Strom went on to read, "We the undersigned, believe that an independent appraiser or citizen group should AUDIT the way Estimated Market Value is applied to Fairmont property." With no further presentation by Strom,

Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, receive and file said petition as presented by Ron Strom (Fairmont) entitled "Something is Wrong with Fairmont's Estimated Market Values" pertaining to the assessments of estimated market values in Fairmont. Carried unanimously.

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, July 19th, 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 10:18 a.m.

After Schmidtke adjourned the meeting, El Loy Hinz of Fairmont, MN spoke up and stated he had come to this mornings meeting to take part in the open discussion part of the agenda. Mr. Hinz stated that he was pulled over by a Sheriff's Deputy for no seat belt and inquired why the Board supported such operation along with the Safe and Sober Grant. Mr. Hinz was informed that the Safe and Sober Campaign is the result of increasing traffic safety awareness and grant funds are provided by the State of Minnesota.

BOARD OF COMMISSIONERS
MARTIN COUNTY

Dan Schmidtke, Chair

ATTEST: _____
Scott Higgins, County Coordinator