

PROCEEDINGS OF THE MARTIN  
COUNTY BOARD OF COMMISSIONERS  
TUESDAY, AUGUST 16, 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, Kevin Peyman, County Engineer, Christine Rupp, Fairmont Sentinel, Julie Walters, Administrative Assistant, members of the public.

Motion by Commissioner Potter, seconded by Commissioner Donnelly, to approve the Agenda with the following additions: (1) Receive and File Martin County Fair Board's 2006 Budget Allocation and Special Project Request; and, (2) Martin County Commissioners to Discuss Purchase of County Shirts.

Motion by Commissioner Donnelly, seconded by Commissioner Pierce, to approve the minutes of the August 2, 2005 Board of Commissioners meeting. Carried unanimously.

Ed Murphy, Martin County Fair Board President, presented the Fair Board's 2006 Budget Allocation and Special Project Request and invited the Commissioners for a tour of the fairgrounds following today's meeting, to view projected improvements. Murphy stated that projected improvements will take place within the next two to five years.

Motion by Commissioner Boler, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby Receive and File the Martin County Fair Board's 2006 Budget Allocation and Special Project Request in the amount of \$30,000. Carried unanimously.

Kevin Peyman, County Engineer, presented his recommendation for step increases according to the Union Contract for Assistant Co. Engineer, Maintenance Worker II and Shop Mechanic.

Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of Kevin Peyman, County Engineer, hereby approve and authorize step increase for Randy Martin, Shop Mechanic, from Grade 13 Step 1 at \$16.74/hour to Grade 13 Step 2 at \$17.22/hour, effective August 1, 2005; approve and authorize step increase for Gary Schaub, Assistant Co. Engineer, from Grade 18 Step 4 at \$26.65/hour to Grade 18 Step 5 at \$27.51/hour, effective July 1, 2005; and, approve and authorize step increase for Jeff Hall, Maintenance Worker II, from Grade 11 Step 4 at \$15.47/hour to Grade 11 Step 5 at \$15.88/hour, effective August 1, 2005. Carried unanimously.

Peyman next presented for consideration, information pertaining to a tilt trailer that had been budgeted for replacement in 2006. Peyman stated that approximately three weeks ago, the trailer broke down. Due to the age and condition of the trailer, allowable trade-

in value was placed at \$2,000 and \$1,300 to scrap out. Due to the trailer exceeding its useful life, Peyman received bids for a replacement trailer as follows:

Redi-Haul Trailers, Inc. (Fairmont, MN)	\$17,680.82
Trail-EZE Trailers (Mitchell, SD) Delivery @ 141 mi. x \$2.50 per mi. = \$352.00, or we pick up	\$17,495.00
Interstate Trailer (Carlson Tractor & Equip, Rosemount, MN)	\$17,991.00
Trail King Trailer (Ziegler Inc., Bloomington, MN)	\$18,540.00
Eager Beaver Trailer (Murphy Tractor, Des Moines, IA)	\$22,357.00

**\*\*None of the prices include delivery\*\***

Based on bids received, Peyman recommends purchasing next years budgeted trailer locally from Redi-Haul Trailers, Inc. Peyman stated that purchase of the replacement trailer will be taken out of this year's reserves. Peyman will still include the replacement trailer next year's budget and if this purchase is approved, will reinstate that reserve money. After discussion,

Motion by Commissioner Boler, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of Kevin Peyman, County Engineer, hereby approve purchasing a replacement trailer from Redi-Haul Trailers, Inc. of Fairmont, MN in the amount of \$17,680.82. Carried unanimously.

Peyman concluded with information regarding the Project 37 Meeting.

With nothing further to report, Schmidtke thanked Peyman.

Steve McDonald, MIS Director, presented information he had compiled regarding computer capacity needs to successfully run the Nazca Property Management Portal. McDonald informed the Board that the Nazca System will require installation of at least two servers, a Web Server and an Application/Database Server. In addition, the current processing power of our AS400 is in question as to if it will be fast enough to handle the added traffic from the Nazca Property Management Portal. McDonald continued that internet speed is also a concern, pointing out that added traffic from users accessing Nazca could cause in internal slowdown and additional bandwidth may be required. McDonald added that based on current usage, we might be able to get by without increasing the bandwidth. If information retrieved off the Recorder's Office Fidlars Servers in Iowa is brought back in-house, this could dramatically reduce the bandwidth needed to retrieve data. McDonald presented cost estimates associated with capacity upgrades only, stating these figures do not include the Nazca System itself:

Web Server	\$ 4,090.89
Application/Database	\$10,029.99
Server Software	<u>\$ 4,353.90</u>
Subtotal	\$18,474.78
AS400	<u>\$45,000.00</u>
Total	\$63,474.78

McDonald added that associated costs for running the Nazca System, computer upgrades, and additional staffing of one full-time position has been included in the 2006 budget. McDonald wanted the Board to be aware of all potential costs associated with setting up the Nazca System. After discussion,

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, considering associated computer upgrade costs, hereby approve moving forward with 2006 budget inclusion and authorize Board Chair to sign Sublicense Agreement for the purchase of the Nazca Property Management Portal System with Nazca Solutions, Inc. of Minneapolis, MN with a One Year Payment Plan – Shared Risk, in the amount of \$12,997. AYES: Donnelly, Schmidtke, Potter, Boler. NAYS: Pierce. Motion approved.

Steve Durkee, U.S. Fish & Wildlife Service, presented a fee option purchase agreement the U.S. Fish and Wildlife Service has signed with the Fox Lake Conservation League on property they own in the northwest quarter of Section 28, Rolling Green Township. The league purchased this land approximately two years ago with the express intention of restoration. Durkee stated that the Martin County Soil and Water Board have indicated they would like to participate in the restoration. The League has signed a purchase agreement with the service and is asking that Martin County consider this request for acquisition. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Chair to sign the Certification of the County Board of Commissioners for acquisition of lands by the U.S. Fish and Wildlife Service. Carried unanimously.

Chairman Schmidtke opened the public hearing for consideration of the proposed Amendments to the Martin County Zoning Ordinance Chapters 5, 8, and 13. Pam Flitter, Zoning Official, reviewed and recommended approval of the proposed Amendments stating that the Planning Commission has held the required public hearing on July 26<sup>th</sup>, 2005 and recommended approval of the proposed amendments to the Zoning Ordinance.

ADD:

Chapter 5. Board of Adjustment. Subdivision 7. Lapse of Variance by Non-Use.

- (1) A variance shall become void one (1) year after its issuance by the Board of Adjustment unless it has been used or a petition for an extension of one (1) year time limit has been granted.

Chapter 8. Certificate of Compliance, Fees, Violations and Penalties. Subdivision 2.  
Fees

(3) Any outside costs for consulting services to aid the Planning Commission/Board of Adjustment in making its decision on an application shall be paid by the applicant. Such fee shall be as determined by the County Board.

DELETE:

Chapter 13. Shore land Districts. Subdivision 26. Additional Property Owner Notification. Copies of all notices of any public hearings to consider variances, amendments, conditional uses and subdivision plats must be sent to all property owners known to have land adjoining the water body and postmarked at least ten (10) days before the hearings.

Chairman Schmidtke asked if there were questions from the Board before proceeding to public input. There was none.

Chairman Schmidtke asked for input from the public. No representatives from the public in attendance nor public input or comments submitted in writing were received concerning the proposed Amendments to the Martin County Zoning Ordinance.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly to close the public portion of the meeting. Carried unanimously. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, upon careful consideration and review, hereby approve and adopt the Amendments to the Martin County Zoning Ordinance as proposed. Carried unanimously.

Dominic Jones, Red Rock Rural Water System, reviewed Red Rock Rural Water System's 2005-2006 Expansion Projects. The RRRWS has been working hard to bring quality water to parts of Martin County. The project is formally funded by USDA Rural Development. Loan and grant dollars will allow RRRWS to build new service to approximately 460 new members throughout the system, build a new treatment plant in Cottonwood County and a new water tower in Jackson County. The project is to be built in two phases, with Phase 1 providing service to approximately 100 users, an estimated twelve of which are in Martin County. Phase 2 will start construction in the spring of 2006 and provide service to the balance of the users that have signed up for the project. Jones anticipates Martin County to have an additional twelve to twenty or twenty-five people sign up for service. Jones presented for Board consideration, the Joint Powers Agreement and Resolution pertaining to Joint Powers Agreement Red Rock Rural Water System 2005 Expansion Bonding. The Agreement among the counties of Cottonwood, Jackson, Watonwan, Murray, Martin, Lyon and Redwood and directing the Chairman and/or Clerk/Auditor to execute the Joint Powers Agreement relative to the RRRWS expansion, and authorizing Cottonwood County to issue the necessary interim financing bonds and long term financing bonds to fund said system expansion and to have said Joint Powers Agreement govern the repayment of said bonds; said Joint Powers

Agreement being executed with the understanding that the counties of Cottonwood, Jackson, Watonwan, Murray, Martin, Lyon and Redwood would all be parties to this Agreement. After discussion,

R-#44/'05

RESOLUTION  
PERTAINING TO JOINT POWERS AGREEMENT  
RED ROCK RURAL WATER SYSTEM  
2005 EXPANSION BONDING

BE IT RESOLVED that the Martin County Board of Commissioners, State of Minnesota, at its duly convened meeting and pursuant to discussions had, and pursuant to motion by Commissioner Potter, and seconded by Commissioner Pierce, duly resolved as follows:

Hereby approved Joint Powers Agreement among the Counties of Cottonwood, Jackson, Watonwan, Murray, Martin, Lyon and Redwood and directing the Chairman and/or Clerk/Auditor to execute the Joint Powers Agreement relative to the Red Rock Rural Water System expansion, and authorizing Cottonwood County to issue the necessary interim financing bonds and long-term financing bonds to fund said system expansion and to have said Joint Powers Agreement govern the repayment of said bonds; said Joint Powers Agreement being executed with the understanding that the Counties of Cottonwood, Jackson, Watonwan, Murray, Martin, Lyon and Redwood would all be parties to this agreement.

Duly Passed and Adopted this 16<sup>th</sup> day of August, 2005.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

\_\_\_\_\_  
Dan Schmidtke, Chair

ATTEST: \_\_\_\_\_  
James Forshee, County Auditor

Roll Call AYES: Commissioners Pierce, Donnelly, Potter, Boler, Schmidtke. NAYS: None. Duly passed and adopted this 16<sup>th</sup> day of August, 2005.

James Forshee, County Auditor, requested approval for Cigarette License for N & D Enterprises, d/b/a Dugan's Bar and Grill of Welcome, MN.

R-#43/'05

RESOLUTION  
ISSUANCE OF TOBACCO LICENSE FOR 2005

WHEREAS, the County of Martin, MN (County) has established a Tobacco Ordinance (Ordinance) relating to the sale, possession, and use of tobacco in Martin County and to reduce the illegal sale, possession, and use of such items to and by minors, along with compliance with Minnesota Statutes and Rules; and

WHEREAS, applications for a tobacco license to sell tobacco shall be made through the County and its required forms as established by the Ordinance; and

WHEREAS, the Martin County Board of Commissioners (Board) may either approve or deny the license, or delay it for such reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the Board approves the application, the County Coordinator shall issue the license. If the application is denied, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the Board's decision; and

WHEREAS, all licenses shall be valid under the Ordinance for one calendar year from the date of issuance; and,

NOW THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners, that the applicant listed below have provided the necessary application and required fee of \$75.00, does hereby approve and authorize tobacco license for the following Retail Establishments, and valid for the year 2005,

License Approved for: N & D Enterprises, d/b/a Dugan's Bar & Grill

Upon motion made by Commissioner Pierce, seconded by Commissioner Boler, was duly made and passed this the 16<sup>th</sup> day of August, 2005.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MINNESOTA

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Dan Schmidtke, Chair

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

Roll Call AYES: Commissioners Pierce, Donnelly, Potter, Boler, Schmidtke. NAYS: None. Duly passed and adopted this 16<sup>th</sup> day of August, 2005.

The Board recessed at 10:25 a.m.

The Board reconvened at 10:33 a.m.

The Board reviewed information received from Terry Viesselman, County Attorney, regarding costs associated with removal of beaver dams in public waters. At the August 2, 2005 Board of Commissioners Meeting, Bruce Brockmann, private citizen, had presented information regarding costs incurred in the amount of \$1,050.00 to have a beaver dam removed from Center Creek this past spring. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve expenditure to Bruce Brockmann for one-half of the cost associated with removal of a beaver dam in public waters, in the amount of \$525.00. Carried unanimously.

Commissioner Boler stated he would like to amend the aforementioned Motion pertaining to the approved expenditure for one-half of costs associated with removal of beaver dams in public waters. Boler proposed that the aforementioned Motion is not setting precedence and that this is a one time only resolution. Each future case would be handled individually. After further discussion,

Motion by Commissioner Boler, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve to amend the Motion to expenditure of one-half the cost associated with removal of beaver dams in public waters as a one-time only resolution and that any and all future cases will be handled separately. Carried unanimously.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the bills for August, 2005 as presented by the Auditor/Treasurer. Carried unanimously.

Warrants received and paid 8-16-05 are registered on file in the Auditor/Treasurers office as follows:

Revenue Fund – Warrants Approved 8-16-05	Totaled	\$159,499.74
Enhanced 9-1-1 Fund		\$ 77.93
Solid Waste Management Fund		\$ 15,713.55
Law Library Fund		\$ 7,509.75
Martin County Transit Fund		\$ 63,936.72
Building – CIP Fund		\$ 9,550.89
Bank Building Fund		\$ 4,500.03
Debt Service – Prairieland Fund		\$ 375.00
Recreation and Safety Fund		\$ 739.49
Forfeited Tax Fund		\$ 1,852.95
Miscellaneous Tax Fund		\$ 69,180.94
Ind. Sewage Treatment Sys. Loan FD (ISTS)		<u>\$ 24,370.50</u>
	Grand Total	\$357,307.49

Martin County Ditch Fund – Warrants Totaled	\$ 54,899.20
Road and Bridge Fund – Warrants Totaled	\$123,074.44

The Board reviewed STS Quarterly Program Information and the Association of Minnesota Counties 2005 County Achievement Awards Application.

The Board discussed the memo received pertaining to purchasing county shirts. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve purchasing long sleeve denim and short sleeve polo shirts embroidered with Martin County Commissioner, paid for from their own personal funds. 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, September 6<sup>th</sup>, 2005 at 9:00 a.m. in the Martin County Commissioners Room.

With no further business to wit, Motion by Commissioner Donnelly, seconded by Commissioner Boler to adjourn the meeting. Carried unanimously. Meeting adjourned at 10:50 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY

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Dan Schmidtke, Chair

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