

PROCEEDINGS OF THE MARTIN  
COUNTY BOARD OF COMMISSIONERS  
TUESDAY, SEPTEMBER 6, 2005  
@ 9:00 A.M.

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

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

Motion by Commissioner Pierce, seconded by Commissioner Boler, to approve the minutes of the August 16, 2005 Board of Commissioners meeting. Carried unanimously.

Scott Higgins, County Coordinator, presented and reviewed the following Personnel items to the Board: a. Accept Resignation of Part-time Lobby Receptionist – Sheriff's Office; and, b. Consider Hire of Part-time Lobby Receptionist – Sheriff's Office. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby accept the resignation of Kara Fausch as Part-time Sheriff's Office Lobby Receptionist effective August 24, 2005; and, approve hire of Debra Hjelmtveit as Part-time Sheriff's Office Lobby Receptionist, effective August 30, 2005 at \$9.37/hour, eligible for pro rated vacation and sick time benefits and other required payroll deductions, contingent on resolution with AFSME. Carried unanimously.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby Receive and File the Three Rivers Resource Conservation & Development Council's Appropriation Request for Year 2006 Membership Dues in the amount of \$600. Carried unanimously.

Terry Viesselman, County Attorney, reviewed the K-Mart tax appeal stating that K-Mart has been appealing their taxes since the year 2000 and that the trial is set for September 13<sup>th</sup>, 2005 for three (3) days. Viesselman continued Martin County is the fourth county K-Mart has appealed. The attorney handling the case thinks our position is solid. The success K-Mart has had in the other three cases is not significant. Viesselman concluded that it is important for Martin County to prevail, otherwise we run the risk of more of our businesses filing similar claims. Viesselman stated that K-Mart has been paying taxes while the appeal continues.

With nothing further to report, Schmidtke thanked Viesselman.

Kevin Peyman, County Engineer, was present to recommend pre-ordering a 2006 Tandem Truck. Peyman stated he has been talking with his truck supplier and was informed that the state contract for trucks will run out at the end of this month as so many people have been pre-ordering them due to an expected \$6,000 increase for the same truck with the next contract. Due to this increase, Peyman noted that numerous counties are pre-ordering and due to all of the orders, the trucks will not be delivered until March of 2006. After discussion,

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve pre-ordering a 2006 Sterling Tandem Truck with Mercedes Benz engine from Boyer of St. Paul, for the State Contract Price of \$82,164. Carried unanimously.

Peyman went on to recommend pre-ordering a 2007 Tandem Truck as well, noting that new emission standards require a new type of engine to be manufactured that could add approximately \$7,000 to the cost in addition to the \$6,000 increase with the next contract. Peyman recommends pre-ordering 2007 Tandem Truck now in order to save approximately \$14,000. Trucks purchased prior to the new standards will not be required to meet them. Peyman continued the truck will still be budgeted for 2007 but will be paid for out of reserves enabling the cost savings. After discussion,

Motion by Commissioner Boler, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve pre-ordering a 2007 Sterling Tandem Truck with Mercedes Benz engine from Boyer of St. Paul, for the State Contract Price of \$82,164. Carried unanimously.

Peyman concluded with information on the current high fuel costs and the county's fuel supply.

With nothing further, Schmidtke thanked Peyman.

Brad Hady, Sheriff's Office, was present and gave an office update that included Martin County receiving a Safe & Sober Grant opportunity for 2006 in the amount of \$12,000. Grant money is split 50/50 with the police department and covers overtime for traffic enforcement; participating in the August 24<sup>th</sup> regional hospital drill focusing on internal and external communications; the updating of eleven mandated policies that law enforcement agencies across the state must have; looking forward to moving into the Impound Facility; next Justice Council meeting is September 9<sup>th</sup>, 2005; and in September and October of 2005, will be looking at squad car leases and updating equipment.

Hady next presented information relating to a \$20,000 inmate medical bill.

Schmidtke thanked Hady for his report.

Tanya Skow, Assistant Jail Administrator, was present to request leasing five new sobrieters from isecuretrac of Omaha, NE. Skow continued that the current units are

wearing down and becoming quite costly in repairs, noting current repair costs in excess of \$13,000 and an expired warranty. Constant maintenance is an issue as this causes a delay or denial in hookups due to not having enough working machines on hand. Key features of the remote automated alcohol testing units is an on-board camera that enables conclusive identification, even in near darkness; breath alcohol levels are detected with +/- 0.015% accuracy; one-button, voice-prompted operation reduces training time for officers and participants and lowers number of test retries; and agencies can specify if testing should be done on a scheduled, random, or on-demand basis. Automatic re-testing is also possible. Skow recommends leasing five (5) units from isecuretrac at a rate of \$6.25 per day, or \$11,406.25 per year which is less than the cost of repairs to date. The cost of the units can be balanced by charging more for electronic home monitoring services although the county currently sees \$8.75 per day in revenue with the current per day fee. Skow concluded that isecuretrac will pay for all repairs, exchange equipment every six months, calibrate the machines, and testify in court if the machine is ever questioned, and provide all supplies for the machine at no additional. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve leasing five (5) new sobriety units from isecuretrac at a cost of \$6.25 per day, \$11,406.25 per year. Carried unanimously.

Commissioner Schmidtke requests that once the new units are received and used, the Board would like a report as to how the new sobriety units are working.

Mark Bauman, Prairieland Solid Waste Board Director, presented for consideration and adoption the Solid Waste Services Agreement, whereas the Prairieland Solid Waste Board has determined that action by the Counties to implement a hauler-collected service fee, in combination with a reduction in the facility tipping fee offered to solid waste haulers for solid waste generated in the Counties, would be beneficial for the continued operation of the facility and enhancement of resource recovery from solid waste generated in the Counties.

Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and adopt the Prairieland Solid Waste Board and Martin County, Minnesota, Solid Waste Services Agreement. Carried unanimously.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, approve setting a public hearing date in consideration of adopting the Amendment to Solid Waste Service Fee Ordinance on September 20, 2005 at 10:00 a.m. Carried unanimously.

Becky Bentele, Victim Witness Coordinator, presented a resolution to accept continuation funds for the Victims of Crime Act (VOCA) for the purpose of providing supplemental funding to aid in the provision of direct services to victims of crime. State funds for this grant contract are provided for the purpose of providing crime victim

services to victims of child abuse, domestic violence, sexual assault, and other crimes. The contract is effective July 1, 2005 through June 30, 2006 in the amount of \$70,146. After discussion,

R-#45/'05

RESOLUTION AUTHORIZING EXECUTION OF  
AGREEMENT

BE IT RESOLVED that Martin County, Victim Services, will enter into a cooperative agreement with the Office of Justice Programs in the Minnesota Department of Public Safety; and

BE IT FURTHER RESOLVED that Federal funds for this grant contract are provided under the Victims of Crime Act (VOCA) for the purpose of providing supplemental funding to aid in the provision of direct services to victims of crime. State funds for this grant contract are provided for the purpose of providing crime victim services to victims of child abuse, domestic violence, sexual assault, and other crimes; and

BE IT FURTHER RESOLVED that the State is in need of services to victims of crime; and

BE IT FURTHER RESOLVED that Dan Schmidtke, Chair is hereby authorized to execute such agreements and amendments, as are necessary to implement the project on behalf of Martin County.

BE IT FINALLY RESOLVED upon a motion by Commissioner Boler, seconded by Commissioner Donnelly, and unanimously carried;

Said Resolution was adopted this 6<sup>th</sup> day of September, 2005.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Chair

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

Roll Call AYES: Commissioners Pierce, Potter, Donnelly, Boler, Schmidtke. NAYS: None. Duly passed and adopted this 6<sup>th</sup> day of September, 2005.

Bob Wallace, President of the Fairmont Chamber of Commerce, and Reuven Doron, Donor Services and Outreach Officer of the Southern Minnesota Initiative Foundation (SMIF) were present to give a foundation update. SMIF, a donor-supported foundation,

is helping build stronger communities and stronger businesses in 20 southern Minnesota counties. Working with local partners, the Foundation's grant, loan and program initiatives are helping create economic and community vitality. Wallace updated the Board with target areas the foundation is focusing on including the Business Success Program, Community Success Program and Voices for Success. Reuven Doron continued that SMIF has a vested interest in Martin County and briefly touched on specific areas of the foundation's involvement including Fairmont's Early Childhood Coalition, work with Alliance Controls, and Red Rock Center for the Arts. Doron thanked the Board for their generous annual giving with the hope that the same level of commitment continues.

Schmidtke thanked Wallace and Doron.

Julie Grunewald, Martin County Probation Department, presented a resolution to designate the month of September as Martin County Teen Court Month. Since the first Teen Court session was held on 8-10-98, 274 juvenile defendants have appeared before the Martin County Teen Court. Our program, along with 1,035 youth courts in 48 states and the District of Columbia are taking an opportunity during National Youth Court Month to educate our community about the benefits we provide and to recognize the contributions of our youth who volunteer to act as Teen Court jurors.

R-#47/'05

A RESOLUTION DESIGNATING SEPTEMBER, 2005, AS  
MARTIN COUNTY TEEN COURT MONTH

- Whereas, Teen Court is a rapidly expanding alternative to the juvenile justice system for young people who have committed minor delinquent and status offenses, and who consent to participate in the program.
- Whereas, Teen Court, one of the fastest growing crime prevention and early intervention programs in the nation, is based on a philosophy of being youth driven and youth led.
- Whereas, Teen Court benefits the juvenile justice system by reducing court Backlogs without increasing recidivism and provides an outlet to confront The consequences of the offenders' actions.
- Whereas, Teen Court provides youthful offenders and volunteers the opportunities to learn about responsible citizenship and law, and to develop skills in public speaking, mediation, and pro-social leadership through hands on experience.
- Whereas, Teen Court exemplifies the practice of empowering youth through involvement in community solutions, teaching decision-making and leadership skills, and positive peer pressure.

Whereas, Teen Court designs creative consequences and sentencing options whereby youthful offenders receive dispositions handed down by their peers that hold them accountable, repair the harm to the victim and the community, and contribute to public safety.

Whereas, National Youth Court Month provides a time to celebrate the valuable contributions that Teen Courts and their volunteers, adult and youth, make to keep our nation's communities safe.

Whereas, 274 juvenile offenders have participated in the Martin County Teen Court since the first session was held on August 10, 1998.

Whereas, Martin County Teen Court is celebrating National Youth Court Month 2005 with more than 1,035 youth court programs operating in district-level juvenile justice systems, schools and community-based organizations in 48 states and the District of Columbia, with the theme of *Young People Delivering Justice*.

THEREFORE, BE IT RESOLVED, that Martin County adopts this resolution and designates September, 2005, as MARTIN COUNTY TEEN COURT MONTH to be celebrated in conjunction with National Youth Court Month.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Chair

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

Roll Call AYES: Commissioners Boler, Potter, Donnelly, Pierce and Schmidtke.  
NAYS: None. Said Resolution was duly passed and adopted this 6<sup>th</sup> day of September, 2005.

Deb Mosloski, Drainage Specialist, presented Findings of Fact Orders for the re-determination of JD #65, JD #32, CD #1, JD #92 and JD #15 M & J. Mosloski stated there were no changes to JD #65, JD #32 or CD #1. JD #92 was approved with the following change on the Viewers Final Report. It was determined that land owned by Curtis and Janice Mayo – SE1/4 SE1/4 9 102 33 is not pattern tiled into JD #92. It has private tile that outlet into JD #34. The original report indicates 5 acres of "C" land and 4 acres of "D" land is benefited by JD #92. After further review, it is determined that only 2 acres of "D" land is to be assessed to JD #92. After discussion,

Motion by Commissioner Boler, seconded by Commissioner Potter,

WHEREAS, the Martin County Drainage Authority, by motion, ordered a Re-determination of Benefits for Martin County Judicial Ditch No. 65, Judicial Ditch No. 32, County Ditch No. 1, and Judicial Ditch No. 92, in that the benefits do not reflect present day land values and the benefited area has changed; and

WHEREAS, three viewers were appointed to complete the Re-determination of Benefits; and

WHEREAS, a Public Hearing, pursuant to Minnesota Statutes 102E.335, was held on August 24, 2005; and

WHEREAS, the viewers presented the Viewers Report, that included the re-determined benefits and damages; and

WHEREAS, public comment on the Re-determination of Benefits was heard by the Drainage Authority; and

NOW THEREFORE, pursuant to Minnesota Statutes 103E.351, the re-determined benefits and damages, as reflected in the July 12, 2005 Viewers Report, attached to this order as Exhibit A, shall replace all benefits and damages determined under any previously accepted proceedings for the establishment, repair, improvement or use of the drainage system as an outlet for Martin County Judicial Ditch No. 65, Judicial Ditch No. 32, County Ditch No. 1, and Judicial Ditch #92. Carried unanimously.

Mosloski continued with noted changes for JD #15 M & J as follows: a. Schafer Bros. Farms LLP sold the 6.10 acre building site to John & Emily Menssen in the NW1/4 NW1/4 of Section 33 103 33. The total benefit dollars did not change, but the viewers reduced the net benefits to \$12,482.25 from \$12,941.25 and added the \$459.00 to the Menssen building site; and b. Bess Oltmans et al – NW1/4 NE1/4 36 103 34 – 12 acres was originally assessed as “C” acres totaling \$3,456.00. It has been reduced to 12 acres “D” land with a total benefit of \$972.00. The NE1/4NE1/4 of Section 36 103 34 originally had 9 acres of “C” land = \$2,808.00 and 7 acres of “D” land = \$614.25 for a total of \$3,422.25. The NE1/4 NW1/4 of Section 36 103 34 was originally assessed as 13 acres of “C” land = \$3,744.00 and 4 acres “D” land = \$324.00 for a total of \$4,068.00. It has been reduced to all “D” land with the NW1/4 NE1/4 36 103 34 (12 acres) = \$972.00; NE1/4 NE1/4 36 103 34 (16 acres) = \$1,404.00 and NE1/4 NW1/4 (17 acres) = \$1,377.00. This reduces total benefits for these parcels from \$10,946.25 to \$3,753.00, a reduction of \$7,193.25 per Viewers Report. Mosloski added that it was stated at the September 24<sup>th</sup>, 2005 meeting that in 1998 there was an improvement that did not mention to abandon 24,860 feet of tile when the open ditch replaced the tile system. After discussion, it was determined that a joint meeting be set with the Joint County Authority Board to abandon the tile portion of the ditch where the open ditch replaced the tile and to further discuss the Findings and Fact Order changes for JD #15 M & J before signing the order.

With nothing further to report, Schmidtke thanked Mosloski.

Higgins asked the Board for clarification regarding approval of the Nazca Agreement. It was noted by the Board that they had made a motion to approve the Nazca Agreement at the August 16, 2005 Board Meeting and to amend the minutes of said board meeting to reflect same.

Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly,

Whereas, this agreement is made between the State of Minnesota and Martin County as it relates to the establishment of the Prairieland Trail, and

Whereas, Martin County desires to establish, construct and maintain public trails; and

Whereas, the Minnesota Trails Assistance Program provides grants to local units of government for the construction and maintenance of recreational trails pursuant to the Minnesota Statutes, Chapter 84.83; and

Whereas, the Blizzard Snowmobile Club on behalf of Martin County has submitted the application and resolution by the local government authorizing the proposed trails; and Now Therefore Be It Resolved, that the Martin County Board of Commissioners approve and authorize the Chair and Auditor/Treasurer to sign the Minnesota Trail Assistance Program FY2006 grant agreement in the amount of \$13,875. Carried unanimously.

James Forshee, County Auditor, stated it is that time of year again that we need to go around and put values on forfeited land in Martin County. The viewing of these parcels must be completed before September 20, 2005, which is the final day before forfeiture. Various road construction projects and equipment will also be viewed. After discussion,

Consensus of the Board is to set the annual Road and Tax Forfeited Land Tour for Monday, September 12, 2005 beginning at 7:00 a.m. at the Ranch Restaurant.

Consensus of the Board is to hold a Budget Workshop immediately following today's Board of Commissioners Meeting.

Motion by Commissioner Potter, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve staff to attend the Minnesota Association of Drainage Inspector's 2005 Fall Tour to be held September 19, 2005 in Alexandria, MN. Carried unanimously.

Commissioner Pierce opened discussion regarding the upcoming dedication ceremony of Red Rock Center for the Arts on September 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup>; and, Commissioner Schmidtke opened discussion regarding potential construction of Ethanol plants near the cities of Welcome and Fairmont.



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 20<sup>th</sup>, 2005 at 9:00 a.m. in the Martin County Commissioners Room.

Motion by Commissioner Boler, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve disposal of the county's 2000 Chevy Astro Van to Martin County Soil and Water. Carried unanimously.

The Board recessed at 10:50 a.m.