

PROCEEDINGS OF THE MARTIN  
COUNTY BOARD OF COMMISSIONERS  
TUESDAY, OCTOBER 4, 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, Jack Potter, Gerald Boler and Steve Pierce.

Also present were Scott Higgins, County Coordinator, James Forshee, County Auditor, Rod Halversen, KSUM/KFMC Radio, Terry Viesselman, County Attorney, Kevin Peyman, County Engineer, Sheriff Brad Gerhardt, Christine Rupp, Sentinel, Julie Walters, Administrative Assistant, members of staff and public.

Motion by Commissioner Pierce, seconded by Commissioner Boler, to approve the Agenda with the following additions: (1) Sheriff's Youth Program Proposal for After School Programming; and (2) Consider Final Contract for C.P. 05:04 – Highway Department.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, to approve the minutes of the September 20, 2005 Board of Commissioners Meeting with noted correction. Carried unanimously.

Kevin Peyman, County Engineer, was present to review final Highway Pavement Striping contract for C.P. 05:04 with Traffic Marking Service Inc. of Buffalo, MN. Peyman stated all work had been completed and the contract amount certified to date is \$58,166.84.

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of Kevin Peyman, County Engineer, hereby approve the final contract payment for C.P. 05:04 Highway Pavement Striping with Traffic Marking Service Inc. of Buffalo, MN in the amount of \$58,166.84. Carried unanimously.

Peyman shared information concerning the recent flooding in the City of Northrop and that it has been stated that a county road ditch is the cause of the flooding. Peyman stated that the County Highway Department has looked at the situation and stated that it does not appear to be a county road issue and that the City of Northrop would need to do what is necessary to help control the flooding. Peyman further stated that in talking and reviewing the matter with one of the City council members of Northrop, the Council member did not think that the flooding is being caused by the county road ditch.

Schmidtke thanked Peyman for his report.

Pam Flitter, Planning and Zoning Official, introduced Eric Schettler, the county's newest DNR Conservation Officer. Schettler stated he had been in the area since the middle of August and has been busy with various fundraising events and getting out in the county and meeting people. Schettler continued that he is originally from southwest Minnesota, served in the military, and has degrees in Natural Resources and Law Enforcement. Schettler will serve as Conservation Officer in all of Martin County plus five townships on the south end of Watonwan County and is enthusiastic about serving this area. The Commissioners welcomed Eric and stated they were glad to have a Conservation Officer back in the county.

Terry Viesselman, County Attorney, informed the Board that he had reviewed the policy model of the revised Martin County Sheriff's Office Policy Handbook that Sheriff Gerhardt is considering to adopt. Viesselman stated the proposed policy looks to be very complete and follows State statutes. Viesselman continued that it is very important to have rules in place and to follow those rules to manage potential risk and liability.

Viesselman informed the Board that he had also reviewed the proposed Land Acquisition Agreement with VeraSun, the City of Welcome Economic Development Authority, and Martin County and that the agreement meets with his approval as to form and content. Viesselman continued that it is his understanding that as far as the county goes, the agreement is more of a memorandum of understanding due to the language of stating the "potential" to give a grant and that the language does not bind the county to provide funds for the proposed project.

Schmidtke thanked Viesselman for his information.

John Edman, Welcome City Attorney, was present and stated that he had drafted the acquisition agreement along with Keith Bruinsma of VeraSun, and confirmed that the real intent of the agreement is to be a memorandum of understanding in that the agreement states the intent to move forward with the project but acknowledges no guarantee of grant funds at this time. Edman continued that Terry (Viesselman) is absolutely correct in that there is nothing in the agreement that binds the County to give money or loan money and that it would be the Board's decision to decide whether or not to provide funding for the proposed project.

Keith Bruinsma, Director of Business Development with VeraSun, confirmed that their plans are to continue to work with the State on permitting, working with the railroad, gas and electric providers. Bruinsma continued that VeraSun is still proceeding with the proposed ethanol project with the intent of purchasing the property and locating the facility on the Welcome site.

When asked if Bruinsma was concerned with two Ethanol Plants within 4 miles of each other, Bruinsma said of course they're concerned and at some point this is something that they definitely have to look at. However, VeraSun knows what they need to do and are proceeding with their plans. Bruinsma stated they should know if the permitting process will go through within the next month or first part of November with the hopes of

groundbreaking as soon as the frost is out of the ground or according to what permit dictates. After discussion,

Motion by Commissioner Boler, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign VeraSun Land Acquisition Agreement. Carried unanimously.

Greta Olson, Head Communications Officer – Sheriff’s Department, presented to Board a revised/updated Martin County E-911 Plan. Olson presented the board with a copy of the “old” plan noting that the plan has not been updated since the initial implementation of E-911 in the 1980’s. The updated plan provides procedures on the handling of E-911 calls in the County. Olson further stated that the plan also includes contact numbers and mapping that shows the coverage and responsibility of Martin County as well as cost for telephone service for the E-911 system. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Donnelly,

R-#54/’05

A Resolution Approving the Revised Martin County E-911 Plan

WHEREAS, the County Board has retained authority over the Martin County 911 planning process; and

WHEREAS, the original E-911 was in place since July 26, 1983; and

WHEREAS, from time to time the E-911 Plan for Martin County must be revised or updated in order to remain in compliance with procedural changes in the operation of the County’s E-911 System, as well as all applicable laws and rules; and

WHEREAS, in order to remain in compliance with Minnesota’s 911 Program, County staff have determined the need to revise/update the Martin County 911 Plan; and

NOW THEREFORE, BE IT RESOLVED, that the Martin County Board of Commissioners approve the revisions/updates to the Martin County 911 Plan, dated September 21, 2005; and that this Plan may be amended in any manner at any time as necessary in order to be remain in compliance with Federal, State and local laws and Rules and meet the operational needs of the County’s E-911 system, and as determined by the E-911 Planning Committee; and to submit revised plan to the Department of Public Safety- Minnesota 911 Program; and that these newly revised policies shall have the full force and effect after adoption of this resolution.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Chair

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

Roll Call AYES: Commissioners Potter, Boler, Donnelly, Pierce, Schmidtke. NAYS: None. Duly passed and adopted this 4<sup>th</sup> day of October, 2005.

Brad Gerhardt, County Sheriff, presented the eleven (11) Mandated Policies you have to have, covering everything from pursuit to domestic assault. Gerhardt noted that Deputy Jean Vath and Sgt. Matt Klages have put a lot of time and effort into updating the policies over the last year. The policy was in need of updating due to changes to laws and policy. Gerhardt stated a lot of the policy comes from model policies from the State of Minnesota. Gerhardt stated the Sheriff's Office is due for an audit in the next year and they wanted to make sure the Department's policies were updated and in compliance. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Boler,

R-#53/'05

A Resolution Approving the Revisions/Updates to the "mandated policies" #5.01,6.01,2.07,1.01A,8.08,3.10,3.36,3.37,3.38,6.01, 3.38of the Martin County Sheriff's Office Policy Handbook

WHEREAS, the Sheriff's Office has established and maintains the Martin County Sheriff's Office Policy Handbook, which provide for the administration and established standards and procedures for the Sheriff's Office; and

WHEREAS, from time to time these Policies need to be revised or updated in order to remain in compliance with State Statutes and Rules as well as other laws that may be applicable as well as changes that are necessary for Departmental operations; and,

WHEREAS, the Sheriff has deemed it necessary to revise/update the "Mandated Policies" for the Sheriff's Office; and

WHEREAS, the revised policies have been reviewed by the County Attorney and County Coordinator, and the same has been submitted to the County Board for consideration,

NOW THEREFORE, BE IT RESOLVED, that the Martin County Board of Commissioners approve the revisions to the following sections of the Martin County Sheriff's Office Policy Handbook "mandated policies" #5.01,6.01,2.07,1.01A,8.08,3.10,3.36,3.37,3.38,6.01, 3.38, effective August 1, 2005; and that these policies may be amended in any manner at any time as necessary in order to be remain in compliance with Federal, State and local laws and Rules and as determined by the Sheriff; and that these newly revised policies shall have the full force and effect after adoption of this resolution.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Chair

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

Roll Call AYES: Commissioners Donnelly, Potter, Boler, Pierce, Schmidtke. NAYS: None. Duly passed and adopted this 4<sup>th</sup> day of October, 2005.

Gerhardt stated the All Hazard Mitigation Plan is close to being complete and will be brought before the Board for consideration in the near future.

Gerhardt presented for approval the Snowmobile Enforcement Grant for the upcoming fiscal year. This grant covers expenses incurred for snowmobile enforcement during the fiscal years of July, 2005 through June, 2007.

Motion by Commissioner Boler, seconded by Commissioner Potter,

R-#52/'05

## RESOLUTION

### SNOWMOBILE ENFORCEMENT GRANT AGREEMENT

BE IT RESOLVED, THAT Martin County enter into a grant agreement with the Minnesota Department of Natural Resources for the program entitled Snowmobile Enforcement Grant for FY2006/2007 in the amount of \$7,592.

BE IT FURTHER RESOLVED, that Sheriff Gerhardt's designated representative and County Commissioner Dan Schmidtke are hereby authorized to execute and sign such grant agreement on behalf of Martin County.

Motion was made by Commissioner Boler, seconded by Commissioner Potter and was duly adopted this 4th day of October, 2005.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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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 4<sup>th</sup> day of October, 2005.

Gerhardt concluded his office update providing information regarding the purchase of a replacement boat to be paid for from next year's Boat and Water Safety Grant funds. Gerhardt noted this was information only and would be presented for consideration at a future Board meeting; the State Patrol announced that we are losing our State Patrol air base in Mankato. Most of the patrol pilots will be in the metro area with an additional base located in Aitkin. 5<sup>th</sup> Dist. Sheriff's will be looking at writing a letter to the Commissioner of Public Safety, requesting that the Mankato base remain open; Gerhardt stated he has checked into receiving Federal relief due to the recent rains in Martin County and has found we would need to show \$6 Million Dollars in public property damage and would not even come close; Gerhardt has been working with Candi Schafer with Public Health, finalizing plans for a mass dispensing clinic here in Fairmont; is currently working on a policy which would help establish a Sheriff's Mounted Posse & Reserve to help provide security and also monitoring people and traffic flow; and, the Sheriff's Youth Program/After School in Martin County is continuing to move forward stating that consideration for funding will be presented at the October 18, 2005 Board of Commissioners meeting.

Schmidtke thanked Gerhardt for his report.

Commissioner Donnelly left the meeting.

Randy Studier, Regional Director – University of Minnesota Extension Service, and Pat Stumme, Regional Extension Educator, Health and Nutrition – University of Minnesota Extension Service, presented recommendation of approval for the Memorandum of Intent between Martin County and the University of Minnesota Extension Service Nutrition Education Program. This program will be conducted by the Minnesota Extension Service to provide nutritional education to eligible county residents in promoting diet, quality of food safety, wise consumerism, etc. The USDA provides approximately \$70,000 to fund a Nutrition Education Assistant (NEA) staff person and Extension is required to equal the amount in in-kind contributions. The MOI is for the period October 1, 2005 through September 30, 2006. After much discussion,

Motion by Commissioner Boler, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby table the proposed MOI between Martin County and the University of Minnesota Extension Service Nutrition Education Program until the October 18, 2005 Board of Commissioners meeting. AYES: Commissioners Boler and Potter. NAYS: Commissioners Pierce and Schmidtke. Motion failed. Commissioner Donnelly absent.

Jon Walters, President – All Season Wheelers, presented information proposing to construct a second ATV trail on approximately fifty acres located in Section 34, Jay Township. Walters stated in order to go on to the DNR for approval, it is necessary to obtain approval from the local units of government which includes the County. Walters presented a letter from Jay Township showing their approval and requests approval from the Board. Walters stated funding will be received from the DNR for construction and maintenance of trails and Martin County is not responsible for any part of the funding. Walters concluded he will require a letter confirming approval from the Board for the proposed trail.

Motion by Commissioner Boler, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approves the request for construction of an ATV trail located in Section 34, Jay Township as presented by Jon Walters, All Season Wheelers (ATV Club); and that the All Season Wheelers club is responsible for getting the necessary approval from the landowners and that the appropriate insurance (i.e. property and liability) coverage's are obtained. Motion carried. Commissioner Donnelly absent.

Jerry Voyles, SWCD, updated the Board that Brian Hanson who has been in their office just under a year will be leaving on Friday to take another position in a different part of the State. Voyles continued, presenting the Board of Water and Soil Resources Natural Resources Block Grant for CY2005. Monies from this grant will provide funding for the implementation of its comprehensive local water plans in the amount of \$18,033, the administration of the wetland conservation act in the amount of \$10,000, administration of the DNR shoreland program in the amount of \$3,445, MPCA ISTS program in the amount of \$1,500 and MPCA feedlot permit program in the amount of \$54,000 for a total grant amount of \$86,978 with in-kind contributions by Martin County to match in the amount of \$72,780. Voyles continued that SWCD has already made their application for the FY2006 Natural Resources Block Grant. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Potter,

R-#51/'05

#### RESOLUTION

BOARD OF WATER AND SOIL RESOURCES NATURAL RESOURCES BLOCK  
GRANT FOR CY2005:

WHEREAS, Martin County has a State approved comprehensive local water plan, which has been locally adopted pursuant to Minnesota Statutes Chapter 103B; and

WHEREAS, Martin County may assess a levy under its general levy authority to match such grants by BWSR pursuant to Minnesota Statutes 103B.335;

NOW, THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners approves of Martin County entering into a Grant Agreement with the State of Minnesota to receive state funds for the implementation of its comprehensive local water plans in the amount of \$18,033, the administration of the wetland conservation act in the amount of \$10,000, administration of the DNR shoreland program in the amount of \$3,445, MPCA ISTS program in the amount of \$1,500 and MPCA feedlot permit program in the amount of \$54,000, total grant amount of \$86,978, under the terms of the Grant Agreement and all statutory requirements; and

THAT THE Martin County Board of Commissioners authorizes the expenditure of cash and in-kind contributions to match the Natural Resources Block Grant as specified in Laws of Minnesota and the Grant Agreement.

BE IT FURTHER RESOLVED THAT, the Chairperson of the Martin County Board of Commissioners and the County Auditor or County Coordinator is authorized to execute the Grant Agreement together with all related documents.

Motion was made by Commissioner Pierce, seconded by Commissioner Potter and was duly passed and adopted this 4<sup>th</sup> day of October, 2005.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Chair

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

Roll Call AYES: Commissioners Boler, Potter, Pierce, Schmidtke. NAYS: None. Commissioner Donnelly absent. Duly passed and adopted this 4<sup>th</sup> day of October, 2005.

Starann Miller, Executive Director – Fairmont Convention and Visitor’s Bureau (CVB), was present to update the Board with an agency report and to formally request her FY2006 Budget Allocation Request for \$3,000.

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby Receive and File the FY2006 Budget Allocation Request from Starann Miller, Executive Director CVB, in the amount of \$3,000. Motion carried. Commissioner Donnelly absent.

The Board recessed at 10:45 a.m.  
The Board reconvened at 11:00 a.m.

Scott Higgins, County Coordinator, presented a list of surplus property items from the Transit Facility that will be included at the City auction scheduled for Thursday, October 6<sup>th</sup>, 2005. Items to be sold are: commercial (air conditioning) compressor unit with blower unit; three (3) desk chairs; 12 ft. wooden garage door sections; and miscellaneous construction material.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the disposal of county surplus property as presented, along with any other items deemed suitable for disposal by Department Directors, to be sold at the City auction on Thursday, October 6<sup>th</sup>, 2005. Motion carried. Commissioner Donnelly absent.

Higgins presented a request from Steve Pierce, authorizing abatement of County's share of property taxes on the Old Post Office, regarding an issue that happened with Tax Increment Financing (TIF). Pursuant to Minnesota Session Laws 2005, it is provided that the City of Fairmont, Martin County, and Fairmont Area Schools each may grant abatement under MN Statutes, for property located in tax increment financing District No. 20 in the City of Fairmont. Higgins stated he had sent the request to Terry Viesselman, County Attorney, for review and asks the Board to consider the resolution authorizing tax abatement. Commissioner Pierce disclosed for the record that he does have a financial interest in this situation and will abstain from the vote. After discussion,

Motion by Commissioner Potter, seconded by Commissioner Boler,

R-#50/'05

RESOLUTION AUTHORIZING TAX ABATEMENT  
ON OLD POST OFFICE  
TAX PARCEL I.D. #23.040.2420

WHEREAS, pursuant to MN Session Laws 2005 – Chapter 152, Section 23, it is provided that the City of Fairmont, Martin County, and Fairmont Area Schools, may each grant abatement under MN Statutes, Section 469.1812 to 469.1815 for property located in tax increment financing District No. 20 in the city of Fairmont, notwithstanding any law to the contrary, and

WHEREAS, the total amount of the abatement for each political subdivision may not exceed the taxes paid by the original tax capacity of the district for each year of its existence, and

WHEREAS, it was originally contemplated that such taxes would be Tax Increment Financing (TIF) eligible and TIF Agreement was originally entered into in July of 2001, providing for rebate of increment for nine (9) years, and

WHEREAS, the County of Martin finds that it is in the best interest of the County to grant the abatement as requested and provided for by Statute, and that such tax abatements commence with taxes payable in year 2006.

NOW THEREFORE BE IT RESOLVED by the County of Martin ad follows: The County of Martin hereby authorizes the abatement of property taxes on the Old Post Office, being Tax Parcel I.D. #23.040.2420, for the length of time as provided for in Minnesota Statutes Section 469.1813, Subdivision 6. Such time is ten (10) years unless one of the political subdivisions declines in which case the time is twenty (20) years.

The amount of the abatement shall be equal to the amount of payable 2005 property taxes generated on the retained TIF base as computed by the Martin County Assessor's Office. Such amount computed relative to the County of Martin is \$582.

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

Said Resolution was adopted this 4<sup>th</sup> day of October, 2005.

BOARD OF COMMISSIONERS  
MARTIN COUNTY

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Dan Schmidtke, Chair

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

Roll Call AYES: Boler, Potter, Schmidtke. NAYS: None. Commissioner Pierce abstained. Commissioner Donnelly absent. Duly passed and adopted this 4<sup>th</sup> day of October, 2005.

Higgins presented information regarding the need to install additional purlins for sprinkler support on the Impound side of the Transit Facility. Higgins received one bid from Buhler Construction Company of Butterfield, MN for installation of additional purlins in the amount of \$5,720. After discussion,

Motion by Commissioner Boler, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, under protest of having to install additional purlins, hereby approve and award bid for installation of additional purlins for sprinkler support on the Impound side of the Transit Facility to Buhler Construction Co. of Butterfield, MN in the amount of \$5,720. Motion carried. Commissioner Donnelly absent.

Higgins opened sealed bids received for surplus property of FX Dock Leveler, 8' x 9' Overhead Door and Frame (Brand "Overhead Door"), "Overhead Door" Commercial Operator (opener) w/control panel, and Bumper Pads, located at the Transit Facility. Public Notice for disposing of the surplus equipment was published in the Sentinel Newspaper on September 24, 2005. Higgins noted only one bid was received by Bruce Davison, Mid America Marketing of Fairmont, in the amount of \$401.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and award the surplus equipment – dock leveler system, to Bruce Davison, Mid America Marketing of Fairmont, in the amount of \$401. Motion carried. Commissioner Donnelly absent.

Higgins stated the Building/Purchasing Committee has discussed at their last meeting and has received carpeting quotes from Fairmont Decorating, Amborn Lumber, and Doolittle's Carpet & Paints to replace worn and loose carpeting in the Deputies Room, Duty Sergeant's Office and Detective's Office in the Security Building; and the Crosswalk and 3<sup>rd</sup> Floor Landing area in the Courthouse. Higgins noted a quote had been received for Terrazzo Tile for the 3<sup>rd</sup> Floor Landing area at a cost of approximately \$12,000 not including prep work; therefore, the Building Committee recommends awarding low bid carpeting quote to replace carpeting in areas stated.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and award low bid for installation of replacement carpeting in the Deputies Room, Duty Sergeant's Office, Detective's Office, Crosswalk and 3<sup>rd</sup> Floor Landing, to Fairmont Decorating in the amount of \$3,801.88. Motion carried. Commissioner Donnelly absent.

Commissioner Donnelly returned to the meeting.

Higgins stated the Building/Purchasing Committee has been waiting approximately two weeks and still has not received plans from I & S Engineering for the proposed restrooms at the Transit Facility. As soon as plans are received we can then proceed with getting bids for the construction and installation of plumbing and fixtures. It has already been approved that STS will construct the restroom walls. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Building/Purchasing Committee to take quotes for the installation of plumbing and fixtures for the restrooms at the new transit facility. Carried unanimously.

Higgins concluded with year-to-date expenses/change orders for the Transit and Impound Facility that includes original bid package amount, add-on's and deducts, State and County share, and amounts expended to date.

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, October 18, 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 Donnelly to adjourn the meeting. Carried unanimously. Meeting adjourned at 11:45 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY

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Dan Schmidtke, Chair

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