

PROCEEDINGS OF THE MARTIN
COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 4, 2006
@ 9:00 A.M.

The meeting was called to order at 9:00 a.m. by Chairman Boler. Commissioners present were Steve Pierce, Steve Donnelly, Jack Potter and Dan Schmidtke. Also present were Scott Higgins, County Coordinator, James Forshee, County Auditor/Treasurer, Terry Viesselman, County Attorney, Kevin Peyman, County Engineer, Christine Rupp, Sentinel Newspaper, Sheriff Brad Gerhardt, Captain Brad Hady, Sheriff's Department, Julie Walters, Administrative Assistant, Pam Flitter, Zoning Official, Deb Mosloski, Drainage Specialist, and members of public.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, to approve the agenda with two (2) additions: (1) Discuss Order of Re-determination of certain County and Judicial Ditches; and (2) Announce Local Fundraiser in Support of the Arts on Saturday, April 8, 2006 from 9:00 a.m. to 4:00 p.m. at China Designs & Artistic Interests – Blue Earth, MN.

Scott Higgins, County Coordinator, stated that Sarah Riess, Family Preservation Social Worker with Martin and Faribault Counties has announced her resignation effective April 4, 2006. Higgins continued that at this point, the Human Services Collaborative has not decided to replace this position.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby accept the resignation of Sarah Riess, Family Preservation Social Worker with Martin and Faribault Counties, from employment with Martin County after approximately 11 months of service to the county and its citizens, effective April 4, 2006. Carried unanimously.

Terry Viesselman, County Attorney, stated that per a draft copy of a letter from Minnesota Counties Computer Cooperative (MCCC), the MCCC's intent is to terminate their contract with Nazca Solutions, Inc. and seek to recover monies that counties have already paid in. Viesselman noted that while Martin County has not paid any monies in, other counties have paid \$240,000. Viesselman stated that if in the future Nazca Solutions, Inc. is able to produce a viable computer software package, a new deal can be negotiated at that time.

Viesselman continued that K-Mart has filed a motion with the court for reconsideration. Viesselman stated that it is unlikely the judge is going to change the ruling in this case. Viesselman noted that often this is the first step to an appeal.

With nothing further to report, Boler thanked Viesselman.

At this time, Chairman Boler commended James Hallstrom for his twenty-four years of service and dedication to the citizens of Martin County and presented Hallstrom with the gift of a commemorative desk clock. The Board congratulated Jim and wished him well.

Kevin Peyman, County Engineer, stated that the Bid Letting for SAP 46-637-02 Salvage and Grade CSAH 37, from CSAH 8 to CSAH 39 was held on Friday, March 31, 2006 at 10:00 a.m. at the Martin County Highway Department, Fairmont, MN. Four bids were received:

Mathiowetz Construction – Sleepy Eye, MN	\$1,576,484.12 (Apparent Low Bid)
Rogness Bros. Excavating, Inc. – Lake Mills, IA	\$1,739,484.02
R & G Construction – Marshall, MN	\$1,913,584.22
Frattalone Companies – St. Paul, MN	\$2,169,876.26
**Engineer’s Estimate on Project	\$1,986,346.30

Peyman recommends approval to award low bid contract for Salvage and Grade Project SAP 46-637-02 to Mathiowetz Construction of Sleepy Eye, MN.

Motion by Commissioner Donnelly, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, upon receiving bids for SAP 46-637-02 and upon the recommendation of the County Engineer, hereby approve and award the low bid for the grading project to Mathiowetz Construction of Sleepy Eye, MN in the amount of \$1,576,484.12; and to authorize the Chair and County staff to sign and execute the necessary documents for the listed project. Carried unanimously.

Peyman stated the Martin County Park Board has been meeting to discuss electrical site camping fees at Cedar-Hanson Park near Trimont, MN. Currently those who use the county parks must either purchase a \$20 seasonal or \$5 nightly pass to be in the park between the hours of 11:00 p.m. and 7:00 a.m. Nothing is needed to utilize the park during the day hours. The County Park Board is proposing electrical camping sites fee to be \$15 per night with one unit not needing a seasonal or nightly pass. Any other vehicles other than the main camping unit at these sights will still need either the seasonal or nightly pass to be in the park during the nighttime hours of 11:00 p.m. to 7:00 a.m. Any campers that are utilizing the electrical sites will need to pay the \$15 per night fee and be exempt from needing a pass. Primitive camp sites are to remain the same and require a \$20 seasonal sticker fee only. After discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, upon review and recommendation of the Martin County Parks Board, hereby approves the Cedar-Hanson Park electrical site overnight camping fees of \$15 per night during the nighttime hours of 11:00 p.m. to 7:00 a.m. with one unit not needing a seasonal or nightly pass; primitive campsites require a \$20 seasonal sticker fee only; and that day use of the park remains free of charge. Carried unanimously.

Peyman recommended the hire of Scott Drever as seasonal park caretaker for Cedar-Hanson Park. Peyman stated that Drever did a good job as seasonal park caretaker last year and will be given more responsibility this year. The position lasts approximately six months and is handled as a new hire each year. Peyman stated Drever was paid \$12,500 for the six months last year and proposed increasing the caretaker's pay to \$13,500 for this year's camping season for the extra responsibility that will be required with the new electrical sites. After discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize hire of Scott Drever as temporary County Parks Caretaker for the Martin County Highway Department, effective on or around April 1, 2006, not to exceed \$13,000 for six months duration and not eligible for benefits. Carried unanimously.

Higgins stated that Steven Parnell, M.D., has announced his resignation as County Medical Examiner, effective April 21, 2006. Higgins went on to say that due to a restrictive covenant in Parnell's contract with the Fairmont Medical Center, Parnell cannot practice in the county from April 21, 2006 to April 20, 2007. While it is likely that Parnell will come back, the county will be without a medical examiner for one year's time; however, the county is trying to find someone to take over for the interim period.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby accept with regret the resignation of Steven E. Parnell, M.D. as Medical Examiner for Martin County, effective April 21, 2006. Carried unanimously.

Higgins stated that Anita Leslie, Part-time Corrections Officer – Sheriff's Office, has announced her resignation effective April 30, 2006. Captain Brad Hady stated the Sheriff's Office will conduct an examination for the position of part-time corrections officer, to fill such vacancies as they occur and to place those eligible on a register for a period of one year.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby accept the resignation of Anita Leslie, Part-time Corrections Officer with the Martin County Sheriff's Office, effective April 30, 2006. Carried unanimously.

Higgins continued that Russell Mileham, that Russel Mileham, d/b/a Uncle Buster's in Granada, MN has applied for an Off-Sale Non-Intoxicating Malt Liquor License. If approved, the license will be effective May 3, 2006 through May 2, 2007 and that all application documents are in order.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Off-Sale Non-Intoxicating Malt Liquor License for Russell Mileham, d/b/a Uncle Buster's of Granada, MN effective May 3, 2006 through May 2, 2007. Carried unanimously.

Pam Flitter, Planning and Zoning Official, presented final plat information for approval of Schafer Shores, stating that on February 28, 2006, Mr. Schafer brought before the Planning Commission a proposal to develop a housing subdivision on property located in SL-1 Special Protection District. The proposed preliminary plat would divide 20 acres consisting of four (4) lots three of which will be shore land. The Martin County Zoning Ordinance requires any division of parcel of land that involves improvements to one or more parcels of land for residential structures must be an approved plat. Flitter continued that the Preliminary Plat Request was reviewed and approved. After hearing public testimony and with due deliberation, the Planning Commission voted to recommend approval to the Martin County Board of Commissioners with two conditions of:

1. An agreement is drawn up between Mr. Schafer and Mr. Grill (landowner to the north) to be recorded with Lot #3, if road in plat becomes a dedicated, Lot #3 can obtain land to the north to meet the standard lot size requirement.
2. Current field driveway to be eliminated and new driveway created for Lot #1 and a separate driveway for Lots #2, #3, and #4 meeting standards as outlined in the permitting process through the Martin County Highway Department.

Mr. Jon Schafer (applicant) was present to answer any questions the may have. After review and consideration,

Motion by Commissioner Pierce, seconded by Commissioner Potter,

R-#28/06

RESOLUTION ADOPTING THE FINAL PLAT OF "SCHAFFER SHORES"

WHEREAS, the proposed plat is located in Sections 8 of Manyaska Township, County of Martin, MN; and that the Martin County Planning and Zoning Ordinance requires any division of a parcel of land that involves improvements to one or more parcels of land for residential structures must be an approved plat: and, ,

WHEREAS, the proposed final plat would divide approximately 20 acres consisting of four (4) lots located on shore land

WHEREAS, the Martin County Planning Commission conducted a public hearing on the proposed final plat of Schafer Shores March 28, 2006 and adopted a motion recommending approval by the Martin County Board of Commissioners with two (2) conditions; and

WHEREAS, during their April 4, 2006 meeting, the Martin County Board of Commissioners considered testimony, written comments, and recommendations from the Planning Commission and staff of the Planning and Zoning Department as to public health, safety and welfare issues associated with the proposed plat; and

WHEREAS, the Martin County Board of Commissioners is the final plat approval authority for the County of Martin; and

WHEREAS, it is the intent of the Martin County Board of Commissioners to protect the public health, safety and welfare of its residents.

NOW, THEREFORE, the Martin County Board of Commissioners, after receiving and considering testimony and recommendations regarding the proposed final plat of Schafer Shores, and that the proposed plat is consistent with the Martin County Comprehensive Plan, the County's Subdivision Ordinance and Land Use and Zoning Ordinance, hereby approves the final plat for the Schafer Shores located in Section 8 of Manyaska Township, County of Martin, MN, for a proposed housing subdivision on property located in "SL-1" Special Protection District with two conditions:

1. An agreement is drawn up between Mr. Jon Schafer and Mr. Grill (landowner to the north) to be recorded with Lot #3, if road in plat becomes dedicated, Lot #3 can obtain land to the north to meet the standard lot size requirement.
2. Current field driveway to be eliminated and new driveway created for Lot #1 and a separate driveway for Lots #2, #3, and #4 meeting standards as outlined in the permitting process through the Martin County Highway Department.

Upon this motion made by Commissioner Pierce, seconded by Commissioner Potter, was duly made and passed this 4th day of April 2006.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Gerald Boler, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Donnelly, Schmidtke, Potter, Boler and Pierce.

NAYS: None. Duly passed and adopted this 4th day of April, 2006.

Higgins stated the Region Nine Renewable Task Force has initiated an effort to support and increase the use of ethanol in fuel. In helping this effort become a reality, there are three things being asked all the jurisdictions in this region including encouraging every jurisdiction in Region Nine to pass a resolution of support of the use of renewable energy fuels, state support of increase renewable energy use for transportation to 25% by 2025, the use of renewable energy by all governmental units in the state to 25% by 2025, and governmental entities purchasing new flexible fuel vehicles with biodiesel and E85 use capabilities.

Higgins continued that the Region Nine Development Commission requests the county's participation and passage of a resolution to support the increase use and development of renewable fuels in transportation.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly,

R-#27/'06

RESOLUTION SUPPORTING RENEWABLE ENERGY FUELS AND
ENCOURAGING THE USE OF 25% RENEWABLE FUELS FOR
TRANSPORTATION USE BY 2025

WHEREAS, R9 Energy Task Force was organized and made up by representatives of Gustavus Adolphus College, Minnesota State University Mankato, Blue Earth County, Nicollet County, Brown County, Martin County, Watonwan County, Rural Advantage, Blue Earth River Basin Initiative, Region Nine Development Commission, Three Rivers Resource Conservation and Development, Southern MN Cooperative Institute, the Minnesota Project, Benco Electric, Blue Ribbon Foundation, and citizens at large.

And, its mission is “TO EXPLORE AND SUPPORT RENEWABLE ENERGY USES IN THE NINE COUNTY AREA TO ENHANCE OUR QUALITY OF LIFE.”

WHEREAS, eighty-three percent of the rural communities in the counties of Blue Earth, Brown, Faribault, Le Sueur, Martin, Nicollet, Sibley, Waseca and Watonwan, Minnesota have populations less than 2,500 people and revenue generating capability on a per capita basis is decreasing each year. It is imperative that local communities look at the future and work differently with regard to economic development;

WHEREAS, it is important to preserve the natural landscape while developing renewable energy fuels;

WHEREAS, renewable energy fuels have become increasingly important and technically feasible and have recently proven to be economically viable for our region, the state of Minnesota and the United States. Our national security and our dependence on foreign oil, drilling in Alaska, record high gas prices and emissions control – all contribute to a desire to look at renewable energy fuels as part of a long-term plan for fuel independence and homeland security;

WHEREAS, much of the region has the capacity to efficiently produce and process crops suitable for our transportation fuel needs, thus creating new jobs and strengthening rural communities; and use of Minnesota’s renewable energy resources can create new good local jobs, keep energy dollars local, and strengthen local economies;

WHEREAS, it is projected that world oil will reach peak capacity within the next 20 years, and other fossil fuels have limitations

WHEREAS, Minnesota has taken legislative steps to encourage the development and use of renewable energy by mandating that gasoline be blended with up to 10% by volume agriculturally derived and denatured ethanol.

WHEREAS, Minnesota most recently in the year 2005, established a 2% mandate use of biodiesel in alternative fuel vehicles.

NOW THEREFORE BE IT RESOLVED, that the County of Martin supports the use of renewable energy fuels,

BE IT FURTHER RESOLVED, the County of Martin encourages the State of Minnesota to increase the use of renewable energy fuels for transportation to 25% by the year 2025, and

BE IT FURTHER RESOLVED, the County of Martin encourages every governmental entity in the State of Minnesota to support the increased use of renewable energy fuel and to increase the use of renewable energy fuels for transportation to 25% by the year 2025.

FINALLY, BE IT RESOLVED, the County of Martin encourages each governmental entity to purchase new flexible fuel vehicles with biodiesel or E85 use capabilities whenever economically feasible and available.

Upon motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, and carried. Said resolution was duly passed and adopted this 4th day of April, 2006.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Gerald Boler, Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Potter, Pierce, Boler, Donnelly and Schmidtke.

NAYS: None. Duly passed and adopted this 4th day of April, 2006.

Brad Gerhardt, County Sheriff, presented the Sheriff's Office Update.

Deb Mosloski, Drainage Specialist, was present to discuss possible re-determinations of several ditches in Martin County. Mosloski stated she would like to meet with the Drainage Authority Board to prioritize ditches and work that needs to be done on them as soon as possible.

It was decided by consensus of the Board to set a meeting time immediately following today's regular Board of Commissioners meeting, to prioritize possible re-determinations for various county drainage systems.

Higgins presented Area Transportation Partnership Minutes of March 3, 2006 meeting; information for the Minnesota Viewers Association Annual Meeting to be held on April 6, 2006; thank you letter received from Martin County Preservation Association; Region

Nine Summary of March 8, 2006 meeting; and the 2005 Martin County Transit Low Cost Marketing and 2005 Year End Detailed Monthly Line Item Report. After discussion,

Motion by Commissioner Donnelly, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, after review, approve to receive and file the 2005 Martin County Transit Low Cost Marketing and 2005 Year End Detailed Monthly Line Item Budget Reports. Carried unanimously

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

Discussion began on setting meeting dates for the Re-Determination of certain county drainage ditches at 10:27 a.m. Those present were: Deb Mosloski, Dan Schmidtke, Jack Potter, Gerald Boler, and James Forshee.

DITCH AUTHORITY MEETING
APRIL 4, 2006
MARTIN COUNTY, MN

The Martin County Ditch Authority Board met on April 4, 2006 at 10:27 a.m. in the Commissioners room, Fairmont, MN.

Those present were: Commissioner Gerald Boler, Chairman; Commissioner Dan Schmidtke, Commissioner Jack Potter; Commissioner Steve Donnelly and Commissioner Steve Pierce. Also present was Martin County Auditor Treasurer, James Forshee and Deb Mosloski, Drainage Specialist for Martin County.

Ms. Deb Mosloski presented repair estimates for JD #1, JD #40 and JD #28 Center Creek Township. Ms. Mosloski stated there is concern of the costs of recent repairs and collecting on old determined benefit amounts. She also stated she had met with Commissioner Schmidtke, Commissioner Potter and Commissioner Boler in the past week and they had given her a list of drainage systems that were top on their lists for re-determination.

Commissioner Schmidtke stated CD #11, CD #24, CD #53, JD #81, JD #20, JD #44 and JD #50 were on his list for extensive repairs and need to be re-determined as soon as possible.

Commissioner Boler stated JD #1 and JD #40 was on his list for repairs. A great deal of money had already been spent on JD #40 over the past 5 years with more major repairs needed this year.

Commissioner Potter stated JD #3 had major repairs also in the last 5 years.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke to hold informational meetings for the following drainage systems on Thursday, April 20, 2006 in the Commissioners room. Ms. Mosloski stated if we combine the hearings and the re-

determinations on drainage systems that are close in proximity to each other, the costs of re-determinations would be less expensive for the landowners.

JD #1 and JD #3 will be at 1:30 p.m.; JD #40 will be at 2:00 p.m.; JD #81 will be at 2:30 p.m.; CD #53 will be at 3:00 p.m.; JD #20 will be at 3:30 p.m.; CD #11, JD #50 and JD #44 will be at 4:00 p.m.

Since Martin County Drainage Authority has already authorized Mr. Ron Ringquist to re-determine JD #204 M & F and JD #9 M & W, it was decided to finish those re-determinations first since they are crossed over with 2 other counties. Deb Mosloski will contact Mr. Ringquist about the order in which to proceed with further re-determinations.

Motion by Commissioner Donnelly, seconded by Commissioner Potter and carried to adjourn the Drainage Authority meeting at 10:57 a.m.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, to adjourn the meeting. Carried unanimously. Meeting adjourned at 11:45 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY

Gerald Boler, Chair

ATTEST: _____
Scott Higgins, County Coordinator