

PROCEEDS OF THE MARTIN  
COUNTY BOARD OF COMMISSIONERS  
TUESDAY, MAY 2, 2006  
@ 9:00 A.M.

The meeting was called to order at 9:00 a.m. by Chairman Boler. Commissioners present were Jack Potter, Dan Schmidtke and Steve Donnelly. Commissioner Pierce was absent. Also present were Scott Higgins, County Coordinator, James Forshee, County Auditor/Treasurer, Terry Viesselman, County Attorney, Kevin Peyman, County Engineer, Christine Rupp, Sentinel Newspaper, Rod Halvorsen, KSUM/KFMC Radio, Pam Flitter, Zoning Official, Sheriff Brad Gerhardt, Captain Brad Hady, Sheriff's Office, and Julie Walters, Administrative Assistant.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, to approve the agenda with one addition: (1) Review First Quarter Budget Revenue and Expenditure Report.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve minutes of the April 18, 2006 regular Board of Commissioners meeting as presented. Carried unanimously.

Terry Viesselman, County Attorney, was present and reported Martin County has received five (5) new tax appeals this year and includes: K-Mart, Fairmont Townhouses, Gordy's Properties, Torgerson's, and Bruce Davison.

Viesselman stated there is a push across the nation and now in Martin County to implement Drug Court. Drug Court is a procedure whereby people that are charged with drug crimes, as well as DWI charges, are sent to Drug Court which is similar to Alcoholics Anonymous, in that there is more intensive supervision and early intervention – a critical factor in reducing relapse into drug use.

Viesselman stated he has observed Drug Court held in Dodge County. Each person is called in one at a time, states how many days they have been drug free, and everyone claps for them. In Dodge County, Drug Court takes up approximately five hours additional time per week for the County Attorneys' Office.

Viesselman went on to say that in order for drug court to be effective you need to attend training sessions before Drug Court is implemented. Training is held three days in May and three days in September in Duluth, MN. Viesselman stated the cost for the six days of training is estimated at \$1,000 for lodging, meals and mileage. Viesselman recommended sending Mike Trushenski, Assistant County Attorney, as he would be the person assigned to Drug Court every week. After discussion,

Motion by Commissioner Potter, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, after careful consideration and at the recommendation of the County Attorney, hereby approve and authorize expenditures for the Martin County Assistant Attorney to attend Drug Court training for three (3) days in May and three (3) days in September to be held in Duluth, MN in the amount not to exceed \$1,000 and to be expended from the County Attorney Fund. Carried unanimously.

Viesselman reaffirmed that Drug Court is the trend and that the County Board will be invited to observe Blue Earth County's Drug Court in the future.

Pam Flitter, Zoning Official, stated that Kevin and Mary Hugoson are proposing to expand current hog operation on an existing building site located in an "A" Agricultural District within Section 31 of Silver Lake Township. The Martin County Zoning Ordinance requires a Conditional Use Permit (CUP) in an "A" Agricultural District for any animal feedlot new or expanding containing over 1,000 animal units. The site is currently 997.6 animal units and will be 1,267.6 animal units. The Planning Commission approved the CUP request during their April 25, 2006 meeting and is recommending approval of the CUP.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter,

R-#30/'06

Conditional Use Permit for Kevin & Mary Hugoson for Operation of a Hog Confinement Facility over 1,000 Animal Units (AU's) within Section 31 of Silver Lake Township

Motion by Commissioner Schmidtke, seconded by Commissioner Potter,

WHEREAS, a Conditional Use Permit was requested by Kevin & Mary Hugoson, applicants and owners of property; and

On the 25<sup>th</sup> day of April 2006, concerning the following described property located in the County of Martin and State of Minnesota to wit:

That part of the North half of the Southeast Quarter (N1/2 SE 1/4) of Section 31, Township 101 North, Range 29 West, Martin County, Minnesota, described as follows:

Commencing at the South quarter corner of said Section 31; thence on an assumed bearing of North 9 degrees 00 minutes East, along the North-South quarter line of said section, a distance of 1794.50 feet to an iron monument, said iron monument being the point of beginning of the tract to be described; thence continuing North 0 degrees 00 minutes East, along said North-South quarter line, a distance of 33.00 feet to an iron monument; thence South 89 degrees 35 minutes East a distance of 944.00 feet to an iron monument; thence North 0 degrees 00 minutes East a distance of 342.00 feet to an iron monument; thence North 90 degrees 00 minutes East a distance of 866.00 feet to an iron

monument; thence South 0 degrees 00 minutes West a distance of 604.00 feet to an iron monument; thence South 90 degrees 00 minutes West a distance of 866.00 feet to an iron monument; thence North 0 degrees 00 minutes East a distance of 229.00 feet to an iron monument; thence North 89 degrees 35 minutes West a distance of 944.00 feet to the point of beginning, containing 12.72 acres, subject to easements now of record in said county and state.

AND WHEREAS, on the 25<sup>th</sup> day of April 2006, the action requested in the foregoing application was recommended for approval to the Board of Commissioners by the Martin County Planning Commission.

AND WHEREAS, the said application was approved by the Martin County Board of Commissioners this 2<sup>nd</sup> day of May, 2006 with the following conditions, to wit:

- Approval of all permits (Feedlot/NPDES) by the Minnesota Pollution Control Agency and any other governing agencies.
- Building permit(s) be obtained after MPCA's feedlot permit approval/County Board approval.
- Applicant must construct according to the plans that have been submitted.

NOW THEREFORE, a Conditional Use Permit for the above described property is hereby issued pursuant to MS 394.301 and Martin County Ordinance #1, Chapter 6.01 for the following purpose:

Operate hog confinement facility over 1,000 animal units

With respect to the above described property.

This permit shall remain in full force and effect provided that the conditions as described above are met and maintained by the applicant and his/her successors in interest. This permit is binding upon the applicant, the record title holder to the property, and his/her successors in interest.

Notice is hereby given that this permit is issued for the above described use only, and may be revoked upon the discontinuance of the said use for more than 90 days, or is said is not initiated within one year of the date thereof.

Notice is further 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.

With nothing further to report, Boler thanked Flitter.

Scott Higgins, County Coordinator, stated the County Engineer is an appointed position per Minnesota Statute 163.07 and that Kevin Peyman is up for appointment by the Board for a four year term effective May, 2006. Higgins recommends that Peyman be reappointed as Martin County Engineer for the period May 1, 2006 through April 30, 2010.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter,

R-# 31/'06

RESOLUTION APPOINTING KEVIN PEYMAN AS MARTIN COUNTY ENGINEER FOR A FOUR-YEAR TERM EFFECTIVE MAY 1, 2006 THROUGH APRIL 30, 2010

WHEREAS, Kevin Peyman was first appointed as the Martin County Engineer effective on April 1, 2001 for one year; and then appointed March 19, 2002 to a four-year term ending April 30, 2006, and by appointment of the Board of County Commissioners, has served through the term expiring April 30, 2006; and

WHEREAS, County Board of Commissioners has determined that performance objectives have been met and, therefore, recommends reappointment.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners in and for the County of Martin, Minnesota, that, in accordance with Minn. Stat. 163.07, that Kevin Peyman be and hereby is reappointed to a four-year term beginning May 1, 2006, and continuing through April 30, 2010.

BE IT FURTHER RESOLVED, that a copy of this resolution be included with the personnel file held by the County Coordinators' Office.

BOARD OF COMMISSIONERS  
MARTIN COUNTY

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Gerald Boler, Chair

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

Roll Call AYES: Commissioners Donnelly, Boler, Potter and Schmidtke. NAYS: None. Duly passed and adopted this 2<sup>nd</sup> day of May, 2006.

Kevin Peyman, County Engineer, gave an update that included work being done on some of the many gravel roads within the county that are in rough shape due to recent rains; and noted as a reminder for the three rural commissioners, that if they receive calls about problems with a bridge or culvert that goes under a township road that crosses a ditch, citizens will sometimes call the ditch authority to see what can be done, when in fact, the statutes states that it is the Road Authority responsibility to make the needed repairs.

Peyman briefly discussed various road improvement projects in consideration of the upcoming road bonding financing. Peyman noted some of the road improvement projects are needed for better traffic control near businesses while others are for maintenance or construction projects that should be done. Peyman continued that he will provide a preliminary list at the next regularly scheduled Board meeting identifying various capital projects as well as road improvement projects.

Higgins noted that the preliminary list Peyman provides in consideration of the upcoming road bonding financing will be put on public hearing.

With nothing further to report, Boler thanked Peyman.

Brad Gerhardt, County Sheriff, and Captain Brad Hady also present, presented the Sheriff's Office update that included a discussion regarding the need for increasing court security.

Commissioner Donnelly inquired on the status of the Sheriff's Youth Program (SYP) in Martin County. Gerhardt responded that there are up to 19 participants in the program, the hours are 3pm-8pm five days per week. The program averages 12 participants per week. The classes are held at the Fairmont High School. Summer program hours will run from 12:00pm-5:00pm.

Higgins noted that due to Dr. Steve Parnell's resignation as County Medical Examiner, effective April 20, 2006, staff has searched for possible replacements. While the County has contracted with the Mayo Fairmont Hospitals and Clinics since 1995 for Dr. Parnell's services, the County was informed that the Mayo Fairmont Hospitals/Clinic is not able to provide this service due to no doctors willing to take on the responsibilities of County Medical Examiner.

Higgins went on to state that Dr. Dennis Gremel of Immanuel St. Josephs Hospital in Mankato, MN has agreed to provide Medical Examiner services to the county for the interim until a replacement can be appointed. At this time, staff is in the process of working out an agreement with Dr. Gremel for liability and compensation purposes. Higgins noted that the county still has the possibility of obtaining County Medical Examiner services from the Center for Specialty Care in Fairmont, MN.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, per the requirements of Minnesota Statutes, hereby appoint Dr. Dennis Gremel of the Immanuel St. Joseph's Hospital, Mankato, MN as interim Martin County Medical Examiner until such time that a replacement can be appointed; and to authorize the Chair to sign the necessary agreements with the provider of the Medical Examiner Services. Carried unanimously.

Higgins presented a Financial Advisory Service Agreement between the County of Martin, MN and Northland Securities, Inc., citing the County is looking at bonding for capital improvement, equipment, and various road improvements throughout the County.

In the past, the County has used Bill Fahey, Financial Advisor with Northland Securities for the issuance of long term debt (bonding). Higgins recommended approval of the Financial Advisory Service Agreement with Northland Securities, Inc. The Agreement includes the Planning and Development, Bond Sales, and Post Sale Support. The fees for the services are dependent upon the amount of the debt to be financed.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, whereas the County desires to use the services of Northland Securities related to the issuance of County debt (Bonds); and hereby approve and authorize the Chair to sign the Financial Advisory Service Agreement between the County of Martin, MN and Northland Securities, Inc. Carried unanimously.

Greg Gellert, Blizzard Snowmobile Club, was present to give an update and also to request Board approval for the Grant application to the Minnesota Department of Natural Resources (DNR) – Minnesota Snowmobile Trails Assistance Program. Gellert noted this is the preliminary application. Once the DNR has reviewed and awarded a grant dollar amount, it will be brought before the Board for acceptance and final approval.

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke,

R-#29/'06

## RESOLUTION

### Application from the Blizzard Snowmobile Club for Maintenance Funding for the Existing GIA Trail System:

WHEREAS, Martin County, Minnesota desires to apply for maintenance funding for an existing GIA Trail System and,

WHEREAS, by Law of 1975, Chapter 204, Sections 51 and 95, there was appropriated to the Commissioner of Natural Resources, as a grants-in-aid to Local units of government, funds for said purposes, and

WHEREAS, said Martin County will contract with the Blizzard Snowmobile Club, Inc. to apply for this funding to maintain said GIA Trail System.

NOW, THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners approve of the application for maintenance funding for the existing GIA Trail, and that the Chairperson and/or the County Auditor/Treasurer be authorized to sign all documents relating to the program year.

Motion was made by Commissioner Donnelly, seconded by Commissioner Schmidtke and carried this 2<sup>nd</sup> day of May, 2006.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Gerald Boler, Chair

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

Roll Call AYES: Commissioners Potter, Boler, Schmidtke and Donnelly. NAYS: None. Duly passed and adopted this 2<sup>nd</sup> day of May, 2006.

Higgins stated the Department of Natural Resources provides grants to local units of government for maintenance of All Terrain Vehicle (ATV) trails. The All Season Wheelers Club – Elm Creek ATV Trail (on behalf of the County) has been approved to receive a grant in aid amount of \$15,000 for trail maintenance for FY2006.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Chair to sign the Minnesota Trails Assistance Program Off Highway Vehicles – FY2006 Traditional Grant Agreement for the All Season Wheelers Club – Elm Creek Trail; and to approve and authorize the Chair (or designee) and/or the Martin County Auditor/Treasurer to sign other required documents as necessary. Carried unanimously.

Higgins presented a letter received from City of Fairmont for consideration for financial assistance for the Southern Minnesota Educational Campus (SMEC). Funding from Martin County will be used to enhance the technology at SMEC. Higgins stated \$60,000 was discussed and budgeted during last fall's 2006 budget workshops.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize budgeted allocation request for the City of Fairmont to assist the Southern Minnesota Education Campus of Fairmont, MN in the amount of \$60,000. Carried unanimously.

Higgins stated the City of Fairmont and County auction for surplus city and county inventory will be held on May 18<sup>th</sup>, 2006 in Fairmont and presented a list of items to be disposed of by auction.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve the disposal of county surplus inventory as presented, to be disposed of by auction May 18<sup>th</sup>, 2006. Carried unanimously.

Higgins continued with recommendations from the Building and Purchasing Committee for courthouse roof repair and lighting. Higgins stated a quote was received for courthouse roof repair from Patten Roofing for needed maintenance and repair in the amount of \$7,800 and includes labor and material to install aluminum coating. Higgins went on to state that as part of the Courthouse Restoration Project, the Committee has researched lighting fixtures for the first floor rotunda area. Higgins noted that it is believed that at one time there were lighting fixtures for the first floor rotunda area due to electrical, conduit and wires run to each of the coves. The Committee researched a number of light fixtures and narrowed their search down to the most representative of the courthouse lights, a single globe light fixture at a cost of \$1,000 each. The recommendation is to purchase four (4) light fixtures (CD-7554WS) from St. Louis Antique Lighting Company of St. Louis, MO. After discussion,

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve the purchase of four (4) light fixtures (CD-7554WS) from St. Louis Antique Lighting Company of St. Louis, MO, for the first floor rotunda in the amount of \$4,000 (not including tax). Carried unanimously.

Higgins presented a quote received from Patten Roofing for roof maintenance on the courthouse. It was decided by consensus to table the courthouse roof repair until additional quotes are received.

Higgins stated the courthouse hallway painting project is nearing completion with just touch up painting left to do. As part of the Courthouse Restoration Project for the upcoming Centennial Celebration, the Building and Purchasing Committee has received and reviewed a quote from Van Oel Evans and Co. LLC for the labor and materials for stenciling of a border above the marble wainscoting and painting of medallions on various blank ceiling panels on the three levels and grand entry of the courthouse. Higgins noted that the original quote received was \$18,700; however, after review by the Building and Purchasing Committee, the quote has been reduced to \$12,692. Higgins continued that the cost estimate for stenciling only is approximately \$6,400 and cost estimate for painting ceiling medallions only is approximately \$6,292. After discussion,

Motion by Commissioner Potter, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the proposed restoration projects and quote from Van Oel Evans and Co. LLC of Des Moines, IA for stenciling border above marble wainscoting only on first three floors of courthouse and grand entry and to finish out “H-beams” and ceiling on first floor rotunda, in the amount of \$6,400. Carried unanimously.

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

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners move into a closed session per MN Statutes 13D.03 at 10:48 a.m. to discuss Union negotiation strategies. Carried unanimously.

Meeting in closed session at 10:48 a.m.

Those present were Commissioners Donnelly, Schmidtke, Potter, Boler, and Scott Higgins, County Coordinator. Commissioner Pierce was absent.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, to go back into open session. Carried unanimously.

Meeting returned to open session at 11:22 a.m.

No action taken pertaining to the closed session.

With no further business to wit, Motion by Commissioner Potter, seconded by Commissioner Donnelly, to adjourn the meeting. Carried unanimously. Meeting adjourned at 11:23 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Gerald Boler, Chair

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