

PROCEEDINGS OF THE MARTIN  
COUNTY BOARD OF COMMISSIONERS  
WEDNESDAY, JULY 5, 2006  
@ 9:00 A.M.

The meeting was called to order at 9:00 a.m. by Chairman Boler. Commissioners present were Jack Potter, Steve Pierce, Steve Donnelly, and Dan Schmidtke. Also present were Scott Higgins, County Coordinator, James Forshee, County Auditor/Treasurer, Terry Viesselman, County Attorney, Kevin Peyman, County Engineer, Rod Halvorsen, KSUM/KFMC Radio, Jennifer Brookens, Sentinel Newspaper, Julie Walters, Administrative Assistant, and members of staff and public.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, to approve the agenda with two additions: (1) Consider Establishing budget for Courthouse Centennial Committee; (2) Receive and File Fairmont Opera House CY2007 Budget Allocation Request.

Motion by Commissioner Potter, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the June 20, 2006 regular Board of Commissioners meeting as presented. Carried unanimously.

Terry Viesselman, County Attorney, was present and had nothing to report.

Kevin Peyman, County Engineer, was present and stated that the Highway Department had just finished thistle spraying at a cost of \$39,288.49. Peyman presented a brief history of thistle spraying costs dating back from year 2001 to present, with grand total spraying costs showing a significant cost savings. Peyman attributes these cost savings to eliminating the use of the chemical Telar (\$21.00 per ounce) and stressing the importance of starting early before the thistles go to bloom and staying out as long as you can to get the job done.

Peyman stated the Highway Department has a team for the upcoming Cancer Walk to be held at the Martin County Fairgrounds beginning 7:00 p.m. July 15<sup>th</sup> through 6:00 p.m. July 16<sup>th</sup>, 2006. Peyman noted everyone is welcome to come out and walk and support the team and event.

Scott Higgins, County Coordinator, presented two (2) Conditional Use Permit (CUP) requests from the Martin County Highway Department for extraction and processing of gravel. The Planning Commission approved the CUP requests during their June 27<sup>th</sup>, 2006 meeting and is recommending approval of the Conditional Use Permits. Peyman reviewed the project.

Motion by Commissioner Pierce, seconded by Commissioner Potter,

R-#36/'06

CONDITIONAL USE PERMIT FOR THE EXTRACTION AND PROCESSING  
OF GRAVEL FOR CONSTRUCTION PURPOSES WITHIN SECTION 6  
OF RUTLAND TOWNSHIP, MARTIN COUNTY, MINNESOTA  
(ELDEAN MASCHOFF, OWNER)

Motion by Commissioner Pierce, seconded by Commissioner Potter,

WHEREAS, a Conditional Use Permit requested by Martin County Highway Department, applicant, and Eldean Maschoff, owner of property located in Government Lots 7, 11, 12 and 14 of Section 6, Township 103 North, Range 30 West of the Fifth Principal Meridian, containing 158.95 acres, more or less, according to the Government Survey thereof; and that part of Government Lots 5 and 8 of Section 6, Township 103 North, Range 30 West, Martin County, Minnesota, has applied for a Conditional Use Permit for the extraction and processing of gravel for construction purposes, and

WHEREAS, the Martin County Planning and Zoning staff has completed review of the application and made a report pertaining to the request, a copy of said report has been presented to the County Board of Commissioners; and

WHEREAS, the Planning Commission of the county on the 27<sup>th</sup> day of June, 2006 following proper notice, held a public hearing regarding the request and, following the hearing, adopted a recommendation that the request for a Conditional Use Permit be granted; and

WHEREAS, the Martin County Board of Commissioners finds that Conditional Use Permit is to be issued for the following purpose:

Extraction and Processing of Gravel for Construction Purposes on Property  
Owned by Eldean Maschoff, and

WHEREAS, the following conditions have been applied:

- Obtain all necessary permits concerning the Wetland Conservation Act from Martin County, Department of Natural Resources, the Army Corps of Engineers and other jurisdictions before mining begins if needed.
- A site use, development and restoration plan is submitted that addresses dust, noise, hours of operation, erosion control and anticipated vegetation and topographic alterations.
- Possible reclamation bond for site.

NOW THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners and upon the recommendation of the Martin County Planning Commission, hereby approves the Conditional Use Permit for the above described property and is hereby issued pursuant to MS 394.301 and the Martin County Ordinance

#1 Chapter 6.01, and that this permit shall remain in full force and effect provided in the conditions as described above are met and maintained by the applicant and his/or her successors in interest. This permit is binding upon the applicant, the record titleholder to the property, and his/or her successors in interest. Notice is hereby 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.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Gerald Boler, Chair

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

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

NAYS: None. Duly passed and adopted this 5<sup>th</sup> day of July, 2006.

Motion by Commissioner Pierce, seconded by Commissioner Potter,

R-#37/'06

CONDITIONAL USE PERMIT FOR THE EXTRACTION AND PROCESSING  
OF GRAVEL FOR CONSTRUCTION PURPOSES WITHIN SECTION 14  
OF ELM CREEK TOWNSHIP, MARTIN COUNTY, MINNESOTA  
(GERALD LORENZ AND LOAN-ANH THI LORENZ, LINDA LOAN-ANH  
LORENZ, AND JOHN GERALD LORENZ, AS TRUSTEES OF THE GERALD  
LORENZ AND LOAN-ANH LORENZ IRREVOCABLE TRUST AS OWNERS)

Motion by Commissioner Pierce, seconded by Commissioner Potter,

WHEREAS, a Conditional Use Permit requested by Martin County Highway Department, applicant, and Gerald Lorenz and Loan-Anh Thi Lorenz, Linda Loan-Anh Lorenz, and John Gerald Lorenz, as Trustees of the Gerald Lorenz and Loan-Anh Lorenz Irrevocable Trust dated September 7, 2005 as owners of property located in the West 70 acres of the Southeast Quarter (SE 1/4), Section Fourteen (14), Township One Hundred Three (103) North, Range Thirty-three (33) West of the Fifth Principal Meridian, Martin County, Minnesota; AND an undivided tract 1/2 interest in a tract of land in the Southwest Quarter (SW 1/4) of Section Fourteen (14), Township One Hundred Three (103) North, Range Thirty-three (33) West; AND the South Half of the Southwest Quarter (S1/2 SW 1/4), and the Southwest Half of the Northwest Quarter of Southwest Quarter (SW 1/2 NW 1/4 SW 1/4), Martin County, Minnesota has applied for a Conditional Use Permit for the extraction and processing of gravel for construction purposes, and

WHEREAS, the Martin County Planning and Zoning staff has completed review of the application and made a report pertaining to the request, a copy of said report has been presented to the County Board of Commissioners; and

WHEREAS, the Planning Commission of the county on the 27<sup>th</sup> day of June, 2006 following proper notice, held a public hearing regarding the request and, following the hearing, adopted a recommendation that the request for a Conditional Use Permit be granted; and

WHEREAS, the Martin County Board of Commissioners finds that Conditional Use Permit is to be issued for the following purpose:

Extraction and Processing of Gravel for Construction Purposes on Property Owned by Gerald Lorenz and Loan-Anh Thi Lorenz, Linda Loan-Anh Lorenz, And John Gerald Lorenz, as Trustees of the Gerald Lorenz and Loan-Anh Lorenz Irrevocable Trust dated September 7, 2005 as owners of property, and

WHEREAS, the following conditions have been applied:

- Obtain all necessary permits concerning the Wetland Conservation Act from Martin County, Department of Natural Resources, the Army Corps of Engineers and other jurisdictions before mining begins if needed.
- A site use, development and restoration plan is submitted that addresses dust, noise, hours of operation, erosion control and anticipated vegetation and topographic alterations.
- Possible reclamation bond for site.

NOW THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners and upon the recommendation of the Martin County Planning Commission, hereby approves the Conditional Use Permit for the above described property and is hereby issued pursuant to MS 394.301 and the Martin County Ordinance #1 Chapter 6.01, and that this permit shall remain in full force and effect provided in the conditions as described above are met and maintained by the applicant and his/or her successors in interest. This permit is binding upon the applicant, the record titleholder to the property, and his/or her successors in interest. Notice is hereby 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.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Gerald Boler, Chair

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

Roll Call AYES: Commissioners Donnelly, Schmidtke, Potter, Pierce, and Boler.  
NAYS: None. Duly passed and adopted this 5<sup>th</sup> day of July, 2006.

Peyman concluded with a brief update on the Highway Department's E85 pickups, County Road 37 project, and Highway 15 improvements.

Sheriff Gerhardt presented the monthly Sheriff's Office Updated that included: incident command models at Posivio and Koch funerals in anticipation of protesters; ongoing fatality investigation; completion of Emergency Management Classroom classes along with 13 on-line classes and having yet to complete 4 days of "Capstone" classes for certification as an Emergency Manager; have 4 new squads on the road; jail population back under capacity; still working on RFP's for the jail planning. The committee will be reviewing the proposals and interviewing the top two; Sheriff's Office and Fairmont Police teaming up with Charter Cable to run an anti Meth ad; possibly forming a committee to discuss and help fend off any trucking and/or rail issues in the area of the soybean crushing facility and two proposed ethanol facilities; stated that Amy Card is the new Regional Program Coordinator for Homeland Security Emergency Management and that the Sheriff's Office Emergency Operations Plan is due for regional review this year including all eighteen SARA Title 3 requirements by the Federal Government; our Emergency Notification System (reverse 911) is down to two vendors – GeoComm and City Watch. A meeting will be held in the near future to determine our choice; Communication vehicles are being customized with boxes. The next step is the radio installation along with electrical and cabinetry work; discussed correctional facility fire inspector, a newly created position by the State of Minnesota.

Gerhardt presented information on the Martin County/City of Fairmont "Disasterville Exercise" stating that the goal of this exercise is go bring key players together that would have an emergency management role during a disaster. This tabletop exercise is reality-based training that provides an opportunity for emergency responders, city and county officials, and others the opportunity to develop skills in command, control, and emergency communication using a visual tabletop prop. The overall goal will include bringing awareness to the principles and objectives involved in emergency planning including how to recover from disasters, how to obtain state and federal assistance, track expenses, and what can be submitted for expenses. Gerhardt had been holding two tentative dates in August for holding this hour and one half training exercise and asked the commissioners to set a specific date that works best for them to attend.

It was decided by consensus of the Board to set August 2<sup>nd</sup>, 2006 to hold the Martin County/City of Fairmont "Disasterville Exercise" beginning at 5:30 p.m.  
Captain Brad Hady, Sheriff's Department, recommended the hire of two part-time Communications Officers and two part-time Corrections Officers. Hady stated all hires are replacements, not new hires, and one of the part-time Corrections Officer's positions

is a lateral transfer from part-time Communications Officer to part-time Corrections Officer. Hady noted that background checks are in progress and he does not anticipate any problems.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of the Martin County Sheriff's Office, hereby approve and authorize the hire of Debra Johnson and Karen Bless as part-time Communications Officers for the Martin County Sheriff's Office, effective July 9, 2006 at \$14.56/hour, not eligible for benefits and contingent upon successful background checks; approve and authorize the hire of Daniel Owens as part-time Corrections Officer for the Martin County Sheriff's Office, effective July 19, 2006 at \$14.56/hour, not eligible for benefits and contingent upon successful background checks; and, approve and authorize the lateral transfer of Andrew Cartwright from part-time Communications Officer for the Martin County Sheriff's Department to part-time Corrections Officer at \$14.56/hour with an effective date to be determined as replacement part-time Communications Officers are trained in. Carried unanimously.

Scott Higgins, County Coordinator, introduced the South Central WorkForce Council's Joint Powers Agreement, noting that at their last Joint Powers meeting, the members in attendance agreed to make no changes to the current Joint Powers Agreement, other than to extend the date to June 30, 2009 which will coincide with their RFP and planning cycle. The Agreement requires each County Board of Commissioners to authorize their Joint Powers Board member to sign the agreement for the period July 1, 2006 through July 1, 2009 and to authorize Commissioner Pierce, Board liaison, to sign the amended Joint Powers Agreement.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the South Central WorkForce Council's amended Joint Powers Agreement extending the date to June 30, 2009; and authorize Commissioner Steve Pierce, South Central WorkForce Board liaison, to sign the amended Joint Powers Agreement. Carried unanimously.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file the CY2007 Budget Allocation Requests from: Minnesota Small Business Development Centers in the amount of \$3,000; Minnesota Valley Action Council in the amount of \$11,523; Three Rivers RC&D Membership Dues in the amount of \$650; Southern Minnesota Initiative Foundation in the amount of \$4,000; and Fairmont Opera House in the amount of \$10,000. Carried unanimously.

Higgins presented a resolution for the rezoning request from Schafer Shores LLC (Jonathan Schafer) from SL-1 Special Protection District to SL-2 Residential Recreational District for shore land residential subdivisions. Higgins stated the Martin County Planning Commission held the required hearing during their June 27, 2006 meeting and is recommending the County Board approve this request. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke,

R-#35/'06

REZONE REQUEST  
SCHAFER SHORES, LLC (Jonathan Schafer)  
From "SL-1" to "SL-2" within  
Section 8, Manyaska Township

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke,

WHEREAS, a Rezone Request was requested by Schafer Shores LLC (Jonathan Schafer) on June 27, 2006 concerning the following described property located in the County of Martin and State of Minnesota to wit:

All of Government Lot Two (2) lying north of the right-of-way of C.S.A.H. No. 26 and the right-of-way of the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company in Section 8, Township 102 North, Range 32, West of the Fifth Principal Meridian, Martin County, Minnesota.

AND WHEREAS, on the 27<sup>th</sup> day of June 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 5<sup>th</sup> day of July, 2006 with the following conditions, to wit:

NONE

NOW THEREFORE, A REZONE REQUEST for the above described property is hereby issued pursuant to MS 394.00 and Martin County Ordinance #1, Chapter 7 for the following purpose:

Rezone from "SL-1" Special Protection District to "SL-2" Residential Recreational District for shore land residential subdivision,

With respect to the above described property.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Gerald Boler, Chair

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

Roll Call AYES: Commissioners Donnelly, Potter, Boler, Schmidtke, and Pierce.  
NAYS: None. Duly passed and adopted this 5<sup>th</sup> day of July, 2006.

Higgins stated the City of Truman is requesting financial assistance to help with the demolition of two commercial buildings in downtown Truman. One of the buildings is the former Olson Furniture building and the other is a building on the east side of the Truman Museum. The City of Truman is asking for financial assistance to help pay towards the City share of the costs to remove the two separate structures which could be several thousand dollars. After discussion,

Motion by Commissioner Potter, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file letter from the City of Truman dated June 28, 2006 requesting financial assistance to help with demolition of two commercial buildings in downtown Truman; and to request estimated costs associated with the demolition of these buildings so the Board will be able to make an informed decision on whether or not financial assistance will be granted. Carried unanimously.

Deb Mosloski, Drainage Administration, presented information regarding the re-determination for Joint Ditch #91 (with Jackson County), noting that with 83.19% of the drainage system lying within Martin County, a Joint Ditch Authority will need to be established with Jackson County to re-determine benefits.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, has the authority to re-determine benefits for county drainage systems, and hereby appoints Commissioners Boler, Potter, and Schmidtke as the Ditch Viewer for the re-determination of the original construction and subsequent improvements to be assessed for Joint Ditch #91 shared with Jackson County. Carried unanimously.

Mosloski continued that after a meeting in Cedar Town Hall, consensus was to have JD #91 and JD #77 re-determined. Mosloski went on to say that re-determination can't be ordered on JD #91 due to being a joint county system. Mosloski recommends setting up a teleconference meeting with Jackson County to discuss re-determination of JD #91.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby set a tentative date of Tuesday, July 11<sup>th</sup>, 2006 at 8:45 a.m. for a Joint Ditch Authority Board meeting with Jackson County in reference to the re-determination of Joint Ditch #91; and to order the re-determination of Joint Ditch #77. Carried unanimously.

Mosloski opened discussion pertaining to a resolution adopted on June 26, 2006 by the Fairmont City Council requesting that Martin County administer the public and private benefits (and damages) of all non-transferred 103E Public Drainage Systems on an



individual benefited parcel basis and not as a single, all inclusive lump sum benefit to the municipality. Drainage systems currently involved are JD #31, JD #18, CD #56, and JD #74. Mosloski pointed out that re-determinations of these ditches on a parcel by parcel basis will be very expensive. Mosloski stated she had called Kurt Deter, Attorney at Law, who responded by letter that MS 103E.315, Subd. 2 states that: "The property within the jurisdiction of a municipality, whether owned by the municipality or by private parties, may be assessed as benefits and damages to the municipality." It would be Deter's recommendation that the viewers determine the benefits to the municipality and assess the municipality. How the municipality handles collecting the assessments for their taxpayers or paying it out of some other fund is up to the municipality. Mosloski then heard from Ron Ringquist of Ron's Appraisal Service, who stated that the bulk of the expense was going to be where the City is actually taking over. Ringquist is working with Bruce Firkins, of Bolton & Menk, in obtaining reports in order to determine which individual parcels will be affected and suggests asking the Board to table any decisions until reports and estimated costs are received.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby table further discussion pertaining to the non-transferred ditch benefits to be assessed in the City of Fairmont (JD #31, JD #18, CD #56, & JD #74). Carried unanimously.

The Board recessed at 10:10 a.m.  
The Board reconvened at 10:20 a.m.

George Champine, private citizen, was present to propose a suggestion for an improvement to the county's current Computerized Mass Appraisal System (CAMA).

Ron Strom, private citizen and CAMA Committee member, was present and in support of Champine's suggestion.

Higgins presented recommendation to fill the County Assessor position, stating that the Personnel Committee has met to interview and discuss the County Assessor position and recommends the appointment of Dan Whitman to the County Assessor position effective July 5, 2006 for the term ending December 31, 2008 at Grade 17 Step 2 at \$24.26/hour retroactive to April 17, 2006. After discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce,

R-#38/06

RESOLUTION APPOINTING DANIAL WHITMAN AS MARTIN COUNTY  
ASSESSOR FOR AN INITIAL TERM EFFECTIVE JULY 05, 2006 THROUGH  
DECEMBER 31, 2008

WHEREAS, the County Personnel Committee has gone through the recruitment process for the County Assessors position and has interviewed and determined

that Danial Whitman meets the minimum qualifications for the County Assessor's position and, therefore, recommend appointment as Martin County Assessor; and

WHEREAS, the appointment shall be made by the Martin County Board of Commissioners and approved by the Commissioner of Revenue, per Minnesota Stat. 273.061; and

WHEREAS, Danial Whitman is to be appointed as the Martin County Assessor for an initial term effective July 5, 2006, to fill the remaining term ending December 31, 2008 due to a resignation ; and

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners in and for the County of Martin, Minnesota, that, in accordance with Minn. Stat. 273.061, that Danial Whitman be and hereby is appointed as the Martin County Assessor for the initial term beginning July 05, 2006, and continuing through December 31, 2008; and to approve starting wage of Grade 17 Step 2 at \$24.26/hour retroactive to April 17, 2006.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Minnesota Commissioner of Department of Revenue by the County Coordinator.

BOARD OF COMMISSIONERS  
MARTIN COUNTY

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Gerald Boler, Chair

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

Roll Call AYES: Commissioners Potter, Boler, Pierce, and Schmidtke. NAYS: Commissioner Donnelly. Duly passed and adopted this 5<sup>th</sup> day of July, 2006.

Higgins requested approval for recruitment to fill the vacancy of the Deputy Assessor/Senior Appraiser position. The position is placed at Grade 14 (\$18.51 - \$24.34/hour). After discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize advertisement to recruit for a position of Appraiser/Senior Appraiser for the Assessor's Office at a salary range of \$17.07 to \$24.34/hour and to prepare job description to fit position. Carried unanimously.

Chairman Boler requested establishing a budget allocation for preparatory expenses involved with our Courthouse Centennial celebration. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve establishing a budget in the amount of \$5,000 to be used for Courthouse Centennial Committee expenses; and authorize Commissioners Pierce and Donnelly to oversee and approve all spending. Carried unanimously.

Chairman Boler conducted the swearing in ceremony for the appointment of Danial Whitman, Martin County Assessor.

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

With no further business to wit, Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, to adjourn the meeting. Carried unanimously. Meeting adjourned at 11:30 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Gerald Boler, Chair

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