

PROCEEDINGS OF THE MARTIN  
COUNTY BOARD OF COMMISSIONERS  
TUESDAY, MAY 1, 2007  
@ 9:00 A.M.

The regular meeting of the Martin County Board of Commissioners was called to order at 9:00 a.m. by Chairman Potter.

Those present were Commissioners Pierce, Donnelly, Schmidtke, and Boler. Also present were Scott Higgins, Martin County Coordinator, James Forshee, Martin County Auditor/Treasurer, Terry Viesselman, Martin County Attorney, Kevin Peyman, Martin County Engineer, Jennifer Brookens, Sentinel Newspaper, Julie Walters, Administrative Assistant, and members of staff and public.

Motion by Commissioner Boler, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following additions: Consider Petition to Transfer Parcel of Land; Consider Region Five Homeland Security and Emergency Management Association (RFHSEMA) Mutual Aid Agreement – Sheriff’s Office; Consider Quotes Received for Air Conditioning Unit Replacement at Human Resource Building; Set Meeting Date and Time for Proposed Improvement on JD #18; and Consider Disposal of Surplus County Property. Carried unanimously.

Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the April 17, 2007 regular Board of Commissioners meeting as presented.

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

Kevin Peyman, Martin County Highway Engineer, presented his recommendation for a step increase for a highway employee that has reached his anniversary date.

Motion by Commissioner Boler, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of County Highway Engineer, hereby approve and authorize step increase according to AFSCME Highway Union Contract for Gary Anderson, Motorgrader Operator, from Grade 12 Step 5 and \$17.99/hour to Grade 12 Step 6 at \$18.46/hour, effective May 20, 2007. Carried unanimously.

Peyman showed a brief video showing the hazards of unsafe mailbox installations that not only can cause property damage and injury, but even death. Peyman went on to note that safety issues arise with mailbox construction (specifically their support tubes) and mailboxes that are knocked off or damaged during snow removal. Peyman continued, reviewing a brochure noting examples of unsafe installations and pointed out that under Minnesota Statute 169.072 and Minnesota Rule 8818, local road authorities have the ability to develop and adopt rules regarding mailbox installations, i.e. installations that do

not meet the standards and recommendations may be removed at the owner's expense by the local road authority. Peyman stated that while acceptable mailboxes and support poles have been available at the Highway Department for citizens to purchase on their own, Peyman recommends that on any new rural road grading project, the County will provide the acceptable mailboxes and install them at no charge. Peyman went on to state that snow removal equipment will still need to slow down for mailboxes; however, providing acceptable mailboxes and support poles should greatly reduce the number of calls we receive about mail boxes getting knocked down. After discussion,

Peyman will draft a written County Mailbox Support Policy to present at the next regular Board of Commissioner meeting.

Mike Sheplee, Deputy Assessor, presented the Computer Aided Mass Appraisal Committee's (CAMA) final report for completion of work in response to concerns regarding how CAMA was calculating estimated market values in the City of Fairmont. Sheplee continued that the committee was comprised of citizens, real estate professionals, commissioners, and assessor personnel. The committee met approximately monthly from June, 2006 to March, 2007. Sheplee went on to note that the Assessor's Office gained a better in-depth understanding of all the detailed calculations of the appraisal system and noted one key finding of the committee was that its members were made aware there are many methods, processes and analysis that contribute to a good assessment and that housing values are not randomly generated.

Motion by Commissioner Boler, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file the Computer Aided Mass Appraisal (CAMA) Committee's final report. Carried unanimously.

Sheriff Gerhardt stated that a resignation letter has been received from Jessica Gonzalez, Communications Officer with the Martin County Sheriff's Office, effective June 2, 2007.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, with regrets, accept the resignation of Jessica Gonzalez, Communications Officer with the Martin County Sheriff's Office, from employment with Martin County after six (6) years and eight (8) months of full-time and part-time service to the county and its citizens, effective June 2, 2007; and approve recruitment of full-time Communications Officer Position. Carried unanimously.

Gerhardt next presented the Region Five Homeland Security and Emergency Management Association (RFHSEMA) Mutual Aid Agreement. Gerhardt stated this agreement authorizes the joint and cooperative exercise of powers common to contracting parties in providing Mutual Aid to any of the Emergency Management Departments of the Region Five Homeland Security and Emergency Management Association Counties. The parties in this agreement shall consist of as many of the following entities that approve this agreement and execute a separate signature page to become parties: Brown, Chippewa, Cottonwood, Jackson, Lac Qui Parle, Lincoln, Lyon, Martin, McLeod,

Murray, Nobles, Pipestone, Redwood, Renville, Rock, Sibley, Watonwan, and Yellow Medicine.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair and County Emergency Management Director, to sign the Region Five Homeland Security and Emergency Management Association (RFHSEMA) Mutual Aid Agreement; and is contingent upon final review by Martin County Attorney and Minnesota Counties Insurance Trust (MCIT). Carried unanimously.

Gerhardt continued with the Monthly Sheriff's Update which included: working on a proposal to update the current phone system at the Law Enforcement Center to a Centrex system; have submitted application for next years' EMPG grant; mobile computing is moving forward; jail population remains high; weather permitting, buoys will be going out prior to fishing opener; Deputy Markquart is now on staff and the Sheriff's Office is in the process of background checks on the part-time applicants. As a result of the additional deputy, we will be increasing the time we spend in recreational enforcement (boat and water, snowmobile) including Cedar-Hanson Park. The new Deputy schedule is to begin in May; copper theft cases in Martin County; new Employee Performance Appraisal document for the Sheriff's Office; and codeReady – a new effort to get Minnesota ready for crises and emergencies (codeready.org).

Sue Olson, Adjunct Instructor for Presentation College, was present and stated that the Presentation College nursing program provides its students classes in corrections nursing. Olson stated that last year their senior class of seven students shadowed Joy Poush (Jail nurse) for a couple of hours per day to allow the students to gain exposure and experience in corrections nursing. Olson continued that Presentation College would like to include this practice with this year's students and that both Joy Poush and Sheriff Gerhardt are in support of this program.

Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign Agreement with Presentation College in providing use of County Jail Facilities to serve as practicum for senior nursing students allowing the students to gain experience in corrections nursing under the direct supervision of Joy Poush, Martin County's Jail Nurse; and is contingent upon review by County Attorney. Carried unanimously.

Holli Arp, Regional Director with the University of Minnesota Extension Service, reviewed the Nutrition Education Program that provides nutrition and food resource management education to food stamp eligible families to increase their ability to make wise use of their food and financial resources. It is the intention of the Minnesota Extension Service to re-implement this federally funded program in Martin County to provide nutritional education to eligible county residents in promoting diet, quality of food safety, and wise consumerism. Extension is proposing to fund a Nutrition

Education Assistant (NEA) staff person and Martin County would be responsible for an in-kind match that would include office space, utilities, supplies, etc.

June Sorenson, Nutrition Education Assistant, presented an overview of the Nutrition Education Program as well as an age appropriate sample lesson she presents to preschoolers through elementary school age children, as well as teenagers and Senior Citizens.

Arp stated that the Extension Service is asking for a .25 FTE (25% time) for June Sorenson to provide nutrition education services in Martin County in 2008. Arp then reviewed a sample Memorandum of Intent between Martin County and the University of Minnesota Extension Service Nutrition Education Program with a detailed list of the kinds of cash and in-kind contributions towards the Nutrition Education Program requested from Martin County to maintain the program for one year at an estimated cost of \$4,161. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, approve to include the University of Minnesota Extension Nutrition Program budget request for consideration in the County's 2008 Budget Process. Carried unanimously.

The Board recessed at 10:36 a.m.

The Board reconvened at 10:46 a.m.

Deb Mosloski, Drainage Specialist for Martin County, presented her recommendation to order the redetermination of JD #67 in Rutland Township. Mosloski stated the viewers are out in this area redetermining JD #8, JD #1, and JD #3, so the cost to redetermine JD #67 would be minimal to the three (3) taxpayers on this system.

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, acting as the Martin County Drainage Authority, hereby approve and authorize the Order for Redetermination of Judicial Ditch #67 in Rutland Township; and appoint Ron Ringquist as Viewer. Carried unanimously.

Mosloski went on to recommend setting a public hearing date and time concerning an issue with BioFuels wanting to install larger tile and reinforce the type of tile under six (6) portions of the railroad along JD #18. Mosloski stated that technically, by changing the size of the tile under the proposed six (6) portions of railroad, this falls under an improvement, not a repair. Mosloski expressed her concern with the taxpayers involved due to many issues with this tile system over the last three years.

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, acting as the Martin County Drainage Authority, hereby approve setting a public hearing date for Tuesday, May 15, 2007 at 1:30 p.m. to be held in the Martin County Courthouse, First Floor –

Commissioners Meeting Room, for authorization allowing BioFuels to install larger tile under six (6) portions of the railroad along Judicial Ditch #18. Carried unanimously.

Higgins stated the Planning Commission is recommending approval of a Conditional Use Permit for J&M Properties of Wells, LLC (Marilyn M. Dulas and Jerome A. Dulas) within Section 31 of Westford Township. J&M Properties is proposing to extract and process gravel for construction purposes.

Motion by Commissioner Pierce, seconded by Commissioner Boler,

R-#29/'07

CONDITIONAL USE PERMIT FROM J&M PROPERTIES, LLC  
FOR EXTRACTION AND PROCESSING OF GRAVEL  
FOR CONSTRUCTION PURPOSES WITHIN SECTION 31 OF  
WESTFORD TOWNSHIP  
(Marilyn M. Dulas and Jerome A. Dulas)

Motion by Commissioner Pierce, seconded by Commissioner Boler,

WHEREAS, a Conditional Use Permit requested by J&M Properties of Wells, LLC applicant (Marilyn M. Dulas and Jerome A. Dulas, husband and wife), and owners of property located in the County of Martin and State of Minnesota to wit: Government Lot 14, Section 31, Township 104 North, Range 30 West of the Fifth Principal Meridian.

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 24<sup>th</sup> day of April, 2007 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 Marilyn M. Dulas and Jerome A. Dulas, 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
- Follow Martin County and DNR regulations concerning waters of the state, including watercourses, if any

- A site use, development and restoration plan be submitted that addresses dust, noise, hours of operation, erosion control and anticipated vegetation and topographic alterations
- No mining or processing permitted within structural setback of 200' from the centerline of the road
- Possible reclamation bond for each 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.

Dated this 1<sup>st</sup> day of May, 2007.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Jack Potter, Chair

ATTEST: \_\_\_\_\_

Scott Higgins, County Coordinator

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

NAYS: None. Duly passed and adopted this 1<sup>st</sup> day of May, 2007.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Board Chair to sign the Minnesota Trails Assistance Program Off Highway Vehicles – FY2007 Traditional Grant Agreement for the All Seasons Wheelers Club – Elm Creek Trail in the amount of \$17,800; and to approve and authorize the Board Chair (or designee) and/or the Martin County Auditor Treasurer to sign other required documents as necessary. Carried unanimously.

Higgins reviewed a report regarding the ridership and revenue/expenditures for the Martin County Express Expanded Service that was implemented March, 2005. Higgins stated that as of the end of March, 2007 the cost of this expanded service is approximately \$37,500 with fares collected of approximately \$15,270. The Board took action in February, 2006 to cut back the expanded service from 1 a.m. to 12 a.m.

effective February 17, 2006 with increased fares of \$5 after 10 p.m. Higgins continued and reviewed the line graph comparisons of the weekend expanded service hours (Friday and Saturday evenings) along with passenger counts and pick up times, noting that ridership dramatically drops off during the 10 p.m. to 11 p.m. hour. Higgins continued the expanded service is being conducted on a trial basis and options to consider are to continue to operate the system as is, modify the service hours, or discontinue the service. Higgins noted that Nancy Gunther, our Third Party Contractor, has indicated they are having issues in keeping weekend drivers. After much discussion,

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve decreasing the Martin County Express Extended Weekend Hours from 12:00 a.m. to 10:00 p.m. on Fridays and Saturdays for the months of May, June, and July, 2007 effective May 4, 2007; and to review the expanded service again in August, 2007; and fares to remain unchanged at \$2.25 (one way). Carried unanimously.

James Forshee, Martin County Auditor/Treasurer, stated his office has received a petition request from Tyler Pomeranke of Truman, MN that a parcel of land described as: A tract of land in Government Lot 4, Section 26 and the Northeast Quarter of the Northeast Quarter of Section 35 in Township 102 North, Range 30 West, in Martin County, Minnesota, currently split between East Chain and Fairmont school districts be transferred entirely to the Fairmont school district. Forshee stated that the Auditor Treasurer's Office will notify the school districts involved and inform them of the property change. Forshee went on to note that the County Attorney is reviewing the petition to transfer. After discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby deny the request from Tyler Pomeranke of Truman, MN to transfer a parcel of land currently split between the East Chain and Fairmont school districts be transferred entirely to the Fairmont school district. Carried unanimously.

Higgins presented quotes received for replacement of existing air conditioning unit at the Human Resource Building. Higgins stated quotes were received from Cress Refrigeration at \$3,285.00, Total Comfort Systems at \$3,518.00 and Day Plumbing at \$3,897. with the apparent low bid going to Cress Refrigeration. Higgins went to note that the County does have a reserve fund to maintain this building. After discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby authorize the Martin County Coordinator to proceed with low bid award for replacement of existing air conditioning unit at the Human Resource Building; contingent upon verifying all costs are included in each of the three quotes received. Carried unanimously.

Higgins stated the City of Fairmont and County auction for surplus city and county inventory will be held on May 16<sup>th</sup>, 2007 in Fairmont and presented a list of items to be disposed of by auction.

Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the disposal of county surplus inventory as presented. Carried unanimously.

Higgins presented and reviewed Region Nine's Letter of Support for the Passage of an Agreeable Gas Tax Increase; Region Nine's Meeting Summary of the April 11, 2007 meeting; and the First Quarter Revenue/Expenditure/CY2007 Budget Report.

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 11:43 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Jack Potter, Chair

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