

PROCEEDINGS OF THE MARTIN
COUNTY BOARD OF COMMISSIONERS
TUESDAY, JULY 3, 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 Highway Engineer, Jennifer Brookens, Sentinel Newspaper, Rod Halvorsen, KSUM/KFMC Radio, 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 Renewal of Liquor On-Sale License for I-90 Expo Center – Sherburn, MN; and delete Reconsider Petition to Transfer Parcel of Land – Auditor/Treasurer’s Office. Carried unanimously.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the June 5, 2007 and June 19, 2007 regular Board of Commissioners meetings as presented. Carried unanimously.

Don Milbrandt, representing the Martin County Preservation Association for Red Rock Center for the Arts, was present to update the Board on recent events at Red Rock Center and to request a CY2008 budget allocation of \$10,000.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file the following for consideration for the CY2008 budget: Red Rock Center for the Arts (MCPA) - \$10,000; and Minnesota Valley Action Council - \$11,523. Carried unanimously.

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

Higgins stated the Planning Commission is recommending approval of a Conditional Use Permit from Great River Energy for constructing a single pole 69,000 volt (69 kV) transmission line route from Federated Rural Electric Association (FREA) Buffalo Lake Substation to Southern Minnesota Municipal Power Associations Rutland Substation located in an “A” Agricultural District within Section 1 of Rolling Green Township, Sections 25 & 36 of Fraser Township, and Sections 17, 19, & 20 of Rutland Township. Michelle Loveall, representing Great River Energy, was present to answer any questions. There were none.

Motion by Commissioner Boler, seconded by Commissioner Pierce,

R-#34/'07

CONDITIONAL USE PERMIT FROM
GREAT RIVER ENERGY FOR
CONSTRUCTING A SINGLE POLE 69,000 VOLT
TRANSMISSION LINE WITHIN SECTION 1 OF ROLLING GREEN TOWNSHIP,
SECTIONS 25 & 36 OF FRASER TOWNSHIP, AND SECTIONS
17, 19, & 20 OF RUTLAND TOWNSHIP

Motion by Commissioner Boler, seconded by Commissioner Pierce,

WHEREAS, a Conditional Use Permit was requested by Great River Energy, applicant, located within Section 1 of Rolling Green Township, Sections 25 & 36 of Fraser Township and Sections 17, 19, & 20 of Rutland Township in Martin County, Minnesota (legally described in applications) for the purpose of constructing a single pole 69,000 volt (69 kV) transmission line route from FREA Buffalo Lake Substation to SMMPA's Rutland Substation on a route located in an "A" Agricultural District, 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 26th day of June, 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:

Constructing a single pole 69,000 volt (69kV) transmission line route from FREA Buffalo Lake Substation to SMMPA's Rutland Substation, and

WHEREAS, the following conditions have been applied:

- Any improvements done to the road, expense for relocation to be paid by owner/applicant of transmission line/structures (Great River Energy).

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 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/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 3rd day of July, 2007.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Jack Potter, Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Donnelly, Schmidtke, Pierce, Boler, and Potter.
NAYS: None. Duly passed and adopted this 3rd day of July, 2007.

Higgins continued that the Planning Commission is recommending approval of a Conditional Use Permit from Southern Minnesota Municipal Power Agency for rebuilding approximately 3.25 miles of a 69,000 volt (69 kV) transmission line in highway right-of-way and expanding existing Rutland substation located in an "A" Agricultural District within Sections 16, 17, 20, 21, 28, 29, & 32 of Rutland Township.

Motion by Commissioner Boler, seconded by Commissioner Schmidtke,

R-# 35/'07

CONDITIONAL USE PERMIT FROM
SOUTHERN MINNESOTA MUNICIPAL POWER AGENCY
FOR REBUILDING 3.25 MILES OF 69 kV TRANSMISSION LINE
WITHIN SECTIONS 16, 17, 20, 21, 28, 29, & 32 OF RUTLAND TOWNSHIP

Motion by Commissioner Boler, seconded by Commissioner Schmidtke,

WHEREAS, a Conditional Use Permit was requested by Southern Minnesota Municipal Power Agency, applicant, located within Sections 16, 17, 20, 21, 29, & 32 of Rutland Township in Martin County, Minnesota (legally described in applications) for the purpose of rebuilding approximately 3.25 miles of 69,000 volt (69 kV) transmission line in highway right-of-way and expanding existing Rutland substation, 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 26th day of June, 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:

Rebuild approximately 3.25 miles of 69,000 volt (69 kV) transmission line route, and

WHEREAS, the following conditions have been applied:

- Any improvements done to the road, expense for relocation to be paid by owner/applicant of transmission line/structures (SMMPA).

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 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/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 3rd day of July, 2007.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Jack Potter, Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Donnelly, Pierce, Schmidtke, Boler, and Potter.
NAYS: None. Duly passed and adopted this 3rd day of July, 2007.

James Forshee, Martin County Auditor/Treasurer, stated that I-90 Expo Center has applied for a renewal of an on-sale liquor license and has submitted all required paperwork and fees and recommended approval.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve an On-Sale Liquor License for Skinny Minnow's, d/b/a I-90 Expo Center of Sherburn, MN. Carried unanimously.

Kevin Peyman, Martin County Highway Engineer, presented his recommendation for step increase according to Highway Supervisor's union contract for Assistant County Engineer position.

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce, 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 Martin County Highway Supervisor's Union Contract for Gary Schaub, Assistant County Engineer, from Grade 18 Step 6 at \$29.66/hour to Grade 18 Step 7 at \$30.55/hour, effective July 9, 2007. Carried unanimously.

Peyman presented a draft letter to the Minnesota Department of Transportation expressing the county's concern about traffic safety on a stretch of Trunk Highway 15 from CSAH 34 (150th St.) to CSAH 38 (175th St.). Peyman notes in the letter that this area is infamous to the county's local residents for having a high history of accidents and for being a potential safety hazard and encourages MN/DOT to continue to look at Trunk Highway 15 as a whole for improvements, as well as to specifically look at the specific stretch of roadway to determine if anything can be done to alleviate any potential hazards. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of the County Highway Engineer, hereby approve and authorize county staff to sign letter to the Minnesota Department of Transportation addressing Trunk Highway 15 Safety. Carried unanimously.

Peyman presented a department update that included progress on County Road 37 which should be completed by the end of July; County Road 39 is progressing on schedule with a slight possibility of completion before the Martin County Fair begins; and VeraSun has let the construction contract for County Road 26 project.

Commissioner Pierce initiated discussion relative to a concern that had been expressed to him regarding the ride quality of the newly constructed stretch of Highway 15 by Wal-Mart; and if in the future that stretch of highway had to be repaired, will Martin County be responsible for payment.

After much discussion, including information presented by Mike Humpal, Assistant City Administrator, it was determined that with quality control inspections performed by the contractor, Bolton & Menk, and Wal-Mart, and with a warranty on that particular section of highway, that once MN/DOT inspects and approves this stretch of highway, MN/DOT will then be responsible for any maintenance.

Sheriff Gerhardt presented the monthly Sheriff's Office Update that included: completion of the county's Pandemic Flu Grant process; number of inmates housed out of county; patrolling of area summer festivals; recreational enforcement; part-time and full-time communications officer training; grants received for new tasers; replacement of jail transport vehicle; and recent cases involving the Drug Task Force.

Gerhardt continued the Sheriff's Office has been granted a supplemental Federal Boating Safety sub grant in the amount of \$1,470. This grant will cover expenses incurred for boating safety enforcement and is effective July 1, 2007 through September 14, 2007.

Motion by Commissioner Boler, seconded by Commissioner Pierce,

R-#33/'07

RESOLUTION

AUTHORIZING EXECUTION OF BOATING SAFETY SUPPLEMENT GRANT AGREEMENT

BE IT RESOLVED, that Martin County enter into a grant agreement with the Minnesota Department of Natural Resources for the program entitled County Boat and Water Safety in the supplemental grant amount of \$1,470.00 to cover expenses incurred for boating safety activities effective July 1, 2007 and expires September 14, 2007.

BE IT FURTHER RESOLVED, that Sheriff Brad Gerhardt, Chairman of the Board of Commissioners Jack Potter, and Auditor/Treasurer James Forshee, are hereby authorized to execute and sign such grant agreement on behalf of Martin County.

Motion made by Commissioner Boler, seconded by Commissioner Pierce, and duly adopted this 3rd day of July, 2007.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Jack Potter, Chair

ATTEST: _____
Scott Higgins, County Coordinator

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

NAYS: None. Duly passed and adopted this 3rd day of July, 2007.

Gerhardt stated that the Social Security Administration (SSA) requires the reporting of all inmates and is making an effort to submit all prisoner reporting to an electronic system or eData system. The SSA currently does not have an agreement in place to allow the SSA

to accept an electronic format report for the Martin County Jail. The proposed MOU provides for the terms and conditions under which Martin County will provide to the SSA information about certain confined individuals until (1) he or she is released from the care and supervision of such institution; and (2) such institution ceases to meet the individual's basic living needs. Gerhardt noted that bottom line is the SSA needs to know these people have committed a crime and are in jail.

Forshee stated the agreement has been reviewed as to content and form by the County Attorney. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the Incentive Payment Memorandum of Understanding (IPMOU) Agreement between the Social Security Administration and the Martin County Jail for Social Security Administration (SSA) Information about certain confined individuals; and for the SSA to accept an electronic format report for the Martin County Jail. Carried unanimously.

Gerhardt next stated that due to Dr. Steve Parnell resignation as County Medical Examiner effective April 20, 2006; Dr. Dennis Gremel of Immanuel St. Josephs Hospital in Mankato, MN agreed to provide Medical Examiner services to Martin County until a replacement could be appointed. Gerhardt went on to state that while the county has no major issues with Dr. Gremel, the Sheriff's Office would like the role to be taken over by a local medical professional. After discussion,

It was decided by consensus of the Board to move forward with recruitment of a county medical examiner.

Gerhardt concluded with an update on Electronic Home Monitoring services provided by Midwest Monitoring & Surveillance of Fairmont, Inc.

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

Higgins stated that there was a mix up in the promotion offered for early purchase of the Martin County Commemorative Book through the Martin County Historical Society. The stated promotion price did not include sales tax. The total cost for the sales tax of \$72.15. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve payment to the Martin County Historical Society in the amount of \$72.15 from the General Government fund. Carried unanimously.

Higgins stated it has been suggested to illuminate the stained glass in the dome of the courthouse with artificial light. After discussion and viewing of the dome area,

Motion by Commissioner Donnelly, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve the use of artificial light to illuminate the stained glass in the dome of the courthouse. Carried unanimously.

With no further business to wit, Motion by Commissioner Pierce, seconded by Commissioner Boler, to adjourn the meeting. Carried unanimously. Meeting adjourned at 10:10 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Jack Potter, Chair

ATTEST: _____
Scott Higgins, County Coordinator