

PROCEEDINGS OF THE MARTIN
COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 2, 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 Boler, Pierce, Donnelly, and Schmidtke. Also present were Scott Higgins, Martin County Coordinator, Jennifer Brookens, Sentinel Newspaper, Terry Viesselman, Martin County Attorney, Kevin Peyman, Martin County Highway Engineer, Rod Halvorsen, KSUM/KFMC, Julie Walters, Administrative Assistant, and members of staff and public.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following additions: Consider Proclamation for Martin County School Bus Safety Awareness Month; and delete Consider MVAC Small Cities Application. Carried unanimously.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the September 4, 2007 and September 18, 2007 regular Board of Commissioners meetings as presented. Carried unanimously.

Terry Viesselman, Martin County Attorney, reviewed County Coordinator's request for inclusion of liability insurance, worker's compensation coverage, and hold harmless clause in the proposed Martin County Medical Examiner Agreement; requested copies of Economic Development outstanding loan documents to determine whether a balance owed is uncollectible due to bankruptcy; and concluded with a discussion regarding enforcement of clean up and removal of mobile homes that are not occupied or in livable condition.

Commissioner Steve Donnelly read a proclamation designating October, 2007 as Martin County School Bus Safety Awareness Month.

Angie Scheff presented the Proclamation, asking that the Board approve the proclamation on behalf of the school age children in Martin County. Scheff, herself a victim of a school bus related accident, stated she has been talking in the Granada schools about school bus safety. Scheff continued that Truman and Fairmont schools have excellent programs where they demonstrate danger zones; but sometimes motorists forget that there are children crossing in front of buses, especially on four lane highways when motorists are trying to pass when they shouldn't be. Scheff stated that once in awhile you read in the newspaper that someone has been pulled over for passing a bus with the bus stop arm engaged or other school bus violations. This Proclamation will help people be more aware of the laws that would protect our children.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and proclaim the month of October, 2007 as Martin County School Bus Safety Awareness Month; and urge all citizens of Martin County and its communities to recognize and follow all safety rules and devices made for the well being of our students this month and in the future. Carried unanimously.

R-#49/'07

Proclamation of Martin County School Bus Safety Awareness Month

Whereas, the young people of Martin County and its surrounding areas are vitally important to the welfare of our community.

Whereas, 43 buses carry approximately 2,005 students to and from school in Martin County daily. Many parents have an expectation that their child is “completely” safe from the time their child enters the bus at the designated bus stop until that child exits the bus at the end of the school day.

Whereas, nationally on average 33 fatalities happen each year to school age children. Two Thirds (2/3) of these accidents happen outside of the bus during loading and unloading of a bus and to children 5 to 8 years old. Despite the industry’s best efforts, accidents still happen; and they have happened here in Martin County.

Whereas, Martin County school bus Safety Awareness month will be an excellent way for everyone-parents, students, teachers, motorists, school bus operators, school administration, and local law enforcement to join forces and address the importance of school bus safety.

Now Therefore Be It Proclaimed, that we the Board of County Commissioners of Martin County Minnesota on this 2nd day of October 2007, hereby proclaim the month of *October 2007 Martin County School Bus Safety Awareness Month*; and urge all citizens of Martin County and its communities to recognize and follow all safety rules and devices made for the well-being of our students this month and in the future.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Jack Potter, Chair

ATTEST: _____
Scott Higgins, County Coordinator

Pam Flitter, Martin County Zoning Official, stated the Planning Commission is recommending approval of a Conditional Use Permit from Richard G. Burud, Federated Rural Electric, proposing to construct a Wind Turbine in Sections 31 and 32 of Fraser Township. Flitter continued the Martin County Zoning Ordinance requires a Conditional Use Permit for construction of the wind turbine. Flitter went on to state the Martin County Planning Commission has reviewed and approved this Conditional Use Permit with the following condition: Road on which the wind turbine will be located be legally vacated.

Richard Burud, Federated Rural Electric, was present and further reviewed the placement and construction of a 2.1 megawatt wind turbine in Martin County.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly,

R-#47/'07

CONDITIONAL USE PERMIT FOR
RICHARD G. BURUD- FDERATED RURAL ELECTRIC CONSTRUCTING OF ONE WIND
TURBINE IN SECTIONS 31 AND 32 OF FRASER TOWNSHIP, MARTIN COUNTY, MN

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly,

WHEREAS, a Conditional Use Permit was requested by Richard G. Burud of Federated Rural Electric, applicant, located within Fraser Township, SE Section 31 and SW Section 32 in Martin County, Minnesota (legally described in applications) for the purpose of constructing a wind turbine 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 25th day of September, 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 of a 2.1 megawatt wind turbine

WHEREAS, the following conditions have been applied:

- Road on which the wind turbine will be located be legally vacated.

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 2nd day of October, 2007.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Jack Potter, Chair

ATTEST: _____
Scott Higgins, County Coordinator

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

NAYS: None. Duly passed and adopted this 2nd day of October, 2007.

Richard Burud, Federated Rural Electric, continued that with Federated Rural Electric is proposing to construct a 2.1 megawatt wind turbine in Fraser Township and that the project is considered to be a Community-Based Energy Development project, is subject to the authority of the County Board to grant or deny any applications or permits or licenses for such projects as provided by state statutes or local ordinances, rules or regulations. Burud is requesting approval from the Board acknowledging Community-Based Energy Development status for the Small Scale Wind Project in Fraser Township.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly,

R-#48/'07

ACKNOWLEDGING COMMUNITY-BASED ENERGY DEVELOPMENT
STATUS FOR SMALL SCALE WIND PROJECT

WHEREAS, it is the policy of the State of Minnesota to foster Community-Based Energy Development (C-BED) projects; and

WHEREAS, the state C-BED statute calls for County Board approval of C-BED projects - Minn. Stat. § 216B.1612, subd. 2(f)(3); and

WHEREAS, the development of small scale wind projects in Martin County provides economic opportunity for residents of the County; and

WHEREAS, the Federated Rural Electric Association Wind Project proposed for development between Section 31 and 32 of Fraser Township will be owned by Minnesota Cooperative organized by Minnesota residents; and

WHEREAS, the Federated Rural Electric Association Wind Project will be developed and owned by the cooperative for use by its members; and

WHEREAS, the developers understand and accept responsibility for securing all necessary permits for development of wind turbines and towers; and

WHEREAS, this project is for the development of a 2.1 megawatt wind energy tower.

WHEREAS, the projects are structured to ensure that a majority of the financial benefit of the project accrues to the local cooperative of the project.

NOW, THEREFORE, BE IT RESOLVED, that the Martin County Board of Commissioners hereby indicates its support for the development of the Federated Rural Electric Association Wind Project as C-BED project subject to the authority of said county board to grant or deny any applications for permits or licenses for said project as may be provided by state statute or local ordinances, rules or regulations.

Duly Passed and Adopted this 2nd day of October, 2007.

Martin County Board of Commissioners
Jack Potter, Chairperson

ATTEST: _____
Scott Higgins, County Coordinator

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

NAYS: None. Duly passed and adopted this 2nd day of October, 2007.

Sheriff Gerhardt presented his monthly Sheriff's Office Update that included: recently attending the Emergency Management Conference; asking all persons in the area to give the local Agricultural Professionals extra courtesy during harvest time; current status of Martin County Medical Examiner; matter concerning staffing the traffic gates on the various entrances of Interstate 90 with Minnesota Department of Transportation (MN/DOT) road closures due to bad weather; upcoming quarterly Sheriff's report to be presented at the Ceylon City Council Meeting on October 9th; and transcription requirements for Courts and additional Emergency Management tasks are continuing to make it difficult for the Sheriff's Office to get this work done.

Kevin Peyman, Martin County Highway Engineer, presented a response letter received from the Minnesota Department of Transportation (MN/DOT) concerning safety on Highway 15 just south of Northrop; and presented a brief review of his testimony at a recent Transportation and Finance Committee Field Hearing held in Blue Earth County.

Peyman went on to present a brief review and update of the CY2006 Martin County Highway Department Annual Financial Report.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file the Martin County Highway Department CY2006 Annual Financial Report as presented. Carried unanimously.

The Board recessed at 10:05 a.m.

The Board reconvened at 10:15 a.m.

Dorothy Behne, City of Sherburn, stated a group of citizens has formed a task force to move forward with plans for improvements to the historic movie theater in Sherburn, MN. Behne noted the film projector equipment has been at the theater since 1940 and is not usable anymore and replacement parts are no longer available. Behne continued the task force got together to raise funds to purchase refurbished movie projector equipment and has raised \$17,000 of the estimated \$25,000 needed. Behne concluded that future theater renovation projects include updating the sound system, film screen, and white sound tiles; allowing future use of the theater for other activities such as school plays, community choirs, and other forms of entertainment.

After further discussion, Chairman Potter thanked Behne for the additional information.

Scott Higgins, Martin County Coordinator, stated that Region 9 and the newly formed Minnesota River Area Agency on Aging Joint Powers Board (MNRAAA) has requested that the County provide a resolution or letter of support for the newly formed MNRAAA and their application to the Minnesota Board on Aging (MBA) to designate a successor Area Agency on Aging for the 2008 plan year for the Southwest Planning and Service Area (PSA) which includes Martin County. After discussion, it was decided by consensus of the Board that more information is needed to consider this request.

No action taken in consideration of Resolution or Letter of Support for the Minnesota River Area Agency on Aging JPA; and application as the Area Agency on Aging for Southwest Planning and Service Area.

Higgins stated that the County is in the process of reviewing the Martin County Area Development Agency Fund and has found that there is an outstanding loan balance to Hitchcock Plumbing (Michael P. Hitchcock) in the amount of \$2,312.81 (not including interest). Higgins continued that according to the county loan records, the county has not received any payments since the year 2000. The original amount of the loan was \$4,000. Furthermore, records indicate that this loan is uncollectible due to the bankruptcy of Hitchcock Plumbing (final in 1999). Higgins concluded the Board is being asked to write off the economic development loan to Hitchcock Plumbing as uncollectible due to bankruptcy.

It was decided by consensus of the Board to table consideration of uncollectible economic development loan; contingent upon opinion and review of County Attorney.

Higgins stated the Board has had the opportunity to review the proposed renewal Agreement between the University of Minnesota and Martin County for providing Extension programs locally and employing Extension staff. Higgins noted the program that the County will augment is: 75% 4-H Program Coordinator working exclusively in Martin County at an annual cost of \$47,025. Higgins continued the University will be responsible for providing salary and fringe benefits, enhanced programming from regional extension educator staff, program supervision, travel (mileage, meals, and lodging), in-service training within program area, payroll, and accounting services. Higgins stated the County agrees to provide local support for this position including, but not limited to, office space, telephone, computer, network connections for email, and other communications, software, support staff, and other general office supplies; and the term of this Agreement shall be January 1, 2008 through December 31, 2010. After much discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign and offer Agreement for one year only between the University of Minnesota and Martin County for providing Extension Programs locally and employing County Extension Staff in the amount of \$47,025 beginning January 1, 2008 through December 31, 2008. Carried unanimously.

Doug Landsteiner, Veterans Service Officer, was present to continue previous discussions of replacing the south end overhead door at the Martin County Transit Facility. Landsteiner stated the Building Committee and Board have previously discussed and the Board stated their need to view and assess the situation. Landsteiner stated it is his understanding that the wash bay is complete and ready for use; and that the only hindrance right now for people to use the wash bay, is that VSO vehicles are in the middle of the wash bay and the VSO vehicles need to be in a different location. Landsteiner further stated that it was his understanding that bids were received and that Midwest Garage has submitted a very reasonable bid of \$3,195 for the replacement of that door and is hoping that the commissioners will come to a conclusion sometime very soon. After discussion,

Motion by Commissioner Boler, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and award low bid for removal of old and installation of new overhead insulated garage door at the Martin County Transit Facility to Rich Wolf, Midwest Garage Door, in the amount of \$3,195. Carried unanimously.

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

Higgins stated the Board approved reviewing the County Classification and Compensation Plan and established a committee to conduct the review in January, 2007. After a number of meetings, the Committee has provided three areas that need to be addressed: (1) To simplify the annual Employee Performance Evaluations rating system;

(2) Step increases provided on a more step in time basis (with satisfactory evaluation) rather than performance based and (3) Re-establish the 15 step scale-determine method for achieving step 15.

The Board at this time discussed and evaluated the committee recommendations. No action taken at this time.

With no further business to wit, Motion by Commissioner Pierce, seconded by Commissioner Boler, to adjourn the meeting. Carried unanimously. Meeting adjourned at 12:07 p.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Jack Potter, Chair

ATTEST: _____
Scott Higgins, County Coordinator