

PROCEEDINGS OF THE MARTIN  
COUNTY BOARD OF COMMISSIONERS  
TUESDAY, FEBRUARY 5, 2008  
@ 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 Pierce.

Those present were Commissioners Potter, Donnelly, and Boler. Also present were Scott Higgins, James Forshee, Kevin Peyman, Brad Gerhardt, Brad Hady, Diane Larson, Matt Klages, Mark Geerdes, Jennifer Jepsen, Rod Halvorsen, KSUM/KFMC Radio, Jennifer Brookens, Sentinel Newspaper.

Motion by Commissioner Boler, seconded by Commissioner Potter, Be it Resolved that the Martin County Board of Commissioners, hereby approve the agenda with no additions or deletions. Carried unanimously.

Chairman Pierce recognized Jennifer Jepsen, new Library Director for Martin County. Jepsen introduced herself and gave a brief presentation about her and background. The Board welcomed Jepsen to her new position.

Motion by Commissioner Donnelly, seconded by Commissioner Potter to approve the minutes of regular Board of Commissioners meeting for January 15, 2008. Carried unanimously.

Kevin Peyman reviewed the actual 2007 and 2008 County State Aid Highway (CSAH) allocations for Martin County. Peyman stated that the county has received a 10.7% increase which equates to \$366,023 for the year.

After review of the report, Commissioner Boler stated his appreciation of Peyman's and the County Highway Department's work in this area and working with our local legislators.

Higgins presented license request from Hansen Sanitation of Kasota, MN for the collection and hauling of solid waste in the county. Higgins stated that it appears the hauler has met the criteria to receive the license.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, having received and reviewed the Solid Waste Hauler license application from Hansen Sanitation of Kasota, MN for the collection and hauling of solid waste in Martin County; and appears to have met the licensing criteria for Martin County, MN hereby approve and authorize the Board Chair and Auditor/Treasurer to sign the Solid Waste Hauler License for the aforementioned hauler. Carried unanimously.

Pam Flitter, Zoning Official was present to review and recommend approval for the Conditional Use Permit (CUP) for Tim Meyer, Section 36 of Fairmont Township for operation of a guest cottage on existing property located in an SL-1 Special Protection, which requires a CUP with the following conditions: That shore land vegetation be maintained; and the Guest Cottage sewer hook-up be inspected and be in compliance with county regulations. Flitter stated that the County Planning Commission recommends approval. After discussion and review,

Motion by Commissioner Potter, seconded by Commissioner Donnelly,

R-#8/'08

CONDITIONAL USE PERMIT FROM  
TIM MEYER AND LORI HUNTER TO OWN/OPERATE  
A GUEST COTTAGE WITHIN  
SECTION 36 OF FAIRMONT TOWNSHIP

Motion by Commissioner Potter, seconded by Commissioner Donnelly,

WHEREAS, a Conditional Use Permit was requested by Tim Meyer and Lori Hunter, applicant and owner, located within Section 36 of Fairmont Township in Martin County, Minnesota (legally described in applications) for the purpose of owning/operating a guest cottage on his existing property located in an "SL-1" Special Protection 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 22<sup>nd</sup> of January, 2008 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:

Own and operate a guest cottage on existing property located in an "SL-1" Special Protection District, and

WHEREAS, the following conditions have been applied:

- That shore land vegetation be maintained; and
- That guest cottage sewer hook-up be inspected and be in compliance with county regulations

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 5<sup>th</sup> day of February, 2007.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Pierce, Chair

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

Ayes: Boler, Donnelly, Potter, Pierce. Nays: None. Passed and approved this 5<sup>th</sup> day of February 2008.

Chairman Pierce read letter of commendation on behalf of the Board of Commissioners to James Forshee, County Auditor/Treasurer for receiving the Life Saving Award from the City of Fairmont in January 2008 recognizing him for saving two individuals from an apartment fire and also recognized his retirement from the Fairmont Fire Department after 31 years of dedicated service –five of which was Chief.

Chairman Pierce read a letter of commendation on behalf of the Board of Commissioners to Kay Wrucke, County Recorder for receiving the Minnesota Association of County Officers (MACO) Honor Roll award, which is the highest award given by the Association for those who have contributed to making the organization a county resource.

Kay Wrucke, County Recorder was present to request approval for out-of-state travel. Wrucke informed the Board that County Recorders from Minnesota will travel to Rock Island, IL February 11-13, 2008 to attend a Fidlar Software User Group Meeting. Travel expenses are paid for except the cost of hotel for two nights lodging and meals. The cost to the county was estimated at \$250.

Motion by Commissioner Boler, seconded by Commissioner Potter, to approve the out-of-state travel request for Kay Wrucke, County Recorder to attend a Fidlar Software User

Group meeting to be held in Rock Island, IL February 11-13, 2008 at an estimated cost of \$250. Carried unanimously.

Brad Gerhardt, Sheriff was present to request approval for the proposed 2008 Civil Fees.

Motion by Commissioner Donnelly, seconded by Commissioner Boler,

R-#10/'08

RESOLUTION

MARTIN COUNTY SHERIFF'S CIVIL FEES

Whereas, the County Board of Commissioners may charge fees for services provided by county offices, official, department, court, or employee; and

Whereas, per Minnesota Statutes section 357.09, sub division 8 provides that the County Board shall set the Sheriff's fees with the advise and consultation of the Sheriff; and

Whereas, there is a reasonable relation between the fees contained in the schedule (as listed in this resolution) and the cost of providing the service as follows,

Collecting on Execution:	
First \$250.00.....	10%
Over \$250.00.....	6%
Execution unsatisfied, plus mileage.....	\$30.00
Mileage (5 mile minimum).....	\$.50 ½ /mile
Mortgage Foreclosure.....	\$70.00
Cancellation of Mortgage Foreclosure Sale on day of sale.....	\$70.00
Redemption of Foreclosed property.....	\$125.00
Certificate of Sale of Real Estate; a copy when requested.....	\$70.00
Sheriff's Sale of Personal Property.....	\$70.00
Securing and Safely Keeping Property in replevin, attachment Or execution...Deposit required and Fees vary depending on property	
Posting three notices of sale, plus mileage.....	\$30.00
Service of Process, plus mileage (no deposit required).....	\$30.00
Not Found Returns, plus mileage.....	\$30.00
Service of Process @ address other than provided, plus mileage.....	\$50.00

Now, Therefore Be It Resolved, that the Board of County Commissioners of Martin County, MN hereby approves and adopts the Sheriff's Civil fees, as listed above, effective immediately upon the passage of this resolution.

Approved and duly passed by the Martin County Board of Commissioners at the meeting held this 5<sup>th</sup> day of February, 2008.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Pierce, Chair

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

AYES: Potter, Boler, Donnelly, and Pierce NAYES: None. Approved and adopted this 5<sup>th</sup> day of February 2008

Gerhardt presented the Inmate Nursing Services contract for approval, stating that the proposed hourly rate is \$35.50/hour a 1.5% increase from a year ago of \$35.00/hour. Otherwise, no other changes to the contract. After discussion,

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Chair to sign the Nursing Services Agreement between Joy Pousch, RN, BSN and the Martin County Sheriff's Office to provide regular and on call nursing services; at an hourly rate of \$35.50 and on-call services of \$90/month. Carried unanimously

Gerhardt gave the Sheriff's Office update. Presented concerns with Region 9 not getting the All Hazard Mitigation plan completed. It was suppose to be done by November 2004, informed the County Board that the Radio Advisory Committee for nine (9) counties in the South Central MN are working to formulate a Joint Powers agreement and that the County Attorney has looked at it and stated his concerns with any costs associated with this group to the county and stated that the Sheriff's Office will not move ahead until the costs are clearly defined.

Higgins presented request for approval for purchase of a Class 400 transit bus for the Martin County Express transit system. Higgins recommended the purchase of an Elkhart Coach Ford 450SD from North Central Bus Sales of Minneapolis, MN in the amount of approximately \$60,820, stating that this is the lowest quote for what the county transit system needs. Higgins further stated that the MNDOT shares in the cost to purchase at 80% and the county is responsible for 20%. After discussion,

Motion by Commissioner Boler, seconded by Commissioner Potter to approve the purchase of one Class 400 transit bus,

R-#9/'08

RESOLUTION

Authorizing the Procurement of One Transit Bus and  
Selecting North Central Bus Sales as Specified Vendor

WHEREAS, Martin County operates a transit system; and

WHEREAS, Martin County desires to purchase, through the State of Minnesota Cooperative Procurement Process, a vehicle to be used in the transit system; and

WHEREAS, the vehicle cost is allocated 20% local share and 80% State/Federal share of the “contract amount”; and

WHEREAS, Martin County staff have reviewed the vehicle options offered by approved multiple contracting vendors; and

WHEREAS, the staff recommends purchasing a vehicle from North Central Bus Sales for the reason of improved body of bus; and

NOW THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners, hereby authorizes the purchase of a new Elkhart Coach Ford 450 SD Diesel transit bus from North Central Bus Sales of Minneapolis, MN in the approximate amount of \$60,820.50.

Motion by Commissioner Boler, seconded by Commissioner Potter, was duly passed and adopted this 5<sup>th</sup> day of February, 2008.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Pierce, Chair

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

AYES: Donnelly, Potter, Boler, Pierce. NAYES: None Passed approved this 5<sup>th</sup> day of February 2008.

Higgins presented proposed amendments to the County Personnel Policy- Training and Development #P18, section #5. Higgins stated that from time to time, the Board changes the meal reimbursements and that the purpose for the proposed revisions is to reflect the actual practice for this section of the policy. The proposed revisions are as follows: to strike “...which is not to exceed \$26.00 per day with no meal to exceed twelve dollars.” and to Add- “...and other appropriate expenses per Board Resolution or Union Contract. No reimbursement for alcoholic beverages will be allowed. Meals not commensurate with overnight lodging shall be considered taxable income. All Department Head reimbursement claims are to be signed by the Auditor/Treasurer or County Coordinator.” After discussion,

Motion by Commissioner Donnelly, seconded by Commissioner Potter Be It Resolved that the Martin County Board of Commissioners, hereby approve the following amendments to Martin County Personnel Policy-Training and Development#P18 as follows:

to strike "...which is not to exceed \$26.00 per day with no meal to exceed twelve dollars." and to add "and other appropriate expenses per Board Resolution or Union Contract. No reimbursement for alcoholic beverages will be allowed. Meals not commensurate with overnight lodging shall be considered taxable income. All Department Head reimbursement claims are to be signed by the Auditor/Treasurer or County Coordinator."

Effective immediately upon passage; and to direct the Coordinator to distribute the newly revised policy to county staff. Carried unanimously.

Beverly Snow, Faribault, Jackson, and Martin Multi-County Drug Court Coordinator presented the FJM Multi-County Substance Abuse Court Annual Report. Also present on behalf of this report were Terry Viesselman, County Attorney, Mike Trushenski, Assistant County Attorney, Del Ellis, Fairmont Police Department, and Troy, Public Defender. Snow informed the Board that the State of Minnesota has picked up her salary. After much discussion,

Motion by Commissioner Boler, seconded by Commissioner Donnelly to receive and file the Faribault, Jackson, Martin (FJM) Multi-County Substance Abuse Court Annual Report for the year 2007. Carried unanimously.

Board Recessed at 10:05am  
Board Reconvened at 10:11am

Chairman Pierce introduced the subject of the presentation of the Martin County Justice Center Evaluation and Plan Executive Summary dated February 5, 2008. Those present were Wold Architect and Engineers representatives Nick Mariucci, Norm Glewwe, Paul Tschida, Allan Brinkman, O.P.A.L. Corrections Group of Carver, MN was also present.

Gerhardt presented the need and purpose of a new Justice Center facility stating that a Justice Council was formed three years ago to study the jail needs and space needs for courts and law enforcement for the county and to formulate recommendations to the County Board. Gerhardt stated that throughout this process Wold Architects and Engineers have been hired to assist with study.

Glewwe stated that Paulsen Architect firm was also on board for this study also, but not present today. Glewwe continued that the Justice Council and Core planning committees conducting this study included a cross section of citizens from the county. Glewwe presented the needs and purpose for the study. Glewwe stated that the jail study grew out of concern for the existing Security Building and jail being too small and not adequate to house the increased number of inmates, work space, inadequate storage, lack of court and

staff office security, crowding of staff work space, inadequate and poorly located hearing rooms. Additionally, the option for including law enforcement offices was included in the study. Glewwe continued that the concerns with the Courthouse include inadequate court and staff security, no secure access to court detainees, inadequate storage, and general courthouse safety for the staff and public.

Mariucci reviewed the five (5) options the Committee has explored.

- 1) Leave Jail as is and continue to rent beds in nearby counties. Positives for this option would be that this requires the least expenditures. Negatives-risk of transporting inmates, costs associated with housing inmates out of county and transportation cost, Department of Corrections would likely further restrict the use of current jail facility.
- 2) Add to existing Jail-this option eliminated based on the limited site available and complexity of renovating an office building to serve as a secure jail.
- 3) Construction of new 64 cell jail with room for 32 bed expansion. This option provides the opportunity to take in rental inmates until the local need meets the capacity. Positives- would improve jail efficiency and operation and increase jail capacity. Negatives- increase jail staff cost, requires transporting in custody defendants to court by vehicle, requires security improvements at the Courthouse/Security Building.
- 4) Collocates a new 64 with a new court facility accommodating two courtrooms, a hearing room, court administration, and county attorney. Vacated space in the Security Building will be used by Law Enforcement and Probation. Positives- improves jail/court access, eliminates transporting in custody defendants by vehicle, improves court function, and provides adequate space for law enforcement and Probation. Negatives-bigger first phase project cost, increase jail staff, requires expenditures at Security Building
- 5) Collocates a new 64 cell jail, the offices listed in option #4 and to include law enforcement on a single site. Estimated Cost \$23,630,000. Positives- creates most efficient justice system, eliminates transporting in custody defendants by vehicle, most staff efficient, vacates the Security Building-site could be available for parking. Negatives- highest first cost, increases jail staff.

Mariucci stated that the Core Planning Committee is recommending that the Board go with option #4, which collates the Jail and Courts in a single facility for the best operational costs and security relationships.

Potter inquired the length of time it would take to design and build the proposed facility if it were to move forward.

Mariucci responded that if the project were to move forward it would take one year for the design phase and approximately eighteen months to construct a new facility.



It was stated that if the county were to do nothing, it was likely that the current facility would be rated a 90 day hold instead of a one year stay facility. The issue is sentencing requirements longer than 90 days.

Glewwe reviewed the sites that were considered for the proposed Justice Facility, which included a) across the street from the Courthouse. There is enough space to build with the purchase of some additional property. A drawback is available parking, the site is more economical and least expensive option, b) Gould concrete site northeast of Blue Earth Avenue and Highway 15- drawbacks are the unknown's material that may be buried on this parcel, purchase costs, c) Greenfield/Airport, south of Blue Earth Avenue, East of Highway 15.

Tschida stated that according to the study your current jail staff includes 22 employees and would need to grow to 35-37 staff members in order to operate at full capacity of 96 for the new larger facility. The increased staff would address the current Department of Corrections (DOC) programming requirements the county should be doing.

Glewwe stated that the recommendation by the Core Planning Committee was construct a new facility that included 64 cells and future expansion of an additional 32 beds. Glewwe continued that the estimated cost for such a facility is approximately \$18,400,000 along with the need to make improvements to the Security Building of approximately \$1, 800,000 and the Courthouse of approximately \$100,000 to include remodel and reassignment of office space for a total of \$20, 300,000.

Mariucci stated that the proposed site across the street from the Courthouse would be the least expensive option.

Gerhardt stated that the Department Heads input during last months meeting included the concern of inmates being walked through the facility past the staff and public, offenders and victims in the same lobby area and no meeting rooms to separate them, issues with IT -the LEC itself is not designed to handle the modern day technology.

Potter inquired of what programs were mandated for inmates.

Tschida responded such programs would be educating the inmates to getting their GED, exercise facility, library, and space for religious purposes, and noted that there are no state funds to assist such required programming.

Gerhardt added that we would need a fulltime employee just to provide programming for the inmates. The existing space is not adequate for class for GED program and space in general. Gerhardt further stated that 95% of the inmate population has lived in the county five years or less.

Pierce stated frustrations of counties not being able to work together to build jail facilities and inquired of Tschida why counties are not able to share facilities vs. every county building their own facilities.

Tschida responded that it has been looked at a lot in various areas of the state. Tschida noted that one project he was familiar with took four years to try to come up with a design that would be acceptable for the parties and ended up not coming up with a design. The main issues seem to be the safety and security, transportation costs, etc.

Boler inquired how many acres would be needed if were to build a facility out near the Fairmont airport and whether the proposed cost included the purchase of land for the facility.

Glewwe responded would need to purchase at least 15-20 acres for the needed parking and retention basins and water control that would be required and that there was some allowance for the cost of land, however was not able to come up with the amount. Glewwe stated that the estimated cost included a turn key facility which included construction costs, furnishings, and fees-less land acquisition.

Potter stated that the operations cost for the proposed facility would add approximately \$3,000,000 per year to the budget which would increase the existing budget by approximately 36% and stated the need to weigh this project very carefully. Potter further stated that (due to increased costs) it may be that the Board needs to challenge the State with some of the requirements and that we have facilities being built around us.

Gerhardt stated that this is not best for the Sheriff's Office, Probation. We are just getting by with the current level of staffing.

Pierce stated that factors other than just the jail needs are extremely important which include operations of courts, inmates being brought through public areas, storage of evidence, and working conditions. The jail is only one piece of this project.

Boler stated concerns for the proposed Fairmont School bond referendum (failing) and stating that if we can't spend it on our kids, why should we spend it on crooks. Boler further stated that the County may need to bring back in-house electronic home monitoring and use it more instead of incarcerating people at \$50-\$60/day plus transportation costs.

Donnelly stated that the public would not put up with a \$20,000,000 jail and suggested a hybrid of the proposals. Donnelly suggested another option is to house low level offenders in an existing facility and still house the more hard core criminals locally. If we could get it down to around \$6,000,000 we could talk more.

Glewwe responded that this is an option the Core Committee discussed, however determined that this was not an option.

After further discussion,

Motion by Donnelly, seconded by Commissioner Potter to receive and file the report from Wold Architects and Engineers titled "Martin County Justice Center Evaluation and Plan Executive Summary-February 5, 2008. Carried unanimously.

Pierce thanked representatives from Wold Architects and Engineers for their work and going beyond what was expected from them on this study.

Board recessed at 11:09am  
Board reconvened at 11:14am

Motion by Commissioner Boler, seconded by Commissioner Potter to go into closed session to discuss acquisition of property in Fairmont per MN 13D.05 Subd.3. Carried unanimously.

Meeting closed at 11:15am. Those present were: Pierce, Potter, Donnelly, Boler, Viesselman, Forshee, Gerhardt, Higgins, Brinkman (Consultant).

Motion by Commissioner Donnelly, seconded by Commissioner Boler to go back into open session. Carried unanimously. Board returned to open session at 12:02pm.

Motion by Commissioner Potter, seconded by Commissioner Boler to authorize Commissioners Pierce, Commissioner Donnelly, and Terry Viesselman to negotiate purchase and formulate purchase agreement for two parcels of property located on Main Street, Fairmont, contingent upon final approval of the County Board. Carried unanimously.

Briefly discussed setting date for AMC county day at the Capitol. No action taken.

Higgins presented the CY2007 Year End Budget Department Revenues/Expenditures report.

Board members gave reports of previous meetings and upcoming meetings and events.

With no further business to wit, Board Chair declared the meeting adjourned at 12:11pm

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Pierce, Board Chair

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