

PROCEEDINGS OF THE MARTIN  
COUNTY BOARD OF COMMISSIONERS  
TUESDAY, JUNE 3, 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 Steve Pierce.

Those present were Commissioners Potter, Donnelly, Schmidtke, and Boler. Also present were Scott Higgins, Martin County Coordinator, Terry Viesselman, Martin County Attorney, Kevin Peyman, Martin County Highway Engineer, Jennifer Brookens, Sentinel Newspaper, Julie Walters, Administrative Assistant, Rod Halvorsen, KSUM/KFMC Radio, and members of staff and public.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following additions: Consider Transfer of Ownership with Jail Food Service Contract; and Consider Re-determinations on Various Ditch Systems within Martin County. Carried unanimously.

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the May 6, 2008 and May 20, 2008 regular Board of Commissioners meetings as presented. Carried unanimously.

Terry Viesselman, Martin County Attorney, presented the next steps to be taken once signed purchase agreements for the Glen Reed Tire Storage Facility are received.

Dave Kuhl, owner of Dave's Home Plate Catering, was present, and announced his retirement effective July 1, 2008. Kuhl continued and introduced Jeff Vetter of the County Market grocery store in Fairmont. Kuhl stated that Jeff Vetter and County Market will acquire the Dave's Home Plate Catering business next month and due to the fact that Dave's Home Plate holds the contract for providing meals to the Martin County Jail, wanted the County Board to be aware of the transition. Kuhl went on to state he feels comfortable with Vetter purchasing the business noting that he (Kuhl) started out as a grocer and then branched out as a caterer.

Jeff Vetter, owner of County Market, stated that his role in the purchase of Kuhl's catering business will be more of a supporting staff, in that he won't be directly involved. Vetter continued that Kuhl's staff will be kept on and that County Market staff will help out whoever we get in place. Vetter noted to replace someone like Kuhl; we'll need to have a good person in place.

Commissioner Potter stated that he was happy to see that Mr. Vetter and company have the courage to take on a (catering) business.

Commissioner Pierce stated that he did not see an issue or problem with transferring the Jail Meal Service contract to Vetter.

Commissioners awarded the jail food contract to Dave's Home Plate Catering in January, 2008 and the contract will continue for an additional year and one half.

It was decided by consensus of the Board as a privilege of the jail food contract, Vetter is entitled to fulfill the balance of the contract and wish the best of luck to Vetter and his new business.

Kuhl thanked the commissioners for supporting his catering business over the last twenty years.

Kevin Peyman, Martin County Highway Engineer, presented and recommended step increases for four Highway Department employees that have met the criteria for step movement per the union contracts.

Motion by Commissioner Potter, 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 increases according AFSCME Highway Union Contracts for: Kevin Gorackowski, Highway Technician, from Grade 13 Step 9 at \$22.15/hour to Grade 13 Step 10 at \$22.67/hour, effective June 1, 2008; for Steve Hungerholt, Custodian, from Grade 10 Step 10 at \$17.71/hour to Grade 10 Step 11 at \$18.08/hour, effective June 1, 2008; for Brian Winter, Survey Crew Chief, from Grade 14 Step 8 at \$23.45/hour to Grade 14 Step 9 at \$24.02/hour, effective June 9, 2008; and for Terry Helmers, Maintenance Worker I (Dunnell Shop), from Grade 10 Step 3 at \$15.18/hour to Grade 10 Step 4 at \$15.54/hour, effective June 27, 2008. Carried unanimously.

Peyman stated the Technology Committee has completed final negotiations regarding a county GIS System with Schneider Corporation and at this time the Committee would like to recommend final approval of the Authorization to Proceed contract. Peyman continued the Committee recommends utilizing payment plan Option 1 of the Proposed Revenue Source Document in which the cost for GIS layers development in the amount of \$191,729 will be paid to the Schneider Corporation as services are delivered.

Peyman went on to state that the Pictometry Software has been separated out and that the Committee has also negotiated an agreement for this software. Peyman stated the final price will be determined by the choices the Commissioners should make and that an addendum will be forthcoming and will disclose the costs on this portion of the project; and that estimated costs of mapping the entire county is \$68,362. Peyman noted the variable to be determined in the cost of the Pictometry software is how many of the cities in the county are to be included in the low altitude pictometry images. Peyman went on to note the Committee recommends that we include all incorporated cities in the county plus Fox Lake Village, Fox Lake Park, and East Chain Village. Peyman also stated that if the option to request the cities to pay for some of this expense is chosen, the Committee

is aware that some of the small cities are not willing to take part and the county would need to decide which of the small cities would be included and/or which would be excluded from that part of the project. After much discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, after receiving Request for Proposals for the creation of various data layers and consideration of orthophotography, hereby approve and authorize the Board Chair to sign the “Authorization to Proceed” for GIS Professional Services with the Schneider Corporation in accordance with Paragraph 3 of the Professional Services Agreement previously signed by the County Board on February 23, 2007 with the Schneider Corporation for services in creating the various data layers as listed in the Authorization to Proceed document dated May 29, 2008; at an estimated cost of \$191,729 to be billed on delivery of services, and required maintenance costs for the creation of the GIS layers; to approve the digital Orthophotography for Martin County at an estimated cost of \$68,362 to be completed at the appropriate time for the best picture; and to approve expenditures from the Ditch Fund to pay for the creation of the Ditch layer that is included in the price. Carried unanimously.

Peyman concluded addressing the condition of the gravel roads throughout Martin County. Peyman stated with the additional rainfall already received and more anticipated, it was decided to send out motorgraders on Friday and Saturday in order to get all roads covered and fixed as best they can considering the current weather conditions.

Commissioner Schmidtke thanked the Highway Department for the work they have done on the gravel roads.

Pam Flitter, Zoning Official, was present to review and recommend approval for the Rezone Request from Bill LeDuc within Section 33 of Rutland Township from “A” Agricultural District to “HB” Highway Business in order to allow for possible construction of an office building. Flitter stated the property consists of approximately 14 acres east of Wal-Mart and north of I-90 on 135<sup>th</sup> Street. Flitter continued LeDuc would like to construct an office building which will possibly house three tenants including the United States Department of Agriculture Farm Service Agency and NRCS, a Real Estate/Auction Company which specializes in agricultural properties; and in Insurance Agency. Flitter noted the findings for granting the rezone permit are: the requested rezone is compatible with the surrounding area; the requested rezone is reasonably related to the existing land use and environment; the requested rezone is consistent with the County Comprehensive Plan; and the requested rezone is consistent with the County Zoning Ordinance. Flitter concluded that the County Planning Commission recommends approval. After discussion and review,

Motion by Commissioner Schmidtke, seconded by Commissioner Boler,

R-#21/'08

REZONE REQUEST  
Bill LeDuc  
From "A" to "HB" within  
Section 33 of Rutland Township

Motion by Commissioner Schmidtke, seconded by Commissioner Boler,

WHEREAS, a Rezone Request was requested by Linette Gail Kahler LeDuc (owner), grantee on May 27, 2008 concerning the following described property located in the County of Martin and State of Minnesota to wit:

The Southwest Quarter, Section Thirty Three, Township One Hundred Three North, Range Thirty West of the Fifth Principal Meridian, according to the United States Government Survey, that lies Northerly of the Northerly right of way line of Interstate 90.

AND WHEREAS, on the 27<sup>th</sup> day of May, 2008 the action requested in the foregoing application was recommended for approval to the Board of Commissioners by the Martin County Planning Commission with the following findings:

- The requested rezone is compatible with the surrounding area
- The requested rezone is reasonably related to the existing land use and environment
- The requested rezone is consistent with the County Comprehensive Plan
- The requested rezone is consistent with the Martin County Zoning Ordinance

AND WHEREAS, the said application was approved by the Martin County Board of Commissioners this 3<sup>rd</sup> day of June, 2008 to wit:

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 "A" Agricultural Zoning District to "HB" Highway Business District  
with respect to the above described property.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

\_\_\_\_\_  
Steve Pierce, Chair

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

Roll Call AYES: Commissioners Potter, Donnelly, Schmidtke, and Boler. NAYS: None. Duly passed and adopted this 3<sup>rd</sup> day of June, 2008.

Swantje Willars, Department of Corrections (DOC) Southern Minnesota Regional Manager, was present to update the Board on the Sentence To Service (STS) crew status in Martin County. Willars stated that ten to twelve years ago, special "200 Funding" was awarded to counties that demonstrated a strong STS Program allowing for funding of an additional STS Crew. At that time, Martin County was one of the counties awarded this additional funding thus allowing a third STS crew leader. Willars went on to state that funding cuts will now prohibit Martin County as well as five other counties from keeping that additional crew leader position as of September 30, 2008. Willars noted that Martin County's crew leader Tom Hennis was able to secure employment in Blue Earth, MN (Faribault County) as we were fairly certain that his position would no longer be funded; and chose not to fill the position in anticipation that this funding would go away. Willars continued that a refund in the amount of \$5,967.66 for the months of May and June has been requested from the DOC to allow for operating with two crew leaders instead of three. Willars concluded that we (the DOC) do not anticipate any further reduction in STS funding, noting the STS Program is one of the most powerful, wonderful things that Corrections is involved in because the crews have been so productive and keep the offenders working and paying off fines and fees that wouldn't normally be done. There have been no discussions at all to reduce the crew sizes further.

Kyle Redenius and Jon McDonald, STS Crew Leaders, were present and stated there are many projects lined up and plenty of work to be performed by the STS crews. While there is always work at the Martin County Fairgrounds and Prairieland Compost Facility, crew leaders would like to see more work done on the county parks. It was noted, however, that without that third crew some same day service requests may not happen as juveniles will not be able to perform some of the required work if power tools are needed.

Chairman Pierce thanked Willars and the STS crew leaders for the update.

Scott Higgins, Martin County Coordinator, presented the Amended and Restated Joint Powers Agreement between the Minnesota Counties Computer Cooperative (MCCC) and Human Services of Faribault and Martin Counties, to amend, restate, and redefine the operation of the MCCC and the rights, benefits, obligations, and liabilities of MCCC members. Higgins stated the County Attorney has reviewed the Joint Powers Agreement and has approved to its form and content. After further discussion,

Motion by Commissioner Boler, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the Amended and Restated Joint Powers Agreement between the Minnesota Counties Computer Cooperative (MCCC) and Human Services of Faribault and Martin Counties made as of June 6, 2007; and includes Amendment No. 1 to the Amended and Restated Joint Powers Agreement to cooperatively and jointly provide for the establishment, operation, and maintenance of data processing facilities and management information systems for the use and benefit of the parties to the agreement. Carried unanimously.

Higgins next stated it is being proposed to increase the amount of rent being received for leased office space by the City of Fairmont Police Department in the Security Building and office space in the Human Resource Building by 4% due to increased building and energy costs. The proposed changes are:

The City/County Law Enforcement Center Lease Agreement will reflect the new annual lease amount that includes a 4% increase. Total rent of ~~\$41,556.00~~ to \$43,218.24 and is payable in monthly installments of ~~\$3,463.00~~ to \$3,601.52 effective January 1, 2009.

The Lease Agreement between Martin County and Human Services of Faribault and Martin Counties will reflect the new annual lease amount that includes a 4% increase. Total annual rent of ~~\$154,000.80~~ to \$160,161.00 is payable in monthly installments of ~~\$12,833.40~~ to \$13,346.74 effective January 1, 2009.

Higgins stated that neither the City of Fairmont nor Human Services has been contacted yet with the proposed increase and that notification will first be in the form of a letter announcing the proposed increase. After discussion,

No action taken on the proposed increase for lease of county office space due to lack of a motion.

Commissioner Pierce stated that as part of the county's long range planning options, negotiations have been reached and a purchase agreement has been drawn up and presented for the purchase of the Glenn Reed Tire Storage Facility at the county assessed valued of \$19,600.

Commissioner Schmidtke asked about costs involved in tear down and clean up of the property site.

Commissioner Pierce stated that eventual tear down of the building will happen, but in the short term the building space can be leased out as cold storage space. After further discussion,

Motion by Commissioner Boler, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the purchase agreement to acquire property described as the Glen Reed Storage Facility in the amount of \$19,600; and that said purchase of property is for county use. AYES: Commissioners Potter, Donnelly, Boler, and Pierce. NAYS: Commissioner Schmidtke. Motion carried.

Chairman Pierce opened the public hearing for consideration of the Petition for Repair/Abandonment of a portion of the CD #31 drainage system located in Tenhassen Township.

Tom Wenzel, Engineer for the Board of Water and Soil Resources (BWSR) in St. Paul, MN was present to review the Petition, and considers it a relatively simple project.

Wenzel continued that on behalf of the landowners who own property in this basin (Mr. Roland Gellert and Mr. Allen Bremer, petitioners) and the Soil and Water District of the State of Minnesota; we are petitioning the Drainage Authority to do some modifications to the couple of branch lines on this CD #31 ditch tile system. Wenzel stated that the petitioners are requesting that a repair be performed to allow for the restoration of the wetland and that because the repair will result in the abandonment of tile on the existing CD #31 System, the petitioners are also requesting that partial abandonment be approved to facilitate the restoration of the wetland. Wenzel noted the project involves the re-alignment of the existing tile on a portion of Lateral E to allow for a free outlet into the proposed wetland area and the re-alignment of Lateral G around the southeast corner of the project. Wenzel went on to note the petitioners will be responsible for the construction costs associated with the repair with no funds derived from assessments to the drainage system.

Commissioner Schmidtke asked if landowners will be affected in an adverse way or if the project is for the betterment of everybody.

Wenzel stated nothing will be done that will potentially harm anything and anticipates improved drainage as a result of that they are proposing.

Chairman Pierce asked for input from the public.

Mark Kotewa was present and stated his concern that due to the system being slow, if the county ever had to go into that land for repair (the state easement land), is it in writing somewhere that the county is able to do that?

Wenzel stated the county system has an inclined easement already out there because of the existence of their tile line. That was there before the state took its easement. Wenzel continued, the states easement also has language in it that recognizes the premise of public drainage systems and the ability and right of those drainage authorities to continue to maintain those systems as they exist in our easement so in answer to your question, Yes.

Kotewa stated that could help us upstream because it's (the system) really erratic in that some ponds will drain and some will hold water. Relief on the intakes would be great.

Greg Johanson, Martin SWCD Program Specialist, stated anytime you take this amount of acres off a system it helps the system. We're talking about close to 30 acres or so that essentially will not be draining anymore through that system until it hits that certain level. You're ponding water will be an improvement.

Chairman Pierce asked for further public input. There was none. There was also no written comments submitted pertaining to the proposed repair/abandonment of a portion of CD #31.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, to close the public portion of the meeting. Carried unanimously.

Motion by Commissioner Schmidtke, seconded by Commissioner Boler, Be it Resolved that the Martin County Board of Commissioners as the Drainage Authority for Martin County, and upon careful consideration and review, hereby approve to proceed with the landowners Petition for the repair and partial abandonment of Lateral E and Lateral G of the CD #31 tile system; and that a repair be performed to allow for the restoration of the wetland involving the re-alignment of the existing tile on a portion of Lateral E to allow for a free outlet into the proposed wetland area and the re-alignment of Lateral G around the southeast corner of the project; and that the petitioners will be responsible for the construction costs associated with the repair with no funds derived from assessments to the drainage system. Carried unanimously.

Commissioners Schmidtke presented a list of various Ditch Systems within the county that should be re-determined.

Motion by Commissioner Schmidtke, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and order the prioritized re-determinations of JD #98, JD #20, JD #38, JD #102, JD #68, and JD #90; and appoint Ron Ringquist as viewer. Carried unanimously.

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

Commissioner Potter introduced Bill Sandeman of Ballarat, Australia. Potter stated that he had met Bill 30 years ago when Sandeman visited the United States through an ag exchange program with the University of Minnesota and the two of them have remained good friends. Sandeman gave a brief presentation on Australia noting many similarities between his country and the United States.

With no further business to wit, Board Chair declared the meeting adjourned at 10:39 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Pierce, Board Chair

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