

PROCEEDINGS OF THE MARTIN
COUNTY BOARD OF COMMISSIONERS
TUESDAY, AUGUST 5, 2008
@ 9:00 A.M.

The regular meeting of the Martin County Board of Commissioners was called to order at 8:59 a.m. by Chairman Pierce.

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

Motion by Commissioner Potter, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following addition: Consider On-Sale Liquor License for Skinny Minnow, d/b/a I-90 Expo Center. Carried unanimously.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the July 1, 2008 and July 15, 2008 regular Board of Commissioners meetings as presented. Carried unanimously.

Terry Viesselman, Martin County Attorney, presented an update regarding the German Evangelical Church Cemetery and reviewed a survey map from John Madsen (present) of Madsen Land Surveying, Inc. showing the area of the cemetery in question. Viesselman stated the mix up started in 1920 when the church conveyed the 1 ¼ acre tract to John Laue, but set aside a 60 x 100 foot part for the cemetery, reserving ownership of this with the church. Whoever drew up the legal description at that time made the error and listed the exception as starting in the northwest corner of the 1 ¼ acre tract, when it should have started in the southwest corner of the tract. The church in effect, deeded title to the cemetery to Laue, although not intending to. The error was never noticed or corrected. Viesselman went on to state the tract also should have been 133 feet long rather than 100 feet. When Laue died his property was sold during the probate of his estate. The deed to Ernest Tietje excepted out the 1 ¼ acre tract when it should have included it (except for the cemetery) as Laue now owned it having received the deed from the church in 1920. So, Tietje didn't get title to the 1 ¼ acre tract nor does his son Herb Tietje now have legal title to it. Viesselman continued the county surveyor has drawn up a legal description to correctly describe where the cemetery is actually located and it would be a 133 foot tract. Herb Tietje is willing to sign a deed giving up title to that tract. However, the problem now is that Tietje doesn't have title to do that; and another issue is, who does the deed go to? Viesselman stated if the County wants title, the cemetery maintenance would then be more mandatory rather than discretionary. Viesselman noted the 60 x 100 tract that is still in the name of the church, but is not actually a part of the cemetery, should be deeded to Tietje in exchange for him giving the 60 x 133 foot tract but there isn't anyone to sign a deed to that because the church is defunct and statutes only give authority for counties to deed title to abandoned cemeteries to other existing cemeteries, not to private

individuals. Viesselman went on to note that it has been recommended to the Tietje's to consider a quiet title action which will resolve most of these issues. Viesselman stated that in addition to the Board deciding if Martin County wants title to the cemetery or not, the Board must also decide on an official name for the cemetery to be placed on the marker at the cemetery site; and that an affidavit was received at Viesselman's office from William (Bill) Rosenberg requesting the grave marker for his sister, Clara Rosenberg, be moved from the cemetery in Tenhassen Township to Fairview Memorial Park Cemetery in Fairmont, MN; this being the cemetery where their parents are buried. After much discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the County Attorney to move forward with the quiet title action in deeding the German Evangelical Church Cemetery to the now defunct German Evangelical Church as the rightful owner of the 60' x 133' cemetery; and officially names the cemetery the German Evangelical Church Cemetery. Carried unanimously.

By consensus, it was decided to table the affidavit (dated July 16, 2008) request from William Rosenberg to move the grave marker of Clara Rosenberg. Also by consensus, the Board approved the Highway Department to move forward and install a road access to the cemetery.

Wendy Byrn, private citizen, was present and asked if the Board had the right to suspend or terminate city and/or county employees; if the Law Enforcement Center or the County Attorney Department is under the jurisdiction of the County Commissioners; and what actions are taken if it is determined there is misconduct at the Law Enforcement Center.

The Board answered each question and after having done so, Byrn stated she had enough information for now and was going to revise her questions and bring them back to the next Board meeting.

Lori Pomerence, 4-H Program Coordinator, was present and introduced 4-H Ambassador Blake Potthoff. Potthoff thanked the Commissioners for their support of the Martin County 4-H Program during the past year and in an effort to show their appreciation, Potthoff extended an invitation to the Commissioners to join them for a thank you breakfast to be held at 9:30 a.m. on Saturday, August 16th, at the 4-H Food Stand.

James Forshee, Martin County Auditor/Treasurer, stated that Skinny Minnow's, d/b/a I-90 Expo Center has applied for renewal of an on-sale liquor license and recommends approval contingent upon receipt of required insurance certificate.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize 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 and recommended step increases for three Highway Department employees that have met the criteria for step movement per the union contracts.

Motion by Commissioner Schmidtke, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of County Highway Engineer, hereby approve and authorize step increases according to Union Contract for: Paul Betts, Maintenance Worker II, from Grade 11 Step 11 at \$19.74/hour to Grade 11 Step 12 at \$20.18/hour, effective August 1, 2008; for Jeff Hall, Maintenance Worker II, from Grade 11 Step 7 at \$17.98/hour to Grade 11 Step 8 at \$18.42/hour, effective August 1, 2008; and for Randy Martin, Shop Mechanic, from Grade 13 Step 4 at \$19.57/hour to Grade 13 Step 5 at \$20.09/hour, effective August 30, 2008. Carried unanimously.

Peyman reported on final contract for C.P. 07:08 Maintenance Gravel Production out of the Laue pit. Peyman stated final examination has been made, work has been completed, and the entire amount of work has been performed. Peyman recommends approval of the final contract to Rupp Construction Co. Inc. of Slayton, MN in the amount of \$150,121.81.

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation County Highway Engineer, hereby approve the final contract payment for C.P. 07:08 Maintenance Gravel Production (Laue Pit) with Rupp Construction Co., Inc. of Slayton, MN in the amount of \$150,121.81. Carried unanimously.

Peyman stated the Bid Letting for C.P. 08:04 Highway Pavement Striping was held on Friday, August 1, 2008 at 10:00 a.m. at the Martin County Highway Department – Fairmont, MN. Two bids were received:

C.P. 08:04 Highway Pavement Striping

AAA Striping of St. Michael, MN	\$73,370.00
Yellow Paint \$10.20/gal.	
White Paint \$10.00/gal.	
Traffic Marking Service of Maple Lake, MN	\$72,111.50
Yellow Paint \$10.05/gal.	Apparent Low Bidder
White Paint \$ 9.82/gal.	

Peyman recommends approval to award low bid contract for C.P. 08:04 Highway Pavement Striping to Traffic Marking Services, Inc. of Maple Lake, MN.

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, after the appropriate advertisement for bids; and upon receiving bids for C.P. 08:04; and upon the recommendation of the County Highway Engineer, hereby approve and award the low bid for the Highway Pavement Striping project to Traffic Marking Services, Inc. of Maple Lake, MN in the amount of \$72,111.50 and to authorize the Chair and appropriate

County staff to sign and execute the necessary documents for the listed project. Carried unanimously.

Peyman next presented a discussion update on MN/DOT's twenty year transportation plan which focuses primarily on preservation and not new construction; highlighted Metro versus Rural revenue from License Tabs and Fuel Tax; projected County State Aid Highway (CSAH) allotments with and without the new money formula change; and that Martin County will receive over \$9 million for CSAH projects over the next ten years.

Higgins stated the Building and Purchasing Committee is recommending that the Highway Department-Martin County Parks Board take over the management of the approximate 15 acre parcel of land located in Rutland Township, Martin County, MN containing 10.8 tillable acres, and is currently being leased to Tim Maschoff. It is recommended that the proceeds from the lease be allocated to supplement the County Park fund. After discussion,

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners after reconsideration of the sale of county owned property of approximately 15 acres located in Rutland Township (near old county landfill) in Martin County, hereby approve that the management of the aforementioned parcel of property be maintained and managed by the Highway Department-Martin County Parks Board; and that the proceeds received from the lease of the land be allocated to the Martin County Park Fund; and that the County Board of Commissioners reserve the right to reallocate the proceeds from the lease or sale of the land at its sole discretion. Carried unanimously.

James Forshee, Martin County Auditor/Treasurer, presented an Understanding of Services Agreement received from the State of Minnesota Office of the State Auditor for the upcoming audit for the year ended December 31, 2007. Forshee stated the current hourly rates are included and that the State Auditor should be receiving the financial statements from LarsenAllen this week. Forshee continued that it is his recommendation to complete the three year audit cycle with the State and that next year the county can start the process of obtaining quotes with audit firms that have experience performing county audits. Forshee noted that he feels this year's costs will not be as high as last year due to the fact that audit information is now in the format of the way the state auditor wants to look at it. After much discussion,

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 and Auditor/Treasurer to sign the letter of Understanding of Services for audit services by the State of Minnesota Office of the State Auditor for the year ended December 31, 2007. Carried unanimously.

Deb Mosloski, Drainage Administration, asked the Board to set a public hearing date to hear the final engineers report for the improvement of JD # 47. Mosloski stated that according to the engineers, total cost of the project is \$767,800.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for the

County of Martin, hereby sets the date of Tuesday, September 2, 2008 at 10:00 a.m. to hear the final Engineer's Report for the JD #47 Improvement Project. Carried unanimously.

Chairman Pierce opened the public hearing for consideration of the establishment of a deviated transit route in the City of Fairmont.

Scott Higgins, Martin County Coordinator, reviewed the proposed deviated public transit route which will aid in managing the high mileage and erratic passenger pick up and drop off points within the City of Fairmont. Higgins stated that the Transit Advisory Committee (TAC) along with Jan Klassen, District 7 Transit Project Manager, had been meeting to find a workable solution to better manage the system as well as better fleet management and wear and tear on city route transit buses and had completed a pinning project and also did a route ride-a-long on two separate occasions to formulate a planned deviated transit route. Higgins continued that the proposed deviated route will begin at Goldfinch/Falcon Drive apartments and will proceed northbound with stops at Falcon Drive Apartments, Johnson Street Apartments, Hospital/Clinic, Hy-Vee, Friendship Village, Five Lakes Centre, to Wal-Mart; returning southbound to Downtown Plaza stopping at Citizens Park, Corner of Downtown Plaza and 4th Street, Martin County Library, Hospital/Clinic, ending and beginning at Goldfinch/Falcon apartments. Higgins noted the proposed route will run from 9:00 a.m. to 3:00 p.m.(to 3:30pm if needed) and that the total time of this deviated route including stops in between is approximately one hour; and allows for an approximate two minute stop at each proposed route stop.

Robert Gunther, Fairlakes Transportation, Inc., Third Party Contractor of the Martin County Express public transportation service, was present and stated that with today's gas prices, the proposed deviated transit route is worthy of a try.

Higgins continued the TAC Committee is also recommending a discounted fare for the deviated route. Our current discounted sub fare is \$2.00 but we're looking to discount this fare to \$1.75 per trip.

Commissioner Schmidtke asked why the deviated route would be at a discounted rate.

Higgins stated due to the distance and stopping points passengers and being on a route and not dial a ride.

Commissioner Boler asked if passengers can use cash or if they have to use tokens only?

Higgins stated cash or tokens will be acceptable; however, drivers do not give change. Commissioner Boler feels \$2.00 is a lot easier than messing around with quarters for the people paying cash, and the driver(s).

Chairman Pierce asked for input from the public. There was none. There was also no written comments submitted pertaining to the proposed Deviated Transit Route in the City of Fairmont.

Motion by Commissioner Donnelly, seconded by Commissioner Boler, to close the public portion of the meeting.

Commissioner Boler asked Nancy Gunther, Fairlakes Transportation, Inc., if she felt the proposed route was a good idea. Gunther stated she feels the route is a great idea. Gunther noted one of the problems they currently have is when other drivers are covering the daily MRCI routes, there is only one driver covering the rest of the city and runs back and forth from Goldfinch area to Wal-Mart and back; and that the deviated route is one way to solve that problem. Gunther stated she too rode along with Higgins and Klassen for the pinning project and was able to see where the passengers were going and how often, which really helped us to establish this route.

Commissioner Potter asked if Gunther had a strong recommendation on the deviated route fare because Commissioner Boler felt a \$2.00 fare would be easier than a \$1.75 fare.

Gunther stated it is easier not to have to deal with quarters but that when rates are raised by \$.25 you're still dealing with the quarters. Gunther noted that passengers using tokens would help.

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, after careful review and consideration and upon the recommendation of the Transit Advisory Committee, hereby approve and establish a deviated transit route in the City of Fairmont beginning at the Goldfinch Apartments and continuing northbound to Wal-Mart and returning southbound to include the Downtown Plaza area and ending at the Goldfinch Apartments; and will be available Monday through Friday from 9:00 am to 3:00 p.m. (3:30pm if needed); effective September 1, 2008; and to direct county staff to publish the deviated transit route as required. Carried unanimously.

Chairman Pierce opened the public hearing for consideration of the proposed amendments to the Martin County Zoning Ordinance.

Pam Flitter, Zoning Official, reviewed the proposed amendments to the Martin County Zoning Ordinance, adding:

- To Chapter 3 – Definitions: Outlot. Being open space included in a plat, labeled “outlot,” not intended for use as a structural development/buildable lot;
- Chapter 20 – “HB” Highway Business District – Add #26: “Users determined by the Planning Commission to be of the same general character as the conditional uses above and found not be detrimental to the general health and welfare of the county” to Subdivision 3, Conditional Uses; and
- Chapter 21 – “I” Industrial Business District – Add #17: “Uses determined by the Planning Commission to be of the same general character as the conditional uses above and found not to be detrimental to the general health and welfare of the county” to Subdivision 3, Conditional Uses.

Chairman Pierce asked for input from the public. There was none. There was also no written comments submitted pertaining to the proposed amendments to the Martin County Zoning Ordinance.

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

Motion by Commissioner Boler, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, upon careful consideration and review, hereby approve and adopt the Amendment to the Martin County Zoning Ordinance as presented and to direct county staff to publish and record the Ordinance as required. Carried unanimously.

The Board recessed at 10:16 a.m.
The Board reconvened at 10:25 a.m.

Forshee stated the Blizzard Snowmobile Club has been awarded \$27,300 from the Department of Natural Resources for the maintenance of the Prairieland snowmobile trail.

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke,

R-#24/'08

RESOLUTION AUTHORIZING
FY2009 SNOWMOBILE MAINTENANCE GRANT AGREEMENT
FOR PRAIRIELAND TRAIL

WHEREAS, this agreement is made between the State of Minnesota and Martin County as it relates to the establishment of the Prairieland Trail, and

WHEREAS, Martin County desires to establish, construct, and maintain public trails; and

WHEREAS, the Minnesota Trails Assistance Program provides grants to local units of government for the construction and maintenance of recreational trails pursuant to the Minnesota Statutes, Chapter 84.83; and

WHEREAS, the Blizzard Snowmobile Club on behalf of Martin County, has submitted the application and resolution by the local government authorizing the proposed trails; and

NOW THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners approve and authorize the Board Chair and/or Auditor/Treasurer to sign the Minnesota Trail Assistance Program FY2009 Grant Agreement in the amount of \$27,300 with an effective date of August 15, 2008 and expiration date of June 30, 2009.

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, and was duly passed and adopted this 5th day of August, 2008.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Pierce, Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Potter, Boler, Schmidtke, Donnelly, and Pierce.
NAYS: None. Duly passed and adopted this 5th day of August, 2008.

Higgins presented the annual resolution for public transportation service in Martin County. Higgins stated the projected operational budget for CY2009 is \$654,964. The county is required to provide for 15% of all operational costs and 20% of all capital costs.

Motion by Commissioner Donnelly, seconded by Commissioner Boler,

R-#23/'08

RESOLUTION
MARTIN COUNTY TRANSIT SYSTEM
CY2009

BE IT RESOLVED, that Martin County, MN enters into an Agreement with the State of Minnesota to provide public transportation service in Martin County, MN.

BE IT FURTHER RESOLVED, that Martin County, MN agrees to provide a local share of fifteen percent (15%) of the total operating cost and twenty percent (20%) of the total capital costs for CY2009.

BE IT FURTHER RESOLVED, that Martin County, MN authorizes the Chairman of the Martin County Board of Commissioners or the Martin County Coordinator to execute the aforementioned Agreement and any amendments thereto.

BE IT FURTHER RESOLVED, that the Board Chairman or the County Coordinator is authorized to execute requests for reimbursement to the Minnesota Department of Transportation. Dated this 5th day of August, 2008.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Pierce, Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Potter, Schmidtke, Boler, Donnelly, and Pierce.
NAYS: None. Duly passed and adopted this 5th day of August, 2008.

Higgins stated the Transit Advisory Committee is recommending increasing the Fairmont and Countywide base fares for public transit service by \$0.25 effective September 1, 2008. Higgins noted this increase is due to the increased cost of fuel and other operational costs of the transit system for Martin County. Fares were last increased in October, 2007. Proposed fare increase is as follows:

	Current Fare	Proposed Fare
Base Fare – Fairmont	\$2.50	\$2.75
Base Fare – Countywide	\$3.00	\$3.25
Subscription (20 Rides) – Fairmont	\$40.00	\$45.00
Subscription (10 Rides) – Countywide	\$25.00	\$27.50
Proposed Deviated Route Fare	Base Fare \$2.00	Discount Fare \$1.75

After discussion,

Motion by Commissioner Boler, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, after careful review and consideration and upon the recommendation of the Transit Advisory Committee, and due to the rising cost of fuel and other operational charges, hereby approve and authorize a fare increase of twenty-five cents (\$.25) for the Martin County Express public transit system for the City of Fairmont and Countywide service effective September 1, 2008; and includes subscription fares; and sets a reduced deviated route fare in the amount of \$2.00 per ride or \$1.75 if deviated route tokens purchased in advance. Carried unanimously.

	Current Fare	Proposed Fare
Base Fare – Fairmont	\$2.50	\$2.75
Base Fare – Countywide	\$3.00	\$3.25
Subscription (20 Rides) – Fairmont	\$40.00	\$45.00
Subscription (10 Rides) – Countywide	\$25.00	\$27.50
Proposed Deviated Route Fare	Base Fare \$2.00	Discount Fare \$1.75

Higgins presented the revised “Dress for Success and Personal Hygiene Policy” that has been reviewed by the Policy Committee, Labor Management Committee, and Department Directors and has been given the support of each group. The policy states that dress, grooming, and personal hygiene shall be appropriate to the work situation and that departures from conventional dress or personal grooming and hygiene standards as outlined in the policy are not permitted. Higgins stated that Department Directors can have a more restrictive policy for their Department as it relates to the dress and hygiene of their staff.

Discussion ensued regarding the inappropriateness of county staff wearing blue jeans to work in any county office and why that was eliminated from the proposed policy. After further discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, having determined the need to establish a policy to set expectations and protocols concerning appearance, provide a professional image, and to ensure personal safety for employees, hereby approve the “Dress for

Success and Personal Hygiene Policy”, effective August 5, 2008 as presented; and to direct the Coordinator’s Office to notify and provide a copy of the policy to all county employees. Carried unanimously.

Higgins stated that Billee Rabbe, Solid Waste Coordinator, recommends entering into a cooperative agreement with the Minnesota Department of Agriculture (MDA) for the administration of the Minnesota Waste Pesticide Collection Program. By entering into this agreement, Martin County agrees to collect residential waste pesticides periodically every year and agrees to collect agricultural (or business) waste pesticide at least once every year. The effective date of this agreement is July 1, 2008 through June 30, 2009 and will automatically renew unless either party requests discontinuation or termination. Higgins concluded the Department of Ag shall allocate from the pesticide regulatory account a sum sufficient to collect and dispose of waste pesticides.

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 Cooperative Agreement for Waste Pesticide Collection between the State of Minnesota, Minnesota Department of Agriculture and Martin County, for administration of residential and agricultural waste pesticides, effective July 1, 2008 through June 30, 2009. Carried unanimously.

Kevin Peyman, Martin County Highway Engineer, reviewed the Highway Departments CY2009 Preliminary Budget Request summarizing the CY2009 Proposed Revenue & Expenses; CY2008 Budgeted Revenue & Expenses; CY2009 Levy Request, and CY2008 Levy; Major Budget Increases for 2009; Additions; and Highway Equipment Replacement Budgeted for 2009. Peyman also reviewed the Park & Recreation Commission’s CY2009 Preliminary Budget Request.

The Board reviewed the second quarter Department Revenue/Expenditure reports; 2008 Transit Expanded Service Hours Update; Transit CY2008 Y-T-D Budget Detail Report; STS Program Information from 4-01-08 to 6-30-08; and the Region Nine Meeting Summary of July 9, 2008.

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

The Board held a special Budget Workshop beginning at 11:20 a.m.

Forshee reviewed the preliminary departmental budget request with the Board stating that the initial request was an 11.915% levy increase over CY2008. This increase equates to a total levy of \$10,958,076 a \$1,166,614 increase over CY2008 levy. Total requested expenditures of \$20,615,690 and total revenues (excluding levy) of \$9,799,022.

By consensus, the next budget workshop was scheduled for September 2, 2008 in the Board Room, immediately following the regular Board of Commissioners meeting.

With no further business to wit, Board Chair declared the meeting adjourned at 11:58 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Pierce, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator