

PROCEEDINGS OF THE
MARTIN COUNTY COMMISSIONERS
TUESDAY, JUNE 2, 2009
@ 9:00 A.M.

The regular meeting of the Martin County Board of Commissioners was called to order at 9:05 a.m. by Chairman Donnelly.

Those present were Commissioners Schmidtke, Boler, Potter, and Pierce. Also present were Scott Higgins, Martin County Coordinator, 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.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following addition: 7.10 Consider Moving Old Church Bell Tower to German Evangelical Church Cemetery. Carried unanimously.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the May 19, 2009 regular Board of Commissioners meeting as presented. Carried unanimously.

Terry Viesselman, Martin County Attorney, was present and stated that he has reviewed and approves of the proposed Faribault, Martin and Jackson County Family Dependency Treatment Court (FDTC) Memorandum of Understanding (MOU). Viesselman went on to state it is his understanding that the MOU is dependent upon grant funding and will be of no cost to Martin County. Viesselman noted there are a few Family Dependency Treatment Courts operating and has heard good reports. Viesselman continued FDTC operates in the same fashion as our Drug Court in that it is a post plea court.

Viesselman concluded with closing information on property located at 121 N. Main Street and a proposed three year/60 day out lease agreement for the current tenants; and that the three pending tax court cases are set for trial on Monday, June 8th, 2009.

Kevin Peyman, Martin County Highway Engineer, presented his recommendation for step increases for Kevin Gorackowski, Steve Hungerholt, Brian Winter, and Terry Helmers, based upon their performance evaluations.

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize step increases based on their performance evaluations and according to AFSCME Highway Union Contract for Kevin Gorackowski, Highway Technician from Grade 13 Step 10 at \$23.35/hour to Grade 13 Step 11 at \$23.88/hour, effective June 1, 2009; for Steve Hungerholt, Custodian, from Grade 10 Step 11 at \$18.62/hour to Grade 10 Step 12 at \$18.99/hour, effective June 1, 2009; for Brian Winter, Survey Crew Chief, from Grade 14

Step 9 at \$24.74/hour to Grade 14 Step 10 at \$25.31/hour, effective June 9, 2009; and for Terry Helmers, Maintenance Worker I (Dunnell Shop) from Grade 10 Step 4 at \$16.01/hour to Grade 10 Step 5 at \$16.38/hour, effective June 27, 2009. Carried unanimously.

Peyman stated that Bid Letting for S.P. 46-636-03 Bituminous Surfacing for County State Aid Highway (CSAH) 36 was held on Friday, May 29, 2009 at 10:00 a.m. at the Martin County Highway Department – Fairmont, MN and that three bids were received:

Bid Results
Martin County, Minnesota

Letting on May 29, 2009 – 10:00 a.m.
Martin County Highway Department
Fairmont, MN 56031
507-235-3347

SP 46-636-03 Bitum. Wear & Non-Wear, Aggregate Base & Shouldering

Central Specialties, Alexandria, Minnesota	\$2,894,430.72
Duininck Construction, Prinsburg, Minnesota	\$2,443,450.32
OMG Midwest, Inc. d/b/a/Southern MN Construction, Mankato, Minnesota	\$2,503,261.35
Engineer's Estimate	\$2,537,835.03



BID AWARDS ARE SUBJECT TO APPROVAL FROM BOARD OF COMMISSIONERS
MEETING ON JUNE 2, 2009

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, after the appropriate advertisement for bids; and upon receiving bids for S.P. 46-636-03; and upon the recommendation of the County Engineer, hereby approve and award the low bid for the Bituminous Surfacing for CSAH 36 to Duininck Construction of Prinsburg, MN in the amount of \$2,443,450.32; and to authorize the Chair and appropriate staff (County Engineer and Martin County Auditor/Treasurer) to sign and execute the necessary documents for the listed project. Carried unanimously.

Peyman stated that of the nearly \$2.5 million for the cost of the Bituminous Surfacing for CSAH 36, \$1 million is federal aid and the other \$1.5 million is state aid. Peyman noted there isn't any property tax or levied money that goes into this type of project.

Commissioner Donnelly inquired if there have been any more complaints about the truck traffic on Lake Aires Road.

Peyman and Sheriff Brad Gerhardt stated they hadn't heard of any lately. Sheriff Gerhardt stated that complaints could start coming in again this fall.

Peyman stated that with recent weight law changes in this past session, there is no longer much of a difference between a posted 9 ton and posted 10 ton road.

Sheriff Gerhardt presented the supplemental federal boating safety sub grant that Martin County has been awarded in the amount of \$9,822.00 with an effective date of July 1, 2009 and expires September 14, 2009. This grant will cover equipment and supply expenses incurred for boating safety activities.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke,

R-#28/'09

R E S O L U T I O N

AUTHORIZING EXECUTION OF BOATING SAFETY
SUPPLEMENT GRANT AGREEMENT

BE IT RESOLVED, that Martin County enter into a grant agreement with the Minnesota Department of Natural Resources for the program entitled County Boat and Water Safety in the supplemental grant amount of \$9,822.00 to cover equipment and supply expenses incurred for boating safety activities effective July 1, 2009 and expires September 14, 2009.

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

Motion made by Commissioner _____, seconded by Commissioner _____, and duly adopted this 2nd day of June, 2009

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Donnelly, Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Potter, Boler, Schmidtke, Pierce, and Donnelly.
NAYS: None. Resolution duly passed and adopted this 2nd day of June, 2009.

Sheriff Gerhardt next presented a Sheriff's Office Update including: our County Public Health and local Emergency Management did a great job handling the initial H1N1 virus matter; Jail population count is down with an approximate average of 3-5 inmates out of County; current Courthouse and Law Enforcement Center security; upcoming Sheriff's Conference; waiting for award notification on the Jail/Drug Court Grant; this past Memorial Day weekend had very few problems in the immediate area.

Commissioner Boler inquired on the number of home monitoring clients.

Sheriff Gerhardt stated approximately 10-12.

Justin Steffl, I&S Group of Mankato, Engineer for the proposed Security Building Reroofing Project, presented a review of the proposed plans and specifications for the reroofing project of the Martin County Security Building including the proposed schedule and probable construction costs ranging from \$118,800 to \$155,413. Steffl stated that authorization is needed for advertisement of bids for the proposed reroofing project.

Chairman Donnelly inquired of the square footage of the Security Building roof, noting that approximately 10 years ago, the same type of roof installation on a 3600 square foot flat roof, replacing everything including insulation and rock was just under \$10,000.

Steffl stated he did not have that number with him but believes the Security Building roof is in the vicinity of 9,000 to 11,000 square feet. Steffl went on to state that there is a lot of extra work attributed to the penthouse, mechanical equipment that has to be raised, and flashing detail on the Security Building. The total costs are calculated at approximately \$9.00 to \$11.00 per square foot which is about average to what I&S Group have been seeing.

Commissioner Boler inquired if labor and materials prices are tending to come in less than a year ago.

Steffl stated I&S Group is seeing bids come in below estimates in the last year and one-half.

Commissioner Pierce inquired of the current insulation's R-value and what it will be after the roof replacement.

Steffl stated current R-value is probably at a 17-18 and that after roof replacement it will be closer to a 25-26. Steffl continued that with this gain, it is not known how much of a difference it will make on utilities for the building.

Motion by Commissioner Schmidtke, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, after careful review and consideration of the proposed reroofing plans and specifications, approve the plans and specifications and authorize advertisement for bids for the Martin County Security Building 2009 Reroofing Project; and that sealed bids will be received by the Martin County Board of

Commissioners at the Office of the County Coordinator, 201 Lake Avenue, Room 100, Fairmont, MN 56031 by mail or personal delivery until Wednesday, June 24, 2009 at 2:00 p.m., at which time and date the bids will be opened and read aloud. Carried unanimously.

Higgins stated Martin County has been approved by MN/DOT for the purchase of a replacement Class 400 transit bus for 2010 that will be 100% funded by the American Recovery and Reinvestment Act (Federal Stimulus Funds). Higgins continued that recent notification from MN/DOT requires a revised resolution to include the following language: (a) Resolve to enter into a grant contract with MN/DOT to receive American Recovery and Reinvestment (ARRA) funds; and (b) Resolve to authorize two persons by title to execute the grant contract with MN/DOT.

Motion by Commissioner Pierce, seconded by Commissioner Potter,

R-#30 /'09

REVISED RESOLUTION

Authorizing the Procurement of One Replacement 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 a replacement bus for 2010, through the State of Minnesota Cooperative Procurement Process, a vehicle to be used in the transit system; and

WHEREAS, Martin County has been approved for funds from the American Recovery and Reinvestment Act (federal stimulus funds) to provide 100% of the purchase cost, and no local share is required; and

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

WHEREAS, the staff recommends purchasing Class 400 bus from North Central Bus Sales; and

NOW THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners, hereby authorizes entering into a grant contract with MN/DOT to receive American Recovery and Reinvestment Act funds for the purchase of a new Elkhart Coach Ford E450 Diesel transit bus from North Central Bus Sales of Minneapolis, MN in the approximate amount of \$66,000; and

BE IT FURTHER RESOLVED, that Martin County, MN authorizes the Chairman of the Martin County Board of Commissioners and/or the Martin County Coordinator to execute the grant contract with MN/DOT.

Motion by Commissioner _____, seconded by Commissioner _____, was duly passed and adopted this 2nd day of June, 2009.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Donnelly, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Boler, Schmidtke, Potter, Pierce, and Donnelly.
NAYS: None. Resolution duly passed and adopted this 2nd day of June, 2009.

Kevin Bittner, Bolton & Menk, Inc., Engineer for the proposed JD #47 Improvement project near Truman, stated the Minnesota Pollution Control Agency (MPCA) has reviewed the plans and specs of the proposed improvement project and received their approval which now goes out for a thirty day comment period which will expire in July, 2009. Bittner went on to state we are working with Rae Lynn with the Public Facilities Authority (PFA) and Bill Fahey of Northland Securities, Inc. and Martha Ingram, Attorney, are taking care of the financing questions and issues with payback; and what the City of Truman needs to provide in the process. Bittner continued that we are now at the point in this project to recommend Board approval of plans and specifications and to authorize advertisement for bids. Bittner stated bid advertisement will be submitted to the Construction Bulletin, the Fairmont Sentinel, and the Truman Tribune for a period of three weeks and would propose to take bids the afternoon of July 1st, 2009. The bids will be reviewed and then submitted to the PFA for the review process. Bittner stated that plans are following along with what was presented in the report; however, there is one change that was made regarding the pipe installation underneath the natural gas line. In order to make the clearance requirements requested we had to reduce the pipe size to twin 48" pipe instead of twin 60" pipe. The pipe difference does have a little effect with the up stream water elevations for the larger events but by and large for the events that we're most concerned about it's really not an issue. And, we do have to insert some special contract requirements because this project will receive American Reinvestment and Recovery Act funds and there are some special contract provisions that go along with that.

Commissioner Potter stated his concern for flooding that occurs in downtown Truman by changing the size of the culverts.

Bittner stated that during heavy rain there is a limitation to what that channel is going to take and what Truman's storm sewer is going to take; but the change in pipe will not have a detrimental impact on Truman.

Motion by Commissioner Boler, seconded by Commissioner Pierce, Whereas, the Martin County Drainage Authority has determined the need for improvements on Judicial Ditch #47 (near Truman, MN) for the construction of open Ditch work as listed in the plans and specifications required for Improvement Project on JD #47; and Whereas, the Drainage Authority has held the necessary public hearings; and Whereas, the appointed Engineer to the Project has completed the Plans and Specifications for the Improvement Project on JD #47; and Now Therefore Be It Resolved, that the Martin County Drainage Authority, hereby approves the Plans and Specifications for the Improvements on JD #47; and for the advertisement of bids and set the bid opening date for July 1, 2009 at 2:00 p.m. in the Commissioners Meeting Room located at the Martin County Courthouse, 201 Lake Avenue, Fairmont, MN. Carried unanimously.

Lori Pomerence, Martin County 4-H Program Coordinator, stated the Martin County Extension Committee is recommending the hire of Marisa Bettin as a seasonal 4-H Summer Program Assistant for the Martin County 4-H Program effective May 26, 2009 to August 31, 2009 working approximately 24 hours per week, to be reimbursed by the 4-H Federation funds to the County; and also recommends the County reassign Robert Snyder from Temporary Office Staff in the Recorder's Office to Temporary Seasonal 4-H Intern at the Martin County Extension Office from June 22, 2009 to August 28, 2009 to be expended from the 4-H Coordinator's Office budget.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the hire of Marisa Bettin as 4-H Summer Program Assistant at the Martin County Extension Office (temporary seasonal position); and the county receive reimbursement for this position, at a rate of \$9.20/hour, working approximately 24 hours per week, not eligible for full-time benefits; effective May 26, 2009 to August 31, 2009; and approve and authorize the reassignment of Robert Snyder as Temporary Seasonal 4-H Intern at the Martin County Extension Office effective June 22, 2009 to August 28, 2009 at a rate of \$10.00/hour, not eligible for full-time benefits. Carried unanimously.

Pam Flitter, Martin County Zoning Official, and Wendy Stiernagle, Planning & Zoning Technician, presented a Martin County Septic System Database presentation that included the number of septic permits on file, total residences, missing permits, and percent complete for all townships in Martin County.

Township	Permits on File	Total Residences	Missing Permits	% Complete
Cedar	51	97	46	53%
Center Creek	73	109	36	67%
East Chain	81	130	49	62%
Elm Creek	36	80	44	45%
Fairmont	100	124	24	81%
Fox Lake	112	148	36	76%
Fraser	78	122	44	64%
Galena	48	97	49	49%
Jay	48	107	59	45%

Lake Belt	68	103	35	66%
Lake Fremont	36	71	35	51%
Manyaska	94	151	57	62%
Nashville	52	95	43	55%
Pleasant Prairie	82	115	33	71%
Rolling Green	83	124	41	67%
Rutland	116	170	54	68%
Silver Lake	168	231	63	73%
Tenhasen	77	115	38	67%
Waverly	50	98	48	51%
Westford	93	127	34	73%
Total	1546	2414	868	64%

Flitter continued stating the Planning Commission is recommending approval of a Conditional Use Permit request from Judith and James Orr, proposing to operate a craft/antique business on an existing building site located in an “A” Agricultural District. Flitter stated the Martin County Zoning Ordinance requires a Conditional Use Permit in an “A” Agricultural District for any non-agricultural related retailers and/or businesses on an existing farmstead with the following conditions:

- Any additional permits required by the State or Federal Government must be obtained by the applicant.
- No parking on the road.
- All signage must meet the requirements according to the Martin County Zoning Ordinance.

After discussion and review,

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke,

R-#29/'09

**CONDITIONAL USE PERMIT
 FROM JUDITH AND JAMES ORR
 TO OPERATE A CRAFT/ANTIQUE BUSINESS
 ON AN EXISTING BUILDING SITE WITHIN
 SECTION 14 OF ROLLING GREEN TOWNSHIP**

Motion by Commissioner _____, seconded by Commissioner _____,

WHEREAS, a Conditional Use Permit was requested by Judith and James Orr, applicant/owner(s) of property located within Section 14 of Rolling Green Township in Martin County, Minnesota (legally described in applications) for the purpose of operating a craft/antique business on an existing building site; and
 WHEREAS, the Martin County Planning and Zoning staff has completed review of the application and made a report pertaining to the request, a copy of said report has been presented to the County Board of Commissioners; and

WHEREAS, the Planning Commission of the county on the 26th day of May, 2009 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:

Operate a craft/antique business on an existing building site located in an "A" Agricultural District, and

WHEREAS, the following conditions have been applied:

- Any additional permits required by the State or Federal Government must be obtained by the applicant.
- No parking on the road.
- All signage must meet the requirements according to the Martin County Zoning Ordinance.

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, 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/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 June, 2009.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Donnelly, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Potter, Pierce, Schmidtke, Boler, and Donnelly.
NAYS: None. Resolution duly passed and adopted this 2nd day of June, 2009.

Higgins stated he received a telephone call from John Schmidtke from the Ceylon Historical Society asking to move the old bell tower from a sister church of the former German Evangelical Church to the German Evangelical Church Cemetery (Pioneer Cemetery) that was recently reestablished by the County Board in Tenhassen Township. Higgins stated the approximate size of the bell tower is 6 foot x 7 foot and indicated that a 10 foot x 10 foot slab of cement could be installed to place the bell tower on. In checking with the County's Planning and Zoning Official, Higgins stated that there are setback requirements and other potential land use issues. There are also questions to be researched and answered include if such structures are allowed in a cemetery, and who will pay for the installation, will the Historical Society maintain the bell tower, and location of bodies that are buried there so placement is not on top of a grave.

Pam Flitter, Martin County Planning & Zoning Official stated the setback is 130 feet from the centerline.

Motion by Commissioner Pierce to take no action.

The motion did not receive a second.

Commissioner Schmidtke's stated concerns of who is going to pay to move the bell tower and why, why risk the potential for vandalism of the bell tower; plus, it won't meet the setback requirements. The Ceylon Historical Society should take proper channels by checking with the Planning & Zoning Office and take their request before the Martin County Planning & Zoning Commission.

Flitter stated there is a process available to them.

Motion by Commissioner Schmidtke, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize notification to the Ceylon Historical Society to follow proper procedure and present their request to move the old church bell tower from the sister church in Ceylon to the German Evangelical Church Cemetery to the Martin County Planning & Zoning Office. Carried unanimously.

Beverly Snow, FMJ Multi-County ASAC Coordinator, presented the Memorandum of Understanding (MOU) for Family Dependency Treatment Court (FDTC) which needs to be in place prior to submitting a grant application to the Office of Juvenile Justice Programs. Snow stated the grant is for \$500,000 which is more than adequate for what we need so Snow offered to co-author the application with Blue Earth County. Snow continued normally this is something (the MOU) you would get after you are approved for the grant money; but by signing this, you are not committing to the program and if funding is not granted, the agreement becomes null and void. Snow noted Family Dependency Treatment Court aims at reducing chemical abuse and child negligence by non-violent parents, by providing chemically addicted offenders with the kinds of treatment and support seen in drug court. The new program has the potential to greatly reduce the number of child custody and placement cases.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Whereas the Martin County Board of Commissioners wish to establish a Family Dependency Treatment Court (FDTC) program for Martin County; and Whereas, funding for the proposed FDTC program is expected to be provided through grant funds through the Office of Juvenile Justice and Prevention (OJJP) in the amount of \$249,549, and the FDTC Memorandum of Understanding is needed to be part of the grant application; and Whereas, the Fifth Judicial District is to be the fiscal agent for the program; and Whereas, the establishment of the proposed FDTC is contingent upon receiving the OJJP grant funding in an amount necessary to operate the program; and Now Therefore Be It Resolved, that the Martin County Board of Commissioners, hereby approve and authorize Board Chair, County Attorney, and Sheriff to sign the Faribault, Martin, and Jackson Family Dependency Treatment Court (FDTC) Memorandum of Understanding. Carried unanimously.

The Board recessed at 10:40 a.m.
The Board reconvened at 10:44 a.m.

The Board reviewed the Annual Martin County Jail Inspection Report; South Central Volunteer Dive Team 2009 Allotment Request Letter; and a letter from the Association of Minnesota Counties (AMC) on Unallotments and Levy Limits.

Motion by Commissioner Schmidtke, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize payment of one-half of the \$1,000 allocation request for 2009 from the South Central Volunteer Dive Team due to the unknown effects from the State on the county budget; and to consider the remainder of the allocation request later this year. Carried unanimously.

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

With no further business to wit, Board Chair declared the meeting adjourned at 11:28 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Donnelly, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator