

PROCEEDINGS OF THE  
MARTIN COUNTY BOARD OF COMMISSIONERS  
TUESDAY, MARCH 1, 2011  
@ 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.

Commissioners present were Donnelly, Boler, Potter, 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 Highway Engineer, Corey Klanderud, Chief Deputy, Jennifer Brookens, Sentinel Newspaper, Julie Walters, Administrative Assistant, and members of staff.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following additions: 8.3 Sheriff's Office Update; and 8.4 Censure. 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 February 15, 2011 regular Board of Commissioners meeting. Carried unanimously.

Pam Flitter, Martin County Zoning Official, presented and reviewed the Planning Commission's recommendation for approval of a Conditional Use Permit for Brian Wannarka within Section 12 of Rolling Green Township. Wannarka is proposing to operate a Recycling Facility business on an existing building site located in an "A" Agricultural District.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter.

R-#12/11

CONDITIONAL USE PERMIT  
FROM BRIAN D. WANNARKA  
TO OPERATE A RECYCLING FACILITY  
ON AN EXISTING BUILDING SITE  
WITHIN SECTION 12 OF ROLLING GREEN TOWNSHIP

Motion by Commissioner Schmidtke, seconded by Commissioner Potter,

WHEREAS, a Conditional Use Permit was requested by Brian Wannarka, applicant/owner of property located within Section 12 of Rolling Green Township in Martin County, Minnesota (legally described in applications) for the purpose of operating a Recycling Facility business on an existing building site located in an "A" Agricultural District; and

WHEREAS, the Martin County Planning and Zoning staff has completed a 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> day of February, 2011 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 Recycling Facility on an existing building site in an "A" Agricultural District, and

WHEREAS, the following conditions have been applied:

- Any additional permits required from the State or Federal Government must be obtained by the applicant.
- No parking on the road.
- Recycling Facility only for concrete/steel.

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 1<sup>st</sup> day of March, 2011.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Pierce, Board Chair

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

Roll Call AYES: Commissioners Potter, Schmidtke, Donnelly, Boler, and Pierce.  
NAYS: None. Resolution duly passed and adopted this 1<sup>st</sup> day of March, 2011.

Kevin Peyman, Martin County Highway Engineer, presented a department update including the expense of scraping ice off of the roads after an ice storm. Peyman stated a full day of scraping gets to be quite expensive due to fuel and the cutting edges that are installed on the bottom of the plows. Peyman noted the cutting edges run about \$3,000 a truck and when you're out scraping all day it really wears on those cutting edges; plus you burn a lot of fuel. Peyman went on to note that scraping was done on one of the recent warmer days which helped with the clearing of icy roads.

Commissioner Pierce opened discussion with respect to a recent article published in the Fairmont Sentinel regarding plastic drainage piping product and the law relative to concrete versus plastic tile.

Peyman stated that the Highway Department uses steel pipes under roads or under culverts for stability during flood events and the County doesn't have a lot of road projects that require or develop specifications for plastic or concrete tile work.

Corey Klanderud, Chief Deputy – Martin County Sheriff's Office, presented a brief update including: current jail population is 24 in house, and 9 in out of county placement; the Sheriff's Office sold a surplus vehicle and trailer through the State of Minnesota's on-line auction system; and will soon be placing an ATV on the on-line auction system as well.

James Forshee, Martin County Auditor/Treasurer, presented and reviewed the County's Fixed Asset Accounting System policy stating the proposed policy's purpose is to re-establish and standardize the purpose, procedures, and objectives for the accounting of the County's Fixed Asset Accounting system. Forshee stated the maintenance of fixed asset records is mandatory to provide management with data for the physical and dollar value control of assets, to comply with generally accepted accounting principles, and to simplify the determination of depreciation and insurable values since acquisition. Forshee continued with a review of the proposed policy including: General System Description; Valuation of Fixed Assets; Acquisition of Fixed Assets; User Department Responsibilities; Lost, Stolen or Damaged Beyond Repair, Fixed Asset Account Numbers; Fixed Assets in Excess of \$5,000; Fixed Asset Input/Inventory Control Forms; Martin County Suggested Useful Lives Table; and Threshold of Capitalized Assets Reporting. After discussion,

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, in order to standardize and establish the purpose and procedures for the accounting of the County's Fixed Assets; and after review and consideration, hereby approve the County of Martin Fixed Asset Accounting System policy as proposed by the County Auditor/Treasurer as presented; and that this Fixed Asset Policy shall be in conjunction with the Martin County Infrastructure Fixed Asset Policy for the Roads and Bridges and other related Road and Bridge policies related to this subject matter; and shall supersede all other fixed or capital asset policies and procedures related to this subject. Carried unanimously.

Chairman Pierce handed out copies of a censure statement signed by Pierce alone, and stated I thought it was something we (the Board) needed to do to protect the integrity of the Board. Pierce read the censure statement aloud:

“I wish to convey my disapproval with Commissioner Gerald W. Boler, First District Commissioner for the County of Martin, MN and that Commissioner Boler be censured for the recent audit findings of submitting travel reimbursements for the same expenses to two different agencies, which include the County of Martin, and for the unauthorized use of the county credit card, and that Commissioner Boler provide full reimbursement to the County of Martin, MN for all remaining expenses that were submitted inappropriately for reimbursement, per the findings and records of the Martin County Auditor. And, at this time, I would request that Commissioner Boler voluntarily relinquish his current committee assignments until such time that this matter is resolved and dispensed with, including the final determination of matters by the courts.”

Pierce stated I understand this is about as far as you can go; that we (the Board) have no other authority beyond this (censure statement).

Commissioner Schmidtke stated he is in agreement with Commissioner Pierce’s statement. It is an unfortunate thing; but I think it is in the best interest of everybody involved and I think it would be best to step down.

Commissioner Boler stated there’s a rule of law of innocence until proven guilty. And I believe that this statement is an early thing as far as the things that are going along right now. All the money has been paid back. In fact there’s probably \$500 to \$700 that’s been paid back in advance of what was owed. Some of these reimbursements were paid shortly after the times of reimbursement. So in the (court) paperwork it showed up that they were never paid back; but in actual they were paid back. Not just at this last meeting when I paid \$1,200 I believe it was in December, because that covered all the ones that had previously some of them had already been paid back when I received my check or whatever. And I think this is a thing that is putting ten years of working together it kind of puts that at kind of a bad thing right now. I wouldn’t say that you would have to support me in what I’m trying to do legally but I would say that you wouldn’t need to do something against me. I don’t know if any of you have ever faced seven felony charges; I just think that this is premature and I think that the word was that well if it means nothing. Well if it means nothing then why are we going to do it? And I don’t believe at this time I will relinquish committee assignments and like I’ll say again as far as the law goes I’m innocent until proven guilty and I think that if you’d let me just fight this on my own instead of having the other commissioners fight against me. I think is a after all the things that we’ve done for this county and I might be guilty of sloppy bookkeeping; but as far as being guilty of seven felonies that is just not right. I know there’s laws but there also I know its happening in Blue Earth County, Watonwan County, Faribault County, there’s been different things that have came up and I don’t know how the conclusions of those have been. But I would just like to maybe have you table this until maybe you talk to another attorney. I will have a hearing scheduled later this month. I’ve had a preliminary hearing where there was no asking to plead guilty or not guilty or any of that. It was just information on when they’re going to have the regular hearing and I just really think that this is premature and I would hope that the Board would leave it on the table;

but I think you and I should both find out some more information. I mean I'm going through a lot and I thought maybe I would get some a little more respect from the Board than I'm getting by this letter. I guess that's all I have to say for right now.

Commissioner Pierce concluded there was no action required on the censure statement.

The Board reviewed the draft schedule of Boy/Girl County to be held on April 19, 2011 and discussed the possibility of moving the Commissioners timeslot up in the schedule; and reviewed the Leadership Martin County agenda for the Agriculture and Business Economic Development Day to be held on March 2, 2011.

Commissioners presented their Board Member Reports.

Commissioner Potter stated he attended Human Services, Soil and Water Conservation District meeting on Thursday, February 17<sup>th</sup>; the Fairmont Chamber of Commerce's Annual meeting; and yesterday (February 28<sup>th</sup>) I went to the Renewable Energy event at the Knights of Columbus in Fairmont.

Commissioner Schmidtke stated the only thing I have to add to that is Planning and Zoning on February 22<sup>nd</sup>.

Commissioner Pierce stated he has nothing specific to add.

Commissioner Donnelly stated he attended Human Service Policy Board regular meeting.

Commissioner Boler stated he also attended the Human Services meeting.

The Board reviewed their calendars of upcoming meetings and activities: March 1, 2011 – Ditch Hearing on JD #367 (King Slough ditch), and Yellow Ribbon event at the Fairmont Armory; March 2, 2011 – Human Services Executive Board Meeting at 9:00 a.m., and Ag Business meeting; March 4, 2011 – Personnel Committee meeting at 10:30 a.m.; March 7, 2011 – Martin County EDA meeting at 5:15 p.m.; March 8, 2011 – Adult Drug Court; March 9, 2011 – Department Director's meeting at 8:30 a.m.; March 10, 2011 – Martin County Day at Capitol; March 11, 2011 – Prairieland meeting and Building Committee following Prairieland (approximately 11:00 a.m.); March 13<sup>th</sup> – Daylight Savings Time begins; March 15, 2011 – next regular Board of Commissioners meeting at 9:00 a.m.

Commissioner Pierce stated he sent a flower arrangement on behalf of the Board for Mike Padulke's funeral, Olmstead County Commissioner.

Higgins reviewed H.F. 481 Property tax levy freeze for certain local governments and prohibition against incurring new debt.

With no further business to wit, Board Chair adjourned the meeting at 9:32 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Pierce, Board Chair

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