

PROCEEDINGS OF THE
MARTIN COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 7, 2013
@ 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 Elliot Belgard.

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

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: 8.8 Consider Quote for Service Window Replacement – Security Building; and 8.9 Accept Resignation received from Jerry Voyles. Carried unanimously.

Motion by Commissioner Flohrs, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the April 2, 2013 regular Board of Commissioners meeting. 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 April 16, 2013 regular Board of Commissioners meeting. Carried unanimously.

Terry Viesselman, Martin County Attorney, opened discussion relative to lease amount, terms and conditions for the proposed rental agreement for county property located at 117 No. Main Street in Fairmont, between Martin County and the Department of Corrections.

Viesselman presented and reviewed a consent agreement pertaining to the removal and disposal of hazardous building(s) located on Parcel No. 160070075 which the Board has given its approval to do. Viesselman noted the owner of the property will need to sign the consent form and the county will then be able to proceed forward.

Discussion ensued with regard to assessing demolition costs to the property.

Scott Higgins, Martin County Coordinator, reviewed minutes of the December 18, 2012 regular Board of Commissioners meeting stating in a Motion by Commissioner Potter and seconded by Commissioner Pierce, the Martin County Board of Commissioners approved moving forward with the determination on whether or not the property is considered hazardous and to authorize demolition and clean-up of property in the removal of certain hazardous buildings located on Parcel No. 160070075; and authorized obtaining bids for the demolition and removal of the hazardous property/buildings; and that the clean-up cost be applied as a lien/assessment as allowed by law on the property.

After further discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Consent Agreement for removal of hazardous building(s) located on Parcel No. 160070075; and that all clean-up costs be applied as a lien/assessment as allowed by law on the property. Carried unanimously.

Motion by Commissioner Pierce, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize moving forward with obtaining bids, once the required approval documents have been obtained, for the demolition and removal of the hazardous property/buildings located on Parcel No. 160070075 located at 1982 175th Street, Fairmont, MN. Carried unanimously.

Don Reffer, B & W Control Specialists of Algona, IA presented an update of maximum costs for continued brush maintenance of various county drainage ditch systems in 2013. After discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Flohrs, Be it Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby approve the B & W Control Specialists, Inc. quote for brush control along the listed open drainage ditches in Martin County for 2013; the quotes being a total maximum as follows:

<u>Ditch No.</u>	<u>Maximum Cost</u>
JD #47	\$ 1,000.00 (New Ditch)
JD #85 M & B	\$ 5,000.00 (Brush & Weeds)
JD #82 M & B	\$ 5,500.00 (Brush & Weeds)
JD #116 M & B	\$ 5,000.00 (Brush & Weeds)
JD #8	\$ 2,500.00
JD #3	\$ 4,500.00
JD #1	\$ 2,500.00
JD #28	\$ 5,000.00
JD #58	\$ 2,500.00 (No previous treatment)
CD #14	\$ 2,500.00
CD #42	\$ 2,500.00 (ns south end-north end no previous treatment)
CD #73-ns needs cut	\$ -0-
CD #64	\$ 2,000.00
JD #9	\$ 2,000.00
JD #2 M & F	\$ 2,500.00 (North end being cleaned-NS)
CD #69	\$ 2,000.00
JD #12 M & F	\$ 1,000.00
JD #214 M & F	\$ 2,000.00
JD #98	\$ 3,500.00
JD #38	\$ 3,500.00
JD #20	\$ 500.00
JD #414 M & F	\$ 9,500.00 (Brush & Weeds)
JD #7 M & F	\$ 3,500.00 (Brush & Weeds)

JD #115-ns-trees being cut-check in 2014-15	\$ -0-
TOTAL MAXIMUM	\$70,500.00

Carried unanimously.

Pam Flitter, Martin County Zoning Official, presented a Conditional Use Permit request from Lonny Schwieger within Section 12 of Fraser Township. Flitter stated Schwieger is proposing to change stages of production away from gestation/farrowing moving to all nursery/finishing on an existing building site located in an “A” Agricultural District. The Planning Commission approved the Conditional Use Permit at their April 23, 2013 meeting and is recommending approval of the Conditional Use Permit.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly,

R-#20/’13

CONDITIONAL USE PERMIT
 LONNY SCHWIEGER
 CONSTRUCTING AND OPERATING A FEEDLOT SITE
 IN AN “A” AGRICULTURAL DISTRICT
 WITHIN SECTION 12 OF FRASER TOWNSHIP

Motion by Commissioner Pierce, seconded by Commissioner Donnelly,

WHEREAS, a Conditional Use Permit was requested by Lonny Schwieger, applicant/owner of property located within Section 12 of Fraser Township in Martin County, Minnesota (legally described in applications) for the purpose of constructing and operating a feedlot site over 1,000 animal units 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 23rd day of April, 2013 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:

Constructing and operating a feedlot site over 1,000 animal units, and

WHEREAS, the following conditions have been applied:

- Any additional permits required by the State of Minnesota must be obtained by the applicant.

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 7th day of May, 2013.

BOARD OF COMMISSIONERS
MARTINCOUNTY, MN

Elliot Belgard, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Flohrs, Donnelly, Schmidtke, Pierce, and Belgard. NAYS: None. Resolution duly passed and adopted this 7th day of May, 2013.

Flitter stated that Jerry Voyles, representing Commissioner District No. 1, has resigned from the Martin County Planning Commission leaving a vacancy to fill for the remaining term ending December 31, 2013.

Motion by Commissioner Flohrs, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby accept the resignation of Jerry Voyles from serving on the Martin County Planning Commission effective May 7, 2013. Carried unanimously.

Billeye Rabbe, Solid Waste Coordinator for Faribault & Martin Counties, presented a solid waste hauler license application from Troy Olson, d/b/a Many Hands, for collection and transportation of solid waste in Martin County. Rabbe noted this is a new license and applicant has met the requirements for licensure in Martin County.

Motion by Commissioner Pierce, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, with the listed hauler having met the requirements for licensure in the County of Martin, MN, hereby approve and authorize Board Chair and Martin County Auditor/Treasurer to sign the Solid Waste Collection and Transportation license for the year 2013 for Troy Olson, d/b/a Many Hands. Carried unanimously.

Calvin Saxton and Robbin Celandier, representing the Martin County Fair Board, were present to request help from commissioners to lay new 12" tile along the south side of the Martin County

Arena to alleviate a continuing water and drainage problem along that side of the building. The fair board has received permission from the city to drain into the storm sewer. Saxton noted the fair board, city, and Fairmont Hockey Association are contributing to new gutter and downspouts and is asking the county to help with the tiling cost including materials as well as removal and replacement of blacktop in the estimated amount of \$26,300. Saxton went on to note that the \$26,000 estimate does not include labor to install due to having to work around a water main, power line, gas line, and telephone lines.

Commissioner Belgardinquired if the fair board had approached the city to help with costs since the city owns half of the building and the county does not share in ownership of the building.

Saxton stated he had just gotten the cost estimate and had not yet asked the city for help. Saxton went on to state an estimated timeframe is to begin work by the end of June, first part of July so the project is completed before the start of the Martin County Fair.

Kevin Peyman, Martin County Highway Engineer, stated that depending on scheduling, the county's highway department could help with the work and supplies and could donate the equipment and time in the removal of the blacktop, and possibly replacement; however, that is dependent on an upcoming bid letting for bituminous material for the CSAH 38 project. The hard part is that there's going to be a small window for scheduling.

After further discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize donation of Martin County Highway Department labor and equipment for removal of blacktop; and for County Engineer to coordinate with contractor for blacktop replacement for the Tile, Gutter and Downspouts Project at the Martin County Arena. Carried unanimously.

MARTIN COUNTY ARENA

Gutter & Downspouts \$11,700

1/3 Fair, City, & Hockey \$3,900 each

Remove Blacktop (cost if performed by county)	\$ 2,905
Material Estimate (12" main & fittings to downspout)	\$ 4,600
Labor to install (substantial because of working around water main, power line, gas line, phone, etc.)	\$?
Rock (limestone to backfill ditch approx. 100 tons)	\$ 1,500
Aggregate for base (material cost only and placed by county)	\$ 1,500

Replace blacktop	<u>\$15,795</u>
Total (plus labor for pipe install)	\$26,300

FAIRGROUNDS WORK ESTIMATE, MAY 2013

REMOVAL:

Cost estimate is to remove blacktop area 225' long x 11' wide x 4" thick using county forces and equipment. Includes milling a clean edge, loading material and hauling it away. All measurements provided by the fair board.

- Rotomill: 4 hours x \$125/hr = \$500
- Skid Loader: 5 hours x \$60/hr = \$300
- Loader: 4 hours x \$80/hr = \$320
- Tandem Trucks (2): 6 hours x \$80/hr x 2 = \$960
- Labor Hours (5 people): 25 hours x \$33/hr = \$825

TOTAL REMOVAL ESTIMATE (cost of work if provided by Martin County Forces) = \$2,905

RESTORATION:

Pave bituminous surface (using 225' x 18' size of paving):

Blacktop: 230' x 18' = 4,140 sq. ft. = 460 sq. yd.

2360 asphalt mix: 113 lbs/sqyd/inch thickness

460 x 113 x 4.5" thickness = 233,910 lbs = 117 tons Bituminous Mixture

117 tons x \$135/ton = \$15,795 *price includes placing with paver, hand work, rolling, etc.

Aggregate (estimating 4" of aggregate needed):

Aggregate: 230' x 18' x .333' = 1,379 cu ft.

Aggregate: 140 lbs/cu ft

1,379 x 140 = 193,060 lbs. = 100 tons aggregate

100 tons x \$15/ton = \$1,500 **price for material only, placed by county. Labor included above.

TOTAL RESTORATION ESTIMATE (cash paid to a third party vendor) = \$17,295

James Forshee, Martin County Auditor/Treasurer, presented a resolution for an exempt gambling permit from the Southern MN Ducks Unlimited to hold a raffle at the Fox Lake Golf Club in Sherburn, MN.

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce,
R-#21/'13

GAMBLING PERMIT APPLICATION APPROVAL (EXEMPT PERMIT)
SOUTHERN MN DUCKS UNLIMITED

BE IT RESOLVED, the Martin County Board of Commissioners, hereby approve the Minnesota Lawful Gambling Exempt Permit Application – Form LG220 Application to Conduct Gambling/Raffle Activity for the Southern MN Ducks Unlimited per the requirements of Minnesota Statutes; and concurrent with the rest of their exempt permits, to include the following location at: Fox Lake Golf Club, 15 East Park Drive in Sherburn, MN.

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce, and declared adopted upon a unanimous vote of all members present: Commissioners Donnelly, Pierce, Flohrs, Schmidtke, and Belgard.

Duly passed and adopted this 7th day of May, 2013.

BOARD OF COMMISSIONERS
MARTINCOUNTY, MN

Elliot Belgard, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Donnelly, Flohrs, Pierce, Schmidtke, and Belgard. NAYS: None. Resolution duly passed and adopted this 7th day of May, 2013.

Kevin Peyman, Martin County Highway Engineer, presented a department update stating that the Highway Department is busy crack filling and patching before the start of the upcoming sealcoating and is business as usual although later than normal. Peyman noted road restrictions for Martin County's zone come off May 10, 2013 with no extension.

Kendra Van Beusecom, Martin County 4-H Program Coordinator, presented a program update highlighting a number of items including: Over 350 youth are currently enrolled in the Martin County 4-H Program; Two spring project workshops were held teaching shop, small engine, photography, gardening, child development, and food nutrition for Martin County Fair project ideas; Poultry Project; Shooting Sports Wildlife Program; adult volunteer training; working on Martin County Fair preparation including starting a Broiler Derby Program; Summer Day Camp Series and Football Adventure Club; statewide 4-H leadership retreat to be held at the state fairgrounds; Van Beusecom's attendance at the upcoming National Ag in the classroom Conference the end of June; and resuming after school programming in the fall.

Van Beusecom stated the Martin County Extension Committee has rehired Karen Suter as 4-H Programming/Office Assistant for the Martin County 4-H Program effective May 20, 2013 through August 23, 2013 up to 40 hours per week. Van Beusecom asked the Board to ratify the hiring of Karen Suter in the temporary summer position.

Motion by Commissioner Schmidtke, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby ratify the hire of Karen Suter as 4-H Programming/Office Assistant with the University of Minnesota Extension/Martin County Office (temporary summer position) effective on May 20, 2013 through August 23, 2013 at a rate of \$10.00 per hour, up to 40 hours per week, not eligible for full-time benefits, to be reimbursed by the Martin County 4-H Federation. Carried unanimously.

Michael Forstner, Martin County Drainage Inspector, was present to review bids received for repair to Martin County Judicial Ditch No. 40. Forstner noted that eight bids were received and opened on April 30, 2013 for the Improvement to JD #40 and that the apparent low bidder was Hodgman Drainage Company of Claremont, MN, with a base bid of \$942,370.00 and a bid alternate for boring a steel casing under the railroad and county roads, reducing Hodgman's bid to \$903,970.00. Forstner went on to note the engineer's estimate prepared by I&S Group, Incorporated, was \$1,046,020.00 for the base bid and \$1,004,020.00 for the alternate bid. Forstner stated the next low bidder was Holtmeier Construction of Mankato, MN, with a bid of \$1,109,860.35; and that the highest bid received was \$1,652,876.34. Forstner went on to state this project primarily includes construction of new mainline tile and new branches and recommends award to Hodgman Drainage.

Motion by Commissioner Flohrs, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, after the appropriate advertisement for bids, and upon receiving bids for the JD #40 Improvement Project, hereby approve and award the low bid for the JD #40 Improvement Project to Hodgman Drainage Company of Claremont, MN, in the amount of \$942,370.00; and authorizes the Board Chair and appropriate staff (County Coordinator, County Auditor/Treasurer, County Attorney) to sign and execute the necessary documents for the listed project. Carried unanimously.

Captain Corey Klanderud, Martin County Sheriff's Office, was present to recommend the hire of Markus Murphy as part-time deputy sheriff for the Martin County Sheriff's Office and noted the hire is contingent upon successful background check.

Motion by Commissioner Donnelly, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the hire of Markus Murphy as part-time deputy sheriff for the Martin County Sheriff's Office effective May 7, 2013 at \$17.50 per hour, not eligible for benefits; and is contingent upon successful background check. Carried unanimously.

Klanderud presented a brief ARMER update noting there are a few buildings throughout the county where reception is still a challenge inside certain types of structures. Klanderud noted a user's group meets monthly to address these types of challenges.

Klanderud continued stating the Security Building Remodel Project has taken longer than anticipated and that most of the remaining projects will be finished in the near future. However, Klanderud noted, the design of the countertop and drawer system (in the main lobby area) with

the recessed bullet proof window is not working as planned due to the small drawer/window clearance. Klanderud explained the drawer looks like a bank drawer that you can place items in and push the drawer forward so the person on the outside can take the items out of the drawer. The problem is there's a bar that you push forward and with about a two inch clearance the drawer hits the recessed window frame of the old window so the drawer is pretty much useless because from the inside you can't get your hand in the drawer because it is too close to the window casing. Klanderud went on to note the window replacement was not part of the original bid but is needed due to the newly installed counter area not fitting properly with the old recessed window. Klanderud stated he has asked the architect to look at other options but has not heard anything back.

Higgins noted the architect is looking for a longer pass through drawer; however, Higgins did present a quote from Fairmont Glass and Sign in the amount of \$6,950.00 for replacement of the existing service window at the Sheriff's Office Lobby noting the quoted price includes labor to remove the existing lobby window and install the new service window that includes a two-way electronic communicator.

Commissioners discussed the need for a new service window.

After further discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize moving forward with the bid received from Fairmont Glass and Sign Products, Inc. in the amount of \$6,950.00 for replacement of the existing service window in the Sheriff's Office Lobby. Carried unanimously.

Higgins stated the Fairmont VFW is asking Martin County to be a fiscal agent for a Martin County Youth Grant in the amount of \$250.00 to bring in a Viet Nam war veteran to educate school students and the general public about the Viet Nam war and survivor's stories at a presentation to be held at the Fairmont High School the afternoon of May 17, 2013. Higgins noted total costs of the presentation are estimated at \$1,800.00 and that the VFW is seeking financial assistance from numerous sources to help fund this project.

Motion by Commissioner Pierce, seconded by Commissioner Flohrs,

R-#22/'13

RESOLUTION

Application from the Martin County VFW for funding for Viet Nam education speaker:

WHEREAS, Martin County, VFW Post 1222 desires to apply for funding through the Fairmont Area Youth Foundation in order to help finance a speaker to educate school students and other community members about the Viet Nam war and survivor's stories with the general public and

high school students in the county area, to be held at the Fairmont High School the afternoon of May 17, 2013, and

WHEREAS, the total costs of the presentation is estimated at \$1,800.00, and the Fairmont VFW Post 1222 is seeking financial assistance from numerous sources to help fund this important project, and

NOW THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners hereby approve to serve as the fiscal agent on behalf of the Fairmont VFW Post 1222 for grant funds received from the Fairmont Area Youth Foundation for funds received for the purpose related to expenses for aforementioned presentation, and to authorize the Board Chair and/or the County Auditor/Treasurer be authorized to sign all documents relating to the program year.

Motion was made by Commissioner Pierce, seconded by Commissioner Flohrs, and carried this 7th day of May, 2013.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Elliot Belgard, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Donnelly, Schmidtke, Flohrs, Pierce, and Belgard. NAYS: None. Resolution duly passed and adopted this 7th day of May, 2013.

Higgins presented a renewal agreement to continue the Sentencing to Service (STS) Program in Martin County effective July 1, 2013 to June 30, 2015 (FY13-14). Higgins stated the total obligation of the County for all compensation and reimbursements to the state under this contract is \$232,623.00 as its share of the cost in providing two crew leaders and placing the work crews into service on the STS Program during the term of this agreement. Higgins noted in comparison, the previous two year contract (July 1, 2011 to June 30, 2013) was in the amount of \$231,336.00.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board chair to sign the contract between the State of Minnesota, acting through its Commissioner of Corrections, Sentencing to Service Program (“State”), and Martin County (“Purchaser”), for two (2) STS crew leaders (includes salaries, fringe benefits, and equipment cost) effective July 1, 2013 and will expire June 30, 2015 in the amount of \$232,623.00 for the two year fiscal period. Carried unanimously.

Commissioners opened discussion regarding the discontinued Boy/Girl County Program. Commissioners noted they would like to see the program continue with hopes that the American Legion will continue to sponsor the program.

Commissioners presented their individual board member reports.
Commissioner Pierce stated he attended a couple of Building Committee meetings.

Commissioner Donnelly stated he attended a FEDA meeting on April 16th, Building Committee meeting, Human Services meeting in Blue Earth, and went to the Humane Society on Saturday, May 4th.

Commissioner Flohrs stated he attended Soil and Water, ACE Event, Annual Townships meeting, and Labor Management Committee on April 16th.

Commissioner Schmidtke stated in addition to those already mentioned he attended Planning & Zoning on April 23rd, and EDA meeting May 6th.

Commissioner Belgard stated in addition to those already mentioned he attended an informational meeting on JD #85 in Truman, and sat in on a conference call on JD #7 in Blue Earth.

Commissioners reviewed their calendars of upcoming meetings and activities: May 7, 2013 – review 26 applications for the Building Maintenance Supervisor position, and Family Drug Court graduation at 1:30 p.m.; May 8, 2013 – Department Directors meeting at 8:30 a.m., Human Services Executive Board meeting at 9:00 a.m., Insurance Committee meeting at 10:30 a.m., Park Board at Bright Lake Park at 4:30 p.m., and Region 9 at 6:30 p.m.; May 10, 2013 – Audit Review in Mankato at 10:00 a.m.; May 13, 2013 – Transit Advisory Committee meeting at 2:00 p.m. – Sisseton Conference Room; May 14, 2013 – Library Board meeting; May 17, 2013 – Prairieland meeting; May 20, 2013 – Minnesota River Board and MVAC; May 21, 2013 – next regular Board of Commissioners meeting at 9:00 a.m. in the Board Room.

Commissioners opened discussion as to why Martin County has not been awarded Assistance to Firefighters Grant funding for the ARMER 800 MHz radio upgrade.

With no further business to wit, Board Chair adjourned the meeting at 10:47 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Elliot Belgard, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator