

PROCEEDINGS OF THE  
MARTIN COUNTY BOARD OF COMMISSIONERS  
TUESDAY, SEPTEMBER 2, 2014  
@ 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 Dan Schmidtke.

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

Motion by Commissioner Belgard, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda for the September 2, 2014 regular Board of Commissioners meeting with the following addition: 9.2 JD #2 M & W Conference call with Watonwan County. Carried unanimously.

Motion by Commissioner Flohrs, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the August 5, 2014 and August 19, 2014 regular Board of Commissioners meetings. Carried unanimously.

Terry Viesselman, Martin County Attorney, was present and had nothing new to report.

Pam Flitter, Martin County Zoning Official, presented a Conditional Use Permit (CUP) request from Laurie Truesdell within Section 33 of Manyaska Township. Truesdell is proposing to operate "Dandi Stitchin" a non-agricultural business on an existing building site located in an "A" Agricultural District. The Planning Commission approved the CUP request during their August 26, 2014 meeting and is recommending approval of the Conditional Use Permit.

Motion by Commissioner Pierce, seconded by Commissioner Belgard,

R-#42/'14

CONDITIONAL USE PERMIT  
LAURIE TRUESDELL  
OPERATING A NON-AGRICULTURAL BUSINESS  
LOCATED IN AN "A" AGRICULTURAL DISTRICT  
WITHIN SECTION 33 OF MANYASKA TOWNSHIP

Motion by Commissioner Pierce, seconded by Commissioner Belgard,

WHEREAS, a Conditional Use Permit was requested by Laurie Truesdell, applicant and owner of property located within Section 33 of Manyaska Township in Martin County, Minnesota (legally described in application) for the purpose of operating "Dandi Stitchin" a non-agricultural 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 26<sup>th</sup> day of August, 2014 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 “Dandi Stitchin” a non-agricultural business on an existing building site, 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 2<sup>nd</sup> day of September, 2014.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Board Chair

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

Roll Call AYES: Commissioners Donnelly, Flohrs, Belgard, Pierce, and Schmidtke. NAYS: None. Resolution duly passed and adopted this 2<sup>nd</sup> day of September, 2014.

Flitter presented a Conditional Use Permit request from Xcel Energy within Section 16 of Cedar Township. Xcel Energy is proposing to operate a wind interconnect substation and overhead transmission line on an existing building site located in an “A” Agricultural District. The

Planning Commission approved the CUP request during their August 26, 2014 meeting and is recommending approval of the Conditional Use Permit.

Motion by Commissioner Belgard, seconded by Commissioner Flohrs,

R-#43/14

CONDITIONAL USE PERMIT  
XCEL ENERGY  
CONSTRUCT A NEW WIND INTERCONNECT SUBSTATION  
AND OVERHEAD TRANSMISSION LINE  
LOCATED IN AN "A" AGRICULTURAL DISTRICT  
WITHIN SECTION 16 OF CEDAR TOWNSHIP

Motion by Commissioner Belgard, seconded by Commissioner Flohrs,

WHEREAS, a Conditional Use Permit was requested by Xcel Energy, applicant, and Wayne and Zelda Hanson, owners of the property located within Section 16 of Cedar Township in Martin County, Minnesota (legally described in application) for the purpose of placing and operating a wind interconnect substation in 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 26<sup>th</sup> day of August, 2014 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:

Place and operate a wind interconnect substation on an existing building site, and

WHEREAS, the following conditions have been applied:

- Any additional permits required by the State of Minnesota must be obtained by the applicant.
- Building permit(s) must be obtained.
- Provide written notice before the project begins to the County Engineer/Township Board establishing that relocating the utility lines/structures at any time exempts the County/Township of any costs.
- Required to work with Township Officials and Martin County Engineer in a road agreement for any road repairs.

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 2<sup>nd</sup> day of September, 2014.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Board Chair

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

Roll Call AYES: Commissioners Pierce, Donnelly, Flohrs, Belgard, and Schmidtke. NAYS: None. Resolution duly passed and adopted this 2<sup>nd</sup> day of September, 2014.

Flitter presented a Conditional Use Permit request from Odell Wind Farm, LLC within Section 8,9,16 & 17 of Cedar Township. Odell Wind Farm, LLC is proposing to operate a wind interconnect substation on an existing building site located in an "A" Agricultural District. The Planning Commission approved the CUP request during their August 26, 2014 meeting and is recommending approval of the Conditional Use Permit.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly,

R-#44/'14

CONDITIONAL USE PERMIT  
ODELL WIND FARM, LLC  
CONSTRUCT A NEW OVERHEAD TRANSMISSION LINE  
LOCATED IN AN "A" AGRICULTURAL DISTRICT  
WITHIN SECTION 8,9,16 & 17 OF CEDAR TOWNSHIP

Motion by Commissioner Pierce, seconded by Commissioner Donnelly,

WHEREAS, a Conditional Use Permit was requested by Odell Wind Farm LLC, applicant, and Wayne and Zelda Hanson, Marion Burkhardt, Urban Nawrocki and Nina Nawrocki, and Kyle Sinn, owners of the property located within Section 8,9,16 & 17 of Cedar Township in Martin County, Minnesota (legally described in application) for the purpose of placing and operating a

wind interconnect substation 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 26<sup>th</sup> day of August, 2014 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:

Place and operate a wind interconnect substation on an existing building site, and

WHEREAS, the following conditions have been applied:

- Provide written notice before the project begins to the County Engineer/Township Board establishing that relocating the utility lines/structures at any time exempts the County/Township of any costs.
- Any additional permit required by the State of Minnesota must be obtained by the applicant.
- Required to work with Township Officials and Martin County Engineer in a road agreement for any road repairs.

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 2<sup>nd</sup> day of September, 2014.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

\_\_\_\_\_  
Dan Schmidtke, Board Chair

ATTEST: \_\_\_\_\_

Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Flohrs, Belgard, Donnelly, Pierce, and Schmidtke. NAYS: None. Resolution duly passed and adopted this 2<sup>nd</sup> day of September, 2014.

Jaime Bless, Fairmont Police Officer & Candidate for Martin County Sheriff, introduced himself to the Board and explained his background in law enforcement and his vision for the future of the Martin County Sheriff's Office.

Jeff Markquart, Martin County Sheriff, noted GeoComm, Inc. provides E-911 System Maintenance Consulting Services for the Martin County Sheriff's Office and presented a renewal agreement that includes GIS Data Maintenance Services and Software Support Services. Markquart noted the renewal agreement has an annual fee of \$9,425 and will be effective October 1, 2014 through September 30, 2015.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Board Chair and/or Martin County Sheriff to sign the contract between GeoComm, Inc. and Martin County, for professional services for E-911 System Maintenance Consulting Services effective October 1, 2014 and continuing through September 30, 2015 in the amount of an annual fee of \$9,425.00. Carried unanimously.

Erin Busta, Martin County Emergency Management Director, presented an update regarding the June, 2014 storm damage in Martin County including:

- Applicant briefing with FEMA to apply for aid on August 24, 2014 included the cities of Fairmont and Northrop, twelve townships, the Martin County Highway Department and Solid Waste Management. Damage assessment came in around \$750,000.
- Hazard Mitigation money available for applicants. FEMA will let them know during the application process.
- Federal/State/Local Match. Normally after a disaster the Feds pay 75%, State 15%, and Local 10%. Prior to this disaster a bill was passed that moving forward some disasters would be covered by the state 25%. This one was included in that so there will be no local match.
- 2014 Emergency Management Performance Grant was accepted in the amount of \$45,205 (\$22,603 allocated, they will match \$22,603). Continuing to meet grant requirements that includes quarterly regional meetings, training, conferences, Emergency Operations Plan updates/requirements, and THIRA (Threat and Hazard Identification and Risk Assessment).
- Emergency Operations Plan. Plan was up for review; Regional Review Committee came to Fairmont to look over the 2014 update requirements. Committee voted to approve the requirements with some minor suggestions and fixes.
- THIRA is the next big project. Will be working with County/City/Community partners to meet this year's requirements. Project is due to Regional Planner by October 15<sup>th</sup> with submission to FEMA in December, 2014.

Corey Klanderud, Chief Deputy-Martin County Sheriff's Office, noted the Sheriff's Office has met with the Personnel Committee and recommends filling a full time communications officer position in the Martin County Sheriff's Office. Klanderud noted current staffing levels are five (5) full time and three (3) part time, and reviewed projected schedule cost options and breakdown of similar counties of similar size in southern Minnesota that face the same issues of increased coverage requirements with the ARMER System and challenges with part time and full time employees. With our current coverage needs with the ARMER communications system, it is causing a lot of part time hour requirements which is then giving us more overtime than we're used to and is causing a budget overrun. Klanderud went on to note we can control some of those numbers a bit better by filling that sixth full time dispatch position to help control the overtime hours. Klanderud further noted this isn't a 100% savings, but a shifting of monies that are spent in part time and overtime and controlling more under the full time budget line item.

Commissioners inquired how the additional full time position will affect the budget.

Klanderud noted it shouldn't add anything to it; but will just move it from one line item to another.

After further discussion,

Motion by Commissioner Flohrs, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize filling a Full Time Communications Officer Position for the Martin County Sheriff's Office at \$18.94/hour at an effective date yet to be determined; and is eligible for full benefits per union contract. Carried unanimously.

Klanderud noted the Martin County Sheriff's Office has lost one of their part time patrol deputies who took a full time job so his availability to assist with patrol shifts and court security duties is extremely limited. Klanderud went on to note currently a retired deputy is covering all of the court security duties now but due to his retirement status he can only work so many hours. Klanderud recommends the hire of two part time patrol deputies to fill in as needed which will alleviate some necessity on our current patrol officers and also cover more hours for court security.

Motion by Commissioner Pierce, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the hire of Michael Dahl, Part Time Patrol Deputy for the Martin County Sheriff's Office, effective September 7, 2014 at \$20.00/hour, not eligible for benefits, and is contingent upon successful background check; and approve and authorize the hire of Ethan Thate, Part Time Patrol Deputy for the Martin County Sheriff's Office, effective September 7, 2014 at \$20.00/hour, not eligible for benefits, and is contingent upon successful background check. Carried unanimously.

Klanderud presented the Sheriff's Office recommendation to hire two part time communications officers to assist in filling vacancies as they occur in the dispatch office.

Motion by Commissioner Donnelly, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the hire of Angela Baysinger, Part Time Communications Officer for the Martin County Sheriff's Office, effective September 7, 2014 at \$15.96/hour, not eligible for benefits, and contingent upon successful background check; and approve and authorize the hire of Mindy Richards, Part Time Communications Officer for the Martin County Sheriff's Office, effective September 7, 2014 at \$15.96/hour, not eligible for benefits, and contingent upon successful background check. Carried unanimously.

Klanderud noted the Sheriff's Office has terminated employment with Andrea DeWar, newly hired part time corrections officer.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the termination of Andrea DeWar as Part Time Corrections Officer for the Martin County Sheriff's Office, effective September 2, 2014. Carried unanimously.

Sheriff Markquart presented a Martin County Jail update including twenty-one (21) in-house, one (1) in Nobles County, one (1) in Jackson County, one (1) in Carver County, fifteen (15) in Faribault County, and eight (8) on Electronic Home Monitoring.

Kevin Peyman, Martin County Highway Engineer, presented a Highway Department update including CSAH 39 and CSAH 27 paving projects, maintenance gravel of various county roads, playground equipment for Perch Lake Park, and electrical and water hookups/shower building at Cedar Hanson.

Doug Landsteiner, County Veteran Service Officer, stated the Veterans Service Office has received the retirement resignation of Elaine Christ, Administrative Assistant II, effective September 30, 2014.

Motion by Commissioner Belgard, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby accept the retirement resignation of Elaine Christ, Administrative Assistant II for the Martin County Veterans Service Office, effective September 30, 2014. Carried unanimously.

Landsteiner requests to begin the recruiting process for an Administrative Assistant II position with the Martin County Veterans Service Office.

After discussion,

Motion by Commissioner Donnelly, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize County Veteran Service Officer to meet with the County Personnel Committee to discuss job description and recruitment to fill the Administrative Assistant II position in the Martin County Veterans Service Office. Carried unanimously.



The Martin County Drainage Authority participated in a joint conference call with Watonwan County to set a public hearing date and time for contract bid award for the JD #2 M & W Improvement.

Those present for the joint ditch conference call were: Martin County – Commissioners Flohrs and Belgard; and from Watonwan County – Commissioners Gustafson, Sanders, Rentz, and Don Kuhlman, Watonwan County Auditor.

After discussion,

Motion by Watonwan County Commissioner Sanders, seconded by Martin County Commissioner Flohrs, to set the date of September 16, 2014 at 2:30 p.m. in Ormsby, MN, to award the contract bid for the JD #2 M & W Improvement. Motion carries.

Motion by Watonwan County Commissioner Gustafson, seconded by Martin County Commissioner Flohrs, to adjourn the joint ditch meeting with Watonwan County.

Deb Mosloski, Drainage Specialist for Martin County, opened discussion regarding levying of assessments for CD #30 and JD #40 Improvements. Mosloski noted in a conversation with bonding attorney, Martha Ingram, record needs to show the Board intends to levy the assessments over a period of years and to file appropriate liens against properties that don't prepay the assessments.

Much discussion ensued.

After discussion,

Motion by Commissioner Belgard, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby approve and authorize Board Chair to sign resolution setting assessment repayment schedule for JD #40 and CD #30 Improvements at twenty (20) years. Roll Call AYES: Commissioners Pierce, Flohrs, Donnelly, Belgard, and Schmidtke. NAYS: None. Resolution duly passed and adopted this 2<sup>nd</sup> day of September, 2014.

Bill Fahey, Vice President of Northland Securities (financial consultant to the County) was present and provided an update on the timing of the future issuance of Ditch Bonds and the refunding of the Road Construction Bonds.

Higgins stated during this past legislative session, the Minnesota Women's Economic Security Act (WESA) was passed and signed by the Governor. The Act included changes in (1) Parental and Pregnancy leave, (2) Pregnancy accommodations, (3) Protections against harassment and discrimination (familial status), (4) Wage disclosure, and (5) Sick leave and care for relatives. Higgins noted these policies will be included in the County's PTO policy.

Motion by Commissioner Flohrs, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve and adopt the following policies: Employee Wage Disclosure Policy and Safety Leave Policy, effective August 1, 2014.

Employee Wage Disclosure Protections: Effective August 1, 2014, WESA creates a new Minnesota Statute §181.172. Under this law, no employer can prohibit an employee from disclosing their own wages. Wage Disclosure Protection Notice – Under the Minnesota Wage Disclosure Protection law, you have the right to tell any person the amount of your own wages. Your employer cannot retaliate against you for disclosing your own wages. Your remedies under the Wage Disclosure Protection law are to bring a civil action against your employer and/or file a complaint with the Minnesota Department of Labor and Industry.

Safety Leave: Employees are authorized to use “personal sick leave benefits” (as defined in MN Statute §181.9413), for reasonable absences for themselves or relatives (employee’s adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent) who are providing or receiving assistance because they, or a relative, is a victim of sexual assault, domestic abuse, or stalking. Safety leave for those listed, other than the employee and the employee’s child, is limited to 160 hours in any 12 month period, which this time period would be administered the same as the County policy for Family Medical Leave Act (FMLA).

Pursuant to Minnesota Statute §181.9413, eligible employees may use up to 160 hours of “personal sick leave benefits” in any 12-month period, administered the same as the County policy for Family Medical Leave Act (FMLA) for absences due to an illness of or injury to the employee’s adult child, spouse, sibling, parent, grandparent, stepparent, parent-in-laws (mother-in-laws and father-in-laws) and grandchildren (includes step-grandchildren, biological, adopted or foster grandchildren).

Carried unanimously.

James Forshee, Martin County Auditor/Treasurer, reviewed the proposed 2015 levy stating that during the August 19, 2014 budget workshop we had our proposed budget levy at 13% and that after reviewing each department, additional cuts and miscellaneous revenue expense reductions, the stated mandated maximum levy for 2015 is \$12,992,806 which is a 10.0579% increase from CY2014. Forshee noted we can always go lower than the levy limit but we can’t go any higher.

After much discussion,

Motion by Commissioner Pierce, seconded by Commissioner Belgard,

R-#45/14

## RESOLUTION

### PROPOSING PRELIMINARY TAX LEVY FOR CY2014

WHEREAS, the Martin County Board of Commissioners met to review the recommended 2015 budget; and

WHEREAS, the 2015 recommended budget and levy was prepared with the participation of the Martin County Department Directors and Elected Officials.

THEREFORE BE IT RESOLVED, that on September 2, 2014 following discussion by the Martin County Board of Commissioners, the Board set the 2015 proposed levy at \$12,992,806 which equates to a 10.0579% increase over CY2014 levy; with proposed expenditures in the amount of \$22,594,825 and revenues in the amount of \$9,587,112.

BE IT FURTHER RESOLVED THAT BEFORE ADOPTION OF THE FINAL 2015 BUDGET, the Board may reduce the proposed levy but cannot increase the levy from the amount set on this date; and

BE IT FURTHER RESOLVED, that the Public Hearing for the CY2015 Budget will be held on Thursday, December 4, 2014 at 6:00 p.m. in the Commissioners Board Room – Room No. 103 – First Floor of Courthouse – Fairmont, MN.

Upon Motion made by Commissioner Schmidtke, seconded by Commissioner Flohrs, and unanimously carried, said resolution was duly passed and adopted this 2<sup>nd</sup> day of September, 2014.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Board Chair

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

Roll Call AYES: Commissioners Pierce, Belgard, Flohrs, Donnelly, and Schmidtke. NAYS: None. Resolution duly passed and adopted this 2<sup>nd</sup> day of September, 2014.

The Board continued the meeting for the annual Forfeited Land and Road Tour at 10:53 a.m.

With no further business to wit, Board Chair adjourned the meeting at 3:09 pm.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Board Chair

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