

PROCEEDS OF THE
MARTIN COUNTY BOARD OF COMMISSIONERS
TUESDAY, FEBRUARY 3, 2009
@ 9:00 A.M.

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

Those present were Commissioners Pierce, Schmidtke, Boler, and Potter. Also present were Scott Higgins, Martin County Coordinator, James Forshee, Martin County Auditor/Treasurer, Kylie Saari, Sentinel Newspaper, Rod Halvorsen, KSUM/KFMC Radio, Kevin Peyman, Martin County Highway Engineer, Terry Viesselman, Martin County Attorney, Julie Walters, Administrative Assistant, 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: Delete 7.1 Citizen Advisory Appointment(s) to Extension Committee; Add 8.10 Set Meeting Date for County Board of Appeal & Equalization and Appointment of Board of Equalization; and Review Revenue & Expenditure Report. 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 January 20, 2009 regular Board of Commissioners meeting as presented. Carried unanimously.

Jim Sop, Minnesota Department of Corrections-Mankato District Supervisor, was present to review the renewal agreement to continue the Sentencing to Service (STS) Program in Martin County. Sop stated the renewal agreement covers a two year time span with the current one expiring June 30, 2009. Sop noted the total obligation of the County for all compensation and reimbursements to the State under the renewal contract is \$151,978 as its share of the cost in providing two (2) crew leaders and placing the work crews into service on the STS Program during the term of the agreement. Sop stated the proposed increase is 3% each year for the two year term and is effective July 1, 2009 through June 30, 2011.

Commissioner Boler questioned the 3% increase and what will happen if a wage increase is imposed?

Sop stated if a wage increase is imposed this contract will be adjusted.

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 costs) effective July 1, 2009 and will expire June 30, 2011 in the amount of \$151,978 which represents an increase of 3% each year for the two year period. Carried unanimously.

Sop concluded with a review of the quarterly STS Program information dated 10/01/08 to 12/31/08; and stated that he is retiring after seventeen (17) years at his current position. Sop praised the County's operation and high level of collaboration he has received during his tenure.

Kevin Peyman, Martin County Highway Engineer, reported on final contract for C.P. 06:13 County Road 39 Reconstruction by the Ethanol Plant and Martin County Fairgrounds. Peyman stated final examination has been made, contract has been completed, and the entire amount of work has been performed. Peyman noted the contract amount was \$1,162,145.76 and the final certified amount was \$1,162,470.35. Peyman went on to note the reconstruction was paid in part by BioFuels in the amount of \$500,000 and the City of Fairmont in the amount of \$250,000 with the balance to be paid by Martin County, expended from the road bonding money. Peyman recommends approval of the final contract to Southern Minnesota Construction Company of Mankato, MN.

Motion by Commissioner Schmidtke, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of County Engineer, hereby approve the final contract payment for C.P. 06:13 County Road 39 Reconstruction by the Ethanol Plant and Martin County Fairgrounds with Southern Minnesota Construction Company of Mankato, MN in the amount of \$1,162,470.35. Carried unanimously.

Peyman reviewed the 2009 County State Aid Highway (CSAH) allocations for Martin County, noting that the County will received \$411,000 for the year, which is a reduction from 2008.

Peyman presented his assessment of the current road conditions stating that the recent snow melt has helped considerably. County snow blowers had been out blowing back snow for two to three weeks, noting that the blowers haven't had to be utilized at all over the last five or six years. Peyman continued that the Highway Department has already used about as much salt as they have normally used during a full winter and that the new salt shed has been refilled. Peyman also stated they try to leave 2-3 inches of snowpack on the gravels so the plows aren't throwing as much gravel when clearing the roads; and that even though they are anticipating a rough spring for gravel roads, the Highway Department will do everything they can to maintain the gravel roads.

Peyman next presented an update on farming into the road right of ways, stating that in 2005 and 2006 landowners were sent letters citing that by state statute, it is a misdemeanor if a person is farming into the road right of ways. Peyman stated approximately one half of landowners contacted have tried to stay out of the road right of ways and the other half have gone right back to farming into the road right of ways.

Those not in compliance have been contacted directly informing them that they need to stay out of the road right of way and if found again to not be in compliance, and that there will be follow up with the County Attorney or Sheriff. Peyman noted the letters were sent notifying landowners on county roads only and not to the townships. Peyman went on to note that townships have their own web sites with detailed information to follow on this exact subject.

Peyman concluded with information regarding the proposed Federal Stimulus Package. Peyman noted that according to Mn/DOT's list, District 7 has \$31 million dollars worth of state road projects on their list to apply to the proposed federal stimulus package; however, none of the roads are directly in Martin County.

The Board thanked Peyman for his department update.

Brad Gerhardt, Martin County Sheriff, presented the annual County Boat and Water Safety Grant noting Martin County has been awarded \$3,851 for FY2009 (an increase of \$600 over FY2008) with an effective date of January 1, 2009 and expires June 30, 2010. The grant will cover expenses incurred for patrol, enforcement, search and rescue, watercraft inspection, waterway marking, and accident investigation.

Motion by Commissioner Pierce, seconded by Commissioner Boler,

R-#9/'09

RESOLUTION

AUTHORIZING EXECUTION OF ANNUAL COUNTY BOAT AND WATER SAFETY AGREEMENT

BE IT RESOLVED THAT, Martin County enters into a grant agreement with the Minnesota Department of Natural Resources for the program entitled County Boat and Water Safety in the grant amount of \$3,851.00 to cover expenses incurred for patrol, enforcement, search and rescue, watercraft inspection, waterway marking and accident investigation effective January 1, 2009 and expires June 30, 2010.

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

Motion made by Commissioner Pierce, seconded by Commissioner Boler, and duly adopted this 3rd day of February, 2009.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Donnelly, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Potter, Schmidtke, Boler, Pierce, and Donnelly.

NAYS: None. Duly passed and adopted this 3rd day of February, 2009.

Gerhardt continued with the monthly Sheriff's Office Update that included: jail population is down and has been at or below 25 for about a week; our office received over 50 applications for the Corrections Officer position as well as 24 applications for the Deputy Sheriff position and will continue working on the application process; Sheriff Gerhardt presented Captain Jeff Markquart with his new badge and Captains bars; and replacement of four squad cars will take place over the next couple of months. The Board congratulated Mr. Markquart in his new promotion as Captain and Chief Deputy of the Martin County Sheriff's Office.

Greg Johanson, Program Specialist with Martin Soil and Water Conservation District, presented a review of the 2009 Application and Annual Report for the Agricultural Best Management Practices (AgBMP) Loan Program. Johanson stated the revolving fund program started in 1995, noting that over \$3,700,000 have been utilized through this program for crop residue equipment and septic system upgrades; and that in 2008 over \$386,000 were loaned out for tillage equipment. Johanson stated they haven't had a lot of septic system upgrades but funding is available at 3% interest with a five year repayment term through the AgBMP.

Commissioner Boler shared his concern whether the landowners were aware that the AgBMP program provided septic loans.

Higgins responded that he would check with the Planning and Zoning Office.

Deb Mosloski, Drainage Administration, requested the Board to rescind the Board action taken at the January 20, 2009 regular Board of Commissioners meeting, to "Approve and authorize advertising for bids to remove two (2) culverts on JD #1 located in Section 17, Center Creek Township, with bids to be opened at 10:00 a.m. on Tuesday, February 17th, 2009 during the regular Board of Commissioners Meeting in the Commissioners Board Room, First Floor of the Courthouse, Room 103, Fairmont, MN." Mosloski continued that due to spring road restrictions and other timeline issues, and that the projected cost of the project is less than the requirements for a formal published bid process, the county could take action to take quotes to remove the two (2) culverts on JD #1 located in Section 17, Center Creek Township. Mosloski further stated that in place of this process, letters were recently sent out to local contractors asking for quotes to remove the culvert and the county has received quotes for the removal of the culverts.

Commissioner Boler stated the project area is about one mile north of Granada and used to be farmed by two or three different farmers that needed these culverts in place in order to cross between fields. Now all the farmers involved don't appear to need or use these (culverts) and the culverts are rusted out in the middle and are restricting the water flow.

So their thoughts are if we could get that done this winter it would sure be good in the spring as far as not flooding. Boler continued that just from what I feel, you can't work with frozen dirt without getting a whole bunch of chunks of dirt into the ditch by trying to remove the culverts. I feel it is going to be better to remove the culverts in the summer or next fall. Boler noted that when talking with the Highway Department, road restrictions might get posted the last week in February or mid March and the contractors were worried about not being able to get their equipment out due to the road postings. Boler stated that at this time the County should reject the quotes received.

Commissioner Potter inquired if the January 20, 2009 motion is rescinded, will the project be put out for bids or quotes later?

Mosloski stated yes, project quotes will be asked for at a later date.

Motion by Commissioner Boler, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby rescind the Board Action on January 20, 2009 authorizing advertising for bids to remove two (2) culverts on JD #1 located in Section 17, Center Creek Township, with bids to be opened at 10:00 a.m. on Tuesday, February 17th, 2009 during the regular Board of Commissioners Meeting in the Commissioners Board Room, First Floor of the Courthouse, Room 103, Fairmont, MN; and to obtain quotes at a later date; and to reject all quotes received at this time. Carried unanimously.

Scott Higgins, Martin County Coordinator, stated the county has been notified that due to the state budget deficit projected for the upcoming biennium, the Minnesota Department of Transportation (MN/DOT) Office of Transit has reduced our Program grant contract from \$484,000 to \$479,200 (reduction of \$4,800).

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, having received notice to amend the Transit Program Contract #93534 between Martin County and the Minnesota and the Minnesota Department of Transportation – Office of Transit from \$484,000 to \$479,200 due to the projected state budget deficit for the next biennium, for the operations of the Martin County Transit system, hereby approve and authorize Steve Pierce, 2008 Board Chair to sign the amended 2009 Public Transit Participation Program Application Grant Agreement in the amount of \$479,200 (a reduction of \$4,800) for the operation of the Martin County Transit System in Martin County, with operational cost to be split 85% MN/DOT and 15% local share provided by the County; and capital expenses split 80% MN/DOT and 20% by local share, effective January 1, 2009. Carried unanimously.

Lenny Tvedten, Martin County Historical Society's (MCHS) Executive Director, also in attendance were Fred Krahmer and Randy Musser, presented the Martin County Historical Society's request of \$20,000 to go toward the costs for purchase and/or repair and improvements for the "Colton" house which is located just to the east of the Pioneer Museum. Tvedten stated that the purchase will provide much needed storage for our

artifact collection and provide additional space for displays, as well as maintain the historic integrity of the area while ensuring proper maintenance of the property.

Fred Krahmer, Martin County Historical Society's President, stated that their funding request will go towards the capital permanent acquisition and use of that for much needed storage space. Krahmer continued that excluding the attic and basement the building has just under 2,000 feet of usable space and that the biggest up front cost will be converting the building to be handicap accessible.

Tvedten and Krahmer stated that the initial purchase of the property will be expended from the MCHS reserve endowment to be repaid by fundraising and grants that have already been applied for.

Commissioner Pierce stated he is in favor of the request and is willing to state that part of the purpose of government, be it the county or the city, is to support things like the museum, Red Rock, and the Opera House. Pierce went on to state there is a lot of debate on that issue but it is my opinion that part of why we're here, we're very fortunate that in this community, these things are almost all supported by themselves; where other communities that have such facilities, it's a governmental unit that provides for it and they have somebody that runs it. We are very fortunate. From a governmental perspective we have gotten by pretty cheap. So, I'm willing to offer a motion to accept this request in the amount of \$20,000 to help purchase that property.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the allocation of \$20,000 to the Martin County Historical Society to go toward cost associated with the "Colton" house project.

Commissioner Schmidtke asked if Commissioner Pierce's motion was to receive and file the request from MCHS or is your motion for the \$20,000?

Commissioner Pierce stated his motion is to approve the request for \$20,000 allocation to the Martin County Historical Society.

Chairman Donnelly along with Commissioner Schmidtke felt this request needed to be reviewed further and thought it would be better to receive and file the request, especially in light of the potential loss of state revenues to the county due to the State budget deficit.

Commissioner Boler inquired if the new constitutionally dedicated sales tax for the arts would fund part of this purchase and remodel.

Tvedten responded that he had not looked into this possibility and would look into it.

Commissioner Pierce stated he would rescind his initial motion and change to receive and file the donation request which is more appropriate at this time and discuss it at a later time during budget discussions.

Chair asked if this was ok with the second by Boler. Boler stated that would be ok with him.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file the Martin County Historical Society's request of \$20,000 to go toward the costs associated with the "Colton" house; and to review and consider at a later time within the current budget. Carried unanimously.

Dan Whitman, Martin County Assessor, was present and stated Minnesota Statutes set guidelines as to when the County Board of Appeal and Equalization may convene. Current law provides that the County Board of Appeal and Equalization may meet on any 10 consecutive meeting days in June, after the second Friday in June. The actual meeting dates must be contained on the valuation notices mailed to each property owner in the county. The new law also requires that at least one member of the County Board of Equalization be trained and certified. The recommended meeting date is Tuesday, June 16, 2009. The law also requires that at least one of the meeting days not end before 7:00 p.m. After discussion,

By consensus, the Board tabled setting a meeting date for the County Board of Appeal and Equalization until the February 17th 2009 regular Board of Commissioners meeting.

The Board recessed at 10:16 a.m.
The Board reconvened at 10:24 a.m.

Higgins stated the County Compensation Advisory Committee, which includes the County Personnel Committee) has reviewed and recommends reclassification of three positions due to increased essential functions of the position as compared to similar jobs in the county and that the new classifications would be appropriate. Reclassifications are recommended as follows: Autumn Larsen, Youth Intervention Program Coordinator, from Grade 9 to Grade 10 Youth Intervention Program Coordinator, due to increased essential functions and job duties, and qualifications required for the position; Susan Lenort, from Administrative Secretary II Grade 8 to Administrative Assistant II Grade 9, in comparison to similar job classifications and increased essential functions and job responsibilities of the position which include assisting the Probation agents; and Susan Palmer, Account Clerk I Grade 8 to Administrative Assistant II Grade 9, determined that there were increased essential functions of the job and that the position was more than accounting position and is more administrative type duties.

Commissioner Boler inquired if all three individuals just received a step increases at the end of 2008.

Higgins stated that two of the individuals received step increase and that the third individual was at the top of their respective scale and received the 3% GWA. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, after careful review and consideration and upon the recommendation of the Martin County Compensation Advisory Committee, approve the Reclassification of Autumn Larsen, Youth Intervention Prevention Coordinator, from Grade 9 Step 4 at \$14.77/hour, to Grade 10 Step 1 at \$14.89/hour; and Susan Lenort, Administrative Secretary II from Grade 8 Step 12 at \$16.16/hour, to Grade 9 Step 9 at \$16.48/hour; and Susan Palmer, Administrative Assistant II from Grade 8 Step 10 at \$15.52/hour to Grade 9 Step 7 at \$15.80/hour; due to the increased essential functions and job responsibilities, effective the first full payroll period following approval. Carried unanimously.

Higgins stated that annually the county's Out-of-State Travel resolution is to be reviewed by the Board, and noted that Paragraph 3 of the resolution, stating that is presumed that the out-of-state travel for elected officials only, which includes the County Board, is approved unless a resolution by four-fifths (4/5) vote disapproving a specific out-of-state travel destination/event. Higgins stated that no change is recommended unless the Board wishes to make revisions to the policy resolution.

Discussion ensued with Commissioners stating the need to know when out of state travel for county business is being done whether county dollars are involved or not.

After much discussion, revisions were made to the resolution as follows to provision #3 and #4,

3. Elected officials shall notify the County ~~Board of Commissioners~~ Coordinator, at least three weeks in advance, by letter or e-mail ~~in advance~~ of their intended travel out of state, to include the purpose of the trip, a list of the expenses, and how all expenses will be paid for. Approval for elected official travel to out-of-state locations shall be presumed unless the County Board passes a resolution by four-fifths (4/5) vote disapproving a specific out-of-state travel destination/event.
4. Travel out-of-state within a ~~100~~ 150 mile radius of Fairmont, MN is exempt from approval.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke

R#10/'09

RESOLUTION REGARDING OUT-OF-STATE TRAVEL
BY MARTIN COUNTY ELECTED OFFICIALS

WHEREAS, the 2005 regular session of the Minnesota State Legislature has mandated that every County develop and approve, by a recorded vote, an Out-of-State Travel Policy for its applicable elected officials (Minnesota Statutes 471.661) no later than January 1, 2006; and

WHEREAS, the elected officials for Martin County affected by this statutory requirement are the five (5) County Commissioners: Sheriff, Attorney, Auditor/Treasurer, and Recorder; and

WHEREAS, each of the elected officials have different statutory duties which require the elected officials to seek ongoing education and training, as well as to receive updated information and technical expertise;

NOW THEREFORE BE IT RESOLVED that the following Out-of-State Travel Policy shall apply for all Martin County Elected Officials beginning January 1, 2009:

1. Each elected official shall determine when travel out of the state is appropriate, and in the interest of the office they hold; is in the interest of the citizens of Martin County; and is in the interest of good County Government.
2. Expenses when traveling out of state shall be limited to:
 - a. Actual transportation costs incurred by the official (i.e., mileage/airfare/parking);
 - b. Actual lodging costs incurred by the official (i.e., room rental, parking, etc.);
 - c. Actual meal expenses incurred by the official, provided, however, that a receipt shall be required and reimbursement shall not exceed the County approved rate;
 - d. Event conference, seminar or educational program registration or admittance fee actually incurred.
3. Elected officials shall notify the County Coordinator, at least three weeks in advance, by letter or e-mail of their intended travel out of state, to include the purpose of the trip, a list of the expenses, and how all expenses will be paid for. Approval for elected official travel to out-of-state locations shall be presumed unless the County Board passes a resolution by four-fifths (4/5) vote disapproving a specific out-of-state travel destination/event.
4. Travel out-of-state within a 150 mile radius of Fairmont, MN is exempt from approval.

This Out-of-State Travel Policy shall be available for public inspection upon request and shall be reviewed annually by the Martin County Board of Commissioners.

Motion was made by Commissioner Potter, seconded by Commissioner Schmidtke, and unanimously carried, for the adoption of said resolution.

Dated this 3rd day of February, 2009.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Donnelly, Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Pierce, Boler, Schmidtke, Potter, and Donnelly.
NAYS: None. Duly passed and adopted this 3rd day of February, 2009.

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 11:03 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Donnelly, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator