

PROCEEDINGS OF THE  
MARTIN COUNTY COMMISSIONERS  
TUESDAY, SEPTEMBER 1, 2009  
@ 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 Donnelly.

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

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following additions: Delete 8.1 Consider Amendment to the Martin County Zoning Ordinance/Sewage & Wastewater Treatment Ordinance; Add 8.14 Consider Election Systems & Software Maintenance Services Agreement; and Delete Consideration of August 18, 2009 regular Board of Commissioners meeting minutes. Carried unanimously.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the August 11, 2009 special Board of Commissioners meeting as presented. Carried unanimously.

Terry Viesselman, Martin County Attorney, reported on a sexual offender's commitment petition that is due to be filed this week; and recent talks that Viesselman has had with the president of the State County Attorney's Association concerning the \$350 per day fee that is charged to the county to hold offenders while their petition is pending.

Pam Flitter, Martin County Zoning Official, reviewed a Conditional Use Permit (CUP) request from State Line Cooperative (Timothy Rogers, applicant) for the purpose of constructing a site for an anhydrous ammonia facility. The Planning Commission approved the CUP request during their August 25, 2009 meeting and is recommending approval of the Conditional Use Permit.

Motion by Commissioner Boler, seconded by Commissioner Potter,

R-#40/'09

CONDITIONAL USE PERMIT FOR THE CONSTRUCTION  
OF ANHYDROUS AMMONIA FACILITY  
WITHIN SECTION 31 OF CENTER CREEK TOWNSHIP,  
MARTIN COUNTY, MN  
(Don J. Prafke, Jr. & Jolene A. Prafke Hanstad, Owners)

Motion by Commissioner Boler, seconded by Commissioner Potter,

WHEREAS, a Conditional Use Permit requested by State Line Cooperative (Timothy Rogers) Applicant, and Don J. Prafke, Jr. & Jolene A. Prafke Hanstad, Owners of property located within Section 31 of Center Creek Township in Martin County, Minnesota (legally described in applications) for the purpose of constructing a Chemical/Fertilizer Plant; and

WHEREAS, the Martin County Planning and Zoning staff has completed review of the application and made a report pertaining to the request, a copy of said report has been presented to the County Board of Commissioners; and

WHEREAS, the Planning Commission of the county on the 25<sup>th</sup> day of August, 2009 following proper notice, held a public hearing regarding the request, and following the hearing, adopted a recommendation that the request for a Conditional Use Permit be granted; and

WHEREAS, the Martin County Board of Commissioners finds that Conditional Use Permit is to be issued for the following purpose:

Chemical/Fertilizer Plant

with respect to the above described property; and

WHEREAS, the following conditions have been applied:

- Any additional necessary permits by other jurisdictions must be obtained by the applicant, if needed.
- Should any bathroom facilities be constructed a septic system must be designed/installed meeting SSTS standards.
- Security lighting on site.

NOW THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners, and upon the recommendation of the Martin County Planning Commission, hereby approves the Conditional Use Permit for the above described property and is hereby issued pursuant to MS 394.301 and Martin County Ordinance, Chapter 6, and that this permit shall remain in full force and effect provided in the conditions as described above are met and maintained by the applicant and his/her successors in interest. This permit is binding upon the applicant, the record titleholder to the property, and his/her successors in interest. Notice is hereby given that this permit may be revoked if the conditions set forth above are not maintained as described above.

This resolution shall become effective immediately upon its passage and without publication.

Dated this 1<sup>st</sup> day of September, 2009.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Donnelly, Board Chair

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

Roll Call AYES: Commissioners Pierce, Schmidtke, Potter, Boler, and Donnelly.  
NAYS: None. Resolution duly passed and adopted this 1<sup>st</sup> day of September, 2009.

Kevin Peyman, Martin County Engineer, reviewed step increases for Robert Koch, James Kain, Jeff Krumwiede, and Steve McMurtry, and recommended approval based upon their performance evaluations.

Motion by Commissioner Schmidtke, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of County Highway Engineer, hereby approve and authorize step increases based on performance evaluation and according to Union Contract for: Robert Koch, Motorgrader Operator, from Grade 12 Step 11 at \$22.03/hour to Grade 12 Step 12 at \$22.52/hour, effective September 1, 2009; for James Kain, Maintenance Worker II, from Grade 11 Step 5 at \$17.61/hour to Grade 11 Step 6 at \$18.06/hour, effective September 3, 2009; for Jeff Krumwiede, Shop Foreman, from Grade 15 Step 9 at \$26.82/hour to Grade 15 Step 10 at \$27.44/hour, effective September 7, 2009; and for Steve McMurtry, Highway Technician, from Grade 13 Step 9 at \$22.82/hour to Grade 13 Step 10 at \$23.35/hour, effective September 15, 2009. Carried unanimously.

Peyman reported on final contract for SAP 46-636-02 CSAH 36 Grading with Midwest Contracting of Marshall, MN. Peyman stated final examination has been made, contract has been completed, and the entire amount of work has been performed. Peyman recommends approval of the final contract to Midwest Contracting.

Motion by Commissioner Potter, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of County Engineer, hereby approve the final contract payment for SAP 46-636-02 CSAH 36 Grading with Midwest Contracting of Marshall, MN in the amount of \$968,250.70. Carried unanimously.

Peyman stated the Bid Letting for SAP 46-599-71 and SAP 46-599-72 Grade and Bridge Replacements of two East Chain Township bridges was held on Monday, August 31, 2009 at 10:00 a.m. at the Martin County Highway Department – Fairmont, MN and that five bids were received.

Bid Results  
Martin County, Minnesota

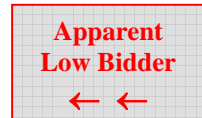
Letting on Aug 31, 2009 – 10:00 a.m.  
Martin County Highway Department  
Fairmont, MN 56031  
507-235-3347

SAP 46-599-71 and SAP 46-599-72 Grade and Bridge Replacements

Pugh Brothers Excavating, Inc., Randall, MN

SAP 46-599-71      \$58,555.60  
SAP 46-599-72      \$62,399.94

Total    \$120,955.54



Duininck Construction, Prinsburg, MN

SAP 46-599-71      \$74,291.70  
SAP 46-599-72      \$76,085.10

Total    \$150,376.80

Midwest Contracting, LLC, Marshall, MN

SAP 46-599-71      \$62,103.00  
SAP 46-599-72      \$62,486.00

Total    \$124,589.00

Mathiowetz Construction Company, Sleepy Eye, MN

SAP 46-599-71      \$64,206.70  
SAP 46-599-72      \$65,205.60

Total    \$129,412.30

Sundblad Construction, Inc., Cokato, MN

SAP 46-599-71      \$75,359.95  
SAP 46-599-72      \$77,796.75

Total    \$153,156.70

Engineer's Estimate

SAP 46-599-71      \$69,823.08  
SAP 46-599-72      \$71,982.25

Total    \$141,805.33

Motion by Commissioner Schmidtke, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, after the appropriate advertisement for bids; and upon receiving bids for SAP 46-599-71 and SAP 46-599-72; and upon the recommendation of the County Engineer, hereby approve and award the low bid for the East Chain Township Bridges to Pugh Brothers Excavating, Inc. of Randall, MN in the amount of \$120,955.54; and to authorize the Chair and appropriate staff (County Engineer, County Auditor/Treasurer, County Attorney) to sign and execute the necessary documents for the listed project. Carried unanimously.

James Forshee, Martin County Auditor/Treasurer, requested that the Board set a date and time for the annual Road and Tax Forfeited Land Tour in order to put values on tax forfeited land in the County.

Consensus of the Board is to set the annual Road and Tax Forfeited Land Tour for Thursday, September 10, 2009 beginning at 7:00 a.m. at The Ranch Restaurant in Fairmont, MN.

Captain Jeff Markquart, Martin County Sheriff's Office, presented the Sheriff's Office Update including: jail population holding below capacity; things went well at this year's Martin County Fair; Sheriff Gerhardt will be attending the required AMEM (Emergency Management) Conference on September 20-23, 2009; continuing work with Public Health and the MN Dept. of Health on flu preparedness and encourages everyone to take the annual flu shot as soon as you can; and Interoperable radio is still in progress.

Commissioners inquired if Captain Markquart had any input on the Hwy's 263 and 26 intersection by Welcome, MN.

Markquart stated he attended a recent meeting with the Minnesota Department of Transportation (Mn/DOT) and a brief discussion was held regarding the intersection. Markquart continued that the state controls the intersection and that even if the county decided to do something else to the intersection, the state would not allow it. Markquart noted that he had recently made copies of last year's accident reports for the County Engineer to review.

Scott Higgins, Martin County Coordinator, stated Martin County's current Jail Food Service Contract with Vetter's will end December 31, 2009. It is recommended that Martin County solicit proposals for Jail Food Service for a two-year term commencing January 1, 2010 to December 31, 2011.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize advertisement for bids for the Martin County Jail Food Service Contract for a two-year term commencing January 1, 2010 through December 31, 2011. Carried unanimously.

Higgins stated the Martin County Health and Safety Program/A Workplace Accident Injury Reduction (AWAIR) Policy has been revised by the County Safety Committee along with Bruce Casey, Minnesota Counties Insurance Trust (MCIT) Loss Control Specialist. The Policy has undergone a total revision in order to be more in compliance with AWAIR policy Standards.

Teresa Tieman, County Safety Committee co-chair, stated that while the County did have an AWAIR Policy in place, it had not been updated or reviewed since 2006. Tieman continued at the request of Minnesota Counties Insurance Trust (MCIT) this policy should be reviewed and updated every year due to possible language changes and OSHA Compliance Rules changes. Tieman noted the Safety Committee started reviewing this

policy in April, 2009 and have gone through the policy word for word and paragraph by paragraph. Tieman went on to note that in addition to the AWAIR Policy, additional information includes the Martin County General Safety Rules and Public Entity Survey Focus Issues. Tieman concluded that by consensus of the entire Safety Committee, the AWAIR Policy presented to the Board today is an acceptable draft and is recommended for adoption.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, Whereas the Martin County Board of Commissioners realizes that it has the responsibility to provide a safe work environment for its employees; Whereas the Safety Committee has been established; Whereas the employee must pursue the highest standards in his/her assigned activities, and all county employees must recognize that the wellbeing of persons and the protection of our physical resources are important as the activity of work being performed; Now Therefore Be It Resolved, that Martin County has established a Health and Safety Program and expects its department heads, supervisors, and employees to respond to all planned health and safety efforts and to perform their assigned jobs in the safest possible manner; and upon careful review and recommendation of the County Safety Committee, hereby approves and adopts the newly revised Health and Safety/AWAIR Policy; which supersedes all previous AWAIR policies, effective September 1, 2009; and to direct the Coordinator's Office to provide copies to all staff members. Carried unanimously.

Higgins stated the Board is being asked to consider and approve the tentative agreement with Law Enforcement Labor Services #115-Corrections and Communications Officers. The proposed tentative agreement is for a three year period for the years 2009, 2010, and 2011. Some of the highlights of the tentative agreement include: General Wage Adjustments for 2009 of 3%, 2010 of 2%, and 2011 of 2.5%; adding pay steps for 3, 5, and 7 years of service; health insurance contributions the same as non-union; and conversion to the PTO Plan (optional for those employees hired before August 1, 1997).

Discussion ensued pertaining to the proposed contract's three-year term; and concern for next year's budget situation and the concern and unknown future of the overall economy; and there was discussion that this final group needed to be a part of county's Paid Time Off (PTO) Policy.

Motion by Commissioner Boler, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, with concerns and uncertainty of the overall economic conditions, both local and nationally, hereby approve the tentative agreement with the Law Enforcement Labor Services #115 – Corrections/Communications Officers. with the exception of the duration of the contract and approve the tentative agreement for one year only effective January 1, 2009 through December 31, 2009; and authorize Board Chair to sign the respective Union agreement for the Law Enforcement Labor Services #115 – Corrections/Communications Officer Union; contingent upon final review and mutual agreement of language for PTO Plan and holiday language. Carried unanimously.

Higgins presented a letter of intent for the Martin County Express public transit system to participate with five (5) other public transit systems in Minnesota, to submit a grant application to the Minnesota Department of Transportation – Office of Transit, for American Recovery and Reinvestment Act (ARRA) funding for the collective purchasing of dispatching hardware and software. If no ARRA funds are available, the cost would be split with 80% paid by Mn/DOT and 20% local share. The amount requested for the total project is \$375,600 which would be split between the six transit systems (depending on the number of buses and workstations needed by each system). The estimated cost for Martin County would be \$62,600. If not 100% funded by ARRA funds, the approximate cost to the county on the 80/20 split would be \$12,520 to be expended from the Transit Fund. Higgins is requesting the Board ratify a letter of intent on behalf of Martin County and the Martin County Transit system's participation in submitting a grant application for ARRA funding for the collective purchasing of dispatching hardware and software. Higgins noted if ARRA funding is granted, each transit system will use the software on their own system, will have their own dispatcher/recorder that will take the calls in advance and input the data in the system and software; and the software will then optimize the routing of the transit buses for a smooth flow of transportation services. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the County Coordinator to send a letter of intent to participate with the following public transit systems: Ecumen, d/b/a Meeker County Transit; Timber Trails Public Transit-Kanabec & Mille Lacs Counties; RiverRider-Sherburne & Wright Counties; Pipestone - Pipestone County; & Brown County Heartland Express-Brown County; in the submission of a proposal to obtain funding through the American Recovery and Reinvestment Act of 2009 for the collective purchasing of software enhancement and hardware for a computer web based dispatching system for the Martin County Express public transit system. Carried unanimously.

Higgins stated Employee Recognition Day will be held on Tuesday, September 15<sup>th</sup>, 2009 beginning at 11:30 a.m. to 1:30 p.m. and recommends closing all county offices during that time so all employees may attend the recognition program.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the closing of all county offices, including the County Library System, with the exception of Law Enforcement (due to the nature of work) from 11:30 a.m. to 1:30 p.m. on Tuesday, September 15<sup>th</sup>, 2009 so all county employees may attend the Employee Recognition Program. Carried unanimously.

Forshee reviewed the Election Systems & Software Maintenance Services ES&S) Agreement that had been tabled at the August 18, 2009 Board meeting. Forshee stated that the current maintenance and support coverage with ES&S Hardware, Firmware, and Software is due to expire in 2009. All of the county's tabulation equipment (M100's and Automarks) must be covered by their maintenance program. Election Systems &

Software provides hardware, firmware, and software maintenance and support to cover Martin County for the next four (4) years at a fee of \$12,034.70 annually. Forshee went on to state that per the ES&S contract, instead of billing the county every other year when the elections are held; they will bill us every year due to ongoing costs. Forshee noted ES&S goes through and tests and upgrades each machine to make sure they are working correctly. Martin County has twenty-eight (28) Automarks voting machines and thirty (30) of the M100 voting machines. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, under protest, approve and authorize Hardware, Firmware, & Software Maintenance Support Agreement with Election Systems & Software (ES&S) of Omaha, NE for a period of four (4) years in the amount of \$12,034.70 annually; and approve and authorize Martin County Auditor/Treasurer to sign the service agreement. Carried unanimously.

The Board recessed at 9:57 a.m.

The Board reconvened at 10:05 a.m.

Dan Whitman, Martin County Assessor, provided an update and status regarding the County's GIS project including consideration of sharing the county's parcel layer and Pictometry images with the City of Fairmont in order for the City to be able to develop infrastructure layers (i.e. zoning maps, utility services, etc.). In return, the county would ask that the City of Fairmont provide these infrastructure layers and all ongoing updates back to the county for use by staff.

Commissioner Pierce suggested that all municipalities in Martin County should be able to share the county's images.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, approve the use of the county's parcel layers and Pictometry images to the municipalities of Martin County, for their use in the development of various infrastructure layers (i.e. zoning maps/applications, utility services, etc.); and that the municipalities would provide any and all infrastructure layers, and all ongoing updates to these various layers, to the county as they are developed; and to obtain a letter from the municipalities stating that these infrastructure layers and all updates would be provided to the county at no cost. Carried unanimously.

Deb Mosloski, Martin County Drainage Administration, was present along with Craig Austinson, Blue Earth County Ditch Manager, and Blue Earth County Commissioner, Will Purvis. Mosloski stated that quotes were received for clean out of JD #82 and JD #116. Mosloski went on to state that meetings were started last winter for clean out of the ditches. Mosloski noted that through pictures taken by Austinson, it was clear that the ditches needed more than just a clean out. Mosloski went on to note that original quotes received could not be compared to each other due to some quotes including tree and bridge removals while others did not. Second round quote forms were drawn up to include the total estimated footage to clean the ditch bottom and level spoils; remove and

dispose of a bridge in Nashville Section 9; and remove and dispose of trees in Nashville Section 15. Due to the high water level in the ditch, there are a lot of unknowns; such as the number of tile outlet culverts and side inlets. In addition, once the clean out is started there may be other areas to clean out. Once that water level starts dropping there may be additional clean out areas that weren't initially seen as well as the need for a number of culverts because it was under water.

Mosloski stated quotes for the JD #82 Clean Out Project were received from: Selly Excavating, Inc. of LeCenter, MN in the base bid amount of \$38,270 plus additional costs for culverts and inlet structures; Ag Specialties & Contracting of Truman, MN in the base bid amount of \$40,138 plus additional costs for culverts and inlet structures; Rosburg Construction of Welcome, MN in the base bid amount of \$54,016.80 plus additional costs for culverts and inlet structures; Brunz Construction Co. Inc. of Madison Lake, MN in the base bid amount of \$54,267.36 plus additional costs for culverts and inlet structures; Gustafson Drainage LLC of Lake Crystal, MN in the base bid amount of \$62,069.60 plus additional costs for culverts and inlet structures; and Beemer Companies of Fairmont, MN in the base bid amount of \$50,715.68 plus additional costs for culverts and inlet structures.

Mosloski stated quotes for the JD #116 Clean Out Project were received from: Selly Excavating, Inc. of LeCenter, MN in the base bid amount of \$17,916.25 plus additional costs for culverts and side inlet structures; Ag Specialties & Contracting of Truman, MN in the base bid amount of \$19,770.00 plus additional costs for culverts and inlet structures; Rosburg Construction of Welcome, MN in the base bid amount of \$26,859.40 plus additional costs for culverts and inlet structures; Brunz Construction Co. Inc. of Madison Lake, MN in the base bid amount of \$25,171.38 plus additional costs for culverts and inlet structures; Gustafson Drainage LLC of Lake Crystal, MN in the base bid amount of \$33,655.85 plus additional costs for culverts and inlet structures; and Beemer Companies of Fairmont, MN in the base bid amount of \$22,885.44 plus additional costs for culverts and inlet structures.

Mosloski and Austinson reviewed each quote recommending the low quote received from Selly Excavating, Inc. of Le Center, MN for both the JD #82 and JD #116 Clean Out Project. If additional clean out is required, the same \$1.25/foot rate will apply.

Motion by Commissioner Boler, seconded by Blue Earth County Commissioner Will Purvis, acting as the Joint Ditch Authority for Martin and Blue Earth Counties, after the appropriate advertisement for quotes; and upon receiving quotes for the JD #116 Clean Out Project, hereby approve and award the low quote for the JD #116 Clean Out Project to Selly Excavating, Inc. of Le Center, MN in the amount of \$17,916.25 with a proposed beginning date of October 1, 2009 and a proposed completion date of December 20, 2009; and authorizes the Board Chair and appropriate staff to sign and execute the necessary documents for the listed project. Carried unanimously.

Motion by Commissioner Boler, seconded by Blue Earth County Commissioner Will Purvis, acting as the Joint Ditch Authority for Martin and Blue Earth Counties, after the

appropriate advertisement for quotes; and upon receiving quotes for the JD #82 Clean Out Project, hereby approve and award the low quote for the JD #82 Clean Out Project to Selly Excavating, Inc. of Le Center, MN in the amount of \$38,270.00 with a proposed beginning date of October 1, 2009 and a proposed completion date of December 20, 2009; and authorizes the Board Chair and appropriate staff to sign and execute the necessary documents for the listed project. Carried unanimously.

The Board recessed at 10:43 a.m.  
The Board reconvened at 10:45 a.m.

The Board reviewed the Minnesota River Board Dues for the 2010-2011 Fiscal Year; and the Actuarial Evaluation for the County's Post Employment Benefits.

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

Kevin Peyman, Martin County Highway Engineer, reviewed the Highway Department's CY2010 Preliminary Budget Request summarizing the CY2010 proposed Revenue & Expenses; CY2009 Budgeted Revenue & Expenses; CY2010 Levy Request and CY2009 Levy; Major Budget Increases for 2010; and Highway Equipment Replacement Budgeted for 2010. Peyman also reviewed the Park & Recreation Commission's CY2010 Preliminary Budget Request.

The Board held a special Budget Workshop.

James Forshee and Scott Higgins presented a second review of the proposed 2010 Budget which is a 5.557% increase over 2009. This increase equates to a total levy of \$10,856,002 or a \$571,527 increase over 2009. In order to meet the levy limit of \$10,677,037 the county must lower our levy by \$178,965.00. By doing so, the county's levy for 2010 will be at a 3.817% increase over 2009.

Commissioners spent several hours reviewing each department's budget, going through expenditures that could be reduced or eliminated; as well as considering revenues not figured into the budget, and came up with approximately \$209,000 in reductions. Also included in discussions were employee cost of living increases for 2010 and health insurance renewal increase. No action taken.

With no further business to wit, Board Chair declared the meeting adjourned at 1:20 p.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Donnelly, Board Chair

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