

PROCEEDINGS OF THE
MARTIN COUNTY COMMISSIONERS
TUESDAY, SEPTEMBER 15, 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 Schmidtke, Boler, Potter, and Pierce. 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, 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: 8.9 Consider Cooperative Agreement for Waste Pesticide Collection; 8.10 Consider Memorandum of Agreement with LELS #115; 8.11 Consider Approval to Submit a Title II Juvenile Justice Grant; 8.12 Draft letter to state and local newspapers to address usage of H1N1 Flu Virus versus Swine Flu; 8.13 Consider Replacement of Part-Time Corrections Officer – Sheriff’s Office; 8.14 Consider Final Award for C.P. 09:08 Maintenance Gravel Production – Highway Department; and Delete Review of September 1, 2009 regular Board of Commissioners meeting minutes. Carried unanimously.

Terry Viesselman, Martin County Attorney, presented a brief update stating a petition has been filed and a trial date set for the county’s third sexual predator case this year; and his office continues to be very busy.

Billeye Rabbe, Solid Waste Coordinator for Martin & Faribault Counties, presented the cooperative agreement with the Minnesota Department of Agriculture (MDA) for the administration of the Minnesota Waste Pesticide Collection Program. By entering into this agreement, Martin County agrees to collect residential waste pesticides periodically every year and agrees to collect agricultural (or business) waste pesticide at least every year. The effective date of this agreement is July 1, 2009 through June 20, 2010 and will automatically renew unless either party requests discontinuation or termination. The Minnesota Department of Agriculture shall allocate from the pesticide regulatory account a sum sufficient to collect and dispose of waste pesticides.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the Cooperative Agreement for Waste Pesticide Collection between the State of Minnesota, Minnesota Department of Agriculture and Martin County, for administration of residential and agricultural waste pesticides, effective July 1, 2009 through June 30, 2010. Carried unanimously.

Cynthia Celander, Extension Educator for 4-H Youth Development in the Worthington Regional Office, was present to discuss some of the activities that the Martin County 4-H Program has been able to offer this year. At the University of Minnesota Extension we strive to offer youth development programs that are research based and high quality. We want to be able to offer that in Martin County and across the state. During 2008, we had 2,210 youth ages 5-17 in the county. Of those, 8.5% were involved in 4-H programming at the community club level. We also had 22% of the youth in Martin County involved in other programming, more short-term after school adventure activities, camping, and other 4-H events. Our objective is to close the gap between the number of 4-Hers that are involved in community clubs and those that have the shorter term experience. Our 4-H program occurs throughout the year with the culminating experience at the Martin County Fair where youth get to showcase their learning. Many people around the area think of Martin County 4-H and the Martin County Fair synonymously. We work in conjunction with the Fair Board to offer that high quality achievement showcased for the 4-Hers and we appreciate all of the hard work of the Fair Board. But we also want to remind everyone that 4-H is for everyday and it's not just for the fair.

Lori Pomerence, Martin County 4-H Program Coordinator, presented a 4-H Program update noting that today's 4-H is very different than what it was forty years ago. While the traditional 4-H clubs are still very important in Martin County, a large part is now spent in coordinating programming to young people that are not part of traditional clubs. Pomerence went on to note important aspects of the after school program including: two after school programs were started this year at Truman Public School and St. John Vianney, and Martin County West has called and wants to start an after school program there as well. As a recipient of an on-going grant from JC Penney After School Round Up Program and local support from the community, there is no need to charge for this after school program; key life skills that young people learn in the after school programs; learning why science, engineering, and technology is an important focus for youth in Martin County; partnerships with Kinship and Martin County Mentoring Network have allowed additional programming this past year; and the Summer Adventure series that included a one hour blast of fun in Truman, Welcome, Trimont, Fairmont, and Sherburn. Pomerence concluded that this past year has allowed Martin County's 4-H Program to communicate to people that 4-H is for everyone, not just young people that live on a farm; and also has allowed extra time spent on recruiting our volunteer base. The Martin County 4-H Program has a lot of wonderful volunteers. Pomerence stated if the county continues with the full-time Martin County 4-H Program Coordinator position, not only will this allow expansion of the after school programs; but will also allow her the opportunity to further expand the volunteer base and community involvement, creating positive adult role models for our young people.

The Board thanked Pomerence for her report.

Peyman reported on final contract for C.P. 09:08 Maintenance Gravel Production with Johnson Crushing, Inc. of Clearwater, MN. Peyman stated final examination has been made, the contract has been completed, and the entire amount of work has been performed. Peyman recommended approval of the final contract to Johnson Crushing.

Motion by Commissioner Pierce, seconded by Commissioner Potter, 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. 09:08 Maintenance Gravel Production with Johnson Crushing, Inc. of Clearwater, MN in the amount of \$114,249.69. Carried unanimously.

Peyman presented a resolution authorizing the county engineer to enter into an agreement with the Minnesota Department of Transportation on behalf of Martin County to obtain Local Road Improvement Program Rural Road Safety Account Bond proceeds for Martin County Project S.A.P. 46-262-02 County State Aid Highway (CSAH) 26 shouldering in the amount of \$83,388. Peyman stated the total project for the shouldering cost \$120,000 and that the difference has been paid out of our state aid construction account.

Motion by Commissioner Schmidtke, seconded by Commissioner Boler,

R-#H6/'09
Martin County Highway Department
Resolution No. 6 – 2009

RESOLUTION FOR LRIP FUNDING FOR SAP 46-626-02

WHEREAS Martin County is committed to providing safe roadways for our traveling public, and;

WHEREAS the State of Minnesota had Grant Dollars available under the Local Road Improvement Program Rural Road Safety Account to pay the costs of a capital improvement project on a county state-aid highway that is intended primarily to reduce traffic crashes, deaths, injuries, and property damage;

THEREFORE, BE IT RESOLVED, that the County Engineer is authorized to enter into an agreement with the Minnesota Department of Transportation on behalf of Martin County to obtain Local Road Improvement Program Rural Road Safety Account Bond proceeds for Martin County Project S.A.P. 46-626-02, CSAH 26 shouldering;

BE IT FURTHER RESOLVED, that Martin County agrees to finance any cost in excess of the above mentioned grant amount in order to complete S.A.P. 46-626-02, CSAH 26 shouldering.

Upon motion by Commissioner Schmidtke, seconded by Commissioner Boler, and carried said resolution was duly passed and adopted this 15th day of September, 2009.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MINNESOTA

By: _____
Chairman, Martin County
Board of Commissioners

Attest: _____
Scott Higgins
County Coordinator

CERTIFICATION

I hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the County of Martin at a duly authorized meeting thereof held on the 15th day of September, 2009.

Scott Higgins
County Coordinator

Roll Call AYES: Commissioners Pierce, Potter, Boler, Schmidtke, and Donnelly.
NAYS: None. Resolution duly passed and adopted this 15th day of September, 2009.

Peyman concluded with a brief update on the completion of shouldering and overlay projects.

Brad Gerhardt, Martin County Sheriff, was present to recommend the hire of Irma Correa as a part-time Corrections Officer as a replacement part-time jailer to fill the void due to the Department being short handed due to recent resignations and medical leave.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the hire of Irma Correa as replacement Part-time Corrections Officer for the Martin County Sheriff's Office, effective at a date yet to be determined at \$15.96/hour, not eligible for benefits; and contingent upon successful background checks required. Carried unanimously.

Higgins introduced a Memorandum of Agreement between Martin County and Law Enforcement Labor Services, Inc. (Union) representing Corrections Officers and Communications Officers in Local 115, parties to a labor agreement that expired on December 31, 2008. Higgins stated the expired agreement does not have a provision for light-duty assignments and that the parties wish to establish a light-duty assignment based on current unique and specific facts concerning Corrections Officer Angela Becker.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the Memorandum of Agreement between Martin County and Law Enforcement

Labor Services, Inc. (Union) representing Corrections Officers and Communications Officers in Local 115, for the provision for light-duty assignments as it applies for Corrections Officer Angela Becker; and that this agreement applies only to this particular light-duty assignment and shall not be used to establish a precedent for either Martin County or Law Enforcement Labor Services, Inc. Carried unanimously.

Tim Peterson, CWP Coordinator with the Martin County Soil and Water Conservation District, presented final report of the Lily and Center Creeks Blue Earth River Watershed Project – Clean Water Partnership Phase II Implementation Continuation. Peterson briefly reviewed Grant Project Summary noting goals and results: Best Management Practices established in the project area during the continuation of the Phase II Implementation; graph data and information regarding the Center Creek Flux loading estimates showing a slight improvement in water quality; and listed long term benefits and results of this grant. Peterson noted the CWP now has a grant for the East Fork of the Des Moines river and is currently working down in the Okamanpeedan area working with the farmers assessing the tributaries and doing the research on what needs to be done, if anything, in that area to improve the water quality.

The Board thanked Peterson for his report.

Autumn Larsen, Youth Intervention & Prevention Program Coordinator, presented a resolution to designate the month of September, 2009 as Martin County Teen Court Month in conjunction with National Youth Court Month to recognize the volunteers and the great program that we have in Martin County.

Motion by Commissioner Boler, seconded by Commissioner Potter,

R-#44/09

**A RESOLUTION DESIGNATING SEPTEMBER, 2009, AS
MARTIN COUNTY TEEN COURT MONTH**

- Whereas, Teen Court is a rapidly expanding alternative to the juvenile justice system for young people who have committed minor delinquent and status offenses, and who consent to participate in the program.
- Whereas, Teen Court, one of the fastest growing crime prevention and early intervention programs in the nation, is based on a philosophy of being youth driven and youth led.
- Whereas, Teen Court benefits the juvenile justice system by reducing court backlogs without increasing recidivism and provides an outlet to confront the consequences of the offenders' actions.
- Whereas, Teen Court provides youthful offenders and volunteers the opportunities to learn about responsible citizenship and law, and to develop skills in public speaking, mediation, and pro-social leadership through hands on experience.

events that have taken place during 2008 and 2009; newly designed web page; and upcoming events to be held in September, October, and November, 2009.

James Forshee, Martin County Auditor/Treasurer, presented a resolution requesting approval from the Minnesota Department of Natural Resources for the sale of said parcels of land that have been forfeited to the State of Minnesota for non-payment of property taxes.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke,

MARTIN COUNTY BOARD RESOLUTION #43 / '09

WHEREAS, The County Board of Commissioners of the County of Martin, State of Minnesota, desires to offer for sale certain parcels of land that have forfeited to the State of Minnesota for non-payment of taxes, and

WHEREAS, Said parcels of land have been viewed by the County Board of Commissioners and have been classified as non-conservation lands as provided for in Minnesota Statutes 282.01.

NOW, THEREFORE, BE IT RESOLVED That the Martin County Board of Commissioners hereby certify that all parcels of land on the attached list have been viewed and comply with the provisions of Minnesota Statutes 85.012, 92.461, 282.01, Subd. 8, and 282.018, and other statutes that require the withholding of tax-forfeited lands from sale.

BE IT FURTHER RESOLVED That the Martin County Board of Commissioners hereby request approval from the Minnesota Department of Natural Resources for the sale of said lands.

MOTION WAS MADE by Commissioner Pierce, seconded by Commissioner Schmidtke, and carried to adopt said resolution.

Dated the 15th Day of September, 2009

BOARD OF COMMISSIONERS
MARTIN COUNTY, MINNESOTA

Steve Donnelly, Chairperson

ATTEST: _____
Scott Higgins
Martin County Coordinator

Roll Call AYES: Commissioners Boler, Potter, Schmidtke, Pierce, and Donnelly.
NAYS: None. Resolution duly passed and adopted this 15th day of September, 2009.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the August 18, 2009 regular Board of Commissioners meeting as presented. Carried unanimously.

Commissioners reviewed warrants and Highway Bills to be paid.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve the payment of claims for the month of September, 2009 as presented; and includes the Martin County Highway Department claims as presented. Carried unanimously.

Warrants received and paid September 15, 2009 are registered on file in the Auditor/Treasurer's Office as follows:

Revenue Fund – Warrants Approved September 15, 2009	\$ 94,194.25
Enhanced 9-1-1 Fund	\$ 6,170.12
Martin Co. Economic Development Authority	\$ 10,588.08
Solid Waste Management Fund	\$ 22,550.19
Law Library Fund	\$ 1,441.42
Martin County Transit Fund	\$ 45,120.31
Ind. Sewage Treatment Sys. Loan FD (ISTS)	\$ 19,139.82
Building – CIP – Fund	\$ 49,480.68
Bank Building Fund	<u>\$ 6,501.79</u>
Grand Total	\$255,186.66
Road and Bridge Funds Totaled	\$113,164.21
Martin County Ditch Fund – Warrants Totaled	\$746,483.69

Commissioner Donnelly recommends drafting a letter to state and local newspapers addressing the usage of the H1N1 Flu Virus versus Swine Flu in any and all future news articles.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to draft a letter on behalf of Martin County, to state and local newspapers addressing the usage of the H1N1 Flu Virus versus Swine Flu in future news articles. Carried unanimously.

Pam Flitter, Martin County Zoning Official, reviewed Amendments to the Martin County Zoning Ordinance/Sewage and Wastewater Treatment Ordinance that was approved by the Planning and Zoning Commission at the public hearing held on Tuesday, August 25, 2009 at 5:30 p.m. in the Martin County Commissioners Room. There were no members

from the public present or written comments sent regarding the proposed changes to the Septic Ordinance, with no objections and after further discussion,

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, after required public hearing was held by the Martin County Planning and Zoning Commission on August 25, 2009 for the consideration of amending the Martin County Zoning Ordinance/Sewage and Wastewater Treatment Ordinance to adopt the “Subsurface Sewage Treatment Systems Program”, Minnesota Rules Chapters 7080, 7081, 7082 and 7083; at which time public testimony was taken; and was then approved by the Martin County Planning Commission and recommended for approval by the Martin County Board of Commissioners; and having submitted the proposed amendment to the Martin County Board of Commissioners for consideration; and after careful review and consideration, hereby approves the Enactment of Amendments to the Martin County Zoning Ordinance/Sewage and Wastewater Treatment Ordinance as proposed to include the following changes, effective January 1, 2010.

R-#41/'09

RESOLUTION

AMENDING THE MARTIN COUNTY ZONING ORDINANCE SEWAGE & WASTEWATER TREATMENT ORDINANCE

Motion by Commissioner Potter, seconded by Commissioner Schmidtke,

WHEREAS, the Martin County Planning Commission after proper notice and publication, held a public hearing on August 25, 2009 at the Martin County Commissioners Room to adopt the following amendments:

Adopt “Subsurface Sewage Treatment Systems Program”, Minnesota Rules Chapters 7080, 7081, 7082 and 7083 as now constituted and from time to time amended; formerly the minimum technical standards and criteria for the “Individual Sewage Treatment Systems Program” Minnesota Rules Chapter 7080; requiring permits for installation, alteration, abandonment, repair or extension of an SSTS (formerly ISTS) in Martin County; septage disposal including the proper location, design and construction; or discontinuance to protect surface water and groundwater from contamination; to protect the public’s health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minn. Stat. Chapter 115 and 145A and Minnesota Rules Chapter 7080, 7081, 7082 and 7083 (formerly 7080) and as amended that may pertain to sewage and wastewater treatment; adopt/amend provisions for enforcement of these requirements; including definitions; permit application requirements; fees; compliance inspection; inspection program; appeal process; inspections on existing systems; property transfer; management plans; time frames of replacement of failing septic systems; abandonment of systems; system types 1-5 (formerly alternative and experimental systems); and licensing requirements.

WHEREAS, after hearing public testimony and with due deliberation, the Planning Commission voted unanimously to recommend adoption of the amendments listed to the Martin County Board of Commissioners; and

WHEREAS, the Martin County Board of Commissioners have determined that the proposed Amendments serves the best interest of the County in the protection, safety, comfort, health, convenience, and general welfare of the citizens of Martin County, MN, and

NOW THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners, after due deliberation, voted unanimously to adopt the amendments as recommended by the Martin County Planning Commission, on September 15, 2009 at the Martin County Commissioners Room, and that these amendments to the Martin County Ordinances shall be in effect after its passage and approval and publication as required by law.

Resolution was duly passed and adopted this 15th day of September, 2009.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Donnelly, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

After hearing public testimony and with due deliberation, the Planning Commission voted unanimously to recommend adoption of the amendment listed above to the Martin County Board of Commissioners.

Adoption by Board of Commissioners. The Martin County Board of Commissioners after proper notice and publication, and with due deliberation, voted unanimously to adopt the amendment as recommended by the Martin County Planning Commission.

Effective Date. The Martin County amendment as listed above shall be in full force and effective after its passage of approval and publications as required by law and will become effective as of January 1, 2010.

Passed and approved on September 15, 2009.

Steve Donnelly
Chairman, Martin County Board of Commissioners

Attest:

Scott Higgins, Martin County Coordinator

Upon passage by the County Board and will become effective January 1, 2010; and to direct county staff to publish and record the Amended Ordinance as required by law. Carried unanimously.

Commissioners reviewed and discussed a Health Insurance Tracking Report; Security Building Roof Replacement including walkway connecting the Security Building and the Courthouse; and Law Enforcement Labor Services No. 115 Corrections/Communications Officers have filed for mediation pertaining to contract negotiations.

Members of the Martin County Fair Board were present including Calvin Saxton, Ed Murphy, Robbin Celander, Steve Pomerence, and Jared Pomerence. The Fair Board was present to answer any questions the Commissioners may have about the fair and their budget needs; as well as requesting clarification on the Fair Board's CY2009 and CY2010 allocation requests.

The Board asked how the 2009 Martin County Fair compared to past fairs, and how their finances are.

Fair Board members stated the 2009 Martin County Fair did very well but did not break any attendance records. Financially, the fair has done very well the last several years due to the county's continued financial support and support from the community. The Fair Board tries to keep expenses in check while continuing to grow and improve. However, their list of capital improvements continues to grow and includes a new roof for the Industrial Building as well as on-going maintenance to the total infrastructure at the fairgrounds. Our fiscal year end is September 30th, after which a financial report will be presented to the county.

The Board noted that a resolution will be made today regarding the Fair Board's allocation request for CY2009 and CY2010; and thanked the Fair Board for their report.

The Board recessed at 10:30 a.m.

The Board reconvened at 2:05 p.m.

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

The Board held a special Budget Workshop.

Forshee reviewed the proposed 2010 levy stating that during the September 1, 2009 budget workshop we had our levy at \$10,856,002 and that after reviewing each department, additional cuts of \$216,195 were made and got us to a levy of \$10,639,807

which is a 3.46% increase. Forshee stated we can always go lower than the levy limit, but we can't go any higher. With review of additional cuts, the Board discussed the CY2010 proposed preliminary tax levy in the amount of \$10,284,475 which equates to a 0% increase over the CY2009 levy. After further discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce,

R-#42/'09

RESOLUTION

PROPOSING PRELIMINARY TAX LEVY FOR CY2010

WHEREAS, the Martin County Board of Commissioners met to review the recommended 2010 budget; and

WHEREAS, the 2010 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 15, 2009 following discussion by the Martin County Board of Commissioners, the Board set the 2010 proposed levy at \$10,284,475 which equates to 0% increase over CY2009 levy; with proposed expenditures in the amount of \$18,903,477 and revenues in the amount of \$8,619,002.

BE IT FURTHER RESOLVED THAT BEFORE ADOPTION OF THE FINAL 2010 BUDGET, the Board may reduce the proposed levy but cannot increase the levy from the amount set on this date.

Upon Motion by Commissioner Schmidtke, seconded by Commissioner Pierce, said resolution was duly passed and adopted this 15th day of September, 2009.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Donnelly, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Potter, Pierce, Schmidtke, Boler, and Donnelly.
NAYS: None. Resolution duly passed and adopted this 15th day of September, 2009.

The Board continued extensive discussions pertaining to proposed budget cuts to the Martin County 4-H Program, CY2009 and CY2010 allocation requests to area non-profit organizations, and CY2010 employee wage increases.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize continuation of the Agreement between the University of Minnesota and Martin County for providing Extension programs locally and employing full-time 4-H Program Coordinator staff for the remainder of a three year term ending December 31, 2011. Carried unanimously.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize 75% payment in full of non-profit allocation requests received for CY2009; and the same amount allocated for CY2009 is to be budgeted for the allocation requests received for CY2010. Carried unanimously.

Higgins presented a request to transfer \$10,000 from the Martin County Area Redevelopment Authority (MCARA) fund to the Martin County Economic Development Authority (MCEDA) fund for the county's share of costs to have railroad ties and surface track installed on the rail spur in the city's industrial park.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the transfer of \$10,000 from the Martin County Area Redevelopment Authority (MCARA) fund to the Martin County Economic Development Authority (MCEDA) fund for payment to the Fairmont Economic Development Authority (FEDA) for one-third cost share of \$29,800 to upgrade the rail spur in the City of Fairmont's Industrial Park. Carried unanimously.

With no further business to wit, Board Chair declared the meeting adjourned at 3:01 p.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Donnelly, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator