

Martin County Board of Commissioner
January 5, 2010
Board Room

Chairman Donnelly called the meeting to order at 9:00 a.m., with the following Board members present: Schmidtke, Boler, and Potter. Absent Pierce. County staff present was Scott Higgins, County Coordinator, Terry Viesselman, County Attorney, James Forshee, Brad Gerhardt, Sheriff, Kevin Peyman, County Engineer, Scott Higgins, County Coordinator, Jeff Markquart, Chief Deputy. Others present, Jennifer Brookens, Sentinel Reporter, and Rod Halverson, KFMC/KSUM Radio.

Chair Donnelly noted that with the New Year, the Board chooses a new Chair and Vice Chair for 2010. Donnelly asked for nominations.

Potter nominated Schmidtke as Chair, Boler supporting the nomination. Chair Donnelly asked if there were any other nominations three more times. There were none.

Potter moved to cast unanimous ballot for Schmidtke as Chair, seconded by Boler. All voting in favor. Motion approved.

Schmidtke assumed the duties as Board Chair for the year 2010. Schmidtke asked for nominations for Vice Chair.

Donnelly nominated Boler as Vice Chair, Boler supporting the nomination. Schmidtke asked if there were any other nominations three more times. There were none.

Donnelly moved to cast unanimous ballot for Boler as Vice Chair, seconded by Potter. All voting in favor. Motion carried.

Motion by Donnelly, seconded by Boler to approve the agenda with the following additions: Revise 8.14 to Setting a Public Hearing; Set Public Hearing for Various Ditches, CD#11, JD #59, JD #44, JD #50, JD# 81, and JD #40 to Approve Final Viewers Report; Deletions: Consideration of Minutes for the December 15, 2009. All voting in favor. Motion carried.

Motion by Donnelly to approve the minutes of the Joint meeting between the Board of Commissioners and the Martin County Soil and Water Conservation District and the Truth In Taxation meeting both held on December 1, 2009 as presented, seconded by Potter. All voting in favor. Motion carried.

Viesselman reviewed the parking issue on the county road (130th Street) just north of the Cenex Harvest States (CHS) facility. Viesselman stated that when the trucks are waiting to get into the plant to unload, they may not be considered “parked.” It may be better to put up signs along the road way stating –“Emergency Parking Only.”

Potter stated that this type of signage may be helpful giving an example of the no “Jake” braking signage has helped with that issue. Schmidtke responded that it would not be fair to the truckers to get ticketed for not being able to get into the facility to be able to dump. Potter stated that when he looked at the site, it appears there would be room to construct an additional truck staging area to the east of the existing staging lot and suggested that it may be a good thing to set up a meeting with the Plant managers to let them know of the concerns stated by the resident(s) near living near the facility. Boler suggested that the issue can be resolved without issuing traffic tickets.

By consensus of the Board, it was determined to set up a meeting to include the County Engineer, Sheriff, Mike Humpal, and a County Board member with the CHS Plant Manager to be arranged by the County Engineer.

Forshee presented for approval two Tobacco Licenses for the following businesses, Jerry and Charlene Buchan, d/b/a Buke’s Place in Ceylon, MN and Nuway Cooperative, d/b/a Numart/Cenex in Welcome, MN and Trimont, MN respectively. The required forms have been completed by the applicants.

Motion by Boler, seconded by Commissioner Potter, to approve the Tobacco licenses

R-#2/’10

RESOLUTION

ISSUANCE OF TOBACCO LICENSE FOR 2010

WHEREAS, the County of Martin, MN (County) has established a Tobacco Ordinance (Ordinance) relating to the sale, possession, and use of tobacco in Martin County and to reduce the illegal sale, possession, and use of such items to and by minors, along with compliance with Minnesota Statutes and Rules; and

WHEREAS, applications for a tobacco license to sell tobacco shall be made through the County and its required forms as established by the Ordinance; and

WHEREAS, the Martin County Board of Commissioners (Board) may either approve or deny the license, or delay it for such reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the Board approves the application, the County Coordinator shall issue the license. If the application is denied, notice of the denial shall be given to the applicant along with notice of the applicants right to appeal the Board’s decision; and,

WHEREAS, all licenses shall be valid under the Ordinance for one calendar year from the date of issuance; and,

NOW THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners, hereby approve and authorize tobacco license for the following Retail Establishments, and valid for the year 2010:

- Jerry and Charlene Buchan, d/b/a Buke's Place in Ceylon, MN
- NuWay Cooperative, d/b/a Numart/Cenex in Welcome, MN
- NuWay Cooperative, d/b/a Numart/Cenex in Trimont, MN

Upon this motion made by Commissioner Boler, seconded by Commissioner Potter, was duly made and passed this 5th day of January, 2010.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Peyman presented and reviewed new fees being proposed for the Highway Department. The new proposed fees include: "Moving Permit," Utility Permits, and Entrance Permits. Peyman further stated that there is software available that individuals can apply on-line for these types of permits and the fees collected may help pay for such a system. Peyman requested that the proposed fees be included as part of the Public Hearing on the County's Fee schedule tentatively scheduled for the next regular board meeting.

Peyman gave an update pertaining snow removal over the last few weeks, informing the Board that all the Highway employees are very dedicated to what they do for the county. Peyman gave a brief overview of the use of salt on roads and when the best time to use salt and its effectiveness.

Peyman presented to the Board for consideration of adding a \$50 per use charge for use of the county shed(s) by the township to work on their graders, etc. After further discussion,

By consensus, the Board directed the County Engineer to go ahead and with establishment of the \$50 fee for use of the County Shed (s) by the townships.

Gerhardt gave an update which included, the need for repair of a water leak in the Impound facility, submitted the Sheriff's Office fee schedule for review, maintenance painting in the jail being done. Discussed the new law passed during the 2009 legislative session regarding "Buy American," which pertains mostly to uniforms and law enforcement equipment, stating that he is proceeding with caution on this issue and it will take more time to research what uniforms are made in America. Gerhardt stated that the Department will not compromise safety for "Buy American."

Gerhardt informed the Board that the Department is not only using Lexipol on line training for the deputies, but that Lexipol is now looking at implementing on line training for jail staff as well. Lexipol is being implemented in all 87 counties in Minnesota. This

system will assist the Department in assessing its current policies and will provide information to bring the policies into compliance. This system will help train and keep the deputies well versed on up to date information on case law and the handling of various situations.

Flitter presented and reviewed the 2010-2011 County Feedlot Program Delegation Agreement and Work Plan and requested approval of the plan. Flitter stated that the Agreement describes the county's plans and strategies and goals for administration and implementation of the feedlot program. The Minnesota Pollution Control Agency (MPCA) will also review the plan for compliance. Flitter further stated that the Work Plan meets the requirement of Rule 7020.1600 in accordance with the registration, inspection, scheduled compliance and owner assistance responsibilities. Flitter informed the Board that feedlot inspections are on a five year rotation. Regulations require that inspections now be done every four years. It is expected that the Planning Commission will review the County Ordinance and make revisions in order to be in compliance with the new rule changes. After further discussion,

Motion by Potter to approve and authorize the Board Chair to sign the 2010-2011 County Feedlot Program Delegation Agreement and Work Plan as presented, which describes the county's plans and strategies and goals for administration and implementation of the County's Feedlot Program and that the County will use the feedlot grant funds in conjunction with the required local match and in-kind contributions to carry out such functions. All Voting in Favor. Motion Carried.

Higgins presented the following revised job descriptions for board approval: Youth Intervention and Prevention Coordinator, Administrative Assistant II, due to additional job responsibilities and the Account Technician II/Office manager, which were updated to reflect more accurately the job responsibilities. After discussion,

Motion by Boler, seconded by Donnelly to approve the revised job descriptions for the Administrative Assistant II position and Youth Intervention and Prevention Coordinator positions in the Probation Department due to additional job responsibilities and recent reclassification; and to approve the revised job description for the Account Technician II/Office Coordinator for the Extension and Planning and Zoning Departments. All voting in favor. Motion carried.

Higgins presented the annual organizational resolutions for board consideration and approval.

Motion by Donnelly, seconded by Boler to approve the "Machine Signed Signatures and Depository Designation.

R-#1/'10

R E S O L U T I O N
MACHINE-SIGNED SIGNATURES AND DEPOSITORY DESIGNATIONS

BE IT RESOLVED, that the banks listed below are designated depositories of Martin County.

Profinium Financial	Farmers State Bank of Trimont/Dunnell
State Bank of Fairmont	Bank Midwest
Farmers State Bank of Trimont	US Bank
Triumph State Bank	Profinium Financial of Truman
Ormsby State Bank	Welcome State Bank
State Bank of Ceylon	Farmers State Bank of Sherburn

It is thereby requested, authorized and directed to honor checks, drafts or other orders for the payment of money drawn in this County's name, including those drawn to the individual order of any person or persons whose name or names appear thereon as signer or signers thereof, when bearing or purporting to bear the facsimile signature(s) or signatures of any of the following:

Jim Forshee, Auditor/Treasurer

Board Chair

And the above named banks shall be entitled to honor and to charge Martin County for all such checks, drafts or other orders, regardless of by whom or by what means the facsimile signature or signatures thereon may have been affixed thereto if such facsimile signature or signatures resemble the facsimile specimens duly certified to or filed with Profinium Financial by the Clerk of the Board or other Officer of Martin County.

BE IT FURTHER RESOLVED, That any and all resolutions heretofore adopted by the Board of Commissioners of this County and certified to Profinium Financial or other institutions listed above as governing the operation of this corporation's account(s) with it be and are hereby continued in full force and effect, except as the same may be supplemented or modified by the foregoing part of this resolution.

Commissioner Donnelly, seconded by Commissioner Boler, made motion and unanimously carried this 5th day of January, 2010.

IN WITNESS WHEREOF, I have hereunto subscribed by name as Clerk of the Board and have caused the County seal of Martin County to be hereunto affixed this 5th day of January, 2010.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

I, Scott Higgins, Clerk of the Board of Commissioners do hereby certify that at a regular meeting of the Martin County Board of Commissioners duly and regularly called, and held at the office of Martin County on 5th day of January, 2010 there being a quorum of said Board present, the following resolution was unanimously passed as appears from the records of Martin County and is now in full force and effect.

WITNESS my hand officially and the official seal of the County on January 5th, 2010.

Scott Higgins, County Coordinator

AYES: Potter, Boler, Donnelly, and Schmidtke. NAYES: None. Passed and approved this 5th day of January 2010.

Motion by Donnelly, seconded by Potter to approve the “Employee Expenses” for 2010.

R-#3/’10

RESOLUTION

EMPLOYEE EXPENSES:

BE IT RESOLVED, that all County employees be authorized to be reimbursed the sum consistent with IRS allowable rate, and this rate will remain in place for 2010 for travel on official business by private transportation at the Internal Revenue announced mileage rate of \$0.50 cents per mile effective January 1, 2010 and be further reimbursed for such other expenses as are necessarily and actually incurred on official business during the year 2010.

BE IT FUTHER RESOLVED, that there be a maximum per day meal allowance of \$30.

FOREGOING, was upon motion made by Commissioner Donnelly, seconded by Commissioner Potter, and unanimously carried, duly passed and adopted this 5th day of January, 2010.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

AYES: Boler, Potter, Donnelly, and Schmidtke. NAYES: None. Passed and Approved this 5th day of January 2010.

Motion by Potter, seconded by Boler to approve the “Hand Labor Hourly Rate” Resolution.

R-#4/'10

RESOLUTION FOR LABOR HOURLY RATES IN CONNECTION
WITH JUDICIAL AND COUNTY DITCH MINOR
REPAIRS AND MAINTENANCE

RE IT RESOLVED that Martin County as drainage authority for Judicial and County ditches receives request from landowners to do minor repairs and maintenance themselves and to be compensated by the drainage system. That such minor repairs and maintenance are often done when time is of the essence and contractors are not readily available. In addition, such minor repairs and maintenance results in repairs being done in a timely manner and often at a reduced cost.

NOW THEREFORE, BE IT RESOLVED that Martin County will pay at a rate of \$12.00 per hour for hand labor done by landowners in connection with minor repairs and maintenance to judicial and county ditch systems for the year 2010 and be it resolved that a maximum of \$20.00 per hour be set for tractor and loader or skid loader and \$15.00 per day and \$7.50 per half day for chainsaw, and be it resolved that such payments are under the following specific conditions:

1. That those conducting the work are not employees of the County;
2. That those workers specifically understand and agree that they are not covered by Worker’s Compensation Insurance through the County;
3. That any damage to equipment used is the sole responsibility of the owner, sole-proprietor and/or operator and is not the responsibility of Martin County;
4. That those individuals who conduct any type of work in connection with Judicial or County Ditch Drainage Systems are required to have on file a Certificate of Insurance of all required coverages before work commences including, but not limited to, a Certificate of Insurance for general liability coverage that shall include “products/completed operations” coverage with length of time to be determined by the County, to be signed by the authorized insurer defining coverage, and the Certificate should include a 60 day written Notice to Cancel, Suspend or Reduce; all limits of coverage to be determined by the County.
5. That a Hold Harmless and Indemnification Agreement, along with all their required documents, must be signed by those doing the work before any work commences on the drainage systems. The worker shall hold harmless and indemnify the County for any claims of any nature resulting from work being done on the county or judicial drainage systems.
6. That a W-9 shall be provided;
7. That no work shall be done on county or judicial ditch systems without the above requirements being met and without specific authorization of the Martin County Ditch Authority;

8. That upon completion of any minor repairs or maintenance to the judicial or county ditch system, a specific written description of the work and location of work done shall be submitted to the ditch authority for filing in the proper ditch file. That no payment shall be made until all requirements are met.
9. All necessary documents above described must be filed with the Martin County Auditor/Treasurers Office before any work commences on the county judicial or county drainage systems.

Upon a Motion made by Commissioner Potter, seconded by Commissioner Boler, and unanimously carried;

Said Resolution was adopted this 5th day of January, 2010.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

AYES: Donnelly, Boler, Potter, and Schmidtke. NAYES: None. Passed and approved this 5th day of January 2010

Motion by Boler, seconded by Potter to approve the Pocket "Gopher Bounty" for 2010.

R-#5/'10

RESOLUTION

POCKET GOPHER BOUNTY:

BE IT RESOLVED, by this Board of Martin County Commissioners that a bounty of one dollar (\$1.00) be placed on each Pocket Gopher destroyed in the County of Martin during the year 2010 pursuant to M.S.A. 1957 Section 348.12 and same be paid from General Revenue Fund of the County upon proper certified claims with the County Auditor/Treasurer and according to other procedures as so fixed by Statutes.

UPON, motion made by Commissioner Boler, seconded by Commissioner Potter, and unanimously carried, foregoing was duly passed and adopted this 5th day of January, 2010.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

AYES: Donnelly, Potter, Boler, Schmidtke. NAYES: None. Passed and approved this 5th day of January 2010.

Motion by Boler, seconded by Donnelly to approve the Designation of Public Notice Posting and Facility For CY2010.

R-#7/'10

Resolution Relating to Designation of Public Meeting Notice Posting and Facility for
CY2010

Whereas, the Martin County Board of Commissioners, in carrying out their official functions during the year 2010, will hold numerous and varied meetings to consider the business of Martin County government in various places in and about Martin County; and,

Whereas, it is the expressed intent of the Martin County Board of Commissioners to hold such meetings in an open and public forum; and,

Whereas, it is the expressed interest of the Martin County Board of Commissioners to provide notification of said meetings:

Now Therefore Be It Resolved by the Martin County Board of Commissioners that the county bulletin board located outside of the Commissioners meeting room on the first floor of the Courthouse is hereby designated as the public notification facility of all county meetings involving the Martin County Board of Commissioners and its various committees.

Be It Further resolved that the County Coordinator be directed to post notices of all meetings in sufficient time prior to said meeting to allow adequate public notice.

Be It Further Resolved that copies of this resolution be forwarded to each Department Director of Martin County and posted on the official bulletin board.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MINNESOTA

By: _____
Dan Schmidtke, Chairman

Attest: _____
Scott Higgins, County Coordinator

AYES: Potter, Donnelly, Boler, Schmidtke. NAYES: None. Passed and approve this 5th day of January 2010

Higgins presented for approval the tentative agreement with LELS #115-Corrections/Communications Officer Union for 2009. Higgins reviewed the tentative agreement with the Board. After further discussion,

Motion by Donnelly, seconded by Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the Law Enforcement Labor Services #115-Corrections/Communications Officers tentative agreement and contract effective January 1, 2009-December 31, 2009; and to authorize the Board Chair to sign the Union Agreement for the LELS #115. All voting in favor. Motion carried.

Higgins presented for approval the tentative agreement with the Martin County Highway Supervisor's Association. Higgins reviewed the tentative agreement with the Board. After further review and discussion,

Motion by Potter, seconded by Boler Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Board Chair to sign the union Agreement between Martin County and the Martin County Highway Supervisor's Association effective January 1, 2010-December 31, 2010.

Commissioner Boler stated that he has yet to contact individuals to serve on the Martin County Extension Committee and hopes to have a name for Board consideration by the next Board meeting.

Higgins presented the proposed Services Contract with the Fifth Judicial District for Grant Administration of BJA grant money received for jail staffing, additional nursing, equipment and supplies for the jail in the amount of \$282,887. Higgins stated that Beverly Snow, F/M Multi-County ASAC Coordinator will administer and complete the reporting for the grant. Higgins stated that the County Attorney has reviewed the agreement and approves it to its form and content. After further discussion,

Motion by Donnelly, seconded by Boler, Be It Resolved that the Martin County Board of Commissioners approve and authorize the Board Chair to sign the Agreement between Martin County and the State of Minnesota, acting through its Fifth Judicial District Administrator for the administration of the Bureau of Justice Assistance grant received by Martin County for Jail Operations and Program Enhancement Project, and to prepare the necessary reports and conduct presentations to the County Board; and that Martin County Agrees to pay the State of Minnesota for services of the District Drug Court Administrator in the amount not to exceed \$10,010 for each year of the two year grant at the rate of \$35 per hour. All voting in favor. Motion carried.

Higgins presented the county fee structure, including new proposed fees and other charges for various county services to include GIS, Records Office, and Highway Department.

Motion by Donnelly, seconded by Boler, Be It Resolved that the Martin County Board of Commissioners set a public hearing date on January 19, 2010 at 10am in the Commissioners Meeting Room, at 201 Lake Avenue, Fairmont, MN; in order to take public input for consideration of new proposed fees and to affirm the current fee structure for the year 2010. All voting in favor. Motion carried.

Higgins presented a resolution for Board consideration for the Establishment of Minimum Salaries for Elected Officials, stating that Minnesota Statutes requires such action be taken during the first meeting in January previous to filing for election of the following county offices, Auditor/Treasurer, Sheriff, Recorder, and County Attorney.

Motion Donnelly, seconded by Potter to approve the Resolution for setting elected officials minimum salaries prior to filing for election.

R-#6/10

RESOLUTION
MINIMUM SALARIES FOR ELECTED OFFICIALS

WHEREAS, Minnesota Statutes Chapter 384, 386, 387 requires the Board of County Commissioners to set minimum salaries to be paid certain county officials for the term next following:

NOW THEREFORE BE IT RESOLVED, pursuant to said laws the salaries of Auditor/Treasurer, Recorder, Sheriff, and County Attorney for the term next following are hereby set at not less than the minimum provided by said laws.

\$60,195.20 per annum for the Auditor/Treasurer; \$45,385.60 for the County Recorder; \$60,195.20 per annum for the County Sheriff; and \$65,249.60 for the County Attorney, payable in twelve (12) equal monthly installments.

Upon motion made by Commissioner Donnelly, seconded by Commissioner Potter, and carried, said resolution was duly passed and adopted this 5th day of January, 2010.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

AYES: Boler, Potter, Donnelly, and Schmidtke. NAYES: None. Passed and approved this 5th day of January 2010

Higgins presented proposal options from MRCI for janitorial services for the Courthouse, Security Building, Human Resource Building, and Library (Fairmont). Higgins stated that MRCI have proposed large increases for cleaning services particularly for the Courthouse/Security Building and Fairmont Library. After review by the County Building Committee, it was determined to recommend approval of \$1,457 (5% increase). However, further negotiations were needed for the Courthouse/Security Building and Library. MRCI is proposing the Library contract increase from \$372/month to \$624/month and the Courthouse/Security Building increase from \$686 to \$1,150. Higgins stated that over the past years, MRCI stated that the increases are needed due to the increases in minimum wage (which increased last year) which was not accounted for in the 2009 contracts, as well as, the contracts have not been covering the wages and cost for a number of years. There was discussion that these proposed increases are tremendously high. After much discussion,

Motion by Potter, seconded by Boler, Be It Resolved that the Martin County Board of Commissioners, approve and authorize the Board Chair to sign the agreements with MRCI (Fairmont) for janitorial services for the following facilities, Human Resource Building from \$1,387 per month to \$1,457/month; and the Courthouse/Security Building from \$686/month to \$1,150/month; and the Library from \$372/month to \$524/month, effective January 1, 2010-December 31, 2010. All voting in favor. Motion carried.

Higgins also presented a proposal option from MRCI for additional cleaning task for space rented by the City of Fairmont Police Department and cleaning of bathrooms in the Sheriff's Office. The cleaning task would include cleaning of four bathrooms and mopping the hallways and large meeting room in the basement of the Security Building (location of the Fairmont PD offices). The three option presented were discussed.

Motion by Donnelly, seconded by Potter, Be It Resolved that the Martin County Board of Commissioners, approve and authorize the Board Chair to sign the agreement with MRCI for the year 2010 in the amount of \$312 per month for the cleaning services in the Security Building to include four (4) bathrooms-at least three times a week and mopping of the meeting room and hallways in the space occupied by the Fairmont Police Department, at least one time each week. All voting in favor. Motion carried.

Mosloski was present to request that the Ditch Authority set a public hearing date to present the final Viewers report in the Redetermination of CD#11, JD #59, JD #44, JD #50, JD# 81, and JD #40. After further discussion,

Motion by Potter, seconded by Donnelly Be It Resolved that the Martin County Board of Commissioners acting as the Ditch Authority for Martin County hereby set a public hearing for approval of the final Viewers report in the Re-Determination of the following county drainage systems: CD#11, JD #59, JD #44, JD #50, JD# 81, and JD #40 on February 16, 2010 at 1:00pm in the Commissioner's Meeting Room, located at Martin County Courthouse, 201 Lake Avenue, Fairmont. All voting in Favor. Motion Carried.

The bills for the second run in December 2009 were presented for review and payment.

Motion by Donnelly, seconded by Potter to ratify the second run of December 2009 bills. All voting in favor. Motion carried.

Higgins stated that again this year the county will host a booth at the Area Career Exploration event to be held at the Fairmont High School in April. The Board reviewed the reports and other informational items included in the agenda packets.

The Board members gave individual reports of previous and upcoming meetings and activities.

With no further business to wit, the Chair adjourned the meeting at 11:10am.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Dan Schmidtke, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator