

PROCEEDINGS OF THE
MARTIN COUNTY COMMISSIONERS
TUESDAY, FEBRUARY 2, 2010
@ 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 Schmidtke.

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

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following addition: Martin County Library Annual Report – Jennifer Jepsen, Library Director. Carried unanimously.

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the January 19, 2010 regular Board of Commissioners meeting as presented. Carried unanimously.

Jennifer Jepsen, Martin County Library Director, presented an annual report incorporating the many positive accomplishments during 2009 including increased circulation of 7.5%, number of items checked out, computer usage, and viewing of website. Jepsen stated in 2009 there were 38 programs for adults with over 500 people attending, and 174 programs for children with over 5,000 people attending. Jepsen went on to list a few of the many grants received in 2009 including the Southern Minnesota Initiative Foundation, Federated Rural Electric, the Gates Foundation, and Martin County Youth Foundation; with funds used to purchase instruments for musical story times, Young Explorer Computers for children ages 3-7 as well as additional new computers, free books, and paint for the Truman Library, paint and carpet for the Trimont Branch, and interior painting of our Sherburn Library.

Commissioner Schmidtke thanked Jepsen for her report.

Terry Viesselman, Martin County Attorney, presented an information update on safe interviews involving children under the age of 10 that have been sexually abused; and the Minnesota Supreme Court decision that Child Protection cannot interview these children at a Law Enforcement Center where an officer may be right outside the interview room. Viesselman recommends the purchase of video interview equipment to allow a CornerHouse trained Child Protection Worker to conduct a “safety interview” in a child-friendly environment. Viesselman noted the interview equipment will cost between \$5,000 and \$10,000; and that it would be ideal if the safety interviews could be conducted in the Human Resource Center. After discussion,

No action taken relating to the purchase of new video interview equipment or safety interview location.

Viesselman concluded with brief information on another upcoming sexual predator commitment.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the renewal of Liquor, Wine, Club or 3.2% License with Sunday Sales for Rose Lake Golf Club effective April 1, 2010 through March 31, 2011. Carried unanimously.

No action taken on appointment to the Extension Committee from Commissioner District I.

Kevin Peyman, Martin County Highway Engineer, reported on the final contract for SAP 46-599-71 and SAP 46-599-72 East Chain Township Culverts with Pugh Brothers Excavating, Inc. of Randall, MN. Peyman stated final examination has been made, contract has been completed, and the entire amount of work has been performed. The original contract was \$120,955.54 and the completed certified amount is \$123,644.72. Peyman recommended approval of the final payment of the contract.

Motion by Commissioner Boler, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of Kevin Peyman, County Highway Engineer, hereby approve the final contract payment for SAP 46-599-71 and SAP 46-599-72 East Chain Township Culverts with Pugh Brothers Excavating, Inc. of Randall, MN in the amount of \$123,644.72. Carried unanimously.

Peyman continued with a brief update on a recent accident involving a county snow plow; and recent weather conditions affecting the county's roads.

Brad Gerhardt, Martin County Sheriff, presented the Sheriff's Office Update that included the current jail population which is down to 21 inmates; this season's winter weather conditions along with an important reminder to call 511 for road information and updates or go to 511mn.org, as telephone lines in Dispatch need to remain open during severe weather conditions for emergencies; Martin County's All Hazard Mitigation Plan will be updated in 2013; and a special thank you to Sheriff's Office staff working many hours under stressful weather conditions, and to KSUM/KFMC for their on the spot weather related updates.

Roman Johnson, Blizzard Snowmobile Club Trail Administrator, was present to request Board approval for a grant application to the Minnesota Department of Natural Resources (DNR) – Minnesota Trails Assistance Program for Prairieland Trail bridge redecking. Johnson stated this is a performance based, preliminary application and once the DNR has reviewed and awarded a grant dollar amount, it will be brought before the Board for acceptance and final approval.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly,

R-#10/10

RESOLUTION

APPLICATION FROM THE BLIZZARD SNOWMOBILE CLUB FOR
CAPITAL IMPROVEMENT FUNDING FOR
PRAIRIELAND TRAIL

WHEREAS, this agreement is made between the State of Minnesota and Martin County as it relates to the establishment of the Prairieland Trail; and

WHEREAS, Martin County desires to establish, construct, and maintain public trails; and

WHEREAS, the Minnesota Trails Assistance Program provides grants to local units of government for the construction and maintenance of recreational trails pursuant to the Minnesota Statutes, Chapter 84.83; and

WHEREAS, said Martin County will contract with the Blizzard Snowmobile Club to apply for Capital Improvement Funding to maintain said Prairieland Trail.

NOW THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners approve of the application for Capital Improvement maintenance funding for the Prairieland Trail, and that the Chairperson and/or the County Auditor/Treasurer be authorized to sign all documents relating to Minnesota Trail Assistance Program Grant request in the amount of \$5,135.00.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Resolution was duly passed and adopted this 2nd day of February, 2010.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Dan Schmidtke, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Potter, Boler, Donnelly, Pierce, and Schmidtke.
NAYS: None. Resolution duly passed and adopted this 2nd day of February, 2010.

Rich Perrine, WCA Water Plan Coordinator with Martin SWCD, presented the Martin County Water Plan Project update including Prairie Ecosystem Restoration Project;

Native Buffer Cost-share; and Surface Water Assessment and Clean Water Partnership Grants.

Perrine continued there are two vacant positions on the Martin County Water Plan Advisory Committee. One member is needed as a Small City representative and one member is needed to represent the BioFuels Industry. Perrine stated Max Longley is interested in serving on the committee representing the City of Welcome; and Erica Bonkosky-Montefusco, Safety Manager at the Valero facility, is interested in representing the BioFuels Industry on the committee.

Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the appointment of Max Longley to serve on the Martin County Water Plan Advisory Committee as the Small City representative; and the appointment of Erica Bonkosky-Montefusco to serve on the Martin County Water Plan Advisory Committee as the BioFuels Industry representative; effective February 2, 2010 for a three year term ending December, 2012. Carried unanimously.

Chris Hughes, Board Conservationist with the Minnesota Board of Water and Soil Resources (BWSR) presented an update relevant to BWSR programs and funding including the \$250,000 that the Greater Blue Earth River Basin Alliance (GBERBA) received; RIM Buffer Program; Three-Eighths Funding; and the need for Martin SWCD to submit “shovel ready” projects when applying for funding. Smith informed the Board that the SWCD continues to collaborate with local government units and is working with the City of Fairmont on an ongoing project with the retention ponds and continues working with the County Highway Department on bank restoration along roads and bridges.

Steve McDonald, MIS Director, was present to provide additional requested information pertaining to his recommendation at the January 19, 2010 regular Board of Commissioners meeting for the purchase and installation of a secure email service for Martin County through ZixCorp. At the January 19, 2010 Board meeting commissioners expressed concerns with ZixCorp products and services and negative comments heard from other counties that had purchased the ZixCorp software and had advised McDonald to speak with other Minnesota counties currently using ZixCorp software.

McDonald stated he sent out an email to his IT Discussion Group and proposed a couple of questions on how users like it and any issues they’ve had and most responses were pretty honest. McDonald noted there are approximately thirty counties in the state that use this Zix secured email including cities, banks, and insurance carriers so it is a pretty well used system and growing all the time. McDonald noted it is not without its downfalls. McDonald went to note that ZixCorp is a customizable system and that at installation, the system can be modified to work around potential issues and alleviate problems. McDonald stated that department directors have noted the need for county staff to send secure email that will meet HIPPA rules and regulations. McDonald went on to state the cost to purchase from ZixCorp the ZixVPM/Direct Gateway and the

ZixPort Corporate is \$6,370.00 plus \$437.97 tax for a total of \$6,807.97. In addition, there will be a need to purchase four (4) additional desktop licenses for the County Attorney’s Office at a cost of \$40 per license, and the system does have an annual maintenance fee of \$6,500.00.

Commissioners expressed their concerns about “retrieval” of encrypted emails; annual maintenance fee; and customization of key words or “lexicons” for encryption. After further discussion,

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the purchase of a ZixVPM/Direct Gateway and ZixPort Corporate secure email system from ZixCorp at a cost of \$6,807.97 (including tax); and the purchase of four (4) desktop licenses for the Martin County Attorney’s Office at a cost of \$171.00 (including tax); and authorize ZixCorp maintenance fees in the amount of \$6,500.00 annually. Carried unanimously.

Pam Flitter, Martin County Zoning Official, presented request to purchase a document scanner for records modernization in the Planning and Zoning Office with funding through the Natural Resources Block Grant (Feedlot money). Flitter stated the scanner will help get all our feedlot files in electronic format; and that with the number of permits our office has, there will be a continual use for the scanner. Flitter noted her office goal is to preserve all file drawer records and eliminate paper, hardcopy records.

McDonald reviewed quotes received for licensing for the county’s current laserfiche system, and a document scanner.

License	Cost
Crabtree Companies, Inc. – Full user license (includes tax)	\$1,055.20
Document Scanner	
MARCO – Canon DR-5010C Scanner (includes tax)	\$3,163.05
Crabtree Companies, Inc. – Canon DR 5010C Scanner (Includes tax)	\$3,205.18

McDonald stated the software has an annual fee of approximately \$300 for upgrades, patches, and software fixes. After careful consideration,

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve the purchase of a document imaging scanner from MARCO in the amount of \$3,163.05; and Laserfiche licensing and software from Crabtree Companies, Inc. in the amount of \$1,055.20 plus an annual software maintenance fee of approximately \$300.00; for records modernization in the Martin County Planning and Zoning Office. Carried unanimously.

Chairman Schmidtke opened the public hearing for consideration of the proposed amendment to the Martin County Zoning Ordinance/Feedlot Ordinance.

Pam Flitter, Zoning Official, reviewed the proposed amendment to the Martin County Zoning Ordinance/Feedlot Ordinance. Flitter stated the amendment was brought before the Planning Commission on January 26th, 2010 that all animal feedlots shall be subject to a compliance inspection on a four year rotating schedule instead of a five year rotating schedule. Flitter summarized justification for inspection rotation to change from five years to four years:

- To be consistent with state rules 7020.
- Decrease in county responsibility of feedlot sites due to “gap sites.”
- Decrease in county responsibility of feedlot sites due to implementation of county fees – sites became inactive.
- Averaging sites on a five year rotation is 78 feedlot sites per year to be inspected and averaging sites on a four year rotation is 98 feedlot sites per year.
- It would help for state funding purposes.

Chairman Schmidtke asked for input from the public. There was none. There was also no written comments submitted pertaining to the proposed amendment to the Martin County Zoning Ordinance.

Motion by Commissioner Pierce, seconded by Commissioner Potter, to close the public portion of the meeting. Carried unanimously.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly,

Whereas, the Martin County Planning Commission after proper notice and publication, held a public hearing on January 26, 2010 at the Martin County Commissioners Room to adopt the following amendments:

- Martin County Zoning Ordinance/Feedlot Ordinance in Chapter 4: Administration; Subdivision 3: Inspections: All animal feedlots shall be subject to a compliance on a ~~five~~ four year rotating schedule

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 conducting the required public hearing and after due deliberation, voted unanimously to adopt the amendments as recommended by the Martin County Planning Commission, on January 26, 2010 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. Carried unanimously.

Deb Mosloski, Drainage Administration, presented a resolution to order the redetermination and appoint viewers for JD #80. Mosloski stated JD #80 is in the same areas as JD #2 and JD #4 (scheduled for redetermination); however, JD #80 is only in Martin County and does not have to be part of a Joint Authority meeting.

Motion by Commissioner Potter, seconded by Commissioner Boler,

R-#9/'10

ORDER APPOINTING VIEWERS AND
REDETERMINATION OF JD #80

WHEREAS, the Martin County Board of County Commissioners hereby determines that the original benefits or damages determined in drainage proceedings for Martin County Judicial Ditch No. 80 do not reflect present day land values or that the benefited or damaged areas have changed.

IT IS THEREFORE ORDERED, that:

Ron Ringquist
402 Valley View Dr.
Redwood Falls, MN 56283

Charles Bowers
78799 335th St.
Madelia, MN 56062

Jim Weidemann
41480 Ideal Ave.
Belview, MN 56214

Three disinterested residents of the state, be and hereby are appointed viewers to redetermine and report the benefits and damages and the benefited and damaged areas of Martin County Judicial Ditch No. 80.

IT IS FURTHER ORDERED, that the viewers, after taking an oath to faithfully perform their duties as viewers and, after having received from the County Drainage Office (Auditor/Treasurer), certified copies of the order appointing them as viewers and of the order designating the time and place of their first meeting, proceed with their work as such viewers pursuant to law and make and file their report with the Auditor at the earliest possible date.

Upon motion by Commissioner Potter, seconded by Commissioner Boler, and unanimously carried, said resolution was duly passed and adopted this 2nd day of February, 2010.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Dan Schmidtke, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Pierce, Donnelly, Boler, Potter, and Schmidtke.
NAYS: None. Resolution duly passed and adopted this 2nd day of February, 2010.

Higgins stated administrative agreements have been received from Hanratty and Associates, Inc. and H&A Administrators, Inc. for 2009 that need to be ratified by the Board.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby ratify and authorize Board Chair to sign the following Administrative Agreements: Select 105 Adoption Agreement, H&A Administration Agreement to include administration fee of \$11.00/month/participant, the Administration of Flex Agreement includes a fee of \$2.75/participant, and a Group Continuation of Coverage Administrative Agreement (Purpose: to administer our COBRA continuation) with the following fees to be charged: \$10.00 monthly charge per qualifying event notification, and \$5.00 per continuation participant with H&A Administrators, Inc. and Hanratty and Associates, Inc. effective for the year 2009. Carried unanimously.

The Board recessed at 10:30 a.m.
The Board reconvened at 10:35 a.m.

Higgins 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 after the second Friday in June on at least one meeting day and may meet up to 10 consecutive days. The Board of Equalization for 2010 must hold a meeting that does not recess or adjourn prior to 7:00 p.m. The County Board is being asked to establish the meeting date in order to include on the property valuation notices to be mailed to each property owner in March. The law also requires that at least one member of the County Board of Equalization must have received the training provided by the Department of Revenue and be certified.

It is the recommendation that the 2010 Martin County Board of Appeal and Equalization be set for Tuesday, June 15, 2010 with appointments available beginning at 6:00pm or 6:30 p.m. through 7:00 p.m. In the event all appointments can't be accommodated during those hours the meeting may be recessed and reconvened on Monday, June 21, 2010. It is further recommended that the County Commissioners make up this Board, along with the appointment of James Forshee, Auditor/Treasurer; in the event outside appointments

are deemed necessary we recommend the appointees be real estate professionals from outside our jurisdiction to help insure no conflict of interest. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and set the meeting date of June 15, 2010 beginning at 6:00 p.m. for the County Board of Equalization to be held in the Martin County Courthouse, 201 Lake Avenue, Fairmont, MN, First Floor – Commissioners Meeting Room; with the County Board of Commissioners serving as the Board of Equalization, along with the appointment of James Forshee, Martin County Auditor/Treasurer as a member of the Board as well. Carried unanimously.

Higgins stated the Local Government Pay Equity Act M./S. 471,991-471.999 and Minnesota Rules, Chapter 3920 requires the county submit its compliance report to the Minnesota Department of Employee Relations (DOER) by January 31, 2010. Higgins reviewed the 2010 Pay Equity Report and went on to state the County Board is being asked to approve and authorize the Chair to sign the report. We will receive notification informing us whether the county is in compliance or out of compliance sometime later this year.

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 2010 Pay Equity Report as presented. Carried unanimously.

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

Commissioner Potter presented information to the Board pertaining to the potential use of and implementation of tax abatements.

With no further business to wit, Board Chair declared the meeting adjourned at 11:00 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Dan Schmidtke, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator