

PROCEEDINGS OF THE  
MARTIN COUNTY COMMISSIONERS  
TUESDAY, JUNE 1, 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 Potter, Pierce, Donnelly, and Boler. Also present were Scott Higgins, Martin County Coordinator, James Forshee, Martin County Auditor/Treasurer, Terry Viesselman, Martin County Attorney, Jennifer Brookens, Sentinel Newspaper, Rod Halvorsen, KSUM/KFMC Radio, Kevin Peyman, Martin County Highway Engineer, Julie Walters, Administrative Assistant, 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: 8.11 Consider Financial Assistance Request from the Martin County Fair Board. Carried unanimously.

Motion by Commissioner Potter, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the May 18, 2010 regular Board of Commissioners meeting as presented. Carried unanimously.

Rachael Janssen, Interim 4-H Program Coordinator, introduced herself and gave a brief presentation about herself and her background. Janssen then introduced Jenna Gaalswyk, 4-H Summer Office Assistant, and Valerie Jepsen, 4-H Summer Adventures Program Assistant. The Board welcomed them to their new positions.

Terry Viesselman, Martin County Attorney, stated that due to the continuance of the Bennett trial and the age of the victims, the judge has granted a motion for the state to take the depositions of the victims to be used at trial if the victims are unable to personally appear. Viesselman went on to state that the County is responsible for the cost of the two depositions.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize County Attorney's Office to pay for charges incurred with taking depositions in preparation of the upcoming Bennett trial. Carried unanimously.

Motion by Commissioner Donnelly, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby move into a closed session per Minnesota Statute 13D.05 (b) at 9:14 a.m. Carried unanimously.

Those present were Commissioners Boler, Donnelly, Schmidtke, Pierce, and Potter. Also present were Terry Viesselman, Martin County Attorney, Scott Higgins, Martin County

Coordinator, Dan Whitman, Martin County Assessor, James Forshee, Martin County Auditor/Treasurer, and Julie Walters, Administrative Assistant.

Motion by Commissioner Pierce, seconded by Commissioner Boler, to go back into open session. Carried unanimously.

Meeting returned to open session at 9:26 a.m.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Martin County Assessor to accept NuWay Cooperative's tax appeal settlement. All those voting in favor: Commissioners Potter, Pierce, Donnelly, and Boler. Commissioner Schmidtke abstained. Motion carried.

Dan Whitman, Martin County Assessor, stated that the Technology Committee met and reviewed options for the purchase of maintenance and support services of the County's GIS System and recommends the Basic Support service plan offered by The Schneider Corporation in the amount of \$2,000.00 annually. Whitman went on to state the Basic Support plan offers: Unlimited phone (includes toll free number), fax, and e-mail support relating to editing and maintaining GIS data and ArcGIS desktop software for all callers within the contracted organization. Website support and maintenance is considered to be a separate function and associated with a web hosting and maintenance agreement. Items that are considered to be associated with website support/maintenance are web-based initiatives (i.e. website support, custom web solutions, ArcIMS configuration); Remote access support where available (depends upon system configuration and software availability); Basecamp™ access for all users - basecamp™ is an online portal offering training courses, tips and tricks, guide and downloads; and Up to 4 complimentary admissions to Schneider's Users' Conferences. Whitman noted if in the future the Basic Support service plan does not meet all of our needs, the County can move up to the next level of support at a prorated cost. Whitman went on to note the annual service plan fee will be paid out of the Recorder's Compliance Fund.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Martin County Technology Committee to proceed with the purchase of the Basic Support service plan for the County's GIS System from The Schneider Corporation in the amount of \$2,000.00 annually to be paid out of the Recorder's Compliance Fund; and authorize the Martin County Assessor to sign the Authorization to Proceed Agreement with The Schneider Corporation. Carried unanimously.

Higgins stated that the Personnel Committee has again reviewed at the County Board's request the reclassification of Mike Sheplee, Deputy Assessor/Senior Appraiser. As a result, a restructuring of the Senior Appraiser/Deputy Assessor position was completed to separate the position into two positions with the formulation of two new job descriptions- one for the Deputy Assessor and one for the Senior Appraiser position. The County Personnel Committee is recommending that the current position of Senior

Appraiser/Deputy Assessor be revised to two different positions: Senior Appraiser (Grade 14) and Deputy Assessor (Grade 15). This change separates the two positions with the supervisory role (currently being done by the incumbent in the position) being included with the Deputy Assessor position along with required qualifications to include three years of on the job training, AMA designation, and ability to obtain Senior Accredited Minnesota Assessor (SAMA) within two years vs. Senior Appraiser qualifications, which do not include the supervisory function and only to include AMA designation within two years of being in the job. Higgins went on to state the County Personnel Committee is recommending that Mike Sheplee, Deputy Assessor/Senior Appraiser be reclassified to Deputy Assessor from Grade 14 Step 4 at \$21.86/hour to Grade 15 Step 4 at \$23.68/hour effective the next full payroll cycle.

Dan Whitman, Martin County Assessor, stated in essence the separating of the two positions allows the Deputy Assessor to manage better and gives options within the office and takes into consideration the supervisory role for the Deputy Assessor position.

Commissioner Schmidtke stated the Personnel Committee recommends that separating the two positions and the reclassification of Mike Sheplee from Deputy Assessor/Senior Appraiser to Deputy Assessor appears to be the appropriate change. In the event the county's Deputy Assessor leaves employment, then the Assessor's Office would have options to either recruit or hire a Senior Appraiser or a Deputy Assessor.

There was discussion by the Commissioners whether or not Martin County needed a Deputy Assessor position at all; adjusting the wage for 2010 would go against the no wage increases in the year 2010. After further discussion,

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the new job description for the Deputy Assessor position as presented. Carried unanimously

Motion by Commissioner Potter, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, after careful review and consideration and upon the recommendation of the Martin County Personnel Committee, and due to the essential functions of the supervisory functions and increased qualifications which include three years of on the job training and the ability to obtain Senior Accredited Minnesota Assessor (SAMA) within two years; hereby approve the reclassification of Mike Sheplee, Deputy Assessor/Senior Appraiser, at Grade 14 Step 4 at \$21.87/hour to Deputy Assessor, at Grade 15 Step 4 at \$23.68/hour effective January 1, 2011. Carried unanimously.

Kevin Peyman, Martin County Highway Engineer, opened discussions on the land donated to the County by the Darwin Anthony family for construction of a biking and hiking trail from the town of Trimont to Cedar-Hanson Park. The donated land, however, ends at a township road and apparently there is an issue of nearby landowners that don't want to give up any land in order for the biking/hiking trail to extend all the way to the park. Peyman went on to state that there is not enough easement room on the township

roads and absolutely no pedestrian traffic would be allowed by the railroad tracks. Peyman noted that railroad crossing is at a severe angle and there is no way that Union Pacific would allow a trail near it. Peyman stated there is currently one grant application submitted by the county that would require a 25% local match. The funding from the grant is location specific so if the grant did come through, the county wouldn't be able to use the funds for any other park projects. Peyman also noted that typically for this type of project, there is a citizen group in place to develop the support for such a project and at this time there is no vocal group out there trying to bring about the support for the project. Peyman stated however, that there appears to be support from the City of Trimont who is in favor of the trail construction, but there is not an organized group of citizens that are making the push for it. Peyman stated that without the landowner's willingness to work with the development of the trail, that it may be best to release of the easement back to the Darwin Anthony family.

Commissioner Schmidtke stated it is disheartening and that we really want trails in Martin County; but we can't force things on people.

Commissioner Pierce commented we can't create shoulders for the road, we can't create trails, yet people want to bring in more tourism and economic development.

After further discussion,

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Martin County Highway Engineer to release the easement, with regrets, of the abandoned railroad corridor Trail Easement north of Trimont, MN back to the donator of the parcel, the Darwin Anthony family. Carried unanimously.

Peyman ended with a brief department update and stated the County parks were very busy over the Memorial holiday weekend with Cedar-Hanson seeing one of the busiest weekends ever and bringing in approximately \$4,000 in revenue; and that the Highway Department is finishing driveway and entrance seal coating.

Captain Jeff Markquart, Martin County Sheriff's Office, presented a brief Sheriff's Office Update including the Memorial Day holiday weekend; current status of Middle 9 Fire Association Grant Application; current jail population; and special recognition to the area Emergency Medical Service, fire departments, and law enforcement for a great job during the past couple of very busy weeks.

The Board recessed at 10:05 a.m.

The Board reconvened at 10:13 a.m.

Kevin Bittner, P.E. and Jason Zinter, P.E. of Bolton & Menk, Inc., were present to review the JD #47 Ditch Project in Truman, MN. Bittner stated Hjerpe Contracting has been given a punch list of final minor items to be completed including reseeding on ditch slopes and fixing cracks in a couple of connections to the existing main.

Bittner continued that one of the landowners, Mr. Maloney, has an issue with the side inlets of the ditch that are adjacent to his farm land. Maloney is concerned that when he uses herbicide (i.e. Roundup), it will kill the vegetation and render the planned erosion protection not very effective; and is also concerned about the style of inlets and would like to see some type of style change such as a drop inlet or a hickenbottom type riser, as these would be easier to farm around. Maloney also indicated that two of these inlets down toward the municipal plant could be taken out. Bittner stated that this is not being recommended because those are areas where we do have some downgrading and could create ponded water.

Commissioners discussed solutions to Maloney's concerns and were in agreement with Bolton & Menk's suggestion of installation of riprap around and on top of the ditch side inlets to prevent damage by farming up too close to the inlets, seeding up to the buffer strip, and calculating extra damages owed to current landowners for taking this land out of production.

Commissioner Boler asked if things were in place for the City of Truman to hook up to JD #47.

Bittner stated the future extension into the City of Truman has been coordinated and the City has applied for additional funding that would be used on this project; however, moving forward with the project may be years down the road. Basically everything is in place ready to go when the time comes.

Deb Mosloski, Martin County Drainage Specialist, expressed a concern from one of the landowners, Audrey Becker, regarding a very high assessment and that perhaps plugged culverts on the west end of JD #47 could have something to do with why she flooded out so badly.

Zinter stated there were no flow issues that he was aware of.

After further discussions,

Motion by Commissioner Boler, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the contractor to proceed with installation of riprap around and on top of the JD #47 side inlets to prevent damage by farming up too close to the inlets, seeding up to the buffer strip, and to calculate extra damages owed to current landowners for taking this land out of production. Carried unanimously.

Bittner next requested the Board set a Public Hearing Date to hear the Final Engineer's Report on the JD #47 Improvement Project.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby set the date of Tuesday, July 20,

2010 at 10:30 a.m. to hear the final Engineer's Report for the JD #47 Improvement Project in the Commissioners Board Room. Carried unanimously.

James Forshee, Martin County Auditor/Treasurer, presented a list of mobile homes that are vacant or have been abandoned and are in very poor shape. The mobile homes have back taxes due and the county has tried to contact the owners on record for payment but has had no luck. The owners of the lots would like to get the homes moved off of the lots so they can become available to rent and clean up their parks. The homes cannot be moved until the taxes are paid or abated. Forshee recommends abating the taxes in an effort to help the park owners clean up and make available the lots these mobile homes are located on.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be it Resolved that the Martin County Board of Commissioners, hereby authorize the Martin County Auditor/Treasurer to abate the taxes of the following mobile homes (Parcel No.'s M23.037.9553, M23.039.9107, M23.039.9115; M38.650.9001; and M38.650.9006) to help the park owners clean up and make available the lots these homes are located on. Carried unanimously.

Forshee next stated the Auditor/Treasurer's Office has been in contact with Non - Sufficient Fund check writers to collect funds to cover their checks; however, the check writers have not sent the funds rendering checks totaling \$356.75 as uncollectible. Forshee stated policy has changed now that when NSF checks are received for Parks or Transit, they are notified right away to try to collect themselves. Forshee noted the Auditor/Treasurer's Office is actively trying to contact these people and talk with their banks. Some are successful and some are not.

Scott Higgins, Martin County Coordinator, stated that Martin County Transit is still trying to collect the bottom three outstanding checks on the list from Matthew Schislzler and Maureen Pina, totaling \$135.00; and that the board's action allows more time for collection, but if the Coordinator deems unsuccessful to allow these checks to be written off as well.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of the Martin County Auditor/Treasurer's Office, hereby deems the following checks as uncollectible for a total amount of \$221.75 (Platte River Constructors LLC - \$20.00; Katie J. Sarate - \$7.00; Angela E. Newville - \$2.25; Lavange R. Gwin - \$22.50; David Eicholz - \$5.00; David Eicholz - \$5.00; Daniel Graif - \$40.00; Daniel Graif - \$3.00; Ruby M. Wiederhoeft - \$2.50; Notasha Thomas - \$20.00; Janet R. Larson - \$25.00; Owed to Sheriff's Office - \$12.00; Laura Brown - \$30.00; and Christina Furtaw - \$27.50; and to include Matthew W. Schislzler- 45.00 and \$45.00, and Maureen K. Pina- \$45.00 if the County Coordinator deems uncollectible. Carried unanimously.

Higgins stated administrative agreements have been received from Hanratty and Associates, Inc. and H&A Administrators, Inc. for 2010. Higgins noted the monthly

service fee for the Select 105™ Administration Agreement has decreased from \$11.00 to \$8.00 per month per participant; and other service fees have remained the same as in 2009.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Board Chair to sign the following Administrative Agreements: Select 105™ Administration Agreement – Monthly fees for administrative services: \$8.00 per Participant; Group Health & Group Life Continuation of Coverage Administration Agreement – Monthly Charge per Qualifying Event Notification: \$10.00, Monthly charge per Continuation Participant: \$5.00; H&A Administrators, Inc. Flexible Benefits Plan Administration Agreement – Monthly fees for administrative services: \$2.75 per Participant; effective for the year 2010. Carried unanimously.

Higgins stated the South Central Service Cooperative has sent the new Joint Powers Agreement which has been updated to include changes necessitated by changes in legislation over the last several years. Higgins went on to state the South Central Service Cooperative provides group employee benefits and other financial and Risk Management services for Martin County. Higgins went on to state that the county attorney has reviewed the Agreement and has no objection to it.

Motion by Commissioner Boler, seconded by Commissioner Potter,

R-#25/'10

RESOLUTION  
APPROVING THE JOINT POWERS AGREEMENT FOR  
GROUP EMPLOYEE BENEFITS BETWEEN MARTIN COUNTY, MN  
AND THE SOUTH CENTRAL SERVICE COOPERATIVE

WHEREAS, Minn. Stat. 471.59, subds, 1 and 10 authorize two or more governmental units to exercise jointly or cooperatively powers which they possess in common; and

WHEREAS, Minn. Stat. 123A.21, establishes service cooperatives, the purpose of which among other things, is to assist in participating governmental units in meeting certain specific needs which can most advantageously be met on a regional basis; and

WHEREAS, the South Central Service Cooperative provides group employee benefits and other financial and Risk Management services; and

WHEREAS, it is the desire for Martin County, MN governed by its County Board of Commissioners, finds it beneficial to obtain health insurance through the South Central Service Cooperative to its employees.

NOW THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners, hereby approve and authorize the Board Chair to sign Joint Powers

Agreement (as attached hereto) between the County of Martin, MN and the South Central Service Cooperative for Group Employee benefits and other Financial and Risk Management Services it deems necessary.

Motion by Commissioner Boler, seconded by Commissioner Potter, said Resolution was duly passed and adopted this 1<sup>st</sup> day of June, 2010.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Board Chair

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

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

NAYS: None. Resolution duly passed and adopted this 1<sup>st</sup> day of June, 2010.

Forshee stated Martin County has received an understanding of services agreement from the State of Minnesota Office of the State Auditor, stating they will audit the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements of Martin County for the year ended December 31, 2009. Forshee stated fees are based on standard hourly rates plus travel and any out-of-pocket expenses; and that the fees for 2010 have not increased over 2009's rates.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair and Auditor/Treasurer, to sign the letter of Understanding of Services Agreement for audit services by the State of Minnesota Office of the State Auditor for the year ended December 31, 2009. Carried unanimously.

Commissioners reviewed a request letter received from the Martin County Fair Board asking for additional financial assistance for the replacement of the Industrial Building roof.

Commissioner Schmidtke stated he has trouble granting the request when staff increases have been eliminated for the year 2010, the County is tightening the budget and cutting back on expenditures, and we've already granted the Fair Board their allotment for this year. Now with this additional request, the County would be giving more than we did in the past two years. This additional request is not in the County's budget.

Commissioner Pierce stated that the Fair Board is taking the proper steps in their request for additional funding to contribute to a specific capital project and is in support of their

request. Roof replacement for the Industrial Building at the fairgrounds has been talked about for years.

Commissioner Potter stated it was his understanding that the Fair Board is getting a large part of the money for the roof repair from the 4-H Federation

Commissioner Boler commented the fair is one of the positive things in Martin County.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the financial assistance request from the Martin County Fair Board in the amount of \$10,000.00 to assist with the Industrial Building Roof Replacement Project. All those voting in favor: Commissioners Potter, Pierce, Donnelly, and Boler. Opposed: Commissioner Schmidtke. Motion carried.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file the Southern Minnesota Initiative Foundation request for Budget Allocation for CY2011 budget consideration. Carried unanimously.

Commissioners reviewed information received from the Minnesota Small Business Development Centers; and invitation to the annual Sherburn Holiday Festival Parade.

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

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby set the time of the next regular Board of Commissioners meeting to 4:00 p.m. on Tuesday, June 15, 2010 in the Commissioner's Board Room to coincide with the Martin County Board of Equalization meeting at 6:00 p.m.. Carried unanimously.

With no further business to wit, Board Chair declared the meeting adjourned at 11:09 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Board Chair

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