

**PROCEEDINGS OF THE MARTIN COUNTY
BOARD OF COMMISSIONERS
TUESDAY, MAY 4, 2004
@ 9:00 A.M.**

Chairman Jack Potter opened the meeting at 9:00 a.m. Those Commissioners present were Steve Pierce, Steve Donnelly, Gerald Boler and Dan Schmidtke. Also present were Scott Higgins, County Coordinator, Faye O' Sell, Administrative Assistant, Kevin Peyman, County Engineer, Terry Viesselman, County Attorney, Sheriff Brad Gerhardt, Christine Rupp, Sentinel and Rod Halverson, KSUM/KFMC Radio.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, to approve the Agenda with the following additions: 12. (h) Approve Tim McNaboe as Engineer for the Impoundment of J.D. \$18 and to Set date for Public Hearing for Impoundment of J.D. #18, 12. (I) Consider Purchase of "Internet Firewalls" for the County's Computer System 12(j.) Consider Upgrade of Telephone System for Highway Department 12. (k.) Consider SouthCentral Service Cooperative Business Associate Agreement 12 (l.) Discuss Settlement of Amberfield Case. Carried unanimously

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke to approve the minutes of the April 6th and April 20, 2004 regular Board of Commissioners meetings. Carried unanimously.

Sheriff Brad Gerhardt gave an update to the Board on Sheriff's Office activities.

Gerhardt recommended that the Board approve the hiring of Christena Ann Dodgen as a full-time Correction's Officer for the Sheriff's Department. Background checks have been completed. This replacement hire is due to the resignation of Theresa Carlson, effective hire date would be May 5, 2004 and Ms. Dodgen would be entitled to full-time benefits per the LELS union contract. The hourly beginning wage would be \$15.16/hour. Gerhardt also recommended the hiring of Melissa Slinde as part-time Corrections Officer and this is a replacement due to the resignation of Sheri Keck, Communications Officer. Gerhardt also recommended the hire of Steve Moller, as a part-time Correction's Officer. Both positions would be used on an as needed basis (to fill in for vacations, sick leave, etc.).

Motion was made by Commissioner Pierce, seconded by Commissioner Boler Be It Resolved that the Martin County Board of Commissioners approve the hiring of Christena Ann Dodgen as fulltime Correction's Officer for the Martin County Sheriff's Office, at a starting hourly wage of \$15.16/hour, and is eligible for full-time benefits per the LELS Union contract, effective May 5, 2004. Carried unanimously.

Motion was made by Commissioner Pierce, seconded by Commissioner Boler Be It Resolved that the Martin County Board of Commissioners approve the hire of Melissa Slinde and Steve Moller, as a part-time Correction's Officer for the Martin County Sheriff's Office, at \$14.56/hour, and not eligible for benefits, except for required benefit payroll deductions, effective May 3, 2004. Carried unanimously.

Gerhardt informed the Board that he has established an information desk in the lobby of the LEC to assist the public. Elaine Stubbe will be coming on board in about a week to serve as a receptionist. This position will be funded through the Minnesota Valley Action Council (MVAC). Ms. Stubbe will be fielding inquires from the public and working with the Secretarial Staff and hopefully freeing up time for regular staff to be able to do their daily work.

Gerhardt stated that with the retirement of Sergeant Duffy Post an internal posting has been done and will be considering those who are eligible for the promotion to Sergeant. Gerhardt said he would be placing Sergeant Klages in charge of the Civil Process as well as some Emergency Management matters.

Gerhardt stated his concerns regarding "Burning Bans." Gerhardt stated that it is his understanding that in order for burning ban to be "Official" it has to be declared by the

County fire Warden. Gerhardt further inquired if such an individual has been ever been designated. After discussion, the Board asked the Coordinator to research this area and report to the Board.

Gerhardt stated that the Emergency Management Division has been participating in a series of Regional Bio-Terrorism Exercises with Public Health. The 2004 version of Emergency Management grant dollars have been designated. The Sheriff's Office will be receiving \$50,000 in grants. There are some stipulations that go along with applying with the grant as follows: (1) upgrade the Emergency Operation's Plan and include a Terrorism Annex in it. (2) Do an Inventory of all the emergency response capabilities within Martin County. Gerhardt stated that a committee has been established to accomplish this. The Sheriff's Office will be receiving reimbursement dollars for overtime costs to do complete this work. Gerhardt further stated that money left over would go toward upgrading current equipment we have now.

Sheriff Gerhardt introduced to the Board Christena Dodgen, newly hired Correction's Officer for the Sheriff's Office. The Board wished her good luck with her new position and thanked her for coming to the meeting.

Terry Viesselman, County Attorney, was present and informed the Board that the case against MCIT/ Amberfield Settlement was over and the signed Settlement Agreement and Reimbursement Check from Lindquist & Vennum was received. The Auditor/Treasurer Jim Forshee has received all the documentation for our records.

Viesselman informed the Board that he had reviewed the proposed Business Associate Agreement between the Minnesota South Central Service Cooperative (MSCSC) and Martin County. Viesselman stated that he had some concern with provision 7.5 "Limitation of Liability". This was an unusual provision. It was his understanding that the provision does not allow recourse for any type of future liability claim potentially against the MSCSC. Viesselman stated that in addition, it seems to contradict provision #6 "Indemnification" of the proposed agreement. Viesselman recommended that provision 7.5 of the Agreement be taken out of the proposed agreement.

Commissioner Pierce stated that a letter be sent by the Coordinator to South Central Cooperative and have the Coordinator report back to the Board on this matter concerning the removal of this provision.

Jim Forshee, Auditor/Treasurer was present at the meeting at 9:40 a.m.

Viesselman informed the Board that he would need Board action to give him the authority to take action against Gril-Del in small claims court. After discussion,

Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, authorizes the County Attorney to file suit against Steve Saggau, d.b.a. Gril-Del of Truman, MN for non-payment of economic development financial loan in the amount of \$ 5,905.35 and to proceed as necessary for the collection of the outstanding balance of the loan agreement. Roll Call: AYES: Commissioners Potter, Schmidtke, Boler, Donnelly and Pierce. NAYS: None. Passed and approved this 4th day of May 2004.

Viesselman informed the Board regarding the petition of the Aquila, Inc. Pipeline contesting their total market values in Martin County as follows Payable 2003, \$3,480,800 and Payable 2004, \$3,370,300. Viesselman stated that Jim Hallstrom, County Assessor, and he would be attending a meeting in St. Paul with the Commissioner of Revenue Office regarding this matter. Martin County was one of the top 14 counties invited to this meeting to review the strengths and weaknesses of the case.

Becky Bentele, Victim Witness Coordinator, was present to request from the Board approval to submit a FY2005 Grant Application to the Minnesota Center for Crime Victim Services. Bentele informed the Board that the Martin County Victim Services department has applied for and received grant funding for about the last ten years. Although the grant funding will be cut by about 20 percent in July, the county would still

be eligible for \$64,800. Last year, the county received about \$80,000 but the cuts have reduced the amount. Under the grant application the county would be required to match 25 percent of the federal dollars that make up part of the grant. The total federal dollars would be \$42,040, which would require a match of \$10,510.

The match, however, is an in-kind match and not a cash match, so there should be no out-of-pocket dollars required from the County. The in-kind match would include the use of office space and volunteer hours to offset the required match.

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce. Be It Resolved that the Martin County Board of Commissioners approves and authorizes Rebecca Bentele, Victim Witness Coordinator, to submit the grant application to the Minnesota Center for Crime Victim Services on behalf of the Martin County Victim Witness Program for FY05. Carried unanimously.

Steve McDonald, MIS Director for Martin County, was present to request approval to purchase "Internet Firewalls" to enhance the security of the County's computer systems. There were two quotes received as follows:

(1) Venture Computer Systems (Rochester, MN)-Hardware \$2,543.75, one year maintenance \$458.70, installation/Service estimated 20-30 hours at \$150/hour-\$3,750. Total estimated cost is \$7,191.36

(2) Syntax, Inc. (St. Paul, MN) Hardware \$3,005.00 (includes maintenance), with needed installation/Service \$11,688.03. Total estimated cost \$14,693.03

McDonald stated that this expenditure was anticipated and the budget allows for the purchase and installation of the equipment needed. Higgins stated that the Building and Purchasing Committee has reviewed the purchase request and recommends approval.

Motion by Commissioner Pierce, seconded by Commissioner Boler. Be It Resolved, upon the recommendation of the MIS Director and County Building and Purchasing Committee, to approve the quote received from Venture Computer Systems, Rochester, MN for installation of a "Internet Firewall" for the County's computer systems; and not to exceed \$7,191.36. Carried unanimously.

Kevin Peyman, County Engineer, was present to request the purchase of an upgrade to the Office Telephone System at the Highway Department. Peyman stated that this will provide voice mail and additional lines to the various offices within the Department. A quote was received from Frontier Communications of Minnesota, Inc. for \$6,720.08. Peyman recommended only needing one of the T7316E telephone units and not all eleven (11) units as quoted, all the additional hardware as listed, and installation cost for a total of \$4,419.71. Peyman stated that the equipment upgrade and installation expenses are included in the budget. Higgins stated that the Building and Purchasing Committee has reviewed the purchase request and recommended approval.

Motion was made by Commissioner Donnelly, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of the County Engineer and the Building and Purchasing Committee, hereby approves the quote from Frontier Communications of Minnesota, Inc. in the amount of \$4,419.71; to upgrade the Highway Department's telephone system. Carried unanimously.

Debra Mosloski, Drainage Specialist for Martin County, was present and stated to the Board that a petition for Impoundment/Repair for Judicial Ditch #18 has been received. The petitioners are requesting that the Martin County Board of Commissioners, acting as the drainage authority, to establish an Impoundment project and to repair a portion of tile on the JD #18 tile system located in the SE1/4 of SW1/4 of Section 2 Rolling Green township, T 102 North, R 31 West. Mosloski further stated that an engineer for the project would need to be appointed and recommended Tim McNaboe be appointed as engineer for the proposed project and a public hearing would need to be set too. After discussion,

Motion was made by Commissioner Donnelly, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners as the Drainage Authority for Martin County, hereby accept the petition for the Impoundment of J.D. #18 and appoint Tim McNaboe as engineer for the project. Carried unanimously.

Motion was made by Commissioner Donnelly, seconded by Commissioner Boler. Be It Resolved that the Martin County Board of Commissioners as the Drainage Authority and as required by Minnesota Statutes hereby establish June 1, 2004 at 10:00 a.m. as the public hearing date for Impoundment of J.D. #18, in the Martin County Board of Commissioners Meeting Room, located at the Martin County Courthouse, at 201 Lake Avenue, in Fairmont, MN. Carried unanimously.

Higgins, presented the Resolution “Celebrating Employee Recognition Day” for Employees and elected officials of Martin County”. Higgins stated that the Labor Management Committee has been meeting monthly since the first of the year and that one of the issues from the committee was to make the Employee Recognition day more formal. By consensus of the Committee, it was decided to establish an awards program in recognition of its employees and elected officials on the Third Tuesday of September of each year and to hold a reception in their honor.

Motion was made by Commissioner Schmidtke, seconded by Commissioner Donnelly, **R-#19/04**

Resolution “Celebrating Employee Recognition Day” for Employees of Martin County”

WHEREAS, the County of Martin greatest asset are its employees, and

WHEREAS, the County Board of Commissioners desire to recognize its employees and elected officials for their achievements on an annual basis, and

WHEREAS, it is the intent of the Board to establish an awards program in recognition of its employees, and

WHEREAS, the Board establishes the third Tuesday of September of each year as the day to recognize employees of Martin County, and to hold a reception in their honor, and

NOW, THEREFORE, BE IT RESOLVED, upon a motion by Commissioner Pierce, seconded by Commissioner Donnelly, that the Martin County Board of Commissioners hereby proclaims and approves that annually, on the third Tuesday of the month of September, as “Celebrating Employee Recognition Day” for the acknowledgment and appreciation of the achievements and accomplishments of all Martin County Employees and Elected Officials.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Jack Potter, Chair

Attest: _____
Scott Higgins, County Coordinator

Roll Call: AYES Commissioners Potter, Boler, Pierce, Donnelly, Schmidtke. NAYS: None. Passed and approved this 4th day May 2004.

Higgins presented the Resolution “Application for Maintenance Funding for the Existing GIA Trail System”. Higgins stated that the Department of Natural Resources provides grants to local units of government for maintenance of snowmobile trails and ATV trails. Higgins stated that again, the Martin County Blizzard Snowmobile Club is requesting the County to allow the Club to apply for the grant-in-aid funding for the Prairieland Trail in

Martin County, on behalf of the County. The current total estimated project costs are \$17,400. The grant request from the state is \$13,810.

Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly to approve the Resolution "Application for Maintenance Funding for Existing GIA Trail System.

R-#16/'04

RESOLUTION

Application for Maintenance Funding for the Existing GIA Trail System:

Whereas, Martin County, Minnesota desires to apply for maintenance funding for an existing GIA Trail System and,

Whereas, by Law of 1975, Chapter 204, Sections 51 and 95, there was appropriated to the Commissioner of Natural Resources, as a grants-in-aid to Local units of government, funds for said purposes, and

Whereas, said Martin County will contract with the Blizzard Snowmobile Club, Inc. to apply for this funding to maintain said GIA Trail System.

Now, Therefore Be It Resolved, that the Martin County Board of Commissioners approve of the application for maintenance funding for the existing GIA Trail, and that the Chairperson and the County Coordinator be authorized to sign all documents relating to the program.

Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly and carried this 4th day of May 2004.

**BOARD OF COMMISSIONERS
MARTIN COUNTY, MN**

Jack Potter, Chairman

ATTEST: _____
Scott Higgins,

Roll Call: AYES: Commissioners Potter, Schmidtke, Boler, Donnelly, Pierce. NAYS: None. Passed and approved this 4th day of May 2004.

Higgins presented administrative agreements from Hanratty and Associates, Inc. and H and A Administrators, Inc. as follows:

- HIPAA Business Associate Agreements (Purpose: HIPAA compliance)
- 125 Medical Reimbursement Administration Service agreements (Purpose: Administration of "Flex" spending Account. Charge for the service is \$2.75/covered individual)
- Group Health and Life Continuation of Coverage Administrative Agreements (Purpose: to administer our COBRA continuation. No charge)

Motion was made by Commissioner Pierce, seconded by Commissioner Boler to approve and authorize the Chair to sign the Group Health and Life Continuation of Coverage Administrative Agreement with H and A Administrators, Inc., and Hanratty and Associates, Inc. contingent upon County Attorney's approval.

**Group Health and Group Life Continuation of Coverage
Administrative Agreement**

WHEREAS, Martin County, MN has established and maintains certain benefit plans some or all of which are “group health plans” within the meaning of COBRA as it appears in the Public Health Service Act (“PHSA”) that may include group health, group vision, group pharmacy, medical reimbursement and/or group dental; and

WHEREAS, Martin County, MN may have established and maintained a group term life insurance program; and

WHEREAS, some or all of the benefit plans are required to provide continuation coverage under applicable law; and

WHEREAS, the H and A Administrators, Inc. has expertise, experience and resources available to fulfill certain administrative responsibilities related to benefit plans; and

WHEREAS, Martin County desires that the H and A Administrators, Inc., furnish certain services described in this Agreement in the operation and administration of the benefit plans;

NOW THEREFORE BE IT RESOLVED, upon a motion by Commissioner Pierce, seconded by Commissioner Boler, that the Martin County Board of Commissioners approve and authorize the Chair and/or the County Coordinator to sign and execute the Group Health and Group Life Continuation of Coverage Administrative Agreement and other required documents with H and A Administrators, Inc in order to administer the County’s Continuation coverage program.

Jack Potter, Chair

Attest: _____
Scott Higgins, County Coordinator

Roll Call: AYES: Commissioners Potter, Donnelly, Schmidtke, Boler and Pierce.
NAYS: None. Passed and Approved this 4th day of May 2004.

Motion was made by Commissioner Pierce, seconded by Commissioner Boler, to approve and authorize the Chair to sign the 125 Medical Reimbursement Administrative Service Agreement with H and A Administrators and Hanratty Associates, Inc. contingent upon County Attorney’s review and approval.

**Resolution Approving the “Flex” Plan Administrative Agreement with
H and A Administrators, Inc.**

WHEREAS, Martin County, MN has established a Flexible Spending Account plan (cafeteria plan) within the meaning of Section 125 of the Internal Revenue Code of 1986, as amended to provide certain welfare benefits to its employees, former employees and their dependents who are eligible to participate in such benefits in accordance with the Flexible Spending Account plan; and

WHEREAS, Martin County, MN is a governmental entity and, therefore, the Flexible Spending Account plan is not an employee welfare benefit plan subject to the Employee Retirement Income Security Act of 1974 (“ERISA”); and

WHEREAS, a portion (s) of the plan is coordinated with and dependent upon Group Insurance; and

WHEREAS, County of Martin is the Plan Administrator with respect to the Flexible Spending Account plan as that term is defined in the Plan, and is the entity capable of acting on behalf the Plan for purposes of HIPAA; and

WHEREAS, a portion (s) of the Flexible Spending Account Plan is a “covered entity” subject to the privacy provisions of the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”); and

WHEREAS, Martin County desire that the H and A Administrators, Inc furnish certain services described in this Agreement in the operation and administration of the Flexible Spending Account Plan;

NOW THEREFORE BE IT RESOLVED, upon a motion by Commissioner Pierce , seconded by Boler, that the Martin County Board of Commissioners approve and authorize the Chair and/or the County Coordinator to sign and execute the “Flex” Plan Administrative Agreement with H and A Administrators, Inc.

and other required documents with H and A Administrators, Inc in order to administer the County’s Flexible Spending Account Plan, effective April 1, 2004.

Jack Potter, Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll call: AYES: Commissioners Potter, Donnelly, Schmidtke, Boler and Pierce.
NAYS: None Passed and Approved this 4th day of May 2004.

Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly, to approve and authorize the Chair to sign the HIPAA Business Associate Agreement with H and A Administrators and Hanratty Associates, Inc. contingent upon County Attorney’s review and approval.

R-#20 /’04

RESOLUTION

BUSINESS ASSOCIATE AGREEMENT:

WHEREAS, Business Associate is H and A Administrators, Inc. and Hanratty & Associates, Inc. and the covered entity is Martin County, MN;

WHEREAS, the parties have a prior relationship under which Business associate regularly uses and/or discloses Protected Health information in its performance of the Services described in the Business Associate Agreement.

WHEREAS, both parties are committed to complying with the Standards for Privacy of Individually Identifiable Health Information (the “Privacy Regulation”) and other regulations issued under 45 CFR parts 142 and 160-164 pursuant to the Health Insurance Portability and Accountability Act of 1996 collectively HIPAA.

Now Therefore Be It resolved, that the Martin County Board of Commissioners hereby approve and authorize the Chairman to sign the Business associate Agreement between H and A Administrators, Inc. and Hanratty and Associates, Inc contingent upon the County attorney review and approval.

Jack Potter, Chairman Board of
Commissioners

Attest: _____
Scott Higgins, County Coordinator

Roll call: Commissioners Potter, Schmidtke, Boler, Donnelly and Pierce all AYES.
NAYS: None Passed and approved this 4th day of May 2004.

Scott Higgins requested approval for Tobias Spanier, Extension Educator, to facilitate a one-day session for a County Visioning and Strategic Planning Session with the County Board and Department Directors and other “key” staff. The cost for the facilitator would be \$500 plus mileage. In addition to the cost would be lunch for those who are participating. After discussion, the consensus of the Board was to have the department directors decide if they felt a need for the strategic planning session and whether they wanted a full day or half day session.

Reports and calendars were reviewed of the previous and upcoming week’s activities.

The next regular Board of Commissioners meeting will be May 18, 2004 at 9:00 a.m. in the Martin County Board of Commissioners Meeting Room.

With no further business, to wit, Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly to adjourn the meeting. Carried unanimously
Meeting adjourned at 10:50 a.m.

**BOARD OF COMMISSIONERS
MARTIN COUNTY, MN**

Jack Potter, Chairman
Martin County Board

ATTEST: _____
Scott Higgins, County Coordinator