

**PROCEEDINGS OF THE MARTIN
COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 21, 2004
@ 9:00 A.M.**

The meeting was called to order by Chairman, Jack Potter at 9:00 a.m. Commissioners present were Steve Donnelly, Steve Pierce, Dan Schmidtke and Gerald Boler. Also present were Jim Forshee, Auditor/Treasurer, Scott Higgins, County Coordinator, Terry Viesselman, County Attorney, Kevin Peyman, County Engineer, Faye O'Sell, Administrative Assistant, Rod Halverson, KSUM/KFMC, Christine Rupp, Sentinel and members of the Public.

Motion was made by Commissioner Donnelly, seconded by Commissioner Schmidtke to approve the Agenda with additions: (1) Sept 10, 2004 "Road and Tax Tour" Minutes (2) Consider Allocation Increase for the Martin County Humane Society. Carried unanimously.

Motion was made by Commissioner Donnelly, seconded by Commissioner Pierce to approve the minutes of August 31, 2004 Special Budget meeting, September 7, 2004 regular Board of Commissioners meeting and the September 10, 2004 "Road and Tax Tour" minutes. Carried unanimously.

Terry Viesselman, Martin County Attorney, was present to report to the Board information regarding Homier Distributing Company / Transient Merchant License. Viesselman stated that after talking to the Attorney Generals Office and other county attorneys the arguments by Homier Distributing Inc. made sense. Homier, Inc. were challenging the permit fees as unconstitutional and restricting of interstate commerce. It was the consensus to eliminate duplicate fee from both county and municipality so the applicant doesn't need to pay twice and eliminate the bond requirement if the applicant can prove he is covered with insurance. A draft of the proposed Ordinance was presented and after further discussion,

Motion was made by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners hereby set a public hearing for consideration of the proposed Martin County Transient Merchant Ordinance for October 19, 2004 at 10:00 a.m. in the Board Room located at the Martin County Courthouse, 201 Lake Avenue, Fairmont, MN. Carried unanimously.

Viesselman reported on sex offenders concerning the Sentence to Service (STS) program. Safety issues are the main concern. Viesselman stated that Terry Heavirland, Director of STS, has the final say as to whether sex offenders should be let out to work in public facilities. It is under his discretion whether or not this person can be working out of jail.

Terry Heavirland, STS Director, responded that it is his recommendation not to let the sex offender's be allowed to work on the STS crews because it is so limited where we can take the sex offenders.

Heavirland also discussed his work priorities. After discussion, the Board thanked Heavirland for his report.

Rick Goodemann, Executive Director, Southwest Minnesota Housing Partnership (SWMPH), was present to request a resolution of support for a grant application to the Department of Employment and Economic Development to address the issue of health concerns among children and households with lead hazards. Jackson County is the lead county for this application and no cash or in-kind funds required. Goodemann stated that a number of counties call us on how to deal with this problem. After discussion,

Motion was made by Commissioner Schmidtke, seconded by Commissioner Boler to approve the Resolution,

R-#37/'04

RESOLUTION

A RESOLUTION OF THE MARTIN COUNTY BOARD OF COMMISSIONERS IN SUPPORT OF A HOUSING REHABILITATION PROJECT:

WHEREAS, the County of Martin has needs for a variety of affordable housing options. The proposed application to the Minnesota Department of Employment and Economic Development Small Cities Development Program addresses the needs of children with elevated blood levels or residing in housing with lead hazards present, and

WHEREAS, the proposal by the Southwest Minnesota Housing Partnership for the rehabilitation of single family homes and rental properties containing lead hazards in Martin County is consistent with addressing this housing need, and

WHEREAS, Jackson County as the lead applicant; Martin County agrees to join along with Lincoln, Lyon, Murray, Nobles, Pipestone, Rock, Redwood, Cottonwood, Chippewa, Swift, Yellow Medicine, Kandiyohi, McLeod, Meeker, Renville, Brown, Nicollet, Sibley, Watonwan and Faribault County for the purposes of this application,

BE IT RESOLVED THAT, the Martin County Commission supports the proposed housing rehabilitation activities and the submission of an application to the Minnesota Department of Employment and Economic Development, Housing Finance Agency, Greater Minnesota Housing Fund and Federal Home Loan Bank.

Motion made by Commissioner Schmidtke, seconded by Commissioner Boler said resolution was unanimously adopted this 21st day of September 2004.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Jack Potter, Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call: Commissioners Potter, Donnelly, Boler, Schmidtke and Pierce all AYES.
Nays: none. Passed and approved this 21st day of September 2004.

Jerry Voyles, SWCD Director, was present to update the Board on Soil and Water Conservation activities. Voyles reported on the following

- Voyles stated that the ordering of trees for the Tree Program next spring was completed.
- Conservation Security Program has been in full force all summer with several staff working on it every day. There were over 500 inquires and 77 people enrolled.
- September 28th there will be an Environmental Program for all fifth graders in the County.
- Feedlot inspection are back on track, anticipate having all of them completed by late November.
- Water testing on rural wells to begin September 22, 2004

Voyles stated that Thursday, September 23rd the SWCD would be conducting a meeting regarding the Clean Water Partnership (CWP.) Voyles invited the Coordinator to attend the meeting. With no further questions, the Board thanked Voyles for his report.

Kevin Peyman, Highway Engineer, was present to request merit increases for Highway Employees as follows: James Kain, Maintenance Worker I, who has reached anniversary date from Grade 10 Step 2 at \$13.49 per hour to Grade 10 Step 3 at \$13.82/per hour effective September 1, 2004. Jeff Krumwiede, Shop Foreman, who has reached anniversary date from Grade 15, Step 7 at \$22.60 per hour to Grade 15, Step 8 at \$23.15/hour effective date September 1, 2004.

Steve McMurtry, Highway Technician, who has reached his anniversary date from Grade 13, Step 4 at \$17.82 per hour to Grade 13, Step 5 at \$18.29/hour effective date, September 1, 2004.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly to approve Highway merit increases for James Kain, Maintenance Worker I, from Grade 10, Step 2 at \$13.49 to Grade 10, Step 3 at \$13.82/hour; Steve McMurtry, Highway Technician, from Grade 13, Step 4 at \$17.82 to Grade 13, Step 5 at \$18.29 hour per the AFSCME Martin County Highway Union Contract, Jeff Krumwiede, Shop Foreman, from Grade 15, Step 7 at \$22.60 to Grade 15, Step 8 at \$23.15/hour per the Martin County Highway Supervisors Association agreement, effective September 1, 2004. Carried unanimously.

Peyman reported to the Board that Bridge Number 36 Federal Aid project is being held up by the State. Materials to repair the bridge will not be here until November, so instead of closing the bridge for repair all winter, construction will take place next spring. Peyman stated that weight limit signs are posted for five ton only on the bridge. Peyman further stated that if the Board receives calls on wanting to take heavier loads across the bridge due to the upcoming harvest to definitely discourage those above the posted limits bridge.

Peyman further stated that there were various sections of roads flooded due to the heavy rains that Martin County received this month. In various locations, roads were barricaded for a small amount of time with only two roads being shut down for a longer period.

Peyman reported to the Board that he had received a request from an individual who cleans the ditches and “hays” the side of county road 26/263 (three miles) regularly is requesting to put a sign similar to the States “Adopt a Highway” sign with his family’s name on it for maintaining this stretch of road ditch. Peyman stated that he had no objections to this request and the individual would pay for the sign. It was the consensus of the Board to approve the sign and have the landowner pay for it and to allow the Highway staff go ahead with putting the sign up on the county road.

Commissioner Pierce inquired about the Notice of Hearing on Proposed Assessment (Indus St., Winnebago Ave to Eight St.) Assmt #5704003, October 4, 2004 at 5:30 p.m. at the City Hall Council Chambers, Fairmont, MN. Pierce stated this potential access hasn’t been used for years and the county should attend the hearing to discuss the assessment.

After discussion, motion was made by Commissioner Boler, seconded by Commissioner Pierce to send a letter to the City Clerk of Fairmont, protecting the county’s right to contest the proposed assessment on County property along Indus Street in Fairmont and to also state that the County would want to be treated the same as any other property owner and or business along the proposed street improvement. Carried unanimously.

Deb Mosloski, Drainage Administrator, was present to discuss several ditch issues with the Board. Mosloski reported that there is a slight difference in the viewer’s report on JD #10. Robert and Nancy Smith will have a reduction because of the CRP land they enrolled in 1993. After discussion,

Motion was made by Commissioner Schmidtke, seconded by Commissioner Boler,

WHEREAS, the Martin County Drainage Authority, by motion, ordered a Redetermination of Benefits for Martin County Judicial Ditch No. 10 in that the benefits do not reflect present day land values and the benefited area has changed; and

WHEREAS, three viewers were appointed to complete the Redetermination of Benefits; and,

WHEREAS, proper notice of a Public Hearing on the Redetermination of benefits was provided, pursuant to MN Statutes 103E.325; and

WHEREAS, a Public Hearing, pursuant to Minnesota Statutes 103E.335 was held on September 7, 2004; and

WHEREAS, the viewers presented the Viewers Report, that included the redetermined benefits and damages; and

WHEREAS, public comment on the Redetermination of Benefits was heard by the Drainage Authority; and

NOW, THEREFORE, pursuant to Minnesota Statutes 103E.351, the redetermined benefits and damages, as reflected in the July 19, 2004 Amended Viewers Report attached to this order as Exhibit A, shall replace all benefits and damages determined under any previously accepted proceedings for the establishment, repair, improvement or use of the drainage system as an outlet for Martin Joint County Ditch No. 10. Carried unanimously.

Mosloski reported that she has received a request from Blue Earth County to set up a Joint County Drainage Authority Board for JD #85. Mosloski stated that 90.6% of this Ditch system is located in Martin County and that there will need to be three Commissioners appointed to the Joint Authority. After discussion,

Motion was made by Commissioner Schmidtke, seconded by Commissioner Pierce, Be It Resolved by the Martin County Board of Commissioners as the Drainage Authority for Martin County appoints the following Commissioners to serve as representatives to the Joint Ditch Authority Board with Blue Earth County for JD #85, those appointed are Commissioners Boler, Potter and Schmidtke. Carried unanimously.

Mosloski stated that she would contact Blue Earth County to set a mutual time and place for the meeting.

Mosloski stated that Commissioner Schmidtke is requesting to have a Re-determination of benefits completed for County Ditch #1 Redetermination of Benefits. After discussion,

Motion was made by Commissioner Schmidtke, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners as the Drainage Authority for Martin County and having the authority to conduct a re-determination of benefits, hereby approves and orders the Redetermination of benefits for C.D. #1. Carried unanimously.

Motion was made by Commissioner Schmidtke, seconded by Commissioner Boler, Be It Resolved, that the Martin County Board of Commissioners as the Drainage Authority for Martin County has the authority to redetermine benefits for county drainage systems, hereby appoints Ron Ringquist, as the Ditch Viewer for the Redetermination of the original construction and subsequent improvements to be assessed for C.D. #1. All voting in favor. Carried unanimously.

Mosloski inquired about the previous meeting held a week ago pertaining to Drainage Systems located within Municipalities. Mosloski further stated that the County has developed a form for property splits in order to assess the correct apportionments of benefits to the property. Mosloski stated that currently, it is County's policy that all splits are brought up 10 days before the transfers of property in order for County Offices to get County records in order before an actual deed is completed.

Chairman Potter addressed members of the public who were present that if they wanted to speak about the Ditch issues to announce who they were for the record. Jim Hand and Tom Kellander were present.

Tom Kellander responded that he has found out that Commissioners were not notified about utility and other work that City of Fairmont was doing above the county tile that is running underground through the city. Kellander felt that the county should have been notified before any work was completed.

Jim Hand reported on various jobs working with county tile and what he has come in contact with regarding storm sewers in the City of Fairmont.

Scott Higgins, County Coordinator suggested that the Commissioners should get together with the City Attorney to inform the City of how county tile is assessed.

Deb Mosloski asked direction from the Board regarding the letter to landowners with drainage systems and the drafted form “Ditch Assessment Division Agreement”. After much discussion,

Motion was made by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners hereby approve the letter and ditch agreement form(split property owners for apportionments) drafted by the Drainage Administrator to be sent to landowners on drainage systems in Martin County. Carried unanimously.

Chairman Potter directed Mosloski to set up a meeting with Ron Ringquist, City Attorney and Commissioners at some future date. Potter thanked Mosloski for her reports.

The Board recessed at 11:10 a.m.

The Board reconvened at 11:20 a.m.

Scott Higgins, County Coordinator, stated to the Board that there is a need for Board action to set a policy for determining the Capitalization of Assets reporting thresholds and depreciation or useful life schedule of capital assets. We are recommending the reporting threshold for capitalized assets are \$5,000 and \$100,000 for infrastructure the depreciation (useful life) of these capitalized assets according to the schedule be approved.

MARTIN COUNTY SUGGESTED USEFUL LIVES TABLE

Appendix C-1

CAPITAL ASSETS USEFUL LIVES		
Asset Type	Description	Depreciable Life in Years
Furniture, office equipment	Copier	5
Computer Hardware	Printer Custom Software, Main Frame, Server	5
Motor Vehicles- Cars, light trucks, vans		5
Busses	School, City	8-10
Buildings		40
HVAC Systems	Ventilation systems Air-conditioners, heating,	20
Roofing		20
Heavy Construction Equip.	*See List	5-12
Scientific Equipment Engineering,	Lab Equipment	10
Police Special Equipment	ATV, Boat, Snowmobile	5
Communications equip. Radio	Mobile, portable radios, radio towers	10

Outdoor Equipment	Playground, scoreboards, bleachers	20
Grounds Equipment	Mowers, tractors and attachments	7
Land Improvements-structure	Parking lots, sidewalks, bus ramp, Fencing, running track, flagpole	20
Land Improvements Ground-work	Golf Course, Ball field, park landscaping	30

**Capital asset
CONTINUATION--MARTIN COUNTY SUGGESTED USEFUL LIVES TABLE**

Asset Type	Description	Depreciable Life in Years
<u>Roads</u>		
Paved		50
Asphalt-rural		50
Asphalt-urban		50
Non-paved		50
Bridges		75
Right-of-way		N/A

- Refer to Martin County Highway appendix

Commissioner Pierce felt that the Resolution and Appendix needed to be reviewed by the Auditor firm of Roessler, Nuss and CO. Fairmont, MN (Auditors for County).

Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly,

R-#38/'04

RESOLUTION

Establishment of the Threshold of Capitalized Assets Reporting (for Audit Purposes) and "Useful Life" Schedule

Whereas, Martin County, as a major unit of government in the State of Minnesota, has a substantial value in the assets purchased by the County for the provision of public service; and,

Whereas, Martin County has a responsibility as a steward of this large public investment; and,

Whereas, a system of capitalized assets accounting permits the fixation of responsibility for custody of proper use of specific assets on individual public officials throughout Martin County structure; and,

Whereas, such a structure is a prerequisite to the preparation of satisfactory, complete financial reports in order to meet the requirements of the State Auditor; and,

Whereas, the as part of Martin County's Capitalization of Assets policy that certain thresholds need to be established as well as "Useful Life" of the capitalized assets,

Now Therefore Be It Resolved that the Martin County Board of Commissioners hereby approve and establish the Capitalization of Assets reporting for audit purposes at \$5,000,

and \$100,000 for infrastructure and to approve the useful life of those capitalized assets according to the following schedule (attached).

Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly said resolution was duly made and adopted this 21st day of September 2004.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Jack Potter, Chair

ATTEST: _____
Scott Higgins, County Coordinator

All voting in AYE. Carried unanimously.

Commissioner Boler inquired about the damage to roads, farmland and homes due to flooding in Martin County and how the county could be eligible for disaster relief funds.

Jim Forshee, Auditor/Treasurer, responded that he would be in touch with John Thompson, Faribault County Auditor, and discuss the matter with him regarding the procedure to access disaster aid.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly that the Martin County Board of Commissioners hereby approve county staff to research and determine whether Martin County is eligible for disaster aid and due to the recent heavy rains. Carried unanimously.

Scott Higgins stated the county is requesting disposal of a 1998 Ford Champion E Super Duty Power Stroke Diesel 17 passenger transit bus from the Martin County Express. MNDOT has relinquished any ownership in the bus and leaves the county to do with as they wish. Higgins stated that the bus would be advertised for sealed bids and to be awarded during the regular meeting on October 5, 2004 at 9:30 a.m.

Motion was made by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve the disposal of county surplus property as presented, and to receive sealed bids for the disposal of a 1998 Ford Champion Class 400 Champion E Super Duty Power Stroke Diesel 17 passenger transit bus and to dispose of the transit bus through sealed bids. Carried unanimously.

Motion was made by Commissioner Pierce, seconded by Commissioner Schmidtke,

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, the Blizzard Snowmobile Club on behalf of Martin County has submitted the application and resolution by the local government authorizing the proposed trails; and Now Therefore Be It Resolved, that the Martin County Board of Commissioners approve and authorize the Chair and Auditor/Treasurer to sign the Minnesota Trail Assistance Program FY2005 grant agreement in the amount of \$13,810. Carried unanimously.

Higgins reported to the Board that there is interest in staff to be appointed to the Sesquicentennial Committee to help plan events for the Centennial of the Courthouse,

and Sesquicentennial of the Sheriff's Office. These events are to be all celebrated in the year 2007.

Commissioner Pierce is the Board representative to the Committee.

The consensus of the Board was to have the Building/Purchasing committee work with staff in planning of activities and events for the Courthouse Centennial and the Martin County Sheriff's Office Sesquicentennial to be celebrated in the year 2007.

Commissioner Donnelly stated that he had been in contact with Linda Stone, Martin County Humane Society, and discussed the funding that is received from the County for supplies, food and repairs for the Humane Society. Donnelly further stated that due to the increase in housing of animals from 2003 to 2004 he felt the county should increase the amount of funding from \$100/month to \$300/month to cover costs incurred with increased animals.

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners approve an increase in the county's allocation to the Martin County Humane Society from \$100/per month to \$300/permonth for a total of \$3,600 a year to help defray costs for food, supplies, repairs due to increased housing of animals for CY2005. Carried unanimously.

Scott Higgins, County Coordinator, reviewed the proposed Martin County Classification/Compensation Plan with the Board and recommended approval of the policy. Higgins further stated that the proposed policy has been reviewed by the Policy Committee as well as the Department Directors.

Commissioner Pierce stated that he would like to read the policy more completely and discuss it more before moving to approve it. After discussion,

It was the consensus of the Board to further study the proposed county classification/Compensation Policy and bring it back to approve at the next meeting.

Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly to approve the warrants to be paid as presented. Carried unanimously.

DITCH FUND- Warrants to be paid 9-21-04	\$9,056.55
REVENUE FUND- Warrants to be paid 9-21-04	\$119,969.68
ENHANCED 911- Warrants to be paid 9-21-04	\$ 4,326.65
SOLID WASTE MANAGEMENT-	\$ 15,207.37
LAW LIBRARY- Warrants to be paid 9-21-04	\$ 1,750.01
MARTIN CO TRANSIT-Warrant total	\$ 48,335.40
BUILDING CIP- Warrants to be paid 9-21-04	\$ 2,566.57
BANK BUILDING-Warrants to be paid 9-21-04	\$ 4,943.34
IND. SEWAGE TREATMENT SYS.LOAN-	<u>\$ 22,240.82</u>
	\$219,339.84

The Board discussed the proposed facility for the Transit bus garage and the possibilities of using the existing building owned by Aerospace/Teledyne located on 10th Street in Fairmont.

Commissioner Boler stated his concern with the county purchasing an old building and having to remodel to fit the transit needs.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, approve that an appraisal be completed on property and building located 10th Street in Fairmont, known as the Aerospace/Teledyne Building, and to engage John (Pal) Eisenmenger to appraise the property. Carried unanimously.

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

With no further business to wit,

Motion by Commissioner Pierce, seconded by Commissioner Boler, the meeting is hereby adjourned at 12:10 p.m. Carried unanimously.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Jack Potter, Chair

ATTEST: _____
Scott Higgins, County Coordinator