

PROCEEDINGS OF THE MARTIN
COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 20, 2008
@ 9:00 A.M.

The regular meeting of the Martin County Board of Commissioners was called to order at 8:59 a.m. by Chairman Pierce.

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

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following additions: Consider Supplemental Boating & Safety Grant Resolution & Agreement – Sheriff’s Office; Consider participation in the Sherburn Parade to be held June 22nd, 2008; and delete Review Minutes of May 6, 2008 regular Board of Commissioners meeting. Carried unanimously.

Kevin Peyman, Martin County Highway Engineer, presented a brief legislative transportation policy update that included all county state aid highways as 10 Ton unless posted otherwise; requiring road authorities to issue annual permits for six axle vehicles hauling agricultural products up to a gross vehicle weight of 90,000 pounds; and operating or towing an implement of husbandry on a bridge must comply with the gross weight limitations.

Peyman next stated the final 3 inches of paving to the south and north lanes and entry lanes to the VeraSun Ethanol Plant on County Road 26 is scheduled to take place over the long Memorial Day holiday weekend. Peyman noted the south lane will be done on Friday and the north lane along with the VeraSun entrance will be done on Saturday, in an effort to keep all the heavy truck traffic off the new pavement as long as possible.

Commissioner Schmidtke opened discussion on the condition of some of the gravel roads in the county and what can be done to get these roads back in good shape.

Peyman stated he felt the general overall condition of the gravels is not real bad; but agreed there are some soft spots. Peyman continued the best way to repair the soft spots is to dig them out completely, haul the material away, and put all new material in. However, current staffing prevents the Highway Department from moving forward with this project. Peyman recommended budgeting money during the upcoming 2009 Budget Workshops allowing the opportunity for the county to hire somebody to come in and help repair some of these spots.

Terry Viesselman, Martin County Attorney, presented an office update including receiving commitment expenses involving an offender; this year's tax appeal filings; and presented a proposed animal ordinance to commissioners and law enforcement for comment and review prior to presenting to the public.

Rebecca Bentele, Victim Witness Coordinator, presented amended Victims of Crime Act (VOCA) grant information from the State providing for an additional quarter of funding, increasing the FY08 grant contract by 25%, and extending the grant period one quarter to end September 30, 2008.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to execute the amended Victims of Crime Act (VOCA) Agreement as is necessary for acceptance of the additional quarter of funding, increasing the FY08 grant contract amount by 25% from \$28,432.00 to \$35,538.00 and extending the grant period one quarter to end September 30, 2008. Carried unanimously.

Brad Gerhardt, Martin County Sheriff, handed out information on the upcoming Drug Awareness Seminar presented by the Martin County Sheriff's Posse/Reserve and Martin County Sheriff's Office to be held Saturday, June 21st, 2008 from 8:30 a.m. to 12:00 Noon at the Martin County Library. Gerhardt noted the seminar covers drugs and drug paraphernalia; and will also have a drug recognition expert that will talk about the effects of drugs in the human body, and a demonstration by the K-9 Unit.

Gerhardt presented the annual County Boat and Water Safety Grant noting Martin County has been awarded \$3,231.00 for FY2008 with an effective date of January 1, 2008 and expires June 30, 2009. The grant will cover expenses incurred for patrol, enforcement, search and rescue, watercraft inspection, waterway marking and accident investigation.

Motion by Commissioner Schmidtke, seconded by Commissioner Boler,

R-#19/'08

RESOLUTION

AUTHORIZING EXECUTION OF ANNUAL COUNTY BOAT AND WATER SAFETY AGREEMENT

BE IT RESOLVED THAT, Martin County enters into a grant agreement with the Minnesota Department of Natural Resources for the program entitled County Boat and Water Safety in the grant amount of \$3,231.00 to cover expenses incurred for patrol, enforcement, search and rescue, watercraft inspection, waterway marking and accident investigation effective January 1, 2008 and expires June 30, 2009.

BE IT FURTHER RESOLVED, that Sheriff Brad Gerhardt; Chairman of the Board of Commissioners Steve Pierce; and Auditor/Treasurer James Forshee; are hereby authorized to execute and sign such grant agreement on behalf of Martin County.

Motion made by Commissioner Schmidtke, seconded by Commissioner Boler, and duly adopted this 20th day of May, 2008.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Pierce, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Donnelly, Potter, Boler, Schmidtke, and Pierce.
NAYS: None. Duly passed and adopted this 20th day of May, 2008.

Gerhardt next presented the supplemental federal boating safety sub grant that Martin County has been awarded in the amount of \$1,877.00 with an effective date of July 1, 2008 and expires September 15, 2008. This grant will cover expenses incurred for boating safety activities.

Motion by Commissioner Donnelly, seconded by Commissioner Potter,

R-#20/'08

RESOLUTION

AUTHORIZING EXECUTION OF BOATING SAFETY SUPPLEMENT GRANT AGREEMENT

BE IT RESOLVED, that Martin County enter into a grant agreement with the Minnesota Department of Natural Resources for the program entitled County Boat and Water Safety in the supplemental grant amount of \$1,877.00 to cover expenses incurred for boating safety activities effective July 1, 2008 and expires September 15, 2008.

BE IT FURTHER RESOLVED, that Sheriff Brad Gerhardt, Chairman of the Board of Commissioners Steve Pierce, and Auditor/Treasurer James Forshee, are hereby authorized to execute and sign such grant agreement on behalf of Martin County.

Motion made by Commissioner Donnelly, seconded by Commissioner Potter, and duly adopted this 20th day of May, 2008.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Pierce, Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Boler, Schmidtke, Potter, Donnelly, and Pierce.
NAYS: None. Duly passed and adopted this 20th day of May, 2008.

Gerhardt continued stating the Sheriff's Office has received an amendment to the Emergency Management Performance Grant for FY2007 in the amount of \$3,000.00 to be used toward Emergency Management expenses.

Motion by Commissioner Boler, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair and Martin County Sheriff to sign the amendment to the Emergency Management Performance Grant Program Agreement in the amount of \$3,000.000 for Federal Fiscal Year 2007. Carried unanimously.

Gerhardt stated that Emergency Management is conducting a drive through triage drill to be held at 10:00 a.m. on June 19th, 2008 at the Martin County Fairgrounds. Gerhardt went on to state that Martin County is a mass dispensing site for Martin, Faribault, and Watonwan counties and will need to triage people before taking them to the actual dispensing site and this drill will serve as site testing for traffic flow. Gerhardt asked for the Board's approval allowing county employees from the courthouse, library, and human services to drive out to the fairgrounds to help test two different flow scenarios as well as loading and unloading a bus. Employees helping with the triage drill will be given refreshments; and the triage drill will last approximately one hour. Gerhardt concluded that they would like to have a minimum of two people in each car to simulate families coming through and encouraged carpooling.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve allowing staff participation in the June 19, 2008 Martin County Emergency Preparedness Planning Committee's drive through triage emergency exercise beginning at 10:00 a.m. at the Martin County Fairgrounds; contingent upon the discretion and approval of each individual Department Director. Carried unanimously.

Gerhardt concluded with a brief update on the South Central Minnesota Regional Radio Board and handed out the proposed Joint Powers Agreement (JPA), stating that the Commissioners will be asked at the June 3rd, 2008 regular Board of Commissioners meeting to approve the JPA to join the South Central Minnesota Regional Radio Board (RRB).

No action taken on the proposed South Central Minnesota Regional Radio Board Joint Powers Agreement.

The Board recessed at 9:29 a.m. to attend the Sesquicentennial/Centennial Time Capsule Ceremony on the front lawn of the courthouse.

The Board reconvened at 9:50 a.m.

Autumn Larsen, Youth Intervention and Prevention Coordinator, presented her recommendation to accept a grant received from the Minnesota Alliance with Youth for the Martin County Youth Intervention and Prevention Program along with the Healthy Youth Committee to put on a mini summit. Larsen stated Fairmont was chosen as one of ten cities in Minnesota to host a summit for youth and extended an invitation to the Board to attend the summit which will be held on September 17th, 2008. Larsen noted their goal is to get 50 youth and policy makers together and discuss issues related to our community, what our needs are, what we're doing well, and what we have some deficits in. Larsen went on to note the theme for the mini summit is SPARK: Supporting and Promoting Assets for Reaching Kids. Larsen continued that through the help and involvement of the Commissioners, we can accomplish our goal of helping these kids find their spark.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and accept the Minnesota Alliance for Youth Grant in the amount of \$2,000.00 to be used to host a mini summit for Supporting and Promoting Assets for Reaching Kids to be held on September 17, 2008. Carried unanimously.

Scott Higgins, Martin County Coordinator, presented the Joint Powers Agreement (JPA) for Adult Mental Health Initiative. Higgins stated the overall goal of the South Central Community Based Initiative is to ensure that persons experiencing serious and persistent mental illness receive services of the right amount, at the right time, in the most appropriate/least restrictive setting, as close to the consumer's home as possible, using a strengths-based approach to treatment that balances consumer choice with community safety, in a cost-effective manner, and that supports consumer goals. Higgins recommends approving the Joint Powers Agreement in addition to appointing Warren Knudson, Faribault/Martin Human Services Director, as representative to the Joint Powers Board. Higgins noted the JPA has been forwarded to the County Attorney for review.

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the South Central Community Based Initiative Joint Powers Agreement for Adult Mental Health, contingent upon final review by County Attorney; and to appoint the Director of Faribault and Martin County Human Services, as official representative to the Joint Powers Board. Carried unanimously.

Higgins next presented an amendment to Transit Grant No. 92010 between the Minnesota Department of Transit and Martin County for additional capital funding for the purchase of a second new transit vehicle with 80% Federal Share and 20% Local Share. Higgins stated our initial grant award for the purchase of one new transit vehicle was \$62,000 and now with the second purchase the Amendment notes total capital costs of \$124,000 for purchasing two buses this year with our County share at \$24,800.

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign Amendment No. 1 to Contract No. 92010 between the Minnesota Department of Transit and Martin County for additional capital funding for the purchase of a second new transit vehicle from 80% Federal Share of \$62,000 to 80% Federal Share of \$124,000 and from 20% Local Share of \$12,400 to 20% Local Share of \$24,000. Carried unanimously.

Higgins presented the proposed Memorandum of Agreement (MOA) to resolve a grievance filed by the Deputies Union (LELS #136) between Martin County and the Law Enforcement Labor Services #136 – Deputy/Sergeant Union. Higgins noted the county's Paid Time Off (PTO) policy provides that an employee must use three days of accrued PTO before being eligible to use the Twelve Day Short Term Disability Bank and there is a discrepancy between use of the three days whether it be 8 hour work shifts (twenty-four hours) or 10 hour work shifts (30 hours). Higgins stated that in order to ensure consistent interpretation and application of the PTO benefit, an MOA is being proposed. Higgins also stated the proposed MOA has been reviewed by the Personnel Committee and recommends approval contingent upon final language approval by legal counsel.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the Memorandum of Agreement (MOA) between Law Enforcement Labor Services #136 Deputy/Sergeant Union and Martin County to resolve the interpretation and required use of the three day Paid Time Off (PTO) time prior to use of the Twelve Day Short Term Disability Bank of ninety-six hours regardless of the length of the work shift; and is contingent upon final language approval by legal counsel. Carried unanimously.

Dr. Shannon Fisher and Susan Carlin of the Minnesota River Board (MRB) presented an update that included: the formation of the Minnesota River Basin Joint Powers Board; the purpose of the MRB; current Projects and Partnerships; challenges that face the basin; what the MRB can do for its members; and results from a 2005 St. Cloud State University survey for resident perceptions of the MRB.

Motion by Commissioner Boler, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the payment of claims for the month of May, 2008 as presented; and includes the Martin County Highway Department claims as presented. Carried unanimously.

Warrants received and paid May 20, 2008 are registered on file in the Auditor/Treasurer's Office as follows:

Revenue Fund – Warrants Approved May 20, 2008	\$148,165.94
Park & Recreation Fund	\$ 4,188.65
Recreation and Safety Fund	\$ 30.72
Martin County Economic Development Authority	\$ 40.65
Solid Waste Management Fund	\$ 22,579.75
Martin County Transit Fund	\$ 40,889.02
Ind. Sewage Treatment Sys. Loan Fd (ISTS)	\$ 14,025.87
Building – CIP – Fund	\$ 5,453.49
Bank Building Fund	\$ 4,074.92
Debt Service – Prairieland Fund	<u>\$322,985.00</u>
Grand Total	\$562,434.01
Martin County Ditch Fund – Warrants Totaled	\$107,760.11
Road and Bridge Funds Totaled	\$ 92,927.39

Consensus of the Board is to participate in the Sherburn Holiday Festival Parade with a parade unit to be held on June 22nd, 2008 at 3:00 p.m.

Chairman Pierce opened the public hearing for consideration of: (1) The Final Re-determination Report of the Viewers for JD #8; (2) Petition of Larry and Linda Becker and Roland and Shirley Unke to Set-Off Branch L-9 on JD #8; and (3) Petition of Larry and Linda Becker d/b/a LB Pork, Myron H. Lueth and Michele P. Miles, Co-Trustees of the Arlo and Violet M. Lueth Irrevocable Trust to Set-Off Branch L-13 on JD #8.

Deb Mosloski, Martin County Drainage Administration, and Ron Ringquist, Viewer, reviewed the proposed petition of Larry and Linda Becker and Roland and Shirley Unke to Set-Off Branch L-9 from future levies and assessments on JD #8. Mosloski stated that on Branch L-9, private tile has been diverted to go west into Charlotte Lake; and then there is approximately 400 feet of Branch L-13 that is approximately a quarter of a mile south of that. Mosloski questioned Larry Becker on information received that a part of that 400 feet of Branch L-13 that he wants to abandon, that there is some private tile that is still hooked up that goes east.

Larry Becker was present and stated that portion of tile is not on his side of the road. Becker continued he would like to cut it off and cap it on the east/west side of the road.

Mosloski went on to state that current Drainage Administration records state that Branch L-9 was plugged in 1967; however, I do not have anything of record that states that L-13 has been cut and plugged. Mosloski continued I believe that you will want to make an Order to make sure that we get a report from a contractor that states that L-13 is plugged and no longer of use.

Myron Lueth was present and stated he was told the tile could not be plugged until after this hearing.

Chairman Pierce asked for input from the public.

Ringquist stated that records do show the tile has been physically plugged; however, the order should also state that it has to remain plugged so that there is no question that it could be hooked back up in the future.

Chairman Pierce asked for further public input. There was none. There was also no written comments submitted pertaining to the proposed Set-Off of Branch L-9 on JD #8.

Motion by Commissioner Donnelly, seconded by Commissioner Boler, to close the public portion of the meeting. Carried unanimously.

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County; and upon careful consideration and review, hereby approve to accept the Petition from Larry and Linda Becker and Roland and Shirley Unke for Set-Off of Branch L-9 from future levies and assessments on JD #8; and to add language to the Order that the tile has been physically plugged and that the tile is to remain plugged so there is no question that the tile can not be hooked back up later. Carried unanimously.

Mosloski and Ringquist reviewed the proposed petition of Larry and Linda Becker d/b/a LB Pork, Myron H. Lueth and Michele P. Miles, Co-Trustees of the Arlo and Violet M. Lueth Irrevocable Trust to Set-Off Branch L-13 from future levies and assessments on JD #8. Ringquist stated the Order must include language that stated Branch L-13 shall be plugged on the west side of the road and that verification be given to the county.

Chairman Pierce asked for input from the public.

Larry Becker asked if the county needed a written notice from a contractor. Becker further stated that Myron (Lueth) has a backhoe and we would like to plug the tile ourselves. Becker also asked who would witness the tile work.

Mosloski stated that Branch L-13 is in Jack Potter's district and that if Mr. Lueth is going to do the work himself, he needs to file a Certificate of Insurance with the county to show proof of liability insurance.

Ringquist stated the proof of insurance is required because if something happens while you were plugging any public tile, the county, or the ditch system could become liable. So you (Lueth) become the contractor and contractors must show proof of insurance before you can work on county ditches.

Myron Lueth asked if the county is just going to take our word for it that the tile has been plugged or is a witness needed.

Ringquist stated that the Drainage Inspector (Jack Potter) in that Commissioner District could inspect the work and approve it.

Chairman Pierce asked for further public input. There was none. There was also no written comments submitted pertaining to the proposed Set-Off of Branch L-13 from JD #8.

Motion by Commissioner Potter, seconded by Commissioner Donnelly to close the public portion of the meeting.

Motion by Commissioner Boler, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County; and upon careful consideration and review, hereby approve to accept the Petition from Larry and Linda Becker d/b/a LB Pork, Myron H. Lueth and Michele P. Miles, Co-Trustees of the Arlo & Violet Lueth Irrevocable Trust for Set-Off of Branch L-13 from future levies and assessments on JD #8; and to add language to the Order that the tile has been physically plugged and that the tile is to remain plugged so there is no question that the tile can not be hooked back up later; and shall be verified by the Drainage Authority as such. Carried unanimously.

Chairman Pierce opened the public hearing for consideration of the Final Re-determination Report of the Viewers for JD #8.

Ron Ringquist, Viewer, stated now that you have abandoned and set-off certain lands I had prepared a list of the recommended changes to the report as originally submitted, which will include the corrections for past set-offs in Section Five plus all of this action that the Board took today; and it removes some of those properties from any future assessment because they are now set-off from JD #8. Ringquist continued the recommendation from the viewers that the Drainage Authority consider for approval the Viewers report with these changes, a copy of that report has been prepared and will be filed with the Order accepting the benefits as re-determined; and that will include the removal of the aforementioned properties as well as the other changes discussed today.

Chairman Pierce asked for further public input. There was none. There were also no written comments submitted pertaining to the viewer's Final Re-determination Report for JD #8.

Motion by Commissioner Boler, seconded by Commissioner Donnelly to close the public portion of the meeting.

Motion by Commissioner Boler, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County; and upon careful consideration and review, hereby approve to accept the viewer's Final Re-determination Report for JD #8 with noted changes. Carried unanimously.

Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve per diems and expenses for Commissioners to attend, if they so choose, the Administrator & Governing Board Seminar to be held June 11, 2008 in North Mankato, MN. Carried unanimously.

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

With no further business to wit, Board Chair declared the meeting adjourned at 10:56 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Pierce, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator