

PROCEEDINGS OF THE MARTIN
COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 17, 2008
@ 9:00 A.M.

The regular meeting of the Martin County Board of Commissioners was called to order at 8:58 a.m. by Chairman Steve Pierce.

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

Motion by Commissioner Potter, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following additions: Consider Amendment to Sentencing to Service (STS) Program; Discuss Cemetery Matter in Wilbert, MN; and Consider Temporary Transport Officer(s) – Sheriff’s Office. Carried unanimously.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the June 3, 2008 regular Board of Commissioners meeting as presented with noted changes. Carried unanimously.

Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file for consideration the 2009 Appropriation Request from Three Rivers RC&D. Carried unanimously.

Terry Viesselman, Martin County Attorney, was present to advise the Board he had recently received a letter stating the public defenders office received a 15 per cent funding cut from the state and as of July 8, 2008 they will no longer take child protective custody or termination of parental rights cases, or other non-mandated services. Viesselman stated the court appointed attorney fees for these types of cases will now be at the county’s expense. Viesselman continued that he will contact area lawyers to find out if they would be interested in these types of cases and if so, propose a monthly flat fee contract for payment of services in lieu of higher hourly rate attorney fees; and will report his findings at the next regular Board of Commissioners meeting.

Viesselman concluded stating he was advised that landowners that farm around the old cemetery near Wilbert, MN were to be present at this morning’s meeting to discuss removal of headstones from this gravesite. Viesselman stated that due to an ongoing investigation, the Board is advised to take no action on any requests pertaining to this issue; and to refer any questions the landowners may have to Viesselman’s office.

Chairman Pierce thanked Viesselman for his report.

Kevin Peyman, Martin County Highway Engineer, was present and provided a brief update on the rising costs of fuel and bituminous materials over the past few years and his concern in providing best estimates for setting the 2009 budget.

Commissioner Schmidtke advised Peyman that he received another complaint about the condition of the gravel roads in the county; however, Schmidtke stated the gravel roads he travels on have been looking good even after the last couple of rains.

Peyman stated the Highway Department has been adding rock and has spent as much time as possible fixing the bad spots on the gravels and will continue to work toward a gravel road maintenance plan to present for consideration during the 2009 budget workshops.

Chairman Pierce thanked Peyman for his update.

Sergeant Matt Klages with the Martin County Sheriff's Office presented his recommendation to approve the Joint Powers Agreement (JPA) for the South Central Minnesota Regional Radio Board; the purpose of which provides for the installation, operation, and maintenance of local and regional enhancements to the Statewide Public Safety Radio and Communication System. Klages stated the Regional Radio Board can apply for and hold licenses for public safety frequencies to be used regionally and locally, can acquire property; both real and personal, necessary for accomplishment of its purposes, and can apply for and receive grants. Klages noted that the JPA has been reviewed by the County Attorney and has approved the Agreement as to form and content.

Commissioner Pierce stated that the JPA does not commit Martin County to upgrade to an 800 MHz system nor does it commit us to any type of spending. Pierce continued the JPA allows for a digital radio infrastructure to promote interoperability between agencies, not necessarily an 800 MHz system.

Klages agreed that the JPA is not an agreement for purchasing an 800 MHz system; however, it has been mandated that we are going to have to change our radio system due to narrow-banding requirements. After discussion,

Motion by Commissioner Boler, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the Joint Powers Agreement with the South Central Minnesota Regional Radio Board to provide regional administration of enhancements to the Statewide Public Safety Radio and Communication System and enhance and improve interoperable public safety communications. Carried unanimously.

Klages stated that a representative needed to be appointed as Martin County's representative on the South Central Regional Radio Board.

Motion by Commissioner Potter, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the appointment of Steve Pierce to serve as Martin County's representative to the South Central Regional

Radio Board and to authorize per diems and expenses for serving on the Joint Powers Board. Carried unanimously.

Captain Brad Hady, Martin County Sheriff's Office, presented his recommendation for the hire of a temporary transport officer for the Sheriff's Office. Hady stated that due to a recent incident involving an intruder who entered a residence and was shot in the leg, the suspect must remain under guard where he is currently hospitalized in Rochester, MN. Hady continued that a discharge date has yet to be determined and due to the suspect being very uncooperative, wearing and exhausting on both hospital and jail staff, a temporary transport officer will aid in reducing the shift hours of jail staff that are at the hospital keeping guard. Hady noted that Olmsted County has been able to help out but not on a regular basis due to short staffing in their office as well. Hady went on to note that due to the limited number of Martin County jail staff, he recommends the hire of a Sheriff's Posse member who has offered his services to work on a temporary basis.

Motion by Commissioner Potter, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the hire of Mike Schultz as temporary Transport Officer for the Martin County Sheriff's Office at \$15.45/hour, effective June 12, 2008 not eligible for benefits. Carried unanimously.

Pam Flitter, Martin County Zoning Official, was present and recommended approval for a correction to Shady Beach Estates, a subdivision created approximately two years ago by John Madsen and Gary Harris. Flitter stated that Harris had requested that Lot No. 12 be considered an out lot which is now labeled as water controlled access lot; and that due to Department of Natural Resources (DNR) lot width requirements at that time, his request was not followed through on his original plat. Flitter stated that there is supporting documentation that when approved will be passed on to Leo Getsfried with the DNR and sent back to me (Flitter), and will be recorded with the corrections so that it is known exactly how that water controlled access lot will be used. Flitter recommends approving the Land Surveyor's Certificate of Correction to Plat that on the graphical portion of the plat, Lot 12 of Block 1 should also have been designated as a Controlled Water Access Lot.

Motion by Commissioner Boler, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the Land Surveyor's Certificate of Correction to Plat, that on the graphical portion of the plat, Lot 12 of Block 1 should also have been designated as a Controlled Water Access Lot; along with the attached supporting documentation. Carried unanimously.

Members of the Martin County Historical Society were present and gave an update on the Historical Society's budget allocation request for CY2009 in the amount of \$26,733.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file for the 2009 Appropriation Request from the Martin County Historical Society for consideration in the CY2009 budget. Carried unanimously.

The Board thanked the Martin County Historical Society members for their report.

Stephanie Busiahn, Director of the Fairmont Convention & Visitor's Bureau (CVB) and the County's representative to the Southern Minnesota Tourism Association (SMTA) updated the Board on the activities of the Fairmont CVB along with the SMTA. Buishan also requested the Board consider CY2009 budget allocations for the CVB in the amount of \$3,000 and the SMTA in the amount of \$1,090.

Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file for the request for 2009 Appropriation from the Fairmont Convention & Visitor's Bureau in the amount of \$3,000 and the Southern Minnesota Tourism Association in the amount of \$1,090 for consideration in the county CY2009 budget. Carried unanimously.

James Forshee, Martin County Auditor/Treasurer, and Dan Whitman, Martin County Assessor, requested out-of-state travel requests for two staff members of the Auditor/Treasurer's Office and possibly three staff members of the Assessor's Office to attend a GIS User Seminar hosted by the Schneider Corporation in Ames, IA on July 28th and 29th, 2008. Costs associated with the seminar involve hotel, meals, and mileage only as there are no registration fees to attend this seminar.

Motion by Commissioner Boler, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the out-of-state travel request for staff from the Martin County Auditor/Treasurer's Office and the Martin County Assessor's Office to attend a GIS User Seminar to be held July 28th and 29th, 2008 in Ames, IA. Carried unanimously.

Scott Higgins, Martin County Coordinator, presented the amended Jail Food Service Contract naming Vetter's All Occasion Catering to provide food service to the County jail effective July 1, 2008 through the remainder of the Jail Food Service Contract ending December 31, 2009. Higgins stated this amendment is due to Vetter purchasing the catering business from Dave's Home Plate Catering, Inc.

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 amended Jail Food Service agreement between Martin County and Jeff Vetter, d/b/a Vetter's All Occasion Catering for the remainder of the Agreement effective July 1, 2008 through December 31, 2009; and to include the "Food Service Specification" as part of the contract, at a price per meal of \$3.00. Carried unanimously.

Higgins reviewed the amended Sentencing to Service (STS) contract reflecting the new level of State funding and the reduction of crew leaders from three (3) crew leaders to two (2) crew leaders in Martin County and that one third of the State's funding for the Martin County STS program is included in these cuts. After discussion,

Motion by Commissioner Boler, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair

to sign Amendment No. 1 to the contract between the State of Minnesota, acting through its commissioner of corrections, Sentencing to Service Program (“State”), and Martin County (“Purchaser”), for reduction in the State’s share of funding from three (3) crew leaders to (2) crew leaders who will supervise up to 10 offenders each with the total obligation of the Purchaser for all compensation and reimbursements to the State under this contract from \$214,838.00 to \$179,031.67 as its share of the cost of providing a crew leader and placing the work crews into service on the STS program during the remaining term of this agreement with current contract expiration date of June 30, 2009. Carried unanimously.

Forshee presented additional claims to be included with the June, 2008 claims for payment consideration. Forshee stated through an audit of contracted services between the Martin County Law Library and the University of Minnesota Marshall and due to personnel changes at the university, Martin County missed paying some invoices. Forshee is requesting payment for January through June, 2006 in the amount of \$3,379.56; and April through June, 2007 in the amount of \$1,750.98.

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

Warrants received and paid June 17, 2008 are registered on file in the Auditor/Treasurer’s Office as follows:

Revenue fund – Warrants Approved 06-17-08	Totaled	\$179,957.07
Enhanced 9-1-1 Fund		\$ 2,503.81
Recreation and Safety Fund		\$ 908.73
Martin Co. Economic Development Authority		\$ 54.24
Solid Waste Management Fund		\$ 10,795.90
Law Library Fund		\$ 2,224.98
Martin County Transit Fund		\$ 42,013.31
Building – CIP – Fund		\$ 723.89
Bank Building Fund		<u>\$ 3,257.61</u>
	Grand Total	\$242,439.54
Martin County Ditch Fund – Warrants Totaled		\$ 23,298.59
Road and Bridge Funds Totaled		\$125,214.71

The Board recessed at 9:53 a.m.
The Board reconvened at 9:58 a.m.

The Board recessed from the regular Board meeting at 9:58 a.m.

The Board convened as the Board of Appeals and Equalization at 9:58 a.m.

The Board of Appeals and Equalization adjourned at 10:37 a.m.

The County Board reconvened to their regular Commissioners meeting at 10:37 a.m.

Higgins reviewed 2008 Omnibus Tax Bill Information.

Herbert M. Tietje, Janice E. Tietje, and Jackie Eisenmenger were present and opened discussion on a cemetery issue involving property they own by Wilbert, MN. The Tietje's are property owners and currently rent the land out to their son-in-law (Eisenmenger) to farm. A small plot of this land technically belongs to the Evangelical and Reform Church and records at the Martin County Historical Society indicate there were three children's graves located there, while the Tietje's claim that since they've farmed the area, there were only two headstones and that records indicating who was buried there were destroyed in a tornado that hit Ceylon in 1936. With the church and its records long gone, it is difficult to determine who has the proper authority over the burial site and the Tietje's believe the matter is being turned over to the Martin County Board of Supervisors (Commissioners). Currently at issue is the removal of the gravestone(s) of which one removal is being contested, and deeding of the cemetery land to the Tietje's.

After listening to further discussion by the Tietje's and Eisenmenger, Commissioners took no action on the issue and advised the citizens to contact the County Attorney's Office with any questions or concerns they have, including the relocation of gravestone(s) and deeding of land to the Tietjes once the cemetery issue is settled.

Mr. Tietje thanked the Commissioners for taking the time to listen.

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 10:58 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Pierce, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator