

PROCEEDINGS OF THE  
MARTIN COUNTY COMMISSIONERS  
TUESDAY, MAY 19, 2009  
@ 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 Donnelly.

Those present were Commissioners Pierce, Schmidtke, Boler, and Potter. 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, 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 additions: Update on County Board of Equalization Meeting; Consider 2009 Energy Management Agreement Between the Southern Minnesota Municipal Power Agency (SMMPA) and Martin County; Consider Appointment of Alternate Ditch Viewer for Various County Drainage System Projects; and Consider Renewal of South Central WorkForce Council's Joint Powers Agreement. Carried unanimously.

Motion by Commissioner Potter, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the May 5, 2009 regular Board of Commissioners meeting as presented with one noted correction. Carried unanimously.

Barbara Schreier, Managing Director of the Red Rock Center for the Arts, presented and read a letter of thanks and gratitude to the Martin County Board of Commissioners for continued financial support to the Martin County Preservation Association and the Red Rock Center for the Arts; and extended an invitation to the Commissioners to attend the Memorial Day Picnic to be held on Monday, May 25, 2009.

Julie Grunewald, Corrections Agent with the Martin County Probation Department, introduced Neil Johnson, the new District Supervisor with the Minnesota Department of Corrections. Johnson gave a brief presentation about himself and his background. The Board welcomed Johnson to his new position.

Grunewald presented her recommendation to utilize supervision fees collected to offset the transportation costs of juvenile offenders and their families as a third approved use of the Probation Office's supervision fee account. Grunewald stated the legislature mandates that Department of Corrections staff impose supervision fees on adult offenders who are placed on supervised probation. The amount of the fee is based upon the level of offense and the Martin County Probation Department has been collecting fees since 2002. With the approval of the County Board and the Department of Corrections, the collected supervision fees have been used to pay the costs of juvenile restitution STS

reimbursement and for contract reports. Grunewald went on to state that in 2008, the Department collected \$11,940.50 in fees and at the present time, the balance in our supervision fee account is \$18,540.58. Grunewald continued that she would like to add a third item for expenditures to the Supervision Fees account to include reimbursement for travel expenses for families that have juveniles in out of home placement or who are under supervision of the Department. Grunewald stated that up until this point, we still had unspent dollars from the Extended Jurisdiction Juvenile (EJJ) money that was a revenue source from the Department of Corrections a number of years ago. Grunewald went on to state that revenue is no longer available; but in 2002 there was balance of \$9,500.00, however the \$9,500.00 was spent over the last few years for some of these transportation costs. Since these funds are no longer in existence we are requesting that the Supervision Fees account be an option for transportation expenses. For example if a juvenile is in out of home placement, if he or she is covered by Medical Assistance, Medical Assistance will cover these expenses so that's one source of funding. If the juvenile has a mental health diagnosis there is some Massachusetts Youth Screening Instrument (MAYSI) money through the Department of Human Services that can be allocated to help with the transportation costs. Human Services also has allocated \$1,000.00 for kids on probation that begins January 1<sup>st</sup>. The Supervision Fees account would be used only if those first three tiers of funding are not available. The average annual cost of transportation is over \$5,000. Grunewald noted that in the event offenders are not working and are unable to pay their supervision fees, we do have the authority to place them into revenue recapture. Grunewald concluded with a recommendation the Board approves the use of Supervision Fees account to offset the transportation costs of juvenile offenders and their families.

Potter inquired if the Supervision Fees account is spent down, where does the money come from to pay restitution or contract reports.

Grunewald responded that juvenile restitution will come first and the need for transportation cost or contract reports will need to be decided at that time. Grunewald stated that she did not anticipate this being a problem. After further discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Martin County Probation Department to utilize Supervision Fees received by the County Probation Department be used to pay for transportation costs of juvenile offenders and their families who do not have the resources to pay for their own transportation; and that payment for transportation expenses would only be considered if the following funding sources were not available or appropriate which includes: Medical Assistance, Massachusetts Youth Screening Instrument (MAYSI) funds, and F/M Human Services allocation for transportation of juveniles in the probation system, effective immediately. Carried unanimously.

Kevin Peyman, Martin County Highway Engineer, stated that Bid Letting for C.P. 09:08 Maintenance Gravel Production (Graham Pit) was held on Friday, May 15<sup>th</sup>, 2009 at

10:00 a.m. at the Martin County Highway Department – Fairmont, MN and that four bids were received:

Bid Results  
Martin County, Minnesota

Letting on May 15, 2009 – 10:00 a.m.  
Martin County Highway Department  
Fairmont, MN 56031  
507-235-3347

C.P. 09:08 Maintenance Gravel Production

Johnson Crushing, Inc., Clearwater, Minnesota	\$120,132.00	Apparent Low Bidder
Northland Aggregate, Ogilvie, Minnesota	\$152,810.00	
McNamara, Inc., Litchfield, Minnesota	\$156,360.00	
OMG Midwest, Inc. d/b/a Southern MN Construction, Mankato, Minnesota	\$160,660.00	

BID AWARDINGS ARE SUBJECT TO APPROVAL FROM BOARD OF  
COMMISSIONERS MEETING ON MAY 19, 2009

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be it Resolved that the Martin County Board of Commissioners, after the appropriate advertisement for bids; and upon receiving bids for C.P. 09:08; and upon the recommendation of the County Engineer, hereby approve and award the low bid for Maintenance Gravel Production project to Johnson Crushing, Inc. of Clearwater, Minnesota in the amount of \$120,132.00 (\$1.81/ton); and to authorize the Chair and County staff to sign and execute the necessary documents for the listed project. Carried unanimously.

Peyman opened discussion regarding the approximate \$600,000.00 balance of the General Obligation Road Reconstruction bonding money. Peyman stated in a conversation with Bill Fahey of Northland Securities, Inc. (Financial Consultant for the County) Fahey indicated the balance of the bonding money has accrued interest and may be spent on verifiable construction projects, and that there is not a specific timeframe the money needs to be expended. Peyman reviewed current various proposed road construction projects and costs that the bonding money could be used for including the CSAH 36 resurfacing, and three miles of overlay on CSAH 50 and six miles overlay on CSAH 39 (both near the City of Truman). Peyman noted that with the County's stockpile of recycled blacktop used to add into the new overlay mix, the balance left in the County's State Aid money, and with the estimated costs of the projects, there should be enough money to cover these proposed projects. Peyman stated there is a need to complete the two overlay projects and proposed to take bids for the two overlays projects and if the lettings come higher than estimated, he will come back to the Board and

recommend using a portion of the General Obligation Road Reconstruction bonding money for the projects.

Donnelly concurred with the plan. Schmidtke stated that the two overlays are needed.

Peyman stated at the recent County Parks & Trails Committee meeting, Darwin Anthony along with a couple of other citizens from the Trimont area, attended the meeting to discuss a proposal to establish a walking and biking trail connecting the City of Trimont with Cedar-Hanson Park. Peyman went on to state that the Anthony family had purchased land that includes an abandoned railroad bed, and runs north of Trimont about one and one-half miles. Peyman noted that Anthony has expressed an interest in donating or formulating some sort of perpetual lease agreement with Martin County for that particular corridor of land as long as it is used as a public trail. Peyman stated that initially the proposal sounds like a great opportunity; however there were mixed feelings and concerns from the County Parks & Trails Committee members, including a concern for the portion of the trail that borders a county drainage system with a fifteen foot drop, as well as the question of who will pay for which portion of the trail, and the complex grant regulations that could potentially drive up the costs. Peyman also noted that most of the gravel has been removed from the existing railroad bed and would require a lot of rock to replace the lost gravel. If the county wishes to pursue some sort of funding from the state for the trail, the next Area Transportation Partnership (ATP) funding cycle for trails would be not until 2014. Peyman requested a general direction from the Board on whether the County should pursue or the City of Trimont.

Pierce stated that this opportunity should be pursued and is fitting in development of a future trail system within the county. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the County Engineer, along with the Martin County Parks & Trails Committee, to pursue the development of an agreement for acquisition and development of the one and one half mile railroad corridor (currently owned by the Darwin Anthony Family of Trimont, MN) located north of the City of Trimont to be used for public trail purposes. Carried unanimously.

Peyman concluded that with the recent resignation of Steve Fosness from the County Parks & Trails Committee, the desire of the County Parks and Trails Committee is that the new appointee have a strong interest not only in the County Parks system but trails as well; and if possible the candidate be a person who could serve on both the City of Fairmont Trails Committee and the County Parks & Trails Committee, serving as a liaison between the two Committees.

Dan Whitman presented an update on the County Board of Equalization stating that currently there is one appeals scheduled with the possibility of one or two others; and stated that counties may be charged \$500.00 per parcel for appeals passed on to the State if the required certified member is not in attendance or there is not a quorum at County

Board of Equalization meetings. Whitman also noted that he has met with the Department of Revenue and will recommend no changes needed in valuations.

Jane Hennagir, Minnesota Counties Insurance Trust (MCIT) Account Executive, was present to present and review the Annual MCIT 2009 Member Report for Martin County. The Martin County Board of Commissioners accepted the 2009 MCIT Member Report.

The Board recessed at 10:17 a.m.  
The Board reconvened at 10:25 a.m.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby accept the resignation of Steve Fosness from serving on the South Central Minnesota Multi-County H.R.A. Board and the Martin County Parks and Trails Committee, effective immediately. Carried unanimously.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby appoint John Hovick of Fairmont, MN to serve on the South Central Minnesota Multi-County H.R.A. Board, effective immediately. Carried unanimously.

Scott Higgins, Martin County Coordinator, recommended approval of the agreement with FirstLab for Drug and Alcohol Testing services and pooling for random drug testing. FirstLab has been providing Drug and Alcohol Testing for members of Minnesota Counties Insurance Trust (MCIT) since 2005. MCIT had sunsetted the program in December, 2008. FirstLab is asking that each county sign their own agreement with FirstLab. FirstLab has continued to provide service to the county for the random pool Drug and Alcohol Testing Program and provides a full scope of services. The County Attorney has reviewed the FirstLab agreement and approves as to form and content.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the FirstLab services agreement for purposes of Drug and Alcohol Testing services for Martin County; as well as the addendum to the agreement (dated May 14, 2009) for revisions between FirstLab and Martin County including the scope of services as listed in the contract, at a cost of \$39.00 per Drug Test and \$35.00 per Alcohol Test, effective January 1, 2009. Carried unanimously.

James Forshee, Martin County Auditor/Treasurer, stated his office received a proposal for accounting services by LarsonAllen LLP for compiling the County's basic financial statements for the year ended 2008. Forshee also stated that he has been assured by LarsonAllen that information will be provided to the State Auditors in a format that works for them. Forshee noted the fee for the compilation of the basic financial statements by LarsonAllen is estimated to be \$11,800 (includes expenses such as mileage, postage, etc.) which is a 10% decrease from the prior year's quote. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign an agreement with LarsonAllen LLP for accounting services in the preparation of the necessary financial statements for the CY2008 Audit. Carried unanimously.

Higgins presented the addendum to the Energy Management Agreement between Southern Minnesota Municipal Power Agency (SMMPA) and Martin County for 2009. This program allows the Courthouse and Law Enforcement Center to curtail a portion of their electric usage during peak times, as requested by SMMPA. For the interruptions, SMMPA will pay \$300 per month based on a designated demand of 60 kw. This interruption period will be for the months of June through September. Higgins stated that per the agreement, Martin County has received payment in the amount of \$1,200 annually from SMMPA for participation in the program in previous years.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the addendum to the Energy Management Agreement between Southern Minnesota Municipal Power Agency and Martin County for CY2009 participation in the program. Carried unanimously.

Forshee stated that due to medical issues of one of the appointed Ditch Viewers for various Ditches that include (and other Ditches this individual may be appointed to) JD #82, #116, #6 and #59; and will not be able to perform required ditch viewer work at this time, recommended the appointment of Brad Hendricksen as an alternate viewer for the Ditch systems this individual has been appointed to work on.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve the appointment of Brad Hendricksen as alternate Ditch Viewer for certain ditches including but not limited to JD #82, #116, #6 and #59; that are currently being reviewed. Carried unanimously.

Commissioner Pierce presented the South Central WorkForce Council's Joint Powers Agreement, noting that at their last Joint Powers meeting, the members in attendance agreed to make no changes to the current Joint Powers Agreement, other than extending the date in which the participating County Boards shall remain in effect until June 30, 2012. The Agreement requires each County Board of Commissioners to authorize their Joint Powers Board member to sign the agreement for the period July 1, 2009 through June 30, 2012 and to authorize Commissioner Pierce, Board liaison, to sign the amended Joint Powers Agreement.

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the South Central WorkForce Council's amended Joint Powers Agreement extending the date to June 30, 2012; and authorize Commissioner Steve Pierce, South Central WorkForce Board liaison, to sign the amended Joint Powers Agreement. Carried unanimously.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the payment of claims for the month of May, 2009 as presented; and includes the Martin County Highway Department claims as presented. Carried unanimously.

Warrants received and paid May 19, 2009 are registered on file in the Auditor/Treasurer's Office as follows:

Revenue Fund – Warrants Approved May 19, 2009	\$169,103.66
Enhanced 9-1-1 Fund	\$ 4.83
Recreation and Safety Fund	\$ 468.15
Martin Co. Economic Development Authority	\$ 3,884.40
Solid Waste Management Fund	\$ 23,139.32
Law Library Fund	\$ 860.45
Martin County Transit Fund	\$ 37,292.68
Ind. Sewage Treatment Sys. Loan FD (ISTS)	\$ 14,025.87
Building – CIP – Fund	\$ 1,570.00
Bank Building Fund	\$ 2,332.88
Debt Service – Prairieland Fund	<u>\$329,032.50</u>
Grand Total	\$581,714.74
 Road and Bridge Funds Totaled	 \$ 98,889.30
Martin County Ditch Fund – Warrants Totaled	\$ 6,475.05

The Board reviewed information from the Association of Minnesota Emergency Managers on Redesign in Minnesota; the 2009 Spring SCORE Funds Distribution; Extension Regional Office Quarterly Report; CY2010 Commissioner Budget Packets; South Central Service Cooperative Meeting Summary of May 6, 2009; CY2009 First Quarter Revenue/Expenditure Report; and the AMC Sexual Violence Prevention and Intervention Letter.

Motion by Commissioner Potter, 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 Commissioner Gerald Boler and per diems to attend the 2009 National Association of RC&D Councils Conference to be held June 14-17, 2009 in Albuquerque, NM.

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

With no further business to wit, Board Chair declared the meeting adjourned at 11:00 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Steve Donnelly, Board Chair

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