

PROCEEDINGS OF THE
MARTIN COUNTY COMMISSIONERS
TUESDAY, AUGUST 18, 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.

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

The Board recognized Kay Wrucke, Martin County Recorder, for her recent nomination and receiving of the Linda S. Carter Award for Excellence in Government. Wrucke was presented with this award at the Installation and Award Banquet during the recent National Association of County Recorders, Election Officials, and Clerks (NACRC) Annual Conference in Nashville, TN. Kay was recognized because of her involvement with the NACRC, her work in government, and high integrity.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following additions: Consider Approval of Employee Personal Leave Request; Consider Approval of ATV Grant Award Agreement; and Consider Engagement Letter with State Auditors for CY2008 Audit. Carried unanimously.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the August 4, 2009 regular Board of Commissioners meeting as presented; and will include the legal description of parcels of land in Dunnell, MN. Carried unanimously.

Terry Viesselman, Martin County Attorney, was present and had nothing to report.

Brad Gerhardt, Martin County Sheriff, stated the Sheriff's Office has submitted the annual Emergency Management Performance Grant (EMPG) for Federal Fiscal Year 2009 and has received notification of approval in the amount of \$17,558.00. Grant dollars received go toward expenses for Emergency Management in the Sheriff's Office.

Motion by Commissioner Boler, seconded by Commissioner Potter,

R-#38/'09

RESOLUTION AUTHORIZING EXECUTION OF
EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM
AGREEMENT

Be It Resolved, that Martin County, MN enters into a Grant Agreement with the State of Minnesota, acting through its Commissioner of Public Safety, Division of Homeland Security and Emergency Management for the program entitled Emergency Management Performance Grant (EMPG) in the amount of \$17,558.00 effective January 1, 2009 through December 31, 2009 for the Federal Fiscal Year 2009.

Martin County Sheriff, along with Board Chair, is hereby authorized to execute and sign such Grant Agreements and amendments as are necessary to implement the project on behalf of Martin County, MN.

Motion by Commissioner Boler, seconded by Commissioner Potter, and was duly made and adopted this 18th day of August, 2009.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Donnelly, Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Pierce, Schmidtke, Potter, Boler, and Donnelly.
NAYS: None. Resolution duly passed and adopted this 18th day of August, 2009.

Sheriff Gerhardt continued the Martin County Sheriff's Office has received notification of increased funding provided to Martin County in the amount of \$4,790.00 to cover expenses related to labor (including overtime) and equipment dedicated to off highway vehicle enforcement.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Martin County Sheriff and Board Chair to sign the Off Highway Vehicle Enforcement Grant Contract in the amount of \$4,790 effective August 15, 2009 through June 30, 2011. Carried unanimously.

Higgins introduced a second draft resolution in support of the development of a statewide property tax system. Due to the frustration and expense in attempting to develop and maintain software systems to administer ever changing Minnesota taxation laws and rules regarding reporting valuation, assessment, and taxing of real estate in the State of Minnesota, it is recommended by this draft resolution that the State of Minnesota Department of Revenue and the State Legislature work together to develop a statewide property tax software system to be made available to all counties for purposes of implementing a uniform statewide property tax system.

Commissioner Pierce requested the resolution also be sent to the Association of Minnesota Counties (AMC) to include in the upcoming Policy Committee meetings to be held in September.

Motion by Commissioner Pierce, seconded by Commissioner Potter,

R-#39/'09

RESOLUTION
SUPPORTING THE DEVELOPMENT OF A
STATEWIDE PROPERTY TAX SYSTEM

WHEREAS: Recently 28 counties in MCCC have invested millions of dollars with a software provider and have experienced severe cost overruns and long delays in their attempt to develop a new Minnesota Tax System Software that meets all Minnesota Statutes and all reporting rules mandated by the Minnesota Department of Revenue

WHEREAS: Martin County, along with many counties throughout Minnesota, believe extreme delays, extremely costly overruns and excessively expensive yearly maintenance are largely due to the complexity and ever changing laws and rules relative to the Minnesota property tax system.

WHEREAS: Minnesota state run agency's have experienced recent success in developing and managing statewide systems such as the Department of Revenue's development and use of OneSource - an integrated tax system based on the GenTax product or the MN Court System's recent development of MJB statewide pro se initiatives

WHEREAS: Other states such as New York, Vermont, Oklahoma, West Virginia, Tennessee, Arizona, Wyoming, New Jersey, or Montana have demonstrated success with systems managed or administered by a state agency. Such systems allow many benefits especially to smaller counties and yet flexibility for large counties

NOW THEREFORE BE IT RESOLVED: That Martin County hereby requests that the State of Minnesota Department of Revenue and the State Legislature work together to develop a statewide tax software system to be made available to all counties for purposes of implementing a uniform statewide property tax system.

NOW THEREFORE BE IT ALSO RESOLVED: That the Legislature's ability to continually make changes to the property tax system be curtailed, and that that such changes when made cannot, and will not, become effective until such time as the State of Minnesota has been able to demonstrate that the property tax system software has been properly updated to accommodate such changes.

Motion by Commissioner Pierce, seconded by Commissioner Potter, and was duly passed and adopted this 18th day of August, 2009.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Donnelly, Board Chair

Dan Schmidtke, Vice Chair

Jack Potter, Commissioner

Steve Pierce, Commissioner

Gerald Boler, Commissioner

James Forshee, Auditor/Treasurer

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Boler, Schmidtke, Potter, Pierce, and Donnelly.
NAYS: None. Resolution duly passed and adopted this 18th day of August, 2009.

Kevin Peyman, Martin County Engineer, presented a power point presentation on the proposed trail right-of-way near Trimont, MN. The presentation showed various images of the approximate 1.6 mile abandoned railroad corridor, 15% of which is inside city limits of Trimont, MN; and extends northward with the goal of eventually connecting to Cedar-Hanson Park. The width of the trail varies anywhere from ten to fourteen feet and is spotted with trees, weeds, and very little crushed rock. There is also a four hundred to five hundred foot stretch that was built up to accommodate the trains that ran on the track. This area has straight up and down slopes that would need to be brought down in order to comply with Minnesota bike trail requirements. Peyman estimates costs involved at this point for approximately 1,100 ton of crushed rock at three inches deep is \$25 to \$40 per ton. There is also a lot of prep work that would need to be done such as mowing down the weeds and taking out the small trees within the trail. The County would probably have to hire someone that has smaller equipment to bring in the gravel as our tandems and motorgraders are too big to work in the current width and incline of the trail. Peyman noted that at some point the high slopes would need to be addressed in order to apply for federal or state funds for eventual paving of the trail. Peyman continued the family that is willing to grant Martin County the continuous easement for this corridor at no cost, would like to know a timeframe of when the area is going to be made into a trail. Peyman stated the next solicitation for federal money is out five years so we'd have at least a five year window before we could actually do any construction with federal money. Peyman went on to state he has not included any dollars in his CY2010 budget for this trail expense; and is asking for guidance on how to proceed.

Commissioner Schmidtke asked the opinion of the Martin County Park & Trails Committee; and how hard will it be to extend the proposed trail to Cedar-Hanson Park?

Peyman stated the Park Board supports the idea of connecting at least half way for the short term and work toward connecting to Cedar-Hanson Park at a later date. The Park Board is very supportive of this idea; but also does not know where funding will come from. There are also a couple of hurdles in connecting the second half including hesitant landowners, the need to purchase additional right-of-way, and going all the way around a cemetery.

Joe Burns, a member of the County Parks Board, was present and stated that with his experience serving on the City of Fairmont Parks Board, most of the trail work within the City of Fairmont was funded by private donations; and is perhaps one aspect the City of Trimont could pursue in working towards linking the trail. Burns went on to state that biking and hiking trails are a very important part of any community. Burns noted he will be attending a trails seminar in the near future and will be glad to bring back information on what other groups and communities are doing with their trail systems and what has been successful.

Discussion ensued regarding the steep embankments and if a guardrail could be installed along that section.

Peyman stated it is possible to install some type of guardrail; however if the County is to continue and use state or federal funds, the guardrail would not meet guidelines. If federal or state money is used, requirements are that the trails need to be blacktop and must be able to meet the slope requirements. In addition, there is a 20% County match. Peyman noted again that right now, federal money applications are being taken for five to six years in the future. After further discussion,

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize County Engineer to continue negotiating the acquisition of a one and one-half mile stretch of railroad corridor near the City of Trimont for future trail purposes; including the development of a 5-year construction plan and involvement in talks and discussion with the City of Trimont. Carried unanimously.

Peyman stated that due to recent inquiries concerning traffic accidents at the Minnesota State Highway 263 & County State Aid Highway 26 intersection, he has completed an intersection comparison of traffic counts from 2005 and all accident totals from 1996 to 2005 at certain stop sign locations within the County. Peyman also presented a drawing of the Hwy 263 & Hwy 26 intersection, featuring the current stop ahead warning signs, rumble strip placement, and the two 48" stop signs (the largest made) as you approach the intersection from the north and south. Due to the recent accidents at this intersection, it had been suggested that perhaps the County should convert to a 4-way stop intersection. Peyman went on to state that since this intersection involves a state road, he contacted the Minnesota Department of Transportation (Mn/DOT) and was informed that Mn/DOT

controls the signage inside of their right-of-way completely and that we as a County can not do anything inside of their right-of-way. Mn/DOT proposed for the short term, installing a second 40" stop sign, so there would be one on each side of the road to the north and south; and that they would also conduct a field review of the intersection yet this fall, to see if anything else is needed. Peyman continued that when he asked if the County or City felt it was important enough to put up flashing red lights on the existing stop signs at this intersection, Mn/DOT's response was that it was not allowed.

Commissioners inquired about the safety concern with the hill to the east of the intersection. By bringing that hill down, it would open up the intersection so you could see better; and about possibly installing solar powered flashing lights or LED lights around the signs that are already there; and also installing trucks entering or hazardous intersection signs.

Peyman noted again that Mn/DOT controls the signage inside of their right-of-way. Peyman went on to note that Mn/DOT will be putting up the second stop signs and conducting a traffic study; the County will look at signs on our portion, and that eventually when County State Aid Highway 26 is resurfaced, the County would take a look at the "hill" and see what they could do to make it better at that time.

Chuck Pettipiece of Pettipiece & Associates of Mankato, MN and Dave Kumm of Minnesota Valley Action Council were present to request that Martin County consider sponsoring a grant pre-application to the Small Cities Development Program (SCDP). The grant program would provide funds to selected cities in the County to offer homeowners to fix up their homes. The program is to be coordinated through the Minnesota Valley Action Council (MVAC) strictly on single family, owner occupied property. The amount of the SCDP funding will be based upon an applicant's affordability; the SCDP funds will take the form of a 0% Interest, 10-year Deferred Loan; and the maximum SCDP investment in any structure will be set in the application and will not exceed \$25,000. Pettipiece noted that since the City of Fairmont has an existing program in place, it will be excluded from this program.

Commissioner Pierce voiced his concern that with Fairmont's current program, loans that are available are restricted to just a small area in Fairmont and that perhaps this is an opportunity to offer to those outside that particular area. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Pettipiece & Associates to submit an application on behalf of Martin County for the Small Cities Development Program. Carried unanimously.

The Board recessed at 10:25 a.m.

The Board reconvened at 10:35 a.m.

James Forshee, Martin County Auditor/Treasurer, stated our current maintenance and support coverage with Election Systems & Software (ES&S) is due to expire in 2009.

All of the county's tabulation equipment (M100's and Auto marks) must be covered by their maintenance program. ES&S provides hardware, firmware, and software maintenance and support to cover Martin County for the next four (4) years at a fee of \$12,034.70 annually.

Discussion ensued concerning lack of use of the machines and agreement language as to costs involved in the maintenance of the machines.

Consensus of the Board is to table consideration of the Election Systems & Software Maintenance Services Agreement.

Higgins presented the annual resolution for public transportation service in Martin County. Higgins stated the projected operation budget for CY2010 is \$584,136 which is an approximate 2.5% increase over our CY2009 request of \$570,333. Higgins noted that the actual approved budget for CY2009 was \$479,200. The county is required to provide for 15% of all operational costs and 20% of all capital costs. Capital items included in the CY2010 budget are: power washing equipment estimated at a cost of \$5,000; a concrete apron approximately 150 ft. x 50 ft. at an estimated cost of \$25,000; a transit dispatching system with two options (1) a full system at an estimated cost of \$165,000; or (2) an estimated \$69,000 for the software with optimization function. Along with the capital items, one of the major items included in the operations budget is the need for a full time dispatcher at an approximate cost of \$35,000. Higgins stated this position will be needed if we are able to get the requested transit dispatch system.

Motion by Commissioner Schmidtke, seconded by Commissioner Boler,

R-#36/'09

RESOLUTION
MARTIN COUNTY TRANSIT SYSTEM
CY2010

BE IT RESOLVED, that Martin County, MN enters into an Agreement with the State of Minnesota to provide public transportation service in Martin County, MN.

BE IT FURTHER RESOLVED, that Martin County, MN agrees to provide a local share of fifteen percent (15%) of the total operating cost and twenty percent (20%) of the total capital costs for CY2010.

BE IT FURTHER RESOLVED, that Martin County, MN authorizes the Chairman of the Martin County Board of Commissioners or the Martin County Coordinator to execute the aforementioned Agreement and any amendments thereto.

BE IT FURTHER RESOLVED, that the Board Chairman or the County Coordinator is authorized to execute requests for reimbursement to the Minnesota Department of Transportation. Dated this 18th day of August, 2009.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Donnelly, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Potter, Boler, Pierce, Schmidtke, and Donnelly.
NAYS: None. Resolution duly passed and adopted this 18th day of August, 2009.

Forshee presented the Martin County Budget Policy. As a planning and management tool, the Martin County Budget Policy is a detailed plan of financial activity indicating all anticipated revenues and expenditures for the annual budget period. Budget development for Martin County operations is entrusted to the County Coordinator and County Auditor/Treasurer.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and adopt the Martin County Budget Policy establishing a detailed plan of the County budget process. Carried unanimously.

MARTIN COUNTY BUDGET POLICY

SCOPE

As a planning and management tool, the Martin County Budget is a detailed plan of financial activity indicating all anticipated revenues and expenditures for the annual budget period. Budget development for Martin County operations is entrusted to the County Coordinator and County Auditor/Treasurer.

BUDGETING

In late May the County Coordinator shall send out the budget request worksheets to all the county departments to be completed. Each county department shall submit all budget requests to the County Coordinator or County Auditor/Treasurer in early June of each year for the subsequent year's budget.

The County Coordinator and County Auditor/Treasurer shall conduct Departmental Budget Reviews in Mid June of each year and review the departments request for the upcoming year's budget.

The County Coordinator and County Auditor/Treasurer shall submit initial budget drafts to the County Board in August of each year.

The County Board may conduct Budget Workshop's at its' discretion with the Department Directors, make adjustments, and instruct the County Coordinator and County Auditor/Treasurer to prepare the subsequent year's preliminary budget for submittal to the County Board at its first regular meeting is September.

The County Board shall certify the subsequent year's proposed property tax levy to the County Auditor/Treasurer by September 15th, (or other date as directed by the Minnesota Department of Revenue) with said proposed levy representing the maximum subsequent year's levy.

The County Coordinator and County Auditor/Treasurer shall continue to make necessary budget adjustments resulting from legislative changes or unforeseen budget factors during the final budget preparation process.

Final budget preparation by the County Coordinator and County Auditor/Treasurer will conclude with the formal budget presentation at the Truth-in-Taxation Hearing to be conducted on the first Thursday in December (or other date as directed by the Minnesota Department of Revenue).

The County Board shall adopt the subsequent year's budget and establish the final property tax levy at a regular County Board Meeting following the initial Truth-in-Taxation Hearing, certifying said levy to the County Auditor/Treasurer by December 28th (or other date as directed by the Minnesota Department of Revenue).

BUDGET MONITORING

County Coordinator shall monitor the overall budget on a continuing basis and provide monthly reports to the County Board at Regular Board Meetings as a matter of public record. Department Heads are responsible for on-going monitoring and evaluation of their respective departmental budget revenues and expenditures. Budget monitoring and evaluation is on the line item basis and with respect to total departmental budget revenues, expenditures, and net activity.

BUDGET ACCOUNTING

The County Auditor/Treasurer is the responsible authority for all financial accounting and insures that budget accounting practices for the General Fund and special revenue funds are on a basis consistent with generally accepted accounting principles.

Adopted: August 18, 2009
Martin County Board of Commissioners

Forshee presented a personal unpaid leave request from an employee in the Auditor/Treasurer's Office that has used all available PTO and comp time due to a continuing medical condition. Forshee stated the unpaid leave request will be from August 18, 2009 to on or about October 2, 2009 which is the anticipated return to work

date. The leave is unpaid and other benefits do not accrue. If approved, the employee will be responsible for their share of health insurance for the first 30 days. If the leave is 31 days or longer, the employee is responsible for the full health insurance premium. Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize personal unpaid leave for Joyce Schultz effective August 18, 2009 to on or about October 2, 2009; contingent upon receiving the proper return to work status certification report. Carried unanimously.

Forshee next presented the formal Engagement Letter from the State Auditor listing what the auditors will be doing for the 2008 audit. Forshee stated the auditors are here for the next two weeks conducting their fieldwork including policies and procedures with payroll and collection of taxes. Forshee went on to state that it is hopeful the 2008 audit will be complete by the end of September, 2009.

Commissioner Boler voiced his concern over costs involved with the Office of the State Auditor versus private firms; and the length of time to conduct the audit. Motion by Commissioner Schmidtke, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair and Auditor/Treasurer to sign the Letter of Engagement for audit services by the State of Minnesota Office of the State Auditor for the year ended December 31, 2008. All those in favor: Commissioners Potter, Schmidtke, and Donnelly. Opposed: Commissioners Pierce, and Boler. Motion carried.

Commissioners reviewed warrants and Highway Bills to be paid. Higgins noted an addition to the bills includes payment request to GAG Sheet Metal, Inc. in the amount of \$22,876.00 for work performed to date on the Security Building Roof Replacement; and review of National Sheriff's Conference expenses.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve the payment of claims for the month of August, 2009 as presented; and includes the Martin County Highway Department claims as presented; and to hold the payment for National Sheriff's Conference expenses pending review. Carried unanimously.

Warrants received and paid August 18, 2009 are registered on file in the Auditor/Treasurer's Office as follows:

Revenue Fund – Warrants Approved August 18, 2009	\$126,306.12
Enhanced 9-1-1 Fund	\$ 8.87
Recreation and Safety Fund	\$ 9,869.97
Martin Co. Economic Development Authority	\$ 45.00
Solid Waste Management Fund	\$ 17,268.95
Law Library Fund	\$ 1,516.10
Martin County Transit Fund	\$ 99,248.00
Recorder's Compliance Fund	\$ 2,115.00

Building – CIP – Fund	\$ 22,876.00
Bank Building Fund	\$ 4,162.56
Debt Service Fund	\$ 56,358.75
Forfeited Tax Fund	\$ <u>715.93</u>
Grand Total	\$340,491.25

Road and Bridge Funds Totaled	\$ 25,529.66
Martin County Ditch Fund – Warrants Totaled	\$ 37,270.74

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

With no further business to wit, Motion by Commissioner Schmidtke, seconded by Commissioner Potter, to adjourn the meeting. Carried unanimously.

Meeting adjourned at 11:25 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Donnelly, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator