

PROCEEDINGS OF THE  
MARTIN COUNTY COMMISSIONERS  
TUESDAY, JULY 6, 2010  
@ 9:00 A.M.

The regular meeting of the Martin County Board of Commissioners was called to order at 9:00 a.m. by Vice Chairman Boler.

Commissioners present were Donnelly, Potter, and Pierce. Commissioner Schmidtke was absent. 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, Jennifer Brookens, Sentinel Newspaper, Brad Gerhardt, Martin County Sheriff, Julie Walters, Administrative Assistant, Rod Halvorsen, KSUM/KFMC Radio, and members of staff and public.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following addition to Agenda Item 9.1: Nick DiDonna, Construction Site Manager with Iberdrola Renewables, will be present for the JD #32 Drainage Matter. Carried unanimously.

Motion by Commissioner Potter, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the June 15, 2010 regular Board of Commissioners meeting as presented. Carried unanimously.

Terry Viesselman, Martin County Attorney, stated the Board go into Closed Session to discuss K-Mart Tax Appeal.

Motion by Commissioner Potter, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby move into a closed session per Minnesota Statute 13D.05 (b) at 9:04 a.m. Carried unanimously.

Those present were Commissioners Boler, Donnelly, Pierce, and Potter. Also present were Terry Viesselman, Martin County Attorney, Dan Whitman, Martin County Assessor, James Forshee, Martin County Auditor/Treasurer, Scott Higgins, Martin County Coordinator, and Julie Walters, Administrative Assistant.

Motion by Commissioner Pierce, seconded by Commissioner Potter, to go back into open session.

Meeting returned to open session at 9:05 a.m.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of Terry Viesselman, Martin County Attorney, hereby approve the tax court settlement agreement with K-Mart pertaining to the valuation of the property (parcel number) in Fairmont, MN

with the values being reduced as follows: 2008 Reduced value from \$3,013,100 to \$2,800,000 (2007 court ordered value); 2009 Reduced value from \$3,093,600 to \$2,800,000 (1<sup>st</sup> year after Wal-Mart Opened); 2010 Reduced value from \$2,773,100 to \$2,600,000 (1<sup>st</sup> year after store closed); and 2011 Reduced value from \$2,584,700 to \$2,500,000 and was added to County Board of Review changes; and authorize the Board Chair and/or the County Attorney or appropriate staff to sign the necessary settlement documents. Carried unanimously.

Viesselman next stated that Peter Odgren has been hired as replacement Assistant County Attorney effective July 12, 2010.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the hire of Peter Odgren as Assistant County Attorney effective July 12, 2010. Carried unanimously.

Viesselman continued that he has reviewed the Elm Creek II Security Agreement for Temporary Crossing and would like agreement language to include that Elm Creek II will repair any damage or impacts that they may make and if they don't that Martin County can use the deposit to cover county costs in such repairs. Viesselman went on to note that he as also reviewed the Elm Creek II Haul Road Agreement and approves as to form and content.

James Forshee, Martin County Auditor/Treasurer, stated that Skinny Minnow Inc., d/b/a I-90 Expo Center in Sherburn, MN has applied for renewal of a Liquor, Wine, Club, or 3.2% License. Forshee went on to state the application has been received; however, the Auditor/Treasurer's Office has not yet received the Certificate of Insurance.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the renewal of Liquor, Wine, Club, or 3.2% License for Skinny Minnow Inc., d/b/a I-90 Expo Center in Sherburn, MN effective July 21, 2010 through July 20, 2011; contingent upon receiving all necessary paperwork. Carried unanimously.

Kevin Peyman, Martin County Highway Engineer, presented a Stop Sign Resolution for the intersection of 20<sup>th</sup> Av. (C.R. 103) and 220<sup>th</sup> (Twp Road) and recommends approval of placing a stop sign at this intersection; and that east and west bound traffic on 220<sup>th</sup> St. will stop.

Motion by Commissioner Potter, seconded by Commissioner Donnelly,

Martin County Highway Department  
Resolution No. 4 – 2010

#### RESOLUTION DESIGNATING STOP INTERSECTION

In order to control, safeguard, and expedite traffic on county and township roads in Martin County, and upon recommendation of the County Engineer, the County Board of Commissioners deems it advisable to make the following resolution:

THEREFORE, BE IT RESOLVED, that the following intersection is hereby designated as a STOP INTERSECTION and the County Engineer be and hereby is instructed to cause the installation and maintenance of STOP SIGN thereat:

The intersection of 20<sup>th</sup> Av. (C.R. 103) and 220<sup>th</sup> St. (Twp Road) will be a STOP INTERSECTION. East and West bound traffic on 220<sup>th</sup> St. will stop.

Upon motion by Commissioner Potter, seconded by Commissioner Donnelly, and carried said resolution was duly passed and adopted this 6<sup>th</sup> day of July, 2010.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Board Chair

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

#### CERTIFICATION

I hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the County of Martin at a duly authorized meeting thereof held on the 6<sup>th</sup> day of July, 2010.

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Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Pierce, Donnelly, Potter, and Boler. NAYS: None. Resolution duly passed and adopted this 6<sup>th</sup> day of July, 2010.

Peyman stated that Bid Letting for C.P. 10:04 Highway Pavement Striping in Martin and Faribault Counties was held on Friday, July 2, 2010 at 10:00 a.m. at the Martin County Highway Department – Fairmont, MN and two bids were received:

Bid Results  
Martin County, Minnesota

Letting on July 2, 2010 – 10:00 a.m.  
Martin County Highway Department  
Fairmont, MN 56031  
507-235-3347

C.P.10:04 Highway Pavement Striping

AAA Striping, St. Michael, Minnesota \$ 136,220.00  
Yellow Paint \$10.40/gal  
White Paint \$ 9.84/gal

Apparent Low Bidder ← ←
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Traffic Marking Service, Maple Lake, Minnesota \$ 144,622.50  
Yellow Paint \$10.55/gal  
White Paint \$10.61/gal

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, after the appropriate advertisement for bids; and upon receiving bids for C.P. 10:04; and upon the recommendation of the County Engineer, hereby approve and award the low bid for the Highway Pavement Striping to AAA Striping of St. Michael, MN in the amount of \$136,220.00; and to authorize the Board Vice Chair and appropriate staff (County Engineer, County Auditor/Treasurer, County Attorney) to sign and execute the necessary documents for the listed project. Carried unanimously.

Peyman presented and reviewed a Haul Road Agreement between Martin County and Elm Creek Wind II LLC (Contractor) granting Contractor the right to use County Roads for purposes of transporting products, equipment, materials, and supplies relating to the construction of the Elm Creek II Wind Project. Peyman noted that Elm Creek II is responsible for costs above and beyond the County's routine maintenance of the road; and is responsible for obtaining all permits, licenses, and governmental approvals. Peyman went on to note he is satisfied with the work performed by Elm Creek II and their response time to complaints about dust and recommends entering into the Haul Road Agreement.

Motion by Commissioner Potter, seconded by Commissioner Pierce, Whereas, Elm Creek Wind II LLC is developing a wind-powered electric generating facility located in Martin County, MN; and Whereas, in connection with the development, construction, operation, and maintenance of the Project, it will be necessary for Elm Creek and its contractors and subcontractors or designees to use County Roads for purposes of transporting products, equipment, materials, and supplies relating to construction of the Wind Project as defined in Construction Purposes; Now Therefore Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Board Vice Chair to sign the Haul Road Agreement (Elm Creek II Wind Project) between the County of Martin, MN and Elm Creek Wind II LLC an Oregon limited liability company (1125 NW Couch Street, Suite 700, Portland, Oregon). Carried unanimously.

Peyman concluded with a brief department update stating their big seal coating project will begin on Tuesday, July 13<sup>th</sup>.

Brad Gerhardt, Martin County Sheriff, stated additional funds in the amount of \$23,485.00 have been received from the Public Safety Interoperable Communications (PSIC) grant fund to purchase mobile/portable radios that are ARMER approved; with matching County funds required in the amount of \$5,872.00.

Motion by Commissioner Donnelly, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Vice Chair to sign letter addressed to the South Central Minnesota Regional Radio Board of the County's intent to match PSIC grant funds in the amount of \$5,872.00 for the purchase of mobile/portable radios that are ARMER approved. Carried unanimously.

Gerhardt stated the Sheriff's Department has accepted the resignation of part-time Corrections Officer Chad McGowan effective May 28, 2010.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby accept the resignation of Chad McGowan as part-time Corrections Officer for the Martin County Sheriff's Office, effective May 28, 2010. Carried unanimously.

Gerhardt next presented the Professional Services Agreement between Martin County and Alpha Wireless Communications Co. of North Mankato, MN. Gerhardt stated the Participation Plan that Martin County signed requires the County to have a Local System Administrator that has the authority to represent the County's interest and make decisions on issues related to the day-to-day and emergency operation of the system components within the County; and that it is the intent of the County to subcontract with some of the duties of the Local System Administrator, specifically some or all of the technical requirements required in the Standards. Gerhardt noted the initial term of this agreement is the period of time necessary for County to fully integrate its primary voice communications onto the ARMER backbone system; and that compensation for this initial term has been paid in full as a condition of the Participation Plan contract.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Vice Chair to sign the Professional Services Agreement Support of ARMER Required Local System Administrator with Alpha Wireless Communications Co., of North Mankato, MN as Technical Advisor for Martin County for subcontracting some or all of the technical requirements required in the ARMER Participation Plan standards. Carried unanimously.

Gerhardt presented the monthly Sheriff's Office Update including: the Department of Corrections has completed their jail inspection for this year and will be at the next regular Board of Commissioners meeting on July 20<sup>th</sup>, 2010 to make their presentation on the status of the Martin County Jail; the U.S. Attorney's press release on the Wilcox case from Truman; on July 13<sup>th</sup> the Sheriff's Office will be making their quarterly report to the City of Ceylon; ramped up Boat and Water hours getting more coverage and little to no

complaints; and a special thank you to the media and all the spotters for their excellent help during the recent severe weather.

Kay Wrucke, Martin County Recorder, presented the State of Minnesota Satellite Office Agreement designating the Martin County Recorder's Office as a satellite office for providing Uniform Commercial Code filing and retrieval services on a local level for the convenience of customers requesting such transactions. Wrucke stated there are a couple of variations to this agreement from the last one that was signed in 2003; those being operating equipment – they (the State) no longer will provide us with the equipment which was a scanner and printer; and added a minor piece to the agreement about staffing and allowing Martin County to have more information on the Recorder's Office in the system.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Board Vice-Chair to sign the State of Minnesota Satellite Office Agreement designating the Martin County Recorder's Office as a satellite office for providing Uniform Commercial Code filing and retrieval services. Carried unanimously.

Dan Whitman, Martin County Assessor, presented his recommendation for a 2% fee increase on assessment work done in local jurisdictions in 2010 that is paid in 2011. Whitman stated that marginal increases over the past few years have left Martin County below the regional average and the proposed 2% increase will get Martin County more in line with surrounding counties.

Commissioner Pierce stated that the proposed 2% increase goes against county policy of zero increases in 2010. After further discussion,

No action taken on Assessor's Fee Schedule increase, the matter died for a lack of a motion.

Whitman next requested Board authorization for Board Vice Chair to sign Tax Court Settlement documents for the Five Lakes Center (Fairmont) and NuWay Cooperative (Fairmont). Whitman stated the settlements have already been approved and that the Board's signature is required on the final settlement documents.

Whitman stated that the Tax Court Settlement agreements for the Five Lakes Center (Fairmont) and NuWay Cooperative (Fairmont) have been approved and just need the board chair's signature on the final settlement documents. Carried unanimously.

Whitman stated that during the County Board of Review held in June, 2010, it was determined that an Economic Development Abatement was an appropriate relief for Michael/Maynard Bettins commercial property to include parcels 23.037.1130, 23.037.1135, 23.037.1140 (Fairmont) and 16.032.1900, 16.032.1950 (Rutland). Mr. Bettin has indicated that he would like to see the county taxes reduced to between \$11,000 - \$14,000. If granted, this would put the level of taxes paid prior to the year

2006. This abatement would include the county's portion only. Whitman reviewed a spreadsheet of taxes on Michael/Maynard Bettin Commercial Parcels from 2007 through 2010 highlighting taxes by jurisdiction as well as by parcel; and the total amount of Bettins tax payment, and the amount of that payment that actually comes to the County. Whitman continued in comparison with other businesses out there that just had tax court cases settled, the Bettins are already receiving a rate that is substantially less than anyone else in the area; therefore, I am unable to make a recommendation.

Much discussion ensued regarding tax increases on the Bettins commercial parcels since 2006 and if consideration should be made.

Commissioner Donnelly stated the Bettins are in a category by themselves as they are not receiving any benefit or gain by having Wal-Mart across the street.

After much more discussion,

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, having the authority to provide for an Economic Development Tax Abatement as provided by Minnesota Statutes 469.1813-469.1816, and after careful review and consideration, hereby approve an Economic Development Tax Abatement for the following commercial parcels 23.037.1130, 23.037.1135, 23.037.1140 (Fairmont) and 16.032.1900, 16.032.1950 (Rutland) for Michael/Maynard Bettin in the amount of \$5,000 for tax year 2009 and tax year 2010 for a total amount of \$10,000; for the purpose of deferring or phasing in a large (over 50%) property tax increase for the aforementioned parcels. Carried unanimously.

Lenny Tvedten, Martin County Historical Society, Inc. was present to thank the Board for past support and presented an update on the Pioneer Parsonage project, which is deemed by the Martin County Historical Society an asset to the community and county. Tvedten also provided a formal request for Budget Allocation in CY2011 that includes \$15,000 for general operating expenses and \$20,000 for landscaping and sidewalk to provide safety and accessibility to the Parsonage.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby Receive and File the CY2011 Martin County Historical Society Budget Allocation Request in the total amount of \$35,000.00. Carried unanimously.

Rich Perrine and Tim Peterson, Martin County Soil and Water Conservation District (SWCD), and Representative Bob Gunther presented information on the Lessard-Sams Outdoor Heritage Council Grant for FY2012 that SWCD is applying for. Criteria for this grant is to restore, enhance, and protect; and SWCD has projects that meet that criteria including eradication of buckthorn on the lake banks within the City of Fairmont, potential acquisition of a 40 acre parcel by Granada, clean up of the west shore of Cedar Lake, and locations throughout the Greater Blue Earth River Basin Alliance (GBERBA).

Perrine stated with cash match from county wildlife groups, there will be no cash match requirement from Martin County.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby supports Martin County Soil and Water Conservation Districts application for a Lessard-Sams Outdoor Heritage Council Grant to restore, enhance, and protect parks and lakeshore within Martin County and the City of Fairmont. Carried unanimously.

Higgins stated the Martin County Soil and Water Conservation District has provided a security agreement between Martin County, Elm Creek Wind II, LLC and Iberdrola Renewables for use of temporary crossing over wetlands during construction of wind generation towers for the Elm Creek II Wind Project near the Jackson County line. Higgins stated this agreement provides a \$10,000 security deposit for the use of the temporary crossing for damage done to those wetlands. Higgins went on to state the County Attorney has reviewed the agreement and would like language included that Elm Creek II will repair any damage or impacts that they may make and if they don't (repair the damage) Martin County can use the deposit to cover costs in such repairs.

Motion by Commissioner Potter, seconded by Commissioner Donnelly, Whereas, Elm Creek II LLC is developing a wind-powered electric generating facility located in Martin County; and Whereas, in connection with the development, construction, operation and maintenance of the Project, it will be necessary for Elm Creek and its contractors and subcontractors or designees to create a temporary crossing over certain wetlands as identified in the Notice of Decision from the Martin County LGU dated June 8, 2010 and attached hereto as Exhibit A; and Whereas, Exhibit A (Notice of Decision) imposes upon Elm Creek Wind II, LLC certain obligation with respect to the Project and Elm Creek II, LLC has agreed to provide ten thousand dollars (\$10,000.00) security deposit to the County to secure the performance of those obligations pursuant to the terms of the Agreement; Now Therefore Be It Resolved, that the Martin County Board of Commissioners approve and authorize the Board Chair to sign the Security Agreement for Temporary Crossing between the County of Martin, MN and Elm Creek Wind II, LLC an Oregon limited liability company (1125 NW Couch Street, Suite 700, Portland, Oregon). Carried unanimously.

Deb Mosloski, Drainage Specialist for Martin County, and Commissioner Potter opened discussion regarding Elm Creek II locating a wind turbine designated as Turbine P-1 on a county tile designated as county drainage ditch #32; and allowing Elm Creek II to move a portion of county drainage ditch #32.

Mosloski stated Elm Creek II should have been aware of the tile location from maps that were supplied to both Elm Creek II and Mortenson Construction, engineers for the project. Mosloski continued if county tile has to be moved, the proper procedure is to come to the Board of Commissioners before any work is done.



Nick DiDonna, Construction Site Manager – Elm Creek II Wind Project, and Moe with Mortenson Construction were present and in turn apologized for placement of a wind turbine on top of county tile; and for not following proper procedure for moving a portion of county drainage ditch #32. DiDonna and Moe assured the Commissioners the Ditch would be moved enough to provide a good foundation for the wind turbine while maintaining adequate drainage for the ditch system; and that remaining turbines will not be constructed above county tile.

Everett Garlish, Contractor, was also present.

After discussion,

Motion by Commissioner Potter, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Elm Creek II to move a portion of County Ditch No. 32 a moderate distance south of present location (Elm Creek Township T 103N R33W, 127 acres in southwest quarter of Section 19 Elm Creek Township, land owned by Roxanne and Tyler Scholl) while continuing to provide adequate drainage for ditch system 32 and allow a good foundation for turbine P-1; and if Elm Creek II has any problems in the future including the stability of turbine P-1 of the Elm Creek II Wind Farm, they will hold harmless the following: Landowners of Martin County Drainage Ditch No. 32, Martin County, Minnesota, and Everett Garlish, a/d/a Eiden Drainage. Carried unanimously.

Higgins presented and reviewed five (5) county personnel policies stating that the overall purpose of the policy changes was not only to clarify and update the terminology used in the policies; but to also be more consistent with other employee groups within the county. Higgins stated the internal Policy Committee met to review each of the five policies and recommends updates to the following county personnel policies: Martin County Personnel Policy ~ P-09 Sick Leave and Emergency Leave; Martin County Personnel Policy ~ P-10 Holidays; Martin County Personnel Policy ~ P-19 Hours of Work/Compensatory Time/Overtime; Martin County Personnel Policy ~ P-13 Funeral Bereavement; and Paid Time Off (PTO) Policy.

After individual policy review and discussion,

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the revisions to the following County Personnel Policies:

- Martin County Personnel Policy ~ P-09 Sick Leave and Emergency Leave: Updated policy deletes language referring to the “old” sick leave accruals for regular and part time employees. Also, Section 6A was revised from “35-40 hours” to “3 days.”
- Martin County Personnel Policy ~ P-10 Holidays: Provides new policy language pertaining to compensation for holiday hours worked in Section 3; and language to clarify the half day Christmas Eve holiday.
- Martin County Personnel Policy ~ P-19 Hours of Work/Compensatory Time/Overtime: Updated normal work day hours; deletion of vacation time and replaced with the term “PTO”; added new language for non-exempt employees, not in

a collective bargaining unit, for payment of work performed on Sundays, as well as new call back language.

- Martin County Personnel Policy ~ P-13 Funeral/Bereavement: Updated policy language from use of “vacation” to PTO; updated definition of Immediate Family (expanded in-laws); and use of one (1) day of “Extended” sick leave with pay may be taken for the death of a relative outside the immediate family.

Effective July 6, 2010. Carried unanimously.

<b>P-09 BENEFITS/ Sick Leave and Emergency Leave</b>
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**I. POLICY STATEMENT**

The County's sick leave policy is intended to ease the financial burden and provide income to employees who are absent on account of illness or accident of a non-work related nature. Sick leave may not be used for any other absence.

**II. POLICY GUIDELINES**

1. Employees may use sick leave benefits for an absence due to their own illness or injury, that of a spouse, the employee's parent or grandparent or that of a son or daughter.

2. Upon severance from employment, an employee in good standing and with at least two (2) weeks notice, or his/her heirs, shall receive pay at the current rate of pay at the time of severance, for twenty-five percent (25%) of their accrued "Extended" Sick leave bank as follows.

a. Severance pay is available to employees separated from the County service by reason of:

1. Death
2. Separation after 20 years of continuous county service
3. Termination resulting from abolition of unlimited, unclassified position.

3. Sick leave use shall be subject to approval and verification by the Department Head or the County Coordinator, either of whom may require the employee to furnish a report following the illness,

a. for an absence of three (3) work days

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**Martin County Personnel Policy ~ P-09**

**Adopted: 07-06-10**

**Supercedes: 01-01-97**

County Policy # P10  
Effective: July 6, 2010

Subject: BENEFITS/Holidays

**I. POLICY STATEMENT**

It is customary to allow employees to observe certain national holidays by granting the day of observance as a day off from regular duties with appropriate pay.

**II. POLICY GUIDELINES**

1. The following calendar days shall be recognized and observed as paid holidays for all full-time regular employees:

<u>Holiday</u>	<u>Date</u>
New Year's Day	January 1
Martin Luther King Day	Third Monday January ( <i>Floating Holiday*</i> )
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	Friday ( <i>Columbus Day*</i> )
Christmas Day	December 25
Half day/Christmas Eve	December 24 (beginning at Noon)*

2. In the event the holiday falls on a Saturday, the previous Friday shall be designated, as will Monday be designated in the case of a holiday falling on a Sunday.

3. Employees assigned and required by the Employer to work on a holiday as designated in this Policy shall receive compensation at one and one-half (1-1/2) times their base pay rate for hours worked, plus holiday compensation at their base rate, but in no case shall the total compensation exceed two and one-half (2-1/2) times the employee's base rate. This holiday pay shall also apply to any work performed on Easter Sunday.

4. An employee is not eligible for pay or time off on a holiday if they have been absent without leave or on an unpaid leave of absence either the working day before or the working day after a holiday.

5. Half day/Christmas Eve is only in effect when Christmas Day falls on Tuesday through Friday.\*

*\*Refer to Highway Department Policy (Floating Holiday and Columbus Day in lieu of listed observed holidays)*

Subject: HOURS OF WORK/COMPENSATORY TIME/OVERTIME

**I. POLICY STATEMENT**

Martin County expects that employees will complete their duties within the scheduled work week. It is the policy of Martin County to minimize the use of any overtime or compensatory work hours. Work hours will usually be within set office hours. However, some county authorized activities may require early morning, evening, or weekend work. In such instances, adjustments to your work day hours must be made upon advance approval of your supervisor. Employees may be assigned different hours as their work day and different days as their work week.

**II. POLICY GUIDELINES**

1. The normal work week for County employees shall be up to forty (40) hours, except in those departments where, because of the nature of the work, the Board has adopted a different number of hours.

**2. WORK SCHEDULES**

The normal work week for all employees will be Sunday through Saturday. The normal work day will be from 8:00 to 5:00 P.M. Monday through Friday of each week. Highway Department hours are from 7:00 A.M. to 3:30 P.M, with exception of Sheriff's Office operations that run 24 hours a day. Long term variances to the normal work week for individuals or groups may be authorized upon approval by the Department Head and the County Board of Commissioners. Short term variances (i.e. less than two weeks) for individuals or groups may be authorized upon approval by the department head.

**3. LUNCH PERIOD**

The normal lunch period for nonexempt employees is for one-half (1/2) hour or one hour and is unpaid. Salaried exempt employees will have a normal lunch period of one-half (1/2) hour or one hour and is unpaid except where other arrangements are made by the department head and approved by the County Board. Lunch period cannot be used to shorten the work day without advance supervisory approval or an approved flexible work schedule.

**4. REST BREAKS**

Employees are allowed two (2) fifteen (15) minute breaks when the needs of the department permit, one in the first one-half of an employee's shift and one in the second one-half of an employee's shift. Rest breaks may not be combined with the lunch period nor used to shorten the work day.

## 5. EMPLOYEE ATTENDANCE

Attendance and punctuality are essential to the smooth running of the business of the County. Employees are expected to be at work on time on a regular basis. Absenteeism or tardiness in reporting to work or returning from breaks will be cause for disciplinary action or dismissal.

Employees must notify their supervisor as early as possible if they are unable to report to work on time for any reason. Absences which may be planned must be arranged with the employee's supervisor in advance.

## 6. ADDITIONAL WORK

Employees will periodically be required to work additional hours or days as determined by the department head. Work beyond forty (40) hours in any given week or beyond an employee's normal shift will be done only with the prior consent of the employee's immediate supervisor. In accordance with Fair Labor Standards Act, non-exempt employees, other than those working in law enforcement, will receive pay, or compensatory time off, at the rate of one and one-half times the regular rate for hours worked over forty (40) per week. Law enforcement employees will receive pay, or compensatory time off, at the rate of one and one-half times the regular rate of pay for hours worked in excess of a cycle established by the department that does not exceed 28 days and 171 working hours. For purposes of overtime calculations, the work week shall begin at 12:01 A.M. Sunday to 12:00 A.M. the following Sunday or at some other time established by the department and approved by the County Board.

Salaried employees are exempt from overtime (and compensatory time) and, are expected to work the hours reasonably necessary to perform the job. Exempt employees include all elected positions, the County Engineer, the County Coordinator, the County Assessor, and positions designated as Department Heads appointed by the County Board or the District Court Judge.

For the purpose of computing overtime compensation, overtime hours worked shall not be pyramided, compounded or paid twice for the same hours worked. Overtime will be calculated to the nearest one-quarter (1/4) hour. Paid PTO paid holidays, paid sick leave, compensatory time off, and paid leaves of absence will not be considered as "time worked" for purposes of qualifying for the overtime premium.

Employees may not accrue in excess of 60 hours of compensatory time off. Any employee with compensatory time off in excess of 60 hours will be required to meet with the department head to schedule the use of compensatory time off.

For non-exempt employees, not part of a collective bargaining unit, payment for all time worked on Sunday shall be at 2x's base hourly rate, if employee exceeds forty hours (40) for the work week, and is approved by the Department Head. If approval is not received ahead of time, this provision does not apply. Additionally, this provision does not apply if the employee is regularly scheduled to work on Sunday as part of their regular work week.

7. TRAINING TIME

Time spent in attending or traveling to and from training programs and meetings, for which attendance has been authorized by the department head, shall also be considered time worked for purposes of qualifying for overtime unless:

- a. attendance occurs outside the employee's regular working hours;
- b. attendance is voluntary;
- c. the employee does not do any productive work while attending; and
- d. the program or meeting is not directly related to the employee's job. This requirement shall not apply in the event the training corresponds to that offered by an independent bona fide institution of learning.

In the event that all of these conditions are present, time spent at the training program or meeting will not be considered time worked. In addition, attending an independent trade school or pursuing a correspondence course outside regular working hours is not compensable work, regardless of whether it is job-related.

8. CALL BACK

For non-exempt employees, not part of a collective bargaining unit, an employee called back to work shall be paid no less than one (1) hour at their appropriate rate or appropriate overtime rate after working forty (40) hours in the work week. Early report or extension of shifts does not qualify an employee for call back compensations.\*

9 8. REPORTING

Department Directors are accountable for the hours worked by employees. Documentation of hours worked, leaves taken, and overtime shall be submitted to the County Auditor/Treasurer's office by Department Heads.

\* See Policy for Highway Dept.

County Policy # P13  
Effective: July 6, 2010

Subject: BENEFITS/Funeral/Bereavement

I. **POLICY STATEMENT**

It is a matter of concern to the County when employees or their immediate family members experience death.

## **II. POLICY GUIDELINES**

1. An employee may be allowed up to three consecutive working days with pay as funeral leave days not to be deducted from sick leave or PTO for a death in the immediate family. If the employee desires more than three (3) days off, he/she may use accrued sick leave, compensatory time, PTO, or time without pay.

2. Immediate family is to be defined as: Mother, Father, Sister, Brother, Wife or Husband, Son or Daughter, Mother-In-Law, Father-In-Law, Brother-In-Law, Sister-In-Law, Son-In-Law, Daughter-In-Law, Grandparents, Grand Children, or a relative residing in the employee's household.

3. One (1) day of "Extended" sick leave with pay may be taken for the death of a relative outside the immediate family. (i.e. Uncle, Aunt, or Cousin).

4. Any employee, not part of a collective bargaining unit, selected to be a pallbearer or military honor guard will be allowed one (1) day of funeral leave with pay.

5. The number of days taken for funeral leave in all cases will be at the discretion of the Department Head and the County Coordinator.

No action taken on the Paid Time Off (PTO) Policy Revisions due to lack of a motion.

Higgins stated that there was no increase for leased space in 2010 for the Law Enforcement Center, Human Resource Building, and Caring Pregnancy Center, and is proposing a 2% increase in rent for 2011. After discussion,

No action taken on proposed increase for lease of County office space due to lack of a motion.

Commissioners reviewed Minnesota Valley Action Council's 2011 County Budget Request in the amount of \$11,523; Three Rivers RC&D Membership Dues Request for 2011; and Martin County Department Directors responses to the Department Mandate Questionnaire.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby Receive and File the CY2011 Minnesota Valley Action Council budget allocation request in the amount of \$11,523. Carried unanimously.

Motion by Commissioner Potter, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the annual dues for Three Rivers RC&D Council membership for fiscal year 2011 in the amount of \$650.00. Carried unanimously.

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

With no further business to wit, Motion by Commissioner Donnelly, seconded by Commissioner Potter, to adjourn the meeting. Carried unanimously. Meeting adjourned at 11:27 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Gerald Boler, Vice-Chair

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