

PROCEEDINGS OF THE
MARTIN COUNTY COMMISSIONERS
TUESDAY, SEPTEMBER 7, 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 Chairman Schmidtke.

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

Sheriff Brad Gerhardt recognized Susan Austin's 35 ½ years of service as a Communications Officer and Dennis Thate's 19 ½ years of service as a Corrections Officer with the Martin County Sheriff's Office; and presented each of them with a retirement shadow box.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following additions: 8.8 Consider Legislative Letter of Support for Funding of City of Fairmont's new water plant; and 8.9 Clarification of Martin County Personnel Policy No. P-19. 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 August 17, 2010 regular Board of Commissioners meeting; and the August 30, 2010 Annual Forfeited Land and Road Tour. Carried unanimously.

Kevin Peyman, Martin County Highway Engineer, presented a department update on the status of current township box culverts grading and bridge replacement, and bituminous overlay projects.

Peyman stated that Commissioner Pierce had been approached by a citizen asking if Martin County would be willing to donate some gravel to condition the road leading out to the point at Cedar Point Scout Camp. Peyman went on to state the cost of hauling and dumping two loads of gravel (approximately 13 ton) is estimated at \$400.00. Peyman further stated that the Highway Department is willing to help out if authorized by the Board.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Martin County Highway Department to donate two loads of gravel and labor for road conditioning leading into the Cedar Point Scout Camp; and authorize Kevin Peyman,

Martin County Highway Engineer, to coordinate project with the Cedar Point Scout Camp personnel. Carried unanimously.

Sheriff Brad Gerhardt introduced Sarah Johnson and Tim Thompson from the Minnesota Department of Corrections. Johnson and Thompson were present to review findings and inspection comments included in the facility inspection report on the Martin County Jail issued by the Minnesota Department of Corrections. The two began with physical concerns stating that the Martin County Jail was built in 1974 and the life expectancy for a facility this size is on average 25 years. Double bunking has also reduced the life expectancy of this facility with added use. The majority of physical plant deficiencies have been documented in past inspection reports without resolve. The concerns include: 1) There is a strong concern with the route the staff members take to escort an inmate to court. The route is potentially unsafe due to inmates being escorted in unsecure public areas with no camera coverage; 2) The security electronics in the control room are antiquated and it has become increasingly difficult to find replacement parts; 3) The plumbing throughout the jail is showing its age. Replacement parts will continue to be problematic to find; 4) The locks are outdated and replacement parts are hard to find; 5) The jail is not A.D.A. compliant. Any inmate with physical disabilities needs to be housed in another facility; 6) There are some units that do not have pick proof security caulking around the windows; 7) The lighting is old in some of the housing units and provides poor lighting; and 8) Recreation and program space is inadequate for a facility that continually has high numbers over their operational capacity. Most notable from a physical plant standpoint is the lack of support space. The recreation space and visiting space that are available no longer meets the needs of the facility population. Additionally there is no space available in the facility to increase the size of the recreation space. The square footage available in the cell blocks also does not fit the needs of the inmate population. Currently the Martin County Jail is operating under a variance from the Department of Corrections in regards to square footage requirements. The variance will no longer be renewed when the new Chapter 2911 Standards take effect.

Beyond the physical plant issues, there are issues regarding inmate populations. The Martin County Jail has a lengthy history of being over crowded and over operational capacity and continues to operate in excess of the recommended operational capacity. Due to Martin County's inability to properly separate inmates and maintain an inmate level at operational capacity, all female, maximum security, and special management inmates must be boarded out of the Martin County Jail effective July 1st, 2010. Only minimum and medium custody inmates will be allowed to be held at the Martin County Jail. July 1st will allow enough time for Jail Administration to make arrangements and revise policies and procedures to reflect the change.

Martin County lost the ability to hold delinquent juveniles in a secure setting as of July, 2008 due to the overall layout of the facility and its linear design style and the inability to provide proper sight and sound separation of juvenile offenders. Additionally, the conference room that would usually be used for juvenile holding is often times used for adult inmate holding, or professional visits. The decision by the Department of Corrections to deny juvenile hold approval is still in effect and Martin County must

discontinue holding delinquent Juveniles in the secure perimeter of the Martin County Jail.

In addition to the imposed sanctions to the Martin County Jail, the Department of Corrections will be moving forward to change the Classification of the Martin County Jail from a Class III jail to a Class II 90 Day lockup. Please note that the potential for a reduction to a Class II facility was cited in a letter to Jail Administrator Mark Geerdes on March 27th, 2007. The letter indicated that “if the planning, design, and construction process were to stall at any time, it is very likely that the Department of Corrections may impose further sanctions against the Martin County facility. These sanctions may range from a reduction in capacity, a reduction in facility classification from a Class III to a Class II 90 Day Lockup facility.” It is our determination that the planning process has now severely stalled and thus resulting in the above reductions.

With the continued overcrowding and plant deficiencies, the elected County Officials, Sheriff, and Jail Administrator of Martin County must take a serious look at how they plan to come into compliance with the 2911 rules.

Commissioner Schmidtke stated it seems like there are things Martin County can do to upgrade the jail without building a new facility.

Johnson and Thompson stated that with the inspection report findings, we are not saying you need to build a new jail, but there are rules that you need to comply with. Even with housing several inmates out of county, the jail faces overpopulation. While the facility has 32 beds, state guidelines say only 24 inmates can be housed safely. Also, new guidelines that take effect in March, 2011 will render two of the cells obsolete. The minimum space for a cell with two beds is currently 50 feet, but will increase to 70 feet next spring. The two smaller cells in the Martin County Jail can only be used with a variance from the state, which will no longer be granted once the newest guidelines take affect.

Brad Gerhardt, Martin County Sheriff, stated Martin County is doing as much as we can with electronic home monitoring releases, but there is a core critical mass of 20 to 28 inmates that continue to be there and are the ones that you don't dare let go. Gerhardt continued agreeing that when there's a lack of things for inmates to do, they get rambunctious, irritable, and it's a bad way to do business. That's when it's most dangerous for the staff. When inmates are bored, they just sit there and think of ways to cause trouble. Gerhardt stated that juveniles have not been held at the Martin County Jail for several years. The only time juveniles are there are for booking, because that's the only booking facility in the county. Gerhardt went on to state that while the Martin County Jail isn't officially a 90 day facility at this time, the County has begun shipping more inmates to other facilities such as Faribault, Nobles and Blue Earth county jails. Female inmates are no longer held in Martin County, nor are maximum security inmates.

Greg Broolsma, City of Fairmont Police Chief, questioned numbers estimating the average daily population of the jail. The State had estimates around 30 to 31, while local estimates were around 28.

Commissioner Boler stated there are several jails within 50 miles, new jails that can barely afford to run, and feels that the Martin County Jail is running pretty good under current conditions and we are keeping our population down by using electronic home monitoring. In Fairmont, the taxpayers are bonded for about \$70 million with the school, the water plant, and the City projects already.

Commissioners reviewed the cost of a new jail versus boarding inmates out of county, showing that running a new jail (excluding the estimated \$15 million to build) and housing inmates out of county would both cost about \$20,000 a month. But the cost of a new facility would equate to a levy increase of about 10 percent.

Johnson and Thompson reiterated they are not here recommending that Martin County needs to build a new jail. However, having been through jail inspection and construction for ten plus years, they have walked into projects midterm where counties have been in the planning stages for fifteen years on what their future holds. When a decision of what they want to do is made, you are then looking at anywhere from 36 to 40 months before you're in the door of a new facility anyway. So, that kind of timeframe then goes in the whole planning process of how much you need, what needs to be done, and are you going to do it; and then you have four or more years of building. Even if you said today you want to start researching and developing and determining Martin County's long term needs and if that decision was going to be a new jail, it would probably be ten years from now anyway. Johnson and Thompson asked that Commissioners keep the timeframes in mind moving forward.

Commissioner Schmidtke stated that while the county is willing to work on issues brought up by the State, most likely inmates will continue to be housed elsewhere for the time being.

Commissioner Pierce requests Martin County be kept on the front burner as to a legislative resolution relative to the minimum space for a cell with two beds from its current 50 feet to the increase of 70 feet next spring.

Commissioners thanked Johnson and Thompson for addressing the Board with the Martin County Jail inspection report findings.

Brad Gerhardt, Martin County Sheriff, presented the monthly Sheriff's Office Update including: moving ahead toward filling the vacancy for part-time Deputy and full-time Communications Officer position; and Sergeant Anderson and Sheriff Gerhardt will be attending the Emergency Management Conference on September 19-22 where Sgt. Anderson will be receiving his certification as an Emergency Manager.

James Forshee, Martin County Auditor/Treasurer, presented a resolution requesting approval from the Minnesota Department of Natural Resources for the sale of said parcels of land that have been forfeited to the State of Minnesota for non-payment of property taxes.

Motion by Commissioner Pierce, seconded by Commissioner Boler,

MARTIN COUNTY BOARD RESOLUTION #28 / '10

WHEREAS, The County Board of Commissioners of the County of Martin, State of Minnesota, desires to offer for sale certain parcels of land that have forfeited to the State of Minnesota for non-payment of taxes, and

WHEREAS, Said parcels of land have been viewed by the County Board of Commissioners and have been classified as non-conservation lands as provided for in Minnesota Statutes 282.01.

NOW, THEREFORE, BE IT RESOLVED That the Martin County Board of Commissioners hereby certify that all parcels of land on the attached list have been viewed and comply with the provisions of Minnesota Statutes 85.012, 92.461, 282.01, Subd. 8, and 282.018, and other statutes that require the withholding of tax-forfeited lands from sale.

BE IT FURTHER RESOLVED That the Martin County Board of Commissioners hereby request approval from the Minnesota Department of Natural Resources for the sale of said lands.

MOTION WAS MADE by Commissioner Pierce, seconded by Commissioner Boler, and carried to adopt said resolution.

Dated the 7th Day of September, 2010

BOARD OF COMMISSIONERS
MARTIN COUNTY, MINNESOTA

Dan Schmidtke, Chairperson

ATTEST: _____
Scott Higgins
Martin County Coordinator

Roll Call AYES: Commissioners Donnelly, Potter, Boler, Pierce, and Schmidtke.
NAYS: None. Resolution duly passed and adopted this 7th day of September, 2010.

Scott Higgins, Martin County Coordinator, stated the County has received quotes for renewals for voluntary employee Dental Insurance plan and is recommending switching from Humana to United Health due to lower bid rates and increased coverage.

Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, after careful review of the bid quotes for voluntary employee Dental Insurance plan coverage, hereby approve and accept the bid received from United Health; and authorizes the Board Chair and/or its designee to sign all necessary documents with United Health effective January 1, 2011; and offered to all eligible employees. Carried unanimously.

Higgins stated Fairmont High School student Amanda Philipp will begin an Independent Study Program with the Martin County 4-H Program working on 4-H Products. Amanda's after school hours will be September 7, 2010 through May 20, 2011; and Amanda will be covered under the 4-H Program's insurance coverage. Higgins noted this is strictly voluntary through the school's Independent Study Program and is an unpaid position.

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Independent Study Program Internship with the Martin County 4-H Program for Amanda Philipp effective September 7, 2010 through May 20, 2011; and that the Internship is an unpaid voluntary position at no cost to the County. Carried unanimously.

Forshee presented the resolution establishing the Tax Levy for 2011 collectible in 2012 in the amount of \$10,592,208 representing a 2.9% increase over 2010.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly,

R-#32/10

RESOLUTION

ESTABLISHING THE TAX LEVY FOR YEAR 2011 COLLECTIBLE IN 2012:

WHEREAS, the Martin County Board of Commissioners duly considered budgets to determine the tax levy to be collected in 2011.

NOW THEREFORE, BE IT RESOLVED, that the Martin County Board of Commissioners do hereby order and determine that taxes to be levied in the year 2011 and collectible in the year 2012 be as follows to-wit:

	<u>Net Levy</u>
Revenue Fund	\$ 5,002,479
Boat/Snowmobile	\$ 5,087
Road & Bridge Fund	\$ 2,288,722
Parks	\$ 52,050
E911 Fund	\$ -0-
Solid Waste Management Fund	\$ -0-
Library Fund	\$ 619,417
Human Service Fund	\$ 2,132,040
Building CIP Fund	\$ 150,000
Debt Service Fund/Hwy Debt Service	\$ 264,283
Tax Forfeited Land	\$ 10,000
Economic Development	<u>\$ 68,130</u>
TOTAL TAX LEVY	\$10,592,208

BE IT FINALLY RESOLVED, that copies of this resolution be filed with the Martin County Auditor/Treasurer, and

Upon Motion made by Commissioner Pierce, seconded by Commissioner Donnelly, and unanimously carried, said resolution was duly passed and adopted this 7th day of September, 2010.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Dan Schmidtke, Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Potter, Boler, Donnelly, Pierce, and Schmidtke.
NAYS: None. Resolution duly passed and adopted this 7th day of September, 2010.

The Board reviewed information to be contained in a Legislative Letter of Support and assistance in obtaining federal funding to help pay for the construction of a new water plant for the City of Fairmont. After discussion,

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve drafting a Legislative Letter of Support for federal funding to help pay for the construction of a new water plant in the City of Fairmont. Carried unanimously.

Higgins stated the Board approved and adopted the revised Martin County Personnel Policy P-19 Hours of Work/Compensatory Time/Overtime at the July 20, 2010 regular Board of Commissioners meeting. However, the language specific to premium pay for

work performed on Sundays does not clarify the revised and adopted intent. Clarified language should read: *For non-exempt employees, not part of a collective bargaining unit, payment for all time worked on Sunday shall be at 2x's the base hourly rate 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.* Higgins noted this revision request originally was brought up by the non-union Highway Department group that occasionally are called in to work on Sundays; in addition to the possibility of Information Technology, Coordinator's Office Administrative Assistant, Deputy Assessor, Martin County Library, and Planning & Zoning staff. After discussion,

Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize language clarification to Martin County Personnel Policy P-19 Hours of Work/Compensatory Time/Overtime to clarify the premium pay for Sundays. Carried unanimously.

Martin County Personnel Policy ~ P-19 Hours of Work/Compensatory Time/Overtime: Revised the policy (adopted on July 6, 2010) and to clarify the premium pay for Sundays.

For non-exempt employees, not part of a collective bargaining unit, payment for all time worked on Sunday shall be at 2x's the base hourly rate 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.

The Board reviewed the 2010 Transit Quarterly Report for Martin County Express; Thank you received from Leadership Martin County; and CY2011 Health Insurance Renewal information received from South Central Service Cooperative.

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 10:46 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Dan Schmidtke, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator