

PROCEEDINGS OF THE
MARTIN COUNTY BOARD OF COMMISSIONERS
TUESDAY, DECEMBER 21, 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 Boler, Pierce, and Potter. Commissioner Donnelly was absent. Also present were Scott Higgins, Martin County Coordinator, Kevin Peyman, Martin County Highway Engineer, Terry Viesselman, Martin County Attorney, Jennifer Brookens, Sentinel Newspaper, Rod Halvorsen, KSUM/KFMC Radio, Julie Walters, Administrative Assistant, and members of staff and public.

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 addition: 8.20 Consider Appointments to the Martin County Library Board. Carried unanimously.

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the December 2, 2010 regular Board of Commissioners meeting; and the minutes of the Truth in Taxation meeting of December 2, 2010. Carried unanimously.

Scott Higgins, Martin County Coordinator, presented the Association of Minnesota Counties (AMC) County Achievement Award to Martin County Mentoring Network – Helen Rode. Rode’s Mentoring Program received recognition during AMC’s Annual Conference on December 6, 2010 in St. Cloud, MN.

Dan Whitman, Martin County Assessor & Labor Management Committee Chair, presented the “Christmas Food Drive” traveling trophy to the Veteran’s Service Office as the 2010 Martin County Food Drive Champions.

Amy Card, Minnesota Homeland Security Emergency Management, presented Sheriff Brad Gerhardt with a Certificate of Appreciation for outstanding contributions as the Martin County Emergency Management Director for the years 2002 to 2010.

At this time, the Board recognized and presented Brad Gerhardt with a desk clock in recognition of his service and retirement as Martin County Sheriff, with the inscription of Brad’s years of faithful and dedicated years of service to the County. The Board congratulated Brad and wished him well on his retirement.

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

Kevin Peyman, Martin County Highway Engineer, reported on final contract for C.P. 10:04 Highway Pavement Striping for the County’s portion of the joint striping project with Faribault County. Peyman stated that final examination has been made, work has been completed, and the

entire amount of work has been performed. Peyman recommends approval of the final contract to AAA Striping Service Co. of St. Michael, MN in the amount of \$67,857.84.

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the final contract payment for Martin County's portion of C.P. 10:04 Highway Pavement Striping with AAA Striping Service Co. of St. Michael, MN in the amount of \$67,857.84. Carried unanimously.

Peyman noted the Martin County Highway Department tries to stay on a two year striping cycle.

Peyman stated that the Highway Department has received the retirement resignation of Gary Schaub, Assistant County Engineer, effective January 7, 2011.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby accept the retirement resignation of Gary Schaub, Assistant County Engineer, from employment with Martin County after twenty (20) years of service to the county and its citizens, effective January 7, 2011. Carried unanimously.

Peyman continued that he is not requesting to fill the assistant engineer position at this time and would like to see how things work without adding an assistant engineer or technician.

Commissioner Potter inquired who has the certification and training for bridge inspections.

Peyman stated the Department's survey crew chief has the bridge inspection certification and has worked the required five years under a certified inspector and will be able to pick up on bridge inspections and certifications. Peyman went on to state that use of Bolton & Menk or other consultants may have to be used short term if needed, and County bridgework will come first before township bridgework.

Peyman concluded with a department update stating that all of the snow from the last snowfall will be off the roads by this morning. However, salting and sanding the hard packed roads is no help when there is still blowing and drifting snow. Peyman stated that until we get a thirty degree day and can scrape some of it off, people will need to adjust their driving habits according to the road conditions.

Higgins presented and reviewed the Inmate Nursing Services Contract stating the proposed 2011 contract calls for regular nursing services at \$36.00 per hour (a 0% increase over 2010 contract price); and that on-call services and emergency call back fees and language remain the same as with the 2010 contract.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Board Chair to sign the Nursing Services Agreement between Joy Pousch, RN, BSN and the Martin County Sheriff's Office (Martin County) to provide regular and on-call services; at an hourly rate of \$36.00 per hour and on-call services of \$90.00 per month. Carried unanimously.

Higgins presented a resolution for approval of a newly hired part-time Sheriff's Deputy to be included on the Public Employees Police and Fire Plan.

Motion by Commissioner Pierce, seconded by Commissioner Potter,

R-#51/'10

RESOLUTION
POLICE OFFICER DECLARATION

WHEREAS, the policy of the State of Minnesota as declared in Minnesota Statutes 353.63 is to give special consideration to employees who perform hazardous work and devote their time and skills to protecting the property and personal safety of others; and

WHEREAS, Minnesota Statutes Section 353.64 permits governmental subdivisions to request coverage in the Public Employees Police and Fire plan for eligible employees of police or sheriff departments whose position duties meet the requirements stated therein and listed below.

BE IT RESOLVED, that the Board of Commissioners of Martin County hereby declares that the position of Deputy Sheriff, currently held by Employee #58 meets all of the following Police and Fire Plan membership requirements:

1. Said position requires a license by the Minnesota peace officer standards and training board under sections 626.84 to 626.863 and this employee is so licensed;
2. Said position's primary (over 50%) duty is to enforce the general criminal laws of the state;
3. Said position charges this employee with the prevention and detection of crime;
4. Said position gives this employee the full power of arrest, and
5. Said position is assigned to a designated police or sheriff's department.

BE IT FURTHER RESOLVED, that this governing body hereby requests that the named employee be accepted as a member of the Public Employees Police and Fire Plan effective the date of this employee's initial Police and Fire Plan salary deduction by the governmental subdivision.

Motion by Commissioner Pierce, seconded by Commissioner Potter, said resolution was duly passed and adopted this 21st day of December, 2010.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Dan Schmidtke, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

STATE OF MINNESOTA
COUNTY OF MARTIN

I, Scott Higgins clerk of the Martin County Board of Commissioners, do hereby certify that this is a true and correct transcript of the resolution that was adopted at a meeting held on the 21st day of December, 2010; the original of which is on file in this office. I further certify that 4 members voted in favor of this resolution and that 4 members were present and voting.

Scott Higgins, County Coordinator

Date: _____

Roll Call AYES: Commissioners Boler, Potter, Pierce, and Schmidtke. NAYS: None.
Resolution duly passed and adopted this 21st day of December, 2010.

Higgins presented a resolution for consideration of the Sheriff's salary for CY2011. Higgins stated the County Personnel Committee has met with the Sheriff Elect Jeff Markquart and has recommended setting the salary for CY2011 at \$79,705.60. After discussion,

Motion by Commissioner Potter, seconded by Commissioner Pierce,

R-#50/'10

RESOLUTION
ESTABLISHING MARTIN COUNTY ELECTED OFFICIALS (COUNTY SHERIFF)
SALARIES FOR CY2011

Motion by Commissioner Potter, seconded by Commissioner Pierce, to approve and authorize the Board Chair to sign this Resolution (R-#50/'10) setting the salaries for Martin County Elected Officials (County Sheriff) for 2011:

WHEREAS, the Martin County Board of Commissioners is responsible for setting the salaries of all elected officials in the County including the County Board, County Board Chair, County Auditor/Treasurer, County Recorder, County Attorney, and County Sheriff; and
WHEREAS, the Martin County Board of Commissioners appreciates the work performed by all of the elected officials in Martin County.

NOW THEREFORE BE IT RESOLVED, that the annual salaries of elected officials in Martin County for the year CY2011 are set as follows (any rounding will be governed by payroll):

| | |
|----------------|-------------|
| County Sheriff | \$79,705.60 |
|----------------|-------------|

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Dan Schmidtke, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Boler, Pierce, Potter, and Schmidtke. NAYS: None.
Resolution duly passed and adopted this 21st day of December, 2010.

Higgins stated the Martin County Auditor/Treasurer's Office received a request from an individual that purchased Parcel No. 42.200.0440 at Martin County's Forfeited Land Sale, requesting that special assessments in the amount of \$910.13 be forgiven. The county clean-up costs from Human Services in the amount of \$435.13 and STS in the amount of \$475.00 were put on the taxes in 2005. Higgins went on to state that Human Services has the authority to waive their assessments and would be willing to send a letter to the Auditor/Treasurer requesting special assessment fees in the amount of \$435.13 also be waived.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Martin County Auditor/Treasurer the authority to waive the special assessments on Parcel No. 42.200.0440 for clean-up costs from Human Services in the amount of \$435.13 and to obtain the necessary documentation from F/M Human Services; and STS in the amount of \$475.00 (\$910.13). Carried unanimously.

Higgins stated whenever donations are received by the County; the Board must give its approval of acceptance for these donations. Donations were received in the year 2010 for the following county programs: Martin County Mentoring Network in the amount of \$10,037.59; and Veterans Service Office in the amount of \$5,841.00.

R-#52/'10

RESOLUTION
APPROVING AND ACCEPTING DONATIONS FOR CY2010

WHEREAS, pursuant to Minnesota Statutes 465.03, the county shall by resolution of the governing body adopted by a two-thirds majority of its members accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor.

WHEREAS, the Martin County Mentoring Network has received donations from:

| | |
|---------------------|-----------|
| Bank Midwest | \$ 50.00 |
| Welcome Legion Post | \$ 200.00 |
| Laurie Sherman | \$ 30.00 |

| | |
|---|--------------------|
| Great River Energy | \$ 1,000.00 |
| Knights of Columbus | \$ 1,743.84 |
| Martin County Youth Foundation (Spring) | \$ 1,500.00 |
| Jane Kotewa | \$ 30.00 |
| Mildred Hanlon | \$ 30.00 |
| Thrivent | \$ 3.75 |
| Alliant Energy | \$ 500.00 |
| Martin County Fair Board | \$ 1,000.00 |
| Midcontinent | \$ 1,000.00 |
| Martin County West FFA | \$ 200.00 |
| Buffalo Lake Energy | \$ 250.00 |
| Martin County Youth Foundation (Fall) | \$ 1,500.00 |
| Rosen Family Foundation | \$ <u>1,000.00</u> |
| Total | \$10,037.59; and |

WHEREAS, the Martin County Veterans Service Office has received donations from:
Total \$ 5,841.00; and

WHEREAS, the Martin County Mentoring Network wishes to accept these donations and utilize them for the purpose of operational costs of the Martin County Mentoring Network; and the Martin County Veterans Service Office wishes to accept these donations and utilize them for the purchase of a veteran's service van.

NOW THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners hereby accepts the listed donations to be used for the operational costs for the Martin County Mentoring Network; and accepts the listed donations to be used towards the purchase of a veterans service van.

Motion by Commissioner Potter, seconded by Commissioner Boler, said resolution was duly passed and adopted this 21st day of December, 2010.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Dan Schmidtke, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and accept the donations received in 2010 for the Martin County Mentoring Network in the amount of \$10,037.59 to be used for the purpose of operational costs for the Martin County Mentoring Network; and approve and accept the donations received in 2010 for the Veterans Service Office in the amount of \$5,841.00 to be used toward the purchase of a veterans service van. Carried unanimously.

Higgins stated Official County Newspaper bid forms were sent out to the various newspapers in Martin County and two bids were received back from the Fairmont Sentinel and Fairmont Photo Press, Inc. Higgins opened and read aloud the bids received for designation of the Official County Newspaper for 2011.

| Fairmont Sentinel | |
|--|--|
| Bid per Standard Advertising Unit (SAU) | \$6.95 |
| Rate per SAU on printing of second notice | \$4.25 |
| Annual Financial Statement Publication | \$3.10 + \$310 for 8,000 overrun |
| Second Publication of Annual Financial Statement as an insert to a newspaper | \$.043 |
| Subscribers residing in Martin County | 4,800 Sentinel 3,800 Sentinel Plus 8,600 |
| Fairmont Photo Press, Inc. | |
| Bid per Standard Advertising Unit (SAU) | \$6.00 |
| Rate per SAU on printing of second notice | \$3.50 |
| Annual Financial Statement Publication | \$4.00 |
| Second Publication of Annual Financial Statement as an insert to a newspaper | \$.05 |
| Subscribers residing in Martin County | 10,081 |

Discussion ensued regarding high and low newspaper bids. After further discussion,

Motion by Commissioner Pierce, seconded by Commissioner Boler, to approve the resolution awarding the Official Newspaper Bid and Designating the Fairmont Photo Press, Inc. as the Official Newspaper for Martin County for the Year 2011.

R-#46/'10

Resolution Awarding the Official Newspaper Bid and Designating the Fairmont Photo Press, Inc.
as the Official Newspaper for the Year 2011

Motion by Commissioner Pierce, seconded by Commissioner Boler,

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners in and for the County of Martin, Minnesota, that pursuant to the opening of bids on printing for the year 2011 on December 21, 2010 and subsequent review thereof, the Fairmont Photo Press, Inc. be and hereby designated as the Official Newspaper for Martin County for the year 2011, for the purposes and at the rates as set forth as follows:

- Publication of Delinquent tax list \$6.00 per column inch
- Publication of Official Board Proceedings \$6.00 per column inch
- First Publication of Financial Statement \$4.00
- Second Publication of Financial Statement \$.05

Fairmont Photo Press, Inc. has a certified circulation of 10,081 subscribers residing in Martin County.

BOARD OF COMMISSIONERS
MARTIN COUNTY

Dan Schmidtke, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Potter, Pierce, Boler, and Schmidtke. NAYS: None.
Resolution duly passed and adopted this 21st day of December, 2010.

Higgins stated the County Board is required to set dates and locations for regularly conducted Board meetings. Traditionally the Board has met the first and third Tuesday of each month in the Commissioners Board Room in the Martin County Courthouse commencing at 9:00 a.m. Variations of this meeting schedule have occurred during the year due to special meetings and budget workshops.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve the regularly scheduled Martin County Commissioner meeting dates, times, and locations for 2011. Carried unanimously.

2011 – County Board of Commissioners Regularly Scheduled
Meeting Dates, Times, and Location

- | | | |
|----------|---|--|
| JANUARY | - | January 4, 2011 at 9:00 a.m. in the Board Room |
| | - | January 18, 2011 at 9:00 a.m. in the Board Room |
| FEBRUARY | - | February 1, 2011 at 9:00 a.m. in the Board Room |
| | - | February 15, 2011 at 9:00 a.m. in the Board Room |
| MARCH | - | March 1, 2011 at 9:00 a.m. in the Board Room |
| | - | March 15, 2011 at 9:00 a.m. in the Board Room |
| APRIL | - | April 5, 2011 at 9:00 a.m. in the Board Room |
| | - | April 19, 2011 at 9:00 a.m. in the Board Room |
| MAY | - | May 3, 2011 at 9:00 a.m. in the Board Room |
| | - | May 17, 2011 at 9:00 a.m. in the Board Room |
| JUNE | - | June 7, 2011 at 9:00 a.m. in the Board Room |
| | - | June 21, 2011 at 9:00 a.m. in the Board Room |

- JULY - July 5, 2011 at 9:00 a.m. in the Board Room
- July 19, 2011 at 9:00 a.m. in the Board Room

- AUGUST - August 2, 2011 at 9:00 a.m. in the Board Room
- August 16, 2011 at 9:00 a.m. in the Board Room

- SEPTEMBER - September 6, 2011 at 9:00 a.m. in the Board Room
- September 20, 2011 at 9:00 a.m. in the Board Room

- OCTOBER - October 4, 2011 at 9:00 a.m. in the Board Room
- October 18, 2011 at 9:00 a.m. in the Board Room

- NOVEMBER - November 1, 2011 at 9:00 a.m. in the Board Room
- November 15, 2011 at 9:00 a.m. in the Board Room

- DECEMBER - TRUTH-IN-TAXATION, 6:00 p.m. Board Room – To Be Determined
- December 6, 2011 at 9:00 a.m. in the Board Room
- December 20, 2011 at 9:00 a.m. in the Board Room

Higgins stated the County Compensation Advisory Committee (which includes the County Personnel Committee) has reviewed and recommends reclassification of the following two positions: (1) Victim/Witness Coordinator- Rebecca Bentele to be reclassified from Grade 13 Step 12 at \$25.14/hour (2011) to Grade 14 Step 9 at \$25.48/hour (2011), due to the increased responsibilities, including increased supervisory role of staff. In reviewing the County Classification Structure, a comparable position and duties and responsibilities would be similar to VSO, which was reclassified from Grade 13 to Grade 14; and (2) Account Technician-Payroll. Teresa Tieman to be reclassified from Grade 11 Step 12 at \$21.41/hour (2011) to Grade 12 Step 10 at \$22.19/hour (2011) due to the increased responsibilities, which include the position becoming a “confidential employee.” Higgins stated the reclassification for the Account Technician –Payroll position is contingent upon approval through BMS Stipulation that the position is considered a “confidential position”. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, after careful review and consideration and upon the recommendation of the Martin County Compensation Advisory Committee; and due to the increased essential functions for Victim/Witness Coordinator and Account Technician-Payroll functions, hereby approve the reclassifications effective January 1, 2011; the Account Technician-Payroll reclassification is contingent upon the position is stipulated by the Bureau of Mediation (BMS) a “confidential position” . Carried unanimously.

Higgins presented and reviewed a tentative agreement with the Martin County Library AFSCME Local 1204. Higgins stated the proposed tentative agreement is for a three year period covering calendar years 2011, 2012, and 2013, including general wage adjustments of 3%-2011, 2%-2012, 2%-2013, and other various language changes.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the Martin County Library AFSCME Local 1204 tentative agreement and contract effective January 1, 2011 through December 31, 2013; and to authorize Board Chair to sign the respective Union agreement. Carried unanimously.

Higgins next presented and reviewed the tentative agreement with the Martin County Sheriff LELS Local #136. Higgins stated the proposed tentative agreement is for a three year period covering calendar years 2011, 2012, and 2013. Also included is the following:

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be it Resolved that the Martin County Board of Commissioners, hereby approve the Martin County Sheriff LELS Local #136 tentative agreement and contract effective January 1, 2011 through December 31, 2013; and to authorize Board Chair to sign the respective Union Agreement. Carried unanimously.

Higgins presented and reviewed the tentative agreement with AFSCME Courthouse Union. Higgins stated the proposed tentative agreement is for a three year period covering calendar years 2011, 2012, and 2013. Also included is the following:

Higgins noted the proposed tentative agreement is contingent on approval and BMS stipulation that the of the Account Technician-Payroll position as a “confidential employee” per MN Statutes-PELRA.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the AFSCME Martin County Courthouse Union tentative agreement and contract effective January 1, 2011 through December 31, 2013; contingent upon approval and acceptance of the “confidential employee” stipulation by the Bureau of Mediation Services; and to authorize Board Chair to sign the respective Union agreement. Carried unanimously.

Higgins stated MRCI Janitorial Services is proposing to renew their janitorial services contract for one year (2011) that includes a 2% increase, with the exception of the additional janitorial work being done in the basement of the Security Building (total annual increase for all of the contracts combined would equal \$775.44) for services as follows:

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign agreement with MRCI (Fairmont) for janitorial services for the effective term of January, 2011 to December 31, 2011 for the following facilities: Human Resource Building (Human Services) from \$1,457.00 per month to \$1,486.14; Courthouse/Security Building from \$1,150.00 to \$1,173.00; Library from \$624.00 per month to \$636.48; and Law Enforcement Center \$312.00 per month (no increase requested due to recent start of this contract). Carried unanimously.

Higgins stated that a recent article was published in The Free Press of Mankato, MN regarding cessation of annual Santa appearances at the St. Peter Head Start classes for young children. Higgins stated Minnesota Valley Action Council (MVAC), of which Martin County is a

member, decided the appearance of Santa in the Head Start Program in St. Peter, MN was against some people’s wishes and that MVAC denied the appearance of Santa Claus in the classroom.

Commissioner Pierce stated he has tried to connect with John Woodwick, MVAC Executive Director, to gain some insight about the article and find out what exactly has happened, but was unable to reach him.

Commissioners reviewed a letter drafted by Commissioner Pierce in that the Commissioners object to the decision by MVAC to not allow Santa to visit the head start classes in St. Peter, and believe that Santa Claus is an important part of the culture in this county, and that it is in the spirit of the celebration of the holiday season just as the MVAC “Giving Tree” is part of the activities of the Season. After further discussion,

Motion by Commissioner Potter, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve Board Chair to sign letter to the Minnesota Valley Action Council addressing its decision to not allow Santa Claus to visit the Head Start classes in St. Peter, MN. Carried unanimously.

The Board recessed at 9:50 a.m.
The Board reconvened at 9:55 a.m.

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve payment of claims for the month of December, 2010; and includes the Martin County Highway Department as presented. Carried unanimously.

Warrants Received and paid December 21, 2010 are registered on file in the Auditor/Treasurer’s Office as follows:

| | |
|--|---------------|
| Revenue Fund – Warrants Approved December 21, 2010 | \$ 224,580.18 |
| Enhanced 9-1-1 Fund | \$ 15.39 |
| Recreation and Safety Fund | \$ 8,604.23 |
| Martin County Economic Development Authority | \$ 773.34 |
| Solid Waste Management Fund | \$ 23,103.87 |
| Law Library Fund | \$ 6,090.64 |
| Martin County Transit Fund | \$ 39,676.56 |
| County Attorney’s Forfeiture | \$ 350.20 |
| Recorder’s Compliance | \$ 11,794.68 |
| Ind. Sewage Treatment Sys. Loan Fd (ISTS) | \$ 7,981.00 |
| Bank Building Fund | \$ 4,369.02 |
| Forfeited Tax Fund | \$ 1,342.96 |
| Total | \$ 328,682.07 |
| Road and Bridge Funds Totaled | \$ 264,037.21 |
| Martin County Ditch Fund – Warrants Totaled | \$ 56,551.30 |

Higgins stated that there are two names of individuals willing to serve on the Martin County Library Board due to the following vacancies left by Larry Siegler (Fairmont) and Joanne Olson (Trimont); and recommends the appointment of Ned Koppen (Fairmont) and Jane Burkhardt (Trimont).

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the appointment of Ned Koppen (Fairmont) and Jane Burkhardt (Trimont) to serve on the Martin County Library Board for a three year term beginning January 1, 2011 and ending December 31, 2013. Carried unanimously.

Deb Mosloski, Martin County Drainage Administration, stated the need to set a public hearing date for acceptance of the completed contract for the Improvements on JD #47. After discussion,

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, acting as the Martin County Drainage Authority, hereby approve setting the final public hearing date for Tuesday, January 18, 2011 beginning at 2:30 p.m. in the Commissioners Board Room – Courthouse for acceptance of the completed contract for the Improvement of JD #47; and approve an alternate final public hearing date for Tuesday, February 1, 2011 beginning at 2:30 p.m. in the Commissioners Board Room – Courthouse, in case of inclement weather. Carried unanimously.

Higgins presented the annual resolution Order Fixing Ditch Repair and Maintenance Levies and Assessments on County, Joint County, and Judicial Ditches of Martin County, MN.

Motion by Commissioner Pierce, seconded by Commissioner Potter,

RESOLUTION

ORDER FIXING DITCH REPAIR AND MAINTENANCE LEVIES AND ASSESSMENTS ON COUNTY, JOINT COUNTY, AND JUDICIAL DITCHES OF MARTIN COUNTY, MN:

WHEREAS, ditch repair and maintenance expenditures having been made, or to be made, on various County, Joint County, and Judicial Ditches located wholly or partly within Martin County, MN and it appearing that there are not sufficient funds to the credit of the ditches to finance said repairs and maintenance expenditures; therefore the Martin County Board of Commissioners do hereby, by resolution; levy and assess the following ditch fund accounts to pay for current expenditures for repairs and maintenance or to reimburse other funds where monies have been or will be loaned to the ditch fund, or for the designated purpose of payments on future repair and maintenance expenditures, and

WHEREAS, the various drainage system levy and assessments hereby made by the County Board of Commissioners shall be apportioned and assessed pro rata upon all lands, corporations, and municipalities which have participated in the total benefits theretofore determined; and such levy and assessments for repairs and maintenance of any one ditch system be limited in any one calendar year based upon pro rata percentage of the original calendar year based upon pro rata percentage of the original benefits of that particular drainage system thereof in Martin County, MN under the provisions of Minnesota Statutes Annotated 103-E.

THEREFORE, BE IT RESOLVED, by the Martin County Board of Commissioners of Martin County, MN that the following County, Joint County, and Judicial ditches hereby levied and assessed in the amounts so indicated as sufficient to take care of their obligations for repairs and maintenance heretofore made, or to be made, and equal installments be spread and made payable where necessary, with and made payable where necessary, with and as apart of the Real Estate Taxes in the indicated as follows, to-wit:

DITCHES LEVIED FOR ONE YEAR PAYABLE 2011:

| NUMBER | DITCH | AMOUNT |
|---------------|--------------|---------------|
| 1019 | CD #24 | \$ 10,000.00 |
| 1020 | CD #25 | \$ 5,000.00 |
| 1022 | CD #26 | \$ 5,000.00 |
| 1025 | CD #29 | \$ 5,000.00 |
| 1029 | CD #30 | \$ 2,000.00 |
| 1030 | CD #31 | \$ 5,000.00 |
| 1032 | CD #33 | \$ 5,000.00 |
| 1037 | CD #38 | \$ 2,000.00 |
| 1040 | CD #42 | \$ 1,000.00 |
| 1049 | CD #54 | \$ 5,000.00 |
| 1055 | CD #59 | \$ 2,000.00 |
| 1058 | CD #62 | \$ 2,000.00 |
| 1059 | CD #63 | \$ 1,000.00 |
| 1066 | CD #71 | \$ 2,000.00 |
| 1068 | CD #73 | \$ 5,000.00 |
| 1069 | CD #74 | \$ 2,000.00 |
| 9002 | JD #2 M&F | \$15,000.00 |
| 9138 | JD #9 Impr | \$ 2,000.00 |
| 9021 | JD #12 | \$ 5,000.00 |
| 9022 | JD #13 | \$ 2,000.00 |
| 9025 | JD #15 M&J | \$ 5,000.00 |
| 9041 | JD #27 | \$ 3,000.00 |
| 9045 | JD #29 | \$ 5,000.00 |
| 9046 | JD #30 | \$ 4,000.00 |
| 9052 | JD #35 | \$ 2,000.00 |
| 9057 | JD #38 Impr | \$ 5,000.00 |
| 9064 | JD #42 | \$ 3,000.00 |
| 9067 | JD #44 | \$ 5,000.00 |
| 9071 | JD #48 | \$ 3,000.00 |
| 9075 | JD 51 | \$ 2,000.00 |
| 9080 | JD #60 | \$10,000.00 |
| 9084 | JD #66 | \$ 2,000.00 |
| 9088 | JD #70 | \$ 5,000.00 |
| 9089 | JD #71 | \$ 2,000.00 |
| 9090 | JD #72 | \$ 2,000.00 |

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| 9091 | JD #73 | \$ 3,000.00 |
| 9096 | JD #78 | \$ 500.00 |
| 9099 | JD #81 | \$10,000.00 |
| 9103 | JD #85 | \$ 5,000.00 |
| 9105 | JD #88 M & W | \$ 1,000.00 |
| 9106 | JD #89 | \$ 5,000.00 |
| 9107 | JD #90 | \$ 2,000.00 |
| 9110 | JD #93 | \$ 2,000.00 |
| 9112 | JD #96 | \$ 2,000.00 |
| 9120 | JD #104 | \$ 1,500.00 |
| 9121 | JD #105 M&J | \$ 5,000.00 |
| 9127 | JD #115 | \$ 3,000.00 |
| 9137 | JD #301 M&W | \$ 2,000.00 |
| 9150 | JD #214 (North System) | \$15,000.00 |

Upon motion by Commissioner Pierce, seconded by Commissioner Potter, and carried, said resolution was duly passed and adopted this 21st day of December, 2010.

BOARD OF COMMISSIONERS

Dan Schmidtke, Chairman

ATTEST: _____

James Forshee
Martin County Auditor/Treasurer

DITCHES LEVIED FOR MORE THAN ONE YEAR

| <u>Ditch #</u> | <u>Name of Ditch</u> | <u>Year Ending</u> |
|----------------|--|-----------------------|
| 9026-1 | Judicial Ditch #15 M & J | 2017 |
| 1009 | County Ditch #11 | 2013 (\$ 45,000) |
| 9036 | Judicial Ditch #25 | 2013 (\$ 35,000) |
| 9054 | Judicial Ditch #367 | 2013 (\$ 45,000) |
| 1024 | County Ditch #28 (5 years) (2007) | 2011 (\$ 20,000) |
| 9143 | Judicial Ditch #34 (5 years) (2007) | 2011 (\$ 30,000) |
| 9004 | Judicial Ditch #2 (5 years) (2008) | 2012 (\$ 6,000) |
| 9015 | Judicial Ditch #10 (10 years) (2008) | 2017 (\$40,000) |
| 9049 | Judicial Ditch #32 (5 years) (2008) | 2012 (\$10,000) |
| 9094 | Judicial Ditch #76 (5 years) (2008) | 2012 (\$10,000) |
| 9103 | Judicial Ditch #85 (5 year) (2008) | 2012 (\$35,000) |
| 9054 | Judicial Ditch #367 (5 years) (2008) | 2012 (\$25,000) |
| 1043-2 | County Ditch #46 (5 years) 2009 | 2013(\$ 2,000) |

| | | |
|-------------|---|---------------------|
| 1054-1 | County Ditch #58 (3 years) 2009 | 2011(\$ 1,000) |
| 1069-1 | County Ditch #74 (3 years) 2009 | 2011(\$ 1,500) |
| 9001-1 | Judicial Ditch #1 (15 years) 2009 | 2023(\$ 75,000) |
| 9005-1 | Judicial Ditch #3 (12 years) 2009 | 2020(\$120,000) |
| 9009-3 | Judicial Ditch #7 M & F (3 years) 2009 | 2011(\$ 10,000) |
| 9011-1 | Judicial Ditch #8 M & F (3 years) 2009 | 2011(\$ 3,000) |
| 9012-1 | Judicial Ditch #8 (12 years) 2009 | 2020(\$ 65,000) |
| 9015-4 | Judicial Ditch #10 (5 years) 2009 | 2013(\$ 40,000) |
| 9032-2 | Judicial Ditch #22 (10 years) 2009 | 2018(\$ 30,000) |
| 9036-2 | Judicial Ditch #25 (12 years) 2009 | 2020(\$ 20,000) |
| 9063-1 | Judicial Ditch #41 (12 years) 2009 | 2020(\$ 27,000) |
| 9067-1 | Judicial Ditch #44 (3 years) 2009 | 2011(\$ 14,390) |
| 9071-3 | Judicial Ditch #48 (3 years) 2009 | 2011(\$ 3,500) |
| 9085-1 | Judicial Ditch #67 (12 years) 2009 | 2020(\$ 15,000) |
| 9094-2 | Judicial Ditch #76 (5 years) 2009 | 2013(\$ 2,000) |
| 9095-2 | Judicial Ditch #77 (12 years)2009 | 2020(\$ 5,000) |
| 9097-1 | Judicial Ditch #79 (12 years)2009 | 2020(\$ 5,000) |
| 9111-1 | Judicial Ditch #95 (5 years) 2009 | 2013(\$ 5,000) |
| 9150-1 | Judicial Ditch #214(N System)(5years)2009 | 2013(\$ 50,000) |
| 9152-1 | Judicial Ditch #414(S System)(12 years)2009 | 2020(\$ 90,000) |
| 1005-1 | County Ditch #3 (3 years) 2010 | 2012(\$5,000) |
| 1051-1 | County Ditch #55 (3 years) 2010 | 2012(\$,5000) |
| 1064-1 | County Ditch #69 (3 years) 2010 | 2012(\$10,000) |
| 9002-1 | Judicial Ditch #2 M&F 2010 | 2012(20,000) |
| 9069 & 9070 | Judicial Ditch #47 2010 | 2029 (\$695,250.40) |
| 9001 | Judicial Ditch #1 2011 (3 years) | 2013 (\$20,0000) |
| 9040 | Judicial Ditch #26 M&F 2011 (3 years) | 2013 (\$3,000) |
| 9042 | Judicial Ditch #27 M&F 2011 (3 years) | 2013 (\$3,000) |
| 9143 | Judicial Ditch #34 2011 (5 years) | 2015 (\$50,000) |
| 9055 | Judicial Ditch #37 2011 (5 years) | 2015 (\$20,000) |
| 9074 | Judicial Ditch #50 2011 (10 years) | 2020 (100,000) |
| 9079 | Judicial Ditch #59 2011 (5 years) | 2015 (\$40,000) |
| 9092 | Judicial Ditch # 74 2011 (3 years) | 2013 (\$6,000) |
| 9094 | Judicial Ditch #76 2011 (2 years) | 2012 (\$4,000) |
| 9100 | Judicial Ditch #82 2011 (7 years) | 2017 (\$225,000) |
| 9117 | Judicial Ditch #101 2011 (5 years) | 2015 (\$10,000) |
| 9128 | Judicial Ditch #116 2011 (7 years) | 2017 (\$200,000) |
| 9054 | Judicial Ditch #367 2011 (3 years) | 2013 (\$75,000) |
| 9151 | Judicial Ditch #314 (middle)2011 (3 years) | 2013 (\$15,000) |
| 1001 | County Ditch # 1 2011 (3 years) | 2013 (\$20,000) |
| 1005 | County Ditch # 3 2011 (3 years) | 2013 (\$13,000) |
| 1009 | County Ditch #11 2011 (5 years) | 2015 (\$300,000) |
| 1052 | County Ditch #52 2011 (5 years) | 2015 (\$20,000) |

*** The following drainage systems have borrowed from another ditch fund***

9001 (701) Judicial Ditch #1 borrowed \$30,000.00 from 9135 (839) JD 204 Hugoson Petition

9063 (769) Judicial Ditch # 41 borrowed \$10,000.00 from 9142 (840) JD #204 Br A-38 Petition

9099 (803) Judicial Ditch # 81 borrowed \$500.00 from 9045 (750) JD 29

1009 (869) County Ditch #11 borrowed \$15,000.00 from 1070 (928) CD #75

This money must be paid back at 6% per annum interest from January 1, 2008 until paid back.

9036-2(739) Judicial Ditch #25 borrowed \$25,000 from Revenue Fund in 2002. Paid back \$15,000.00 in 2009

This money must be paid back at 6% per annum interest from January 1, 2010

Roll Call AYES: Commissioners Boler, Potter, Pierce, and Schmidtke. NAYS: None.
Resolution duly passed and adopted this 21st day of December, 2010.

Higgins presented the resolution Establishing the CY2011 Fund Expenditures and Revenues. Fund expenditures for 2011 are estimated at \$19,449,832 and fund revenues are estimated at \$20,142,867. After discussion and consideration,

Motion by Commissioner Pierce, seconded by Commissioner Boler,

R-#48/'10

RESOLUTION

ESTABLISHING THE FUND EXPENDITURES AND REVENUES FOR THE YEAR 2011

WHEREAS, the Martin County Board of Commissioners duly considered fund Expenditures and Revenues for the year 2011.

NOW THEREFORE, BE IT RESOLVED, that the Martin County Board of Commissioners do hereby order and determine that fund expenditures and revenues for the year 2011, is as follows:

| | <u>Expenditures</u> | <u>Revenues</u> |
|------------------------------|---------------------|-----------------|
| Revenue Fund | \$ 7,976,131 | \$ 2,973,652 |
| Parks & Recreation | \$ 104,050 | \$ 52,000 |
| Road & Bridge | \$ 6,696,071 | \$ 4,407,349 |
| E-911 Fund | \$ 60,250 | \$ 98,600 |
| Boat & Water/ATV | \$ 16,173 | \$ 11,086 |
| Solid Waste | \$ 270,565 | \$ 863,509 |
| Library | \$ 642,417 | \$ 23,000 |
| Law Library | \$ 15,000 | \$ 15,000 |
| Human Services | \$ 2,132,040 | \$ -0- |
| Recorders Technology Fund | \$ 27,500 | \$ 40,000 |
| Recorders Compliance Fund | \$ 19,000 | \$ 44,000 |
| Building CIP Fund | \$ 75,000 | \$ -0- |
| Human Services Building | \$ 39,150 | \$ 159,032 |
| Hwy Debt Service | \$ 64,283 | \$ -0- |
| Prairieland Debt Service | \$ -0- | \$ -0- |
| Forfeited Land | \$ 12,000 | \$ 2,000 |
| ISTS Loan | \$ 231,800 | \$ 130,000 |
| Martin County Express | \$ 637,272 | \$ 668,431 |
| MC Area Redevelopment Agency | \$ -0- | \$ -0- |

| | | |
|----------------------|---------------|---------------|
| Economic Development | \$ 131,130 | \$ 63,000 |
| General Tax Levy | \$ -0- | \$ 10,592,208 |
| TOTAL | \$ 19,449,832 | \$ 20,142,867 |

Upon motion by Commissioner Pierce, seconded by Commissioner Boler, and carried, said resolution was duly passed and adopted this 21st day of December, 2010.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Dan Schmidtke, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Potter, Boler, Potter, and Schmidtke. NAYS: None.
Resolution duly passed and adopted this 21st day of December, 2010.

Higgins next presented the resolution Establishing the Tax Levy for 2011 collectible in 2012 in the amount of \$10,592,208 (2.9 percent increase from 2010).

Motion by Commissioner Potter, seconded by Commissioner Boler,

R-#47/'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 and Rec. | \$ 52,050 |
| 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 | \$ 68,130 |
| TOTAL TAX LEVY | <u>\$10,592,208</u> |

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

Upon Motion made by Commissioner Potter, seconded by Commissioner Boler, and unanimously carried, said resolution was duly passed and adopted this 21st day of December, 2010.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Dan Schmidtke, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Pierce, Boler, Potter, and Schmidtke. NAYS: None. Resolution duly passed and adopted this 21st day of December, 2011.

Higgins reviewed the payout of 2010 Prairieland service fees in the amount of \$227,535.08 with the Board. By consensus, the board approved that the service payment be made to Prairieland for this year and will need to review next year.

The Board reviewed the Three Year Projected County Pay Matrix, 2011-2013; Minnesota Counties Intergovernmental Trust's (MCIT's) Recognition Certificate to Martin County in Recognition of an Outstanding Loss Ratio Under 50% (for Plan Years 2005-2009); and notice of 2011 Martin County membership dues received from the Greater Blue Earth River Basin Alliance (GBERBA).

Commissioners presented their Board Member Reports.

Commissioner Potter attended the Truth in Taxation held at 6:00 p.m. on December 2, 2010; attended the Association of Minnesota Counties (AMC) annual conference in St. Cloud, MN beginning Monday, December 6 through Wednesday, December 8, 2010; Commissioners Camp-Out for the Salvation Army on December 10, 2010; Library Board on December 14, 2010; Prairieland Meeting on December 17, 2010; Boy Scouts Red Bag Pickup on Saturday, December 18, 2010; Trimont Project on Tax Abatements on Monday, December 20, 2010.

Commissioner Pierce did not have anything to add as he has been on vacation.

Commissioner Boler attended Performance Evaluations on Thursday, December 2, 2010; attended Labor Negotiations on Thursday, December 9, 2010; attended RC&D regular meeting

on December 13, 2010; attended EDA regular meeting at 5:30 p.m. on December 13, 2010; and attended Prairieland on Friday, December 17, 2010.

Commissioner Schmidtke stated the only other thing he has to add for meeting attendance was on Thursday, December 16, 2010 the Compensation Advisory Committee met in the afternoon; and our camp-out ended early Friday night, December 10, 2010 due to down pouring rain and a storm coming in.

The Board reviewed their calendars of upcoming meetings and activities: Tuesday, December 21, 2010 – Annual Employee Potluck & Retirement Open House for Brad Gerhardt 11:30 a.m. to 1:30 P.M.; possible Department Head Review this afternoon; December 22, 2010 – Human Services at 9:00 a.m. in Blue Earth, MN; December 23, 2010 – ARMER Radio Board Meeting; December 24, 2010 – Courthouse is Closed; December 27, 28, 29, 30, 2010 no meetings scheduled; December 31 – Courthouse is Closed; January 3, 2011 – no meetings scheduled; January 4, 2011 regular Board of Commissioners meeting beginning at 9:00 a.m. including swearing in ceremony; Joint Meeting with SWCD at the Pizza Ranch beginning at noon.

Motion by Commissioner Pierce, seconded by Commissioner Potter, to move into closed session for the performance evaluation of the Martin County Coordinator. Carried unanimously. Closed session began at 10:25 a.m.

The Board went into closed session at 10:25 a.m. per Minnesota Statute 13D.05 Subd. 3 for the performance evaluation of the Martin County Coordinator. Those present were Commissioners Boler, Pierce, Schmidtke, Potter, and Scott Higgins.

Motion by Commissioner Pierce, seconded by Commissioner Potter, to move back into open session. Carried unanimously. Open session began at 11:01 a.m.

By consensus of the Board, the Coordinator's performance evaluation met the board's expectations and approval.

Ron Ringquist, Ditch Viewer for Martin County, was present and stated the Viewers Report for CD #11 was accepted except for two individuals; and the Viewers Report for JD #46 was accepted except for one individual. Ringquist noted there were no recommended changes to the exception on JD #46 and so the Final Viewers Report for JD #46 is acceptable.

Ringquist continued Everett Pope had a question about watershed. Ringquist stated the Viewers went back and relooked at it and the land can go either way. Pope chose to say that it should go to the east into a different ditch; so we recommend that on the southeast southeast of Section 8, Pope's assessment be reduced from ten (10) acres included in CD #11 down to three (3) acres. Deb Mosloski has the numbers that she will include with the report.

The second exception on CD #11 was from Angela Willner and that was one where there was an easement program put into place and enrolled it in a RIM Program. I talked with Willner and tried to give him general information about why he wasn't completely dropped like normal and he said it's inappropriate I can't farm it anymore there should be no benefit. Ringquist stated the

way the Viewers look at that is without the ditch system it would not have been eligible for compensation when he enrolled it in that program. Therefore, the benefit of the ditch system was there. Willner sold that right as a part of that program payment. Ringquist noted now maybe he has the wetland again but he's got the payment to reestablish what was previously drained. What we do normally recommend though is removal of any of the upland acres that would have been farmable without the drainage. Those could have had a farming history and would have been able to be enrolled in the program and compensated for. Ringquist continued the acres in question is the northeast southwest and northwest southwest of Section 14 and what we recommended was that there be thirty-two (32) acres of "C" benefited acres removed, eleven (11) acres of "D" benefit removed, and that the tile benefit no longer benefits him because that's now what is under water so we removed any tile benefit from it. Ringquist stated that recommend new benefits for the northeast southwest be \$20,560.00 vs. \$32,857.00; and that the northwest southwest be \$39,232.60 vs. \$49,249.00. When I talked with Willner on the phone I told him that I would try to explain it better if he would show up early this morning and go over it because it is pretty difficult to explain on the telephone and he couldn't make it or didn't make it this morning so I guess he decided that it is what it is.

Motion by Commissioner Boler, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, acting as the Martin County Drainage Authority, hereby approve and authorize the Final Viewer's Reports addressing the three individuals that were not included in the Order accepting the balance of the redetermination. Carried unanimously.

With no further business to wit, Board Chair adjourned the meeting at 11:15 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Dan Schmidtke, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator