

PROCEEDINGS OF THE
MARTIN COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 20, 2011
@ 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 Steve Pierce.

Commissioners present were Donnelly, Potter and Schmidtke. Commissioner Boler 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, Rod Halvorsen, KSUM/KFMC Radio, Captain Corey Klanderud, Martin County Sheriff's Office, Dan Whitman, Martin County Assessor, Steve McDonald, Martin County MIS Director, Julie Walters, Administrative Assistant, and members of staff.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the Agenda with the following additions: 8.12 Consider Deputy Reassignment – Martin County Sheriff's Office, 8.13 Consider Allocation Request from Prairieland Solid Waste Management & Compost Facility; and delete 3.1 Consider September 6, 2011 regular Board of Commissioners meeting minutes. Carried unanimously.

Terry Viesselman, Martin County Attorney, reviewed a letter received from the State of Minnesota Office of the Attorney General regarding fees that Martin County will be responsible for associated with commitment proceedings of predatory sex offenders under Minn. Stat. §253B.185 including costs to hold respondent, costs of court-appointed examiners, the patient's attorney, and expert witnesses, costs of transcripts, deposition, lodging, and other litigation expenses.

James Forshee, Martin County Auditor/Treasurer, presented a new 3.2% Liquor License and Consumption & Display Permit for Margaret L. Nelson, d/b/a Ghost Town Tavern at 1203 260th Avenue in Granada, MN.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize a 3.2% Liquor License and Consumption & Display Permit for Margaret L. Nelson, d/b/a Ghost Town Tavern located at 1203 260th Avenue in Granada, MN; contingent upon receiving the required and proper documentation for the license. Carried unanimously.

No action taken on appointment to the Martin County Economic Development Authority Commission.

Steve McDonald, Martin County MIS Director and Dan Whitman, County Assessor, were present to recommend moving forward with a five year renewal of the County's ACS and CAMA software program contract and to allow approval of the extension by the

Minnesota Counties Computer Cooperative (MCCC). McDonald stated there will be a 1% increase in cost, per contract (x2) per year, over the next five year period; effective January 1, 2012-December 31, 2016 (may be subject to change depending on whether or not the counties affected in MCCC ratify the proposed contract).

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize moving forward with a five-year contract extension, with a projected increase of 1%, per contract, per year, for the ACS Tax and CAMA software program with Minnesota Counties Computer Cooperative (MCCC) as presented, effective January 1, 2012-December 31, 2016 (subject to change depending on whether or not the counties affected in MCCC ratify the proposed contract). Carried unanimously.

Kevin Peyman, Martin County Highway Engineer, presented a department update stating that maintenance gravel has been completed for the year and that they are now getting into their fall activities including mowing shoulders, patching, and road slope work; and once the crops are out of the fields will start snow fence installation before the winter season.

Commissioner Schmidtke stated he had an inquiry as to why the turn lane from CSAH 26 onto MN State Highway 263 by Welcome, Minnesota wasn't striped after the recent overlay on that stretch of road.

Peyman stated that stretch of road should be striped exactly as it was before the overlay and will take a look at the area, verify, and get back with you.

Commissioner Pierce inquired about proposed changes by the US Department of Transportation regarding reflective signage for townships and counties.

Peyman stated that specific dates for minimum reflectivity standards for signage have been taken away; however, a lot of townships have already started getting their sign inventory in place and have started ordering signs; and recommend that they continue to do so and replace the old signs. Most of the townships have put money aside to do this. From the County's standpoint, we have been replacing the new reflective signs for some time now.

Commissioner Schmidtke inquired of the County's E-911 Sign Policy and placement of the signs, stating that years ago the purpose of the E911 signage was to address the rural areas for emergency responders to be able to find these rural addresses for emergency purposes. The location of the signs are either not there or in different locations on the property and suggested this should be addressed in order to establish consistency of these sign locations throughout the county, so that they are more easily seen by fire responders or ambulance responders. There should be a certain spot for these signs and landowners should not be able to take them down.

Peyman stated that when the signs were first installed approximately 15 years ago and the placement of these signs were standardized, located just outside the right-of-way for easy spotting by emergency personnel. A lot of people didn't like them at that location and some residents took them down altogether, and some were relocated elsewhere. At this point, there really is no way to enforce the locations of the signs. When the E911 signs were first installed, the decisions was made that the county would pay for them all, as well as install the signs for the homeowner. After that, if the homeowner needed to replace a sign, the homeowner would be charged for the new sign. Peyman stated that with the initial signs getting to be fifteen years old, the County should determine how they will address purchase and installation of new signs. The best way to do this would be establish a county ordinance. An ordinance would provide some ability for the county to enforce and address these issues on a consistent basis. Peyman went on to state that when people call for an address and ask if it necessary to have these signs, typically my response is that if it were me, the emergency responders look at a certain spot for a certain type of sign and that it is for their own safety that we recommend they put it up (the sign).

By consensus, the Board asked that an Ordinance be drafted to address the E911 signage issues.

Beverly Snow, Faribault, Martin and Jackson (FMJ) Multi County ASAC Coordinator, was present and stated the FMJ Adult Drug Court has determined a revenue shortfall of \$15,000 for the program in CY2012. Snow went on to state that Martin County's share of the shortfall is expected to be \$5,000. The amount is determined by the average number of clients served by each county. Therefore, the amount requested from each county (Faribault County, Martin County, and Jackson County) for the Fiscal Year of 2012 is \$5,000.00.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file the CY2012 budget request from the Faribault, Martin & Jackson (FMJ) Adult Drug Court in the amount of \$5,000.00 in levy to meet the projected budget shortfall. Carried unanimously.

Captain Corey Klanderud, Martin County Sheriff's Office, presented an office update including current Martin County Jail population of twenty-two in-house, twelve in Faribault County, and four on Electronic Home Monitoring (EHM), and we shipped one to St. Cloud this morning; and that newly hired Deputy Christopher Vasvick began his duties on September 11, 2011.

Klanderud continued that due to a restructuring within the Martin County Sheriff's Office, Investigator Matt Owens has requested to return to Deputy Status to comply with increased road coverage within Martin County.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the reclassification of Investigator Matt Owens to Sheriff's Deputy for the Martin County

Sheriff's Office at the 10 Year Step rate of \$26.01/hour effective September 25, 2011.
Carried unanimously.

Autumn Larsen, Youth Intervention & Prevention Program Coordinator, presented a resolution to designate the month of September, 2011 as Martin County Teen Court Month in conjunction with National Youth Court Month to recognize the volunteers and the great program that we have in Martin County.

Motion by Commissioner Potter, seconded by Commissioner Schmidtke,

R-#45/'11

**A RESOLUTION DESIGNATING SEPTEMBER, 2011, AS
MARTIN COUNTY TEEN COURT MONTH**

- Whereas, Teen Court is a rapidly expanding alternative to the juvenile justice system for young people who have committed minor delinquent and status offenses, and who consent to participate in the program.
- Whereas, Teen Court, one of the fastest growing crime prevention and early intervention programs in the nation, is based on a philosophy of being youth driven and youth led.
- Whereas, Teen Court benefits the juvenile justice system by reducing court backlogs without increasing recidivism and provides an outlet to confront the consequences of the offenders' actions.
- Whereas, Teen Court provides youthful offenders and volunteers the opportunities to learn about responsible citizenship and law, and to develop skills in public speaking, mediation, and pro-social leadership through hands on experience.
- Whereas, Teen Court exemplifies the practice of empowering youth through involvement in community solutions, teaching decision-making and leadership skills, and positive peer pressure.
- Whereas, Teen Court designs creative consequences and sentencing options whereby youthful offenders receive dispositions handed down by their peers that hold them accountable, repair the harm to the victim and the community, and contribute to public safety.
- Whereas, National Youth Court Month provides a time to celebrate the valuable contributions that Teen Courts and their volunteers, adult and youth, make to keep our nation's communities safe.
- Whereas, Over 400 juvenile offenders have participated in the Martin County Teen Court since the first session was held on August 10, 1998.
- Whereas, Martin County Teen Court is celebrating National Youth Court Month 2011 with more than 1,127 youth court programs operating in district-level juvenile justice systems, schools and community-based organizations in

49 states and the District of Columbia,.

THEREFORE, BE IT RESOLVED, that Martin County adopts this resolution and designates September 20, 2011, as **MARTIN COUNTY TEEN COURT MONTH** to be celebrated in conjunction with National Youth Court month.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

ATTEST: _____
Scott Higgins, County Coordinator

Steve Pierce, Board Chair

Roll Call AYES: Commissioners Donnelly, Schmidtke, Potter, and Pierce. NAYS: None. Resolution duly passed and adopted this 20th day of September, 2011.

Julie Grunewald, Senior Probation Agent stated that Minnesota Office of Justice Programs (OJP) Department of Public Safety, is requesting grant application proposals for funding of Youth Interventions Programs throughout the state. The Martin County Youth Intervention Program’s goal is to resolve youths’ personal, familial, school, legal or chemical problems and prevent the occurrence of these problems in the future. This grant will run from January 1, 2012 until December 31, 2013 and will be applying for the same amount that we received the previous two years in the approximate amount of \$82,000.00.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the grant application to the Department of Public Safety, Office of Justice Programs- Youth Intervention Program for funding of the Martin County Youth Intervention Program, effective January 1, 2012 until December 31, 2013. Carried unanimously.

Forshee presented a request for approval for disposing of the “Ballot Counter Machine.” Forshee stated the county no longer uses this type of ballot counter system. It is suggested that this piece of equipment be disposed through the County’s recycling collection program.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the disposal of the Ballot Counter Machine as county surplus property to be disposed of through the County’s recycling collection program. Carried unanimously.

Scott Higgins, Martin County Coordinator, stated the County has received its renewals for the County’s Ancillary Benefits for the year 2012 and recommends acceptance of the renewals.

- Life Insurance: No increase in monthly rates for base plan provided by the County to employee; and no increase in monthly rates for buy-up options for employees.

Employees also receive a \$20,000 term life policy with buy-up options for themselves and dependents.

- Voluntary Long Term Disability: Monthly rates will remain unchanged.
- Voluntary Dental: Dental coverage is provided through United Health Care. The monthly premiums will increase 15% for 2012. The rates are the same as they were in 2010 when we switched from Humana to United Health Care in 2011.
- Voluntary Vision (Avesis) Plan: Monthly premiums will remain unchanged for the year 2012.

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby accept the renewal(s) of the County's Ancillary Benefits and authorizes the Board Chair and/or its designee to sign all necessary documents for the following employee benefit plans with Integrity Employee Benefits, LLS (Jim Ochs), which includes Basic Life Insurance and employee buy-up options through Minnesota Life; Voluntary Long Term Disability offered through The Hartford; Voluntary Dental Plan offered through United Health Care; and Voluntary Vision Plan from Avesis; effective January 1, 2012. Carried unanimously.

Higgins stated that Commissioner Gerald Boler has submitted his letter of resignation as Commissioner of Martin County Commissioner District No. 1 to the County Board effective upon acceptance by the County Board.

Motion by Commissioner Potter, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby accept the resignation of Gerald Boler as Commissioner of District No. 1 in the County of Martin, Minnesota, effective September 20, 2011. Carried unanimously.

James Forshee, Martin County Auditor/Treasurer, stated that acceptance of Gerald Boler's resignation creates a vacancy on the Martin County Board of Commissioners. Therefore, per Minnesota Statute 375.101, a Special Election will need to be held to fill the remaining term of the Martin County Commissioner District No. 1 seat on the County Board. Forshee presented a resolution noting the filing period for candidates shall be from October 11, 2011 to October 25, 2011; and if two or more candidates file, the Special Primary Election shall be held December 20, 2011; and the General Election shall be held February 14, 2012.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly,

R-#46/11

RESOLUTION

WHEREAS, the Martin County Board of Commissioners are aware that a vacancy has occurred on the Martin County Board of Commissioners due to the resignation of First District Commissioner Gerald Boler.

NOW THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners declares a vacancy on the Board of County Commissioners and directs the Martin County Auditor to conduct a special election pursuant to Minnesota Statute 375.101.

BE IT FURTHER RESOLVED, that the filing period for candidates shall be from October 11, 2011 to October 25, 2011, if two or more candidates file, the Special Primary Election shall be held December 20, 2011, and the General Election shall be held February 14, 2012.

CERTIFICATION

I, James Forshee, County Auditor within and for the County of Martin, do hereby certify that the foregoing resolution is a true and correct copy of the resolution presented to and adopted by the County Board of Commissioners at a duly authorized meeting thereof on the 20th day of September, 2011, as shown by the minutes in my possession.

James Forshee
Martin County Auditor

(SEAL)

Roll Call AYES: Commissioners Potter, Donnelly, Schmidtke, and Pierce. NAYS: None. Resolution duly passed and adopted this 20th day of September, 2011.

Higgins stated that it will be necessary to reassign former Commissioner Boler's committee assignments. Higgins suggests that whoever is named as the alternate become the committee delegate; and select alternates as the Board so chooses until the next person is elected to this position.

By consensus the County Board of Commissioners approved the following appointments to the Martin County Board of Commissioners Standing Committee to serve the balance of a one-year term expiring on December 31, 2011 as follows;

Insert Committee Listing

The Board recessed at 9:35 a.m.
The Board reconvened at 9:40 a.m.

Commissioner Pierce presented and reviewed a funding request received from Prairieland Solid Waste Management & Compost Facility. After discussion,

Motion by Commissioner Potter, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the

allocation request received from Prairieland Solid Waste Management & Compost Facility in the amount of \$28,500. Carried unanimously.

Deb Mosloski, Drainage Specialist for Martin County, and Mike Forstner, Ditch Inspector for Martin County, presented their recommendation to set a public hearing date and time for finalizing the re-routing of JD #367 and/or a portion thereof. Mosloski and Forstner suggest October 4, 2011 at 10:00 a.m.

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, acting as the Martin County Drainage Authority, hereby sets a public hearing date for finalizing the re-routing (or a portion thereof) of JD #367 for October 4, 2011 at 10:00 a.m. at the Martin County Courthouse, 201 Lake Avenue, Fairmont, Minnesota in the Commissioners Meeting Room. Carried unanimously.

Forshee presented and reviewed the proposed Beaver Removal Policy for County Drainage Systems. The County's goals in establishing this policy is to have a written set of expectations and protocols concerning the removal of beavers which are building dams and causing water flow to stop and flooding land which County Drainage Systems run through. Landowners must contact the Martin County's Drainage Authority and request that the beaver be removed. The Drainage Authority will review the request and determine the appropriate action. If trapping is required, the amount that will be paid by the County for the beaver bounty will be \$20 each. After discussion and review,

Motion by Commissioner Schmidtke, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, acting as the Martin County Drainage Authority, hereby approves the Beaver Removal Policy for County Drainage Systems as follows, effective September 20, 2011.

County Drainage Policy #
Effective: September 20, 2011

BEAVER(S) REMOVAL FROM MARTIN COUNTY DRAINAGE SYSTEMS

POLICY STATEMENT

Martin County's goals in establishing this policy are to have a written set of expectations and protocols concerning the removal of beavers which are building dams causing water flow to stop and flooding land which County Drainage Systems run through.

Landowners must contact the Martin County's Drainage Authority and request that the beaver be removed. The Drainage Authority will review the request and determine the appropriate action.

The County will only use licensed trappers that are registered with the county for this process. Martin County's Drainage Authority will contact a licensed trapper to have the

beaver trapped and removed. The trapper must bring the tail of the beaver, the Ditch number, and/or GPS coordinates of where the beaver was trapped to the Drainage Authority. The Drainage Authority will dispose the tail upon receiving it and process a voucher payment request from the trapper.

The amount that will be paid for the beaver bounty will be \$20.00 each.

Once the beaver(s) has been removed, the dam can be removed with approval of the Drainage Authority. The Drainage Authority or landowner will contact a contractor to remove the dam.

Carried unanimously.

Discussion ensued regarding beaver dam removal within DNR waters and payment of removal. After much discussion,

Consensus of the Board is to contact Leo Getsfried, Area Hydrologist with the Minnesota DNR Ecological and Water Resources, and let him know what Martin County wants to do regarding removal of beaver dams in public waters if the dams are obstructing water flow; and who would pay for removal of the beaver dam(s).

Higgins presented a letter received from Mike Garry concerning the proposed tiling project for JD #49.

Motion by Commissioner Potter, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file the letter received from Michael Garry concerning the proposed improvement for JD #49. Carried unanimously.

Higgins presented a recommendation to transfer Energy Audit light bulb and ballast purchases from the Building Maintenance general fund to the Capital Improvement Projects general fund.

Motion by Commission Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve payment of claims for the month of September, 2011 as presented; and includes the Martin County Highway Department as presented; and includes authorizing the Martin County Auditor/Treasurer's Office to transfer the Energy Audit light bulb and ballast purchases from the Building Maintenance general fund to Capital Improvement Projects general fund. Carried unanimously.

Warrants Received and paid September 20, 2011 are registered on file in the Auditor/Treasurer's Office as follows:

Revenue Fund – Warrants Approved September 20, 2011	\$181,238.07
Enhanced 9-1-1 Fund	\$ 8,425.95

Recreation and Safety Fund	\$ 2,646.85
Martin Co. Economic Development Authority	\$ 9,486.56
Solid Waste Management Fund	\$ 40,934.64
Law Library Fund	\$ 2,367.17
Martin County Transit Fund	\$ 50,058.22
Recorder's Compliance	\$ 2,115.00
Ind. Sewage Treatment Sys. Loan FD (ISTS)	\$ 28,999.04
Building –CIP– Fund	\$ 7,238.33
Bank Building Fund	\$ 3,565.92
Total	\$337,075.75

Road and Bridge Funds Totaled	\$ 80,063.85
Martin County Ditch Fund – Warrants Totaled	\$ 47,492.96

The Board reviewed the updated CY2012 Preliminary Budget that included the levy increase of 1.9% increase in levy over CY2011; South Central Service Cooperative Meeting Minutes for September 7, 2011; Martin County Leadership “Community Leadership” Day at Interlaken Golf Club on October 5, 2011; 2010 Closeout Information for Martin County Express; Region 9 Annual Meeting Minutes for July 13, 2011; and 2011 Fairmont Glows Parade on Friday, November 18, 2011.

Commissioner Pierce reviewed the notice for public comment letter received regarding the U.S. Postal Service’s intent to conduct an Area Mail Processing (AMP) study of mail processing facilities to determine whether consolidation of some operations is appropriate. No action taken.

Commissioners reviewed their calendars of upcoming meetings and activities: September 20th – Employee Recognition Day event at Martin County Transit 11:30 a.m. – 1:30 p.m., CY2010 Audit Review at 2:00 p.m.; September 21st – Human Services in Fairmont at 9:00 a.m., Insurance Committee Meeting at 1:30 p.m.; September 26th – Rural Minnesota Energy Board in Slayton, MN; September 27th – BioMass Meeting; September 29th – Flu Shot Clinic at Courthouse and Human Resource Building, Martin County Water Plan Meeting; October 4th – regular Board of Commissioners meeting at 9:00 a.m.

Commissioner Potter stated he attended the Labor Management Committee meeting on September 6th, Human Services Exec and Leadership Martin County on September 7th, and Soil and Water on September 8th, and Prairieland meeting and Minnesota Valley Action Council and Minnesota River Board on September 19th.

Commissioner Schmidtke stated he attended the Martin County EDA meeting on September 12th, and Ditch Meeting on CD #11 on September 14th.

Commissioner Donnelly stated he attended the Human Services Exec meeting on September 7th, Building Committee meeting on September 9th, Ditch Hearing on CD #7 in Blue Earth, MN on September 13th, GBERBA meeting in Mankato, MN on September 16th, and Prairieland meeting on September 19th.

With no further business to wit, Board Chair adjourned the meeting at 10:22 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Pierce, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator