

PROCEEDINGS OF THE  
MARTIN COUNTY BOARD OF COMMISSIONERS  
TUESDAY, FEBRUARY 19, 2013  
@ 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 Elliot Belgard.

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

Motion by Commissioner Pierce, seconded by Commissioner Flohrs, Be it Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following additions: 8.9 Consider Amendment to 2013 Transit Vehicle Contract with Mn/DOT; 8.10 Consider Contract Extension with Blue Earth County, MN as Household Hazardous Waste Sponsoring County – Prairieland Solid Waste Management & Compost Facility; and 8.11 Consider Allocation Request from Prairieland Solid Waste Management & Compost Facility. Carried unanimously.

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the February 5, 2013 regular Board of Commissioners meeting. Carried unanimously.

Terry Viesselman, Martin County Attorney, presented the Prosecutor's Office Equitable Sharing Agreement for approval and ratification by the Board. Viesselman noted the agreement sets forth requirements for participation in the federal equitable sharing program and various restrictions upon the use of forfeited cash, property, and proceeds which is equitably shared by participating agencies.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, upon review and recommendation of the County Attorney, hereby ratify the Federal Forfeiture Equitable Sharing Agreement for the Martin County Attorney's Office to take part in the equitable sharing of assets with the Drug Enforcement Administration. Carried unanimously.

Viesselman next reviewed a proposal for ratification of the MCAPS 4 Support Services Agreement between Docutech and the Minnesota Counties Computer Cooperative (MCCC) for county attorney software for drafting complaints. Viesselman noted the county attorney's office has been operating under the agreement for the past year; and that Agreement fees of \$1,075 per attorney are paid through the County's law library fund.

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

MCAPS 4 Support Services Agreement between Docutech and the Minnesota Counties Computer Cooperative (MCCC) for county attorney software for drafting complaints effective January 1, 2012 and continue for eight (8) years, expiring on December 31, 2019; and the cost for the program to be paid by the Law Library Fund. Carried unanimously.

Kevin Peyman, Martin County Highway Engineer, presented the Martin County Parks/Trail Committee's unanimous recommendation to hire Gary Engler as Seasonal Parks Caretaker for an eight (8) month period beginning on or about March 11, 2013. Peyman stated Engler has been hired as the parks caretaker for a few years now and does a good job for the county and recommends the Board approve the re-hire of Gary Engler at \$17,500.00/8 month season.

Motion by Commissioner Flohrs, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of the Martin County Parks/Trail Committee and Highway Engineer, hereby approve and authorize the hire of Gary Engler for the seasonal position of County Parks Caretaker effective on or about March 11, 2013 and will continue for eight (8) months at a monthly compensation (with required payroll deductions) of approximately \$1,029.42 per pay period; and is not eligible for county benefits. Carried unanimously.

Peyman continued presenting a request to purchase a plow and truck box. Peyman stated that while the Highway Department has budgeted for the purchase of a tandem truck in 2013, (to replace Unit #25 a 2002 Sterling with 234,000 miles), and that normally we purchase the tandem, plow, and truck box together, Peyman recommended the purchase of a plow and truck box only at this time. Peyman went on to state that due to the state rejecting the contracts on the tandem trucks, the tandems will be rebid. However, when they are rebid, there will be a 5% to 8% increase in the state contract price; and the box and plows are coming off the state contract at the end of February. Peyman recommends the purchase of the box and plow before the state contract price runs out and will wait to purchase the tandem when the state contracts are renewed.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be it Resolved that the Martin County Board of Commissioners, after careful consideration and review and upon the recommendation of the County Highway Engineer, hereby approve and authorize the purchase of a plow from Towmaster, Inc. of Litchfield, MN at the state contract price of \$7,986.77 (includes sales tax); and approve and authorize the purchase of a Tandem Truck Box from Crysteel Truck Equipment of Lake Crystal, MN at the state contract price of \$82,303.80 (includes sales tax). Carried unanimously.

Peyman, along with Rich Perrine, Kathy Smith, and Greg Johanson, Martin Soil and Water Conservation District, opened discussion regarding the County State Aid Highway (CSAH) 36 Stream Restoration Project which will realign the channel so it is in line with the Elm Creek Bridge. Grant dollars have been applied for and awarded to cover approximately 75% of the cost with a County in-kind and cash match of approximately 30%.

Commissioners voiced their concern of the fact that this project was not included in the 2013 budget, but would need to determine funding for the project at a later date.

Peyman noted that even though this project runs along a CSAH, it is not a Road and Bridge project; therefore, the CSAH construction account funds cannot be used toward the required match. Peyman went on to note that since this is a very worthwhile project and there are no budgeted funds for the County's match, the matching requirement could come out of the County's general fund reserves or be taken out of the remaining bonding dollars account that will be used in addition to Highway Safety Improvement Program (HSIP) funding for the CSAH 38 Surfacing Project.

After further discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Flohrs, Be it Resolved that the Martin County Board of Commissioners, hereby approve the Martin County Highway Department and Martin Soil and Water Conservation District Office to move forward with the County State Aid Highway (CSAH) 36 Stream Restoration Project (Elm Creek Channel Restoration); and to determine funding source at a later date. Carried unanimously.

Captain Corey Klanderud, Martin County Sheriff's Office, presented the Sheriff's Office recommendation of step increases based on satisfactory performance evaluations and according to Union Contract(s) for the following Martin County Sheriff's Office personnel: Clint Cole, Deputy Sheriff, and Amanda Keith, Corrections Officer.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize step increases based on satisfactory performance evaluations and according to Union Contract(s) for the following Martin County Sheriff's Office personnel: Clint Cole, Deputy Sheriff (LELS #136), from 6 Year Step at \$25.44/hour to 7 Year Step at \$25.82/hour, effective February 28, 2013; and for Amanda Keith, Corrections Officer (LELS #115), from 2 Year Step at \$21.29/hour to 3 Year Step at \$21.76/hour, effective February 17, 2013. Carried unanimously.

Lu Akers, Emergency Management Assistant Manager, presented a resolution adopting the updated Martin County Emergency Operations Plan the purpose of which is ensure the effective, efficient, and coordinated use of resources in the event of a major disaster.

Motion by Commissioner Schmidtke, seconded by Commissioner Flohrs,

R-#11/'13

## RESOLUTION

### MARTIN COUNTY EMERGENCY MANAGEMENT PLAN

Motion by Commissioner Schmidtke, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve and adopt the revised Martin County Operations Emergency Plan.

Resolution duly passed and adopted this 19<sup>th</sup> day of February, 2013.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Elliot Belgard, Board Chair

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

Roll Call AYES: Commissioners Pierce, Donnelly, Flohrs, Schmidtke, and Belgard. NAYS: None. Resolution duly passed and adopted this 19<sup>th</sup> day of February, 2013.

Akers presented and reviewed a handbook offering on-line classes for Commissioners and other elected officials in Martin County to aid in the answering or referral of questions from constituents in the event of an emergency.

Kathy Smith, Director-Martin Soil and Water Conservation District, presented an information update pertaining to a grant application for a pilot project watershed area for the Minnesota Agricultural Water Quality Certification Program (MAWQCP). Smith noted Minnesota is the ideal location for a new collaborative approach focused on the intersection between agricultural production and water quality. Smith went on to note the goal of the new state and federal partnership is to enhance Minnesota's water quality by accelerating the voluntary adoption of on-farm conservation practices. Smith stated their application focus will be on the Elm Creek Watershed and requested Board support in the application process.

Motion by Commissioner Pierce, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve drafting a letter of support for the Martin Soil and Water Conservation District's application for pilot project watershed grant funds from the Minnesota Agricultural Water Quality Certification Program. Carried unanimously.

Dan Whitman, Martin County Assessor, stated Minnesota Statutes set guidelines as to when the County Board of Appeal and Equalization may convene; and that current law provides that the County Board of Appeal and Equalization may meet after the second Friday in June on at least one meeting day, and may meet up to ten consecutive days. Whitman noted the Board of Equalization for 2013 must hold a meeting that does not recess or adjourn prior to 7:00 p.m. and asks the County Board to establish the meeting date in order to include the date and time on the valuation notices to be mailed to each property owner in March. Whitman recommends that the 2013 Martin County Board of Appeal and Equalization be set for Tuesday, June 18, 2013 with appointments available from 6:30 p.m. to 7:00 p.m. It is further recommended that the County Commissioners make up the membership of this Board.

Motion by Commissioner Flohrs, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and set the meeting date of June 18, 2013 beginning at 6:30 p.m. for the County Board of Equalization to be held in the Martin County Courthouse, 201 Lake Avenue, Fairmont, MN, First Floor – Commissioners Meeting

Room; with the County Board of Commissioners serving as the Board of Equalization, along with the appointment of James Forshee, Martin County Auditor/Treasurer, as a member of the Board as well. Carried unanimously.

Whitman presented an update on a bill that is making its way through the Minnesota Legislature seeking tax exemptions within the ethanol industry which in Whitman's opinion would create inequities in Martin County with the biggest problem being a substantial shift in property taxes to homes and small businesses, and on Ag classifications. It would be on everyone but the ethanol plants. Whitman noted the bill would exclude fermentation and liquefaction tanks as real property and exempt them from property taxes. Whitman went on to note a similar bill was introduced last year but it did not receive a hearing. This year the bill was reworded and reintroduced by different legislators and it has already had a hearing and could be included in the Omnibus bill. Whitman recapped that the Commissioners had drafted and sent a letter against the bill when it came up last year and would recommend sending another letter to state lawmakers who represent the Fairmont area.

After discussion,

Consensus of the Board is to approve and authorize Coordinator to draft a second letter to State Legislators concerning proposed legislation for tax exemption on ethanol plants.

Higgins presented Amendment No. 1 to Mn/DOT Agreement No. 00444 to provide additional time to complete work under the original Grant Contract for the purchase of a bus and bus-related equipment. Higgins noted that due to delay in the State Contract bid process, the end term of the contract has been extended from December 31, 2012 to June 30, 2013. Higgins went on to note that the new bus is expected to be delivered in March of this year.

Motion by Commissioner Flohrs, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign Amendment No. 1 to Contract No. 00444 between the Minnesota Department of Transportation, Office of Transit, and Martin County, which extends the grant contract to June 30, 2013 in order to give ample time to complete the purchase of a bus and bus-related equipment scheduled for 2012. Carried unanimously.

Mark Bauman, Director-Prairieland Solid Waste Management & Compost Facility, reviewed a contract extension with Blue Earth County as Prairieland's Household Hazardous Waste Sponsoring County.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke, Be it Resolved that the Martin County Board of Commissioners, hereby approve Prairieland Solid Waste Management & Compost Facility enter into a contract extension with Blue Earth County, MN as the Household Hazardous Waste Sponsor County. Carried unanimously.

Bauman next presented and reviewed a funding request from Prairieland Solid Waste Management & Compost Facility.

Motion by Commissioner Pierce, seconded by Commissioner Flohrs, 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 \$37,998.00. Carried unanimously.

Higgins stated Martin County has been approved by Mn/DOT for the purchase of two replacement Class 400 transit buses for 2013 with 80% Federal Share and 20% Local Share. Higgins noted the cost to purchase two buses is approximately \$148,000.

Motion by Commissioner Schmidtke, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign Contract No. 02796 between the Minnesota Department of Transportation, Office of Transit and Martin County for capital funding for the purchase of two new transit vehicles in 2013 from 80% Federal Share of \$118,400.00 and 20% Local Share of \$29,600.00. Carried unanimously.

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve payment of claims for the month of February, 2013 as presented; and includes the Martin County Highway Department bills as presented. Carried unanimously.

Warrants received and paid February 19, 2013 are registered on file in the Auditor/Treasurer's Office as follows:

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|--|---------------------|
| Revenue Fund – Warrants Approved February 19, 2013 | \$ 249,679.93       |
| Enhanced 9-1-1 Fund                                | \$ 20,104.16        |
| Recreation and Safety Fund                         | \$ 53.97            |
| Martin Co. Economic Development Authority          | \$ 14,958.59        |
| Solid Waste Management Fund                        | \$ 30,468.34        |
| Law Library Fund                                   | \$ 9,580.44         |
| Martin County Transit Fund                         | \$ 61,565.70        |
| Recorder's Technology                              | \$ 8,945.44         |
| Ind. Sewage Treatment Sys. Loan Fund (ISTS)        | \$ 19,226.12        |
| Building – CIP – Fund                              | \$ 1,136.13         |
| Bank Building Fund                                 | \$ 4,648.81         |
| Debt Service Fund                                  | \$ 222,423.75       |
| Miscellaneous Tax Fund                             | <u>\$382,586.00</u> |
| Total  | \$1,025,377.38      |

Road and Bridge Funds Totaled \$ 206,125.57

The Board reviewed the tentative agenda for the upcoming AMC Local Government Legislative Conference to be held March 20-21, 2013 in St. Paul; and the Interlaken Heritage Days Parade on Saturday, June 5, 2013.

Commissioners presented their individual board member reports.

Commissioner Donnelly stated he attended a Building Committee meeting on February 14<sup>th</sup>; and Prairieland meeting on February 15<sup>th</sup>.

Commissioner Pierce stated he had nothing new to report.

Commissioner Schmidtke stated he attended an Extension Committee meeting on February 12<sup>th</sup>; and Prairieland meeting on February 15<sup>th</sup>.

Commissioner Flohrs stated in addition to those already mentioned he attended the Human Services Exec Board meeting on February 6<sup>th</sup>; Trimont Community Center meeting on February 7<sup>th</sup>; Department Directors meeting on February 13<sup>th</sup>; Martin Soil and Water Conservation District meeting on February 14<sup>th</sup>; and Human Services Exec Board meeting on February 6<sup>th</sup>.

Commissioner Belgard stated he had nothing new or add to what has been already reported.

Commissioners reviewed their calendars of upcoming meetings and activities: February 19, 2013 – meeting with Glasstite in Dunnell, MN, and JD #2 Hearing at 1:00 p.m. at the Fire Hall in Ormsby, MN; February 20, 2013 – Human Services in Blue Earth, MN, JD #314 Butterfield Petition Hearing at 11:00 a.m. at the Faribault County Ag Center, and Building Committee meeting at 8:00 a.m. in the Sisseton Conference Room; February 26, 2013 – Planning & Zoning at 4:00 p.m. with State Demographer and regular meeting at 5:30 p.m.; February 27, 2013 – Region 9 meeting at 6:30 p.m.; March 1, 2013 – Tri County Solid Waste Meeting in St. Peter, MN; March 4, 2013 – regular EDA meeting at 5:15 p.m.; and March 5, 2013 – next regular Board of Commissioners meeting at 9:00 a.m. in the Commissioners Board Room.

The Board briefly discussed the County’s membership with Three Rivers RC&D (Resource Conservation & Development); and the 1<sup>st</sup> Annual Warm Your Heart event benefiting the Minnesota Valley Action Council on Saturday, March 16, 2013.

With no further business to wit, Board Chair adjourned the meeting at 10:05 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Elliot Belgard, Board Chair

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