

PROCEEDINGS OF THE
MARTIN COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 16, 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 Pierce, Steve Donnelly, Steve Flohrs, Dan Schmidtke, and Elliot Belgard. Also present were Scott Higgins, Martin County Coordinator, James Forshee, Martin County Auditor/Treasurer, Kevin Peyman, Martin County Highway Engineer, Rod Halvorsen, KSUM/KFMC Radio, Jennifer Brookens, Sentinel Newspaper, Julie Walters, Administrative Assistant, and members of staff.

Motion by Commissioner Donnelly, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following: Add 8.11 Consider Presentation by the National Green Energy Council – Green Photon Power; and Delete 3.1 Review Minutes of the April 2, 2013 regular Board of Commissioners Meeting, and Delete 8.3 Consider Resolution Supporting Transportation Bill – Highway Department.

Kevin Peyman, Martin County Highway Engineer, presented a resolution authorizing an advance from the County State Aid Construction Fund to supplement the available funds in their State Aid Regular/Municipal Construction Account for financing approved County State Aid Street Project(s) #046-638-014 CSAH 38 Aggregate Base, Aggregate Shouldering, Bituminous Wear and Non-Wear and #046-638-015 CSAH 38 from CSAH 39 to TH 15 Mill and Overlay, in an amount up to \$1,649,255.38; and to authorize repayments from subsequent accruals to the Regular/Municipal Construction Account from future year allocations until fully repaid.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly,

Martin County Highway Department
Resolution No. 1 - 2013

RESOLUTION FOR COUNTY STATE AID HIGHWAY FUNDS ADVANCE

WHEREAS, the County of Martin is planning to implement County State Aid Street Project(s) in 2013 which will require State Aid funds in excess of those available in its State Aid Regular/Municipal Construction Account, and

WHEREAS, said County is prepared to proceed with the construction of said project(s) through the use of an advance from the County State Aid Construction Fund to supplement the available funds in their State Aid Regular/Municipal Construction Account, and

WHEREAS, the advance is based on the following determination of estimated expenditures:

Account Balance as of date 3/25/2013	\$3,365,744.62
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Less estimated disbursements:		
Project #046-638-014	\$3,640,000.00	
Project #046-638-015	\$1,375,000.00	
Total Estimated Disbursements		\$5,015,000.00
Advance Amount (amount in excess of acct balance)		\$1,649,255.38

WHEREAS, repayment of the funds so advanced will be made in accordance with the provisions of Minnesota Statutes 162.08, Subd. 5 & 7 and Minnesota Rules, Chapter 8820, and

WHEREAS, the County acknowledges advance funds are released on a first-come-first-serve basis and this resolution does not guarantee the availability of funds.

NOW, THEREFORE, Be It Resolved: That the Commissioner of Transportation be and is hereby requested to approve this advance for financing approved County State Aid Highway Project(s) of the County of Martin in an amount up to \$1,649,255.38 in accordance with Minnesota Rules 8820.1500, Subp. 9. I hereby authorize repayments from subsequent accruals to the Regular/Municipal Construction Account of said County from future year allocations until fully repaid.

I, James Forshee, duly appointed and qualified Auditor in and for the County of Martin, do hereby certify that the above is a true and full copy of a resolution duly adopted by the County Board of Martin County, State of Minnesota, assembled in regular session on the 16th day of April, 2013.

County of Martin

County Auditor

Roll Call AYES: Commissioners Flohrs, Schmidtke, Donnelly, Pierce, and Belgard. NAYS: None. Resolution duly passed and adopted this 16th day of April, 2013.

Peyman noted the cost of the paved shoulders on the overlay stretch of 3 ½ miles of CSAH 38 Overlay (from CSAH 39 to Hwy 15) has been figured into the Mill and Overlay project as it makes sense to connect that 3 ½ mile stretch to Northrop while the main grading project is being done.

Peyman also noted his intent of inviting Greg Ous, Mn/DOT District Engineer, and Gordy Regenscheid, Assistant District Engineer-State Aid/Planning, to a future commissioners meeting to discuss Mn/DOT's paved shoulder policy and the prospect of paved shoulders from Northrop to Truman.

Peyman next presented a resolution authorizing Martin County to enter into a Master Partnership Agreement with the Minnesota Department of Transportation (Mn/DOT) in which the County Engineer is authorized to negotiate work order contracts pursuant to the Master Contract, which work orders may provide for payment to or from Mn/DOT, and that the County Engineer may execute such work order contracts on behalf of the County without further approval by this Board.

Motion by Commissioner Pierce, seconded by Commissioner Schmidtke,

Martin County Highway Department
Resolution No. 2 – 2013
MnDOT Agreement #03199

**RESOLUTION TO ENTER INTO A MASTER PARTNERSHIP
AGREEMENT WITH MnDOT**

Whereas, The Minnesota Department of Transportation wishes to cooperate closely with local units of government to coordinate the delivery of transportation services and maximize the efficient delivery of such services at all levels of government; and

Whereas, MnDOT and local governments are authorized by Minnesota Statutes sections 471.59, 174.02, and 161.20, to undertake collaborative efforts for the design, construction, maintenance and operation of state and local roads; and

Whereas: the parties wish to be able to respond quickly and efficiently to such opportunities for collaboration, and have determined that having the ability to write “work orders” against a master contract would provide the greatest speed and flexibility in responding to identified needs.

Therefore, be it resolved:

1. That Martin County enter into a Master Partnership Contract with the Minnesota Department of Transportation, a copy of which was before the Board.
2. That the proper County officers are authorized to execute such contract, and any amendments thereto.
3. That the Martin County Engineer is authorized to negotiate work order contracts pursuant to the Master Contract, which work order contracts may provide for payment to or from MnDOT, and that the Martin County Engineer may execute such work order contracts on behalf of Martin County without further approval by this Board.

Approved this 16th day of April, 2013.

I, James Forshee, duly appointed and qualified Auditor in and for the County of Martin, do hereby certify that the above is a true and full copy of a resolution duly adopted by the County Board of Martin County, State of Minnesota, assembled in regular session on the 16th day of April, 2013.

County of Martin

County Auditor

Roll Call AYES: Commissioners Donnelly, Flohrs, Schmidtke, Pierce, and Belgard. NAYS: None. Resolution duly passed and adopted this 16th day of April, 2013.

Commissioners briefly discussed the St. Olaf hills county road and bridge by the St. Olaf Church in Cedar Township, and the cost of turning gravel roads into paved roads.

Peyman stated with the county's construction budget the way it is we're struggling to maintain and do overlays on the blacktops and doesn't see when they would be able to fit in and try to pave some of the gravel roads, unless we're able to tap into something like the wind production tax or if we bond. Peyman went on to state the bridge by the St. Olaf Church is inspected every year and by state definition "function obsolete" meaning too narrow...but structurally it is not in jeopardy. The bridge is on the list for replacement or rehabilitation; however the best case is 4 to 5 years out. Peyman noted if the road is already wide enough the cost for gravel to paved roads is approximately \$500,000 per mile. If the road has to be widened then you're closer to the \$600,000 to \$650,000 per mile range. You have to look at them on a road by road basis.

Captain Corey Klanderud, Martin County Sheriff's Office, stated the Martin County Sheriff's Office has received notification of award for the Martin County Remote Electronic Alcohol Monitoring (REAM) Grant for FY2014-2015 in the amount of \$10,000 (\$5,000 for Fiscal Year 2014 and \$5,000 for Fiscal Year 2015). Klanderud noted grant funds are specifically for DWI offenders who are unable to fully pay for the daily cost of remote electronic alcohol monitoring.

Motion by Commissioner Pierce, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Board Chair and Martin County Sheriff's Office to sign the State of Minnesota Grant Agreement through its Commissioner of Corrections and Martin County Sheriff's Office Remote Electronic Alcohol Monitoring Agreement effective July 1, 2013 through June 30, 2015 in the amount of \$10,000 (\$5,000 Fiscal year 2014 and \$5,000 Fiscal Year 2015). Carried unanimously.

Klanderud presented the annual Equitable Sharing Agreement and Certification which 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 law enforcement agencies.

Motion by Commissioner Schmidtke, seconded by Commissioner Flohrs, Be it Resolved that the Martin County Board of Commissioners, hereby approve the Equitable Sharing Agreement and Certification between the Department of Justice Department of Treasury as a prerequisite to receiving any equitably shared cash, property, or proceeds. Carried unanimously.

Higgins stated Kay Wrucke is requesting approval for out of state travel for hotel expenses for 2 nights (\$77 per night discounted rate) and meals for the two days of travel to attend the annual Fidlal Technology Educational Symposium conference in Rock Island, Illinois on May 20-22, 2013. Higgins noted it is possible that a staff member will attend also. The cost for two would be approximately \$400.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the out of state travel request for Kay Wrucke, Martin County Recorder and one staff member, to attend the Fidlar Technologies annual Educational Symposium to be held May 20-22, 2013 in Rock Island, Illinois, with all transportation cost, supplies, and food to be provided by Fidlar Technologies, with exception of hotel cost, which is to be expended from the Recorder's Office budget up to \$400. Carried unanimously.

James Forshee, Martin County Auditor/Treasurer, requested authorization to abate the taxes due for the listed mobile homes that are demolished and the Auditor/Treasurer's Office has not been able to locate or collect delinquent taxes due:

• M 17.032.9001	Thomas J. Chaves Sr. – 125 200 th Ave.	\$ 172.80
• M 23.039.9112	Vacant – 825 Edison Dr.	\$1,519.92
• M 23.037.9519	William J. Cobb – 19 Ken Rue Lane E.	\$ 626.46
• M 23.037.9591	Eric J. Christensen – 9 Ken Rue Lane W.	<u>\$ 242.58</u>
		\$2,561.76

Motion by Commissioner Schmidtke, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve the mobile home tax abatement for the following mobile home(s): M 17.032.9001, M 23.039.9112, M 23.037.9519 and M 23.037.9591; and to abate the taxes in the total amount of \$2,561.76. Carried unanimously.

Higgins requested that the Board approve the disposal of a 2004 Ford Eldorado (Class 400) transit bus as surplus property. Higgins noted that bus has approximately 203,816 plus miles and has met its useful mechanical life. Higgins recommended disposal by online auction through the State of Minnesota, pending Mn/DOT providing a letter of approval and relinquishing the state's interest in the bus.

Motion by Commissioner Pierce, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve the disposal of a 2004 Ford Eldorado, VIN #1FDXE454P44HB09870, State #B040125 Class 400 transit bus as surplus property due to having met its useful mechanical life; and dispose of by online auction pending Minnesota Department of Transportation – Office of Transit approval. Carried unanimously.

Higgins presented a revised job description for the Building Maintenance Supervisor position. Higgins stated the job description has been revised to reflect more accurately the essential functions and minimum qualifications for the job.

Motion by Commissioner Flohrs, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve the revised job description (April 2013) for the Martin County Building Maintenance Supervisor position as presented; and which more accurately reflects the objectives and essential functions, as well as minimum qualifications of the position. Carried unanimously.

Doug Landsteiner, County Veterans Service Officer, opened discussion regarding the Boy and Girl County Program stating that due to the loss of the county's sponsor, this year's program was cancelled. Landsteiner stated we've often struggled getting the right Tuesday so we have the program on a Commissioner's board meeting day. The area schools have testing for the junior class during this same timeframe and the past six or seven years it has been a hit and miss getting the right days scheduled. Landsteiner went on to state it seems like the women's auxiliary who were the sponsors in conjunction with the American Legion decided, well it was their opinion, that a lot of the kids today just aren't the same...they don't have the same interests in what they used to have in years gone by and some don't think the kids get very much out of the program. Landsteiner noted I attended their meeting (the American Legion's women's auxiliary) and in the same meeting they decided to stop sponsoring the program and they decided to disband. This is the countywide auxiliary council of the American Legion. So they voted to disband and at the same time voted to discontinue Boy and Girl County. Landsteiner noted he didn't mind working with our presenters and staff and getting an agenda together for the program. If the county would want to consider being both host and sponsor I would entertain continuing working with the schools and make it happen. Landsteiner went on to note some of the costs involved include morning snacks and drinks (previously the auxiliary and Landsteiner went out for donations); and the biggest expense is the cost of the noon pizza lunch. Landsteiner estimates only one-third of Minnesota counties have some type of local government program. The recent ACE (Area Career Exploration) event at the high school probably accomplishes a lot of the same things that Boy and Girl County did.

Commissioners discussed the options of finding another sponsor or taking ownership of the program noting that students involved in the program in recent years have not shown the interest or the proper tone for the event; and that if the program continues Commissioners want to make sure participants are getting something out of it.

No action taken on continuation of the Boy and Girl County Program.

Deb Mosloski, Martin County Drainage Specialist, and Mike Forstner, Martin County Drainage Inspector, presented their recommendation to set the price per acre for damages and repairs at \$850.00 per acre regardless of input costs and noted the price is based on Faribault County's policy for paying crop damages outside of ditch redeterminations.

After discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for the County of Martin, hereby sets the price per acre for crop damages outside of ditch redeterminations at \$850.00 per acre for "corn and bean land". Carried unanimously.

Mosloski and Forstner introduced landowners Ben Odegaard and Jesse Odegaard and requested a determination from the Martin County Drainage Authority on whether the 8" tile that runs through the Odegaard property is county tile or private tile. The Odegaard property is located at the corner of County State Aid Highway 26 and State Highway 263. The Odegaard's want to construct a building that would be built over the tile. Since you can't build over the tile, the tile

will have to be moved. If the tile is deemed to be private tile the Odegaard's can do pretty much whatever they like. If the tile is deemed to be county tile, an engineer and contractor will be involved.

Forstner noted drainage records do not indicate if the system running through the Odegaard property is a county or private tile. Records indicate the Ditch was originally an Open Ditch and then fifteen years later engineer reports talk about adding or bringing in platted tile so it is adding tile to this system. Forstner also noted that over the years the county has fixed this system as a county tile.

Mosloski noted Kurt Deter, Attorney with Rinke Noonan of St. Cloud, MN, gave his opinion that when the county has made repairs over the years and if you've treated this as a county tile then those people on the system and the maps that show the systems are grandfathered in. Mosloski went on to note there is no record of the Drainage Authority for Martin County making a determination of county or private tile.

After further discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for the County of Martin, hereby determine that Branch BB (8" tile running through Ben and Jesse Odegaard property) located within Section 7 of Rolling Green Township to be County tile, not private tile; and approve proposed reroute of Branch BB on the Odegaard Property as indicated on map; and that expenses incurred for the reroute of Branch BB will be the responsibility of the Odegaard's. Carried unanimously.

Mosloski reviewed State Auditor findings pertaining to assessments on JD #7 and reimbursements to several taxpayers for overpayments of assessments and findings concerning CD #26, JD #70, and JD #214. The latter three ditches were supposed to be collected and did not get amortized and therefore will not be collected on the 2013 taxes so will have to be levied for 2014.

Mosloski noted the JD #40 bid opening will be held at 10:00 a.m. on Tuesday, April 30, 2013 in the Commissioners Board Room – Martin County Courthouse.

Forshee noted there will be a JD #7 conference call with Faribault County on Wednesday, April 17, 2013 at 8:45 a.m.

Chair Belgard stated he and Faribault County Commissioner Greg Young met with Winnebago businessman Bob Weerts as Mr. Weerts has some interest in running the Prairieland operation as a public/private consortium. Weerts, on behalf of Green Photon Power and the National Green Energy Council, is interested in creating increased technology applications to the Prairieland site in the areas of recycling, increased composting screening and capacity increase as well as the possibility of energy production at the site. Belgard went on to state Green Photon Power would like to present their technology applications to the Martin and Faribault County Commissioners in the near future and will appreciate a letter inviting them to come in and give their presentation.

Belgard noted in addition to the interest of the Prairieland operation from Green Photon Power, Mark Bauman, Director-Prairieland Compost Facility, has received notice of interest from Larry Biederman with LJP Enterprises.

Motion by Commissioner Schmidtke, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Board Chair to invite the National Green Energy Council – Green Photon Power to provide a presentation to Commissioners of Martin and Faribault County regarding increased technology applications to Prairieland Compost Facility in the areas of recycling, increased composting screening and capacity increase, as well as the possibility of energy production at the Prairieland site. Carried unanimously.

Commissioners reviewed warrants and Highway and Drainage bills to be paid on April 16, 2013.

Motion by Commissioner Pierce, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve bills to be paid on April 16, 2013 as presented by the Martin County Auditor/Treasurer, and includes approval for the Martin County Highway Department and Drainage Administration bills as presented. Carried unanimously.

Warrants received and paid April 16, 2013 are registered on file in the Auditor/Treasurer's Office as follows:

Revenue Fund – Warrants Approved April 16, 2013	\$196,019.65
Enhanced 9-1-1 Fund	\$ 38,761.50
Recreation and Safety Fund	\$ 149.52
Martin Co. Economic Development Authority	\$ 7,168.64
Solid Waste Management Fund	\$ 30,659.33
Law Library Fund	\$ 1,260.75
Martin County Transit Fund	\$ 55,857.98
County Attorney's Forfeiture	\$ 438.75
Recorder's Compliance	\$ 2,115.00
Ind. Sewage Treatment Sys. Loan Fund (ISTS)	\$ 12,645.00
Building – CIP – Fund	\$ 33,042.56
Bank Building Fund	\$ 5,236.64
Refunding Fund	\$ 131.80
Forfeited Tax Fund	<u>\$150.00</u>
	Total \$383,637.12
Road and Bridge Funds Totaled	\$ 79,517.31
Martin County Ditch Funds Totaled	\$ 74,420.91

The Board reviewed the 2013 Pay Equity Compliance Report and CY2012 Transit Year End Report.

Commissioners presented their individual board member reports.

Commissioner Donnelly stated he attended a Construction meeting for the Security Building Remodel Project on April 3rd, regular Building Committee meeting on April 9th, Prairieland meeting on April 12th.

Commissioner Pierce stated he had nothing new to add.

Commissioner Belgard stated he attended Human Services Exec. meeting on April 3rd, meeting with Bob Weerts on Prairieland Green Initiative on April 10th, Region 9 meeting in Mankato was cancelled for April 10th and will be rescheduled.

Commissioner Schmidtke stated in addition to those already mentioned he attended the Park Board meeting on April 10th.

Commissioner Flohrs stated he attended the Library Board meeting on April 9th, Soil and Water Conservation District meeting on April 11th, Drug Court Steering Committee meeting and Head Start Open House in Sherburn on April 12th, Cedar Township meeting on April 15th.

Commissioners reviewed their calendars of upcoming meetings and activities: April 16th, 2013 – Labor Management Committee meeting at 1:30 p.m., Annual Meeting Martin County Association of Townships at 6:30 p.m. in Welcome, MN; April 17th, 2013 – Construction Meeting – Security Building Remodel Project at 8:00 a.m. in the Sisseton Room, JD #7 conference call at 8:45 a.m., Human Services meeting at 9:00 a.m. in Blue Earth, MN, MVAC Head Start Open House from 9-11 a.m. at the old Lincoln School building, and SHIP meeting at 11:00 a.m. in Truman, MN; April 23rd, 2013 – Planning & Zoning at 5:30 p.m.; April 25th, 2013 JD #85 informational meeting at the Truman Community Building at 2:00 p.m.; April 27th, 2013 – Humane Society Groundbreaking at 3:00 p.m. at the Humane Society site; April 30th, 2013 – JD #40 Bid Opening; May 1st, 2013 – Human Services Exec. Board at 9:00 a.m. (double check date); May 6th, 2013 – regular EDA meeting at 5:15 p.m.; May 7th, 2013 – next regular Board of Commissioners meeting at 9:00 a.m. in the Board Room.

With no further business to wit, Board Chair adjourned the meeting at 10:30 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Elliot Belgard, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator