

PROCEEDINGS OF THE  
MARTIN COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 21, 2017  
@ 4:00 P.M.

The regular meeting of the Martin County Board of Commissioners was called to order at 4:00 p.m. by Chairman Dan Schmidtke. Commissioners present were Belgard, Smith, Schmidtke, Mahoney, and Flohrs. Also present were Scott Higgins, Martin County Coordinator, James Forshee, Martin County Auditor/Treasurer, Terry Viesselman, Martin County Attorney, Kevin Peyman, Martin County Engineer, Jeff Markquart, Martin County Sheriff, Rod Halvorsen, KSUM-KFMC Radio, Jason Sorensen, Sentinel Newspaper, Julie Walters, Administrative Assistant, and members of staff and public.

The Pledge of Allegiance was recited.

Motion by Commissioner Belgard, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda for the February 21, 2017, regular Board of Commissioners meeting with the following additions: 6.2 Consider MCARA Loan Agreement; 4.2 Consider Minutes from the August 30, 2016, Board Work Session; and 7.2 Consider Additional Solid Waste Hauler License. Carried unanimously.

Motion by Commissioner Mahoney, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the January 17, 2017, regular Board of Commissioners meeting; and approve the minutes of the December 8, 2016, Truth in Taxation Public Hearing. Carried unanimously.

No action taken on review of minutes from the August 30, 2016, Board Work Session.

Scott Higgins, Martin County Coordinator, introduced Patricia Mathews, part time Administrative Assistant II for the Martin County Probation Office. Higgins noted Mathews began her duties on February 9, 2017.

Terry Viesselman, Martin County Attorney, presented and reviewed the Minnesota Government Data Practices Act 2016 Martin County Attorney Inventory of Not Public Data on Individuals Policy. Viesselman noted every one of our agencies is supposed to have a schedule listing what data is public and what data is private; and that an agency head is responsible within their own department for knowing how data is classified and point of contact for releasing of information.

Higgins noted he is the contact person or designee for each county department; and that the county's Data Practices Policy currently posted on the county website will need to be updated per Viesselman's recommendation. Higgins also noted the county attorney's office has not submitted their Record of Retention Schedule as indicated on today's Commissioners Agenda and that the 2016 Martin County Attorney Inventory of Not Public Data on Individuals Policy is an entirely different subject.

After discussion,

Motion by Commissioner Smith, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve and adopt the 2016 Martin County Attorney Inventory of Not Public Data on Individuals Policy; and appoint Terry Viesselman, Martin County Attorney, the Responsible Authority for Data Practices Requests for the Martin County Attorney's Office. Carried unanimously.

James Forshee, Martin County Auditor/Treasurer, noted there is an existing Martin County Area Redevelopment Fund (MCARA) loan on a piece of property that is to be sold on a contract for deed; and repayment of the MCARA loan becomes due if you transfer or sell the property. Forshee went on to note the MCARA loan is in the amount of \$8,600 and the owner is willing to pay \$1,400 down and \$700 per month; and are asking for permission to transfer the property upon signing the repayment agreement. Forshee also noted there would still be a lien on the property until the loan is paid. Forshee recommends drawing up a loan repayment agreement for transfer of property.

Motion by Commissioner Flohrs, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the County Attorney and Auditor/Treasurer to proceed with drafting a repayment agreement for transfer of property of an existing Martin County Area Redevelopment Fund loan. Carried unanimously.

Higgins presented two additional solid waste and recycling haulers that have submitted applications for licensure to be able to work in Martin County. Higgins noted the applications have been reviewed and have met the criteria to receive a license for collection and transportation of solid waste or recycling in Martin County:

- Chamness Technology, Inc., d/b/a Green Ru, LLC of Blairsburg, Iowa
- Beemer Companies of Fairmont, Minnesota

Motion by Commissioner Flohrs, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, with the listed haulers having met the requirements for licensure in the County of Martin, MN, hereby approve and authorize Board Chair and Martin County Auditor/Treasurer, to sign the Solid Waste Collection and Transportation licenses for the year 2017 for the following haulers: Chamness Technology, Inc., d/b/a Green Ru, LLC of Blairsburg, Iowa; and Beemer Companies of Fairmont, Minnesota, and is contingent upon receipt of performance bond. Carried unanimously.

No action taken on appointment to the Water Plan Advisory Committee.

Kevin Peyman, County Engineer, was present to recommend the hire of Gary Engler as Seasonal County Parks Caretaker. Peyman noted Engler has been our seasonal parks guy for a number of years does a very good job, and his compensation has not been increased in three years. Peyman recommends the hire of Gary Engler as Seasonal County parks Caretaker at \$18,000 (increased from \$17,500) for an 8 month period.

Motion by Commissioner Belgard, seconded by Commissioner Mahoney, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of the Martin County

Parks/Trail Committee, hereby approve the hire of Gary Engler for the seasonal position of County Parks Caretaker, effective on or about March 6, 2017, and will continue for eight (8) months at a monthly compensation (with required payroll deductions) of approximately \$1,058.82 per pay period; and is not eligible for county benefits. Carried unanimously.

Peyman noted Martin County's Perch Lake Park and Cedar-Hanson Park have normally had greeter positions during the camping season and while not receiving a wage for their work, they were compensated in free camping. Peyman went on to note the Board approved in 2016 a seasonal stipend for Cedar-Hanson and Perch Lake Park Greeter Positions in the amount of \$200 for the season. Peyman also noted the Park Board has talked about increasing the stipend to compensate for greeters using their own golf carts at the parks; and the Park Board's recommendation is to go from \$200 to \$250 for the season for the Perch Lake Park Greeter Position, and from \$250 to \$500 for the season for the Cedar-Hanson Park Greeter Position due to a much larger area to cover along with upkeep of the new restroom/shower facility.

Motion by Commissioner Belgard, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of Martin County Parks/Trail Committee, hereby approve a \$250 seasonal stipend for Perch Lake Park Greeter Position, and approve a \$500 seasonal stipend for Cedar-Hanson Park Greeter Position for the year 2017. Carried unanimously.

Martin County Fair Board representatives including Calvin Saxton, Mike Tonne, Ed Murphy, Steve Pomerence, and Robbin Celander, were present to update the Board pertaining to the drainage issue at the Martin County Arena. Saxton noted when we have a significant rainfall the roof water off the Martin County Arena flows back into the building due to the grading of the parking lot. Saxton went on to note we've spent a lot of time on this issue trying to find a solution and in working with Tom Kellander from Kellander Drainage we think we've come up with a solution that will solve the problem. Saxton noted the project involves putting in a main all the way to the creek and coming around the west end of the building with a 15" tile. We will then take the downspouts that exist now and direct the water into the 15" tile and also install grates in front of the double doors on the south side. The project will involve removing some asphalt from along the south side of the building, installing the tile, and putting the asphalt back. Estimated project expenses are as follows:

Kellander Drainage	\$28,346.10
Bituminous Removal	\$ 2,905.00
Bituminous Replacement	<u>\$17,295.00</u>
	\$48,546.10

Saxton continued noting we are partnering with the City of Fairmont on this project, as they jointly own the building with us, and the Fairmont City Council has approved \$25,000 to help complete this project. Saxton requests the Board of Commissioners consider helping the Martin County Fair Board with the asphalt portion of the project.

Kevin Peyman, County Engineer, noted we have talked about this for years and have discussed donating the Highway Department's labor and equipment for a portion of the project as the

County Board has supported the idea in the past. Peyman also noted the best solution would be to take out the whole parking lot and start over but at this point that would be a pretty expensive solution.

After further discussion,

Commissioners recommend discussing this project request at the next scheduled board work session.

Peyman opened discussion regarding the intersection of Highway 263 and County Road 26 near Welcome noting the intersection has been the sight of frequent crashes and in response, the Minnesota Department of Transportation (MnDOT), since they control the intersection, have installed solar powered red beacons above the existing stop signs. However, since the addition of the red flashers the intersection has experienced four crashes during the most recent five year period and all four of the crashes were the direct result of Highway 263 motorists failing to yield the right of way to County Road 26 traffic. MnDOT's stance is that the two-way stop is not ideal for that intersection and suggests either constructing a roundabout or 4-way stop and after weighing pros and cons of each MnDOT is proposing a 4-way stop.

Peyman went on to note if the Board gives consent to MnDOT's proposal, MnDOT would put a temporary red light above the stop line for a couple of months. However, my thought is when you've got people driving that stretch for decades, it is going to take people longer than a couple of months to change their habit and get used to a 4-way stop at that intersection. So, if the Board consents to the 4-way stop intersection, it should be with the condition that we would install LED stop signs that would give motorists advance warning.

Discussion ensued regarding a 4-way stop at the intersection of Highway 263 and County Road 26.

Chairman Schmidtke noted as dangerous as that intersection is I think that's the only way...I'm surprised there haven't been more than four crashes.

After further discussion,

Motion by Chairman Schmidtke to proceed with installation of 4-way LED stop signs at Trunk Highway 263 and County State Aid Highway 26 intersection. Motion died for lack of a second.

Peyman presented a Highway Department Update including restrictions went into effect on Friday (February 17, 2017) and have looked back over historical dates on the website and it appears that this is the earliest restrictions went on. Peyman noted right now the roads are probably in better shape than what they could be with the rain and the warm weather. Peyman also noted he has not heard anything new on the progress of the Highway 15 project.

Wendy Chirpich, Planning and Zoning Technician, presented and reviewed the 2016 Annual County Feedlot Officer Report and Performance Credit Report. Chirpich noted we've currently got 477 feedlots registered in Martin County (same number as last year); and in 2016, Pam

Flitter (Martin County Zoning Official) and I had 129 inspections (6 of those were in Shoreland and 22 of those were in new construction).

Motion by Commissioner Mahoney, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the MPCA 2016 Annual County Feedlot Officer Report. Carried unanimously.

An update on buffers was not provided at this meeting.

Jessica Korte, Accountant-Auditor/Treasurer's Office, presented and reviewed new trial balance reports including month to date, year to date, and dollar variance (current year to date versus the final budget) information; and the monthly financial statement for January, 2017.

Higgins noted the Blizzard Snowmobile Club Trail Administrator is requesting approval to submit an application on behalf of Martin County to the Minnesota Department of Natural Resources (DNR) – Minnesota Snowmobile Trails Assistance Program for snowmobile maintenance. Forshee went on to note this is a preliminary application and once the DNR has reviewed and awards a grant dollar amount, it will be brought before the Board for acceptance and approval.

Motion by Commissioner Belgard, seconded by Commissioner Smith,

R-#11/'17

#### RESOLUTION

Application from the Blizzard Snowmobile Club for Maintenance Funding for the Existing GIA Trail System:

WHEREAS, Martin County, Minnesota desires to apply for maintenance funding for an existing GIA Trail System; and

WHEREAS, by Law of 1975, Chapter 204, Sections 51 and 95, there was appropriated to the Commissioner of Natural Resources, as a grants-in-aid to Local units of government, funds for said purposes; and

WHEREAS, said Martin County will contract with the Blizzard Snowmobile Club, Inc. to apply for this funding to maintain said GIA Trail System.

NOW THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners approve of the application for maintenance funding for the existing GIA Trail, and that the Chairperson and/or the County Auditor/Treasurer be authorized to sign all documents relating to the program year.

Motion was made by Commissioner Belgard, seconded by Commissioner Smith, and carried this 21<sup>st</sup> day of February, 2017.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Board Chair

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

Roll Call AYES: Commissioners Mahoney, Flohrs, Smith, Belgard, and Schmidtke. NAYS: None. Resolution duly passed and adopted this 21<sup>st</sup> day of February, 2017.

Higgins noted in conjunction with the recent Martin County Space Study, Court Administration staff and the Building Committee have worked together to come up with a solution to making room for court records that are currently located in the vault next to the IT Office. Higgins presented the recommended restructure (following proposed floor diagram) of office space as follows:

- Remove wall between Room #241 and #242, creating a conference room for attorneys and staff
- Move new Victim Witness Assistant to Room #247 adjacent to Victim Witness Coordinator and Victim Witness Secretary offices
- Court Administration storage would be moved to Room #238
- Remodel vault area including carpet, paint, lighting, ceiling tile, electrical, HVAC, and other related expenses and removal of portion of block wall between Room #240 and the vault area (if required).
- Potential to use Room #243 as a work room

After discussion,

Motion by Commissioner Smith, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve the restructure of Court Administration Office as follows: Remove wall between Room #241 and #242; Move new Victim Witness Assistant to Room #247; Move court storage to Room #238; Remodel vault area including carpet, paint, lighting, ceiling tile, electrical, HVAC, and remove portion of block wall between Room #240 and vault area; Use Room #243 as Court Administration work room (if required); and approve and authorize expenses incurred for the remodeling costs to complete the listed projects, including wall removal and related expenses and construction of wall in Law Library, and data and electrical wiring as needed. Carried unanimously.

Higgins noted Jeff Markquart, Martin County Sheriff, recommends a step increase based on satisfactory performance evaluation and according to Union Contract for Markus Murphy, Deputy Sheriff.

Motion by Commissioner Belgard, seconded by Commissioner Mahoney, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of Sheriff Jeff Markquart, hereby approve and authorize step increase based on satisfactory performance evaluation and according to Union Contract for the following Martin County Sheriff's Office personnel: Markus Murphy, Deputy Sheriff (LELS #136) from 8 Year Step at \$29.48/hour to 9 Year Step at \$29.93/hour, effective February 21, 2017. Carried unanimously.

Markquart presented an update on the current Martin County Jail population including twenty-four (24) in-house, twelve (12) out-of-county, four (4) on Electronic Home Monitoring (EHM), one (1) going to Lino Lakes, one (1) going to Willmar, and one (1) going to Worthington.

Forshee noted the Auditor/Treasurer's Office has completed interviews, reference and criminal background checks for an Account Technician II position and recommends the hire of Jody Hemann effective March 1, 2017.

Motion by Commissioner Flohrs, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of the Martin County Auditor/Treasurer, hereby approve the hire of Jody Hemann as Account Technician II at Grade 11 Step 1 at \$18.41/hour for the Auditor/Treasurer's Office, effective March 1, 2017; and is eligible for benefits per County Policy as it applies to this position. Carried unanimously.

Higgins noted he was presented with new information pertaining to the square footage of the former VSO office space on the third floor of the Human Resource Building noting the VSO vacated office space is 806 square feet instead of 914 square feet as originally measured. Higgins noted that total annual rent will change from \$184,678.48 to \$183,650.32 annually.

Motion by Commissioner Mahoney, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize revised lease amount for county office space being leased by the Faribault/Martin County Human Services from \$184,678.48 to \$183,650.32 (annually) that includes vacated Veteran Services Office space of 806 additional square feet on the third floor of the Human Resource Building, effective February 1, 2017. Carried unanimously.

Higgins noted the County has received a Business Associate Agreement from USI Insurance Services (formerly Hanratty & Associates) for the purpose safeguarding privacy and security of protected health information.

Motion by Commissioner Belgard, seconded by Commissioner Flohrs, Whereas, USI has been retained by Martin County as its insurance broker and will perform certain services on behalf of Martin County, in its capacity as a broker, consultant, or other service provider with respect to activities of Martin County as a "group health plan" as defined in 45 CFR §160.103; and Whereas, in connection with the provision of such services by USI, Martin County may disclose to USI certain Protected Health Information, concerning Martin County and its activities; and Whereas, USI and Martin County desire to enter into a business associate agreement for the purpose of addressing the Privacy Rule, the Security Rule, and the Electronic Transaction Rule, and for addressing the privacy and security provisions set forth in the Health Information

Technology for Economic and Clinical Health Act, contained in Title XIII, Subtitle D, of the American Recovery and Reinvestment Act of 2009; Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the Business Associate Agreement with USI Insurance Services for safeguarding privacy and security of protected health information. Carried unanimously.

Jeremy Monahan, Faribault-Martin County Joint Transit Director, was present to note the Faribault-Martin County Transit Board authorized the purchase of a new 2017 bus at the August 12, 2016, full Transit Board meeting and the authorized purchase price was \$73,626.00 in total. Monahan went on to note the Transit Board will ultimately be responsible for only 20 percent of the total purchase price; but, must pay the full amount initially and then request an 80 percent reimbursement from the Minnesota Department of Transportation Office of Transit. Monahan also noted the Transit Board does not have the capital to pay the entire purchase price at this time so the Transit Executive Committee authorized the Transit Director (Monahan) to request from both Martin and Faribault Counties a contribution equaling 50 percent of the total purchase price at this time, or a total of \$36,813.00, as a loan, until the 80 percent is reimbursed. Monahan noted repayment terms will be determined in the future as to whether the counties will receive 80 percent of their loan back so the 20 percent (or 10 percent for each county) is contributed or if 100 percent will be paid back and the contribution will be determined another way.

After discussion,

Motion by Commissioner Smith, seconded by Commissioner Mahoney, Be It Resolved that the Martin County Board of Commissioners, hereby agree to follow the recommendation of the Faribault-Martin County Joint Transit Executive Board, and approve and authorize funding of \$36,813.00 as a loan to the Faribault-Martin County Joint Transit Board for the purchase of a 2017 new transit bus; and that funds will be reimbursed by the Minnesota Department of Transportation Office of Transit. Carried unanimously.

The Board reviewed warrants to be paid February 21, 2017.

Motion by Commissioner Mahoney, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve bills to be paid on February 21, 2017, as presented; and includes the Martin County Highway Department and Drainage bills as presented. Carried unanimously.

Warrants received and paid February 21, 2017, are registered on file in the Auditor/Treasurer's Office as follows:

Revenue Fund – Warrants Approved February 21, 2017	\$158,960.26
Enhanced 9-1-1 Fund	\$ 720.00
Martin County Economic Development Authority	\$ 972.26
Solid Waste Management Fund	\$ 33,171.78
Law Library Fund	\$ 677.60
Bank Building Fund	<u>\$ 4,900.94</u>
Total	\$199,402.84

Road and Bridge Funds Totaled \$ 66,615.73  
Martin County Ditch Funds Totaled \$ 47,803.82

The Board reviewed information including Boy/Girl County Event to be held April 18, 2017; and AMC Leadership Summit to be held April 6-7, 2017, at Grand View Lodge in Nisswa, Minnesota.

Commissioners reviewed their calendars of previous and upcoming meetings and activities: February 7, 2017 – JCD #350 Ditch Meeting and Award in Trimont, MN; February 8, 2017 – Human Services meeting, Park Board meeting, and Bureau 14 meeting; February 9, 2017 – Soil and Water meeting; February 10, 2017 – Prairieland meeting, F-M Joint Transit Board Executive Board meeting, and Court/Courthouse Security meeting; February 13, 2017 – Drainage and Wetland Seminar at Rinke Noonan Law Firm in St. Cloud, MN; February 14, 2017 – Library Board meeting; February 15, 2017 – Commissioners left for AMC Legislative Session; February 15-16, 2017 – AMC Legislative Session in St. Paul, Minnesota; February 20, 2017 – Presidents Day Holiday observed – Courthouse Closed; February 21, 2017 – One Watershed, One Plan meeting this morning in St. James, Minnesota, Personnel Committee meeting at 3:00 p.m. this afternoon, and AgriBusiness Committee meeting at The Ranch Restaurant at 6:00 p.m.; February 22, 2017 – Human Services meeting and F-M Joint Transit Full Board meeting, and Convention and Visitors Bureau meeting; February 28, 2017 – Victim Witness Assistant interviews scheduled; March 1, 2017 – Veterans Memorial Committee meeting; March 3, 2017 – Building Committee meeting, Court/Courthouse Security Committee meeting, Kay Wrucke’s Retirement Open House; March 6, 2017 – Martin County EDA meeting at 5:15 p.m., and Beyond the Yellow Ribbon meeting; March 7, 2017 – 8:00 a.m. Extension Committee meeting, and regular Board of Commissioners meeting at 4:00 p.m. – Commissioners meeting room – Courthouse.

With no further business to wit, Board Chair adjourned the meeting at 5:44 p.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Board Chair

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