

PROCEEDINGS OF THE  
MARTIN COUNTY BOARD OF COMMISSIONERS  
TUESDAY, JANUARY 16, 2018  
@ 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 Mahoney. Commissioners present were Schmidtke, Smith, Mahoney, Belgard, and Flohrs. Also present were Scott Higgins, Martin County Coordinator, James Forshee, Martin County Auditor/Treasurer, Terry Viesselman, County Attorney, 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 Schmidtke, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda for the January 16, 2018, regular Board of Commissioners meeting. Carried unanimously.

Motion by Commissioner Belgard, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the January 2, 2018, regular Board of Commissioners meeting. Carried unanimously.

Scott Higgins, Martin County Coordinator, noted the Commissioners meeting minutes of January 2, 2018, reflect the effective date of Dr. McGee's Medical Examiner appointment to be January 1, 2016. Higgins went on to note currently Martin County is under contract for Medical Examiner services with Dr. Gremel. Higgins recommended rescinding the appointment of Dr. McGee until the signed contract from Dr. McGee is received.

Motion by Commissioner Belgard, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby rescind the 2016 appointment of Dr. McGee as Medical Examiner for Martin County until receipt of the approved and signed Medical Examiner Services contract. Carried unanimously.

Heather Klassen, DFL candidate for the District 23A House seat, was present and introduced herself to the Board.

Terry Viesselman, County Attorney, presented an update relating to the county's acquisition of what is referred to as the VanderWert *prairie remnant* parcel a mile west of Trimont. Paperwork to finalize the gifting of this property to the Martin County Parks System should be complete by the end of the month.

Viesselman next addressed the County's ongoing problem concerning jail space and dollars spent to house prisoners outside the County. One of the things that the state did a couple of years ago is they lowered the penalty for first time offenders for a small amount of methamphetamine to a gross misdemeanor. That was pushed by the metro area because meth isn't as big of a problem for them as it is for the rest and they don't really care about us that much out here. They

didn't lower anything for heroine because heroine has become a real problem in the metro area. But, meth is our number one problem down here.

Viesselman noted the problem with meth is that it is so hard for people to make it through probation because meth is so addicting and now that it is a gross misdemeanor when they repeatedly fail probation they go to our county jail. The penalty for a gross misdemeanor is one year so they're taking up jail space. This will happen more and more because it only started in the year 2016 and we've already got more prisoners than we have jail space – and I believe the County spends about \$350,000 per year for housing prisoners outside the County already.

Viesselman went on to note now there is another policy being pushed to free up space in prisons so for those felons when they fail probation instead of going to prison for a first time small amount felony drug possession or theft they're recommending 180 days in jail or 120 days in jail. That shift in policy is just going to put a lot more people in our jail and we're already over the limits. For example, for 180 days we're spending \$50 per day to house them and that would just be added to our budget because we're already full.

Viesselman also noted he will be meeting with the judge and some of our local Department of Corrections (DOC) agents to talk about this and find some type of a resolution. The problem with methamphetamine is that without a penalty we can't get them to do treatment...99% of the time, according to counselors, people come voluntarily for treatment for meth only because if they weren't there they would be going to prison. And the typical treatment for meth is you have to go through it two and a half times before it works and for those that work it's only a 20% success so many of these people are lifelong addicts. The law changed in 2016, this is not just on drug offenders but theft also today they're going to recommend that they stay here and do their time here instead of going to prison. This is just a Department Of Corrections policy; but, they have no recognition of the problem that we have and we need to get our representatives to advocate for us because one of the things that is really frustrating as you know we have a jail that has 32 beds but the DOC says we can only hold 25 in case we ever need them in an emergency, so we're 7 short. Why have us spend \$50 a day for 7 people and we're doing it every day because we're at capacity...just because the DOC has this policy. Viesselman will keep the Board informed about this matter.

Viesselman recommends the Board go into Closed Session to discuss the Shopko Tax Appeal.

Motion by Commissioner Schmidtke, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby move into Closed Session per Minnesota Statute 13D.05 Subd 3(b) at 9:16 a.m. Carried unanimously.

Motion by Commissioner Belgard, seconded by Commissioner Flohrs, to go back into Open Session.

Meeting returned to Open Session at 9:36 a.m.

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

and enter into a Retainer Agreement with Briggs and Morgan for legal services pertaining to Shopko pending tax appeal case. Carried unanimously.

Billee Rabbe, Director-Prairieland Solid Waste, presented a list of solid waste and recycling haulers that have submitted applications for licensure to be able to work in Martin County. Rabbe noted the applications have been reviewed and the following businesses have met the criteria to receive a license for collection and transportation of solid waste or recycling in Martin County.

Motion by Commissioner Smith, seconded by Commissioner Flohrs, 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 2018 for the following haulers, contingent upon receipt of required licensure fees:

**Insert Haulers**

Carried unanimously.

Higgins noted there are three committees left that require appointment of citizens to serve and include the Water Plan Advisory Committee, Martin County Parks/Trail Committee, and the Martin County EDA Commission. Higgins noted there has been discussion to appoint Gary Engler who is interested in the open Park Board (At-Large) spot. Engler has been the Martin County Park Caretaker the last 7 years so he has a lot of knowledge of our parks and would be good to have on the board. However, Engler lives in Faribault County – not Martin County.

Consensus of the Board is that citizens serving on Citizen Advisory Committees and Board should reside in Martin County.

No action taken on (re)appointments to various Citizen Advisory Boards/Commissions for 2018.

Erin Morrill, Martin County Emergency Management Director, presented an update on the recent explosion and fire events of December 28, 2017, that impacted the city of Northrop, all Martin County's city and township fire departments, as well as numerous Southern Minnesota fire departments. Morrill noted the City of Northrop passed a declaration of State of Emergency and the state Homeland Security and Emergency Management recommended that Martin County also pass a declaration of State of Emergency for conditions resulting from the explosion and fire event of December 28, 2017.

Motion by Commissioner Belgard, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, hereby ratify resolution declaring a State of Emergency in Martin County for conditions resulting from the explosion and fire event of December 28, 2017, in Northrop, Minnesota.

**Insert Resolution**

Roll Call AYES: Commissioners Flohrs, Smith, Schmidtke and Belgard. NAYS: None. Chairman Mahoney abstained. Resolution duly passed and adopted this 16<sup>th</sup> day of January, 2017.

Pam Flitter, Martin County Zoning Official, reviewed the 208 - 2017 Building Permits Issued; 2017 Permit Types and Numbers; and 2017 Permit Numbers: Martin County and Neighboring Counties.

Type of Structure or Project	Number Issued
Home	13
Home Additions	5
Patios; Walks; Decks; Ramps; Misc.	23
Garage	12
Shop; Office; Addition; Sheds; Barns	85
Play House	3
Lean-to	3
Grain Bins	37
Communication Antennas; Essential Service	5
Broiler Barns	3
Patio/Deck; Retaining Wall	3
Hog Chute	1
Cattle Finisher	1
Swine Finisher	14
<b>TOTAL:</b>	<b>208</b>

2017 Septic Permits Issued = 53  
 Construction Short Forms = 9  
 MPCA Sites = 6 total (5 Swine & 1 Cattle)

Planning Commission/Board of Adjustment 2017 Work Load

- \*\*Variance Applications = 18
- \*\*Conditional Use Permit Applications = 9
- \*\*Re-Zone Application = 1
- \*\*Hearings for: Buffer Ordinance; Amendment to Zoning Ordinance (Shoreland); Buffer Map; Update of Land Use Map

2017 Permit Types and Numbers	
Type of Permit Issued	Number
Building	208
Feedlot	15
Septic	53
Variances	18
CUPS	9
Re-Zone	1

Note:

- Feedlot: Total includes 6 state sites; and one Broiler Barn (May, 2017) that was not built – owner reapplied for a swine finishing permit (September, 2017).
- Variances: Total includes one variance that was not approved.
- CUPs: Total includes one application that was not approved.
- Re-Zone: Not approved.
- Hearings for: Buffer Ordinance; Amendment to Zoning Ordinance (Shoreland); Buffer Map; and update Land-Use Map.

2017 Permit Numbers: Martin and Neighboring Counties						
County	Building/ Land Use	Feedlot	Septic	Variance	CUP	Notes
Martin	208	15	53	18	9	
Blue Earth				16	17	3 CUPS for feedlots
Brown	116	8	51	3	20	12 Platted Lot/Subdivisions & 1 Re-Zone
Cottonwood	74	7		1	10	9 approved; 1 denied
Faribault	67	4	24	4	8	
Freeborn	225	0	94	1	5	Uniform Building Code
Jackson	92	6	48	3	8	
Nobles	118	19	38	14	47	
Waseca						
Watonwan	47	4	27	6	4	

Flitter reminded the Board of the upcoming Septic System 101 for Homeowners class to be held on Thursday, February 8, 2018, from 6-8 p.m. at the Knights of Columbus Hall in Fairmont.

Diane Sanders, Martin County Recorder, presented an update on the Recorder's Compliance Fund noting that \$11 of every recording fee goes into the Compliance Fund and per MN Statute 357.182 the County Recorder has to keep our turnaround time within 15 days. Fortunately, our turnaround time is much better than that – we have been two to three days so we are compliant and because we are within the compliant timeframe that money that we have in the Recorder's Compliance fund which is now over \$180,000 is available for other land use offices. Sanders noted we had a meeting last week with the Planning and Zoning Office, Assessor's Office, IT Department, and Auditor/Treasurer's Office, and talked about moving up the flyover and Dan (Whitman) talked with the company and they are on schedule to do another flyover in the spring of 2018. Sanders went on to note there was also discussion on using some buffer money and possibly 911 money and the compliance money to pay for the flyover. Sanders also noted Dan (Whitman) would like to check into the possibility of purchasing remote data collection software and four tablets. Estimated cost of the software is \$14,600 plus the cost of the tablets.

Sanders next provided a 2017 Vital Records update including: 147 births, 247 deaths, and 93 filed marriages; and 435 first time passport applications. Sanders noted that historically the birth, death, and marriage numbers are very consistent.

Chairman Mahoney inquired how the office was working with one less staff person and if any of the Recorder's Office construction projects have started.

Sanders noted we're managing; but, I feel like I'm pulled because I'm very much required to be there. My biggest concern is getting someone trained...it takes a long time to get the experience and knowledge of the Recorder's Office. Sanders went on to note no construction projects have been started.

Dan Whitman, Martin County Assessor, noted I did talk about the Pictometry Contract...we're done with our last contract so for us to move forward we do need to sign a new contract to have that flyover. So in order for us to hold our spot we need your approval to do that and then when she talked about our remote data collection that's something we have been working on for about two years. That's a full blown proposal as well that I'd like to request consideration on this so we can move forward with that. So those are two things that we would like to approve so we can go ahead and move forward.

Whitman went on to note the Remote Data Collection like she said it was a \$14,000 contract plus four laptops and I just found out last week that when our software has required changes in it they always need people to test the changes and so we are able to do that sometimes and then they reimburse us for that so we do have a \$6,000 credit with the Minnesota Counties Computer Cooperative (MCCC) for the testing that our office has done over the last 18 months or so and that to me would be a great way to put towards our Remote Data Collection. The contract needs to be signed as soon as possible and I would like to confirm the reservation on their flight dates. The Assessor's Office has been working with our MIS Office on the Remote Data Collection...the contractor sent us full proposals and had all the requirements in it...we've been working through Steve McDonald (MIS Director) and since the last meeting we had between the departments Steve (McDonald) had a couple more questions so we put him in contact with Xerox and with Data Cloud Solutions (the name of the contractor) so they're all talking. It is being used in St. Louis County in Minnesota and its being used in a county in North Carolina but they have the same tax software as we have which proves that the solution works with our software.

Higgins noted the Board has the quote for the flyover but not the Remote Data Collection.

Commissioner Smith inquired are there other bids for the flyover and data collection or is there no other companies that would have bids on it.

Whitman noted this is the company we've worked with since inception so we've had two flyovers before and do have a very good relationship with them. There's other companies out there but I'm not aware of any other counties in Minnesota using them and when I've looked at the comparison it is my opinion they're much inferior to what we have and there are some other options that you can use that are way more generic but the Pictometry is called EagleView now

they are cutting edge and at the top so I think they're up to over 50 counties in Minnesota that use Pictometry at this time. Besides that we've set up so that if they work within our coop so there are some discounts that we get through the coop that we wouldn't get anywhere else.

Chairman Mahoney inquired if this proposal is out of the Assessor's Office budget or out of the technology funds.

Whitman noted the EagleView is the flyover and what they're proposing is a shared effort because one of the reasons we were asking to do it one year early was because of the buffer zones. The Planning and Zoning Office wanted to have the ability to use that to have a new picture with the buffer zones in place to check compliance with the new Buffer Law. So Planning and Zoning wanted to use some of the grant money that they received. We traditionally have used 911 funds to do this because of the advantages that law enforcement gains through having this 3D imagery and then one time we used some of the funds from the Compliance Technology Fund. It's been traditionally funded even through Compliance or 911...this time Planning and Zoning said they'd like to contribute because they are very interested in getting that flyover this spring so that they can use it for buffer zone compliance.

Commissioner Belgard noted we're showing a bid or a quote here of \$102,000 for that flyover and it says it is two projects over six years. Explain that to me would you.

Whitman noted the best pricing you can get is if you sign a two flight contract. And what that does is it allows them to give you better pricing. But within that is also is an explicit understanding...if you want to cancel the second flight you can. They lock in the pricing...last time that lock helped us by several thousand dollars because the contract that we had signed was several thousand dollars cheaper than what it would have been if we were just starting so it worked for us last time to have a two flight contract and we went ahead and had the second flight flown and that was three years ago. So it is pricing...they call it a two flight contract; but it is clearly stated within the contract that if you decide to...you don't have to take that second flight you can cancel or delay it for a year or two.

Commissioner Belgard noted at \$102,000 does not that require us to get bids. If someone asks us why we couldn't do it for \$80,000 I've got to tell them. If it is something that we can't do or it requires a lot of work then it is justifiable.

Forshee and Higgins noted this is proprietary and more of a service contract rather than purchasing something.

Whitman noted if we were to switch to another company we would be required to redo everything.

Chairman Mahoney inquired how often you have a flyover.

Whitman noted we have been on schedule to do it every three years so I think this will be one year early due to the buffers.

Chairman Belgard noted the question is, is it proper to do this when we didn't have it on the agenda.

Whitman noted I'm sensing I'm not hearing a lot of negative and I think if I told them that it will be on the agenda for an official vote in two weeks that will probably be okay. I think you should do it the right way and I will let them know that. I won't be here for that agenda if you need somebody you could have Mike Sheplee come down but I'll let Pictometry know and we'll have the full contract here for you.

Commissioner Belgard noted Mike (Sheplee) and Pam (Flitter) and Sheriff (Markquart) and Dianne (Sanders) should all be here.

Doug Borchardt, Building Maintenance Supervisor, presented and reviewed the Elevator Modernization Proposal with ThyssenKrupp Elevator Corporation for Security Building Elevator Replacement. Borchardt noted that updated pricing for basic elevator modernization which will provide a fully modernized elevator system that will meet all current building codes requirements is \$124,017.00. Borchardt went to note that modernization is estimated to take five weeks once it is started.

After review and discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, due to the need for Security Building Elevator Modernization, hereby approve and authorize Doug Borchardt, Building Maintenance Supervisor, to sign the Modernization Proposal for Security Building Elevator Replacement with ThyssenKrupp Elevator Corporation in the project amount of \$124,017.00. Carried unanimously.

Forshee noted due to GASB 45 requirements, it is recommended that for the upcoming 2017 audit the county will need an actuarial valuation to include in its financial statements for its liability for postemployment benefits (OPEB) that the county provides retired employees. Forshee went on to note Gallagher has provided this service previously and the county has received a letter of intent with Gallagher to provide the necessary actuarial services in an amount not to exceed \$8,000. Forshee recommends approval of the Actuarial Services Consulting Agreement with Gallagher Benefit Services, Inc.

Motion by Commissioner Schmidtke, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, in order to meet the requirements of GASB 45 regarding postemployment benefit, and the need to have an actuarial valuation completed for the determination of the county's liability for Other Postemployment Benefits (OPEB), hereby approve and authorize the Board Chair to sign the service agreement with Gallagher Benefit Services, Inc. Carried unanimously.

Higgins noted it is recommended that the 2018 Martin County Board of Appeal and Equalization be set for Tuesday, June 19, 2018, at 6:30 p.m. with appointments available from 6:30 p.m. through 7:00 p.m. Minnesota Statutes set guidelines as to when the County Board of Appeal and

Equalization may convene. 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 10 consecutive days. The Board of Equalization for 2018 must hold a meeting that does not recess or adjourn prior to 7:00 p.m. The County Board is being asked to establish the meeting date in order to include it on the valuation notices to be mailed to each property owner in March. The law also requires that at least one member of the County Board of Equalization must have received the training provided by the Department of Revenue and be certified.

Forshee noted he will be attending conference during that time and he is the only person right now that is certified and law requires that at least one member of the County Board of Equalization must have received the training provided by the Department of Revenue to be certified.

Commissioner Belgard noted he plans to take the training and be certified by the February 1<sup>st</sup> deadline.

After discussion,

Motion by Commissioner Schmidtke, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, representing themselves as the Martin County Board of Appeal and Equalization, hereby approve and set the meeting date of June 19, 2018, 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; and hereby approve changing the regularly scheduled commissioner meeting on June 19, 2018, from 9:00 a.m. to 4:30 p.m. to coincide with the County Board of Equalization. Carried unanimously.

Higgins noted that Kevin Peyman, County Engineer, has received the resignation of Cameron Blazejak, Maintenance Worker for the Martin County Highway Department, effective January 26, 2018; and recommends acceptance of the resignation and requests approval to fill the Maintenance Worker position.

Motion by Commissioner Smith, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby accept the resignation of Cameron Blazejak, Maintenance Worker for the Martin County Highway Department, effective January 26, 2018; and approve and authorize recruitment to fill the Maintenance Worker position. Carried unanimously.

The Board reviewed warrants to be paid January 16, 2018.

Motion by Commissioner Flohrs, seconded by Commissioner Schmidtke, Be It Resolved that the Martin County Board of Commissioners, hereby approve bills to be paid on January 16, 2018, as presented; and includes the Martin County Highway Department and Drainage bills as presented. Carried unanimously.

Warrants received and paid January 16, 2018, are registered on file in the Auditor/Treasurer's Office as follows:

Revenue Fund – Warrants Approved January 16, 2018	\$465,755.48
Martin County Economic Development Fund	\$ 2,388.39
Solid Waste Management Fund	\$ 29,154.12
Law Library Fund	\$ 1,602.34
Human Services Fund	\$298,193.63
Recorder's Compliance Fund	\$ 2,341.82
Ind. Sewage Treatment System Loans	\$ 16,704.09
Building – CIP – Fund	\$ 8,797.29
Bank Building Fund	\$ 3,654.59
Forfeited Tax Fund	\$ 815.24
Miscellaneous Tax Fund	<u>\$ 437.92</u>
Total	\$829,844.91

Road and Bridge Funds Totaled	\$182,227.60
Martin County Ditch Funds Totaled	\$278,684.08

The Board reviewed reports and announcements including AMC Legislative Conference – February 28-March 1, 2018, at the InterContinental Hotel – St. Paul Riverfront & Tentative Conference Agenda (Commissioners Flohrs, Belgard, Smith, and Mahoney indicated they plan to attend); 2018 Membership Dues received from Rural Minnesota Energy Board; Area Career Exploration (ACE) Event on Wednesday – April 11, 2018, at the Fairmont Area High School Gym; and MCIT Bulletin pertaining to Email Formatting.

Commissioner Flohrs noted his interest in serving on the Watonwan Watershed One Watershed, One Plan Board with the first meeting taking place the end of January, 2018, and requests approval to represent Martin County and to authorize per diems and expenses to attend these meetings.

Motion by Commissioner Smith, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby appoint Commissioner Steve Flohrs to serve on the Watonwan County One Watershed, One Plan Board; and approve and authorize per diems and expenses for Flohrs to attend. Carried unanimously.

The Board reviewed their calendars of previous and upcoming meetings and activities: January 2, 2018 – Personnel Committee meeting; January 3, 2018 – Human Services Executive Board meeting and Joe Schmit's Silent Impact Influence through Purpose, Persistence and Passion; January 8, 2018 – Martin County EDA regular meeting at 5:15 p.m., Personnel Committee meeting and Kahler Automation Tour (Minnesota Chamber) at 11:45 a.m.; January 9, 2018 – Library Board meeting; January 10, 2018 – Park Board meeting at 4:00 p.m., Faribault-Martin County Joint Transit Executive Board meeting, Department Directors meeting at 8:30 a.m., Region 9 meeting that evening in Mankato, MN, and Bureau 14 meeting; January 11, 2018 – Soil and Water meeting; January 12, 2018 – Prairieland meeting and GBERBA meeting in the afternoon; January 15, 2018 – Martin Luther King Holiday Observed – Courthouse Closed, and

MCSAP meeting; January 16, 2018 – Joint meeting with Martin SWCD, Labor Management Committee meeting at 1:00 p.m., and AgriBusiness meeting in the evening; January 17, 2018 – Convention and Visitors Bureau meeting, Human Services Full Board meeting at Fairmont; January 18, 2018 – Traverse de Sioux Library meeting, Buffer Task Force meeting at 9:00 a.m., MCIT Coverage Review Webinar at 2:00 p.m. in the Sisseton Room; January 19, 2018 – SHIP meeting in Truman, MN, and Justice Center Study Committee meeting at 10:30 a.m.; January 22, 2018 – Rural Minnesota Energy Board meeting and Minnesota Valley Action Council meeting in Mankato, MN; January 23, 2018 – Planning and Zoning meeting at 5:30 p.m.; January 25, 2018 – South Central EMS meeting in Eagle Lake, MN; January 26, 2018 – EDA Joint meeting with RCEF Board in Madelia, MN, and Drug Treatment Court Steering Committee meeting; January 30, 2018 – Human Services “Meet the Board” in Faribault County at 9:45 a.m.; January 31, 2018 – Prairieland Work Session at 1:00 p.m., and Watonwan Watershed One Watershed, One Plan meeting in St. James, MN; February 5, 2018 – Martin County EDA meeting at 5:15 p.m.; February 6, 2018 – next regular Board of Commissioners meeting at 9:00 a.m.

With no further business to wit, Board Chair adjourned the meeting at 10:42 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Tom Mahoney, Board Chair

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