

PROCEEDINGS OF THE
MARTIN COUNTY BOARD OF COMMISSIONERS
TUESDAY – JUNE 18, 2019
@ 4:30 P.M.

The regular meeting of the Martin County Board of Commissioners was called to order at 4:30 p.m. by Chairwoman Kathy Smith. Commissioners present were Richard Koons, Tom Mahoney, Kathy Smith, Elliot Belgard, and Steve Flohrs. Also present were Scott Higgins, Martin County Coordinator, Terry Viesselman, County Attorney, Jason Sorensen, Sentinel Newspaper, Rod Halvorsen, City of Lakes Media, 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 June 18, 2019, regular Board of Commissioners meeting with the following additions: 5.1 Consider Martin County Veterans Memorial Committee bonding request; and 6.1 Consider Proposed Prosecution Contract with the City of Truman. Carried unanimously.

Motion by Commissioner Mahoney, seconded by Commissioner Koons, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the June 4, 2019, regular Board of Commissioners meeting. Carried unanimously.

Terry Viesselman, County Attorney, was present to review the proposed Prosecution Contract with the City of Truman for services in providing prosecution of statutory gross misdemeanor, misdemeanor and petty misdemeanor violations, other than liquor licenses or permits issued by the City of Truman, and also to provide for prosecutions of municipal traffic and parking ordinance violations. Viesselman noted the term of the agreement is for the period of one (1) year commencing upon approval by the City of Truman; and that the City of Truman shall pay the Martin County Attorney's Office \$8,000.00 per year for the prosecution services and will reimburse for County Attorney's Office out-of-pocket expenses (i.e. filing fees, witness fees, investigation costs, etc.). Viesselman also noted the contract will automatically renew for one (1) year terms on the same terms and conditions unless modified by agreement of the parties hereto and that either party may terminate this contract upon sixty (60) days written notice to the other.

Commissioner Belgard opened discussion pertaining to the need for additional support staff at the County Attorney's Office now that prosecution services are being provided to both the City of Fairmont and the City of Truman.

After discussion,

Motion by Commissioner Flohrs, seconded by Commissioner Mahoney, Be It Resolved that the Martin County Board of Commissioners, after review and consideration of the proposed Prosecution Contract with the City of Truman, hereby approve the Agreement as proposed to

provide services that provide prosecution of statutory gross misdemeanor, misdemeanor and petty misdemeanor violations, other than liquor licenses or permits issued by the City of Truman, and also to provide for prosecutions of municipal traffic and parking ordinance violations, and the term of the Agreement is for a period of one (1) year commencing upon approval of the Truman City Council. The City of Truman will pay the County \$8,000.00 per year for the time spent in furnishing prosecution services per the Agreement, as well as reimburse for County Attorney's Office out-of-pocket expenses. Carried unanimously.

Judd Schultz, Housing Services Director with Minnesota Valley Action Council (MVAC), was present to request additional funds beyond the program limit under the Small Cities Development Program for a household in the City of Fairmont. Schultz noted the household has no affordability to take out a loan and does not qualify for other low income rehabilitation loans through MVAC. Schultz went on to note based on these facts, MVAC is requesting \$8,142.00 in County revolving funds to complete the needed health and safety items and additional rehabilitation needs that have surfaced.

Jim Forshee, Martin County Auditor/Treasurer, was present and noted that funds are available in the Martin County Area Redevelopment Fund.

Motion by Commissioner Mahoney, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, at the request of MVAC for the additional funding for the Small Cities Development Program for Martin County in the amount of \$8,142.00 for a one time rehabilitation project for a household located in the City of Fairmont, hereby approve the additional funding request for the aforementioned project, to be expended from the Martin County Area Redevelopment Fund. Carried unanimously.

Schultz noted he was contacted by a party from the City of Truman whose parents owned a building in Truman and they are inquiring about funds to make some repairs. They know they need to repair a roof, they know they probably have to do furnace and A/C; they have some other interior repairs they may need to make. Since these are revolving funds you have to follow general principles and guidelines in how you use them especially on a commercial rehabilitation. It requires that it be a completed project when it's done and it's ready to rent out or whatever you wanted to do with it. They are not to that point yet. They need to get a contractor in there to determine what they're going to do and determine what their overall budget is and see what their request might be to the county. This person was just proposing that maybe I need to do a roof right now and that doesn't work in the spirit of how the funds are supposed to be spent. So I wanted to let you know that there may be a request coming.

Scott Higgins, Martin County Coordinator, was present to note as you know the Martin County Veterans Memorial Committee as well as the County had a bonding request in for their separate projects and paperwork for the Justice Center Project and the Veterans Memorial needs to be completed and sent to the Minnesota Office of Management and Budget (OMB). The way the procedures are we have to apply at the OMB so what we want to bring before you today is the \$20 million (for the Justice Center Project); but the request we haven't done is to let you know that we will assist in submitting paperwork to the OMB for the Veterans Memorial. We want you to be aware of that and approve and accept that on behalf of the Veterans Committee and

that the County will be responsible for that. Higgins also noted that Doug Landsteiner, Martin County's Veterans Service Officer, will be assisting in completion of the bond paperwork for the Veterans Memorial.

Motion by Commissioner Belgard, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve and direct the Martin County Veterans Service Officer to assist the Martin County Veterans Memorial Committee in completing state bonding paperwork in the amount of \$300,000 for the Veterans Memorial Project; and all other County related tasks for the Veterans Memorial. Carried unanimously.

Steve Fosness, Martin County Veterans Memorial Committee member, presented an update on the AH-1F Cobra Helicopter including the helicopter is ours right now and we have until July 1st to pick it up in California and we are working with Baarts Trucking (Northrop, MN) to transport the helicopter to Fairmont.

Representative Robert Gunther was present and noted I don't think one of the bonding proposals will affect in any way the other bonding proposal.

Kevin Peyman, County Engineer, presented a Highway Department Update including our weed spraying is done; driveway sealcoating is done; our main line sealcoating will be the week right after the 4th of July holiday and that goes anywhere from one to two weeks depending on weather. We've had the new road groomer out for a few days now and so far they are very happy with it as it can cover ground faster than the motorgraders. It doesn't replace the motorgrader but it is nice to hit some of those spots that have soft spots that we can't cover with a motorgrader. So far it has been a success; and CSAH 54 construction begun.

Higgins noted part of the Compensation Study is to review job descriptions and revisions of job descriptions and we have about half of them in now as listed and once they get your approval then David Drown and Associates (DDA) will begin to evaluate each job description. The other half of the job descriptions will be reviewed July 2nd. The revised job descriptions have been reviewed by department directors and staff and now we ask for your approval. Appeal forms have not been received on the listed revised job descriptions. Higgins recommends approval of the listed job descriptions.

After discussion,

Motion by Commissioner Belgard, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, as part of the County's Compensation Study, and after review of the revised job descriptions by department directors and staff, hereby approve the listed job descriptions (Auditor/Treasurer's Office, Recorder's Office, Planning & Zoning, Highway Department, Library, Coordinator's Office, Building Maintenance, and Victim Services) and authorize David Drown and Associates to rate the approved job descriptions as per the County's Compensation Study Agreement. Carried unanimously.

Michael Forstner, Martin County Drainage Administrator, was present to note that Commissioner Koons asked that intent for development of a revised agreement between Martin

County CD #53 and Emmet County D.D. 70 be once again placed on the agenda for consideration.

Commissioner Koons noted approximately six weeks ago we approved the redetermination of CD #53 and I tried then to get the agreement amended. What I was doing and what Emmet County is doing is yes we have an agreement on CD #53; but, Emmet County is preventing a Minnesota landowner to cross the road because Emmet County wants something in writing that says when we get this redetermination done we will work on a new and fair agreement on CD #53 and Emmet County D.D. 70. They don't want the agreement today; they just want us to say yes we will work on a new agreement once the redetermination of CD #53 is done.

Commissioner Flohrs asked Forstner what's wrong with this idea. It seems pretty straight forward.

Forstner noted it's never been redetermined so CD #53 is right around \$100,000. They tried back in the early 1990's to do an agreement and they at the time didn't want to have anything to do with it so they dropped it. When they did JD #10 that's when they said to try and get CD #53 in there. CD #53's watershed considers part of Soldier Creek which pays no benefit and is considered part of the watershed so it needs to be redetermined before in my opinion.

Commissioner Belgard inquired how many acres are going to be brought into this when you redetermine.

Forstner noted it depends on if they incorporate Soldier Creek. The portion of that, they don't have benefits, but the watershed area is included so if they include that with benefits it will be double in size. Forstner noted part of the problem, as found in previous minutes, is that landowners felt that if they were going to do an agreement then they should pay for a portion of our repairs on the main and I believe they wanted us to pay a portion of their repairs on the main. Forstner noted we have an agreement on D.D. 10 we have a few systems CD #38 which is next to CD #53 that has an agreement on it...they pay for a portion of our work done on the main and we pay for a portion of theirs. Those are the two agreements in place.

After further discussion,

Motion by Commissioner Koons, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, acting as the Drainage Authority for Martin County, hereby approve that upon completion of the redetermination of benefits on CD #53, that Martin County will use the results of the pending redetermination of CD #53, to negotiate a new and fair agreement between Martin County CD #53 and Emmet County D.D. 70. Carried unanimously.

The Board reviewed a CY2020 Budget Allocation Request received from the Southern Minnesota Tourism Association in the amount of \$.05/capita.

Motion by Commissioner Belgard, seconded by Commissioner Mahoney, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file the CY2020 Budget Allocation

Request from Southern Minnesota Tourism Association in the amount of \$.05/capita. Carried unanimously.

Higgins presented his recommendation to transfer the County's payroll function from the Auditor/Treasurer's Office to the Coordinator's Office effective July 8, 2019.

Motion by Commissioner Koons, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve transferring the County's payroll function from the Auditor/Treasurer's Office to the Coordinator's Office effective July 8, 2019. Carried unanimously.

Abigail Nesbit, Martin County Emergency Management Director, was present to open discussion and answer questions pertaining to the fire that happened in the elevator and grain bin in Northrop, Minnesota, with LB Pork. Nesbit asked for introductions from those attending the meeting regarding the LB Pork fire in Northrop, Minnesota. Those present were: Mark Marcy, Regional Coordinator for Homeland Security Emergency Management for southwest Minnesota; Guy Beemer, Beemer Companies; Thomas Wakey, Mayor of the City of Northrop; Tom Koeritz, Councilman; Larry Baarts, Councilman; Lynn Becker with LB Pork/Becker Farms; and Diane Bettin, LB Pork.

Nesbit noted she was not here at the time of the fire and explosion that happened but referred to what happens during a regular event such as the Granada tornado. When an event happens the emergency manager looks at it and says okay there's going to be some damage here and you should go ahead and declare a disaster pending approval of the Board. That is a preemptive action to take to cover any consulting firm that we bring in to view public infrastructure damage so we don't have to take bids for people to come in. Nesbit went on to note the Board approves this and then once it has gone up to the state, the HSEM comes down and collects paperwork and invoices. Once you've been approved by HSEM then it comes back to the Board and the Board has to approve whether or not they're going to officially request assistance. Then it goes back up to the HSEM director and he talks with Governor Walz about providing assistance. Nesbit also noted what I've gathered that's different with this elevator fire is that we missed a few steps with the Board. An emergency declaration was declared, HSEM came down and collected invoices and met with the Board but we never came back to the Board for approval for disaster assistance. It went straight up to Representative Gunther and Senator Rosen. So we were missing the piece where you guys come in and you approve to move forward asking for disaster assistance.

Tom Wakey noted the City of Northrop did declare an emergency.

Nesbit noted yes and then it still has to go through the County.

Mark Marcy noted a few things in order to qualify for state disaster assistance the process that Abby (Nesbit) just walked you through we need to follow. When the event happens the city needs to declare a state of emergency; but, we at HSEM, what we need to know is that the County declares a state of emergency because that County declaration has to happen in order to be eligible for disaster assistance. Once that happens, then there's a request for a preliminary damage assessment that Nesbit talked about. After that happens our staff will come down and

look at the invoices and bills and determine eligibility and make sure that all the expenses are what they say they are and then that will go back to the County and then the County would make that formal request for assistance. Marcy went on to note all of those steps have happened except for the County's formal request for assistance. And I think one of the issues is that because this happened at a private facility and there's a responsible party, it's likely not going to be eligible for state disaster reimbursement. So we're not able to help in that reimbursement process because it's a private event there's a responsible party and the state disaster assistance account we can't release money from that for reimbursement until all avenues of recovery have been exhausted and then we can go through the pda request and the request process. So, I'm curious to know if the City of Northrop has tried to recover the funds from LB Pork.

Wakey noted our city attorney said we could not. We could only go through the insurance company and we have received \$5,000 for two different fire calls. We also were informed by our city attorney that we can sue but LB Pork is an LLC so even if we did win there would be no funds there. Wakey noted we could get a loan at 4% and the City of Northrop can't afford it.

Commissioner Koons inquired why their insurance company has denied payment via liability coverage.

Bettin noted the insurance company is saying since there is no negligence that the liability coverage doesn't cover it. So that's their position since the accident wasn't due to any mistake by LB Pork and that it was a freak accident as determined by the state fire marshal. We don't have liability so therefore the liability portion of the coverage doesn't kick in. And, LB Pork's best interest would have been to let the fire burn but because of the safety of the community there are a lot of things that had to be done just to protect the community from the fire. LB Pork has had considerable expenses after that have been paid for by either loans or insurance money.

Viesselman noted it is my understanding is if we satisfy the requirements and the City of Northrop sends the bills out and LB Pork says we're not responsible for payment and the Board is convinced now that all efforts to collect from LB Pork are exhausted and we can't collect from insurance and then we submit it, it's still going to be denied. It's still not going to qualify. So even if we go through all of these steps and we do everything that's requested in that letter it's still going to be denied because it doesn't fit under this program. So no matter what we do now, none of it is going to work but it will help to get things moving and up to Representative Gunther's Office to look at other legislation for covering the loss

Marcy noted correct. It's not that we don't want to pay but by statute we're not able to pay.

Viesselman noted I think ultimately what we should do is ask the City of Northrop to send the bills and they can get a letter back from LB Pork saying they're not responsible and then the Northrop attorney can send a letter to the County Board confirming they've exhausted any reasonable efforts to try to collect. We can then send our letter to HSEM and then it's going to be denied. Then it will be up to Representative Gunther.

Chairwoman Smith thanked everybody for coming in and that we will follow the County Attorney's advice to send a letter with his recommendations to the City of Northrop.

Nesbit presented her request to attend the Healthcare Coalition Response Leadership Course training session that will be held the week of July 8, 2019, to be held in Anniston, Alabama. Nesbit noted the Coalition has invited her to attend and that there is no out-of-pocket expense to attend the training session. All expenses including mileage, airfare, lodging and food is paid for. The only expense to Martin County is Nesbit's 40 hour work week. Nesbit noted this training will further my education and my relationship with the partnering agencies that are in this southcentral area for the healthcare.

Motion by Commissioner Belgard, seconded by Commissioner Flohrs, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the out-of-state travel request for Abigail Nesbit, Emergency Management Director, to attend the Healthcare Coalition Response Leadership course training session to be held July 8-12, 2019 in Anniston, Alabama; and that all travel expenses will be paid for by the Center for Domestic Preparedness. Carried unanimously.

The Board reviewed Warrants, Auditor Warrants, and EFT Transactions to be paid June 4, 2019.

Motion by Commissioner Mahoney, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve Warrants, Auditor Warrants, and EFT Transactions to be paid on June 18, 2019, and includes the Martin County Highway Department and Drainage bills as presented. Carried unanimously.

Warrants received and paid June 18, 2019, are registered on file in the Auditor/Treasurer's Office as follows:

Revenue Fund – Warrants Approved June 18, 2019	\$167,430.37
Enhanced 9-1-1 Fund	\$ 134.65
Martin Co. Economic Development Fund	\$ 6,743.54
Solid Waste Management Fund	\$ 36,549.16
Law Library Fund	\$ 1,868.39
Building-CIP-Fund	\$ 3,967.04
Human Service Building Fund	\$ 6,792.86
Refunding Fund	\$ 1,330.00
Miscellaneous Tax Fund	\$ 546.00
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Total	\$225,362.01
Road and Bridge Funds Totaled	\$ 30,307.62
Martin County Ditch Funds Totaled	\$ 8,894.34

Higgins presented a brief update on recent Personnel Committee matters and that consideration of items will be presented at the July 2, 2019 regular Board of Commissioners meeting.

Commissioners reviewed their calendars of previous and upcoming meetings and activities: June 5, 2019 – AMC's District 7 Spring meeting at St. James, Minnesota, Martin County Veterans Memorial Committee meeting; June 7, 2019 – Human Services Executive Committee meeting and F-M Joint County Transit Executive Committee meeting; June 8, 2019 – Interlaken Heritage

Days Parade at 6:00 p.m.; June 11, 2019 – Library Board meeting, Insurance Committee meeting, and Martin County Substance Abuse Prevention meeting; June 12, 2019 – Extension Committee meeting; June 13, 2019 – Soil and Water meeting; Prairieland Full Board meeting, F-M Joint County Transit Full Board meeting, and Drug Court Steering Committee meeting; June 16, 2019 – Sherburn Holiday Festival Parade; June 17, 2019 – Workforce meeting in Mankato, Minnesota; June 18, 2019 – Martin County Board of Equalization meeting at 6:30 p.m.; June 19, 2019 – Human Services meeting in Blue Earth, Minnesota, One Watershed One Plan meeting, Region 9 meeting, and Census meeting with the City of Fairmont; June 20, 2019 – Feedlot meeting, Traverse des Sioux Library meeting in Mankato, Minnesota, and Compensation Advisory Committee meeting at 1:30 p.m.; June 24, 2019 – Fairmont Area Kinship meeting and Planning and Zoning meeting; June 29, 2019 – Ceylon Parade – 2:30 p.m. lineup; July 2, 2019 – next regular Board of Commissioners meeting at 9:00 a.m. – Commissioners Meeting Room – Courthouse; July 3, 2019 – Martin County Veterans Memorial Committee meeting; July 4, 2019 – 4th of July holiday observed – Courthouse Closed; July 10, 2019 – Department Directors meeting at 8:30 a.m.

With no further business to wit,

Motion by Commissioner Koons, seconded by Commissioner Flohrs, to adjourn the meeting. Carried unanimously.

Meeting adjourned at 5:47 p.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Kathy Smith, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator