

PROCEEDINGS OF THE
MARTIN COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 19, 2020
@ 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 Steve Flohrs via WebX (video conferencing due to the COVID-19 Virus pandemic). Commissioners present via WebX were Kathy Smith, Elliot Belgard, Steve Flohrs, Tom Mahoney, and Richard Koons. Present in the Board Room were Scott Higgins, Martin County Coordinator, Leigha Hauglid, Human Resources Manager, 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 Mahoney, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda for the May 19, 2020 regular Board of Commissioners meeting. Roll Call AYES: Commissioners Koons, Smith, Mahoney, Belgard, and Flohrs. NAYS: None. Motion carries.

Motion by Commissioner Smith, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the May 5, 2020 regular Board of Commissioners meeting. Roll Call AYES: Commissioners Koons, Mahoney, Belgard, Smith, and Flohrs. NAYS: None. Motion carries.

Abigail Nesbit, Emergency Management Director, was present via WebX to provide a COVID-19 pandemic update. Nesbit noted as of yesterday if you look on the Minnesota Department of Health (MDH) website Martin County has 120 active cases; but, public health on their Facebook page has reported 119. With that, we have 7 active cases so the majority of our cases are recovered. But, on Sunday we did have our 5th death and it was somebody in their 80's. The state as a whole is 59% recovered which is the highest recovery rate we've seen yet so far during this pandemic and hopefully we're on the right track. Hopefully if people continue to social distance and wear masks and remain smart, since technically the Stay at Home Order was lifted. Nesbit went on to note along those same lines even though the Stay at Home Order has been lifted we have moved into a Stay Safe Minnesota which is where shops can open but they can only have 50% of their capacity in the stores and they must have a safety plan in place. It is hard to enforce the safety plan. The only answer to any issues with that is if people are complaining about it the state can come in and ask for their safety plan otherwise unless no one complains or brings it up then it is going to be hard to enforce or see who is following those orders from the Governor. Nesbit also noted we're still recommended to wear our masks and stay in groups of 10 or less while maintaining social distancing so that hasn't changed a lot. The Governor is really trying to slowly move the dial from being closed and staying at home and isolating to slowly opening things up again. So, June 1st we should be seeing the bars and restaurants opening along with the other things that have been closed.

Chairman Flohrs thanked Nesbit for the COVID-19 pandemic update.

Burt Bonser, citizen, was present to address the Board regarding a charge dispute on an After the Fact building permit issued through the Martin County Planning and Zoning Office for placing a 12 x 20 shed on his site without a building permit. Bonser noted he and his wife are law abiding citizens and don't intentionally break the rules. We put that shed on a slab of concrete that was already there and there was a shed there at one time; but, it was taken out before we ever moved there. The shed has skids under it so I thought if I didn't want it there I could always move it. Never gave a thought about a permit because in the past didn't need one because it wasn't a fixed building. I don't know when that has changed and haven't thought about it since.

Bonser went on to note the shed was delivered to me on October 19, 2016 almost four years ago. My biggest beef is I got your letter April 25, 2020 and it said it was created April 23, 2020. The picture was before last winter because things were moved before winter. Why wasn't I contacted? Someone come out, a letter, or even a phone call to let me know to get the facts straight that I did not build a shed. They stated I built a shed. I did not build it. I knew if I built it I would need a permit if it was a fixed building. And, if I would have been told about it, I would have come and got a permit. I think that \$150 is kind of high for a permit and the \$500 is just totally unfair I feel. And, I don't know if permits go by size or what they go by. On May 2, 2020 I get this (Planning and Zoning Office Newsletter). My wife has been there seven years and I have been there four years and we have never got this sent to us. There's information in here that would have been helpful. It talks about land use and buildings. So why is that not after the fact? You should get that to everybody that buys a place. That should be sent to them right away so they know. I worked for the waste water department for three years in Sherburn and ten years in Wabasha and as far as I know their permits are like \$35 and you didn't need one if you had skids on it. I put one right outside my garage there and never had to get a permit for that. I guess that's my biggest complaint is that I wasn't given a chance to pay just the fee itself. And another thing when I did call the place you guys said that well this farmer was farming his land for 50 years and somebody put up a shed and then he couldn't hardly make the turn anymore. Well, that's putting everybody in the same category and if that's the case well then that building had to be in the wrong place and then okay maybe he should be punished. But, everybody can't be put in the same category. I guess that's all I have right now. I do have some other questions on things but we'll take that up another time.

Commissioner Belgard noted I understand the problem that Mr. Bonser has. But about given a chance to pay...you were given a chance to pay that permit prior to getting it and I get that you didn't understand that you had to. But if we don't have people pay and then we let them pay the same amount afterwards nobody is going to get building permits. There has to be some kind of penalty for not getting it. Building permits aren't anything new. We've had them for decades. So, when we have people come in every time that say they didn't know they needed one, well in fact, yes you do need one, and I don't see that we're going to be able to offer any kind of satisfaction to Mr. Bonser on this. If somebody doesn't like the way we do things we have to change the way we do things. But that's the way the statutes are in place at this time.

Chairman Flohrs noted he agrees with Commissioner Belgard. The County has fee schedules set in place and we can't deviate from it.

No action taken on Bonser request regarding After the Fact building permit.

Phillip Bettin, citizen, was present to address the Board regarding a charge dispute on an After the Fact building permit issued through the Martin County Planning and Zoning Office for constructing a grain bin (3250 BU) on his property without obtaining a building permit. Bettin noted he received an After the Fact violation for moving an 18 foot diameter government bin which already was on my place. All I was doing was putting a new foundation underneath of it. The bin was there. It was not in violation of any boundaries from the road or from the edge of the property so it actually shocked me because I'm thinking it's a little different if you're putting a new roof on a building except in my case if you want to keep using this structure you've got to do this. Bettin went on to note my big grievance is going back to 2017 or 2018. We had a meeting in Welcome, most of you commissioners I think were probably there, and we had an attorney come in I think his name was Ruby, and I thought back then it was decided it was unconstitutional to send out these violations. So my question to you is when did you decide to send these violations out. Is that in one of your minutes or...

Pam Flitter, Planning and Zoning Director, was present and noted back on February 6, 2018 the Beacon flyover was approved and brought forward to the County Board and part of that was to have the Pictometry and do a comparison photo like we had done three years ago. So that was approved at that time.

Terry Viesselman, County Attorney, it is in our Ordinance, it is constitutional, and I didn't put a lot of stock into what that attorney said. I was present at that meeting and it didn't change our opinion then and it shouldn't now.

Bettin noted so in my case I think my structure already was there and it is still there. It's not like I moved it in. So I'm thinking anybody moving a portable building across their yard...I mean if it was already there...this sounds ridiculous.

Flitter noted the building was in another location on the site. Bettin actually poured a new concrete pad and put the bin on a new concrete pad. It is going closer to a property line. He still meets the setbacks but it still goes closer to a property line.

Commissioner Belgard noted I would like to ask Pam (Flitter) a question. According to our programs and statutes and ordinances it still would require a permit to move that, correct?

Flitter answered correct, yes. And we follow the Martin County Ordinance. The Zoning Ordinance that is in place. Part of that ordinance is there is the ability for people, if they don't agree with the Planning and Zoning Department's direction, they can apply for an Administrative Appeal. With an Administrative Appeal there's a form that they fill out, a fee that they pay; it goes before the Board of Adjustment. The Board of Adjustment reviews the concern that the applicant or the landowner would have and then they look at what the Planning and Zoning's interpretation of administration was and they make a decision. Once their decision is made it is final. It does not come to the County Board. It goes to Court of Appeals if someone would want to appeal it further. So there is a process in place for this type of thing if the landowner or applicant wants to pursue it.

Commissioner Koons noted you know we're looking at two different cases today. The first one a new building was brought in. When somebody is inside of the setbacks and they move something on their own property we need to tread lightly. He moved a building that was already there. He didn't bring a new building in. He didn't build a new building. Yes, he moved it from point A to point B to make it easier for him to make a decent floor underneath it. I really think we're treading through different waters here. And, if this is the case that we've got this ordinance that does not anywhere in it define a structure, then maybe it's time we start looking at this ordinance.

Commissioner Belgard noted you are right in that regard. But, what we can do today is only enforce the ordinances that are there. And I think we've heard from Pam (Flitter) that this did require a building permit and there is really nothing we can do about it. We talk about these things at different times, about every three years, about how we should be doing something different. But, they did a comprehensive plan about twelve, thirteen, fourteen years ago and the Planning and Zoning Board put a lot of thought into this and this is what they came up with. And, we don't have any choice but to enforce it just the way it is now. If we're going to change it, then we have to change it at a different meeting. But as for today I don't think there's any action for us to take.

Chairman Flohrs noted I don't believe there's anything we can do today either. The way it looks to me is you moved a bin onto another permanent site. You didn't get a building permit so now you're going to have to pay the fee.

No action taken on Bettin request regarding After the Fact building permit.

Jason Swanson, Minnesota River Area Agency on Aging, Inc., was present via WebX and provided a Minnesota River Area Agency on Aging overview. The Minnesota River Area Agency on Aging provides advocacy, information, resources and assistance so that older adults can maintain the lifestyle of their choice.

Robert Long, Larkin Hoffman Attorneys, was present via WebX and provided an update on the status of the County's bonding request HF 1075 and SF 1222 for the proposed Justice Center. Long noted I wish I could give you some big new news, but the truth of it is the Legislature adjourned at midnight on Sunday night, which is the end of the regular constitutional session, and they did not complete a bonding bill at all.

Long went on to note so what we know to be the case right now, that the majority leader Senator Gazelka reached an agreement in the final hours with House Speaker Hortman, that they agree on an overall size of a bonding bill somewhere between \$1.1 and \$1.3 billion dollars. What happened prior to that is the House bill which was authored by Representative (Mary) Murphy of the Democratic majority, that bill was in excess of about \$2 billion dollars. That bill contained \$2,167,000 for the Martin County Justice Center. So not the total amount we asked for (\$20 million), but because of competition in the budget, they put our number at that number.

Long also noted we don't agree with this but their thinking was at least that got us into a pre-design/design engineering stage and that would have at least got us in the hopper for future

requests. So, that's what their thinking was at the time. And I think the argument we heard was, the reason the \$20 million wasn't available, is that the overall number of requests that came in this year in the bonding year were so much greater. Long went on to note that was the House side and that bill got voted down on Saturday.

Long noted what we assume is going to happen now is there will be an agreed upon amount somewhere between \$1.1 billion and \$1.3 billion. It appears that there will be a special session at the Legislature starting on June 12, 2020. Everybody has said there is a commitment to pass a bonding bill so I believe there will be a bonding bill. I believe it will be taken up at that special session in June and we still are in it and we're fighting for our money and I think we've still got a chance. If Senator Rosen is able to find the additional dollars in the Senate bill to get us to near our full funding request of \$20 million or something near that for a full new construction of course that would be ideal. And that's what we've asked her, to make that a priority. And if there's additional money in the Senate bill, which there will be, that maybe gives her a chance to do that. If that isn't possible, we're hoping to get the \$2.1 million that was in the House version for the predesign/design engineering/site preparation costs. The difference would be that we would ask that they would strike the requirement of a local match so we could use just state bonding money to do the design work and not have to levy to match it locally. So that's what we're trying to accomplish going into this special session with the bonding bill being the number one priority.

Kevin Peyman, County Engineer, was present via WebX and provided a Highway Department update noting the maintenance crew has been completing the normal spring and summer activities and I feel good where we are especially compared to where we were the last couple of springs/early summers at this time of the year with crack filling and also trying to stay ahead on the gravel maintenance. We've been digging out a few of the bad spot that were left over from last year but it is considerably less than in the past at this time of the year. So overall I'd say our gravels are in decent shape.

Peyman went on to note from a construction standpoint I've talked to Duininck a few times. We still don't have exact dates pinned down for the paving contracts for this year that we've let so far, but they are saying their goal right now is to be paving, actually laying hot mix, by early July. We're hoping to get more firm dates on that one as it is going forward, but so far this is still their main project for the year so I don't think it's going to get pushed real late like sometimes happens. And on that note, on the CSAH 54 project, Brunz has been making pretty good progress this year and I feel a lot better for where they are. We actually have a June 12, 2020 letting set for the bituminous portion of that contract. So that will come to the June 16th meeting, to award the bituminous, so we can get that paved. That will probably be a late summer/fall paving so we'll get that paved yet this summer as well.

Jeff Markquart, Martin County Sheriff, was present via WebX to recommend the hire of Parker Stevens as Seasonal Water Safety Patrol Deputy for the Martin County Sheriff's Office, effective May 22, 2020. Markquart noted Stevens worked for Martin County in this position last year and recommends the hire.

Motion by Commissioner Smith, seconded by Commissioner Koons, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of the Martin County Sheriff, hereby approve and authorize the hire of Parker Stevens as part time Seasonal Water Safety Patrol Officer for the Martin County Sheriff's Office at \$20.00/hour, effective May 22, 2020. Roll Call AYES: Commissioners Mahoney, Belgard, Koons, Smith, and Flohrs. NAYS: None. Motion carries.

Markquart noted it has been brought to our attention, because of Granada Huntley East Chain (GHEC) School closing on March 17th, the School Resource Officer (SRO) has not been at the school and has been filling patrol shifts for the Martin County Sheriff's Office. Markquart went on to note I believe the last scheduled day of school is on June 2nd. My recommendation to the Personnel Committee was that the Sheriff's Office take those 54 days and cover GHEC's expense of the SRO.

Higgins noted the GHEC School District is requesting reimbursement for School Resource Officer (SRO) services due to school closure resulting from the COVID-19 pandemic. GHEC pays 66% of the annual cost of a full time SRO and the Martin County Sheriff's Office funds the remaining 34% of the associated yearly cost of the SRO. The estimated refund amount is \$13,322.60.

Discussion ensued pertaining to length of the SRO Contract and that there is no contract language addressing reimbursement for early dismissal or late start to the school year.

After discussion,

Motion by Commissioner Mahoney, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of the Martin County Sheriff, hereby approve and authorize reimbursement to the Granada Huntley East Chain School District for 54 days that the School Resource Officer was not on duty due to early closure of school related to the COVID-19 pandemic. The reimbursement is estimated at \$13,322.60 and will be expended from the Martin County Sheriff's Office budget. Roll Call AYES: Commissioners Koons, Belgard, Smith, Mahoney, and Flohrs. NAYS: None. Motion carries.

Kristie Gaalswyk-Pomerenke, 4-H Program Coordinator, and Craig Taylor, Extension Regional Director with the U of M Extension, were present via WebX to provide a programming update including moving forward with their intent to hire a summer intern to aid in connecting with our youth and running virtual format summer programs with our youth in this time of social distancing and COVID-19.

Commissioner Mahoney inquired if the Martin County Fair was cancelled or just on hold.

Gaalswyk-Pomerenke noted I have not heard anything definitive. I know they're assessing their options just like we are and I don't know anything for certain. That's a Fair Board decision.

Jessica Korte, Auditor/Treasurer, was present via WebX to recommend the hire of Christine Hasek as Account Technician I in the Auditor/Treasurer's Office, effective May 20, 2020.

Motion by Commissioner Belgard, seconded by Commissioner Mahoney, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of Auditor/Treasurer, hereby approve the hire of Christine Hasek as Account Technician I for the Martin County Auditor/Treasurer's Office at Grade 10 Step 1 at \$19.37/hour, effective May 20, 2020; is eligible for full benefits as it applies to this position; and is subject to successfully serving a twelve (12) month probationary period in this position. Roll Call AYES: Commissioners Koons, Smith, Mahoney, Belgard, and Flohrs. NAYS: None. Motion carries.

Mike Sheplee, Assessor, was present and noted Adam Smith has made application to the County for the Housing Tax Abatement Program. I've been out to review their property and confirm that no construction has begun on the property site located at 2312 Red Bird LN in Fairmont, MN. Sheplee went on to note Smith has met all the requirements the County has set forth and at this time it is time to move ahead to the next step which is to set a public hearing regarding the proposed property tax abatement and recommends the date of June 2, 2020 at 10:00 a.m.

Motion by Commissioner Koons, seconded by Commissioner Smith, Be It Resolved that the Martin County Board of Commissioners, hereby set a public hearing date and time to consider tax abatement to Adam and Amanda Smith of property taxes to be levied by the County for new construction of a single family home in Fairmont, MN. Public Hearing will be held on Tuesday, June 2, 2020 beginning at 10:00 a.m. in the Commissioners Meeting Room – Martin County Courthouse. Roll Call AYES: Commissioners Belgard, Mahoney, Smith, Koons, and Flohrs. NAYS: None. Motion carries.

Higgins noted on October 1, 2019 the Board approved and accepted the bid received from B&H Petroleum (\$5,262.00) for removal of the Security Building Emergency Generator underground fuel tank due to the Minnesota Pollution Control Agency's (MPCA) requirement for removal of the tank before the ground was frozen. As we worked through getting final specs on the Emergency Generator Replacement Project it was determined that Wold Architects and Engineers would forward a proposal request to DeWar Electric to make this project part of their current contract as a change order. Higgins recommends the Board rescind the contract proposal from G&H Petroleum Equipment Company in the amount of \$5,262.00 for Tank and Line Removal of the underground fuel tank (Security Building Emergency Generator Replacement Project).

Motion by Commissioner Smith, seconded by Commissioner Mahoney, Be It Resolved that the Martin County Board of Commissioners, hereby rescind B&H Petroleum Equipment Company's Contract Proposal in the amount of \$5,262.00 for removal of the Security Building Emergency Generator underground fuel tank. Roll Call AYES: Commissioners Koons, Mahoney, Belgard, Smith, and Flohrs. NAYS: None. Motion carries.

Commissioner Koons presented and reviewed a resolution to consider modification of the Governor's Executive Order #20-04 recalling the closure of bars, restaurants, and other places of public accommodation, allowing the opening of these establishments, who will follow requirements of social distancing, safety, and follow state, local and CDC guidelines.

Koons noted it's not really doing anything other than our recommendation to the Governor that he needs to open things up. We've got businesses that are crashing daily that aren't going to reopen. He can't continue to kick this down the road. I was in Iowa most of last week and ate in restaurants like a real person. They've got half of their tables closed, their bar stools are up on their bars. But, we've got businesses that are crashing daily here and this is just a recommendation to the Governor to stick by his word and open up on June 1st.

Commissioner Belgard noted I don't have any problem with the way the Governor has really handled this situation and I think for the health and safety of the citizens of Martin County he probably did the right thing. I think the premise of flattening the curve was probably good and it did probably help the medical community prepare for this fight. But, unfortunately, it hasn't really flattened the curve as much as we'd hoped. But it certainly has flattened our economy and I think if we can't get it back open pretty soon it's going to be too late. That being said, I think the Governor is already going in that direction. We need to get things opened up.

Commissioner Smith noted I agree with Commissioner Belgard that we need to get things opened up. But, as a County, we've had more cases happen than many other counties in the state and our cases are still increasing every day. This has been devastating for our businesses and we realize that. But Governor Walz is moving toward the June 1st date to open up and I think we need to defer to the experts on this. So it is important I think that we follow the guidelines of the Governor.

Commissioner Koons noted we're not changing anything here in the County other than it's our recommendation that we need to get our economy rolling. We've got businesses that have already told me they're not going to be able to reopen. If I can shop in Walmart I should be able to shop at Maurices across the road this whole time, in my book. This is not changing anything other than asking the Governor to please stay by his word, get these stores and restaurants and bars open again so these people can make a living.

Motion by Commissioner Koons, seconded by Commissioner Belgard,

R-#35/'20

RESOLUTION
MODIFICATION OF EXECUTIVE ORDER 20-04 and ALL RELATED SUBSEQUENT
EXECUTIVE ORDERS

WHEREAS, Governor Tim Walz issued Executive Order 20-01 on March 13, 2020, declaring a peacetime emergency because of COVID-19 pandemic; and

WHEREAS, on March 16, 2020, Governor Tim Walz issued Executive Order 20-04 ordering the closure of bars, restaurants, and places of public accommodations. This order required Minnesota to take additional proactive measures to slow the spread of this pandemic; and

WHEREAS, Martin County, MN has followed these Executive Orders and recommendations of the “Stay at Home” order that was originally issued on March 27, 2020 and was extended per Executive Order 20-48 and is to expire on May 17, 2020; and

WHEREAS, Martin County businesses have followed the Executive Orders; and

WHEREAS, Martin County, MN; and

WHEREAS, this order has caused undue hardship and financial loss to many businesses, both large and small, many of whom may never recover from this financial catastrophe. Businesses continue to have financial strain due to insurance, taxes, rent, electrical, heating and other costs; and

WHEREAS, this continued order has affected their base of employees, many of them cannot withstand the loss of wages and will be seeking other employment. This will cause undue hardship and financial impact to owners as they try to hire and train new staff; and

WHEREAS, Rural Minnesota has followed the CDC Guidelines and under the Federal Regional Gating requirements.

NOW, THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners advise and encourage Governor Tim Walz to recall the Order of March 16, 2020, requiring the closure of bars, restaurants, and other places of public accommodations, allowing the opening of these establishments, who will follow requirements on social distancing, safety and follow state, local and CDC Guidance.

Motion by Commissioner Koons, seconded by Commissioner Belgard, said resolution was denied this 19th day of May, 2020. Roll Call AYES: Commissioners Belgard and Koons. NAYS: Commissioners Mahoney, Smith, and Flohrs.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Flohrs, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Belgard and Koons. NAYS: Commissioners Mahoney, Smith, and Flohrs. Resolution denied this 19th day of May, 2020.

Higgins noted with the recent lifting of the Stay at Home Order (20-48) to expire May 17, 2020, Higgins recommends continuing the way we have been operating and continuing payment of employees until June 1, 2020. At that time, we would have all staff come back to work; and anticipated opening of the courthouse and implementing a preparedness plan and development of

a policy for the return of employees and preparedness for handling of the public. Higgins went on to note part of the proposal is to give us time to meet with each department and make sure their needs or concerns are met and to get an understanding of their flow of traffic so we can mark social distancing at their counters.

Leigha Hauglid, Human Resources Manager, was present to review a list of plan recommendations, noting the five sections of the plan include:

- Make sure sick workers stay home
- Social distancing – Workers should be at least six feet away from each other
- Worker hygiene and source controls
- Workplace cleaning and disinfecting
- Additional protections and protocols for drop-off, pick-up and delivery

Commissioner Belgard inquired if we are coordinating this with the courts and have we been in contact with the 5th Judicial District on how they're going to go about it when and if they open and when and how we're going to handle that?

Higgins noted yes we have and will continue to work together through the reopening of the courthouse.

Motion by Commissioner Mahoney, seconded by Commissioner Koons, Be It Resolved that the Martin County Board of Commissioners, hereby amend Resolution #36/'20 to extend continuation of operation and payment of employees as stated in the aforementioned resolution until June 1, 2020; and to develop a Preparedness Plan Policy for the implementation of policies and procedures in continuing county operations and meeting the public needs due to the COVID-19 pandemic.

R -#36/20

AMENDED
RESOLUTION APPROVING THE PAYMENT OF EMPLOYEES
IMPACTED BY THE MN EMERGENCY EXECUTIVE ORDER 20-20, 20-33, 20-48

WHEREAS, the United States and Minnesota are under state and federal emergency declarations due to the COVID-19 pandemic; and

WHEREAS, a stay-at-home order has been imposed in Minnesota to help slow the spread of the COVID-19 virus effective 11:59 AM on Friday, March 27, 2020 through Friday, April 10, 2020 at 5:00 PM; and

WHEREAS, the Martin County Board wants to look out for the well-being of its staff and their families during this pandemic.

WHEREAS, in accordance with the stay-at-home order, some employees of Martin County may be considered essential or non-essential; and

WHEREAS, every attempt will be made to have those employees, that are capable, work from home in accordance with the stay-at-home order in conjunction with the county's interim Emergency Remote Work Policy; and

WHEREAS, in accordance with the stay-at-home order, Martin County will determine the minimum personnel necessary to maintain governmental operations; and

WHEREAS, Martin County has already budgeted the salaries and benefits for all its employees for the year 2020;

THEREFORE, BE IT RESOLVED, that the Martin County Board of Commissioners authorizes the full payment of salaries and benefits to all employees, including employees who have work hours reduced due to a stay-at-home order from the COVID-19 pandemic; and

BE IT FURTHER RESOLVED, employees who have work hours reduced due to a COVID-19 stay-at-home order do not need to use paid leave time to receive their full salaries and benefits; and

BE IT FURTHER RESOLVED, this resolution operates in conjunction with the interim COVID-19 Program and personnel policies which includes the Federal Families First Coronavirus Response Act.

BE IT FURTHER RESOLVED, this resolution will remain in effect in accordance with the stay-at-home order until 5:00pm April 10, 2020, unless amended or suspended, at which time the County Board of Commissioners, at its sole discretion, would consider further action.

THAT BE IT FURTHER RESOLVED, the Martin County Board hereby amends this “Resolution #29/’20 Approving the Payment of Employees Impacted by the MN Emergency Executive Order 20-20 to 2033” dated April 7, 2020, that if the Governor of Minnesota expands the time duration of the Stay At Home Order as established by Governor’s Executive Order 20-33, that the aforementioned resolution will be amended accordingly to reflect the new time duration for the stay at home provision;

Be It Further Resolved that per the new Governors Executive Order 20-48 Extending Stay-at-Home order has been imposed in Minnesota to help slow the spread of the COVID-19 virus extended until Sunday, May 17 at 11:59 pm; and furthermore in anticipation of the Governor extending via Executive Order the Board hereby approves to extend this resolution until June 1,2020, unless the Governor lifts the current Stay At Home Order (20-48), then the county would need to plan to bring back staff to Courthouse and return to their regular work schedules.

Dated this 5th day of May, 2020.

Steve Flohrs, Chair
Martin County Board of Commissioners

ATTEST:

Scott Higgins
Martin County Coordinator

Roll Call AYES: Commissioners Belgard, Smith, Koons, Mahoney, and Flohrs. NAYS: None. Resolution duly passed and adopted this 19th day of May, 2020.

Jonathan Loose, Wold Architects and Engineers, was present via WebX and provided an update on bids received for the Martin County 2020 Facility Improvements. Loose noted on Thursday, May 14, 2020 we received bids for the vehicle storage facility, counter at the Recorder's Office, and also the boiler replacement at the Human Resource Building. We found that we had a lot of interested bidders but at the end of the day we had one bidder that bid all three projects together and a single bidder that bid only the boiler replacement. Be that as it may, we were expecting a little bit higher turnout. I think that there's still some anxiety from contractors about the current COVID-19 situation. But, the one bid that we did receive for all three projects came in at \$489,000; about 10% higher than our expected budget. But, at this point we're still recommending and based on discussions with the Building Committee that you move forward with that project. The low bidder is RW Carlstrom out of Mankato, MN.

Loose went on to note we've done other projects with them with similar work. The other bidder that we received was slightly higher on the boiler project. But again, with all three bids together, they actually gave about a 5% discount on all of those projects combined. So that's why we're justifying awarding it to RW Carlstrom (for all three projects together). There was an alternate which at the vehicle storage facility our base bid had just a chip board and steel stud wall to separate the two areas to avoid the issue with fire protection and the alternate was to construct it out of all concrete block and that came in at \$45,500. With that cost and the benefit that you will see I think in our discussion with the folks at the County that \$45,000 could be spent elsewhere, so to not award that alternate. Carlstrom looked at the projected construction schedule that we had outlined and felt that they could probably improve upon that. Loose recommends bid award to RW Carlstrom.

Loose reviewed a rendering of the Recorder's Office Service Counter for commissioners to view.

Much discussion ensued including:

- Service Counter budget seems significantly larger than when we started out with this project.
- Garage Facility improvement cost significantly higher.
- Boiler Replacement Project costs will be expended from the Human Resource Building funds.
- Service counter storage.
- Ballistic glass all the way up to the ceiling vs. 9 feet in rendering.
- If there is a window in the door to the left of the counter in order for staff to see if someone has walked up to the counter.

After further discussion,

Motion by Commissioner Smith, seconded by Commissioner Belgard, Be It Resolved that the Martin County Board of Commissioners, after review of bids received and upon the recommendation of Wold Architects and Engineers, hereby award the bid for the Martin County 2020 Facility Improvements (Vehicle Storage Facility, Recorder's Office Service Window,

Boiler Replacement Project at Human Resources Building) to RW Carlstrom of Mankato, MN in the amount of \$489,000; and authorize the Board Chair or the County Coordinator to sign and execute the necessary documents for the listed projects. Roll Call AYES: Commissioners Koons, Mahoney, Belgard, Smith, and Flohrs. NAYS: None. Motion carries.

The Board reviewed Warrants, Auditor Warrants, and EFT Transactions to be paid May 19, 2020.

Motion by Commissioner Mahoney, seconded by Commissioner Koons, Be It Resolved that the Martin County Board of Commissioners, hereby approve Warrants, Auditor Warrants, and EFT Transactions to be paid on May 19, 2020, and includes the Martin County Highway Department and Drainage bills as presented. Roll Call AYES: Commissioners Belgard, Smith, Koons, Mahoney, and Flohrs. NAYS: None. Motion carries.

Warrants received and paid May 19, 2020, are registered on file in the Auditor/Treasurer’s Office as follows:

Revenue Fund – Warrants Approved May 19, 2020	\$150,786.85
Martin County Economic Development Fund	\$ 698.00
Solid Waste Management Fund	\$ 32,212.52
Law Library Fund	\$ 802.45
Building – CIP – Fund	\$167,881.61
Human Services Building Fund	\$ 9,755.50
Refunding Fund	\$ 16,468.41
Forfeited Tax Fund	\$ 47.65
Total	\$378,652.99
Road and Bridge Funds Totaled	\$100,554.61
Martin County Ditch Funds Totaled	\$429,066.51

The Board reviewed Reports and Announcements including: AMC’s District 7 Meeting scheduled for June 3, 2020; CY2020 First Quarter Department Budget Expenditures (placed in Commissioner Mailboxes); and Memo pertaining to CY2021 Preliminary Budget Request Procedures.

Commissioners reviewed their calendars of previous and upcoming meetings and activities: May 5, 2020 – regular Board of Commissioners meeting at 9:00 a.m. via WebX; May 6, 2020 – Martin County Veterans Memorial Committee meeting at the VFW Building, Commissioner Flohrs and Commissioner Smith met with Senator Popos on Bonding, Lobbyist Conference Call; May 7, 2020 – Justice Center Study Committee meeting, Department Director’s Meeting, and RCEF virtual Board meeting; May 8, 2020 – GBERBA meeting and F-M Joint County Transit Executive Board meeting; May 12, 2020 – Human Services Executive Board meeting, Library Board meeting, Lobbyist Conference Call, and Martin County Substance Abuse Prevention meeting; May 13, 2020 – Department Director’s meeting at 8:30 a.m. and Personnel Committee meeting; May 14, 2020 – Soil and Water Committee meeting and Personnel Committee meeting at 3:15 p.m.; May 15, 2020 – Prairieland meeting and Department Director’s meeting; May 18,

2020 – Minnesota Valley Action Council meeting; May 19, 2020 – regular Board of Commissioners meeting at 9:00 a.m. via WebX; May 20, 2020 – One Watershed One Plan meeting; May 21, 2020 – Travers des Sioux Library meeting; May 25, 2020 – Memorial Day Holiday – Courthouse closed; May 26, 2020 – Human Services Full Board meeting and F-M Joint County Transit Full Board meeting; May 27, 2020 – Southern Minnesota Multi-County HRA Board Virtual meeting; May 28, 2020 – Kinship of Martin County meeting; June 1, 2020 – Martin County EDA Virtual meeting at 5:15 p.m. and Rural Minnesota Energy Board meeting; June 2, 2020 – Extension Committee meeting at 8:00 a.m. and regular Board of Commissioners meeting at 9:00 a.m. via WebX.

Neal Meyer, citizen, was present via WebX to present his request Board consideration to fly the U.S. Flag upside down until all constitutional rights are restored to all Martin County Residents. Meyer noted in light of my recent petition to the commissioners to declare Martin County as a constitutional county, thereby giving us back our constitutional rights being denied, and basing the denial on advice and counsel from the county attorney I have a new request for you to consider in light of Mr. Koons saying, “sometimes it’s not about making a law but making a statement.” – My request is that you fly the United States flag upside down on all county owned flagpoles until every business and church in the county is fully reopened at the business owners' and Pastors', not the government's discretion, without fear of government reprisal for exercising their God-given constitutional rights and it is the opinion of the county commissioners that Martin County residents full constitutional rights are restored, intact and without fear of government reprisal for exercising them as such.

I am basing this request on U.S. Flag Code section §176. Respect for flag, which states, “No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor. (a) The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.”

I am here asking, Do you feel that churches being closed and prisons being opened presents a clear instance of extreme danger to life or property? Prisoners including child predators, rapists and murderers being released.

I am here asking, Do you feel that a business owner who is told you may not open your business under threat of being verbally harassed, fined, arrested or jailed is experiencing an instance of extreme danger to life or property?

I am here asking, Do you feel our ability to protest being stripped away via social media shutting down those trying to spread the word about peaceful gatherings is an instance of extreme danger to life or property?

I am here asking, Do you feel based on the increase in drug and alcohol use, increase in domestic violence, increase in suicide, increase in the avoidance of medical care, increase in depression, and increase in anxiety, all while putting us in plastic bubbles and trashing our immune systems presents an extreme danger to life or property?

I am here asking, Do you feel having local and county elected officials and local and county law enforcement doing what they're told instead of doing what's right presents an instance of extreme danger to life or property? Law enforcement does not have the right to take away rights. At what point do we stop doing what we're told and start doing what is right? Will it be when we're forcibly tracked under penalty of "law", or when we're forcibly vaccinated under penalty of law, or when we're forced to take a digital chip to buy or sell, or when we're forced into house arrest unless we'll "voluntarily comply" to be tested? These times in America sound a lot like the beginnings of 1930's Germany. So at what point *would* you feel we are in an instance of extreme danger to life or property?

I am here asking at what point as a collective will you stand up for your constituents? We've already lost our constitutional rights for more than two months. Your neighbors' lives and property are being taken away. Martin County residents deserve to know. As many governors across the country continue to escalate their newly found control I am asking at what point will our commissioners stand up and fight this oppression?

The Governor has no legal authority to do what he is doing, but he does have the force as he operates under the color of law.

- Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

I believe the U.S. Flag Code has section 176 specifically for a time such as this. Why would they put this section in if it isn't to be exercised when appropriate? When in the history of the United States has there ever been more an unconstitutional "instance of extreme danger to life or property" for all Americans than right now? Maybe the Civil War? In regards to constitutional rights, there never has been. Americans are being threatened with citations, fines and jail time for simply keeping their businesses and churches open. This is the most egregious overreach from government our country has ever seen and we are losing the United States as we know it before our very eyes."

"Flying the U.S. Flag Union down in these times with our current situation in Martin County, Minnesota, and across much of the country should not be considered in any form as a "desecration." It should be considered one of the most constitutional and patriotic things to do as our "lives and property" are being unconstitutionally stripped by government tyranny."

Perhaps you and your family really haven't had any major life changes because of everything that's going on. Perhaps you've already lost your livelihood and business. Most of us are somewhere in between, but to the people who the government has labeled as "non-essential," I am here to tell you, you are essential. We all are, and for the government to pick big-box retailers as "essential" and "Mom-and-Pop" shops as "non-essential" is ludicrous.

Russian Gulag prisoner Aleksandr Solzhenitsyn was asked, “At what point should we have done something?” His reply was “We should have done something when they came to take our neighbors stuff.” Well our neighbors stuff is being taken and I will stand up for them now.

These times really are a testing of America’s character, and I want to shine a light NOW on the suffering of others because history shows us that when we wait to speak up or take action it’s often too late.

If you have a better solution to immediately restore Martin County residents’ full constitutional rights I’m all ears.

Motion by Commissioner Belgard, seconded by Commissioner Mahoney, Be It Resolved that the Martin County Board of Commissioners, hereby deny request to fly the U.S. Flag upside down until all constitutional rights are restored to all Martin County Residents. Roll Call AYES: Commissioners Koons, Smith, Mahoney, Belgard, and Flohrs. NAYS: None. Motion carries.

With no further business to wit, Motion by Commissioner Mahoney, seconded by Commissioner Koons, to adjourn the meeting. Roll Call AYES: Commissioners Belgard, Smith, Koons, Mahoney, and Flohrs. NAYS: None. Motion carries.

Meeting adjourned at 11:03 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Steve Flohrs, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator