

This is a preliminary draft of the April 27, 2010 minutes as interpreted by the Clerk of the Board for use in preparing the official minutes. It is expected that there will be corrections, additions, and/or omissions before the final minutes are reviewed and officially approved by the County Board.

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The Board of County Commissioners of Fillmore County, Minnesota met in special session this 27th day of April, 2010 at 9:00 a.m. in the Commissioners' Board Room, Fillmore County Courthouse, in the City of Preston.

The following members were present: Duane Bakke, Marc Prestby, Chuck Amunrud, Randy Dahl, and Thomas Kaase. Also present were: Karen Brown, Coordinator/Clerk; Daryl Jensen, Sheriff; Karen Reisner, Fillmore County Journal; and Lisa Brainerd, Republican-Leader.

The Pledge of Allegiance was recited.

On motion by Amunrud and seconded by Kaase, the amended agenda was unanimously approved.

On motion by Prestby and seconded by Dahl, the Board unanimously approved the following Consent Agenda:

1. April 13, 2010 County Board minutes, as presented.
2. Overnight stay for Property Appraisers to attend required continuing education summer seminars in St. Cloud as recommended by Assessor Blagsvedt.
3. Appointment of Kristi Tangen to Community Corrections Task Force Committee as recommended by Commissioner Prestby.
4. Temporary closure of two blocks of CSAH 12 between St. Anthony Street and St. Paul Street and between St. Paul Street and Houston Street in Preston but leaving all intersections open for Trout Days activities on May 15, 2010 between the hours of 7:00 a.m. and 7:00 p.m. as approved by the Sheriff and Highway Engineer.
5. Temporary closure of CSAH 17 between Main Street and River Street for the period of 6:00 p.m. through 1:00 a.m. for street dances on May 15, 2010 for Trout Days as approved by the County Highway Engineer and Sheriff.
6. Use of courthouse parking lots for Trout Days activities on May 15, 2010 between the hours of 7:00 a.m. and 7:00 p.m. as approved by the Sheriff and Highway Engineer.
7. Renewal of Preston Golf Club Consumption and Display permit and 3.2 Beer license for the period of May 1, 2010 through May 1, 2011 as approved by Sheriff Jensen and Attorney Corson.
8. Renewal of Meadowbrook Country Club Consumption and Display permit and 3.2 Beer license for the period of May 1, 2010 through May 1, 2011 as approved by Sheriff Jensen and Attorney Corson.

On motion by Kaase and seconded by Amunrud, the Board unanimously approved the payment of the following Commissioners' warrants:

WARRANTS

The Auditor's warrants were reviewed.

Donna Rasmussen, Soil and Water Conservation District Administrator, was present. Rasmussen presented the Fillmore County shore land map that was completed in February by the Cannon River Watershed Partnership using the Geographic Information System and aerial maps. The maps show a total of over 600 miles of shore land. She also presented detail maps which use Light Detection and Ranging (LiDAR) technology to indicate water direction and the need for waterways. Rasmussen stated that both county and regional summaries will be available once the project is completed.

The Chair opened the Citizen Input portion of the meeting at 9:30 a.m. and as no one was present to

address the Board, the meeting resumed in session.

On motion by Prestby and seconded by Kaase, the Board unanimously approved to accept the resignation for retirement from Eugene Voight as Engineering Technician, Sr. effective Friday, May 28, 2010 and thanked him for his many years of service.

On motion by Prestby and seconded by Kaase, the Board unanimously approved to award the bids for the following aggregate rock hauled and stockpiled by the County to low bidder Bruening Rock Products at the recommendation of the County Engineer and at the low bid as follows: (Abstract of bids on file in the Highway Office)

- 6,709.5 tons for CSAH 7 (TH 80 to CSAH 5) at the low bid of \$6.539/unit for a total of \$43,873.42
- 5,008.5 tons for CSAH 11 (CSAH 12/118 to TH 52) at the low bid of \$6.437/unit for a total of \$32,239.71
- 6,804.0 tons for CSAH 30 (Granger to CSAH 44) at the low bid of \$6.539/unit for a total of \$44,491.36
- 5,670.0 tons for CR 102 (CR 101 to CSAH 1) at the low bid of \$7.199/unit for a total of \$40,818.33

On motion by Kaase and seconded by Amunrud, the Board unanimously approved to award the bids for the following aggregate rock hauled and stockpiled by the County to low bidder Milestone Materials at the recommendation of the County Engineer and at the low bid as follows: (Abstract of bids on file in the Highway Office)

- 6,331.5 tons for CSAH 15 (CSAH 44 to CSAH 22) at the low bid of \$6.539/unit for a total of \$41,401.68
- 3,118.5 tons for CR 117 (Lantern Road to Wykoff) at the low bid of \$6.437/unit for a total of \$20,073.78

On motion by Dahl and seconded by Kaase, the Board unanimously approved all the bids for 2010 aggregate stockpiling to be used at the convenience of the County as follows:

- Orval Sorum & Son - \$5.70 per ton and an additional \$.20 per ton if contractor loads County trucks
- Milestone Materials - \$5.34 per ton and an additional \$.35 per ton if contractor loads County trucks
- Bruening Rock Products - \$5.30 per ton and an additional \$.20 per ton if contractor loads County trucks

On motion by Prestby and seconded by Amunrud, the following resolution was unanimously adopted:  
**RESOLUTION 2010-026:** Education program grant from Winneshiek County Solid Waste Agency

On motion by Kaase and seconded by Dahl, the Board unanimously approved the engagement letter with Baker Tilly Virchow Krause for the 2009-2011 Audit as approved by the County Attorney's Office. (On file in the Auditor/Treasurer's Office)

The following committee reports and announcements were given: Bakke, Prestby, Amunrud, Dahl and Kaase - tour of County roads; Prestby – Zumbro Valley Mental Health; Bakke and Prestby – Dodge-Fillmore-Olmsted Advisory Board; and Bakke - Community Corrections Task Force.

Christopher Graves, Zoning Administrator, was present.

On motion by Kaase and seconded by Amunrud, the following resolution was unanimously adopted:  
**RESOLUTION 2010-027:** Conditional Use Permit for William Schmidt wind tower, Section 22, Sumner Township

Bobbie Jo Vickerman, City of Lanesboro; Cris Gastner, Fillmore County Economic Development Coordinator; and Ron Zeigler, SE MN Development Corporation, were present.

Brown reported that Fillmore County was notified in 2009 that dollars were allocated to Fillmore County for Recovery Zone Bonds. The amounts were \$1,291,000 for Facilities bonds and \$861,000 for Economic Development bonds. By resolution, the County Board turned these allocations over to Fillmore County cities in October, 2009. In discussions with the cities, only the City of Lanesboro has indicated that they may have need for these dollars.

Cris Gastner, Ron Zeigler and Bobbie Jo Vickerman requested that the County retain the Recover Zone Facilities bonds of \$1,291,000 for possible use for repair of the Lanesboro dam. They noted that the City of Lanesboro has not approved this bond, but want to retain the option to use the bond authority if necessary.

On motion by Dahl and seconded by Prestby, the Board unanimously approved to waive the Recovery Zone Economic Development bonds of \$861,000 and reserve the Facilities bonding authority of \$1,291,000.

Daryl Jensen, Sheriff, and Michael Ask, Chief Dispatcher/Jailer/Emergency Management Director, were present. Sheriff Jensen presented information about the State's plan to put control stations in all of the Public Safety Answering Points in the state. To do that, a limited participation plan is needed with Allied Radio Matrix for Emergency Response (ARMER) for control stations. The County also needs to enter into a subscriber agreement with MN Department of Transportation for the control station, which is actually another base station with the sole purpose of being dedicated to ARMER for interoperability. Neither Sheriff Jensen nor Chief Dispatcher/Jailer/Emergency Management Director Ask were aware of any costs to the County for this station.

On motion by Kaase and seconded by Prestby, the Board unanimously approved the Limited Interoperability Communications Participation Plan with the MN Department of Public Safety for an ARMER control station as recommended by the Jail Committee. (On file in the Sheriff's Office)

On motion by Amunrud and seconded by Kaase, the Board unanimously approved the agreement with the State of MN Department of Transportation for operation of subscriber radios on the ARMER system. (On file in the Sheriff's Office)

Sheriff Jensen continued by explaining that an agreement is needed to develop a migration participation plan for Fillmore County for interoperability. Originally, the intent was to move forward to begin plan development in March, but deadline seemed to be increasing the costs. After discussions with Houston County, it is being recommended that Fillmore County enter into an agreement with Short Elliot Hendrickson, Inc. (SEH) to share costs to develop a migration participation plan. These costs will be covered by a Homeland Security grant. As discussed at previous meetings, Sheriff Jensen stated that there are two ways to proceed to meet interoperability compliance and that is with full ARMER participation or phased. At the end of the study by SEH, information will be available to move toward narrow band compliance.

On motion by Amunrud and seconded by Prestby, the Board unanimously approved the agreement with SEH for development of an ARMER participation plan to migrate toward interoperability. (On file in the Sheriff's Office)

The following committee reports continued: Bakke – Extension and AMC Board of Directors.

Thomas Boyd, Community Services Administrator, and Ashley Stinson, Human Resources Officer, were present. There was discussion about the request to pay the lead Merit Office Support Specialist, Sr. position above the minimum. There will be increased supervision responsibilities and the wage is needed to retain separation between supervisor and subordinates.

A motion was made by Amunrud and seconded by Kaase to adopt the following resolution:

**RESOLUTION 2010- 028:** Hire Merit Office Support Specialist, Sr. at above minimum

The Chair called for a vote. Commissioners voting "aye": Bakke, Amunrud, Dahl and Kaase. Commissioners voting "nay": Prestby. The motion prevailed.

A motion was made by Dahl and seconded by Amunrud to appoint Charlotte Zeyer as Merit Office Support Specialist, Sr. at Merit Range 24/Step G, effective Friday, April 30, 2010. The Chair called for a vote. Commissioners voting "aye": Bakke, Amunrud, Dahl and Kaase. Commissioners voting "nay": Prestby. The motion prevailed.

A motion was made by Amunrud and seconded by Kaase to reclassify the Office Support Specialist, Sr. position in the Veteran Services Office to Merit Office Support Specialist, effective Friday, April 30, 2010 and for the incumbent to remain at current wage with only the addition of any board approved adjustments to the merit pay plan until incumbent can be placed on a Merit Plan Office Support Specialist step. The Chair called for a vote. Commissioners voting "aye": Amunrud, Dahl and Kaase. Commissioners voting "nay": Bakke and Prestby. The motion prevailed.

The Honorable Robert R. Benson and James D. Attwood, Court Administrator, were present. There was discussion about the changes in Minnesota Statutes that have resulted in higher court appointed attorney costs for the County. Chair Bakke stated that Fillmore County's costs have tripled in the last three years. It was clarified that court appointed attorneys are only required by State law for criminal cases where defendants have signed an affidavit and stated under oath that they cannot afford their own attorney. Eligibility is determined by comparison of their income and assets to poverty guidelines. Parental ability to pay cannot be considered when those before the court are 18 years or older.

Judge Benson stated that he reviews the applications for court appointed attorneys and stated that less than 5% of defendants do not have to pay for attorneys. The court appointed attorney hourly compensation is determined at the district level and invoices for payment must be broken down by six minute intervals.

Both the Judge and the County Board expressed the need to maintain a good working relationship with courts.

The following committee reports and announcements continued with Bakke and Prestby reporting on the Highway Committee. The revised five year road and bridge capital improvement plan was reviewed. Amunrud reported on legislation for a National Veterans Cemetery and announced that Household Hazardous Waste will be held on May 5<sup>th</sup> and an Eagle Bluff program on Monday May 10<sup>th</sup>.

On motion by Amunrud and seconded by Prestby, the Chair adjourned the meeting at 12:30 p.m.