

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
FEBRUARY 17, 2015

The Faribault County Board of Commissioners met pursuant to the recess of February 3, 2015 at the Courthouse in the City of Blue Earth at 9:00 a.m. on February 17, 2015. The following members were present: Bill Groskreutz, Tom Loveall, John Roper, Tom Warmka, and Greg Young Commissioners. Auditor/Treasurer/Coordinator John Thompson and County Attorney Troy Timmerman were also present.

The meeting was called to order by Chair Groskreutz.

The pledge of allegiance was recited.

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Warmka/Young motion carried unanimously to approve the synopsis and official proceedings of the February 3, 2015 regular meeting.

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Roper/Warmka motion carried unanimously to approve the agenda of February 17, 2015.

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The calendar was updated. No member of the public appeared to make comment.

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Committee reports were given. Young reported on the removal of the forfeited tax building and planning and zoning training in Mankato; Roper reported on township meeting, drainage workshop, joint Soil and Water/County meeting, and planning and zoning training; Warmka reported on AMC Futures and GBERBA; Loveall reported on Transit exec and Region Nine; and Groskreutz reported on planning and zoning training.

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Faribault County Development Corporation interim Director Bill Deblon and Administrative Assistant Ann Hanna met regarding office business.

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Soil and Water Feedlot Technician Shane Johnson met regarding feedlot business.

Warmka/Roper motion carried unanimously to approve the 2014 annual County Feedlot Officer report and authorize the chair's signature on the report.

A public hearing was held on a feedlot permit from Nathan Scheid for a proposed feedlot in the NW1/4 of the NW1/4 of Section 18 in Barber Township. No member of the public attended.

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Soil and Water Program Administrator Michele Stindtman met regarding office business.

Loveall/Young motion carried unanimously to set the public hearing for the Comprehensive Land Use Plan at 7:00 p.m. on March 10, 2015 at the Ag Center in Blue Earth.

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Warmka/Roper motion carried unanimously to approve a Sentence to Service program contract with the Minnesota Department of Corrections effective July 1, 2015 to June 30, 2017 at a total cost of \$120,531 which will be paid in semi-annual installments and authorize the Auditor/Treasurer/Coordinator to sign the contract.

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Warmka/Young motion carried unanimously to approve Resolution 15-CB-05 approving the annual Boat and Water Safety Agreement in the amount of \$3,900 and authorize the Chair and Auditor/Treasurer/Coordinator to sign agreement. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, that the annual county Boat and Water Safety Agreement for the County of Faribault for payment by the State of Minnesota in the amount of \$3,900 for the period from January 1, 2015 through June 30, 2016, is hereby approved and that Faribault County Sheriff Mike Gormley, Chairman of the Faribault County Board of Commissioners William Groskreutz, Jr., and Faribault County Auditor/Treasurer/Coordinator John Thompson, are hereby authorized to sign said agreement between the State of Minnesota, acting by and through the Commissioner of the Department of Natural Resources and the County of Faribault.

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Loveall/Young motion carried unanimously to approve requests from L. Krachmer to attend a 5-day Pace course in St. Peter and from R. Perrizo to attend a 4-day Mn County Highway Accountants conference in Alexandria.

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Public Works Director John McDonald met regarding office business.

Warmka/Young motion carried unanimously to approve Resolution 15-RB03-06 entering into a grant application through the Minnesota Department of Natural Resources to upgrade electrical services at the county parks. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

BE IT RESOLVED that Faribault County act as legal sponsor for the project contained in the Outdoor Recreation grant application to be submitted on February 17, 2015 and that the Faribault

County Engineer is hereby authorized to apply to the Department of Natural Resources for funding of this project on behalf of Faribault County.

BE IT FURTHER RESOLVED that Faribault County has the legal authority to apply for financial assistance, and is financially capable to meet the match requirement and ensure adequate construction, operation, maintenance, and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that Faribault County has not incurred any development costs and has not entered into a written purchase agreement to acquire the property described in the Cost Breakdown section on this application.

BE IT FURTHER RESOLVED that Faribault County has or will acquire fee title or permanent easement over the land described in the site plan included in the application.

BE IT FURTHER RESOLVED that, upon approval of its application by the state, Faribault County may enter into an agreement with the State of Minnesota for the above referenced project, and that Faribault County certifies that it will comply with all applicable laws and regulations as stated in the grant agreement including dedicating the park property for uses consistent with the funding grant program into perpetuity.

NOW, THEREFORE, BE IT RESOLVED that the Faribault County Auditor/Treasurer is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

The Board thanked John McDonald for his service to the County. This is his final meeting with the board.

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Central Services Director Dawn Fellows met regarding office business.

Warmka/Roper motion carried unanimously to approve an addendum to the master application with CNA for long-term care insurance that they will not accept new applications effective February 1, 2016.

Loveall/Roper motion carried unanimously to accept a grant from Statewide Heath Improvement Program in the amount of \$2,500 for use on work site projects.

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Warmka/Loveall motion carried unanimously to approve Resolution 15-CB-07 approving a credit card policy for Faribault County. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

R E S O L U T I O N

WHEREAS, the Faribault County Board of Commissioners has considered the need to issue county credit cards for business related purchases, and

WHEREAS, US Bank, Minneapolis, MN has approved issuance of credit cards with an overall credit limit of \$25, 000, and

WHEREAS, the following policy considers controls for the use of credit cards,

BE IT RESOLVED, that the following Credit Card Policy is hereby approved:

Faribault County Issued Credit Card Policy

1. Policy Statement

It is the policy of Faribault County to provide an effective and efficient tool for Commissioners and selected County employees to requisition, purchase and pay for goods and services used within the scope of their employment. This policy applies to all users approved by the Faribault County Board of Commissioners to do Faribault County business using a credit card issued in the County's name.

This policy ensures internal controls for authorized credit, ensures that Faribault County bears no legal liability from inappropriate use, provides a convenient credit method, minimizes the number of credit cards issued to reduce the risk of inappropriate use, and empowers authorized users to increase productivity, flexibility, and efficiency.

2. Statutory Authority

Authority to Establish – Minnesota Statute 375.171 Credit Cards

A county board may authorize the use of a credit card by any county officer otherwise authorized to make a purchase on behalf of the county. If a county officer or employee makes a purchase by credit card that is not approved by the county board, the officer or employee is personally liable for the amount of the purchase. A purchase by credit card must otherwise comply with all statutes, rules, or county policy applicable to county purchases.

3. Authorization

- Each Faribault County employee may be authorized by his/her department head or a delegate (depending on department policy) to request use of a County pool credit card for any approved purpose listed in this policy.
- A department head may request a County-issued departmental credit card by submitting a County-issued credit card form to the County Board. County Board approval is necessary for any department to obtain a County-issued credit card.
- The Auditor-Treasurer Office will process the approved request, distribute the card(s) and maintain a credit card inventory list.
- A department head may, at any time and without notice to the employee, cancel credit card use authorization for any of his/her employees.
- The Board of Commissioners reserves the right to cancel any individual cardholder privileges at any time.
- The Auditor-Treasurer Office and/or the County Board are authorized to cancel individual cardholders' privileges upon misuse of any County credit card or upon resignation or termination from Faribault County employment.
- On an annual basis, or as needed/requested, the Auditor-Treasurer Office will conduct a physical inventory of all County issued credit cards and report to the Board of Commissioners. Each cardholder will be required to physically produce their credit card.

4. County Issued Credit Card Account Limit

<u>Cardholder</u>	<u>Maximum Account Limit</u>
County Pool Card	\$10,000
County Department Heads	\$ 2,500
County Commissioner	\$ 1,000
County Employees	\$ 500

The County Board of Commissioners will approve all account limits. Any purchase exceeding the cardholder limit will not be allowed on any County issued credit card. Department heads may request a higher limit by submitting a Request for Board Action detailing the need for a higher limit.

5. Uses of a County Issued Credit Card

County issued credit cards are to be used only for conducting officially approved County business. Under no circumstances are they to be used for personal reasons.

1. Eligible – The credit card **may** be used to:
 - a. Guarantee rooms for conferences and/or meeting attendance.
 - b. Purchase lodging during overnight stays while attending authorized conferences, meetings, or training sessions.
 - c. Purchase supplies, materials, training, and Information-Systems approved software when purchase of the items by credit card is more time and cost efficient than if purchased by a county warrant. Expenditures of more than \$5,000 must be pre-approved by the County Board.
 - d. Purchase meals for prisoners during transport to/from jail or purchased.
 - e. Purchase meals for county employees when meetings are held during meal time.
 - f. Purchase meals for County Employees when a group of 2 or more attends an authorized meeting. Receipts must include names of all county employees present the meeting. Meals may not be purchased for non employees.
 - g. Purchase gasoline only when employee is authorized to use a **county owned** vehicle and for the county owned vehicle only.
 - h. Parking while at conferences, meetings, and training.

2. Ineligible uses shall include but are not limited to the following:

The credit card **may not** be used for:

- a. Personal purchases. Absolutely no personal use of the card is allowed.
- b. Meals except as listed above.
- c. Gratuities greater than official county policy.
- d. Gasoline for any personal vehicle.
- e. Back ordered items billed but not received.
- f. Cash advances.
- g. Alcoholic beverages.
- h. Purchase of any goods or services which are contrary to appropriate public purpose expenditures.

6. Procedure for Use of County Issued Credit Card

- Each cardholder is responsible to obtain an itemized proof of purchase for credit card use. A credit card receipt is not an official receipt. This documentation must be submitted to the Auditor-Treasurer Office within seven days of the purchase/charge or return to work when extended travel is involved (ex. A weeklong conference). If no documentation is produced to verify a purchase, the cardholder must immediately reimburse the County the purchase amount. If the County is not reimbursed within 30 days, the amount owed will be garnished from the employee's wages. Any use of a County issued credit card without proper documentation will be considered misappropriation of County funds. Misappropriation of funds is illegal based on the following Minnesota Statutes: M.S. 609.43 Misconduct of Public Officer or Employee, M.S. 609.465 Presenting False Claims to Public Officer or Body, and 609.52 Theft. This may result in criminal charges and/or disciplinary action up to and including termination of employment.
- The Auditor-Treasurer Office will reconcile the monthly statement and submit all original receipts and the billing statement on or before the due date for processing Commissioner's warrants.
- Faribault County will not be responsible for late fees or service charges due to the incomplete submission of documentation to the Auditor-Treasurer Office, rather the employee will be personally responsible if any such fees appear on the bill. If the County is not reimbursed within 30 days, the amount owed will be garnished from the employee's wages.
- After review by the County Board, any charge permanently denied for payment by the County Board will be immediately reimbursed by the employee who incurred the charge. If the County is not reimbursed within 30 days, the amount owed will be garnished from the employee's wages. Any purchase that after review is denied by the County Board is considered misappropriation of County funds. Misappropriation of funds is illegal based on the following Minnesota Statutes: M.S. 609.43 Misconduct of Public Officer or Employee, M.S. 609.465 Presenting False Claims to Public Officer or Body, and 609.52 Theft. This may result in criminal charges and/or disciplinary action up to and including termination of employment.
- Any over limit fees incurred on any departmental credit card will be the responsibility of the department. It is an individual departmental decision whether to assess the charge back to the department head or an individual employee. Over limit fees may not be paid from a departmental budget.
- The procedures and rules may be changed by County Board action at anytime deemed necessary.

7. Lost or Stolen County Issued Credit Cards

If a County issued credit card is lost or stolen, it is the responsibility of the card holder to notify his/her department head and the County Administrator or County Auditor-Treasurer immediately. Notification may be in person, by phone, by text or by email.

8. Disputed Charges

All billing statements must be carefully reviewed upon receipt to detect any questionable charges that may occur. It is the responsibility of the Auditor-Treasurer Office to notify a department head immediately if there is an unauthorized charge appearing on the billing statement. Credit card companies are not required to investigate a dispute if they are notified more than 60 days after the charge first appears on the statement.

9. Penalty for Misuse of County Issued Credit Card

Any deviation from this policy may be grounds for discipline up to and including termination of employment from Faribault County.

This policy can be amended at any time and without notice.

Warmka/Loveall motion carried unanimously to approve a credit card for John Thompson with a \$10,000 limit to be used for a procurement card.

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A public hearing was held at 11:15 a.m. before the Faribault County Board of Commissioners acting as the drainage authority for County Ditch (CD) 41. The hearing was to consider the construction of a road instead of a bridge or culvert under Minnesota Statute 103E.526 and Minnesota Statute 103E.701 subdivision 5. The hearing was called to order by the Chair.

County Auditor-Treasurer-Coordinator John Thompson presented an affidavit of mailing made to the landowner over which a proposed road and easement will traverse.

County Drainage Engineer Joe Mutschler reviewed an inspection report for a private bridge located in Section 29 of Elmore Township showing that the crossing is in need of replacement for safety precautions. The crossing is part of the CD41 system. The parcel needed for the easement is 07-029-0301 owned by Joseph James Sanders. Access is being given to a parcel owned by Elton and Sharon Rhoda.

An easement description and map prepared by Bolton & Menk, Inc. showed that the easement would be twenty-five feet wide and seventy-three feet long. The actual easement under consideration would be thirty feet wide by seventy-three feet long.

The Drainage Authority reviewed a viewer's report for the project. The viewer's report recommended a payment of \$400 for the .05 acre easement with an additional \$2,100 for compensation for the loss of tree seedlings to be removed and the cost of transplanting them. Total compensation for the easement would be \$2,500.00.

The cost of the project including the easement was estimated at under \$10,000. The cost of a similar bridge replacement over CD5 in 2008 was \$77,445. Commissioner Roper related the owner's desire to have a chain installed to limit access to the road. A key would be held by the owner of the area involved in the easement, the operator of the parcel needed access without the bridge, and the drainage authority.

The meeting was opened for public comment. No member of the public made comment. The meeting was closed for public comment.

Roper/Loveall motion carried unanimously directing staff to draft an order approving the purchase of the easement per Minnesota Statute 103E.526 and Minnesota Statute 103E.701 subdivision 5 with following findings:

1. That the private crossing in Section 29 of Elmore Township over County Ditch 41 is in need of replacement due to its age and condition.
2. That the Drainage Authority finds that constructing a private road would be more cost-effective and practical than constructing a bridge or culvert crossing.
3. That the viewer's report appears to be correct and is hereby accepted.

4. That Joseph James Sanders be compensated \$2,500 per the viewers report for a permanent easement providing access to the SE1/4 of the SE1/4 of Section 29 in Elmore Township.
5. That an adequate fence be installed to allow access by the landowner of the easement, by the landowner of the SE1/4 of the SE1/4 of Section 29 in which the private crossing will be abandoned and by the drainage authority and its representatives.

The hearing was adjourned.

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A public hearing was held before the Faribault County Commissioners acting as the Drainage Authority for County Ditch 3. The hearing was called to order by the Chair.

County Auditor/Treasurer/Coordinator John Thompson presented an affidavit of mailing for the hearing. He explained that the hearing was for the drainage authority to consider the incremental establishment of buffer strips pursuant to Minnesota Statute 103E.021 subdivision 6.

Faribault County Drainage Engineer Joe Mutschler presented an inspection report on the areas in sections 12 and 13 of Barber Township. The area has seen several repairs due to excessive erosion and sloughing caused by farming near the top of the ditch banks.

Viewer Mark Behrends presented a viewers report for the project. A total of 10.45 acres of a 16.5 foot buffer strip with a cost of \$82,482 and a right of way easement for future repairs and maintenance access of 38.65 acres of \$15,267 was recommended by the viewers.

The hearing was opened for public comment. Several landowners asked questions on how and when the buffers would be implemented. It was stated that the buffers would be implemented after repairs were completed although a temporary buffer may be planted to meet federal requirements. The hearing was closed for public comment.

Loveall/Young motion carried unanimously to direct staff to draft order for the buffer strip installation with the following findings:

1. That the buffer strips are necessary to control erosion and sedimentation and to maintain the efficiency of the drainage system pursuant to Minnesota Statute 103E.021 Subdivision 6.
2. That the viewers report is correct and is approved by the drainage authority.
3. That payment for the buffer strips is made to landowners on or near April 1, 2015.

The public hearing was adjourned.

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Roper/Young motion carried unanimously to pay bills totaling \$428,899.58 as follows:

COUNTY REVENUE FUND	\$ 172,886.26
PUBLIC WORKS FUND	68,164.76
HUMAN SERVICES FUND	168,801.00

DITCH FUNDS

19,047.56

\$ 428,899.58

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The meeting was adjourned for February 2015.

William Groskreutz Jr., Chair

John Thompson, Auditor/Treasurer/Coordinator

02-17-15

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