

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

December 13, 2012

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session December 13, 2012 at 8:30 a.m. at the Government Center in Austin, Minnesota.

All members present, viz: Mike Ankeny, Chair
 Raymond Tucker
 Jerry Reinartz, Vice Chair
 Tony Bennett
 Tim Gabrielson
 Craig Oscarson, County Coordinator

Department Head Report – Terese Amazi, County Sheriff

HUMAN SERVICES BOARD:

Overview of director's report. AMC Conference update. Affordable Care Act and Systems Modernization at DHS.

Commissioner Tucker moved and Commissioner Bennett seconded to approve payment of Human Services Accounts Payable. Motion carried.

Commissioner Reinartz moved and Commissioner Gabrielson seconded to approve a budget amendment in the amount of \$7,796.00 for EDMS platform for the RFP phase of the project. Motion carried.

Commissioner Gabrielson moved and Commissioner Bennett seconded to approve the revised County Assistance for Family and General Assistance Emergencies Policy. Motion carried.

Commissioner Bennett moved and Commissioner Tucker seconded to authorize the Chair to sign the Southeast Minnesota Chemical Dependency Pilot Project Cooperative Agreement for 2013. Motion carried.

Commissioner Bennett moved and Commissioner Reinartz seconded to authorize the Chair and the Director to sign the following Purchase of Service Agreements:

- a. Chang, Lee – renew contract for Mental Health Services, effective January 1, 2013 to December 31, 2013.
- b. Frank, Carlton & Gina – renew contract for Chemical Use Assessments, effective January 1, 2013 to December 31, 2013.
- c. Gerard – renew contract for Residential Services, effective January 1, 2013 to December 31, 2013.

- d. Minnesota State Operated Community Services (MSOCS) – approve amendment to contract for Home and Community Based Waiver Services, effective December 1, 2012 to June 30, 2013.
- e. Minnesota State Operated Community Services (MSOCS) – renew contract for Scanning Services, effective January 1, 2013 to December 31, 2013.
- f. Moran, Todd – renew contract for Mental Health Services, effective January 1, 2013 to December 31, 2013.
- g. Quality Case Management (Gary Corcoran) – renew contract for Mental Health Services, effective January 1, 2013 to December 31, 2013.
- h. Quality Community Services, Inc. (Gary Corcoran) – renew contract for Adult Mental Health Outreach Services, effective January 1, 2013 to December 31, 2013.
- i. Stegenga, Sue – renew contract for Mental Health Services, effective January 1, 2013 to December 31, 2013.
- j. Wapiti Meadows CT&S – renew contract for Mental Health Services, effective January 1, 2013 to December 31, 2013.
- k. Wapiti Meadows CT&S – renew contract for Mental Health Services, effective January 1, 2013 to December 31, 2013.
- l. Wapiti Meadows CT&S – renew contract for MFIP & DWP Work Program Services, effective January 1, 2013 to December 31, 2013.
- m. Workforce Development, Inc. – renew contract for MFIP & DWP Work Program Services, effective January 1, 2013 to December 31, 2013.

Motion carried.

Commissioner Tucker moved and Commissioner Gabrielson seconded to approve the destruction of designated Agency files in accordance with DHS Rules and Regulations. All previously approved files have been destroyed. Motion carried.

SOCIAL SERVICE ACTIONS:

Commissioner Gabrielson moved and Commissioner Tucker seconded to approve the Social Service Actions. Motion carried.

INCOME MAINTENANCE ACTIONS:

Commissioner Bennett moved and Commissioner Gabrielson seconded to approve the Income Maintenance Actions. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Bennett to adjourn the Human Services Board meeting at 9:42 a.m. Motion carried.

COUNTY BOARD

The Special Session of the Board was reconvened at 9:59 a.m. for regular business items.

Commissioner Bennett reported that based on a vacancy in the HHS the director reviewed staff options to continue and/or better service delivery. Four options were reviewed by the committee and the recommendation is based on budget concerns.

Motion made by Commissioner Bennett, seconded by Commissioner Tucker to eliminate the positions of Office Support Specialist and the split position of Child Support Officer/Support Enforcement Aide, and add the positions of Child Support Officer and Support Enforcement Aide and to authorize posting and filling both positions and any subsequent vacancies created by filling the positions. Motion carried.

Commissioner Bennett reported that due to the promotion of a property appraiser to County Assessor there is a vacant property appraiser position effective January 1, 2013.

Motion made by Commissioner Bennett, seconded by Commissioner Tucker to authorize the County Coordinator to post and fill the position of Property Appraiser Trainee in the Assessor's office and any subsequent vacancies created by filling the vacant position. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Gabrielson to amend Personnel Policy D150 Family Medical Leave Act policy by deleting all current language and replacing it with the following new language for Personnel Policy D150 Family Medical Leave Act Policy as follows:

**Section D150
Family Medical Leave Act (FMLA) POLICY**

The Family and Medical Leave Act (FMLA) entitles eligible County employees to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. For the purposes of this section, eligibility is limited to employees who have worked for the County at least one year and have worked 1250 total hours over the 12 month period preceding the leave date. Eligible employees are entitled to:

12 workweeks of leave in a 12-month period for one or more of the following:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or

*Twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave). Under the military caregiver leave provisions, an eligible employee is limited to a **combined** total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period. (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered servicemember.)*

For the purpose of determining the 12-month period, Mower County uses a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave

Notice Requirements:

When the need for leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment, an employee must give at least 30 day notice. In cases where this is not possible, or in unforeseen circumstances, the employee is responsible to notify the County as soon as practicable. Mower County reserves the right to deny a leave request without timely notice, as prescribed under law.

The employee is responsible to request a leave of absence in writing indicating at a minimum, the time period and qualifying reason for leave. Mower County requires medical certification for leaves regarding a serious health condition. Mower County retains the right to require a second or third medical opinion at its own expense and to seek recertification of a serious health condition in intervals as specified under law. Failure to provide a medical certification in the timeframe specified may result in the denial or delay of FMLA leave. Mower County has the right to require the employee to provide medical recertification as allowable under law.

Use:

Under some circumstances, employees may take FMLA leave intermittently – taking leave in separate blocks of time for a single qualifying reason – or on a reduced leave schedule – reducing the employee’s usual weekly or daily work schedule. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer’s operation. If FMLA leave is for birth and care, or placement for adoption or foster care, use of intermittent leave is subject to the employer’s approval.

FMLA leave often runs concurrently with short-term disability, workers’ compensation, or other paid leaves meeting the criteria for FMLA eligibility. The designation of leave time as FMLA is the responsibility of the employer; the employee does not determine when FMLA leave is designated. The employer must notify the employee any time that leave is designated as FMLA in the timeframes and manner as specified under law. Leave qualified under FMLA, as determined by Human Resources, is automatically approved time off and is not subject to Board action or supervisory approval regardless of whether the leave involves the use of an employee’s accrued paid time or is unpaid.

Spouses employed by the County will be eligible for no more than a combined 12 weeks of leave in a 12 month period where the leave is taken for birth or placement of a child for adoption or foster care or for care of a parent with a serious health condition.

Pay and Benefits:

FMLA is an unpaid leave per federal law. Employees are required to utilize their accrued benefit time prior to taking unpaid leave time except during the time period the employee is receiving benefits under a short or long-term disability plan or when FMLA runs concurrently with workers’ compensation.

Minnesota law allows for unpaid parental leave of up to six weeks; this leave runs concurrently with FMLA and does not extend the maximum of 12 weeks of leave for which the employee is eligible.

During the time an employee is on FMLA, the County is responsible to maintain its share of health insurance benefits. It is employee’s responsibility to ensure that his or her share of payment for health insurance benefits is received by the due date specified by the employer. Nonpayment, after all applicable grace periods have expired, may result in the termination of benefits; in some cases, retroactive termination of benefits may apply.

Accrued benefits, such as paid time off, will not accrue during any unpaid FMLA leave time. Employees will retain their original anniversary date for wage and benefit purposes and will have access to any unused accrued benefit hours prior to and/or during their leave upon their return. Benefit accrual will resume upon the employee’s return to paid status. Any increases in pay or changes in benefits that occur during the leave period will also be applied upon the employee’s return to work.

Return to Work:

An employee returning from a FMLA leave must notify the County at least two days prior to returning to work. In addition, an employee may be required to present a fitness for duty report prior to resuming work; the employer reserves the right to delay the return to work until appropriate fitness for duty clearance is received.

An employee returning from a leave of 12 weeks or less shall be entitled to be restored to the same position or an equivalent position to the one the employee held at the time the leave began.

Key Employee Exception:

Under specific and limited circumstances, where restoration to employment will cause the County substantial and grievous economic injury to its operation, the County may refuse to reinstate “Key” employees after using the FMLA. The conditions of this policy are as follows:

1. The County will notify the employee of his/her status as a “key” employee in response to the notice of intent to take a FMLA leave.
2. The County will notify the employee as soon as the decision is made that it will deny job restoration and explain the reasons in detail for said employee.
3. Offer the employee a reasonable opportunity to return to work from the FMLA leave after giving this notice.
4. Make a final determination as to whether a reinstatement will be denied at the end of the leave period if the employee then requests restoration.

The County finds a “key” employee to be one that is among the highest paid ten percent (10%) of all employees working within 75 miles of the worksite.

Failure to Return to Work:

In certain circumstances, if an employee fails to return to work, the County is entitled to recover its share of health premiums made on the employee’s behalf during the leave period. In other circumstances, as described in the law, the failure to return to work will not obligate the employee to repay the County’s share of health premiums paid during the leave period.

An employee that chooses not to return to work, or is unable to do so, shall be considered to have voluntarily resigned employment with the County.

Motion carried.

Date: December 13, 2012

Res. #79-12

RESOLUTION

On motion of Commissioner Tucker, seconded by Commissioner Gabrielson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 13, 2012 at the Government Center, Austin, Minnesota.

WHEREAS, Minnesota Statute 162.08, subdivision 4(3d), provides that accumulated fund balances in excess of two years of municipal account apportionments may be spent on projects located outside of municipalities under 5000 population when approved solely by resolution of the County Board; and

WHEREAS, Mower County's municipal construction account fund balance has exceeded two years of apportionments; and

NOW THEREFORE, BE IT RESOLVED that the Mower County Board of Commissioners request that the Commissioner of the Minnesota Department of Transportation transfer any and all amounts of municipal construction account fund balance in excess of two years of municipal account apportionments into Mower County's regular construction fund account.

Passed and approved this 13th day of December, 2012.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Bennett, seconded by Commissioner Gabrielson to approve the minutes of November 27, 2012 and December 6, 2012 and December 6, 2012 Truth in Taxation. Motion carried.

Motion by Commissioner Gabrielson, seconded by Commissioner Reinartz to approve the following Commissioner warrants for payment subject to the review by the commissioners prior to payment:

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
16625.00	AMI IMAGING SYSTEMS INC	295.20	ANKENY'S MINI MART #5
2100.00	ASSOCIATION OF MN COUNTIES	750.00	AUSTIN AREA CHAMBER OF COMM.
212.94	AUSTIN DAILY HERALD	1545.11	AUSTIN UTILITIES
28151.89	CEDAR VALLEY SERVICES, INC	815.10	CENTURYLINK
2234.24	CHARTER COMMUNICATIONS	920.00	CLARINDA ACADEMY
334.23	JEREMY CLINEFELTER	1122.00	CORELOGIC TAX SERVICE
217.79	CULLIGAN OF AUSTIN	115.37	SANDRA DAILY
559.12	DALCO	986.04	DELL MARKETING L P

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

1646.00 DANIEL DONNELLY LAW FIRM	10101.35 ELECTION SYSTEMS & SOFTWARE, I
545.96 FIRESTONE	250.94 FOLDTEX
307.30 FORT DEARBORN LIFE INSURANCE C	682.29 FOX ELECTRIC COMPANY, INC
160.00 NYIGELO GON	191.08 GRAINGER
2073.32 INNOVATIVE OFFICE SOLUTIONS,LL	300.00 SANDRA JARVIS
812.50 JONES,HAUGH & SMITH, INC.	1150.00 TOM LARSON
605.25 LYNN PEAVEY CO	119.02 MADISON NATIONAL LIFE
1261.16 MANPOWER	330.00 MAYER FUNERAL HOME
6200.00 MAYO CLINIC -ROCHESTER	2441.30 MAYO CLINIC HEALTH SYSTEM-AUST
100.00 MCAA EDUCATIONAL FOUNDATION	227.22 MEDTOX LABORATORIES INC
179.27 MIDTOWN TOWING	884.73 MINNESOTA CHEMICAL COMPANY
347.87 MINNESOTA ELEVATOR, INC	162.06 NAPA AUTO PARTS
1700.00 OFFICE OF ENTERPRISE TECHNOLOG	13695.00 OLMSTED COUNTY COMMUNITY SERVI
1150.73 ORBITCOM	5226.93 PARAGON PRINTING & MAILING INC
203.37 PLUNKETT'S PEST CONTROL	391.96 POST BULLETIN COMPANY LLC
5400.00 PRAIRIE LAKES YOUTH PROGRAMS	1111.00 PRISONER TRANSPORTATION SERVIC
600.00 PROFESSIONAL PORTABLE X-RAY IN	184.63 RADIO SHACK CORPORATION
880.66 RICOH USA INC	7270.05 RJS SOFTWARE SYSTEMS
800.00 THE RON MCGUIRE FAMILY THERAPY	142.00 SE MN ORAL & MAXILLOFACIAL SUR
103.84 SMYTH COMPANIES INC	595.07 ULINE
160.00 VERIFIED CREDENTIALS INC	5153.40 VILLAGE RANCH INC.
625.83 WEST PAYMENT CENTER	9727.90 180 DEGREES INC
27 PAYMENTS LESS THAN \$100	1,266.33
**** FINAL TOTAL.....	\$144,451.35 ****

Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Bennett approve the re-appointment of Jen Ulwelling to the Mower County Housing & Redevelopment Authority for a five year term effective January 1, 2013 through December 31, 2017. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Tucker to approve MPCA Joint Powers Agreement for the operation of a household hazardous waste program (Contract No. 55662) effective January 1, 2013 through December 31, 2017. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Reinartz approve agreement with Motorola for MCC7500 Console Project subject to the City of Austin's approval for partial funding. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Bennett to amend the 2012 County Attorney budget for the purchase of a computer in the approximate amount of \$1,158 using forfeiture monies and authorize the appropriate transfer of funds as necessary. Motion carried.

The Board recessed at 10:35 a.m. and reconvened at 11:03 a.m.

The Board continued the public hearing for the 2013 budget and tax levy from December 6, 2012 requesting additional comments. One additional comment was received regarding funding for extension.

Date: December 13, 2012

Res. #80-12

RESOLUTION

On motion of Commissioner Reinartz, seconded by Commissioner Bennett, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 13, 2012 at the Government Center, Austin, Minnesota.

WHEREAS, on September 11, 2012 the Mower County Board of Commissioners adopted a preliminary tax levy,

WHEREAS, on September 11, 2012 the Mower County Board of Commissioners set the public hearing on said levy and County Budget to December 6, 2012 at 6:00 p.m.,

WHEREAS, on December 6, 2012, a public annual budget and levy hearing was held with formal action to be taken on December 13, 2012,

NOW THEREFORE BE IT RESOLVED that the 2013 net property tax levy be set at \$17,224,698; and

THEREFORE BE IT FURTHER RESOLVED that the 2013 Departmental expenditure budgets which were used as the basis for the property tax levy certification as recommended by the County Finance Committee are hereby adopted; and that the 2013 budget for the County is as follows:

EXPENSES	
General Government	
Board of Commissioners	264,161
Courts	104,500
Administration	640,318
County Auditor/Treasurer	378,828
Elections	40,852
Data Processing	534,080
Interpreting	155,353
Attorney	859,811
Law Library	45,361
Recorder	337,919
County Assessor	504,648
AMCAT	14,008
Buildings & Plant	716,966
Veterans Service Officer	156,179
GIS	28,000
Accounting & Auditing	91,500
Total General Government	4,872,484
Public Safety	
Sheriff	2,539,414

SOURCE of Funds	
Revenues- General Government	
Tax Levy	8,468,486
State Formula Aid	1,084,255
Del Tax & Penalties, Mortgage Tax	1,306,500
Special Assessments	55,558
License/Permits	31,655
Intergovernmental	850,159
Charges For Services	1,140,087
Fines & Forfeits	39,000
Investment Income	554,634
Miscellaneous	438,500
Sales	30,300
Donations	12,000
Net Use of Reserves	440,228
Total General Government	14,451,362
Public Works	
Tax Levy	2,504,141
State Formula Aid	276,942
Intergovernmental	13,403,813
Permits	46,750

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

E-9-1-1	21,974
Sentence to Serve	57,834
Coroner	51,400
County Jail	2,608,484
Community Corrections	2,064,416
Civil Defense	95,293
Law Enforcement Center	567,617
Canteen	66,300
Other	50,456
Total Public Safety	8,123,188

Culture & Recreation	
Historical Society	33,750
Senior Citizens	42,400
CHORE	36,000
Regional Library	241,309
Other	24,968
Total Culture & Recreation	378,427

Conservation of Natural Resources	
Cooperative Extension	166,698
Soil & Water Conservation	142,716
Agricultural Society	25,414
Total Conservation of Natural Resources	334,828

Economic Development	
Development Corporation	13,235
Total Economic Development	13,235
Unallocated	
Insurance	494,400
Contingency	200,000
Other	34,800
Total Unallocated	729,200
Total General Revenue Fund	14,451,362

Public Works	
Administration	513,247
Maintenance	2,468,402
Construction	13,164,186
Equipment Maintenance & Shop	941,829
Building & Grounds	146,407
Planning & Zoning	82,809
Environmental Health	157,078
Water Planning	41,445
Agricultural Inspector	675
Feedlot	67,003
Bike Trail	
Total Highways & Streets	17,583,081

Charges For Services	1,036,000
Sales	7,025
Miscellaneous	5,000
Use of Reserves	303,410
Total Highway & Streets	17,583,081

Human Services & Public Health	
Tax Levy	3,480,044
State Formula Aid	262,770
Intergovernmental	5,881,395
Charges For Services	963,200
Miscellaneous	553,900
Total Human Services	11,141,309

Sanitation	
Special Assessments	299,550
Intergovernmental	102,000
Charges For Services & License	190,900
Total Sanitation	592,450

Ditch	
Special Assessments	170,000
Total Ditch Funds	170,000

Capital Projects Fund	
Tax Levy	362,830
Use of Reserves	5,884,524
Total Building Maintenance	6,247,354

Sewer Loan Revenue	
State loan	80,000
Interest on Specials	20,000
Special Assessments - Princ	147,000
Total Revenue	247,000

Bond Funds	
Tax Levy	2,409,197
IRS Refund	231,696
	2,640,893

Total County Revenues/Sources	53,073,449
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Human Services	
Income Maintenance	3,547,925
Social Services	5,900,653
Total Human Services	9,448,578

Health	
Community Health Services	1,035,265
Nursing Service	76,635
Womens, Infant & Children	265,136
Health Officer	2,600
Maternal & Child Health	60,467
Disease Prevention	120,584
Family Health	132,044
Total Health	1,692,731

Sanitation	
Recycling	577,833
Reserves	14,617
Total Sanitation	592,450

Capital Projects Fund	
Countywide Projects/Maintenance	6,247,354
Total Building Fund	6,247,354

Bond Fund	
Bond P & I payments	2,640,893
Total Bond Fund	2,640,893

Ditch	
Repairs & expenses	109,803
Reserves Addition	60,197
Total	170,000

Sewer Loan	
Contracted Services	247,000
Total County Expenses	53,073,449

{By Motion dated July 2, 2013, the following language "It Is Further Resolved" was added. It was a clerical error that the language was missing.}

IT IS FURTHER RESOLVED:

1. Departmental expenditures, except Personnel items, shall not exceed the approved budget. To provide flexibility to the department, the Budget Officer shall be authorized to amend line item budgets within a department, exclusive of personnel items, provided the total approved budget remains unchanged. All other budget amendments shall require County Board approval.

2. Personnel line items are based on position authorization listings and estimates of staffing needs developed during the budget preparation process. Any changes in payroll shall be subject to County Board approval through one of the following actions:
 - i. General salary adjustments authorized by the County Board;
 - ii. Salary adjustments pursuant to union contract provisions or statutory requirements;
 - iii. Specific authorization to fill a vacancy, add a new position or change a position classification.
3. Expenditure of funds budgeted shall be subject to applicable statutory procedures requiring proposals or bidding and any proposed expenditure in excess of \$25,000 shall be subject to prior approval of the County Board.
4. Department heads shall be responsible for maintaining sufficient internal departmental expenditure and receipt records to conform to requirements of this budget policy.

Passed and approved this 13th day of December, 2012. The Commissioners voted as follows: Commissioner Gabrielson nay, Commissioner Bennett aye, Commissioner Tucker nay, Commissioner Reinartz aye, Commissioner Ankeny aye, and Motion carried 3-2.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Bennett, seconded by Commissioner Gabrielson to adjourn the meeting at 11:15 a.m. Motion carried. The next meeting is scheduled for December 27, 2012 at 8:30 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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