

PROCEEDINGS OF THE  
MARTIN COUNTY COMMISSIONERS  
TUESDAY, JULY 20, 2010  
@ 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 Schmidtke.

Commissioners present were Potter, Pierce, Donnelly, and Boler. Also present were Scott Higgins, Martin County Coordinator, James Forshee, Martin County Auditor/Treasurer, Terry Viesselman, Martin County Attorney, Brad Gerhardt, Martin County Sheriff, Rod Halvorsen, KSUM/KFMC Radio, Jennifer Brookens, Sentinel Newspaper, Kevin Peyman, Martin County Highway Engineer, Julie Walters, Administrative Assistant, and members of staff and public.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following additions: 8.10 Consider Life Insurance Request for Proposal; and 8.11 FMJ Adult Court CY2011 Budget Allocation Request. Carried unanimously.

Rachael Janssen was present to announce she has officially been hired as Martin County's 4-H Program Coordinator effective July 1, 2010. Janssen is busy planning for this year's Martin County Fair and visiting every 4-H club in Martin County before the fair to help answer any questions the clubs may have. Janssen extended an invitation to the Commissioners to join her and 4-H Program ambassadors, club leaders, and participants for a thank you breakfast to be held at 7:30 a.m. on Saturday, August 21<sup>st</sup> at the 4-H Food Stand.

Terry Viesselman, Martin County Attorney, was present and had nothing new to report.

Kevin Peyman, Martin County Highway Engineer, stated that Bid Letting for C.P. 10:08 Maintenance Gravel Production (Rose Lake Pit) was held on Friday, July 16<sup>th</sup>, 2010 at 10:00 a.m. at the Martin County Highway Department – Fairmont, MN; and three bids were received:

Bid Results  
Martin County, Minnesota

Letting on July 16, 2010-10:00 a.m.  
Martin County Highway Department  
Fairmont, MN 56031  
507-235-3347

C.P. 10:08 Maintenance Gravel Production

65,000 estimated tons

Johnson Crushing, Inc., Clearwater, MN \$1.9665 per ton (includes sales tax)	\$127,822.50
Hard Rock Screening, LLC, Little Falls, MN \$1.78 per ton (includes sales tax)	\$113,750.00
B. McNamara, Inc., Litchfield, MN \$2.52 per ton (includes sales tax)	\$163,800.00

Apparent Low Bidder ← ←
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Motion by Commissioner Donnelly, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, after the appropriate advertisement for bids, and upon receiving bids for C.P. 10:08, and upon the recommendation of the County Engineer, hereby approve and award the low bid for Maintenance Gravel Production project to Hard Rock Screening, LLC of Little Falls, Minnesota, in the amount of \$113,750.00 (\$1.75/ton); and to authorize the Board Chair and appropriate staff (County Engineer, County Auditor/Treasurer, County Attorney) to sign and execute the necessary documents for the listed project. Carried unanimously.

Peyman continued that Bid Letting for C.P. 10:11 Supplying Gasoline & Diesel Fuel was held Friday, July 16<sup>th</sup>, 2010 at 10:00 a.m. at the Martin County Highway Department – Fairmont, MN; and two bids were received. Peyman stated bids are for supplying fuel for the remainder of 2010 and in December will bid for an entire calendar year going forward.

Bid Results

C.P. 10:11  
Supplying Gasoline & Diesel Fuel

Letting on July 16, 2010 – 10:00a.m.  
Martin County Highway Department  
Fairmont, MN 56031  
507-235-3347

BIDDER

	<u>Gallons</u>		<u>Unit Price</u>	<u>Amount</u>
1. Watonwan Farm Service	43,000	Diesel to Fairmont	2.3424	100,723.20
	4,750	Diesel to Dunnell	2.3624	11,221.40
	4,000	Diesel to Trimont	2.3624	9,449.60
	21,000	Gasoline to Fairmont	2.4626	51,714.60

2,150	E-85 to Fairmont	2.0368	4,379.12
<u>Total for All</u>			<u>\$177,487.92</u>

	<u>Gallons</u>		<u>Unit Price</u>	<u>Amount</u>
2. NuWay Cooperative	43,000	Diesel to Fairmont	2.52	108,360.00
	4,750	Diesel to Dunnell	2.52	11,970.00
	4,000	Diesel to Trimont	2.52	10,080.00
	21,000	Gasoline to Fairmont	2.64	55,440.00
	2,150	E-85 to Fairmont	2.35	5,052.50
<u>Total for All</u>				<u>\$190,902.50</u>

Motion by Commissioner Boler, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, after the appropriate advertisement for bids, and upon receiving bids for C.P. 10:11, and upon the recommendation of the County Engineer, hereby approve and award the low bid for Supplying Gasoline & Diesel Fuel to Watonwan Farm Service in the amount of \$177,487.92 and to authorize the Board Chair and appropriate staff (County Engineer, County Auditor/Treasurer, County Attorney) to sign and execute the necessary documents for the listed project. Carried unanimously.

Peyman concluded with a department update including finished seal coating project last week and received very few complaints; general condition of gravel roads in the County; condition of County Road 26 west from Fairmont to Sherburn; County Road 27 shoulder drop off (budget for work); and update on flashing lights around stop signs at the intersection of County Road 26 and Minnesota State Highway 263 by Welcome, MN.

Scott Higgins, Martin County Coordinator, stated the Sheriff's Office has received the retirement resignation of Susan Austin, Communications Officer, effective July 30, 2010.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby accept the retirement resignation letter of Susan Austin, Communications Officer, from employment with Martin County after 36 years of service to the county and its citizens, effective July 30, 2010. Carried unanimously.

Higgins stated a bid quote was received from Med City Environmental for the removal of asbestos from the county building located at 201 North Main Street (Old Firestone Storage Building). The amount of the bid was \$19,367 to remove the asbestos and

\$2,992 to remove the lead paint from the building before demolition. The County Building Committee has reviewed the bid quote and recommends approval.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and award the bid quote to Med City Environmental LLC of Rochester, Minnesota for the removal of asbestos and lead paint from the county facility located at 201 North Main in Fairmont, Minnesota in the amount of \$22,359.00; and to authorize the Board Chair to sign the necessary documents related to the project. Carried unanimously.

Kathy Smith, District Manager-Martin County Soil and Water Conservation District, reviewed the final draft of the East Fork Alliance Joint Powers Agreement for the purpose of obtaining various protection and enhancement projects to be completed in the East Fork of the Des Moines River Watershed and to apply for various grants for the projects. Martin County has approximately 101,732 acres in the watershed. It is estimated that administrative funding for the new Alliance may be \$.02 cents per acre that each county has in the watershed, which is estimated to be \$2,034.00 for Martin County. The East Fork Alliance will consist of the County Board of Commissioners and the Soil and Water Conservation District Board of Supervisors of Jackson and Martin Counties; and the County Board of Supervisors and the Soil and Water Conservation District Board of Commissioners of Emmet, Kossuth, Winnebago, Palo Alto, Hancock, and Humboldt Counties. Smith noted the County Attorney's Office has reviewed this Joint Powers Agreement and approves it as to form and content.

Motion by Commissioner Potter, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Board Chair to sign the Joint Powers Agreement for the East Fork of the Des Moines River Watershed for the coordination and implementation of various projects and grant programs and activities for the protection and enhancement of land and water resources in the East Fork of the Des Moines River Watershed effective after the date of execution of the same by the authorized representatives of the governing bodies of the governmental units. Carried unanimously.

Pat Stumme, Retired and Senior Volunteer Program (RSVP) Director, Tracy Meadows, RSVP Coordinator, and Marge Krugler, Volunteer, were present to thank the Board on behalf of senior citizens in Martin County for continued support of volunteerism and the Southern Tri-County RSVP in past years; and to formally present their CY2011 Budget Allocation request in the amount of \$1,300.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file the CY2011 Retired and Senior Volunteer Program Budget Allocation Request in the amount of \$1,300. Carried unanimously.

Higgins presented for consideration a commercial lease renewal agreement between Martin County and the Options Pregnancy Center (formerly Caring Pregnancy Center)

for one year. Higgins stated the current lease agreement expired June 30, 2010 and that the monthly amount of the lease is \$625.00.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Board Chair to sign the commercial lease agreement between the County of Martin, MN and the Options Pregnancy Center (formerly Caring Pregnancy Center) in the amount of \$625.00 per month; and is effective July 1, 2010 through June 30, 2011. Carried unanimously.

Higgins stated Request for Proposals (RFP's) were sent out to twenty-one (21) companies for the County's Life Insurance policy renewal and that ten (10) RFP's were received back. Higgins reviewed an RFP comparison spreadsheet showing that Minnesota Life is the low bidder which includes an overall 28% decrease in Martin County's rates which equates to a savings per year of \$4,120.00; and rates are guaranteed for three years. Higgins recommends awarding RFP to Minnesota Life.

Motion by Commissioner Boler, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, after the appropriate advertisement for Request for Proposals (RFP's); and upon receiving RFP's for Martin County's Life Insurance Policy; and upon the recommendation of County Coordinator, hereby approve and award low bid to Minnesota Life Insurance Company for County Employee Life Insurance Benefit at a reduced rate guaranteed for three years beginning January 1, 2011. Carried unanimously.

Higgins presented the Faribault, Martin, & Jackson (FMJ) Adult Drug Court and Family Dependency Treatment Court CY2011 Budget Request.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file the CY2011 Appropriation Request from the Faribault, Martin, & Jackson (FMJ) Adult Drug Court and Family Dependency Treatment Court in the amount of \$4,421. Carried unanimously.

Higgins next presented the formal CY2011 Appropriation request letter received from the South Central Minnesota Small Business Development Center (SBDC) in the amount of \$2,250.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file the CY2011 Appropriation Request received from the South Central Minnesota Small Business Development Center in the amount of \$2,250. Carried unanimously.

Motion by Commissioner Pierce, seconded by Commissioner Boler, Be It Resolved that the Martin County Board of Commissioners, hereby approve the payment of claims for the month of July, 2010 as presented; and includes the Martin County Highway Department as presented.

Warrants received and paid July 20, 2010 are registered on file in the Auditor/Treasurer's Office as follows:

Revenue Fund – Warrants Approved July 20, 2010	\$177,050.62
Park & Recreation Fund	\$ 24,391.62
Enhanced 9-1-1 Fund	\$ 9.15
Recreation and Safety Fund	\$ 6,349.96
Martin Co Economic Development Authority	\$ 3,704.24
Solid Waste Management Fund	\$ 45,977.69
Law Library Fund	\$ 932.34
Martin County Transit Fund	\$ 40,563.61
Building – CIP – Fund	\$ 3,025.00
Bank Building Fund	\$ <u>4,391.32</u>
Total	\$306,395.55
Road and Bridge Funds Totaled	\$121,513.71
Martin County Ditch Fund – Warrants Totaled	\$ 12,846.42

The Board reviewed the Final 2010 County Program Aid (CPA) and Market Value Credit (MVC) Reductions; and formal Thank You and Appropriation Request Letter from South Central Volunteer Dive Team requesting a donation for CY2011.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby receive and file the CY2011 for a donation for CY2011 from the South Central Volunteer Dive Team. Carried unanimously.

The Board gave their reports and reviewed their calendars of upcoming meetings and activities.

The Board recessed at 10:13 a.m.  
The Board reconvened at 10:24 a.m.

Higgins stated the Board will be hearing a Step 2 grievance from Kevin Hinrichs, Business Agent for LELS #115 Corrections & Communications Officers. The grievance presented by the union deals with no step increases for 2010. Currently the County is in negotiations with the union and have proposed no step increases for 2010. This is consistent with the other unions and non-union staff in the county for the current year. The remedy the union seeks is to appropriate step increases retroactive to the applicable dates for those employees who have not received their step increases and the remaining employees in the future who are expecting step increases for the current year. Higgins went on to state the union will state that the county violated labor agreement by not giving step increases according to provision of the union contract Article 29, which states in part "Employees shall be compensated in accordance with the wage schedule attached to this Agreement and marked Schedule A".

Kevin Hinrichs introduced himself, also present was Tamara Wohlhuter, to the Board and stated the Communications Officers and Corrections Officers contract is governed by state law regarding the Public Employees Labor Relations Act and by law, the agreement is in place until a successor agreement is signed. Hinrichs reviewed that the Communications Officer and Corrections Officer contract expired on December 31, 2009 and even though the County Board had made it known that there will be no step increases and no general wage adjustments for county employees in 2010, Martin County is in direct conflict with state law as to the successor agreement. Hinrichs continued until the successor agreement is negotiated, the County must follow the agreement that is in place. Hinrichs noted there is at least one court of appeals decision and one arbitration that have said you can't deny step increases in a contract whether it's a successor agreement or whether there are contract negotiations or not. Hinrichs went on to note that while he is not tone deaf and county employees are not tone deaf to the state of financial affairs not just in Martin County but certainly throughout the state, the Communications Officers and Corrections Officers have a contract and it is not being followed and that is an issue for them. Hinrichs stated he is not expecting an answer today and will look forward to a telephone call or letter as to the County's decision.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby move into a closed session per Minnesota Statutes 13D.03 at 10:32 a.m. Carried unanimously.

Those present were Commissioners Potter, Pierce, Schmidtke, Donnelly, and Boler. Also present were Scott Higgins, Martin County Coordinator and Julie Walters, Administrative Assistant.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, to go back into open session. Carried unanimously.

After further discussion and careful review of the grievance,  
Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby deny the Step 2 grievance from LELS #115 Corrections/Communications Officers. Carried unanimously.

With no further business to wit, Motion by Commissioner Pierce, seconded by Commissioner Boler, to adjourn the meeting. Carried unanimously. Meeting adjourned at 10:59 a.m.

BOARD OF COMMISSIONERS  
MARTIN COUNTY, MN

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Dan Schmidtke, Board Chair

ATTEST: \_\_\_\_\_  
Scott Higgins, County Coordinator