

PROCEEDINGS OF THE
MARTIN COUNTY BOARD OF COMMISSIONERS
TUESDAY, NOVEMBER 2, 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 Vice Chairman Gerald Boler.

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

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve the agenda with the following additions: 8.8 Consider Proposal for Increase in Life Insurance Benefit; 8.9 Consider Request from the South Central Regional Radio Board; 8.10 Update on Feedlot Issue; and 8.11 Consider Letter to AMC regarding Future Jail Regulations. Carried unanimously.

Motion by Commissioner Potter, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve the minutes of the October 5, 2010 and October 19, 2010 regular Board of Commissioners meetings; and the minutes of the September 27, 2010 Special Board of Commissioners meeting. Carried unanimously.

Terry Viesselman, Martin County Attorney, updated the Board on the recent Bennett trial stating that the jury could not reach a unanimous decision in determining whether Bennett was mentally ill at the time of assaulting an elderly couple in rural Truman, resulting in a mistrial last week. Viesselman went on to state a pretrial conference is scheduled for November 15th and that the new trial is expected to be scheduled sometime after the first of the year. Viesselman noted there were only so many in the jury pool this time and now with the media coverage it will be difficult to find a jury again this soon. Viesselman went on to note that because the case has dragged out for more than two years, the County wants Bennett to be retried as soon as possible. Viesselman continued that there may be an additional expense such as ordering a transcript of the recent trial to remind witnesses of their previous testimony. Viesselman will bring further information back to the Board regarding this discretionary expense.

No action taken on appointment to the Martin County Economic Development Authority Commission.

Mark Bauman, Prairieland Director, presented a resolution declaring a solid waste market price for establishing the Minnesota Solid Waste Management Tax liable by Martin County as requested by the Minnesota Pollution Control Agency. Bauman stated if after determining a market price, the market price is higher than your tipping fee, then the

county is liable for the tax on that difference. Bauman went on to state that state statute identified the market price is the lowest price available in the area and that the Dickinson County Landfill in Spirit Lake, Iowa was used in determining the tipping fee of \$26.50 plus additional transportation cost brings it somewhere between \$34.00 and \$35.00 per ton; and the Prairieland Compost Facility is at \$35 per ton. Bauman noted that this is nothing new and is a continuation of what we have been doing and requested approval. After discussion,

Motion by Commissioner Pierce, seconded by Commissioner Donnelly,

R-#39/'10

RESOLUTION
SOLID WASTE MARKET PRICE

WHEREAS, the Minnesota solid waste management tax requires political subdivisions to identify by resolution a market price if the political subdivision:

- a. Subsidizes the cost of service at a facility; or
- b. Directly bills on a property tax statement for organized collection of municipal solid waste

WHEREAS, the political subdivision will be liable for any solid waste management tax based only on the market price amount identified through the resolution.

WHEREAS, the market price is identified in the state statute as the lowest price available in the area;

NOW THEREFORE BE IT RESOLVED, the Martin County Board declares a market price of \$34 - \$35 per ton for a facility, based on a tipping fee amount of \$26.50 per ton at the Dickenson County Landfill and additional transportation costs.

Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly, and was duly passed and adopted this 2nd day of November, 2010.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Dan Schmidtke, Board Chair

ATTEST: _____
Scott Higgins, County Coordinator

CERTIFICATION

I hereby certify that the foregoing resolution is a true and correct copy of a resolution presented and adopted by the Martin County Board of Commissioners at a duly

authorized meeting thereof held on the 2nd day of November, 2010 as shown by the minutes in my possession.

Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Potter, Donnelly, Pierce, and Boler. NAYS: None. Resolution duly passed and adopted this 2nd day of November, 2010.

Kevin Peyman, Martin County Highway Engineer, presented bids received for the purchase of a budgeted 2011 4-WD Crew Cab Truck for use as the Highway Survey Vehicle. Peyman noted the county has a 2000 Chevrolet 1-ton Crew Cab that has approximately 130,000 miles (Unit #3) that will not be traded in on the purchase of the new truck. Peyman stated he would like to take the utility box out of Unit #3 and place it in the new vehicle, and will continue to use Unit #3 as a means to pull the tar kettle for highway crack filling and winter tree cutting projects. Peyman continued that there is a \$450 difference between bids received from Fairmont Ford (\$27,972.23) and Midway Ford in Roseville, MN (\$27,529.47) with Midway Ford the apparent low bidder. Peyman stated that bids are normally awarded to low bidder unless it is proven the contractor is not a responsible bidder. Peyman went on to state that he contacted the County Attorney who recommends award to the lowest bidder; however, since it is very close, it is a Board decision to award locally.

Bid Results for 2011 4-WD Crew Cab Truck
Martin County Highway Department
October 27, 2010

Fairmont Ford (F-350) Fairmont, MN	\$27,972.23
Mel Carlson Chevrolet (3500HD) Truman, MN	\$35,730.75
Midway Ford (F-350) Roseville, MN	\$27,529.47**

** Apparent Low Bid

Commissioner Potter stated the first time you get a recall for something that has to be replaced or the vehicle needs its 10,000 mile checkup you have to send somebody to take it up there and bring it back and will spend \$500 bucks doing so. Potter went on to state that after bids received and reviewed, he would recommend award to Fairmont Ford. After further discussion,

Motion by Commissioner Potter, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, after careful consideration and review of the bids for replacement survey truck, hereby approve the purchase of a budgeted 2011 Ford 4-WD Crew Cab Truck from Fairmont Ford in Fairmont, MN in the amount of \$27,972.23. Carried unanimously.

Peyman continued stating interviews have been completed for the Highway Building Maintenance Technician position, noting that twenty-five (25) eligible applications were received, six (6) applicants were interviewed, and after careful review, the candidate selected and has accepted and is contingent upon Board approval and required criminal background checks that are satisfactory to the County.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, upon the recommendation of the County Highway Engineer, hereby approve and authorize the hire of Donald Ingledew, Building Maintenance Technician, at Grade 10 Step 1 at \$14.89/hour for the Martin County Highway Department, effective November 22, 2010, contingent upon satisfactory reference and required pre-employment drug test; and is eligible for benefits per the County Personnel Policies as it applies to this position. Carried unanimously.

Peyman presented a brief department update including the near completion of the shouldering project by week's end; the Highway Department will be doing some custom hand shouldering work through the Rose Lake Golf Course area; and that Highway's labor, equipment, and gravel costs are well documented from the September 23rd, 2010 flood event and aftermath for their upcoming meeting with FEMA.

Brad Gerhardt, Martin County Sheriff, recommended the hire of Christopher Vasvick as part time Deputy Sheriff for the Martin County Sheriff's Office. Gerhardt stated that Vasvick will replace the opening left when Jacob Ruppert was promoted to his full time position; and that this new hire is contingent upon successful background check.

Motion by Commissioner Potter, seconded by Commissioner Pierce, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the hire of Christopher Vasvick as part time Deputy Sheriff for the Martin County Sheriff's Office effective November 2, 2010 at \$17.50/hour, not eligible for benefits; and contingent upon successful background check. Carried unanimously.

Gerhardt stated additional funds in the amount of \$8,150 have been received from the Public Safety Interoperable Communications (PSIC) grant fund to purchase mobile/portable radios that are ARMER approved; with matching County funds required in the amount of \$745.00.

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize Matt Klages, RAC Representative, to sign letter addressed to the South Central Minnesota Regional Radio Board of the County's intent to match PSIC grant funds in the amount of \$745.00 for the purchase of mobile/portable radios that are ARMER approved. Carried unanimously.

Scott Higgins, Martin County Coordinator, opened discussion regarding future jail regulations, including the proposed increase in square footage of jail cells.

Commissioners stated it is important that counties be aware of and are informed of any and all rule changes that are in the process for implementation. After further discussion,

Motion by Commissioner Pierce, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize sending a letter to the Association of Minnesota Counties (AMC), State and local legislators, and the Department of Corrections, addressing future jail regulations. Carried unanimously.

Gerhardt continued with a brief office update stating that the current Martin County Jail population is 17 with 10 housed out of county.

Higgins presented a resolution authorizing the public sale of tax forfeited land in the county. The resolution sets the terms and conditions, date, and time of sale. The sale is set for Tuesday, November 23, 2010 at 10:00 a.m. in the Commissioners Board Room.

Motion by Commissioner Pierce, seconded by Commissioner Donnelly,

RESOLUTION #38 / 10

AUTHORIZING & FIXING TERMS OF TAX SALE:

BE IT RESOLVED, that all parcels of tax-forfeited land listed on the List of Tax-Forfeited Land #11 be classified as non-conservation land; that the basic sale price of each parcel on the List of Tax-Forfeited Land #11, that is on file with the Martin County Auditor/Treasurer, be approved and authorization for a public sale of this land be granted, pursuant to M.S. 282.01; that the sale will be held at **10:00 a.m. Tuesday, November 23, 2010**, by the Martin County Auditor/Treasurer, in the Commissioners Room, 1st Floor in the Martin County Courthouse, 201 Lake Avenue, Fairmont, Minnesota, beginning and not less than the basic sale price; and that all sales shall be full payment and on the terms set forth on the List of Tax-Forfeited Land #11 dated November 2, 2010.

BE IT FURTHER RESOLVED, that the conditions and terms of the public sale shall be as described in the list contained herein and approved by the Martin County Board of Commissioners.

Motion was made by Commissioner Pierce, seconded by Commissioner Donnelly, and carried.

Dated this 2nd Day of November, 2010.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MINNESOTA

Dan Schmidtke, Chairperson

ATTEST: _____
Scott Higgins
Martin County Coordinator

Roll Call AYES: Commissioners Potter, Donnelly, Pierce, and Boler. NAYS: None.
Resolution duly passed and adopted this 2nd day of November, 2010.

Higgins noted Minnesota Statutes require that bids be taken for Official County Newspaper for designation of the legal newspaper in which meeting minutes and official notices will be published. The Sentinel Newspaper was awarded the bid as the 2010 Official County Newspaper and it is time to once again advertise for bids to all known newspapers in Martin County in order to designate the official newspaper for Martin County for the year 2011.

Motion by Commissioner Donnelly, seconded by Commissioner Potter, Be It Resolved that the Martin County Board of Commissioners, hereby approve and authorize the Martin County Coordinator's Office to advertise for bids for designation of the official newspaper for Martin County for the year 2011; and that bid opening will be held on Tuesday, December 21, 2010 at the regular Board of Commissioners meeting. Carried unanimously.

Higgins opened discussion regarding increasing the County's current Basic Life insurance policy coverage for employees. Currently eligible employees have \$10,000 coverage and it is proposed to increase to \$20,000 policy for non-union employees only. The increase is calculated at \$4.20 per employee and about \$401 per month. Higgins noted that the County's current Life Insurance Plan went out for bids this year and that with the 28% percent savings from the Formal RFP Process the factor will be at \$.21/\$1,000 of coverage so for \$10,000 Basic Life/ADD the cost per month is at \$2.10/employee for a total monthly cost to the County of \$201. So, increased coverage from \$10,000 to \$20,000 per employee will double the per month cost. Higgins went on to note that Human Services of Faribault and Martin Counties have increased their Basic Life insurance to \$20,000 per employee. After further discussion,

Motion by Commissioner Pierce, seconded by Commissioner Donnelly, Be It Resolved that the Martin County Board of Commissioners, hereby approve pursuing the increase in Basic Life for eligible non-union employees from \$10,000 to \$20,000 policy coverage at the cost per month of \$4.20 per employees with a total monthly cost to the county of approximately \$401 per month effective January 1, 2011. Carried unanimously.

Pam Flitter, Planning and Zoning Official, was present to review a recent article appearing in the Star Tribune entitled "State lags on fixing farm pollution." The article states that thousands of small farms may still be allowing animal manure to contaminate waters across Minnesota, a decade after a state environmental program was created to help curtail the hazardous practice. The article also states that the cleanup effort, which had a deadline of October 1, has languished because of funding shortages, oversight problems by the Minnesota Pollution Control Agency and the inability to get more farmers to participate. Flitter further stated that Martin County was very fortunate in that at the time, there were six (6) open lots that had runoff problems, and to date all but one

of the open lots are in compliance. Flitter attributes this to new construction of confinement barns and the high level of cooperation with area producers

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

With no further business to wit, Board chair declared the meeting adjourned at 9:49 a.m.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN

Gerald Boler, Vice Chair

ATTEST: _____
Scott Higgins, County Coordinator