

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

March 16, 2009

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session March 16, 2009 at 1:00 p.m. at the Courthouse in Austin, Minnesota.

Members present, viz: Dave Tollefson, Chair
 David Hillier
 Dick Lang
 Tim Gabrielson
 Craig Oscarson, County Coordinator
Member absent: Raymond Tucker

The Board was made aware that persons assembled in the board room were present in support of a petition circulating through the county requesting a vote on the justice center project. The Chair requested a representative come forward with the petition and/or make a statement.

Tony Bennett read a prepared statement indicating that a petition for the bonding of the Justice Center Project should be voted upon. The petition has received approximately 1000 signatures and it was expected that the petition would be filed with the Mower County Auditor-Treasurer by the end of the week.

The Board requested a copy of the petition. The County Coordinator read the petition language that referenced Minnesota Statute 373.40 subd. 2(c).

The Finance Director reviewed the types of funding available to Mower County for the project: 1) General Obligation Bonds; 2) General Obligation Jail/Law Enforcement Bonds; 3) Non-Appropriation Lease Revenue Bonds (County has completed one for \$10 million with Mower County HRA) and 4) General Obligation Capital Improvement Bonds. The statute referenced in the petition is for a capital improvement bond which is not the type of the bonding the County has chosen for the jail project.

The Chair allowed the assembly to ask questions. Approximately six persons addressed the Board concerning bonding, operating costs of the facility, time of Board meetings, etc.

The Board recessed at 1:13 p.m. to meet with legal counsel and reconvened at 1:18 p.m.

Kristen Nelsen, County Attorney, indicated that private counsel regarding bonding had been contacted prior to the meeting and if the County had proceeded with a capital

improvement bond in accordance with Statute 373.40 as referenced in the petition, a vote would have been required. The County has proceeded with an HRA Lease Revenue bond and a General Obligation Jail Bond in accordance with Statute 641.23, both of which do not require a referendum.

Commissioner Tollefson, Chair of the Board, made a statement that the budget goal of the Board for the project was \$30 million with bonding limited to \$27 million. The bids have been received and the project is coming in within the budget. The County has partnered with the City of Austin in reaching this goal. The project has been on-going over several years. To stall or hold the project would cost more money. The project would need to be rebid and bids would not likely come in as low a second time. The agreement with the City of Austin, would require the County to pay back the City if the project does not progress. The project will not get any cheaper, but it will be built.

Commissioner Lang stated it was his job as a commissioner to see that law and order is carried out in the community and that there is safety for the public. As a small business owner and a taxpayer he understands the public's financial concerns of the project but the project will go forward because it is the right thing to do.

Commissioner Gabrielson stated even though he was new to the Board that he had attended over a year of board meetings prior to his election and he cannot disagree with the prior board's actions regarding the subject.

Commissioner Hillier agreed that this was a serious decision and that the Board has had many hours of meetings over the years. It is a public safety issue. The decision has not been taken lightly. The public should spend time in the courtrooms to understand the need. The economy may not be at its best but it is the best time to proceed.

Motion made by Commissioner Lang, seconded by Commissioner Hillier to reject the petition requesting election on the justice center project bonding that is expected to be filed by the citizens of Mower County as the statute referenced in the petition is not applicable. Motion carried.

The Board recessed at 1:40 p.m. and reconvened at 1:56 p.m.

John Pristash, Knutson Construction, reviewed the bids received for the justice center project on March 4, 2009. Bids for project packages 11A, 11B and 11C will be forthcoming at a later date. Mr. Pristash reviewed the alternates. The alternates either added or subtracted from the estimated cost of the project.

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to award the bids for the Justice Center project packages to the low bidders as outlined below including alternates #2, #3, #4A, #4B and #4C and have the project commence and authorize the County Coordinator to sign the construction contracts on behalf of Mower County. Motion carried. Full bid abstract on file in the office of the County Auditor-Treasurer.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Project Pkg	Low Bidder	Bid	Plus Alternates	
1A General Trades	The Joseph Company, Inc.	\$653,000		
3A Concrete	The Joseph Company, Inc.	708,000		
4A Masonry	Southern Minnesota Masonry	1,005,000		
5A Structural Steel	D & M Iron Works, Inc.	296,000		
6A Millwork	R & S Casework, Inc.	606,600	#4A	6,700
			#4B	7,650
			#4C	26,000
7A Roofing	Gemini 26, Inc. dba Bauernfeind Goedtel	341,504		
8A Glass	W.L. Hall Company	321,192		
8B Specialty Doors	API Garage Door Store	24,660		
9A Drywall	Superior Contractors of Rochester, Inc.	545,000		
9B Tile	Twin City Tile & Marble Company	123,000		
9C Ceilings	Twin City Acoustics, Inc.	289,470		
9D Flooring	HOME VALU, Inc.	263,350		
9E Epoxy Coatings	TMI Coatings, Inc.	72,700		
9F Painting	Pompeii Painting, Inc.	195,495		
14A Elevators	Minnesota Elevator, Inc.	153,741		
21A Fire Protection	Viking Automatic Sprinkler Co.	296,200		
22A Plumbing & Piping	Harty Mechanical, Inc.	3,255,000		
23A HVAC Sheetmetal	HiMec Mechanical	1,361,000		
23B Testing & Balancing	Bal-Tech, Inc.	54,000	#2	1,000
23C Geothermal	Harty Mechanical, Inc.	Combined with 22A	#2	32,000
25A Building Automation	UHL Company, Inc.	313,000		
26A Electrical	Schammel Electric, Inc.	2,852,900		
31A Earthwork & Utilities	Dulas Excavating, Inc.	193,580		
32A Asphalt Paving	Rochester Sand & Gravel Division of Mathy Construction Company	26,899		
32B Site Concrete	Doyle Connor Company	255,885		
32C Landscaping	Mulligans Tree Service, Inc. dba Mulligans Landscaping	57,406		
TOTAL		\$14,264,582		\$73,350

The Board discussed the possibility of reversing the resolution that set their 2009 salary with a three percent increase. The County Attorney reviewed Statute 375.055 and stated that it was her legal opinion that the Board could not reverse its motion concerning its salary. However, the Board could donate the pay increase after payroll taxes have been deducted.

Motion made by Commissioner Lang, seconded by Commissioner Gabrielson to accept any donations from any commissioner who wishes to donate their 2009 pay increase to Mower County and that any donations be credited to the General Fund. Motion carried.

The Board discussed the absence of both the chair and vice chair in the coming weeks. The County Attorney informed the Board that temporary appointments could be made.

Motion made by Commissioner Lang, seconded by Commissioner Gabrielson to appoint Commissioner Hillier as the temporary Chair during the absence of Commissioner Tollefson the 2009 Board Chair. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Hillier to appointment Commissioner Lang as the temporary Vice Chair during the absence of Commissioner Tucker the 2009 Board Vice-Chair. Motion carried.

There was a brief discussion of proposed cuts that may include the 4-H program as questioned by the public. The County Coordinator responded that the County is currently discussing options to reorganize, reduce spending or raise revenues in anticipation of the governor's cuts on local budgets.

Motion by Commissioner Hillier, seconded by Commissioner Lang to adjourn the meeting at 2:31 p.m. until March 24, 2009 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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