

OFFICIAL PROCEEDINGS
MARSHALL COUNTY BOARD OF COMMISSIONERS
Regular Board Meeting
June 7, 2016 9:00 A.M.
Marshall County Boardroom

The Pledge of Allegiance was given.

Commissioner Kiesow called the regular meeting to order at 9 a.m. with Commissioners Sharon Bring, Kenneth Borowicz, Gary Kiesow, Rolland Miller, and Auditor-Treasurer Scott Peters present.

Loren Zutz met with the Board during open forum to discuss his concerns regarding a recent lawsuit that was served upon him, his family, the County Sheriff, and County Attorney regarding a right of way disagreement. He does not believe this action is proper or necessary and is a waste of taxpayer dollars as to not being able to work together to resolve issues with the MST Watershed.

The Board unanimously approved the June 7th, 2016 meeting agenda. **M/S/C – Borowicz, Bring**

Kristine Anderson from the NW Private Industry Council addressed the Board and received unanimous Board approval with the NWPIC Joint Powers Agreement with changes as recommended. **M/S/C – Borowicz, Miller**

The minutes from the May 17, 2016 Regular Board Meeting were unanimously approved with corrections. **M/S/C – Borowicz, Bring**

RESOLUTION 06-07-01

BE IT RESOLVED, that after review of the following bills, authorization for payment of the same in the following total amounts, are hereby approved, with a detailed listing kept on file at the Auditor's office.

Auditor Warrants

May 20, 2016	\$1,903.33
May 24, 2016	\$5,317,020.84

Commissioner Warrants \$78,361.87

M/S/C – Bring, Borowicz

All Commissioners voted in favor of Resolution 06-07-01.

The following Commissioner/Committee Reports were shared:

<u>Commissioner</u>	<u>Meeting/Report</u>
Borowicz	Marshall County Park
Bring	Marshall County Park, Transportation Advisory Committee, Toward Zero Death Meeting
Kiesow	Joint Powers Natural Resource Board, Joint Powers of the Red River Basin
Miller	MST Watershed, Employee Benefits Committee

The next meeting of the Marshall County Park Board will be on July 27th at 6:30 pm at the park.

The Board unanimously approved to appoint Alyssa Tulibaski to a three year term on the Marshall County Park Board. **M/S/C – Borowicz, Bring**

MST Watershed representatives Ben Kleinwachter, John Nelson, Rinke Noonan Attorney John Kolb, Marshall County Attorney Don Aandal, and County Sheriff Jason Boman met with the Board to discuss concerns regarding a Right of Way/Legal Action by the

Watershed against the County Sheriff, County Attorney, and Loren, Deb, and Ron Zutz. Loren Zutz was also present for this discussion. The legal action in question stems from an incident that occurred on the Zutz property on JD 25-1 as the watershed attempted to stake an area to establish a required grass strip on this property. The Sheriff was called by Loren Zutz to keep peace on this matter and the Sheriff asked the watershed representatives to leave the Zutz property until clarity could be established as to easement rights. Commissioner Miller voiced his concerns that communication should have been better to prevent any legal actions or actions being construed as intimidating. Mr. Aandal indicated that he has been in communication with the watershed and the Zutz family to assist in a positive resolve with this easement issue to work toward concerns both parties have and to work with a clean slate toward the future. Loren Zutz has concerns that his land will not be able to participate in any possible farm program that would be beneficial to him regarding this right of way if the land in question is seeded down before being enrolled in an allowable farm program and is also concerned with liability to a landowner if this is not placed into an easement by the watershed. Mr. Aandal will agree to act as an intermediary between the Zutz family and the watershed to come to a positive resolve on this issue, versus any type of legal action. Chairman Kiesow asked to have as much communication as possible with all parties to prevent having any issues in the future.

County Assessor Russ Steer addressed the Board. Mr. Steer updated the board on the 2017 assessment process. All local Boards of Equalization have now been completed and the County Equalization meeting is set for 6/21/16 at 6 pm in the County Boardroom. There are two individuals that have made appointments to be on the agenda for the County Equalization meeting. There are no changes on State Board orders for the County. Assessor Steer explained the time commitment that is needed by his office staff for Technology purposes is increasing.

The Board met with Engineer Lon Aune regarding Highway and Ditch Authority Business.

RESOLUTION 06-07-02

BE IT RESOLVED, that pursuant to advertisement for bids for SAP 045-605-023, Grade Widening, Aggregate Shoulders, and Bridge No. 45J50, the following bids were received:

R.J. Zavoral & Sons, Inc	\$2,832,778.23
Gladen Construction	\$2,943,479.38
Red Lake Builders, Inc.	\$3,018,668.07

NOW THEREFORE BE IT RESOLVED that the bid of R.J. Zavoral & Sons, Inc. in the amount of \$2,832,778.23 be accepted. **M/S/C – Borowicz, Miller**
All Commissioners voted in favor of Resolution 06-07-02.

RESOLUTION 06-07-03

WHEREAS, the Engineer in charge has filed his final certificate setting forth that the Contractor on SAP 045-592-001 has completed the contract in accordance with plans and specifications and the total cost of said job was \$130,065.68 and the balance due to the Contractor is \$3,938.28.

NOW THEREFORE, BE IT RESOLVED that said certificate be and the same is hereby approved and the County Auditor is hereby authorized to issue a warrant on the Road & Bridge Fund in the amount of \$3,938.28 to MinnDak Asphalt. **M/S/C – Bring, Borowicz**

All Board members voted in favor of Resolution 06-07-03. Commissioner Miller abstained from the vote.

RESOLUTION 06-07-04

BE IT RESOLVED, that the County Auditor be authorized to call for bids for:

1. SAP 045-605-026/SAP 045-629-004 – CSAH 5/29 between CSAH 1 and US TH 59, Bituminous Pavement Milling and Overlay.
2. SAP 045-617-015 – Located in Fork Twp, On CSAH 17 between CSAH 4 and CSAH

5, Bridge No. 45J54, Grading, and Aggregate Surfacing.

3. SAP 045-605-025/SP 045-070-003 – On CSAH 5 between MN TH 220 and US TH 75, Bituminous Pavement Overlay, Aggregate Shouldering, Safety Edge, Rumble Strips, and Striping.

BE IT FURTHER RESOLVED, that the County Auditor be authorized to set the time and date for receiving bids to comply with existing publication laws. **M/S/C – Borowicz, Bring**

All Commissioners voted in favor of Resolution 06-07-04.

RESOLUTION 06-07-05

IT IS RESOLVED that Marshall County enter into MnDOT Agreement No. 1000596 Amendment 1 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County for the State’s share of the costs of the concrete sidewalk, curb and gutter, bituminous patching, lighting, and crosswalk flasher construction and other associated construction to be performed upon, along and adjacent to Trunk Highway No. 89 from 6th Avenue to County State Aid Highway No. 54 and Fladland Avenue to 192 feet north of Trunk Highway No. 89 within the corporate limits of the City of Grygla State Project No. 045-591-004 and State Project No. 4508-33.

IT IS FURTHER RESOLVED that the Board Chair and the Auditor/Treasurer are authorized to execute the Agreement and any amendments to the Agreement. **M/S/C – Bring, Miller**

All Commissioners voted in favor of Resolution 06-07-05.

RESOLUTION 06-07-06

BE IT RESOLVED, that pursuant to Minnesota Statute Section 161.36, the Commissioner of Transportation be appointed as Agent to the County of Marshall to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

BE IT FURTHER RESOLVED, the County Board Chairman and the County Auditor/Treasurer are hereby authorized and directed for and on behalf of the County to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in “Minnesota Department of Transportation Agency Agreement No. 1000709 Amendment 1”, a copy of which said agreement was before the County Board and which is made a part hereof by reference. **M/S/C – Miller, Borowicz**

All Commissioners voted in favor of Resolution 06-07-06.

RESOLUTION 06-07-07

WHEREAS, the County of Marshall is planning to implement County State Aid Street Projects in 2016 which will require State Aid funds in excess of those available in its State Aid Regular/Municipal Construction Account, and

WHEREAS, said County is prepared to proceed with the construction of said projects through the use of an advance from the County State Aid Construction Fund to supplement the available funds in their State Aid Regular/Municipal Construction Account, and

WHEREAS, the advance is based on the following determination of estimated expenditures:

Account Balance as of date <u>June 6, 2016</u>	<u>\$3,099,206.16</u>
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Less estimated disbursements:

Project #045-605-023	\$2,771,347.45
Project #045-617-015	\$242,611.25
Project #045-605-026	\$1,070,619.45

Project #045-629-004	\$36,328.40
Project #045-605-025	\$1,416,943.60
Total Estimated Disbursements	\$5,537,850.15
Advance Amount (amount in excess of acct. balance)	\$2,438,643.99

WHEREAS, repayment of the funds so advanced will be made in accordance with the provisions of Minnesota Statutes 162.08, Subd. 5 & 7 and Minnesota Rules, Chapter 8820, and

WHEREAS, the County acknowledges advance funds are released on a first-come-first-serve basis and this resolution does not guarantee the availability of funds.

NOW, THEREFORE, Be It Resolved: That the Commissioner of Transportation be and is hereby requested to approve this advance for financing approved County State Aid Highway Projects of the County of Marshall in an amount up to \$2,438,643.99 in accordance with Minnesota Rules 8820.1500, Subp. 9. I hereby authorize repayments from subsequent accruals to the Regular/Municipal Construction Account of said County from future year allocations until fully repaid. **M/S/C – Bring, Miller**
All Commissioners voted in favor of Resolution 06-07-07.

Mr. Aune has received quotes for paving part of the lot at the County Highway Department site in Warren for \$16,775 total for 24 feet by 200 feet in front and 24 feet by 75 feet in the back. This project is not in the current budget at this time. Commissioner Bring moved to approve this paving project. The motion died for lack of a second. The Board would like to review the status of the budget and to stay within the current year’s budget.

The Board unanimously approved to recess the regular meeting and open the Ditch Authority meeting. **M/S/C – Borowicz, Miller**

Discussion ensued on a County Ditch 7 project. The north side has been shaped and it is requested to do the same to the south side. Mr. Aune will set up a public hearing to discuss this request with all parties concerned.

MnDOT will be present at the June 20th meeting of JD 11 in Grygla to hold a public informational meeting regarding a bridge replacement on this system on State Highway 219.

County Ditch 16 survey work has been completed regarding a culvert under County Road 6. This will need to be evaluated to make a determination for resolve on this issue.

The Board unanimously approved to close the Ditch Authority meeting and reopen the regular meeting. **M/S/C – Miller, Bring**

ATV trail and the Toward Zero Death meeting information was shared by Commissioner Bring.

Auditor-Treasurer Scott Peters presented the following in his report:

1. Enbridge Correspondence
2. Basic Sale Price consideration on Strandquist Forfeited Parcel #57-0126-000 was set at \$100 unanimously by the Board and the Board will allow this to be transferred to the city of Strandquist for this amount plus costs. **M/S/C – Bring, Borowicz**
3. NWRDC Correspondence
4. Bob Kliner Family Thank you
5. North Memorial Ambulance Correspondence
6. Forfeited Tax Report
7. 2017 Township Levy Report
8. Legislative update
9. Election Update

The Board reviewed a survey from MRCC.

The Board discussed information regarding MST Watershed Board Manager appointments. To date there is one applicant for the two open positions. The Commissioners will wait to make an appointment, giving time for more applications to be accepted and to advertise one more time.

The meeting was adjourned at 12:40 pm by Chairman Kiesow.

CHAIRPERSON,
MARSHALL COUNTY BOARD OF COMMISSIONERS

ATTEST: _____
MARSHALL COUNTY AUDITOR-TREASURER