

OFFICIAL PROCEEDINGS
MARSHALL COUNTY BOARD OF COMMISSIONERS
Regular Board Meeting
April 4, 2023 – 9:00 A.M.
BOARD ROOM – WARREN, MN

The Pledge of Allegiance was given.

Commissioner Duckstad called the meeting to order at 9 a.m. with Commissioners Gary Kiesow, Sharon Bring, Larry Nybladh, Jim Duckstad and Auditor/Treasurer Scott Peters present.

GIS Administrator Liz Dustin, Environmental Services Administrator Josh Johnston and Environmental Services Technician Scott Jorgenson met with the Board to discuss proposed 911 signage installation guidelines and future signage maintenance needs and criteria. The new signs have been delivered to the County. Mr. Johnston will bring information on this to the annual Township Association Meeting this Saturday.

The Board approved the April 4, 2023 meeting agenda. **M/S/C – Bring, Kiesow (4,0)**

The minutes from the March 21, 2023 Regular Board Meeting were approved with corrections. **M/S/C – Nybladh, Bring (4,0)**

RESOLUTION 04-04-01

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	
March 21, 2023	\$9,224.44
Commissioner Warrants	\$63,234.71

M/S/C – Kiesow, Bring (4,0)

The following Commissioner/Committee Reports were shared:

<u>Commissioner</u>	<u>Meeting/Report</u>
Kiesow	JD 11/21, Joint Counties Natural Resource Board
Bring	Northwest Regional Transit Coordination Council
Duckstad	Alluma, Middle Snake Tamarac Watershed, State Emergency Communications Board, AMC Leadership Conference, Tri Valley Audit Exit Meeting
Nybladh	University of Minnesota County Extension Committee Leader Training, Employee Benefits Committee, Investment Committee, Drug Task Force Committee, JD 11/21

Public Health Director Fran Tougas provided a Bi-monthly Public Health Update to the Board.

1. There is a new Office Assistant at Quin.
2. There is a new MDH Infectious Disease Director.
3. Infrastructure Project Update.
4. Public Health Week is April 3-9.
5. Suicide Prevention Grant has been submitted with some neighboring counties.
6. Healthy Families America Handouts were shared.
7. Covid Update – currently stable.
8. Monthly Evening Vaccine Clinic information was shared.
9. Children's Dental Services Clinic information shared.

Kittson Marshall and North Kittson Rural Water Representatives Jeff Hane, Chuck Dziengel and David Sunsdahl met with the Board and received approval on a request for a Kittson Marshall – North Kittson Rural Water Merger Support Resolution and Merger Plan.
M/S/C – Nybladh, Bring (4,0)

RESOLUTION 04-04-02

KITTSOON MARSHALL RURAL WATER SYSTEM, A Multi-County Judicially Created Rural Water District after petition under Minn. Stat. 116A.03,

And

NORTH KITTSOON RURAL WATER, a Political Subdivision of Kittson County created under Minn. Stat. Ch. 116A.01

Whereas, Kittson Marshall Rural Water System of Donaldson, Minnesota (hereinafter “KM”), the oldest rural water system in Minnesota, was created by judicial order in the Kittson County District Court on August 2, 1971, as a result of landowners petition under Minn. Stat. 116A.03. KM is the state’s first rural water provider going on-line in 1975 and serving customers in southern Kittson and northern Marshall counties; and,

Whereas, North Kittson Rural Water of Lake Bronson, Minnesota (hereinafter “NK”) was created statutorily in 1979 as a result of proceedings before the Kittson County Board of Commissioners under Minn. Stat. 116A.01, and is now serving customers in northern Kittson County; and,

Whereas, KM and NK are neighboring districts bordering each other, and due to certain historical events, KM now receives its water from NK, and in all likelihood must continue to do so because developing an independent source of water for KM is no longer economically viable; and,

Whereas, KM now has approximately 265 rural customers and employs one full time manager and no additional staff members, while NK has approximately 640 rural customers and employs one full time manager and two additional staff members; and,

Whereas, the customer base of KM is now decreasing, and in all likelihood based on population projects the number of customers across both systems will either remain steady or continue to shrink; and,

Whereas, good customer service could be provided to all customers in both systems using NK’s existing staff and manager; and,

Whereas, KM’s existing manager, Greg Mitziga, desires to retire; and,

Whereas, KM’s search to obtain a replacement for Mitziga proved that in the current employment climate it is extremely difficult to find qualified water technician and entice them to move to a rural area, and the initial search most recently done by KM in hopes of finding a replacement for Mitziga produced only one candidate, and that candidate was unwilling to fill the position without a substantial increase in salary; and,

Whereas, it appears that an economy of scale can be achieved by merging the two entities that should make it easier for a new combined entity to keep water rates low or at least temper any necessary rate increases; and,

Whereas, both NK and KM are political subdivisions charged with the wise and prudent use of public funds; and,

Whereas, Minnesota Statute Chapter 116A empowers water providers the certain powers, including the power to do all things necessary to establish, construct, maintain, and operate water systems, including the power to contract for services, to contract with other political subdivisions, and to acquire, enlarge or improve service areas; and,

Whereas, Minn. Stat. 116A.01, specifically empowers the district courts to make all necessary orders and assert whatever jurisdiction is necessary to provide for public water systems and to do so across county boundaries; and,

Whereas, the current members of the respective Boards for each district (KM and NK) have agreed to a plan of merger that will result in a new initial entity empowered under Minn. Stat. 116A.24, with a seven member board, which board shall initially consist of two members appointed by KM and five appointed by NK, with funds from each entity pooled and deposited with the new entity, and which in the first year of service it is contemplated that current water rates in each district will remain the same, and having a new Board that will take possession and stewardship of all of the real and personal assets of both entities, and that upon creation of the new entity the old separate districts shall cease to exist, and the new entity shall become the depository of the books and records of the old entities; and,

Whereas, and that after due notice to all customers (including by mail and by publication), hearings were held before the existing boards of each rural water district, and following said hearings the Resolution In Support of Merger was affirmed, and a Plan of Merger was adopted; and,

THEREFORE, having considered all of the benefits and detriments of a merger of rural water districts KM and NK, and having determined that it is in the public interest to do the same,

IT IS HEREBY RESOLVED that KITTSON MARSHALL RURAL WATER and NORTH KITTSON RURAL WATER should merge forming a new entity entitled Kittson Marshall Water, and that said Plan of Merger is in all ways approved, and that the Chair be authorized to sign the same, and that the Plan of Merger should be submitted to the Kittson County District Court for final approval, and that after the running of any applicable period for appeal from the order of the District Court, the new entity KITTSON MARSHALL WATER should take over all operations in both districts, and simultaneously the old districts should be legally terminated. **M/S/C – Nybladh, Bring (4,0)**

Highway Engineer Lon Aune met with Board on the following Highway Business.

1. Resolution Consideration
2. Karlstad Airport Meeting Discussion was shared.
3. Snow Plowing Discussion
4. 5 Year Road & Bridge Plan Meeting is set for April 13 in Newfolden at 5:30 pm.
5. Lon will be attending the National Engineer Conference over the next meeting.
6. We have now been approved for a bike path grant for \$380,000.
7. Electric Vehicle Charging Station needs.

RESOLUTION 04-04-03

IT IS RESOLVED that Marshall County enter into MNDOT Agreement NO.1052902 with the State of Minnesota, Department of Transportation for the following purpose:

To provide for payment by the State to the County for the use of County State Aid Highway NO. 6 and County State Aid Highway NO. 49 as a detour route during the construction to be performed, upon, along, and adjacent to Trunk Highway No. 32 from 0.1 miles north of county road No.6 to Trunk Highway No.11 under State Project No. 4504-19 (T.H. 32=32) **M/S/C – Bring, Kiesow (4,0)**

Sheriff Jason Boman and Deputy/Jail Administrator Mark Ellerbusch met with the Board for a Jail Remodel discussion. Building Maintenance Engineer Rodger Haugtvedt was available for this presentation. DOC inspection reports indicating future needs were shared. An upcoming meeting with the DOC inspection unit will be on 4/20/23 at 10 a.m.

Auditor/Treasurer Scott Peters provided the following report.

1. Five Year Financial Report
2. Ditch Report through March
3. Tax Update
4. Opioid Resolution Consideration
5. Investment Report
6. Snocat Club Sponsorship Resolution Consideration
7. MST Watershed land donation request for Swift Coulee Project was reviewed and will be considered at a future meeting.
8. The Board commended Social Services for a letter received from DHS on excellence in financial reporting.
9. 2022 County Audit Report was shared.

RESOLUTION 04-04-04

Resolution Authorizing County Staff to Execute All Necessary Documents to Ensure County Participation in the Multistate Settlements Relating to Opioid Distributors and Manufacturers, and in the Minnesota Opioids State-Subdivision Memorandum of Agreement.

WHEREAS, the State of Minnesota and numerous Minnesota cities and counties are engaged in nationwide civil litigation against manufacturers and distributors of prescription opioids related to the opioid crisis; and

WHEREAS, the Minnesota Attorney General has signed on to multistate settlement agreements with several pharmaceutical distributors and manufacturers, but those settlement agreements are still subject to sign-on by local governments and final agreement by the companies and approval by the courts; and

WHEREAS, there is a deadline of April, 18 2023, for a sufficient threshold of Minnesota cities and counties to sign on to the above-referenced multistate settlement agreements, and failure to timely sign on may diminish the amount of funds received by not only that city or county but by all Minnesota cities and counties from the settlement funds; and

WHEREAS, representatives of Minnesota's local governments, the Office of the Attorney General, and the State of Minnesota have reached agreement on the intrastate allocation of these settlement funds between the State, and the counties and cities, as well as the permissible uses of these funds, which will be memorialized in the Minnesota Opioids State-Subdivision Memorandum of Agreement (the "State-Subdivision Agreement"); and

WHEREAS, the State-Subdivision Agreement creates an opportunity for local governments and the State to work collaboratively on a unified vision to deliver a robust abatement and remediation plan to address the opioid crisis in Minnesota;

NOW, THEREFORE, BE IT RESOLVED, MARSHALL COUNTY supports and agrees to the State-Subdivision Agreement; and

BE IT FURTHER RESOLVED, MARSHALL COUNTY supports and opts into all future state settlement agreements pertaining to opioid distributors and manufacturers; and

BE IT FURTHER RESOLVED, MARSHALL COUNTY authorizes county staff to execute all necessary documents to ensure County participation in the multistate settlements, including the Participation Agreement and accompanying Release, and in the State-Subdivision Agreement. **M/S/C – Nybladh, Kiesow (4,0)**

RESOLUTION 04-04-05

BE IT RESOLVED, that the Marshall County Board of Commissioners will act as legal sponsor for an application for funding to the State of Minnesota Department of Natural Resources for maintenance of snowmobile/ski trails managed by the Warren Snocat Club.

BE IT FURTHER RESOLVED, that upon approval of its application by the State, the Marshall County Board of Commissioners may enter into an agreement with the State of Minnesota for the above referenced project and that with all applicable laws and regulations as stated in the agreement.

BE IT FURTHER RESOLVED, that Marshall County is hereby authorized to serve as the fiscal agent for the above referenced project.

BE IT FURTHER RESOLVED, that the sponsorship will be in effect and continue until rescinded. **M/S/C – Duckstad, Nybladh (4,0)**

Chairperson Duckstad adjourned the meeting at 12:09 p.m.

CHAIRPERSON,
MARSHALL COUNTY BOARD OF COMMISSIONERS

ATTEST: _____
MARSHALL COUNTY AUDITOR-TREASURER