

**REGULAR MEETING OF THE BIG STONE COUNTY BOARD**  
**July 7, 2009**

The Big Stone County Board of Commissioners met in the Commissioner's Room at 8:30 AM on Tuesday, July 7, 2009. Chairman Olson called the meeting to order with Commissioners Athey, Berning, Sandberg and Wulff present. Also present were Elsie Perrine, Mike Swenson of the Ortonville Independent, County Attorney Bill Watson and County Auditor Michelle Knutson. The Pledge of Allegiance followed.

Motion by Athey, seconded by Wulff and carried to approve the minutes of the June 16<sup>th</sup> regular meeting.

Motion by Sandberg, seconded by Berning and carried to approve the agenda with noted addition.

Commissioners reported on the following committees:

Athey – Prairie 5

Wulff – RLF; AMC District Meeting; Pomme de Terre; RC&D; BSAG

Berning – Public Safety

Olson – RDC; PrimeWest

Sandberg – Audit; Public Safety; Personnel (Interviews); Technology; Property

Motion by Sandberg and seconded by Berning to adopt the following resolution:

**2009-27**

WHEREAS, it is a basic responsibility of the County to provide for the health and welfare of its citizens; and

WHEREAS, the Federal Communications Commission (FCC) has issued regulations which require the replacement of wideband Land Mobile Radio (LMR) systems operating in the Very High Frequency (VHF) and Ultra High Frequency (UHF) spectrum by 2013; and

WHEREAS, public safety agencies throughout the country, including public safety agencies within Big Stone County, have relied upon wideband LMR systems to provide vital public safety communications for law enforcement, fire, emergency medical services, public works, disaster response and other vital government services; and

WHEREAS, the County has worked with the Central Minnesota Regional Radio Board (CMRRB), of which it is a participating member, to complete a comprehensive assessment of public safety communication within the County; and

WHEREAS, the County has been presented with a public safety communication assessment (hereinafter "Assessment") conducted by GeoComm, which included an assessment of the alternatives that exist for the County to replace the public safety communication infrastructure within the County.

NOW, THEREFORE, BE IT RESOLVED the Big Stone County Board of Commissioners hereby accepts the Assessment as an accurate assessment of public safety communication needs within the County and of the alternatives that reasonably exist to replace the public safety communication infrastructure within the County, and be it further;

RESOLVED, that the Big Stone County Board of Commissioners adopt the Allied Radio Matrix for Emergency Response (ARMER) participation alternative specified in the

Assessment as the most appropriate and best option for the County to replace the public safety communication infrastructure within the county, and be it further; RESOLVED, that the Big Stone County Sheriff (hereinafter "Sheriff") is instructed to develop a participation plan (hereinafter "Plan") for the migration of and participation of all county and local governments and public safety agencies located and operating within the County to the ARMER public safety communication system, and be it further; RESOLVED, that the Plan developed by the Sheriff shall include and provide for a proposed budget for the integration of public safety agencies to the ARMER public safety communication system, for competitive bids documents and proposals for local enhancements or improvements required for county participation and proposed contracts for equipment and services necessary to complete the integration of public safety agencies to the ARMER public safety communication system, and be it further; RESOLVED, the Assessment providing the basis of this action shall be submitted to the CMRRB with a recommendation that the Assessment be incorporated into the CMRRB regional public safety communication plan and that the Sheriff is authorized to submit the Assessment and the Plan to the CMRRB, to the Minnesota Departments of Transportation and Public Safety and to the Statewide Radio Board, as may be necessary to gain final approval for the County participation in the ARMER public safety communication system as provided for in the Plan.

Following discussion, motion carried.

County Attorney Watson reported on an invoice received for hiring an expert for the Hyden case. He also reported that there will be additional bills that will be coming. Upon request by Attorney Watson, board consensus was to pay for hotel costs if the trial is moved out of the County.

Tom Taylor, Joanne Svendson, Kathy Draeger, Dorothy Rosemeier and Bill Rois were present to report on the Land Stewardship Project. A grant has been received to do an assessment of the needs and availability for building a local foods system. A brainstorming session was held to discuss the challenges and opportunities of a food system in Big Stone County.

Motion by Athey, seconded by Wulff and carried to approve 3-year assessment agreements with Big Stone Township, Graceville Township, Prior Township, City of Johnson and Foster Township and a 1-year assessment agreement with Malta Township as presented by County Assessor Sandy Vold.

Motion by Wulff, seconded by Berning and carried to execute the assessing contract with Randy Arnold as presented by County Assessor Vold.

Motion by Sandberg, seconded by Wulff and carried to approve the Family Services training budget as presented by HR Director Sue Schultz contingent on the County providing the direction of the curriculum to be covered.

Motion by Berning, seconded by Sandberg and carried to authorize HR Director Schultz to enter into an agreement with OccuPro through Big Stone Therapies for services as needed.

Following a break, County Engineer Nick Anderson, Carolyn Drude from Ehlers & Associates, Gloria Arndt, Curt Arndt and Bruce Swigerd arrived at the meeting.

Chairman Olson called the public hearing to order at 10:00 AM on the proposal to adopt the County's Capital Improvement Plan (the "Plan") and approve the issuance of bonds (the "Bonds") under MN Statute 373.40. An affidavit is on file showing

publication of the notice of public hearing at least fourteen (14) days but not more than twenty-eight (28) days prior to the date fixed for the public hearing in the Ortonville Independent being the official newspaper of the County. The purpose of the hearing was explained, the nature of the Plan and the Bonds was discussed and all persons present who desired to do so were afforded an opportunity to express their views with respect to the proposal to approve the Plan and issue the Bonds. After all persons who wished to do so had stated their views on the proposals, Chairman Olson declared the public hearing to be closed at 10:21 AM.

Motion by Berning and seconded by Wulff to adopt the following resolution:

**2009-28**

WHEREAS, Big Stone County has published notice of its intent to hold a hearing on the issuance of capital improvement plan bonds under Minnesota Statutes, Section 373.40 (the "Bonds") and on its proposed Capital Improvement Plan (the "Plan"), at least fourteen (14) but not more than twenty-eight (28) days prior to the date hereof, pursuant to and in accordance with Minnesota Statutes, Section 373.40 (the "Act"); and WHEREAS, the Big Stone County Board of Commissioners (the Board) held a public hearing on the date hereof on the Plan and on the issuance of the Bonds to finance capital improvements including certain improvements to County roads, as described in the Act and in the Plan (the "Project"); and WHEREAS, the Board has considered the factors described in subdivision 3 of the Act with respect to the Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby a) authorizes the issuance of the Bonds in an amount not to exceed \$1,000,000 and b) approves the Plan. Ehlers & Associates, Inc. is hereby authorized, pursuant to Minnesota Statutes, Section 475.60, Subdivision 2, paragraph (9), to prepare and distribute an Official Statement and to solicit proposals for the Bonds on behalf of the County on a negotiated basis. This Board shall meet on August 18, 2009, for the purpose of considering proposals for the purchase of the Bonds and of taking such action thereon as may be in the best interests of the County.

Motion carried with Commissioner Athey voting Nay.

County Engineer Anderson presented a Certificate of Performance for SP 006-598-002 with Midwest Contracting, LLC. Motion by Athey, seconded by Sandberg and carried to adopt the following resolution:

**2009-29**

WHEREAS, County SP 006-598-002 has in all things been completed and the County Board being fully advised in the premises.

NOW THEN BE IT RESOLVED, that the Board hereby accepts said completed project for and on behalf of the County of Big Stone, and authorize final payment to Midwest Contracting, LLC in the amount shown on final pay estimate.

Motion by Wulff, seconded by Berning and carried to execute the contract with Riley Brothers Construction for CP 06-663-06.

Discussion was held on the legal recourse for destruction of county road right-of-way.

Engineer Anderson and Chairman Olson provided an update on County Ditch #2.

Representative Andrew Falk was present to update the Board on the past legislative session and to address any concerns they may.

Motion by Sandberg, seconded by Berning and carried to authorize payment of the following claims as presented by Auditor Knutson:

General	\$127,482.72
Highway	21,919.96
Ditch	1,857.06
Taxes & Penalties	<u>561.15</u>
Total	\$151,820.89

Motion by Wulff, seconded by Sandberg and carried to authorize payment of \$46,015.83 to Carlson Construction as an auditor warrant.

Motion by Berning, seconded by Wulff and carried to approve the On Sale and Sunday Liquor License for Club 7-75.

Motion by Berning, seconded by Olson and carried to execute the agreement with Roberts County, South Dakota for the housing and maintaining of prisoners and detainees as needed.

Motion by Sandberg, seconded by Athey and carried to adopt the following resolution:

### **2009-30**

WHEREAS, County State Aid Highway funding continues to fall short of increasing costs to properly build and maintain the system; and  
WHEREAS, the Screening Board has the authority to make changes to the NEEDS which affect the funding distributions to the CSAH system; and  
WHEREAS, the State Legislature has created an unbalanced Screening Board with a majority of the votes going to less than 15% of the total system causing a shift of NEEDS to that part of the system; and  
WHEREAS, the Screening Board was originally set up per Statute 162.07 to include one voting member from each district in the State, it now consists of a voting member from each district, 2 voting members from the metro and 1 voting member from any county with greater than 175,000 population:

#### **Statute 162.07 Subd. 5 Screening board**

(a) On or before September 1 of each year the county engineer of each county shall forward to the commissioner, on forms prepared by the commissioner, all information relating to the mileage, in lane-miles, of the county state-aid highway system in the county, and the money needs of the county that the commissioner deems necessary in order to apportion the county state-aid highway fund in accordance with the formula heretofore set forth. Upon receipt of the information the commissioner shall appoint a board consisting of the following county engineers:

- (1) two county engineers from the metropolitan highway construction district;
- (2) one county engineer from each nonmetropolitan highway district;
- and
- (3) one additional county engineer from each county with a population of 175,000 or more.

THEREFORE BE IT RESOLVED that Big Stone County hereby supports a legislative change to return the screening board to one voting member per district in order to restore fairness and provide an equal voice for every

district in the State on the subject matter of transportation funding, which affects the safety of the traveling public in all of Minnesota.

Motion by Berning, seconded by Wulff and carried to execute the Federal Boating Safety Supplement Grant Agreement with the State of Minnesota.

The Board approved the new items for display in the rotunda by the Big Stone Arts Council.

Auditor Knutson reported that the Ortonville EDA had inquired as to the County's interest in the old Oddfellows building across the street from the Courthouse. Board consensus was to respectfully decline.

Motion by Wulff, seconded by Olson and carried to amend the 3-year lease of farm land in Browns Valley Township with Thomas Maanum to correct the number of acres owned by the County. The amended lease amount will be \$3,454/year for the years 2010-2012.

Discussion was held on scheduling upcoming meetings to review the 2010 budget. It was decided to hold a special meeting on Monday, July 20<sup>th</sup> at 9:30 AM to begin the review of the budget.

Chairman Olson adjourned the meeting at 11:47 AM.

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Brent Olson, Chairman

ATTEST: \_\_\_\_\_  
Michelle R. Knutson, Auditor