

**REGULAR MEETING OF THE BIG STONE COUNTY BOARD**  
**March 21, 2017**

The Big Stone County Board of Commissioners met in the Commissioner's Room at 8:30 AM on Tuesday, March 21, 2017. Chairman Backer called the meeting to order with Commissioners Athey, Olson, Berning and Sandberg present. Also present were Mike Swenson of the Ortonville Independent, County Attorney Bill Watson and Deputy Auditor Sharon Finke. The Pledge of Allegiance followed.

Motion by Olson, seconded by Berning and carried to approve the minutes of the March 7<sup>th</sup> regular meeting.

Motion by Berning, seconded by Athey and carried to approve the agenda.

Commissioners reported on the following committees:

Sandberg – Water Plan; CBSL; Emergency Management; Safety

Athey – HRA

Backer – Dept Head; BSAG; Bois de Sioux; Woodland; PIC

Berning – Personnel

Olson – BSAG; PrimeWest

Motion by Olson, seconded by Berning and carried to adopt the following resolution as presented by Attorney Watson:

**2017-12**

WHEREAS, William Watson, the duly elected Big Stone County Attorney, has submitted his resignation effective March 31, 2017; and

WHEREAS, Big Stone County has initiated the process to fill the vacancy left by his resignation with said vacancy to be filled pursuant to M.S. §375.08; and

WHEREAS, it does not appear that the vacancy in the Office can be filled by the Board of Commissioners on or before April 1, 2017 and the Board is authorized under M.S. §388.09 to employ a competent attorney to perform legal services for the County when there is no County Attorney to employ; and

WHEREAS, Aaron Jordan, Stevens County Attorney, has offered to provide such legal services for Big Stone County until the vacancy can be filled pursuant to M.S. §375.08 under the terms and conditions of a letter dated February 8, 2017, submitted to Big Stone County and on file; and

WHEREAS, such services would be provided by Aaron Jordan, any assistant Stevens County Attorney and any attorneys acting on his behalf.

NOW, THEREFORE, BE IT RESOLVED that the Big Stone County Board of Commissioners hereby contracts with Aaron Jordan, Stevens County Attorney, and his duly appointed assistants to provide legal services to the County and perform the duties of the Big Stone County Attorney under the terms as set forth in the letter referred to above and to provide such services until appointment may be made by the Board to fill the vacancy under M.S. §375.08 or until commencement of the term of a newly elected County Attorney.

Motion by Athey, seconded by Sandberg and carried to authorize payment of the following claims as presented by Deputy Auditor Finke:

Computer Professionals	\$ 4,651.00
Kandiyohi County Sheriff Dept.	3,782.00
Liftoff, LLC	11,160.00

Metropolitan Compounds, Inc.	2,644.09
Office Peeps, Inc.	2,825.93
Ortonville Independent	2,375.61
54 Payments Less Than \$2,000	<u>18,564.92</u>
Total	\$46,003.55

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

**2017-13**

WHEREAS, it appears that the original benefits or damages determined in Big Stone County Ditch 4 do not reflect reasonable present day land values; and WHEREAS, it appears that the present day lands benefitted or damaged have changed. NOW, THEREFORE, BE IT RESOLVED that the drainage authority hereby ordains that a Redetermination of Benefits and Damages pursuant to M.S. §103E.351 is appropriate and that the same shall be carried out.

BE IT FURTHER RESOLVED that John Cunningham, Eldon Knutson and Mark Dietz are appointed as viewers to redetermine and report the benefits and damages and the benefitted and damaged areas to the drainage authority as provided by law.

BE IT FURTHER RESOLVED that the redetermined benefits and damages and benefitted and damaged areas shall hereafter be used in place of the original benefits and damages and benefitted and damaged areas in all subsequent proceedings relating to the aforementioned drainage system.

Motion by Olson, seconded by Berning and carried to adopt the following resolution:

**2017-14**

WHEREAS, it appears that the original benefits or damages determined in Big Stone County Ditch 20 do not reflect reasonable present day land values; and WHEREAS, it appears that the present day lands benefitted or damaged have changed. NOW, THEREFORE, BE IT RESOLVED that the drainage authority hereby ordains that a Redetermination of Benefits and Damages pursuant to M.S. §103E.351 is appropriate and that the same shall be carried out.

BE IT FURTHER RESOLVED that John Cunningham, Eldon Knutson and Mark Dietz are appointed as viewers to redetermine and report the benefits and damages and the benefitted and damaged areas to the drainage authority as provided by law.

BE IT FURTHER RESOLVED that the redetermined benefits and damages and benefitted and damaged areas shall hereafter be used in place of the original benefits and damages and benefitted and damaged areas in all subsequent proceedings relating to the aforementioned drainage system.

Chairman Backer updated the Board on the progress of the proposed County Program Aid legislation. He recommended that all members call key legislators and encourage them to vote yes when the bill comes before them.

Motion by Olson, seconded by Sandberg and carried to adopt the Dilapidated Structures Program as presented by Chairman Backer.

Environmental Officer Darren Wilke presented three resolutions addressing the possible actions that the Board could take regarding compliance of M.S. §103B.101, Subd. 12a and §103F.48. Following discussion, motion by Olson, seconded by Athey and carried to adopt the following resolution:

**2017-15**

WHEREAS, during the 2015 First Special Session, the 89<sup>th</sup> Legislature adopted Chapter 4, creating the water quality buffer initiative; and

WHEREAS, Chapter 4 permits a county to opt in as the enforcement authority of the water quality buffer initiative for its jurisdiction; and

WHEREAS, improved water quality is a statewide goal, but is best administered by local policymakers, whose familiarity with their home communities will ensure a cooperative and efficient implementation of the initiative.

NOW, THEREFORE, BE IT RESOLVED, Big Stone County affirms its jurisdiction to carry out the compliance provisions of M.S. §103B101, Subd. 12a and §103F.48.

BE IT FURTHER RESOLVED, county staff will draft a rule, ordinance, or official controls, to be approved by the Big Stone County Board of Commissioners, to carry out the compliance provisions of M.S. §103B.101, Subd. 12a and §103F.48.

Environmental Officer Wilke requested approval for payment from the Aquatic Invasive Species (AIS) funds for billboard expenses, Lindner’s Angling Buzz Contract and training for CBSL members. Motion by Athey, seconded by Sandberg and carried to approve submitting the 3 invoices for payment out of the AIS Funds.

Commissioner Sandberg reported that new handicap accessible doors will be installed at the Government Building, Family Services and Highway Department.

HR Director Dawn Gregoire reported that Extension is once again requesting additional staff during the county fair. Motion by Athey, seconded by Olson and carried to advertise for a seasonal worker to assist the Extension Office prior to and during the county fair.

HR Director Gregoire advised the Board that Attorney interviews will be completed on Wednesday and hopefully final interviews can be scheduled for the following Tuesday. A meeting will be held this afternoon with representatives from Stevens County to discuss contracting services with their Highway Engineer.

Upon recommendation of Attorney Ann Goering, motion by Olson, seconded by Athey and carried to adopt the following resolution:

**2017-16**

WHEREAS, pursuant to M.S. §163.07, a County Engineer may be appointed for an initial term of one year, and subsequent terms must be for four years.

NOW, THEREFORE, BE IT RESOLVED by the Big Stone County Board of Commissioners as follows:

1. The Board has reviewed and hereby approves the Notice of Intent Not to Reappoint to be sent to Nick Anderson.
2. The Board Chair is authorized to sign Notice on behalf of the County.
3. The Human Resources Director is directed to serve a copy of this Resolution and the Notice on Anderson and place a copy in his personnel file.

HR Director Gregoire reported that a representative from the compensation study will be present at the next board meeting.

County Engineer Nick Anderson presented the following bids that were received for CP 1701-SP:

Wm. D. Schepaniak, Inc.	\$ 93,150.00
Sibson Gravel	\$100,800.00
Hard Rock Screening, LLC	\$117,750.00

Central Specialties Inc. \$150,750.00

Motion by Olson, seconded by Sandberg and carried to award the bid to Wm. D. Schepaniak, Inc.

Engineer Anderson present the following bids that were received for CP 006-003-017, 006-004-017, 006-005-017 and 006-006-017:

Bituminous Paving, Inc. \$220,503.19

Asphalt Surface Technologies Corp. \$271,617.03

Motion by Berning, seconded by Athey and carried to award the bid to Bituminous Paving.

Engineer Anderson presented the following bids that were received for SAP 006-634-006 and 006-635-007:

Bituminous Paving, Inc. \$1,149,086.30

Central Specialties, Inc. \$1,234,267.20

Duininck Bros., Inc. \$1,410,701.82

Motion by Athey, seconded by Sandberg and carried to award the bid to Bituminous Paving.

Motion by Olson, seconded by Berning and carried to adopt the following resolution:

**2017-17**

BE IT RESOLVED that Big Stone County is entering into a Joint Powers Agreement with the seven Mn/DOT District 4 counties of Big Stone, Douglas, Grant, Pope, Stevens, Swift, and Traverse for the following Purpose:

*Define the rights and obligations of each county for the delivery of Project S.P. 006-072-002, a Federal Highway safety project that will provide safety improvements in the form of intersection lighting at 42 Federal Aid eligible intersections.*

NOW, THEREFORE, BE IT FURTHER RESOLVED that the proper County officers be and hereby are authorized to execute such agreement and any amendments, and thereby assume for and on behalf of the County all the obligations contained therein.

Engineer Anderson reported that MnDOT wants to make some changes to the Agency Agreement for SP 006-072-002 and so no action will be taken today.

Highway Maintenance Supervisor Darby Karsky and landowner Terry Gillespie were present for the discussion regarding County Ditch 28 and possible abandonment. Upon recommendation of Engineer Anderson, motion by Olson, seconded by Berning and carried not to abandon County Ditch 28.

Motion by Berning, seconded by Sandberg and carried to authorize the following expenditures for seeding of buffers along the following ditches:

County Ditch 8 \$ 800

Joint Ditch 24 \$ 500

County Ditch 28 \$1,000

Engineer Anderson informed the Board that a meeting with the landowners on County Ditch 12 will be scheduled for the County Board meeting on April 4<sup>th</sup> regarding the need for a redetermination of benefits.

Attorney Watson expressed his appreciation to everyone and especially to the County Board for their cooperation over the years and especially now during this time of transition.

Chairman Backer adjourned the meeting at 10:03 AM.

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Jay Backer, Chairman

ATTEST: \_\_\_\_\_  
Sharon Finke, Deputy Auditor