

**OFFICIAL PROCEEDINGS**  
**MARSHALL COUNTY BOARD OF COMMISSIONERS**  
**Regular Board Meeting**  
**March 7, 2017 - 9:00 A.M.**  
**Marshall County Boardroom**

The Pledge of Allegiance was given.

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

Residents Eric Johnson, Robin Johnson, and Loren Zutz addressed the Board during open forum to discuss information pertaining to the 3/2/17 public hearing regarding audits, costs of operation, and legislative changes pertaining to the MST watershed. They will return for the MST Public Hearing discussion at 11:00 am.

The Board unanimously approved the March 7, 2017 meeting agenda with additions.  
**M/S/C – Bring, Kiesow**

The minutes from the February 21, 2017 Regular Board Meeting were approved with corrections by unanimous vote. **M/S/C – Vonasek, Bring**

Environmental Services Administrator Josh Johnston addressed the Board to review Water Plan requirements, and the One Watershed One Plan process. The Board unanimously approved the memorandum of agreement regarding the Thief River One Watershed One Plan. **M/S/C – Bring, Vonasek** The Board unanimously gave approval of the request for qualifications for the Thief River One Watershed One Plan. **M/S/C – Bring, Borowicz** Gary Kiesow was appointed to the policy committee for this plan with Rolland Miller as an alternate by unanimous vote. **M/S/C – Bring, Borowicz**

Technology Assistant Liz Dustin met with the Board and received unanimous approval to utilize compliance funds to pay for parcel fabric, Local Government Information Model (LGIM), and parcel drafter in the GIS database at a total cost of \$15,142.36. **M/S/C – Bring, Borowicz** Splits and Combo payment approval has been previously authorized.

Veteran Services Director Brett Brandon met with the Board to provide a Feedlot and Veterans Services Report. Mr. Kilen will utilize MV staff and Kim Haugtvedt for office assistance as can be allowed. The Board unanimously approved the 2016 Annual County Officer Annual Report and Performance Credit Report. **M/S/C – Kiesow, Vonasek**

**RESOLUTIONS 03-07-01**

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 Batch**

02-24-17 \$137,173.10

02-28-17 \$ 1,661.13

**Commissioner Warrants**

**03-07-17 \$ 83,988.75**

**M/S/C – Bring, Borowicz**

Resolution 03-07-01 was unanimously approved by the Board.

County Highway Engineer Lon Aune addressed the Board regarding Highway and Ditch Authority Business.

1. Resolutions/Agreements
  - a. Resolution approving the Advancing of State Aid Construction funds.
  - b. Resolution approving purchase of 2 tractors for mowing.

- c. Resolution approving purchase of 2 mowers.
  - d. Resolution approving purchase of a motor grader.
2. Highway Department Updates
- a. CSAH 5 Overlay – Stephen to TH 220- already bid with Knife River
  - b. CSAH 8 Overlay – Newfolden to CSAH 6 – Bid letting April 4<sup>th</sup> at 11 am
  - c. CSAH 28 Overlay – Newfolden to State Highway 32 – Bid letting April 4<sup>th</sup> at 11 am
  - d. CSAH 7 Overlay – MN 32 to CSAH 12 – on hold for now
  - e. Grading of CR 104 – MN Highway 1 to south county line – working on design and landowners for right of way.
3. General Discussion
- a. 5 year Road Plan Meeting is scheduled for April 4<sup>th</sup>, 2017 at 5:30 at the Newfolden Community Center
  - b. Rinke Noonan Meeting with Roseau County will be set up to discuss Joint Ditch Protocol
  - c. Maintenance Superintendent Wage Discussion was placed on hold

**RESOLUTION 03-07-02**

WHEREAS, the County of Marshall is planning to implement County State Aid Street Project(s) in 2017 which will require State Aid funds in excess of those available in its State Aid Regular Construction Account, and

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

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

Account Balance as of date 02-28-17	\$ 776,662.00
Less estimated disbursements:	
Project # SAP 045-608-009	\$ 543,750.00
Project # SAP 045-628-011	\$ 1,125,532.00
Project # _____	\$ _____
Project # _____	\$ _____
Bond Principle (if any)	\$ _____
Project Finals (overruns-if any)	\$ 100,000.00
Other _____	\$ _____
Total Estimated Disbursements	\$ 1,769,282.00
Advance Amount (amount in excess of acct balance)	\$ 992,620.00

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 Project(s) of the County of Marshall in an amount up to \$992,620.00 in accordance with Minnesota Rules 8820.1500, Subp. 9. I hereby authorize repayments from subsequent accruals to the Regular Construction Account of said County from future

year allocations until fully repaid. **M/S/C – Bring, Kiesow**  
All Commissioners voted in favor of Resolution 03-07-02.

**RESOLUTION 03-07-03**

WHEREAS, the following quotes were received for the purchase of two (2) 14' LANDPRIDE Rotary Cutters with trade-in:

Titan Machinery, Inc.....	\$15,600.00
Evergreen Implement.....	\$19,000.00

AND WHEREAS, the quote of Titan Machinery, Inc. for \$15,600.00 has been determined to be the best quote.

NOW THEREFORE, be it resolved that the quote of Titan Machinery, Inc. be accepted for furnishing two (2) LANDPRIDE (14') RCM5014 Rotary Cutter Mowers and the County Highway Engineer be authorized to purchase two (2) LANDPRIDE (14') RCM5014 Rotary Cutter Mowers for \$15,600.00. **M/S/C – Borowicz, Bring**  
Resolution 03-07-03 was passed by unanimous board approval.

Mr. Kiesow questioned why we receive quotes from out of county equipment dealers, but not for vehicle purchases and that we should be consistent on all processes.

**RESOLUTION 03-07-04**

WHEREAS, the following bids were received for two (2) New Tractors with Mechanical Front Wheel Drive, with trade-in:

Evergreen Implement Company (2) 6155M John Deere .....	\$149,500.00
Titan Machinery, Inc (2) T6175 New Holland .....	\$130,000.00

AND WHEREAS, the bids are based and compared on the present-day dollar value,

AND WHEREAS, the bid for two (2) New Tractors with Mechanical Front Wheel Drive in the amount of \$130,000.00 has been determined to be the best bid, based on warranty, availability, product specifications, and Engineer's recommendation.

NOW THEREFORE, be it resolved that the bid of Titan Machinery, Inc. be accepted for furnishing two (2) New Tractors with Mechanical Front Wheel Drive, and the County Highway Engineer be authorized to enter into a corresponding agreement. **M/S/C – Vonasek, Bring**  
Unanimous Board approval was given to Resolution 03-07-04.

**RESOLUTION 03-07-05**

WHEREAS, the following gross bids were received from the State of Minnesota Cooperative Purchasing Agreement for one (1) motor grader with specified snow removal equipment:

RDO Equipment Co. (1-2017 770 GP).....	\$295,302.75
Ziegler, INC. (1-2017 140 M3).....	\$333,375.00

AND WHEREAS, the bid of RDO Equipment Co. in the amount of \$295,302.75 has been determined to be the best bid based on initial price (\$295,302.75), minus trade-in value of \$61,500.00.

AND WHEREAS, Marshall County will be trading a CAT 140H motor grader S/N APM01854 toward the purchase of the new machine.

NOW THEREFORE, be it resolved that the bid of RDO Equipment Co. be accepted for furnishing one (1) motor grader with specified snow removal equipment, and the County Highway Engineer be authorized to enter into a corresponding contract. **M/S/C – Borowicz, Vonasek** All Commissioners voted in favor of Resolution 03-07-05.

Bumps on Highway 10 were discussed. Not much can be done with them other than to put up signs to warn people or put down a mix that would be taken out later when the road stabilized. A Donnelly township bridge that is currently closed at 440<sup>th</sup> Avenue NW was discussed. This is a township decision as to its future.

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

Unanimous Board approval was given to hold a State Ditch 2 abandonment hearing on April 18, 2017 at 11:30 am at the County Boardroom. **M/S/C – Borowicz, Vonasek**

The JD 11 Ditch Authority Branch 97 of Judicial Ditch 11 abandonment hearing will be scheduled by that group.

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

The Board discussed information from the March 2, 2017 Public Hearing. Persons in attendance included Brent Silvas, Jim Johnson Eric Johnson, Robin Johnson, Loren Zutz, Kevin Sundby, Brian Jadeke, Tracy Anderson, Brent Strickler, Elden Elseth, Tammy Hansen, and David Myhrer. Various documents from the public were shared with the commissioners. Chairman Miller offered an apology to District Manager Brent Silvas as to the interruptions and questions as to his education at the public hearing. Commissioners offered their opinions of how to proceed from this point from the information received from the hearing. Commissioner Miller would like to see a complete comprehensive audit of the watershed district by an outside agency apart from their current audit firm. Mr. Miller would like to see all lawsuits to end and be dropped or settled and all questions that landowners have to be answered and settled. He feels that the lawsuits are ridiculous and not needed. If managers are not willing to do this he believes the managers should resign or be asked to resign. Mr. Kiesow agreed with the sentiments of Mr. Miller. He also indicated that if the MST Watershed Board wished to not participate with the Red Board that it is possible with MST Watershed Board action. Commissioner Vonasek agrees with Mr. Miller and feels that the managers are trying to be effective and communication needs to improve. Commissioner Bring commended Mr. Miller for his comments to Mr. Silvas. She believes the appointment process that Marshall County uses to appoint watershed managers is fair and although viewpoints may differ, it should have a diverse and fair perspective. Mr. Borowicz echoes the sentiments of Mr. Miller and hopes to move forward in a productive way. Eric Johnson asked how to move forward from here. Commissioner Miller indicated that this process will be followed or changes of managers will be requested. Jim Johnson also apologized to Mr. Silvas for comments made at the Public Hearing. David Myhrer believes that more of the concerns seem to come from the western part of the county and that the eastern part of the district seems to have fewer concerns that are being brought forth. He would like that no documents be accepted from any persons after the public hearing and to use information from the public hearing alone. Loren Zutz commented that he would like to see managers being able to come into the system and feel good about moving forward in a positive way if some of these issues could be resolved. He also offered an apology to Mr. Silvas for comments at the public hearing. Brent Strickler would like to be assured that the dollars that are being assessed and expended properly. Mr. Silvas is receptive to work on issues and to listen to landowners concerns and to be much more engaged with landowners as they move forward. Commissioner Miller iterated again that all past negative attitudes stop and that the County Board wants to move forward with positive resolve and not one of lawsuits. Commissioner Kiesow suggests that the County Board send a letter to the MST Watershed Board specifying the points the County Board would like to see addressed as to the expectations of the County Board and to have the Watershed Board come to a County Board meeting to go over the points made. Aspects to how a comprehensive audit will help clear the air were discussed. The Board will work to complete the letter to the watershed board.

Auditor Peters Reported on the following;

1. Legislative Update
2. MN USA correspondence

3. Enbridge Update
4. MST Watershed Appointment

**RESOLUTION 03-07-06**

**WHEREAS**, Enbridge Energy, LLC has appealed state assessed property values and filed a lawsuit against the Minnesota Department of Revenue for Assessment Years 2012, 2013, 2014, 2015, and 2016, and

**WHEREAS**, if the court rules in favor of Enbridge Energy, LLC and/or a mediated settlement with the Department of Revenue is realized, resulting in a corresponding abatement of tax amounts for Enbridge Energy, LLC for these tax years, it will cause a significant financial burden for Counties, Schools, Townships, Watersheds and the RDC's, and

**WHEREAS**, these entities did not have the ability to defend, protect, or contribute to the outcome of this ruling, but are the entities that would possibly bear the financial burden, and

**WHEREAS**, the assessments being appealed were assessed solely by the Department of Revenue and not by County Assessment,

**THEREFORE, BE IT RESOLVED**, that the Marshall County Board of Commissioners hereby unanimously request and support legislation during the 2017 legislative session to provide state funding that will cover all possible abatement costs associated with this appeal of state assessed values for all entities and hold all affected entities financially harmless of any associated costs. **M/S/C – Bring, Kiesow**  
All Commissioners voted in favor of Resolution 03-07-06.

The following Commissioner/Committee Reports were shared:

<u>Commissioner</u>	<u>Meeting/Report</u>
Borowicz	Employee Benefit Committee
Bring	Living at Home Meeting
Kiesow	Joint Powers of the Red Basin, NW Community Action, Natural Resources Joint Powers, Elk Meeting
Miller	Employee Benefit Committee, MST Watershed
Vonasek	MST Watershed, Tri Valley Building Committee, NW Mental Health

Sheriff Boman met with the Board to provide an update on the radio equipment enhancements that are being pursued by the Sheriff's Office. Mr. Boman will be looking at all revenue sources possible to achieve their goals.

Chairman Miller adjourned the meeting at 1:25 pm.

---

CHAIRPERSON,  
MARSHALL COUNTY BOARD OF COMMISSIONERS

ATTEST: \_\_\_\_\_  
MARSHALL COUNTY AUDITOR-TREASURER