

TODD COUNTY BOARD OF COMMISSIONERS

*Minutes of the Meeting of the Todd County Board of Commissioners held on
November 29, 2011*

Call to Order

The Todd County Board of Commissioners met in the Commissioner's Board Room in the City of Long Prairie, MN on the 29th day of November, 2011 at 6:00 PM. The meeting was called to order by Chairperson Blessing with all members present. The meeting was opened with the Pledge of Allegiance.

Public Hearing

The County Administrator presented the Proposed 2012 Budget which was followed by public comment.

Routine Business

On motion by Ruda and second by Kneisl, the following motion was introduced and adopted by unanimous vote: To approve the November 15, 2011 minutes as read.

On motion by Kneisl and second by Neumann, the following motion was introduced and adopted by unanimous vote: To approve the Commissioner Warrants #29614 - #29687 in the amount of \$78,091.45.

On motion by Kircher and second by Ruda, the following resolution was introduced and adopted by unanimous vote:

TRANSFER OF FUNDS FROM GENERAL TO CORRECTIONS

WHEREAS, The 2011 budget for Todd County's participation in the Todd-Wadena Community Corrections system has been approved at \$272,084; and

WHEREAS, a letter was received asking for the second half of the appropriation,

NOW, THEREFORE BE IT RESOLVED, that the Todd County Board of Commissioners hereby approve the transfer of the second half of the 2011 budget, \$136,042, from the General Fund to Todd-Wadena Community Corrections Fund.

On motion by Ruda and second by Kneisl, the following resolution was introduced and adopted by unanimous vote:

TRANSFER COUNTY ALLOCATION TO THE COMMUNITY HEALTH FUND

WHEREAS, for the calendar year 2011 county budget, the Todd County Board of Commissioners has allocated from the General Revenue Fund \$316,815 to the Community Health Services Fund, and

WHEREAS, the Community Health Services Fund is separate from the General Revenue Fund, a transfer of dollars is required.

NOW, THEREFORE BE IT RESOLVED, that the Todd County Board of Commissioners authorizes the transfer of \$316,815 from the General Revenue Fund to the Todd County Community Health Services Fund.

On motion by Kircher and second by Ruda, the following resolution was introduced and adopted by unanimous vote:

GAMBLING PERMIT FOR STRUTTIN BLACK BEARDS NWTF TO HOLD A RAFFLE AT THE ROHDE'S HUB SUPPER CLUB

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WHEREAS, the Todd County Board of Commissioners are establishing their approval for a Gambling Permit for the Struttin Black Beards NWTF through this resolution.

NOW, THEREFORE BE IT RESOLVED, that the Todd County Board of Commissioners approve a one day, Gambling Permit for the Struttin Black Beards NWTF to hold a raffle at the Rohde's Hub Supper Club, at 30905 Co. Rd 13, Burtrum, MN on February 4, 2012.

On motion by Neumann and second by Kneisl, the following motion was introduced and adopted by unanimous vote: The Gambling Permit for Todd Area Trails was tabled until the next meeting due to missing dates on Resolution.

Todd County Planning & Zoning

On motion by Ruda and second by Kircher, the following resolution was introduced and adopted by unanimous vote:

FINAL PLAT APPROVAL – "PRAIRIE LAKES II"

WHEREAS, David Patterson & Shannon O'Toole (property owners) have applied to subdivide property in Section 32, Long Prairie Township, Todd County, and;

WHEREAS, Plat name is "Prairie Lakes II" consisting of Lot 1, Block One. This property is currently zoned commercial which is designated for commercial development; and

WHEREAS, Applicants appeared before the Todd County Planning Commission at a public hearing on October 6, 2011 where this preliminary plat known as "Prairie Lakes II" was recommended for approval with the condition that owners consult with the Soil & Water Conservation District (SWCD) to devise a plan and construct a "berm" that runs along the existing wetland fringe. The "berm" must be long enough to protect the wetland from impacts created by the construction of the new facility and the log storage area, and;

WHEREAS, On October 18, 2011 the Todd County Board of Commissioners approved said preliminary plat to go forward and be completed;

WHEREAS, the Todd County Environment & Land Resource Management Office has completed the necessary plat review and find that all items required for final approval have been completed.

NOW, THEREFORE BE IT RESOLVED, the final plat of "Prairie Lakes II" be approved as presented.

Todd County Public Works

On motion by Kneisl and second by Ruda, the following resolution was introduced and adopted by unanimous vote:

AGENCY DELEGATED CONTRACTING PROCESS AGREEMENT

MNDOT AGENCY AGREEMENT #99977

WHEREAS, Todd County periodically applies for and receives various federal aid transportation grant funds designated for improvement and enhancement related projects on Todd County highways, and;

WHEREAS, Todd County must partner with the State of Minnesota by agreement to administer those funds and must manage those funds according to the federal and state laws governing those funds.

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

BE IT FURTHER RESOLVED, the County Board Chairman and the County Administrator are hereby authorized and directed for and on behalf of the County to execute and enter into an agreement with the

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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. 99977", a copy of which said agreement was before the County Board and which is made a part hereof by reference.

On motion by Neumann and second by Kneisl, the following resolution was introduced and adopted by unanimous vote:

2012 MASTER BRIDGE PRIORITY REPLACEMENT LIST

WHEREAS, Todd County has determined that the attached list of bridges on County State Aid Highways, County Roads, Township Roads, and Municipal Streets are either listed as structurally deficient or are a high priority for removal and replacement within the immediate future, and;

WHEREAS, local roads play an essential role in the overall state transportation network and local bridges are a critical component of the local road system, and;

WHEREAS, State support for the replacement of bridges continues to be crucial to maintaining the integrity of the local road system and is a necessary funding source for the County, Townships, and Municipalities to proceed with replacements of the bridges on the attached list, and;

WHEREAS, Todd County intends to proceed with the replacement of these bridges as soon as State Transportation Bond Funds become available.

NOW, THEREFORE BE IT RESOLVED, that Todd County commits that it will proceed with the replacement of these listed bridges immediately after being notified of the availability of State Transportation Bond Funds.

On motion by Ruda and second by Kneisl, the following resolution was introduced and adopted by unanimous vote:

FEDERAL PARTICIPATION IN CONSTRUCTION ENGINEERING FOR THE STAPLES NORTH/SOUTH CORRIDOR WITH RAILROAD OVERPASS PROJECT MNDOT AGENCY AGREEMENT #00290

WHEREAS, Todd County desires the Minnesota Department of Transportation (MnDOT) to act as the County's agent to accept and disburse federal aid funds allocated to the Staples North/South Corridor with Railroad Overpass Project known as SP 077-596-002, and;

WHEREAS, construction engineering for this project is eligible for the expenditure of federal aid funds and is identified in MnDOT records as State Project 077-596-002 and in Federal Highway Administration (FHWA) records as Minnesota Project TDG2-HPPH H177(003).

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

BE IT FURTHER RESOLVED, the County Board Chairman and the County Administrator 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. 00290", a copy of which said agreement was before the County Board and which is made a part hereof by reference.

On motion by Neumann and second by Ruda, the following resolution was introduced and adopted by unanimous vote:

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BURLINGTON NORTHERN SANTA FE RAILWAY/CITY OF STAPLES/TODD COUNTY OVERPASS AGREEMENT

(STAPLES NORTH/SOUTH CORRIDOR WITH RAILROAD OVERPASS PROJECT)

WHEREAS, the Burlington Northern Santa Fe (BNSF) Railway Company owns and operates a line of railroad in and through the City of Staples and Todd County, and;

WHEREAS, the City of Staples and Todd County desire to construct a separated railroad grade crossing, to be known as the Airport Road Overpass (D.O.T. No. 929052M), as part of the Staples North/South Corridor with Railroad Overpass Project, and;

WHEREAS, all permit and easement costs associated with this agreement will be reimbursed to Todd County by the TIGER II Discretionary Grant Funds allocated to the Staples North/South Corridor with Railroad Overpass Project, and;

WHEREAS, the City of Staples has previously approved this agreement by motion at a City Council Meeting, and;

WHEREAS, the County has agreed to partner with the City of Staples on this Project as referenced in the "Cooperative Agreement for the Administration and Management of the Right Of Way Acquisition for the North/South Corridor with Railroad Overpass Project in the City of Staples", which was approved by the Todd County Board and Staples City Council in January of 2010.

NOW, THEREFORE BE IT RESOLVED, the County Board Chairman and the County Administrator are hereby authorized and directed for and on behalf of the County of Todd to execute and enter into an agreement with the City of Staples and BNSF Railway Company prescribing the terms and conditions of construction and maintenance of the overpass as set forth and contained in "BNSF File No. BF10000738", a copy of which said agreement was before the County Board and which is made a part hereof by reference.

On motion by Kneisl and second by Ruda, the following resolution was introduced and adopted by unanimous vote:

NOMINATION OF THE 2013 COUNTY STATE AID HIGHWAY#23 PROJECT AS A CANDIDATE FOR THE ROUTES OF REGIONAL SIGNIFICANCE ACCOUNT

WHEREAS, the State of Minnesota is currently soliciting for local road projects for the Routes of Regional Significance Account which is consider a part of the Local Road Improvement Program (LRIP), and;

WHEREAS, Todd County has already applied for and received approval of Federal Surface Transportation Funding through the Area Transportation Partnership for a shoulder widening project on County State Aid Highway #23 (SP 077-623-005) which is scheduled for construction in the summer 2013, and;

WHEREAS, SP 007-623-005 meets and exceeds many of the qualifications that are required for funding eligibility in the Routes of Regional Significance Account.

NOW, THEREFORE BE IT RESOLVED, that the Todd County Board of Commissioners nominate the existing 2013 project on County State Aid Highway #23, known as SP 077-623-005, as a candidate for the Routes of Regional Significance Funding.

Todd County Administration

On motion by Kircher and second by Neumann, the following motion was introduced and adopted by unanimous vote:

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A RESOLUTION SUGGESTING AN AMC POLICY POSITION

WHEREAS, the Association of Minnesota Counties has requested that counties provide suggested policy positions by November 16, 2011, and;

WHEREAS, the Todd County Board of Commissioners is concerned about potential state action to take over local government services without collaboration with local governments, and;

NOW, THEREFORE BE IT RESOLVED, that the Todd County Board of Commissioners suggests for the consideration of AMC a policy position which states that the State should not take over local government services or programs without working through a collaborative process with the local governments who provide said services.

On motion by Ruda and second by Neumann, the following motion was introduced and adopted by unanimous vote: To move the Commissioners' Meeting from December 29, 2011 to December 30, 2011 at 9:00 AM.

Commissioners' Report

Commissioner Neumann thanked everyone for attending the meeting.

Commissioner Blessing recessed the meeting until 8:00 PM.

Closed Session

On motion by Kircher and second by Kneisl, the Closed Session was opened at 7:32 pm with Jason Kuboushek, Attorney from Iverson-Reuvers to discuss pending litigation with Central Specialties, Inc. of Alexandria, MN.

On motion by Kircher and second by Kneisl, the Todd County Commissioners' Meeting was re-opened at 7:52 PM. No decisions were made regarding the pending litigation.

On motion by Ruda and second by Neumann, the Todd County Commissioners' Meeting was adjourned until December 20, 2011.

COMMISSIONER WARRANTS

| VENDOR NAME | AMOUNT |
|---------------------------|-------------|
| CENTRAL ELECTRIC | 3,502.43 |
| CONTECH CONSTRUCTION | 7,762.54 |
| DLT SOLUTIONS INC | 2,318.10 |
| LONG PRAIRIE LEADER | 3,036.80 |
| LONG PRAIRIE OIL COMPANY | 4,135.50 |
| NORTH AMERICAN SALT | 33,461.65 |
| TOWMASTER | 2,221.93 |
| PAYMENTS LESS THAN \$2000 | 21,652.50 |
| FINAL TOTAL..... | \$78,091.45 |

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On a motion by Ruda and second by Kneisl the preceding minutes of the County Board meeting held November 29, 2011 were duly approved by a unanimous vote of the Todd County Board of Commissioners at the Regular Board Meeting held on December 20, 2011

Witness my hand and seal:



Mark Blessing, County Board Chairperson



Nathan Burkett, County Administrator