

# TODD COUNTY BOARD OF COMMISSIONERS

*Minutes of the Meeting of the Todd County Board of Commissioners held on  
July 2, 2013*

## **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 2<sup>nd</sup> day of July, 2013 at 9:00 AM. The meeting was called to order by Chairperson Neumann. The meeting was opened with the Pledge of Allegiance. All members present.

## **Approval of Agenda**

On motion by Blessing and second by Erickson, the following motion was introduced and adopted by unanimous vote: To approve the agenda as presented.

## **Routine Business**

On motion by Erickson and second by Blessing, the following motion was introduced and adopted by unanimous vote: To approve the June 18, 2013 Regular Board Minutes as read.

On motion by Kneisl and second by Kircher, the following motion was introduced and adopted by unanimous vote: To approve the actions of HHS Committee Meeting held June 25, 2013 in accordance with the minutes on file in the Todd County Administration Office.

On motion by Kircher and second by Blessing, the following motion was introduced and adopted by unanimous vote: To approve Commissioner Warrant numbers 34734 thru 34856 in the amount of \$72,383.06 for payment on July 5, 2013.

On motion by Erickson and second by Kneisl, the following motion was introduced and adopted by unanimous vote: To approve Auditor Warrant numbers 220482 thru 220641 in the amount of \$1,349,324.35.

On motion by Kircher and second by Blessing, the following motion was introduced and adopted by unanimous vote: To approve the attached Tax Compliance Procedures relating to the Tax-Exempt Bonds issued in Todd County on June 12, 2013.

On motion by Erickson and second by Blessing, the following motion was introduced and adopted by unanimous vote: To give the approval to have the Head Custodian and the Department Heads work together to arrange to sell the items left over after the renovation that are in the storage units at the Hillig auction this fall.

On motion by Blessing and second by Kircher, the following motion was introduced and adopted by unanimous vote: To approve the increase from \$10 to \$15 for the Law Library fee adopted by the Law Library Committee on April 23, 2013.

## **Public Works**

On motion by Kircher and second by Kneisl, the following motion was introduced and adopted by unanimous vote: To authorize the County Engineer to take necessary steps to expediate the proposed

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Bridge #92041 Replacement Project in cooperation with Stearns County and to approve the attached Todd County Budget Request Form allocating Cash Reserves from the Road and Bridge Fund to cover the local required project funding match for the State Bridge Bond Fund Grant.

## Soil, Water and Conservation District

On motion by Kircher and second by Kneisl, the following motion was introduced and adopted by unanimous vote: To authorize the signing of the grant agreement for MPCA 2012 County Feedlot Performance grant totaling \$6,236.

## Ditch & Ag

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

### **ABANDONMENT AND REPLACEMENT OF COUNTY DITCH 1**

WHEREAS, In January 1900 a petition was submitted to the Ditch Authority to establish County Ditch 1. In 1902 there were complaints from petitioners that the ditch was not functioning properly. A surveyor was hired by the Board and was directed to investigate the complaints. The surveyor submitted a new survey to lengthen the ditch. There is no documentation showing any further construction was done on County Ditch 1, and;

WHEREAS, in August 1917 the petitioners again make complaints that the ditch is not adequate and they submit a petition for "a ditch" that utilizes CD1 to carry out the purpose of this petition. On September 11, 1917 the Ditch Authority appoints an engineer and designates the ditch in this petition as County Ditch 43, and;

WHEREAS, on June 3, 1918 the Ditch Authority established CD43, using the CD43 Viewers Report for the assessment of the new ditch and the improvement of CD1. There has not been another assessment made using the original CD1 Viewers report since CD1 was constructed, and;

WHEREAS, the County Ditch Inspector has consulted with Kurt Deter, Ditch Attorney. His opinion is there is enough evidence to suggest the intent was to abandon CD1 and replace it with CD43. Since the CD1 parcels that were not included on the Viewers Report for CD43 paid for the establishment of CD1 they will still be allowed to outlet to CD43 even though they will not be assessed for any bills on CD43. The 28 parcels that were on the CD1 Viewers Report that were not on the CD43 Viewers Report are 10-0000100, 10-0000200, 10-0000600, 10-0002200, 10-0002501, 10-0002700, 10-0007501, 10-0008600, 10-0008700, 10-0009500, 10-0009600, 10-0010402, 10-0010600, 10-0010700, 10-0010900, 10-0011000, 10-3004100, 10-4002600, 10-4002700, 10-4002800, 15-0045101, 15-0045200, 15-0045300, 15-0045400, 15-0045500, 15-3004100, 15-4000400, and 15-4001600.

NOW, THEREFORE BE IT RESOLVED, the Todd County Ditch Authority officially abandons CD1 and the 1900 CD1 Viewers Report and replaces it with CD43 and the 1918 CD43 Viewers Report.

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

### **ABANDONMENT AND REPLACEMENT OF COUNTY DITCH 2**

WHEREAS, the petition was submitted for CD2 in 1902. Construction took place from 1903 – 1910; there is no documentation found that indicates the ditch was ever completed. There are many landowner complaints that the ditch system does not work as it was supposed to, and;

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WHEREAS, in April 1915 a petition is submitted for CD2 requesting “the establishment of a new ditch which will include the deepening, widening and repair” of the ditch. October 5, 1915 the CD2 petition was dismissed, and another petition was submitted for a public ditch that includes a main ditch and 5 laterals. There are handwritten notes describing where these segments are located. Each segment is labeled as part of Ditch No 2. This petition later gets designated and numbered by the County Auditor as County Ditch 33 and the final design has 13 laterals with branches and/or forks as necessary, and;  
WHEREAS, November 1, 1916 Engineers report for CD33 includes all the bills that were generated from the dismissed CD2 petition and states the CD2 expenses incurred are to be assumed and charged to CD33, and;

WHEREAS, December 1917 the construction of CD33 is completed. The 1919 assessment done for the construction matches the CD33 Viewers Report even though the original CD2 was improved, and;

WHEREAS, the County Ditch Inspector has consulted with Kurt Deter, Ditch Attorney. His opinion is there is enough evidence to suggest the intent was to abandon CD2 and replace it with CD33. Since the CD2 parcels that were not included on the Viewers Report for CD33 paid for the establishment of CD2 they will still be allowed to outlet to CD33 even though they will not be assessed for any bills on CD33. The 14 parcels that were on the CD2 Viewers Report that were not on the CD33 Viewers Report are 15-0028700, 15-0028800, 15-0028900, 15-0028901, 15-0029000, 15-0029100, 20-0022300, 20-0024600, 20-0024700, 20-0030200, 20-0030701, 20-0030703, 20-0030900, and 20-0031700.

NOW, THEREFORE BE IT RESOLVED, the Todd County Ditch Authority officially abandons CD2 and the 1903 CD2 Viewers Report and replaces it with CD33 and the 1916 CD33 Viewers Report.

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

## **ABANDONMENT AND REPLACEMENT OF COUNTY DITCH 10**

WHEREAS, January 28, 1905 a petition was submitted to establish CD10 which follows Bear Head Creek from the center of section 21 in Bruce Twp until it enters the Swan River in section 33. The ditch was finished in early 1906, and;

WHEREAS, January 15, 1921 a petition was submitted to establish CD46 which follows Bear Head Creek from the center of section 21 in Bruce Twp until it enters the Swan River in section 33, and following the river another 770 feet plus the addition of 8 laterals and a branch. The detailed legal description of CD46 mentions that CD46 “intersects old County Ditch No. 10” and that it follows “the old County Ditch”. CD46 was finished in December 1922, and;

WHEREAS, the assessment for the construction of CD46 was done using only the CD46 Viewers Report even though CD10 was also maintained. There was ditch maintenance done in 1982 on this ditch system. The maintenance assessments done in 1982, 1983, and 1985 had CD10 & 46 typed on it but used only the CD46 Viewers Report, and;

WHEREAS, the County Ditch Inspector has consulted with Kurt Deter, Ditch Attorney. His opinion is there is enough evidence to suggest the intent was to abandon CD10 and replace it with CD46. Since the CD10 parcels that were not included on the Viewers Report for CD46 paid for the establishment of CD10 they will still be allowed to outlet to CD46 even though they will not be assessed for any bills on CD46. The 4 parcels that were on the CD10 Viewers Report that were not on the CD46 Viewers Report are 04-0014400, 04-0016100, 04-0020900, and 04-0022400.

NOW, THEREFORE BE IT RESOLVED, the Todd County Ditch Authority officially abandons CD10 and the 1905 CD10 Viewers Report and replaces it with CD46 and the 1921 CD46 Viewers Report.

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## Health & Human Services

On motion by Blessing and second by Erickson, the following resolution was introduced and adopted by unanimous vote: To approve purchase of the Application Xtender Workflow System from Information Systems Corporation, and purchase the required scanners, monitors and cost share of a server from other vendors. The total cost is \$120,786, but to not exceed \$121,000.

## Commissioner's Report

Kircher reported on the Grey Eagle District Meeting. Erickson reported on the Parks and Trails, met with DNR Representative to discuss the parking lot at the canoe access on the Long Prairie River.

## Adjourn

The meeting was recessed by action of Chairman Neumann until July 16, 2013 at 9:00 am.

### COMMISSIONER WARRANTS

Vendor Name	Amount
AMERICAN COMMUNICATIONS INC	3,750.00
AMERICAN LUNG ASSOCIATION	2,890.95
ANDERSON INDUSTRIAL SCALES INC	8,500.00
Boys and Girls Club of Leech Lake Area	2,096.92
HOWA Family Center	3,669.13
MENAHGA PUBLIC SCHOOL DISTRICT	4,567.96
PILLAGER PUBLIC SCHOOLS	4,868.85
SHI CORP	2,597.06
STAPLES WORLD	2,401.73
STRACK'S COLLISION CENTER	3,188.13
Payments less than 2000	33,852.33
Final Total	72,383.06

### AUDITOR WARRANTS

Vendor Name	Amount
COMPUTER PROFESSIONALS	4,000.32
FLEET SERVICES DIVISION	4,862.40
LONG PRAIRIE OIL COMPANY	2,045.02
STEARNS ELECTRIC ASSOCIATION	3,905.21
Payments less than 2000	8,003.70
AMERICAN HERITAGE BANK	50,596.43
CLIFTONLARSONALLEN, LLP	4,000.00
FLEET SERVICES/WEX BANK	7,854.14
GENE-O'S COUNTRYSIDE REST LLC	2,883.04
LONG PRAIRIE SANITARY SERVICE	2,005.22

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MN DEPT OF FINANCE	7,757.50
MORRISON COUNTY	40,814.15
NORTHERN BUSINESS PRODUCTS	2,314.44
NORTHERN STAR COOP	3,053.01
Prairie Lakes Municipal SW Auth	33,881.58
RESOURCE TRAINING & SOL	207,366.00
TRAFFIC MARKING SERVICE INC	82,314.47
TRI CITY PAVING INC	554,661.89
Payments less than 2000	12,527.73
AMERICAN HERITAGE	6,992.91
AMERICAN HERITAGE BANK	2,391.00
BENNING/GARY	2,472.53
BORGERDING CONSTRUCTION	4,017.72
CENTERPOINT ENERGY	6,371.00
CENTRAL SPECIALTIES INC	43,658.30
CENTURY LINK	2,278.53
MINNESOTA POWER & LIGHT	11,454.93
MORRISON SWCD	9,750.76
RAINBOW RIDER	5,000.00
TODD CO AGRICULTURAL SOC.	11,000.00
TODD COUNTY DAC	3,597.98
Payments less than 2000	16,296.99
AMERICAN HERITAGE BANK	28,852.94
CENTRAL SUSPENSIONS INC	4,750.00
CONTEGRITY GROUP INC	4,615.45
GREAT RIVER REGIONAL LIBRARY	76,545.00
GUSTAFSON MECHANICAL INC	14,725.00
MITCH'S FUEL SERVICE	24,750.00
PEMBERTON SORLIE RUFER	8,747.04
RIKE-LEE ELECTRIC INC	8,845.45
WEST GROUP PAYMENT CENTER	2,521.14
YAMRY CONSTRUCTION INC	3,111.25
ZAYO ENTERPRISE NETWORKS	3,158.65
Payments less than 2000	8,573.53
Final Total	1,349,324.35

On a motion by Erickson and second by Kircher the preceding minutes of the County Board meeting held July 2, 2013 were duly approved by a unanimous vote of the Todd County Board of Commissioners at the Regular Board Meeting held on July 16, 2013.

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Witness my hand and seal:



Randy Neumann, County Board Chairperson



Karen Busch, Todd County Auditor-Treasurer