

## ADJOURNED MEETING OF THE COUNTY BOARD

Office of the County Auditor/Treasurer of Kandiyohi County, Willmar, Minnesota.

The Board of Commissioners of Kandiyohi County met at 10:00 A.M., July 21, 2009, pursuant to adjournment. All members were present.

Deb West, Community Corrections Director, appeared regarding Probation Officer's Recognition Week and thanked her probation officers for the outstanding work they have done. A motion by Larson 2<sup>nd</sup> Madsen to proclaim the week of July 19<sup>th</sup> – July 25<sup>th</sup>, Probation, Patrol and Community Supervision Week was on vote unanimously.

A motion by Falk 2<sup>nd</sup> Shuck to approve the minutes of the July 7, 2009 board meeting was on vote unanimously adopted.

A motion by Madsen 2<sup>nd</sup> Larson to approve the payment of claims being \$283,822.67 from Revenue Fund, \$242,188.53 from Regional Treatment Center, \$205,751.67 from Road and Bridge Fund, \$4,684.16 from County Building Fund, \$1,378.00 from Ditch Fund, \$4,939.78 from Library Fund, \$18,146.53 from Health & Human Services Building Fund, \$364.30 from Eagle Lake Sewer Fund, \$24,790.50 from Water & Sewer Fund, \$1,264.25 from Water & Sewer Bond Fund, \$10,139.09 from Capital Projects Fund, \$30,142.30 from Sewer Projects Fund, \$1,919.71 from Computer/Communication Maintenance Fund, \$40,595.42 from Sanitary Landfill Fund, \$18,185.42 from SCORE Fund according to the detailed listing of claims as recorded in the office of the County Auditor/Treasurer was on vote unanimously adopted.

Rick Reimer, Program Coordinator for the Conservation District, appeared and presented to the Board a wetland replacement plan for Duane Hultgren who rents the Pat Olson property in Section 9 of Colfax Township and recommended that the plan be denied. A motion by Madsen 2<sup>nd</sup> Falk to table this matter until 10:15 A.M., August 18, 2009 was on vote unanimously adopted.

Rick Reimer, Program Coordinator for the Conservation District, appeared and presented to the Board a wetland banking application from Chad Monson on his property in Section 36 of Willmar Township and recommended that the wetland banking application be approved. A motion by Shuck 2<sup>nd</sup> Madsen to approve the wetland banking application of Chad Monson in Section 36 of Willmar Township as presented, contingent upon comments that were submitted being addressed, and meets with the approval of the TEP was on vote unanimously adopted.

Rick Reimer, Program Coordinator for the Conservation District, appeared and presented to the Board a wetland banking application of Rock'n-D Corp. (Doug Dietz) on their property in Section 10 of Green Lake Township and recommended that the wetland banking application be approved. A motion by

Falk 2<sup>nd</sup> Peterson to approve the wetland banking application of Doug Dietz in Section 10 of Green Lake Township contingent upon comments that were submitted being addressed, and meets with the approval of the TEP was on vote unanimously adopted.

Rick Reimer, Program Coordinator for the Conservation District, appeared and presented to the Board a wetland banking application of Pat McBroom on his property in Section 28 of Lake Andrew Township and recommended that the wetland banking application be denied on the basis of the findings submitted by the TEP panel. A motion by Falk 2<sup>nd</sup> Madsen to deny the wetland banking application from Pat McBroom on his property in Section 28 of Lake Andrew Township was on vote adopted. Voting yes: Peterson, Madsen, Falk, Larson. Voting no: Shuck.

Don Ericson, Directory of Emergency Management/Safety appeared and gave a short report on the tornado that occurred in Spicer last week.

A motion by Madsen 2<sup>nd</sup> Larson to appoint John Cunningham to the Extension Committee to replace Joe Fordyce for a term of three (3) years was on vote unanimously adopted.

A motion by Madsen 2<sup>nd</sup> Larson to approve an Addendum to Memorandum between the University of MN and Kandiyohi County Extension changing the notification period to 3 months for all parties in the current MOA agreement was on vote unanimously adopted.

A motion by Madsen 2<sup>nd</sup> Shuck to approve the following Road Construction and Maintenance Agreement between Kandiyohi County and St. Johns Township contingent upon receiving prior commitment in writing from the Minnesota Department of Employment and Economic Development and the Commissioner of Finance, the Commissioner of Minnesota Management and Budget, or successor agency, that reversion of the roadway described in the project from Kandiyohi County to the control of St Johns Township will be approved as provided in the terms of the draft Grant Agreement, Article 11 Section 2.03 was on vote unanimously adopted.

JOINT KANDIYOHI COUNTY AND ST JOHNS TOWNSHIP  
ROAD CONSTRUCTION AND MAINTENANCE AGREEMENT SUPPORTING  
INFRASTRUCTURE DEVELOPMENT FOR MEADOW STAR DAIRY LLP  
(RECONSTRUCTING PART OF 1<sup>ST</sup> AVE. W (T-175) IN ST JOHNS TOWNSHIP)

WHEREAS, this agreement is hereby made between Kandiyohi County (hereinafter referred to as County) and St. Johns Township (hereinafter referred to as Township), and;

WHEREAS, Township has requested County assistance to apply for funds, prepare plans, conduct surveys, let bids, supervise construction and administer contracts for the purpose of construction of a two mile section of Township Road #T-175 (1<sup>st</sup> Ave W.) lying between CSAH 7 (135<sup>th</sup> St NW) and CSAH 1 (105<sup>th</sup> St NW), and;

WHEREAS, County, upon notice of Department of Employment and Economic Development (DEED) Grant approval, will design, bid and award the contract to the successful bidder, and will apply for grant funds available to County for this project, and will be responsible for maintenance and control of this road until such time as specified in paragraph 2 below, and

WHEREAS, the undertaking by County will be at no cost to County.

NOW THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. County upon notice of Grant Approval, shall assume all responsibility, including maintenance, for that section of the road identified above. County will provide all engineering services for the construction of the road identified above and present a detailed construction Cost Agreement for Township and County approval prior to contract award.
2. That the aforesaid County responsibilities for said road shall continue until the road construction project is completed, or the end of 2009, whichever is later, or earlier, in the event unforeseen circumstances cause this project to be terminated.
3. That Township will reimburse County for all expenses of County in this undertaking.
4. That County will enter into such Agreements with DEED as is required, provided such agreements are consistent with the above agreement provisions.

Dated at Willmar, Minnesota, this 21<sup>st</sup> day of July, 2009.

ATTEST:

Sam Modderman  
County Auditor/Treasurer

BY THE BOARD:

Dennis E. Peterson  
Chairman

A motion by Larson 2<sup>nd</sup> Madsen to approve the following Resolution was on vote unanimously adopted.

LOCAL GOVERNMENT RESOLUTION  
BUSINESS DEVELOPMENT INFRASTRUCTURE APPLICATION

BE IT RESOLVED that Kandiyohi County (applicant) act as the legal sponsor for project(s) contained in the Business Development Infrastructure Application to be submitted on July 21, 2009 and that Dennis E. Peterson, Chairman, Kandiyohi County Board (Title of First Authorized Official) and Sam Modderman, Auditor/Treasurer (Title of Second Authorized Official) are hereby authorized to apply to the Department of Employment and Economic for funding of this project on behalf of Kandiyohi County (applicant).

BE IT FURTHER RESOLVED that Kandiyohi County (applicant) has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that Kandiyohi County (applicant) has not violated any Federal, State, or local laws pertaining to fraud, bribery, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the State, Kandiyohi County (applicant) may enter into an agreement with the State of Minnesota for the above-referenced project(s), and that it will comply with all applicable laws and regulations as stated in all contract agreements.

BE IT FURTHER RESOLVED that upon approval of its application by the State, Kandiyohi County (applicant) will commit \$239,250 towards the local match requirement.

Kandiyohi County, (applicant) certifies that it will comply with all applicable laws, regulations, and rules of the Business Development Infrastructure Application.

NOW, THEREFORE, BE IT RESOLVED that Dennis E. Peterson, (First Authorized Official) and Sam Modderman (Second Authorized Official), or their successors in office, are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project(s) on behalf of the applicant.

Dated at Willmar, Minnesota this 21<sup>st</sup> day of July, 2009.

ATTEST:

Sam Modderman  
County Auditor/Treasurer

BY THE BOARD:

Dennis E. Peterson  
Chairman

A motion by Madsen 2<sup>nd</sup> Shuck to approve the final plat of ANDYRUHL with the condition that all staff recommended corrections are remedied prior to recording, and with the findings of the Planning Commission and approve it for recording was on vote unanimously adopted.

A motion by Shuck 2<sup>nd</sup> Madsen to approve the Conditional Use Permit for Robert Larson, applicant proposing to increase the number of animal units in the feedlot for dairy heifers and calves from 699 head to 960 head in an A-1 Ag Preservation District on his property in Sections 20 and 21 of Kandiyohi Township, with the findings of the Planning Commission, subject to the following conditions:

1. Dead animals to be disposed of by rendering, composting, or other methods as approved by the Minnesota Board of Animal Health, and be kept out of sight.
2. The manure management plan be reviewed and approved by the feedlot officer prior to the construction short form permit being issued.
3. The owner shall follow all MPCA requirements regarding proper manure management planning, manure application, and record keeping.
4. A grassed buffer be established and maintained on the South side of the open lot as proposed on the applicant's site plan.

was on vote unanimously adopted.

A motion by Larson 2<sup>nd</sup> Falk to approve the following Resolution was on vote unanimously adopted.

A RESOLUTION DETERMINING THE ADEQUACY OF THE CONCRETE  
PRODUCTS OF NEW LONDON HWY 23 AGGREGATE MINING EXPANSION  
FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)

WHEREAS, Concrete Products of New London proposes to expand its existing mining operation to include mining aggregate deposits on approximately 248 acres in Roseville Township, Kandiyohi County; and

WHEREAS, Kandiyohi County is the Responsible Governmental Unit (RGU) for review and decision making relative to the proposed Concrete Products of New London mining expansion project under Minnesota Rules Chapter 4410.4400, Subp. 9, non-metallic mineral mining projects requiring an EIS; and

WHEREAS, a document containing the Scoping Environmental Assessment Worksheet (EAW) and Draft Scoping Decision Document (DSDD) was prepared and released for public comment in 2007; the notice of availability of the EAW/DSDD was published in the Environmental Quality Board (EQB) Monitor on August 27, 2007; a public meeting on the EAW/DSDD was held on September 18, 2007 and comments received during the comment period and at the public meeting were incorporated into the final scoping decision document (SDD); the comment period for the SDD ran through September 26, 2007; and a public

notice announcing the intent to prepare an EIS was published in the November 5, 2007 EQB Monitor; and

WHEREAS, a Draft EIS document consistent with the requirements of the SDD was prepared and released for public comment for the period from February 9, 2009 through March 19, 2009; and a public informational meeting to provide an opportunity for the public to obtain information on the Draft EIS and to provide comments on the project and Draft EIS findings was held on March 5, 2009; and

WHEREAS, a final EIS document was prepared that includes responses to substantive comments received regarding the Draft EIS and other requirements of Minnesota Rules Chapter 4410.2700 (Final EIS); and

WHEREAS, the Final EIS document was distributed for public comment for the period from June 29, 2009 through July 13, 2009 and no comments disputing the adequacy of the Final EIS were received during this period.

NOW, THEREFORE, BE IT RESOLVED, that the Kandiyohi County Board of Commissioners of the State of Minnesota:

1. Finds the Concrete Products of New London Final EIS to be adequate because it:
  - a. adequately addressed the potentially significant issues and alternates raised in scoping;
  - b. provides responses to the substantive comments received during the draft EIS review concerning issues raised in scoping; and
  - c. was prepared in compliance with the procedures defined in Minnesota Rules parts 4410.0200 to 4410.6500
2. Authorizes publication of a Notice of this adequacy decision in the EQB Monitor.

Dated at Willmar, Minnesota this 21<sup>st</sup> day of July, 2009.

ATTEST:

Sam Modderman  
County Auditor/Treasurer

BY THE BOARD:

Dennis E. Peterson  
Chairman

A motion the Shuck 2<sup>nd</sup> Larson to approve the Minnesota Trail Assistance Program, Cross-Country Ski FY 2010 Grant Agreement between the State of Minnesota and Kandiyohi County in the amount of \$4,790.14 was on vote unanimously adopted.

A petition was received from Chad Monson for Improvement of County Ditch 23A. A motion by Shuck 2<sup>nd</sup> Larson to appoint Duane Hansel as engineer on the project was on vote unanimously adopted.

Carolyn Drude from Ehlers & Associates, Inc. appeared and reported to the Board that Standard and Poor's has given Kandiyohi County an Unenhanced Bond Rating of AA and an Enhanced Bond Rating (with State Backing) of AAA.

Carolyn Drude from Ehlers & Associates, Inc. appeared and reported on the bond sale of the \$4,080,000 General Obligation Capital Improvement Bonds, Series 2009A, which will replace the Refunding Certificates of Participation, Series 1998. A motion by Larson 2<sup>nd</sup> Shuck to accept the bid of Robert W. Baird & Co. at a true interest rate of 2.1320% and approve the Resolution authorizing issuance, awarding sales, prescribing the form and details and providing for the payment of \$4,080,000 General Obligation Capital Improvement Bonds, Series 2009A was on vote unanimously adopted.

Carolyn Drude from Ehlers & Associates, Inc. appeared and reported on the bond sale of the \$1,375,000 General Obligation State Aid Highway Refunding Bonds, Series 2009B, which will replace the the State-Aid Highway Bonds, Series 1999. A motion by Larson 2<sup>nd</sup> Madsen to accept the bid of Robert W. Baird & Co. at a true interest rate of 1.7481% and approve the Resolution authorizing issuance, awarding sales, prescribing the form and details and providing for the payment of \$1,375,000 General Obligation State Aid Highway Refunding Bonds, Series 2009B was on vote unanimously adopted.

A Road and Bridge meeting was set for August 3, 2009 at 8:30 A.M. at the Highway Department Building.

On motion the meeting was adjourned until 8:30 A.M., August 3, 2009.

ATTEST:

BY THE BOARD:

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Sam Modderman  
County Auditor/Treasurer

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Dennis E. Peterson  
Chairman