

PROCEEDINGS OF THE STEELE COUNTY BOARD OF COMMISSIONERS

SPECIAL SESSION

October 19, 2012

STATE OF MINNESOTA)
) ss
COUNTY OF STEELE)

The Steele County Board of Commissioners met in Special Session at 12:00 p.m. on October 19, 2012 with Commissioners Schultz, Ebeling, Kubicek, Huntington and Johnson present. Also present were County Attorney Dan McIntosh, Engineer Anita Benson, County Administrator Tom Shea and County Auditor Laura Ihrke.

Call to Order and Pledge of Allegiance.

Motion by Commissioner Huntington, seconded by Commissioner Johnson to approve the Agenda. Ayes all.

County Administrator Tom Shea reviewed with the Board the revised agreement with supplemental language that was presented to MnDOT and not accepted by them.

County Attorney Dan McIntosh spoke to several language changes that were rejected.

County Engineer Anita Benson spoke in regard to the condition of the road and the difference between what MnDOT is offering and what would be acceptable.

Motion by Commissioner Johnson, seconded by Commissioner Schultz to go into closed session at 12:25 p.m. Ayes all

Motion by Commissioner Schultz, seconded by Commissioner Ebeling to Open the Board meeting at 12:47 p.m.

Motion by Commissioner Ebeling, seconded by Commissioner Huntington to reject MnDOT’s Highway 14 turn back draft agreement #99770 as it does not provide an acceptable condition restoration option, per Minn. Stat. Ann. 161.081. Ayes all.

Motion by Commissioner Schultz, seconded by Commissioner Johnson to direct the Administrator, Attorney and Engineer to continue negotiations with MnDOT Central Office on behalf of the county in an effort to achieve a mutually acceptable turn back agreement. Ayes all.

Motion by Commissioner Ebeling, seconded by Commissioner Johnson to authorize the County Administrator to file a petition to the Minnesota Office of Administrative Hearing and authorize the County Attorney and County Administrator to present the Steele County’s case with regard to MnDOT’s attempt to impose deadlines with no legal authority to do so and to also authorize the County Attorney and County Administrator to sign the affidavits to file with the petition. Ayes all.

Motion by Commissioner Schultz, seconded by Commissioner Huntington to authorize the County Attorney to sign a Joint Prosecution Agreement with Gislason & Hunter Law firm who is also representing Waseca County allowing for the exchange of information. Ayes all.

Motion by Commissioner Johnson, seconded by Commissioner Huntington to adjourn to the call of the chair at 12:58 p.m. Ayes all.

CHAIRMAN

ATTEST: _____
AUDITOR