

WADENA COUNTY BOARD OF COMMISSIONERS' MEETING

January 17, 2023

The Wadena County Board of Commissioners' Meeting was held on January 17, 2023 in the Wadena City Council Chambers, 222 2nd St. SE, Wadena, Minnesota. The meeting was called to order at 9:00 am by Chairperson Weyer and all present recited the Pledge of Allegiance.

Present were: Mike Weyer, Bill Stearns, Jon Kangas, Murlyn Kreklau, Ron Noon, County Coordinator Ryan Odden, County Attorney Kyra Ladd, Auditor/Treasurer Heather Olson, Chief Deputy Joe Schoon, IT Director Dave Hotchkiss, Chris McConn, Jane Neubauer, *Review Messenger* reporter Matt Johnson, Solid Waste Supervisor Wade Miller via Zoom, County Engineer Darin Fellbaum via Zoom, Human Services Director Jennifer Westrum via Zoom, Public Health Director Erica Keppers via Zoom, County Assessor Lee Brekke via Zoom, County Recorder Tracy Borchert via Zoom, *Independent News Herald/Verndale Sun* reporter Trinity Gruenberg via Zoom, *Wadena Pioneer Journal* reporter Barb Porter via Zoom.

Amend/Approve the Day's Agenda: Motion made by Commissioner Kangas and seconded by Commissioner Kreklau to approve the agenda as presented. Agenda approved unanimously.

Recognition of Interested Citizens: None present today.

CONSENT AGENDA:

Moved by Commissioner Kangas, seconded by Commissioner Noon to approve the following consent agenda items:

- Approve the Warrants from 12-30-22, US Bank 1-5-23, 1-6-23 for a total of \$415,920.65.
- Approve the Human Services Statistical Reports
- Approve the Human Services Warrants from 1-17-23 for a total of \$139,620.10
- Approve the FY 2023 State of MN – Board of Soil & Water Resources – MPCA SSTS Program Grant Agreement in the amount of \$52,018.
- Approve the Credit Card Authorization Form for a VISA Card for Erika Penner.
- Approve the Credit Card Authorization Form for a VISA Card for Tracy Borchert.
- Approve the 2023 Todd Wadena Community Corrections Subsidy Request for the year 2023 in the amount of \$377,641.
- Approve the Lawful Gambling Permit for RD Offutt Sportsman's Park to hold a raffle on October 7, 2023.

Motion carried unanimously.

REGULAR AGENDA:

2023 Appropriations Budget Amendment: Auditor/Treasurer Heather Olson wanted to amend the Appropriations budget as it was intended to freeze some of the budget. Motion by Commissioner Kreklau and seconded by Commissioner Kangas to amend the budget for the following: Humane Society \$7,300 to \$5,800 and Wadena County Historical Society \$25,000 to \$24,000. Motion carried unanimously.

Transfer of Funds from Fund 2 to Fund 1: Auditor/Treasurer Heather Olson said it was the intention of the board on November 15th, 2022 to move \$28,000 from fund 2 to fund 1 to cover Fairgrounds costs for the year. Motion by Commissioner Kangas and seconded by Commissioner Kreklau to approve to move \$28,000 from fund 2 to fund 1 to cover Fairgrounds costs for 2023. Motion carried unanimously.

2023 Wadena County 2nd Financial Publishing: Auditor/Treasurer Heather Olson presented the Newspaper Bids for the 2nd publishing of the Financial Statements. Motion made by Commissioner Noon and seconded by Commissioner Kreklau to approve the bid as presented for the 2023 Official Wadena County Newspaper for second publication of the 2022 Wadena County financial statements to The Review Messenger with the understanding that the statements and related information will be published exactly as submitted, not subject to reentering of any of the data by newspaper staff and proof copy to be approved by Auditor/Treasurer prior to publication. Motion carried unanimously.

Partnership 4 Health Ottertail County Presentation about Non-Profit Dental Clinic in Becker County: Jane Neubauer, Partnership 4 Health presented information and updates about the regional project they have been working on which involves the building of a new non-profit Dental Clinic in Becker County. The objective is to help increase access to dental care for an additional 11,500 residents in Becker, Clay, Clearwater, Hubbard, Mahnomen, Norman, Otter Tail, Wadena and Wilkin counties. They have done this presentations in all the other surrounding counties except one and asked that the board to look into the budget to see if this is something that Wadena County could support. They are looking at building another facility in Frazee. The facilities will be self-sustaining once they are operational. The board thanked Jane for the presentation.

A break was taken at 9:30 a.m. Meeting reconvened at 10:05

Presentation from Johnson Controls Inc. on HVAC Solutions for Courthouse Using Sourcewell Contract: John Paul from Johnson Controls could not be at the meeting today, but thought he could be at the first meeting in February. County Coordinator, Ryan Odden presented their presentation to the board. Since this is a Sourcewell Contract, all the pricing has already been bid out, except the exclusions on page 20 and 21. They were on-site several times. Commissioner Kangas does feel this is a better approach and like that they already knew who their sub-contractors were. Odden said that during one of the site-visits, their boiler sub-

contractor also attended. The board asked the Auditor/Treasurer Heather Olson to round up some funding options. The board is going to look through the presentation and will come up with their questions at the next presentation in February.

Discussion of 2023 County Commissioner Committee Assignments: Coordinator Odden gave the commissioners, the 2023 Committee Assignments worksheets. For the most part, the committee assignments remained the same with the addition of Commissioner Noon taking the place of Commissioner Monson. There were a few adjustments to the assignments and an additional committee created and general updates made. There was discussion regarding the Budget committee. It was discussed to have the chairman and the vice-chairman attend that committee. Weyer would like to see the commissioners be on the budget committee at least once. Odden will make all the edits and it will be presented at a February meeting for approval.

Resolution Appointing Membership to Kitchigami Regional Library System Executive Committee and Advisory Board 2023: The KRLS asked for a resolution appointing the membership and alternate to the Kitchigami Regional Library System. Motion by Commissioner Kangas and seconded by Commissioner Weyer to Adopt the attached resolution appointing a representative and alternate to the Kitchigami Regional Library System (KRLS) Executive Committee and Advisory Board.

RESOLUTION APPOINTING MEMBERSHIP
Kitchigami Regional Library System
2023

This is a resolution appointing membership and alternate to the Kitchigami Regional Library System (KRLS) Executive Committee and Advisory Board.

WHEREAS, The Kitchigami libraries serve the residents of Beltrami, Cass, Crow Wing, Hubbard and Wadena Counties and the Cities of Bemidji, Blackduck, Brainerd, Cass Lake, Longville, Park Rapids, Pine River, Wadena and Walker; and

WHEREAS, These counties and cities have joined together, through a joint powers agreement, to provide library services to our taxpayers in cooperation with the State of Minnesota and the other regional libraries in the state. Each signatory to the agreement has committed to provide a representative and, if the representative is an elected official, another official as an alternate to serve on the KRLS governing board.

THEREFORE, IT IS RESOLVED that the members of the Kitchigami Regional Library System Executive Committee and Advisory Board are appointed Commissioner Kreklau and Commissioner Noon as an alternate.

IN TESTIMONY WHEREOF THE WADENA COUNTY BOARD OF COMMISSIONERS has caused this

Resolution to be adopted this 17th day of January 2023.

ATTEST:

WADENA COUNTY BOARD OF COMMISSIONERS

Ryan Odden
Wadena County Coordinator

Mike Weyer
Chairman of the Board

Motion carried unanimously.

Resolution to begin the process to rescind the Wadena County Solid Waste Ordinance:

Commissioner Kangas drafted a resolution to begin the process of rescinding Wadena County Ordinance #19 – the Wadena County Waste Designation Ordinance. There was discussion regarding Solid Waste at the last work session. He is on the Solid Waste Committee. They are aware of violations or suspicions of violations of the ordinance. Kangas feels the Wadena County Waste Designation Ordinance, creates a monopoly requiring all MSW generated in Wadena County to be delivered to the PLMSWA facility in Perham Minnesota increases the cost of disposal to both commercial and self-haulers alike. He is suggesting we start the process of rescinding the ordinance and he thinks it is unconstitutional. Kangas was questioning the legalese of the Ordinance. Kangas said our ordinance allows for unreasonable searches and seizure of records from commercial and self-haulers without a warrant, and is a violation of constitutional rights. The chairman asked for comments from Chris McConn. He said we have gone over this topic several times. For the record, the ordinance was ratified in 2022. An attorney Kevin Johnson prepared the documents. He is undoubtedly the leader in Waste Designation Ordinances in Minnesota. The ordinance that we have and what it is based on has been tried through the Supreme Court of the United States of America. Chris said he is not an attorney and that the county has their own attorney and asked for recommendations from her. Kyra Ladd said that the board hired and paid for a legal opinion for an expert in this area. He gave you an informed legal opinion on the issue before the ordinance was ratified. There was reliance on that opinion from someone who deals specifically in that area. Chris McConn said that the purpose behind the Waste Designation Ordinance is when public agencies invest in programs there is a level of responsibility to the taxpayers to protect them from harm in their investments. If this were to be revoked, it exposes Wadena County to a significant amount of financial liability and would not be good for Wadena County. Kangas does not feel the ordinance promotes a free market. He said the requirements and penalties of the ordinance is creating criminals of our citizens and that is not right. Commissioner Kreklau said that this ordinance was brought before the board several times and feels that the part pertaining to individuals should be eliminated. Commissioner Noon said there is room for amending the

ordinance and not rescinding the whole ordinance. Kyra Ladd also said there is a public hearing process for amending or rescinding the ordinance. Commissioner Stearns gave background information on the ordinance and also gave information on our current garbage/recycling amounts and percentages. Commissioner Kangas made a motion to approve the resolution to begin the process to rescind the Wadena County Solid Waste Ordinance #19. Chairman Weyer asked for a second 3 times and there was no second so motion died for lack of a second. Chairman Weyer tasked Ryan to set up a work session possibly in Commission Kreklau's district to get feedback from the public and also have the person who drafted the ordinance (Kevin Johnson) be present at that work session meeting.

County Coordinator Report: Coordinator Odden has been working with the County Engineer Darin Fellbaum regarding Highway Safety Improvement dollars that have been received from the state. The new County Road Safety Plan has been completed and a presentation will be done at the next workshop. Ryan has emailed (after the last board meeting) Senator Utke and Representative Wiener and has not heard anything back from them. Ryan and Breanna met with Human Services Jennifer Westrum and Amie Gendron beginning the process of withdrawing from the Merit systems. Since a new fund has been created for the Sheriff's office, HR has been updating all the funds in Paycom and doing all the payroll adjustments.

Commissioner/Committee Reports:

Commissioner Stearns: No committee meetings. Received an email regarding a Drainage Conference meeting in Alexandria and felt those on the committee should go.

Commissioner Kreklau: 1-9-23 Rural Caucus meeting, 1-9-23 EDA meeting, 1-10-23 met with Historical Society, 1-11-23 Management meeting.

Commissioner Kangas: 1-4-23 Bell Hill Recovery Center meeting, completed the Board of Equalization board training.

Commissioner Noon: 1-9-23 Todd Wadena Corrections meeting.

Commissioner Weyer: 1-11-23 Management meeting.

Moved by Commissioner Kreklau, seconded by Commissioner Noon to adjourn the meeting at 11:34 a.m. Motion carried unanimously.



Ryan Odden
Wadena County Coordinator



Mike Weyer, Chairperson
Wadena County Commissioner