

## WADENA COUNTY BOARD OF COMMISSIONERS' MEETING

FEBRUARY 18, 2020

The Wadena County Board of Commissioners' Meeting was held on February 18, 2020 in the Multi-purpose Room, Wadena County Courthouse, 415 South Jefferson Street, Wadena, Minnesota. The meeting was called to order at 9:00 am by Commissioner Horsager and all present recited the Pledge of Allegiance.

Also present were: Commissioners Bill Stearns, Sheldon Monson, Jim Hofer, Jon Kangas, County Coordinator/Engineer Ryan Odden, County Attorney Kyra Ladd, Chief Deputy Joe Schoon, County Auditor/Treasurer Heather Olson, Jail Administrator Bryan Savaloja, Sheriff Mike Carr, Emergency Management Director Tyler Wheeler, Human Services Amie Gendron, Public Health Director Cindy Pederson, IT Department Coordinator Dave Hotchkiss, Planning & Zoning Administrator Deana Malone, Katie Heppner, *Review Messenger* reporter Matthew Johnson, *Wadena Pioneer Journal* reporter Michael Johnson, *Independent News Herald/Verndale Sun* reporter Trinity Gruenberg, Reuben Holder, Patrick McCormick, Keith Milbradt, Craig Reece, Jerry Grewing, Marlene Snyder, Bradley Snyder, Amanda Pachel, Dennis Fowler, George Kveten, Danny Graba, Duane Hillukka, Kevin Kocurek, Michelle Neels, Craig Folkestad, Allen Lysdahl, Foster Lysdahl, Kim Lysdahl, Gene Sorenson, Bill Skarka, John Finnegan, Bev Finnegan, Richard Graba, Ralph Miller, Leonard Anderson and Steven Lehmkuhl.

**Amend/Approve the Day's Agenda:** Commissioner Kangas made an addition to the day's agenda to include Zoning and Homebased Businesses as 14A. Moved by Commissioner Monson, seconded by Commissioner Hofer to approve the day's agenda as presented with the addition. Motion carried unanimously.

**Recognize Interested Citizens:** Approximately 25 Interested Citizens were present. Commissioner Horsager told the public if they had comments about Regular Agenda item number 7, they would be heard at that time.

### CONSENT AGENDA:

Commissioner Stearns asked for a discussion on the Exchange of Federal Funds for State Aid Funds. County Coordinator/Engineer Ryan Odden gave a brief overview of how and why the funds are exchanged. MNDot would trade dollar for dollar Federal Funds for State Aid Funds with other counties in Minnesota that need a specific type of fund. Currently Benton County is in need of Federal Funds and is exchanging funds with Wadena County for one of our upcoming projects. Federal dollars have different rules on road projects versus State Aid Funds. With State Aid Funds, the testing rates and contracts are not as extreme as with Federal Funding. Nothing is lost in the exchange, just an exchange of the type of funds. After the discussion it was moved by Commissioner Monson, seconded by Commissioner Kangas to approve the following consent agenda items:

- Approve the minutes from the 2-11-2020 meeting, with minor wording changes.
- Approve the Auditor warrants from 1-24-2020, 1-31-2020, 2-7-2020, US Bank 2-7-2020 and 2-14-2020 for a total of \$1,422,307.51.

- Approve the Human Service warrants from 1-24-2020, 1-31-2020, 2-7-2020 and 2-14-2020 for a total of \$35,549.31.
- Approve the annual renewal for the 2020 Productive Alternatives purchase of service agreement.
- Approve the annual renewal for the 2020 Stellher Human Services purchase of service agreement.
- Approve the annual renewal for the 2020 Presbyterian Family Foundation, Inc. purchase of service agreement.
- Approve the annual renewal for the 2020 Rising Phoenix purchase of service agreement.
- Approve the Resolution Authorizing Execution of Agreement to Enter into Agreement with the Department of Public Safety for the 2019 Emergency Management Performance Grant for the period of 01/01/2019 thru 02/29/2020.
- Approve the Resolution for Exchange of Federal Funds for State Aid Funds. Wadena County will complete SAP 080-602-011 using these funds, according to State-Aid procedures and applicable State and Federal laws.
- Approve to increase the compensatory time allowed for Cindy Pederson, Public Health Coordinator, from 80 hours up to a maximum of 160 hours effective 02/18/2020 for programming and additional grant writing, to be reduced back down to 80 hours by 09/30/2020.
- Approve the Wadena County Charters; Client Needs Committee, Ordinance Committee, Employee Wellness Committee, Safety and Security Committee and Trauma Informed Care Committee that were reviewed at the 2/12/2020 Management Team Meeting.
- Approve to update the 2020 Commissioner Liaison and Committee Assignments list by adding Commissioner Kangas appointed to the Client Needs Committee, Commissioner Kangas and Commissioner Monson appointed to the Ordinance Committee and Commissioner Monson appointed to the Court Coordination Committee.

Motion carried unanimously.

#### REGULAR AGENDA:

**Approval of 2nd Amendment Resolution:** Commissioner Monson stated that in the past two months constituents had been encouraging him to bring the Second Amendment Resolution to the County Board. He had been looking at many Resolution copies, even some that were regarding Sanctuary Counties, but he took a harder look at Roseau County's copy since they passed theirs last week. Nowhere on the Resolution that was on the agenda for Wadena County did it state, "Sanctuary County."

Commissioner Monson went on about all of the elected officials in Wadena County taking an oath of office, an oath to uphold Federal and State laws, uphold the Constitution and any County Ordinances. He did not want any authority taken away from the Sheriff or the County Attorney, but since he heard so many people wanting to have the Second Amendment Resolution brought before the Board, he thought it should prompt a discussion. Commissioner Horsager questioned Commissioner Monson if the Wadena County Second Amendment Resolution was patterned closely off from Roseau County's. Commissioner Monson agreed.

Commissioner Kangas recognized everything that Commissioner Monson stated. He too was receiving messages over the past months from constituents. Commissioner Kangas felt that it was a nationwide concern and he had discussed it with Commissioner Monson only, as to not break Open Meeting laws. Commissioner Kangas was concerned with some proposed State and Federal regulations and what it could do to the country. He voiced that there was documented history of problems in parts of the world with gun

control confiscation when people don't have the right to defend themselves. With the Resolution, he felt that the County was making a public statement to our legislature about where the country stands.

Next Commissioner Horsager opened up the discussion to the public with John Finnegan speaking first. He mentioned that he was into the NRA. He made phone calls to Minnesota State Representative John Poston and Minnesota State Senator Paul Gazelka, of which Finnegan declared that both governmental agents were in favor of the Resolution. Then Finnegan reached out to Commissioners Monson and Kangas and let them know the positive feedback. Finnegan went on to talk with many sportsmen's clubs and they in-turn backed the Resolution. He cited that the Resolution is more of a political statement than a law, but it is showing other areas that many others want to protect ourselves.

Reuben Holder, a veteran, voiced that he stood for the Constitution. He questioned if the Second Amendment is in the Constitution, why do people have to pay for a permit to carry? He believed that if it kept him and his family safe it should be free. Sheriff Mike Carr stated that it was in the State Statutes and that the County had no control over the fees for the permit to carry.

Craig Folkestad believed that the Resolution wasn't a party issue, but it was a Constitutional issue. He stated if the County voted for it, they were letting St. Paul know what their views were. Keith Milbradt came to the County Board to speak for the Sportsmen's Club, with over 400 members, and they supported the Resolution. Jerry Grewing appeared to show his support for President Trump. He considered President Trump a supporter of the Second Amendment and Grewing accepted Trumps' beliefs.

Commissioner Stearns shared that the Resolution didn't change the laws and that people would still need to purchase a permit to carry in Wadena County. The only views that the Resolution was stating, according to Stearns, was that the County supported the Second Amendment. Ralph Miller spoke that people were not going to come to your front door and take your guns away. Little by little, he believed, it would be a gradual affect to erode the Second Amendment.

Commissioner Horsager felt it was too bad that he had to resolidify something that was already in the Constitution. He went on that we have groups in the nation that were tearing at our rights and felt that the Second Amendment was coming under strong attack. He entered office to create efficiency and effectiveness in government and thought he had a part of doing that with the Board, but it is a challenge. Commissioner Horsager promised to uphold the Constitution when he ran for office and as he took his oath. He promised to consider all viewpoints of an issue. With this topic he had received more messages than the last 50 issues combined and all of the phone calls and emails have been in favor of the Resolution. It was a no brainer for Commissioner Horsager and it replicates his values. He wanted the County Board to fight for this and stand firm.

Commissioner Hofer spoke about being a gun owner who hunts and trap shoots. He supported the entire Second Amendment, which he felt was the basis of our nation. The Resolution before us, he cited, pits us against Federal and State laws. Commissioner Hofer believed the real effort should be focused on Federal and State laws or on court decisions. He was bothered by the last two paragraphs of the Resolution that he believed that County funds could be expended to take on the State or Federal government over any of the Resolutions' issues. Commissioner Hofer stated that we are not able to pick and choose which laws we would or would not abide by and he had a hard time supporting the Resolution as written. He asked Sheriff Mike Carr and County Attorney Kyra Ladd if the Board had any authority to tell them what laws to follow. Both of them said no to Commissioner Hofer's question and said they follow the State. Commissioner

Monson was asked if he had any concerns about the Resolution and he stated the only thing he could think of would be if there was potential financial implications.

Leonard Anderson questioned Commissioner Hofer's statement about the last two paragraphs of the Resolution. Anderson said that the sentence said, "That the Wadena Board of Commissioners hereby expresses its intent that public funds of the county not be used to restrict the Second Amendment rights..." He was wondering how this could affect any financial implications the way it was written. Commissioner Hofer returned with that we are under statutory obligations to pay for salaries. He supports any legislation for due process and intends to work with the legislative process to get everyone's points known.

Commissioner Stearns wanted to amend the Resolution with a phrase change to paragraph 7, "WHEREAS, the Wadena County Board Commissioners wishes to express its deep commitment to the rights of all citizens of Wadena County to keep and bear arms, and." After "bear arms," he wanted to add, "except convicted felons." Sheriff Mike Carr and Sergeant Bryan Savaloja asked if the language could be changed because there were others besides felons that it could affect. The amended portion was changed to "except those prohibited by current law."

Commissioner Monson brought up that he thought a phrase should be changed to paragraph 9, "and to use such legal means at its disposal to protect the rights of the citizens of Wadena County to keep and bear arms, including through legal action, the power to appropriate public funds, the right to petition for redress of grievances..." He wanted to remove, "including through legal action, the power to appropriate public funds, the right to petition for redress of grievances," feeling that the phrase could put the County Board in court for every individual. A motion was made on this amendment by Commissioner Monson, with a second by Commissioner Stearns. After a short discussion Commissioner Stearns withdrew his second and Commissioner Monson withdrew his motion because the whole phrase was one of the main reasons for the Resolution.

Moved by Commissioner Stearns, seconded by Commissioner Monson to accept the Second Amendment Resolution as is with just the amended wording change to paragraph 7, "WHEREAS, the Wadena County Board Commissioners wishes to express its deep commitment to the rights of all citizens of Wadena County to keep and bear arms, except those prohibited by current law, and." Commissioner Stearns- Aye, Commissioner Monson- Aye, Commissioner Horsager-Aye, Commissioner Kangas- Aye, Commissioner Hofer- Nay. Motion carried 4-1.

Wadena County "Second Amendment Dedicated County" Resolution completed as follows:

### ***"SECOND AMENDMENT DEDICATED COUNTY" RESOLUTION***

WHEREAS, the Second Amendment of the United States Constitution reads "A well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear Arms, shall not be infringed." and

WHEREAS, the United States Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008), affirmed an individual's right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home, and

WHEREAS, the United States Supreme Court in *McDonald v. Chicago*, 561 U.S. 742 (2010), affirmed that the right of an individual to “keep and bear arms,” as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment against the states, and

WHEREAS, the People of Wadena County, Minnesota, derive economic benefit from all safe forms of firearm recreation, hunting, and shooting conducted within Wadena County using all types of firearms allowable under the United States Constitution, and

WHEREAS, certain legislation, beyond existing laws to date, that has or may be introduced in the Minnesota legislature in the future, and certain legislation which has or may be introduced in the United States Congress in the future, could have the effect of infringing on the rights of law abiding citizens to keep and bear arms, as guaranteed by the Second Amendment to the United States Constitution, and

WHEREAS, the Wadena County Board of Commissioners is concerned about the passage of any new legislation containing language which could be interpreted as infringing the rights of the citizens of Wadena County to keep and bear arms, and

WHEREAS, the Wadena County Board of Commissioners wishes to express its deep commitment to the rights of all citizens of Wadena County to keep and bear arms, except those prohibited by current law, and

WHEREAS, the Wadena County Board of Commissioners wishes to express opposition to any law in the future, beyond existing laws to date, that would unconstitutionally restrict the rights of the citizens of Wadena County to keep and bear arms, and

WHEREAS, the Wadena County Board of Commissioners wishes to express its intent to stand as a County Dedicated to Second Amendment rights and to oppose, within the limits of the Constitution of the

United States and the State of Minnesota, any efforts in the future to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of the citizens of Wadena County to keep and bear arms, including through legal action, the power to appropriate public funds, and the right to petition for redress of grievances.

HOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Wadena County Minnesota:

That the Wadena Board of Commissioners hereby declares Wadena County, Minnesota, as a "Second Amendment Dedicated County", and

That the Wadena Board of Commissioners hereby expresses its intent to uphold the Second Amendment rights of the citizens of Wadena County, Minnesota, and

That the Wadena Board of Commissioners hereby expresses its intent that public funds of the County not be used to restrict the Second Amendment rights of the citizens of Wadena County, or to aid Federal or State agencies in the restriction of said rights, and

That the Wadena Board of Commissioners hereby declares its intent to oppose any infringement on the right of law-abiding citizens to keep and bear arms using such legal means as may be expedient, including, without limitation, court action.

STATE OF  
MINNESOTA )  
COUNTY OF  
WADENA )

**CERTIFICATION**

I, Ryan Odden, County Coordinator, Clerk to the Wadena County Board of Commissioners, do hereby certify that the above is a true and correct copy of a resolution adopted by the Wadena County Board of Commissioners at a meeting held on the 18<sup>th</sup> day of February, 2020.

Witness my hand and seal.

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Ryan Odden, County Coordinator  
Wadena County, Minnesota

A break was taken at 10:02 am. The meeting reconvened at 10:14 am.

**Human Services Statistical Reports:** The Human Services Statistical Reports were presented by Amie Gendron. The first report she featured was the Income Maintenance Caseload Summary Report from December 2019 – January 2020. The Maxis cases (included support programs of Diversionary Work, General Assistance, MN Supplemental Aid, Group Residential Housing, Medical Assistance and totals account for unduplicated cases) were up 33 cases and the Mets cases (include Medical Assistance and MN Care cases managed in the MN Eligibility Technology System) were up 3 cases. Next she showed all of the programs across the board for December 2019 – January 2020; MFIP Cases (Cash Assistance) was up 3 cases, SNAP (Food Support) was up 23 cases, Diversionary Work Program had 2 cases closed, General Assistance (Cash Program) had 2 cases closed, Minnesota Supplemental Aid was up 7 cases, GRH was down 1 case and Medical Assistance remained the same.

Then was the Children in Out of Home Placement from December 2019 – January 2020 which was reduced by 11 children partially due to adoptions. Following was Intakes December 2019 – January 2020 that went up by 99 cases. This pattern of increase in Intakes was spotted across the board and not in just one particular area. Open Workgroups (on going cases) December 2019 – January 2020 was down 29 cases, which helped due to the adoptions.

Gendron was unable to deliver the monthly Budget Summary, because the books were not closed out for January. She was able to state that Program Costs were at 10% (normally at 8% for January), which they were running 2% over. Administrative Costs were at 22%, but that was not uncommon for the first few months of the year according to Gendron. They make many annual payments up front at the beginning of the year.

**Wadena County Housing Study:** Katie Heppner was at the Wadena County Board meeting on behalf of the County's Strategic Planning & Economic Development (SPED) Committee. When the Countywide Business Retention and Expansion Study was done, a significant number of businesses rated their satisfaction with the local housing supply as either very dissatisfied or dissatisfied. When Heppner was doing her reports, the housing topic was being brought up. When talking with the (SPED) Committee they were going to be the group to take on the housing situation.

When discussing about local development, Heppner felt that it could be really difficult to attract developers or bring some movement in without really knowing what the need would be. There hasn't been an exact study in Wadena County and these studies are what developers look at when deciding where to spend their money. Staples was the only community, in our area, that had one done in recent years. Since then the city had three major developments happen, which was a direct result from completing their housing study.

To complete a housing study, one of the most cost effective options was to partner with Sourcewell and David Drown and Associates (DDA), according to Heppner. That partnership would allow Wadena County to receive \$7,500.00 in funding from Sourcewell to use towards the study and DDA would be the fiscal host. Overall Countywide the housing study would cost \$20,000.00-\$30,000.00. The cost cannot be exact currently, because it is completely dependent on what the vendors submit in their Requests for Proposals responses.

The SPED Committee spoke with Sourcewell and DDA to learn about their process which follows:

1. The SPED Committee would solicit Requests for Proposals for a County-wide study. DDA does not generally participate in the RFP process. If the County wishes, Katie Heppner of the Economic Alliance would provide in-kind technical support to oversee the RFP process.
2. The SPED Committee reviews the RFP's and recommends a vendor to the Board of Commissioners.
3. Wadena County/DDA/Vendor contract for services, with DDA being the fiscal agent.
4. Contract is executed.
5. Study commences.
6. DDA makes payments to the vendor as outlined in the contract.

Heppner voiced that the SPED Committee felt that this was a good option for the County to pursue. Commissioners Horsager and Stearns serve on that committee with Heppner and a few others. Heppner asked for the County to approve for the committee to move forward with pursuing a housing study and a partnership with Sourcewell and DDA. The housing study would cost no more than \$22,500.00 with the funds to come from the MCIT fund and that was a recommendation made by Commissioners Horsager and Stearns.

Commissioner Horsager told the Board that SPED was promoting the housing situation with it being one of the keys to economic development. He mentioned that he didn't know if it was falling on the County, but the SPED Committee felt it was very beneficial. Commissioner Horsager hoped that it didn't end up costing the whole \$22,500.00. He had seen what the study did for Staples and thought it was worth the investment.

Commissioner Hofer also agreed with Commissioner Horsager. Commissioner Hofer is a resident of Staples and said he had seen two sets of townhouses and an apartment go up in the city. It had added roughly 100 units over the last few years.

Commissioner Stearns stated that Heppner had been looking for more grant money to add to the cost of the study. Heppner said that the idea was to apply for additional grant money to bring the cost of the study down on the County. She mentioned that SPED was only asking for the \$22,500.00 now because this would be the worst case scenario if the RFP came in high and they do not receive any additional grant funding. Commissioner Stearns wanted the Board to know that he felt the housing study was important because the data means something to the people that sit on development boards. He was in full support for the study. Heppner voiced that the study would be for the five major cities of Wadena County; Menahga, Sebeka, Verndale, Wadena and the part of Staples that was in the County.

It was stated by Commissioner Kangas that it sounded like he was the only one that was opposed to the study. He did not consider that the study was a good expenditure of tax payer dollars. He understood the desires and concerns of the business owners that were brought forward, but he felt that a lot of that had to do with taxes, costs in itself and low wages which businesses in themselves could help remedy.

Commissioner Kangas mentioned how many tax forfeited properties were sold last year including lots throughout the County. He felt it was affordability and didn't think a market study was going to remedy that. There are many areas to get data; the Assessor's office, Census data, State Demographer data – which he brought up without spending money. For many reasons, he did not support spending tax dollars on the study.

Commissioner Stearns voiced that the County would be using MCIT dividend funds and it would not be budgeted money because this was an extra situation. The MCIT funds he stated were for irregular non-budgeted items that might come up. He felt the study was an appropriate use of those funds.

Commissioner Monson asked Commissioner Stearns, because of his long term on the committee, if he thought the study would be a valuable tool for investors. Commissioner Stearns believed it would, because the study would show some unseen information. He also saw a need for housing Countywide. The data would be used for each city's economic development and they would have something new and accurate. The data from the study plus the tax abatement policy in Wadena County could be used to complete some homes, Commissioner Stearns offered.

According to the Board Action Form, Commissioner Kangas pointed out, the study would supply data for Menahga, Sebeka, Staples, Verndale and Wadena – have these cities been approached to contribute? Heppner shared that SPED decided to approach the County Board first with MCIT funds. If each city was to do their own study it would cost far more than reaching it Countywide.

Commissioner Horsager wanted to protect it as a Wadena County project and SPED knew different cities were having struggles. He said if the County wanted economic development, if they wanted to expand the tax base, if they wanted to attract more people, attract more workers and businesses – this was an infrastructure thing that they could do. Staples had some major expansion since their study had been done.

Commissioner Kangas cited if some of the study comes back about changing the zoning ordinances, the cities have control over their own zoning ordinances and the County would not. He thought the cities had more to gain from the study as a whole and that it would be a city issue as it was for Staples.

Moved by Commissioner Stearns, seconded by Commissioner Monson to approve the SPED Committee to move forward in the process of conducting a housing study by soliciting vendors through an RFP, and commit to spending no more than \$22,500.00 on such study, with the funds to come from the MCIT fund. Commissioner Stearns-Aye, Commissioner Monson- Aye, Commissioner Horsager-Aye, Commissioner Kangas- Nay, Commissioner Hofer- Aye. Motion carried 4-1.

**Request GIS Reserve Funding For Plotter-Scanner:** Planning & Zoning Administrator Deana Malone was at the County Board meeting to discuss the plotter they have in their office used for large GIS maps. The plotter was purchased in 2007 and was described as a terrific piece of equipment, but it was starting to show its age. Planning & Zoning was looking at trying to replace the plotter and they had been working with the County's IT Coordinator Dave Hotchkiss and Brady Knettel with Marco. The proposal was for a new large plotter with a large scale scanner, which currently they do not have that capability. Planning & Zoning would be able to scan large maps and store them electronically.

The overall cost of the plotter and scanner together was \$10,106.00 and they would like to do a five year service agreement (that doesn't include ink supplies, but offers maintenance and service) for an extra \$2,257.00. The total purchase that Planning and Zoning asked for was \$12,363.00, but they have a GIS Reserve fund. They were not asking to change the budget, only to receive money from their reserve fund. This amount was generally over the amount to go to the Board without receiving two quotes, but Malone spoke with County Coordinator Ryan Odden initially regarding the purchase. Odden cited that the County would not go out for another quote because this was the vendor the County had been using and it was a specific piece of equipment that the vendor had knowledge of that would help with the purchasing process.

Commissioner Monson wanted to know what the balance was in the GIS Reserve. Malone respond that it was a little over \$61,000.00. Commissioner Stearns wanted to make sure that the project would be approved with the strike of, "Sales Tax Not Included," on the bid since the County would not have to pay for sales tax. Moved by Commissioner Monson, seconded by Commissioner Hofer to approve the

purchase of the plotter/scanner from Marco, with the sales tax taken out of the proposal, for \$12,363.00 from the GIS Reserve. Motion carried unanimously.

**Approval for Renodry USA Project:** County Coordinator/Engineer Ryan Odden spoke to the Board about Renodry, a system that could help the advancing rise of dampness in the County's detention facility. Rising damp is water's natural tendency to destroy the masonry foundation of a building. A salesman from Renodry gave an estimate to put his devices in the jail to Odden back in early December 2019. The proposal was brought to the Building Committee last week and they were in favor of the devices. Two devices would cost a total of \$7000.00 with a warranty that the County would receive 80% of their money back if needed.

Odden spoke with another county that uses the Renodry devices in their basement and they stated that they believed it was effective. The Renodry devices would be located in the ceiling of the common area just outside of the jail cells. When Odden talked to the jail staff they said the equipment would be located higher than where the televisions were placed in the common area. The estimate was for two devices because there are metal doors in the jail area and it doesn't radiate through the metal.

Commissioner Monson worried about harvesting radio waves through the air and if that could cause any harm to the inmates. He posed if the other county that had the Renodry devices being located in the basement were in contact with people 24 hours a day. Odden stated that he did not know if the space was occupied by people.

Commissioner Horsager thought the devices sounded mysterious as to the way they worked, but said since Ryan had checked with the other county that used them and they worked it seemed like a cost effective way to fix the detention facility issue. Commissioner Kangas went along with Commissioner Monson that there could be potential harm with the radio frequencies of the devices. He wanted to know if there had been any studies done by the company. He didn't want any potential chance for a lawsuit down the road since they would be placed in the jail cell area. Otherwise he was in favor of the devices, but wanted to make sure there was no harm.

Commissioner Monson motioned to table the approval of the Renodry devices because he felt more research needed to be done. It was seconded by Commissioner Kangas. Motion carried unanimously to table the topic until the March 10, 2020 Commissioners' Board meeting.

**2020 Census Partnership Presentation and Agreement:** County Coordinator/Engineer Ryan Odden had been in contact with Jeffery Wigren, a Partnership Specialist from the U.S. Census Bureau, who was going to present at the Board meeting. After Odden contacted him, Wigren stated that he would not be ready for the presentation until the March 28, 2020 meeting.

**Zoning and Homebased Businesses:** Commissioner Kangas brought before the Board the discussion of the Wadena County Zoning Ordinance regarding to homebased businesses that do not have a retail store front and their need to go through the Conditional Use Permitting (CUP) process. A concern brought to his attention by a resident taxpayer that was applying for a Federal Firearms License (FFL) through the ATF wanted to do some gunsmithing and to purchase some guns. This resident was told he needed a letter from the zoning district stating that there would be no County prohibitions for such activity. Commissioner Kangas was not aware of any gun limited zones in Wadena County, except for some government agencies or private businesses. Deana Malone, from Planning and Zoning, advised

him to go through the CUP process which includes application fees and public hearings which is expensive and time consuming.

Commissioner Kangas knows of many businesses that have not gone through the CUP process. He stated that if the County went after this one resident for a CUP, would the County have to go after all the other homebased businesses for CUP's? He wanted to know who enforced the process – if there was no store front how does the Zoning Ordinance apply needing a CUP? He listed many homebased businesses including Avon, sawblade sharpeners, a kid mowing lawns, Craig's List sellers, etc. – are we going to request a CUP of all of these businesses?

Malone voiced in this particular instance, that the County was talking about as far as the Federal Firearms License, the Zoning Department would be required to sign off on it. She stated that the County had two other businesses, that she was aware of, that have gone through the CUP process. When they received their CUP they were able to provide it to the Federal government. She didn't think anything timely could be changed to the ordinance because that would take as long as receiving a CUP. Changing the ordinance would require a public hearing, notification, drafting of language and discussion to go about the whole process.

Commissioner Hofer knew of a firearms being completed in Staples and they went through the CUP process. He said that it started in late fall and just finished wrapping up. He knows it is a long process, but there was no enforcement unit checking all of the businesses out there to file for a CUP.

Some of the items Malone and Commissioner Kangas talked about prior to the Board meeting was that there was a provision in the A1 district. It involved a certain radius around a municipality where a home occupation is allowed, it cannot appear to be anything other than a residence and it cannot be the primary purpose for that location. It was for that zoning district, but not for the ag or residential districts at this time. Commissioner Kangas felt that it could be discriminatory because the provisions did not affect businesses in other districts.

Commissioner Stearns cited that he knew of a home daycare in one of the other districts that had to obtain a CUP for their business. He was bringing it up because like firearms that need a CUP, they both need it for licensing purposes. Commissioner Horsager asked if Planning and Zoning should take this conversation back to their department and develop a recommendation to bring back to the Board. Malone stated that in that time it would take the firearms business about 45 days to get through the CUP process.

Commissioner Kangas returned to Commissioner Stearns' statement on the daycare business, which Kangas felt it was more like a retail front than a home business. He also posed the question to Malone wondering in the Zoning Ordinance if it mentioned owners of Federal Firearm Licenses. Malone stated that it did not. Commissioner Kangas again went back to the firearms homebased business wasn't really a business and there was not going to be a retail front. Malone shared though along with car dealerships, she had to sign off that a Federal Firearm License had been approved by Zoning.

Commissioner Stearns sensed that Commissioner Kangas wanted the Planning and Zoning to issue the permit by rule. This would take Malone to check into this case to see if it can be issued by rule, if not the Ordinance would maybe have to be looked at being changed.

Commissioner Reports:

Commissioner Hofer: 2/12/2020 Management Team, 2/13/2020 Old Wadena Board, 2/18/2020 Pretrial Meeting.

Commissioner Monson: 2/12/2020 Community Health Board.

Commissioner Kangas: 2/11/2020 County Commissioners' Board Meeting, 2/12/2020 Morrison Todd Wadena Public Health Board, 2/13/2020 Trauma Informed Meeting, 2/18/2020 County Commissioners' Board Meeting.

Commissioner Horsager: 2/12/2020 Management Team.

Commissioner Monson moved, seconded by Commissioner Hofer to adjourn the meeting at 10:36 am. Motion carried unanimously.

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Ryan Odden,  
Wadena County Coordinator/Engineer

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Charles Horsager, Chairperson  
Wadena County Commissioners