The Wadena County Board of Commissioners’ Meeting was held on April 2, 2019 in the Small Courtroom, Wadena County Courthouse, 415 South Jefferson Street, Wadena, Minnesota. The meeting was called to order at 9:00 am by Commissioner Stearns and all present recited the Pledge of Allegiance.

Also present were: Commissioners Chuck Horsager, Jim Hofer, Sheldon Monson, Jon Kangas, County Coordinator/Engineer Ryan Odden, Auditor/Treasurer Heather Olson, IT Director David Hotchkiss, Planning and Zoning Director Deana Malone, Chief Deputy Joe Schoon, Katie Heppner, Review Messenger reporter Matthew Johnson, Wadena Pioneer Journal reporter Michael Johnson, Independent News Herald reporter Trinity Gruenberg.

Amend/Approve the Agenda: Moved by Commissioner Monson, seconded by Commissioner Horsager to approve the day’s agenda as presented. Motion carried unanimously.

Recognition of Interested Citizens: Recognized Trinity Gruenberg from the Independent News Herald as the new reporter for that paper.

CONSENT AGENDA:

Moved by Commissioner Kangas seconded by Commissioner Hofer to approve the following on the consent agenda:

- Approve the minutes from 3-12-19 meeting.
- Approve the renewal of the Liquor License for Wahoo Valley Bar and Grill LLC.
- Accept the Planning Commission Minutes from 3-21-19.
- Acknowledge the receipt of a letter from MN Department of Human Services on the 2018 Financial Reporting by Wadena County stating that all reports were received on time.
- Review the County Single Audit Reports for 2107 by Minnesota Department of Human Services found the reports acceptable.
- Review the Decision on the Conditional Use Permit Lawsuit with Randy and Tami Wenthold.
- Make the correction to typo in the 12-18-19 minutes that changes the compensation to the board chairperson from $1,491.00 to $1,471.00 per year.

Motion carried unanimously. Commissioner Monson wanted it noted that they are relieved to be through with the lawsuit filed against Wadena County over the Conditional Use Permit for Park Rapids Clay Dusters, Inc. and thankful that the CUP was upheld by the court.

REGULAR AGENDA:
Certificate of Support for Tri-County Hospital for USDA Application: Motion by Commissioner Hofer, seconded by Commissioner Monson to approve the Certificate of Support for the application for USDA funds to construct a healthcare facility. Motion carried unanimously.

2019 AMC Transportation Resolution: Ryan Odden presented this resolution that was sent to all 87 counties within the state for approval. Moved by Commissioner Monson, seconded by Commissioner Kangas to pass the following resolution:

Wadena County Board of Commissioners

2019 AMC Transportation Funding Resolution

WHEREAS Minnesota Counties maintain 30,742 miles of County State Aid Highway (CSAH) roads and 14,141 miles of county roads, totaling over 30% of the state’s roadways; and

WHEREAS the total annual need is $1.084 billion over the next 25 years just to maintain the current CSAH and county road system, not including expansion; and

WHEREAS the annual funding gap for counties has resulted in deferring basic maintenance, delaying expansion projects with resulting safety concerns, mounting congestion, and missed economic growth for businesses and commuters; and

WHEREAS a comprehensive and sustainable transportation solution should include robust funding for roads, bridges, and transit, and address the varying needs in different parts of the state; and

WHEREAS increased funding for Minnesota’s Highway User Tax Distribution Fund would provide additional, stable funds for MnDOT, all 87 counties, all cities with a population of 5,000 or more, and townships across the state;

NOW THEREFORE BE IT RESOLVED that the Wadena County Board of Commissioners encourages the Minnesota Legislature to pass and the Governor to sign a bill that brings adequate funding to Minnesota’s statewide transportation system.

CERTIFICATION

I, Ryan Odden, County Coordinator of the County of Wadena, State of Minnesota, 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 2nd day of April, 2019.

Ryan Odden, County Coordinator
Wadena County, Minnesota
Motion carried unanimously.

**Public Comment Period on Wadena County ADA Transition Plan:** Presented by Ryan Odden the draft of the Americans with Disabilities Act Self-Evaluation and Transition Plan for Public Right-of-Ways. This document explains the intersections within the county on state aid roads and their accessibility for the disabled. As projects are completed the sidewalks are made compliant. Some problem intersections are in places where there are no projects planned so they may have to be addressed on a case by case basis for compliance.

**Conditional Use Permit for Aaron and Brenda Simi – Second Family Dwelling on less than 20 AC parcel:** Deana Malone presented the request that this CUP be granted for the addition of a trailer home on the property for the daughter of the land owners with the requirement that once the family member moves out of the trailer, it be removed from the land. Chairperson Stearns asked if there was anyone present that wanted to speak for or against the CUP. No one spoke up. Moved by Commissioner Horsager, seconded by Commissioner Monson to pass the following resolution granting the CUP:

**Wadena County Board of Commissioners**

**A Resolution Establishing a Conditional Use**

WHEREAS, Aaron and Brenda Simi have made an application for Conditional Use to allow a mobile home as a second welling on a non-farm property of less than 20 acres for an immediate family member on their property located in Section 23, Township 138 North, Range 33 West, Blueberry Township, described as the E1/2 NE1/4 SW1/4 less W 250'; located in an A-1 Transitional Agriculture District, and having PID# 02-023-3060; and

WHEREAS, this use may be allowed in the specified Zoning District as a Conditional Use according to Section 6., C. of the Wadena County Zoning Ordinance #1; and

WHEREAS, fully noticed Public Hearing was held on the application on Thursday, March 21, 2019, at the Wadena County Courthouse at 7:00 p.m., and

WHEREAS, the Planning Commission did due diligence in hearing the application and have made a recommendation to the Wadena County Board of Commissioners to approve the application with the following Findings of Fact:

1. The requested use will be compatible with the surrounding area and not significantly depreciate nearby properties as there is already a home on the property as there is already a home on the property;
2. The requested use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area and the structure may increase the value of the property and there are some similar smaller parcels in that area;

3. There are adequate utilities, access roads, drainage and other necessary facilities being provided already on the property, they will be increasing the septic to comply and using the existing driveway;

4. Adequate measures have been taken or will be taken to provide off street/road parking and loading space to serve the proposed use because there is adequate room on the property with the acreage they have and will be no off street parking;

5. Adequate measures are in place to prevent or control offensive odor, fumes, dust, noise, and vibration so as not to constitute a nuisance, and measures taken to control lighted signs or other lights in such a manner that no disturbance to neighboring properties will result because this is not a commercial property and is not applicable for this application;

6. The requested use will be consistent with the Wadena County Land Use Control Ordinance with the Conditional Use Permit granted and it is an allowable use on the property;

7. The requested use is not in conflict with the Wadena County Comprehensive Plan.

NOW, THEREFORE BE IT RESOLVED, the Wadena County Board of Commissioners approve the recommendation of the Planning Commission for issuance of the Conditional Use Permit for Aaron and Brenda Simi for a mobile home as a second dwelling on a non-farm property of less than 20 acres for an immediate family member on their property referenced above and the condition that if a family member no longer resides in the mobile home, the mobile home will be removed from the property within six months.

THE WADENA COUNTY BOARD OF COMMISSIONERS

IN TESTIMONY WHEREOF THE WADENA COUNTY BOARD OF COMMISSIONERS has caused this resolution to be adopted this ________ day of _______________, 2019.

ATTEST:            WADENA COUNTY BOARD OF COMMISSIONERS

________________________________                __________________________
Ryan Odden, Coordinator                           William J. Stearns, Chairperson

Motion carried unanimously.
Conditional Use Permit for Randall and Jodi Becker – Sand and Gravel Extraction with crushing and screening onsite: Deana Malone presented the request to grant the Conditional Use Permit for the continuing of a sand and gravel extraction with crushing and screening onsite and a setback of less than 100 ft from the property line and some changes to the hours of operation. Chairperson Stearns asked if anyone present wanted to speak for or against this CUP. No one spoke up. Moved by Commissioner Monson, seconded by Commissioner Horsager to grant the CUP resolution:

Wadena County Board of Commissioners

A Resolution Establishing a Conditional Use

WHEREAS, Randall and Jodi Becker have made an application for Conditional Use to allow the continuation of a sand and gravel extraction operation with added crushing and screening of material on their property located in Section 22, Township 137 North, Range 35 West, Red Eye Township, described as That part of the SW1/4 SW1/4 Described as Follows: Beginning at the SW Corner of Said SW1/4; Then North 1 Degree 22’ 39” West along the West Line of said SW1/4 827.97’ to a Point; then South 89 degrees 47’ 43” East 80.78’ to an Iron Monument; then Continue South 89 degrees 47’ 43” East 125.36’ to a Point Hereinafter Referred to as Point A; then Continue South 89 degrees 47’ 43” East 477.43’ to an Iron Monument; Then North 0 Degree 12’ 17” East 498.04’ to an Iron Monument on the North Line of said SW1/4 SW1/4; Then South 89 Degrees 47’ 43” East along said North Line 705.48’ to the NE Corner of said SW1/4 SW1/4; then South 0 Degree 36’ 51” East along the East Line 1324’ to the SE Corner of said SW1/4 SW1/4; then North 89 Degrees 52’ 15” West along the South Line 1385.11’ to the Point of Beginning **Subject to Trunk Hwy #71 ROW along the Westerly Boundary** Subject to Easements; located in an A-3 General Agriculture District, and having PID#10-022-3035; and

WHEREAS, this use may be allowed in the specified Zoning District as a Conditional Use according to Section 8., C. of the Wadena County Zoning Ordinance #1; and

WHEREAS, fully noticed Public Hearing was held on the application on Thursday, March 21, 2019, at the Wadena County Courthouse at 7:00 p.m., and

WHEREAS, the Planning Commission did due diligence in hearing the application and have made a recommendation to the Wadena County Board of Commissioners to approve the application with the following Findings of Fact:

1. The requested use will be compatible with the surrounding area and not significantly depreciate nearby properties as the operation is already in existence;
2. The requested use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area as the business is already in operation and we encourage economic growth and private business and there are other businesses in operation along the Highway 71 corridor;
3. There are adequate utilities, access roads, drainage and other necessary facilities being provided already on the property and there is a plan to use some of the material to stabilize the road;

4. Adequate measures have been taken or will be taken to provide off street/road parking and loading space to serve the proposed use because there is plenty of room for parking and in the application they stated there will be no street parking;

5. Adequate measures are in place to prevent or control offensive odor, fumes, dust, noise, and vibration so as not to constitute a nuisance, and measures taken to control lighted signs or other lights in such a manner that no disturbance to neighboring properties will result because in their application they stated they can provide dust control with a water truck and the noise they can control by the hours of operation;

6. The requested use will be consistent with the Wadena County Land Use Control Ordinance because it is an allowed use through the ordinance with the Conditional Use Permit;

7. The requested use is not in conflict with the Wadena County Comprehensive Plan and is already in existence and is more of an expansion than anything and the Becker’s have also added they will actually be improving the property and along Highway 71 will be a nice touch. Also one of the goals in the Comprehensive Plan is to stimulate rural business development.

NOW, THEREFORE BE IT RESOLVED, the Wadena County Board of Commissioners approve the recommendation of the Planning Commission for issuance of the Conditional Use Permit for Randall and Jodi Becker for continuation of a sand and gravel extraction operation with added crushing and screening of material on their property referenced above and the following conditions:

1) Applicants will obtain the notarized letters in writing from the adjoining property owners allowing a 60-foot setback from the property line for mining;

2) Hours of operation to be: April 1st to October 31st Monday thru Friday 7:00 a.m. – 5:30 p.m., Saturday 7:00 a.m. – 12:00 noon, November 1st to March 31st, 7:30 a.m. to 4:00 p.m. and Saturday 7:00 a.m. – 12:00 noon.

THE WADENA COUNTY
BOARD OF COMMISSIONERS

IN TESTIMONY WHEREOF THE WADENA COUNTY BOARD OF COMMISSIONERS has caused this resolution to be adopted this ________ day of ______________, 2019.

ATTEST: 

WADENA COUNTY BOARD OF
COMMISSIONERS

________________________________                BY________________________
Ryan Odden, Coordinator                                     William J. Stearns, Chairperson
Update on the Restroom Project: Ryan Odden reported that the framing, mechanical and electrical rough in for the project is completed. Sheetrock is up and being taped today. The ceiling in the lobby will be replaced in the next week. The project is expected to be completed by April 30, 2019.

Update on the Lower Level Remodel Phase I and Approval to Start Phase II: Ryan Odden reported on the work completed downstairs. Painting of walls and the ceiling has been removed in the new Sheriff’s area as well as in hallways. He asked if STS could continue to do demolition work in the lower level. By consensus it was decided that the work could continue on the demolition in the lower level of the courthouse with the STS crew doing the work under the direction of Maintenance Supervisor Sean Uselman.

MinnPace: Katie Heppner was present to once again ask the county to enter into a Joint powers agreement for the MinnPace program to provide affordable energy efficient upgrades to small businesses. Moved by Commissioner Monson, seconded by Commissioner Horsager to accept the Joint Powers Agreement with the Port Authority of the City of St. Paul for the MinnPace project within Wadena County. The agreement is as follows:

**JOINT POWERS AGREEMENT**

This Agreement, made and entered into as of the 2nd day of April, 2019, by and between the Port Authority of the City of Saint Paul (the “Port Authority”), a body corporate and politic, and the County of Wadena, Minnesota, a political subdivision under the laws of Minnesota (the “County”), provides as follows:

WHEREAS, the Port Authority has been engaged in governmental programs for providing financing throughout the State of Minnesota (the “State”) by making loans evidenced by various financing leases and loan agreements, and in the process of operating these programs the Port Authority has developed a high degree of financial expertise and strength; and

WHEREAS, Minnesota Statutes, Sections 216C.435 and 216C.436 and Chapter 429 and 471.59 (collectively the “Act”) authorize the County to provide for the financing of the acquisition and construction or installation of energy efficiency and conservation improvements (the “Cost Effective Energy Improvements” as defined in the Act or “Improvements”) on Qualifying Real Properties” as defined in the Act (the “Properties” or “Property”) located within the boundaries of the County through the use of special assessments; and

WHEREAS, the Act authorizes the County to designate a local government unit other than the County to implement the program under the Act on behalf of the County; and

WHEREAS, the County has one or more projects within the boundaries of the County that have Improvements in need of financing, and has adopted its Resolution No. ________ (a copy of which is attached hereto as Exhibit A) to designate the Port Authority to implement and administer a program on behalf of the County to finance such Improvements; and

WHEREAS, the Port Authority has created a program under the Act known as the Property
Assessed Clean Energy Program ("MinnPACE") for purposes of implementing and administering the activities described in the Act, and the Port Authority is willing to implement and administer that program on behalf of the County as requested herein; and

WHEREAS, the County has expressed a desire to make energy improvement financing programs of the kind managed by the Port Authority available for improvements of eligible properties within its boundaries, including but not limited to the Energy Savings Partnership, Trillion BTU and MinnPACE, and a joint powers agreement is required between the County and the Port Authority for MinnPACE; and

WHEREAS, the Improvements will serve citizens of Wadena County and the State of Minnesota.

NOW THEREFORE, in consideration of the mutual covenants herein made, the parties to this Agreement hereby agree as follows:

1. The Port Authority will exercise the powers of the Act on behalf of the County by providing financing for Improvements located within the boundaries of the County. Except as otherwise provided in this Joint Powers Agreement, the Port Authority shall be solely responsible for the implementation and administration of MinnPACE and the financing of the Improvements.

2. In connection with its implementation and administration of MinnPACE, and its financing of the Improvements located within the boundaries of the County, it is anticipated that the Port Authority will enter into various agreements with persons wishing to obtain financing for Improvements located within the boundaries of the County as well as with sources of financing for such Improvements (collectively the “Program Documents”).

3. The Port Authority may and is permitted to charge fees for its implementation and administration of MinnPACE, which fee will be described in, and payable under, the Program Documents.

4. The Port Authority will have the sole duty and responsibility to comply with or enforce covenants and agreements contained in the Program Documents. This power specifically includes the responsibility for monitoring and enforcing compliance with the provisions of the Program Documents.

5. Either the Port Authority or a lending institution (the “Lender”) will use its own financial resources to finance the Improvements (the “Loan”), or a taxable special assessment revenue bond(s) (the “Bond(s)”) issued by the Port Authority in favor of the Lender will be used to finance the Improvements. Regardless of the financing mechanism, the Lender will advance funds under the Program Documents to be paid from levied special assessments.

6. The Loan(s) or Bond(s) must be a special/limited obligation of the Port Authority, payable solely from special assessments levied by the County as provided herein. The Loan(s) or Bond(s) and interest thereon must neither constitute nor give rise to a general indebtedness or
pecuniary liability, or a general or moral obligation, or a pledge or loan of credit of the Port Authority, the County, the City of Saint Paul or the State of Minnesota, within the meaning of any constitutional or statutory provision. To that end, the Port Authority hereby agrees to indemnify and hold harmless the County from and against any claims or losses arising out of the failure of the Port Authority to provide for the payment of principal of, and the interest or any premium on the Loan(s) or Bond(s), from special assessment payments actually paid to the Port Authority by the County. This indemnity must not, however, be construed to relate to any claims or losses which might arise by virtue of the exercise, by the County, of its governmental powers in connection with the Project, or by virtue of the failure of the County to levy and collect special assessments with respect to the Improvements or promptly remit such special assessment payments to the Port Authority as provided in the Program Documents.

7. As and for its contribution to the financing of the Improvements, and as provided in the Act, the County must impose and collect special assessments necessary to pay debt service on that portion of the Loan(s) or Bond(s) attributable to the Improvements located within the boundaries of the County. Evidence that the County has imposed such special assessments is a precondition to the Port Authority’s obligation to provide financing to any Improvements located within the boundaries of the County in accordance with the following process:

A. The Port shall provide to County an application from an Applicant under the Program which includes the following documentation:
   1) A copy of the Application containing the legal name of the Applicant, its legal status, its legal address, a description of the Project, the cost of the Improvements, the total amount to be assessed against the Property and the address, legal description and tax identification code for the Property upon which the Improvements are to be constructed or installed.
   2) A statement from the Port that the proposed Project as described in the Application qualifies under the requirements of the Act and the Port Authority.
   3) A fully-executed copy of the Applicant’s Petition and Assessment Agreement suitable for evidencing, and recording if necessary, Applicant’s agreement to be assessed for the amount of the Improvements.

B. Upon receipt of the documentation described in Subparagraph A above, County agrees that it will levy an assessment against the Property for the amount to be assessed as set forth in Section 7.A. above.

C. Evidence that the County has imposed such special assessments is a precondition to the Port Authority’s obligation to provide financing to any Improvements located within the boundaries of the County.

D. In the event that, after the County levies an assessment against the Property for the costs of the Improvements and related costs as provided for in Subparagraph B above, the Port does not fund the cost of the Improvements as contemplated by this Agreement, the Port shall promptly notify County that it has not and will not fund the costs of the Improvements under the Program and County shall thereafter inform the County Auditor to remove the subject assessment from the Property.

8. Once the County has imposed special assessments to finance Improvements located
within the boundaries of the County, the County transfer all collections of the assessments received by it upon receipt to the Port Authority for application to the payment of the applicable Loan(s) or Bond(s). The County will take all actions permitted by law for the recovery of the assessments, including without limitation, reinstating the outstanding balance of assessments when the land returns to private ownership, in accordance with Minn. Stat. Section 429.071, Subd. 4. The County has no obligation to make any payment on the applicable Loan(s) or Bond(s) other than by the imposition and collection of special assessments pursuant to the Act. The County acknowledges that the Lender is a third-party beneficiary of the County’s covenants herein with respect to the imposition and transfer of special assessments described herein.

9. Unless otherwise provided by concurrent action of the Port Authority and the County, this Agreement will terminate upon a 30-day’s advanced written notice to the other Joint Powers Agreement partner or upon the retirement or defeasance of all Loan(s) or Bond(s), whichever is later; and notwithstanding any other provisions, this Agreement may not be terminated in advance of such retirement or defeasance.

10. This Agreement may be amended by the Port Authority and the County, at any time, by an instrument executed by both of them. The Port Authority or the County may not amend this Agreement, however, if the effect of the amendment would impair the rights of the holder of the Loan(s) or Bond(s), unless the holder has consented to the amendment.

11. This Agreement may be executed in any number of counterparts, each of which when taken together will constitute a single agreement.

IN WITNESS WHEREOF, the Port Authority and the County have caused this Agreement to be executed on their behalf, by their duly authorized officers, as of the day and year first above written.

Motion carried unanimously.

A break was taken at 9:36 am. Meeting reconvened at 9:43 am.

Closed Session for Negotiation Strategy: The meeting was closed for negotiation strategy at 9:43 am. Meeting reopened at 9:54 am.

Approval of 2019 to 2021 Labor Contract with LELO: Ryan Odden presented the proposed contract for the Law Enforcement Local #443 union. Moved by Hofer, seconded by Commissioner Monson to approve the Law Enforcement Local Services #443 Labor agreement. Motion carried unanimously.

Commissioner Reports:


Moved by Commissioner Horsager, seconded by Commissioner Kangas to table the discussion on the Paralegal in Human Service Department until the 4-23-19 meeting. Motion carried unanimously.

Deana Malone reported that there will be a training on May 1, 2019 from 4:30 pm to 7:00 pm held in Alexandria for those that are involved with the Planning Commission and CUP’s. All of the planning commission are asked to attend if possible. The Commissioners are also invited to attend this training.

Moved by Commissioner Monson, seconded by Commissioner Horsager to adjourn at 10:27 am. Motion carried unanimously.

__________________________________________
Ryan Odden, Bill Stearns, Chairperson
Wadena County Coordinator/Engineer Wadena County Commissioners