

WADENA COUNTY BOARD OF COMMISSIONERS BOARD MEETING
MAY 17, 2007/9:00 A.M.

The Wadena County Board of Commissioners Adjourned Meeting was held on Thursday, May 17, 2007, at the Wadena County Courthouse in the Board of Commissioners Room at 415 Jefferson St. S., Wadena Minnesota. The meeting was called to order at 9:00 a.m. by Chairman Bill Stearns and the pledge of allegiance to the flag was said.

Also present: Commissioners Orville Meyer, Dave Schermerhorn, Lane Waldahl, and Mary Harrison.

Motion by Meyer, seconded by Schermerhorn, to amend the day's agenda to include o.) #112 Cash Balance, motion carried.

Motion by Harrison, seconded by Schermerhorn to approve the May 1, 2007 Board Meeting Minutes and the May 3, 2007 Board Meeting Minutes, motion carried.

Motion by Waldahl, seconded by Schermerhorn, to approve payment of the first half 2007 allocation to Todd Wadena Community Corrections in the amount of \$56,074.50, motion carried.

Motion by Waldahl, seconded by Schermerhorn, to approve payment for the first half 2007 allocation to the Initiative Foundation in the amount of \$1,000.00, motion carried.

Motion by Schermerhorn, seconded by Harrison, to approve payment to Baker, Hogan & Houx for final payment for the development of the Wensman Building Master Plan in the amount of \$1,118.85, motion carried.

Dan Lehmkuhl, Don Strayer and Mike (Hoss) Strayer, came before the Board to discuss the use of the Wadena County gravel pit located in Leaf River Township. Also present were Kyra Ladd, County Attorney, Joel Urling, Highway Engineer and Bill Cross, Chief Deputy Sheriff.

Char West, Auditor/Treasurer, informed the Board that she had talked to Mr. Lehmkuhl and Hoss Strayer several times over the previous months regarding an easement to the 10 acre gravel pit, as well as the use of the pit. She distributed copies of the plat map and GIS map of the site. Ms. West states that the question had been raised as to whether the County plans on retaining the gravel pit or not, which she stated she has discussed with Ms. Ladd and Mr. Urling.

Mr. Urling stated that he had several test holes dug in the pit and from the Highway Department's perspective, they would like to recover the gravel from the pit.

Don and Hoss Strayer commented that one of the test holes were 12 feet onto their property and requested clarification of whether gravel was located in the test hole on their property.

Ms. Ladd stated that she had become involved when requested to issue a Cease and Desist Order

for apparent unauthorized activity on the County property such as the grazing of animals and removal of gravel. She stated there have been some question regarding boundary lines and the use of the current easement, as the County property is landlocked. She stated the options available to the County were to keep the property for reasons expressed by the Highway Engineer, sell the property or rent the property. Ms. Ladd stated that the issue, as it relates to Mr. Lemkuhl and the Strayer's is that the County property abuts both of their common boundaries, which has caused some disputes. She stated that it is also her understanding that there may have been some prior permission given for the Strayer's to use the County property for other personal purposes, but records of such have not been located. Ms. Ladd pointed out that there needs to be discussion as to how the County property is being used and if there is permission granted to anybody, and if so, what limitations are on that use.

Hoss Strayer pointed out that he could name five other neighboring parties that have utilized the gravel pit.

Commissioner Harrison questioned whether there was a fence on the two sides that abute the Strayer's property?

Hoss Strayer responded that there was not a fence on the north and west boundary that abutes the County property.

Commissioner Harrison stated that if the County retains the property it probably will have to be fenced and questioned whether the County was mutually responsible for the cost of the fence?

Ms. Ladd responded that the County would be responsible for the cost of half of the fence.

Further discussion with Mr. Lehmkuhl was held as to the location of his property and the easement.

Mr. Lehmkuhl stated that, when he purchased the property, there was not a recorded easement, which had been included in his legal description. He stated that he will be gating the easement, but if the County wants a key something could be worked out. He stated that the property lines were in question and requested a survey of the property, as he felt the fence was not on the property line so he did not have a responsibility to pay for half of the fence.

Further discussion was held regarding the easement, fence line and surveying of the property.

Hoss Strayer stated that he had just purchased \$3,000 of fencing that he would be installing on the east and south side of the gravel pit. He stated that basically they were taking care of the County's east and south boundaries. He stated that the gravel pit benefits them due to the water deficit on their own property.

Don Strayer distributed photos of the current fence around the County gravel pit.

Commissioner Waldahl expressed concern over cattle allowed in the County gravel pit while extracting gravel.

Mr. Ulring responded that this would be a concern to the Highway Department and a contractor who would crush the gravel. He added that it would be a problem to have to open and close the gate, the liability for cattle getting out or the potential of something happening to them when gravel crushing was occurring.

Ms. Ladd stated that the County Engineer had valid concerns as it relates to the animals. She added that there needed to be an agreement outlining when the animals were allowed on the property. Ms. Ladd also stated that the County also needs to decide whether they wish to allow a taxpayer to utilize County property to their benefit and to exclude everyone else from that benefit.

Further discussion was held regarding property lines.

Mr. Ulring stated that he felt it would be in the County's best interest to survey the property prior to the resources being recovered.

Motion by Meyer, seconded by Schermerhorn, to authorize the County Engineer to survey the boundary lines of the County gravel pit located in Leaf River Township, motion carried unanimously.

Board direction was for the County Attorney and the Highway Engineer to meet with the Strayer's to discuss a possible lease agreement for grazing purposes on the County property.

Rudy Yglesias, Maintenance Supervisor, came before the Board with the recommendation to appoint Linda Ness to the part time temporary janitorial position at the Public Health Building. Also present was Cody Yglesias, Maintenance Department.

Motion by Harrison, seconded by Meyer, to approve the appointment of Linda Ness to the temporary part time Maintenance Department Janitorial position at \$7.50 per hour for 10 hours per week, start date of May 7, 2007, to be reviewed by the Board by October 1, 2007, motion carried.

Mr. Yglesias informed the Board of the need to repair the back stairway entrance of the Courthouse. He stated that the previous quote for the repair was \$20,000 and that the contractor recommended cutting off and replacing the steps with wire mesh steps. Mr. Yglesias requested that the Space Committee meet to discuss the project and obtain estimates.

Commissioner Waldahl questioned whether the back stairway would have to be an Emergency Exit.

Cody Yglesias commented that if it were wire mess it would be better to use it as a fire exit only.

Motion by Harrison, seconded by Waldahl, to obtain quotes for the replacement of the outside stairway on the north side of the Courthouse with a wire mesh stairway, for an emergency exit only, motion carried.

Mr. Yglesias reported that Hanson's Plumbing & Heating had completed the installation of the water main to the Wensman Building. He stated that an additional cost of \$955 was incurred in order to disconnect an old abandon service, as required by the City of Wadena.

Motion by Schermerhorn, seconded by Harrison, to approve payment of \$955.00 to Hanson Plumbing & Heating for the service disconnection to the Wensman Building, motion carried.

Rudy Yglesias reported on the Conservation Energy Resources Program that the Maintenance Department employees attended. He stated that it opened their eyes on the amount of money being spent on utilities and energy.

The Board recessed at 10:07 a.m.

The Board reconvened at 10:20 a.m.

Kari Tomperi, Wadena Soil and Water Conservation District, provided the Board with a power point presentation in the Courthouse Auditorium on the current Wadena County Water Plan.

Joel Ulring, Highway Engineer, came before the Board to request his appointment as County Highway Engineer for a 4-year term following his one year probationary period. Also present was Assistant Highway Engineer, Jeff Adolphson.

Motion by Waldahl, seconded by Schermerhorn, to appoint Joel Ulring as County Highway Engineer for a four-year term, May 2007 through May 2011, motion carried.

Mr. Ulring recommended the hiring of Kevin Johnson to assist the Highway Department in the engineering/construction area and Steve Albright to assist in the maintenance division of the Highway Department.

Motion by Meyer, seconded by Waldahl, to appoint Kevin Johnson to the seasonal full-time Highway Engineering/Construction position at \$10.00 per hr., start date of May 21, 2007 and to appoint Steve Albright to the seasonal full-time Highway Maintenance position at \$10.00 per hr., start date of May 21, 2007, motion carried.

Motion Harrison, seconded by Schermerhorn, to authorize the County Highway Engineer to obtain quotes and expend up to \$6,000.00, as budgeted, for the annual chloride application to CR 169 and CR 146 for base stabilization, motion carried.

Mr. Ulring informed the Board that the County's application for State Park Road funds was not funded during this funding cycle, but the application will be reconsidered next spring for the CR 160 Project.

Mr. Ullring informed the Board that since Wadena County was the contracting authority for the Wadena Depot Project the Federal Highway Engineer had stated that Wadena County was responsible for assuring the work completed on the Wadena Depot Project was done in accordance with the plans and specifications prepared by the Architect. He stated that he does not have staff to cover this work. Mr. Ullring added that he has discussed this with the Partners for a Healthy Wadena Region Board and has a verbal agreement that a qualified individual will be sought to fill the role as project inspector, the individual will be hired by the County and directly responsible to the County Engineer. He also added that the cost of this service is estimated between \$5,000 and \$8,000 and Wadena County will be reimbursed for this expense by Partners for a Healthy Wadena Region. Mr. Ullring informed the Board that he was working with the County Attorney on an amendment to the Agreement, which will be brought before the Board for approval prior to award of the project contract.

Mr. Ullring informed the Board that, as directed by the Commissioners, the Highway Department furnished 100 yards, or 10 loads, of gravel to the County Fair Grounds. He stated that an additional 250 yards was needed and has been requested. Mr. Ullring stated that his concern was that gravel was not cheap, they have a limited supply and it has been designated for County roads. He added that \$836 has been expended to date with estimated \$2,090 additional gravel requested for a total expense of \$2,900. Mr. Ullring pointed out that he wanted to bring this to the Board's attention and request direct on how the County would like to handle this situation or how does the County cover the expense.

Commissioner Waldahl recommended that a portion be delivered this year and more each year.

Mike Burcham, Wadena County Fair Board representative, informed the Board that a portion could be graveled this year with additional graveling the following year.

Mr. Ullring responded that the Highway Department wants to work with the Fair Board. He questioned whether the Fair Board would be able to work the expense into their budget?

Commissioner Harrison, Fair Board Member, and Mr. Burcham stated that it was not in the Fair Board budget this year, but would have to work it in the 2008 budget.

Mr. Burcham requested 12 to 14 loads to get by for this year.

Mr. Ullring commented that it would not take long to haul the gravel, but that it was more the issue of taking away gravel from the County roads where it would be a safety and service issue. He stated that the 2007 budget was set and this was a non-budgeted item.

Board consensus was to provide the Fair Board with the first 100 yards, or 10 loads, with additional gravel needs to be purchased at \$85 per load.

Motion by Meyer, seconded by Schermerhorn, to approve payment of the first half 2007 allocation in the amount of \$7,625.00 and the first half 2007 building improvement allocation in the amount of \$10,000, to the Wadena County Ag Society, motion carried.

Jeff Adolphson updated the Board on the CSAH 50 Project, which was ahead of schedule and the CSAH 23 Project, pointing out that plans were in St. Paul for review.

Mr. Ullring informed the Board that the Falling Weight Deflectometer testing that was contracted to Braun Intertech had been conducted. He stated that the testing was done to assess the pavement strength of the roads tested. Mr. Ullring expects a report in about three weeks and will advise the Board of the information received.

Mr. Ullring reminded the Board that they had previously directed him to hire a surveyor to survey the County gravel pit. He questioned the Board as to where he should draw the funds from, as it was an unbudgeted item. He questioned whether there was another fund to draw from? He stated that he projected the cost to come in between \$1,000 to \$2,000.

Chairman Stearns commented that some budget dollars had been saved with equipment purchases coming in under projections.

The Board recommended paying for the cost of the County gravel pit survey within the Highway budget.

Karen Nelson, Public Health Director, came before the Board to request Board action to renew two Rural Health Outreach contracts with Wadena Medical Center and Menahga Clinic.

Motion by Meyer, seconded by Waldahl, to approve the signing of two renewal Rural Health Outreach contracts with Wadena Medical Center and Menahga Clinic effective 5/1/07 to 4/30/08 as follows;

- a.) Wadena – not to exceed \$1,740-clinic site and medical supervision
 - b.) Menahga – not to exceed \$3,180 – clinic site, practitioner and medical supervision
- motion carried.

Mike Carr, Sheriff, came before the Board to request action on several Sheriff's Department items.

Motion by Waldahl, seconded by Harrison, to approve the appointment of Amie Bergquist to the vacant Sheriff's Department permanent full-time Jailer/Dispatcher position at a Grade 51, Step 4, start date of June 1, 2007, motion carried.

Motion by Meyer, seconded by Schermerhorn, to approve the appointment of Tim Stroeing to the vacant Sheriff's Department permanent full-time Deputy Sheriff position at a Grade 54, Step 4, start date of June 1, 2007, motion carried.

Sheriff Carr informed the Board that the contract from A'viands had arrived for signatures. He stated that the County Attorney, Sheriff's Administrative Assistant, Jail Administrator and he had reviewed the contract and made some corrections, which were included in the final contract.

Chairman Stearns commented that, as a point of clarification, following the May 1st Board

Meeting he had requested the County Attorney and County Auditor/Treasurer verify that this contract did not fall under the \$50,000 bidding requirement guidelines. He pointed out the handout submitted by the County Attorney states numerous case law as well as the Attorney General's Opinion, indicating that food services do not require bids nor does it violate the competitive bid law.

Chairman Stearns signed the A'viands Food Service Contract, as presented, which was approved by the Board during the May 1, 2007 Board Meeting.

Motion by Meyer, seconded by Schermerhorn, to approve the following list of outstanding checks to be charged off, as presented by the Auditor/Treasurer;

<u>Date</u>	<u>Name</u>	<u>Check Number</u>	<u>Amount</u>
9/7/04	Elaine Zumbrumen	#41591	\$ 2.00
2/14/06	Brooke Marquette	#44994	\$ 36.00
11/2/06	Peter Revne	#46942	\$ 32.93
11/21/06	Peter Revne	#80750	\$ 38.72
3/21/06	Barbara Young	#79613	\$150.00
Total			\$259.65

Motion carried.

Motion by Waldahl, seconded by Meyer, to approve the payment of \$768.00 to Christine (Korvela) Day, permanent part-time Jailer/Dispatcher for the prorated waived Health Insurance benefit (September 2006 through December 2006) per the 2006 Essential Unit Union Contract Memorandum of Understanding, motion carried.

Motion by Waldahl, seconded by Harrison, to approve payment of the Public Health Department request for first half 2007 Allocation in the amount of \$64,389.00, motion carried.

Ms. West informed the Board that Silvia Silvers, Wadena County DAC (Day Activity Center) Director in Sebeka had faxed a copy of a Utilities Assessment Worksheet in the amount of \$16,888.42, as it related to the County owned DAC located in Sebeka. She informed the Board that the proposed improvements were to be installed in 2008 and that Ms. Silvers had indicated that the DAC was still interested in purchasing the building for \$1.00 from Wadena County.

Board recommendation was to take the information under advisement and further discuss the matter in November 2007.

Motion by Meyer, seconded by Schermerhorn, to authorize payment of the following Auditor checks, as requested by the County Auditor;

Jessie Beck – Law Library Service in April, #01-020-6452	\$ 50.00
West Group – Law Library Publications in April, 01-020-6452	\$1,173.60
Mark & Shirley Kern/Paulson Agency	\$4,811.42

Motion carried.

The Board reviewed the Todd Wadena Community Corrections Quarterly Report, the City of Wadena Public Hearing Notice – Preliminary Plat and the City of Wadena Public Hearing Notice – TIF District #9.

Motion by Waldahl, seconded by Schermerhorn, to appoint the Chairman and Vice Chairman to attend the annual MCIT Coverage Review Meetings and to recommend the holding of the 2007 MCIT Coverage Review Meeting for June 26, 2007, 9:00 or 10:00 a.m., motion carried.

The Board rescheduled the June 2007 Adjourned Board Meeting from June 21, 2007 to June 22, 2007.

Ms. West presented the Board with a summary sheet of the 2007 budget and actual expenditures from the General Fund Department #112, which indicated a budget balance of \$5,831.00 as of 5/17/07. She pointed out that the handout indicated previously approved expenditures out of department #112 and that she currently had bills totaling \$14,223.00. Ms. West requested the Board consider an amendment to the department #112 budget or direct the expenditures be spent from another department budget.

Motion by Waldahl, seconded by Harrison, to approve the payment of \$13,268.00 and \$955.00 to Hanson Plumbing and Heating and \$800 to Japke Carpet for the EMS Carpet from General Fund Department #114, motion carried

Ms. West informed the Board that Mike Bercham and Jeff Nardalo, Ag Society representatives, had indicated to her prior to their leaving the Board Meeting, that they would be unable to purchase all of the roof repair materials needed unless they received the entire \$20,000 of the 2007 building improvement allocation.

Motion by Meyer, Seconded by Schermerhorn, to approve the payment of \$20,000 to the Wadena County Ag Society for the 2007 Building Repair allocation, based on a list of expenditures to the County Auditor/Treasurer, motion carried.

Chairman Stearns informed the Board that he had received a call from Mr. Hockert, owner of Hockert Cleaners, indicating that he was upset that his mats were removed from the County Courthouse and replaced with mats from AmeriPride of Fargo, ND. He stated that Mr. Hockert informed him that his family pays \$22,000 in taxes to Wadena County and he was upset due to his mats being removed and replaced by a company in North Dakota.

Chairman Sherherhorn commented that he felt the County should do as much business locally as possible, unless the prices are astronomically different.

Motion by Waldahl, seconded by Schermerhorn, to advise the Maintenance Superintendent to return to the use of Hockert's Cleaners floor mats in the Courthouse,

Commissioner Harrison questioned what was the cost of the new mats?

The Board further discussed the monthly Hockert Cleaners bill of \$38.50, that Hockert's replaced mats on a monthly basis and that the County needed to support the local taxpayer.

Motion carried.

Commissioner Shermerhorn will contact the Maintenance Superintendent.

Chairman Stearns also informed the Board that he had been contacted by Karen Nelson, Public Health Director, regarding the need for two guards on the Public Health Building roof, which have been ordered.

Motion by Harrison, seconded by Schermerhorn, to approve the Board of Commissioner Bills in the amount of \$119,913.98, motion carried.

Commissioners Reports:

Commissioner Stearns Perham Incinerator Meeting

Commissioner Harrison Risk Communication Meeting

Commissioner Schermerhorn WesMN RC&D

Motion by Waldahl, seconded by Harrison, to adjourn the Board of Commissioners Meeting at 12:40 p.m., motion carried.

Charleen West, Auditor/Treasurer

William Stearns, Chairman