

WADENA COUNTY BOARD OF COMMISSIONERS MEETING
JULY 1, 2008, 9:00 A.M.

The Wadena County Board of Commissioners Meeting was held on Tuesday, July 1, 2008, at the Wadena County Courthouse in the Commissioners Room at 415 Jefferson St. S., Wadena Minnesota. The meeting was called to order at 9:00 a.m. by Chairman Orville Meyer and the pledge of allegiance to the flag was said.

Present: Commissioners Lane Waldahl, Dave Schermerhorn, Mary Harrison and William Stearns. Also present: Mike Gibson, HR Consultant.

Motion by Waldahl, seconded by Schermerhorn, to approve the day's Agenda as presented, motion carried.

Motion by Harrison, seconded by Schermerhorn, to approve the Board Meeting Minutes of June 19, 2008, as sent, motion carried.

Kyra Ladd, County Attorney, came to the Board to reiterate that as of July 8, 2008, Public Defenders will no longer be providing representation for Child Protection cases; that representation falls on the County for persons associated with those cases; if the Court appoints Attorneys to provide that representation, the County has to pay. Ms. Ladd suggested some sort of payment scheme adopted by the Board that would provide for compensation from the County for such costs, i.e. a combination of a flat fee and hourly rate. She provided an example of 1,000 hours annually for a part-time Attorney; once the 1,000 hours were reached the County would be billed for any services provided at an hourly rate of \$75.00. Ms. Ladd added that attorneys Harry Taves and Ryan Ries had historically been the Public Defenders on a part-time basis. She pointed out that a flat-fee up front would allow for a known figure of what would be expended and then provided the ability to track expenditures which would be an incentive for an attorney if they worked less than the 1000 hours, which would be an incentive to move cases along. Ms. Ladd commented that what we are really talking about here were children at a critical point in their lives and it stops in the Courtroom and through the proceedings their lives would take different paths. She added that it was unfortunate that we have to talk about money when it comes to children, but that was the reality that has been put on the County because of the cut in State funding. Ms. Ladd advised a 1,000 hour contract would be about a \$50,000 contract plus then \$75.00 per hour.

Commissioner Harrison commented that it was her understanding that it was stated in Statute that if a cost shift in the middle of a budget cycle occurred, that was not previously budgeted for or do not have funds to pay, the County would still be liable to pay, but the cost could be deferred until the following year. She added that because there are statutes that say the County shall take care of children in this instance, it would be up to a Judge or Judicial District as to which of those two things they could consider to be most important or whether they say you must pay right now or you can wait until next year.

Commissioner Stearns questioned that since the children were being taken away from unfit parents why should we pay for the parent's defense?

Ms. Ladd commented that it seemed to be a conflict of interest, however there were some obligations imposed upon an Attorney because of being licensed.

Commissioner Stearns questioned what the criteria was that was used by the Judge for guidelines in appointing an Attorney and was it statutory.

Commissioner Waldahl questioned if Ms. Ladd could check to see if it was a conflict of interest as the County had to pay for the Attorney.

Ms. Ladd advised the judge had authority to appoint an Attorney and an Attorney could not decline that representation.

Commissioner Waldahl commented regarding the County putting a contract in place now.

Ms. Ladd suggested that the rest of 2008 a 500 hour contract be put in place at \$50 per hour or \$25,000.

Board discussion was held as to whether there was a need to also budget for hours over the \$25,000, which would be billed at \$75.00 per hour as well as budgeting for the possibility of witness expenses.

Motion by Waldahl, seconded by Harrison, to approve a 500 hour contract for a Public Defender for Child Protection cases at \$50 an hour to a total of \$25,000, motion carried.

Jeff Adolphson, Assistant Highway Engineer, came before the Board to request approval of a Grant-in-Aid Trails Program Resolution which would provide funding for maintenance of a trail used by ATV's along County Road 18. He added that this would include the ditch bottom and the back slop, unless there were obstructions, then the shoulder of the road would be used. Mr. Adolphson added that if the County Board approved a Resolution, a Grant Application could be made to the DNR to formally designate it and provide funds from the Minnesota Grant-in-Aid for upkeep of the trail. He added that at present the County Highway Department was responsible for the upkeep of this County road ditch.

RESOLUTION

Commissioner Harrison moved that the following Resolution be adopted:

WHEREAS, Wadena County serves as the sponsor of various recreational trails that are part of the State of Minnesota Grant-in-Aid Trail System; and

WHEREAS, the construction and maintenance of these trails are funded through Minnesota Trail Assistance Program Grants issued with the approval of the Minnesota Department of Natural Resources; and

WHEREAS, Minnesota Trail Assistance Program Applications have been prepared for the approval of Wadena County as sponsor of the following existing trail sponsored by Wadena County and funded by the State of Minnesota Trail Assistance Program:

CSAH 18 ATV Trail

WHEREAS, this trail is located in Wadena County.

NOW, THEREFORE, BE IT RESOLVED, that Wadena County agrees to sponsor said trail at no cost to the county.

Commissioner Schermerhorn seconded the motion for the adoption of the Resolution and it was declared adopted upon the following vote:

Ayes	<u>5</u>
Nays	<u>0</u>

Adopted this 1st day of July, 2008.

Attest: _____
Charleen West, County Auditor/Treasurer Chairperson

Mr. Adolphson stated that the Highway Department had been informed by the DOT, regarding the Safety Grant project for the intersection improvements in Verndale, that since Federal funds were involved it would have to be bid out. He added that since the project had been estimated to be under \$50,000, they were under the impression they could seek quotes. He requested Board approval to hold a bid opening on the 31st of July.

Commissioner Harrison questioned as to the deadline for the project.

Mr. Adolphson responded that the project had to be completed by the end of August.

Chairman Meyer declared a Special Board Meeting for Friday, August 1, 2008, at 9:00 a.m. with bid opening at 10:00 a.m., due to Commissioner scheduling conflict on July 31st.

Mr. Adolphson informed the Board that magnesium chloride was being applied on County roads; road construction was presently taking place on CSAH 23 and Tri-City Paving would possibly start resurfacing the following week on CR 104 in Verndale. He added that the Todd County intersection improvements on County Road 3 and Warner Road and County Road 83 had been completed, which involved by-pass turning lanes and paving improvement, which we partnered with Todd County and Lakewood Health Systems.

The Board recessed at 10:00 a.m.

The Board reconvened at 10:15 a.m. in the Courthouse Auditorium.

Dean Larson, District Manager of Pictometry, presented a power point of the company's Digital Arial product. He stated that it fits into E-911, GIS and CAMA software.

Scott McKellep, EMS Director, questioned how often updates were done.

Mr. Larson stated that at the end of a three year contract the option would be available to refly the County at a cost that would be about the same.

Deana Skov, Zoning/Parks/Solid Waste Director added that if a natural disaster occurred they would refly the County for nothing.

Mr. Larson stated that the contract included the cities of Sebeka, Menahga, and Wadena to have arial pictures would be taken from all four directions and the rest of the County would just have two directions for a total contract price of \$43,285. He stated this price was over 3 years, which included no finance charge, on site training, support and software upgrade.

Kevin Stensrude, MIS Director, questioned how often multiple jurisdictions shared the cost.

Mr. Larson stated that many counties use the Recorders reserve funds to purchase the product.

Ms. Skov added that they could do the entire County and then give the cities the option to pay for a closer image. She stated that this proposal was for consideration.

The Board recessed at 10:50 a.m.

The Board reconvened at 10:55 a.m. in the Board of Commissioners Room.

Deana Skov, Zoning/Parks/Solid Waste Director came before the Board to request approval of the June 19, 2008 Planning Commission minutes, as previously sent.

Motions by Harrison, seconded by Waldahl, to approve the June 19, 2008 Wadena County Planning Commission minutes, as sent, motion carried.

Ms. Skov presented the Board with a Resolution for a Petition to Amend the Wadena County Zoning Ordinance for H & C Enterprises. She added that the Planning Commission recommended approval of such.

Chairman Meyer questioned whether there was anyone in the audience against the recommendation for approval of the Amendment.

No response.

Chairman Meyer questioned whether there was anyone in the audience for the recommendation for approval of the Amendment.

Harold Blanagan, H & C Enterprises, LLC, stated his approval for the Amendment.

RESOLUTION

Commissioner Waldahl moved that the following Resolution be adopted:

RESOLVED: That the County Board orders issuance of the following Petition to Amend the Zoning Ordinance No. 1:

The petition of H & C Enterprises, LLC which would rezone from an A-3 to an R-1 with the following findings of fact:

- 1) The requested use will not create an unreasonable excessive burden on the existing roads or other utilities;
- 2) The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties;
- 3) The requested use, in the opinion of the Planning Commission, is reasonably related to the existing land use and environment;
- 4) The requested use is consistent with the Wadena County Land Use Control Ordinance;
- 5) The requested use is not in conflict with the Wadena County Comprehensive Plan; and
- 6) The requested use will not create an unreasonably adverse affect because of noise, odor, glare, or general unsightliness for nearby property owners.

on property described as: That part of the South 550.00 feet of the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4), which lies westerly of the centerline of the existing township road, the centerline of said township road is described as follows: Commencing at the southwest corner of said Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4); thence South 89 degrees 10 minutes 13 seconds East, bearings are based on the North American Datum of 1983, along the south line of said Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4), a distance of 118.50 feet to the centerline of said township road, the point of beginning of the centerline to be described; thence northerly along a non-tangential curve, concave to the southeast a distance of 92.28 feet, said curve having a radius of 720.00 feet, a central angle of 7 degrees 20 minutes 37 seconds and a chord bearing of North 37 degrees 55 minutes 58 seconds; thence North 41 degrees 36 minutes 16 seconds East, tangential to the last described curve, a distance of 183.19 feet; thence northerly along a tangential curve, concave to the west a distance of 361.63 feet, said curve having a radius of 400.00 feet and a central angle of 51 degrees 47 minutes 57 seconds, to the north line of the South 550.00 feet of said Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4), and said centerline there terminating. Said parcel contains 3.8 acres, more or less, according to the above survey thereof and is subject to all restrictions, reservations and easements of record, if any, all in Section 25, Township 134 North, Range 33 West, Thomastown Township, located in an A-3 General Agriculture District;

Commissioner Harrison seconded the motion and the same carried unanimously.

Adopted this 1st day of July, 2008.

Attest: _____
Charleen West, County Auditor/Treasurer Chairperson

Ms. Skov presented the Board with a Resolution approving issuance of a Conditional Use Permit for H & C Enterprises, which the Planning Commissioner recommendation approval of.

Chairman Meyer questioned whether there was anyone in the audience against the recommendation for approval of the Conditional Use Permit.

No response.

Chairman Meyer questioned whether there was anyone in the audience for the recommendation for approval of the Amendment.

Harold Blanagan, H & C Enterprises, LLC, stated his approval for the Amendment.

RESOLUTION

Commissioner Waldahl moved that the following Resolution be adopted:

RESOLVED: That the County Board approves issuance of the following Conditional Use Permit:

H & C Enterprises, LLC application for Conditional Use Permit to permit the use of an existing single family dwelling as a multi-family dwelling and/or student housing with the following findings of fact:

- 1) The requested use will not create an unreasonable excessive burden on the existing roads or other utilities;
- 2) The requested use is somewhat compatible with the surrounding area, even though we do not have another multi-family dwelling in the area, it will not significantly depreciate nearby properties;
- 3) The structure and the use shall have an appearance that will not have an unreasonable adverse effect on nearby properties because it has already been cleaned up;
- 4) The requested use, in the opinion of the Planning Commission, is reasonably related to the existing land use and environment being that the property is located right next to the City of Staples; and
- 5) The requested use is not in conflict with the Wadena County Comprehensive Plan.

on property described as: That part of the South 550.00 feet of the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4), which lies westerly of the centerline of the existing township road, the centerline of said township road is described as follows: Commencing at the southwest corner of said Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4); thence South 89 degrees 10 minutes 13 seconds East, bearings are based on the North American Datum of 1983, along the south line of said Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4), a distance of 118.50 feet to the centerline of said township road, the point of beginning of the centerline to be described; thence northerly along a non-tangential curve, concave to the southeast a distance of 92.28 feet, said curve having a radius of 720.00 feet, a central angle of 7 degrees 20 minutes 37 seconds and a chord bearing of North 37 degrees 55 minutes 58 seconds; thence North 41 degrees 36 minutes 16 seconds East, tangential to the last described curve, a distance of 183.19 feet; thence northerly along a tangential curve, concave to the west a distance of 361.63 feet, said curve having a radius of 400.00 feet and a central angle of 51 degrees 47 minutes 57 seconds, to the north line of the South 550.00 feet of said Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4), and said centerline there terminating. Said parcel contains 3.8 acres, more or less, according to the above survey thereof and is subject to all restrictions, reservations and easements of record, if any, all in Section 25, Township 134 North, Range 33 West, Thomastown Township, located in an A-3 General Agriculture District.

Commissioner Harrison seconded the motion and the same carried unanimously.

Adopted this 1st day of July, 2008.

Attest: _____
Charleen West, County Auditor/Treasurer Chairperson

Commissioner Harrison informed Ms. Skov that there was some confusion from people about whether their septic system needed to be replaced when it was five years old.

Ms. Skov responded that the requirement was for an inspection, not a replacement.

Char West, Auditor/Treasurer, presented the Board with a Resolution that would further define the Board's action on May 22, 2008 to transfer funds from the Solid Waste Fund to the Social Services Fund.

Motion by Stearns, seconded by Schermerhorn to amend the May 22, 2008 Resolution, as follows;

Resolution Amendment

Interfund Loan Transfer from Solid Waste Fund to Social Services Fund

WHEREAS, the Counties of Brown, Cass, Crow Wing, Dodge, Freeborn, Goodhue, Kanabec, Morrison, Sibley, Steele, Todd, Wabasha, Wadena, and Waseca have formed a Joint Powers Board to implement and administer County-Based Purchasing for certain state and federal programs, which the Joint Powers Board operates under the name South Country Health Alliance (SCHA); and

WHEREAS, on December 31, 2007, following recognition of a "premium deficiency reserve" anticipating losses for 2008, SCHA's risk-based capital was approximately 133%, rather than the 300% required by the Addendum to SCHA's By-Laws; and

WHEREAS, additional capital was necessary to restore financial health to SCHA consistent with the operating procedures under the Joint Powers Board; and

WHEREAS, SCHA was empowered to require additional contributions from its Member Counties for capital; and

WHEREAS, on May 12, 2008 the SCHA Joint Powers Board made a capital call upon its Member Counties in the amount of \$11,000,000.00 with Wadena County's obligation under the Joint Powers Agreement to pay \$587,489.00 as it's pro-rated share; and

WHEREAS, one-half of the respective amount payable by each county was paid, in immediately available funds, on May 27, 2008, with the remaining balance to be paid by November 25, 2008;

WHEREAS, the Wadena County Board of Commissioners deemed the availability of a portion of the funds to be paid to SCHA to be in its Solid Waste Fund Balance; and

WHEREAS, on May 22, 2008 the Wadena County Board of Commissioners approved the transfer of \$98,744.50 from its Solid Waste Fund Balance to the Social Services Fund for the partial payment of the first half SCHA capital obligation; and

WHEREAS, it has been deemed that such transfer of funds is a Temporary Interfund Loan from the Solid Waste Fund; and

WHEREAS, the Loan from the Solid Waste Fund meets the minimum requirements of the Office of the State Auditor for a Temporary Interfund Loan as outlined below;

- No more than 75 percent of the maximum of moneys held in the fund during a current fiscal year may be loaned or transferred; and
- Such loan shall not be used to balance the budget of the borrowing fund; and
- The Interfund Loan will not deter any function or project for which the Loaning Fund was established; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Wadena County Board of Commissioners approve repayment of the \$98,744.50 to the Solid Waste Fund from the General Revenue Fund, which in turn will be transferred from the Social Services Fund to the General Revenue Fund out of the Social Services \$75,000 tax levy proceeds levied for the purpose of repayment of the initial SCHA buy-in; all payment to be made in semi annual installments as outlined below;

June 1, 2010	\$37,500.00
November 1, 2010	\$37,500.00
June 1, 2011	\$23,744.50

Adopted this 1st day of July, 2008, by the Wadena County Board of Commissioners.

Orville Meyer, Chair
Wadena County Board of Commissioners

ATTEST: _____
Charleen West
Auditor/Treasurer

Motion carried.

Mr. Gibson informed the Board that County charges for copies were not consistent and added that the County Attorney concurred that charges needed to be the same for everyone. He stated that the method recommended by the County Recorder, after surveying the surrounding counties, would be to charge .50 per page if someone came in to do their own research but if the Recorder's staff did the research and the physical work, the charge would be \$1.00 per copy.

Chairman Meyer advised this would fall under a fee increase Hearing requirement. Chairman Meyer set a Fee Public Hearing during the July 24, 2008, Board Meeting at 10:15 a.m. in the Board of Commissioners Room.

Mr. Gibson informed the Board that a time clock system would enhance security and have a positive affect on payroll. He reported that Time Tracker was willing to come before the Board to give a presentation. Mr. Gibson added that Tri-County Hospital and Fair Oaks Lodge currently use the system.

The Board was in agreement to have Time Tracker give a presentation.

Mr. Gibson addressed the Master Plan progress. He reminded the Board that there had been discussion to set up a Committee consisting of two members from each District, however, some problems could develop from this, i.e. it could appear as if the Commissioners were not making a decision and over empowerment by the committee. Mr. Gibson proposed inviting the three members of the press who attend Board Meetings, to tour the Departments so the Press had a good view of what problems were being dealt with. He then suggested there be community public meetings where questions could be asked; similar to what was done in the development of the transit system. Mr. Gibson pointed out that this would give a sincere effort to inform the public of the Master Plan. He added that the next step would be to set a time when the Press could get together and then proceed.

Commissioner Waldahl suggested the two radio stations be included in the tour.

Board consensus was to follow the above plan as presented by Mr. Gibson.

Mr. Gibson discussed with the Board the need to finalize the Master Plan. He informed them that there was a group of retired engineers that received funding from the State of Minnesota who could come and review the current situation with the hope of accomplishing this within the next three months. Mr. Gibson added that there were some things that needed to be taken care of before OSHA stepped in and sited changes that needed to be made.

Commissioner Stearns questioned what this engineering group would do differently then previous engineers?

Mr. Gibson responded that this group would walk in and look at the heating and air conditioning system. He added that he will also come back with estimates from Johnson Control who initially set the system up, who will look at the duct work and zoning; maybe the problems could be solved with duct work and electronics. Mr. Gibson reiterated 1) that having the engineering group come in would not be a cost to the County and 2) they may come up with some ideas that were more advantageous than Johnson Controls.

Commissioner Stearns commented the Board still had to come up with a Master Plan and the heating and air conditioning system issue was a separate matter.

Mr. Gibson verified he did state there had to be a Master Plan and the system was a separate issue but there were some differences of opinion of what should be done. He added that security had become a big issue with recent happenings.

Commissioner Stearns questioned when the Board would have a working meeting.

Mr. Gibson responded that it was a Board decision.

Chairman Meyer set a Special Board Meeting for July 22, 2008, 9:00 a.m. in the Board of Commissioners Room to work on the Master Plan.

Mr. Gibson informed the Board that all the Department Heads would be made aware of this date.

Mr. Gibson informed the Board that the Assessor had discussed with him that it would be beneficial for his office if a 10 hour per day work schedule be set up during the spring and into the fall with the office still remaining open 5 days per week. He added that the County Assessor had discussed this with his staff and they are in full accord. Mr. Gibson stated that he had contacted the Business Agent for Local #320 and she was comfortable with this as the contract language was broad. He added that a schedule was set up, which was signed by each employee; there was full agreement and it would start this next Monday following the holiday weekend; if there were any problems they would immediately return to the old system.

Mr. Gibson informed the Board that Mike Carr, Sheriff, had brought to his attention that two years ago the Board had approved an additional full time position in his accounting office, but in order to keep costs down it was only filled as a part-time position. He added that Sheriff Carr was now requesting two more days making it a full time position, by a different person, which would be an advantage financially. Mr. Gibson requested the Board fulfill the motion made earlier and bring in the additional part time person.

Chairman Meyer stated that the motion had been approved and no further action was required; the Sheriff's Department may fill the other 2/5's position.

Motion by Stearns, seconded by Schermerhorn, to approve the Liquor License Renewal Application submitted by the Blueberry Pines Golf Club for the period of August 1, 2008 through July 31, 2009, motion carried.

Karen Nelson, Public Health Director, requested by letter, a motion to authorize a Family Medical Leave for Margie Wateland.

Motion by Waldahl, seconded by Schermerhorn, to authorize a FMLA leave for Margie Wateland, RN, beginning June 9, 2008, for up to 12 weeks with a possible early return to work following surgery, motion carried.

Ms. Nelson requested a motion to authorize a reduction in employment for Erica Keppers, PHN.

Motion by Stearns, seconded by Harrison, to authorize reduction in employment of Erica Keppers, PHN from 100% down to 80% effective August 1, 2008, motion carried.

Motion by Schermerhorn, seconded by Stearns, to approve the request by the Wadena County Historical Society to receive the first half of their 2008 allocation in the amount of \$2,500, motion carried.

Commissioner Harrison informed the Board that the bus had been cancelled for transportation to the NACo Annual Conference in Kansas City due to the lack of participation. She stated that the cost to cancel the conference registration would be \$220. Commissioner Harrison offered to drive for the cost of gas one-way for the 1,215 miles, \$352.64.

Board consensus was for Commissioner Harrison to attend the NACo Annual Conference and to provide the cost of gas both ways.

Commissioner's reports

Commission Waldahl CHAMPS

Commissioner Harrison Levy Limits/MDE – Workshop by AMC discussing Matching Funds, Cost Share and Maintenance of Effort. Recommend Committee to review.

Commissioner Meyer Exercise of pandemic occurrence

Commissioner Schermerhorn No report

Commissioner Stearns Perham Incinerator - Ottertail was not willing to commit the other half of Garbage to the expansion of the burner. Landfill was still cheaper. Todd, Ottertail and Wadena Counties not interested in expanding.

Motion by Harrison, seconded by Schermerhorn, to approve payment of the Board of Commissioner bills in the amount of \$73,430.53, motion carried.

The Board recessed at 12:15 p.m.

The Board reconvened at 12:22 p.m.

Chairman Meyer closed the Regular Board of Commissioner Meeting closed at 12:23 for the purpose of strategizing for the 2009 Wage Negotiations and to discuss a personnel matter. Present were Chairman Meyer, Commissioners Harrison, Waldahl, Schermerhorn and Stearns, HR Consultant Mike Gibson and Auditor/Treasurer Char West.

Chairman Meyer opened the Regular Board of Commissioners Meeting at 2:01 p.m.

Motion by Commissioner Waldahl, seconded by Schermerhorn, to hold a Special Board Meeting on July 17, 2008, to close the meeting from 8:00 a.m. to 9:00 a.m. for the purpose of strategizing for 2009 Wage Negotiation; with meeting of all Department Heads at 9:30 a.m., cancel Special Board Meeting at 9:00 a.m. regarding the Highway Department's long range plan, location to be determined, motion carried unanimously.

The Board of Commissioners Meeting was adjourned at 2:04 p.m.

Charleen West, Auditor/Treasurer

Orville Meyer, Chairman