

WADENA COUNTY BOARD OF COMMISSIONERS MEETING
APRIL 7, 9:00 A.M.

The Wadena County Board of Commissioners Meeting was held on Tuesday, April 7, 2009, 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 Dave Schermerhorn and the pledge of allegiance to the flag was said.

Also present: Commissioners Lane Waldahl, Rodney Bounds, William Stearns, Ralph Miller, and Auditor/Treasurer Char West.

Motion by Miller, seconded by Waldahl, to amend the day's Agenda to include; 10:45 a.m. Park Board Recommendation, l.) Kevin Stensrude, MIS Director, Request for Extension of Leave; m.) Special Board Meeting April 23, 2009, Township Semi-Annual Meeting; n.) ITV Quote for Courts, Remodeling Project; and o.) Invoice approval Gibson Consulting, motion carried.

Motion by Waldahl, seconded by Stearns, to approve the Board Meeting Minutes of March 19, 2009 and Emergency Board Meeting Minutes of March 25, 2009, as presented, motion carried.

Dave Anderson, Veteran's Service Officer, came before the Board to present them with the Veteran's Office Annual Update. He presented a handout outlining his activities over the past year, which he reviewed. Mr. Anderson stated that there had been 36 runs transporting veterans to their appointments, pointing out that the number had not increased to the point of needing to increase the number of transports. He added that there were approximately 1,233 Veterans in Wadena County and that a lot of the counties the size of Wadena did not take advantage of these programs as much as Wadena County did.

Commissioner Miller questioned whether other counties came to Wadena County due to better service.

Chairman Schermerhorn stated that some Veterans came to Wadena because they were dissatisfied elsewhere and that Veterans from Ottertail and Todd Counties came because they were closer in distance.

Commissioner Stearns pointed out that this was significant as several years ago Ottertail County was stating that they were taking care of Wadena County.

Commissioner Waldahl thanked Mr. Anderson for his work for the Veterans and requested that the information presented to the Board be given to the Charter Cable Information Center as well as Menahga, Sebeka, Verndale. He pointed out that Mr. Anderson's articles in the newspapers were read by a lot of people including the Veterans wives.

Mr. Anderson related his thanks to the Board for his new office.

Chairman Schermerhorn informed the Board that in 2008 about \$5,000,000 in benefits had been spent for Wadena County Veterans. He also reminded the Board that on May 16th the Dedication of Wadena CSAH 23 as a Veterans' Memorial Highway would be held.

Scott McKellep, Emergency Management Director, came to the Board to provide an update on the County flooding situation. He informed the Board that as of that day approximately 12,500 sandbags had been used. Mr. McKellep added that a conference call had been held with FEMA regarding a preliminary damage assessment and approximate County expense relating to the disaster which was \$110,000 to \$115,000 of actual damage and expenditures to date, which met the required \$44,000 in order to qualify as a Contiguous County to be added to the President's Declaration along with the seven other counties already declared. He stated that he had referred one individual to Red Cross for a temporary housing placement and that there were approximately 50 homes, including some cabins and summer homes that were affected by the flooding along the Crow Wing. Mr. McKellep pointed out that it was not known how the spring thaw would affect the flooding, but he did not anticipate anything worse than what had already been experienced. He informed the Board that he did learn that the Incident Command System needed some sharpening up and that a special thank you should go to Becky Wilhelmi, Sheriff's Office Dispatcher, as she acted as his logistics person as well as handling of a lot of phone calls.

Commissioner Waldahl advised Mr. McKellep that he could relate to Ms. Wilhelmi appreciation from the Board for what she had done.

Mr. McKellep stated that in the process he had called the weather service and was disappointed that he could not receive crest information regarding the Crow Wing River, which apparently the County would have to monitor in the future.

Joel Ulring, Highway Engineer, pointed out that the DNR had put a stream monitoring gauge on the Leaf River which could be monitored on the Internet.

Rin Porter, Verndale Sun, questioned whether the County had funds available to repair CR 30, or would the repair have to wait until federal funds were received.

Mr. Ulring responded that the maintenance of CR 30 had started the day before and hopefully the road would be opened late Wednesday or Thursday.

Commissioner Miller stated that Mr. McKellep did not have the ability to deliver the sand; the sand was not available, nor was the equipment to move the sand, so no action could be taken. He referred to State Statute 169.035 which stated that in the case of an emergency any government entity could authorize, once a Declaration had been issued, the use of private or public equipment without being bound to the height, width, length and weight limitations to accommodate the need at hand. Commissioner Miller stated that once private trucks were used the sand bagging was accomplished. He added that he felt things needed to be a little more synchronized whenever the next event occurred.

Commissioner Bounds stated that the Highway Engineer had informed him that the County trucks could not be used, which could have possibly been the problem.

Mr. Ulring commented that the bigger issue was with the flooding that was occurring; the entire crew was out moving signs, checking roads, etc. and dealing with public safety.

Commissioner Waldahl pointed out the need to practice disasters and learn from practice and mistakes was going to be found in an emergency; a plan was written, but when the next disaster comes, there again would be something wrong.

Mr. McKellep pointed out that an After Action Report or Review, with all of the players involved, would be held to address the issues.

Mr. Ulring, in response to Ms. Porter's question, stated that the Highway Department had to maintain a minimum balance of \$250,000 in reserve for emergency expenses; there would be some reimbursement from FEMA based on information provided; he had informed the Townships to collect the data of their damages and expenses so when FEMA did come the information would be available.

Mike Gibson, HR Consultant, distributed an outline of the Solid Waste Committee Meeting minutes and recommendations regarding the Transfer Station. He stated that the Transfer Station had to be closed as far as receiving demolition materials, general public household garbage and commercial haulers as of March 25th due to the Board's action to place the two full-time employees on leave. He recommended that the Transfer Station be reopened on April 8th for demolition and community members to bring their garbage to the grounds with the haulers directed to haul to the Henning Transfer Station and then the Perham Incinerator once it was reopened, which would provide the time to resolve several issues at the County Transfer Station. Mr. Gibson stated that Chris Harshaw, part-time Recycling Processor, whom the County hired 5 or 6 weeks earlier, had agreed to work full-time as of March 26th and was working out very well, and that Mr. Harshaw agreed to continue with the increased hours without an increase in salary as well as the possibility of calling his position the Interim Transfer Station Supervisor. He also informed the Board that he and Ms. West had met with Mike Hanen, Otter Tail County Solid Waste Director, regarding the availability of one of his staff assisting Wadena County at the Transfer Station while it was short staffed, which Mr. Hanen agreed to. He added that arrangements had been made with Tammy Ehrmantraut, part-time Solid Waste Administrative Assistant, to go to the Transfer Station four hours a day to assist in collecting monies, assisting residents as they come in and contractors with their demolition; she would also do the bookkeeping and deposits each day. Mr. Gibson pointed out that the opportunity was also being taken at this time to go through the building to address issues; replacing an overhead door, adding a door in one of the hallways to control heat loss and dust, have the gentleman who contracted with the County for Safety Trainings go through the building and the operation to make sure everything was up to date.

Commissioner Stearns commented that the facility needed a complete revamping and overhaul of ways of handling materials; currently materials were handled three to four times. He stated that

he felt other county Transfer Stations needed to be reviewed as currently Wadena County's system was not efficient. Commissioner Stearns added that the sharing of staff was being considered and a Solid Waste Director might be one of the positions to share.

Commissioners Stearns and Mr. Gibson informed the Board that Ottertail County was selling their baled cardboard when Wadena County was paying someone to haul it away; there had been previous discussion regarding the need for a hook truck versus a cabled system, the current cable systems was outdated, unsafe and time consuming.

Commissioner Bounds questioned whether there were funds available in the Solid Waste Fund.

Ms. West responded that as of the end of March the Solid Waste cash balance was approximately \$450,000 with solid waste assessments coming in soon.

Further discussion was held regarding the current Solid Waste truck inefficiencies.

Commissioner Waldahl questioned whether the Committee was requesting Board approval of the Committees recommendations that would allow the Transfer Station to be open to the citizens.

Mr. Gibson commented that it would be ready to open up to the Community on April 8th pointing out that the agreement with Ottertail County to have one of their employees for one month would provide the manpower to handle the community, but not the haulers.

Motion by Waldahl, seconded by Bounds, to approve the Solid Waste Committees recommendations for reopening of the Transfer Station and authorize Mike Gibson, HR Consultant, to assist in carrying out the proposal,

- Chris Harshaw-Temporary Solid Waste Recycling Processor, as of March 30, 2009 - increase from 27 hrs. per week to 40 hrs. per week; as of April 7, 2009 – appoint to serve as Temporary Solid Waste Supervisor until personnel matters was resolved.
- Tammy Ehrmantraut, Part-time SW Administrative Assistant, (4 hrs. per day assigned to SW) would be at the Transfer Station several hours per day to assist in issuing SW receipts, running reports and completing deposit.
- Board authorization to advertise and hire, prior to May 1, 2009, a temporary full-time Truck Driver/Recycling Processor.
- Otter Tail Solid Waste – as of April 6, 2009 – provide one full-time truck driver until May 1, 2009; Otter Tail County will charge Wadena County mileage to and from the Otter Tail County NYM Transfer Station and the Wadena County Transfer Station plus the driver's current hourly rate, benefits, etc.
- Chain of Command to support Temporary Solid Waste Supervisor – 1) Mike Gibson, HR Consultant 2) Commissioner Bill Stearns, 3) Char West, Auditor/Treasurer (will sign SW staff and payment vouchers), 4) Chairman Dave Schermerhorn – Joel Ullring, Highway Engineer and Sean Uselman, Building Maintenance Director, will serve as backup if needed.
- Board authorization to open the Wadena County Transfer Station on Wednesday, April 8, 2009, at 9:00 a.m. to local household garbage and demolition landfill items. Haulers

would continue to bring Wadena County recycling to the Transfer Station. Haulers would continue to bring household garbage they picked up to the Henning Transfer Station through April 7, 2009 and as of April 8, 2009 all loads would be transported to the Perham Incinerator.

- Board authorization to research a late model used truck with a hook system to safely move the recycling bins around the County.

Motion carried.

Commissioner Stearns distributed copies of the Perham Resource Recover Facility Expansion Project Proposal to the Board and Press. He requested the Board study the information as they would need to make a decision in the future on the expansion of the Perham Resource Recovery Facility and possibly a Joint Powers Board.

Ed Waln, Waln Excavating, questioned what the hours of operation for the Transfer Station would be and whether the rates would be the same as before.

The Board and Mr. Gibson responded that the rates had not been changed, at this time, nor the hours of operation.

The Board recessed at 10:15 a.m.

The Board reconvened at 10:28 a.m.

Joel Uring, Highway Engineer, came before the Board and presented them with an agenda. He also presented a handout outlining previous discussion and information received regarding the possible purchase of the Mahlen Building, which he read to the Board. Mr. Uring stated that the Building Services Committee had met to consider this proposal and that based on this information and good discussion a motion was made and passed recommending against accepting the offer to purchase the building at this time, but to keep the option open should economic conditions or public opinion improve. He added that the decision was based primarily on the fact that a purchase of any kind at this time, no matter how good the opportunity was, would be immensely scrutinized by the public.

Ms. Porter questioned whether Mr. Mahlen was willing to hold the offer open or did he have other perspective buyers at this time.

Mr. Uring responded that the offer had a deadline of May 1st; he did have it listed and that at least one other person was looking at it.

Commissioner Miller stated that he felt this was not a good time, nor was it a good deal, especially with the downsizing that the County was proposing by giving roads back to the townships.

Mr. Uring opened the Verndale Shop topic for discussion.

Commissioner Bounds responded that in Mr. Ullring's report he had forgotten to report 20 loads of sand hauled at a cost of \$2,400. He noted that Mr. Ullring had reported a net savings of \$1,165.66 which the Sebeka Review Messenger reported as a month's savings and the Pioneer Journal reported this information as a per year savings. Commissioner Bounds added that in determining the figures, he had talked to two employees who worked there and their supervisor and they stated the information was not totally correct. He stated his thought was why keep the Verndale Shop in Verndale; keeping a local presence in Verndale, people had come to him with their negative comments about the closing of the Verndale Shop, there were older people, younger people that were concerned about the building being taken and as a business person he would not do this; Employee— hire an employee for 8 hours and then get only 7 hours of work; Verndale Police Chief informed him that he had an issue with the way the operation was presently run as the school did not get plowed as in the past and the busses could not get up around the school as in the past, it was a safety issue; why would the County open a garage in Todd County when it could be in Wadena County. Commissioner Bounds stated that he could not come up with the savings that Mr. Ullring had come up with.

Orville Meyer, Staples area resident, stated that CR 30 was the most heavily traveled road in the County. He stated that the former Highway Engineer had made an arrangement with Todd County to get the road plowed as early as possible but it did not work advantageously and that Todd County would charge Wadena County a considerable amount to plow the road. Mr. Meyer added that he had discussed this problem with Mr. Ullring, current County Engineer, which was why the arrangement to have the plow truck housed at the Staples garage had been made. He pointed out that the plow had to come back time and time again due to the ice and compacted snow buildup on the road. Mr. Meyer concluded that Todd County did plow the road for a while, but having the garage in Staples was a much better solution.

Ray Gildahl, Staples area resident, stated that his concern, what ever was decided, was to get the road plowed early so it was safe for all traffic.

Larry Lundbland, President of Central Lakes College, stated that he was concerned with the safety of students as the College opened early and sometimes stayed open when others closed. He pointed out that the College had an added number of students coming in the coming year which would increase the number of students using that road an additional 75 to 100. Mr. Lundbland stated that the College was very concerned that the road be plowed early to ensure safety.

Jerel Nelson, Wadena County resident, stated that CR 30 or Air Port Road, was basically the main feeder into the north side of Staples as the Industrial Park, College and several Lakewood Health System Facilities employees traveled that road. He stated that he did not know about all of the details regarding the Verndale School needing plowing but pointed out that the same concerns were at Staples with the need for the road to be plowed early.

Richard Sorgert, Wadena County resident, stated that the County had given some roads to the Township. He added that Staples was no better than Verndale; others drive further to work. Mr. Sorgert stated that his feelings were that the garage should go back to Verndale and that

Commissioner Bounds had the right idea.

Chris Etzler, Staples Mayor, stated that he did not want the issue to be Staples versus Verndale, however, Wadena County's portion of the City of Staples was Wadena County's fastest growing city; the 1970 census indicated there were 98 people living in the Wadena County portion of Staples and now it was up to 1,000. He added that the County needed to be thought of as a whole and questioned whether an independent source could be used to analyze funds and base a decision on real facts that would do what was best for the County.

Commissioner Miller stated that there was one hour lost productivity per day per unit; with proper scheduling of the Verndale truck, that vehicle could be in Staples just as fast whether housed in Staples or in Verndale. He added that he felt the real issue was the timeliness of the people in Staples and in Verndale.

Commissioner Bounds stated that if that road was the real issue, it could be solved by just reorganizing the schedule with the shop back in Verndale.

Commissioner Waldahl stated that he agreed with Mr. Etzler; going back and forth was not good. He added that one complaint he had received from the Verndale School was that the buses had to drive over roads that used to be plowed; after the last snow CR 4 was terrible and the Shop was right there on CR 4 and they didn't get it plowed right away. Commissioner Waldahl stated that maybe the only solution would be to have the plows start earlier and get people plowed out. He added that the biggest complaint he had received was that the truck was located in Todd County.

Mr. Meyer stated that putting all of this aside, he saw the situation as a safety issue and the current process was now working. He pointed out that hospital staff live on CR 30 and had to respond to emergencies; the system was working so why change something that was working.

Chairman Schermerhorn thanked everyone for their input and reiterated that safety was the first issue to be dealt with.

Mr. Ulring thanked all the people that came to the meeting and shared their comments. He pointed out that snow removal was probably one of the most difficult issues to deal with in his job. He added that he would like a decision made so he could go forward.

Chairman Schermerhorn stated he did not feel they were ready to make a decision and it could be reviewed during the summer.

Mr. Ulring updated the Board on the University Extension Services remodeling project at the Highway Department. He stated that a floor plan has been developed and quotes from contractors were due Monday, April 13, 2009. Mr. Ulring added that in order to keep on schedule, it was recommended that the Building Services Committee review the quotes and choose contractors rather than have a special Board Meeting. He pointed out that they requested the work to be completed by May 15th.

Motion by Waldahl, seconded by Bounds, to authorize the Building Services Committee to open the quotes for the University Extension Services remodeling project at the Highway Department Building and award the contractor, with no per day penalty if beyond the completion date, motion carried.

Mr. Ullring stated that he would like to finish the work started the previous fall for the replacement of the windows and doors for an approximate cost of \$5,000, which was included in the 2009 Highway Department Budget.

Chairman Schermerhorn stated that he wanted to ensure that any doors being replaced be handicapped accessible, which may be required by law for government entities.

Motion by Stearns, seconded by Miller, to authorize the Highway Engineer to proceed with window and door replacement at the Highway Department Building, motion carried.

Mr. Ullring requested Board authorization to hire human resource assistance to help him deal with an issue at the Department. He stated that he had been working with MCIT earlier, as directed by the Board, but they were unable to assist him at the level that was needed. Mr. Ullring pointed out that he had contacted the individual he had previously worked with at Government Management Group that the County had an open contract with, and he was informed that this type of assistance would come under a different business called Civitas. He requested Board approval to contract with Civitas for an amount not to exceed \$2,500.

Commissioner Waldahl questioned where the person he would like to meet with was located and what his hourly charge was.

Mr. Ullring responded that this person was from Minneapolis and operated at \$100 per hour; not road time, but face to face plus mileage.

Board discussion was held regarding the total cost of the hourly rate plus mileage which would result in \$160 round trip plus \$100 per hour; labor attorney, Kristi Hastings, that was coming before them that day, was charging \$170 per hour.

Commissioner Waldahl pointed out that Todd Wadena Community Corrections and NJPA currently used Ms. Hastings and they were pleased with her work. He added that he had questioned NJPA as to whether they could check to see if other counties had a need for a HR person and if there was a way to share such a position, but this would not happen in the near future.

Chairman Schermerhorn stated that he felt this was an issue that needed to be addressed as soon as possible and questioned what the Board's direction might be.

Commissioner Stearns stated that when the County no longer had Mr. Gibson's human resources services available, the Department Heads were questioning where they should go and the Board gave them the MCIT option for counseling, but the Board had not gone beyond that

recommendation. He added that discussion had not be held on whether or not or who the Board wanted to retain as a HR resource, which was separate from the services of a labor attorney. Commissioner Stearns pointed out that the Board had not addressed negotiations, which Mr. Gibson had done the previous year at \$60 per hour. He stated that he felt the Board would have to revisit the idea of whether or not the \$60 per hour was warranted; whether the Board wanted to go to \$100 per hour plus \$160 trip; or whether the Board wanted to go to a \$200 labor attorney.

Commissioner Waldahl stated that maybe the cheaper option for Mr. Ullring would be to meet with Mr. Gibson at \$60 an hour, as he had contact with an attorney, which had saved the County a lot of money.

Chairman Schermerhorn commented that after visiting with Mr. Ullring, it should be someone not related to the County as it was on going and needed to be taken care of.

When asked for his opinion, Commissioner Bounds stated that he really did not know the situation so it would be hard for him to respond.

Mr. Gibson questioned whether all Board Members were aware of the issue that was to be addressed. He stated that he strongly advised that the Board discuss the problem in a closed session, which would provide them with a better direction.

Motion by Waldahl, seconded by Stearns, to approve the scheduling of a Closed Board Session for the May 5, 2009 Board Meeting for the purpose of meeting with Mike Gibson, HR Consultant, and Joel Ullring, Highway Engineer, to receive information relating to a confidential issue within the Highway Department, motion carried.

Mr. Ullring informed the Board that the Highway Department had an immediate need for a registered land surveyor to review the right-of-way maps for the upcoming CSAH 23 Project. He stated that he recommended George Columbe at \$70 per hour plus mileage, from Northern Engineering and Consulting, Inc., Bemidji. Mr. Ullring pointed out that the costs were almost entirely on the CSAH system and therefore, were reimbursable as State Aid engineering expenses.

Motion by Bounds, seconded by Waldahl, to approve a contract with George Columbe, Surveyor, Northern Engineering and Consulting, Inc., Bemidji, to review Right-of-Way maps for the upcoming CSAH 23 Project, as recommended by the Highway Engineer, motion carried.

Mr. Ullring reported that due to the recent flooding and scheduling conflict, a decision had been made to postpone the CSAH 21 Overlay (Menahga to CSAH 23) until 2010. He stated that, in its place, overlay work would be done on CSAH 30 from the intersection of CSAH 2 (Central Lakes College) in Staples to the Crow Wing River bridge, which included patching the area washed out by recent flooding. Mr. Ullring advised that advertising was beginning that week and a bid opening would be held during the May 5, 2009 Board Meeting at 10:30 a.m.

Commissioner Stearns pointed out that this change would help relieve the congestion in Menahga as other projects would be going on at the same time in that area.

Mr. Ulring informed the Board that the Bridge 269 Replacement (CSAH 2 over the Partridge River) had been moved to a standby portion of the Stimulus Funds. He further advised that all signs indicate it would be funded, but not in the first round of projects.

Commissioner Miller shared a handout with the Board regarding a recommendation from the Annual Parks Board Meeting. He related that Bob Ulicki, an artist from Nimrod, along with the City of Nimrod, had made a proposal to the Park Board for a memorial monument to be placed at Stigman's Mound in honor of Doug Amundson and Tinker Skov, two men who were tragically lost to the community in February. Commissioner Miller stated that the Parks Board was requesting permission to make the improvements to the County Park, which must come from the County Board.

Motion by Miller, seconded by Bounds, to approve the Wadena County Parks Board recommendation to place a monument at Stigman's Mound in honor of Doug Amundson and Tinker Skov, with the monument in the form of a cowboy boot, to be constructed by Artist Bob Ulicki, Nimrod,

Discussion was held regarding similar requests in the future.

Motion carried.

Kristi Hastings and Dan Carlisle, Pemberton Law Firm, came before the Board to inform them of their services. Ms. Hastings stated that she had read in the newspaper some interesting issues going on in the County and she felt she could assist the County. She stated that she did both labor and public law and her clients were mainly public entities, pointing out that she worked with Todd County, Todd Wadena Community Corrections and a number of local school districts. Ms. Hastings recommended the Board consider involving an attorney in employment matters before the County would end up in arbitration or litigation.

Mr. Carlisle pointed out that he currently worked with five area cities, several school districts and townships on employment type issues.

Ms. Hastings requested that the Board consider involving her and Mr. Carlisle to some degree on a test period and evaluate them based on that.

Commissioner Schermerhorn questioned what their rates were for a test period.

Ms. Hastings responded that her normal charge was a little over \$200 per hour but for the first year the charge would be \$170 per hour, and then the rate could be negotiated.

Commissioner Waldahl stated that he had worked with Ms. Hastings through Community Corrections and NJPA and if references were needed the Board could contact the Director at

these agencies.

Commissioner Bounds stated that when he had been on the Verndale School Board, they had hired Mr. Carlisle. He added that the dollar amount might be higher, but he did get the work done, which might not be more expensive.

Commissioner Stearns stated that he felt the Board needed to study the entire matter and questioned Ms. Hastings if she was involved with labor negotiations in Todd County.

Ms. Hastings responded that she would assist the new County Administrator the first year but would just be on call the following years.

Commissioner Stearns clarified that normally a human resource person would be involved in negotiations and handle the issues face to face and then when contract law questions would arise, Ms. Hastings would assist. He pointed out this was the process the County used the previous year, which reflected in paying someone on the front line a lower hourly rate.

Commissioner Bounds questioned whether Ms. Hastings could do the entire negotiations.

Ms. Hastings stated that in Clay County she attended every negotiation and sat next to the HR person.

Commissioner Bounds stated that he looked at the situation differently than some, in that Ms. Hastings expertise would be conducting the negotiations, an HR person's expertise was not as strong as Ms. Hastings. He added that when paying an HR person \$60 per hour or paying Ms. Hastings \$170 per hour, it would probably be cheaper with Ms. Hastings involved.

Commissioner Stearns pointed out that the County had formerly hired Tom Fitzpatrick, labor attorney from Brainerd, to negotiate the County labor contracts and the cost was around \$40,000, \$50,000 or \$60,000.

Commissioner Bounds commented that if it was structured, it would not have to drag on.

Missy Lund, Tax Specialist, and Char West, Auditor/Treasurer, came to the Board regarding a proposed Tax Forfeited Land Sale. Ms. Lund informed the Board that she and Ms. West had met with Joel Holden, DNR Forester, to review the list of tax forfeited property and removed properties on water that required special legislation in order to include them on the sale.

Ms. West pointed out that the legislative process was time consuming as it could take up to two years, so in order to be able to hold a Tax Forfeited Land sale in 2009 the properties on water had been excluded.

Ms. Lund stated that there were currently 45 parcels on the proposed sale. She added that they were requesting the appointment of two Commissioners to a Committee to review the parcels

and make recommendation as to which ones to place on the sale, which would come back to the Board for approval.

Chairman Schermerhorn appointed Commissioner Waldahl and Commissioner Bounds to serve on a committee to work with Ms. Lund and Ms. West in determining which Tax Forfeited Land parcels would be placed on the 2009 sale.

The Board recessed at 12:00 noon

The Board reconvened at 12:13 p.m.

Mr. Gibson came before the Board regarding the request received from Kevin Stensrude, MIS Director, to pay the MIS staff a stipend during his absence. He pointed out that he did not have an opinion as to whether the staff should be paid or how much, but as his role as Human Resources Consultant, his concern was regarding the contracts and the “me too” clause. Mr. Gibson pointed out that Joanne Derby, Business Agent, Local #320, was in attendance, and agreed that the “me too” clause was not an issue in this situation. He stated that the concern was whether other bargaining units may see it as “me too” and file a grievance. Mr. Gibson pointed out that he had discussed this concern with his legal resource and questioned what needed to be done so this was handled correctly.

Mr. Gibson stated that the case needed to show justification that there was a change in their job description; the problem was that job descriptions for that Department were not in place. He pointed out that the current situation was different from past situations when Department Heads were gone and the staff had received a stipend in that this time Mr. Stensrude did have a contract with a computer expert that was on call and was scheduled to come on a regular basis. Mr. Gibson commented that Mr. Stensrude stated at a Board Meeting that he would not need to increase the part time hours of his staff. He also pointed out that his legal counsel had informed him that the Board needed to be able to answer why the staff would be given an increase in pay and how the numbers were reached; another consideration was whether one or two people were needed to do the work. Mr. Gibson pointed out that if there was going to be a stipend, it needed to be determined why, how would it be justified and would they both receive the same increase or would it be paid by pay period.

Ms. Derby stated that, according to the Labor Agreement, this situation did not involve the “me too” clause. She added that any action had to be by Department Head approval and the Department Head did approve for the two employees to be compensated during his absence. Ms. Derby stated that it would be 8 to 9 months that Mr. Stensrude would be absent and the employees needed to be compensation for working out of their job classification; they would be doing 17 things which were Mr. Stensrude duties that they currently were not doing; the only time they had crossed into these duties was when Mr. Stensrude had been gone. She pointed out that there were only three things from Mr. Stensrude’s job description that they all did. Ms. Derby also stated that when Mr. Stensrude went to the Board he did not contact the union so she was unaware of the situation and that the Labor Agreement stated “term and conditions of employment were to be negotiated through the union”. She pointed out that 12.6 of the Labor

Agreement stated that the employees should be on the same grade or wage scale of the person they were replacing after 10 days; one possible solution was to appoint one of the staff as Department Head and remove them from the union, but neither employee could do this alone stating this was not possible as they had always shared Department Head duties in Mr. Stensrude's absence. Ms. Derby stated that they looked at the wage scale for Carol Tabery, 23 ½ year employee, and Rhonda Dittberner, 17 ½ year employee and then Kevin Stensrude's wage scale; they looked at what was fair, the years of service of the employees and their responsibilities. She pointed out that Morris Electronics was not in on a daily basis and they did come in when Mr. Stensrude was present; Shawn Larson, Morris Electronics, agreed there should be compensation. Ms. Derby added that after looking at Mr. Stensrude's wage schedule they were suggesting they be placed on Step 3, Grade 57, \$26.13 per hour, which would pay each of them an additional \$5.41 per hour. She pointed out that an interim Department Head had also been discussed, who would sign the time sheets and authorize purchases. Ms. Derby stated that if the County did not agree to this they would have to contract out, which would be a tremendous expense to the County as the Board could not force these people to work outside of their classification without compensation as per 12.6 of the Labor Agreement. She concluded that a grievance would be filed if they did not feel the Board's decision was fair and just.

Commissioner Stearns questioned whether the Union would file a grievance if the Board took no action.

Ms. Derby responded that if the Board force them to work out of their job classification it would be a violation of the Labor Agreement and a grievance would be filed.

Commissioner Stearns questioned that if a grievance was filed and it was won would it preclude or avoid the "me too" clause.

Ms. Derby responded that a grievance would not be filed on a "me too" clause as this was not the issue. She also pointed out that they were requesting that the wage increase be retroactive to March 1st when Mr. Stensrude left.

Mr. Gibson stated that Commissioner Miller, Ms. West, and Ms. Ladd and he had met with Ms. Derby and were recommending the Board appoint an Interim Department Head, which Ms. West had agreed to, who would authorize overtime, timesheets, finalize bills, etc. He added that if the Board considered Mr. Stensrude's grade of 57, step 1 it would reflect a \$3.03 increase.

Chairman Schermerhorn questioned whether 10 consecutive days would be broke if Mr. Larsen came in resulting in the 10 days starting all over again.

Ms. Derby responded that it would be 10 consecutive days that Mr. Stensrude had been absent.

Commissioner Miller stated that he had suggestion that they be appointed as joint Department Heads but neither staff member wanted to leave the Union.

Ms. Derby clarified that the reason for their decision on not acting as the Department Head was that they did not feel one of them could do the Department Head duties without any assistance from the other person.

Commissioner Waldahl stated his concern over the “me to” clause as it could cost the County. He added that he felt the simplest solution would be to appoint Ms. West as the Interim Department Head to authorize bills and overtime and have Morrison Electronics come in one or two times per week; between the two of them they could take over Mr. Stensrude’s duties.

Ms. Derby questioned who would do Mr. Stensrude’s duties on a daily basis as Ms. West would not be doing all of his duties.

Further Board discussion was held regarding who would be completing Mr. Stensrude’s duties; the 17 duties of Mr. Stensrude was distributed and reviewed.

Mr. Gibson pointed out that it appeared that the Board would be “damned if they did and damned if they did not”. He added that due to several down falls, such as no job descriptions and approaching staff prior to Board authorization, the Board had one concern of making sure all work was completed and the second concern of avoiding confrontations with any of the labor agreements; it appeared that if the Board did not do anything they would receive a grievance. Mr. Gibson pointed out that the staff would indeed be doing more work and it appeared that they would need to receive additional compensation; the question to the Board would be what did they feel would be a fair stipend.

Commissioner Waldahl stated that the Department Heads needed to be directed to provide employee job descriptions as quickly as possible.

Mr. Gibson pointed out that the union was making a recommendation but he was not before the Board to make any recommendation. He added that regarding other labor groups trying to argue the increase, he felt the Board could get around the “me too” issue.

Commissioner Waldahl questioned whether Ms. Derby could guarantee that this would not affect the “me too” clause and requested she put it in writing.

Ms. Derby responded that with the two bargaining units that she represented she could state that there would be no violation. She pointed out that she could not stop someone filing a grievance but the union would not file a grievance. Ms. Derby added that she had not been contact by any of her union members regarding this situation but if she did receive a grievance she would request that they show her how this situation would be a violation of the “me too” clause.

Commissioner Bounds questioned whether the largest issue, at this time, was the dollar amount of what the staff should be compensated and if the Board did not agree with the unions’ decision of what they should be compensated. He also questioned what would occur if the Board made a decision and the Union did not agree on the dollar amount; would the Union file a grievance.

Ms. Derby responded that they could file a grievance; they were recommending step 3 which was close to what Mr. Stensrude had requested.

Mr. Gibson pointed out that there appeared to be no logic to what Mr. Stensrude had proposed, what he was getting paid was irrelevant but his grade was.

Commissioner Miller questioned what would happen if an IT person of Mr. Stensrude's abilities were hired until Mr. Stensrude returned. He stated that he had received a phone call from an individual who informed him that he had qualifications for the position but he did not indicate what he would charge the County.

Ms. Derby pointed out that that person would have to walk in and complete Mr. Stensrude's duties. She stated that this would be fine as long as the two staff did not have to train this person; they had to walk in and do the work.

Motion by Stearns, seconded by Miller, to offer to Rhonda Dittberner and Carol Tabery, MIS Department, as per 12.6 of the Labor Agreement, Grade 57, Step 1, \$3.03 per hour increase, request Mr. Gibson meet with the Local #320 Business Agent and MIS Staff to see if the proposal would be acceptable, and request the Local #320 Business Agent write a letter stating that this offer would not trigger the "me too" clause;

Commissioner Waldahl suggested the Committee contact the staff person at Social Services that was knowledgeable of computers, to see if she would be willing to fill in at the MIS Department in Mr. Stensrude's absence. He recommended the Committee research his proposal prior to making a wage proposal.

Commissioner Stearns, Commissioner Miller, Chairman Schermerhorn voting aye; Commissioner Bounds and Commissioner Waldahl voting naye, motion carried.

The Board recessed at 1:04 p.m.

The Board reconvened at 1:32 p.m.

Mr. Gibson informed the Board that he had just met with Ms. Derby and the two MIS staff regarding the Boards Stipend proposal of Grade 57, Step 1, \$3.03 per hour increase. He stated that they had refused the proposal but gave the counter offer of Grade 57, Step 2, reflecting a \$4.22 per hour wage increase retroactive until the day Mr. Stensrude left.

The Board held further discussion regarding available options.

Motion by Stearns, to stay with Grade 57, Step 1, \$3.03 per hour increase and explore the option of having the Social Services employee knowledgeable in computers, take over Mr. Stensrude's duties,

Chairman Schermerhorn questioned how many hours would the Social Services employee be requested to work in the MIS Department.

Commissioner Waldahl responded that he felt it should be left up to the Committee to research the option and see if she would be available.

Commissioner Stearns stated that he withdrew his motion.

Mr. Gibson stated that it appeared the Board was willing to offer Step 1 but not any further. He stated that, if so, he would return to Ms. Derby and the MIS staff with the information and then the Committee to research other options within the County.

Ms. Porter, Verndale Sun, questioned whether the Social Services employee would also be offered Grade 57, Step 1.

Chairman Schermerhorn responded that he felt that would be the offer and should be paid that increase until someone else would be appointed into the position.

Motion by Bounds, seconded by Waldahl, to stand firm with the offer of Grade 57, Step 1, \$3.03 per hour wage increase, for the two MIS staff during the absence of the MIS Director, motion carried.

Motion by Waldahl, seconded by Bounds, to approve the Liquor License Renewal Application submitted by Vintage Golf Course of Staples, motion carried.

Motion by Bounds, seconded by Stearns, to approve to replenish the Courthouse Postage Meter in the amount of \$5,000, motion carried.

Motion by Stearns, seconded by Bounds, to approve the Application for Reduction in Valuation of Real Estate and/or Refund of Taxes Paid for Frederick H. Kern, parcel number 03.023.1010, from the original market value of \$56,500 to the proposed market value of \$7,500, as recommended by the County Assessor and County Auditor/Treasurer, motion carried.

Motion by Stearns, seconded by Waldahl, to approve the Application for Abatement for Timothy and Sherry Giles, parcel number 06.023.4020, for the total payable property tax of \$1,514 to \$1,266, to reflect homestead credit, as recommended by the County Assessor and County Auditor/Treasurer, motion carried.

Motion by Stearns, seconded by Miller, to approve the Renewal of Consumption & Display Permit Application for John & Sharon Long, Wahoo Valley, motion carried.

Motion by Miller, seconded by Waldahl, to approve the Application for Exempt Gambling Permit for Ducks Unlimited Headwaters Chapter to be held at Blueberry Pines Restaurant on May 2, 2009, motion carried.

The Board reviewed a letter received from Kathy Langer, Todd-Wadena Community Corrections Director, notifying them that Community Corrections had reduced their 2009 budget request by \$15,561 reflecting a revised total request of \$151,229.

The Board reviewed a letter received from Chris Etzler, Region 5 Transportation Planning Director informing them that the Region 5 Development Commission's Transportation Advisory Committee was seeking to fill three vacant seats on the Committee; Regional Trails Representative, Regional Aviation Representative and Regional Cities Under 5,000 Population Representative.

The Board nominated the following representatives;

Commissioner Stearns – Regional Cities under 5,000 Population Representative
Darrel James –Regional Aviation Representative
Mary Harrison – Regional Trails Representative

Ms. West informed the Board that the Management Team had recommended contacting the Extension Regional Office requesting assistance in conducting a survey of the Team as to whether they felt the County had a need for a County Coordinator or Human Relations position with a recommendation to the Board following the survey. She reviewed information she had received from Maxine Norman, Extension Educator, outlining the services she could provide; facilitate discussion of the subject at \$125 per hour, fee was negotiable, based on actual face-to-face time spent with participants plus mileage, two to three hour meeting. Ms. West stated that due to inclement weather very few Department Heads were in attendance of the Management Team meeting so a recommendation had been tabled until the May meeting and the information be provided to the Board, at this time.

Board discussion was held regarding the proposal with a request that the matter be tabled until the Management Team met and provided a recommendation.

The Board reviewed a written request received from Paul Friedrich, Trail Breakers Trail Coordinator, for Board approval for the Trail Breakers Snowmobile Club to apply for additional funding for the Club Trail that connected Wadena with the Henning-Parkers Prairie trails located at the Hwy. 210-29 Junction.

Motion by Waldahl, seconded by Bounds, to approve the Application for Adding Miles Into the GIA System, Minnesota Snowmobile Trail Assistance Program as requested by the Trail Breakers Snowmobile Club, motion carried.

The Board reviewed an e-mail received by Ms. West from Kevin Stensrude, MIS Director, requesting a one month extension to his previously approved eight month leave of absence due to military service.

Motion by Miller, seconded by Waldahl, to approve the request by Kevin Stensrude, MIS Director, to extend his Leave of Absence to the end of November 2009, due to Military Service, motion carried.

Chairman Schermerhorn set a Special Board of Commissioners Meeting for April 23, 2009, 7:30 p.m., at the Sebekka Legion Post for the purpose of attending the Township Semi-Annual Meeting.

The Board reviewed a quote from Morris Electronics for the purchase of one 50 inch Plasma TV to replace the current Court ITV for a price of \$1,363.71, including tax which was lower than the previous TV quote.

Commissioner Waldahl recommended that NJPA be contacted as to their price for the same TV.

Motion by Waldahl, seconded by Bounds, to approve the purchase of one 50 inch Plasma TV from Morris Electronics for a price of \$1,363.71, contingent upon the price being lower than purchasing the same TV from NJPA, motion carried.

Ms. Derby and Mr. Gibson returned to the Board regarding the MIS Stipend negotiations.

Ms. Derby stated that she had talked with Ms. Tabery and Ms. Dittberner who informed her that they did not feel that it was worth the responsibility at \$3.03 per hour increase. They would prefer that the Board hire a full time Department Head in Mr. Stensrude's absence and that they be compensated at \$3.03 per hour increase retroactive to March 1st until the new Department Head was in place. She added that they felt at step 2 they would be meeting the Board half way. Ms. Derby left the Board Room.

Mr. Gibson updated the Board on the 49er's Union Contract negotiations informing them that the reason the Union members had not met was due to personal conflicts experienced by Bob Paine, Business Agent. He stated that Mr. Paine had informed him that he had set up a meeting with the Union members for April 13th.

Motion by Stearns, seconded by Waldahl, to approve payment of the invoice received from Gibson Consulting in the amount of \$2,550.00, for services provided for negotiations and related work and Solid Waste Department work, motion carried.

Board discussion was held regarding the results of the MIS Stipend negotiations and the need to have someone perform the duties of the MIS Director in his absence; consideration in referring the matter back to the Committee, contact the computer knowledgeable employee at Social Services and then return with a recommendation to the Board; compensation of Social Services staff conducting additional duties; hire an outside MIS Department Head.

Mr. Gibson stated that the Board needed to compare the cost of compensating the MIS Staff at Step 2, \$4.22 per hour increase instead of Step 1, \$3.03 per hour increase, versus hiring a full time MIS Director.

Further Board discussion was held as to which of the 17 duties, the MIS Staff indicated were the MIS Director's duties, could be done by the Auditor/Treasurer while serving as the MIS Interim Department Head and Shawn Larsen, Morris Electronics.

Chairman Schermerhorn stated that he felt the Board would be better off approving the Step 2 increase of \$4.22 for the MIS staff.

Further Board discussion was held regarding the issue, the lack of options to resolve the matter and the need for Department Heads to come to the Board in advance of discussing an employment matter with staff.

Motion by Waldahl, seconded by Stearns, to approve the Stipend payment of Grade 57, Step 2, to Carol Tabery and Rhonda Dittberner, MIS Staff, retroactive to the start date of the MIS Director's leave of absence, appoint the Auditor/Treasurer as Interim MIS Department Head and request the Local #320 Business Agent write a letter stating that this offer would not trigger the "me too" clause, motion carried.

Commissioner Reports;

Commissioner Stearns; Wadena County Water Plan Quarterly Meeting, Perham Resource Recovery Facility Meeting – expansion discussed, offer to Becker County regarding participation and discussion of a Joint Powers Agreement, which had previously been distributed to the Board; Board action in the near future.

Mr. Gibson returned to the Board to inform them that the two MIS Staff persons and Ms. Derby had accepted the Boards offer of Grade 57, Step 2.

Commissioner Miller; Otter Tail-Wadena Community Action, Wadena Soil and Water Conservation District Annual Meeting – discussed re-establishing a dam on the Crow Wing River, Building Services Committee Meeting, Feedlot Annual Meeting, Parks Board Meeting – Glen Motzko, Parks Operator, had reported that there were two outhouse left to be constructed and the Parks Board had request the receipt of a percentage of the tax forfeited land sale funds.

Ms. West informed Commissioner Miller that, by statute, a percentage of tax forfeited sale revenues had to be designated for improvements of County Parks, which was deposited in a special account that had been used in the past for such improvements.

Chairman Schermerhorn stated that he had nothing to report.

Commissioner Bounds; Central MN Council on Aging – Senior Meals, Feedlot Committee Meeting – another meeting scheduled, Wadena County Public Health.

Commissioner Waldahl; National Joint Powers Alliance Meeting – discussion on hiring community relations/community communications person, hiring of contract manager, requested NJPA look into sharing of a human relations person, working on way to give money back to counties if purchasing through NJPA, CHAMPS Meeting, Family Services Collaborative Meeting – funding cut by \$22,000, Todd-Wadena Community Corrections Meeting – Out of Home Placements.

Commissioner Miller; letter from MnDOT informing him of a meeting on May 7th at Thomastown Township Hall regarding the proposed 800 mhz tower location.

Motion by Bounds, seconded by Stearns, to approve the payment of the Board of Commissioner Bills in the amount of \$77,385.40, motion carried.

Chairman Schermerhorn adjourned the Board of Commissioners Meeting at 2:50 p.m.

Charleen West, Auditor/Treasurer

Dave Schermerhorn, Chairman