

WADENA COUNTY BOARD OF COMMISSIONERS ADJOURNED MEETING
JULY 24, 2009/9:00 A.M.

The Wadena County Board of Commissioners Meeting was held on Friday, July 24, 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 Rodney Bounds, Lane Waldahl, Ralph Miller, William Stearns, and Auditor/Treasurer Char West.

Motion by Miller, seconded by Waldahl, to amend the day's Agenda to include h.) Pine Cove Inn Liquor License Application, i) SCHA 1/2/10 Capital Call Payment, j) Consultant Wage Allocation – Start Date Consideration, and k) Old Wadena Society Allocation, motion carried.

Motion by Bounds, seconded by Stearns, to approve the June 23, 2009 Special Board Meeting Minutes and July 7, 2009 Board Minutes, motion carried.

Motion by Waldahl, seconded by Miller, to approve the renewal Liquor License Application submitted by the Huntersville Outpost, for the period of 8/1/09 to 7/31/10, motion carried.

Motion by Stearns, seconded by Waldahl, to approve payment of the first and second half 2009 Allocation to the Wadena County Historical Society in the amount of \$4,000.00, motion carried.

Motion by Stearns, seconded by Bounds, to approve the renewal Liquor License Application submitted by the Pine Cove Inn for the period of 8/1/09 to 7/31/10, motion carried.

Motion by Stearns, seconded by Miller, to approve payment of the second half 2009 Allocation to the Old Wadena Society in the amount of \$2,000, motion carried.

The Board received the Todd Wadena Community Corrections quarterly financial report for their review.

The Board reviewed the MN State Demographers April 1, 2008 Annual Population and Household Estimates report which indicated a Total County Population of 13,532.

Commissioner Miller reported that Malinda Dexter, Soil and Water Conservation District (SWCD) Manager, had just informed him that at the January 2009 SWCD Meeting the Board had moved to only pay \$200.00 of the WesMin RC&D annual dues of \$400.00 instead of paying the entire \$400.00, as previously done. He stated that their intent was that Wadena County would pay the remaining \$200.00; WesMin RC&D current financial records reflected Wadena County being delinquent.

Further Board discussion was held as to not being informed of the SWCD Board's January action and the need to pay the invoice.

Motion by Stearns, seconded by Miller, to approve the payment of \$200.00 for one half of the WesMin Resource Conservation & Development 2009 annual dues, motion carried.

Cindy Pederson, Public Health Family Health Supervisor, came to the Board requesting approval of several Agenda items.

Motion by Waldahl, seconded by Bounds, to authorize the Public Health Director to recruit and hire a half time staff person for 3 County SHIP Coordinator beginning on or after August 24, 2009,

Ms. Pederson explained that if the internal posting among the three counties did not produce a candidate or if the selected candidate was a current Wadena County employee, then the two 0.5 FTEs would need to be one person for a 1.0 FTE in Wadena County; 1.0 FTE to include 0.5 FTE single County and .05 FTE three county.

Motion carried.

Motion by Waldahl, seconded by Stearns, to authorize the Public Health Director to sign a contract with Innovis Health, Menahga Clinic, for family planning clinic services including site, medical consultant services and practitioner for July 1, 2009 through June 30, 2011, in an amount not to exceed \$8,160.00, motion carried.

Motion by Bounds, seconded by Stearns, to authorize the Public Health Director to sign a contract with Tri County Hospital for Family Planning Clinic Services including site, medical consultant services for July 1, 2009 through June 30, 2011, in an amount not to exceed \$4,320.00, motion carried.

Motion by Stearns, seconded by Waldahl, to authorize the Public Health Director to sign a contract with Freshwater Education District to provide school health nursing services for July 1, 2009 to June 30, 2010 at \$35.88/hour plus mileage at the federal rate for the following schools; Freshwater Education District Leaf River Academy and White Pines Academy located at the Deer Creek School, motion carried.

Ms. Pederson informed the Board that the following agreement would be for a student with Public Health Clinical Nursing experience to work 40 hours at Public Health and the student would be someone who lived in Wadena County.

Commissioner Stearns recommended that Ms. Pederson have the County Attorney review this agreement to ensure all was in order for liability protection for the County.

Motion by Waldahl, seconded by Miller, to authorize the Public Health Director to sign an agreement with the University of Wisconsin Green Bay for Public Health Nursing student experience for two years effective July 23, 2009 to July 22, 2011, contingent upon review by the County Attorney, motion carried.

Scott McKellep, Emergency Management Director, and Becky Wilhelmi, Jailer/Dispatcher, came before the Board regarding the appointment of Ms. Wilhelmi as a Deputy Emergency Manager as per Minnesota State Statute 12.25. He stated that in talking with Mike Carr, Sheriff, they would plan to make this a job duty within the Sheriff's Department which would be included in her present responsibilities; there would be no wage change. Mr. McKellep added that in talking with Sheriff Carr, they would be requiring that Ms. Wilhelmi receive certification as an Emergency Manager in the State of Minnesota within three to four years; this would require several on-line classes and some class room classes in various parts of the State. He advised that he had adjusted his budget so the training would be paid for while maintaining a zero budget increase.

Motion by Waldahl, seconded by Miller, to appoint Becky Wilhelmi, Sheriff's Department Jailer/Dispatcher, as Deputy Director of Emergency Manager of Wadena County,

Commissioner Stearns stated that he understood that they had an agreement at this time for no increase in pay but he pointed out that there was a change in duties, job title and certification, so at some point the position would have to be reviewed by the Hay Group.

Commissioner Waldahl stated that he could amend his motion to include "contingent upon the Hay Group review".

Mr. McKellep pointed out that several Jailer/Dispatchers had specialized duties which this situation would reflect.

Commissioner Waldahl questioned Mike Gibson, Consultant, whether this review could be conducted in house, as previously done at Social Services.

Mr. Gibson stated that this could be done in house pointing out that the rating may reflect the same points as a Jailer/Dispatcher position.

Commissioner Stearns questioned who would review the job description and provide the points; would the Board request Mr. Gibson to provide this service.

Chairman Schermerhorn recommended that if there were two or three job descriptions to review he felt they should all be reviewed at once.

Commissioners Waldahl and Miller amended the motion as follows;

Motion by Waldahl, seconded by Miller, to appoint Becky Wilhelmi, Sheriff's Department Jailer/Dispatcher, as Deputy Director of Emergency Manager of Wadena County, contingent upon Hay Group's review of the position and the additional duties and to meet with current employee practices,

Commissioner Stearns stated that another motion would be needed for direction on who would be providing the Hay Study review.

Motion carried.

Chairman Schermerhorn administered the oath to Becky Wilhelmi, Deputy Director of Emergency Manager of Wadena County.

Ms. West reminded the Board of their discussion during the Social Services Board Meeting regarding the possible prepayment of the South Country Health Alliance capital call payment that was due January 2, 2010. She stated that she and her Deputy Auditor/Treasurer had reviewed the current County cash flow and, due to the payment being required and the interest savings that would result in the prepayment, she was in agreement of the payment being made prior to the deadline. Ms. West recommended, if the Board was in agreement, to pass a motion directly her to contact South Country Health Alliance to inquire as to what the interest payment would be if the payment was made on August 5, 2009; she would then develop a resolution for Board consideration during their August 4, 2009 Board meeting, outlining the specifics of the prepayment. She pointed out that Paul Sailer, Social Services Director, was in attendance of the meeting to answer any questions the Board may have concerning the prepayment.

Motion by Waldahl, seconded by Bounds, to direct the Auditor/Treasurer to contact South County Health Alliance requesting the total dollar amount of principal and interest if the January 2, 2010 Capital Call payment was made on August 5, 2009 and to return to the Board with a Resolution outlining specifics of the prepayment during their August 4, 2009 Board Meeting, motion carried.

Chairman Schermerhorn stated that a Closed Board Meeting would be held at that time for the purpose of strategizing for the upcoming labor negotiations.

Commissioner Miller stated that he had previously discussed with Ms. West the subject of “conflict of interest” on his part and that in consultation with the County Attorney it was recommended that he did not attend this closed session.

Ms. West stated that the County Attorney had stated that it would be a “conflict of interest” for Commissioner Miller due to the fact that his wife, Rosalie Miller, was a designated Union Stewart that would participate in negotiations. She pointed out that the County Attorney had also stated that if his wife did resign her position as a Union Stewart and then just be a Union member, it would not be a “conflict of interest”.

Commissioner Miller stated that in representing his constituency he was requesting respectfully to be allowed to sit in on the Closed Meeting and not participate, which he would leave up to the Board to decide.

Chairman Schermerhorn responded that he did not feel the Board had that power to allow him to be in attendance of the Closed Meeting.

Commissioner Stearns questioned whether his wife was resigning her position as Union Stewart.

Commissioner Miller responded that she was not resigning the position.

Ms. West pointed out that Ms. Miller's resignation of the position would be the only way Commissioner Miller would be able to be in attendance of the Closed Meeting.

Commissioner Miller requested that his request be recorded in the minutes so he had defense among his constituents.

Present for the Closed Board Meeting for the purpose of strategizing for the upcoming Union Negotiations were Chairman Schermerhorn, Commissioners Lane Waldahl, Rodney Bounds and Bill Stearns, Auditor Treasurer Char West, Social Services Director Paul Sailer and Highway Engineer Joel Ulring.

Chairman Schermerhorn Closed the Adjourned Board Meeting at 9:38 a.m.

Chairman Schermerhorn reopened the Adjourned Board Meeting at 10:38 a.m.

Motion by Bounds, seconded by Stearns, to authorize County Auditor/Treasurer Char West, Manager of the General Fund, County Engineer Joel Ulring, Manager of the Road and Bridge Fund and County Human Services Director Paul Sailor, Manager of the Social Services Fund, to discuss a new salary/benefit agreement with the following Wadena County Employee Units:

1. MN Teamsters Public and Law Enforcement Employees Union No. 320 – General Unit.
2. MN Teamsters Public and Law Enforcement Employee's Union No. 320 – Essential Unit.
3. International Union of Operating Engineers Local No. 49, AFL-CIO
4. Social Services Employee Unit
5. Confidential Employee Unit

and prior to, on the same day, Department Heads to meet with these three fund managers, Bounds, Stearns, Schermerhorn voting aye, Waldahl voting nay, motion carried.

Commissioner Miller returned to the Commissioners bench.

The Board recessed at 10:45 a.m.

The Board reconvened at 10:52 a.m.

Present: Tammy Lupkes, Deputy Auditor/Treasurer, in the absence of Char West, Auditor/Treasurer.

Joel Ulring, Highway Engineer, came before the Board to inform them that he had been notified by the District State Aid Engineer of an additional \$125,000 of federal funds available through the State Transportation Improvement Program (STIP) for the CASH 23 reconstruction project; total project contract dollar amount of \$1,665,947.89.

Mr. Ulring informed the Board that the CSAH 21 Project in Menahga had an approved State Aid

Contract amount of \$968,404.79; the Municipal State Aid Construction Account balance was \$797,684.00, therefore, an advancement of \$160,720.00 in Municipal State Aid Construction funds through STIP was needed. He requested a Board motion approving a Resolution authorizing the advancement of the funds.

RESOLUTION
For
ADVANCEMENT OF MUNICIPAL COUNTY STATE AID CONSTRUCTION FUNDS

WHEREAS: Wadena County has awarded a construction contract for SAP 80-621-10 in the City of Menahga and,

WHEREAS: The state aid funded portion of the contract is in the amount of \$958,404.79 which is \$160,720.79 in excess of the current Municipal State Aid Construction account fund balance of \$797,684.00.

NOW THEREFORE BE IT RESOLVED: The Wadena County Board of Commissioners hereby requests the Commissioner of Transportation to approve the advancement of funds in the amount of \$160,720.00 in accordance with 8820.1500 subpart 9.

Commissioner Bounds motioned

Commissioner Stearns second the motion and the same carried.

Adopted at Wadena, Minnesota.

Attest: _____
Charleen West, Auditor/Treasurer

Dave Schermerhorn, Chairman

Mr. Ulring reported that Jeff Adolphson, Assistant Engineer, had requested the Highway Department host a training opportunity for cities and townships within Wadena County that would provide information regarding the new sign maintenance requirements that were federally mandated to begin in 2012. He added that the MnDot would be presenting the Sign Retro Reflectivity Program on Wednesday, August 19, 2009, at the Region 5 Office in Staples.

Mr. Ulring reported that he was able to obtain a quote from Signs & Designs of Wadena, for the Highway Department/Extension sign; the cost would be \$850 and should be installed by the end of the following week.

Mr. Ulring reported that an electrical service power pole was located in the way of the paving project at the Highway/Extension Departments. He stated that the cost to bury the line under the driveway would be approximately \$1,000 to \$1,500. Mr. Ulring requested Board approval to proceed with the burying of the line pointing out that he had received a quote of about \$1500 from Platinum Electric.

Commissioner Miller questioned the firewall over the new Extension Office ceiling.

Mr. Ulring responded that he had reviewed the situation with the Architect out of Brainerd and was advised, based on what was there, that it would be fine as it was sealed on the shop side and 99% sealed on the Extension Office side.

Motion by Stearns, seconded by Miller, to authorize the Highway Engineer to proceed with the burying of the power line at the Highway/Extension Department Offices to clear the way for the paving project, with Platinum Electric performing this service at a cost of \$1,500, motion carried.

Chairman Schermerhorn moved to the 11:00 o'clock agenda item, County Highway Shop Facility/Verndale Highway Garage, since there were interested people in attendance.

Mr. Ulring informed the Board that, due to his schedule over the previous week and half, he had not had time to fully prepare for this Agenda Item, however, he would be willing to listen to any comments or questions from those in attendance.

Commissioner Waldahl also reported that he had received a call from the Mayor of Verndale who was planning to attend today's Meeting; however, she had a medical emergency that morning and would not be able to attend. He stated that she had information and would like to attend the Board Meeting discussion on the Verndale Highway Garage; under the circumstances maybe it would be best to wait until she could be in attendance.

Commissioner Stearns also reported that the City of Staples was not in a hurry to press the contract, so the discussion could wait.

Chairman Schermerhorn asked for the Board's feelings on tabling the discussion of the Verndale Highway Garage.

Commissioner Miller stated that he understood the situation but that he was anxious to get the matter resolved; however, his opinion would be to have the Verndale Mayor in attendance.

Board discussion was held regarding the rescheduling of the Verndale Highway Garage discussion.

Chairman Schermerhorn requested a Board motion to rescheduled the September 1, 2009 Regular Board Meeting from 9:00 a.m. to 6:00 p.m. with the Verndale Highway Garage discussion being placed on the Board Agenda for 7:00 p.m.

Board direction was for the Auditor/Treasurer to officially notify the press of the time change.

Motion by Miller, second by Stearns, to reschedule the September 1, 2009, Regular Board Meeting for 6:00 p.m. instead of 9:00 a.m., motion carried.

Mike Gibson, Consultant, provided a Solid Waste Department update to the Board. He stated that there had been communication with Mike Hanen, Ottertail County Solid Waste Director regarding what role Mr. Hanen might play at the Wadena County Solid Waste Department as well as how Wadena County could collaborate with other counties. Mr. Gibson reported on a meeting that had been held in New York Mills with the counties of Becker, Clay, Hubbard, Todd, Otter Tail and Wadena, as well as a representative from the MCPA; the next step was that Otter Tail Commissioner Huebsch would be putting a work plan together to present to the County Boards for their consideration. Mr. Gibson also reported that he had a meeting with Terry Lanoue, Waste Management, Inc., who had informed him that the company was losing money due to the lack of volume in waste hauled for Wadena County. He stated that he had questioned Mr. Lanoue as to whether they should consider discontinuing the contract, which required a 60 day notice. Mr. Gibson added that he had contacted the City of Fargo and they could allow up to 32% of waste materials to come from outside of the Fargo City limits with a tipping fee of \$30/ton. He stated that he would like to research the possible savings if Wadena County purchased or rented their own trailer and drove to Fargo rather than to Gwinner and then possibly pay Waste Management \$500/mo for the rest of the contract and they would do nothing or \$1,000/mo to break the contract.

Mr. Gibson stated that he would like the County to break even or make some money. He questioned the Board as to whether they wanted him to further research this option.

Chairman Schmerhorn called for a consensus from the Board and all were in favor for Mr. Gibson to obtain more information on options regarding waste hauling.

Mr. Gibson reported that Bullard and Aldrich Townships were contracting with the County and charge \$114 per month at each site for pickup of recyclables.

Commissioner Miller suggested that the County was possibly at the point of needing the recycling bins in each township and city.

Much discussion was held regarding recycling bins and success of the program.

Mr. Gibson reminded the Board that Wadena County had only one person, Tammy Ehrmantraut, with a Household Hazardous Waste (HHW) certification, pointing out that she was uneasy with the situation; HHW could be brought in when she was at the site sometime during a day. He stated that Chris Harshaw and Mike Pete, Transfer Station employees, could not obtain their official training until next spring, however, the Wadena County Safety Officer could train them for now, with Ms. Ehrmantraut's assistance, so HHW could be dropped off at the Transfer Station at any time. Mr. Gibson pointed out that the two Transfer Station employees would then obtain their official training next spring. He added that Sandy Gunderson, Becker County HHW, was also willing to have each person go to the Becker County site to receive the training.

Mr. Gibson reported Mr. Harshaw had informed him that Crow Wing County allowed Habitat for Humanity to pick up pieces of usable furniture from their Transfer Station at no charge, prior to it being transported to the County's by-pass. He stated that the local Habitat for Humanity

would be very willing to pick up dropped off furniture at the Wadena County Transfer Station.

Commissioner Waldahl stated that others had requested items from the landfill and that he had talked with the County Attorney to determine the legality of this. He recommended she be contacted again to see if it was legal for Wadena County to give items to Habitat for Humanity.

Chairman Schermerhorn agreed that the County Attorney should be contacted, but the employees should be able to set things aside for say, 48 hours, for needy people to come and pick up.

Commissioner Stearns reported on a previous situation of someone scavenging metals from the Wadena County Transfer Station and when Wadena County took over; a policy was then adopted stating there would be no scavenging.

Mr. Gibson stated that he would contact the County Attorney for clarification.

Mr. Gibson informed the Board that Mr. Pete would be manning a booth at the Wadena County Fair; he would provide small seminars to the public as to what plastics could and could not be recycled.

Mr. Gibson informed the Board that he had had three Human Resource issues referred to him, one of which was settled quite easily but the other two involve more time to work through. He stated that he had contact Attorney Steve Burton once regarding one of the issues as he was familiar with the personnel situation as it had been dealt with the previous year. He reported that he had talked with the County Attorney to inquire whether she would be willing to handle any Human Resource issues where an attorney was needed. Mr. Gibson stated that it was his understanding that she was familiar with the current situation and would be willing to handle it.

Commissioner Miller stated that a previous Board motion had been made regarding the allocation of the billing for Mr. Gibson's time when addressing specific Department issues, which did not indicate a start date for the allocation. He added that, in talking with the Auditor/Treasurer, it was felt another motion should be made to clarify when it should begin. Commissioner Miller pointed out that the expiration of Mr. Gibson's original contract would be about February 1, 2009. He added since that date, Mr. Gibson's responsibilities related to the Highway Department and the Solid Waste Department and the motion made stated that his services be billed to those departments. Commissioner Miller requested a motion to clarify that responsibility to the departments would start at the time of the expiration of the contract, which would be February 1, 2009.

Mr. Gibson responded he would talk to the Auditor/Treasurer; he stated he could track the hours and would inform her of what hours were to be billed to the respective departments.

Commissioner Miller stated that he felt that the motion should be retro-active to the expiration of Mr. Gibson's contract.

Ms. Lupkes stated that it was her understanding from the Auditor/Treasurer that the motion would just clarify the start date of the allocation.

Commissioner Stearns questioned Commissioner Miller if his requested motion would just clarify the start date of the allocation.

Mr. Gibson also questioned Commissioner Miller as to whether he was requesting that individual Departments within the General Fund be billed.

Commissioner Miller responded that this was correct as this was reflected in the original motion.

Motion by Miller, seconded by Stearns, moved to approve, retroactive to February 1, 2009, County Departments would be billed for services provided by Mike Gibson, Consultant, motion carried.

Mr. Gibson informed the Board that a Department Head had requested that he set up an appointment for him with Attorney Steve Burton to receive clarification as to what could and could not be done with a personnel situation. He stated that the Department Head could not make that decision as it would take research time on the part of Mr. Burton.

Commissioner Stearns stated that if the cost was paid from that Department's budget he would be in agreement.

Motion by Stearns, seconded by Waldahl, moved to approve that any Department Head resolving a particular issue involving an attorney, the attorney fee would be paid from that Department's budget, motion carried.

Commissioner Reports:

Commissioner Waldahl: Todd Wadena Community Corrections - State cut their budget but less than expected; Bell Hill Recovery Center - had 78 people on the grounds and were looking for ways to save; CHAMPS - alcohol compliance check within the County, excluding Wadena City who conducted their own, 66% pass; West Central Juvenile Treatment Center - having problems as bed usage was down, regarding beds, it would seem best for Wadena County to go with .5 bed with Ottertail County as it included transportation costs, there would be another meeting in August to find out what the counties wanted to do as at least 18.5 beds were needed to operate.

Commissioner Bounds: Public Health Meeting - need to purchase another refrigerator for the H1N1 vaccine which would be received in October; Otter Tail Wadena Community Action.

Commissioner Schermerhorn: Kitchigami Regional Library – 2010 Levy request same as 2009 which was a result of the Library bus not going to Nimrod January and February, thus reducing the cost by \$2,000, looking at a new Joint Powers Agreement, \$90,000 had been spent on it to-date, there was a point of contention between the City of Wadena, City of Brainerd and Hubbard

County relating to citizen representatives on the Board, 100% approval was required to approve the new Joint Powers Agreement.

Commissioner Miller: WesMin RC&D – controversy regarding the John Rife Memorial Dedication scheduled for August 14, 2009, due to the controversy RC&D had backed out of any participation in the dedication, Zoning & Planning Director indicated they were backing off in that Department as well and would not be attending; Old Wadena Society; Wadena County Ag Society Board - in dire need of volunteers to help at the Fair, because of the unemployment factors in Wadena County he had talked to the Work Force Center and a few days later received a call stating they had 15 volunteers requisitioned through the Youth Employment Program and paid for through Stimulus money.

Commissioner Stearns: Perham Resource Recovery Facility Board - 2010 budget, based on the price for natural gas dropping, the formula to charge Bongards' and Tuffy's would be changing January 1, 2010, the tip fee would be increasing from \$50/ton to \$72/ton for 2010, approximately \$270,000 income shortfall with several ways to resolve this, the three Counties may have to write checks; Wadena County's share was 19% or \$54,000; this action would result in the City of Perham and Stearns County having to both write checks totaling about \$70,000.

Motion by Lane, second by Stearns, to approve payment of the Board of Commissioner bills in the amount of \$259,555.50, motion carried.

The Board of Commissioner Meeting was adjourned at 12:05 p.m.

Charleen West, Auditor/Treasurer

David Schermerhorn, Chairman