

WADENA COUNTY BOARD OF COMMISSIONERS MEETING
NOVEMBER 4, 2010, 9:00 A.M.

The Wadena County Board of Commissioners Meeting was held on Thursday, November 4, 2010, 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 William Stearns and the pledge of allegiance to the flag was said.

Present: Commissioners Lane Waldahl, Dave Schermerhorn, Rodney Bounds, Ralph Miller, and Auditor/Treasurer Char West.

Minute Approval: Tabled until next meeting.

Agenda: Motion by Miller, seconded by Bounds, to approve the Agenda with the following additions; f.) Minnesota State Community & Technical College Occupancy Agreement, motion carried.

Zoning/Parks Department: Deana Skov, Zoning/Parks Director, came to the Board requesting approval of payment to Daryl Schueter Excavating for replacing a failing septic system and placing a mechanics lien on the property.

RESOLUTION

COMMISSIONER Waldahl MADE A MOTION TO ADOPT THE FOLLOWING RESOLUTION:

WHEREAS, the County of Wadena has established a program, through funding from the Clean Water Legacy Act, to assist low income property owners with the installation of septic systems to replace systems which are failing to protect ground water and/or are an imminent threat to public health; and,

WHEREAS, an application for said funding has been received by the County of Wadena from the owner of property located in Section 6 of Wadena Township, Wadena County, City of Wadena, described as: Lots 5 & 6 Merickel's Sunset Addition, and having parcel number 22.660.0050; and,

WHEREAS, the applicant has met the minimum requirements of the application process; and,

WHEREAS, the applicant has agreed to the stipulations outlined to them through the application process; and,

WHEREAS, the panel appointed by the County Board of Commissioners has reviewed the application and has recommended approval of the application to the County Board of Commissioners;

NOW, THEREFORE BE IT RESOLVED, that the County of Wadena authorizes the encumbrance of funds designated for the purpose outlined in paragraph one of this Resolution, in the amount of \$5,500.00, for the installation of a new sub-surface sewage treatment system on the property described above, to be paid upon completion of the installation of the system and final inspection by the County of Wadena, to Daryl Schlueter Excavating, , 61128 St. Hwy. 210, Hewitt, MN 56453, in the amount of \$5,500.00 for the installation of the system; and,

BE IT ALSO RESOLVED, that the County of Wadena authorizes the placing of a Mechanic's Lien for said installation, on the property described above, in the amount of 5,500.00 to be repaid in the following manner:

- In the event the subject property is sold within the first five (5) years of the date of the installation of the new system, 100% of the cost of the system shall be reimbursed to the County.
- In the event the subject property is sold between the fifth (5th) and the seventh (7th) year from the date of installation of the new system, 75% of the cost of the system shall be reimbursed to the County.
- In the event the subject property is sold between the seventh (7th) and tenth (10th) year from the date of the installation of the new system, 50% of the cost of the system shall be reimbursed to the County.
- After the tenth (10th) year, the lien shall be considered satisfied, so long as all other established criteria and conditions are fulfilled and fully complied.

COMMISSIONER Miller SECONDED, AND THE SAME CARRIED.

ADOPTED THIS 4th DAY OF November, 2010, BY THE WADENA COUNTY BOARD OF COMMISSIONERS.

William Stearns, Chairman

ATTEST: _____
Charleen West, Auditor/Treasurer

Ms. Skov requested Board approval of payment to Al Roggenkamp & Sons Excavating for replacing a failing septic system and placing a mechanics lien on the property; she noted that this would use up the remaining Low Income Grant Funds.

RESOLUTION

COMMISSIONER Bounds MADE A MOTION TO ADOPT THE FOLLOWING RESOLUTION:

WHEREAS, the County of Wadena has established a program, through funding from the Clean Water Legacy Act, to assist low income property owners with the installation of septic systems to replace systems which are failing to protect ground water and/or are an imminent threat to public health; and,

WHEREAS, an application for said funding has been received by the County of Wadena from the owner of property located in Section 22 of North Germany Township, Wadena County, described as: Southeast Quarter, Southwest Quarter, Southwest Quarter (SE1/4 SW1/4 SW1/4), and having parcel number 08.022.3020; and,

WHEREAS, the applicant has met the minimum requirements of the application process; and,

WHEREAS, the applicant has agreed to the stipulations outlined to them through the application process; and,

WHEREAS, the panel appointed by the County Board of Commissioners has reviewed the application and has recommended approval of the application to the County Board of Commissioners;

NOW, THEREFORE BE IT RESOLVED, that the County of Wadena authorizes the encumbrance of funds designated for the purpose outlined in paragraph one of this Resolution, in the amount of \$6,114.00, for the installation of a new sub-surface sewage treatment system on the property described above, to be paid upon completion of the installation of the system and final inspection by the County of Wadena, to Al Roggenkamp and Sons Excavating, 39889 620th Ave., Wadena, MN 56482, in the amount of \$6,114.00 for the installation of the system; and,

BE IT ALSO RESOLVED, that the County of Wadena authorizes the placing of a Mechanic's Lien for said installation, on the property described above, in the amount of 6,114.00 to be repaid in the following manner:

- In the event the subject property is sold within the first five (5) years of the date of the installation of the new system, 100% of the cost of the system shall be reimbursed to the County.
- In the event the subject property is sold between the fifth (5th) and the seventh (7th) year from the date of installation of the new system, 75% of the cost of the system shall be reimbursed to the County.
- In the event the subject property is sold between the seventh (7th) and tenth (10th) year from the date of the installation of the new system, 50% of the cost of the system shall be reimbursed to the County.
- After the tenth (10th) year, the lien shall be considered satisfied, so long as all other established criteria and conditions are fulfilled and fully complied.

COMMISSIONER Waldahl SECONDED, AND THE SAME CARRIED.

ADOPTED THIS 4th DAY OF November, 2010, BY THE WADENA COUNTY BOARD OF COMMISSIONERS.

William Stearns, Chairman

ATTEST: _____
Charleen West, Auditor/Treasurer

Ms. Skov requested a 60 day extension of the moratorium on the Wind Energy Conversion System extending the deadline to February 1, 2011, to provide ample time to complete the legal steps in amending the ordinance.

Motion by Miller, seconded by Waldahl, to extend the moratorium on the erection of Wind Energy Conversion Systems by 60 days to February 1, 2011, motion carried.

Sheriff's Department: Sheriff Mike Carr came to the Board to inform them of the resignation of Mike Johnson, Deputy Sheriff, and requested Board acceptance of such.

Motion by Waldahl, seconded by Schermerhorn, to accept, with regret, the letter of resignation from Michael Johnson, Deputy Sheriff, from the Wadena County Sheriff's Department effective November 15, 2010, motion carried.

Sheriff Carr requested Board authorization to start the replacement procedure for the Deputy Sheriff position with a start date of January 1, 2011. He reviewed a spreadsheet reflecting the savings of \$8,357 the Department would recognize with the hiring of a replacement Deputy at a lower step than Deputy Johnson left at.

Discussion was held relating to the need to fill the vacant Deputy Sheriff position.

Motion by Schermerhorn, seconded by Waldahl, to authorize the posting and, if necessary, advertising to fill the vacant Deputy Sheriff position at Grade 54, Step 1, motion carried.

Sheriff Carr informed the Board that the Wadena County Sheriff's Department participated in the West Central Drug Task Force Team that needed to be amended. He requested Board approval to sign the Joint Powers Agreement covering this service.

Chairman Stearns recommended the Agreement be reviewed by the County Attorney and return to the Board later on in the meeting.

Kitchigami Regional Library Allocation Request: Motion by Schermerhorn, seconded by Bounds, to approve payment of the second half 2010 Levy Allocation to the Kitchigami Regional Library in the amount of \$45,293.50, motion carried.

Wadena Historical Society Allocation Request: Motion by Miller, seconded by Schermerhorn, to approve payment of the second half 2010 County Appropriation to the Wadena County Historical Society in the amount of \$2,000, motion carried unanimously.

MN State Community & Technical College Agreement: Motion by Waldahl, seconded by Schermerhorn, to approve the 2011 MN State Community and Technical College Occupancy Agreement, motion carried.

2009 Audit Exit Presentation: Bob Johnson, State Auditor, came to the Board for the 2009 Audit Exit presentation pointing out that this year he had good news as the County's 2009 finances were starting to turn around. He reviewed the Analysis of Major Funds pointing out that net assets had improved 9.187814. Mr. Johnson pointed out that that the General Revenue cash balance was still 62% of the recommended amount which had improved over the 41% in 2008; Road and Bridge Fund indicated a ratio of 63% which was up by 30% from the previous year; Social Services cash balance reflected 53% which was up from about 34% from the previous year. He also reviewed the 12/31/09 Unreserved Fund Balance for the three major funds; Cash Trends of Major Funds; Schedule of Findings and Questioned Costs and changes printed in the Management and Discussion Analysis.

Mr. Johnson concluded by pointing out that due to the increase in County preparation of the Financial Statement, State Auditor staff time was reduced by 17%.

The Board recessed at 10:03 a.m.

The Board reconvened at 10:15 a.m.

Karen Eckdahl, TWRX: Karen Eckdahl, TWRX, owned by Thrifty White Drug Stores, came before the Board regarding a County Prescription Discount Card Program that was available throughout Minnesota. She pointed out that the card was specifically for uninsured and

underinsured County residents; participants receive an average of about 10% - 20% off on brand names and 20% - 70% on generic drugs; TWRX paid for the implementation of the program which would be at no cost to the County.

The Board questioned Ms. Eckdahl as to the specifics of the Program and how it compared with the NACO program that the County currently participated in.

Ms. Eckdahl responded that one card per household was mailed out and the resident should keep the card in case they lose their job and no longer had health care coverage; TWRX also offered eye benefits, lasix and hearing benefits, which NACO did not; the pharmacy processed the claims at a discounted rate and receive a minimal transaction fee; the jail could be given an ongoing supply of cards that could be used by eligible inmates; Hubbard County recently joined and would be implemented as of January 1, 2011 however no other counties in Minnesota had signed up to date; there was a Service Agreement that could be reviewed by the County Attorney and that TWRX needed the County's approval to send out the necessary information to their County residents. Ms. Eckdahl informed the Board that the NACO plan would have to be cancelled in order to participate in the TWRX plan. She added that she would further research the number of pharmacies and eye care providers in the area.

Chairman Stearns thanked Ms. Eckdahl for presenting the information and advised the Board would stay in touch.

Russell and Mary Kangas-CSHA 21 Concerns: Mr. Kangas addressed the Board and distributed information which he read. He commented that he and his wife resided in Blueberry Township and had come before the Board to exercise their right to petition the Board to address a grievance. Mr. Kangas pointed out that their concern was regarding the relocation of their driveway on CR 21 that was completed in 2010, which resulted in a clear sight problem due to trees that exist adjacent to County Road 21. He reviewed correspondence supporting his concern.

Ryan Odden, Highway Engineer, responded that at present the corner met the standards and a safe turn could be made; they did make an offer to the owner about going above the standard and cleaning out some of the trees which she refused, as well as additional compensation as she liked the trees and the trees were on private property. He pointed out that the Highway Department could not cut down trees on private property when the road site met the design standards and guidelines. Mr. Odden added that the County had no legal recourse, such as eminent domain, since the site met the standards.

Mr. Kangas commented that he would like to hear from the County Attorney that the County had no right of eminent domain.

Chairman Stearns advised this situation be referred to the County Attorney and Highway Engineer to inquire as to whether eminent domain would be allowed in this matter or not.

Solid Waste Department: Mike Hanan, Solid Waste Director, informed the Board that the hiring process to fill the vacant Transfer Station Attendant position had been completed, four applicants interviewed were tested on the operation of the equipment they would use and the process of making a job offer was being worked on and they anticipated someone available to work within the next two weeks. He pointed out that the filling of the position would help reduce the need to schedule overtime but it would not alleviate it due to the site being open six days per week. Mr. Hanan informed the Board that he was in a position to offer the position to the top candidate at that time contingent upon a favor background check and employment physical if the Board was in agreement.

Board direction was for Mr. Hanan to present the top candidate with the job offer and complete the background check and employment physical and then return to the Board.

Mr. Hanan informed the Board that the Solid Waste Committee had reviewed the bids received for the removal of the tornado debris at the Debris Management Site; he had anticipated a recommendation of award to the Board but now had some concerns. He presented the Board with the Committee Meeting minutes which outlined the bids received for the Demolition Debris, Scrap Metal, Tree/Brush Waste, Shingle Debris, and Masonry Debris.

Mr. Hanan informed the Board that since the Committee Meeting the low-bidder for the Demolition Debris, Hengel Ready Mix & Construction, Inc., had withdrawn their bid due to an error in calculations; the second lowest bidder had bid in cubic yards instead of the required tons and would not stand behind their bid if it was converted, so this bid could not be considered. He added that issues also arose regarding the Tree Waste and Scrap Metal bids. Mr. Hanan commented that he was less comfortable with making a recommendation to the Board since there were issues with the two largest categories, Demo Debris and Tree Waste. He pointed out that in the past the Board had rejected the bids and started over, but this was not his preference.

Mr. Hanan added that the MPCA's first concern was the removal of the Demolition Debris but they seemed resolved that the debris would be removed next spring rather than this summer. He advised he had set up a meeting on November 9, 2010, with the City, County and MPCA to inform them of what was going on at the Site.

Discussion was held regarding FEMA/HSEM requirement to use a per ton rate that was more definite versus a per cubic yard rate that would involve estimations.

Discussion was held as to whether the next lowest bid could be accepted if they met all of the specifications.

Kevin Tabery, Kern & Tabery, Inc., was in attendance as a bidder; relayed his concern regarding his submission of two legitimate bids and now would be required to submitted another bid.

Mr. Hanan responded that one of the reasons to re-bid was that there were contractors that felt they were not being treated fairly. He added that if the County re-bid the Demolition Debris it

would require that all demo debris would go to the Wadena County facility, it would include the rate at the facility, the bidder would calculate the rate into their bid which would be provide at a per ton rate.

Tom Paper, Wadena Hide & Fur Co., was in attendance and commented that he had contacted Mr. Hanan several times to inquire as to what exactly was required, which others should have done as well. He questioned Mr. Hanan as to whether he was recommending splitting out the Scrap Metal bids from re-bidding.

Mr. Hanan responded that he had not made a final decision on this as the price for scrap metal changed regularly.

Motion by Waldahl, seconded by Schermerhorn, to reject all bids submitted for the removal of the debris at the Wadena County Debris Management Site, motion carried.

Motion by Schermerhorn, seconded by Waldahl, to call for bids for the removal of debris at the Wadena County Debris Management Site and to include the attendance of a mandatory pre-bid conference for all bidders, motion carried.

Highway Department: Ryan Odden, Highway Engineer, presented the Board with an Agenda. He requested Board approval to post the Highway Accountant position and advised that he had revised the job description and Gibson Consulting re-evaluated the position which resulted in an increase in grade from a Grade 53 to a Grade 54. He added that the Teamsters Union had also reviewed the job description and recommended the position not be within the Union at this time.

Board discussion was held relating to which step the position would be hired at.

Motion by Waldahl, seconded by Schermerhorn, to authorize the County Engineer to advertise to fill the vacant Highway Accountant position; Grade 54, motion carried.

Mr. Odden requested Board approval for the final payment in the amount of \$37,209.60 to Sanders Construction for completion of the County 2010 Gravel Crushing Project 80-03-10.

Motion by Schermerhorn, seconded by Miller to approve the final payment to Sanders Construction in the amount of \$37,209.60 for completion of Project 80-03-10, motion carried unanimously.

Mr. Odden updated the Board on current projects.

Human Services Department: Lori Miller, Human Services Department, came before the Board to update them on the Special Needs Basic Care Program; the Program provided assistance for disabled persons to move through the health care system; currently had 145 members on the Program which provided revenue to the Human Services budget. She added that the Blue Cross/Blue Shield Program would end on December 31, 2010 but they had been

notified that Medica would contract with the County to continue the same work. Ms. Miller informed the Board that Linda Kirk, Special Needs Basic Care Worker, was currently overseeing this Program and due to her retirement in November, she requested Board approval to replace Ms. Kirk.

Motion by Bounds, seconded by Schermerhorn, to approve filling the Human Services Special Needs Basic Care position due to Linda Kirk's retirement in November;

Commissioner Waldahl questioned whether the filling of the position could be postponed for six months to see how the insurance worked out.

Ms. Miller advised the Board that if they postpone the filling of the position there was the possibility of losing the coverage and the clients as the current members would not be receiving the services they were receiving at this time.

Chairman Stearns commented that the County would be losing funds if this was not approved at this time.

Motion carried unanimously.

Public Health Department: Karen Nelson, Public Health Director, came before the Board to request a Fee Public Hearing be set for 2011 Public Health Food and Beverage Licensing fees.

Chairman Stearns set a Special Board Meeting for November 30, 2010 at 9:00 a.m. and a County wide 2011 Fee Public Hearing at 10:00 a.m. on November 30, 2010.

Disaster Related Compensatory Time: Motion by Bounds, seconded by Schermerhorn, to approve payment of accumulated disaster related compensatory time over the 40 hour Personnel Policy limit for the following Department Heads and Supervisors:

<u>Dept. Hd/Supervisor</u>	<u>Department</u>	<u>Comp Hrs. Over 40</u>
Ryan Odden	Highway Dept. Engineer	65.25 hrs.
Lori Miller	Human Services	28.5 hrs.
Tammy Ehrmantraut	Solid Waste Supervisor	48.25 hrs.
Bill Cross	Sheriff's Chief Deputy	175.00 hrs.

Motion carried unanimously.

Drug Task Force Joint Powers Agreement: Chairman Stearns informed the Board that Board action was needed for the approval of the Sheriff's Department Amended West Central Task Force Joint Powers Agreement, which had now been reviewed by the County Attorney.

Motion by Schermerhorn, seconded by Waldahl, to approve the Amended West Central Minnesota Narcotic Task Force Joint Powers Agreement, motion carried.

Board Bills: Motion by Waldahl, seconded by Schermerhorn, to approve payment of the Board of Commissioner bills in the amount of \$110,446.99, motion carried.

Commissioners Reports:

Commissioner Waldahl: NJPA Board Meeting; 3-County Board of Health Meeting; Wadena 2.0 Meeting; Family Service Collaborative Meeting; Semi-Annual Community Corrections Meeting.

Commissioner Bounds: Todd-Wadena Community Corrections, AMC District Meeting, Township Association Meeting.

Commissioner Stearns: Wadena 2.0 Meeting; Community Behavior Health Liaison Meeting; Perham Incinerator Meeting.

Commissioner Miller: Wadena Ag Society Meeting.

Commissioner Schermerhorn: AMC District 4 Meeting.

Motion by Bounds, seconded by Schermerhorn, to adjourn the Board of Commissioner Meeting at 12:37 p.m., motion carried.

Charleen West, Auditor/Treasurer

William Stearns, Chairman