

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

The Wadena County Board of Commissioners Meeting was held on Tuesday, May 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 Dave Schermerhorn, Rodney Bounds, Lane Waldahl, Ralph Miller, Auditor/Treasurer Char West and County Attorney Kyra Ladd.

Minutes: Motion by Waldahl, seconded by Schermerhorn, to approve the Board of Commissioners Meeting Minutes of April 23, 2010, motion carried.

Agenda: Motion by Miller, seconded by Schermerhorn, to amend the day's Agenda; add 10:30 a.m. Ryan Odden, Highway Engineer; omit 9:15 a.m. Karen Nelson, Public Health Director, Phone System, and add h.) 4/23/10 Commissioners Check Correction, motion carried.

Trail Breakers Snowmobile Club: Paul Friedrich, Trail Breakers Snowmobile Club representative, came before the Board to request Board approval of the Trailbreakers Resolution of Sponsorship.

Motion by Waldahl, seconded by Schermerhorn, to approve the following Resolution;

RESOLUTION AUTHORIZING SPONSORSHIP OF TRAILS OPERATED BY
Trail Breakers, Inc.

BE IT RESOLVED that Wadena County act as the legal sponsor for an application for funding to the State of Minnesota Department of Natural Resources for Grooming of Snowmobile trails managed by Trail Breakers;

BE IT FURTHER RESOLVED that upon approval of its application by the state, that Wadena County may enter into an agreement with the State of Minnesota for the above referenced project and that it will comply with all applicable laws and regulations as stated in the agreement;

BE IT FURTHER RESOLVED that Char West is authorized to sign such an agreement with the Department of Natural Resources;

BE IT FURTHER RESOLVED that Char West is hereby authorized to serve as the fiscal agent for the above referenced project.

ADOPTED BY Wadena County on May 5, 2010.

Motion carried.

Mr. Friedrich requested Board approval to apply for grant funds through the Snowmobile Trails Assistance Program. He informed the Board that the process had changed somewhat from previous years and that grant funds were now based on trail mileage.

Motion by Schermerhorn, seconded by Miller, to approve submission of the Snowmobile Trails Assistance Program Maintenance and Grooming Grant application by the Trail Breakers Snowmobile Club, Inc., motion carried.

Mr. Friedrich requested Board approval of the 4th Bench Mark Maintenance and Grooming Grant application for the remaining 10% of the funds, \$6,932.16, to close out the 2009/2010 season.

Motion by Waldahl, seconded by Schermerhorn, to approve the submission of the 2009/2010 4th Bench Mark Maintenance and Grooming Grant application, in the amount of \$6,932.16, by the Trail Breakers Snowmobile Club, Inc., motion carried.

Mr. Friedrich reviewed a trail map and explained that in the past the approval by the Board of the Snowmobile Trails Resolution gave their approval to cross County Roads and run road right-of-ways; now the State had requested this information in writing and a permit from landowners.

Todd Wadena Community Corrections: Motion by Waldahl, seconded by Schermerhorn, to accept the Todd Wadena Community Corrections Quarterly Financial Report, motion carried.

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

Approve Commissioners Check Correction: Motion by Waldahl, seconded by Schermerhorn, to approve the issuance of Commissioners Check #16848 in the amount of \$102.00 to Rodney Bounds; correcting and replacing check #16681 in the amount of \$147.00, motion carried unanimously.

Pay Equity Services Information: Ms. West reminded the Board that they had directed her to contact six neighboring counties to inquire who they used to conduct Pay Equity evaluations, which she did. She pointed out that three of the counties responded; Hubbard County conducted their evaluations in-house; Cass County used Public Employment HR Consulting (PEHRC) and Crow Wing County used Kelsey who had recently closed their firm. Ms. West added that she had contacted PEHRC, as the owner had previously worked with Maximus who use to conduct Wadena County's Pay Equity evaluations; they charged \$160 per evaluation but they would convert the County's current Hay System to their PEHRC Point Factor System. She commented that she felt it would be important for the Board to consider whether they were interested in changing the County's Pay Equity method and conducting an RFP for the services may be an option if the Board wanted to pursue this.

Commissioner Bounds questioned who Hubbard County used to conduct evaluations in-house.

Ms. West responded that the Coordinator, two Commissioners and several Department Heads conducted the evaluation; she did not receive information relating to the training of the members on the Committee. She added that the Hubbard County Coordinator had pointed out the situation of Commissioner turn over and keeping up with the training.

Chairman Stearns commented on the difficulties encountered in the past when individuals were screened in-house; employees being dissatisfied if they did not meet the criteria for a reevaluation and Committee Members resigning; he did not feel in-house evaluations were a good idea due to the problems involved. He added that there were three current situations that needed to be dealt with and would take some time to work through. He asked for the Board's wishes.

Commissioner Waldahl commented that the Board had talked about saving money and he would rather pay \$50 per hour to Gibson Consulting who knew the County's current Pay Equity System.

Motion by Schermerhorn, seconded by Waldahl, to hire Gibson Consulting to conduct Wadena County's Pay Equity studies and Position Descriptions at \$50 per hour,

Commission Miller questioned what the typical time for an individual evaluation was.

Chairman Stearns responded that the evaluations conducted at Social Services, where there were specific job descriptions and everything was in order, took a minimal amount of time. He pointed out that in the Zoning/Parks Department, where there was no job description, it would take more time as assistance was needed in writing a job description.

Commissioner Miller commented that Steve Burton, Labor Attorney, had informed him of his hourly rate and commented that "he could possibly do things in a shorter amount of time than someone that was paid a less hourly rate; therefore he could still be cheaper".

Chairman Stearns responded that it made a difference whether there was a job description in place or not.

Motion carried unanimously.

Sheriff's Department: Sheriff Mike Carr introduced Tom Kummrow, Law Enforcement Liaison with the MN Department of Public Safety.

Mr. Kummrow informed the Board that Wadena County had been awarded a new Stalker Mobile Traffic Radar unit due to the excellent job Deputy Bryan Savaloja and the Department did with the Safe & Sober Enforcement program. He pointed out that Wadena County was 67 out of 87 counties. Mr. Kummrow commented that the new radar unit was valued at about \$3,000 to \$3,500 and would have the capability of taking speeds of cars coming at you, after they had passed and cars coming up to you.

Discussion was held regarding enforcement of seat-belt use.

The Board congratulated Sheriff Carr and his Department.

Motion by Schermerhorn, seconded by Miller, to accept the donation of a Stakker Mobile Traffic Radar Unit from the MN Department of Public Safety awarded to the Wadena County Sheriff's Department, motion carried.

Sheriff Carr requested Board approve to purchase two squad cars, which had been budgeted for in 2010, advising that there was a May 28, 2010 deadline on State Bids through Elk River Ford.

- 2010 Crown Victoria from Elk River Ford \$23,658.32
- Used SUV for Investigator Not to exceed \$18,000

Sheriff Carr added that the Department also had three vehicles they would like to take out of service; 2003 Chevy Impala with 138,000 miles, possible trade in on the SUV; 2004 Crown Victoria with 108,112 miles, Assessor was interested in; 2003 Ford Explorer with 107,112 that would go to the Emergency Manager.

Motion by Schermerhorn, seconded by Waldahl, to approve the purchase of a 2010 Crown Victoria Squad Car (State Bid) from Elk River Ford for \$23,658.32, motion carried unanimously.

Discussion was held as to the procedure in purchasing a used SUV for the Sheriff's Department.

Motion by Waldahl, seconded by Schermerhorn, to approve the purchase of a used SUV for the Sheriff's Department, not to exceed \$18,000, motion carried unanimously.

Commissioner Bounds recommended looking into using the 2003 Chevy Impala as a trade in.

Motion by Waldahl, seconded by Schermerhorn, to approve transferring the 2004 Crown Victoria to the Assessor's Office and the 2003 Ford Explorer to the Emergency Management Department, motion carried unanimously.

Board of Commissioner Bills: Motion by Schermerhorn, seconded by Waldahl, to approve payment of the Board of Commissioner bills in the amount of \$49,813.91, motion carried unanimously.

The Board recessed at 9:50 a.m.

The Board reconvened at 10:05 a.m.

South Country Health Alliance: Paul Sailer, Human Services Director, distributed to the Board a copy of the letter to be sent to South Country Health Alliance (SCHA) indicating Wadena County's concern over recent SCHA events; i.e. the decision by three member counties to leave the organization and the Steele County Treasurer's resignation from the SCHA Finance

Committee. He pointed out that the letter was addressed to the SCHA Chair and cc/ to the SCHA Chief Executive Officer and the SCHA Board.

Motion by Waldahl, seconded by Miller, to approve and send the SCHA letter to the Chair of South Country Health Alliance, as presented by the Human Services Director, motion carried.

Teamsters Request Reinstatement of Early Retirement Incentive Program: Ms. West reminded the Board that the Teamsters had presented a written request for the County to reinstate the Early Retirement Incentive Program. She pointed that Mr. Sailer and she had discussed this request with the Labor Attorney and had met with the Teamsters Business Agent to inform her that the County was not needing to reduce the work force at this time; it would be of no benefit to the County and they would inform her of any change in the status of the Program. Mr. Sailer and Ms. West commented that the Teamster Business Agent was understanding of the situation.

Motion by Stearns, seconded by Waldahl, to approve leaving the Early Retirement Incentive Program as a one-time only option and that the County was not presently contemplating to reopen the offer in the foreseeable future, Commissioners Miller, Bounds, Waldahl, Stearns aye; Commissioner Schermerhorn, nay, motion carried.

Highway Department: Ryan Odden, County Highway Engineer, came to the Board and presented them with an Agenda. He requested Board approval to lay a concrete apron at the back of the Wadena Shop due to a drainage problem that caused water to run towards the building. Mr. Odden added that the MCPA had recommended they fuel their vehicles and store their waste oil tank on an impervious surface to lessen the possibility of contaminating the ground water. He received two quotes for the project;

M.L. Schmitt, Inc., Sebeka	\$4,416.00
JMS Concrete, Sebeka	\$4,170.00

Mr. Odden recommended the low quote from JMS Concrete, Sebeka; the Wadena Highway Department would do all of the prep work.

Commissioner Stearns, Highway Department Liaison, advised that the project had been reviewed and met with the approval of the Highway Department Committee.

Motion by Waldahl, seconded by Miller, to approve the low quote from JMS Concrete, Sebeka, in the amount of \$4,170.00, for the pouring of a concrete apron at the Wadena Highway Department building, motion carried unanimously.

Appointment of Lead Negotiator and Labor Attorney for 2011 Negotiations: Chairman Stearns reviewed the County's history in conducting labor negotiations; Tom Fitzpatrick, Fitzpatrick Law Office, in conjunction with two Commissioners, conducted the 2002 through 2008 labor negotiations; Mike Gibson, Gibson Consulting conducted the 2009 labor negotiations; the three Fund Managers, Auditor/Treasurer, Highway Engineer and Human Services Director, conducted the 2010 labor negotiations. He pointed out that the Fund Managers found this to be more time consuming that was anticipated.

Chairman Stearns added that the Auditor/Treasurer had indicated that she would not have time to be involved in the 2011 negotiations, nor did either of the other two Fund Managers. Chairman Stearns reiterated the Board's need to appoint a lead negotiator and labor attorney for the 2011 negotiations.

Commissioner Schermerhorn commented that his opinion was to use Gibson Consulting and Steve Burton for the 2011 negotiations.

Chairman Stearns clarified that Gibson Consulting would be the lead negotiator and Steve Burton the labor attorney who had been used the previous two years.

Commissioner Waldahl added that he was in agreement with this.

Commissioner Bounds commended that there was a labor attorney in Wadena who's hourly rate was less than Mr. Burton's.

Commissioner Waldahl responded that labor attorney from Pemberton, Sorlie, Rufer Law Office was located in Fergus Falls; she had been used by Todd-Wadena Community Correction and NJPA recently hired her. He pointed out that he felt either labor attorney would be okay, but thought her rate was similar to Mr. Burton's.

Commissioner Schermerhorn was in agreement with Commissioner Waldahl.

Motion by Waldahl, seconded by Schermerhorn, to contract with Gibson Consulting, at \$50 per hour, as lead negotiator for the 2011 Wadena County Labor Negotiations, motion carried unanimously.

Chairman Stearns advised he had no problem with attorney Christi Hastings from Pemberton, Sorlie, the only problem would be to change attorneys right now; the settlement that was reached with the Unions last year indicated that a step would be paid when and if the County had money; this situation was very complex in which Mr. Burton was involved, putting a new person in there could create problems. He requested an opinion from Ms. Ladd.

Ms. Ladd commented that she agreed with Commissioner Waldahl but that there were specifics that were more intimate with Mr. Burton, as were addressed during the May 3, 2010 Closed Meeting relating to 2011 Negotiations. She pointed out that it could cost time and money to get someone new up to speed and that the other labor attorney's charge was the going rate. Mr. Burton's windshield time would be more but someone like Mr. Gibson could do some of the contacting over the phone.

Board consensus was to have Ms. Ladd contact Mr. Burton and Ms. Hastings to inquire what hourly rate they would charge Wadena County if they conducted 2011 labor negotiations.

Commissioner Miller questioned whether there could be any Board participation or representation of negotiations.

Commissioner Waldahl responded that the Board was always involved with the ability to give input.

Ms. Ladd reminded the Board that one Commissioner could not participate in labor negotiations.

Thomastown Township Pipeline Resolution: Joy Weyer, Thomastown Township Clerk, and Richard Sorgert, Township resident, came to the Board regarding the Minnesota Pipeline that went through Wadena County in Thomastown Township. Also present was County Assessor Lee Brekke.

Ms. Weyer informed the Board, during the Thomastown Township Annual Meeting, a group of landowners in attendance, that had the pipeline running through their property, had requested the Township to put together a Resolution. She pointed out that they would like the blanket 1954 Easement defined and a copy of the Resolution and a letter had been sent to the other five Townships involved. Ms. Weyer added that another concern among the owners was that they could not grow crops on the land where the pipeline actually ran and they would like the land where the pipeline ran to be assessed as waste land.

Mr. Sorgert commented that they wanted to see markers so the Pipeline had liability if they went outside of the easement; the main reason for the Resolution was to get the property rezoned to get a reduced tax value on the property.

Chairman Stearns questioned the Assessor if there are any guidelines from the State and how overhead powers lines were valued.

Mr. Brekke responded that there were no State considerations to adjust for pipelines or power lines.

Mr. Sorgert commented that he would like to see the Pipeline land classified at a zero value the same as for roads, however, in talking with Mr. Brekke, that was probably not a possibility. He added that there was a possibility of evaluating it at \$1.00 a foot for the actual easement.

Commissioner Waldahl recommended that the County Attorney and County Assessor look at the contract that the Pipeline had and see if they had some type of responsibility.

Chairman Stearns clarified that because it was a blanket easement in 1954, they did not have to put in corners and that they were probably not inclined to go back and spend a large amount of money to define all of the easement. He questioned Ms. Ladd if the County could do a letter of support of the Township Resolution.

Ms. Ladd responded that Wadena County was not a party to the situation and was not sure what the County could do in an official capacity. She added that this was more of an advisory capacity such as you could advise a friend.

Ms. Weyer commented that she was advised by the Township Association Representative that this had to be run through the County.

Chairman Stearns questioned Mr. Brekke as to whether the County could lower the land value where the Pipeline went through an owner's land.

Mr. Brekke responded that the land could be valued at a different rate; the hard part was if the landowner sold 40 acres and the County put an average \$1,200 per acre on the land and then if it sold for \$1,600 per acre; how would this impact the situation.

Chairman Stearns commented that the County was arbitrarily assigning a value to land that was on river frontage such as the Crow Wing or Shell River; arbitrarily could the County not do it in reverse, if the Pipeline ran through your land the County would lower the value 120' wide by the length and it would have no relationship to the future sale of that land. He recommended that a Research Committee consisting of the County Attorney, County Assessor and Zoning/Parks Administrator be set up.

Ms. Ladd pointed out that obviously Wadena County was not the only county in the State that was dealing with this issue, if so, what were the other townships and counties doing regarding this particular issue.

Chairman Stearns recommended that Mr. Brekke write letters to other Assessors and Ms. Ladd write letters to other County Attorneys affected by this; following that research, a meeting could be held within the next couple of months.

Mr. Sorgert commented that the concern the County should have was issuing Building Permits.

Zoning/Parks Department: Deana Skov, Zoning/Parks Administrator, came to the Board requesting approval of the April 15, 2010 Planning Commission Meeting and Public Hearing Minutes.

Motion by Waldahl, seconded by Schermerhorn, to approve the April 15, 2010 Planning Meeting Minutes and Public Hearing Minutes, motion carried.

Ms. Skov informed the Board that Ed and Anita Jose were requesting action on an Application for a Conditional Use Permit in Aldrich Township which would allow a home-based firearms sale business; the Planning Commission was recommending approval of this CUP.

RESOLUTION

Commissioner Miller moved that the following Resolution be adopted:

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

Ms. Skov requested Board approval and signature on the Clean Water Legacy Grant Agreement received in the amount of \$50,000 for the SSTS Program Enhancement Grant; the Agreement had been reviewed by the County Attorney's Office and no issues were found.

Motion by Schermerhorn, seconded by Waldahl, to approve and sign the Clean Water Legacy Grant Agreement in the amount of \$50,000 for the SSTS Program Enhancement Grant, motion carried.

Commissioners Reports:

Commissioner Waldahl: Wadena County Joint Emergency Management Service (EMS) - 6% budget cut, Volunteer Fair on May 18th at the Cyber Café, H₁N₁, what worked and how to improve. He added that it was suggested that each department have one person add information to the County Website when needed; perhaps this could be discussed at a Department Head Meeting; Central MN EMS - 6% State cut was discussed, Audit with good results, Critical Incident Team called out 12 times in the last 6 weeks; Todd Wadena Community Corrections - STS Program, State only pay 25% and budget would have to be prepared to compensate for this.

Commissioner Bounds: None

Commissioner Stearns: South County Health Alliance (SCHA) Joint Powers Board – previously discussed; Star Lakes Board; Perham Resource Recover Center - when Perham Resource Recover Board ends the Prairie Lakes Authority would be heir to the Perham Resource Center, issues were - does the City of Perham stay in and be involved, etc., Mike Hanen was appointed Executive Director of the Prairie Lakes Waste Authority, and Doug Huebsch, Ottertail County Commissioner was elected as Chairman; Highway Department Committee - head of the Todd County GIS spoke, Todd County GIS had a \$200,000 budget and three people and Wadena County had a \$40,000 budget and a half time person, Assistant Highway Engineer would be attending GIS and GPS management college classes.

Commissioner Miller: None.

Commissioner Schermerhorn: Attended same meetings previously reported on.

The Board recessed at 11:30 a.m.

The Board reconvened at 11:45 a.m.

Solid Waste Department: Mike Hanen, Solid Waste Administrator, and Tammy Ehrmantraut, Transfer Station Supervisor, came before the Board to review recommended changes in the Garbage Fee Schedule. Ms. Ehrmantraut reviewed the changes of Resident and Out of County Garbage fees, Demolition Landfill fees, Unsorted Waste Hauler Load fees, Compost Loading fees and Scale fees, which were comparable to Otter Tail County.

Chairman Stearns set a Fee Public Hearing for June 1, 2010 from 10:15 a.m. to 10:45 a.m.

Mr. Hanen reported they had several conversations with the MPCA regarding the Demolition Landfill; when the County's Annual Report had been submitted the previous year it was noted on the report that there were two wells at the Transfer Station that were impacted by vinyl chloride which was not a contaminate typically found in a demolition landfill. He pointed out that he had questioned the MPCA as to where it might be coming from as it appeared that ground water flows from the southeast to the northwest on the property; the MPCA had suggested that it flowed to the northeast. Mr. Hanen added that the MPCA was going to conduct geo-probes and it was discussed that the County would do test pits to determine if there was debris on the County side of the property; MPCA had several impacted wells as well. He commented that there was a cooperative effort to make a determination of where the contaminant was coming from which should be on the 2010 Annual Report next spring.

Mr. Hanen informed the Board that he only received one bid to purchase the old cable truck and one for the old yard tractor, which was from Luck en' Truck, out of Winger, MN.

Cable Truck	\$2,759
Yard Tractor	\$1,159

Mr. Hanen pointed that the Solid Waste Committee discussed this and recommended selling both items.

Motion by Waldahl, seconded by Schermerhorn, to accept the bids from Luck en' Truck, Winger, MN, to purchase from Wadena County the old Transfer Station cable truck for \$2,759.00 and the old Transfer Station yard truck for \$1,159.00,

Board discussion was held as to whether the equipment would be worth more to sell as scrap metal; it was pointed out that scrap metal prices had reduced drastically.

Motion carried unanimously.

Mr. Hanen discussed staffing at the Transfer Station site with the Board; the volume of recycling, such as cardboard and other recyclables, had greatly increased. He advised the Board of several options the Solid Waste Committee had discussed to deal with especially the cardboard bailing.

- Option #1: To utilize the STS crew, however, they could not commit to a regular schedule.
- Option #2: Rural MN CEP; Ms. Ehrmantraut reported that CEP was not sure of their budget or if funds or a person would be available, the person would have to be 18 years of age due to the type of work needed.
- Option #3: A part time employee could work two days and each Saturday morning.

Mr. Hanen commented that it appeared very likely that one of the current employee's would be leaving by winter and he and Ms. Ehrmantraut had discussed that it might be worthwhile to hire someone now and start training them for the future.

Ms. Ehrmantraut explained the need to have a part-time employee work every Saturday, as had previously been done; she noted that presently one of the full-time Transfer Station Attendants was working every Saturday and she worked every other Saturday; it was not safe or efficient to have one person at the location. She pointed out that the Transfer Station was very busy on Saturday's in the summer. Ms. Ehrmantraut distributed a photo to the Board members indicating the volume of cardboard received at the Transfer Station.

Commissioner Waldahl commented that he had been at the Transfer Station and asked that they take pictures; he definitely supported the idea of a part-time employee helping out.

Commissioner Bounds questioned whether the staff could change hours and have someone come in at 6:00 a.m. to bail cardboard.

Mr. Hanen responded that this could be done.

Motion by Schermerhorn, seconded by Waldahl, to hire a permanent part-time Transfer Station employee, Grade 49, Step 1 at \$11.22 per hour for 19 hours per week,

Commissioner Waldahl commented that people seemed to be recycling more due to the bins.

Ms. Ehrmantraut added that during the previous year they picked up one load every two weeks, now they are picking up one load weekly.

Ms. Ladd questioned whether this position would be permanent or temporary and if it had been classified by the Union.

Ms. Ehrmantraut responded that it would be the same duties that the previous part-time position had done so there was a job description.

Motion carried unanimously.

Mr. Hanen requested clarification; they would use the same job posting as in the past.

The Board informed him that this was correct.

The Board discussed the increase in the price for baked goods for the Board Meetings, which were supplied by A'viands Food Service. Board direction was to return to the previous practice of providing the Board Meeting baked goods.

Motion by Schermerhorn, seconded by Miller, to adjourn the Board of Commissioners Meeting at 12:30 p.m., motion carried.

Charleen West, Auditor/Treasurer

William Stearns, Chairman