

**OFFICIAL PROCEEDINGS**  
**PENNINGTON COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, FEBRUARY 11<sup>th</sup>, 2014, 10:00 A.M.**

Pursuant to adjournment, the Pennington County Board of Commissioners met in the Pennington County Board Room in Thief River Falls, MN, on Tuesday, February 11<sup>th</sup>, 2014 at 10:00 a.m. Members present: Donald Jensen, Neil Peterson, Cody Hempel, Oliver “Skip” Swanson, and Darryl Tveitbakk. Members absent: None.

The Pledge of Allegiance was recited.

Bryan Malone and Peter Nelson representing the Pennington County Soil & Water Conservation District met with the County Board. Peter Nelson noted that FEMA is in the process of updating the Floodplain maps in and around the City of Thief River Falls. There will be preliminary maps out for review.

Peter Nelson then discussed the Sewage and Wastewater Treatment Ordinance as presented at the hearing held on January 28<sup>th</sup>, 2014. Mr. Nelson noted there is no point of sale inspections required in the ordinance and all references to ground water were changed to potable water. After further discussion Commissioner Jensen moved, seconded by Commissioner Swanson to adopt the revised Sewage and Wastewater Treatment Ordinance as presented and authorize the Chairman and County Auditor to sign the ordinance on behalf of Pennington County. Motion unanimously carried.

Commissioner Jensen moved, seconded by Commissioner Tveitbakk to set the permit fee for installation, replacement, alteration, repair or extension of a Subsurface Sewage Treatment System (SSTS) at \$100 with a discount of \$75 if the owner watches a training video on maintaining subsurface sewage treatment systems. Motion unanimously carried.

Bryan Malone then discussed the Wetland Delineation report on the County’s Wetland Bank property. The report had been submitted to the proper agencies and the County Board could now approve the Notice of Decision. The Pennington County SWCD, Army Corp of Engineers and the Board of Water and Soil Resource will meet to negotiate the number of wetland bank acres available for use or sale by the County. Commissioner Jensen moved, seconded by Commissioner Tveitbakk to authorize the Chairman to sign the Minnesota Wetland Conservation Act Notice of Decision to approve the delineation of the Pennington County Wetland Bank Site. Motion unanimously carried.

County Attorney Al Rogalla informed the County Board that School District #564 would like to set the use of the Auditorium Gymnasium at \$500 per year instead of the \$7.50 per hour rate approved earlier. Commissioner Hempel moved, seconded by Commissioner Tveitbakk to agree to rewrite the lease with the School District #564 at \$500 per year. Motion unanimously carried.

The County Board then discussed the election or appointment of the County Coroner position. Commissioner Tveitbakk discussed a meeting held with current County Coroner Dr. Sanjay Patel who was appointed to fill the term of the last elected Coroner Richard Heinrichs. This term ends at the end of 2014. Dr. Patel agreed that we should go to an appointed County Coroner with a shorter term.

The following resolution was introduced by Commissioner Hempel, seconded by Commissioner Tveitbakk and upon vote unanimously carried.

**WHEREAS**, Minnesota Statutes 390.005 authorizes the Pennington County Board of Commissioners to state its intention to fill the County Coroner position by appointment, and

**WHEREAS**, THE Pennington County Board of Commissioners must adopt a resolution stating their intention at least six months before the end of the term of the incumbent coroner

**BE IT RESOLVED**, that the Pennington County Board of Commissioners hereby declare the County Coroner position become a appointed position effective January 5<sup>th</sup>, 2015 pursuant to Minnesota Statutes 390.005.

Commissioner Hempel moved, seconded by Commissioner Jensen to approve payment of the Human Service warrants totaling \$78,334.60, the Auditor and Manual warrants for January 2014 totaling \$1,730,340.30, and the following Commissioner warrants. Motion carried.

WARRANTS

County Revenue	\$96,607.71
Road & Bridge	\$62,354.08
Solid Waste Facility	\$ 648.00
Ditch Funds	\$ 1,345.63

Per diems and meal reimbursements in the amount of \$1,033.03 were also approved.

Moved by Commissioner Hempel, seconded by Commissioner Tveitbakk to approve the minutes of January 28<sup>th</sup>, 2014 as written. Motion carried.

Moved by Commissioner Jensen, seconded by Commissioner Tveitbakk to approve the minutes of the Sewage and Wastewater Treatment Ordinance Public Hearing held January 28<sup>th</sup>, 2014 as written. Motion carried.

Becky Carlson, Sheriff's Office Manager, presented the proposed civil process fees for the Sheriff's office along with comparison's from surrounding counties. Commissioner Jensen moved, seconded by Commissioner Tveitbakk to set the Sheriff's civil process fees as proposed. Motion unanimously carried.

<b>PENNINGTON COUNTY</b>	
	<b>Current Rates</b>
Service of Summons, Warrant, Subpoena, etc.	\$40.00
Mileage Minimum	\$10.00
Mileage Rate	\$.55/mile
Not Found Service	\$35.00
Foreclosure Sale	\$50.00
Posting 3 Notices of Sale	\$50.00
Preparation of Levy Paperwork	\$25.00
Writ of Execution Deposit for Service on Bank/employer/personal demand	\$50.00
Writ of Execution Commissioner	10% on first \$250/6% remainder
Writ of Recovery & Inventory	\$40 for service or posting - \$50/hr for inventory
Mortgage Redemption	\$250.00
Seizure of Property	\$50/hr
Personal Property Sale	\$50.00
Services/processes not elsewhere named	\$40.00
Service where extended Deputy assistance is involved but not elsewhere named	\$50/hr

Becky Carlson then reviewed a proposal to lease a new copier from Marco.

Option 1 (Black/White)	\$210.49/month
Option 2 (Color)	\$243.04/month

These rates are lower than the current lease amount. Moved by Commissioner Hempel, seconded by Commissioner Tveitbakk to approve the lease of a Canon Ir-5035 from Marco with the color copy option for \$243.04/month. Motion unanimously carried.

Becky Carlson then reviewed an agreement with Thief River Auctions K-Bid Affiliate, 118 Main Avenue North, Thief River Falls, that the County Sheriff is proposing to sell two older squad cars that are surplus property. Commissioner Tveitbakk moved, seconded by Commissioner Jensen to declare the two squad cars surplus property and approve the agreement to place them for bids through Thief River Auctions. Motion unanimously carried.

Moved by Commissioner Hempel, seconded by Commissioner Tveitbakk to transfer the 2001 Ford Taurus from the Sheriff's department to the Emergency Managers department. Motion carried.

County Engineer Mike Flaagan asked to advertise for fuel, equipment rental and culvert supply bids. Commissioner Jensen moved, seconded by Commissioner Hempel to authorize the County Auditor-Treasurer and County Engineer to advertise for bids for the following supplies for 2014 to be opened 3/11/2014 10:00 a.m.

Fuel  
Equipment Rental  
Culverts

Mike Flaagan discussed the hearing held at 11:00 a.m. February 6<sup>th</sup>, 2014 to discuss the closure of railroad crossings and County Road realignments in Rocksbury , River Falls, and Wyandotte Townships. There was no opposition of the hearing siting traffic safety concerns as the main reason for those closures. Mike Flaagan did get one phone call after the hearing stating they agreed there were traffic safety concerns on the railroad crossing on CR #55 south of Hazel but still did not want to see it closed. After further consideration Commissioner Jensen moved, seconded by Commissioner Tveitbakk that the following railroad crossings be closed upon receiving an agreement and approval from CP Rail. Motion unanimously carried.

Railroad Crossing along CR #55 between Sections 1 & 12 River Falls Township  
Railroad Crossing on CR #79 between Sections 26 & 25 Rocksbury Township  
Railroad Crossing on CR #81 between Sections 19 & 20 Wyandotte Township

Mike Flaagan then gave a report on the CD #36 meeting held at 1:00 p.m. February 6<sup>th</sup>, 2014. At the meeting two concerns were discussed. Describing the route of the legal ditch as it exists today as the official description of the CD #36. The other concern was if the landowners wanted to do a redetermination of benefits. There was no opposition to establishing the route of the legal ditch as it exists today but there was no support for doing a redetermination of benefits. The County Engineer asked to hold any action on establishing the legal route of the CD #36 to allow more time to review one area of the ditch that flows through a coulee.

The County Board then reviewed the Job Description for the Economic Development Director. Moved by Commissioner Tveitbakk, seconded by Commissioner Jensen, to approve the Job description of the Economic Development Director as presented. Motion carried.

At 11:00 a.m. the Chairman recessed the County Board meeting and called the Hearing on the Economic Development Tax Abatement Program to order. Mike Moore, Thief River Falls Development Director reviewed the present Economic Development Tax Abatement Policy for new homes built in the City of Thief River Falls. There are three homes that qualify for three year abatements for the County's portion of their Real Estate Tax. The City of Thief River Falls approved these three parcels at their Council meeting in December 2013. There were no comments heard at the hearing.

Commissioner Tveitbakk moved, seconded by Commissioner Hempel to close the hearing and call the County Board meeting back into session. Motion carried.

Commissioner Hempel moved, seconded by Commissioner Tveitbakk, to approve the abatement of the County's portion of the Real Estate Tax for three years on the following properties and approve payment by Auditors Warrant.

Lot 4 Block 2 Allwood Acres Addition, Parcel #25.06401620 - Michael & Nicole Wiene  
Lot 8 Block 2 Allwood Acres Addition, Parcel #25.06402020 - Michael & Amanda Torma  
Lot 7 Block 2 Allwood Acres Addition, Parcel #25.06401920 - Jason & Lacey Simoneau

Motion unanimously carried.

County Engineer Mike Flaagan then discussed an interest in turning back select County Roads to Bray Township but a hearing would need to be held. Moved by Commissioner Hempel, seconded by Commissioner Jensen to set a hearing on the transfer of County Roads to Bray Township for 7:00 p.m. March 11<sup>th</sup>, 2014 at the site of the Bray Township Annual meeting. Motion carried.

The County Board then reviewed changes to the County Personnel Policy regarding Tobacco Use, Dress Code and Grooming Policy, personal hygiene/scents and personal space heaters. Commissioner Jensen moved, seconded by Commissioner Hempel to approve the personnel policy changes as presented. Motion unanimously carried.

Commissioner Tveitbakk moved the adoption of the following Resolution:

**WHEREAS**, Pennington Avenue currently has no sidewalks for pedestrians to access Challenger Elementary School.

**WHEREAS**, Pennington Avenue is projected to see an increase in traffic volume with the proposed construction of two 30 unit apartment buildings and increased NCTC Airport Campus enrollment.

**WHEREAS**, MnDot has announced the availability of grant funds for the Safe Routes to School program.

**THEREFORE, BE IT RESOLVED**, The Pennington County Board supports the City Council's application to MnDot for a Federal Highway Administration (FHWA) Safe Routes to School program for the construction of trail project along Pennington Avenue from Eastwood Drive to Challenger Elementary School. Also included in this grant application is the upgrade to LED Radar Feedback School Zone signs adjacent to Franklin Middle School.

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

Ayes: 5

Nays: 0

Dean Philipp met with the County Board to further discuss replacement of the boxcar bridge in his driveway that connects to County Road 84 in Section 10 Smiley Township. The bridge is part of the County Ditch #35 system. He is requesting that when the County replaces the bridge that there be a 60' top so that he can get his drill over the ditch. If he doesn't get a 60' top he will place a 30" x 120' culvert in the ditch so that he can cross with his drills. The County Board advised that he get a permit through the County Watershed before placing a culver in a legal ditch system.

Mr. Philipp also stated that the 911 address sign was missing on one of his rural properties he was renting out.

Mr. Philipp is requesting that spring loaded bridge marker signs be installed on all bridges.

County Engineer Mike Flaagan stated that the driveway into the property is about 15 feet wide and that the culvert to replace the boxcar bridge will meet a bridge characteristic and will meet state standards for width. These standards include 12 foot lanes for a total of 24 feet with two feet of cover. The culvert width would be 40 feet for 3 to 1 slope ratio. Once the snow is gone we can get a better idea of what is needed.

The County Board said a new 911 address sign will be ordered. The spring loaded bridge marker signs will be considered along with other alternatives.

Moved by Commissioner Tveitbakk, seconded by Commissioner Hempel to adjourn to 8:00 a.m. February 25<sup>th</sup>, 2014.

ATTEST:

Kenneth Olson, Auditor-Treasurer  
Pennington County

Neil Peterson, Chairman  
Board of Commissioners