

OFFICIAL PROCEEDINGS
PENNINGTON COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 27TH, 2014, 5:00 P.M.

Pursuant to adjournment, the Pennington County Board of Commissioners met in the Pennington County Board Room in Thief River Falls, MN, on Tuesday, May 27th, 2014 at 5:00 p.m. Members present: Donald Jensen, Neil Peterson, Cody Hempel, Oliver “Skip” Swanson, and Darryl Tveitbakk. Members absent: None.

The Pledge of Allegiance was recited.

Human Services Director Ken Yutrzenka presented the consent agenda from the May 20th, 2014 Human Service Committee meeting. On a motion by Commissioner Swanson, seconded by Commissioner Hempel, the following recommendations of the Pennington County Human Services Committee for May 20th, 2014 are hereby approved. Motion unanimously carried.

SECTION A

- I. To approve the April 15, 2014 Human Service Committee meeting minutes as presented.
- II. To approve the Agency’s personnel actions as presented.
- III.
 - A. To approve the Coordination Agreement with Polk County Social Services serving as Fiscal Agent for regional Adult Mental Health Initiative (AMHI) and Adult Crisis Services funding.
 - B. To approve the Memorandum of Understanding regarding development and implementation of the Labor Management Committee.

SECTION B

- I. To approve payment of the Agency’s bills.

Ken Yutrzenka also presented an overtime request for Julie Sjostrand. Motioned by Commissioner Tveitbakk, seconded by Commissioner Hempel, to approve six hours of overtime for Julie Sjostrand. Motion unanimously carried.

County Sheriff Ray Kuznia presented the State of Minnesota Joint Powers Agreement authorizing payment to Pennington County for providing work release services for State offenders.

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

RESOLUTION

BE IT RESOLVED, that the Pennington County Board of Commissioners does hereby approve the Joint Powers Agreement between Pennington County and the State of Minnesota Dept. of Corrections for Work Release services for fiscal year 2015; and

BE IT FURTHER RESOLVED, that the County Sheriff and County Board Chairman be authorized to sign the agreement on behalf of Pennington County.

Commissioner Swanson reported that that roof top heating/air conditioner unit on the Human Services building is not working. Jim Seibel will be receiving cost estimates on repair or replacement of the unit tomorrow.

County Auditor-Treasurer Ken Olson read a letter from the Secretary of State addressed to County Recorder Ken Schmalz. The letter states that all Satellite Office Agreements to administer the Uniform Commercial Code will be cancelled effective December 1st, 2014.

A discussion was held to expand the County Technology Committee to include representation from Law Enforcement and Human Services.

County Auditor-Treasurer Ken Olson presented a grant contract with the Minnesota Commissioner of Revenue awarding Pennington County \$3,529.41 to be used for funding the development, implementation, and maintenance of data collections and data processing systems that will facilitate improved reporting of property tax data on parcels to the Commissioner of Revenue for analytical and administrative use.

Motioned by Commissioner Swanson, seconded by Commissioner Jensen, to approve the grant contract with the Minnesota Commissioner of Revenue as stated above. Motion unanimously carried.

Motioned by Commissioner Tveitbakk, seconded by Commissioner Hempel, to approve the 2014 Safety & Health Training proposal from Safety Compliance Services. Motion unanimously carried.

Motioned by Commissioner Jensen, seconded by Commissioner Tveitbakk, to authorize the County Auditor-Treasurer to advertise for a full-time Deputy Auditor-Treasurer. Motion unanimously carried.

County Auditor-Treasurer Ken Olson noted that interviews for the Deputy Recorder-Auditor joint position are being held Wednesday, May 28th, 2014.

County Engineer Mike Flaagan presented a resolution in opposition to the new EPA Regulations on Waters of the United States.

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

**RESOLUTION
OPPOSTION TO NEW EPA REGULATIONS**

WHEREAS, Pennington County, Minnesota has experienced long-term and costly delays to its road construction projects and wetland banking project due to the Army Corps definitions for “Waters of the U.S.” and its operations.

WHEREAS, the U.S. Supreme Court has stated that an applicant spends an average of 788 days of time and \$271,596 to obtain an individual 404 U.S. Corps permit. The Supreme Court chastised these agencies in the 2001 SWANCC case and the 2006 Rapanos case for regulatory overreaching and these agencies have refused to adapt to the push back they continue to receive from taxpaying landowners.

WHEREAS, these agencies are currently using interpretive guidelines established by the EPA in 2011 and these guidelines do not grant them final authority.

WHEREAS, the EPA now wishes to adopt new regulations which will indeed grant them final authority in matters dealing with waters of the U.S. and will include regulation of man-made ditches, public drains, tributaries, adjacent & neighboring wetlands, ecoregion, significant nexus, surface connection, ground water connection, discharge and possibly more. Regulation of these latter items has currently resulted in high levels of confusion, delays and increased permitting costs for the applicants. It has also allowed the EPA and the Corps to far exceed their applicable regulatory, statutory, and constitutional limits. In addition, this regulation is redundant to State wetland regulations that are already in place and mitigate wetland impacts from a prepaid wetland bank of credits for road projects.

NOW, THEREFORE, BE IT RESOLVED, that Pennington County, Minnesota hereby opposes the new EPA proposed regulations that would replace the 2011 interpretive guidelines they are currently following concerning the Clean Waters Act definition for “Water of the United States”.

BE IT ALSO RESOLVED, that Pennington County, Minnesota will support EPA and Corps regulation of traditional navigable waters only.

Engineer Flaagan informed the County Board that a new TZD grant application was due by June 30th, 2014. The following resolution was introduced by Commissioner Hempel, seconded by Commissioner Jensen, and upon vote was unanimously carried.

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT

BE IT RESOLVED, that Pennington County enter into an agreement with the Minnesota Department of Public Safety, for traffic safety projects during the period from October 1st, 2014 through September 30th, 2015.

The Pennington County Auditor is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of Pennington County and to be the fiscal agent and administer the grant.

Engineer Flaagan then gave a report on the status of the construction projects. Motioned by Commissioner Tveitbakk, seconded by Commissioner Hempel, to approve the Board minutes of May 13th, 2014 as written. Motion unanimously carried.

Motioned by Commissioner Hempel, seconded by Commissioner Tveitbakk, to approve payment of the Auditor and Manual warrants for April, 2014 totaling \$818,385.94, the Human Service warrants totaling \$69,943.97, and also the following Commissioner warrants. Motion unanimously carried.

WARRANTS

County Revenue	\$28,096.45
Road & Bridge	\$89,517.46
Solid Waste Facility	\$ 2,059.75
Capital Improvement	\$39,641.52

Per diems and meal reimbursements in the amount of \$979.74 were also approved.

Motioned by Commissioner Jensen, seconded by Commissioner Tveitbakk, to accept the resignation of Assistant County Engineer Ben Pribula effective June 13th, 2014 and thank him for his service to Pennington County. Motion carried.

Motioned by Commissioner Hempel, seconded by Commissioner, to recess the County Board meeting until 6:30 p.m. Motion carried.

At 6:30 p.m. the County Board meeting was called back to session and at this time the Chairman called to order the Five-Year Road & Bridge Plan Hearing as advertised. In attendance was Scott D'Camp - The Times, and Ben Owen - KTRF/KSNR Radio. The County Engineer reviewed the Five-Year Road and Bridge Plan, listing the projects planned year by year. Hearing no questions, the hearing was closed at 6:46 p.m.

Action on the Five-Year Road & Bridge Plan was held over for a future County Board meeting to allow for any comments on the plan.

Motioned by Commissioner Tveitbakk, seconded by Commissioner Hempel, to adjourn the Board meeting to June 10th, 2014 at 10:00 a.m. Motion carried.

ATTEST:

Kenneth Olson, Auditor-Treasurer
Pennington County

Neil Peterson, Chairman
Board of Commissioners