

OFFICIAL PROCEEDINGS
PENNINGTON COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 28th, 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, October 28th, 2014 at 5:00 p.m. Members present: Neil Peterson, Cody Hempel, Oliver “Skip” Swanson, Darryl Tveitbakk, and Donald Jensen. Members absent: None.

The Pledge of Allegiance was recited.

Scott Sommers, Human Services Fiscal Supervisor, presented the Human Service Committee meeting recommendations from the October 21st, 2014 meeting. On a motion by Commissioner Swanson and seconded by Commissioner Jensen, the following recommendations of the Pennington County Human Service Committee for October 21st, 2014 are hereby approved. Motion unanimously carried.

SECTION A

- I. To approve the September 16th, 2014 Human Service Committee meeting minutes.
- II.
 - A. To enter into a Minnesota Senior Health Options (MSHO)/Minnesota Senior Care + (MSC+) Care Coordination Participation Agreement with Medica Health Plan effective 01/01/15.
 - B. To approve an amendment to the Purchase of Service contract with Tri-Valley Opportunity Council noting the per mile rate reduction for Access Service Common Carrier Transportation.
 - C. To re-authorize the Pennington County Pre-Petition Screening Committee list of screeners, as presented.

SECTION B

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

County Sheriff Ray Kuznia presented the State of Minnesota Joint Powers Agreement with the County of Pennington regarding the Minnesota Internet Crimes Against Children Task Force (ICAC). One officer will be trained in the program with costs reimbursed by grant funds. The following resolution was introduced by Commissioner Hempel, seconded by Commissioner Jensen, and upon vote was unanimously carried.

RESOLUTION APPROVING JOINT POWER AGREEMENT (ICAC)

WHEREAS, Pennington County, on behalf of its Sheriff, desires to enter into Joint Powers Agreement with the State of Minnesota, acting through its commissioner of Public Safety, Bureau of Criminal Apprehension to utilize applicable state and federal laws to

investigate and prosecute crimes committed against children and the criminal exploitation of children that is committed and/or facilitated by or through the use of computers:

NOW, THEREFORE, BE IT RESOLVED, by the Pennington County Board of Commissioners as follows:

1. That the State of Minnesota Joint Powers Agreement by and Between the State of Minnesota, acting through its Commissioner of Public Safety, Bureau of Criminal Apprehension and Pennington County on behalf of its Sheriff are hereby approved. The Joint Powers Agreement (Contract #82997) is made a part of this Resolution.

2. That Sheriff Ray Kuznia, or its successor, is designated the authorized representative for the Pennington County Sheriff's Office. The authorized representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota regarding the Minnesota Internet Crimes Against Children's Task Force.

3. That the chair of the Pennington County Board of Commissioners and the county administrator are authorized to sign the State of Minnesota Joint Powers Agreement.

Bryan Malone, Pennington County SWCD, met with the County Board regarding the Aquatic Invasive Species and Feedlot Program Memorandum of Agreements. The SWCD has approved accepting the duties required to oversee both of these programs. The following resolution was introduced by Commissioner Tveitbakk, seconded by Commissioner Jensen, and upon vote was unanimously carried.

RESOLUTION FOR AQUATIC INVASIVE SPECIES PREVENTION AID

WHEREAS, 2014 Session Law Chapter 308 enacted by the Legislature provides Minnesota counties a County Program Aid grant for Aquatic Invasive Species (AIS) prevention. The amount designated for each county is based on the number of watercraft trailer launches as the number of watercraft parking spaces within each county. Pennington County was allocated \$9,772 for 2014 and \$7,154 for 2015 and years following, and

WHEREAS, the legislation requires that Pennington County must establish, by resolution or through adoption of a plan, guidelines for the use of the proceeds which are to prevent the introduction or limit the spread of aquatic invasive species at all access sites within the County, and

WHEREAS, the county may appropriate the proceeds directly or may use any portion of the proceeds to provide funding for a joint powers board or cooperative agreement with another political subdivision, a soil and water conservation district in the county, a watershed district in the county, or a lake association located within the county. Any money appropriated by the county to a different entity or political subdivision must be used as required under this section, and

WHEREAS, the county must submit a copy of the guidelines for use of the proceeds to the Department of Natural Resources by December 31 of the year the payments are received.

NOW, THEREFORE BE IT RESOLVED, the Board of Commissioners of Pennington County, Minnesota, designates oversight of Pennington County's AIS prevention efforts to the Pennington Soil and Water Conservation District and delegates to them the responsibility to prepare, implement and report annually a plan to allocate the funding in accordance with the above legislation. For 2014, the plan will be on file in the Soil and Water Conservation District office.

Motioned by Commissioner Tveitbakk, seconded by Commissioner Jensen, to approve the Memorandum of Agreement between the Pennington County SWCD and Pennington County for Administration of the Aquatic Invasive Species Prevention Aid and the 2014-2015 Pennington County Aquatic Invasive Species Plan. Motion unanimously carried.

Motioned by Commissioner Jensen, seconded by Commissioner Hempel, to approve the Memorandum of Agreement between the Pennington County SWCD and Pennington County for Administration of the Pennington County Feedlot Ordinance. Motion unanimously carried.

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

RESOLUTION FOR THE MAINTENANCE OF A COUNTY ANIMAL FEEDLOT PROGRAM

WHEREAS, the Minnesota Pollution Control Agency has established an animal feedlot program designed to assist animal feedlot operators in efficient and environmentally sound management of animal wastes; and

WHEREAS, the Minnesota Pollution Control Agency's program provides for county involvement in the processing of animal feedlot permit applications and administration of the animal feedlot program in accordance with Minn. Stat. 116.07 subd. 7 (2001) and Minn. Rules ch. 7020.1600 (October 23, 2000); and as specified in the attached county delegation agreement.

NOW THEREFORE, BE IT RESOLVED by the Pennington County Board of Commissioners that the County of Pennington assumes certain responsibilities for the administration of the animal feedlot program and processing of animal feedlot permit applications in accordance with Minn. Stat. 116.07, subd. 7 (1992), and Minn. Rules ch.7020.1600 (October 23, 2000); and the attached delegation agreement that describes the administration of the county feedlot program as specified in Minn. Rules ch. 7020.1600, subpart 3.

BE IT FURTHER RESOLVED, the County appoints Levy Bergstrom as the County Feedlot Pollution Control Officer and that the County Feedlot Pollution Control Officer will:

- (a) Administer animal feedlots and manure storage areas registration programs according to Minn. Rules ch. 7020.0350;
- (b) Locate and register all animal feedlots and manure storage areas that remain

- unregistered by January 1, 2002;
- (c) Distribute permit application and registration forms to owners required to make application for a permit. Permit application forms must contain the information required in Minn. Rules ch. 7020.0505, subpart 3;
 - (d) Review permit applications and issue construction short-form and interim permits in accordance with Minn. Rules ch. 7020.0535, and in the approved delegation agreement;
 - (e) Inspect all animal feedlots and manure storage areas in accordance with the approved delegation agreement;
 - (f) Review and process complaints;
 - (g) Provide assistance to owners in completing permit applications;
 - (h) Maintain a record of all correspondence and material relating to permit applications, inspections, and complaints;
 - (i) Maintain a record of all notifications received from livestock production facility operators claiming the hydrogen sulfide ambient air quality standard exemption including the days the exemption was claimed and the cumulative days used as provided in Minn. Stat. 116.0713, items (2)(b) and (2)(c).
 - (j) Submit an annual report to the commissioner by April 1 of each year, in a format requested by the commissioner, that includes the following:
 - 1. all newly acquired and updated registration information required under Minn. Rules ch. 7020.0350
 - 2. inspection summary information from the previous year;
 - 3. permitting summary information from the previous year including information regarding permits for facilities with less than 1000 animal units that are CAFOs under the 40 C.F.R. part 122, Appendix B(b);
 - 4. complaint and complaint response summary information from the previous year;
 - 5. outreach and education summary information from the previous year; and
 - 6. summary of the progress toward achieving the goals identified in the approved delegation agreement and, if applicable, proposed adjustments to the goals or plans to meet the goals in the approved delegation agreement;
 - (k) Complete the required county feedlot pollution control officer training necessary to perform the duties described under this part assigned to the county feedlot pollution control officer; and
 - (l) Forward to the commissioner all permit applications, inspection reports and all other applicable documents for the facilities identified in Minn. Rules ch. 7020.1600, supb. 4, item B.

BE IT FURTHER RESOLVED, that the County of Pennington agrees to notify the Minnesota Pollution Control Agency in writing of any changes in the program as outlined herein and attached hereto;

BE IT FINALLY RESOLVED, that the County of Pennington respectfully submits this resolution and the attached delegation agreement to the Minnesota Pollution Control Agency and respectfully requests that the Minnesota Pollution Control Agency approve the

County's participation in the animal feedlot program.

Assistant County Engineer Mike Stennes discussed petitions to clean parts of CD#96 and CD#16. All property owners have signed the petitions.

Motioned by Commissioner Jensen, seconded by Commissioner Tveitbakk, to clean 4 miles of CD#96 as petitioned. Motion unanimously carried.

Motioned by Commissioner Jensen, seconded by Commissioner Swanson, to clean CD #16 as petitioned. Motion unanimously carried.

Mike Stennes also noted that gravel crushing will soon be finished.

Motioned by Commissioner Hempel, seconded by Commissioner Tveitbakk, to approve Northern State Bank as a depository of public funds for Pennington County and the assigned securities for a three-year term beginning November 1st, 2014. Motion unanimously carried.

Motioned by Commissioner Tveitbakk, seconded by Commissioner Hempel, to approve the request of the Thief River Falls Tae Kwon Do to hold a tournament in the City Auditorium on December 6th, 2014. Motion unanimously carried. A Certificate of Liability Insurance was included with the request.

County Attorney Al Rogalla discussed an amendment to the lease of the gym floor at the Old City Auditorium to St. Bernards. The amendment only changed the weekly schedule. Motioned by Commissioners Hempel, seconded by Commissioner Jensen, to approve the amended lease of the gym to St. Bernards as rewritten. Motion unanimously carried.

Motioned by Commissioner Hempel, seconded by Commissioner Tveitbakk, to approve the Board minutes of October 14th, 2014 as written. Motion unanimously carried.

Motioned by Commissioner Jensen, seconded by Commissioner Hempel, to approve payment of the Human Service warrants totaling \$72,376.23, and also the following Commissioner warrants, including the bill for squad car radios submitted at the meeting today by the County Sheriff. Motion unanimously carried.

WARRANTS

County Revenue	\$21,634.91
Road and Bridge	\$15,629.78
Solid Waste Facility	\$ 130.00

Per diems and meal reimbursements in the amount of \$106.87 were also approved.

Motioned by Commissioner Jensen, seconded by Commissioner Tveitbakk, to approve making Shirley Owens position as Legal Secretary for the County Attorney a 30 hour/week position effective January 1st, 2015. Motion unanimously carried.

Motioned by Commissioner Jensen, seconded by Commissioner Tveitbakk, that the Pennington County Board send a letter commenting on their concerns and opposition regarding the U.S. EPA and U.S. Army Corps of Engineers proposed rule on "Definition of Waters of the United States

Under the Clean Water Act”, Document No. EPA-HQ-OW-2011-0880. Motion unanimously carried.

The County Canvassing Board will meet on November 7th, 2014 at 11:00 a.m. to canvass the Federal, State, and County results of the November 4th, 2014 General Election.

Motioned by Commissioner Tveitbakk, seconded by Commissioner Swanson, to adjourn the Board meeting to November 12th, 2014 at 5:00 p.m. Motion carried.

ATTEST:

Kenneth Olson, Auditor-Treasurer
Pennington County

Neil Peterson, Chairman
Board of Commissioners