

**COMMISSIONER PROCEEDINGS**  
**October 14, 2008**

Minutes of the Wilkin County Board of Commissioners held at the Courthouse, Breckenridge, Minnesota, on Tuesday, October 14, 2008. All Commissioners were present. Chairman Blaufuss called the meeting to order at 8:00 A.M.

Motion by Folstad, seconded by Hovland and carried, to approve the agenda with additions.

Motion by Hovland, seconded by Perry and carried, to approve the minutes of the September 16, 2008, meeting.

Commissioner Perry offered the following resolution and moved for it's adoption. The motion was seconded by Commissioner Folstad and carried.

RESOLUTION 30-08

BE IT RESOLVED, that the Wilkin County Board of Commissioners approve the planning request for Comstock Construction (applicant) and David Yaggie (owner) to mine gravel from his property. The property is located in NE 1/4 NE 1/4 Section 4, Township 135 North, Range 46 West, Manston Township, Wilkin County, Minnesota.

Adopted this 14<sup>th</sup> day of October, 2008.

John Blaufuss  
Chairman

Attest: Wayne Bezenek  
County Auditor  
(Seal)

STATE OF MINNESOTA)  
)  
COUNTY OF WILKIN)

CONDITIONAL USE

Pursuant to a public hearing conducted by the Wilkin County Planning Commission on October 1, 2008, the Wilkin County Board of Commissioners hereby approves a Conditional Use Permit in behalf of: Comstock Construction (applicant) David Yaggie (owner)

In accordance with the provision in the Wilkin County Zoning Ordinance and pursuant to the requirements of Chapter 394.301, Minnesota Statutes.

The approved Conditional Use Permit authorizes the above named to: Mine gravel from his property. on the following described parcel of land: NE 1/4 NE 1/4 Section 4, township 135 North, Range 46 West, (Manston Township), Wilkin County, and subject to the following conditions:

1. Dust complaints and dust management will be the responsibility of the landowner and contractor.
2. Maintain and operate all equipment in a manner that minimizes noise and vibration to the greatest extent possible. Noise levels shall never exceed the acceptable locational thresholds established by the Minnesota Pollution Control Agency (MPCA).
3. Fuel tanks larger than 150 gallons stored on site are required to have an impervious secondary containment.
4. During operation, keep any excavation in such conditions as not to be dangerous from caving or sliding banks.
5. A dike shall be installed along the edge of the mining pit sufficient height to prevent all surface water runoff from entering or exiting the mining pit.
6. All top soil will be stripped and stock piled for site reclamation. All mined areas will be

reclaimed to existing use prior to mining activity (crop-land). If there is land that cannot be put back to crop-land production, it must be planted to a grass mixture that is beneficial to haying, grazing, or wildlife uses. Grass seed mixtures should be chosen in consultation with staff from the Wilkin Soil and Water Conservation District or Natural Resources Conservation Service.

7. All mined areas must be reclaimed before May 1, 2009.
8. The mining pit area and any non-cropland areas will not be used as a dumping ground for any debris. Debris shall be defined as garbage, refuse, used or broken lumber, wreckage from buildings or other structures, used, broken or junk automobiles, agricultural implements or dismantled parts or bodies thereof, and old junk iron and other material.
9. Applicant to secure Minnesota Pollution control Agency Stormwater Permit and provide a copy to the Wilkin County Zoning Administrator.
10. Applicant to provide the Wilkin County Zoning Administrator with a copy of the lease agreement between Applicant/Contractor and Land Owner. (Compensation amount can be blanked out).
11. Excavations within 50 feet of County or Township road right-of-way must be sloped to 8:1 or greater.
12. No materials, stock piles, equipment or machinery shall be stored adjacent to all public roads that will obscure vehicle visibility or result in a snow removal hazard.
13. This permit will terminate on December 31, 2008.

The Wilkin County Zoning Administrator is herewith directed to issue the appropriate permits to this Conditional Use Order.

As approved this 14<sup>th</sup> day of October, 2008.

John Blaufuss  
Chairman

Attest: Wayne Bezenek  
County Auditor  
(Seal)

Motion by Hovland, seconded by Miranowski and carried, to establish a County non-watershed working committee for the OtterTail River basin.

Motion by Miranowski, seconded by Folstad and carried, to approve a contract with Landwehr Construction, Inc., St Cloud, Minnesota, for two (2) township bridge projects and authorized the Chairman and County Auditor sign said contract.

Motion by Miranowski, seconded by Folstad and carried, to approve beginning work on a project for County Ditch No. 27.

Motion by Perry, seconded by Hovland and carried, to approve beginning work on a project for County Ditch No. 2. Commissioner Blaufuss abstained.

Motion by Perry, seconded by Folstad and carried, to approve participation in the Safe Routes to Schools Program with the County as the sponsoring agent.

Motion by Hovland, seconded by Miranowski and carried, to approve the County Engineer as the fiscal agent for the Safe Routes to Schools Program.

Motion by Folstad, seconded by Perry and carried, to authorize a letter of support for the Safe Routes to Schools Program.

Commissioner Hovland offered the following resolution and moved for it's adoption. The motion was seconded by Commissioner Folstad and carried.

RESOLUTION NO. 31-08

WHEREAS, Wilkin County Highway Department has previously installed "Yield" signs on CSAH 32 at its intersection with CSAH 11;

WHEREAS, Wilkin County Highway Department spent considerable time and expense improving CSAH 32 to better handle current traffic;

WHEREAS, a sugarbeet piling station exists at the West end of CSAH 32, thereby generating more incoming traffic from the easterly reaches of CSAH 32;

WHEREAS, CSAH 32 now generates more traffic than CSAH 11 at this intersection;

NOW, THEREFORE, BE IT RESOLVED, by the County Board of the County of Wilkin that the following corrective action be taken, to-wit:

The County Highway Department is hereby instructed to remove the existing "Yield" signs on CSAH 32 at its intersection with CSAH 11, and install "Yield" signs on CSAH 11 at the same intersection.

Adopted this 14<sup>th</sup> day of October, 2008.

John Blaufuss  
Chairman

Attest: Wayne Bezenek  
County Auditor  
(Seal)

Motion by Miranowski, seconded by Hovland and carried, to approve a contract with First Lab, North Wales, Pennsylvania, to provide the drug and alcohol testing for Wilkin County and authorized the Chairman to sign said contract.

Motion by Perry, seconded by Miranowski and carried, to approve the County Engineer's Report.

Motion by Folstad, seconded by Hovland and carried, to approve the Public Health Nursing contract with St. Mary's School, Breckenridge, Minnesota.

Motion by Miranowski, seconded by Perry and carried, to approve the Public Health Nursing Report.

Matt Brodina, Jail Administrator, provided a Jail Report.

Stacy Hennen, representing the County's social workers, presented a request for that group of employees to form their own negotiating group. The commissioners tabled their decision to the October 21, 2008, meeting.

Motion by Folstad, seconded by Hovland and carried, to appoint the County's current Assessor, Cheryl Wall, to an additional four (4) year term, effective January 1, 2009.

Commissioner Perry offered the following resolution and moved for it's adoption. The motion was seconded by Folstad and carried.

RESOLUTION 32-08

WHEREAS, the policy of the State of Minnesota as declared in Minnesota Statutes 353.63 is to give special consideration to employees who perform hazardous work and devote their time and skills to protecting the property and personal safety of others; and

WHEREAS, Minnesota Statutes Section 353.64 permits governmental subdivision to request coverage in the Public Employees Police and Fire Plan for eligible employees of police departments whose position duties meet the requirements stated therein and listed below.

BE IT RESOLVED, that the Commissioners of Wilkin County hereby declares that the position titled Deputy Sheriff, currently held by Anthony Harris, meets all of the following Police and Fire membership requirements:

1. Said position requires a license by the Minnesota peace officer standards and training board under section 626.84 to 626.863 and this employee is so licensed.
2. Said position's primary (over 50%) duty is to enforce the general criminal laws of the state.
3. Said position charges this employee with the prevention and detection of crime.
4. Said position give this employee the full power of arrest.
5. Said position is assigned to designated police or sheriff's department.

BE IT FURTHER RESOLVED, that this governing body hereby requests that the above named employee be accepted as a member of the Public Employees Police and Fire Plan effective the date of this employee's initial Police and Fire Salary deduction by the governmental subdivision.

Adopted this 14<sup>th</sup> day of October, 2008.

John Blaufuss  
Chairman

Attest: Wayne Bezenek  
County Auditor  
(Seal)

Motion by Perry, seconded by Hovland and carried, to approve payment of a lien on a motorcycle seized and forfeited under Minnesota Statute in the amount of \$1,150.56, to Union State Bank, Fargo, North Dakota, with an Auditor's Warrant.

Motion by Miranowski, seconded by Folstad and carried, to authorize entering into a Joint Powers Agreement with the State of Minnesota for the purpose of obtaining compensation for a statewide election recount and authorized the Chairman and County Auditor the sign said agreement.

Motion by Perry, seconded by Folstad and carried, to rescind County Resolution No. 29-08. Said resolution had been presented in a format unacceptable to the State of Minnesota. Commissioner Miranowski offered the following resolution and moved for it's adoption. The motion was seconded by Commissioner Hovland and carried.

RESOLUTION NO. 33-08  
FOR ADVANCE ENCUMBRANCE OF TOWN BRIDGE FUNDS

WHEREAS, the County of Wilkin intends to construct one or more township bridges, which will require Town Bridge Funds in excess of those currently available in the County's State Aid Town Bridge Account;

NOW, THEREFORE, BE IT RESOLVED: That the Commissioner of Transportation is hereby requested to approve this request to advance funds from the general fund balance of the Town Bridge Account for financing the construction of these township bridge projects, in the amount of up to \$ 60,000.00, in accordance with Minnesota Rules 8820.1500, Subpart 9a.

Furthermore, the County agrees to the following terms and conditions in accepting these advanced funds:

1. The County agrees to execute a contract for construction of all township bridge projects identified by the Commissioner as having been approved for funding with advanced Town Bridge Account funds prior to the next Town Bridge fund allocation.
2. If after receiving notice of project approval using advanced Town Bridge Account funds and prior to execution of a contract, the project is delayed until after the next allocation, the County will notify the Commissioner as soon as practical after the delay is known and release the advanced funds.
3. The County agrees to repay the advanced funds from subsequent year's accruals to the County's Town Bridge Account, using 100% of the County's annual apportionment until the advance is repaid.

Adopted this 14<sup>th</sup> day of October, 2008.

John Blaufuss  
Chairman

Attest: Wayne Bezenek  
County Auditor  
(Seal)

Commissioner Hovland offered the following resolution and moved for it's adoption. The motion was seconded by Commissioner Miranowski and carried.

RESOLUTION NO. 34-08

WHEREAS, the County of Wilkin did enter into an agreement with Central Specialties, Inc. of Alexandria, Minnesota, for the purpose of the bituminous surfacing on CSAH #30, in Wilkin County under Project SAP 84-630-19 and,

WHEREAS, said project has in all things been completed and said project has been accepted by Merle Earley, District State Aid Engineer on July 24, 2008, and the County Board being fully advised in the premises,

NOW, THEN BE IT RESOLVED, that we do hereby accept said completed project for and in behalf of the County of

Wilkin and authorize final payment as specified in the final bills.

Adopted this 14<sup>th</sup> day of October, 2008.

John Blaufuss  
Chairman

Attest: Wayne Bezenek  
County Auditor

(Seal)

Motion by Miranowski, seconded by Folstad and carried, authorize and approve issuing the Certificate of Board of Classification of Forfeited Lands on four (4) parcels to be sent for City/Township notification and approval.

Motion by Perry, seconded by Hovland and carried, to authorize Commissioner Miranowski to purchase two electric heaters for the Wilkin County Historical Society.

Several informational items were shared.

Chairman Blaufuss closed the meeting at 10:15 A.M. for contract negotiation discussion.

Chairman Blaufuss opened the regular meeting at 11:15 A.M.

Motion by Miranowski, seconded by Hovland and carried, to authorize donations of sick leave by County Employees to a Public Health Nursing Department Employee, retroactive to September 1, 2008, following the County's procedure that the employee exhausts all accumulated vacation and sick leave prior to using the donated hours.

With no further business before the Commission and the next regular meeting set for October 12, 2008, at 8:00 A.M., in the Commissioners Room, Chairman Blaufuss adjourned the meeting at 11:30 A.M.

John Blaufuss  
Chairman

Attest: Wayne Bezenek  
County Auditor

(seal)