

COMMISSIONER PROCEEDINGS
March 9, 2010

Minutes of the Wilkin County Board of Commissioners held at the Courthouse, Breckenridge, Minnesota, on Tuesday, March 9, 2010. All Commissioners were present. Chairman Perry called the meeting to order at 8:00 A.M.

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

Motion by Blaufuss, seconded by Folstad and carried, to approve the minutes of the February 16, 2010, meeting and the March 1, 2010, special meeting.

The County Commissioners set April 13, 2010, at 10:00 A.M. for a public hearing on the County Zoning Ordinance as it is scheduled for review and possible revision.

Pursuant to notice duly given, sealed bids for County Tiling Project No. SAP 84-030-001 were opened, read and recorded as follows: Central Specialties, Inc., Alexandria, Minnesota, \$424,311.20; Mark Sand and Gravel Company, Fergus Falls, Minnesota, \$368,871.20; Traxler Construction, Inc., LeCenter, Minnesota, \$405,697.60. Motion by Hovland, seconded by Blaufuss and carried, to turn the bids over to the Engineer's Office for tabulation.

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

RESOLUTION NO. 7-10

Amendment to Master Contract No. 92291

WHEREAS, the County of Wilkin entered into a State of Minnesota Professional and Technical Services Master Contract No. 92291 with the Minnesota Department of Transportation; and

WHEREAS, the original master contract did not contain language for Emergency Repairs;

THEREFORE BE IT RESOLVED:

1. That the County of Wilkin approve the amendment to Master Contract No. 92291 as presented to the Board; and
2. That the proper County officers are authorized to execute such amendments thereto.

Adopted this 9th day of March, 2010.

Robert Louis Perry
Chairman

Attest: Wayne Bezenek
Wilkin County Auditor

(Seal)

Motion by Folstad, seconded by Hovland and carried, to authorize the Highway Department to sell two (2) tandem trucks that are no longer needed.

Motion by Folstad, seconded by Hovland and carried, to hire Dan Swedlund to fill the vacant supervisor position at the Highway Department effective March 1, 2010, and be placed on the pay scale at step 12 of the pay grade established for that position.

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

RESOLUTION NO. 8-10

RESOLUTION FOR SEASONAL LOAD RESTRICTIONS ON
COUNTY HIGHWAYS

WHEREAS, the Board of County Commissioners of Wilkin County, Minnesota, has determined:

That because of deterioration due to rain, snow, and spring climatic conditions, the highways hereinafter described could be seriously damaged unless restrictions are imposed as to the weight of vehicles to be operated thereon.

NOW, THEREFORE, BE IT RESOLVED, pursuant to Minnesota Statutes, Sec. 169.87 Subdivision 1; No person shall operate a vehicle or combination of vehicles upon any of the County Highways in the County of Wilkin and State of Minnesota, as described below, during the period on or after March 1, 2010, through approximately May 15, 2010, where the gross weight of any single axle as defined in Minnesota Statutes, Section 169.825 Subdivision 3, exceeds 10,000 pounds (5 tons) except on County Highways stated below.

The Engineer in and for said County is hereby directed and authorized to erect and maintain signs plainly indicating the prohibitions and restrictions as stated herein at each end of that portion of any County Highway affected thereby and these restrictions shall be effective and his prohibition shall be effective upon the erection of said signs.

The following County Highways are restricted to **20,000 pounds (10 tons)** per single axle, 34,000 pounds per tandem axle; 42,000 pounds per tridem axle:

County State Aid Highway No. 1

Beginning at TH 75, thence southerly to CSAH 22, and there terminating.

County State Aid Highway No. 3

Beginning at TH 75, thence northerly to the Clay County line, and there terminating.

County State Aid Highway No. 4

Beginning at TH 75, thence easterly to the East County line, and there terminating.

County State Aid Highway No. 5

Beginning at TH 75, thence southerly to CSAH 12, and there terminating.

County State Aid Highway No. 6

Beginning at the West County Line, thence easterly to TH 75, and there terminating.

County State Aid Highway No. 8

Beginning at the Northeast intersection of TH 9 and CSAH 8 in Doran, Minnesota; thence continue northeasterly and southeasterly to the Southeast intersection of TH 9 and CSAH 8 in Doran; beginning again at the intersection of TH 9 and CSAH 8 near Doran; thence easterly to the East County line, and there terminating.

County State Aid Highway No. 9

Beginning at the intersection of CSAH 6, thence northerly to the intersection of TH 75 at Breckenridge, Minnesota and there terminating.

County State Aid Highway No. 10

Beginning at CSAH 12, thence easterly and then northerly to TH 210, and there terminating.

County State Aid Highway No. 12

Beginning at the West County line, then easterly and then southerly to CSAH 14, and there terminating.

County State Aid Highway No. 14

Beginning at TH 75, thence easterly to CSAH 17 and there terminating.

County State Aid Highway No. 16

Beginning at TH 75, thence northerly to TH 210, and there terminating.
Beginning at TH 75, thence easterly to the Otter Tail County line, and there terminating.

County State Aid Highway No. 17

Beginning at TH 210, thence southerly to the intersection of CSAH 14, and there terminating.

County State Aid Highway No. 18

Beginning at the West County line, thence easterly to TH 9, and there terminating.

County State Aid Highway No. 19

Beginning at the South County line, thence northerly to the North County line, and there terminating.

County State Aid Highway No. 21

Beginning at the intersection of CSAH 16, thence northerly to the intersection of CSAH 52 and there terminating.

County State Aid Highway No. 22

Beginning at the West County line, thence easterly to TH 75, and there terminating.

County State Aid Highway No. 23

Beginning at TH 210, thence southerly and easterly to CSAH 19, and there terminating.

County State Aid Highway No. 24

Beginning at the intersection of CSAH 22, thence northerly to TH 75, and there terminating.

County State Aid Highway No. 26

Beginning at TH 75, thence easterly to the East County line, and there terminating.

County State Aid Highway No. 30

Beginning at the Red River, thence easterly to I-94, and there terminating. Beginning at the intersection of CSAH 52, thence easterly to I-94 and there terminating.

County State Aid Highway No. 32

Beginning at TH 9, thence easterly to the East County line, and there terminating.

County State Aid Highway No. 52

Beginning at the Clay County line, thence southeasterly to the Otter Tail County line, and there terminating.

Adopted this 9th day of March, 2010.

Robert Louis Perry
Chairman

Attest: Wayne Bezenek
County Auditor
(Seal)

Motion by Miranowski, seconded by Hovland and carried, to call for gravel crushing bids to be opened on April 13, 2010, at 8:30 A.M.

Motion by Folstad, seconded by Blaufuss and carried, to approve the County Engineer's Report.

Motion by Hovland, seconded by Blaufuss and carried, to approve the contract with Vernon Woytassek, County Emergency Manager.

Motion by Hovland, seconded by Miranowski and carried, to rescind County Resolution No. 38-09.

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

RESOLUTION 9-10

Overtime Pay for Department Heads , Supervisory Personnel, Contract Employees

WHEREAS, Wilkin County, a government entity, has Department Heads, Supervisory Personnel, and contract Employees that are salaried employees and are not eligible for overtime compensation; and

WHEREAS, Wilkin County desires to compensate said employees for overtime during extreme/emergency situations such as natural disasters.

BE IT RESOLVED, that the Wilkin County Board of Commissions adopt the following policy statement:

A. Policy Statement

This policy pertains to all Department Heads, Supervisory and Contract Employees who are salaried employees.

B. Extreme/Emergency Situations

There may be unforeseeable circumstances or emergency situations beyond the control of Wilkin County in which it may be necessary for management employees to work hours above and beyond what would typically be required to do his/her job. These instances would only include situations where an official declaration of disaster has been made. In such circumstances, and only after Board approval, which approval is discretionary with the Board, management employees will be paid straight time for hours worked in excess of normal schedules (40 hour work week) during the established disaster period.

Adopted this 9th day of March, 2010.

Robert Louis Perry
Chairman

Attest: Wayne Bezenek
County Auditor
(Seal)

Motion by Hovland, seconded by Miranowski and carried, to set the base purchase price of \$750.00, on a parcel of previously tax forfeited property in Rothsay, Minnesota, that has been requested for private purchase by Rothsay School District #850.

A jail update was provided by Matt Brodina, County Jail Administrator.

Motion by Hovland, seconded by Miranowski and carried, to accept the low bid from Mark Sand and Gravel Company, Fergus Falls, Minnesota, in the amount of \$368,871.20 for County Tiling Project No. SAP 84-030-001.

Motion by Folstad, seconded by Miranowski and carried, to approve the Public Health Nursing Report as presented by Debra Jacobs, Director.

Motion by Folstad, seconded by Miranowski and carried, to accept the City of Breckenridge Declaration of a State of Emergency due to potential flooding conditions.

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

RESOLUTION 10-10
Wilkin County Request for Advance Measures Assistance

WHEREAS, Public Law 84-99, as amended, (33 U.S. Code, Section 701n) provides a means of preparing for and combating damage by floods and flood waters; and

WHEREAS, Wilkin County has exhausted all resources available to it for flood emergency preparation and flood fighting and rescue operations; and

WHEREAS, on the date of this Resolution, emergency flood preparation is needed and assistance required for this purpose as well as for flood fighting and rescue operations;

NOW, THEREFORE, BE IT RESOLVED, that the U.S. Army Corps of Engineers be, and is hereby, requested to furnish assistance in flood emergency preparation and in flood fighting and rescue operations.

BE IT FURTHER RESOLVED, that in consideration of such assistance the above named Government body agrees to:

- a. Provide to the United States all lands, easements and rights-of-way for the emergency work, including, but not limited to, levee, borrow, spoil and access rights-of-way.
- b. Hold and save the United States free from all claims for damages attributable to the construction works except for damages due to the fault or negligence of the United States or its contractors.
- c. Operate and maintain the emergency construction works for the duration of the flood emergency.

- d. Provide common labor.
- e. Provide, as required under the applicable provisions of Public Law 91-646, relocation assistance payments to those eligible because of dislocation of persons or property from their dwellings, farms or businesses due to the acquisition of rights-of-way for emergency flood construction work.
- f. Remove, after the flood emergency, without cost to the U.S. Army Corps of Engineers, any temporary emergency works constructed for the flood emergency, with the initiation of the removal within 30 days of the conclusion of the flood event as determined by the U.S. Army corps of Engineers.

BE IT FURTHER RESOLVED, that Chairman of the County Board of Wilkin County be authorized to enter into agreements with the Corps of Engineers in furtherance of this Resolution and as to the means of supplementing the local flood emergency preparation and flood fighting and rescue operations.

Adopted March 9, 2010.

Board Member Lyle Hovland
Board Member Neal Folstad

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

RESOLUTION 11-10
Wilkin County Request for Flood Emergency Assistance

WHEREAS, Public Law 84-99, as amended, (33 U.S. Code, Section 701n) provides a means of preparing for and combating damage by floods and flood waters; and

WHEREAS, Wilkin County has exhausted all resources available to it for flood fighting and rescue operations; and

WHEREAS, on the date of this Resolution, flood fighting is needed and assistance required for the purpose of rescue operations;

NOW, THEREFORE, BE IT RESOLVED, that the U.S. Army Corps of Engineers be, and is hereby, requested to furnish assistance in flood fighting and rescue operations.

BE IT FURTHER RESOLVED, that in consideration of such assistance the above named Government body agrees to:

- a. Provide to the United States all lands, easements and rights-of-way for the emergency work, including, but not limited to, levee, borrow, spoil and access rights-of-way.
- b. Hold and save the United States free from all claims for damages attributable to the construction works except for damages due to the fault or negligence of the United States or its Contractors.
- c. Operate and maintain the emergency construction works for the duration of the flood emergency.
- d. Provide common labor.
- e. Provide, as required under the applicable provisions of Public Law 91-646, relocation assistance payments to those eligible because of dislocation of persons or property from their dwellings, farms or businesses due to the acquisition of rights-of-way for emergency flood construction work.

- f. Remove, after the flood emergency, without cost to the U.S. Army Corps of Engineers, any temporary emergency works constructed for the flood emergency, with the initiation of the removal within 30 days of the conclusion of the flood event as determined by the U.S. Army corps of Engineers.

BE IT FURTHER RESOLVED, that Chairman of the County Board of Wilkin County be authorized to enter into agreements with the Corps of Engineers in furtherance of this Resolution and as to the means of supplementing the local flood emergency preparation and flood fighting and rescue operations.

Adopted March 9, 2010.

Board Member Stephanie Miranowski
Board Member John Blaufuss

Motion by Hovland, seconded by Blaufuss and carried, to endorse a study requested by Molly MacGregor, Minnesota Pollution Control Agency, Detroit Lakes, Minnesota, of the Wilkin County Side Inlet project completed of County Ditch #4. Request letters for participation will be sent to the benefitted property owners of said ditch.

Several informational items were shared.

With no further business before the Commission and the next regularly scheduled meeting set for March 16, 2010, at 8:00 A.M. in the Commissioners Room, Chairman Perry adjourned the meeting at 10.20 A.M.

Robert Louis Perry
Chairman

Attest: Wayne Bezenek
County Auditor
(seal)