

**COMMISSIONER PROCEEDINGS**  
**May 14, 2013**

Minutes of the Board of Wilkin County Commissioners held at the Courthouse, Breckenridge, Minnesota, on Tuesday, May 14, 2013. All Commissioners were present. Chairman Blaufuss called the meeting to order at 8:00 A.M.

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

Motion by Folstad, seconded by Perry and carried, to approve the minutes of the following meetings: April 16, 2013, April 25, 2013, Special meeting, and the April 25, 2013, Flood meeting.

Jane Henniger, MCIT, presented the MCIT annual report to the Commissioners.

Motion by Hovland, seconded by Folstad and carried, to authorize the County Sheriff to use vehicle forfeiture funds to purchase 6 rifles for the deputy squads from DPMS, Inc., St. Cloud, MN, at a cost of \$826.95 per rifle.

Motion by Hovland, seconded by Miranowski and carried, to go forward with writing a Cops Fast Grant.

Motion by Perry, seconded by Folstad and carried, to call for quotes for crackfilling on CSAH 4 and CASH 30, to be opened on June 11, 2013.

Motion by Hovland, seconded by Miranowski and carried, to call for gravel crushing quotes in the Balken Pit, to be opened on June 11, 2013.

Motion by Miranowski, seconded by Hovland and carried, to approve four (4) contracts with Interstate Engineering, Wahpeton, North Dakota, and authorized the Chairman and County Auditor to sign for the following: Bridge design for new bridge #84535 over the Rabbit River on CSAH #4; Bridge design for new bridge #84536 over Whiskey Creek on CSAH #1; Design Wide Striping project for District Four Counties; Design 4600 foot Lake Breckenridge Bike Trail along the south side of CSAH #10, proceeding east from CSAH #12.

Motion by Miranowski, seconded by Hovland and carried, to extend the bid opening date for the sale of the County owned Moen Gravel Pit, located in Otter Tail County, to June 18, 2013, at 8:30 A.M.

Motion by Perry, seconded by Miranowski and carried, to approve the County Highway Department Report.

After much discussion, motion by Hovland, seconded by Miranowski and carried, to approve and adopt the following Interim Ordinance:

Wilkin County Interim Ordinance  
May 14, 2013

INTERIM ORDINANCE IMPOSING A MORATORIUM ON CONSTRUCTION OR MAINTENANCE OF  
LARGE SURFACE WATER IMPOUNDMENTS

Section 1 Definition

A large surface water impoundment is defined as an area exceeding 320 acres devoted to the purpose of flood water storage or retention.

Section 2 Purpose

(A) Wilkin County Ordinance Section 16, Subsection 4 regulates the impoundment of all waters, and grants an exemption to water impoundment sites located within the jurisdiction of either the Buffalo-Red Watershed District or the Bois de Sioux Watershed District. At the time that this ordinance was adopted, the County had not conceived the potential extent of harm generated by the establishment of certain large surface water impoundments with the borders of the County. The County is now confronted with the possibility that a proposal will be advanced for a large water impoundment contrary to the public benefit of Wilkin County.

(B) The Wilkin County Board finds that a large surface water impoundment may harm the economy of Wilkin County, destroy prime farm land, pollute the environment, violate Minnesota's water policy, MEPA (Chapter 116D), violate state and local flood plain policy, impair local communities and governmental bodies that serve them, reduce public revenues needed to provide for the public welfare and violate important principles of the comprehensive water plan.

(C) The Wilkin County Board of Commissioners further finds that the public health, safety and welfare will best be served by clarifying that during the effective period of this interim ordinance, the exemption in Section 16, subsection 4 shall not extend to large surface water impoundments, exception the project defined as the Manston slough Restoration Project sponsored by the Buffalo-Red Watershed District and further excepting Wetlands Reserve Programs developed under the Federal Natural Resources Conservation Service not exceeding 640 acres per site.

Section 3 Appoint of Working Group

(A) The Commissioners hereby establish a working group to study and evaluate the County's existing policies and regulations regarding large surface water impoundments and to recommend revisions. This working group will be comprised of two County Commissioners, two Planning Commission members, an at large County resident, the Wilkin County Environmental Officer and a representative from both the Bois de Sioux and the Buffalo-Red Watershed Districts.

(B) The working group will communicate with the Department of Natural Resources, Fargo-Moorhead Diversion Authority, MDDak, Watershed districts within the County and other stakeholders, and shall make every effort to coordinate its efforts to obtain data with the Minnesota Department of Natural Resources' environmental impact study process, while preserving the County's rights to regulate.

(C) The Working Group will advise the County Board by supervising a study of the circumstances under which large surface water impoundments should be considered for approval, and the circumstances under which they should be prohibited. The Working Group will report the results of its study back to the County Board in sufficient time to consider, hear, and adopt any necessary permanent ordinance changes within the time allotted by Section 394.34.

Section 4.0 Scope of Moratorium

The Wilkin County Board of Commissioners hereby imposes a development moratorium temporarily prohibiting large surface water impoundments within Wilkin County, excepting the Manston Slough Restoration as sponsored by the Buffalo-Red River Watershed District and further excepting Wetland Reserve Program projects under the Federal Natural Resources Conservation Service not exceeding 640 acres per site. No large surface water impoundment shall be established within the County during the term of this moratorium, except for the noted exemptions. This moratorium applies to all requests of any form or type to initiate or establish a surface water impoundment including, but not limited to, rezoning requests and requests for issuance of a site, building, conditional use, interim use, zoning or any other permits that may be requested or required.

Section 5.0 Term

This moratorium shall remain in effect until May 14<sup>th</sup>, 2014, unless sooner termination by action of the Wilkin County Board of Commissioners.

Section 6.0 Authority and Enforcement

This interim ordinance is adopted pursuant to the authority granted by Minnesota Statutes, section 394.34 and implements County responsibilities under Minnesota's Water Policy, and such other authority granted to counties to regulate and preserve the public health, safety and welfare. The provisions of this interim ordinance may be enforced by all legal or equitable remedies available to the County, including those articulated in Minnesota Statutes, section 394.37.

Approved: John Blaufuss

Chairman

Attest: Wayne Bezenek

County Auditor

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

RESOLUTION 17-13

BE IT RESOLVED, that the Wilkin County Board of Commissioners approve the planning request for Mark Sand and Gravel (applicant) and Michael Yaggie (owner) to Establish a temporary road material stockpile and crushing site.

The property is located in NW 1/4 Section 16, located west of U.S. Hwy 75, Township 133 North Range 47 West, (Connelly Twp.) Wilkin County.

Adopted this 14<sup>th</sup> day of May, 2013.

John Blaufuss  
Chairman

Attest: Wayne Bezenek  
County Auditor

(Seal)

STATE OF MINNESOTA)

CONDITIONAL USE

COUNTY OF WILKIN)

Pursuant to a public hearing conducted by the Wilkin County Planning Commission on May 1, 2013, the Wilkin County Board of Commissioners hereby approves a Conditional Use Permit in behalf of: Mark Sand and Gravel (applicant) and Michael 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:

Establish a temporary road material stockpile and crushing site.

On the following described parcel of land.

NW 1/4 Section 16, located west of U.S. Hwy 75, Township 133 North, Range 47 West, (Connelly Twp.) 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. The processing site must maintain a 300 foot setback from all public waters as identified by the Minnesota Department of Natural Resources and Wilkin County.
5. The processing site and any adjacent 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 building or other structures, used, broken or junk automobiles, agricultural implements or dismantled parts or bodies thereof, and old or junk iron and other material.
6. Applicant to secure Minnesota Pollution Control Agency Stormwater Permit and provide a copy to the Wilkin County Zoning Administrator.
7. Applicant to provide the Wilkin County Zoning Administrator with a copy of the lease agreement between Applicant/Contractor and Landowner. (Compensation amount blacked out)
8. No materials, stock piles, equipment or machinery shall be stored adjacent to all public roads that will obscure vehicle visibility.
9. Wilkin County reserves the right to review this permit at any time.
10. The site must be returned back to its original condition and to landowners specifications no later than November 1, 2013.

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

John Blaufuss  
Wilkin County Chairman

Attest: Wayne Bezenek  
County Auditor  
(Seal)

After review and discussion of quotes received, motion by Folstad, seconded by Hovland and carried, to accept the quote of Nordick Electric, Wahpeton, North Dakota, in the amount of \$6,316.00, based on the project material detail outlined in the quote, for a lighting retro fit in the Wilkin County Historical Society Museum.

During discussion regarding a public health issue in the Foxhome area, the Commission instructed the Public Health Director to proceed with the required procedures for resolution of the problem.

Motion by Folstad, seconded by Perry and carried, to authorize Public Health to advertise for and hire a Public Health Nurse to replace a retiree in September.

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

The appointed County Officials presented a Memorandum of Agreement request to establish a Post Retirement Health Care Savings Program for the employee group. The Commission will take the proposed agreement under advisement, for decision at a later date.

Matt Brodina provided a jail update and informed the Commission that the jail census and outstanding warrants will be added to the County web site.

Curt Johnson, Retiring Probation Officer for Wilkin County, brought Jennifer Putnam, newly hired officer and Tony Frisch, the officer hired in 2012, to introduce them to the Commissioners. Johnson was thanked for his many years of service to the County and the Eighth District Court System.

Commissioner Folstad offered the following resolution and moved for it's adoption. The motion was seconded by Commissioner Perry and approved by 80 percent of the Commission.

RESOLUTION 16-13  
CONSOLIDATION OF AUDITOR AND TREASURER

WHEREAS, Wilkin County, with a goal to create an organization that will best serve the public and is efficient and cost effective for the taxpayers; and

WHEREAS, Minnesota Statute 375A.10 provides that the County Board, with the concurrence of 80 percent of it's members, may consolidate the offices of County Auditor and Treasurer; and

WHEREAS, most Minnesota counties have already moved away from having these offices separate.

WHEREAS, the County Board finds that it is in the best interest of the County to consolidate the office of auditor and treasurer.

THEREFORE, BE IT RESOLVED:

1. That the consolidation is effective immediately.
2. That the office shall be known as the Office of Auditor/Treasurer.
3. The singular Office of Treasurer will be terminated.
4. The duties, functions, and responsibilities which have been heretofore and which shall hereafter be required by statute to be performed by County Auditor and County Treasurer shall be vested in and performed by the Auditor/Treasurer without diminishing, prohibiting, or avoiding those specific duties required by statute to be performed by County Auditor and County Treasurer.
5. That the person last elected to the positions of Auditor and Treasurer before adoption of this resolution shall serve in those offices and perform the duties of those offices until the completion of the terms to which they were elected.

Adopted this 14<sup>th</sup> day of May, 2013.

John Blaufuss  
Chairman

Attest: Wayne Bezenek  
County Auditor  
(Seal)

Motion by Miranowski, seconded by Hovland and carried, to adjust the 2013 County Emergency Management budget to reflect anticipated revenue from grant funds and expected expenditures due to changing the director position to a full time Emergency Management Officer.

Motion by Hovland, seconded by Perry and carried, to approve the Emergency Management grant application in the amount of \$20,000.00.

Motion by Perry, seconded by Folstad and carried, to authorize the County Recorder to have a government lots index and map layer for the County's GIS system created by Ackerman Surveying, Wahpeton, North Dakota, a cost of \$1,241.00, to be funded by the Land Records Enhancement fund.

Several informational items were shared.

With no further business before the Commission and the next meeting date set for May 21, 2013, at 8:00 A.M. in the Commissioners Room, Chairman Blaufuss adjourned the meeting at 11:00 A.M.

John Blaufuss  
Chairman

Attest: Wayne Bezenek  
County Auditor  
(SEAL)