

PROCEEDINGS OF THE COUNTY BOARD

State of Minnesota
County of Kanabec
Office of the County Coordinator

April 16, 2003

The Kanabec County Board of Commissioners met at 9:00am on Wednesday, April 16, 2003 pursuant to adjournment with the following Board Members present: Kathi Ellis, Stan Cooper, Jerry Nelson, Les Nielsen, and Dennis McNally.

It was moved by Stan Cooper, seconded by Les Nielsen, and carried unanimously to approve the meeting agenda as amended.

9:05am - The Board convened as the **Human Services Board**. Phil Peterson, Family Service Agency Director, presented the Human Services agenda. Items discussed included the budget, staffing, finances and other agency business. Also present was Financial Assistance Supervisor Connie Thomas.

It was moved by Kathi Ellis, seconded by Les Nielsen, and carried unanimously to approve payment of 125 claims totaling \$235,571.99 on Welfare Funds.

10:05am – The Board convened as the **Public Health Board**. Wendy Thompson, Public Health Director, presented the Health Board agenda. Items discussed included agency finances, contracts, staffing, equipment needs, and other agency business.

It was moved by Kathi Ellis, seconded by Les Nielsen, and carried unanimously to approve an agreement with Purdue Pharma L.P. & Associates Co. for a Hospice Pharmacy Rebate.

It was moved by Jerry Nelson, seconded by Les Nielsen, and carried unanimously to approve the April 9, 2003 minutes of the Kanabec County Board of Commissioners as corrected: add the second and vote count to Resolution 4; show Jerry Nelson as the second on Resolution 8.

Each commissioner gave a report of the activities of the Boards and Committees in which they participate.

10:45am - Jail Administrator Joanne Nelson met with the County Board to discuss matters concerning the jail booking computer.

It was moved by Kathi Ellis, seconded by Stan Cooper, and carried unanimously to authorize Jail Administrator Joanne Nelson and Information Systems Director Jessie Isham to expend up to \$2,000.00 on a computer, backup and camera for booking from Reliance Telephone with payment drawn from telephone proceeds.

11:05am - The board met with department heads including Information Systems Director Jessie Isham, Public Health Service Director Wendy Thompson, County Engineer Greg Nikodym, Assessor Sue Kondratowicz, County Sheriff Steve Schulz, Family Service Agency Director Phil Peterson, County Recorder Rhonda Olson, County Attorney Joe Loren, Environmental Services Harry Weaver, Probation Director Todd Eustice and Court Administrator Lu Ann Blegen. Discussion focused on the function of the Department Heads Meetings. The Department Heads will further discuss the subject at their May 19, 2003 meeting and prepare a report for the board.

It was moved by Les Nielsen, seconded by Stan Cooper, and carried unanimously to approve the following resolution:

Resolution 1 - 04/16/03

WHEREAS, Kanabec County has offered for sale a parcel of property which is part of the Southwest ¼ of the Northwest ¼ of Section 23, Township 38, Range 23, Kanabec County, Minnesota, tax parcel number R.06.01440.00 and when sealed bids were received and opened by Kanabec County Board at it's meeting on April 16, 2003. The bid of Gary A. Crider for \$141,000, was the highest responsible bid.

BE IT RESOLVED, Therefore the bid of Gary A. Crider is accepted.

BE IT FURTHER RESOLVED, that the Chairman of the Board and county Coordinator are authorized to execute the purchase agreement utilizing the bid of Gary A. Crider.

It was moved by Kathi Ellis, seconded by Stan Cooper, and carried unanimously to send a memorandum to Kanabec County Township Officers clarifying zoning issues discussed at the April 8, 2003 Township Officers Association Meeting.

11:34am - County Engineer Greg Nikodym met with the County Board to discuss matters concerning the Highway Department.

Jerry Nelson introduced the following resolution and moved its adoption:

Resolution 2 - 04/16/03

WHEREAS the county board has been presented with a request to pay Right-of-Way claims on SAP 33-617-06, from Portage Av to 175th Ave on CSAH No. 17;

BE IT RESOLVED to pay the following Right-of-Way claims:

Donald & Janice Parker	\$1,662.95
Charles & Debra McGovern	\$ 360.25

The motion for the adoption of the foregoing Resolution was duly seconded by Les Nielsen and upon a vote being taken thereon, the following voted:

IN FAVOR THEREOF: Jerry Nelson, Les Nielsen, Kathi Ellis, Stan Cooper

OPPOSED: Dennis McNally

ABSTAIN: None

whereupon the resolution was declared duly passed and adopted.

It was moved by Kathi Ellis, seconded by Jerry Nelson, and carried unanimously to approve the following resolution:

Resolution 3 - 04/16/03

BE IT RESOLVED THAT pursuant to Minnesota Statutes 1974, Section 160.18, Subdivision 1, as amended by the 69th Legislature, Chapter 24, HF NO. 139, 1975, the Kanabec County Board of Commissioners hereby adopts the following policy for the furnishing of culverts to abutting landowners for suitable access to a County or State Aid Road:

BE IT FURTHER RESOLVED THAT the following be established as the Kanabec County culvert and rural access policy:

Abutting landowners to County or County State Aid Roads shall be allowed one (1) access per 40-acre parcel or one (1) access per parcel if less than 40 acres. One additional access may be approved, per 40 acre parcel, if the parcel is divided by a natural barrier. All access locations must be approved by the County Engineer. An access may be denied for reasons of public safety.

Abutting landowners desiring an approach entrance on County or State Aid Roads shall make an application for said entrance with the County Engineer. A deposit of \$100.00 will be required with each entrance permit application. If a culvert will be required as a provision of approving the entrance permit application, an additional fixed fee of \$250.00 per entrance will be required and shall be submitted to the County Highway Department prior to the County supplying the necessary culvert. Upon satisfactory completion of the entrance within ninety (90) days of permit, the \$100.00 deposit will be returned. If the entrance has not been completed within 90 days, the permit is void and all fees will be forfeited to the County and any construction on County right-of-way will be removed. The County reserves the right to inspect and/or reject any culverts that land owners may supply which do not satisfactorily meet the standards of the County. All culverts placed on the County right-of-way for entrance become the property of the County and shall not be moved by the land owners.

The County shall determine the proper size, elevation and length culvert for any entrance onto County or County State Aid Roads. The County further reserves the right to determine the

proper x-sectional dimensions and grades of said entrance. Any connectors required will be supplied by the County at no cost to land owners. Future replacement of culverts that were installed according to County Policy, shall be at the expense of the County.

It was moved by Jerry Nelson, seconded by Kathi Ellis, and carried unanimously to approve the following resolution:

Resolution 4 - 04/16/03

WHEREAS bids for the replacement of a bridge on Lumber Street north of State Highway 70 over the Groundhouse River were received as follows:

BIDDER	AMOUNT
Redstone Construction	\$207,165.98
Dallco, Inc.	\$210,400.30
Structural Specialties	\$236,797.10
Landwehr Construction	\$325,806.50

BE IT RESOLVED to approve the recommendation of the County Engineer and accept the low bid of \$207,165.98 from Redstone Construction.

11:46am - The Chairperson then called for public comment. Those who responded included:

Bob Strom	- General comments about Leonard, Street and Deinard claim.
Bob Swetz	- We are only responsible for part of the Leonard, Street and Deinard claim: nothing after July 30, 2002. - Unhappy with method for assessing property.
Andrew Smith	- Questioned how many of the 'coincidences' in Leonard, Street and Deinard transactions were pre-planned. - Taxes are a local responsibility and must be watched.
Clayton Berg	- The Leonard, Street and Deinard response letter talked around the questions. May require citizens action. - Keep in mind that we're headed for socialism.

12:12pm - The board took a break for lunch.

12:55pm - The board discussed the Leonard, Street and Deinard claim at length.

It was moved by Les Nielsen, seconded by Stan Cooper, and carried unanimously to postpone consideration of the Leonard, Street and Deinard claim until the May 14, 2003 County Board Meeting.

1:35pm - Assistant County Attorney Paul Henderson met with the County Board to discuss his pay step date.

Kathi Ellis introduced the following resolution and moved its adoption:

Resolution 5 - 04/16/03
ORDER OF THE BOARD

WHEREAS Paul Henderson has been an Assistant Kanabec County Attorney since May 10, 1999, starting at Pay Range 8, Step J, then \$18.15 per hour.

WHEREAS at the time of hire, Henderson was informed that there would be an adjustment to his starting pay rate in three months from the date of hire to correct his starting pay rate.

WHEREAS on August 16, 1999, Henderson's pay rate was changed from Step J of Pay Range 8 to Step A of Pay Range 9, then \$18.88 per hour.

WHEREAS Henderson's anniversary date and step increase date was moved from May 10th to August 16th as a result of the August 16, 1999 pay adjustment.

WHEREAS Henderson's pay change was an adjustment to correct his starting pay rate to a figure which was offered prior to hire; pursuant to the offer the adjustment was to occur following a three-month period of demonstrated suitability. The August 16, 2003 adjustment should not have altered Henderson's anniversary date or his step increase date.

WHEREAS Henderson currently is at Step D of Pay Range 9, or \$22.23 per hour.

WHEREAS Henderson's annual step adjustment and Gmach plan adjustment to Step E+ of Pay Range 9, or \$22.94 per hour, should occur on May 10, 2003 per county policy assuming Henderson's anniversary date and step increase date should be May 10, 2003.

BE IT RESOLVED that the County Board hereby restores Assistant County Attorney Paul Henderson's original anniversary date and step increase date to May 10th of each year.

BE IT FURTHER RESOLVED that Assistant County Attorney Paul Henderson's date for movement to Step E+ of Pay Range 9 is May 10, 2003, with subsequent steps at one year minimum adjustments pursuant to county policy.

The motion for the adoption of the foregoing Resolution was duly seconded by Jerry Nelson and upon a vote being taken thereon, the following voted:

IN FAVOR THEREOF: Kathi Ellis

OPPOSED: Dennis McNally, Jerry Nelson, Les Nielsen, Stan Cooper

ABSTAIN: None

whereupon the resolution failed.

Les Nielsen introduced the following resolution and moved its adoption:

Resolution 6 - 04/16/03

WHEREAS Paul Henderson has been an Assistant Kanabec County Attorney since May 10, 1999, starting at Pay Range 8, Step J, then \$18.15 per hour.

WHEREAS at the time of hire, Henderson was informed that there would be an adjustment to his starting pay rate in three months from the date of hire to correct his starting pay rate.

WHEREAS on August 16, 1999, Henderson's pay rate was changed from Step J of Pay Range 8 to Step A of Pay Range 9, then \$18.88 per hour.

WHEREAS Henderson's anniversary date and step increase date was moved from May 10th to August 16th as a result of the August 16, 1999 pay adjustment.

WHEREAS Henderson's pay change was an adjustment to correct his starting pay rate to a figure which was offered prior to hire; pursuant to the offer the adjustment was to occur following a three-month period of demonstrated suitability. The August 16, 2003 adjustment should not have altered Henderson's anniversary date or his step increase date.

WHEREAS Henderson currently is at Step D of Pay Range 9, or \$22.23 per hour.

WHEREAS Henderson's annual step adjustment and Gmach plan adjustment to Step E+ of Pay Range 9, or \$22.94 per hour, should occur on May 10, 2003 per county policy assuming Henderson's anniversary date and step increase date should be May 10, 2003.

WHEREAS due to budgetary concerns, Assistant County Attorney Paul Henderson has offered to forego any actual monetary payment increase for the period May 10, 2003 through August 15, 2003 which would otherwise be due him pursuant to the May 10, 2003 pay increase.

BE IT RESOLVED that the County Board hereby restores Assistant County Attorney Paul Henderson's original anniversary date and step increase date to May 10th of each year, beginning May 10, 2003.

BE IT FURTHER RESOLVED that Assistant County Attorney Paul Henderson's date

for movement to Step E+ of Pay Range 9 shall be May 10, 2003, with subsequent steps at one year minimum adjustments pursuant to county policy. Despite the May 10, 2003 anniversary date and salary adjustment, no actual monetary payments due to the May 10, 2003 salary adjustment shall accrue or be made until August 16, 2003. Assistant County Attorney Paul Henderson has voluntarily foregone those payments only for the period May 10, 2003 through August 15, 2003.

LASTLY, BE IT RESOLVED that Paul Henderson's actual pay rate adjustment to Range 9, Step E+ is effective May 10, 2003; no governmental action regarding any pay raise freezes or other related action going into effect after May 10, 2003 shall be construed to affect Henderson's Step E+ of Pay Range 9 adjustment effective May 10, 2003. However, due to Henderson voluntarily foregoing certain payments, Henderson shall actually begin receiving Pay Range 9, Step E+ pay starting August 16, 2003.

The motion for the adoption of the foregoing Resolution was duly seconded by Jerry Nelson and upon a vote being taken thereon, the following voted:

IN FAVOR THEREOF: Kathi Ellis, Les Nielsen
OPPOSED: Dennis McNally, Jerry Nelson, Stan Cooper
ABSTAIN: None

whereupon the resolution failed.

It was moved by Les Nielsen, seconded by Kathi Ellis, and carried unanimously to approve the following resolution:

Resolution 7 - 04/16/03
**OPPOSING PASSAGE REVERSE REFERENDUM
ON TAX LEVY INCREASES**

WHEREAS, Article 5, Sec. 1, Subd. 9 of H.F. 751 as introduced in the 2003 session of the Minnesota Legislature calls for creation of law which would implement a reverse referendum procedure on tax levy increases, and

WHEREAS, this reverse referendum requirement is directed at the wrong level of government for the intended effect, and

WHEREAS, said legislation flies in the face of the principles of the representative government created by the founders of our nation, and

WHEREAS, said legislation is political demagoguery ill-suited to politics in Minnesota, and

WHEREAS, the citizens of Minnesota already have an enhanced role through electing local officials to become knowledgeable and to make informed decisions on behalf of their constituents, through extensive citizen involvement on a daily basis; and,

WHEREAS, the duly elected commissioners of the respective 87 Minnesota counties annually construct and prudently adopt an annual budget which results in property tax levies suited to the needs of the county; and,

WHEREAS, ample opportunities to influence the annual property tax levy are granted to citizens through public meetings; and,

WHEREAS, such a referendum would create an **expensive unfunded mandate** of a special election which tend to have mediocre voter turnouts and, as a result, the outcome of the vote can be a poor representation of the will of the majority, and

WHEREAS, county commissioners stand before their constituents with a willingness to accept full responsibility for property tax increases that are justified, fiscally prudent, and serve the best long-term interests of the community even if short-term “political” considerations might dictate otherwise, and

WHEREAS, other than raising fees, county governments in Minnesota have only the property tax levy available to meet the inflationary and population-driven demands of the state-mandated and essential services delivered to citizens, and

WHEREAS, implementation of a local reverse referendum on property tax decisions could seriously jeopardize and cloud bond ratings and the ability to adequately fund debt service on existing debt, and

WHEREAS, the necessary increases in the tax levy do not in and of themselves raise property taxes, which are affected by numerous other factors including class rate reductions, limited market value, programmatic aids, and property tax relief determined by the state legislature and beyond the control of the counties;

NOW, THEREFORE, BE IT RESOLVED that the Kanabec County Board of Commissioners hereby opposes passage of legislation which would impose a reverse referendum on tax levy increases, and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to Governor Tim Pawlenty; Senate Majority Leader John Hottinger; Speaker of the House Representative Steve Sviggum; Senator Larry Pogemiller, Chair of the Senate Committee on Taxes; Representative Ron Abrams, Chair of the House Taxes Committee; local state legislators; and the Association of Minnesota Counties (AMC).

It was moved by Kathi Ellis, seconded by Jerry Nelson, and carried unanimously to approve the following resolution:

Resolution 8 - 04/16/03

WHEREAS Environmental Services Director Harry Weaver has submitted his notice of resignation to the Kanabec County Board of Commissioners;

BE IT RESOLVED to accept the resignation of Environmental Services Director Harry Weaver with his last day of work on May 9, 2003.

It was moved by Stan Cooper, seconded by Jerry Nelson, and carried unanimously to approve the following resolution:

Resolution 9 - 04/16/03

WHEREAS the Kanabec County Board of Commissioners did pass Resolution 9--01/19/00 regarding a surcharge rebate to the East Central Solid Waste Commissions, and

WHEREAS the intent of this resolution was to help fund recycling on a large scale, and

WHEREAS such recycling has never occurred, and

WHEREAS, as a result, no such rebates have been made;

BE IT RESOLVED to rescind Resolution 9--01/19/00 retroactive to January 19, 2000.

It was moved by Kathi Ellis, seconded by Les Nielsen, and carried unanimously to adjourn to meet in regular session on Wednesday, April 23, 2003 at 6:30pm.

Signed _____
Chairperson of the Kanabec County Board of Commissioners,
Kanabec County, Minnesota

Attest: _____
Kanabec County Coordinator