

PROCEEDINGS OF THE COUNTY BOARD

State of Minnesota }
County of Kanabec }
Office of the County Coordinator

August 25, 2010

The Kanabec County Board of Commissioners met at 9:00am on Wednesday, August 25, 2010 pursuant to adjournment with the following Board Members present: Kim Smith, Kathi Ellis, Kevin Troupe, Les Nielsen and Roger Crawford.

The Chairperson led the assembly in the Pledge of Allegiance.

Action #1 - It was moved by Kathi Ellis, seconded by Roger Crawford, and carried unanimously to approve the agenda as amended. Add County Leave of Absence Policy.

Action #2 – It was moved by Kim Smith, seconded by Kathi Ellis and carried unanimously to approve the August 18, 2010 minutes of the Kanabec County Board of Commissioners meeting as presented.

Action #3 – It was moved by Kathi Ellis, seconded by Kim Smith and carried unanimously to approve the following resolution:

Resolution #3 – 08/25/10 Transit Claims

WHEREAS the Transit uses volunteer drivers for many public purposes, and

WHEREAS these drivers are reimbursed for incurred expenses in accordance with County Policy and public law, and

WHEREAS the Transit Department Manager recommends approval of these claims;

BE IT RESOLVED to approve the following driver expense claims for reimbursement, all of which are properly documented:

	AMOUNT
Barb Peterson	\$ 178.50
Betty Geisthardt	\$ 309.75
Bev Gustafson	\$ 290.12
Bill Hood	\$ 549.42
Bob Hoefert	\$1,112.44
Dan Niedzielski	\$ 91.50
Gary Nelson	\$ 636.19
Jean Newgard	\$ 727.57

Jennifer Leerssen	\$ 313.50
Jerald Nelson	\$ 268.00
Joy Morrell	\$ 195.50
Judy Colburn	\$ 177.50
Karen Luberda	\$ 539.78
Linda Nelson	\$ 578.50
Marge Tadych	\$ 129.00
Marlys Wolbert	\$ 178.50
Millie Laska	\$ 648.97
Ray Zamora	\$ 662.18
Rollie Pieper	\$ 514.04
Ronette Nelson	\$ 480.50
Sy Tadych	\$ 990.00
Ted Lindgren	\$ 34.00
Willard Landreville	\$ 491.74
Total for Volunteer Drivers	\$10,097.20

Karin Ekdahl with TWRX Prescription Corporation met with the Board to present a low cost prescription plan for County residents. No formal action was taken.

Action #4 – It was moved by Roger Crawford, and seconded by Kevin Troupe and carried unanimously to approve modifying Section XIII. Subsection J of the County Leave of Absence Policy to include spouse and parents.

The Board discussed County Coordinator/Assessor’s Dan Weber performance evaluation. The meeting was kept open at the employee’s request.

Action #5 – It was moved by Kim Smith, and seconded by Roger Crawford and carried unanimously to approve the following resolution:

Resolution #5 – 08/25/2010
Evaluation Result

WHEREAS the board has evaluated the past 6 month’s job performance of County Coordinator/Assessor Dan Weber, and

WHEREAS the board has discussed its findings with Weber;

BE IT RESOLVED that the board finds his performance to be satisfactory.

BE IT FURTHER RESOLVED to authorize the request to advance in pay from G20 at \$78,652 annually to G20F at \$38.40 per hour (\$80,179 annually) effective at the beginning of the pay period including September 1, 2010.

Dale Hawkins representing the Ogilvie Museum met with the County Board to discuss the Ogilvie Museum budget and give an update on future projects. No formal action was taken at this time.

10:30am - The Chairperson then called for public comment. Those who responded included:

Debra Backlund	Questions/Concerns regarding the proposed false alarm ordinance.
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10:40am - The Chairperson closed public comment.

Action #6 – Kevin Troupe introduced the following resolution and moved its adoption:

Resolution #6 – 08/25/2010
False Alarm Ordinance

BE IT RESOLVED that the Kanabec County Board of Commissioners does hereby ordain the following:

KANABEC COUNTY ORDINANCE NO. 31
FALSE ALARM ORDINANCE

Subdivision 1. Purpose. Responding to false alarms endangers the safety of the public and the public safety personnel. This Ordinance is enacted to provide for the regulation of alarms used to summon public safety personnel to reduce the risk and expense associated with false alarms by decreasing their frequency and by establishing an alarm user registration system and fees to defray the costs of response to these alarms.

Subdivision 2. General Provisions

2.1 Severability.

If any portion of this ordinance should be declared unenforceable, it shall be severed from this ordinance, the remainder of which shall remain in full force and effect.

2.2 Definitions.

- (a) **Alarm System.** “Alarm System” means any equipment or device which signals either audibly or in any other manner so as to be seen, heard, or otherwise detected outside the protected area serviced by the alarm system that an emergency, including robbery, burglary, medical emergency, act of vandalism or unauthorized entry, has occurred, and which is intended to elicit a response from public safety personnel. An automobile alarm device is not considered to be an alarm system under this definition.

- (b) **Alarm User.** “Alarm User” means a person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure, or facility where an alarm system is maintained, regardless of whether it owns or leases the alarm system. For a person, firm, partnership, association, corporation, company or organization of any kind which owns separate properties with an alarm system, each separate location address constitutes a separate alarm user.
- (c) **False Alarm.** “False Alarm” means an alarm signal eliciting a response by public safety personnel when a situation requiring a response by public safety personnel does not, in fact, exist and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation, or error of the alarm user or his or her employees or agents. A false alarm does not include an alarm signal caused by severe climatic conditions, such as tornadoes, thunderstorms, violent conditions of nature or any other conditions which are beyond the control of the alarm user. A false alarm does not include alarm signals for which the alarm owner contacts dispatch or the Kanabec County Sheriff’s Office prior to a response by public safety personnel and provides notice that there is no emergency.
- (d) **Public Safety Personnel.** “Public Safety Personnel” includes, but is not limited to, all personnel employed by any law enforcement agency, firefighters, emergency medical technicians, paramedics and ambulance crew.
- (e) **Response by Public Safety Personnel.** “Response by Public Safety Personnel” means the arrival of public safety personnel at the location of a false alarm in response to that alarm.

Subdivision 3. User Registration Fees; Exemptions.

- 3.1 Upon the second false alarm in a calendar year, an alarm user registration fee of \$30.00 shall be imposed upon an alarm user.
 - (a) The County shall notify the affected alarm user in writing of the imposition of the alarm registration fee under this subdivision.
 - (b) Registration will be considered a lifetime registration if there are no false alarms in the future.
 - (c) Registration fees that are not paid in full within thirty (30) days of written notice under this subdivision shall be considered delinquent. The County is hereby empowered to collect all delinquent alarm user registration fees by all means allowed by law for collection of a debt.
- 3.2 Newly installed alarm systems are hereby granted a 30-day probationary period, commencing on the date of first operational use thereof, during which period false alarms

will not be counted for the purpose of computing the amount of any alarm user fee imposed by this Ordinance. The owner of a newly installed alarm system must provide written notice to the Kanabec County Sheriff's Office that a new system has been installed within three (3) days of first operational use in order to qualify for this probationary period. This section also applies to owners of alarm systems that have been newly serviced or repaired. The owner of a newly serviced or repaired system must provide written notice along with verification to the Kanabec County Sheriff's Office that the system has been serviced or repaired within three (3) days of such service or repair.

Subdivision 4. Penalty/Fees.

- 4.1** Upon the third false alarm, and for each subsequent false alarm, in a calendar year, an alarm user shall be subject to a penalty in the form of a fee.
- 4.2** The fee shall be established by the County Board and added to the Kanabec County Fee Schedule.
- 4.3** Fines are due within thirty (30) days of the date of the invoice.

Subdivision 5. Notice.

- 5.1** Upon notice of the first false alarm report for a particular alarm system, the Kanabec County Sheriff's Office shall notify the alarm user by mail that a false alarm has been reported. The first notice shall include a copy of this Ordinance. Upon notice of the second or subsequent false alarm report for the alarm system, the Kanabec County Sheriff's Office shall mail a copy of the notice to the alarm user.
 - (a)** All notices shall be sent by first class mail to the address the alarm system is located or to the owner of the premises as recorded on the property tax rolls maintained by the County Auditor.
 - (b)** All notices shall contain a copy of the report generated by the Sheriff's Office detailing the date, time, location and facts supporting the conclusion that the alarm was false.

Subdivision 6. Appeals.

- 6.1** An alarm user who has been charged an alarm user fee or fine may appeal the imposition of that fee in writing to the Kanabec County Coordinator within ten (10) days of receipt of written notice under this subdivision.
- 6.2** The Kanabec County Coordinator shall provide the Board with the written appeal at the next regularly scheduled meeting of the Kanabec County Board of Commissioners.
- 6.3** The Kanabec County Board of Commissioners shall review the written appeal and issue a written decision to affirm, modify, or rescind the alarm user fee within ten (10) days of receiving the appeal. The decision of the County Board shall be final.

6.4 All appeal notices shall include a detailed description of why the alarm should not be considered a false alarm.

6.5 The burden of proof to establish a false alarm is preponderance of the evidence.

Subdivision 7. Effective Date. This Ordinance shall become effective on the 1st day of October 1, 2010.

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

IN FAVOR THEREOF: Kevin Troupe, Kim Smith, Roger Crawford, Kathi Ellis
OPPOSED: Les Nielsen
ABSTAIN: None

whereupon the resolution was declared duly passed and adopted.

Chairperson Nielsen presented Sheriff Steve Schultz a plaque for 30 years of dedicated service to Kanabec County.

Jail Administrator Joanne Nelson met with the County Board to discuss service contracts.

Action #7 – It was moved by Kathi Ellis, seconded by Kim Smith and carried unanimously to approve the contract with Nardini to provide the kitchen ansul system for the Kanabec County jail.

County Engineer Greg Nikodym met with the County Board to discuss the 2011 Highway Department budget. No formal action taken.

Health & Human Services Director Wendy Thompson met with the County Board to discuss the Public Health and Family Services budgets. No formal action was taken.

Action #8 – It was moved by Roger Crawford, seconded by Kathie Ellis and carried unanimously to adjourn at 1:15pm and to meet again on Wednesday, September 8, 2010 at 9:00am.

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

Attest: _____
Board Clerk