

PROCEEDINGS OF THE COUNTY BOARD

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

December 8, 2010

The Kanabec County Board of Commissioners met at 9:00am on Wednesday, December 8, 2010 pursuant to adjournment with the following Board Members present: Kim Smith, Roger Crawford and Kevin Troupe. Les Nielsen and Kathi Ellis were absent at the start of the meeting.

The Chairperson led the assembly in the Pledge of Allegiance.

Action #1 - It was moved by Kim Smith, seconded by Roger Crawford, and carried unanimously to approve the agenda as amended: add Child Support Officer, Gambling Approval and the Resignation of Commissioner Crawford.

Action #2 – It was moved by Kim Smith, seconded by Roger Crawford, and carried unanimously to approve the minutes of the December 1, 2010 Kanabec County Board of Commissioners meeting as presented.

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

Resolution #3- 12/08/2010 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
Annette Majeski	\$ 54.00
Barb Hood	\$ 51.00
Betty Geisthardt	\$ 251.71
Bev Gustafson	\$ 111.00
Bill Hood	\$ 334.56
Bob Hoefert	\$1,338.24

Dan Niedzielski	\$ 168.00
Gary Nelson	\$ 468.78
Jean Newgard	\$ 183.10
Jennifer Leerssen	\$ 770.00
Jerald Nelson	\$ 245.00
Joy Morrell	\$ 406.00
Judy Colburn	\$ 337.00
Karen Luberda	\$ 227.50
Linda Nelson	\$ 687.47
Marge Tadych	\$ 108.00
Marlys Wolbert	\$ 141.65
Millie Laska	\$ 332.13
Ray Zamora	\$ 631.32
Rollie Pieper	\$1,261.55
Ronette Nelson	\$ 513.00
Sy Tadych	\$1,161.50
Ted Lindgren	\$ 126.50
Willard Landreville	\$ 817.90
Total for Volunteer Drivers	\$10,726.91

Action #4 – It was moved by Kim Smith, seconded by Roger Crawford, and carried unanimously to recess the board meeting at 9:05am to a time immediately following the Human Service Board.

The Kanabec County **Human Service Board** met at **9:05am** on Wednesday, December 8, 2010 pursuant to adjournment with the following Board Members present: Roger Crawford, Kim Smith and Kevin Troupe. Commissioner Nielsen and Commissioner Ellis were absent. Health & Human Service Director Wendy Thompson presented the Human Services agenda.

Action #FS5 - It was moved by Kim Smith, seconded by Roger Crawford, and carried unanimously to approve the Human Service Board agenda as presented.

Action #FS6 – It was moved by Kim Smith, seconded by Roger Crawford, and carried unanimously to approve the following resolution:

Resolution # FS6 - 12/08/10

SharePoint System resolution

WHEREAS, the Family Services Agency has a need for a system that will interface with the State for sharing documents and also as a work flow for the already scanned files in their department, and

WHEREAS, SharePoint is such a program, and has been identified as the system the State will be using in the future for this purpose, and

WHEREAS, the Kanabec County Health and Human Services Director is recommending the purchase of this system;

THEREFORE BE IT RESOLVED by the Kanabec County Board of Commissioners to approve the purchase of the hardware and software needed to get the SharePoint system up and running.

Action #FS7 – It was moved by Roger Crawford, seconded by Kim Smith, and carried unanimously to approve the following resolution:

Resolution #FS7 - 12/08/10

Consolidated Funds Use Resolution

WHEREAS, the Consolidated Funds have been made available to the County and must be spent by December 31, 2010 or the money will be retained by the State, and

WHEREAS, it is the recommendation of the Kanabec County Health and Human Services Director to use the balance of these funds for the Communities Investing in Families (CIF) program for car loans, repairs, etc

THEREFORE BE IT RESOLVED that the Kanabec County Human Services Board approve turning over the balance of the Consolidated Funds to Communities Investing in Families prior to December 31, 2010.

Action #FS8 – It was moved by Roger Crawford, seconded by Kim Smith, and carried unanimously to approve the following resolution:

Resolution #FS8 - 12/08/10

CMJTS Contract, Work Plan and Budget Resolution

WHEREAS, Kanabec County Family Services has contracted with Central Minnesota Jobs and Training (CMJTS) for employment and training services for cash and assistance clientele, and

WHEREAS, funds have been made available to Kanabec County through the Minnesota Department of Human Services for the purpose of providing services authorized under Minnesota Family Investment Program (MFIP), The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, and Minnesota Statutes 256J.49-256J.73, and Diversionary Work Program (DWP) 2003 Minnesota State Statutes 256J.95 Diversionary Work Program; DHS Bulletin 04-11-01 dated January 9, 2004 and Bulletin 04-69-05 dated April 12, 2004; and

WHEREAS, Central Minnesota Jobs and Training (CMJTS) represents itself to the County as qualified to perform the services;

THEREFORE BE IT RESOLVED that the Kanabec County Human Services Board approve the 2011 contract, work plan and proposed budget with Central Minnesota Jobs and Training (CMJTS).

Action #FS9 – It was moved by Kim Smith, seconded by Roger Crawford, and carried unanimously to approve the following resolution:

Resolution #FS9 - 12/08/10

Adult Protection

WHEREAS, Minnesota Statutes and Rules, and the Minnesota Department of Human Services direct the actions of county social services agencies and describe the requirements for accepting reports of maltreatment, providing emergency protective services and investigating maltreatment allegations; and

WHEREAS, the Kanabec County Family Services Department desires a county-wide policy which incorporates the requirements of Minnesota Statutes and Rules to aid county workers in the investigation of vulnerable adult reports.

THEREFORE BE IT RESOLVED that the Kanabec County Human Services Board approve the adoption of the Kanabec County Adult Protection Policy and Procedures.

BE IT FURTHER RESOLVED that the Common Entry Point (CEP) in Kanabec CFS Department during normal business hours of 8:00am – 4:30pm, Monday – Friday and after hours and weekends will be the Kanabec County Sheriff's office.

Action #FS10 – It was moved by Kim Smith, seconded by Roger Crawford, and carried unanimously to approve the following resolution:

Resolution #FS10 - 12/08/10

Detoxification Services – Central MN Mental Health Center

WHEREAS, Kanabec County Family Services contracts for detoxification services, and

WHEREAS, Central Minnesota Mental Health Center agrees to accept appropriate referrals from Kanabec County for the purpose of providing detoxification services, and

WHEREAS, Kanabec County Human Services Board did approve an agreement with Central Minnesota Mental Health Center on November 17, at a daily rate of \$275.00, and

WHEREAS, the daily rate has increased to \$305.00 for the year 2011;

THEREFORE BE IT RESOLVED to approve an agreement for detoxification services for the year 2011 at a daily rate of \$305.00 per day, with Central Minnesota Mental Health Center for the time period January 1, 2011 through December 31, 2011.

Action #FS11 – It was moved by Roger Crawford, seconded by Kim Smith, and carried unanimously to approve the following resolution:

Resolution #FS11 - 12/08/10

MN DHO Resolution

WHEREAS, the 2010 Legislature amended Minnesota Statute 256B.069, subd. 23, to cease enrollment and operation of the MnDHO program, and

WHEREAS, funds were appropriated to be made available to county agencies to assist in the transition of MnDHO members to the fee-for-service Medicaid program or another managed care option by January 1, 2011, and

WHEREAS, DHS developed the County Grant Contract based on the number of MnDHO members for whom the County is financially responsible;

THEREFORE BE IT RESOLVED that the Kanabec County Human Services Board approve the Health and Human Services Director entering into a grant contract with the Department of Human Services to transition members from MnDHO to another managed care option.

BE IT FURTHER RESOLVED that the Health and Human Services Director is hereby authorized to sign the grant contract.

Commissioner Kathi Ellis joined the meeting at 9:45.

Action #FS12 – It was moved by Kim Smith, seconded by Roger Crawford and carried unanimously to recess the Human Service Board at 9:46am to meet again on Wednesday, December 15, 2010 6:32pm..

The meeting of the Kanabec County Board of Commissioners resumed.

Action #13 – It was moved by Kathi Ellis, seconded by Kim Smith and carried unanimously to accept the resignation of Commissioner Roger Crawford effective January 4, 2011.

Action #14 – It was moved by Kim Smith, seconded by Kathi Ellis and carried unanimously to approve the following resolution:

Resolution #14 – 12/08/10

Landfill Sale

WHEREAS, Kanabec County is a member of the East Central Solid Waste Commission (ECSWC);

WHEREAS, ECSWC is considering the sale of the landfill located within Kanabec County; and

WHEREAS, the Kanabec County Board of Commissioners finds that it is not in the best interests of either the County or the other county members of the ECSWC.

THEREFORE BE IT RESOLVED that Kanabec County shall take a position on the ECSWC Board against any action in support of or preparation for sale of the landfill.

Action #15 – It was moved by Roger Crawford, seconded by Kathi Ellis and carried unanimously to approve the following resolution:

Resolution #15 – 12/08/10

Gambling Approval

WHEREAS the Kanabec County Board of Commissioners has been presented with a request for lawful gambling within Kanabec County, and

WHEREAS the application was complete, included all necessary documentation, appears in accordance with County Policies and the applicant and facility owners are in good standing with the County;

BE IT RESOLVED to approve the Application for Permit for the Knife Lake Sportsman's Club for a bingo event to be held at Bowe's Landings, 2740 Hwy 65 N, Mora, MN 55051 on January 15, 2011.

Action #16 – It was moved by Kim Smith, seconded by Kathi Ellis and carried unanimously to approve a services agreement between Kanabec County and the University of Minnesota Extension Service effective January 1, 2011 and ending December 31, 2013.

Action #17 – It was moved by Kathi Ellis, seconded by Roger Crawford and carried unanimously to approve a retainer agreement between Kanabec County and the City of Mora effective January 1, 2011 and ending December 31, 2011 in the amount of \$28,800.

Action #18 – It was moved by Kathi Ellis, seconded by Kim Smith and carried unanimously to approve advertising for the following Committee vacancies:

Alternate member of the Board of Adjustment
Railroad Advisory Committee
Planning Commission
Wetlands Appeal Board

Transit Director Helen Pieper and Health and Human Services Director Wendy Thompson met with the Board to discuss matters concerning the Transit Department.

Action #19 – Kim Smith introduced the following resolution and moved its adoption:

Resolution #19- 12/08/10
Transit Grant

WHEREAS, Kanabec County will be doing business as Timber Trails Public Transit, in 2011, and

WHEREAS, Timber Trails Public Transit receives operating funds through the Minnesota Department of Transportation (MN DOT), and

WHEREAS, Kanabec County wishes to accept \$509,000 from the Minnesota Department of Transportation;

THEREFORE BE IT RESOLVED that the Kanabec County Board of Commissioners approve a contract with the Minnesota Department of Transportation, pending approval by the Kanabec County Attorney, for the service year 2011.

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

IN FAVOR THEREOF: Kim Smith, Roger Crawford, Kevin Troupe
OPPOSED: Kathi Ellis
ABSTAIN: none

whereupon the resolution was declared duly passed and adopted.

County Auditor/Treasurer Denise Cooper met with the Board to discuss staffing issues.

Action #20 – It was moved by Kim Smith, seconded by Kathi Ellis and carried unanimously to approve the changing of the Property and Tax Clerk's position status from full time to part-time on an indefinite trial basis.

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

Dennis McNally	Questions regarding Tire Ordinance.
Dave Halvorson	Concerns over lingering odor from the landfill.
Karen McClellan	Questions regarding Sharepoint software funding.

10:42am - The Chairperson closed public comment.

Action #21 – It was moved by Kathi Ellis, seconded by Kim Smith and carried unanimously to approve the following interim ordinance:

Resolution #21 – 12/08/10

Interim Ordinance

KANABEC COUNTY INTERIM ORDINANCE IMPOSING A MORATORIUM ON THE STORAGE AND USE OF WASTE TIRE DERIVED PRODUCTS

THE COUNTY BOARD OF KANABEC COUNTY ORDAINS:

Statement of Public Purpose and Findings. The Kanabec County Board of Commissioners adopted Ordinance No. 11, an ordinance regulating, among other things, the storage, processing and disposal of waste tires and waste tire products on September 1, 1988. Since that time, there has been increasing use of waste tires and tire-derived products, particularly tire shreds and tire crumbs, as lightweight fill for road and residential projects, within Kanabec County.

Concerned citizens have requested that the County address the potential soil and groundwater contamination issues, and the potential use of shredded tires for fill as an alternative way of burying waste. Kanabec County does not have an ordinance or policy which addresses the use of tire shreds and other tire-derived products.

The Kanabec County Board of Commissioners finds that the potential for soil and groundwater contamination and the threat of the burying of shredded tires under the pretense of fill are imminent concerns that present a risk to the health and safety of the public.

The Minnesota Pollution Control Agency (hereinafter “MPCA”) has given specific solid wastes and designated uses, including tire shreds when used as lightweight fill in the construction of public roads in accordance with Minn.Stat. §115A.912, Subd. 4, a standing beneficial use determination. Minn. Rule 7035.2860, Subp. 4(G). All projects involving the use of solid waste in ways that have not been given standing approval must be approved by the MPCA on a case-specific beneficial use determination basis. Minn. Rule 7035.2860, Subp. 5.

Appropriate standards for the use of tire shreds and other tire-derived products, including the MPCA regulations, are currently being reviewed by County staff and members of the Kanabec County Environmental Services department.

The Kanabec County Board of Commissioners finds that in order to create standards for use of waste tire-derived products which protect public safety and natural resources, it is necessary to allow the County sufficient time to review existing and proposed regulations and study potential policy changes that may better achieve these goals.

The Kanabec County Board of Commissioners further finds that the public health, safety and welfare will best be served if the use of tire-derived products be prohibited until review and study of the regulations can be completed.

Definitions. For purposes of this interim ordinance, “tire-derived products” means the usable materials produced from the chemical or physical processing of a waste tire, including tire shreds and tire crumbs. “Tire-derived products” does not include manufactured consumer products, including, but not limited to, cow mats, door mats and mulch rings.

Unless otherwise denoted, all other terms shall have the definitions given by Minnesota Agency Rules 9220.0210 and other sources incorporated therein by reference. All of the definitions and general requirements pertaining to this process are adopted and incorporated herein by reference.

The Kanabec County Board of Commissioners hereby directs the Planning Commission, Environmental Services Director, and County Highway Engineer cooperatively to conduct a study to evaluate the County’s existing policies and regulations regarding the use of tire-derived products to make recommendations to the Board as to the classification and regulation of tire-derived products.

Scope of Moratorium. The Kanabec County Board of Commissioners hereby imposes a moratorium temporarily prohibiting the use of tire-derived products within Kanabec County. This moratorium applies to the receipt and processing of all requests of any form or type to use tire-derived products within Kanabec County. The use of tire shreds as lightweight fill in the construction of public roads in accordance with Minn.Stat. §115A.912, Subd. 4, is excepted from this moratorium, as such use is allowed by state law without a permit or other authorization from the MPCA.

Relation to the 60-day Rule (Minn.Stat. §15.99). The Kanabec County Board of Commissioners hereby denies all requests for permission to use tire-derived products during the term of this development moratorium. This section does not apply to the use of tire shreds as lightweight fill in the construction of public roads in accordance with Minn.Stat. §115A.912, Subd. 4, as a permit is not required by state law. The Kanabec County Environmental Services Director is charged with interpretation, administration and application of this interim ordinance. Any request for County action which has the potential to involve the use of tire-derived products shall be forwarded to the Kanabec County Environmental Services Director for a determination as to whether or not such request falls within the scope of this moratorium. Upon determination by the Environmental Services Director that a request or application has the actual or practical effect of involving the use of tire-derived products, the Environmental Services Director shall promptly give written notice to the requesting party that such request has been denied by the Kanabec County Board of Commissioners pursuant to this interim ordinance. The written notice shall

state that this interim ordinance imposing a moratorium on the use and storage of tire-derived products is the reason for the denial. Such written notice is intended and shall be deemed to be a denial by the “agency” within the meaning of Minn.Stat. §15.99.

Effective Date and Term. The ordinance shall take effect upon its passage and publication, and shall remain in effect for a period of one (1) year from the effective date of this interim ordinance, unless sooner terminated by action of the Kanabec County Board of Commissioners. This moratorium may be subject to a one-year renewal period if not terminated by action of the Kanabec County Board of Commissioners during the initial one-year term.

Authority and Enforcement. This interim ordinance is adopted pursuant to the authority granted by Minn.Stat. §394.34. The provisions of this interim ordinance may be enforced by all legal or equitable remedies available to the County, including those articulated in Minn.Stat. §394.37.

Action #22 – It was moved by Kim Smith, seconded by Roger Crawford and carried unanimously to approve the following resolution:

Resolution #22 - 12/08/10
Child Support Officer Evaluation

WHEREAS the board did by Resolution #15-12/01/10 refer the position of Child Support Officer to the pay plan consultant for further review, and

WHEREAS the board has been presented with the results of that study;

BE IT RESOLVED to accept the following ranking for the “Child Support Officer” position, which results in Pay Range 9:

Category	Rank	Points
Qualifications	q34	69
Decisions	d23	43
Problem Solving	p10	41
Relationships	r18	64
Effort A	ea5	4
Effort B	eb15	17
Hazards	h2	5
Environment	n6	9
TOTAL POINTS		252

and,

BE IT FURTHER RESOLVED that this change is effective January 1, 2011.

Maintenance Supervisor Bill Martin and Maintenance Supervisor Assistant Jerry Pedersen met with the Board to discuss matters concerning the Maintenance Department.

Action #23 – It was moved by Kim Smith, seconded by Roger Crawford and carried unanimously to approve the newly created Maintenance Tech I job description and to grant the County Coordinator the authority to send the job description and job questionnaire to the County pay consultant for review.

Action #24 – It was moved by Roger Crawford, seconded by Kim Smith and carried unanimously to approve the following resolution:

Resolution #24 – 12/08/10 Leave Approval

WHEREAS a Jailer/Dispatcher in the Sheriff's Department, has used a 12 week Family Medical Leave Act leave ending June 8, 2010, and

WHEREAS a personal leave of absence of up to 6 months in addition to the 12 week FMLA leave was approved on June 9, 2010 and is scheduled to end December 9, 2010, and

WHEREAS the employee has requested an additional personal leave of up to six months over and beyond the FMLA leave and original six month extended leave, and

WHEREAS the request for the additional extended leave has been approved by the department head;

THEREFORE BE IT RESOLVED that the Kanabec County Board of Commissioners hereby grants an additional personal leave of up to six months beginning December 10, 2010 and ending June 10, 2011.

Action #25 – It was moved by Kim Smith, seconded by Kathi Ellis, and carried unanimously to approve the following resolution:

Resolution #25 – 12/08/10 **Closed Meeting**

BE IT RESOLVED to close at the meeting at 11:30am pursuant to Minnesota Statute §13D.03 to consider strategy for labor negotiations, including negotiation strategies or developments and discussion and review of labor negotiation proposals, conducted pursuant to sections §179A.01 to §179A.25.

Those present during the closed portion of the meeting include Commissioners Kevin Troupe, Kathi Ellis, Roger Crawford, and Kim Smith. Also present were County Coordinator Dan Weber and Assistant County Attorney Barb McFadden.

Action #26 – It was moved by Kim Smith, seconded by Kathi Ellis, and carried unanimously to reopen the meeting at 11:40am.

Action #27 – It was moved by Kim Smith, seconded by Kathi Ellis and carried unanimously to adjourn at 11:50am to meet in regular session on Wednesday, December 15, 2010 at 6:30pm.

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

Attest: _____
Board Clerk