

TODD COUNTY BOARD OF COMMISSIONERS

*Minutes of the Meeting of the Todd County Board of Commissioners held on
July 19, 2016*

Call to Order

The Todd County Board of Commissioners met in the Commissioner's Board Room in the City of Long Prairie, MN on the 19th day of July, 2016 at 9:00 AM. The meeting was called to order by Chairperson Becker. The meeting was opened with the Pledge of Allegiance. All Commissioners present.

Approval of Agenda

On motion by Erickson and second by Kneisl, the following motion was introduced and adopted by unanimous vote. To approve the agenda as presented.

Routine Business

On motion by Neumann and second by Kircher, the following motion was introduced and adopted by unanimous vote: To approve the Commissioner Warrants number 43833 through 43956 in the amount of \$116,593.21.

On motion by Erickson and second by Neumann, the following motion was introduced and adopted by unanimous vote: To approve the Health & Human Services Warrants number 511346 through 511431 in the amount of \$130,559.51.

On a motion by Kneisl and second by Kircher, the following resolution was adopted by unanimous vote:

TRANSFER OF FUNDS FROM COUNTY DITCH FUND TO GENERAL REVENUE FUND
WHEREAS, The County Ditch Authority has approved to have the hours worked by the County Ditch Inspector charged back to that ditch, and;

WHEREAS, the calculations have been made for the County Ditch Inspector's time for the period of July 1, 2015 through June 30, 2016 per attached copy;

NOW, THEREFORE BE IT RESOLVED, that the Todd County Board of Commissioners approve the transfer of \$6,632.50 from the County Ditch Fund to the General Revenue Fund per the attached list.

On a motion by Neumann and second by Kneisl, the following resolution was adopted by unanimous vote:

TRANSFER OF FUNDS FROM GENERAL REVENUE FUND TO SOLID WASTE ENTERPRISE FUND

WHEREAS, per County Board Resolution 20121228-07 a loan in the amount of \$300,000 was established from the Solid Waste Enterprise Fund to aid in funding the Health & Human Services Building Project, and;

WHEREAS, the 2014 & 2015 installments have been repaid in the amount of \$60,000 altogether, and;

WHEREAS, the balance as of January 1, 2016 on this loan is \$240,000, and;

WHEREAS, by recommendation of the Finance Committee along with the County Board of Commissioners in planning the 2016 budget has authorized the loan be fully repaid in place of the yearly installment.

NOW, THEREFORE BE IT RESOLVED, that the Todd County Board of Commissioners approve the transfer of \$240,000 from the General Revenue Fund to the Solid Waste Enterprise Fund.

TODD COUNTY BOARD OF COMMISSIONERS

Community Corrections

On a motion by Kircher and second by Erickson, the following resolution was adopted by unanimous vote:

JOINT POWERS AGREEMENT BETWEEN TODD AND WADENA COUNTIES FOR TODD-WADENA COMMUNITY CORRECTIONS

Article 1: Enabling authority

This Joint Powers Agreement is entered into this 19th day of July, 2016 by and between the Counties of Todd and Wadena as follows:

WHEREAS, the State of Minnesota enacted legislation which encourages the development of community corrections programs and allows counties to cooperate in said programs through a Joint Powers Agreement pursuant to Minnesota Statute 471.59, and

WHEREAS, the Boards of Commissioners of Todd and Wadena Counties, in accordance with the provisions of Minnesota Statutes Chapter 401, established a joint community corrections agency in 1976 to form Todd-Wadena Community Corrections (hereinafter referred to as TWCC), and

WHEREAS, the Boards of Commissioners of Todd and Wadena Counties find that it continues to be necessary, desirable and in the best interests of the citizens of said counties that there be maintained and operated a community-based corrections program in the two counties, jointly, and consistent with the provisions of Minnesota Statutes Chapter 401.

WHEREAS, Todd and Wadena Counties wish to reaffirm their continued commitment to providing community corrections in their respective counties through TWCC.

NOW THEREFORE, the Counties of Todd and Wadena, being governmental subdivisions of the State of Minnesota, agree to exercise their joint and mutual powers as follows:

Article 2: Purpose

General Purpose: The counties shall cooperate for the purpose of administrating, budgeting, staffing and operating community correctional services in Todd and Wadena Counties.

Article 3: Name

Name: The Counties did establish Todd-Wadena Community Corrections (TWCC) in 1976 and hereby reaffirm and maintain TWCC as the entity/agency through which community corrections services will be provided, including the administration of aid/grant funding, in the counties.

Article 4: Governance

- 4.1 Joint Powers Board: The Todd-Wadena Community Corrections Executive Committee shall serve as the Joint Powers Board of Todd-Wadena Community Corrections. Membership of the Executive Committee shall be appointed by the member Counties.
- 4.2 Executive Committee: An Executive Committee shall have the responsibility for overseeing and conducting the operations of Todd-Wadena Community Corrections. Membership shall consist of two County Commissioners from each County as appointed annually by the Board of Commissioners in each respective County; one District Court Judge, chambered in one of the member Counties, appointed by the Chief Judge of the Seventh Judicial District; and the Chair and Vice-Chair of the Advisory Board appointed annually by the Advisory Board. The Executive Committee may select its own officers. The Chair shall rotate between the two Counties on an annual basis. The Executive Committee shall have the direct authority to:
 - a. Determine the establishment, continuation, modification and termination of correctional services and programs.
 - b. Develop and recommend budget to each member County.
 - c. Ensure compliance with the annual Comprehensive Plan and budget.
 - d. Enter into grants and contracts.
 - e. Develop and implement policies and procedures.
 - f. Select and direct personnel.

TODD COUNTY BOARD OF COMMISSIONERS

- g. Obtain liability, property and auto insurance and may obtain such other insurance it deems necessary to indemnify the Joint Powers Board and TWCC's members for actions of the Joint Powers Board and members arising out of this agreement.
- 4.3 Advisory Board: The member counties shall appoint an Advisory Board whose membership, per Minnesota Statutes Chapter 401, shall be representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, social services, and a lay citizen. The primary purpose of the Advisory Board is to actively participate in the formulation of the Comprehensive Plan for the development, implementation and operation of correctional programming and services offered by TWCC. In addition, the Advisory Board serves to advise TWCC of community correctional needs within the two Counties and suggest new programs to enhance correctional services.
- 4.4 By-laws: The Executive Committee may adopt by-laws to govern its operation and the operation of the Advisory Board. Such by-laws shall be consistent with the Agreement and applicable statutes.
- 4.5 Per Diems: Executive Committee members and Advisory Board members may receive per diems and travel expenses as determined by the Executive Committee and consistent with the laws of the State of Minnesota.
- 4.6 Open Meeting Laws: The Executive Committee and Advisory Board shall comply with Minnesota Statutes Chapter 13D (Open Meeting Law.)
- 4.7 Fiscal Host: The member counties shall designate the fiscal host of TWCC. The fiscal host will provide a strict accountability of all funds and report of all receipts and disbursements shall be provided for in accordance with MS 471.59.

Article 5: Withdrawal and Termination

- 5.1 Withdrawal: Either participating County may withdraw from this agreement by serving a copy of a Resolution of Withdrawal of its Board of Commissioners upon the other participating County not less than six (6) months prior to the commencement of the following calendar year, and shall be effective as of the first day of the calendar year following the year in which the Resolution of Withdrawal was served.
- 5.2 Financial Obligations: In the event of the termination of this Agreement, all of the assets of TWCC shall be sold and the proceeds shall be applied towards any outstanding debts and obligations of TWCC at the time of the sale. Any deficiencies owing shall be contributed by the member Counties based upon the percentage of the total County contribution amount which each member County is responsible for at the time of termination of this Agreement.
- 5.3 Property: In the event of the termination of this Agreement, any surplus property/assets shall be shared by the member Counties based upon the percentage of the total county contribution amount which each member County is responsible for at the time of the termination of this agreement.
- 5.4 Records: Upon termination of this Agreement the Fiscal Host at the time of the termination of this Agreement shall have the responsibility for keeping and maintaining such files and records of TWCC for so long as the maintenance of such records is required by law.

Article 6: Indemnification and Hold Harmless

- 6.1 Applicability: Todd-Wadena Community Corrections shall be considered a separate and distinct public entity to which the member Counties have transferred all responsibility and control for actions taken pursuant to this agreement. Todd-Wadena Community Corrections shall comply with all laws and rules that govern a public entity in the State of Minnesota and shall be entitled to the protection of Minnesota Statutes, Chapter 466.04.
- 6.2 Indemnification and Hold Harmless: Todd-Wadena Community Corrections shall fully defend, indemnify and hold harmless the member Counties against all claims, losses, liability, suits, judgments, costs and expenses by reason of the action or inaction of the Executive Committee and/or employees and/or the agents of TWCC. This agreement to indemnify and hold harmless does not constitute a waiver by any participant of limitations on liability provided under Minnesota Statute 466.04.
- To the full extent permitted by law, actions by the Parties pursuant to this Agreement are intended to be and shall be construed as a "cooperative activity" and it is the intent of the Parties that they shall be deemed

TODD COUNTY BOARD OF COMMISSIONERS

a "single governmental unit" for the purpose of liability, as set forth in Minnesota Statute 471.59, subdivision 1a(a); provided further that for purposes of that statute, each Party to this Agreement expressly declines responsibility for the acts or omissions of the other Party.

The Parties of this Agreement are not liable for the acts of omissions of the other participants to this Agreement except to the extent to which they have agreed in writing to be responsible for acts or omissions of the other Parties.

Article 7: Ratification

Ratification: Except as herein expressly amended, modified, or revised, all other prior Joint Powers Agreements are hereby ratified and affirmed.

IN WITNESS WHEREOF, the Parties hereto caused this agreement to be executed by the respective duly authorized officers.

Public Works

On a motion by Kircher and second by Kneisl, the following resolution was adopted by unanimous vote:

AWARD OF BRIDGE CONSTRUCTION CONTRACT FOR SAP 077-599-060 (BURNHAMVILLE TOWNSHIP BRIDGE PROJECT)

WHEREAS, sealed bids were received on July 12th, 2016 by the Todd County Public Works Director and the Todd County Auditor/Treasurer for SAP 077-599-060, said bridge replacement project on 331st Avenue in Burnhamville Township, and;

WHEREAS, the following sealed bids were received:

Structural Specialties, Inc.	Hutchinson, Minnesota	\$348,136.00
Korby Contracting Co., Inc.	Fergus Falls, Minnesota	\$364,549.09
M-K Bridge Construction, Inc.	Walnut Grove, Minnesota	\$457,832.00

NOW, THEREFORE BE IT RESOLVED, that the Todd County Board of Commissioners does hereby accept and award the contract for the above said construction project to Structural Specialties, Inc. of Hutchinson, Minnesota based on their low bid of \$348,136.00.

Sheriff's Office

On motion by Erickson and second by Neumann, the following motion was introduced and adopted by unanimous vote: To accept the resignation of Ryan Hanson as a Part-time Deputy.

On motion by Erickson and second by Kircher, the following motion was introduced and adopted by unanimous vote: To approve to post in-house and advertise for part-time deputies.

Planning & Zoning

On motion by Erickson and second by Kneisl, the following motion was introduced and adopted by unanimous vote: To approve the Nonconforming Use Change Request by Sandra Andersen Parcel #24-0051900. Mattson's Subdivision (34-131-32 Lot 11 Pine Island Lake in Turtle Creek Township. Granted request to change the existing nonconforming use (dwelling) to another nonconforming use (Accessory storage structure) with the following conditions: 1) Structure shall only be used to store water oriented items such as floats, tubes, paddles, fishing, equipment, life jackets, etc., and similar items mentioned on the application. 2) All habitable space features should be removed including air conditioners, refrigerators, beds, bar counters, or other items that suggest that the structure is being used for more than storage. 3) That no hazardous chemicals be allowed to be stored within the structure including > 5 gallons of gasoline, bulk oil, fertilizers, pesticides, herbicides, paints, cleaners, batteries or other chemicals/hazardous materials that may pose a danger to the environment or affect water quality. 4) That

TODD COUNTY BOARD OF COMMISSIONERS

no additional light sources, decorative or otherwise, be added to the exterior of the structure there by preventing a public nuisance due to the close proximity to the lake.

On motion by Neumann and second by Erickson, the following motion was introduced and adopted by unanimous vote: To approve the Zone Change Request by Curt & Dawn Richter Parcel #21-0006901. South of 210th Street, the NE4 of NW4 and part of NW4 of NE4 of Sect-6 in Round Prairie Township. Granted Zoning Amendment request to rezone said parcel from AF-1 to Shoreland zoning with no conditions.

On motion by Neumann and second by Kircher, the following motion was introduced and adopted by unanimous vote: To approve the Conditional Use Permit for Curt & Dawn Richter Site Address: 23419 210th Street, Long Prairie, MN. Parcel #21-0006901. South of 210th Street, the NE4 of NW4 and part of NW4 of NE4 of Sect-6 in Round Prairie Township. Granted CUP to establish a winery to included on/off sales of wine and food, sale of retail items, and to host special events and weddings with the following conditions: That the Agricultural Compatibility Statement be included as a condition: "This site is located in an agricultural district, and consequently there will be from time to time, sights, sounds and smells associated with the operation of farming. No lot owner shall bring action of Law, against any farming operation because of such farming activities, as long as such farming activity complies with state, federal, EPA or Todd County Ordinances."

On motion by Erickson and second by Neumann, the following motion was introduced and adopted by unanimous vote: To approve the Conditional Use Permit for Ammon Gingerich Site Address: 18562 County 11, Long Prairie, MN. Parcel #17-0014600. NW Corner of SW4 NW4; S 580 FT; E 751.03 FT; N TO N LINE; W TO PT OF BEG Little Sauk Township. Granted CUP to establish a schoolhouse (24' x 40') and support buildings including a lean-to (24' x 20') and horse shed (14' x 24') with no conditions.

Health & Human Services

An update of the Hilltop Regional Kitchen project in Eagle Bend was presented by Jackie Och, Katherine Macedanz, & Rick Hest.

On motion by Erickson and second by Kircher, the following motion was introduced and adopted by unanimous vote: To approve the hire of Lia Seidl to fill an open position as a Child Protection Social Worker at Grade 10, Step 1 - \$23.26/hr.

Agenda item 9.3 Appoint Registered Nurse (1) was pulled by recommendation of Jackie Och, HHS.

On motion by Kircher and second by Erickson, the following motion was introduced and adopted by unanimous vote: To approve the hire of Teri Kuehne to fill an open position as a Registered Nurse at Grade 10, Step 1 - \$23.26/hr.

Human Resources

On motion by Erickson and second by Kircher, the following motion was introduced and adopted by unanimous vote: To authorize Human Resources to begin advertising for an Administrative Assistant position.

TODD COUNTY BOARD OF COMMISSIONERS

Auditor-Treasurer Report

Summer school students will be visiting the Courthouse offices on July 21st, 2016. The Finance Committee is set to meet on July 26th. MCIT will be providing a work session on July 26th for County Board members and SWCD Board members.

Commissioners' Report

The Commissioners reported on the meetings they had attended.

Adjourn

On motion by Neumann and second by Kircher, the meeting was adjourned for the month of July, 2016.

COMMISSIONER WARRANTS

<u>VENDOR NAME</u>	<u>AMOUNT</u>
APPLIED CONCEPTS INC	\$ 2,509.40
BROWERVILLE TRUCKWASH/BIG BOYZ	\$ 6,280.42
CARD SERVICES COBORNS	\$ 3,440.32
DELL MARKETING L.P.	\$ 2,984.71
ELECTION SYSTEMS & SOFTWARE INC	\$ 4,935.00
HANCOCK CONCRETE PRODUCTS CO	\$ 15,198.44
HILLYARD	\$ 2,653.12
IMPACT TECHNOLOGY	\$ 2,549.00
PHELAN CPA/FRANCIS	\$ 2,725.00
RELIANCE TELEPHONE INC	\$ 2,500.00
SATELLITE TRACKING OF PEOPLE (STOP)	\$ 2,000.00
SPANIER WELDING	\$ 25,200.00
WADENA ASPHALT CO	\$ 2,320.00
WIDSETH SMITH NOLTING INC	\$ 9,255.78
Payments less than 2000	\$ 32,042.02
Total:	\$ 116,593.21

HEALTH & HUMAN SERVICES WARRANTS

<u>VENDOR NAME</u>	<u>AMOUNT</u>
# 14471	\$ 2,007.30
# 4453	\$ 2,550.00
GREATER MN FAMILY SRVS INC	\$ 5,619.00
# 1911	\$ 2,593.65
LONG PRAIRIE GREY EAGLE SCHOOLS	\$ 2,295.56
# 10746	\$ 3,161.25
NEXUS INC-MILLE LACS ACADEMY-SHIP	\$ 4,794.60
NORTHERN PINES MENTAL HLTH CTR	\$ 24,135.00
# 14051	\$ 3,358.80
PARISH/JON	\$ 2,796.72
PINEHAVEN YOUTH AND FAMILY SRVS INC	\$ 7,404.60

TODD COUNTY BOARD OF COMMISSIONERS

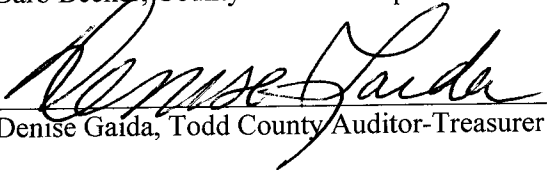
STEP	\$ 7,600.72
# 14203	\$ 4,208.30
Payments Less than 2000	\$ 58,034.01
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Total:	\$ 130,559.51

On a motion by Neumann and second by Erickson, the preceding minutes of the County Board meeting held July 19, 2016 were duly approved by unanimous vote at the Todd County Board of Commissioners at the Regular Board Meeting held on October 4, 2016.

Witness my hand and seal:



Barb Becker, County Board Chairperson



Denise Gaida, Todd County Auditor-Treasurer