

REGULAR MEETING OF THE BIG STONE COUNTY BOARD
March 3, 2009

The Big Stone County Board of Commissioners met in the Commissioner's Room at 8:30 AM on Tuesday, March 3, 2009. Chairman Olson called the meeting to order with Commissioners Athey, Berning, Sandberg and Wulff present. Also present were Elsie Perrine, Mike Swenson of the Ortonville Independent, Sheriff John Haukos, County Attorney Bill Watson and County Auditor Michelle Knutson. The Pledge of Allegiance followed.

Motion by Athey, seconded by Berning, and carried to approve the minutes of the February 17th regular meeting.

Motion by Sandberg, seconded by Wulff and carried to approve the agenda.

Commissioners reported on the following committees:

Wulff – Toqua Park; Revolving Loan Fund

Olson – RDC

Sandberg – Technology; Property

Sheriff Haukos summarized the proposed contract with Kandiyohi County for dispatching services. Motion by Sandberg and seconded by Wulff to execute the contract with Kandiyohi County as presented. Following discussion, motion carried.

Attorney Watson reported that the Supreme Court denied the defendant's appeal on the Post Conviction Relief case. Attorney Watson left the meeting.

Countryside Public Health Administrator Liz Auch reported that in addition to Commissioner Berning serving as the representative to the Supporting Hands Nurse-Family Partnership, there also needs to be an alternate. Motion by Sandberg, seconded by Wulff and carried to appoint Commissioner Olson as the County's alternate representative to the Supporting Hands Nurse-Family Partnership.

Discussion was held on possible changes to PrimeWest's payment structure for elderly care. Family Services Director Gayle Robinson was also present for the discussion. Auch and Robinson have been attending work group meetings. In addition, they are scheduling a local work group to address the issue.

Administrator Auch provided an update on the Agency's activities.

Randy Nelson of Prairie Country RC&D presented an overview of 2008 projects and activities.

Following a break, County Engineer Nick Anderson informed the Board that Strata Corporation needs 10.25 acres of wetland credit for mitigation at their quarry. The County has not set a price for wetland credits to date and should do so in the near future according to Anderson. Engineer Anderson reported that the value of an acre of wetland credit is averaging 3-to-4 times the value of ag land state wide. Anderson will bring it up at a future meeting for board consideration of setting a value per acre of wetland credit sold from the county wetland bank.

Motion by Sandberg, seconded by Berning and carried to ratify the Challenge Cost-Share Memorandum of Agreement with US Fish & Wildlife for kiosks and other enhancements surrounding the trail.

Motion by Berning, seconded by Wulff and carried to adopt the following resolution:

2009-07

IT IS RESOLVED that Big Stone County enter into Mn/DOT Agreement No. 94113 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County for the use of County State Aid Highways No. 6 and No. 21 as a detour route during the grading and bituminous milling and overlay construction and other associated construction to be performed upon, along and adjacent to Trunk Highway No. 75 from Trunk Highway No. 12 in Ortonville to 0.10 mile north of Trunk Highway No. 28 in Graceville under State Project No. 0608-35 (T.H.75=006).

IT IS FURTHER RESOLVED that the Chairman and the County Engineer are authorized to execute the Agreement and any amendments to the Agreement.

Motion by Sandberg, seconded by Berning and carried to execute the Agreement and accept the compensation that will be provided.

Engineer Anderson reviewed the Department's financial condition and provided additional information on bonding. Attorney Watson returned to the meeting. Commissioners Athey and Wulff were appointed to attend a conference call with Ehlers and Associates to further discuss the bonding options.

Engineer Anderson reported that Moonshine Township has requested that the County provide snow removal services.

Engineer Anderson provided an update on the redetermination of Joint Ditch #4 and stated that a meeting will need to be scheduled.

Motion by Athey, seconded by Berning and carried to approve the Findings of Fact for the L.G. Everist Conditional Use Permit for recording as presented by Environmental Officer Darren Wilke.

Motion by Athey, seconded by Sandberg and carried to authorize payment of the following claims as presented by Auditor Knutson:

General	\$158,034.52
Highway	<u>21,311.23</u>
Total	\$179,345.75

Motion by Berning, seconded by Wulff and carried to adopt the following resolution and execute the Annual County Boat and Water Safety Grant Agreement:

2009-08

WHEREAS under the provisions of M.S. Section 86B.105, the Sheriff of each county is required to carry out the provision of Chapter 86B and the Boat and Water Safety Rules, hereinafter referred to as the "Minn. Rules", including patrol, enforcement search and rescue, watercraft inspection, waterway marking and accident investigation, all hereinafter referred to as the "Sheriff's Duties"; and

WHEREAS in connection with the Sheriff's Duties, M.S. Section 86B.701 provides that the County submit to the Commissioner of Natural Resources a budget to carry out the Sheriff's Duties; and

WHEREAS M.S. Section 86B.701 and the Minn. Rules provide for the allocation of funds by the Commissioner to the County based on certain criteria and conclusions to assist the funding of the Sheriff's Duties; and

WHEREAS the County has submitted a proposed budget to the State.

THEREFORE BE IT RESOLVED that the State shall reimburse the County up to \$2,034.00 for the activities stated in Chapter 86B.

Motion by Sandberg, seconded by Wulff and carried to accept the quote for a new squad and to authorize the Auditor to pay Nelson Auto Center \$20,931.75 as an Auditor Warrant for the purchase.

Motion by Berning, seconded by Sandberg and carried to adopt the following resolution:

2009-09

WHEREAS, the Minnesota Department of Corrections (MDOC) currently contracts with the Prairie Correctional Facility (PCF) for placement of male inmates; and
WHEREAS, the placement of state inmates at PCF has been a successful partnership with favorable comments by the MDOC regarding the facilities operations; and
WHEREAS, this alternative allows the state to address its capacity needs at a very cost effective rate in a time of great budget distress; and
WHEREAS, the MDOC has informed PCF they have preliminary plans to reduce the Minnesota inmates at PCF to less than 100 in the next several months; and
WHEREAS, this action by the MDOC would lead to a loss of jobs, property/sales taxes and other financial contributions made by PCF with a corresponding devastating effect on the local economy; and
WHEREAS, the MDOC states that the cost of housing inmates at the Fairbault facility is less than their cost with PCF; and
WHEREAS, the MDOC, in their own 2008 Fiscal Year Performance Report to the legislature, shows a per inmate cost at Fairbault of nearly double the current contract rate of \$62.90 with PCF; and
WHEREAS, the State of Minnesota is currently looking for ways to reduce costs and could save the State more than 25 million dollars by filling PCF with MDOC inmates; and
WHEREAS, the current intent by MDOC is in direct contrast to other state efforts to reduce costs and stimulate economic development activities in rural Minnesota.
NOW THEREFORE BE IT RESOLVED, that the Big Stone County Board of Commissioners is strongly opposed to the above stated action by the MDOC.
BE IT FURTHER RESOLVED THAT, the Big Stone County Board of Commissioners is in strong support of continuing contractual agreements between MDOC and the Prairie Correctional Facility.

Motion by Berning, seconded by Athey and carried to authorize Commissioner Olson to attend MCIT's training on workforce issues on March 18th on behalf of the Board.

HR Director Schultz, Attorney Ann Goering and Family Services Director Gayle Robinson arrived at the meeting.

HR Director Schultz reported that Deputy Sheriff Terry Wood will be taking a military leave of absence beginning April 16, 2009. The Board sends their best wishes along with Deputy Wood and appreciates his service.

HR Director Schultz reported that the report form for technology will be acted on at the next meeting.

Motion by Sandberg, seconded by Wulff and carried to adopt the following resolution:

2009-10

WHEREAS, from time to time the Board of Commissioners of Big Stone County obtains legal advice from outside counsel regarding various matters;

NOW, THEREFORE, BE IT RESOLVED by the Big Stone County Board of Commissioners as follows:

1. The law firm of Ratwik, Roszak, & Maloney, P.A. is hereby retained to provide legal services to the County in matters not specifically assigned by statute to the County Attorney, as may be needed from time to time.

Motion by Athey, seconded by Berning and carried to adopt the following resolution:

2009-11

WHEREAS, the Minnesota Open Meeting Law, Minn. Stat. § 13D.05, subd. 2(a) states a meeting shall be closed if welfare data is discussed; and

WHEREAS, a Board may close a meeting under Minnesota Statutes 13D.05 subdivision 3(b) for discussion permitted by the attorney-client privilege; and

WHEREAS, the County, through Big Stone Family Services, is in litigation regarding numerous ongoing welfare cases; and

WHEREAS, it is in the best interest of the County to obtain legal advice in a confidential setting to maintain the attorney-client privilege.

BE IT RESOLVED by the County Board as follows:

1. Pursuant to Minn. Stat. § 13D.01 Subd. 3, the grounds for closing the meeting is that the County Board will be discussing private welfare data, pursuant to Minn. Stat. § 13D.05, subd. 2(a)(3), and discussing pending litigation based upon the attorney-client privilege pursuant to Minn. Stat. § 13D.05, subd. 3(b).
2. The specific subjects to be discussed, pursuant to Minn. Stat. § 13D.01, subd. 3, are representation of Big Stone County Family Services in specific welfare cases, litigation strategy and the request for a waiver of a conflict of interest of an attorney in an ongoing welfare proceeding.

Meeting was closed at 11:10 AM.

Motion by Wulff, seconded by Berning to open the meeting at 12:19 PM.

Motion by Athey, seconded by Berning and carried to waive the conflict of interest in the William Crystle probate case.

Motion by Berning, seconded by Wulff and carried to waive the conflict of interest in the Terry Wood custody case.

Motion by Athey, seconded by Sandberg and carried to approve the amendment to the Old Republic claim form.

Motion by Wulff, seconded by Sandberg and carried to adopt the following policy and procedure regarding legal counsel conflict of interest:

1. It is the obligation of every attorney performing services for Big Stone County to be familiar with and comply with the Minnesota Rules of Professional Conduct.
2. No attorney or law firm shall represent Big Stone County in any matter while also representing another party against Big Stone County, as set forth in Minn. Code Prof. Rules 1.7 and 1.10, except as follows:

If, after carefully reviewing the circumstances of the representations of the parties involved, the attorney believes that he/she can represent both parties in compliance with the rules, the attorney must:

- a. Explain the conflict in detail to the County Board, pointing out any potential adverse impact such representation may have on the County;
- b. Allow any affected County Department notice and the opportunity to provide information to the County Board regarding the impact of the representation;
- c. Allow the County the opportunity to obtain outside legal advice regarding the conflict and the advisability of waiving the conflict; and
- d. Obtain informed consent of the County Board in writing.

Motion by Sandberg, seconded by Wulff and carried to decline the request of Attorney Charles Glasrud for a waiver of a conflict of interest.

Attorney Goering clarified with those present that discussions held during a closed meeting may not be shared with anyone who was not present during the closed meeting.

Board members tabled the discussion on the budget until the next meeting to allow Department Heads to participate in the discussion of possible cost saving measures.

Chairman Olson adjourned the meeting at 12:30 PM.

Brent Olson, Chairman

ATTEST: _____
Michelle R. Knutson, Auditor