

**OFFICIAL PROCEEDINGS  
PENNINGTON COUNTY BOARD OF COMMISSIONERS  
TUESDAY, DECEMBER 14<sup>TH</sup>, 2021, 5:00 P.M.**

Pursuant to adjournment, the Pennington County Board of Commissioners met in the Pennington County Justice Center Board Room in Thief River Falls, MN, on Tuesday, December 14<sup>th</sup>, 2021, at 5:00 p.m. Members Present: Seth Nelson, Bruce Lawrence, Darryl Tveitbakk, David Sorenson, and Neil Peterson. Members absent: None.

The meeting was called to order by Chairman Peterson and the Pledge of Allegiance was recited.

Chairman Peterson asked if there were any amendments to the agenda. The County Coordinator noted the additions of Sheriff Kuznia at 5:04 and Constituent Gary Heden at 5:45 p.m. Motioned by Commissioner Lawrence, seconded by Commissioner Sorenson, to approve the Board agenda with the changes presented. Motion carried.

Motioned by Commissioner Nelson, seconded by Commissioner Lawrence, to approve the County Board minutes of November 23<sup>rd</sup>, 2021, as written. Motion carried.

Motioned by Commissioner Lawrence, seconded by Commissioner Sorenson, to approve following Commissioner warrants. Motion carried.

County Revenue	\$100,031.09
Road & Bridge	\$ 32,990.27
Solid Waste Facility	\$ 1,952.61
Ditch Funds	\$ 2,679.74

Meal reimbursements and per diems in the amount of \$3,718.60 were also approved.

County Sheriff Ray Kuznia recommended the transfer of Keith Michael Iverson as Full-Time Corrections Officer. Motioned by Commissioner Lawrence, seconded by Commissioner Tveitbakk, to approve the transfer of Keith Michael Iverson from Full-Time Custodian I to Full-Time Corrections Officer effective December 15<sup>th</sup>, 2021. Motion carried.

Emergency Management Director Erik Beitel stated that the county's Hazard Mitigation Plan must be updated. A FEMA cost-share grant program is available to fund 75% of eligible costs and the county would be responsible for a 25% local match of in-kind services. Motioned by Commissioner Lawrence, seconded by Commissioner Nelson, to approve an application to update the Hazard Mitigation Plan, a Letter of Commitment acknowledging our 25% match, a resolution authorizing participation in the planning process and execution of agreement (see below), and to authorize the Chairman to sign and execute such agreements, letters, and amendments as necessary to implement the plan. Motion carried.

**RESOLUTION AUTHORIZING PARTICIPATION IN PLANNING PROCESS  
AND EXECUTION OF AGREEMENT**

**WHEREAS**, the County of Pennington is participating in a hazard mitigation planning process as established under the Disaster Mitigation Act of 2000; and

**WHEREAS**, the Act establishes a framework for the development of a multi- jurisdictional hazard mitigation plan; and

**WHEREAS**, the Act as part of the planning process requires public involvement and local coordination among neighboring local units of government and business; and

**WHEREAS**, the county will lead the planning effort with the assistance of consultants and State of Minnesota mitigation staff.

**WHEREAS**, the county will provide staff and resources from departments related to mitigation, will facilitate participation of jurisdiction within the county, and provide quarterly reporting on plan progress.

**WHEREAS**, the plan must include a risk assessment including past hazards, hazards that threaten the county. maps of hazards, an estimate of structures at risk, estimate of potential dollar losses for each hazard, a general description of land uses and future development trends; and

**WHEREAS**, the plan must include a mitigation strategy including goals and objectives and an action plan identifying specific mitigation projects and costs; and

**WHEREAS**, the plan must include a maintenance or implementation process including plan updates, integration of plan into other planning documents and how the county will maintain public participation and coordination; and

**WHEREAS**, the draft plan will be shared with the State of Minnesota and the Federal Emergency Management Agency (FEMA) for coordination of state and federal review and comment on the draft; and

**WHEREAS**, approval of the all hazard mitigation plan will make the county eligible to receive Hazard Mitigation Assistance grants as they become available; and

**NOW, THEREFORE, BE IT RESOLVED**, that Pennington County will enter into an agreement with the Division of Homeland Security and Emergency Management in the Minnesota, Department of Public Safety for the program entitled Hazard Mitigation Assistance (HMA) for the update of the Pennington County Hazard Mitigation plan. Neil Peterson, Board Chairman, is hereby authorized to execute and sign such agreements and any amendments hereto as are necessary to implement the plan on behalf of Pennington County.

Inter-County Nursing Service Director Kayla Jore presented an update on COVID-19. The county currently sits at a 9.2% positivity rate, with 306 positive cases in November, including five breakthrough cases. 57% of the county's residents 5+ years old are fully vaccinated and 60% have received at least one dose of vaccine. She noted a big rise in cases following Thanksgiving and expects the same to occur with the upcoming holidays. Booster shots are being given and are proving effective against the Delta variant and Omicron. She noted that 16 and 17-year-old people can now get Pfizer booster shots.

County Engineer Mike Flaagan stated the box culvert project south of the airport is complete and ready for final payment to Taggart Excavating and Septic Service; total cost of the project is \$135,557.00. The following resolution was introduced by Commissioner Lawrence, seconded by Commissioner Sorenson, and upon vote was unanimously carried.

## RESOLUTION

**WHEREAS**, SAP 057-698-054 has in all things been completed, and the County Board being fully advised in the premises,

**NOW THEN, BE IT RESOLVED**, that we do hereby by accept said completed project for and on behalf of the Pennington County Highway Dept. and authorize final payment as specified herein.

Engineer Flaagan presented a resolution regarding deficient or obsolete bridges that is needed to request bridge bonding in the future. The following resolution was introduced by Commissioner Nelson, seconded by Commissioner Tveitbakk, and upon vote was unanimously carried.

### DEFICIENT BRIDGES REQUIRING REPLACEMENT OR REHABILITATION

**WHEREAS**, the County of Pennington has determined that the following deficient or functionally obsolete bridges on the CSAH, County Road and Township systems are a high priority and require replacement or rehabilitation within the next five (5) years; and

Old Bridge No.	Road No.	Estimated Project Cost	Town Bridge	Bridge Bonding	Proposed Year
93203	CR#65	\$ 20,000		\$ 20,000	2024
90441	CR#52	\$ 250,000		\$ 225,000	2024
57501	CSAH#22	\$1,650,000		\$1,400,000	2023

**WHEREAS**, local roads play an essential role in the overall state transportation network and local bridges are the critical component of the local road systems; and

**WHEREAS**, State support for the replacement or rehabilitation of local bridge continues to be crucial to maintaining the integrity of the local road systems and is necessary for the County and the Townships to proceed with the replacement or rehabilitation of the high priority deficient bridges described above; and

**WHEREAS**, Pennington County intends to proceed with replacement or rehabilitation of these bridges as soon as possible when State Transportation Bond Funds are available.

**NOW, THEREFORE, BE IT RESOLVED**, that Pennington County commits that it will proceed with the design and contract documents for these bridges immediately after being notified that funds are available in order to permit construction to take place within one year of notification.

Commissioner Tveitbakk questioned the infrastructure funds that are expected in the future. The Engineer responded that we will monitor funds as they come available. He noted that most counties of our size don't deal with federal projects annually and explained how federal funds are split among counties.

Engineer Flaagan recommended the hire/transfer of Erick Huseth for the Signman position. Motioned by Commissioner Lawrence, seconded by Commissioner Sorenson, to approve the transfer of Erick Huseth from Highway Equipment Operator to Signman effective December 20<sup>th</sup>, 2021. Motion carried.

Mr. Flaagan noted that no employees have expressed interest in the early, seasonal shift held by Mr. Huseth from November 1-April 1 of each year. Mr. Huseth has stated he is willing to continue working the early shift for this winter.

Engineer Flaagan discussed an ADA transition plan update, noting that some changes have been made to the plan due to CSAH#8. Motioned by Commissioner Lawrence, seconded by Commissioner Tveitbakk, to approve the ADA transition plan update. Motion carried.

Peter Nelson and Larissa Fitzgerald of the Pennington County SWCD met with the Board via Zoom regarding a wetland delineation at the TRF Golf Course. The area is 2.91 acres of wetland lying along the 18<sup>th</sup> fairway and is mainly a low area that they would like to fill. Maps of the wetland and area were reviewed+ and the golf course will have to submit a wetland replacement plan. Motioned by Commissioner Lawrence, seconded by Commissioner Sorenson, to approve the wetland delineation by the TRF Golf Course as discussed and presented. Motion carried.

#### Committee Reports / Commissioner Updates:

Commissioner Tveitbakk provided an update on the opioid drug settlement, noting that 75% of settlement funds will go to counties; cities under 30K population will not get a direct allocation of their funds. A resolution authorizing County staff to execute and sign settlement documents is needed so participation forms can be completed by upcoming due dates.

The following resolution was introduced by Commissioner Tveitbakk, seconded by Commissioner Nelson, and upon vote was unanimously carried.

#### RESOLUTION

**WHEREAS**, the State of Minnesota and numerous Minnesota cities and counties are engaged in nationwide civil litigation against manufacturers and distributors of prescription opioids related to the opioid crisis; and,

**WHEREAS**, the Minnesota Attorney General has signed on to multistate settlement agreements with several pharmaceutical distributors, McKesson, Cardinal Health, and AmerisourceBergen, as well as opioid manufacturer Johnson & Johnson, but those settlement agreements are still subject to sign-on by local governments and final agreement by the companies and approval by the courts; and,

**WHEREAS**, there is a deadline of January 2, 2022, for a sufficient threshold of Minnesota cities and counties to sign on to the above-referenced multistate settlement agreements, and failure to timely sign on may diminish the amount of funds received by not only that city or county but by all Minnesota cities and counties from the settlement funds; and,

**WHEREAS**, representatives of Minnesota's local governments, the Office of the Attorney General, and the State of Minnesota have reached agreement on the intrastate allocation of these settlement funds between the State, and the counties and cities, as well as the permissible uses of these funds, which will be memorialized in the Minnesota Opioids State-Subdivision Memorandum of Agreement (the "State-Subdivision Agreement"); and,

**WHEREAS**, during negotiations of the State-Subdivision Agreement, representatives of Minnesota's counties prioritized flexibility in how local governments may use settlement funds for opioids abatement and remediation and advocated for counties to receive settlement allocations directly rather than using the distribution mechanism detailed in Minn. Stat. § 256.043, subd. 3(d); and,

**WHEREAS**, in order to achieve the goals of flexibility and direct allocation, Minn. Stat. § 256.043, subd. 3(d), must be amended to remove a provision which would otherwise appropriate approximately 50 percent of the state's settlement allocation to county social service agencies for statutorily prescribed use(s); and,

**WHEREAS**, the State-Subdivision Agreement creates an opportunity for local governments and the State to work collaboratively on a unified vision to deliver a robust abatement and remediation plan to address the opioid crisis in Minnesota; now, therefore,

**BE IT RESOLVED**, Pennington County supports and agrees to the State-Subdivision Agreement; and,

**BE IT FURTHER RESOLVED**, Pennington County supports and opts into the multistate settlements with McKesson, Cardinal Health, and AmerisourceBergen, and with Johnson & Johnson; and,

**BE IT FURTHER RESOLVED**, Pennington County authorizes county staff to execute all necessary documents to ensure County participation in the multistate settlements, including the Participation Agreement and accompanying Release, and in the State-Subdivision Agreement; and,

**BE IT FURTHER RESOLVED**, Pennington County, supports the amending of Minn. Stat. § 256.043, subd. 3(d), to remove a provision which would appropriate approximately 50 percent of the state's settlement allocation to county social service agencies via the existing Opiate Epidemic Response Fund distribution mechanism for statutorily prescribed use(s).

County Coordinator Items:

Motioned by Commissioner Tveitbakk, seconded by Commissioner Lawrence, to approve the reappointment of Neil Peterson as Airport Authority Commissioner for a three-year period effective January 1<sup>st</sup>, 2022 – December 31<sup>st</sup>, 2024. Motion carried.

Motioned by Commissioner Lawrence, seconded by Commissioner Sorenson, to approve the resignation of Kyle Jore as Ag Services/Solid Waste Coordinator effective December 17<sup>th</sup>, 2021. Discussion was held with Commissioner Lawrence noting that a meeting will be held with the local Extension office on December 16<sup>th</sup> to discuss the position. Following discussion, the motion was carried.

Motioned by Commissioner Lawrence, seconded by Commissioner Tveitbakk, to approve a proposal from Northern Woodwork, Inc. in the amount of \$1,585.00 for the purchase and installation of two wall cabinets and the relocation of a current cabinet in Court Administration. Motion carried.

Motioned by Commissioner Tveitbakk, seconded by Commissioner Lawrence, to approve advertising for one, full-time position of Custodian I. Motion carried.

County constituent Gary Heden met with the Board and discussed the snowplowing along his property on the corner of 8<sup>th</sup> Street and Dewey Ave. He believes the plowing is not being done correctly and he is tired of moving snow that shouldn't be pushed onto his property. He provided picture documentation following a recent snowfall and noted that plowing to the curb isn't being done like it should either. Engineer Flaagan noted that two different machines are used in that area and a two-way plow must be used to carry the snow along and past the property. Mr. Flaagan has instructed his personnel to use a two-way plow when working there and has spoken to the City of TRF regarding this issue as well. He also noted that the State plows east-west there on 8<sup>th</sup> Street, further complicating matters.

At 6:00 p.m. the County Board Chairman recessed the County Board meeting and called the 2022 Budget and Levy Hearing to order.

Present at the meeting were: Carl Bruzek – County Assessor, Jennifer Herzberg – County Auditor/Treasurer, Mike Flaagan – County Engineer, Kevin Erickson – County Coordinator, April

Scheinoha – Thief River Falls Times, Grant Nelson – Thief River Falls Radio (via Zoom), , Gary O. Anderson – Constituent, Elaine Laursen – Constituent.

Jennifer Herzberg was then called upon to review the summary budget and levy comparison provided to those in attendance. She noted that ARPA funds are included in the reports and \$400k to be used from reserves for the proposed human services project. The proposed levy increase is 2.8% for 2022.

Gary O. Anderson questioned the levy and wondered how his taxes can increase by way more than the levy amount. The Board noted that his taxes are affected by the levies of many multiple entities, such as the City of TRF, ISD #564, and TRF Regional Airport. The Board and the County Assessor stated that his property values can be reviewed and discussed at the annual Board of Appeal with the City of Thief River Falls.

Elaine Laursen discussed her home values with Board, noting that she missed the 2021 County Board of Appeal and Equalization meeting. She stated their home value is getting out of hand each year and they feel like they are being forced out due to high taxes. The Board noted that demand for homes in the County is very high at this time and most are selling for higher than market value. The County Assessor noted that high sales ratios force increases to property values.

With no further questions or discussion, the Budget and Levy Hearing was closed at 6:20 p.m. and the Chairman called the County Board meeting back to order.

The following resolution was introduced by Commissioner Tveitbakk, seconded by Commissioner Sorenson, and upon vote was unanimously carried.

#### RESOLUTION

**WHEREAS**, the Pennington County Board of Commissioners has reviewed the department budgets for 2022 at several County Board meetings and at this time finds no further changes.

**NOW, THEREFORE, BE IT RESOLVED**, that the following budgets for 2022 are approved.

<b>FUND</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>+/- RESERVE</b>
General Revenue	\$ 11,368,602	\$ 11,686,739	\$ -318,137
Road & Bridge	\$ 5,218,540	\$ 5,218,540	\$ 0
Welfare	\$ 5,519,935	\$ 5,519,935	\$ 0
Debt Service	\$ 1,145,382	\$ 1,071,257	\$ 74,125
Solid Waste Facility	\$ 97,115	\$ 124,600	\$ -27,485
Ditch Maintenance	\$ 176,000	\$ 176,000	\$ 0
Tax Forfeiture	\$ 10,000	\$ 10,000	\$ 0

The following resolution was introduced by Commissioner Sorenson, seconded by Commissioner Nelson, and upon vote was unanimously carried.

#### RESOLUTION

**WHEREAS**, the Pennington County Board of Commissioners has reviewed the proposed levy for 2022 and the proposed Real Estate Tax Statements have been sent as required.

**NOW, THEREFORE, BE IT RESOLVED**, the that final property tax levies for 2022 is approved as follows:

<b>FUND</b>	<b>LEVY BEFORE CPA*</b>	<b>CPA</b>	<b>LEVY AFTER CPA</b>
General Revenue	\$7,024,932	\$604,840	\$ 6,420,092
Road & Bridge	\$1,407,770	\$121,213	\$ 1,286,557
Welfare	\$2,531,366	\$217,977	\$ 2,313,389
Bonded Debt Fund	\$1,139,782	\$ 0	\$ 1,139,782
<b>Total Levy</b>	<b>\$</b>		<b>\$11,159,820</b>

\*CPA = County Program Aid

County Auditor-Treasurer Items:

Auditor-Treasurer Jennifer Herzberg noted that Voting Equipment Grant Account (VEGA) grants are available for the purchase of new voting equipment. VEGA grants can cover 50% of equipment costs and a Help America Vote Act (HAVA) grant could cover any remaining costs, if HAVA isn't available the townships would be asked to cover the remaining costs. The following resolution was introduced by Commissioner Tveitbakk, seconded by Commissioner Lawrence, and upon vote was unanimously carried.

**RESOLUTION APPROVING PENNINGTON COUNTY'S APPLICATION FOR FUNDING FROM THE VEGA EQUIPMENT GRANT**

**WHEREAS**, Minnesota counties are responsible for administering elections, which includes the purchase and maintenance of supplies and election equipment, including accessible voting equipment; and

**WHEREAS**, Minnesota last updated much of its voting equipment between 2002 and 2006 meaning that the equipment is rapidly approaching the end of its 10 to 15 year lifespan; and

**WHEREAS**, it's essential for precincts to have functioning voting equipment so that voters are able to cast their ballot on equipment that is secure, accessible, accurate and reliable;

**WHEREAS**, Minnesota's Legislature authorized \$750,000 for the Voting Equipment Grant Account this year as well as \$750,000 that can be used during the legislative biennium to assist counties, cities, towns and school districts with the purchase of voting equipment; and

**WHEREAS**, to receive funding from the Voting Equipment Grant Account, counties must submit an application to the Minnesota Secretary of State before December 17, 2021; now, therefore,

**BE IT RESOLVED**, Pennington County approves its application for funding from the Voting Equipment Grant; and

**BE IT FURTHER RESOLVED**, the County certifies that any funds awarded from the Voting Equipment Grant will be used only to purchase assistive voting technology, an electronic roster system, an electronic voting system, any individual component of an electronic voting system, or any other equipment of technology approved by the Secretary of State.

Motioned by Commissioner Lawrence, seconded by Commissioner Nelson, to approve a quote by ReadITech IT Solutions for the purchase of a new HP LaserJet color printer for the Auditor-Treasurer's office in the amount of \$814.00. Motion carried.

Ms. Herzberg informed the Board that the lease for the mailing machine in the Government Center is expiring in early 2022. A quote to lease a new mailing system has been received from Quadiant at a cost of \$204.70/month. Maintenance is free for the first year and \$108.00 monthly thereafter. Motioned by Commissioner Lawrence, seconded by Commissioner Sorenson, to approve a quote by Quadiant for

the 5-year lease of a new IX-7 DS Mailing System for the Government Center as detailed above, effective upon expiration of the current lease. Motion carried.

Ms. Herzberg requested Board ratification of a Professional Services Agreement between TriMin Systems, Inc. and the MN Counties Computer Cooperative for the maintenance and support of our Integrated Financial System (IFS). The agreement is effective January 1<sup>st</sup>, 2022, through December 31<sup>st</sup>, 2024. Motioned by Commissioner Lawrence, seconded by Commissioner Tveitbakk, to approve the Agreement as presented. Motion carried.

Motioned by Commissioner Nelson, seconded by Commissioner Sorenson, to approve issuance of the following licenses for 2022. Motion carried.

Thief River Falls Golf Club	On Sale Liquor & Sunday Sales
Petro Pumper, Inc.	3.2 Off Sale Liquor License
Falls Stay & Play	3.2 On Sale Liquor License
Petro Pumper, Inc.	Cigarette & Tobacco License
Farmers Union Oil	Cigarette & Tobacco License
Kruse In of St. Hilaire	Cigarette & Tobacco License
Carpenter's Corner	On Sale Liquor

County Attorney:

County Attorney Seamus Duffy noted there are no change to masking requirements in the Court areas of the Justice Center.

Motioned by Commissioner Sorenson, seconded by Commissioner Tveitbakk, to adjourn the Board meeting to December 30<sup>th</sup>, 2021, at 10:00 a.m.

ATTEST:

Kevin Erickson, County Coordinator  
Pennington County

Neil Peterson, Chairman  
Board of Commissioners