

**OFFICIAL PROCEEDINGS  
PENNINGTON COUNTY BOARD OF COMMISSIONERS  
JUSTICE CENTER BOARD ROOM  
MAY 14, 2024 – 10:00 A.M.**

Pursuant to M.S. 375.07, the Pennington County Board of Commissioners met in the Pennington County Justice Center Board Room in Thief River Falls, MN, on Tuesday, May 14<sup>th</sup>, 2024, at 10:00 a.m. Members Present: Seth Nelson, Bruce Lawrence, Roy Sourdif, and Neil Peterson. Members absent: David Sorenson.

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

The Chairman asked if there were any amendments to the agenda. The County Coordinator noted that County Assessor Carl Bruzek has been added at 10:40 a.m. Motioned by Commissioner Peterson, seconded by Commissioner Lawrence, to approve the revised agenda. Motion carried.

Recognition of Citizens: None.

Motioned by Commissioner Lawrence, seconded by Commissioner Sourdif, to approve County Board minutes of April 23<sup>rd</sup>, 2024, as written. Motion carried.

Motioned by Commissioner Sourdif, seconded by Commissioner Lawrence, to approve the Auditor & Manual warrants for April 2024 totaling \$1,305,662.02, and the following Commissioner warrants, to include a payment to ABM Technology Group in the amount of \$1,846.75 (Extension computer/install) and \$15,433.00 (May hosted IT services). Motion carried.

County Revenue	\$149,412.94
Road & Bridge	\$206,999.80
Solid Waste Facility	\$ 9,973.47
Ditch Funds	\$ 26,166.55

Meal reimbursements and per diems in the amount of \$2,714.17 were also approved.

Constituent Melissa Swanson met with the Board regarding her property at 510 Riverside Ave. in Thief River Falls. The riverbank behind the home is failing and she has received little to no communication from the City or County on the issue. She said she is unable to sell the home as no financial institution will issue a loan on the property due to the riverbank failure. EMD Erik Beitel was present and noted that once the county's Hazard Mitigation Plan update is complete and approved, we can prioritize county issues and apply for related funding. He believes the riverbank failure would likely result in buyouts, but the process wouldn't likely start until 2025 and will take years to complete. He also noted that funding is not guaranteed. The Board expressed their empathy to Ms. Swanson and asked Mr. Beitel to keep her and other affected property owners updated on the issue. Ms. Swanson thanked the Board and Mr. Beitel for the updated information.

County Sheriff Seth Vetteson presented the following items:

Motioned by Commissioner Lawrence, seconded by Commissioner Sourdif, to accept the resignation of Part-Time Dispatcher/Corrections Officer Bradley Prodehl effective May 8<sup>th</sup>, 2024. Motion carried.

Motioned by Commissioner Lawrence, seconded by Commissioner Sourdif, to accept the resignation of Full-Time Jail Sergeant Heather Borgen effective May 6<sup>th</sup>, 2024. Motion carried.

Mr. Vetteson informed the Board that he will wait to fill the position of Full-Time Jail Sergeant.

Bryanna Grefthen of the Pennington County SWCD discussed a Conditional Use Permit application from Joseph Rubischko of Star Township. A Public Hearing regarding the application was held in the Board Room today at 9:00 a.m. and the main concern from area residents was the potential effects to roads from the increased traffic and larger trucks. Bryanna noted that Mr. Rubischko's application was complete and he has satisfied all of the permit requirements. A related Construction Short Form permit is currently under review by the MPCA. Ms. Grefthen reviewed the permit and its stated maximum of 763 animal units, plans for odor and animal mortality management, potential adverse effects to the area, roads, neighbors, and property values. Motioned by Commissioner Peterson, seconded by Commissioner Lawrence, to approve a Conditional Use Permit to Joseph Rubischko pursuant to the Pennington County Feedlot Ordinance, Section 7.4. Discussion followed with Commissioners Peterson and Lawrence commending Mr. Rubischko on his business expansion and for following the proper steps to do so. Following discussion, the motion was carried.

County Engineer Mike Flaagan presented the following items for the highway dept:

Mr. Flaagan first wished to address the concerns about the roads near the Joseph Rubischko property and his conditional use permit. Constituents Gene Marquis, Terry Anderson, and Lana Anderson were present and voiced their concerns about the roads, stating they can hardly handle traffic now much less larger truck traffic. Mr. Flaagan noted there are soft spots and frost boils that will have to be dug out and repaired, and he has discussed potential remedies with the Highway Foreman. Mr. Marquis also discussed spring road restrictions and said they should be enforced to protect the roads.

Constituent Terry Anderson commented to Engineer Flaagan that the county's ditch mowing in his area is fantastic and the equipment operator should be commended on his work. Mr. Flaagan appreciated the feedback and he will let the operator know. He said there have been multiple compliments on the county's mowing this spring.

Engineer Flaagan discussed the County Road #62 & 150<sup>th</sup> Avenue project and noted that several road designation changes are needed in regard to such project:

The following resolution was introduced by Commissioner Lawrence, seconded by Commissioner Sourdif, and upon vote was unanimously carried.

### **RESOLUTION REVOKING COUNTY STATE AID HIGHWAY**

**WHEREAS**, it appears to the County Board of the County of Pennington that the road hereinafter described as a County State Aid Highway under the provisions of Minnesota Laws:

**NOW, THEREFORE, BE IT RESOLVED**, by the County Board of the County of Pennington that the road described as follows to wit: County State Aid Highway #19 starting at the intersection of County State Aid Highway #2, and north to County State Aid Highway #3, a distance of 2.7 miles, be and hereby is, revoked as a County State Aid Highway of said County subject to the approval of the Commissioner of Transportation of the State of Minnesota.

**BE IT FURTHER RESOLVED** that the County Auditor is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for his consideration.

The following resolution was introduced by Commissioner Peterson, seconded by Commissioner Lawrence, and upon vote was unanimously carried.

### **RESOLUTION TO DESIGNATE ROAD AS COUNTY STATE AID HIGHWAY**

**WHEREAS**, it appears to the County Board of the County of Pennington that the road hereinafter described as to County State Aid Highway #19 under the provisions of Minnesota Laws:

**NOW THEREFORE, BE IT RESOLVED**, by the County Board of the County of Pennington, that the road described as follows to wit: County Road #80 will be designated as CSAH #19 from CSAH #2 North to CSAH #3. The total is 1.88 miles, be and hereby is, designated as County State Aid #19 of said County subject to the approval of the Commissioner of Transportation of the State of Minnesota.

**BE IT FURTHER RESOLVED**, that the County Auditor is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for his consideration.

The following resolution was introduced by Commissioner Sourdif and was seconded by Commissioner Peterson. Commissioner Peterson then sought clarification on the section being designated as CSAH, with Mr. Flaagan stating it will be the portion from Tindolph Ave. to Hanson Drive, and noted that by law a CSAH must connect to a trunk highway or municipal state aid road. Following discussion, the motion was carried with Commissioner Lawrence abstaining.

### **RESOLUTION TO DESIGNATE ROAD AS COUNTY STATE AID HIGHWAY**

**WHEREAS**, it appears to the County Board of the County of Pennington that the road hereinafter described as to County State Aid Highway #11 under the provisions of Minnesota Laws:

**NOW THEREFORE, BE IT RESOLVED**, by the County Board of the County of Pennington that the road described as follows to wit: County Road 62 will be designated as CSAH 11 from Tindolph Avenue (MSAS 123) to 11<sup>th</sup> Street East (MSAS 124). The total is .96 miles, be and hereby is, designated as County State Aid #11 of said County subject to the approval of the Commissioner of Transportation of the State of Minnesota.

**BE IT FURTHER RESOLVED**, that the County Auditor is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for his consideration.

The following resolution was introduced by Commissioner Peterson, seconded by Commissioner Sourdif, and upon vote was unanimously carried.

### **RESOLUTION ESTABLISHING COUNTY ROAD**

**WHEREAS**, it appears to the County Board of the County of Pennington that the road hereinafter described as a County Road under the provisions of Minnesota Laws:

**NOW THEREFORE, BE IT RESOLVED**, by the County Board of the County of Pennington that the road described as follows to wit: Starting at the intersection of County State Aid Highway #2 and Northerly to State Highway #3, a distance of 2.7 miles and hereby is established, located, and designated a County Road of said County subject to the approval of the Commissioner of Transportation of the State of Minnesota.

**BE IT FURTHER RESOLVED**, that the County Auditor is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for his consideration, and that upon his approval of the designation of said road or portion thereof, that same be constructed, improved, and maintained as a County Road of the County of Pennington, to be numbered and known as County Road 79.

Engineer Flaagan noted that we have been awarded a \$250k Public Land Survey System Grant for the remonumenting of public land survey corners. He presented a proposed contract with surveyor Doug Carter at the rate of \$100/hour for the period of May 15, 2024, to October 31, 2025. Mike noted that the County would have to pay for extra services such as digging to find corner section rods, etc. Motioned by Commissioner Lawrence, seconded by Commissioner Sourdif, to approve a contract between Pennington County and Doug Carter for survey services related to the PLSS grant as presented. Motion carried.

Mr. Flaagan presented a quote from Advanced Engineering and Environmental Services, LLC (AE2S) of Grand Forks, ND in the amount of \$24,416.00 to provide GIS services to the Highway Department. Services will include management of the section corner

monumentation information and related documents, basemaps, legal drainage and flood maps, monthly GIS workshops for one year, and 20 hours of tech support. Motioned by Commissioner Peterson, seconded by Commissioner Lawrence, to approve the quote by AE2S in the amount of \$24,416.00 for GIS services as presented and discussed. Motion carried.

Engineer Flaagan discussed a Petition received to use CD#70 as an outlet for drainage as part of the City and Watershed Chief's Coulee Water Quality Project. Rinke Noonan has stated that for now the Board just needs to acknowledge receipt of the petition. Motioned by Commissioner Lawrence, seconded by Commissioner Sourdif, to acknowledge receipt of a petition to use CD#70 as an outlet for drainage. Motion carried.

Engineer Flaagan discussed CD#58 in Hickory Township, noting that the ditch starts in the SE corner of Section 13, goes west one mile, then north one-half mile and then turns west again. However, a county map shows the ditch going a full mile north on the west side of section 13 and then laterals to the NE. They haven't been able to find legal documentation for the portion going beyond the one-half mile on the west side of Section 13. He did state that water runs north for the full mile and the issue was found during buffer zone checks. He noted that we cannot enforce a buffer or buffer law if there is no legal ditch involved. Landowner Darwin Boutain is out of compliance with a buffer for land nearby and has requested an extension to the deadline. Following discussion, there was a motion by Commissioner Peterson, seconded by Commissioner Lawrence, to approve an extension of the buffer law deadline to July 1<sup>st</sup>, 2024, for Darwin Boutain regarding parcel R06.01307104. Motion carried.

Mr. Flaagan discussed the H2Over Viewers proposal from a prior Board meeting and noted that some benefit areas should be redetermined in the county, namely CD#70 and CD#46. The Board asked Mr. Flaagan to contact H2Over Viewers about pricing and a timeline to redetermine those two areas. Mike noted he will keep Rinke Noonan involved in the discussion as well.

Engineer Flaagan noted that the Kratka Bridge project is progressing. The contractor is forming the deck and is planning to pour next week.

Mr. Flaagan stated he has sent RFPs to local engineering firms regarding the CR#62 & 150<sup>th</sup> Avenue project and will soon do the same for the street projects related to the upcoming Goodridge school project. Commissioner Lawrence volunteered to sit on the committee to choose the consultant(s) for such projects.

County Assessor Carl Bruzek presented the following items:

Betty Kruse filed an Application for Abatement regarding parcel R16.05000310. Her son Michael Kruse moved his home onto the parcel for the 2023 assessment but it wasn't classified as Residential Homestead 1B in error. They are requesting abatement for the related taxes payable 2024. Motioned by Commissioner Peterson, seconded by

Commissioner Sourdif, to approve the Application for Abatement for Betty Kruse, parcel R16.05000310, for taxes payable 2024, as presented. Motion carried.

Alvar and Cindy Rissanen filed an Application for Abatement for taxes payable 2024 regarding parcel R25.05902100. A property tax exclusion was removed from the parcel in error for the 2023 assessment, so they are requesting it be reinstated and the related taxes abated for payable 2024. Motioned by Commissioner Lawrence, seconded by Commissioner Sourdif, to approve the Application for Abatement for Alvar and Cindy Rissanen, parcel R25.05902100, for taxes payable 2024 as presented. Motion carried.

Mr. Bruzek discussed tax abatement policies, noting that Pennington County should consider adoption of such a policy. He will email the Board a draft policy for their consideration.

County Auditor-Treasurer Items:

Motioned by Commissioner Lawrence, seconded by Commissioner Sourdif, to approve two quotes provided by National Business Furniture regarding the purchase of 8 tables and 16 chairs for the 3<sup>rd</sup> floor conference room in the Government Center. Motion carried.

Ms. Herzberg discussed the need for a wall-mounted screen or TV and a camera for conducting online meetings, training, etc. in the new 3<sup>rd</sup> floor conference room. The Auditor-Treasurer was authorized to make the purchases contingent on the budget.

County Coordinator Items:

Motioned by Commissioner Sourdif, seconded by Commissioner Peterson, to approve issuance of a duplicate warrant to Gopher State One Call in the amount of \$16.20 to replace lost warrant 197859 dated September 15<sup>th</sup>, 2023, without issuance of an indemnifying bond. Motion carried.

County Coordinator Kevin Erickson discussed several quotes that have been reviewed and recommended by the Building Committee: 1) quote by Thief River Glass in the amount of \$631.00 to supply and install a glass pane in the Government Center; 2) quote by Climate Control Inc. in the amount of \$13,620.00 to replace the CO/NO2 detection system in the parking garage of the Justice Center; 3) quote by Universal Screenprint in the amount of \$165.00 for a one-foot by six-foot aluminum sign for above northwest entrance of the Government Center; 4) quote by Dakota Fire Protection in the amount of \$2,300.00 to replace a 4" wafer butterfly water valve in the Law Enforcement Center; 5) quote by Johnson Controls in the amount of \$430.33 annually for five years for inspection of the fire alarm system in the Government Center; 6) quote by Johnson Controls in the amount of \$538.63 annually for five-years to monitor the fire alarm system in the Government Center; and 7) quote by Universal Screenprint in the amount of \$670.00 for 22 parking signs at the Government Center. Following discussion, there was a motion by Commissioner Lawrence, seconded by Commissioner Peterson, to

approve all quotes and items as discussed above and as recommended by the Building Committee. Motion carried.

Committee Reports / Commissioner Updates:

Commissioner Lawrence noted that he attended a cyber-security meeting and training in St. Cloud in late April.

Motioned by Commissioner Sourdif, seconded by Commissioner Lawrence, to adjourn the Board meeting to May 28<sup>th</sup>, 2024, at 10:00 a.m. Motion carried.

ATTEST:

Kevin Erickson, County Coordinator  
Pennington County

Seth Nelson, Chairman  
Board of Commissioners