

**ADJOURNED MEETING OF THE COUNTY BOARD**

**NOVEMBER 18, 2008**

The Board of County Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m., on Tuesday November 18, 2008. Members present: Nelson, Mathiason, Shoff, Belshan and Behrends.

Commissioner Belshan offered the following motion:

**MOVED**, to approve the November 4, 2008 Board Meeting and the November 18, 2008 Budget Workshop meeting.

Motion seconded by Commissioner Shoff.

After discussion, a vote was taken and the Chair declared the motion approved.

Commissioners reported on meetings attended.

Phil Tennis, Ditch Inspector presented the Board with a summary of the FEMA money that paid for the repairs to the ditches this fall. The county paid for the completions from the general fund until the Federal and State money arrives.

Brett Behnke, Shell Rock River Water Shed representative presented the board with an overview of the projects past and present that they are working on.

Commissioner Behrends offered the following resolution:

**RESOLUTION 08-172**

**RESOLUTION ACCEPTING THE CONDITIONAL USE PERMIT FOR KRIS RUGLAND**

**RESOLVED**, that pursuant to the provisions of the County of Freeborn Zoning Ordinance No. 15, Article 23, a Conditional Use Permit is hereby granted to Kris Rugland for Industrial Waste Application as allowed by Ordinance #15, Article 6, Section #3, Subd. #21, and Article 23, on the following described property:

Various parcels within Shellrock and London Townships, consisting of Parcel Numbers:  
02.034.0081; 02.004.0050; 02.013.0090; 02.013.0090; 02.023.0070; 01.019.0010;01.029.0011;  
02.035.0071; 02.022.0021; 02.016.0050; 02.021.0040; 02.022.0040; 02.021.0070; 02.022.0041;  
02.021.0010; 02.022.0020; 02.021.0050; 02.020.0090; 02.021.0080; 02.022.0050; 02.014.0060;  
02.033.0090; 02.034.0070; 02.034.0072; 02.034.0071; 02.034.0060; 02.023.0020; 02.005.0060

**BE IT FURTHER RESOLVED**, that said Conditional Use Permit be subject to the conditions setforth:

1. This permit shall be for an interim period ending December 31, 2012.
2. Minnesota Pollution Control Agency National Pollutant Discharge Elimination System (NPDES) / State Disposal System (SDS) permit No. MN0050911 shall be adopted as part of this permit. All rules and conditions shall be adopted.
3. Applicant shall obtain and supply to Freeborn County written permission from each landowner to accept this waste and record this Conditional Use Permit onto their parcel.
4. There shall be no long term or permanent storage sites.
5. As per Ordinance 16, Septic Compliance Inspections shall be done on all habitable residences on parcels identified in this resolution before any product is brought into the county.
6. This facility shall not be extended or expanded without review and approval of the Freeborn County Board of Commissioners.
7. The Permit may be revoked by the Freeborn County Board of Commissioners at a public hearing to be held after 30 days notice is given for failure to comply with the provisions of the Permit.

Resolution seconded by Commissioner Behrends.

After discussion, a vote was taken and the Chair declared the resolution unanimously adopted.

Commissioner Shoff offered the following resolution:

**RESOLUTION 08-173**

**RESOLUTION APPROVING THE LOCAL PUBLIC HEALTH ACT FUNDING 2009 ASSURANCES AND AGREEMENTS**

***Minnesota Department of Health*2009 Assurances and Agreements**

**BY SIGNATURE, THE AUTHORIZED OFFICIAL AGREES AND ASSURES THAT LOCAL PUBLIC HEALTH ACT FUNDING WILL BE USED IN ACCORDANCE WITH THE TERMS OUTLINED IN THE COMMUNITY HEALTH BOARD'S MASTER GRANT CONTRACT EFFECTIVE JANUARY 1, 2009- DECEMBER 31, 2013.**

**IN ADDITION, THE AUTHORIZED OFFICIAL AGREES AND ASSURES THAT:**

1. Services will be provided in accordance with state and federal laws, rules, and policies.
2. The Community Health Board (the Board) will comply with state and federal requirements for equal opportunity employment.
3. The Board will comply with state and federal requirements relating to data privacy and confidentiality of protected information.
4. The Board will provide the Minnesota Department of Health with information referenced in reports where applicable.
5. Standards for programs or activities will be used in carrying out affected programs or activities where those standards exist.

6. An assessment of community health needs and assets has been conducted, upon which the local public health priorities are established.
7. Input has been sought from the community for the establishment of local public health priorities.
8. Input has been sought from the community or the recommendations of a community health advisory committee have been considered in determining the mechanisms to address local public health priorities and achieve statewide outcomes.
9. The ten essential public health services (MN Statutes 145A.10, Subd. 5a.) have been considered in determining the mechanisms to address local public health priorities and achieve statewide outcomes.
10. The state general funds and match have been used to support the essential local public health activities adopted by SCHSAC and address the local public health priorities and issues as identified by the community health assessment and action plan.
11. The Board will comply with all standards related to fiscal accountability that apply to the Minnesota Department of Health, specifically:
  - a. The local match identified in the expenditures and budget submissions comply with the definitions specified in MN Statutes 145.882, Subd. 3(b) (Federal Title V) and 145A. 13 1, Subd. 2 (State General Funds).
  - b. The Board will submit budget revisions to the Commissioner for prior approval in accordance with applicable statute, rule, and the Minnesota Department of Health policy.
  - c. Reports will be filed with the Commissioner of Health in accordance with applicable statute, rule, and the Minnesota Department of Health policy.
  - d. The Board will maintain a financial management system that provides:
    - i. Accurate, current, and complete disclosure of the financial results of each activity.
    - ii. Records that identify adequately the source and application of funds for grant supported activities. These records shall contain information to grant awards and authorizations, obligations, unobligated balances, liabilities (encumbrances), outlays and income.
    - iii. Demonstration that the Board has effective control over the accountability for all funds, property, and other assets.
    - iv. Comparison of actual obligations with budget amounts for each activity.
    - v. Accounting records that are supported by source documentation.
    - vi. Audits that can be made by or at the direction of the Board or the Minnesota Department of Health. Financial records will be retained until audited, with the following qualifications:
      1. The records will be retained beyond this period if any audit findings have not been resolved.
      2. Records for non-expendable property acquired with grant funds will be retained for three years after the property's final disposition.
12. The Board will maintain records of the following materials for review:
  - a. Copies of the Joint Powers Agreement forming the Community Health Board.
  - b. When appropriate, copies of agreements establishing a Board of Health or Boards of Health within the area of the Community Health Boards.
  - c. When applicable, agreements establishing a Human Services Board. This is necessary if the Human Services Board has assumed the powers and responsibilities of a Community Health Board under MN Statutes 402.
  - d. Organization chart of the Community Health Board structure that identifies major program activities, advisory groups, and lines of authority and accountability.

- e. A list of all city/county local ordinances or other local regulations related to community health services revised within the past two years.
- f. Copies of all public meeting notices and minutes.
- g. General roster for community health service mailings.
- h. Where applicable, Community Health Services advisory committee meeting notices, minutes, and attendance records.
- i. Summary of public comments or testimony on the local public health priorities and/or mechanisms to address the priorities and achieve statewide outcomes.
- j. Copies of contracts/purchase of service agreements with other organizations.
- k. Environmental Health, Disease Prevention and Control, and other agreements to exercise the Commissioner of Health's authority.

**ADDITIONAL FEDERAL ASSURANCES AND AGREEMENTS:**

13. The agency (if it has 15 or more employees) and any subcontractors with 15 or more employees will have on file and available for submission to Minnesota Department of Health upon request a written non-discrimination policy containing at least the following:

"All programs, services, and benefits which are administered, authorized, and provided shall be operated in accordance with the non discriminatory requirements pursuant to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, as amended, the Age Discrimination Act of 1975, and the non discriminatory requirements of the Title V Block Grant. No person or persons shall on the ground of race, color, national origin, handicap, age, sex, or religion, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program service or benefit advocated, authorized, or provided by this Department."

14. The agency (if it has 15 or more employees) and any subcontractors with 15 or more employees will disseminate information to beneficiaries and the general public that services are provided in a non discriminatory manner in compliance with civil rights statutes and regulations. This may be accomplished by:

- a. Including a handout containing civil rights policies in any brochures, pamphlets, or other communications designed to acquaint potential beneficiaries and the public with programs; and/or
- b. Notifying referral sources in routine letters by including prepared handouts stating that services and benefits must be provided in a nondiscriminatory manner. Copies of each document disseminated and a description of how these documents have been disseminated will be provided to the Minnesota Department of Health upon request.

15. In fulfilling the duties and responsibilities of this grant, the grantee shall comply with the Americans with Disabilities Act of 1990, 42 U.S.C. §12101, et seq., and the regulations promulgated pursuant to it.

16. No residency requirements for services other than state residence will be imposed. Non-CHB residents must be served or referred to the appropriate local public health department.

17. Services shall not be denied based on inability to pay.

18. Arrangements shall be made for communications to take place in a language understood by the maternal and child health service recipient.

19. All written materials developed to determine client eligibility and to describe services provided under this funding will be understandable to the eligible population.

20. The agency will provide services in keeping with program guidelines of the Minnesota Department of Health and guidelines of accepted professional groups such as the American Academy of Pediatrics, American College of Obstetricians and Gynecologists, and American Public Health Association.
21. Upon request, one copy of any subcontract executed using federal funds will be provided to the Minnesota Department of Health.
22. Title V (MCH Block Grant) funds shall not be used for inpatient services except for high-risk pregnant women and infants or to children with special health care needs.
23. Cash payments shall not be made to intended recipients of health services.
24. Title V funds shall not be used for purchase or improvement of land or facilities or provide research or training to any entity other than a public or nonprofit private entity.
25. Title V funds shall not be used for purchase of equipment costing more than \$5,000.00 per unit and with a useful life exceeding one year.
26. Title V funds shall not be used for reimbursement for travel and subsistence expenses incurred outside the state unless it has received prior written approval from Janet Olstad at the Minnesota Department of Health for such out-of-state travel.
27. When applicable, the agency shall provide nonpartisan voter registration services and assistance using forms provided by the state to employees of the agency and the public as required by Minnesota Statutes, 1987 Supplement, Section 201.162, Requirements for Voter Registration.
28. When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects and programs funded in whole or in part with federal money, all grantees receiving federal funds shall clearly state (a) the percentage of the total cost of the program or project which will be financed with federal money, and (b) the dollar amount of federal funds for the project or program.
29. The agency will not use Title V funds to pay for any item or service (other than an emergency item or service) furnished by an individual or entity convicted of a criminal offense under the Medicare or any state health care program (i.e., Medicaid, Maternal and Child Health, or Social Services Block Grant programs).
30. Materials developed by Title V funds and matching funds will be part of the public domain and will be accessible to the public as financially reasonable. Materials developed by the Maternal and Child Health Special Project grant and matching funds may be reproduced and distributed by the Project to other agencies and providers for a profit so long as the revenues from such sale are credited to maternal and child health services for expenditure toward maternal and child health services.
31. Title V funds are used as payment for services only after third-party payments, such as from the Medical Assistance/Medicaid (Title XIX SSA), MinnesotaCare reimbursement programs of the Minnesota Department of Human Services and private insurance are utilized.
32. Title V funds will not be used to provide and/or arrange sterilizations without the prior approval of the Minnesota Department of Health. Agencies approved to use federal funds to provide and/or arrange for sterilization are required to follow federal procedures and to provide written documentation in this regard on a quarterly basis. (This procedure is not applicable to provision of information concerning sterilization).
33. The agency will comply with the requirements of the OMB Circular A-87 "Cost Accounting Principles for State, Local, and Indian Tribal Governments," Cost Accounting Principles and the Federal award(s) for which they apply.

34. Title V fund must be used as outlined in Minnesota Statutes 145.882, Subd. 7
35. Other federal funds that the Board receives cannot be used to meet match requirements for Title V funds.
36. Individuals whose income is at or below 100 percent of Federal Poverty Guidelines (FPG) and receiving Title V funded services cannot be charged a fee for services provided.
37. Sliding fees imposed on families above 100 percent of FPG will be adjusted to reflect the income, resources, and family size of the individual provided the services.
38. Temporary Assistance for Needy Families (TANF) funds are used to provide nonmedical home visiting services to eligible families, implement evidence-based or promising strategies to reduce out-of-wedlock births, especially among teens and/or to support WIC services. (Note: No more than one half of the TANF allocation can be expended on WIC services.)
39. TANF funds cannot be used to reimburse families or individuals for childcare or for transportation or for cash payments to recipients.
40. TANF funds cannot be used to satisfy match requirements of another federal program such as the Title V.
41. TANF funds cannot be used for medical services or for family planning services. Family planning services include: counseling and education as part of a clinical visit (or visits) related to obtaining contraceptives; medical services such as a pap smear or physical; and contraceptive supplies.
42. TANF Family Home Visiting Program eligibility criteria (documentation should be in each case file and updated annually):
  - a. Family is receiving federally funded Minnesota Family Investment Program (MFIP) OR
  - b. Family has an income at or under 200% FPG AND all members of the family are either U.S. citizens or eligible non-citizens AND family consists of one of the following:
    - i. Pregnant woman
    - ii. Child under the age of 18 or under OR
    - iii. Under 19 if a full time secondary
43. Administrative cost of TANF expenditures may not exceed 15 percent.

Commissioner Behrends offered the following resolution;

**RESOLUTION 08-174**  
**RESOLUTION RATIFYING THE MINNESOTA COUNTIES COMPUTER**  
**COOPERATIVE MAINTENANCE & SUPPORT AGREEMENT**

**RESOLVED**, The Board of Freeborn County has ratified the PH-DOC MAINTENANCE AND SUPPORT AGREEMENT between ACS STATE & LOCAL SOLUTIONS, INC. and the Minnesota Counties Computer Cooperative for the development of maintenance and support of PH\_Doc for a term to coincide with the development of the PH-DOC 2012 Project.

The Agreement will be effective January 1, 2009 through March 31, 2013. This Agreement commits the participating members for the term of the contract and the financial obligations associated with this project.

Resolution seconded by Commissioner Shoff.

After discussion, a vote was taken and the Chair declared the resolution unanimously adopted.

Commissioner Shoff offer the following resolution;

**RESOLUTION 08-175**

**RESOLUTION ACCEPTING THE BROWN COUNTY EVALUATION CENTERS  
PURCHASE AGREEMENT FOR THE CALENDAR YEAR 2009**

**WHEREAS**, Freeborn County is financially responsible for all costs related to the detention of juveniles placed under arrest in Freeborn County, and

**WHEREAS**, Freeborn County has an on-going contractual relationship wit the Brown County evaluation Center for service of juvenile detention, and

**WHEREAS**, Freeborn County wishes to continue to contract the service of juvenile detention with the Brown County Evaluation Center, therefore,

**BE IT RESOLVED**, that the Freeborn County Board of Commissioners approve the Purchase of Services Agreement contract between the Brown County Detention Center, Detention Division 510 N. Front St., New Ulm, MN 56073 and Freeborn County for the calendar year 2009.

Resolution seconded by Commissioner Behrends.

After discussion, a vote was taken and the Chair declared the resolution unanimously adopted.

Old Business discussed; John Kluever, Administrator addressed the issue of designating a voting delegate and alternate that was discussed at the previous meeting and tabled until after the election.

Commissioner Belshan offered the following motion;

**MOVED**, appointing Commissioner Mathiason as the voting delegate for the Minnesota Counties Insurance Trust.

Motion was seconded by Commissioner Shoff.

After discussion, a vote was taken and the Chair declared the motion unanimously approved.

John Kluever, Administrator asked which of the commissioners were attending the conference in Duluth for the Association of Minnesota Counties Annual Conference, so that the registration can be completed and sent in. Commissioners Mathiason and Shoff will be attending the conference.

Commissioner Behrends offered the following resolution;

**RESOLUTION 08-176**

**RESOLUTION EXCEPTING THE RECLASSIFICATION OF THE OFFICE SUPPORT  
WORKER IN THE FREEBORN COUNTY EXTENSION OFFICE**

**WHEREAS**, the Commissioners of Freeborn County have the authority to change the classification of county employees,

**NOWTHEREFORE BE IT RESOLVED**, that the reclassification of the Office Support Specialist be changed to Grade 7 Step 7 retroactive from July 1, 2008.

Resolution seconded by Commissioner Nelson.

After discussion, a vote was taken and the Chair declared the motion unanimously adopted.

Commissioner Shoff offered the following motion;

**MOVED**, extend the lease agreements for three (3) sheriff's vehicles.

Motion was seconded by Commissioner Nelson.

After discussion, a vote was taken and the Chair declared the motion unanimously approved

Commissioner Behrends offered the following resolution;

**RESOLUTION 08-177  
APPROVAL OF CLAIMS**

**RESOLVED**, that the following claims be allowed and paid on November 21, 2008.

Fund	Amount	Name
01	\$ 126,308.81	General Fund
03	\$ 185,474.08	County Road and Bridge
31	\$ 15,924.70	Capital Improvements
39	\$ 56.70	HRA- Lease Rev Debt Service
40	\$ 19,745.82	County Ditches
	<b>\$336,581.49</b>	<b>TOTAL</b>

**GENERAL FUND**

ACS 9,754, Albert Lea Tribune 2,280.50, Alcopro Inc 328, American Institutional Supply 553.60, Batteryzone Inc 359.50, Bens Floral & Frame Design 346.68, BP 453.23, Christian and Peterson PA 2,700.20, City of Albert Lea 23,126.98, Cole Papers Inc 754.99, Com Tec Land Mobile Radio 1,186.90, Computer Information Systems 11,000, Computer Integration Technology 1000, D&T Ventures LLC 1,449, Express Services Inc 1,481.09, Frederickson Donald 500, Freeborn Co. Chemical Dependency 1,500, Goldman Sturtz & Halvorsen 1,960, Health Professionals LTD 12,588.09, Hemocue Inc 2,016, Holiday Inn Rivercenter 352.92, Kylo Jamie 944.72, Locators & Supplies Inc 452.62, Mail Expeditors 1,182.28, Manpower Inc

301.76, MCCC MI 33 2,821.47, Mower Co Offices 5,703.81, Northland Chemical Corporation 658.54, Office Max Inc 728.78, Peterson Savelkoul & Benda 2,733.49, Professional Service & Supply 675.28, Scotts Office Products 434.82, Total Fire Protection 532.96, Walsh Donald 726.33, Waste Management of Southern 23,178.62, Weinberg Ellen 350, West Payment Center 444.50, Xerox Corp 521.20, Zack Jones and Magnus 416.

**COUNTY ROAD & BRIDGE**

Com Tec Land Mobile Radio 1,315.33, Craguns Pine Beach Lodge 409, Dell Marketing LP 939.39, Diamond Mowers Inc 647.31, DLT Solutions Inc 1,890.58, Freeborn Co Coop Oil 10,953.30, Freeborn Construction Inc 14,543.66, Freeborn Mower Cooperative SE 757, Government Training Services 345, Hanson Tire Service Inc 3,275.16, Iowa Chicago & Eastern Railroad 100,073, Jones Haugh & Smith Inc 1,175, Karls Carquest Auto 939.51, MR Sign 318.85, Metal Culverts Inc 12,985.99, Ruffridge Johnson Equipment Co 301.30, Steeles Body Shop 532, Ulland Bros Inc 30,920.82, Ziegler Inc 686.42

**CAPITOL IMPROVEMENTS FUND**

Dell Marketing LP 1,905.48, Stanley Convergent Security S 529.65.

**HRA-LEASE REV DEBT SERVICE**

Wells Fargo 2300.

**COUNTY DITCHES**

Jensen Excavating & Trucking 2,397.94, Jones Haugh & Smith 2,707, Olson Excavation 12,724.70, Rinke Noonan Law Firm 1,688.50.

Number of claims not exceeding \$300.00 – 137

Dollar amount of claims not exceeding \$300.00 - \$ 10,820.74

Resolution seconded by Commissioner Nelson.

After discussion, a vote was taken and the Chair declared the resolution unanimously adopted.

Chairman, Commissioner Mathiason adjourned the meeting until 8:30 a.m., November 25, 2008.

BY: \_\_\_\_\_

Glen Mathiason  
Chairman of the County Board

ATTEST: \_\_\_\_\_

John Kluever  
Administrator