1. 8:00 A.M. Agenda And Meeting Materials

Documents:

APRIL 28 UPDATED PACKET.PDF

***REVISED**
POLK COUNTY BOARD
AGENDA

MEETING LOCATION: WEBEX BOARD MEETING

To participate in this meeting, Public Call in Info:
Dial in #1-408-418-9388
Meeting number (access code): 622 888 722
Password If Needed: (Phone Password): 45272476
Please see below how to address the Board during the meeting.

APRIL 28, 2020

8:00 A.M. **MEETING OPEN/CONVENE**

CALL TO ORDER

REVIEWAL & APPROVAL OF THE AGENDA

CONSENT AGENDA
1. Approve the April 21, 2020 Board Minutes

COUNTY BOARD MEMBERS ISSUE FORUM

8:30 **JIM TADMAN - SHERIFF**
1. Dispatcher Resignation & Post for New Hire
2. Request from Beltrami Fire Department for any Used Emergency Light Bars
3. Resolution (2020-39) Accepting Financial Donations On Behalf Of Polk County Sheriff's Office From From Judy Thoren
4. Resolution (2020-40) Accepting Financial Donations On Behalf Of Polk County Sheriff's Office From Mary Filipski On Behalf Of Her Father Maurity Thompson
5. Monthly Sheriff Reports

8:50 **SAM MELBYE – TAX PAYER SERVICE CENTER**
1. Resolution (2020-41) Proposed Abatements in the City of Crookston and the City of East Grand Forks

9:00 **JON STEINER – ENVIRONMENTAL SERVICES**
1. SSOM Compost Pad – Correction to Close-out Action
2. CAP Grant – RRF Scale Project – Release of Retainage
3. Fosston RRF – RATA Testing
4. Transfer Station - Parking Lot Improvements

9:40 **SARAH REESE – PUBLIC HEALTH**
1. Covid-10 Update

9:55 **MICHELLE COTE – PROPERTY RECORDS**
1. Lease of Flood Buyout Property 09.00288.00

10:05 ***MARK DIETZ – FACILITIES**
1. Polk County Projects - Update

10:25 **CHUCK WHITING - ADMINISTRATOR**
1. COVID-19 Operations Status

ADJOURN

Public participation instructions: **Upon entering the meeting, please refrain from generating any noise that may interfere with the meeting proceedings. For each item on the agenda, the Board Chair will open discussion with the Department Head reviewing the agenda item. The Chair will ask each Commissioner for comments and questions. When Commissioner and staff discussion nears conclusion, the Chair will ask for any questions or comments from the public. Please state your name and address to address the Chair and your question or comment. When the Board moves a motion, the Commissioner will identify themselves, and each vote will be a roll call vote.**

If you need any type of accommodation to participate in the Polk County Board meeting, please contact Chuck Whiting at (218) 281-5408 at least 1 working day before the meeting. This board agenda is subject to change without notice.

APRIL 21, 2020
WEBEX PHONE CONFERENCE
BOARD MINUTES

Pursuant to motion of adjournment the Polk County Board of Commissioners met in regular session via Webex Phone Conference at 9:30 o'clock a.m., April 21, 2020. Members present: Commissioner Gerald Jacobson, Commissioner Warren Strandell, Commissioner Gary Willhite, Commissioner Joan Lee and Commissioner Don Diedrich and Charles S. Whiting, County Administrator, Clerk of the Board. Others present: Michelle Cote, Deputy Clerk of the Board.

AGENDA

A motion was made by Commissioner Diedrich seconded by Commissioner Lee and adopted by unanimous vote of the Board to approve the April 21, 2020 revised agenda adding No. 3 under the Polk County Administrator.

CONSENT AGENDA

A motion was made by Commissioner Strandell seconded by Commissioner Lee and adopted by unanimous vote of the Board to approve the consent agenda for April 21, 2020:

1. Approve Commissioner Warrants: General Revenue Fund, $131,604.72; Public Works Fund, $52,290.93; Public Safety Fund, $50,749.89; Public Health Fund, $19,057.44; Forfeited Tax Sale Fund, $15,433.53; CAP Grant Project, $6,201.35; Environmental Services Fund, $20,304.13; Resource Recovery Fund, $107,090.63; Landfill Fund, $30,415.31; Per Diems, $1,725.00 and Sign Audit List.
2. Approve the April 7 and April 15, 2020 (special meeting) minutes.
3. Approve payment to US Bank, St. Louis, MO in the amount of $40,505.21 for procurement card purchases.
4. Approve payment to Kayla Schumacher, Tax Payer Service Center in the amount of $168.65 for mileage, printer and supplies.
5. Approve payment to the Grand Forks Herald in the amount of $275.08 for a 52-week subscription for the Incinerator.

COUNTY BOARD MEMBER ISSUE FORUM

1. Commissioner Jacobson brought forth that he attended electronically a Dancing Sky Board meeting on Aging.
2. Commissioner Strandell brought forth that he attended several meetings electronically.
3. Commissioner Willhite brought forth that he attended a Polk Norman Mahnomen County Public Health meeting.
4. Commissioner Lee brought forth that she attended a Red Lake River Corridor meeting where the focus was on funding that was not approved. She participated in a call for the White House Department of the Interior regarding the CARES Act. She also participated in an AMC call on work force and economic development. In addition, she participated in a 2nd White House call that focused on Mental Health issues. She also participated in a DAC meeting where the focus was finances and employee furloughs in addition to an Inter-County Community Council meeting. The EPA Small Committee Advisory Board also met electronically where local issues were the focus.

She also participated in the Polk Norman Mahnomen County Public Health Advisory Board meeting. She received a call from a concerned citizen regarding their Environmental Services Assessment on a property where the house was removed. Discussion was brought forth regarding a resolution that Clearwater County is putting forth to Governor Walz regarding the opening up of businesses.

5. Commissioner Diedrich brought forth that he attended the Tri-Valley Opportunity Council meeting.

SOCIAL SERVICES

Karen Warmack, Social Services Director came before the Board with matters pertaining to her department:

1. **Office Support Specialist Replacement Request**
   A motion was made by Commissioner Jacobson seconded by Commissioner Lee and adopted by unanimous vote of the Board to approve refilling an Office Support Specialist position and any internal subsequent position vacancies occurring because of this action.
2. **Contract with Department of Employment & Economic Development (DEED)**
   Discussion along with the Contract with the Department of Employment and Economic Development (DEED) in the amount not to exceed $20,849 for the SNAP Program for a contract period from April 10, 2020 through September 30, 2020 was presented to the Board. A motion was made by Commissioner Strandell seconded by Commissioner Diedrich and adopted by unanimous vote of the Board to approve the Contract as presented. (Contract on file in the Administrator's Office)

PUBLIC HEALTH

Sarah Reese, Public Health Director came before the Board with matters pertaining to her department:

1. **COVID 19 Status Report**
   An update was given to the Board regarding the COVID 19 virus.

PROPERTY RECORDS

Michelle Cote, Property Records Director came before the Board with matters pertaining to her department:

1. **Forfeit Mowing Quotes**
   A motion was made by Commissioner Diedrich seconded by Commissioner Strandell and adopted by unanimous vote of the Board to approve the quote for the mowing of forfeited properties by Bob's Lawn Care, Crookston, MN in the amount of $25.00 flat rate for 1 - 2,500 square feet, $.273 per square foot for square footage in excess of 2,500, and an hourly rate of $30.00 plus mileage for miscellaneous lawn maintenance activities including snow removal.
2. **Lease of Flood Buyout Property 09.00288.00**
   The Flood Acquisition Property Lease/Former Richard Benson Property Parcel No. 09.00288.00 was discussed and presented to the Board. A motion was made by Commissioner Strandell seconded by Commissioner Jacobson to approve lease of Parcel No. 09.00288.00 to Steve Flaat, Fisher, MN as presented. (Lease on file in the Administrator's Office) Commissioner Strandell rescinded his motion. Commissioner

Jacobson rescinded his 2nd to the motion. A motion was made by Commissioner Willhite seconded by Commissioner Strandell and adopted by unanimous vote of the Board to table the approval of the lease for Parcel No. 09.00288.00 to Steve Flaat, Fisher, MN until the 04/28/2020 meeting for further legal review.

3. **Important Election Dates**
   Discussion was held with the Board regarding the upcoming Primary and General Election dates:
   - May 19, 2020 - June 2, 2020; Candidate Filing
   - June 4, 2020; Last Day for a candidate to withdraw
   - June 26, 2020; Primary Election Absentee Voting Begins
   - August 10, 2020; Last day to request Absentee Ballot
   - August 11, 2020; Primary Election
   - August 13, 2020 1:00 pm; Primary Election Canvassing
   - September 18, 2020; General Election Absentee Voting Begins
   - November 2, 2020; Last day to request Absentee Ballot
   - November 3, 2020; General Election
   - November 10, 2020 1:00 pm General Election Canvassing.
4. **Designation of Absentee Voting Location**
   In order to better service the residents of Polk County pursuant to Minnesota Statutes 203B.05 an additional Absentee voting location will be designated in the City of East Grand Forks, MN. Voters from East Grand Forks Wards 1-5 will be served from this location for the 2020 Primary and General Elections.
5. **2020 Primary and General Election Canvassing Dates**
   A motion was made by Commissioner Lee seconded by Commissioner Strandell and adopted by unanimous vote of the Board to set the dates to canvass the ballots for the 2020 Primary Election on Thursday August 13, 2020 at 1:00 pm and for the 2020 General Election on Tuesday November 10, 2020 at 1:00 pm in the Polk County Board Room.
6. **Appointment of Election Judges**
   A motion was made by Commissioner Diedrich seconded by Commissioner Jacobson and adopted by unanimous vote of the Board to appoint the list of persons as presented to the Board as Election Judges for the 2020 Election(s) to be utilized in Testing, Validating, Tabulation and Technical support. (Complete list on file in the Administrator's Office).
7. **Resolution (2020-38) Establishing An Absentee/Mail Ballot Board For The 2020 Primary And General Elections**

Establishing An Absentee/Mail Ballot Board
For The 2020 Primary And General Elections

RESOLUTION (2020-38)

The following resolution (2020-38) was offered by Commissioner Diedrich:

WHEREAS, Polk County Board of Commissioners is required by Minnesota Statutes 203B.121, Subd 1 to establish an Absentee Ballot Board effective June 26, 2020 for the

Primary Election to be held August 11, 2020 and the September 18, 2020 for the General Election November 3, 2020; and

WHEREAS, This Board will bring uniformity in the processing of accepting or rejecting returned absentee, mail and uocava ballots in Polk County; and

WHEREAS, The Absentee Ballot Board would consist of a sufficient number of election judges as provided in sections 204B.19 to 204B.22 or deputy county auditors trained in the processing and counting of absentee, mail and uocava ballots;

WHEREAS, The following persons are appointed for the purpose of the Absentee Ballot Board Polk County: Michelle Cote, Casey "CJ" Wilde-Olson, Kayla Schumacher, Connie Desrosier, Wendi Dalrymple, Cynthia Johnson, Breanna Wavra, Beverly Johnson, Janet Mattison, Sam Melbye, Annalee Jones, Diana Amiot, and Jennifer Perreault. City of East Grand Forks: Megan Nelson, David Murphy and Karla Anderson.

BE IT RESOLVED, That the Board of County Commissioners of the County of Polk hereby establishes an Absentee Ballot Board that would consists of a sufficient number of election judges as provided in sections 204B.19 to 204B.22 or deputy auditors to perform the task.

Commissioner Lee seconded the foregoing resolution and it was declared adopted upon the following vote: YEAS: Lee, Diedrich, Willhite, Strandell and Jacobson. NAYS: None.

ADMINISTRATION

Chuck Whiting, Polk County Administrator came before the Board with matters pertaining to his department:

1. **2021 Budget Calendar**
   Discussion along with a handout pertaining the 2021 budget calendar was presented to the Board. A motion was made by Commissioner Diedrich seconded by Commissioner Jacobson and adopted by unanimous vote of the Board to approve the 2021 budget calendar schedule as presented. (Schedule on file in the Administrator's Office)
2. **Legislative Review**
   Discussion was brought forth regarding the 2020 Legislative Session.
3. ***Polk County Justice Center Courtrooms**
   Discussion was brought forth regarding the technology updates needed in the Polk County Justice Center courtrooms. Judge Ann Rasmusson, Court Administrator Kathy Narlock and Judicial District IT Director Curt Misialek on behalf of the Court and County Attorney Greg Widseth each participated in the discussion. A motion was made by Commissioner Diedrich seconded by Commissioner Strandell to approve the Polk County Justice Center Courtroom technology update plan as presented. The cost share to Polk County is $82,283.12. (Plan on file in the Administrator's Office).

COMMISSIONER WARRANTS

A motion was made by Commissioner Strandell seconded by Commissioner Lee and adopted by unanimous vote of the Board that the following Commissioner Warrants were approved:

Commissioner Warrants – Dated 4/24/2020 – Approved 4-21-2020

Vendor Name	Amount
Ameripride Linen & Apparel Service	2,201.86
Architectural Resourses Inc	5,081.25
Auto Value - Crookston	2,273.13
AWS	2,265.00
AWS	2,460.00
Church & Dwight Co Inc	19,045.51
Code 4 Services Inc	7,600.00
Crest Precast Inc	12,400.00
Crookston Fuel Company	3,420.96
Dept Of Transportation	3,779.71
Dietz/Mark	3,292.84
Eagle Electric Inc	2,451.36
Election Systems & Software Inc	7,719.06
Estensen Environmental	3,102.50
Evenaire Systems Inc	11,806.00
Fosston Municipal Utilities	2,446.55
Grainger	2,563.13
Hennen Equipment Inc	2,333.42
HN Quality Plumbing Inc	7,539.56
HP INC	27,184.49
Kustom Kollision LLC	4,829.66
Little Falls Machine Inc	3,893.88
MCCC MI 33	6,620.00
McNeilus Steel Inc	3,084.52
Morgan Printing Inc	4,209.00
Morris Electronics Inc	21,163.21
MPCA	4,631.24
North Country Lumber Inc	3,311.60
OCCUPATIONAL DEVELOPMENT CENTER	3,020.82
Penguin Management Inc	5,616.00
Polk County Environmental Services	15,333.53
Polk County Highway Department	6,756.93
Productivity Plus Account	2,018.54
Scan Air Filters Inc	2,012.33
SeaChange Printing & Marketing	6,511.00
The Exponent	3,271.04
TheraCom LLC	3,731.60
Titan Machinery	22,705.04
TriTech Software Systems	13,500.00
U S Water Services	3,448.65
Univar Usa Inc	16,900.00
Urt Llc	8,108.30

	US Bank Voyager Fleet Sys	3,497.30
	Vanguard Appraisals Inc	2,250.00
	Wenck Associates Inc	6,201.35
	Widseth Smith Nolting & Assoc	17,850.05
	Ziegler Inc	2,845.70
241	Payments less than 2000	104,320.31
	Final Total:	432,607.93

With no further business the Board adjourned to reconvene at 8:00 o'clock a.m., April 28, 2020.

_____
Gary Willhite, Chair

ATTEST:

_____
Charles S. Whiting, County Administrator
Clerk of the Board

Board of Commissioners

Polk County Government Center
612 N Broadway – Room 211
Crookston, MN 56716-1452

TO: POLK COUNTY BOARD OF COMMISSIONERS

FROM: Sheriff James Tadman

MEETING DATE: April 28, 2020

AGENDA ITEM:

1. Dispatcher Resignation & Post for New Hire

SUMMARY:

1. A Dispatcher has resigned and I am requesting a motion to Post for New Hire

ACTION REQUESTED:

1. Motion To Hire Dispatcher position

Board of Commissioners

Polk County Government Center
612 N Broadway – Room 211
Crookston, MN 56716-1452

TO: POLK COUNTY BOARD OF COMMISSIONERS

FROM: Sheriff James Tadman

MEETING DATE: April 28, 2020

AGENDA ITEM:

1. Request from Beltrami Fire Department for any used emergency light bars.

SUMMARY:

1. Beltrami Fire Department is in need of newer emergency light bars to replace older light bars. We have three older light bars. I would like to donate them for their upgrade.

ACTION REQUESTED:

1. Motion and Approval to assist Beltrami fire with upgrading their light bars with light bars not used by Sheriff's Office.

Board of Commissioners

Polk County Government Center
612 N Broadway – Room 211
Crookston, MN 56716-1452

TO: POLK COUNTY BOARD OF COMMISSIONERS
CHUCK WHITING, POLK COUNTY ADMINISTRATOR

MEETING DATE: April 28, 2020

FROM: Sheriff James Tadman

AGENDA ITEMS:

Resolution (2020-39) Accepting Financial Donations On Behalf Of Polk County Sheriff's Office From Judy Thoren

SUMMARY:

1. Polk County Sheriff's Office received $200.00 donation from Judy Thoren from Maple Grove, MN. Judy wishes the money to be used for the K9 Program.

ACTION REQUESTED:
Approve Resolution (2020-39) Accepting Financial Donations On Behalf Of Polk County Sheriff's Office From Judy Thoren

RESOLUTION OF THE POLK COUNTY
BOARD OF COMMISSIONERS

Resolution Accepting Financial Donations On Behalf Of Polk County Sheriff's Office From Judy Thoren

RESOLUTION (2020-39)

The following resolution (2020-39) was offered by Commissioner:

WHEREAS, Judy Thoren has made a financial donation of $200.00 to support the Polk County K9 Program in Polk County; and

WHEREAS, Polk County Sheriff's Office, wishes to have the County Board formally accept these financial donations on behalf of Polk County Sheriff's Office and put towards the Polk County K9 Program.

NOW THEREFORE BE IT RESOLVED, By the County Board of Polk County, Minnesota as follows:

1. The financial donations from Judy Thoren, which is listed above, hereby are accepted by the Polk County Board of Commissioners on behalf of the Polk County Sheriff's Office and used for Polk County K9 Program.

Commissioner seconded the foregoing resolution and it was declared adopted upon the following vote. YEAS: NAYS:

STATE OF MINNESOTA)
) ss
COUNTY OF POLK)

I, Charles S. Whiting, County Administrator to and Clerk of the Polk County Board of Commissioners do hereby certify that I have compared the foregoing resolution with the original resolution filed in my office on the 28th day of April, 2020, and that the same is a true and correct copy of the whole thereof.

WITNESS my hand and Official Seal of Polk County at Crookston, Minnesota this 28th day of April, 2020.

_____
Charles S. Whiting, County Administrator
Clerk of the Board

Board of Commissioners

Polk County Government Center
612 N Broadway – Room 211
Crookston, MN 56716-1452

TO: POLK COUNTY BOARD OF COMMISSIONERS
CHUCK WHITING, POLK COUNTY ADMINISTRATOR

MEETING DATE: April 28, 2020

FROM: Sheriff James Tadman

AGENDA ITEMS:

1. Resolution (2020-40) Accepting Financial Donations On Behalf Of Polk County Sheriff's Office From Mary Filipski On Behalf Of Her Father Maurity Thompson
2. Sheriff's Monthly Reports

SUMMARY:

1. Polk County Sheriff's Office received $50.00 donation from Mary Filipski from East Grand Forks, MN. Mary wishes the money to be used for the K9 Program.
2. Review Monthly Sheriff's Report

ACTION REQUESTED:

1. Approve Resolution (2020-40) Accepting Financial Donations On Behalf Of Polk County Sheriff's Office From Mary Filipski On Behalf Of Her Father Maurity Thompson.
2. For Information Only.

RESOLUTION OF THE POLK COUNTY
BOARD OF COMMISSIONERS

Resolution Accepting Financial Donations On Behalf Of Polk County Sheriff's Office From Mary Filipski On Behalf Of Her Father Maurity Thompson

RESOLUTION (2020-40)

The following resolution (2020-40) was offered by Commissioner:

WHEREAS, Mary Filipski has made a financial donation of $50.00 on behalf of her father Maurity Thompson to support the Polk County K9 Program in Polk County; and

WHEREAS, Polk County Sheriff's Office, wishes to have the County Board formally accept these financial donations on behalf of Polk County Sheriff's Office and put towards the Polk County K9 Program.

NOW THEREFORE BE IT RESOLVED, By the County Board of Polk County, Minnesota as follows:

1. The financial donations from Mary Filipski, which is listed above, hereby are accepted by the Polk County Board of Commissioners on behalf of the Polk County Sheriff's Office and used for Polk County K9 Program.

Commissioner seconded the foregoing resolution and it was declared adopted upon the following vote. YEAS: NAYS:

STATE OF MINNESOTA)
) ss
COUNTY OF POLK)

I, Charles S. Whiting, County Administrator to and Clerk of the Polk County Board of Commissioners do hereby certify that I have compared the foregoing resolution with the original resolution filed in my office on the 28th day of April, 2020, and that the same is a true and correct copy of the whole thereof.

WITNESS my hand and Official Seal of Polk County at Crookston, Minnesota this 28th day of April, 2020.

_____
Charles S. Whiting, County Administrator
Clerk of the Board

March

Date:	Reason	Mileage	Deputy/Deputies	Medical	Mental Health	MN Prison/Jails	Out of state	ME	Federal	Other	Hours
3	Juvenile to Grand Rapids	321	5031							321	6.5
3	Ward County ND on 10-69	471	5028				471				8
4	GF County on 10-69	29	5005				29				1
4	USMS to GF medical	58	5005/5019						58		8
4	RRVJDC to Court	1	5008							1	0.75
5	540	24	5005							24	1.75
5	RRVJDC to Court	1	5008							1	1
6	Inmate to Riverview	2	5006	2							1
6	Crx to Fargo to Alex	356	5013		356						7
6	Federal to Riverview	2	5008/5028						2		3.5
7	540	48	5031							48	1
9	Bemidji juvenile to court	355	5005			355					6.75
9	RRVJDC to Court	1	5028							1	1.25
9	Brainerd for eval	367	5028		367						14.5
9	RRVJDC to Court	1	5021							1	0.5
10	GF County on 10-69	29	5005				29				1.25
10	Fort Totten ND on 10-69	253	5019				253				5
10	Ramsey Co ND on 10-69	229	5005				229				4.25
10	Clay Co on 10-69	134	5019			134					3.25
10	Riverview to RR Behavioral	61	5008		61						2.75
11	St Coud/Shakopee/Olmstead	799	5013/5021			799					31.5
11	Beltrami County on 10-69	178	5019			178					3.25
13	Stutsman Co on 10-69	350	5028				350				6
13	Marshalls to Altru	2	5008/5019						2		5
15	540	24	5027							24	1.5
16	Breckenridge on 10-69	178	5028			178					8
16	RRVJDC to Court	1	5008							1	1.75
16	Beltrami County on 10-69	178	5028			178					4.75
17	Yellowstone MT on 10-69	1360	5013				1360				23
17	Shakopee and Hennepin	640	5028/Matron			640					23.5
17	Roseau Co/Pennington Co	211	5016			211					4.75
17	GF County on 10-69	54	5005				54				1.25
20	Inmate to Opticare	3	5028	3							2.25
23	GF County on 10-69	53	5013				53				1.25
24	St Cloud prison	483	5028			483					8.25
24	Federal to GF Covid-19 test	57	5008/5016						57		4.5
25	Juvenile to Vargas placement	219	5016							219	4.25

25	Clearwater Co on 10-69	125	5028			125					3.25
27	Clearwater Co on 10-69	125	5028			125					3.25
30	GF County on 10-69	29	5005				29				1.25
30	Marshalls to Riverview ER	2	5016/5028						2		4
30	Marshalls to Valley Oral GF	54	5016/5028						54		5.5
	March 2020 totals:	7868		5	784	3406	2857	0	175	641	231

Transport Log
Miles Comparison by Categories

2016	Total Miles	Facility	Health	Prison	Prison	Counties	Examiner	Federal Transport
January	8421	62	495	3483	537	3509	0	335
February	9321	6	518	4627	313	3857	0	0
March	13085	0	175	6124	2812	3970	0	4
April	5719	2	59	3049	0	2455	0	154
May	9299	64	0	6164	977	2094	0	0
June	5961	6	263	4733	0	957	0	2
July	6324	0	0	2913	716	2540	0	155
August	7251	57	0	4594	541	2059	0	0
September	4941	243	0	3009	1036	651	0	2
October	7388	148	0	2516	2498	2065	0	161
Novermber	10564	140	47	4171	3197	2876	134	0
December	4691.3	33.5	895.4	3029	141	362.4	64	165
Totals								

2017	Total Miles	Medical Facility	Mental Health	In-State Prison	Out-State Prison	Other	Medical Examiner	Federal Transport
January	9255	123	1184	4681	2705		0	0
February	11869	63	1049	8560	1272	865	60	0
March	9314	250	1268	3397	2840	294	284	59
April	5385	0	1048	2240	1541	425	0	131
May	7115	3	140	3342	3219	411	0	0
June	13013	67	2172	2342	7195	551	384	2
July	8698	12	1239	3364	3533	481	68	1
August	10931	10	1084	6082	2838	858	0	2
September	7150	4	659	3380	2212	653	72	180
October	7867	170	1749	3594	1907	385	62	0
Novermber	10469	2	3116	4149	2413	676	0	3
December	5587	1	937	3745	447	397	60	0

Transport Log
Miles Comparison by Categories

2018	Total Miles	Medical Facility	Mental Health	In-State Prison	Out-State Prison	Other	Medical Examiner	Federal Transport
January	7318	0	1997	3911	891	457	62	0
February	8009	1	2258	1644	3574	254	278	0
March	8800	2	425	4206	3398	670	64	0
April	7732	0	453	5023	1408	391	108	140
May	9707	0	1943	5297	2002	464	0	0
June	8490	3	89	3518	4607	273	0	0
July	7182	74	2302	4050	458	298	0	0
August	6855	7	604	3549	2318	366	0	11
September	8030	13	280	2952	4460	325	0	0
October	9423	10	346	4585	4082	400	0	0
Novermber	5378	10	1247	3213	634	269	0	4
December	9288	7	514	4297	4086	227	155	2

2019	Total Miles	Medical Facility	Mental Health	In-State Prison	Out-State Prison	Other Counties	Medical Examiner	Federal Transport
January	7638	6	1231	3304	2877	220	0	0
February	7565	77	620	3484	2795	251	0	0
March	7314	22	97	3894	2853	442	0	6
April	8179	8	454	4272	2937	176	0	332
May	6606	378	867	3931	1012	416	0	0
June	5965	53	846	2515	2129	129	291	2
July	11450	4	1549	4595	3222	738	127	0
August	10886	2	1130	4921	4086	487	260	0
September	8251	8	1682	3975	2207	227	68	60
October	14304	0	2705	5405	5664	419	88	0
Novermber	8236	0	1563	3455	2870	268	73	6
December	7567	69	332	5187	1629	291	0	57

Transport Log
Miles Comparison by Categories

2020	Total Miles	Medical Facility	Mental Health	In-State Prison	Out-State Prison	Other Counties	Medical Examiner	Federal Transport
January	9712	369	184	4874	4055	228	0	2
February	6536	4	822	4455	1079	176	0	0
March	7868	5	784	3406	2857	641	0	175
April								
May								
June								
July								
August								
September								
October								
Novermber								
December								

2021	Total Miles	Medical Facility	Mental Health	In-State Prison	Out-State Prison	Other Counties	Medical Examiner	Federal Transport
January								
February								
March								
April								
May								
June								
July								
August								
September								
October								
Novermber								
December								

Summary Comparison Transport Log

	2013	2014	2015	2016	2017
January	4507	5093	9735	8421	9255
February	4696	5545	5816	9321	11869
March	8652	5737	8367	13085	9314
April	5103	5385	9039	5719	5385
May	5871	7266	6875	9299	7115
June	5736	5787	7437	5961	13013
Subtotal	34565	34813	47269	51806	55951
July	4130	7762	7097	6324	8698
August	8073	8137	9799	7251	10931
September	4582	6815	7076	4941	7150
October	7260	7299	6417	7388	7867
November	5504	7926	9251	9509	10469
December	5792	9869	10015	4691	5587
Totals	**69906**	**82621**	**96924**	**91910**	**106653**

Summary Comparison Transport Log

	2018	2019	2020	2021	2022
January	7318	7638	9712		
February	8009	7565	6536		
March	8800	7314	7868		
April	7732	8179			
May	9707	6606			
June	8490	5965			
Subtotal	50056	43267	24116	0	0
July	7182	11450			
August	6855	10886			
September	8030	8251			
October	9423	14304			
November	5378	8236			
December	9288	7567			
Totals	**96212**	**103961**	**24116**	**0**	**0**

DIRECTED PATROL ACTIVITIES

Polk County Sheriff's Office 2020

March					
Date	Roadway	Stops	Citations	Warnings	Reason
3/2/2020	CR17				Patroled
3/4/2020	CR2, McIntosh	1		1	Patroled, speed
3/4/2020	CR1, 260th Ave SE, Hwy 59, 180th Ave SE	4		4	Patroled, speed
3/4/2020	US 75, Climax				Patroled
3/4/2020	Fosston School patrol				Patroled
3/5/2020	Fertile School patrol				Patroled
3/5/2020	CR21	3	1	2	Patroled, speed
3/5/2020	CR21				Patroled
3/6/2020	CR9, CR16	1		1	Patroled, speed
3/6/2020	CR20, CR21, 240th Ave NW, 130th St. SW	3		3	Patroled, speed
3/7/2020	CR1, 380th Ave SE	3		3	Patroled, equipment
3/7/2020	CR34, CR37, CR10, Sandy Beach Rd, CR12, CR1, CR14, CR11, CR13, CR17, CR18				Patroled
3/8/2020	CR21, Hwy 220, Hwy 75, 420th Ave NW, 350th Ave NW	3		3	Patroled, speed
3/9/2020	US 59, CR1, CR41, CR10	3		3	Patroled, speed
	Totals	21	1	20	

Document Service Statistics March 2020

Continuing Lien Garnishee Summons; Notice to Defendant; Garnishment Disclosure	2
Established Summons & Complaint; Supporting Affidavit	1
Eviction Summons; Complaint	2
Notice of Filing; Order; Petition	2
Notice of Motion & Motion; Affidavit; Other	2
Notice of Motion & Motion; Order to Show Cause	1
Notice; Petition	12
Notice; Subpoena	2
Notice; Summons & Petition	1
Order	1
Order to Show Cause; Notice of Motion & Motion; Affidavit	1
Order to Show Cause; Statement of Rights; Letter; Other	1
Petition; Affidavit; Order; Summons	3
Statement of Rights; Your Privacy Rights; Notice; Summons & Complaint; Supporting Affidavit; Notice of Motion & Motion; Request for Hearing	2
Subpoena	5
Summons & Complaint	86
Summons, Complaint & Acknowledgement	1
Summons; Complaint; Notice of Motion & Motion; Supporting Affidavit	5
Summons; Petition; Affidavit	3
Summons; Petition for Dissolution of Marriage; Other	1
Summons; Petition; Letter; Other	1
Writ of Recovery and Order to Vacate	1
Amended DANCO	1
Amended HRO	1
DANCO	4
Order After Harassment Restraining Order Hearing	1
Order for Continuance of OFP	1
Order for Dismissal of Harassment Restraining Order	1
Order for Dismissal of Order for Protection	1
Order for Protection	2
Order Granting HRO After Hearing	2
Totals	150

Paid Services: $ 5378.59

No Charge Services: $ 1354.24

POLK COUNTY SHERIFF'S OFFICE

Sheriff James Tadman **Chief Deputy Mike Norland**
600 Bruce Street • P.O. Box 416 • Crookston, MN 56716
218.281.0431 • Fax 218.281.0401
James.Tadman@co.polk.mn.us
www.co.polk.mn.us

CFS By Month and Primary INC Code - PCSO only

Printed on April 1, 2020

Description		Totals
911 Duplicate Call	2	2
911 Handled by Dispatch	37	37
911 Hang Up	59	59
911 Open Line	5	5
911 Pocket Dial	6	6
Abandoned Vehicle	1	1
Alarm - Residential	1	1
Animal Complaint	9	9
Animal Complaint - Mistreatment	2	2
Animal - Lost and Found	4	4
Assault	3	3
Assist Other Agency	33	33
Burglar Alarm - Audbile - Business	2	2
Burglar Alarm - Silent - Business	2	2
Burglary	4	4
Burglary Alarm - Audible - Bank	1	1
Burglary Alarm - Silent - Bank	1	1
Child Custody Complaint	7	7
Child Protection Report	5	5
Civil Complaint	6	6
Civil Process	216	216
Damage to Property	5	5
Death - Hospice	1	1
Death Notification	3	3
Disorderly Conduct	1	1
Domestic Non-Violent	1	1
Domestic Violent	3	3
Drugs	1	1
Fire Alarm	2	2
Fire Other	1	1
Fire Structure	1	1
Fraud	5	5
FTA Complaint	2	2
Harassment	4	4
Info	15	15
Intoxicated Subject	1	1
Juvenile Complaint	6	6
Juvenile Offender	1	1
Juvenile - Other	3	3

Description		Totals
Medical - Other	1	1
Motorist Assist	19	19
MVA - Property Damage	11	11
Noise Complaint	2	2
Order Violation - DANCO, OFP, Restraining Order	1	1
Parking Complaint	1	1
POR Checks	20	20
Public Assist	16	16
Public Works/Utilities	3	3
Runaway	1	1
School Patrol	49	49
Security Checks	1	1
Shooting	1	1
Stolen Vehicle	1	1
Suicide Threats	3	3
Suspicious Activity	3	3
Suspicious Person	3	3
Suspicious Vehicle	9	9
Theft	6	6
Theft - Gas Drive Off	1	1
Threats	3	3
Traffic - All Other	9	9
Traffic Complaint	10	10
Traffic Control	1	1
Traffic Hazard	4	4
Traffic Stop	140	140
Transport - Federal	1	1
Transport - Medical by Officer	8	8
Transport - Mental Health	2	2
Transport - MN Prison or Jail	18	18
Transport - Other	10	10
Transport - Out of State	4	4
Trespass	1	1
Trouble Breathing	3	3
Unwanted Person	2	2
Vehicle Complaint	1	1
Vehicle Lock Out	6	6
Verbal Dispute	2	2
Violation of Court Order	7	7
Vulnerable Adult	5	5
Warrant	12	12
Weapon Violation	1	1
Welfare Check	13	13
Totals	877	877

Polk County
Taxpayer Service Center
2019 Property Tax Abatements

NOTICE IS HEREBY GIVEN THAT: A Public Hearing to consider abatement of the county tax for parcels qualifying for the Housing Incentive Programs in the cities of Crookston & East Grand Forks are listed as follows:

City of Crookston

Parcel Number	*Property Owner*	*Property Address*
82.03958.00	DENNIS & JENNIFER TATE	528 3RD AVE NE
82.00371.00	TK PROPERTIES OF CROOKSTON LLC	7TH ST E

City of East Grand Forks

83.04253.00	MICHAEL & LAURA LUKKASON	927 GREENWAY BLVD SE
83.04222.00	MARK & AMY GUMTO	1505 LAUREL DR SE
83.04471.00	JASON & JENNA KAISER	1403 14TH AVE SE
83.04262.00	JODI STAUSS-STASSEN	2514 AUGUSTA DR
83.04239.00	MIKE & NICOLE KOLSTOE	812 13TH ST SE
83.00235.00	JUSTIN & ALLISON JOHNSON	529 12TH ST NW
83.04472.00	VIRGINIA STAUSS	1407 14TH AVE SE
83.04065.00	MICHAEL HEDLUND & MELANIE JACOBS	2510 PEBBLE BEACH RD
83.04083.00	CHAD & NICOLE ANVINSON	2415 ST ANDREWS DR
83.04097.00	KEITH & SHELLY WESTOVER	2324 ST ANDREWS DR
83.04105.00	BHARAT & PROMIL BHUTANI	2324 TROON CIRCLE
83.04475.00	LORALEE TAYLOR	1419 GREENWAY BLVD SE
83.04449.00	STUART MARRSON & PEGGY DUNN	1428 CRYSTAL CIRCLE
83.04476.00	DONALD & RHONDA HOLLARN	1423 GREENWAY BLVD
83.04447.00	MATTHEW & TIFFANY FOSS	627 BRANDON BLVD
83.04474.00	ZACHARY & KARLI FINNEY	1417 14TH AVE SE
83.04403.00	BROCK & ELIZABETH LARSON	29 RIVERVIEW LANE SE
83.04064.00	JIM & KATHY TORKELSON	2518 PEBBLE BEACH RD
83.04101.00	KEVIN WEBER & STEPH KAZNIERCZAK	2424 ST ANDREWS DR

The estimated total amount of the county share of the incentive for taxes payable in **2019** is $33,225.46. The Hearing will be held on Tuesday, April 28, 2020 at 10:30 a.m., in the County Commissioner's Board Room at the Polk County Government Center, Crookston, MN.

Charles S. Whiting
Polk County Administrator
Clerk of the Board

RESOLUTION OF THE POLK COUNTY
BOARD OF COMMISSIONERS

Proposed Abatements in the City of Crookston &
City of East Grand Forks

RESOLUTION (2020-41)

The following resolution (2020-41) was offered by Commissioner:

WHEREAS, The County of Polk has held a Public Hearing on the proposed abatements in the City of Crookston & City of East Grand Forks pursuant to Minnesota Statutes, Section 469.1812 through and including 469.1815, and;

WHEREAS, The Polk County Board of Commissioners has proposed to abate the County's share of property taxes on the following parcels for two years:

City of Crookston

82.03958.00	DENNIS & JENNIFER TATE	528 3RD AVE NE	$695.93
82.00371.00	TK PROPERTIES OF CROOKSTON LLC	7TH ST E	$1,380.70
	Total for City of Crookston		**$2,076.63**

City of East Grand Forks

83.04253.00	MICHAEL & LAURA LUKKASON	927 GREENWAY BLVD SE	$1,315.24
83.04222.00	MARK & AMY GUMTO	1505 LAUREL DR SE	$1,678.36
83.04471.00	JASON & JENNA KAISER	1403 14TH AVE SE	$1,095.31
83.04262.00	JODI STAUSS-STASSEN	2514 AUGUSTA DR	$1,516.67
83.04239.00	MIKE & NICOLE KOLSTOE	812 13TH ST SE	$1,761.45
83.00235.00	JUSTIN & ALLISON JOHNSON	529 12TH ST NW	$640.56
83.04472.00	VIRGINIA STAUSS	1407 14TH AVE SE	$1,369.34
83.04065.00	MICHAEL HEDLUND & MELANIE JACOBS	2510 PEBBLE BEACH RD	$3,039.82
83.04083.00	CHAD & NICOLE ANVINSON	2415 ST ANDREWS DR	$2,097.54
83.04097.00	KEITH & SHELLY WESTOVER	2324 ST ANDREWS DR	$1,530.09
83.04105.00	BHARAT & PROMIL BHUTANI	2324 TROON CIRCLE	$2,503.15
83.04475.00	LORALEE TAYLOR	1419 GREENWAY BLVD SE	$1,151.06
83.04449.00	STUART MARRSON & PEGGY DUNN	1428 CRYSTAL CIRCLE	$1,808.64
83.04476.00	DONALD & RHONDA HOLLARN	1423 GREENWAY BLVD	$1,164.13
83.04447.00	MATTHEW & TIFFANY FOSS	627 BRANDON BLVD	$1,937.87
83.04474.00	ZACHARY & KARLI FINNEY	1417 14TH AVE SE	$1,170.64
83.04403.00	BROCK & ELIZABETH LARSON	29 RIVERVIEW LANE SE	$1,230.16
83.04064.00	JIM & KATHY TORKELSON	2518 PEBBLE BEACH RD	$2,307.99
83.04101.00	KEVIN WEBER & STEPH KAZNIERCZAK	2424 ST ANDREWS DR	$1,830.81
	Total for City of East Grand Forks		**$31,148.83**

Commissioner seconded the foregoing resolution and it was declared adopted upon the following vote.
YEAS: NAYS:

STATE OF MINNESOTA)
) ss.
COUNTY OF POLK)

I, Chuck Whiting, County Administrator to and Clerk of the Polk County Board of Commissioners do hereby certify that I have compared the foregoing resolution with the original resolution filed in my office on the 28th day of April, 2020 and that the same is true and correct copy of the whole thereof.

WITNESS my hand and Official Seal of Polk County at Crookston, Minnesota this 28th day of April, 2020.

_____
Charles S. Whiting
Polk County Administrator
Clerk of the Board

Board of Commissioners

Polk County Government Center
612 N Broadway – Room 211
Crookston, MN 56716-1452

TO: POLK COUNTY BOARD OF COMMISSIONERS

FROM: JON STEINER, ENV. SVS. ADMIN.

MEETING DATE: April 28, 2020

AGENDA ITEM: SSOM Compost Pad – Correction to Close-out Action

SUMMARY:

1. Polk County constructed a new Source Separated Organic Material (SSOM) Compost Pad at the Polk County Landfill Complex near Gentilly, MN using CAP Grant dollars from the State of MN.

2. Polk County bid the SSOM Compost Pad Project out. The bid was awarded to the lowest responsible bidder – Lyle Wilkens Inc of Crookston, MN.

3. With the approval of the final Change Order (CO #02) and Board approval on January 28, 2020 to release the retainage of $18,610.84, the SSOM Compost Pad was closed out.

4. There were two issues with the close-out which require acknowledgement: (Issue #1) the State Auditor questioned why the original contract value plus the two approved change orders do not equal the total contract payment, and (Issue #2) an error in the formula for the bid were found this project to result in discrepancy in payment to contractor in pay request #3.

5. Issue #1: The Board approved the Original Contract and two Change Orders. The values of those three Board actions does not determine the total cost of the project. The contract has assumed volumes in it, and asked for both a per-unit price and total price for assumed volume for bid purposes. Because there was a differential, the engineer confirmed an extra $3,438.76 in fill was hauled for the project and it was factored into the payments and retainage. It required no Board Action as it was allowed under the contract approved by the Board. (see Addenda #1)

6. Issue #2: There was a formulary error in the project tracking spreadsheets which were calculating progress payments. It impacted progress payment #3 and resulted in an over payment to the contractor of $2,274.07, which will be credited back to Polk by the contractor on the next project. (see Addenda #2)

ACTION REQUESTED: (INFORMATION ONLY/MOTION/RESOLUTION)

1. Information Only: Issue #1 is dealt with in the Original Contract and needs no action. Issue #2 has been resolved with no need for Board action.

Lyle Wilkens Inc

2755 Highway #75 South
Crookston, MN 56716
P: (218) 280-0446
F: (218) 281-6355
lylewilkensinc@gmail.com

Project: Polk County SSOM Compost Pad Construction

Unit Change Amount

Description: This unit change amount is for placement of an additional 442 cubic yards of controlled fill (Bid Item 9) above and beyond the estimated quantities in the bid form. Contract value was to be based on actual volumes utilized.

Value: $3,438.76

Detail: 442 cubic yards x $7.78/cubic yard = $3,438.76

Original Contract:	$ 370,578.00
Net change - Previously Change Orders:	$ (1.800.00)
Contract sum prior to this Change Order:	$ 368,778.00
Contract sum changed by Unit Change Amout:	$ 3,438.76
Total contract sum (with Unit Change Amount):	**$ 372,216.76**

Technical Memo

WENCK

Responsive partner.
Exceptional outcomes.

To: Jon Steiner, Polk County
Lyle Wilkens, Lyle Wilkens, Inc.

From: Marlon Mackowick, Wenck Associates, Inc.

Date: March 25, 2020

Subject: Polk County SSOM Compost Pad Construction
Over Payment

It was brought to Wenck Associates, Inc. (Wenck) attention that it appeared Polk County overpaid Lyle Wilkens, Inc. for the Polk County Landfill – SSOM Compost Pad Construction Project.

Wenck went back and reviewed the four pay requests for the above referenced project and discovered an error in Pay Request #3, dated December 18, 2019. In review of the Pay Request #3, Wenck discovered an error in the "Total Amount Previous Certified". Pay Request #3 had a "Total Amount Previous Certified" of $325,044.16, when it should have been $327,318.23 ($187,837.80 (Payment #1) + $139,480.43 (Payment #2)), which caused an overpayment of **$2,274.07** ($327,318.23 - $325,044.16).

Thus, Payment #3, should have been reduced down by $2,274.07 to **$26,287.69** (28,561.76 (Payment #3 actually paid) - $2,274.07).

Attached you will find corrected Payment Request Form and supporting table showing the correct values. This error did not cause any errors in Pay Request #4, thus no corrections are required for Pay request #4.

To rectify the overpayment, Wenck recommends, Polk County withhold $2,274.07 from future payments to Lyle Wilkens, Inc. for contracted work to be completed in the Spring of 2020.

If you have any questions please feel free to reach out to my by e-mail at mmackowick@wenck.com or by phone at 701-297-9600.

Wenck apologizes for any issues we have caused.

Board of Commissioners

Polk County Government Center
612 N Broadway – Room 211
Crookston, MN 56716-1452

TO: POLK COUNTY BOARD OF COMMISSIONERS

FROM: JON STEINER, ENV. SVS. ADMIN.

MEETING DATE: April 28, 2020

AGENDA ITEM: CAP Grant – RRF Scale Project – Release of Retainage

SUMMARY:

1. Polk County was awarded a Capital Assistance Program (CAP) Grant for the construction of certain Solid Waste infrastructure – including improvements to its Resource Recovery Facility (RRF) in Fosston, MN.

2. One of the RRF improvements was the construction of a new full-length truck scale in front of the RRF office and abandonment of the old scale to the east.

3. The County awarded the scale-related infrastructure project (not the scale or scale install) to Reierson Construction Inc. of Bemidji MN on June 20, 2017.

4. The Reierson Construction Inc project price was $249,387.84, and due to reduction in units in the contact the total project cost was reduced to $248,796.34.

5. Due to defects in the work, it was required to incur both testing, consulting and legal work to ensure it was addressed. An agreement was reached and the work was corrected to the Countys' satisfaction.

6. The outstanding elements (IC-134 Forms, Lein Waivers and Payment for Costs Incurred) are all to be received by Polk County by 4/28/20 to complete the project and release the retainage on the project.

7. The remaining retainage amount is $16,319.39 owed Reierson Construction Inc by Polk County.

ACTION REQUESTED: (INFORMATION ONLY/MOTION/RESOLUTION)

1. Action: Approve the release of the retainage amount of $16,319.39 , upon receipt of reimbursement of costs, IC-134 form and lien waivers, to Reierson Construction of Bemidji, MN to serve as payment in full for the Fosston RRF Scale Project.

APPLICATION AND CERTIFICATE FOR PAYMENT

TO OWNER:
Polk County
320 Ingersoll Avenue
Crookston, MN 56716

FROM CONTRACTOR:
Reierson Construction, Inc.
Fed Tax ID#- 41-1941230

PROJECT:
Polk County RRF Infrastructure Improvements

VIA ARCHITECT:

APPLICATION #: Final
PERIOD TO: 04/22/20
PROJECT NOS:
CONTRACT DATE: 06/20/17

Distribution to:
- [x] Owner
- [ ] Const. Mgr
- [ ] Architect
- [ ] Contractor
- [ ]

CONTRACT FOR:

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
Continuation Sheet is attached.

1. ORIGINAL CONTRACT SUM	$	250,387.84
2. Net change by Change Orders	$	-1,591.50
3. CONTRACT SUM TO DATE (Line 1 +/- 2)	$	248,796.34
4. TOTAL COMPLETED & STORED TO DATE-$ (Column G on Continuation Sheet)		248,796.34
5. RETAINAGE:		
a. _____ of Completed Work (Columns D+E on Continuation Sheet)	$	
b. _____ of Stored Material (Column F on Continuation Sheet)	$	
Total Retainage (Line 5a + 5b or Total in Column 1 of Continuation Sheet	$	
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total)	$	248,796.34
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	$	232,476.95
8. CURRENT PAYMENT DUE	$	16,319.39
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	$	

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		$1,591.50
Total approved this Month		
TOTALS		$1,591.50
NET CHANGES by Change Order	-$1,591.50	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown therein is now due.

CONTRACTOR:

By: Deborah Reierson Date: 4/22/20

State of: Minnesota
County of: Beltrami
Subscribed and sworn to before me this 22nd day of april, 2020

TRAVIS LEE REIERSON
NOTARY PUBLIC - MINNESOTA
My Comm. Exp. Jan. 31, 2025

Notary Public: T. R.
My Commission expires: 01/31/25

CERTIFICATE FOR PAYMENT

In accordance with Contract Documents, based on on-site observations and the data comprising application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED $ 16,319.39

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT:

By: Mark Mac Date: 4/23/20

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner of Contractor under this Contract.

CONTINUATION SHEET

ATTACHMENT TO PAY APPLICATION

PROJECT:
Polk County RRF Infrastructure Improvements

APPLICATION NUMBER: Final
APPLICATION DATE: 04/22/20

ARCHITECT'S PROJECT NO:

A	B	C	D	E	F	G		H	I
Item No.	Description of Work	Scheduled Value	Work Completed		Materials Presently Stored (Not In D or E)	Total Completed And Stored To Date (D + E + F)	% (G/C)	Balance To Finish (C - G)	Retainage
			From Previous Application (D + E)	This Period					
1	Mobilization	25,000.00	25,000.00			25,000.00	100%		
2	Field Engineering	10,000.00	10,000.00			10,000.00	100%		
3	Temp Erosion and sedement control	2,000.00	2,000.00			2,000.00	100%		
4	Clear and grub trees	6,500.00	6,500.00			6,500.00	100%		
5	Curb and Gutter removal	504.00	504.00			504.00	100%		
6	conc pavement removal	875.00	875.00			875.00	100%		
7	Bit pavement removal	6,783.84	6,783.84			6,783.84	100%		
8	Salvage hydrant/valve plug line	3,000.00	3,000.00			3,000.00	100%		
9	Site Prep	4,000.00	4,000.00			4,000.00	100%		
10	Remove post ind. Valve/temp service	5,000.00	5,000.00			5,000.00	100%		
11	sanitary sewer removal and replace	11,000.00	11,000.00			11,000.00	100%		
12	reinstall hydrant and valve	10,900.00	10,900.00			10,900.00	100%		
13	install post ind. Valve and water service	29,300.00	29,300.00			29,300.00	100%		
14	4" insulation	4,000.00		4,000.00		4,000.00	100%		
15	salvage and reinstall flag pole and light	4,000.00	4,000.00			4,000.00	100%		
16	Scale coordination	2,000.00	1,000.00			1,000.00	50%	1,000.00	
17	8" concrete pavement	86,450.00	85,858.50			85,858.50	99%	591.50	
18	Valley gutter and curb	3,000.00	3,000.00			3,000.00	100%		
19	Electrical	23,975.00	23,975.00			23,975.00	100%		
20	seeding	2,100.00	2,100.00			2,100.00	100%		
21	site restoration	4,500.00	4,500.00			4,500.00	100%		
22	4" sump piping	5,500.00	5,500.00			5,500.00	100%		
23									
24									
25									
26									
27									
28									
	SUBTOTALS PAGE 2	250,387.84	244,796.34	4,000.00		248,796.34	99%	1,591.50	

Board of Commissioners

Polk County Government Center
612 N Broadway – Room 211
Crookston, MN 56716-1452

TO: POLK COUNTY BOARD OF COMMISSIONERS

FROM: JON STEINER, ENV. SVS. ADMIN.

MEETING DATE: April 28, 2020

AGENDA ITEM: Fosston RRF – RATA Testing

SUMMARY:

1. Polk County Resource Recovery Facility (RRF) in Fosston, MN is required to conduct a Performance Stack Test every 3 years, and Relative Accuracy and Testing Audit (RATA) of it emission monitoring equipment each year under the terms of its Air Permit.

2. Polk County performed its Stack Test in 2019, and is required to conduct a RATA of its equipment in 2020.

3. The RATA is done by one of the State's qualified testing firms – Elemental Air Inc. - that provided the testing services for the Stack Test and previous tests in Fosston.

4. The quote for the 2020 RATA is $10,376.00, and is in-line with previous RATA's.

5. Elemental Air is scheduled to be on-site the week of April 27th, and will conduct the RATA from April 28-30th.

6. The quote is brought up for approval to expedite the payment of Elemental Air Inc on this project.

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ACTION REQUESTED: (INFORMATION ONLY/MOTION/RESOLUTION)

1. Action: Approve the quote by Elemental Air Inc in the amount of $10,376.00 for the 2020 RATA at the Polk County Resource Recovery Facility in Fosston, MN.

ELEMENTAL AIR

$2H_2 + O_2 \rightarrow 2H_2O + Q$

Innovative Technology for Air Quality Management

March 3, 2020

Mr. Jon Steiner
Polk County Resource Recovery Plant
708 8th Street NW
Fosston, Minnesota 56542

PROPOSAL # E20012P

Dear Mr. Steiner,

Elemental Air, LLC (www.e2air.com) is pleased to submit the following proposal to provide air emission testing services located at the Polk County Resource Recovery facility located in Fosston, MN. Elemental Air will conduct Environmental Protection Agency (EPA) approved testing methodologies. This proposal defines the tasks to be performed and the procedures to be utilized for this project.

1.0 Testing Methodology

The methods are incorporated by reference in the Code of Federal Regulations, Title 40, Part 60 testing methodologies. The test methods to be utilized during this project are defined as follows:

Units 1 and 2

Method #	Method Description	Abbreviation
1	Determination of Sample Points	Points
3A	Determination of Oxygen and Carbon Dioxide (RATA)	CO2
6C	Determination of Sulfuric Acid (RATA)	SO2
10	Determination of Carbon Monoxide (RATA)	CO

2.0 Scope of Work

The goal of this project is to conduct RATA testing on Units 1 and 2 primary and backup systems.

Elemental Air will provide all the necessary equipment and personnel to conduct the proposed testing. The following items are included in the proposed costs.

Field data reduction and preparation of a compliance test report.
All necessary equipment, chemicals, gases, etc to complete this project.
Safety equipment (hard hats, safety glasses, steel toed boots).
Electronic Copy of the test report.
Printed Copy of the test report upon request.

Elemental Air requests the following be provided during each mobilization in order to complete this project.

Safe access to the sample location.
Operation records during each test run.
1 – 220V power at the sample location for the test trailer
2-120V power outlets at the sample location.
Coordination between test crew and operations to achieve the correct test parameters

3.0 Bid Basis and Assumptions

1. Each bid provided is based on a proposed test schedule outlined in the following section. There may be on-site facility caused factors that require longer test schedules, changes to the test schedule, or delays and additional mobilizations which may incur additional charges upon approval of the client.

Units 1 and 2 – RATA **$10,376.00**

Test Parameters:		Reporting Parameters:
O2, CO2		%
CO, SO2		ppm@7%O2
Length of Runs:	RATA	21 minutes
Number of Runs:	RATA	9-12 per unit
Number of Mobilizations:	1	
Number of Personnel:	2	
Number of Test Days:	2	
Proposal Schedule:	Day 1	Setup
	Day 2	RATA Primary
	Day 3	RATA Secondary

4.0 General

We appreciate the opportunity to present the Polk County Solid Waste Incinerator with this bid. If you have any questions, please feel free to call me at (763) 477-4462 Ext 151 or 952-303-1969 Cell. Elemental Air thanks you for your consideration and we look forward to working with you.

Sincerely,

Brian Durkop

Brian Durkop, QSTI
President

Board of Commissioners

Polk County Government Center
612 N Broadway – Room 211
Crookston, MN 56716-1452

TO: POLK COUNTY BOARD OF COMMISSIONERS

FROM: JON STEINER, ENV. SVS. ADMIN.

MEETING DATE: April 28, 2020

AGENDA ITEM: Transfer Station - Parking Lot Improvements

SUMMARY:

1. Polk County constructed a new Transfer Station under the Capital Assistance Program (CAP) Grant. It included a new parking area to the west of the office.

2. Polk County took a deduction on the project cost in lieu of grading, seeding, striping and site restoration on the west side of the lot in order to close out the project last winter.

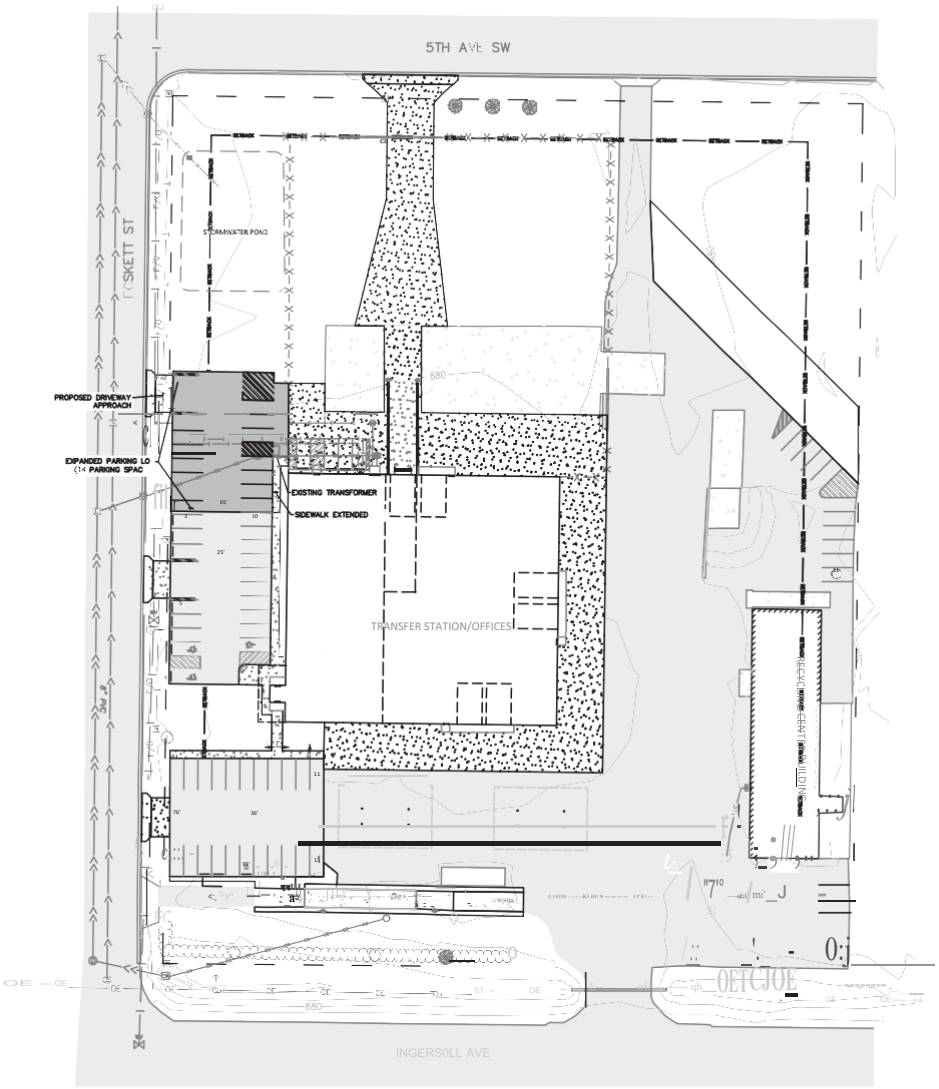
3. The west parking lot is somewhat awkward for leaving – requiring larger vehicles to back-up quite a distance to make the turn out to the public road – and though it meets code is inadequate for larger meetings.

4. The Transfer Station would like to pursue an extension of the west parking lot to the north, adding additional parking, another ingress/egress to the public road, and create a connection through the fenced area to the back lot.

5. Polk has engaged Wenck Assoc. to survey the property in question and prepare estimates and drawing of the expansion for review and quote purposes. The estimated cost for the work is <$100,000. (see Addenda #1)

ACTION REQUESTED: (INFORMATION ONLY/MOTION/RESOLUTION)

1. Information Only: Unless informed otherwise, Polk County Transfer Station would proceed to get quotes and bring to the Board for future approval.



SITE PLAN LEGEND

- PROPOSED FENCE
- PROPOSED RETAINING WALL
- PROPOSED GUARD RAIL
- PROPOSED CONCRETE PAVEMENT
- PROPOSED ASPHALT PAVEMENT

GENERAL LEGEND

- PROPERTY LINE
- SETBACK LINE
- EXISTING CONTOURS
- EXISTING BITUMINOUS PAVEMENT
- EXISTING GRAVEL
- EXISTING CURB AND GUTTER
- EXISTING CONCRETE
- WATERMAIN
- SANITARY SEWER
- STORM SEWER
- UNDERGROUND GAS LINE
- UNDERGROUND TELEPHONE
- UNDERGROUND FIBEROPTIC
- OVERHEAD POWER LINE
- EXISTING FENCE
- EXISTING ELECTRICAL METER
- EXISTING TELEPHONE BOX
- EXISTING GAS METER
- EXISTING HYDRANT
- EXISTING WATER VALVE
- EXISTING WATER SHUTOFF
- EXISTING SANITARY MANHOLE
- EXISTING STORM MANHOLE
- EXISTING CATCH BASIN

N

0 40 80

GRAPHIC SCALE IN FEET

DATE	REVISION/ISSUE	BY	CHK'D	REV DATE
	ISSUED TO CLIENT	MPM	STM	04.24.20

CLIENT

POLK COUNTY

229 INGERSOLL AVE
CROOKSTON, MINNESOTA 56716
(218) 281-3646

PRIME CONSULTANT

WENCK ASSOCIATES

Responsive partner. Exceptional outcomes

3888 FIEDLER DRIVE
FARGO, NORTH DAKOTA 58103
(701) 237-5065

SUB CONSULTANT

SUB CONSULTANT

SEAL

PROJECT TITLE

CROOKSTON TRANSFER STATION
PARKING LOT EXPANSION

SHEET TITLE

SITE PLAN
EXPANDED PARKING LOT

DRAWN BY	CHK'D	APP'D	DWG DATE
MPM	STM	MPM	APRIL 2020

SCALE: AS SHOWN

PROJECT NO.: 054G-00G1

SHEET NO.: FIGURE I

REV NO.:

Board of Commissioners

Polk County Government Center
612 N Broadway – Room 211
Crookston, MN 56716-1452

TO: POLK COUNTY BOARD OF COMMISSIONERS

CHUCK WHITING, POLK COUNTY ADMINISTRATOR

FROM: Michelle M. Cote, Director of Property Records

MEETING DATE: April 28, 2020

AGENDA ITEM: Lease of Flood Buyout Property 09.00288.00

SUMMARY:

- A request has been made to transfer the lessee interest of Parcel 09.00288.00 from Jon Wurden to Steve Flaat. The lease has been reviewed and approved by the County Attorney.
- Upon your request at the 04/21/2020 County Board Meeting the matter of securing bids for this property was reviewed with Greg Widseth.
- Polk County currently has 7 Flood buyout leases all at $25.00 excluding 1 which is $1.00 as it is less than 5 acres.
- Parcel 09.00288.00 is 5 acres of non-till land in Bygland Township. A GIS map is included for your review.

ACTION REQUESTED: (INFORMATION ONLY/MOTION/RESOLUTION)

Action as to how you would like to proceed.

09.00287.01
NWNW
NW 1/4
09.00286.00
SWNW
09.00325.00
09.00325.00
SW 1/4

FLOOD ACQUISITION PROPERTY LEASE

FORMER RICHARD BENSON PROPERTY
Parcel 09.00288.00

PROPERTY LEASE
COUNTY ACQUIRED FLOOD LANDS

THIS AGREEMENT is made by and between the county of Polk ("County" or "Lessor") and Steve Flaat of 23821 HWY 220 SW Fisher, MN ("Tenant" or "Lessee") and is effective upon execution by each of the parties.

IN CONSIDERATION of the mutual promises contained herein, County and Tenant agree as follows:

1. Leased Premises

County shall rent to Tenant that real property with the following legal description:

> The East One Hundred Sixty-five (165) feet of the West Half of the Southwest Quarter of the Northwest Quarter (W½SW¼NW¼) of Section Twenty-eight (28), Township One Hundred Fifty (150) North of Range Forty-nine (49) West of the Fifth Principal Meridian, containing 5 acres, more or less, according to the United States Government Survey thereof.

2. Terms of Lease

The term of this lease shall be for a period of one (1) year, commencing on January 1, 2020 and ending on December 31, 2020. This lease shall be automatically renewable at the end of each year unless written notice to terminate lease is given by either party.

3. Use of Premises

Tenant shall, during the term of this lease, use and occupy the premises for the following purposes, and uses normally incident thereto, and for no other:

> Open space compatible uses (growing crops, feeding livestock, temporary crop storage, etc.) as allowed in Section 9.

4. Rent

Tenant shall pay the county rent for the use and possession of the premises, a fee in the sum of $25.00 per year. Fee to be payable annually in advance of the First day of January of each year.

5. Expense to Tenant

During the term of this lease, Tenant shall, among other things, at his own cost and expense:

a. Furnish all labor and equipment necessary to utilize the premises in the manner which the Tenant has selected.

6. Expenses of County

During the term of this lease, County shall bear the following costs:

a. Real Estate Taxes, Special Assessments, Ditch Taxes, etc. for the land only, due and payable. The County shall bear no other costs in connection with this lease.

7. Best Course of Husbandry

In utilizing the premises and in performing any activity on the premises required, or permitted by this lease, the Tenant shall act in accordance with the best course of husbandry practiced in the geographic vicinity of the premises.

Should Tenant fail to conduct any operation on the leased premises in accordance with the best course of husbandry practiced in the geographic vicinity of the premises, the county may, after serving ten (10) days written notice of such failure of Tenant on the Tenant in the manner provided for service of notices in this lease, enter the premises and take such action as the county deems necessary to protect its interests under his lease. Tenant agrees to reimburse County on demand for actual cost of labor, material, equipment and related costs of any action taken by County pursuant to the provision of this section.

8. Waste or Nuisance

Tenant shall not commit, or permit the commission by others of, any waste on the premises; Tenant shall not maintain, commit, or permit the maintenance or commission of any nuisance as defined by Minnesota Statutes on the premises; Tenant shall not use, or permit the use of, the premises for any unlawful purpose.

Tenant shall not interfere with County's use of the balance of its premises contiguous to the demised premises, or prevent or otherwise interfere with other activities by County on the balance of the county's premises.

9. Special Restrictions and Easements

Tenant must abide by, and comply with, all development restrictions and Open Space Easements placed upon the property. The property is located within the 100 year flood plain, and was acquired by the county with Federal Emergency Management Agency and Department of Natural Recourses grant monies. This property was eligible for acquisition with these grants because the structures previously erected upon the property were found to have sustained substantial damage due to flooding.

The development restrictions and Open Space Easement are as follows:

A. The land shall be used only for the purposes with the open space, recreational, or wetlands management practices, which shall include agricultural purposes; this restriction includes a prohibition against the use of the land for residential purposes;
B. No new structures or improvements shall be erected on the premises other than the following.
    1. a restroom
    2. a public facility that is open on all sides and functionally related to open space use, or
    3. simple agricultural structures used exclusively for agricultural purposes in connection with the production, harvesting, storage, drying or raising of agricultural commodities, including livestock, and limited to the following:
        i. open structures used for the purpose of temporary feeding of livestock;
        ii. steel grain bins, steel frame corn cribs or similar crop storage structures.

Provided that a) the structure is the subject of approval by the County in accordance with the provisions of all applicable County ordinances, including but not limited to, County Zoning and Flood plain ordinances, as they now read and as they may be amended in the future; and b) NFIP requirements for wet-flood proofing (or dry-flood proofing or elevation, where practicable) are met, pursuant to 44 C.F.R. 60.3;

C. The County shall have the right to enter upon the land, at reasonable times and with reasonable notice to Tenant, for the purpose of inspecting the property to ensure compliance with the terms of the Open Space Easement

In consideration of the Grant Agreement and the federal funds provided in accordance with the terms of the Stafford Act, the Grantor, County and Tenant acknowledge that they will not be considered for any future federal assistance pertaining to structures relating to the subject land, and agree not to seek such assistance.

The Tenant accepts the Open Space Easement, acknowledges its obligations and agrees to abide and follow those restrictions by accepting this lease. Should the Tenant encumber, assign, or otherwise transfer this lease, any right or interest in this lease, or any right or interest in the premises in conformance with this lease, the Open Space Easement shall be binding upon that party. The Open Space Easement shall run with the land, be perpetual and binding. This Open Space Easement shall be deemed to be a conservation easement under Chapter 84C of Minnesota Statutes.

10. Insurance and Hold Harmless

Tenant may purchase such crop or animal insurance and general liability insurance as he shall deem necessary, at his sole discretion. Tenant shall indemnify and hold harmless the County from or on account of any activities of Tenant including any claim, liability, loss or damage arising on or in connection with the premises or the condition of the premises or the condition of the premises as a result of Tenant's activities thereon, including any claim, liability, loss or damage arising by reason of injury or death of any person or persons or by reason of damage to any property caused by the condition of the premises, the condition of any improvements or personal property in or on the premises, or the acts of omissions of Tenant or any person in or on the premises with the express or implied consent of Tenant.

11. Entry by County

Tenant shall permit County or County's agents, representative, or employees, and the County herby expressly retains the right, to enter the premises at any and all reasonable times for the purpose of inspecting the premises to determine whether the Tenant is complying with the terms of this lease and for the purpose of doing any other lawful acts on the premises that County may be authorized to do under this lease or that may be necessary to protect County's interest in the premises or under this lease.

12. No Partnership

Nothing contained in this lease shall create or be constructed as creating a partnership, joint venture, or employment relationship between County and Tenant. Neither County nor Tenant shall be liable, except as otherwise expressly provided in this lease, for any obligations or liabilities incurred by the other. Tenant expressly agrees to indemnify and hold County and the property of the County demised hereunder, free and harmless from any and all obligations and liabilities incurred by Tenant in conducting Tenant's farming or other operations, whether conducted pursuant to this lease or otherwise, on the premises.

13. Subleasing and Assigning

Tenant shall not encumber, assign, or otherwise transfer this lease, any right or interest in this lease, or any right or interest in the premises or any of the improvements that may now or hereafter be constructed, installed or planted on the premises, without the express prior written consent of the County. Consent by the county to one assignment, subletting, occupation, or use by another person shall not be deemed to be a consent to any subsequent assignment, subletting, occupation, or use by another person. Any encumbrance, assignment, transfer, or subletting without the prior written consent of the County, whether it be voluntary or involuntary, by operation of law, or otherwise, is void and shall, at the option of the County, terminate this lease. The consent of the County to any such assignment of the Tenant's interest in this lease or the subletting by Tenant of the premises shall not be unreasonable withheld.

14. Default by Tenant

All covenants and agreements contained in this lease are declared to be conditions of this lease. Should the Tenant default in the performance of any covenant, condition, or agreement contained in this lease, the County may terminate this lease and re-enter and regain possession of the premises in the manner then provided by the laws of the State of Minnesota for unlawful detainer, or to exercise those remedies provided herein.

Failure of the Tenant to properly maintain the demised premises in accordance with this contract shall be a breach of the conditions of this lease and shall entitle the County to all remedies provided by this lease or by law.

15. Notices

Except as otherwise expressly provided by law, any and all notices or other communications required or permitted by this lease or by law to be served on or delivered or given to either party hereto by the other party to this lease shall be in writing and shall be deemed duly served, given or delivered when personally delivered to the party to who it is directed, or in lieu of such personal service when deposited in the United States Mail, first class postage prepaid, addressed to the Tenant at his address in Fisher, Minnesota or to the County as addressed to:

Michelle M Cote, Director of Property Records
Polk County Auditor – Treasurer
Polk County Government Center
612 N. Broadway – Suite 207
Crookston, MN 56716

16. Binding Effect

This lease shall be binding on and shall insure to the benefit of this heirs, executors, administrator, successors and assigns of the parties hereto, but nothing in this section shall be construed as consent by County to any assignment of this lease or any interest therein by Tenant except as provided by this lease. Time is expressly declared to be of the essence in this lease.

17. Waiver

Waiver by the County of any breach of any of the provisions of this lease shall not constitute a continuing waiver or a waiver of any subsequent breach by the Tenant either of the same or of another provision of this lease.

18. Severability

If any Court shall declare any provision of this lease to be void or unenforceable for any reason, that provision shall be severed from this lease agreement and shall not affect the validity of any other provision contained in this agreement.

19. Integration Clause

This instrument contains the entire agreement between the two parties hereto, and no prior or contemporaneous agreement, whether oral or written, shall be effective unless made in writing and approved and signed by both parties.

IN WITNESS WHEREOF, the parties have set their hands this _____ day of _____, 2020.

LESSEE: _____ _____

Tenant Date

LESSOR: _____ _____

Chairman, Polk County Board Date

ATTEST: _____ _____

Polk County Administrator Date

Approved as to form and execution:

_____ _____

Polk County Attorney Date

Board of Commissioners

Polk County Government Center
612 N Broadway – Room 211
Crookston, MN 56716-1452
Phone: (218) 281-5408
Fax: (218) 281-3808
www.co.polk.mn.us

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COUNTY ADMINISTRATOR
CHARLES S. WHITING

TO: POLK COUNTY BOARD OF COMMISSIONERS

CHUCK WHITING, POLK COUNTY ADMINISTRATOR

FROM: Mark Dietz, Director, Polk County Facilities Management Department

MEETING DATE 4-28-2020

AGENDA ITEM: Polk County Projects – Update

SUMMARY: Oral Report On The Ongoing Polk County Building Project

1) Oral report by Polk County Facilities Management Director, Mark Dietz

ACTION REQUESTED: (INFORMATION ONLY/MOTION/RESOLUTION)
No action requested, Information Only.

STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-40

Allowing Workers in Certain Non-Critical Sectors to Return to Safe Workplaces

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic presents an unprecedented challenge to our State. Since the World Health Organization characterized the COVID-19 outbreak as a pandemic on March 11, 2020, confirmed cases of COVID-19 in Minnesota have rapidly increased. Minnesota has taken extraordinary steps to prevent and respond to the COVID-19 pandemic. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat. On April 13, 2020, after notifying the Legislature, I issued Executive Order 20-35, extending the peacetime emergency declared in Executive Order 20-01.

In Executive Order 20-20, and consistent with federal guidance and nationwide efforts to slow the spread of COVID-19, I directed Minnesotans to stay at home, except to participate in certain exempted activities and work in Critical Sectors. I modified and extended this requirement in Executive Orders 20-33 and 20-38. These actions have saved lives by slowing the spread of COVID-19 in Minnesota, but they have also impacted our economy. Many Minnesotans, who neither work in a Critical Sector nor can work from home, have been unable to work. Many businesses have been unable to open. In Executive Order 20-33, I directed the Commissioners of the Minnesota Department of Health ("MDH"), the Minnesota Department of Employment and Economic Development ("DEED"), and the Minnesota Department of Labor and Industry ("DLI") to begin planning to allow certain non-Critical Sector workers to return to work when it is safe to do so. I explained that such a plan must include guidelines and requirements for appropriate social distancing, hygiene, and public health best practices. This Executive Order represents the next step in that plan, allowing for certain Non-Critical Sector workers to return to work once their employers have planned for and provided a safe work environment.

Recognizing that certain work environments are more conducive to health and safety precautions and best practices, this Executive Order focuses on industrial and manufacturing businesses, as well as businesses in office-based settings. Because businesses in these categories generally do

not involve direct interactions with customers or the general public, they have an opportunity to resume work through preparation and planning that will allow for compliance with the Minnesota Occupational Safety and Health Act of 1973, Minnesota Statutes 2019, Chapter 182 ("Minnesota OSHA Standards"), in addition to guidelines related to COVID-19 set forth by the Minnesota Department of Health and the Centers for Disease Control and Prevention ("MDH and CDC Guidelines"). As we take this limited next step, we will continue to monitor the level of COVID-19 cases and explore whether workers can safely return to other workplaces.

In Minnesota Statutes 2019, section 12.02, the Minnesota Legislature conferred upon the Governor emergency powers "in order to (1) ensure that preparations of this state will be adequate to deal with disasters, (2) generally protect the public peace, health, and safety, and (3) preserve the lives and property of the people of the state." Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 1, the Governor has general authority to control the state's emergency management as well as carry out the provisions of Minnesota's Emergency Management Act.

Minnesota Statutes 2019, section 12.21, subdivision 3(7), authorizes the Governor to cooperate with federal and state agencies in "matters pertaining to the emergency management of the state and nation." This includes "the direction or control of . . . the conduct of persons in the state, including entrance or exit from any stricken or threatened public place, occupancy of facilities, and . . . public meetings or gatherings." Pursuant to subdivision 3 of that same section, the Governor may "make, amend, and rescind the necessary orders and rules to carry out the provisions" of Minnesota Statutes 2019, Chapter 12. When approved by the Executive Council and filed in the Office of the Secretary of State, such orders and rules have the force and effect of law during the peacetime emergency. Any inconsistent rules or ordinances of any agency or political subdivision of the state are suspended during the pendency of the emergency.

For these reasons, I order as follows:

1. Notwithstanding the requirement to stay at home in Executive Order 20-33, beginning no sooner than April 26, 2020 at 11:59 pm, workers for Non-Critical Exempt Businesses, as defined in this Executive Order, may return to work upon their Non-Critical Exempt Business's completion of the requirements set forth in this Executive Order.

2. As with the Critical Sector worker exemptions set forth in Executive Order 20-33, the exemptions created for workers for Non-Critical Exempt Businesses in this Executive Order apply only to travel to and from an individual's home or residence and place of work and an individual's performance of work duties that cannot be done at their home or residence. Travel may include transportation to and from child care or school settings as necessary to ensure the safe care of children.

3. Nothing in this Executive Order should be interpreted to allow or encourage workers who can work from home to leave home for work. As ordered in Executive Order 20-33, **all workers who can work from home must do so**.

4. **Definitions**. As used in this Executive Order, "workers" and "personnel" are broadly defined to include owners, proprietors, employees, contractors, vendors, volunteers,

and interns. As used in this Executive Order, "Critical Sectors" is defined to include the categories set forth in paragraph 6 of Executive Order 20-33, as amended by Executive Order 20-38. "Non-Critical Exempt Businesses" are businesses that are within the scope of paragraph 5 of this Executive Order and that complete and comply with the requirements set forth in paragraph 6 of this Executive Order.

5. **Businesses covered by this Executive Order.** Non-Critical Exempt Businesses covered by this Executive Order are limited to the following sectors:

    a. **Industrial and manufacturing businesses.** Businesses in this category include industrial or manufacturing businesses, to the extent that such businesses' employees are not exempt Critical Sector workers under Executive Order 20-33, as amended by Executive Order 20-38. This category includes wholesale trade, warehousing, and places of employment in which goods are in the process of being created. This category does not include customer-facing retail environments associated with an industrial or manufacturing business in this category. DEED will provide additional guidance related to the businesses included in this category at https://mn.gov/deed/safework/

    b. **Office-based businesses.** Businesses in this category include office-based businesses where workers do their work within an office space, at their desk, and their work is primarily not customer facing, to the extent that their employees are not exempt Critical Sector workers under Executive Order 20-33, as amended by Executive Order 20-38. This category does not include customer-facing retail environments associated with office-based businesses in this category. DEED will provide additional guidance related to the businesses included in this category at https://mn.gov/deed/safework/

6. **Requirements for Non-Critical Exempt Businesses.** Before workers may return to work at a Non-Critical Exempt Business under this Executive Order, the Non-Critical Exempt Business must establish and implement a COVID-19 Preparedness Plan ("Plan"). Each Plan must provide for the business's implementation of Minnesota OSHA Standards and MDH and CDC Guidelines in their workplaces. These requirements are set forth in guidance published by DEED and DLI ("Plan Guidance") and available at https://mn.gov/deed/safework/

    a. **Required Plan content.** As set forth in the Plan Guidance, at a minimum, each Plan must adequately address the following areas.

        i. **Require work from home whenever possible.** All Plans must ensure that all workers who can work from home continue to do so.

        ii. **Ensure that sick workers stay home.** All Plans must establish policies and procedures, including health screenings, that prevent sick workers from entering the workplace.

iii. **Social distancing.** All Plans must establish social distancing policies and procedures.

iv. **Employee hygiene and source control.** All Plans must establish hygiene and source control policies for workers.

v. **Cleaning and disinfection protocols.** All Plans must establish cleaning and disinfection protocols for areas within the workplace.

b. **Optional template.** A template COVID-19 Preparedness Plan, which covers the above requirements, is available as part of the Plan Guidance, available at https://mn.gov/deed/safework/

c. **Certification and signature.** Senior management responsible for implementing the Plan must sign and certify the Plan, affirming their commitment to implement and follow the Plan.

d. **Dissemination and posting.** A Non-Critical Exempt Business must provide its Plan, in writing, to all workers, and the Plan must be posted at all of the business's workplaces in locations that will allow for the Plan to be readily reviewed by all workers. Where physical posting is impracticable, the Plan can be posted electronically, provided that the Plan is received by all workers and remains available for their review.

e. **Training.** Non-Critical Exempt Businesses must ensure that training is provided to workers on the contents of their Plan and required procedures, so that all workers understand and are able to perform the precautions necessary to protect themselves and their co-workers. This training should be easy to understand and available in the appropriate language and literacy level for all workers. Businesses should also take steps to supervise workers and ensure that workers understand and adhere to necessary precautions to prevent COVID-19 transmission. Documentation demonstrating compliance with this training requirement must be maintained and made available to regulatory authorities and public safety officers, including DLI, upon request.

f. **Compliance.** Workers and management must work together to ensure compliance with the Plan, implement all protocols, policies, and procedures, and create a safe and healthy work environment.

g. **Availability to regulatory authorities and public safety officers.** Non-Critical Exempt Businesses do not need to submit their Plans for preapproval. Upon request, Non-Critical Exempt Businesses must make their Plans available to regulatory authorities and public safety officers, including DLI.

7. In the event of a complaint or dispute related to a business's Plan, DLI is authorized to determine whether the Plan adequately implements Minnesota OSHA Standards and MDH and CDC Guidelines in its workplaces.

8. All exempted work for Non-Critical Exempt Businesses must be conducted in a manner that adheres to Minnesota OSHA Standards and MDH and CDC Guidelines, including social distancing and hygiene practices. Under existing law and authority, DLI may issue citations, civil penalties, or closure orders to places of employment with unsafe or unhealthy conditions, and DLI may penalize businesses that retaliate against employees who raise safety and health concerns.

9. I urge all Minnesotans to voluntarily comply with this Executive Order. Pursuant to Minnesota Statutes 2019, section 12.45, a worker who willfully violates this Executive Order is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed $1,000 or by imprisonment for not more than 90 days. Any business owner, manager, or supervisor who requires or encourages any of their employees to violate this Executive Order is guilty of a gross misdemeanor and upon conviction must be punished by a fine not to exceed $3,000 or by imprisonment for not more than a year. In addition to those criminal penalties, the Attorney General, as well as city and county attorneys, may seek any civil relief available pursuant to Minnesota Statutes 2019, section 8.31, for violations of this Executive Order, including civil penalties up to $25,000 per occurrence from businesses and injunctive relief. Nothing in this Executive Order is intended to encourage or allow law enforcement to transgress individual constitutional rights.

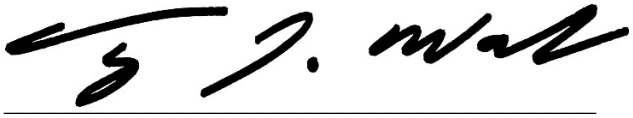
10. Apart from the additional exemptions provided in this order, all requirements of Executive Order 20-33 remain in effect.

11. This Executive Order may be extended by a future Executive Order, with the approval of the Executive Council.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately upon approval by the Executive Council. It remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on April 23, 2020.



Tim Walz
Governor

Filed According to Law:

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Steve Simon
Secretary of State

Approved by the Executive Council on April 24, 2020:

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Alice Roberts-Davis
Secretary, Executive Council

Guidance on Executive Order 20-40

On April 23, Governor Walz signed Executive Order 20-40, which allows workers in industrial and office settings to return to work, subject to several conditions. First, all workers who can work from home must continue to do so. There are also a number of other conditions laid out in the executive order, including creating a COVID-19 Preparedness Plan and conducting health screenings of employees each day at arrival.

Industrial: What Does it Mean?

Industrial settings are places of employment in which goods are in the process of being created. Agriculture, forestry, fishing and hunting qualify, as do mining, construction, utilities and manufacturing. Wholesale trade and warehousing also qualify as they are preparing those goods for sale to customers and consumers. Some of these settings are natural for allowing social distancing. Others will be more difficult and require businesses to change practices, including increasing space between workstations and reducing density of workers for each shift.

Office: What Does it Mean?

Office settings are places of employment in which workers do their work within an office space where people primarily do their work at their desk and whose work is primarily not customer facing. Some settings will be natural for allowing social distancing, with people primarily working in individual offices. Others will be more difficult and require businesses to change practices, including increasing space between workstations and reducing density of workers for each shift.

Examples of what you can do:

- Interact with co-workers while maintaining appropriate social distancing.
- Conduct virtual meetings with co-workers, customers and suppliers.
- Work at workstations as long as there is adequate space between workers.
- Follow the business's plan for social distancing.

Examples of what you can't do:

- Conduct customer visits in customer workplaces or homes.
- Invite customers into the workplace.
- Conduct meetings in conference rooms that don't allow social distancing.
- Work right next to co-workers.

What about Critical Workers/Sectors?

Executive Order 20-40 makes no changes to the definitions of Critical Workers/Sectors from Governor Walz's Executive Order 20-33. Critical Workers/Sectors can be open, as they were before this order. This order allows non-Critical Sector Workers in industrial and office settings to go back to work, with certain conditions.

What is not included?

Unless they qualify as a Critical Sector in Executive Order 20-33, businesses that sell goods and services directly to customers remain closed for the time being. These businesses are still allowed to fulfill orders to support electronic commerce.

What if I need more information?

First, please review the Critical Sectors guidance for information and clarifications about what workers are considered Critical Sector.

If you still have a question that you need answered about whether a business meets the definition of industrial or office, please email CriticalSectors@state.mn.us.