

August 6, 2019
Cottonwood County Board of Commissioners
Regular Meeting
Minutes

The Cottonwood County Board of Commissioners met in regular session on Tuesday, August 6, 2019 at 9:00 a.m. at the Cottonwood County Courthouse in Windom, MN. Present for all or portions of the meeting were: Commissioners Tom Appel, Donna Gravley, Kevin Stevens, Norm Holmen, Larry Anderson; County Coordinator Kelly Thongvivong, Assistant County Attorney Kristi Meyeraan, Auditor/Treasurer Donna Torkelson, Kathy Marsh, Glenn Johnson, Jim Accurso, Kia Harries, Trish Sheehan, Nick Klisch, Becky Buchholz, Jim Schmidt, Todd Dibble, Cathleen Amick, Mark Schenk, Kyle Pillatzki, Linda Fransen, Margaret McDonald, Max Jay Dixon, Dylan Ikkala, Craig Myers, Kay Steffen, Kelsey Andrews, Kristi Sell, and Vicki Beckendorf.

Chairman Holmen called the meeting to order. The Pledge of Allegiance was recited. Motion by Stevens, second by Anderson, unanimous vote to approve the agenda. Motion by Gravley, second by Appel, unanimous vote to approve the minutes of the July 16, 2019 meeting.

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Glenn Johnson, Director of Information Systems, met with the board to discuss the upgrading of county computers to Windows 10 and Office 365. Johnson reminded the board that Windows 7 will no longer be supported in 2020, that we have old versions of Microsoft Office that need to be upgraded, and that the Microsoft Exchange (email) server will no longer be supported in 2021. Johnson presented three options for consideration: Option #1 – Microsoft 365 Subscription - \$34,620.00 with recurring costs each year of \$27,989.00, Option #2 – Office 365 Subscription, Individual Licenses, Device Management - \$40,125.00 with recurring costs each year of \$29,841.00, and Option #3 – Individual Licenses - \$80,835.00 with recurring costs each year of \$7,371.00. Motion by Gravley, second by Stevens, unanimous vote to accept the state bid from SHI for Option #1 – Microsoft 365 Subscription in the amount of \$34,620.00 with recurring costs each year of \$27,989.00. The purchase will be paid out of IT Long Term budget.

Johnson and Kelly Thongvivong, County Coordinator, presented a revised GIS Technician job description for approval. Motion by Stevens, second by Anderson, unanimous vote to approve the GIS Technician job description as presented.

Johnson led discussion regarding the purchase of office furniture for the IT Department at the 10th Street Office Building. After discussion, it was agreed that office furniture is a discretionary purchase and should be paid out of a department's budget. Since the IT Long Term budget will be used for the Microsoft upgrades, motion by Appel, second by Stevens, unanimous vote to make a budget adjustment to the IT Long Term budget of \$10,000 to cover furniture and future Microsoft upgrades.

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Jim Accurso, Census Bureau Partnership Specialist, met with the board to discuss the importance of the 2020 Census and the opportunities for local government involvement. Accurso explained the formation process for a county-

wide 2020 Complete Count Committee.

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Kia Harries, Director of Statewide Operations, and Trisha Sheehan, Extension Educator – Youth Development, met with the board to discuss the possible addition of a part-time (10 hours/week) 4-H Program Coordinator position for fostering relationships in the county and developing new partnerships. Harries stated that the Center of Youth Development would support the position from July 1, 2019 through June 30, 2020 and then the county would support the position from July 1, 2020 through December 31, 2020, at an expense of \$9,407.00. If the position is successful, the county could continue the position at an expense of approximately \$18,814.00 per year. Harries also stated that the part-time (10 hours/week) 4-H Program Coordinator would be a Memorandum of Agreement (MOA) position with the University of Minnesota. No action was taken.

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Becky Buchholz, SWCD Program Technician, met with the board to get approval for extending our Minnesota Department of Ag Low Interest Loan money to include replacement of wells and putting on taxes as an assessment. Motion by Appel, second by Gravley, unanimous vote to extend the services we provide with the septic systems on the property taxes to replacement wells as allowed under the MN Department of Ag AgBMP Low Interest Loan funds and adopt applications as presented.

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Jim Schmidt met with the board to give an update on the Courthouse Window Grant.

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Todd Dibble, Veteran Service Officer, met with the board to present a grant for board approval. Motion by Appel, second by Stevens, unanimous vote to accept the Minnesota Department of Veteran Affairs Grant for \$7,500.

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Cathleen Amick, Transportation Director of UCAP, met with the board regarding the transit garage.

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Nick Klisch, County Engineer/Public Works Director, met with the board to discuss a few items. Klisch stated that the replacement of the CSAH 7 Bridge by Talcot Dam has been completed and the total project cost came in under bid at \$951,443.10. Motion by Anderson, second by Stevens, unanimous vote to make final payment to Icon Constructors, LLC in the amount of \$86,636.44 for Project 017-607-020 – CSAH 7 Bridge.

Discussion on license fees and surety bond in regards to Solid Waste Ordinance #19 was postponed until the August 20th board meeting.

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Linda Fransen, Historical Society Director, and Margaret McDonald, met with the board to give a year-end report for the Cottonwood County Historical Society and presented their budget request for 2020. They are requesting \$71,000 for the 2020 budget.

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Dylan Ikkala and Max Jay-Dixon, Apex Clean Energy, met with the board to give an update on the Big Bend Wind project and ask for a resolution of support for Red Rock Solar, which would be reliant on the Big Bend Wind project. Motion by Gravley, second by Stevens, unanimous roll call vote to adopt resolution 19-08-06 as follows:

Resolution 19-08-06

At a regularly scheduled meeting on August 6th, the Cottonwood County Board of Commissioners agreed to sign this resolution stating that they support the development and construction of the 75 MW solar facility by Red Rock Solar LLC, as a component of the 335 MW Big Bend wind and solar project, and the related overhead transmission line in Cottonwood County.

WHEREAS, the Cottonwood County Board of Commissioners supports new economic development and is dedicated to the prosperity, sustainability and longevity of the community, as well as the safety, security and well-being of its residents; and

WHEREAS, the Cottonwood County Board of Commissioners recognizes that Red Rock Solar will provide a boost to the local economy through production tax payments to Cottonwood County and the local Township, supporting local schools and public services.

WHEREAS, the Cottonwood County Board of Commissioners believes the development of Red Rock Solar is aligned with county energy objectives, by providing affordable and reliable energy, as well as the energy objectives of the state, as set forth in Chapter 216B; and

WHEREAS, the Cottonwood County Board of Commissioners recognizes the co-benefits of solar and agriculture, insofar as solar facilities establish vegetative cover and work with landowners to address drainage concerns, solar facilities provide farms with economic security and the following conservation benefits: protection from wind and water erosion, improved air and water quality, improved biodiversity with the potential for pollinator benefits to neighboring soybeans and other crops, and improved soil organic matter and soil health (per the USDA on conservation coverage); and

WHEREAS, the Cottonwood County Board of Commissioners appreciates the opportunity for solar facilities to establish ecosystems of enhanced biodiversity, ideal for pheasants and ground-nesting birds, to the benefit of the environment and for the enjoyment of hunters and naturalists; and

WHEREAS, the Cottonwood County Board of Commissioners understands that the construction of Red Rock Solar in our county will be supported by rigorous analysis while adhering to the standards related to quality and safety by local, state, and federal agencies and regulations.

NOW, THEREFORE BE IT RESOLVED that the Cottonwood County Board of Commissioners supports the development of projects that are aligned with its values, goals and objectives, as set forth in Section 25: Renewable Energy Ordinance, and supports Red Rock Solar LLC with the realization that it will bring positive change and improvement to the economy and residents of Cottonwood County,

Voted upon and passed this day, August 6, 2019

S/Norman Holmen, Board Chairman

S/Donna Torkelson, Auditor/Treasurer

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Motion by Stevens, second by Anderson, unanimous vote to close the meeting as permitted by Minnesota Statute 13D.05 Subd. 3(b) to discuss the following litigation: Cottonwood County V. Department of Human Services at 11:50 a.m. Individuals present for the meeting were: 5 Commissioners, Kelly Thongvivong, Kristi Meyeraan, Donna Torkelson, Kathy Marsh, Craig Myers, Kay Steffen, and Kelsey Andrews.

Motion by Appel, second by Gravley, unanimous vote to open the meeting at 12:18 p.m.

Motion by Stevens, second by Gravley, unanimous roll call vote to adopt resolution as follows:

**RESOLUTION RETAINING LOCKRIDGE GRINDAL NAUEN PLLP FOR LEGAL SERVICES
AND AUTHORIZING CHALLENGE TO DEPARTMENT OF HUMAN SERVICES
CONTRACTING DECISION FOR CERTAIN STATE PUBLIC HEALTH CARE PROGRAMS**

WHEREAS, PrimeWest Rural Minnesota Health Care Access Initiative, dba PrimeWest Health ("PrimeWest"), is a joint-powers entity, duly authorized by the Minnesota Department of Health, and to be comprised of twenty-four Minnesota counties—Beltrami County, Big Stone County, Chippewa County, Clearwater County, Cottonwood County, Douglas County, Grant County, Hubbard County, Jackson County, Kandiyohi County, Lac qui Parle County, Lincoln County, Lyon County, McLeod County, Meeker County, Nobles County, Pipestone County, Pope County, Redwood County, Renville County, Stevens County, Swift County, Traverse County, and Yellow Medicine County ("the Counties"); and

WHEREAS, Cottonwood County ("the County") is one of the twenty-four Counties that has agreed to authorize PrimeWest to act on its behalf through a joint powers agreement under Minn. Stat. § 471.59;

WHEREAS, the County elected, through PrimeWest, to purchase health care services on behalf of persons within the County eligible for Health Care Services for Families and Children through Prepaid Medical Assistance (MA) and MinnesotaCare, as well as persons eligible for Minnesota Senior Health Options (MSHO)/Minnesota Senior CarePlus (MSC+);

WHEREAS, consistent with Minn. Stat. § 256B.69 and Minn. Stat. § 256B.692, the County informed the Department of Human Services that the County had selected PrimeWest to purchase health care services for eligible persons within the County. The County also desired that PrimeWest be selected as the single plan for both MA and MSHO/MSC+ to serve all persons within the County as allowed under federal and state law starting on January 1, 2020;

WHEREAS, on or around July 25, 2019, the Department of Human Services notified the County that PrimeWest was not invited to contract to provide services as the single plan for all persons within the County who are eligible to participate in the MA or MSHO/MSC+ programs;

WHEREAS, the Department of Human Services has offered no explanation for its decision not to select PrimeWest as the single health plan, and the Department of Human Services has identified no evidence that the Commissioner of Human Services considered contracting with PrimeWest on a single-health plan basis as required by Minn. Stat. § 256B.694;

WHEREAS, the County strongly disagrees with the Department of Human Services' decision not to select PrimeWest as the single health plan for both MA and MSHO/MSC+ in the County as allowed by federal and state law and, to the extent PrimeWest has not been selected as the single health plan both MA and MSH/MSC+ in the County, the County seeks to pursue all action necessary to challenge the Department of Human Services' decision;

WHEREAS, to the extent the Department of Human Services did not select PrimeWest as the single health plan for both MA and MSHO/MSC+ within the County as allowed by federal and state law, the County wishes to retain Lockridge Grindal Nauen PLLP as outside legal counsel to pursue legal and/or administrative action challenging that decision.

NOW, THEREFORE BE IT RESOLVED as follows:

1. The County of Cottonwood ("the County") retains the law firm of Lockridge Grindal Nauen, PLLP for purposes of challenging any decision by the Department of Human Services not to contract with PrimeWest on a single-health plan basis within the County.

2.The County expressly authorizes Lockridge Grindal Nauen PLLP to communicate with the Department of Human Services on behalf of the County to request and pursue mediation under Minn. Stat. Chapter 256B, to appear on the County's behalf at any mediation or administrative proceeding.

S/Norman Holmen, Board Chairman

Motion by Anderson, second by Stevens, unanimous vote to accept the Letter of Agreement hiring Lockridge Grindal Nauen, PLLP to represent Cottonwood County and allow Chairman Holmen to sign. It was noted that Des Moines Valley Health and Human Services (DVHHS) has agreed to incur this expense.

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Motion by Gravley, second by Appel, unanimous vote to promote Jacob Samdal to full-time employment as a Jailer/Dispatcher effective August 5, 2019.

Motion by Appel, second by Stevens, unanimous vote to accept the resignation from Justin Derickson (full-time Deputy Sheriff) effective August 1, 2019 with appropriate payout of benefits.

Motion by Appel, second by Gravley, unanimous vote to approve internal posting of a full-time Deputy Sheriff position beginning July 30th and possibly full-time Jailer/Dispatcher positions if necessary.

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Motion by Anderson, second by Stevens, unanimous vote to approve August warrants as follows:

County Revenue Fund	\$ 66,140.81
Long Term Capital Outlay	\$ 4,725.90
County Building Fund	\$ 4,623.00
Taxes and Penalties Fund	\$ 10,924.35
County Revenue Fund	\$ 1,310.78
Road and Bridge Fund	\$172,053.07
Waste Abatement/Score Fund	\$ 8,337.68
Landfill Enterprise Fund	<u>\$ 23,750.59</u>
	\$291,866.18

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Kelly Thongvivong, County Coordinator, informed the board that there will be a 5% reduction in health insurance costs for 2020.

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Donna Torkelson, Auditor/Treasurer, informed the board of a petition that she received regarding Judicial Ditch #24. The board directed Torkelson to have the County Attorney review before we proceed further.

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The meeting recessed at 12:51 p.m. and then reconvened at 1:35 p.m.

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Kristi Sell, Jail Administrator, met with the board regarding repairs needed in 4 cells at the jail. Sell was instructed to move forward with the repairs.

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Chairman Holmen led discussion regarding proposed 2020 Department budgets.

Holmen also led further discussion regarding the GIS Tech position and IT Tech position. After discussion, the County Coordinator should bring an IT Tech job description to the next board meeting.

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There being no further business, the meeting was adjourned at 3:53 p.m.

Donna Torkelson, Auditor/Treasurer

Norman Holmen, Board Chair

Kelly Thongvivong, County Coordinator