

December 1, 2009
Cottonwood County Board of Commissioners
Regular Meeting
Minutes

The Cottonwood County Board of Commissioners met in regular session on Tuesday, December 1, 2009 at 9:00 a.m. at the Cottonwood County Courthouse in Windom, MN. Presiding over the meeting was Chairman Gary Sorenson. Present for all or portions of the meeting were: Commissioners Gary Sorenson, Tom White, Ron Kuecker, Norm Holmen, John Oeltjenbruns; Administrative Assistant Kelly Thongvivong; Auditor/Treasurer Jan Johnson; County Attorney Doug Storey, Mike Hanson, Jamie Swenson, Terry Overn, Brian Fuhrmann, Tom Sanders, Jason Purrington, Wayne Brede, Gale Bondhus, Ron Gregg, Brian Cooley and Craig Mueller. Motion by Oeltjenbruns, second by White, unanimous vote to approve additions to the agenda. Motion by Holmen, second by Kuecker, unanimous vote to approve the minutes of the November 24, 2009 meeting as amended.

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Environmental Officer Mike Hanson met with the board to discuss a few different items. Motion by Holmen, second by Kuecker, unanimous roll call vote to adopt resolution as follows:

RESOLUTION # 09-11-30

APPROVING THE FINDINGS OF FACT AND RECORD OF DECISION FOR THE ENVIRONMENTAL ASSESSMENT WORKSHEET PREPARED FOR THE SMC SIOUX ROCK QUARRY, DELTON TOWNSHIP, COTTONWOOD COUNTY, MINNESOTA; AND MAKING A NEGATIVE DECLARATION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

WHEREAS, a Mandatory Environmental Assessment Worksheet (EAW) was required by MN Rule 4410.4300, subp 12, Non-metallic Mineral Mining for the proposed expansion of the Sioux Rock Quarry; and

WHEREAS, Cottonwood County is the Responsible Governmental Unit (GRU) as specified in MN Rules 4410.0500 to carry out the project, and

WHEREAS, an EAW was prepared by I&S Group, Inc. on behalf of OMG Midwest dba Southern Minnesota Construction Company, Inc, (Proposer) with the document reviewed, determined complete, and approved for distribution by the Responsible Governmental Unit (RGU), Cottonwood County Administrator, C. Michael Hanson, on 12 October 2009, as outlined in MN Rules 4410.1400.

WHEREAS, publication and distribution of the notice and summary of the EAW was published in the Environmental Quality Board (EQB) Monitor on 19 October 2009 as required; and

WHEREAS, copies of the EAW were distributed to people/agencies listed on the EQB Distribution List and made available to interested persons at the Cottonwood County Environmental Office, the Marshall-Lyon County Library, and online via the I&S Group website at www.is-grp.com, and provided to all requests as required; and

WHEREAS, a press release containing the following: notice of the availability of the EAW for public review, the name and location of the project, a brief description of the project, the location at which copies of the EAW were available for review, the date the comment period expired, and the procedures for commenting as required by MN Rules 4410.1500, was submitted on 15 October 2009 to the *Cottonwood County Citizen* and the *Marshall Independent*, two (2) newspapers of general circulation in the project area within five (5) working days of EAW distribution; and

WHEREAS, a thirty (30) day comment period for review and comment on the EAW began on 19 October 2009 and ended on 18 November 2009; and

WHEREAS, eight (8) comments were received by 18 November 2009, within the 30-day comment period as required; and

WHEREAS, County staff, I&S Group, Inc, and the Proposer have considered, evaluated, and constructed a *Response to Comments* document, and is attached; and

WHEREAS, based upon the EAW and the Response to Comments, the Findings of Fact and Record of Decision has been prepared and is attached; and

WHEREAS, Cottonwood County is basing the decision of either a negative or positive declaration regarding the need for an EIS on the information gathered during the EAW process and on the comments received on the EAW, specifically considering the criteria and factors outlined in MN Rules 4410.1700, as required, including the following:

- A. Type, extent, and reversibility of environmental effects;
- B. Cumulative potential effects of related or anticipated future projects;
- C. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and
- D. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

NOW, THEREFORE, BE IT RESOLVED, by Cottonwood County, as follows:

1. The EAW and Response to Comments are hereby approved.
2. The SMC Sioux Rock Quarry as described in the EAW does not have potential for significant environmental impacts.
3. A negative declaration on the need for an Environmental Impact Statement (EIS) is hereby approved for the SMC Sioux Rock Quarry as defined in the EAW.
4. The Findings of Fact and Record of Decision are hereby approved in order to maintain the record supporting its decision.

This decision will be provided to all persons on the EQB Distribution list, to all persons that commented in writing during the 30-day comment period, and to all other persons upon written request within five (5) days of this decision.

The foregoing Resolution was offered by Board Member Holmen and, upon his motion, supported by Board Member Kuecker, and was declared adopted this 1st day of December, 2009, by the following roll call vote: Aye – Holmen, Kuecker, Sorenson, White and Oeltjenbruns.

S/Gary Sorenson, Board Chairman

S/Jan Johnson, Auditor/Treasurer

Hanson reported that the Planning Commission held a public hearing to consider the conditional use application submitted by OMG Midwest doing business as Southern Minnesota Construction Company Inc. to operate and expand a quarry in Delton Township, Section 20. The Planning Commission recommends approval of this permit with five conditions as mentioned. Motion by Oeltjenbruns, second by White, unanimous vote to approve conditional use permit based on five conditions mentioned (with amendment to condition #5) and on a recommendation of the Planning Commission.

Motion by Holmen, second by White, unanimous vote to allow Chairman Sorenson to sign FY 2010 State of Minnesota Board of Water & Soil Resources Natural Resources Block Grant Agreement. This grant agreement is for the following base grant programs: Comprehensive Local Water Management - \$20,326, Wetland Conservation Act - \$10,000, DNR Shoreland Management - \$3,158, MPCA County Feedlot - \$29,295 for a grant total of \$62,779.

Hanson reported that variance hearings would be held on December 8th at 2:15 p.m. and on December 14th at 1:00 p.m.

Hanson reported that four counties (including Cottonwood County) have recently been awarded funds to use for low-interest septic loans.

Brief discussion was held regarding the EAW process and who the "responsible governing unit" should be. This needs to be addressed at some point in the future so all parties are in agreement.

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Sheriff Jason Purrington met with the board to discuss several items. Purrington presented a state bid in the amount of \$43,201.75 for seventeen 800 MHz portable radios that will be purchased as part of the PSIC Grant dollars that were allocated that need to be spent by the end of 2009. There is a 20% match (\$8,640.35) required by the county. These radios will be subtracted from the overall purchase of ARMER radios that will be needed throughout the county. Motion by Kuecker, second by Holmen, unanimous vote to approve the purchase of the radios as presented.

Motion by Holmen, second by White, unanimous vote to amend the Sheriff's 2009 budget to reflect the new expenditure in the amount of \$43,201.75.

Purrington asked the board if he should pursue applying for a tornado siren grant that could be used specifically for the Talcot Lake area, Delft, Mt. Lake (lake/park) and other "remote" areas in Cottonwood County. Motion by Kuecker, second by Oeltjenbruns, unanimous vote to allow Purrington to pursue applying for the grant for tornado sirens.

Purrington requested that he be allowed to promote Justin Derickson from a part-time deputy to a full-time deputy. Purrington stated that he would not ask for a full-time position if he did not feel it was necessary or if the budget did not allow for it. Motion by Kuecker, second by White, unanimous vote to approve the Sheriff's request to promote Justin Derickson from part-time deputy to full-time deputy effective December 16, 2009.

Purrington reported that the Radio Board grant dollars would not be announced until sometime in January. He also reported that brief discussion was held at the last Radio Board meeting in regards to the sales tax for the radio equipment.

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Wayne Brede met with the board to give an update regarding the job classes and pay assignments. He also reported that he has completed all job descriptions with the exception of one which he will continue to work on. Brede asked for input from the board regarding the Compensation Philosophy Statement. He will plan to attend the next board meeting to report more of his findings regarding the benefit portion of the study.

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County Assessor Gale Bondhus and County Engineer Ron Gregg met with the board to give their recommendation regarding GIS fees. The recommendation was as follows: \$550 base charge (one-time fee), \$50 set-up fee (one-time fee), and \$100 renewal fee for 2011. Motion by White, second by Oeltjenbruns to accept the fees as presented by Bondhus and Gregg. After further discussion, there was a motion by Kuecker, second by Holmen to amend the original motion by increasing the renewal fee to \$200 for 2011. Voting as follows: Aye – Sorenson, Kuecker and White. Nay – Holmen and Oeltjenbruns. Motion carried to set the fees as follows: \$550 base charge (one-time fee), \$50 set-up fee (one-time fee), and \$200 renewal fee for 2011.

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County Engineer Ron Gregg and Highway Shop Supervisor Brian Cooley met with the board to discuss a few items. Cooley reported that one of the tandem trucks at the Highway Department is in need of replacement. Several used trucks were looked at but only a few of the trucks were actually considered as a replacement. A quote for the purchase of a 2002 tandem truck from Boyer Ford of Sioux Falls, SD, which includes snow plow equipment, was presented. After much discussion, the board instructed the County Engineer to also get a state bid for a new tandem truck with snow attachments to bring to the next board meeting.

Craig Mueller, Wenck Engineers, was present to review and approve the soil boring quotes for the re-permitting work at the landfill. Two quotes were received as follows: American Engineering - \$11,176.00 and Braun Intertech - \$11,041.75. Motion by Kuecker, second by Oeltjenbruns, unanimous vote to accept low quote in the amount of \$11,041.75 from Braun Intertech.

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Brief update was given regarding ditch business. Chairman Sorenson reported that he has received several requests for beaver bounty in his district. Auditor/Treasurer Johnson reported that ditch assessments would need to be set by the end of the year.

Motion by Sorenson, second by White, unanimous vote to sign 2010 Plum Creek Library System contract for the bookmobile. The amount that Cottonwood County will pay is \$1,000 for 2010 or \$250/stop. Commissioner White will check into the possibility of dropping one of the stop locations.

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Chairman Sorenson reported that the Westbrook EDA has requested that the county clean-up fund be used to clean-up a building in Westbrook that they have recently donated for the purpose of beginning a new food shelf in the City of Westbrook. Motion by Kuecker, second by Oeltjenbruns, unanimous vote to allow for the clean-up of building that will be used as a food shelf and to use clean-up fund for the full cost of hauling to the landfill.

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There being no further business, the meeting adjourned at 12:44 p.m.

Jan Johnson, Auditor/Treasurer

Gary Sorenson, Board Chairman

Kelly Thongvivong, Bd. Adm. Assistant