

April 16, 2019
Cottonwood County Board of Commissioners
Regular Meeting
Minutes

The Cottonwood County Board of Commissioners met in regular session on Tuesday, April 16, 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, County Attorney Nick Anderson, Auditor/Treasurer Jan Johnson, Kathy Marsh, Jim Schmidt, Paul Johnson, David Bucklin, Hannah Herzfeld, Nick Klisch, Kyle Pillatzki, Alex Schultz, Ron Schramel, Jackie Anderson, Brad Odegard, Laura Sandmeyer, Gale Bondhus and Rahn Larson.

Chairman Holmen called the meeting to order. The Pledge of Allegiance was recited. Motion by Gravley, second by Stevens, unanimous vote to approve the agenda as amended. Motion by Appel, second by Stevens, unanimous vote to approve the minutes of the April 2, 2019 meeting.

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Jim Schmidt met with the board to give an update on the informational grant writing meeting he attended at the Minnesota Historical Society. Schmidt stated that the first draft grant application is due July 1st. Motion by Gravley, second by Appel, unanimous vote to approve contracting for architectural services with I & S Group for for the window replacement grant.

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Paul Johnson, Emergency Management Director, met with the board to discuss a few items. Johnson stated that the Safety Committee recommends purchasing an AED for the 10th Street Building and the Sheriff's Department would like two additional AED's for squad cars. Johnson presented a quote from heartsmart.com in the amount of \$2,960.00. Motion by Stevens, second by Appel, unanimous vote to purchase three AED's, two for the Sheriff's office and one for the 10th Street Office Building as well as a cabinet and additional pads from heartsmart.com in the amount of \$2,960.00.

Johnson informed the board that he was approached by the U.S. Fish and Wildlife Service (USFWS) in regards to entering into a mutual aid agreement. Johnson stated the USFWS has helped with emergency events in the past but they would like a written agreement so everyone is aware as to what is billable if services are requested. Motion by Anderson, second by Stevens, unanimous vote to allow Paul Johnson, Emergency Management Director, to sign the mutual aid agreement with U.S. Fish and Wildlife Service.

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David Bucklin, SWCD District Technician, informed the board that Mark Evers has submitted a Minnesota Wetland Conservation Act Notice of Application for a plan to fill and drain a wetland area in Selma Township, Section 11. Motion by Appel, second by Stevens, unanimous vote to approve the Minnesota Wetland Conservation Act Notice of Application for Mark Evers.

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Nick Klisch, County Engineer/Public Works Director, met with the board to discuss a few items. Motion by Gravley, second by Appel, unanimous vote to allow

the Public Works Department to advertise for mowing/baling the Schoper-Bush County Park.

Klisch presented bids for the replacement of the Courthouse parking lot and for the DAC parking lot. Bids were given for both concrete and bituminous. After much discussion, Klisch was asked to get more information from the contractors regarding the bids if the Courthouse would use one material and DAC used a different material.

Klisch presented bids for the mill and overlay of CSAH 5/10 from Highway 30 in Storden to the north county line. Motion by Anderson, second by Stevens, unanimous vote to accept the bid from Duinink Brothers, Inc. in the amount of \$1,257,830.33 for the CSAH 5/10 mill and overlay project. (Bids are on file in the County Coordinators office.)

Klisch asked for approval to spec a tandem plow truck for 2020 purchase and to allow the Landfill to sell the hook lift truck and roll-off dumpsters. Motion by Gravley, second by Appel, unanimous vote to allow the Public Works Department to spec a Tandem Plow Truck for 2020 and authorize the sale of unit L18 Kenworth hook truck and roll-off dumpsters.

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Kyle Pillatzki, Solid Waste Administrator, presented quotes for the purchase of a pickup for the Landfill. After discussion, Pillatzki was asked to get new quotes for similar vehicles and bring back to the board.

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Commissioner Appel led discussion regarding the six highway buildings that had hail damage from 2017. Appel stated the insurance deadline for repairs is October 2019. After discussion, Commissioner Anderson and Mark Schenk, Building Operations Manager, will work together to get quotes for repairs.

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Alex Schultz, Planning and Zoning Technician, met with the board to get approval for a Conditional Use Permit. Motion by Anderson, second by Appel, unanimous vote to approve the Conditional Use Permit request from Beecks Gravel and Excavating, Inc. to open a gravel pit in Westbrook Township, Section 34, with the following conditions: (1) shall be in compliance with the Cottonwood County Zoning Ordinance #28 and #36; (2) shall obtain all necessary Local, State, and Federal Permits and Fees; (3) provide a bond of \$5,000 for five acres; (4) have a full reclamation plan established; (5) stay at least 300 feet away from nearest waterway; and (6) contact DOT for signage in regards to the Meadowland COOP project.

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Motion by Stevens, second by Appel, unanimous vote to recess as the County Board and to convene as the Ditch Authority.

Jan Johnson, Auditor/Treasurer, presented a petition for a redetermination for JD 10. Motion by Gravley, second by Anderson, unanimous vote to accept the petition for the redetermination of JD10 and appoint ditch viewers: William Moldestad, Tom Peterson, and Shawn Wohnoutka.

Motion by Appel, second by Gravley, unanimous vote to adjourn as the Ditch Authority and to reconvene as the County Board.

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Jan Johnson, Auditor/Treasurer, met with the board to discuss a few items. Johnson presented a bad debt from the Landfill that he was asking to have written off. After much discussion, the Solid Waste Administrator should take the debt to small claims court.

Johnson informed the board that he received a letter from the City of Mountain Lake stating that the City is proposing a 20 year tax abatement on a parcel of land that the Mountain Lake EDA will be constructing four twin homes. To qualify for an abatement duration of more than 15 years under Section 469.1813, subdivision 6(b) of the Abatement Act, Cottonwood County must decline to participate in this tax abatement. Motion by Gravley, second by Appel, unanimous vote to honor the City of Mountain Lake's request for Cottonwood County to decline an abatement of taxes on the housing development project property on 10th Street.

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Jacki Anderson, Outreach Director, met with the board to give an update on Congressman Collin Peterson's Office and to answer any questions the board may have.

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Ron Schramel, Attorney for Red Rock Rural Water, met with the board to get approval for a Joint Powers Agreement between Red Rock Rural Water System (RRRWS) and the nine counties served by RRRWS to guarantee the payment of general obligation bonds. RRRWS plans to make improvements to the water system consisting of painting and capital maintenance on the 100,000-gallon and 500,000-gallon water towers located in Dale Township of Cottonwood County, the 200,000-gallon water tower located near the City of Butterfield, and purchase 1,600 meters which will have automatic meter reading technology. Schramel stated that that project will cost approximately \$1.4 million dollars and the loan will be made through the Minnesota Rural Water Finance Authority. Motion by Gravley, second by Anderson, unanimous roll call vote to approve resolution 19-04-16: Resolution of Cottonwood County, Minnesota, Approving and Authorizing an Advance Agreement with Minnesota Rural Water Finance Authority and the Water Commission of Red Rock Rural Water System and Authorizing Participation in Joint Powers Authority.

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Kelly Thongvivong, County Coordinator, met with the board to discuss a few items. Motion by Gravley, second by Stevens, unanimous vote to exercise the 30 day opt out clause in the existing contract (July 1, 2017 to June 30, 2019) for discontinuing the Sentence to Service program with the State of Minnesota in Cottonwood County. A letter will be sent today to the State of Minnesota notifying them of the county's intentions.

Motion by Anderson, second by Stevens, unanimous vote to accept the retirement resignation from Jean Gode, part-time Appraiser, effective July 5, 2019, with appropriate payout of benefits.

Motion by Anderson second by Gravley, unanimous vote to move Mark Schenk, Building Operations Manager, to permanent full-time status effective April 17, 2019.

Motion by Stevens, second by Gravley, unanimous vote to move Aimee Kruse-Sayavong, Deputy Recorder, to permanent full-time status effective April 23,

2019.

Motion by Appel, second by Stevens, unanimous vote to move Jeremy Curry, HEO, to permanent full-time status effective April 26, 2019.

Motion by Gravley, second by Stevens, unanimous vote to approve three seasonal hires at the Public Works Department – Adam Farag (3rd year), Danielle Ambrose (2nd year), and Robin Crosby (2nd year), pending successful completion of all hiring requirements.

Motion by Stevens, second by Gravley, unanimous vote to hire Dan Kelly as part-time Landfill Scale Operator at a wage of \$15.58 per hour, pending successful completion of all hiring requirements.

Motion by Anderson, second by Stevens, unanimous vote to hire Lonng Engler as full-time Heavy Equipment Operator at a wage of \$18.04 per hour, pending successful completion of all hiring requirements.

Thongvivong stated that the full-time Solid Waste Technician position will be re-advertised and the job description will be amended taking out the minimum requirement of possession of a valid State of Minnesota Class B driver’s license.

Motion by Appel, second by Stevens, unanimous vote to declare that the County offices were officially closed on April 11, 2019, due to the inclement weather conditions and in accordance with County Policy No. 420.

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Nick Klisch, County Engineer/Public Works Director, returned to the meeting stating he had contacted the contractors that bid on the Courthouse and DAC parking lots. After discussion, motion by Stevens, second by Anderson, unanimous vote to accept the concrete bid from Negen Construction in the amount of \$61,792.95 for the Courthouse parking lot. (Bids are on file in the County Coordinator’s office.)

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Motion by Stevens, second by Gravley, unanimous vote to close the meeting as permitted by Minnesota Statute 13D.05 Subd. 3(b) to discuss the following litigation: Runnings Supply, Inc. vs. Cottonwood County at 12:15 p.m. Individuals present for the meeting were: Donna Gravley, Tom Appel, Norm Holmen, Kevin Stevens, Larry Anderson, Kelly Thongvivong, Nick Anderson, Jan Johnson, Kathy Marsh, and Gale Bondhus.

Motion by Appel, second by Anderson, unanimous vote to open the meeting at 12:22 p.m.

Motion by Gravley, second by Stevens, unanimous vote to hire an attorney and hire an appraiser, if necessary, in regards to the litigation of Runnings Supply, Inc. vs. Cottonwood County.

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Motion by Stevens, second by Appel, unanimous vote to approve April warrants as follows:

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| County Revenue Fund | \$ 62,250.67 |
| Long Term Capital Outlay | \$ 2,952.69 |
| Ditch Fund | \$ 24.35 |
| County Revenue Fund | \$ 1,075.68 |
| Road and Bridge Fund | \$110,851.12 |

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| Waste Abatement/Score Fund | \$ 2,608.32 |
| Landfill Enterprise Fund | <u>\$ 4,915.59</u> |
| | \$184,678.42 |

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Motion by Stevens, second by Gravley, unanimous vote to pay a per diem of \$75.00 and mileage of \$166.38, for a total of \$241.38, to Jim Schmidt for attending the Minnesota Historical Society’s workshop on grant writing.

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Commissioner Gravley informed the board that she would not be able to attend the Plum Creek meeting on April 17 and asked if anyone would be able to attend on her behalf. Motion by Appel, second by Stevens, unanimous vote to pay a per diem to Commissioner Anderson to attend the Plum Creek meeting on April 17, 2019.

Commissioner Appel gave an update on the Bus Garage and the 10th Street Office Building.

Commissioner Anderson led discussion on the Seeds of Hope – Southwestern Mental Health Center Fundraiser to be held on June 12th. Anderson also gave an MRCC update.

Commissioner Holmen informed the board of a letter he received from the City of Comfrey in regards to a public informational meeting on Monday, May 6, to discuss issues and concerns on the amending of the wellhead protection plan for the City of Comfrey. Motion by Stevens, second by Gravley, unanimous vote to pay a per diem to Commissioner Holmen to attend the Wellhead Protection Plan Amendment public information meeting on May 6, 2019.

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There being no further business, the meeting was adjourned at 1:05 p.m.

Jan Johnson, Auditor/Treasurer

Norman Holmen, Board Chair

Kelly Thongvivong, County Coordinator