

May 21, 2019  
Cottonwood County Board of Commissioners  
Regular Meeting  
Minutes

The Cottonwood County Board of Commissioners met in regular session on Tuesday, May 21, 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, Gale Bondhus, Nick Klisch, Jed Rhubee, Becky Buchholz, Drew Hage, Paul Johnson, Alex Schultz, Andrew Olson, Bipin Thapa, Max Jay-Dixon, Brenna Gunderson, Max Kaufman, Brian Hopwood, Emily Wegener Mark Miller, 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 Anderson, unanimous vote to approve the minutes of the May 7, 2019 meeting.

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Auditor/Treasurer Jan Johnson met with the board to discuss the yearly tax forfeiture procedures. Motion by Gravley, second by Stevens, unanimous roll call vote to adopt resolution 19-05-21A as follows:

**Resolution 19-05-21A**

**NOTICE OF PUBLIC/PRIVATE SALE OF TAX –FORFEITED LANDS**

**NOTICE IS HEREBY GIVEN**, that the parcels of land described in List of Tax-Forfeited Land #20 (public/private) contained herein shall be sold to the highest bidder at public/private sale. The sale will be governed by the provisions of M.S. 282.01 and by the resolution of the Cottonwood County Board of Commissioners authorizing such sale. The resolution reads as follows:

**BE IT RESOLVED**, that all parcels of the tax-forfeited land listed on list of Tax-Forfeited Land #20 be classified as non-conservation land; that the basic sale price of each parcel on List of Tax-Forfeited Land #20, that is on file with the Clerk of the County Board, be approved and authorization for a public sale of this land be granted, pursuant to M.S.282.01; that the sale will be held at 10:00 A.M., Wednesday, September 11<sup>th</sup>, 2019, by the Cottonwood County Auditor at the County Courthouse for not less than the basic sale price; and that all sales shall be full payment or on the terms set forth on List of Tax-Forfeited Land #20.

**BE IT FURTHER RESOLVED**, that the conditions and terms of the public/private sale shall be described in the list contained here-in and approved by the Cottonwood County Board of Commissioners.

Information about the sale of tax-forfeited land in Cottonwood County can be obtained at the office of the Cottonwood County Auditor/Treasurer Cottonwood County Courthouse 900 3<sup>rd</sup> Ave, Windom, MN 56101; Telephone (507) 831-1905.

Given under my hand and official seal at Windom, MN, this 21<sup>st</sup> day of May, 2019.

S/Jan Johnson, Cottonwood County Auditor/Treasurer

Motion by Gravley to set the minimum bid for properties on the tax forfeiture list at \$200. Motion failed due to lack of a second.

Motion by Stevens, second by Gravley, to set the minimum bid for properties on the tax forfeiture list at \$100. Voting Aye – Appel, Stevens, and Gravley. Voting

Nay – Anderson. Motion passed.

Motion by Appel, second by Stevens, unanimous vote to allow the Auditor/Treasurer to advertise for bids to tear down buildings on select tax-forfeiture properties. List of properties with buildings to tear down can be seen in the Auditor/Treasurer’s office.

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Brenna Gunderson, Bipin Thapa, and Max Jay-Dixon, met with the board to give an update on the Big Bend Wind project. Gunderson stated the Big Bend project is also considering a solar component for the project. Gunderson asked for the board to approve resolution 19-05-21 in support of the Big Bend Wind project. Voting on the resolution was tabled to later in the meeting.

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Dominic Jones, Red Rock Rural Water Systems Manager, met with the board. Jones informed the board that Red Rock Rural Water (RRRW) is contemplating a project and funding package to replace the Great Bend Water Treatment Plant located at the intersection of County Road 13 and County Road 4. Jones stated that the Red Rock has confirmed through a life cycle cost analysis, that replacement is the best option. Jones stated that he would like Cottonwood County to preliminarily approve being the lead county for a GO bond. Motion by Stevens, second by Anderson, unanimous vote to preliminarily approve being the Lead County for GO Bond (via RRRWS) to replace a water treatment plant located in Cottonwood County at an estimated cost of \$4,864,000 and authorize Chairman Holmen to co-sign the request for Red Rock Rural Water Systems to be placed on a FY2020 Intended Use Plan regarding the Great Bend Water Treatment Plant Improvement project.

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Becky Buchholz, SWCD Program Technician, informed the board that Cottonwood County received the \$900,000 Clean Water Partnership Loan dollars from MPCA. Motion by Appel, second by Gravley, unanimous vote to accept the Minnesota CWP Loan Agreement and allow Chairman Holmen to sign.

Motion by Appel, second by Stevens, unanimous roll call vote to adopt resolution 19-05-21D as follows:

**Resolution 19-05-21D**

**RESOLUTION OF THE COTTONWOOD COUNTY BOARD OF COMMISSIONERS**

**BE IT RESOLVED** by the Cottonwood County Board of Commissioners that it hereby designates the County SSTS Inspector, or successor, as Project Representative for the implementation of the Cottonwood County SSTS Low Interest Loan Project.

The Project Representative shall have the authority to represent Cottonwood County in all Project matters that do not specifically require action by the Board.

**BE IT FURTHER RESOLVED** by the Cottonwood County Board of Commissioners that, as Project Sponsor and a Loan Sponsor, the Organization enters into the attached Minnesota Clean Water Partnership Project Loan Agreement along with the Minnesota Pollution Control Agency to conduct the Cottonwood County SSTS Low Interest Loan Project

**BE IT FURTHER RESOLVED** by the Cottonwood County Board of Commissioners that the Board Chair, Norman Holmen, be authorized to execute the attached Minnesota Clean Water Partnership

Project Loan Agreement for the above referenced Project on behalf of the Cottonwood County Board of Commissioners as Project Sponsor and Loan Sponsor.

**BE IT FURTHER RESOLVED** by the Cottonwood County Board of Commissioners that Jan Johnson, Cottonwood County Auditor/Treasurer be authorized to execute loan disbursement requests for the above referenced project to the Minnesota Pollution Control Agency on behalf of the Organization.

**WHEREUPON** the above resolution was adopted at a regular County Board meeting this 21<sup>st</sup> day of May, 2019.

S/Norman Holmen, Board Chairman

S/Jan Johnson, Auditor/Treasurer

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Drew Hage, Windom EDA Director, stated that he has received a Home Initiative application from Chad and Nichole Frericks for a new, single family home. Hage stated that all requirements to date have been met so a public hearing date needs to be set. Motion by Gravley, second by Stevens, unanimous roll call vote to approve resolution 19-05-21B as follows:

**Resolution No. 19-05-21B**

Resolution Calling for a Public Hearing on Proposed Tax Abatement for New Residential Project

**WHEREAS**, Cottonwood County is committed to the best interests of the citizens of Cottonwood County; and

**WHEREAS**, Minnesota Statutes §469.1813 gives authority to a County to grant an abatement of taxes imposed by the County if certain criteria are met; and

**WHEREAS**, in addition to the statutory requirements, on December 13, 2016, the Cottonwood County Commissioners approved the Cottonwood County Home Initiative Guidelines (the "Guidelines") and program documentation; and

**WHEREAS**, Chad S. Frericks and Nichole M. Frericks, husband and wife, ("Frericks") are the owners of the following described real estate within Cottonwood County, Minnesota:

Parcel #: 25-456-0020  
Address of Property: 3055 Matthew Drive, Windom, MN 56101  
Legal Description of Property: Lot 2 in Block 1 of Kountry Acres Subdivision No. 3 in the City of Windom, Cottonwood County, Minnesota.

**WHEREAS**, Frericks propose to a construct a new home on this property; and

**WHEREAS**, Frericks have requested tax abatement on this property pursuant to the Guidelines; and

**WHEREAS**, the abatement of taxes on the above-described parcel would be for the period of five (5) years commencing on the first year of taxes, payable for the assessed value related to the capital improvements, as outlined in the Guidelines; and

**WHEREAS**, the appraised market value for the land and a new home, submitted by the Applicants, is \$380,000; and

**WHEREAS**, based on an Estimated Market Value of \$350,000 for the new home and based on 2018 tax rates, the estimated tax abatement for Cottonwood County for this property would be approximately \$1,315 per year. The total estimated tax abatement by Cottonwood County for the five-year period is approximately \$6,575. (These figures were calculated using 2018 tax rates. The market value for the project is only an estimate, since the building has not been constructed and the tax rates will change each year.)

**WHEREAS**, Minnesota Statutes require that a public hearing be held prior to the approval of the proposed tax abatement.

Now, therefore, **BE IT RESOLVED by the COUNTY COMMISSIONERS FOR COTTONWOOD COUNTY, MINNESOTA**, as follows:

1. Public Hearing. A public hearing to consider the proposed tax abatement, as set forth above, shall be held on Tuesday, June 4, 2019, at 9:02 a.m. in the County Commissioners' Room in the Cottonwood County Courthouse, 900 Third Avenue, Windom, Minnesota.
2. Notice of Public Hearing. The Cottonwood County Auditor is authorized and directed to cause notice of the hearing to be published once in a newspaper of general circulation in the County at least 10 days, but less than 30 days, prior to the date for the hearing. The public hearing notice shall include a description of the property for which the abatement is being considered and the total estimated amount of the proposed tax abatement based on current information.

Adopted this 21st day of May, 2019.

S/Norman Holmen, Board Chairman

S/Jan Johnson, Auditor/Treasurer

A public hearing was held in regard to the residential property tax abatement applied for by Matt Jackels Construction, Inc. and Dave's Custom Woodworking and Construction, LLC for the construction of a single family home on parcel number 24.269.0020. No opposition to the abatement was heard prior to or at the hearing. Motion by Anderson, second by Stevens, unanimous roll call vote to approve the Matt Jackels Construction, Inc. and Dave's Custom Woodworking and Construction, LLC Home Initiative application and resolution 19-05-21C as follows:

#### **Resolution 19-05-21C**

#### **RESOLUTION APPROVING TAX ABATEMENT FOR CERTAIN PROPERTY PURSUANT TO MINN. STAT. §469.1813**

**WHEREAS**, Minnesota Statutes §469.1813 gives authority to the County of Cottonwood to grant an abatement of property taxes imposed by the County if certain criteria are met; and

**WHEREAS**, in addition to the statutory requirements, on December 13, 2016, the Cottonwood County Commissioners adopted the Cottonwood County Home Initiative Guidelines (the "Guidelines") which must be met before an abatement of taxes will be granted for residential development; and

**WHEREAS**, Matt Jackels Construction, Inc. and Dave's Custom Woodworking and Construction, LLC ("Jackels & Schneider") are the owners of the following described real estate within Cottonwood County, Minnesota:

Parcel #: 24.269.0020

Address of Property: 401 Fir Avenue, Westbrook, MN 56183

Legal Description of Property: Lot 1 in Block 2 of Eastbrook Estates Addition to the City of Westbrook, Cottonwood County, Minnesota; and

**WHEREAS**, Jackels & Schneider propose to a construct a new home on this property; and

**WHEREAS**, Jackels & Schneider have made application to Cottonwood County (the "County") for the abatement of taxes as to the above-described parcel; and

**WHEREAS**, Jackels & Schneider have met the statutory requirements outlined under Minnesota Statutes §469.1813 Subdivision 1(1) and Subdivision 1(2)(i) as well as the County's Home Initiative guidelines for tax abatement; and

**WHEREAS**, the County expects the benefits to the County of the proposed abatement agreement to at least equal the costs to the County of the proposed agreement and finds that the proposed abatement is in the public interest because it will increase or preserve the tax base.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF COTTONWOOD COUNTY, MINNESOTA, AS FOLLOWS:**

1. Cottonwood County does hereby grant an abatement to MATT JACKELS CONSTRUCTION, INC. and DAVE'S CUSTOM WOODWORKING AND CONSTRUCTION, LLC of the County's share of real estate taxes upon the above-described parcel based on the proposed construction of a new single-family home on said parcel.
2. The tax abatement will be for no more than five (5) years commencing on the first year of taxes payable for the assessed value related to the capital improvement (new home) outlined above
3. The County shall provide the awarded abatement payment following payment by the property owners of the real estate taxes due annually. One single payment of the County's share of the abatement shall be made to the property owners of record by December 30th of that calendar year
4. The tax abatement shall be for the residential capital improvements only. Land values and the current base value are not eligible and will not be abated
5. The abatement shall be null and void if construction of the new home is not commenced within six (6) months of the approval of this resolution or if real estate taxes are not paid on or before the respective annual payment deadlines.

Adopted this 21st day of May, 2019.

S/Norman Holmen, Board Chairman

S/Jan Johnson, Auditor/Treasurer

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Paul Johnson, Emergency Management Director, and Max Kaufman, SWRDC Development Planner, met with the board to review the Cottonwood County All Hazard Mitigation Plan 2019 Updates and hold a public hearing to hear public comment. Chairman Holmen opened the public hearing for comment. No comments were heard so the public hearing was closed. Johnson stated that the public can still submit comments in writing until June 3.

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Alex Schultz, Planning and Zoning Technician, met with the board to get approval for a Conditional Use Permit. Motion by Appel, second by Gravley, unanimous vote to approve the Conditional Use Permit request from Schwartz Farms for expanding an existing feedlot in Midway Township, Section 11, with the following conditions: (1) Shall be in compliance with the Cottonwood County Ordinance #28; (2) shall obtain all necessary Local, State, and Federal permits and fees; (3) SWCD must review a plan for a tree line to be set up by July 1, 2020, and (4) refuse container must be on sight.

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Andrew Olson met with the board to express his concerns regarding renewable energy.

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Kelly Thongvivong, County Coordinator, met with the board to discuss a few items. Thongvivong presented the RCRCA Joint Powers Agreement for renewal and stated that all terms and conditions remain the same except for the new effective period of the agreement: July 1, 2019 – June 30, 2021. Motion by Appel, second by Stevens, unanimous vote to authorize Commissioner Norm Holmen or Commissioner Larry Anderson to sign the RCRCA Joint Powers Agreement effective

July 1, 2019 – June 30, 2021 at the next RCRC Board meeting on June 6, 2019.

Motion by Anderson, second by Stevens, unanimous vote to accept the donation of a 3-acre parcel in Dale Township from Prime Pork, LLC.

Motion by Stevens, second by Gravley, unanimous vote to approve the following seasonal hires at the Public Works Department: Dona Purrington (1<sup>st</sup> year) and Cole Martin (1<sup>st</sup> year), pending successful completion of all hiring requirements

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Motion by Appel, second by Gravley, unanimous roll call vote to adopt resolution 19-05-21 as follows:

**Resolution 19-05-21**

At a regularly scheduled meeting on May 21, 2019 the Cottonwood County Board of Commissioners agreed to sign this resolution stating that they support wind energy.

**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 wind energy facilities across the United States are drivers of the local economy, support the local schools and educational opportunities, and serve to attract additional businesses to project areas, and

**WHEREAS**, the Cottonwood County Board of Commissioners envisions that the construction of wind energy facilities in Cottonwood County will provide a significant economic impact to local businesses in our county, hundreds of jobs during construction, and 10 to 20 permanent positions when complete, and

**WHEREAS**, the Cottonwood County Board of Commissioners understands a wind energy facility will utilize our natural resource-wind-and allow for continuation of the agricultural traditions in our county, and

**WHEREAS**, the Cottonwood County Board of Commissioners appreciates that wind energy facilities provide long term energy reliability and cost certainty for domestic energy to American consumers; and

**WHEREAS**, the Cottonwood County Board of Commissioners recognizes the need for a diverse base of business and industry; and

**WHEREAS**, the Cottonwood County Board of Commissioners understands that wind energy facilities constructed in our county will be supported by rigorous analysis while adhering to 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 and supports wind energy 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 May 21, 2019:

S/Norman Holmen, Board Chairman

S/Jan Johnson, Auditor/Treasurer

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

County Revenue Fund	\$ 58,576.82
Road and Bridge Fund	\$ 15.40
Long Term Capital Outlay	\$ 5,643.79

County Building Fund	\$ 39,606.68
Ditch Fund	\$ 123.54
County Revenue Fund	\$ 2,189.10
Road and Bridge Fund	\$ 99,386.98
Waste Abatement/Score Fund	\$ 3,180.77
Landfill Enterprise Fund	<u>\$ 7,595.61</u>
	\$216,318.69

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Kelly Thongvivong, County Coordinator, led discussion regarding the Courthouse parking lot, striping, and signage.

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Commissioner Appel gave an update on the Courthouse windows. Appel stated that ISG has drafted a contract – phase 1: Design Assistance for Grant Process and phase 2: Construction Drawings/Bids Spec/Construction Admin. After much discussion, motion by Gravley, second by Stevens, unanimous vote to approve the ISG contract as amended for the Courthouse window replacement project.

Motion by Gravley, second by Stevens, unanimous vote to have Commissioner Appel work with Jim Schmidt on the Courthouse window replacement project and allow Commissioner Appel to receive a per diem.

Commissioner Appel informed the board that there were 13 applicants for the Auditor/Treasurer position and that Commissioner Holmen, County Coordinator Thongvivong, and himself will serve as the interview committee.

Commissioner Anderson gave an update on Pat’s Grove.

Commissioner Holmen gave an update on a CPT meeting and a Joint Government meeting that he attended on May 20th.

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There being no further business, the meeting was adjourned at 11:30 a.m.

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Jan Johnson, Auditor/Treasurer

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Norman Holmen, Board Chair

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Kelly Thongvivong, County Coordinator