

January 5, 2021
Cottonwood County Board of Commissioners
Regular Meeting
Minutes

The Cottonwood County Board of Commissioners met in regular session on Tuesday, January 5, 2021 at 9:00 a.m. at the Cottonwood County Law Enforcement Center 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, Auditor/Treasurer Donna Torkelson, Kathy Marsh, Drew Hage, Gale Bondhus, Kay Gross, Nick Klisch, Jed Rhubee, Alex Schultz, Jerry Bauer, and Joel Alvstad.

Commissioner Stevens, 2020 Chair, called the meeting to order. The Pledge of Allegiance was recited. Stevens then asked for nominations for 2021 Board Chair. Motion by Holmen, second by Anderson, unanimous roll call vote to elect Commissioner Appel and to ask that all nominations cease and to cast a unanimous ballot for Appel as Board Chair for 2021. Presiding over the remainder of the meeting was Chairman Tom Appel.

Chairman Appel then asked for nominations for Board Vice-Chair. Motion by Stevens, second by Holmen, unanimous roll call vote to elect Commissioner Gravley and to ask that all nominations cease and to cast a unanimous ballot for Gravley as Vice-Chair for 2021.

Motion by Anderson, second by Stevens, unanimous roll call vote to approve the agenda. Motion by Stevens, second by Anderson, unanimous roll call vote to approve the minutes of the December 15, 2020 meeting.

Chairman Appel distributed the oaths of office to Commissioners Holmen and Stevens.

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Motion by Stevens, second by Holmen, unanimous roll call vote to adopt resolution 21-01-05 as follows:

21-01-05
Resolution to Adopt and Implement the Watonwan River
Comprehensive Watershed Management Plan

Whereas, the Cottonwood County has been notified by the Minnesota Board of Water and Soil Resources that the Watonwan River Comprehensive Watershed Management Plan (Plan) has been approved according to Minnesota Statutes §103B.801 and Board Resolution #18-14.

Whereas, Minnesota Statutes §103B.101, subd. 14 allows a local water management plan developed or amended, approved and adopted, according to chapter 103B to be replaced with a comprehensive watershed management plan but only to the geographic area of the Plan and consistent with the One Watershed, One Plan suggested boundary map.

Now; Therefore, Be it Resolved, the county hereby adopts and will begin implementation of the approved Plan for the area of the county identified within the Plan and the plan replaces the local water management plan for that geographic area of the county within the Watonwan River Watershed for the duration of the state approved Plan.

Be it Further Resolved after the adoption of the Plan, the county shall amend existing water and related land resources plans and official controls as necessary to conform them to Plan.

Be it Further Resolved after the adoption of the Plan or amendments to the plan, Cottonwood County shall notify local units of government within the County. The local units of government are required to submit existing water and related land resources plans and official controls within 90 days to the county for review as per Minnesota Statutes, Section 103B.321.

Be it Further Resolved that within 180 days, the county shall review the submitted plans and official controls and identify any inconsistencies between the local plans and official controls and the Plan. The Cottonwood County shall specify applicable and necessary measures to bring the local plans and official controls into conformance with the Plan.

Be it Further Resolved if a local unit of government disagrees with any changes to its plan, the local unit has 60 days after receiving the county’s recommendations to appeal the recommendations to the Board of Water and Soil Resources.

Be it Further Resolved after receiving the recommendations of the county, or a resolution of an appeal, a local unit of government has 180 days to initiate revisions to its plan or official controls. The new or revised plans and official controls must be submitted to the county for review and recommendations.

S/Thomas D. Appel, Board Chairman

S/Donna Torkelson, Auditor/Treasurer

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Motion by Anderson, second by Gravley, unanimous roll call vote to approve the Addendum to the Legal Services Contract for guardianship work between Cottonwood County and Des Moines Valley Health and Human Services. Cottonwood County shall be paid \$205.00 per hour for this service.

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Drew Hage, Windom EDA Director, met with the board to discuss possible tax abatements for two projects: Gove Acres and Guardian Inn. Hage stated that the Gove Acres project, a 15-unit housing development, has a funding gap for infrastructure and that one possibility to overcoming this funding gap would be extending the tax abatement for new housing units from 5 years to 8 years. Consensus of the board was not favorable for a three year extension to the tax abatement.

Hage stated that the potential new owners of the Guardian Inn are proposing a remodel of the existing motel into a 37-unit market rate apartment complex. Hage asked the board if they would consider a 7 year tax abatement as the estimated remodel cost for this project is approximately \$2 million dollars and remodeling isn’t in the tax abatement agreement. After much discussion, the board asked that Hage gather more information and bring back to a future meeting.

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Nick Klisch, Public Works Director, and Jed Rhubee, Public Works Superintendent, met with the board to discuss the park reservation process. Rhubee stated that the Max Galaxy online reservation system is not working well. Other software’s have been demoed but parks staff would like to try in-house using Excel. Motion by Anderson, second by Holmen, unanimous roll call vote to discontinue the Max Galaxy parks reservation system.

Chairman Appel, on behalf of the county board, would like to publicly thank the highway crew for their work rescuing stranded motorists during the blizzard on December 23, 2020.

Klisch brought forward two more final contract payments for projects completed in 2020. Motion by Anderson, second by Stevens, unanimous roll call vote to approve final payment to Knife River Corporation in the amount of \$3,188.40 for Projects 017-613-046, 017-626-003, 017-652-001, and 017-653-001.

Motion by Holmen, second by Stevens, unanimous roll call vote to approve final payment to Riley Brothers Construction in the amount of \$298,831.70 for Project 017-599-102.

Klisch stated that he has applied for a grant from the Minnesota State Transportation Fund for Local Road Improvement Projects (LRIP) and funding is available. Klisch stated the funds will help fund a CSAH 2 improvement project. Motion by Stevens, second by Anderson, unanimous roll call vote to adopt resolution 21-01-05B as follows:

Resolution 21-01-05B

**Exhibit E for Grant Agreement to State Transportation Fund
Local Road Improvement Program
Grant Terms and Conditions
SP 017-602-027**

WHEREAS, Cottonwood County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for Local Road Improvement; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this project is available; and

WHEREAS, the amount of the grant has been determined to be \$1,250,000 by reason of the lowest responsible bid;

NOW THEREFORE, be it resolved that Cottonwood County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.52 and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the project but not required. The proper county officers are authorized to execute a grant agreement and any amendments thereto with the Commissioner of Transportation concerning the above-referenced grant.

BE IT FURTHER RESOLVED, that whereas federal-aid funds are being used to participate in the cost of the project, the Minnesota State Transportation Fund grant shall be deposited directly into the federal-aid agency account and that the records of the County shall so state.

Adopted this 5th day of January 2021.

S/Thomas D. Appel, Board Chairman

S/Donna Torkelson, Auditor/Treasurer

Klisch informed the board that Great Bend Township would like to apply for some LRIP funds. Klisch stated that Cottonwood County would be required to sponsor the project and that the County would provide engineering services for the application, design, and construction of the project with reimbursement for up to \$10,000 in engineering expenses. Klisch stated that the county would only seek reimbursement if the township was awarded the LRIP funds. Motion by Gravley, second by Stevens, unanimous roll call vote to adopt resolution 21-01-05C, as follows, pending an agreement with Great Bend Township.

Resolution 21-01-05C

**RESOLUTION
OF SPONSORSHIP FROM SUPPORTING AGENCY FOR THE LOCAL ROAD IMPROVEMENT
PROGRAM (LRIP) GRANT APPLICATION**

WHEREAS, Great Bend Township is a Local Government with a population under 5000; and

WHEREAS, Great Bend Township would like to submit a project for Local Road Improvement Program Funds; and

WHEREAS, Great Bend Township has requested Cottonwood County to be the sponsoring agency; and

WHEREAS, additional funds are required to combine and complete the CSAH 7 projects, increase value, and minimize public impacts; and

WHEREAS, the Local Road Improvement Program has been established through Statute 174.52 to provide funding assistance to local agencies; and

NOW THEREFORE BE IT RESOLVED, that Cottonwood County, Minnesota agrees to act as sponsoring agency for a Local Road Improvement Program Project identified as 480th Avenue and has reviewed and approved the project as proposed. Sponsorship includes a willingness to secure and guarantee the local share of costs associated with this project and responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules and regulations;

BE IT FURTHER RESOLVED, that the Cottonwood County Highway Engineer is hereby authorized to act as agent on behalf of this applicant.

Adopted this 5th day of January 2021.

S/Thomas D. Appel, Board Chairman

S/Donna Torkelson, Auditor/Treasurer

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Alex Schultz, Planning and Zoning Technician, met with the board to discuss a few items. Schultz presented two Conditional Use Permits applied for by Schwartz Farms for the expansion of two hog sites above 1,000 animal units. The site in Section 2, Carson Township, would be upgraded to 1,108 animal units and requires no construction; the site in Section 22, Delton Township, would be upgraded to 1,089 animal units and requires no construction. Motion by Holmen, second by Anderson, unanimous roll call vote to approve the Conditional Use Permit from Schwartz Farms to expand the hog site in Section 2 of Carson Township with the following conditions: (1) shall be in compliance with the Cottonwood County Zoning Ordinance #28; and (2) shall obtain all necessary Federal, State, and Local Permits and Fees.

Motion by Stevens, second by Anderson, unanimous roll call vote to approve the Conditional Use Permit from Schwartz Farms to expand the hog site in Section 22 of Delton Township with the following conditions: (1) shall be in compliance with the Cottonwood County Zoning Ordinance #28; and (2) shall obtain all necessary Federal, State, and Local Permits and Fees.

Schultz led discussion regarding the Red Rock Quarry Environmental Assessment Worksheet (EAW). Schultz stated that the original EAW was dropped and republicized on November 16, 2020, bringing comments from the MPCA, MHS, DNR, and others. The Planning Commission met on December 29, 2020, and moved that the EAW was sufficient and would not require an Environmental Impact Statement and that the final EAW be completed with response to comments from every state department and reviewed and approved by the County Board of Commissioners. Motion by Holmen, second by Steven, unanimous roll call vote that the updated Environmental Assessment Worksheet has sufficient documentation and will not require an Environmental Impact Statement.

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Chairman Appel gave the Oath of Office to County Assessor Gale Bondhus. Bondhus asked the board for clarification on the process for hiring employees. Bondhus wondered why the position in the Assessor's office was only

posted internally and not advertised. Discussion was had regarding the process for posting and advertising open positions and should be reviewed and discussed at a future meeting.

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Commissioner Holmen presented for review a draft listing of requirements for maintenance and repairs to ditches and a draft petition form for repairs. After discussion, the listing and the petition will be revised and brought back to the board.

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Kelly Thongvivong, County Coordinator, met with the board to discuss many items. Motion by Stevens, second by Holmen, unanimous roll call vote to declare that the County offices were officially closed at noon on December 23, 2020, due to the inclement weather conditions and in accordance with County Policy No. 420.

Thongvivong presented a revised Chief Deputy Auditor/Treasurer job description for approval. After much discussion, motion by Holmen, second by Gravley, to approve the Chief Deputy Auditor/Treasurer job description as presented and to begin posting internally and advertising simultaneously. Voting Aye – Holmen, Anderson, Gravley, and Stevens. Voting Nay – Appel. Motion passed.

Motion by Gravley, second by Anderson, unanimous roll call vote to set 2021 seasonal wages as follows: \$12.75 – 1st year; \$13.25 – 2nd year; \$13.75 – 3rd year; \$14.25 – 4th year.

Motion by Stevens, second by Holmen, unanimous roll call vote to adopt resolution 21-01-05A as follows:

Resolution 21-01-05A

RESOLUTION TO USE ALTERNATIVE METHOD TO DISSEMINATE BIDS AND REQUESTS

WHEREAS, Minnesota Statue 311A.12 allows a county to use its website or recognized industry trade journals as an alternative to disseminate solicitations of bids, requests for information and requests for proposals.

NOW THEREFORE, the Cottonwood County Board of Commissioners hereby resolves:

BE IT RESOLVED, that from this day forward, the County of Cottonwood may use the Cottonwood County website, www.co.cottonwood.mn.us, as an alternative means to disseminate solicitations of bids, requests for information, and requests for proposals for transportation related construction and maintenance projects.

IT IS FURTHER RESOLVED that any dissemination by alternative means must be in substantially the same format and for the same period of time as a publication would otherwise be required under Minnesota Statute 331A.12.

Adopted this 5th day of January 2021.

S/Thomas D. Appel, Board Chairman

S/Donna Torkelson, Auditor/Treasurer

Motion by Holmen, second by Stevens, unanimous roll call vote to approve the 2021 Fees Charged by County Offices as presented.

Motion by Stevens, second by Anderson, unanimous roll call vote to allow a one-time, half-price tipping fee of \$26.67/ton plus \$6.67/ton surcharge plus \$4.53 waste tax billed to the cities in Cottonwood County for the use of a city wide clean up in 2020 and allow the Solid Waste Department to pick up mattresses at the city wide events at a charge of \$2 per piece. The pick-up price does not include the \$11 fee for disposal.

Commissioner Gravley had to leave and was not present for the rest of the meeting.

Motion by Holmen, second by Stevens, unanimous roll call vote to set the 2021 meeting dates for the 1st & 3rd Tuesday of each month as presented with the exception of December 1; that all meetings will begin at 9:00 a.m. with the exception of June 15 – Board of Equalization and December 8 – Budget Discussion Meeting (TNT) which will be afternoon meetings; and that 12 additional work sessions can be scheduled with no per diems.

Motion by Anderson, second by Holmen, unanimous roll call vote to accept the commissioner assignments for 2021 as amended.

Commissioner Department Assignments – 2021

Commissioner Larry Anderson

County Recorder
County Attorney
County Assessor

Commissioner Kevin Stevens

MN Extension Services
Planning & Zoning
Court Administration/Probation

Commissioner Norm Holmen

Solid Waste
Emergency Management
Sheriff's Department

Commissioner Donna Gravley

Auditor/Treasurer
Information Technology Department
Veteran's Service Office

Commissioner Tom Appel

Public Works
County Coordinator
Solid Waste (MPCA related)

Commissioner Committee Assignments – 2021

ACE of Southwestern Minnesota
(4th Thursday at 9:00am in Slayton)

Commissioner Donna Gravley
Commissioner Larry Anderson, alt.

AMC Voting Delegates

Commissioner Kevin Stevens
Commissioner Norm Holmen
Commissioner Tom Appel
Commissioner Larry Anderson
Commissioner Donna Gravley
County Engineer Nicholas Klisch
County Coordinator Kelly Thongvivong
County Auditor/Treasurer Donna Torkelson

Area II River Basin Projects
(1st Thursday at 9:00am in Marshall/Redwood Falls)

Commissioner Larry Anderson
Commissioner Norm Holmen, alt.

Board of Adjustment	1 st District – Heidi Hansen 2 nd District – Lindsey Cartwright 3 rd District – Lisa Fredin 4 th District – Mike LaMaack 5 th District – Jonathan Penner
Compensation Committee (As Needed)	Commissioner Tom Appel - Chair Commissioner Donna Gravley – Vice-Chair
Cottonwood County DAC Cottonwood County Dept. Head Meetings	Commissioner Tom Appel Commissioner Tom Appel - Chair Commissioner Donna Gravley – Vice-Chair
Cottonwood County Ditch Authority	Commissioner Kevin Stevens Commissioner Norm Holmen Commissioner Tom Appel Commissioner Larry Anderson Commissioner Donna Gravley
Cottonwood County Historical Society (4 th Monday at 3:30pm in Windom)	Commissioner Kevin Stevens
Cottonwood County Law Library (Annual Mtg in July, otherwise as needed)	Commissioner Kevin Stevens
Cottonwood County Personnel Board of Appeals	Jim Jorgenson (Westbrook) Dennis Nelson (Windom) Jerry Haberman (Mt. Lake)
Counties Providing Technology	Commissioner Tom Appel Commissioner Norm Holmen, alt.
Des Moines River Watershed (One Watershed, One Plan)	Commissioner Tom Appel Commissioner Norm Holmen, alt
Des Moines River West Fork Project	Commissioner Kevin Stevens Commissioner Larry Anderson, alt.
Des Moines Valley Health & Human Services (2 nd Thursday at 9:00am – rotate between Windom & Jackson – LEC in Windom)	Commissioner Norm Holmen Commissioner Kevin Stevens Commissioner Tom Appel Commissioner Donna Gravley Commissioner Larry Anderson
Des Moines Valley Health & Human Services Mental Health Local Advisory Council	Dawn Eigenberg Paul Bland Caroline Eigenberg David Johnson Mary Leach Cathy Hohenstein Commissioner Donna Gravley
Family Services Collaborative Board	Commissioner Tom Appel Commissioner Donna Gravley, alt.
Greater Blue Earth River Basin Alliance	Commissioner Tom Appel Commissioner Norm Holmen, alt.

Heron Lake Watershed District
(3rd Tuesday at 7:00pm in Heron Lake
Advisory Committee 4x/yr at 10:00am in Heron Lake)

Commissioner Kevin Stevens

Joint Government Meeting
(City of Windom, Cottonwood County,
Windom School District)

Commissioner Tom Appel – Chair
Commissioner Donna Gravley – Vice-Chair
County Coordinator Kelly Thongvivong

Land Use Advisory Committee

Commissioner Tom Appel
Commissioner Norm Holmen, alt.
Commissioner Kevin Stevens

Local Emergency Preparedness and
Planning Committee

MN Counties Computer Cooperative
Delegate

Auditor/Treasurer Donna Torkelson
County Assessor Gale Bondhus, alt.

MN Extension Agency Board of Directors
(3-year terms – 2-term limit)

Commissioner Tom Appel - Chair
Commissioner Donna Gravley – Vice-Chair
Auditor/Treasurer Donna Torkelson
1st District – Joe Saffert (1st term ends 12/21)
2nd District – Katie Robillard (2nd term ends 12/22)
3rd District – Rhonda Crowell (1st term ends 12/23)
4th District – Sarah Wiebe (2nd term ends 12/22)
5th District – Miranda McMullen (1st term ends 12/23)

MN Rural Counties Caucus

Commissioner Larry Anderson
Commissioner Kevin Stevens, alt.

Planning Commission
(3-year terms – no term limit)

Commissioner Norm Holmen
Commissioner Tom Appel, alt.
1st District – Heidi Hansen (12/21)
2nd District – Lindsey Cartwright (12/23)
3rd District –
4th District – Keith Engen (12/23)
5th District – Phil Harder (12/23)

Plum Creek Library Board

Commissioner Donna Gravley

PrimeWest

Commissioner Norm Holmen
Commissioner Donna Gravley, alt.

Private Industry Council Chief Elected
Officials Board Members

Commissioner Tom Appel

Red Rock Rural Water

Commissioner Larry Anderson
Commissioner Kevin Stevens, alt.

Redwood-Cottonwood Rivers Control Agency
(1st Thursday at 9:00am in Marshall/Redwood Falls)

Commissioner Larry Anderson
Commissioner Norm Holmen, alt.

Rural Minnesota Energy Board

Commissioner Tom Appel
Commissioner Kevin Stevens, alt.

Soil & Water Conservation District

Commissioner Tom Appel

Southern Prairie Community Care
(4th Friday at 9:30am in Redwood Falls)

Commissioner Norm Holmen
Commissioner Donna Gravley, alt.

Southwest Minnesota Housing Partnership	(Appointment done by SRDC)
SWMN Emergency Communications Board (4 th Wednesday of odd months at 1:00pm in Marshall)	Commissioner Norm Holmen Commissioner Larry Anderson, alt.
SW Mental Health Center Board of Directors (2 nd Wednesday at 7:00pm in Luverne)	Commissioner Norm Holmen Commissioner Larry Anderson Robin Weis
SW Mental Health Consortium (2 nd Friday at 9:30am in Marshall)	Commissioner Norm Holmen
SW MN EMS Board	Emergency Management Director Paul Johnson Commissioner Larry Anderson, alt.
SW MN Regional Solid Waste Commission	Commissioner Tom Appel Commissioner Kevin Stevens, alt.
SW Regional Development Commission	Commissioner Donna Gravley Commissioner Larry Anderson, alt.
State Community Health Service Advisory Committee (SCHSAC)	Commissioner Kevin Stevens
Statewide Health Improvement Program (6x/year on 2 nd Wednesday at 11:30am in Lakefield)	Commissioner Kevin Stevens
Travel Southwest MN (Meet monthly)	Commissioner Tom Appel Tyann Marcy, Chamber Director
United Community Action Partnership	Commissioner Donna Gravley Commissioner Larry Anderson, alt.
Watonwan Watershed (One Watershed One Plan)	Commissioner Tom Appel Commissioner Norm Holmen, alt.
Wellness Committee	Commissioner Donna Gravley
Windom Economic Development Authority	Commissioner Kevin Stevens

2021 AMC Policy Committee Appointments

Environmental & Natural Resources	Commissioner Tom Appel
General Government	Commissioner Donna Gravley
Health & Human Services	Commissioner Norm Holmen
Public Safety	Commissioner Larry Anderson
Transportation	Commissioner Kevin Stevens

Motion by Holmen, second by Anderson, unanimous roll call vote to set meal rates for 2021 at \$10.00 for breakfast, \$15.00 for lunch and \$19.00 for evening meal.

These amounts include a 20% gratuity.

Motion by Stevens, second by Anderson, unanimous roll call vote to pay Auditor warrants with regular and customary payments for 2021, which might include: payroll and associated payables; utilities; bond payments; contract payments; payment to other government entities; tax settlements; refunds; reissue voids; well sealing; sewer loan contract payments; insurance payments, lease payments, and payments, which if not made, would result in additional penalties, interest or late fees.

Motion by Holmen, second by Anderson, unanimous roll call vote to authorize the County Auditor/Treasurer and deputies to make electronic transfers.

Motion by Stevens, second by Holmen, unanimous roll call vote to re-designate official Cottonwood County Depositories as follows: Bank Midwest – Windom; Bank of the West – Windom; United Prairie Bank – Mt. Lake; First Security Bank – Storden; Stifel Nicolaus & Company – St. Louis, MO; Multi-Bank Securities – Southfield, MI; Wells Fargo Advisors – Minneapolis; MN Magic Fund, and Moreton Capital Markets.

Motion by Anderson, second by Stevens, unanimous roll call vote to re-designate official Cottonwood County Brokers as follows: Stifel Nicolaus & Company – St. Louis, MO; Multi-Bank Securities – Southfield, MI; Wells Fargo Advisors – Minneapolis; MN Magic Fund, Moreton Capital Markets, and Bank Midwest-Windom.

Motion by Holmen, second by Stevens, unanimous roll call vote to approve *Cottonwood County Citizen* as the official county newspaper for 2021.

Motion by Stevens, second by Anderson, unanimous roll call vote to set the 2021 Contingency Fund for the County Attorney’s Office at \$3,000.

Motion by Anderson, second by Stevens, unanimous roll call vote to set the per diem for committee members other than commissioners at \$75 per meeting for 2021.

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Commissioner Appel recessed the meeting for 15 minutes, then reconvened the meeting.

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

County Revenue Fund	\$ 41,832.32
County Building Fund	<u>\$ 5,078.28</u>
	\$ 46,910.60

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Kelly Thongvivong, County Coordinator, informed the board that an invoice was received for printing of a census flyer. Thongvivong reminded the board that approval of up to \$1,000 was given for such expenses but direction was not given as to what fund would pay the expense. The Auditor/Treasurer stated to code the bill to 31-061-6275.

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Chairman Appel informed the board that he received notification that Brown-Nicollet Environmental Health would be refunding the base licensing fee to food and beverage establishments in Cottonwood County.

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Chairman Appel led discussion regarding the \$250,000 MN CARES Business Relief funds that the county will receive and distribute. The application process and timeline were the main topics of discussion as the money must be distributed by March 31, 2021. Consensus of the board is to hold a Special Meeting on Tuesday, January 12, 2021 at 9:00 a.m. to finalize the application and advertising.

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There being no further business, the meeting adjourned at 1:53 p.m.

Donna Torkelson, Auditor/Treasurer

Thomas D. Appel, Board Chair

Kelly Thongvivong, County Coordinator