

May 17, 2022
Cottonwood County Board of Commissioners
Regular Meeting
Minutes

The Cottonwood County Board of Commissioners met in regular session on Tuesday, May 17, 2022, at 9:00 a.m. at the Cottonwood County Courthouse in Windom, MN. Present for all or portions of the meeting were: Commissioners Larry Anderson, Norman Holmen, Donna Gravley, Kevin Stevens, Tom Appel, County Attorney Nick Anderson, County Coordinator Kelly Thongvivong, Auditor/Treasurer Donna Torkelson, Kathy Marsh, Jim Hartshorn, Gale Bondhus, David Grev, Nick Klisch, Alex Schultz, Jason Purrington, Elizabeth Hoffman, Paul Johnson, David Briese, and Joel Alvstad.

Chairman Gravley called the meeting to order. The Pledge of Allegiance was recited. Motion by Stevens, second by Appel, unanimous vote to approve the agenda as amended. Motion by Holmen, second by Anderson, unanimous roll call vote to approve the minutes of the May 3, 2022, regular meeting.

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A public hearing was held regarding the residential property tax abatement applied for by Cody and Samantha Oeltjenbruns for the construction of a single-family home on parcel number 06-008-0300. No opposition to the abatement was heard prior to or at the hearing. Motion by Holmen, second by Appel, unanimous roll call vote to approve resolution 22-05-17 "Resolution Approving Tax Abatement for Certain Property Pursuant to Minn. Stat. 469.1813." (Resolution is on file in the County Coordinator's office.)

Jim Hartshorn, Interim Windom EDA Director, stated that he has received a Home Initiative application from Edward and Jonlee Brown for a new, single-family home and that a date for a public hearing needs to be set. Hartshorn and Gale Bondhus, County Assessor, stated that all requirements have been met except the septic permit. Motion by Appel, second by Stevens, unanimous roll call vote to approve resolution 22-05-17C "Resolution Calling for a Public Hearing on Proposed Tax Abatement for new Residential Project." (Resolution is on file in the County Coordinator's office.)

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Alex Schultz, Planning and Zoning Technician, met with the board to get approval for a Conditional Use Permit applied for by OMG Midwest, Inc., dba Minnesota Paving and Materials to extend their permit for the Sioux Rock Quarry, in Delton Township, Section 6. Schultz informed the board that there are five conditions that were set previously and still need to be met. Motion by Holmen, second by Appel, unanimous vote to approve the Conditional Use Permit submitted by OMG Midwest, Inc., dba Minnesota Paving and Materials with the following conditions: (1) All operations shall be in compliance with Cottonwood County Zoning Ordinance #28 and the Cottonwood County Mining, Extraction, and Excavation Ordinance #36; (2) All Federal, State, and/or County permits are secured before expansion occurs, and meet all those requirements on a continuing basis; (3) Memorandum of Understanding between the County, State Archaeologist/Historical Society, and MN Paving and Materials regarding mitigation measures to protect any archaeological or historical sites found on property is developed; (4) Mining Boundaries – cultivated area #9 of 26.7 acres as outlined on FSA map dated

January 3, 2008, in addition to present staging and quarrying areas; and (5) Well Interference Committee, in case a property owner within 1/2 mile radius is not satisfied with MN Paving and Material's handling of the situation. Committee to consist of one Planning Commission member, the Environmental Director, and one County Board of Commissioners, if the County Board decides to develop the committee and their duties.

Schultz also presented the 2021 County Feedlot Officer Annual Report for approval. Motion by Anderson, second by Holmen, unanimous vote to approve the 2021 County Feedlot Officer Annual Report and allow the Board Chair to sign.

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Nick Klisch, Public Works Director, met with the board to discuss a few items. Klisch informed the board that on April 19 the Board approved an agreement with MnDOT to allocate Federal Funds to Cottonwood County to accommodate 2022 construction with 2023 funds. Klisch would like the board to approve an amendment to this agreement to allow some of these advanced funds to be allocated to Project 017-070-012. Motion by Anderson, second by Stevens, unanimous roll call vote to approve resolution 22-05-17A approving the amendment to Minnesota Department of Transportation Agency Agreement No. 1049877. (Resolution is on file in the County Coordinator's office.)

Klisch presented a MnDOT Master Partnership Contract for renewal. Motion by Holmen, second by Anderson, unanimous roll call vote to approve resolution 22-05-17B "State of Minnesota Master Partnership Agreement." (Resolution is on file in the County Coordinator's office.)

Motion by Anderson, second by Stevens, unanimous vote to reappoint Nick Klisch to a 4-year term as County Engineer for Cottonwood County. This term will be effective May 2022 to May 2026.

Klisch brought forward a request for an employee for an advancement of 80 hours of paid time to be used in June and paid back with comp time that is accrued in July – October. After discussion, no action was taken. Motion by Holmen, second by Anderson, unanimous vote to approve time off without pay during the weeks of June 6-10 and June 13-17, only if requested by this employee.

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Paul Johnson, Emergency Management Director, met with the board stating there was significant damage to rural areas and the community of Storden on May 11 and May 12, 2022, and asked the board to declare a State of Emergency. Motion by Anderson, second by Holmen, unanimous roll call vote to approve resolution 22-05-17D "Declaring a State of Emergency." (Resolution is on file in the County Coordinator's office.)

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Commissioner Anderson presented and explained the RCRCA Joint Powers Agreement Amendment. Motion by Anderson, second by Holmen, unanimous vote to approve the signing of the amended RCRCA Joint Powers Agreement.

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Chairman Gravley led a short discussion on the Broadband Committee and will appoint members to the committee at the next meeting.

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Kelly Thongvivong, County Coordinator, met with the board to discuss several

items. Motion by Stevens, second by Appel, unanimous vote to move Wyatt Krick, part-time Jailer/Dispatcher, to permanent part-time status as of June 3, 2022.

Motion by Holmen, second by Anderson, unanimous vote to terminate Ernesto Rivera-Mercado and Theodore Cromwell, part-time Jailer/Dispatchers, effective May 17, 2022, and to approve payout of benefits.

Motion by Holmen, second by Anderson, unanimous vote to approve the hire of a candidate for the Accounting Assistant position on Range 10, Step A (\$19.62) effective June 6, 2022, and to allow 16 hours of unpaid leave to be used by December 31, 2022.

Motion by Anderson, second by Stevens, unanimous vote to allow for the internal transfer of Tyann Galer, Legal Secretary, to Sheriff/EM Administrative Assistant at the same rate of pay, which is currently \$22.52 per hour, effective May 23, 2022.

Motion by Holmen, second by Stevens, unanimous vote to post internally and advertise, if necessary, for the vacant Legal Secretary position.

Motion by Anderson, second by Holmen, unanimous vote to approve hiring Kristen Porath as an independent contractor from June 1 through August 31, 2022, to help with training the Sheriff/EM Administrative Assistant in gun permits. County Attorney Anderson will draw up the contract. Sheriff Purrington stated that Porath would be paid with funds from the Gun Permit Fund.

Thongvivong presented a Ditch Inspector job description for review. After discussion, consensus of the board is to move forward with placing the position on the matrix and then bring back to the board for approval.

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Elizabeth Hoffman, Plum Creek Library System Director, met with the board to give an update on the Plum Creek Library System.

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Discussion was held regarding the charging of fees for GIS information. Kelly Thongvivong, County Coordinator, stated that the question of waiving fees for GIS information was brought up by Finley Engineering. After discussion, consensus of the board is that no fees will be waived.

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Commissioner Stevens gave an update on the May 9th MRC Board meeting.

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Motion by Anderson, second by Stevens, unanimous vote to close the meeting at 10:42 a.m. as permitted by Minnesota Statute 13D.05 Subd. 3(b) to discuss the following litigation: Fast Ag Solutions, LLC. Vs. Cottonwood County and The Toro Company vs. Cottonwood County. Individuals present for the closed session were: Commissioners Larry Anderson, Donna Gravley, Norm Holmen, Kevin Stevens, Tom Appel; County Attorney Nick Anderson, County Coordinator Kelly Thongvivong, Auditor/Treasurer Donna Torkelson, Kathy Marsh, Gale Bondhus, and David Grev.

Motion by Stevens, second by Appel, unanimous vote to open the meeting at 10:47 a.m.

Motion by Anderson, second by Holmen, unanimous vote to approve the Retainer Agreement with Taft, Stettinius & Hollister, LLP, hiring Marc Manderscheid to represent Cottonwood County for the Toro Company tax court appeals.

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Personnel Policy Numbers 140 – 175 were reviewed.

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

County Revenue Fund	\$	24,727.71
Long Term Capital Outlay	\$	18,877.46
County Building Fund	\$	2,974.45
Ditch Fund	\$	8,484.42
Road and Bridge Fund	\$	62,376.71
Waste Abatement/Score Fund	\$	97.99
Landfill Enterprise Fund	\$	6,452.26
		<u>\$123,991.00</u>

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There being no further business, the meeting adjourned at 11:25 a.m.

Donna Torkelson, Auditor/Treasurer

Donna L. Gravley, Board Chair

Kelly Thongvivong, County Coordinator