

November 1, 2022  
Cottonwood County Board of Commissioners  
Regular Meeting  
Minutes

The Cottonwood County Board of Commissioners met in regular session on Tuesday, November 1, 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, Nick Klisch, Jed Rhubee, Alex Schultz, Sheila Pierson, Jason Rupp, Dan Quade, Jason Purrington, John Kolb, Clinton Engen, Kirk Engen, Lowell Warner, William Douglass, Bruce Byers, Brian Nyborg, Cathy Hohenstein, Jim Eigenberg, Kelly Rasche, and Joel Alvstad.

Chairman Gravley called the meeting to order. The Pledge of Allegiance was recited. Motion by Holmen, second by Anderson, unanimous vote to approve the agenda as amended. Motion by Stevens, second by Appel, unanimous vote to approve the minutes of the October 18, 2022, regular meeting.

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

Chairman Gravley appointed Commissioners from Districts 1, 4, and 5 to sit on the board for JD#27. Gravley also appointed Commissioner from District 4 as Chairman.

Chairman Gravley opened the public hearing for the Matter of the Petition for Removal of Property from Cottonwood County Ditch #35 (Engen).

John Kolb, Attorney, explained the purpose of the hearing. Kolb stated that the hearing was for consideration of (1) removal of property from drainage system, and (2) partial abandonment of system.

Auditor/Treasurer Torkelson reviewed the timeline of when notices were mailed, published, and posted.

Chairman Gravley then opened the hearing for public comment. Comments were heard from the public and the ditch authority board. Chairman Gravley then closed the public comment portion of the meeting.

Motion by Holmen, second by Anderson, unanimous roll call vote to adopt the CD#35 Findings and Order for Removal of Property as presented.

John Kolb, Attorney, presented a Petition to Impound, Reroute, and Divert County Ditch 33 Drainage System Waters submitted by MN Department of Natural Resources. Kolb and William Douglass, Engineer, explained that to facilitate implementation of the String Lakes WMA Wetland Restoration project, portions of CD #33 must be impounded and rerouted.

Motion by Appel, second by Anderson, unanimous roll call vote to accept the Petition to Impound, Reroute, and Divert County Ditch #33 Drainage System Waters and the Findings and Order Receiving Petition and Initiating Proceedings.

Chairman Gravley then recessed the Ditch Authority and called for a Special Ditch Authority meeting with Jackson County regarding JD #27.

Chairman Holmen called the meeting to order in the Matter of the Petitions of the MN Department of Natural Resources to Modify and Impound Waters upon a Portion of Cottonwood/Jackson JD #27; and to Abandon a Portion of Cottonwood/

Jackson JD #27, Branch A.

John Kolb, Attorney, then gave an explanation of the petitions. Kolb and William Douglass, Engineer, explained that to facilitate implementation of the String Lakes WMA Wetland Restoration project, petitioner is seeking approval to impound, reroute, and divert drainage system waters on Branch B1 and to abandon a portion of Branch A of JD #27.

After discussion, motion by Anderson, second by Appel, unanimous roll call vote to accept the Petition to Impound, Reroute, and Divert Branch B1 of the JD #27 Drainage System Waters and the Findings and Order Receiving Petitions and Initiating Proceedings.

Motion by Hohenstein, second by Anderson, unanimous vote to adjourn the Special Ditch Authority meeting.

Chairman Gravley reconvened the Ditch Authority meeting.

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

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Sheila Pierson, Court Administrator, met with the board to discuss new carpet for the Courtroom. Pierson presented quotes for a lower quality carpet – Hammers - \$9,102.60 and Carpet Plus - \$8,778.73 and a higher quality carpet – Hammers - \$9,822.60 and Carpet Plus - \$9,118.53. Motion by Stevens, second by Appel, unanimous vote to accept the quote from Hammers for a higher quality carpet in the amount of \$9,822.60 as the quote included disposal of current carpet.

Pierson also informed the board that the State IT office would be adding 3 monitors to the courtroom the same time the carpet will be installed.

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Jason Rupp, Jail Administrator, met with the board to discuss a few items. Rupp presented two bids for a new commercial refrigerator. Bids are as follows: Elite Appliance - \$4,850.00 and Town & Country - \$6,199.99. Motion by Anderson, second by Holmen, unanimous vote to accept the bid from Elite Appliance for a commercial refrigerator for the jail in the amount of \$4,850.00.

Rupp also presented bi-annual jail inspection report and answered any questions the board had. Rupp did state that the jail rated 100% on mandatory criteria and 90% on essential criteria.

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Alex Schultz, Planning and Zoning Technician, met with the board to get approval of two Conditional Use Permits. Schultz presented a Conditional Use Permit submitted by Mitchell Klingsporn for a feedlot expansion in a sensitive area in Section 36 of Carson Township. Motion by Appel, second by Holmen, unanimous vote to approve the Conditional Use Permit submitted by Mitchell Klingsporn for a feedlot expansion in a sensitive area with the following conditions: (1) be compliant with Cottonwood County Zoning Ordinance #28; (2) shall obtain all necessary Federal/State/Local permits and fees; (3) keep a waste receptacle on site during construction; and (4) coordinate with local SWCD on a proper tree plan. Must be implemented within 2 years of construction of hoop barns.

Schultz presented a Conditional Use Permit submitted by Curt Nagorske for a feedlot in sensitive area in Section 7 of Lakeside Township. Motion by Appel, second by Stevens, unanimous vote to approve the Conditional Use Permit

submitted by Curt Nagorske for a feedlot expansion in a sensitive area with the following conditions: (1) be compliant with Cottonwood County Zoning Ordinance #28; (2) shall obtain all necessary Federal/State/Local permits and fees; and (3) keep a waste receptacle on site during construction.

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Commissioner Holmen gave an update on Primewest.

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Nick Klisch, Public Works Director, met with the board to get approval of a few items. Klisch presented a Reimbursement Agreement with Union Pacific Railroad for a resurfacing job that will be completed in the railroad right-of-way on CSAH 27 in 2023. Klisch stated that the amount is approximately \$10,000. Motion by Holmen, second by Appel, unanimous vote to authorize the County Engineer to execute the Reimbursement Agreement – Preliminary Engineering Services with Union Pacific Railroad.

Klisch asked for approval of the 2022-2023 snow removal agreements. Motion by Anderson, second by Appel, unanimous vote to approve the 2022-2023 snow removal agreements with the City of Jeffers, City of Westbrook, City of Mountain Lake, and Lakeside Township.

Klisch and Jed Rhubee, Public Works Superintendent, informed the board that Brent Schroeder, Heavy Equipment Operator, has requested up to 40 more hours of unpaid leave. After discussion and lack of a motion, no action was taken.

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Kelly Thongvivong, County Coordinator, met with the board to discuss a few items. Motion by Anderson, second by Holmen, unanimous vote to approve the renewal of the 3-year ESRI Enterprise Agreement for GIS licensing between Cottonwood County offices and Soil & Water in the amount of \$48,750.

Personnel policies #720 - #785 were reviewed.

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Motion by Holmen, second by Stevens, unanimous roll call vote to approve November warrants, as follows:

County Revenue Fund	\$ 94,670.67
Ditch Fund	\$ 2,703.50
Road and Bridge Fund	\$ 24,735.47
Waste Abatement/Score Fund	\$ 4,290.00
Landfill Enterprise Fund	<u>\$ 13,988.19</u>
	\$140,387.83

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Commissioner Appel gave an update on a CPT meeting he attended and Des Moines 1W1P. Appel also asked for an update on the Ditch Inspector position. Consensus of the board is that HR, Auditor/Treasurer, and Commissioners, Holmen and Anderson will be the interview committee. Appel also asked for an update on tax forfeiture properties.

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Motion by Anderson, second by Stevens, unanimous vote to close the meeting at 11:16 a.m. to discuss strategy for upcoming labor negotiations. Present for the closed session were: Norm Holmen, Donna Gravley, Kelly Thongvivong,

Larry Anderson, Kevin Stevens, and Tom Appel.

Motion by Holmen, second by Anderson, unanimous vote to open the closed session at 11:39 a.m.

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There being no further business, the meeting adjourned at 11:39 a.m.

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Donna Torkelson, Auditor/Treasurer

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Donna L. Gravley, Board Chair

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Kelly Thongvivong, County Coordinator