

November 7, 2023
Cottonwood County Board of Commissioners
Regular Meeting
Minutes

The Cottonwood County Board of Commissioners met in regular session on Tuesday, November 7, 2023, 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, Tom Appel, Norm Holmen, Kevin Stevens, Donna Gravley, County Attorney Nick Anderson, County Coordinator Kelly Thongvivong, Auditor/Treasurer Donna Torkelson, Kathy Marsh, Nick Klisch, Jed Rhubee, Gale Bondhus, David Grev, Alex Schultz, Kimberly Holm, Scott Nagel, Mark Butler, Chad Phillips, Jen Ranken, David Briese, Cheyanne St. John, Mike Lange, Mikalah Harder, Dylan Mathias, Kevin O'Keefe, Patrick McCarthy, Scott O'Konek, Terry Owens, Attorney Andrew Carlson, Jason Purrington, Jason Rupp, and Joel Alvstad.

Chairman Anderson called the meeting to order. The Pledge of Allegiance was recited. Motion by Gravley, second by Holmen, unanimous vote to approve the agenda as amended. Motion by Stevens, second by Appel, unanimous vote to approve the minutes of the October 17, 2023, regular meeting.

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Nick Anderson, County Attorney, presented a final version of the Cannabis Ordinance for review. Motion by Gravley, second by Stevens, unanimous vote to approve the Cannabis Oriented Business and Use Ordinance as presented.

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Alex Schultz, Planning and Zoning Technician, met with the board to discuss a few items. Schultz presented a petition for an Environmental Awareness Worksheet (EAW) for the Minnesota Paving and Materials Project. Schultz reviewed the timeline of events leading up to the petition and also highlighted specific points of the EAW petition. Attorney Nick Anderson reminded the board that they are to decide if there will be potentially significant environmental effects. Motion by Appel, second by Holmen, unanimous vote to extend the timeline for the decision on the potential EAW 15 working days, from October 27th, to consult with legal counsel and draft any Findings of Fact.

Schultz presented a Conditional Use Permit application from Davin Amara for the addition of a RV Port, Connex Container and 12x12 shed within shoreland in Section 32 of Mountain Lake Township. Motion by Holmen, second by Appel, unanimous vote to approve the Conditional Use Permit applied for by Davin Amara for a RV Port, storage container, and shed in Section 32 of Mountain Lake Township 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; (4) Erosion control measures taken; (5) RV Port will be no more than 40' x 16'; (6) Container for storage will be no more than 24' x 8'; (7) Shed will be in setbacks and no more than 12' x 12'; (8) and all structures will be without a concrete foundation.

Schultz then informed the board that he is looking into new permitting software for his office and that feedlot funds could be used for the purchase. Schultz said he will do more research and will bring back to the board sometime in the future.

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Kimberly Holm, SMAMHC Director, and Scott Nagel, DVHHS Fiscal Manager, met with the board to ask for possible funding for SMAMHC. Holm informed the board that they will be asking all 18 counties in the consortium to contribute \$20,000 to assist with cash flow and that the current cash reserves have been depleted. Holm stated that they rely on state grants and the timeliness of those grants don't meet bill payment deadlines. After much discussion, motion by Holmen, second by Appel, unanimous vote to support a contribution of \$20,000 to the SMAMHC pending a signed document that all 18 counties will participate.

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Nick Klisch, Public Works Director, met with he board to discuss a few items. Klisch presented an Agreement for CSAH Designation between Cottonwood County and Jackson County for a 220 foot section of road in Jackson County. Klisch stated that Cottonwood County has always maintained this road. Motion by Gravley, second by Stevens, unanimous vote to approve the Agreement for CSAH Designation, Construction and Maintenance of CSAH 26 between Cottonwood County and Jackson County.

Klisch informed the board that the County Road Safety Plan (CRSP) Agreement is 10 years old and needed to be updated. Motion by Holmen, second by Gravley, unanimous roll call vote to adopt resolution 23-11-07A "Resolution for Agency Agreement" regarding the CRSP Agreement. (Resolution is on file in the County Coordinator's Office.)

Klisch presented information regarding an EV (electric vehicle) Grant and Agreement for approval. Klisch stated that the 13 counties in District 7 applied for and received a grant to purchase 13 electric pickups. The project was split into two projects with Cottonwood County leading one project for Cottonwood, Brown, Jackson, Martin, Nobles, and Rock counties. Klisch stated that each electric pickup will cost each county \$80,000, with the grant paying \$64,000 and the County paying \$16,000. Motion by Gravley, second by Stevens, unanimous vote to approve the Partnership Agreement between Cottonwood County and Brown, Jackson, Martin, Nobles, and Rock Counties and to approve the purchase of an electric pick up.

Discussion was held regarding road damage on County Road 10 west of County Road 99.

Motion by Gravley, second by Appel, unanimous vote to approve advertising for bids for the new Public Works Building.

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Kelly Thongvivong, County Coordinator, met with the board to discuss a few items. Motion by Appel, second by Stevens, unanimous vote to accept resignation from Jared VanDyke, Heavy Equipment Operator, with his last working day being November 1st and using vacation time until his last day of employment on December 20, 2023 with appropriate payout of any remaining benefits.

Motion by Holmen, second by Gravley, unanimous vote to hire Jeff Evers as Heavy Equipment Operator, Windom Shop, on Range 10, Step 4 (\$23.38) pending successful completion of all hiring requirements and to approve 24 hours of unpaid time. Ever's tentative starting date is November 16, 2023.

Motion by Gravley, second by Stevens, unanimous vote to allow Miranda Harrison, Jailer/Dispatcher, to move to part-time status effective November 13, 2023.

Motion by Stevens, second by Holmen, unanimous vote to approve amended polices: Policy 133 “Leave Benefits – Bereavement”, Policy 170 “Leave Benefits – Earned Sick & Safe Time “ESST””, Policy 380 “Probationary Period”, and Policy 420 “Emergency Closing” as presented.

Motion by Holmen, second by Appel, unanimous vote to allow all non-union (non-elected) employees to receive a step increase, if warranted and with a satisfactory performance review, and a 3% COLA for 2024.

Motion by Appel, second by Stevens, unanimous vote to approve payment to Dr. Jared Schmidt in the amount of \$595 for continued work that he has done on the grant application process for the Courthouse windows.

Motion by Gravley, second by Appel, unanimous vote to approve Amended Interagency Agreement for Cottonwood County Family Services Collaborative effective September 1, 2023, or when adopted by all parties, whichever is later.

Motion by Holmen, second by Stevens, unanimous roll call vote to adopt resolution 23-11-07 “Recommending the Appointment of Jay Takle and Paul Johnson to the Red Rock Rural Water System Board of Commissioners.” (Resolution is on file in the County Coordinator’s Office.)

Motion by Appel, second by Stevens, unanimous vote to adopt resolution 23-11-07B “Calling for a Public Hearing on the 5-Year Capital Improvement Plan and Authorizing the Issuance and Sale of General Obligation Capital Improvement Plan Bonds”. (Resolution is on file in the County Coordinator’s Office.)

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Motion by Stevens, second by Appel, unanimous vote to close the meeting at 10:56 a.m. pursuant to Minn. Stat. 13D.05 for the Attorney-Client Privilege to Discuss the following Litigation: The Toro Company vs. Cottonwood County. Individuals present for the closed session were: Commissioners Donna Gravley, Norm Holmen, Larry Anderson, Kevin Stevens, Tom Appel, County Coordinator Kelly Thongvivong, County Attorney Nick Anderson, Auditor/Treasurer Donna Torkelson, Kathy Marsh, David Grev, Gale Bondhus, and Attorney Andrew Carlson.

Motion by Stevens, second by Holmen, unanimous vote to open the meeting at 11:36 p.m.

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Patrick McCarthy and Scott O’Konek, Summit Carbon Solutions, met with the board to give a project update.

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Motion by Gravley, second by Stevens, unanimous vote to approve November warrants as follows:

County Revenue Fund	\$ 63,549.83
Ditch Fund	\$ 39,484.99
Agency Fund	\$ 1,000.00
Road and Bridge Fund	\$ 86,550.28
Waste Abatement/SCORE	\$ 18,038.25
Landfill Enterprise Fund	<u>\$ 16,373.39</u>
	\$224,996.74

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Commissioner Gravley stated that she will be attending the online GIS meeting on December 6 to learn more about GIS. Motion by Holmen, second by Stevens, unanimous vote to pay the registration fee for those Commissioners attending the GIS Online meeting on December 6, 2023.

Motion by Holmen, second by Stevens, unanimous vote to pay a per diem for those Commissioners attending the Conversation on Mental Health in Rural Minnesota in Windom on November 20, 2023.

Commissioner Appel gave a short update on buildings.

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There being no further business, the meeting adjourned at 12:15 p.m.

Donna Torkelson, Auditor/Treasurer

Larry Anderson, Board Chair

Kelly Thongvivong, County Coordinator