

**McLEOD COUNTY  
BOARD OF COMMISSIONERS  
MEETING MINUTES – December 19, 2017**

**CALL TO ORDER**

The regular meeting of the McLeod County Board of Commissioners was called to order at 9:00 a.m. by Chair Joe Nagel in the County Board Room. Commissioners Shimanski, Nagel, Krueger and Pohlmeier were present. Administrative Assistant Donna Rickeman and County Attorney Mike Junge were also present.

**PLEDGE OF ALLEGIANCE**

At the request of the Board Chair, all present recited the Pledge of Allegiance.

**CONSIDERATION OF AGENDA ITEMS**

- A) Remove under Consent Item N: Approve Donald Artmann's request of Re-Plat of Lot 1, Block 1, Watry's Subdivision and small tract located within the SW ¼ of the SE ¼ in Section 34 of Winsted Township and to be named "ARTMANN ACRES".

**Krueger/Pohlmeier carried unanimously to approve the agenda as revised.**

**CONSENT AGENDA**

- A) December 7, 2017 Meeting Minutes and Synopsis.
- B) December 2, 2017 Auditor's Warrants.
- C) December 8, 2017 Auditor's Warrants.
- D) Approve Memorandum of Agreement with LELS Non-licensed Sergeants for health insurance addendum to reopen the collective bargaining agreement to negotiate the amount of the employer contribution for health insurance for 2018 and 2019.
- E) Approve Memorandum of Agreement with LELS Licensed Sergeants for health insurance addendum to reopen the collective bargaining agreement to negotiate the amount of the employer contribution for health insurance for 2018 and 2019.
- F) Approve Memorandum of Agreement with MNPEA Deputy Unit for health insurance addendum to reopen the collective bargaining agreement to negotiate the amount of the employer contribution for health insurance for 2018 and 2019.
- G) Approve Memorandum of Agreement with MNPEA Communications/Corrections Unit for health insurance addendum to reopen the collective bargaining agreement to negotiate the amount of the employer contribution for health insurance for 2018 and 2019.

- H) Approve Memorandum of Agreement with Teamsters Clerical for health insurance addendum to reopen the collective bargaining agreement to negotiate the amount of the employer contribution for health insurance for 2018 and 2019.
- I) Approve Memorandum of Agreement with Teamsters Highway for health insurance addendum to reopen the collective bargaining agreement to negotiate the amount of the employer contribution for health insurance for 2018 and 2019.
- J) Approve Memorandum of Agreement with AFSCME Unit for health insurance addendum to reopen the collective bargaining agreement to negotiate the amount of the employer contribution for health insurance for 2018 and 2019.
- K) Approve annual renewal of McLeod County Public Health Hispanic Outreach Worker Contract (Carmen Patino), January 1, 2018 - December 31, 2018.
- L) Approve Sale of Cigarette and other Tobacco Products License for Cactus Jacks II, Stewart, MN from January 1, 2018 through December 31, 2018.
- M) Approve annual renewal of transportation services contract with PEART & Assoc. for security transport services.
- N) Remove from agenda: Approve Donald Artmann's request of Re-Plat of Lot 1, Block 1, Watry's Subdivision and small tract located within the SW ¼ of the SE ¼ in Section 34 of Winsted Township and to be named "ARTMANN ACRES".
- O) Approve Conditional Use Permit 17-22 requested by Daniel Zetah being represented by Charles Hausladen to operate a retreat learning center and Bed and Breakfast with food preparation and retail foods to teach a sustainable lifestyle of living off of the land. This operation will remain small. This property is located in Section 12 of Acoma Township. The Board of Acoma Township recommended approval on November 19, 2017. The Planning Advisory Committee unanimously recommended approval on November 22, 2017, with the following conditions:
  - 1) Applicant(s) must live on-site.
  - 2) All MPCA, State and local permits required.
  - 3) Must meet all MN Department of Health and State Building Code requirements.
  - 4) No harvesting or structures on land included in the Soil & Water Conservation District Program.

**Shimanski/Wright motion carried unanimously to approve the consent agenda.**

#### **PAYMENT OF BILLS – COMMISSIONER WARRANT LIST**

General Revenue Fund	\$45,234.00
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**Shimanski/Krueger motion carried unanimously to approve payment of bills totaling \$45,234.00 from the aforementioned funds.**

**CONTEGRITY – Construction Manager Sam Lauer**

- A) Sam Lauer with Contegrity informed the Board of current construction progress including occupancy date for Phase 1 which was on Monday, December 11<sup>th</sup>. Construction has begun on Phase II which includes removing walls from old pre-book and sally port areas to construct additional jail cells. Completion of Phase II is expected to be late March or early April.

#### **ROAD AND BRIDGE – Engineer John Brunkhorst**

- A) John Brunkhorst requested approval of a cooperative agreement with the City of Glencoe for reconstruction of CSAH 15 (Morningside) from 11th Street to 16th Street.

This agreement defines various rights, obligations, and cost sharing of the project. This agreement is similar to prior agreements with Glencoe for previous construction on Morningside.

**Krueger/Wright motion carried unanimously to approve cooperative agreement with the City of Glencoe for reconstruction of CSAH 15 (Morningside) from 11th Street to 16th Street.**

- B) John Brunkhorst requested approval to hire SEH (Hutchinson, MN) to perform design engineering for SAP 43-615-013, CSAH 15 (Morningside) reconstruction from 11th Street to 16th Street. Costs based on hourly rates plus expenses, not to exceed a total fee of \$285,300; contingent upon City of Glencoe approval of the cooperative construction agreement.

The design engineering involves project management, public involvement, environmental work, drainage, preliminary/final design, railroad coordination, permitting work, and miscellaneous.

Highway Department recommends hiring SEH for following reasons:

- They are the Glencoe City Engineer
- They have done previous studies and layouts for this project and are very familiar with it
- The total fee is approximately 6% of the project costs, which is below typical design costs for similar projects

**Krueger/Pohlmeier motion carried unanimously to hire SEH (Hutchinson, MN) to perform design engineering for SAP 43-615-013, CSAH 15 (Morningside) reconstruction from 11th Street to 16th Street with costs based on hourly rates plus expenses, not to exceed a total fee split evenly between McLeod County and City of Glencoe of \$285,300.**

#### **SHERIFFS DEPARTMENT – Deputy Sheriff Tim Langenfeld**

- A) Tim Langenfeld requested approval to purchase three Ford Police Interceptor Utility Vehicles with EcoBoost engines via state contract from Ford of Hibbing for \$31,676.45 each and a total cost of \$95,029.35 with funding coming from the 2018 Sheriffs budget.

These vehicles will replace one 2013 and two 2014 patrol SUV's with high mileage.

**Shimanski/Wright motion carried unanimously to approve the purchase of three Ford Police Interceptor Utility Vehicles with EcoBoost engines via state contract from Ford of Hibbing for \$31,676.45 each and a total cost of \$95,029.35 with funding coming from the 2018 Sheriffs budget.**

- B) Tim Langenfeld requested approval to purchase one 2018 Ford Police Interceptor Utility vehicle via state contract from Ford of Hibbing for \$28,144.45 with funding coming from the 2018 Sheriffs budget.

This will replace a 2013 Dodge Durango with over 150,000 miles.

**Nagel/Pohlmeier motion carried unanimously to approve the purchase of one 2018 Ford Police Interceptor Utility vehicle via state contract from Ford of Hibbing for \$28,144.45 with funding coming from the 2018 Sheriffs budget.**

#### **JAIL – Administrator Kate Jones**

- A) Kate Jones requested approval for out-of-state travel to attend AELE Jail and Prisoner Operational and Administrative Legal Issues Workshop in Las Vegas NV from January 22<sup>nd</sup> through January 25<sup>th</sup> at a cost not to exceed \$2,000 with funding coming from the 2017 Jail budget.

There are a number of topics at this training that are not routinely covered as refreshers in MN trainings. Being the county is almost doubling the size of the current jail this training is relevant and timely considering the increase in liability that will be added.

**Wright/Krueger motion carried unanimously to approve out-of-state travel to attend AELE Jail and Prisoner Operational and Administrative Legal Issues Workshop in Las Vegas NV from January 22<sup>nd</sup> through January 25<sup>th</sup> at a cost not to exceed \$2,000 with funding coming from the 2017 Jail budget.**

#### **SOLID WASTE – Interim Director Sarah Young**

- A) Sarah Young requested approval of a five year joint powers agreement with the State of MN for the operation of a household hazardous waste program.

This agreement recognizes McLeod County as a regional program for both McLeod and Sibley County.

**Nagel/Wright motion carried unanimously to approve five year joint powers agreement with the State of MN for the operation of a household hazardous waste program.**

- B) Sarah Young requested approval of agreement with Paintcare, Inc. (Washington D.C.) who is contracted by the State of MN to be a third party stewardship program to collect, manage, and disburse the eco fee collected from architectural paint purchases in Minnesota.

Purpose of this agreement is for indemnification and reimbursement of architectural paint recycling/disposal costs as a regional program.

**Krueger/Shimanski motion carried unanimously to approve agreement with Paintcare, Inc. (Washington D.C.) who is contracted by the State of MN to be a third party stewardship program to collect, manage, and disburse the eco fee collected from architectural paint purchases in Minnesota.**

- C) Sarah Young requested approval of a three year household hazardous waste use agreement with Meeker County.

This agreement will cover expenses associated with the delivery and acceptance of Meeker County material with current participation of 325.

**Shimanski/Krueger motion carried unanimously to approve a three year household hazardous waste use agreement with Meeker County.**

- D) Sarah Young requested approval of a one year household hazardous waste reciprocity agreement with Carver County.

This agreement will cover expenses associated with the delivery and acceptance of Carver County material; and reimburse Carver County for expenses incurred by the delivery and acceptance of McLeod County material.

**Wright/Krueger motion carried unanimously to approve a one year household hazardous waste reciprocity agreement with Carver County.**

- E) Sarah Young requested approval to set the next Solid Waste Advisory Committee (SWAC) meeting for January 5, 2018 at 1:00 PM.

**Shimanski/Pohlmeier motion carried unanimously to set the next Solid Waste Advisory Committee (SWAC) meeting for January 5, 2018 at 1:00 PM.**

- F) Sarah Young requested approval of Industrial Storm Water Change Form.

This identifies better sampling locations to provide the State with a more accurate sampling of storm water from the Solid Waste site. The first sampling in the spring of this year the sampling location was a direct discharge off of the east parking/drive through location. This sampling site is not an accurate reflection of the entire site, therefore, this site was changed and two additional sampling sites were identified.

**Krueger/Pohlmeier motion carried unanimously to approve Industrial Storm Water Change Form.**

#### **COURT ADMINISTRATION – Administrator Karen Messner**

- A) Karen Messner requested approval to upgrade the sound system in Courtroom #2 at a cost not to exceed \$28,000 with funding coming from Capital Assets Fund.

The following quotes were received: iSpace (Minneapolis, MN) \$24,900.72 and Tierney Brothers, Inc. (St Paul, MN) \$30,418.17.

It was decided to table this item until December 26<sup>th</sup> to allow more time to review quotes.

#### **PUBLIC HEALTH – Director Jennifer Hauser**

- A) Jennifer Hauser requested adoption of Resolution 17-CB-41 Amending the Second Amended Joint Powers Agreement between Meeker, McLeod and Sibley Counties Creating the Joint Community Health Board.

Approval of the amended CHB joint powers agreement, which included the 2 language changes in Article V, sections 5 and 6

1. Initial Administrative Integration Funding (\$29,148 for McLeod County at 48.58% of \$60,000 total, which will come from 2017 Public Health Budget). This funding percentage is based on county population.
  - a. This money is needed *regardless* of the delegation agreement outcome.
2. Program Transition Funding



Shimanski/Nagel motion carried unanimously to adopt Resolution 17-CB-41 Amending the Second Amended Joint Powers Agreement between Meeker, McLeod and Sibley Counties Creating the Joint Community Health Board.

#### **HUMAN RESOURCES – Deputy Administrator Sheila Murphy**

A) Sheila Murphy requested approval of December 12, 2017 Personnel Committee Recommendations.

1. Discuss Public Health staffing.

**Recommendation:** Keep the contracted WIC Nurse position as a McLeod County employee position. Approve full-time posting for Public Health Nurse, with an internal posting.

It was requested previously to extend the contract of this position through March. Due to change of direction in timing of CHS integration decisions – it's preferred to keep this as a McLeod County position hired as a Public Health Nurse so they have more flexibility than just WIC duties. In September it was requested to fill this full-time McLeod County position with a contracted employee due to uncertainty of CHS decisions. The original contract was approved for September through end of 2017 then extended through to March 2018. The Personnel Committee recommends This position is a replacement of a previously vacated position.

Nagel/Shimanski motion carried unanimously to hire a full-time Public Health Nurse and post internally.

**Recommendation:** Approve full-time posting for Health Educator position in Public Health with an internal and external job posting.

Health Educator position opened last April with the retirement of a McLeod County employee. Since then, part of this role has been filled through a contract with the American Lung Association, overseen by the CHS. Filling the position was put on hold pending the outcome of the CHS decisions. As mentioned before, CHS integration decisions have not been made. Public Health would like to move forward with posting the position. This position is a replacement of a previously vacated position.

Shimanski/Pohlmeier motion carried unanimously to hire a full-time Public Health Educator with an internal and external job posting.

2. Discuss internal part-time administrative staff and staff from MN Dept. of Veterans Affairs assist in VSO Department while Assistant Veterans Service Officer is on Military leave (starting January 2018).

Previously, in April 2016, the State Veteran Affairs staff assisted during a leave at no additional cost to the County. The Personnel Committee recommends approving the use of State Veterans Affairs to assist during the leave this time as well.

**Recommendation: Approve the increase of hours worked in the Veteran Services Department to assist in covering for an employee on leave starting January 5, 2018, expected through late March 2018.**

**Pohlmeier/Shimanski motion carried unanimously to approve the increase of hours worked in the Veteran Services Department to assist in covering for an employee on leave starting January 5, 2018, expected through late March 2018.**

3. Discuss current Records Department part-time (28 hours) employee moving up to 40 hours a week to cover 6 week maternity leave.

**Recommendation: Approve increase of part-time employee's hours during a full-time employee's leave, which will be approximately 12 weeks. The part-time employee typically works 28 hours per week and would work up to 40 hours per week. This will be at no additional cost than usual due to the full-time employee using their accrued leave hours and not receiving regular wages during that time.**

**Shimanski/Krueger motion carried unanimously to approve the increase of part-time employee's hours during a full-time employee's leave, which will be approximately 12 weeks.**

- B) Sheila Murphy requested approval to hire a replacement for vacant position as Mental Health Professional on the TriStar Team in Cosmos as Hiring Authority at 105% reimbursement.

**Shimanski/Pohlmeier motion carried unanimously to hire a replacement for vacant position as Mental Health Professional on the TriStar Team in Cosmos as Hiring Authority at 105% reimbursement.**

- C) Sheila Murphy requested approval to hire an Administrative Assistant (grade 130) in Planning & Zoning/Environmental Services which will replace the Secretary II (Grade 120).



**Krueger/Wright motion carried unanimously to hire an Administrative Assistant (grade 130) in Planning & Zoning/Environmental Services which will replace the Secretary II (Grade 120).**

- D) Sheila Murphy requested approval of contract with Employment Resource Center (Hutchinson, MN) to allow use of temporary resources as needed.

**Shimanski/Wright motion carried unanimously to approve contract with Employment Resource Center (Hutchinson, MN) to allow use of temporary resources as needed.**

#### **PLANNING & ZONING – Administrator Larry Gasow**

- A) Larry Gasow requested denial of Conditional Use Permit requested by Mitchell Niccum for exterior storage of more than five (5) vehicles and up to forty (40) vehicles to be kept and stored on-site and salvaged throughout the year then disposed of at another facility, located within 3.01 AC of the NW ¼ SW ¼ of Section 24 in Hutchinson Township.

The Hutchinson Town Board recommended approval of this request on September 14, 2017.

The McLeod County Planning Commission recommended denial of the Conditional Use Permit on October 25, 2017 with findings for denial.

The McLeod County Board of Commissioners tabled this item on November 7, 2017 to go back before the Planning Advisory Commission to allow Mr. Niccum the opportunity to attend the meeting and explain his business plan.

The McLeod County Planning Commission, again, recommended denial of this request as presented on November 22, due to the following findings:

- 1) Applicant does not have a written business plan or operational plan describing the business process, safety measures, proper waste disposal, handling of hazardous materials, and proper site plan regarding fencing and screening.
- 2) Without a written business or operational plan, adequate measures and plans were not addressed as to control and prevent spills of hazardous automotive fluids leaking during the outdoor storage and/or dismantling vehicles.
- 3) The available rear yard area of the 3.01 acre parcel designated for exterior storage is too small for the storage of 40 vehicles.
- 4) Without addressing the proper collection and disposal of the automotive fluids, there were environmental concerns of neighboring properties which

also include the sensitive areas of the Fish and Wild Life and Pheasants Forever property.

- 5) Due to the topography and elevation of the parcel there was concern of surface sheet flow run off from snow melt and rains directly into the CR #4 road right of way.
- 6) Traffic concerns for site clearance and other safety concerns on CR #4 for the amount of loaded trailers entering and leaving the site.
- 7) Difficulty in the proper screening the site due to the elevation change would become a visual nuisance to the area.
- 8) The amount of letters received by neighboring property owners in opposition to this request, unlike other existing salvage yards within their township located within a more commercial use area, their concern is that this type of land use at this location would adversely affect their property values.

**Nagel/Krueger motion carried unanimously to deny Conditional Use Permit requested by Mitchell Niccum for exterior storage of more than five (5) vehicles and up to forty (40) vehicles to be kept and stored on-site and salvaged throughout the year then disposed of at another facility, located within 3.01 AC of the NW ¼ SW ¼ of Section 24 in Hutchinson Township.**

## **COUNTY ADMINISTRATION**

- A) Joe Nagel requested approval to finalize the Trailblazer Joint Powers Agreement.

The Trailblazer Joint Powers Board voted on November 17, 2017 to establish a working capital balance equivalent to 25% of the annual operating budget approved by the Trailblazer Board for the 5311 program. The operating budget approved by the Trailblazer Board for 2018 was \$5,294,000.

Therefore, the total amount of working capital for 2018 will be \$1,323,500 (\$5,294,000 \* 25%). In this equation, the \$5,294,000 is the total Trailblazer Board budget for 5311 operating expenses (please note the distinction between the Trailblazer Board budget of \$5,294,000 and the MnDOT budget of \$5,200,000). The 25% in the calculation is the percentage of the overall budget that needs to be set aside for working capital as approved by the Trailblazer Board (based on the recommendations from Mn DOT and the CPA firm).

Per the Trailblazer Joint Powers Agreement, the working capital will be divided according to the same percentages as the local share. In 2018, the division of local share is as follows: Sibley County= 20%, McLeod County= 35%, and WCAT = 45%.

Therefore, the total amount of contribution for working capital for each member entity is as follows:

- Sibley County=\$ 264,700 (calculation= \$1,323,500 \* 20% local share split)
- McLeod County= \$463,225 (calculation= \$1,323,500 \* 35% local share split)
- WCAT = \$595,575 (calculation= \$1,323,500 \* 45% local share split)

**Pohlmeier/Shimanski motion carried unanimously to approve the finalized Trailblazer Joint Powers Agreement with total amount of \$463,225 from McLeod County towards working capital.**

B) Joe Nagel requested approval to merge Parks, Fairgrounds, and Highway into a new Public Works Department effective 1/1/2018.

**Shimanski/Wright motion carried unanimously to approve the merge of Parks, Fairgrounds, and Highway into a new Public Works Department effective 1/1/2018.**

**Pohlmeier/Shimanski carried unanimously to recess at 10:03 a.m. until 9:00 a.m. December 26, 2017 at the Glencoe City Center.**

ATTEST:

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Joe Nagel, Board Chair

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Cindy Schultz Ford, Interim County Administrator