

**McLEOD COUNTY  
BOARD OF COMMISSIONERS  
MEETING MINUTES – May 16, 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 at the Glencoe City Center. Commissioners Pohlmeier, Shimanski, Krueger and Wright were present. Commissioner County Administrator Patrick Melvin, Administrative Assistant, Donna Rickeman, County Attorney Michael Junge and County Auditor-Treasurer Cindy Schultz Ford were also present.

**PLEDGE OF ALLEGIANCE**

**CONSIDERATION OF AGENDA ITEMS**

**Pohlmeier/Wright motion carried unanimously to approve the agenda.**

**CONSENT AGENDA**

- A) May 2, 2017 Meeting Minutes and Synopsis.
- B) April 28, 2017 Auditor's Warrants.
- C) May 5, 2017 Auditor's Warrants.
- D) Approve Memorandum of Agreement with MNPEA Communication Officer/Correctional Officer that will establish eight (8), ten (10) and twelve (12) hour shifts for Civilian Communications Officers.
- E) Approve the purchase 6 PCs for the Assessor's Office from SHI for \$3,924 with funds from the Recorder's Compliance Fund.
- F) Approve 911 Tariff Amendments for PS/ALI Services. IES is the 911 service order provider that stores and supplies detailed data on our 911 calls. IES recently filed a tariff revision with the PUC, Public Utilities Commission, which affects the agreement we have with them. The monthly recurring fee for PS/ALI data has increased from \$8.77 to \$10.77 per 100 records per month. Since we are paying on a yearly basis, the increase will be implemented January 1, 2018.
- G) Approve contract between McLeod County Public Health and UCare, for reimbursement of billable Public Health Services and Car Seat Education.
- H) Approve contract between McLeod County Social Services and UCare, for reimbursement of Targeted Case Management and Chemical Dependency Assessment services.
- I) Adopt Resolution 17-CB-16 National Police Week from May 21 to May 27, 2017.

J) Approve renewal of Mining Conditional Use Permit CUP 17-02 requested by Randy Peterson for gravel mining and stockpiling on property owned by Triple B Farms, Lowell Baumetz and Daniel Baumetz. Of the 21 acre site, there less than 5 acres remaining to be mined. Restoration will be for wildlife purposes. This property is located in Section 22 of Hassan Valley Township. The Hassan Valley Township Board recommended approval at their regular meeting on April 11, 2017. The Planning Advisory Commission recommended approval with the following conditions:

1. The hours of operation shall be 6:00AM to 8:00PM on Monday's through Friday's and Saturdays until 12:00 P.M.
2. All MPCA permits shall be maintained.
3. Applicant shall obtain a DNR Dewatering Permit.
4. No wetland or floodplain impacts shall take place unless prior approval from any agency with jurisdiction.
5. There shall be no stockpiling within floodplain or wetland areas.
6. A letter of credit or restoration bond in the amount of \$5,000 shall be submitted to the Zoning Office prior to the County Board meeting scheduled on May 16, 2017.
7. All Local, State, and Federal permits shall be applied for if needed.
8. Applicant shall follow restoration plan with a back-sloping at an 8:1 grade if restoring into farmland and a 4:1 grade for wildlife purposes.
9. Applicant shall notify Zoning Office as restoration takes place so an inspection can be made.

K) Approve Conditional Use Permit 17-03 requested by Wm. Mueller & Sons of Hamburg, MN to renew an existing gravel mining and excavation permit to include crushing, screening stockpiling and recycling on property owned by Anna Ulrich. The restoration will be for Wild Life purposes. This property is located in Section 21 of Hassan Valley Township. Hassan Valley Township recommended approval on April 11, 2017. The Planning Advisory Committee recommended approval on April 26, 2017 with the following conditions:

1. The hours of operation shall be 6:00AM to 8:00PM on Monday's through Friday's and Saturdays until 12:00 P.M.
2. A letter of credit or bond in the amount of \$25,000.00 shall be submitted to the Zoning Office prior to the County Board meeting on May 16, 2017.
3. The existing access to CR 71 shall be used.
4. No wetland or floodplain impacts shall take place unless prior approval from any agency with jurisdiction.
5. Applicant shall apply for a DNR Dewatering Permit, if needed.
6. Applicant shall follow restoration plan for Wild Life purposes with backsloping at a 4:1 grade.

7. Applicant shall notify Zoning Office as restoration takes place so an inspection can be made.
8. All MPCA Permits shall be maintained.

L) Approve Conditional Use Permit 17-04 requested by Wm. Mueller & Sons of Hamburg, MN to renew a gravel mining and excavation permit to include crushing and stockpiling on property owned by Gary Hemmann. The restoration will be for Wild Life purposes. This property is located in Section 21 of Hassan Valley Township. Hassan Valley Township recommended approval on April 11, 2017. The Planning Advisory Committee recommended approval on April 26 with the following conditions:

1. The hours of operation shall be 6:00 A.M to 8:00 P.M., Monday through Friday and until 12:00 P.M. on Saturdays.
2. A letter of credit or bond in the amount of \$18,000.00 shall be submitted to the Zoning Office prior to the County Board meeting on May 16, 2017.
3. Dust control on 160th Street as needed.
4. All MPCA Permits shall be maintained.
5. No wetland or floodplain impacts shall take place unless prior approval from any agency with jurisdiction, including no stockpiling within the designated floodplain areas.
6. Applicant shall apply for a DNR Dewatering Permit, if needed.
7. Applicant shall meet all NPDES Permit requirements.
8. Applicant shall maintain a 100 foot setback with any excavation from the river.
9. Applicant shall submit a Wetland Delineation for the area of mining and stockpiling to be reviewed by any jurisdiction for impacts.
10. Applicant shall follow restoration plan for farmland purposes with backsloping at an 8:1 grade.
11. Applicant shall notify Zoning Office as restoration takes place so an inspection can be made.

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

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

Capital Projects Fund	\$86,184.50
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**Shimanski/Krueger motion carried unanimously to approve payment of bills totaling \$86,184.50 from the aforementioned funds.**

## **CONTEGRITY – Construction Manager Sam Lauer**

- A) Sam Lauer with Contegrity informed the Board of current construction progress including interior painting has begun and brick facing being put up on the exterior of the new addition. Once the brickwork is complete, the exterior windows will be installed. Along with painting in the interior, finishing touches are being made on plaster walls and epoxy is being put on the floor.

## **BUILDING SERVICES – Building Maintenance Supervisor Scott Grivna**

- A) Scott Grivna requested approval to replace carpeting in Courtroom #3 in conjunction with renovation, as well as the carpet in the probation office from Multiple Concepts Interior (Waite Park, MN) for \$14,504 with funding from building major repair funds.

Additional quote received: Absolute (Minneapolis, MN) \$15,685.

**Nagel/Shimanski motion carried unanimously to approve replacing carpet in Courtroom #3 in conjunction with renovation, as well as the carpet in the probation office from Multiple Concepts Interior (Waite Park, MN) for \$14,504 with funding from building major repair funds.**

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

- A) John Brunkhorst requested award of CP 17-000-01 & CP 17-000-02, Countywide Sealcoat and Pavement Marking to Scott Construction (Lake Delton, WI) with a low bid of \$388,666.14 with funding coming from the 2017 Highway budget.

The Scott Construction bid was approximately 8.8% under the engineer's estimate.

Additional bids received: Morris Sealcoat & Trucking (Morris, MN) \$396,088.03 and Astech Corp. (St. Cloud, MN) \$403,623.75.

This project includes a fog seal of the Fairgrounds parking lots for an approximate cost of \$6,800. These funds are in the 2017 Parks/Fairgrounds budget.

**Wright/Pohlmeier motion carried unanimously to award CP 17-000-01 & CP 17-000-02, Countywide Sealcoat and Pavement Marking to Scott Construction (Lake Delton, WI) with a low bid of \$388,666.14 with funding coming from the 2017 Highway budget.**

- B) John Brunkhorst requested award of SAP 43-603-032, concrete overlay project on County State Aid Highway 3 between CR 75 and Glencoe to PCI Roads (St. Michael, MN) with a low bid of \$3,671,112.27 with funding coming from State Aid Regular Construction Fund.

The PCI Roads bid was approximately 6.5% under the engineer's estimate.

Additional bid received: S.M. Hentges & Sons, Inc. (Jordan, MN)  
\$4,495,789.85.

**Pohlmeier/Shimanski motion carried unanimously to award SAP 43-603-032, concrete overlay project on County State Aid Highway 3 between CR 75 and Glencoe to PCI Roads (St. Michael, MN) with a low bid of \$3,671,112.27 with funding coming from State Aid Regular Construction Fund.**

#### **SOLID WASTE – Commissioner Paul Wright**

- A) Paul Wright requested approval of a two year service agreement extension with West Central Sanitation of Willmar for the continued servicing of the McLeod County rural drop-box and township recycling sites at a cost of \$41.45 per service.

**Wright/Shimanski motion carried unanimously to approve a two year service agreement extension with West Central Sanitation of Willmar for the continued servicing of the McLeod County rural drop-box and township recycling sites at a cost of \$41.45 per service.**

- B) Paul Wright requested approval of a two year service agreement extension with West Central Sanitation of Willmar for the continued servicing of the McLeod County municipal curbside recycling program at a cost of \$3.14/month/household, and \$2.63/month/apartment unit.

**Wright/Pohlmeier motion carried unanimously to approve a two year service agreement extension with West Central Sanitation of Willmar for the continued servicing of the McLeod County municipal curbside recycling program at a cost of \$3.14/month/household, and \$2.63/month/apartment unit.**

#### **UNITED COMMUNITY ACTION PARTNERSHIP – Family Services Manager Kelsey Wichman and Executive Director Michelle Brummond**

- A) Kelsey Wichman requested adoption of Resolution 17-CB-17 to support United Community Action Partnership in its application and implementation of the proposed Family Homeless Prevention and Assistance Program.

**Krueger/Wright motion carried unanimously to adopt Resolution 17-CB-17 to support United Community Action Partnership in its application and implementation of the proposed Family Homeless Prevention and Assistance Program.**

**ASSESSORS OFFICE – Assessor Sue Schultz**

- A) Sue Shultz presented the Board with a tax court settlement offer from Shopko in Glencoe. The offer includes reducing payable 2015, 2016 and 2017 from \$1,128,200 to \$883,700 and abates payable 2018 from to \$883,700.

**Shimanski/Krueger motion carried unanimously to approve the tax court offer of reducing payable 2015, 2016 and 2017 from \$1,128,200 to \$883,700 and abate payable 2018 from to \$883,700.**

**PLANNING AND ZONING – Administrator Larry Gasow**

- A) Consider approval of Conditional Use Permit 17-05 requested by Evan Carlson, Director of Land and Legal at Innovative Power Systems of Roseville, MN for a 1-Megawatt Solar Garden Facility to be known as "BARONE CSG" on property owned by Andy & Kimberly Barone of Watertown, MN. The property legal description is 10.12 AC PIERSON ESTATES, in Section 15 of Winsted Township.\*

The Board of Winsted Township held their monthly meeting on Thursday, April 13, 2017 and recommended not approving the conditional use permit until the following recommended conditions are met:

1. All existing tile in the said area shall be identified and replaced at the expense of the landowner prior to the project starting.
2. All project inverters to be moved to the eastern edge of the property away from the adjacent land owner.

The McLeod County Planning Advisory Commission unanimously recommended approval on April 26, 2017 with the following conditions:

1. A Bond or Letter of Credit in the amount of \$20,000 per megawatt (1 MW @ \$20,000) shall be provided to the Zoning Office prior to any permits being issued.
2. A decommissioning and restoration plan shall be submitted to warrant the total Bond amount.
3. Contractors Proof of Insurance during construction of the facility.
4. Contact person name and phone number for noxious weed control and other concerns will be filed with the zoning office and there shall be a place card posted at the site entrance.

5. Applicant shall contact Minnesota DNR to ensure compliance with new Minnesota Buffer Protection Law.
6. Applicant shall contact Ryan Freitag, SWCD Program Director, to ensure proper ditch setbacks are met.
7. A landscape buffer plan and vegetative management plan, in rows to be staggered and maintained, shall be provided to the Zoning Office.
8. Applicant shall maintain proper site care and noxious weed control.
9. Applicant shall contact expert tile engineer to determine tile locations and all other tile concerns.
10. Any damage to public or private drainage tile shall be repaired or replaced by the applicant.
11. Applicant shall meet all NPDES Permit requirements if required.
12. Agricultural fencing with two strands of barbed wire shall be installed for site security.
13. Access to the ditch on the eastern side of the property to be maintained for future maintenance needs, cleaning, and tile outlet assessments. Move the fence inward to allow equipment access.
14. The proposed road approach access shall be moved in the plan to the existing road approach, which is slightly south of the proposed access)
15. Stray voltage assessment is to be completed at the completion of the project, and every year for the first five (5) years, and every five years at the expense of the property owner for the life of the garden.

Mark Ditsch was in attendance and shared his concern related to the distance of the solar panels to his home and the possibility of glare. Additional verbiage was added to condition #7 listed above to try to alleviate this concern.

**Wright/Pohlmeier motion carried unanimously to approve Conditional Use Permit 17-05 requested by Evan Carlson, Director of Land and Legal at Innovative Power Systems of Roseville, MN for a 1-Megawatt Solar Garden Facility to be known as "BARONE CSG" on property owned by Andy & Kimberly Barone of Watertown, MN.**

- B) Consider approval of Conditional Use Permit 17-08 requested by Northern Lines Contracting on property owned by Land Holdings LLC, Jared Huepenbecker for gravel mining and excavation to include crushing, recycling and stockpiling of concrete and bituminous material. The access is proposed off of State Highway 212 and sharing of the driveway, owned by Jared Huepenbecker. A silt fence will be installed around the perimeter. The restoration will be for wildlife purposes and located in a 31 acre tract within

the N ½ of the SE ¼ Section 16 and the N ½ of the SW ¼ of Section 15 of Helen Township.

The Board of Helen Township recommended approval at their April 13, 2017 regular meeting. The Planning Advisory Committee recommended approval, with the following conditions, at their May 10, 2017 special meeting:

1. The hours of operation shall be 7:00 A.M. to 8:00 P.M. on Monday through Friday. Saturday hours shall be 7:00 A.M. to 12:00 P.M. or until 3:00 P.M. on an extreme need only. Applicant shall notify the Zoning Office when operating outside these hours.
2. Applicant shall contact and meet with the area Minnesota Department of Transportation regarding the traffic study as submitted to the zoning office prior to the May 16, 2017 County Board meeting.
3. Calcium chloride shall be applied on the haul route and driveway.
4. Applicant shall set markers to identify the floodway zone area.
5. Stockpiling shall be done at the Northwest corner of the pit area; there shall be no stockpiling or fill place within the floodplain or shoreland areas.
6. No wetland or floodplain impacts shall take place without prior approval from any agency with jurisdiction.
7. Applicant shall apply for a DNR Dewatering permit and abide by its conditions.
8. Applicant shall repair or replace any damaged drainage tile.
9. Tile that runs under State Highway 212 shall be cared for to ensure surface water drainage from neighboring properties and the platted area of Buffalo Highlands.
10. Applicant shall follow DNR and FEMA setbacks and standards.
11. Properly placed "Trucks Hauling" signs shall be posted along State Highway 212 when trucks are hauling.
12. All processing machinery shall be stored outside Flood Fringe area. (Zone A, 100-year)
13. Wetland impacts shall be approved by Local Wetland Administrator or Local Government Unit.
14. All local, State, Federal and other agencies permits shall be obtained and maintained.
15. Applicant shall notify the Zoning Office for an inspection of the planned restoration of a 4:1 grade for wildlife purposes.

**Krueger/Wright motion carried unanimously to table until the June 6<sup>th</sup> board meeting at 10:00 A.M. to give additional time for MnDOT to complete a traffic study to determine if it will allow access off the highway.**



## **SOCIAL SERVICES – Income Maintenance Supervisor Donna Krauth, Fraud Prevention Investigator Tom Kleven and Criminal Investigator Jim Nielsen**

- A) Income Maintenance Supervisor Donna Krauth, Fraud Prevention Investigator Tom Kleven and Criminal Investigator Jim Nielsen updated the board on efforts to check fraudulent claims within the county. Fraud prevention is funded 100% by Department of Human Services. County criminal fraud is a \$20,000 county expenditure in Social Services budget. McLeod County is able to claim back approximately 25% of fraud recoveries to off-set expenditures.

Donna Krauth reported that her eligibility workers are the first line of defense in determining that something just doesn't seem right with a claim. The county typically flags four to five applicants a month that may need further investigation. Eligibility workers will also receive tips from landlords, neighbors and even family members about possible fraud. Social media is starting to play a role as well.

Tom Kleven is an investigator who tries to correct possible fraudulent claims early in the process. His job is to discern between those people who are deliberately trying to pull something, and those who just don't understand how things work.

Jim Nielsen is a criminal investigator who works part time under the direction of the County Attorney's Office. His job is to prove criminal intent to take advantage of the system.

## **COUNTY ADMINISTRATION**

- A) Joe Nagel requested to extend Ryan Freitag, Soil and Water Conservation District Program Director, to serve an additional month from May 31, 2017 until June 30, 2017 as the McLeod County ditch inspector.

**Wright/Krueger motion carried unanimously to extend Ryan Freitag, Soil and Water Conservation District Program Director, to serve an additional month from May 31, 2017 until June 30, 2017 as the McLeod County ditch inspector.**

- B) Joe Nagel requested to extend Ryan Freitag, Soil and Water Conservation District Program Director, to serve an additional month from May 31, 2017 until June 30, 2017 in the Environmental Services Department.

**Nagel/Pohlmeier motion carried to extend Ryan Freitag, Soil and Water Conservation District Program Director, to serve an additional month from May 31, 2017 until June 30, 2017 in the Environmental Services Department.**

C) Pat Melvin requested approval of the workshop agenda items for June 6<sup>th</sup> including: teleworker update, Long range restructuring update and Joint Powers Agreement with Soil and Water Conservation District update.

**Krueger/Pohlmeier motion carried unanimously to approve June 6<sup>th</sup> Workshop agenda items.**

**Shimanski/Pohlmeier motion carried unanimously to recess at 10:54 a.m. until 9:00 a.m. June 6, 2017 at the Glencoe City Center.**

ATTEST:

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Joe Nagel, Board Chair

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Patrick Melvin, County Administrator