

May 3, 2016  
Cottonwood County Board of Commissioners  
Regular Meeting  
Minutes

The Cottonwood County Board of Commissioners met in regular session on Tuesday, May 3, 2016 at 9:00 a.m. at the Cottonwood County Courthouse in Windom, MN. Present in person for all or portions of the meeting were: Commissioners Kevin Stevens, Jim Schmidt, Donna Gravley, Norm Holmen, Tom Appel; County Coordinator Kelly Thongvivong; Auditor/Treasurer Jan Johnson; County Attorney Nick Anderson, Kathy Marsh, Jared Morrill, Jed Rhubee, Donna Stresemann, JinYeene Neumann, Rosemary Schaffer, Carol Paplow, and Rahn Larson.

Chairman Stevens called the meeting to order. The Pledge of Allegiance was recited. Motion by Schmidt, second by Gravley, unanimous vote to approve the agenda as amended. Motion by Holmen, second by Appel, unanimous vote to approve the minutes of the April 19, 2016 meeting.

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Jared Morrill, Planning and Zoning Technician, presented a Comprehensive Local Water Management Plan Scoping Document to the board for approval. Morrill informed the board that every 10 years the county is required to update the County Water Plan; and, that as a part of the plan, a scoping document defining priority concerns is required. Morrill stated that the four priority concerns are: (1) improve surface water quality, (2) protect ground water, (3) drainage management, and (4) feedlots and SSTS. Motion by Appel, second by Schmidt, unanimous vote to approve the Comprehensive Local Water Management Plan Scoping Document as presented.

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Donna Stresemann, Assistant Solid Waste Administrator, presented quotes for fencing at the landfill. Quotes are on file in the County Coordinator's office. Motion by Holmen, second by Schmidt, unanimous vote to approve spending up to \$20,000 on chain link fencing from American Fence Company. Stresemann informed the board that landfill employees will remove the present fencing.

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JinYeene Neumann, County Engineer/Public Works Director, and Jed Rhubee, Highway Maintenance Superintendent, informed the board that Allen Rahn, who was awarded the parks mowing contract for 2016 – 2018, has requested termination of his contract with the county. Motion by Gravley, second by Schmidt, unanimous vote to accept Allen Rahn's mowing contract termination notice. Rhubee stated that according to the contract, Rahn will continue to mow the parks until May 26<sup>th</sup>.

Rhubee informed the board that the Highway, Landfill, and Parks Departments netted approximately \$30,000 from the surplus auction held on April 30<sup>th</sup>. Rhubee stated that he would like to research buying a skid loader and trailer for the Parks Department with the auction money and funds that would be received from trading in the current park tractor. Motion by Holmen, second by Gravley, unanimous decision to allow Jed Rhubee to research and get quotes for a skid loader and trailer for the Parks Department.

Commissioner Gravley updated the board on complaints she has received regarding the recycling shed in Mountain Lake and items blowing around. Neumann stated that she has had complaints from Westbrook also. After much discussion, it was decided to check on the feasibility of utilizing Sentence to Serve for cleaning up around the recycling sheds and to research posting cameras at the recycling sites for those leaving non-recycling items.

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Nick Anderson, County Attorney, met with the board to discuss a few items. Anderson presented Bureau of Criminal Apprehension (BCA) Joint Powers Agreements (JPA) and Court Data Services Subscriber Amendment to CJDN Subscriber Agreements for the Attorney's office and for the Sheriff's office for approval and a resolution allowing the Chairman to sign the agreements. Anderson stated these are renewal agreements and that we have been participating in these agreements for a number of years. Motion by Gravley, second by Holmen unanimous roll call vote to adopt resolution as follows:

**RESOLUTION NO. 16-05-03**

**RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE COUNTY OF COTTONWOOD ON BEHALF OF ITS COUNTY ATTORNEY AND SHERIFF**

WHEREAS, the County of Cottonwood on behalf of its County Attorney and Sheriff desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the County is eligible. The Joint Powers Agreements further provide the County with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the County to pay the costs for the network connection.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Cottonwood, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the County of Cottonwood on behalf of its County Attorney and Sheriff are hereby approved. Copies of the two Joint Powers Agreements are attached to this Resolution and made a part of it.

2. That the Cottonwood County Sheriff, Jason Purrington, or his or her successor, is designated the Authorized Representative for the Sheriff. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the County's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, the Chief Deputy Sheriff is appointed as the Authorized Representative's designee.

3. That the Cottonwood County Attorney, Nicholas Anderson, or his or her successor, is designated the Authorized Representative for the County Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the County's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, the Assistant County Attorney is appointed as the Authorized Representative's designee.

4. That Kevin Stevens, the Chair of the County of Cottonwood, and Jan Johnson, the County Board Clerk, are authorized to sign the State of Minnesota Joint Powers Agreements.

Passed and Adopted by the Council on this 3rd day of May, 2016.

S/Kevin Stevens, Board Chair

S/Jan Johnson, Auditor/Treasurer

Anderson also presented a Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies. Anderson asked that the resolution allowing him to sign this agreement be adopted. Motion by Holmen, second by Schmidt, unanimous roll call vote to adopt resolution as follows:

**Resolution 16-05-03B**

**RESOLUTION APPROVING MASTER SUBSCRIBER AGREEMENT FOR MINNESOTA COURT DATA SERVICES FOR GOVERNMENTAL AGENCIES FOR THE COTTONWOOD COUNTY ATTORNEY'S OFFICE**

**Whereas** access to Court Data is an essential function in the efficient running of the Cottonwood County Attorney's Office and entering into the Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies with the State of Minnesota will allow the Cottonwood County Attorney's Office to access such data.

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Cottonwood, Minnesota as follows:

1. The Cottonwood County Attorney's Office for Cottonwood County is authorized to enter into the Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies with the State of Minnesota.
2. Nicholas Anderson, the Cottonwood County Attorney, on behalf of the Cottonwood County Attorney's Office is authorized to sign all necessary documents to enter into the Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies.

Passed and adopted by the County Board this 3<sup>rd</sup> day of May, 2016.

S/Kevin Stevens, Board Chair

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S/Jan Johnson, Auditor/Treasurer

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Kelly Thongvong, County Coordinator, met with the board to discuss a few items. Thongvong requested permission to advertise for part-time Jailer/Dispatchers as the Sheriff's Department has an immediate need. Thongvong also asked that she be allowed to continue to advertise on an on-going basis as the need allows. Motion by Gravley, second by Appel, unanimous vote to advertise for part-time Jailer/Dispatchers on an ongoing basis as the need allows.

Thongvong informed the board of four employees who have or will be completing their probationary periods before the next meeting. Motion by Holmen, second by Schmidt, unanimous vote to move to permanent, full-time status the following employees: Paul Johnson, Emergency Management Director, effective May 1, 2016; Haleasha Kimmer, Jailer/Dispatcher, effective May 2, 2016; Jed Rhubee, Highway Maintenance Superintendent, effective May 5, 2016; and Dannial Myers, Jailer/Dispatcher, effective May 10, 2016.

Thongvong asked the board to amend the effective date of the motion made on April 19<sup>th</sup> regarding Personnel Policy #388 – Salaried Exempt Employees. The effective date is April 19, 2016 and Thongvong would like to amend the date to February 1, 2016, as this was part of the discussion when the policy was created. Motion by Schmidt, second by Gravley, unanimous vote to amend previous motion made on April 19<sup>th</sup> approving Personnel Policy #388 – Salaried Exempt Employees to show an effective date of the policy as February 1, 2016. Jan Johnson, Auditor/Treasurer, stated that all exempt employees will need to be contacted for verification of hours needing reimbursement.

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Motion by Schmidt, second by Holmen, unanimous vote to approve May warrants as follows:

County Revenue Fund	\$ 64,114.94
Long Term Capital Outlay	\$ 21,512.00
County Building Fund	\$ 515.80
Ditch Fund	\$ 45.50
Taxes and Penalties Fund	\$ 2,960.70
County Revenue Fund	\$ 928.60
Road and Bridge Fund	\$ 43,733.41
Waste Abatement/SCORE	\$ 4,139.53
Landfill Enterprise	<u>\$ 42,353.19</u>
	\$180,303.67

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Commissioner Schmidt updated the board on the luncheon at the Governor's Mansion that he attended on April 28, 2016. Schmidt stated that discussion was held regarding a state fuel tax and that the funds from this fuel tax would be used for state highways. Schmidt stated that if the Commissioners were in agreement with a state fuel tax that a resolution should be signed and forward to Representative Hamilton. Motion by Schmidt, second by Gravley, to adopt resolution 16-05-03C for a Minnesota State Fuel Tax rate of up to \$0.16 as presented. Motion by Holmen, second by Appel, to amend resolution by adding that generated monies are to remain in the Road and Bridge fund and that the monies will be proportionately distributed to all state highways. Unanimous vote on amendment to resolution. Unanimous roll call vote to adopt amended resolution as follows:

**RESOLUTION 16-05-03C  
IN SUPPORT OF A STATE WIDE INCREASE IN FUEL TAX DEDICATED TO FUNDING ROAD  
AND BRIDGE INFRASTRUCTURE**

**WHEREAS**, the Cottonwood County Board of Commissioners is committed to the maintenance of our road and bridge system; and

**WHEREAS**, Minnesota Legislature is considering methods to increase funding to cover an estimated \$600,000,000 annual shortfall in funding for maintenance and improvements of the state's roads and bridges; and

**WHEREAS**, multiple methods are being considered including increased gas tax, sales tax for automobile and truck parts, increased licensing fees, and others; and

**WHEREAS**, an increase of \$0.16 per gallon for an automobile getting 30 miles per gallon and driving 15,000 miles annually, the cost would be \$80 per year; and

**WHEREAS**, costs for repairs of roads and bridges continue to increase, and, the reconstruction of roads and bridges due to a lack of maintenance far exceeds the cost of regular maintenance; and

**WHEREAS**, an increase of \$0.16 per gallon would add an estimated \$480,000,000 to the dedicated highway fund, equivalent to 80% of the current estimated shortfall; and

**WHEREAS**, all monies generated from the Minnesota State Fuel Tax will remain in the Road and Bridge Fund; and

**WHEREAS**, all monies will be proportionately distributed to all state highways; and

**WHEREAS**, in a meeting with government leaders April 28, 2016, state representatives requested county commissioners act by resolution; and

**NOW, THEREFORE, BE IT RESOLVED** that the Cottonwood County Board of Commissioners hereby supports an increase in the Minnesota State Fuel Tax rate of up to \$0.16 including all fuels as specified by state statute.

Adopted this 3<sup>rd</sup> day of May 2016.

S/Kevin Stevens, Board Chair

S/Jan Johnson, Auditor/Treasurer

Commissioner Holmen informed the board that the Southwest Minnesota Emergency Communications Board would like to amend the Joint Powers Agreement (JPA) providing for the authority of federally recognized Indian tribes to participate in Joint Power Agreements. Motion by Holmen, second by Appel, unanimous roll call vote to adopt resolution as follows:

**Resolution 16-05-03A**

**A Resolution Approving Modifications to the Joint Powers Agreement Forming the Southwest Minnesota Regional Emergency Communications Board**

**WHEREAS**, Cottonwood County is a participating member of the Southwest Minnesota Regional Emergency Communications Board, a Joint Powers Entity formed pursuant to Minnesota Statutes 403.39 and 471.59; and

**WHEREAS**, a Joint Powers Agreement creating the Southwest Minnesota Regional Emergency Communications Board was approved by the thirteen counties and two cities comprising the Board, including Cottonwood County; and

**WHEREAS**, the current Joint Powers Agreement provides for membership by counties and cities within Southwest Region of development; and

**WHEREAS**, the Minnesota legislature has amended Minnesota Statute 471.59 to provide authority for federally recognized Indian tribes to participate in Joint Powers Agreements; and

**WHEREAS**, compliance with this amendment to Minnesota statute requires modification of the existing Joint Powers Agreement; and

**WHEREAS**, the Southwest Minnesota Regional Emergency Communications Board recommends modification of the Joint Powers Agreement governing the Southwest Minnesota Regional Emergency Communications Board to provide for the authority for federally recognized Indian tribes meeting the same requirements as counties and cities within Southwest Region of development to participate in the Southwest Minnesota Regional Emergency Communications Board;

**NOW THEREFORE, BE IT RESOLVED** the Cottonwood County Board of Commissioners approves the modifications to the Joint Powers Agreement recommended by the Southwest Minnesota Regional Emergency Communications Board and attached hereto.

READ AND PASSED this 3<sup>rd</sup> day of May 2016.

S/Kevin Stevens, Board Chair

S/Jan Johnson, Auditor/Treasurer

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Motion by Schmidt, second by Gravley, unanimous vote to close the meeting at 10:10 a.m. for the purpose of labor negotiations. Present for the closed session were: Commissioners Holmen, Stevens, Appel, Schmidt, and Gravley; Kelly Thongvivong, Jan Johnson, Nick Anderson, and Kathy Marsh.

Motion by Appel, second by Gravley, unanimous vote to open the closed session at 10:36 a.m.

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There being no further business, the meeting was adjourned at 10:36 a.m.

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Jan Johnson, Auditor/Treasurer

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Kevin Stevens, Board Chairman

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Kelly Thongvivong, County Coordinator