

July 13, 2010
Cottonwood County Board of Commissioners
Regular Meeting
Minutes

The Cottonwood County Board of Commissioners met in regular session on Tuesday, July 13, 2010 at 9:00 a.m. at the Cottonwood County Courthouse in Windom, MN. Presiding over the meeting was Chairman Tom White. Present for all or portions of the meeting were: Commissioners Tom White, Ron Kuecker, Norm Holmen, John Oeltjenbruns, Gary Sorenson; Administrative Assistant Kelly Thongvong; Auditor/Treasurer Jan Johnson; County Attorney Doug Storey; Mike Hanson, Jason Purrington and Crystal Reith.

Motion by Kuecker, second by Sorenson, unanimous vote to approve additions to the agenda. Motion by Holmen, second by Oeltjenbruns, unanimous vote to approve the minutes of the July 6, 2010 meeting as amended.

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Environmental Officer Mike Hanson met with the board to discuss a few items. Hanson presented a letter from Margo Wright's physician in regards to the medications she had been taking and how they could affect the results of a drug test. The board questioned Hanson about whether or not Margo Wright had chosen to have her specimen sent to another lab for further review and Hanson stated that she decided not to. The board agreed that since another individual has already been hired for the seasonal position that no further discussion needed to take place.

Hanson reported that an 18-20" diameter tree fell down at Mountain Park in Mt. Lake that needed to be cleaned up. Hanson will do some further checking with some individuals that may be interested in doing the clean up.

Hanson gave a brief update regarding a Water Summit meeting he attended in St. Cloud on July 12th.

Update was given regarding a recent tour of the fairground buildings by Fair Board member Mike Hanson, Commissioner Ron Kuecker and 4-H Coordinator Crystal Reith. It appeared that the 4-H food stand was in the most need of repair. The county board currently appropriates \$7,500 per year (2009-2013) for the Ag Society to use for building maintenance.

Update was given regarding GBERBA meeting that Hanson and Commissioner Oeltjenbruns recently attended.

Motion by Holmen, second by Oeltjenbruns, unanimous vote to amend Revenue Fund General Administration budget by increasing line item 01-061-6910 by \$7,500 to reflect 2010 appropriation to the Ag Society. This motion was made based on the minutes from the September 9, 2008 meeting.

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Motion by Holmen, second by Sorenson, unanimous vote to close the meeting at 9:40 a.m. to discuss employee performance. Those present were: 5 Commissioners, Kelly Thongvong, Doug Storey, and Mike Hanson. Motion by Holmen, second by Sorenson, unanimous vote to reopen the meeting at 10:10 a.m.

Motion by Kuecker, second by Sorenson, unanimous vote to close the meeting at 10:12 a.m. to allow the County Board to confer with the County Attorney as to options that might be available and to do so under M.S. 13D.05 Subd. 3(b), which allows the meeting to be closed for attorney-client privilege. Those present were: 5 Commissioners, Kelly Thongvivong and Doug Storey. Motion by Kuecker, second by Oeltjenbruns unanimous vote to reopen the meeting at 11:06 a.m.

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Sheriff Jason Purrington met with the board to give an update regarding a PSAP (Public Safety Answering Point) meeting that he attended on July 7th in Worthington in regards to the possibility of regionalizing dispatch services with area counties. The sheriffs from Kandiyohi and Big Stone counties were present to explain their current system between the two counties. Purrington informed the board that most of the counties in attendance seem to be in favor of pursuing a Joint Powers Agreement rather than a Contract for Services.

Motion by Oeltjenbruns, second by Holmen to adopt resolution as follows: Voting aye: Oeltjenbruns, Holmen, Sorenson, and White. Voting nay: Kuecker. Motion carried.

RESOLUTION 10-07-13A
6SW Counties – Regional Dispatch

WHEREAS, the Cottonwood County Board of Commissioners, having authorized this county's participation in and having reviewed the February 2010 report from GeoComm Corporation regarding Joint Dispatch, Records and Radio Systems hereby agrees to participate in the development of a Joint Powers Agreement with such other counties as may agree to participate.

WHEREAS, the purpose of said agreement would be to further the specific research into and conceptual planning of a multi-county 9-1-1 Emergency Communications Center with the objective of achieving a recommended governance structure, cost sharing allocation formula and ultimate joint 9-1-1 dispatch center location or a location selection process by not later than 6 months after the ratification of resolution similar to this by the last such county to so approve.

WHEREAS, we further act today to appoint Commissioner Sorenson (or designee) from this County Board along with Sheriff Purrington (or designee) to serve on this JPA.

WHEREAS, said JPA will become effective only if four or more counties agree to participate.

WHEREAS, if said JPA becomes effective, we hereby authorize said JPA to fulfill the role of the "9-1-1 planning committee" for Cottonwood County as required under M.S.S. 403 for the purpose of developing any required modifications to the 9-1-1 Plan of Cottonwood County for future consideration and action by this Board.

WHEREAS, said JPA, if activated as above, is required to report back to all its participant County Boards in the first month after their six month exploration into the above issues with a specific set of actions intended to either effect the implementation of a 9-1-1 dispatch merger plan or to specifically reject the concept of any merger of 9-1-1 services.

NOW, THEREFORE BE IT RESOLVED, for purposes of furthering this process, should the JPA be activated as above, this resolution is intended to also authorize the expenditure of any remaining grant funds from the 2009 MN/DPS grant

S/Tom White, Board Chairman

S/County Auditor/Treasurer

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4-H Program Coordinator Crystal Reith met with the board to give an update regarding some of the activities that have been going on in 2010. Reith also reported that the roof of the 4-H Food Stand would be replaced before the fair and they are hoping to remodel the hog barn at some point in the future.

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Motion by Sorenson, second by Oeltjenbruns, unanimous vote to approve July warrants as follows:

County Revenue Fund	\$ 85,607.20
Long-Term Capital Outlay	\$ 2,566.78
County Building Fund	\$ 1,040.83
Ditch Fund	\$ 2,464.27
Road & Bridge	\$ 74,472.88
Waste Abatement/SCORE	\$ 6,345.46
Landfill Enterprise	<u>\$ 14,624.88</u>
	<u>\$187,122.30</u>

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Old Business items were discussed at this time. Follow-up will be done and a few of the items will be discussed again at a later time.

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Motion by Sorenson, second by Holmen, unanimous vote to allow for the transfer of \$4,500 from the Landfill to the Highway Department for the purchase of truck #49.

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Auditor/Treasurer Jan Johnson gave an update regarding what he found out from Rock County on how they handle aggregate taxes. Motion by Kuecker, second by Holmen to adopt resolution as follows: Voting aye – Oeltjenbruns, Kuecker, Holmen, and White. Voting nay – Sorenson. Motion carried.

**RESOLUTION 10-07-13
APPROVING AND ESTABLISHING A TAX ON
AGGREGATE MATERIAL REMOVAL AND PRODUCTION**

WHEREAS, The County is permitted and authorized to impose a tax on aggregate material removal and production pursuant to Minnesota Statutes 298.75, Subd. 1 (6), and,

WHEREAS, The County has duly conducted a public hearing as required by M.S. 298.75, Subd. 1 (6), said hearing being held on Tuesday, June 8, 2010 after publication and notice thereof, and,

WHEREAS, All persons desiring to be heard at said hearing were given an opportunity to submit testimony, both written and oral, and,

WHEREAS, The County has duly considered all of the information provided at said hearing and considered all other factors relative to the establishment and imposition of said tax;

NOW THEREFORE, BE IT RESOLVED, By the County of Cottonwood as follows:

1. There shall be imposed upon every importer and operator a production tax of 21.5 cents per cubic foot or 15 cents per ton on aggregate material all as is more specifically provided and set forth in Minnesota Statutes 298.75, Subd. 2. That the collection of said tax shall be governed and said tax shall be collected in the manner specified by Minnesota Statutes 298.75, as amended, which is incorporated herein by reference, including all reporting requirements and penalty provisions.
2. All monies collected as taxes under this section shall be deposited in the County Treasury and credited and paid as follows:
 - 5% County Auditor administration fee;

The remaining 95% to be split as follows:

- 42.5% to the County Road and Bridge Fund for expenditure for the maintenance, construction, and reconstruction of roads, highways, and bridges;
 - 15% to a Special Reserve Fund which is hereby established for expenditure for the restoration of abandoned pits, quarries, or deposits located upon public and tax forfeited lands within the County;
 - 42.5% to be allocated among the townships proportionate with the Production of aggregate material within each township.
3. The tax imposed herein shall be effective for all production and importation of aggregate material on or after January 1, 2011.
 4. The County Auditor/Treasurer is hereby directed to forward a copy of this resolution to the Commissioner of Revenue as required by M.S. 298.75, Subd. 1

The foregoing Resolution was duly adopted by the County Board of Commissioners at its regular meeting on July 13, 2010, upon motion duly made and duly adopted.

S/Tom White, Board Chairman

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S/Jan Johnson, Auditor/Treasurer

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Commissioner Kuecker reported that he and Commissioner White had recently been contacted by Aaron Backman from the Windom EDA in regards to a \$100,000 grant that the City of Windom has received from the Blandin Foundation. A meeting would be held at the Windom Community Center on July 14th. Motion by Sorenson, second by Oeltjenbruns, unanimous vote to allow these two commissioners to attend the meeting on July 14th and to receive a per diem.

Kuecker commented on his concerns with the condition of County Road 15. He feels that this needs to be put on a list of roads that need to be taken care of.

Kuecker asked if anyone knew whether or not any spraying of thistles has taken place this year as they seem to be quite bad this year.

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Question was raised regarding some phone calls that were received in regards to a bid opening that was supposed to take place on July 12th but did not. The County Engineer will be asked more information about the bid opening at the next board meeting.

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Commissioner Holmen commented on his concern with the failure of a Department Head to follow hiring policy of seasonal employees and authorizing payment to an individual before board approval. The board agreed that this situation needs to be addressed with the Department Head and something should be placed in their personnel file.

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Motion by Sorenson to give Environmental Officer until the end of business on Friday, July 30, 2010 to submit his letter of resignation. If a letter of resignation is not received by this day, the board will proceed with disciplinary action to be determined at a later date. Options can range from a suspension of up to 30 days without pay to possible dismissal. There being no second to the motion, the Chairman did not call for the vote.

The board agreed that they would consider taking disciplinary action against a Department Head at the next board meeting.

Motion by Holmen, second by Kuecker, unanimous vote to instruct the Chairman and Vice-Chairman to meet with this Department Head before July 21st.

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There being no further business, the meeting adjourned at 1:30 p.m.

Jan Johnson, Auditor/Treasurer

Tom White, Board Chairman

Kelly Thongvivong, Bd. Adm. Assistant