

June 20, 2017  
Cottonwood County Board of Commissioners  
Regular Meeting  
Minutes

The Cottonwood County Board of Commissioners met in regular session on Tuesday, June 20, 2017 at 4:45 p.m. at the Cottonwood County Courthouse in Windom, MN. Present for all or portions of the meeting were: Commissioners Tom Appel, Donna Gravley, Jim Schmidt, Kevin Stevens, Norm Holmen; County Coordinator Kelly Thongvivong, County Attorney Nick Anderson, Auditor/Treasurer Jan Johnson, Kathy Marsh, Dave Bucklin, Jared Morrill, Kay Gross, Becky Alexander, Dustin Anderson, Hannah Herzfeld, Kelly Pfarr, Jed Rhubee, Ann Goering, and Rahn Larson.

Chairman Appel called the meeting to order. The Pledge of Allegiance was recited. Motion by Stevens, second by Schmidt, unanimous vote to approve the agenda as amended. Motion by Holmen, second by Gravley, unanimous vote to approve the minutes of the June 6, 2017, regular meeting.

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Dave Bucklin, SWCD District Technician, informed the board that the City of Mountain Lake has submitted a Minnesota Wetland Conservation Act Notice of Application for a temporary wetland impact to install a sanitary sewer line. Motion by Stevens, second by Schmidt, unanimous vote to approve the Mountain Lake Commercial Park Minnesota Wetlands No Loss application with the following condition: Prior to construction a description of reasonable wetland protection methods will need to be provided to Dave Bucklin and the LGU contact person listed on the application.

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Jared Morrill, Planning & Zoning Technician, met with the board to discuss a few items. Morrill presented a resolution to be signed should the board elect to take jurisdiction of buffer enforcement. Morrill informed the board that if the board elects to take jurisdiction by June 28<sup>th</sup> and create and submit to the Board of Water and Soil Resources (BWSR) an ordinance for approval by September 1, Cottonwood County would receive approximately \$130,000 in funding in 2017. Motion by Schmidt, second by Gravley, unanimous roll call vote to adopt Resolution 17-06-02A as follows:

**Resolution 17-06-20A**  
**A RESOLUTION REGARDING THE ELECTION OF JURISDICTION FOR**  
**THE MINNESOTA BUFFER LAW**

**WHEREAS**, provisions in Minnesota Statute 103F.48 (Buffer Law) allow a county or watershed district to affirm jurisdiction to carry out the compliance provisions regarding riparian vegetated buffers and alternative water quality practices for those waterbodies identified on the Department of Natural Resources' Buffer Protection Map; and

**WHEREAS**, a county with jurisdiction over a noncompliant site shall enforce corrective actions through a coordinated approach under the authority granted in Minnesota Statute 103B.101, subd. 12a, the Buffer Law or other authority granted by statute; and

**WHEREAS**, Cottonwood County agrees to carry out corrective actions on a parcel basis to ensure compliance with the buffer requirements, which may include an Administrative Penalty Order (APO) plan, under the authority provided in Minnesota Statutes 103B.101, subd. 12a and 103F.48; and

**WHEREAS**, Cottonwood County is electing jurisdiction on all public drainage ditches for which it is the drainage authority and public waters, located within its boundaries, identified on the Department of Natural Resources' Buffer Protection Map; and

**WHEREAS**, Cottonwood County is electing jurisdiction on all public drainage ditches for which it is not the drainage authority, located within its boundaries, if the watershed district has not elected jurisdiction for the Buffer Law; and

**WHEREAS**, the Buffer Law requires that each Local Government Unit provide notice affirming jurisdiction and identify the rule, ordinance, or other official controls that will be used to carry out the compliance provisions of the buffer requirements to the Board of Water and Soil Resources, including a copy of the adopting resolution.

**THEREFORE, BE IT RESOLVED** that Cottonwood County hereby accepts the authority and administrative responsibility to implement the Buffer Law as the Local Government Unit within the legal boundaries of Cottonwood County for the water features identified above as of June 21, 2017 in accordance with Minnesota Statute 103F.48.

Adopted this 20th day of June, 2017.

S/Thomas D. Appel, Chairman

S/Kelly Thongvivong, County Coordinator

Morrill presented a resolution for the adoption and implementation of the Cottonwood County Comprehensive Local Water Management Plan. Morrill stated that the plan has been approved by the Board of Water and Soil Resources (BWSR) Board. Motion by Holmen, second by Stevens, unanimous roll call vote to adopt Resolution 17-06-20B as follows:

**Resolution 17-06-20B**  
**Resolution to Adopt and Implementation of the Cottonwood County**  
**Comprehensive Local Water Management Plan**

**Whereas**, the Cottonwood County Board of Commissioners has been notified by the Minnesota Board of Water and Soil Resources that the Cottonwood County Comprehensive Local Water Management Plan has been approved according to Minnesota Statutes §103B.301:

**Now, Therefore, Be it Resolved**, the Cottonwood County Board of Commissioners hereby adopts and will begin implementation of its approved Comprehensive Local Water Management Plan with the inclusion of the Cottonwood County 'Other Waters' Map as an addendum.

**Be it Further Resolved** after the adoption of the Comprehensive Local Water Management Plan, the Cottonwood County Board of Commissioners shall amend existing water and related land resources plans and official controls as necessary to conform them to the applicable and approved comprehensive water plan.

**Be it Further Resolved** after the adoption of the Comprehensive Local Water Management Plan, Cottonwood County shall notify local units of government within the County of the adoption of the plan or amendments to the plan. The local units of government are required to submit existing water and related land resources plans and official controls within 90 days to the County Board of Commissioners for review.

**Be it Further Resolved** that within 180 days, the Cottonwood County Board of Commissioners shall review the submitted plans and official controls and identify any inconsistencies between the local plans and official controls, and Comprehensive Local Water Management Plan. The Cottonwood County Board of Commissioners shall specify applicable and necessary measures to bring the local plans and official controls into conformance with the Comprehensive Local Water Management Plan.

**Be it Further Resolved** if a local unit of government disagrees with any changes to its plan, the local unit has 60 days after receiving the county’s recommendations to appeal the recommendations to the Board of Water and Soil Resources.

**Be it Further Resolved** after receiving the recommendations of the Cottonwood County Board of Commissioners, or a resolution of an appeal, a local unit of government has 180 days to initiate revisions to its plan or official controls. The new or revised plans and official controls must be submitted to the Cottonwood County Board of Commissioners for review and recommendations.

**STATE OF MINNESOTA  
COUNTY OF COTTONWOOD**

I do hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the County of Cottonwood at a duly authorized meeting thereof held on the 20th of June, 2017.

S/Thomas D. Appel, Chairman

Morrill, Dustin Anderson, Watonwan Watershed Technician, and Kelly Pfarr, District Conservationist, met with the board regarding the possibility of using 20 to 22 acres of county owned land for test plots to address soil health and the benefits to water quality. Pfarr stated they would like to use the land for three years; and, if the board is willing to consider this project, grant funding would be applied for to provide the seed money and pay local producers to provide custom farming operations and organize and conduct outreach and demonstration events for County residents. Consensus of the board is to move forward with grant opportunities.

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Jed Rhubee, Highway Maintenance Superintendent, presented bids for the haying and minor brush control at Schoper Bush Reservoir. Bids are as follows: Brian Dunkelberger - \$825.00; Brent Schroeder - \$333.20; and Jake Barlow - \$303.00. Motion by Gravley, second by Schmidt, unanimous vote to accept bid from Brian Dunkelberger in the amount of \$825.00 per year for haying and minor brush control at Schoper Bush Reservoir and allow Chairman Appel to sign a 5-year contract contingent on Dunkelberger providing liability insurance and a spraying permit.

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Jan Johnson, Auditor Treasurer, informed the board that the current postage machine was discontinued 2 years ago and will no longer be supported for parts, repairs, or software updates. Johnson presented a WSCA government quote for the purchase of a Pitney Bowes SendPro 1000 mailing system. Quote read as follows: Total purchase expense for 5 years - \$12,967.08 (purchase amount \$7,314.00; meter rental - \$57.00/month; and service contract - \$558.27/year (if purchased, first year service free)); Total lease expense for 5 years - \$17,461.20 (\$291.02 per month). Motion by Schmidt, second by Stevens, unanimous vote to purchase a Pitney Bowes SendPro 1000 mailing system in the amount of 12,967.08.

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Kelly Thongvivong, County Coordinator, met with the board to discuss a few items. Motion by Gravley, second by Holmen, unanimous vote to move Sheli Fast to permanent full-time status effective July 2, 2017 as Legal Secretary.

Motion by Gravley, second by Schmidt, unanimous roll call vote to adopt

Resolution 17-06-20 as follows:

**Resolution 17-06-20**

**Recommending that Mike Carlson and Jay Mickelson be Appointed to the Red Rock Rural Water System Board of Commissioners**

**WHEREAS**, Mike Carlson's 4-year term as a Commissioner on the Red Rock Rural Water System (RRRWS) Board of Commissioners is scheduled to expire at midnight on December 31, 2017; and

**WHEREAS**, Jay Mickelson's 4-year term as a Commissioner on the Red Rock Rural Water System (RRRWS) Board of Commissioners is scheduled to expire at midnight on December 31, 2017; and

**WHEREAS**, Mike Carlson and Jay Mickelson both wish to serve another 4-year term on the RRRWS Board of Commissioners, which will commence at 12:00 a.m. on January 1, 2018, and will expire at midnight on December 31, 2021; and

**WHEREAS**, On May 11, 2017 the RRRWS Board of Commissioners unanimously passed a motion which recommends that Mike Carlson and Jay Mickelson be appointed for another 4-year term on the RRRWS Board of Commissioners; and

**WHEREAS**, the Cottonwood County Board of Commissioners believes that Mike Carlson and Jay Mickelson are qualified to act as Commissioners on the RRRWS Board of Commissioners and are worthy of appointment.

**Resolution**

**BE IT NOW RESOLVED**, that the Cottonwood County Board of Commissioners hereby recommends that Mike Carlson and Jay Mickelson be appointed to the RRRWS Board of Commissioners pursuant to and provided for by Minnesota Statutes §116A et seq, to a four-year term, which shall commence at 12:00 A.M. on January 1, 2018, and shall expire at midnight on December 31, 2021.

I hereby certify that the foregoing Resolution was approved by the Cottonwood County Board of Commissioners on June 20, 2017 by a vote of 5 for, 0 against, 0 absent, and 0 abstaining.

S/Kelly Thongvivong, County Coordinator

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Motion by Stevens, second by Schmidt, unanimous vote to approve June warrants as follows:

County Revenue Fund	\$ 46,685.32
Long Term Capital Outlay	\$ 640.11
County Building Fund	\$ 2,135.25
Ditch Fund	\$ 3,649.81
County Revenue Fund	\$ 3,958.35
Road and Bridge Fund	\$ 31,484.32
Waste Abatement/Score Fund	\$ 1,306.93
Landfill Enterprise	<u>\$ 7,097.11</u>
	\$ 96,957.20

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Kelly Thongvivong, County Coordinator, reminded the board that the budget process would be starting soon and asked how the board would like to proceed. Consensus of the board is to proceed with the same process as last year and have the liaisons meet with their departments. Commissioners will present budgets for all departments except Public Works and Sheriff/Jail, who will present their own budgets. Commissioner Appel stated that departments should try to keep a flat budget. The Auditor/Treasurer stated budget information would be sent out in July.

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Commissioner Appel informed the board that he has received calls regarding gravel township roads and a city street that residents would like treated for dust control due to the construction on CSAH 1. Consensus of the board is to only treat county roads that may be impacted during a construction projects.

Commissioner Gravley presented a contract between Cottonwood County and Diane Kruger for payment of landfill tipping fees. After discussion, the Auditor/Treasurer should revise the amortization schedule and the contract should be brought back to the next meeting for approval.

Commissioner Stevens asked for the boards thoughts on the Wheelage Tax. Consensus of the board is to leave at \$10.

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Motion by Holmen, second by Schmidt, unanimous vote to recess the Regular County Board Meeting at 5:55 p.m. for the purpose of holding the Cottonwood County Board of Equalization meeting.

The Regular Board Meeting was reconvened at 7:11 p.m.

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Motion by Gravley, second by Stevens, unanimous vote to close the meeting at 7:11 p.m. pursuant to Mn Statute 13D.05 Subd. 3(b) based on attorney-client privilege to discuss threatened litigation involving an employee. Individuals present for the closed meeting were: Commissioners Norm Holmen, Donna Gravley, Tom Appel, Jim Schmidt, Kevin Stevens, County Attorney, Nick Anderson, County Coordinator Kelly Thongvivong; Auditor/Treasurer Jan Johnson, Kathy Marsh, and Ann Goering, attorney for Ratwik, Roszak & Maloney.

Motion by Stevens, second by Gravley, unanimous vote to open the meeting at 8:30 p.m.

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There being no further business, the meeting was adjourned at 8:30 p.m.

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Jan Johnson, Auditor/Treasurer

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Thomas D. Appel, Board Chairman

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Kelly Thongvivong, County Coordinator