

March 15, 2016
Cottonwood County Board of Commissioners
Regular Meeting
Minutes

The Cottonwood County Board of Commissioners met in regular session on Tuesday, March 15, 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, Kristi Sell, JinYeene Neumann, Kyle Pillatzki, Ron Kuecker, Geoff Johnson, and Rahn Larson.

Chairman Stevens called the meeting to order. The Pledge of Allegiance was recited. Motion by Schmidt, second by Appel, unanimous vote to approve the agenda as amended. Motion by Holmen, second by Gravley, unanimous vote to approve the minutes of the March 1, 2016 meeting as amended.

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Kristi Sell, Jail Administrator, met with the board to discuss a few items. Sell, asked for approval to set up a new bank account for the Inmate Canteen. Sell informed the board that the jail would be installing Stellar Services Commissary Services in March and are required to open a new bank account to begin the services. Sell has had the County Attorney review the contract and has discussed the new bank account with the Auditor/Treasurer. Motion by Holmen, second by Schmidt, unanimous vote to allow the opening of a new bank account for use with Stellar Services. The Auditor/Treasurer will approve the following authorized representative/business signers on the Bank of the West, Cottonwood County, Jail Canteen account: Authorized Representative - Jan Johnson, Auditor/Treasurer; and Business Signers: Jason Purrington, Sheriff; Kristi Sell, Jail Administrator; and Jason Rupp, Jail/Dispatch Supervisor.

Sell informed the board that Minnesota Stature 345.38 states that assets remaining unclaimed by the owner for more than 3 years are presumed abandoned.

Check #	Amount	Date
10361	\$66.70	01/23/2012
10378	\$15.00	06/06/2012
10392	\$ 9.50	08/15/2012
10407	\$13.70	10/29/2012

Motion by Gravley, second by Appel, unanimous vote to write off the unclaimed checks that are presumed abandoned for a total amount of \$104.90.

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Kyle Pillatzki, Assistant County Engineer/Solid Waste Administrator, met with the board to discuss a few items. Commissioner Gravley asked for information regarding the digging of a hole at the landfill. Pillatzki stated that there is no hole being dug at the landfill; but that he is researching how to better compact the garbage being brought to the landfill which would require a hole being dug. Pillatzki re-confirmed that he is only researching at this time.

Pillatzki stated that Short Elliot Hendrickson, Inc. (S.E.H) has been monitoring the landfill for many years and is familiar with the Cottonwood County Landfill and would recommend approving the agreement with S.E.H for monitoring services for 2016. Motion by Schmidt, second by Appel, unanimous vote to accept the

Agreement for Professional Services with Short Elliot Hendrickson, Inc. for an estimated total of \$16,400 for monitoring the landfill in 2016.

Pillatzki informed the board that he has been in contact with Short Elliot Hendrickson, Inc. (S.E.H.) regarding a recycling consulting contract. S.E.H., working with Recycling Resource Systems, would develop two RFP's for obtaining recycling services in the county and would also include the evaluation of recycling fees and rate structures in the county to make a recommendation for fair and equitable recycling fee assessments for both residential and commercial users. The consensus of the board is to have Pillatzki bring this back to the April 5th meeting so the board would have more time to review.

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JinYeene Neumann, County Engineer/Public Works Director, met with the board to discuss a few items. Neumann asked for permission to interview the applicants that applied for the position of Engineering Aide this past December and possibly hire if there is a qualified applicant. After much discussion, the consensus of the board is to put this position on hold.

Neumann led a short discussion regarding the Local Option Sales Tax. Consensus of the board is to discuss the Local Option Sales Tax at a work session.

Neumann informed the board that the City of Windom has a 1999 Ford F350 flatbed truck with 38,000 miles on the Public Surplus website. The Highway Department currently has a 1995 flatbed dump truck with 143,000 miles. Neumann stated that if they purchase the 1999 flatbed truck, the flatbed truck we currently have would be sold. Motion by Schmidt, second by Gravley, unanimous vote to allow the Highway Department to bid up to \$10,000, not including tax and license, on the 1999 Ford F350 Flatbed Dump Truck.

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Jan Johnson, Auditor/Treasurer, requested approval to purchase two used DS200 Ballot Counters, with full warranty, at a \$1,000 discount on each. Johnson stated that the purchase would include the two machines with cases, 2 – 4GB jump drives, warranty and shipping. Motion by Gravley, second by Holmen, unanimous vote to approve the purchase of two used DS200 Ballot Counters for \$9,870.00.

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Kelly Thongvivong, County Coordinator, met with the board to discuss a few items. Motion by Appel, second by Holmen, unanimous vote to move Nick Naxay to permanent full-time status as Deputy Sheriff effective March 14, 2016, and to move Kim Hall to permanent full-time status as Deputy Sheriff effective March 15, 2016.

Thongvivong stated that there have been requests for a water bottle filling station on the lower level of the Law Enforcement Center by the meeting rooms. Two quotes were received: Schwalbach Hardware - \$1,825.00 and Hanson Plumbing - \$1,680.84. Motion by Schmidt, second by Gravley, unanimous vote to accept the quote from Hanson Plumbing in the amount of \$1,680.84 for a water bottle filling station in the Law Enforcement Center, lower level.

Motion by Schmidt, second by Gravley, unanimous vote to adopt Personnel Policy #388 – Salaried Exempt Employees as presented and post for a comment period of 30 days. Motion by Holmen, second by Schmidt, unanimous vote to accept the definition of “Flex Time” and add to Policy #003 – Definitions and post for a comment period of 30 days.

Motion by Holmen, second by Appel, unanimous vote to approve the amended Joint and Cooperative Agreement for the Continuing Operation of Area II Minnesota River Basin Projects as a Joint Powers Entity under Minnesota Statute 471.59.

Motion by Gravley, second by Schmidt, unanimous roll call vote to approve Resolution 16-03-15 and allow Chairman Stevens to sign.

RESOLUTION NO. 16-03-15

Supporting dissolution of Area II Minnesota River Basin Projects, Inc. ("Area II, Inc."), approving assignments of rights, and approving amendment of the Joint and Cooperative Agreement

Background Information

WHEREAS, Cottonwood County is a governmental unit and signatory to the Joint and Cooperative Agreement for the Continuing Operation of Area II Minnesota River Basin Projects, Inc. ("Area II, Inc."), as last signed in December 2015; and

WHEREAS, the Joint and Cooperative Agreement was entered into under Minn. Stat. § 471.59, which authorizes two or more governmental units to jointly or cooperatively exercise any power common to the contracting parties or any similar powers and to create a Joint Powers Entity under Minnesota law; and

WHEREAS, the intent of the Joint and Cooperative Agreement is to maintain an organization which will carry on a program of floodwater retention and retardation measures, both structural and nonstructural, in the drainage area outletting into the south side of the Minnesota River between the cities of Ortonville and Mankato, Minnesota; and

WHEREAS, the organization referenced by the Joint and Cooperative Agreement is Area II, Inc., a Minnesota Nonprofit Corporation in good standing; and

WHEREAS, when the Area II Executive Director sought to procure insurance coverage for Area II, Inc. from the Minnesota Counties Intergovernmental Trust ("MCIT"), she obtained a premium quotation that was significantly less than the premiums Area II, Inc. is currently paying for insurance coverage; and

WHEREAS, MCIT communicated to the Area II Executive Director that it cannot provide Area II, Inc. with insurance coverage if Area II continues to operate and exist as both a Minnesota Nonprofit Corporation and a Joint Powers Entity; and

WHEREAS, MCIT has communicated that it would insure Area II as a Joint Powers Entity if the Nonprofit Corporation is dissolved; and

WHEREAS, on February 4, 2016, the Board of Directors of Area II, Inc. approved voluntary dissolution of Area II, Inc. as a Minnesota Nonprofit Corporation; and

WHEREAS, Area II would continue to exist as a Joint Powers Entity and carry on the intent of the Joint and Cooperative Agreement upon the voluntarily dissolution of Area II, Inc.; and

WHEREAS, the voluntary dissolution of Area II, Inc. benefits the public because it will save the member counties money in the form of less-costly insurance coverage from MCIT; and

WHEREAS, the Area II, Inc. Articles of Incorporation and Bylaws, and the Joint and Cooperative Agreement, all require that upon dissolution all property of Area II, Inc. "shall be sold and the proceeds thereof together with the monies on hand shall be distributed to the respective governing bodies of the [member counties] in proportion to the proceeding annual ad valorem tax levy ..."

WHEREAS, pursuant to that requirement, Area II, Inc. intends to execute a Bill of Sale for sale of the property to Area II as a Joint Powers Entity for a nominal sum (\$1.00) on condition that each member county passes a resolution assigning its rights to the sale proceeds to Area II as a Joint Powers Entity, and assigning its rights to the monies on hand to Area II as a Joint Powers Entity; and

WHEREAS, upon dissolution of Area II, Inc., it is necessary to amend the Joint and Cooperative Agreement, in the manner consistent with Exhibit 1 to this Resolution, with the amendment to take effect on the date that Articles of Dissolution of Area II Minnesota River Basin Projects, Inc. are filed with the Minnesota Secretary of State.

RESOLUTION

BE IT NOW RESOLVED, that the Cottonwood County Board of Commissioners hereby supports the dissolution of Area II Minnesota River Basin Projects, Inc. as a Minnesota Nonprofit Corporation and the continued maintenance and operation of Area II Minnesota River Basin Projects as a Joint Powers Entity; and

BE IT NOW FURTHER RESOLVED, that the Cottonwood County Board of Commissioners hereby assigns any and all rights that the county has from the sale of Area II, Inc. property to Area II Minnesota River Basin Projects as a Joint Powers Entity; and

BE IT FURTHER RESOLVED, that the Cottonwood County Board of Commissioners hereby assigns any and all rights that the county has to Area II, Inc.'s monies on hand at the time of dissolution to Area II as a Joint Powers Entity; and

BE IT FURTHER RESOLVED, that the Cottonwood County Board of Commissioners hereby approves the Joint and Cooperative Agreement as amended, and as attached to Exhibit 1 to this Resolution, to take effect on the date that the Articles of Dissolution of Area II Minnesota River Basin Projects, Inc. are filed with the Minnesota Secretary of State.

ADOPTED this 15th day of March, 2016

S/Kevin Stevens, Board Chair

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Motion by Schmidt, second by Appel, unanimous vote to approve March warrants as follows:

County Revenue Fund	\$ 30,062.50
Long Term Capital Outlay	\$ 34,401.84
County Building Fund	\$ 1,128.79
Taxes and Penalties Fund	\$ 850.00
County Revenue Fund	\$ 2,807.35
Road and Bridge Fund	\$ 91,501.64
Waste Abatement/SCORE	\$ 2,160.00
Landfill Enterprise	\$ 3,896.69
	<u>\$166,808.81</u>

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Commissioner Stevens informed the board that SHIP (Statewide Health Improvement Program) is changing its name to Community Wellness Partners. Stevens also stated that Diana Madsen is resigning her position with DVHHS.

Stevens also stated that the wind towers project has run into some weather and technical difficulties so the completion date has been pushed to mid-June.

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There being no further business, the meeting was adjourned at 10:18 a.m.

Jan Johnson, Auditor/Treasurer

Kevin Stevens, Board Chairman

Kelly Thongvong, County Coordinator