

January 7, 2014  
Cottonwood County Board of Commissioners  
Regular Meeting  
Minutes

The Cottonwood County Board of Commissioners met in regular session on Tuesday, January 7, 2014 at 9:00 a.m. at the Cottonwood County Courthouse in Windom, MN. Present for all or portions of the meeting were: Commissioners John Oeltjenbruns, Jim Schmidt, Kevin Stevens, Tom White, Norm Holmen; County Coordinator Kelly Thongvivong; Auditor/Treasurer Jan Johnson; County Attorney Nick Anderson, Jason Purrington, Kristi Sell, Randy Markl, Robert Pankratz, Tammy Crowell, JinYeene Neumann, Ron Kuecker, Alan Coners, Kathy Marsh, and Rahn Larson.

Auditor/Treasurer Jan Johnson called the meeting to order.

Johnson then asked for nominations for Board Chairman. Motion by Oeltjenbruns, second by White, unanimous vote to elect Commissioner Schmidt and to ask that all nominations cease and to cast a unanimous ballot for Schmidt as Board Chairman for 2014. Presiding over the remainder of the meeting was Chairman Jim Schmidt.

Schmidt then asked for nominations for Board Vice-Chairman. Motion by Holmen, second by Stevens, unanimous vote to elect Commissioner White and to ask that all nominations cease and to cast a unanimous ballot for White as Vice-Chairman for 2014.

Motion by Oeltjenbruns, second by White, unanimous vote to approve additions to the agenda. Motion by Holmen, second by Stevens, unanimous vote to approve the minutes of the December 31, 2013 meeting.

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Sheriff Jason Purrington and Jail Administrator Kristi Sell met with the board to set the 2014 jail and civil process fees. Purrington noted that the only changes would be for court ordered drug tests and CD/DVD recording fees. Motion by Holmen, second by White, unanimous vote to set 2014 jail and civil process fees as follows:

Huber Fees (Work Release)

- Cottonwood County Inmates \$17 per day (Inmate responsible for all medical)
- Out of County Inmates \$50 per day (Inmate responsible for all medical)

Pay for Stay

- \$20 per day for sentenced inmates only
- All medical added to Pay for Stay bill
- All miscellaneous (Ex. Damage to property) added to bill

Prisoner Board for other agencies

- \$60 per day
- All medical bills for inmate added to Prisoner Board bill

Drug Tests

- Out of County (Ex. For probation or other agencies) \$20
- Court Ordered Drug Tests \$5
- **We do not do public drug testing**

PBT Testing (we only charge for out of county agencies)

- \$5.00

Fingerprint Fees

- \$10 fee for all public fingerprinting (Ex. Employment, licensing, etc.)

CD/DVD Recording Fees

- (Release only according to law) \$20 per disc

**Civil Process Fees**

- Single service Originating within MN \$50.00  
For multiple services at same address  
add a \$50.00 incremental increase for each  
additional service.
- Writ of Execution – Service Fee \$50.00
- Per Person Service \$50.00
- Mileage (3 attempts included) \$10.00 (after 3 attempts)
- Legal Not Found \$50.00
- Return of Process when service is not made \$50.00
- Execution Commission (based on the total  
amount seized, collected or stipulated by the  
parties as a result of the Sheriff's Levy) 6% or \$25.00 (whichever is  
greater)
- Executions Returned – not satisfied \$50.00
- Postings – 3 public places \$50.00
- Vacancy \$50.00

Sales:

- Mortgage Foreclosures \$75.00
- Mortgage Redemptions \$250.00
- Intent to Redeem (each lien) \$100.00
- Document Delivery Fee – following redemption \$20.00
- Mortgage Foreclosure – non-cancellation fee  
of sale \$50.00

Additional Fees:

- Fingerprinting (by appointment) \$10.00
- Local Records Check – Original signed  
release authorization \$5.00
- Accident Reports – Insurance Companies \$5.00
- Copy Fee \$0.25/page

Purrington reported that Austen Smedsrud (part-time jailer/dispatcher) has successfully completed his 6-month probationary period and would like the board to move Smedsrud to permanent part-time status. Motion by White, second by Stevens, unanimous vote to move Austen Smedsrud to permanent part-time status effective January 5, 2014.

Purrington presented a state quote from Northern Safety Technology for the update of light bars on two squad cars. Motion by Oeltjenbruns, second by White,

unanimous vote to purchase two light bars for \$3,190 from Northern Safety Technology.

Purrington presented two quotes for the replacement of an existing squad car camera as follows: Watch Guard - \$4,620 and Enforcement Products - \$4,820. Motion by White, second by Stevens, unanimous vote to purchase the squad car camera in the amount of \$4,620 from Watch Guard.

Purrington asked the board to make a motion for Chairman Schmidt to sign the Zuercher Contract. Monies from the 911 Fund will pay for the purchase of the update to the records management system and 50% of the contract fees will need to be paid when the contract is signed. Motion by Holmen, second by White, unanimous vote for Chairman Schmidt to sign the Zuercher contract. Motion by Oeltjenbruns, second by Stevens, unanimous vote to approve payment of 50% of the contract fee when contract is signed.

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Motion by White, second by Oeltjenbruns, unanimous vote to set 2014 meeting dates for the 1<sup>st</sup>, 2<sup>nd</sup>, & 4<sup>th</sup> Tuesday of each month as presented with the exception of November, which will be scheduled for the 1<sup>st</sup>, 3<sup>rd</sup>, & 4<sup>th</sup> Tuesdays, and December which will be scheduled for the 1<sup>st</sup>, 3<sup>rd</sup> & 5<sup>th</sup> Tuesdays, and that all meetings will begin at 9:00 a.m. with the exception of December 16th, which will be an afternoon meeting.

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Motion by Oeltjenbruns, second by White, unanimous vote to accept the commissioner assignments for 2014 as follows:

**Commissioner Department Assignments – 2014**

**Commissioner Jim Schmidt**

County Attorney  
County Assessor  
County Coordinator

**Commissioner Kevin Stevens**

MN Extension Services  
Court Administration/Probation  
Veteran's Service Office

**Commissioner Tom White**

Planning & Zoning/Parks  
County Auditor/Treasurer  
Highway Department

**Commissioner Norm Holmen**

County Recorder  
Solid Waste Department  
Information Technology Department

**Commissioner John Oeltjenbruns**

Sheriff's Department  
Emergency Management

**Commissioner Committee Assignments – 2014**

ACE of Southwestern Minnesota	Commissioner Tom White Commissioner Jim Schmidt, alt.
AMC Voting Delegates	Commissioner Kevin Stevens Commissioner Norm Holmen Commissioner John Oeltjenbruns Commissioner Jim Schmidt Commissioner Tom White County Engineer JinYeene Neumann DVHHS - Craig Myers County Coordinator Kelly Thongvivong
Area II River Basin Projects	Commissioner Norm Holmen Commissioner Jim Schmidt, alt.
Board of Adjustment	1 <sup>st</sup> District – Heidi Hansen 2 <sup>nd</sup> District – Lowell Tjentland 3 <sup>rd</sup> District – Lisa Fredin 4 <sup>th</sup> District – Mike LaMaack 5 <sup>th</sup> District – Jonathan Penner
Cottonwood County DAC	Commissioner John Oeltjenbruns
Cottonwood County Dept. Head Meetings	Commissioner Jim Schmidt - Chair Commissioner Tom White – Vice-Chair
Cottonwood County Ditch Authority	Commissioner Kevin Stevens Commissioner Norm Holmen Commissioner John Oeltjenbruns Commissioner Jim Schmidt Commissioner Tom White
Cottonwood County Historical Society	Commissioner Kevin Stevens
Cottonwood County Law Library	Commissioner Kevin Stevens
Cottonwood County Personnel Board of Appeals	Jim Jorgenson (Westbrook) Dennis Nelson (Windom) Jerry Haberman (Mt. Lake)
Des Moines River West Fork Project	Commissioner Kevin Stevens Commissioner Jim Schmidt, alt.
Family Services Collaborative Board	Commissioner John Oeltjenbruns Commissioner Tom White, alt.
Greater Blue Earth River Basin Alliance	Commissioner John Oeltjenbruns Commissioner Norm Holmen, alt.
Heron Lake Watershed District	Commissioner Kevin Stevens

Intergovernmental Relations Board	Commissioner Kevin Stevens Commissioner Norm Holmen Commissioner John Oeltjenbruns Commissioner Jim Schmidt Commissioner Tom White
Juvenile Screening	Commissioner Kevin Stevens Commissioner Tom White
Labor-Management Committee	Commissioner Jim Schmidt - Chair Commissioner Tom White - Vice-Chair
Land Use Advisory Committee	Commissioner John Oeltjenbruns
Local Emergency Preparedness and Planning Committee	Commissioner Kevin Stevens
Mental Health Local Advisory Council	Becky Wiens Ree Tschetter David Johnson Ron Kuecker Dawn Eigenberg
MN Counties Computer Cooperative Delegate	Auditor/Treasurer Jan Johnson County Assessor Gale Bondhus, alternate
MN Extension Agency Board of Directors (3-year terms – 2-term limit)	Commissioner Jim Schmidt - Chair Commissioner Tom White – Vice-Chair Auditor/Treasurer Jan Johnson 1 <sup>st</sup> District – Elizabeth Johnson (12/15 – 1 <sup>st</sup> term) 2 <sup>nd</sup> District – Kim Armstrong (12/13 – 1 <sup>st</sup> term) 3 <sup>rd</sup> District – Monica Muller (12/14 – 2 <sup>nd</sup> term) 4 <sup>th</sup> District – <b>OPEN</b> 5 <sup>th</sup> District – Tom Appel (12/15– 2 <sup>nd</sup> term)
Planning Commission (3-year terms – no term limit)	Commissioner Norm Holmen 1 <sup>st</sup> District – Heidi Hansen (12/15) 2 <sup>nd</sup> District – Lowell Tjentland (12/14) 3 <sup>rd</sup> District – Leland Thiesen (12/14) 4 <sup>th</sup> District – Tom Fast (12/14) 5 <sup>th</sup> District – Phil Harder (12/14)
Plum Creek Library Board	Commissioner Jim Schmidt
Private Industry Council Chief Elected Officials Board Members	Commissioner John Oeltjenbruns
Red Rock Learning Center	Commissioner Jim Schmidt
Red Rock Rural Water	Commissioner Jim Schmidt Commissioner Kevin Stevens, alt.
Redwood-Cottonwood Rivers Control Agency	Commissioner Norm Holmen Commissioner Jim Schmidt, alt.

Regional Radio Board	Commissioner Norm Holmen Commissioner Jim Schmidt, alt.
Rural Minnesota Energy Board	Commissioner John Oeltjenbruns Commissioner Kevin Stevens, alt.
Soil & Water Conservation District	Commissioner John Oeltjenbruns
Southern Prairie Community Care	Commissioner Norm Holmen Commissioner Tom White, alt.
Southwest Minnesota Housing Partnership	(Appointment done by SRDC)
State Community Health Service Advisory Committee (SCHSAC)	Commissioner Rosemary Schultz (Jackson County)
SW Mental Health Center Board of Directors	Commissioner Norm Holmen Commissioner Jim Schmidt Robin Weis
SW Mental Health Consortium	Commissioner Norm Holmen
SW MN EMS Board	Emergency Management Director Kim Hall Commissioner Jim Schmidt, alt.
SW MN Regional Solid Waste Commission	Commissioner John Oeltjenbruns Commissioner Kevin Stevens, alt.
SW Regional Development Commission	Commissioner Tom White
Travel Southwest MN	Commissioner John Oeltjenbruns Randy Markl, DNR (OPEN)
Western Community Action, Inc.	Commissioner Tom White

**2014 AMC Policy Committee Appointments**

Environmental & Natural Resources	Commissioner John Oeltjenbruns
General Government	Commissioner Tom White
Health & Human Services	Commissioner Norm Holmen
Public Safety	Commissioner Jim Schmidt
Transportation	Commissioner Kevin Stevens

Randy Markl, DNR Area Wildlife Supervisor met with the board to present information on a property purchase in Section 29 of Springfield Township. Motion by White, second by Oeltjenbruns, unanimous roll call vote to adopt resolution as follows:

**Cottonwood County  
Board of County Commissioners  
Review of Proposed State Land Acquisition**

In accordance with Minnesota Statutes 97A.145, Subd. 2, the Commissioner of the Department of Natural Resources on January 7, 2014 provided the county board with a description of lands to be acquired by the State of Minnesota for water, forestry, wildlife, and natural plant community conservation purposes. Lands to be acquired are described as follows:

***The East 1,450 feet of the South 1,060 feet of the Northeast Quarter (NE ¼),***

***And, the Southeast Quarter (SE ¼), except the North 490 feet, but including the East 1,450 feet from said North 490 feet,***

***All in Section 29, Township 105N, Range 37W, Springfield Township, Cottonwood County.***

IT IS HEREBY RESOLVED, by the Board of County Commissioners of Cottonwood County on January 7, 2014 that the State’s proposed acquisition of the attached described property be approved.

This resolution was presented by Commissioner White, seconded by Commissioner Oeltjenbruns and upon unanimous roll call vote was duly adopted. I, Jan Johnson, County Auditor/Treasurer of the County of Cottonwood, State of Minnesota, certify that the foregoing resolution is a true and correct excerpt of the minutes of the Board of County Commissioners, County of Cottonwood, State of Minnesota held at Windom, Minnesota, on the 7<sup>th</sup> date of January, 2014.

S/Jan Johnson, Auditor/Treasurer

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Motion by White, second by Oeltjenbruns, unanimous vote to leave the meal rates for 2014 at \$8.75 for breakfast, \$13.75 for lunch and \$17.50 for evening meal. These amounts include a 20% gratuity.

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Motion by White, second by Holmen, unanimous vote to raise the clerk hire and seasonal wages 3% for 2014. Wages are set as follows: clerk hire \$11.33/hour; seasonal wages at \$9.43 – 1<sup>st</sup> year; \$9.68 – 2<sup>nd</sup> year; \$9.99 – 3<sup>rd</sup> year; \$10.30 – 4<sup>th</sup> year.

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Motion by Holmen, second by Stevens, unanimous vote to pay Auditor warrants with regular and customary payments for 2014, which might include: payroll and associated payables; utilities; bond payments; contract payments; payment to other government entities; tax settlements; refunds; reissue voids; well sealing; sewer loan contract payments; insurance payments and lease payments.

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Discussion was held regarding a possible septic system policy that the board would like to put in place to deal with septic complaints as well as a copy of a letter

that the board would like to send out to all realtors, bankers and lawyers in the area regarding septics. County Attorney Nick Anderson will work on putting some language together for a possible policy, which will be discussed at a future board meeting.

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Motion by Holmen, second by Oeltjenbruns, unanimous vote to set the 2014 Contingency Fund for the County Attorney's Office at \$7,500.

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Bob Pankratz and Tammy Crowell, DVHHS, presented the final budget for the Family Service Agency for 2013.

Crowell presented the minutes from the December 17<sup>th</sup> meeting and asked for approval. Motion by Holmen, second by Stevens, unanimous vote to approve the December 17<sup>th</sup> minutes.

Pankratz asked the board for approval of final December bills. Motion by White, second by Stevens, unanimous vote to approve final payments for December.

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JinYeene Neumann, County Engineer, met with the board to discuss a few different items. Neumann expressed her appreciation of Jerry Hayes, Highway Superintendent, for his involvement with finding a used asphalt router for the Highway Department at a cost of \$4,600.

Neumann asked for final payment approval on the last of four bridge projects (project 17-598-04). Motion by Holmen, second by Stevens, unanimous vote to pay final payment of \$6,187.87 on project 17-598-04.

Neumann presented quotes to purchase flammables cabinets for the highway shop as follows: Northern Tool - \$1,100; Uline - \$829; and Carquest - \$743. Motion by White, second by Stevens, unanimous vote to purchase up to six flammables cabinets from Carquest at a cost of \$743. The board asked Neumann to find out if she could get a better price by buying multiple cabinets.

Neumann presented further information regarding the Safe Routes to School project and asked that the board adopt two resolutions. Motion by Holmen, second by Oeltjenbruns, unanimous roll call vote to adopt resolution as follows:

**Resolution 14-01-07A**

BE IT RESOLVED, that Cottonwood County agrees to act as sponsoring agency for a "Transportation Alternatives" project identified as Winfair and has reviewed and approved the project as proposed. Sponsorship includes a willingness to secure and guarantee the local share of the costs associated with this project with the support of the Windom Area Community School District and responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules and regulations.

BE IT FURTHER RESOLVED, that Cottonwood County is hereby authorized to act as agent on behalf of this sponsoring agency.

DATED: January 7, 2014

S/James Schmidt, Board Chairman

S/Jan Johnson, Auditor/Treasurer

Motion by Stevens, second by White, unanimous roll call vote to adopt resolution as follows:

**Resolution 14-01-07B**

BE IT RESOLVED, that Cottonwood County is a party to a "Transportation Alternatives" project identified as one way drop off/ pickup lane at Winfair Elementary School and has reviewed and approved the project as proposed. As a participating member the Local Unit of Government (LUG) understands their role in the project, which includes a willingness to secure and guarantee the local share of the costs associated with this project with the support of the Windom Area Community School District and responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules and regulations.

BE IT FURTHER RESOLVED, that Cottonwood County is hereby authorized to act as agent on behalf of this Local Unit of Government.

DATED: January 7, 2014

S/James Schmidt, Board Chairman

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S/Jan Johnson, Auditor/Treasurer

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Motion by Oeltjenbruns, second by Holmen, unanimous vote to accept the only bid received by the Citizen for the Official County Newspaper for 2014.

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Motion by White, second by Stevens, unanimous vote to re-designate official Cottonwood County Depositories as follows: Bank Midwest – Windom; Bank of the West – Windom; United Prairie Bank – Mt. Lake; First Security Bank – Storden; First Empire Securities – Hauppauge, NY; Multi-Bank Securities – Southfield, MI; Wells Fargo Advisors – Minneapolis; and Piper Jaffray – Minneapolis.

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Motion by White, second by Stevens, unanimous vote to re-designate official Cottonwood County Brokers as follows: First Empire Securities – Hauppauge, NY; Multi-Bank Securities – Southfield, MI; Wells Fargo Advisors – Minneapolis; and Piper Jaffray – Minneapolis.

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Discussion was held revisiting the possibility of purchasing the Towleron Building.

Motion by Holmen, second by Stevens, unanimous vote to close the meeting at 11:23 a.m. to discuss a purchase price to offer for the Towleron Building. Individuals present for the closed session were Commissioners John Oeltjenbruns, Jim Schmidt, Kevin Stevens, Tom White, Norm Holmen; County Coordinator Kelly Thongvivong; Auditor/Treasurer Jan Johnson, and Kathy Marsh.

Motion by Holmen, second by Stevens, unanimous vote to open the meeting at 11:56 a.m.

Chairman Schmidt appointed himself and Commissioner White to discuss with legal representation, who is familiar with real estate transaction, legal advice on how to proceed.

Brief discussion was held regarding per diem rates for committee members other than the commissioners. The board agreed to leave them the same for 2014 at a rate of \$65/meeting.

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As per Minnesota Statutes, the County Board is required to set the minimum salaries for elected county officials who will be elected in 2014 and take office in January of 2015. Motion by White, second by Holmen, unanimous vote to set the minimum salaries for elected officials in 2015 as follows: County Attorney - \$50,000; County Auditor/Treasurer - \$50,000; County Sheriff - \$50,000; and County Recorder - \$38,000.

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Motion by Oeltjenbruns, second by Stevens, unanimous vote to increase cell phone allowances for Smart phones to a rate of \$60/month as warranted by Department Heads.

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Motion by White, second by Holmen, unanimous vote to recess as the County Board and to convene as the Ditch Authority.

Motion by White, second by Stevens, unanimous roll call vote to adopt the resolution as follows:

**Cottonwood County Board  
Resolution 14-01-07**

**WHEREAS**, joint county ditches exist between Jackson County and Cottonwood County and require representation from both counties as a Joint County Ditch Board; and

**WHEREAS**, Judicial Ditches 12, 27, 39, 40, 54, 79 and 85 have a majority of the ditches in Cottonwood County and require three Cottonwood County commissioners to represent these ditches; and

**WHEREAS**, the Cottonwood County Auditor/Treasurer recommends commissioners Schmidt, Holmen and White to represent Judicial Ditch 12, 27, 39, 40, 54, 79 and 85, due to the ditches being in their represented territory or closest in proximity to their represented territory; and

**WHEREAS**, Consolidated Ditch1 and Judicial Ditch 16 have a majority of the ditches in Jackson County and require two Cottonwood County commissioners to represent these ditches; and

**WHEREAS**, the Cottonwood County Auditor/Treasurer recommends commissioners Schmidt and White to represent Consolidated Ditch 1, commissioners Schmidt and Holmen to represent Judicial Ditch 16, due to the ditches being in their represented territory or closest in proximity to their represented territory.

**NOW, THEREFORE**, the Drainage Authority for Cottonwood County hereby appoints commissioners as listed above to the Joint County Ditch Boards between Jackson County and Cottonwood County.

Dated this 7<sup>th</sup> day of January, 2014

Cottonwood County Board of Commissioners acting as Drainage Authority for Cottonwood County.

S/James Schmidt, Board Chairman

S/Jan Johnson, Auditor/Treasurer

Motion by Oeltjenbruns, second by Holmen, unanimous vote to adjourn as the Ditch Authority and to reconvene as the County Board.

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County Coordinator Kelly Thongvivong informed the board that all full-time employees will be receiving a letter in the near future informing them that if they would like to continue with the NCPERS benefit that it will be at their own expense of \$16/month. The county will continue to offer the benefit but the premium will no longer be employer paid.

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Commissioner White gave an update regarding a meeting that was held on January 3<sup>rd</sup> with Jackson County representatives to discuss the possible shared positions of a Planning & Zoning Administrator and Parks Director. The board plans to continue to keep discussing this with Jackson County while still continuing to pursue the possibility of hiring an employee exclusively for Cottonwood County as well. We are still waiting to hear back from Springsted regarding possible points for this position so that a salary range can be determined and then advertising can begin.

Commissioner White gave a brief update regarding the Minnesota Rural Counties Caucus group that the county recently became a member of. White reported that according to the group it looks like there may be the potential of \$200 million in funding over the next two decades in legacy funding alone for Greater MN that can be used for parks and trails.

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Brief discussion was held regarding an ad in the Cottonwood County Visitor's Guide that will be discussed at the next board meeting for possible approval.

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There being no further business, the meeting was adjourned.

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Jan Johnson, Auditor/Treasurer

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James Schmidt, Board Chairman

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Kelly Thongvivong, County Coordinator