

June 22, 2010  
Cottonwood County Board of Commissioners  
Regular Meeting  
Minutes

The Cottonwood County Board of Commissioners met in regular session on Tuesday, June 22, 2010 at 1:00 p.m. at the Cottonwood County Courthouse in Windom, MN. Presiding over the meeting was Vice-Chairman Ron Kuecker. Present for all or portions of the meeting were: Commissioners Ron Kuecker, Norm Holmen, John Oeltjenbruns, Gary Sorenson; Administrative Assistant Kelly Thongvivong; Auditor/Treasurer Jan Johnson; County Attorney Doug Storey; Aaron Backman, Jason Cardwell, Jason Purrington, Gary Therkelsen, Leonard Koehnen, Gale Bondhus, Rory Lindvall, Brian Cooley, Mike Hanson, Steve Nasby, Frank McDowell, Gerald Engstrom, Marlene Smith, Margo Wright, Richard Green, Cindy Johnson and Randy Sook. Absent was Commissioner Tom White.

Motion by Sorenson, second by Holmen, unanimous vote to approve additions to the agenda. Motion by Holmen, second by Oeltjenbruns, unanimous vote to approve the minutes of the June 8, 2010 meeting. Motion by Oeltjenbruns, second by Sorenson, unanimous vote to approve the minutes of the June 16, 2010 Board of Equalization meeting.

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A public hearing for the proposed tax abatement for New Vision was held. There were no members of the general public present for the hearing. Windom EDA Director Aaron Backman and Frank McDowell representing New Vision explained the plans and project timelines and answered any questions that the board had. Motion by Holmen, second by Sorenson to adopt resolution (as follows) approving property tax abatements to assist in financing improvements to be made by New Vision Co-op in the City of Windom, Minnesota. Roll call vote as follows: Aye – Holmen, Sorenson, Oeltjenbruns. Nay – Kuecker. Motion carried. Commissioner White was absent.

**Resolution 10-06-22**

**Resolution Approving Property Tax Abatements to Assist in Financing Improvements to be made by New Vision Co-op in the City of Windom, Minnesota**

**WHEREAS**, New Vision Co-op (the "Company") owns property (the "Property") located at 125 16th Street in the City of Windom: PID Nos. 25.231.0050 and 25.131.0040; and

**WHEREAS**, the Company has proposed to remove three existing grain bins and a grain dryer and replace them with two larger bins and associated connections, grain dryer, truck scale, etc.; and

**WHEREAS**, the Company has requested that Cottonwood County consider abatement of the County's share of the property taxes on the Property which will be generated by these new improvements and specifically the new grain bins, and property taxes on existing improvements will not be affected by this proposed tax abatement; and

**WHEREAS**, the proposed tax abatement program would grant an abatement of the increase in property taxes caused by new development on the land, and this tax abatement would correspond with eligible demolition and site preparation costs pursuant to Minnesota Statutes; and

**WHEREAS**, only demolition and site preparation costs are eligible expenses for tax abatement and the Company is requesting tax abatement to assist with these costs which will be approximately \$70,000; and

**WHEREAS**, the Company has also made a request to the City of Windom, Minnesota, for abatement of the City's share of the property taxes generated by the new improvements; and on June 15, 2010, the City Council for Windom, Minnesota, approved the proposed tax abatement program concerning the City's share of property taxes, from the new development, for an abatement period of five (5) years beginning in 2012 through 2016; and

**WHEREAS**, based on estimated eligible expenses, projected increases in property valuation created by the new improvements, and current tax rates, the maximum aggregate amount of the County's share of the abatement (the "Abatement") would be \$18,996; and

**WHEREAS**, a proposed Property Tax Abatement Agreement between the City of Windom and New Vision Co-op has been prepared and a copy has been submitted to the Cottonwood County Commissioners, together with a proposed Property Tax Abatement Pledge Agreement between Cottonwood County and the City of Windom; and

**WHEREAS**, a public hearing on the proposed tax abatement was held before the Cottonwood County Commissioners at their regular meeting on June 22, 2010, following proper legal notice of said public hearing; and

**WHEREAS**, the Abatement is authorized under *Minnesota Statutes*, Sections 469.1812 through 469.1815 (the "Abatement Law"); and

**WHEREAS**, the Cottonwood County Commissioners make the following findings concerning the proposed abatement:

1. The Commissioners expect the benefits to the County of the Abatement to at least equal the costs thereof.
2. Granting the Abatement is in the public interest because it will assist in the development of real property, increase or preserve the tax base of the County, and retain or provide employment opportunities in the County.
3. The Commissioners expect the public benefits described above to be derived from the Abatement.
4. During the period of abatement, the Property will not be located in a tax increment financing district.
5. In any year, the total amount of property taxes abated by the County by this and other resolutions does not exceed the greater of ten percent (10%) of the current levy or \$200,000.

Now, therefore, **BE IT RESOLVED** by the **COUNTY COMMISSIONERS FOR COTTONWOOD COUNTY, MINNESOTA**, as follows:

1. The Abatement is hereby approved. The terms of the abatement shall be as follows:
  - A. The Abatement shall be for a maximum of five (5) years and shall apply to the taxes payable in the years 2012 through 2016, inclusive.
  - B. The Abatement shall be for 100% of the County's share of the increased ad valorem property taxes generated by the Property as a result of the proposed development of the Property by the Company. The Abatement will be used to reimburse the Company for its payment of eligible costs of the redevelopment.
  - C. The Abatement may not be modified or changed during the term set forth above, except with the prior written consent of the Company, the City, and the County.
  - D. The Abatement shall be subject to all the terms and limitations of the Abatement Law.
  - E. In order to be entitled to the Abatement, the Company shall not be in default to the City and County for any of its payment obligations respecting any taxes, assessments, utility charges or other governmental impositions.
  
2. The terms of the Property Tax Abatement Agreement between the City of Windom and New Vision Co-op are hereby approved and the Property Tax Abatement Pledge Agreement between Cottonwood County and the City of Windom is hereby approved; and the Board Chairman of the Cottonwood County Commissioners and the Cottonwood County Auditor-Treasurer are authorized to execute the Property Tax Abatement Pledge Agreement on behalf of Cottonwood County.

Adopted this 22nd day of June, 2010.

S/Jan Johnson, Auditor/Treasurer  
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S/Ron Kuecker, Board Vice-Chairman  
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Commissioner Oeltjenbruns gave an update regarding a complaint he recently received regarding the Johnson property on N. 71. It was suggested that a letter be sent from the Environmental Office in regards to the continued concerns with the appearance of the property.

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Discussion was held regarding closing a portion of a future meeting to discuss personnel issues. County Attorney Doug Storey was requested to contact two employees regarding a possible closed session. Each employee will then have the option of requesting that the meeting be closed or open to the public.

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Motion by Sorenson, second by Oeltjenbruns, unanimous vote to recess as the county board and to convene as the Ditch Authority at 2:08 p.m.

A preliminary hearing for the proposed improvement of JD #32 was held with three members of the public present. The petition requested that a lateral line be added to the system to relieve the flooding of farm land near the NW

corner of the SW quarter of section 9-106N-R34W.

Motion by Oeltjenbruns, second by Holmen, unanimous vote to approve the engineer's preliminary report. Motion by Sorenson, second by Holmen, unanimous vote to direct Gerald Engstrom to develop final engineer's report and to appoint Jim Weidemann, Duane Bendixon and Bill Modestad as viewers for the JD #32 improvement.

Motion by Sorenson, second by Oeltjenbruns, unanimous vote to adjourn as the Ditch Authority and to reconvene as the County Board at 2:19 p.m.

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Jason Cardwell, Steve Ferry and Jocelyn HechtI met with the board representing Matrix Communications to give a presentation regarding a phone system. Because Matrix Communications is currently listed on the state contract, the county could choose not to go through the RFP process. Sheriff Jason Purrington agreed to be the contact person for Matrix Communications if they should have any further questions.

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Sheriff Jason Purrington met with the board to get approval of the acceptance of a boat and water safety grant in the amount of \$3,531.00 that will be used for the purchase of a radio for the Sheriff's Department boat. Motion by Sorenson, second by Holmen, unanimous vote to authorize Vice-Chairman Kuecker to sign for the acceptance of the grant.

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Gary Therkelsen and Leonard Koehnen met with the board to present the Detailed Participation Plan for the Allied Radio Matrix for Emergency Response – ARMER and to discuss the different aspects of the plan.

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County Assessor Gale Bondhus met with the board to discuss a proposed office update/remodel for the Assessor's Office and to ask permission to obtain quotes for filing cabinets. The board suggested that Bondhus have the commissioners tour the Assessor's Office at a future meeting so that she can better explain her intentions for the update/remodeling of the office.

Motion by Sorenson, second by Oeltjenbruns, unanimous vote to allow Bondhus to obtain quotes for two 4-drawer 42" lateral files for the Assessor's Office.

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Assistant County Engineer Rory Lindvall and Shop Supervisor Brian Cooley met with the board to discuss a few different items. Lindvall reported that bids for SAP 17-613-43, CSAH 13 were opened on Monday and the results were as follows: Mathiowetz - \$1,562,786.72; CSI - \$1,955,828.72; Duinick - \$1,744,210.16; Kern & Tabery - \$1,828,575.34. Motion by Holmen, second by Sorenson, unanimous vote to award low bid in the amount of \$1,562,786.72 to Mathiowetz.

Cooley asked that the board consider a proposal for the installation of snow equipment for plow truck #41. Due to the fact that Aspen Equipment is

unable to supply and mount a cable operated mid-mount benching wing, Cooley asked that Aspen Equipment mount the box, hoist and front plow for the previous quoted price of \$54,844.88. This price is calculated from the original quote of \$61,324 minus \$6,480 for the price of the wing and installation of the wing. Cooley also recommended that Crysteel Equipment mount a cable operated benching wing on truck #41 for a price of \$12,184.43 after the box and plow has been mounted at Aspen Equipment. Total cost for plow truck #41 to have all the equipment mounted will be \$67,029.31. This will add \$5,704.43 to the original quoted price by Aspen Equipment but will be the wing that works best for the county and has less maintenance costs in the future. Motion by Sorenson, second by Oeltjenbruns, unanimous vote to accept the proposal as presented by Cooley to have Aspen Equipment mount the box, hoist and front plow and to have Crysteel Equipment mount a cable operated benching wing on truck #41.

Cooley informed the board about a few different issues with some of the vehicles at the Highway Department/Landfill. Motion by Sorenson, second by Holmen, unanimous vote to transfer truck #49 to the landfill and to take quotes for the sale of truck #40 for salvage.

Brief discussion was held regarding the 5-year unit replacement proposal that Cooley had previously given to the board for their review. This will be discussed further when budgets are completed for 2011.

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Environmental Officer Mike Hanson met with the board to discuss a few different items. Margo Wright was in attendance at the meeting to discuss a position as a seasonal employee for the Parks Department that she was recently hired for pending successful completion of all requirements. Wright did not meet all of the requirements of the position and was informed by the board that this was an open meeting and anything that is discussed during the meeting would become public information. She asked that the board consider allowing her to retake one of the tests as she feels that there was a reason that she did not pass the initial test. First Lab and the Windom Hospital will be contacted for further discussions regarding the matter. Wright was also advised to talk to her physician to see if he would be willing to sign a statement in regards to the results of the test and the medications that she had been taking at the time of the test.

Motion by Sorenson, second by Holmen, unanimous vote to hire Dylan Smith as a seasonal employee for the Parks Department after successful completion of a drug test and background check.

Motion by Sorenson, second by Oeltjenbruns, unanimous vote to allow one employee from the Environmental Office to attend County Ag Inspector Workshop on July 26-28 in Worthington.

Motion by Holmen, second by Oeltjenbruns, unanimous vote to allow Mike Hanson to attend Water Management Summit for Local Governments on July 24<sup>th</sup> in St. Cloud.

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Motion by Oeltjenbruns, second by Sorenson, unanimous roll call vote (Commissioner White was absent) to adopt resolution as follows and to set minimum price of \$50.00 on all properties that are listed on the list of tax-forfeited land #11 for public sale:

**Resolution 10-06-22A**  
**NOTICE OF PUBLIC SALE OF TAX –FORFEITED LANDS**

**NOTICE IS HEREBY GIVEN THAT** the parcels of land described in List of Tax-Forfeited Land #11 that is contained herein shall be sold to the highest bidder at public sale. The sale will be governed by the provisions of M.S. 282.01 and by the resolution of the Cottonwood County Board of Commissioners authorizing such sale. The resolution reads as follows:

**BE IT RESOLVED**, that all parcels of the tax-forfeited land listed on list of Tax-Forfeited Land #11 be classified as non-conservation land; that the basic sale price of each parcel on List of Tax-Forfeited Land #11, that is on file with the Clerk of the County Board, be approved and authorization for a public sale of this land be granted, pursuant to M.S.282.01; that the sale will be held at 10:00 A.M., Wednesday, September 15, 2010 by the Cottonwood County Auditor at the County Courthouse for not less then the basic sale price; and that all sales shall be full payment or on the terms set forth on List of Tax-Forfeited Land #11

**BE IT FURTHER RESOLVED**, that the conditions and terms of the public sale shall be described in the list contained here-in and approved by the Cottonwood County Board of Commissioners.

Information about the sale of tax-forfeited land in Cottonwood County can be obtained at the office of the Cottonwood County Auditor/Treasurer Cottonwood County Courthouse 900 3<sup>rd</sup> Ave, Windom, MN 56101. Telephone (507) 831-1905.

Given under my hand and official seal at Windom, MN., this 22<sup>nd</sup> day of June, 2010.

S/Jan Johnson, Auditor/Treasurer

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Motion by Sorenson, second by Oeltjenbruns, unanimous roll call vote (Commissioner White was absent) to adopt resolution as follows:

**Resolution 10-06-22B**

**WHEREAS**, the governing body of the County must authorize an absentee ballot board by resolution to process regular absentee ballots; and

**WHEREAS**, the County must also establish a UOCAVA (Uniform and Overseas Citizen Absentee Voting Act) ballot board to process UOCAVA ballots; and

**WHEREAS**, these boards may consist of County Auditor office staff.

**NOW, THEREFORE BE IT RESOLVED**, the County of Cottonwood does hereby authorize an absentee ballot board and a UOCAVA ballot board. These boards shall consist of two staff members of the County Auditor/Treasurer office staff, to be appointed by the County Auditor. Two staff members will also be appointed as alternates.

S/Jan Johnson, Auditor/Treasurer

S/Ron Kuecker, Board Vice-Chairman

Motion by Oeltjenbruns, second by Holmen, unanimous vote to pay 2010 appropriation (July 1, 2010 to June 30, 2011) in the amount of \$893 to the Minnesota River Board.

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There being no further business, the meeting adjourned at 5:53 p.m.

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Jan Johnson, Auditor/Treasurer

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Tom White, Board Chairman

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Kelly Thongvivong, Bd. Adm. Assistant