

July 7, 2009
Cottonwood County Board of Commissioners
Regular Meeting
Minutes

The Cottonwood County Board of Commissioners met in regular session on Tuesday, July 7, 2009 at 9:00 a.m. at the Cottonwood County Courthouse in Windom, MN. Presiding over the meeting was Chairman Gary Sorenson. Present for all or portions of the meeting were: Commissioners Gary Sorenson, Tom White, Ron Kuecker, Norm Holmen, John Oeltjenbruns; Administrative Assistant Kelly Thongvivong; Auditor/Treasurer Jan Johnson; County Attorney Doug Storey, Mike Hanson, Greg Johnson, Ron Gregg, Kay Clark and Dave Bucklin. Motion by Oeltjenbruns, second by Kuecker, unanimous vote to approve additions to the agenda. Motion by Holmen, second by Oeltjenbruns, unanimous vote to approve the minutes of the June 23, 2009 meeting as amended.

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Auditor/Treasurer Jan Johnson met with the board to discuss a few items. Johnson reported that there are five tax-forfeiture properties that will be sold to the highest bidder at a public sale on October 1st. Motion by Kuecker, second by Holmen, unanimous roll call vote to set minimum bid for the five properties as follows: 2 Westbrook properties - \$50; 1 Storden property - \$1,000; 1 Mt. Lake property (5' x 150' strip of land) - \$10; 1 Comfrey property (bare lot) - \$50 and to adopt resolution as follows:

RESOLUTION 09-07-07B
Notice of Public Sale of Tax-Forfeited Lands

NOTICE IS HEREBY GIVEN THAT the parcels of land described in List of Tax-Forfeited Land #10 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 #10 be classified as non-conservation land; that the basic sale price of each parcel on List of Tax-Forfeited Land #10, 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. Thursday, October 1, 2009 by the Cottonwood County Auditor at the County Courthouse for not less than the basic sale price; and that all sales shall be full payment or on the terms set forth on List of Tax-Forfeited Land #10.

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 3rd Ave., Windom, MN 56101. Telephone (507) 831-1905.

Given under my hand and official seal at Windom, MN, this 7th day of July 2009.

S/Jan Johnson, Auditor/Treasurer

Motion by Holmen, second by White, unanimous vote to allow Auditor/Treasurer Johnson to advertise for demolition and removal of two structures in Westbrook. The cost of the demolition and clean up will be paid for through the County Clean-Up Fund.

Motion by Oeltjenbruns, second by Kuecker, unanimous vote to set rental rate for tax-forfeiture property in Storden at a rate of \$300/month effective July 1st.

Motion by Kuecker, second by White, unanimous roll call vote to adopt resolution for agreement between the State of Minnesota, acting through its Secretary of State and the County Auditor of Cottonwood County. The agreement between the parties states that "Governmental Unit and State agree that State will hold in a secure location provided by State the materials provided by Governmental Unit to State pursuant to court orders in Cases A08-2169, 62-CV-09-56 and A09-697, (2008 United States Senate Election Cases) and any other related cases, for the 22 month retention period mandated by Minnesota Statutes, section 204B.40. State will appropriately dispose of the materials in accordance with any further orders of the courts or after the expiration of the 22-month period.

Johnson reported that a final bill has been received from Dave Borsgard for work done at the 9th Street Office Building and will be paid with Commissioner warrants next week.

Brief discussion was held regarding awning repair and a window leak at the 9th Street Office Building. Johnson was instructed to move forward with the repair of the problem.

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Environmental Officer Mike Hanson and Environmental Technician Greg Johnson met with the board to discuss a few items. Hanson reported that the Planning Commission held a public hearing to consider the conditional use application submitted by Douglas Kuehl to construct and operate a car wash and a mini Laundromat in Westbrook Township, Section 32. The Planning Commission recommends approval of this permit with four conditions as mentioned. Motion by Oeltjenbruns, second by Holmen, unanimous vote to approve conditional use permit based on four conditions mentioned and on a recommendation of the Planning Commission.

Much discussion was held with Mike Hanson and Greg Johnson in regards to usage of the county-owned cell phones for personal calls. Hanson and Johnson stated that they did not know that you could not use the county-owned cell phones for personal use. Johnson stated that whenever he receives a bill for going over the minutes of the cell phone plan, he has reimbursed the county for those calls. The board agreed that a cell phone usage policy needs to be developed in the near future and in the meantime both employees were instructed to reduce the level of personal calls on the county-owned cell phones. Both employees were also reminded that the county has a vehicle usage policy as well and they are to call the Travel Coordinator whenever a vehicle is taken

home overnight. The board asked that a memo be sent out to all Department Heads informing them that a cell phone policy will be developed in the near future and to remind their employees that they are not to be using county-owned cell phones for personal use.

Brief discussion was held regarding a few phone calls Chairman Sorenson received in regards to the outhouse at Highwater County Park as well as a health concern in the Westbrook area. Mike Hanson was asked to follow up on these two items.

It was reported that the air conditioning unit at the N. 71 County Office Building is still not working properly. Johnson Controls will be contacted to see if someone can attend the next board meeting to explain the situation.

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Dave Bucklin and Kay Clark met with the board on behalf of the Greater Blue Earth River Basin Alliance to inform the board about the MPCA-319 Grant that they will be applying for that has a deadline of July 15th. They wanted to inform the board about the three positions that will be applied for through the grant process in case the grant goes through.

Clark gave an update in regards to the 2009 Farm & City Tour as well as the late Verlyn Nickel's position that will soon be reappointed.

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County Engineer Ron Gregg met with the board to discuss several different items. Gregg presented resolutions for the Local Road Improvement Program Grant Funds. The two safety projects are located on CSAH 5 & 13 and involve surfacing shoulders on the horizontal curves. Motion by Holmen, second by White, unanimous roll call vote to adopt resolution as follows:

**RESOLUTION 09-07-07
For Agreement to State Transportation Fund
Local Road Improvement Program
Grant Terms and Conditions**

WHEREAS, Cottonwood County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Local Road Improvement Project No. S.A.P. 17-613-41; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this local road improvement project is available; and

WHEREAS, the amount of the grant has been determined to be \$25,315 by reason of the lowest responsible bid;

NOW THEREFORE, be it resolved that Cottonwood County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.52, subdivision 5, and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the road project, but not required.

S/Gary Sorenson, Board Chairman

S/Jan Johnson, Auditor/Treasurer

Motion by Oeltjenbruns, second by Kuecker, unanimous roll call vote to adopt resolution as follows:

RESOLUTION 09-07-07A
For Agreement to State Transportation Fund
Local Road Improvement Program
Grant Terms and Conditions

WHEREAS, Cottonwood County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Local Road Improvement Project No. S.A.P. 17-605-21; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this local road improvement project is available; and

WHEREAS, the amount of the grant has been determined to be \$57,674 by reason of the lowest responsible bid;

NOW THEREFORE, be it resolved that Cottonwood County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.52, subdivision 5, and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the road project, but not required.

S/Gary Sorenson, Board Chairman

S/Jan Johnson, Auditor/Treasurer

Gregg requested approval to purchase a PC station for the Highway Department. Motion by White, second by Oeltjenbruns, unanimous vote to accept the state quote from DELL in the amount of \$772.18 plus tax for the purchase of a PC station.

Gregg presented the board with a detour schedule for the Highway 60 Road Construction Project.

Motion by Kuecker, second by Holmen, unanimous vote to approve advertising for the following overlay projects: CSAH 16, SAP 17-616-05 (CSAH 1 to East county line); CSAH 13, SAP 17-613-42 (CSAH 15 to CSAH 4); CSAH 10, SAP 17-610-34 (TH 71 to East CSAH 5 & West 5 to 6); CSAH 4, SAP 17-604-18 (City limits of Jeffers).

Gregg reported that the Solid Waste Department has received approximately 25% of the recycling survey back and are in the process of compiling the data.

Motion by Kuecker, second by Oeltjenbruns, unanimous vote to allow Gregg to attend a Supervisor Training Seminar on September 21, 2009 in Sioux Falls, SD.

Gregg gave an update in regards to the incident that happened South of Mt. Lake a few months ago. According to MCIT there have been no claims submitted at this time.

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There were no updates to report at this time in regards to ditch business. Commissioner Kuecker did ask to see a copy of the non-compliant ditches at some point.

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Discussion was held regarding the upcoming pay study. The board agreed that unless something is completely missed during the position analysis questionnaire and interview process, employees will not have a chance to appeal the points of their positions once they are determined by Wayne Brede.

Motion by Kuecker, second by Oeltjenbruns, unanimous vote to appoint Kelly Thongvong as the HR designee for the pay study process.

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Brief update was given regarding a natural gas leak in the heating system of the 9th Street County Office Building that has been shut off and is currently in the process of being repaired.

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Motion by Kuecker, second by Oeltjenbruns to allow payment of overdue submission of expenses by Commissioner White and a claim submitted by Greg Johnson for mileage that had previously been paid and to remind all employees of the policy in place. Voting aye: Kuecker, Oeltjenbruns, Holmen. Abstaining from the vote: White. Motion carried.

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Commissioner Kuecker gave an update regarding the signage of the 9th Street Office Building. He is hoping to have more information at the next board meeting. Kuecker also asked for further information in regards to the wind production tax, which was explained by Auditor/Treasurer Jan Johnson. A more complete report including income will follow.

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Commissioner White gave an update regarding a few different items. He reported that the last food distribution went very well and was much better organized than it was the first time.

White reported that he was involved with interviews for the RSVP Coordinator position but no final decisions have been made at this point. It was reported that RSVP has requested a county appropriation of \$17,003.80 for 2010.

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Commissioner Kuecker suggested that the board review the county's existing policy related to discipline and mentioned that he could possibly get a copy of the Discipline Policy that Red Rock Rural Water recently developed as well.

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There being no further business, the meeting was adjourned at 11:50 a.m.

Jan Johnson, Auditor/Treasurer

Gary Sorenson, Board Chairman

Kelly Thongvong, Bd. Adm. Assistant