

June 13, 2006  
Cottonwood County Board of Commissioners  
Regular Meeting  
Minutes

The Cottonwood County Board of Commissioners met in regular session on Tuesday, June 13, 2006 at 9:00 a.m. at the Cottonwood County Courthouse in Windom, MN. Presiding over the meeting was Chairman Ron Kuecker. Present for all or portions of the meeting were: Commissioners Ron Kuecker, Norm Holmen, John Oeltjenbruns, Gary Sorenson, Chuck Severson; Administrative Assistant Kelly Thongvivong; Auditor/Treasurer Jan Johnson; County Attorney Doug Storey; Mike Hanson, Jason Purrington, John Stein, Roger Rowlette, Ken Elg, Della Elg and Wendy Meyer. Motion by Holmen, second by Sorenson, unanimous vote to approve additions to the agenda. Motion by Oeltjenbruns, second by Sorenson, unanimous vote to approve the minutes of the June 6, 2006 meeting as corrected.

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Environmental Officer Mike Hanson met with the board to discuss a few items. Hanson gave an update in regards to the Ag Technical Advisor position and reported on how many manure management plans had been completed since late summer of 2005 until Steve Iverson's resignation in June 2006. Motion by Sorenson, second by Severson, unanimous vote to make a decision not to fill the Ag Technical Advisor position at this time. Hanson was asked to do some research to find out what some of the other counties in the area are doing as far as manure management plans.

Hanson reported that a revised plan and budget for the ISTS Pilot Project was recently sent to Bill Dunn, MPCA, but that he has not yet heard back whether or not they have accepted the proposal.

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Sheriff Jason Purrington met with the board to ask for their approval to apply for a grant through DNR for the purchase of a boat that needs to be submitted today. Purrington reported that Cottonwood County currently does not have a boat and that only two of the five fire departments within the county have boats that can be used for water rescue and recovery. Motion by Oeltjenbruns, second by Sorenson, unanimous vote to allow the Sheriff to apply for the grant through DNR for up to \$21,192 for the purchase of a 17.5 foot open-bow runabout boat with a 90hp outboard engine and trailer. This grant does not require a dollar match.

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Motion by Sorenson, second by Severson, unanimous vote to approve payment of new transit bus in the amount of \$53,712.50 to Hogle Bus Company.

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Motion by Holmen, second by Sorenson, unanimous vote to approve June warrants as follows:

|                          |              |
|--------------------------|--------------|
| County Revenue Fund      | \$ 48,157.20 |
| Long Term Capital Outlay | \$ 1,166.38  |

|                          |                     |
|--------------------------|---------------------|
| County Building Fund     | \$ 1,810.71         |
| Ditch Fund               | \$ 6,287.43         |
| Road & Bridge Fund       | \$ 52,302.99        |
| Waste Abatement/SCORE    | \$ 5,207.05         |
| Landfill Enterprise Fund | \$ <u>20,783.32</u> |
| TOTAL                    | \$135,715.08        |

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Commissioner Severson updated the board in regards to the recent request of the Plum Creek Library System for a one-time \$25,000 appropriation from nine different counties. Windom, Mt. Lake and Westbrook libraries will be contacted to see if they might be able to appropriate a portion of the funding along with the county.

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Two quotes were received for the repair of the transit garage roof and were as follows: Laraway Roofing - \$16,790 and Bargaen - \$21,110. Motion by Sorenson, second by Oeltjenbruns, unanimous vote to accept low quote in the amount of \$16,790 from Laraway Roofing and to proceed with the repair of the roof. The quote from Laraway Roofing does not include a building permit or performance bond if required.

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Brief discussion was held in regards to Veteran's Service Officer/Deputy Emergency Management Director position. It was reported that 20 applications were received and will be reviewed by each of the commissioners. A listing of the top ranked applicants will then be compiled and interviews will be scheduled.

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John Stein, MCIT, and Roger Rowlette, Attorney for Cottonwood County Defendants, met with the board to review communications from Minnesota Counties Insurance Trust and to discuss any questions or concerns the board had in regards to the resolution that was presented for consideration of approval. Motion by Sorenson, second by Holmen, unanimous roll call vote to adopt resolution regarding settlement of Honan Lawsuit as follows:

**Cottonwood County Board of Commissioners  
Resolution Regarding Settlement of Honan Lawsuit  
06-06-13**

**WHEREAS** plaintiff, former county attorney David P. Honan, previously commenced a lawsuit against Cottonwood County and individual past and current Board members, as well as others; and

**WHEREAS** preliminary motions to dismiss certain allegations of the complaint were brought before the district court and subsequently appealed by Honan to the Minnesota Court of Appeals, which issued its ruling on August 30, 2005, allowing certain claims in the lawsuit to proceed through discovery and possible trial; and

**WHEREAS** in the lawsuit Honan has asserted claims against the county defendants for alleged defamation, open meeting law violations, Data Practices Act violations and breach of contract; and

**WHEREAS** the county defendants have in the past and continue to deny each and every one of such claims asserted by Honan; and

**WHEREAS** Cottonwood County is a participant in the Minnesota Counties Insurance Trust (MCIT), a member-owned shared-risk pool; and

**WHEREAS** the MCIT has been defending the claims asserted by Honan and has expended, and continues to expend considerable sums in the defense of the lawsuit; and

**WHEREAS** a Mediation of the matter held on May 22, 2006 and May 25, 2006, before a neutral mediator, resulted in a compromise settlement agreement between and amongst all of the parties, including plaintiff Honan and the county defendants, which portion of the settlement is contingent, in part, on action by the Cottonwood County Board of Commissioners; and

**WHEREAS** the MCIT has the right and duty to control decisions regarding the making of any monetary payments to plaintiff Honan; and

**WHEREAS** the MCIT is desirous of settling this matter by making a payment to Honan in the amount of \$25,000, which is substantially less than estimated future defense costs of \$75,000 to \$150,000; and

**WHEREAS** among the terms insisted on by plaintiff Honan to reach a complete settlement of all claims asserted in the lawsuit is this Board's action to "rescind, strike, void, or retract" certain paragraphs pertaining to plaintiff Honan contained in a January 31, 2000 Resolution of this Board, which are, for all intents and purposes, moot at this point in time;

**WHEREAS** outside counsel representing the county defendants in this matter, as well as the MCIT, have recommended that the compromise settlement agreement be approved in order to put an end to this protracted litigation, eliminate costly and time-consuming depositions, discovery and further motions to the court, and to avoid any chance, however remote, of an adverse verdict and judgment at trial.

**NOW, THEREFORE BE IT RESOLVED** by the Cottonwood County Board of Commissioners as follows:

1. The Board hereby accepts the recommendation of outside counsel and the MCIT to settle this lawsuit;
2. For purposes of this settlement, paragraphs 4, 5, 6, 7, 8, 10, 11, 12 and 14 of the January 31, 2000 Board Resolution are hereby disregarded as moot at this time.
3. The Board Chairman is authorized to sign any settlement documents necessary to effectuate the agreement.

Dated: June 13, 2006

S/Jan Johnson, Auditor/Treasurer

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S/Ron Kuecker, Board Chairman

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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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Ron Kuecker, Board Chairman

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Kelly Thongvong, Bd. Adm. Assistant