

September 27, 2011
Cottonwood County Board of Commissioners
Regular Meeting
Minutes

The Cottonwood County Board of Commissioners met in regular session on Tuesday, September 27, 2011 at 1:00 p.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, Jim Schmidt, Tom White; Executive Assistant Kelly Thongvong; Auditor/Treasurer Jan Johnson; County Attorney Nick Anderson; Ron Gregg, Dick White, Mike Johnson, Jon Diemer, Rick Rud, Bill Hamilton, Jason Purrington and Gale Bondhus.

Motion by White, second by Oeltjenbruns, unanimous vote to approve additions to the agenda. Motion by Schmidt, second by Holmen, unanimous vote to approve the minutes of the September 13, 2011 meeting.

* * * * *

County Attorney Nick Anderson met with the board to present a resolution approving State of Minnesota Joint Powers Agreements with the County of Cottonwood on behalf of its County Attorney and Sheriff. Motion by Oeltjenbruns, second by Holmen, unanimous roll call vote to adopt resolution as follows:

RESOLUTION 11-09-27

**Resolution Approving State of Minnesota Joint Powers
Agreements with the County of Cottonwood on behalf of its
County Attorney and Sheriff**

WHEREAS, the County of Cottonwood on behalf of its County Attorney and Sheriff desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the County is eligible. The Joint Power Agreements further provide the County with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the County to pay the costs for the network connection.

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

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the County of Cottonwood on behalf of its County Attorney and Sheriff are hereby approved. Copies of the Joint Powers Agreements are attached to this Resolution and made a part of it.
2. That the Sheriff, Jason Purrington, or his or her successor, is designated the Authorized Representative for the Sheriff. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the County's connection to the systems and tools offered by the State.

- 3. That the County Attorney, Nicholas Anderson, or his or her successor, is designated the Authorized Representative for the County Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the County's connection to the systems and tools offered by the State.
- 4. That Ronald Kuecker, the Chair of the County of Cottonwood Board of Commissioners and Jan Johnson, the County Board Clerk, are authorized to sign the State of Minnesota Joint Powers Agreements.

Passed and adopted by the County Board of Commissioners on this 27th day of September, 2011.

S/Ron Kuecker, Board Chairman

S/Jan Johnson, Auditor/Treasurer

* * * *

Auditor/Treasurer Jan Johnson presented two quotes for telephone services as follows: TDS - \$1,610.24 and Windomnet - \$1,262.36. The board asked that Johnson find out further information from the two providers in regards to different options/features that might be available.

* * * *

Motion by Schmidt, second by White, unanimous vote to renew flexible spending account (FSA) with Select Account for 2012 and to set the limits at \$3,000 for medical expenses and \$5,000 for dependent care expenses.

* * * *

Commissioner Jim Schmidt asked a question about a tax-forfeiture property in the Westbrook area and who might be responsible for removing the fuel tanks on this property. Schmidt will contact the Pollution Control Agency for further information.

* * * *

At 1:15 p.m. Commissioner Tom White excused himself from the meeting due to a conflict of interest with the recycling bid.

County Engineer Ron Gregg met with the board to discuss several items. Two bids for single stream recycling were received and opened as follows: Waste Management - \$197,881/year for 2012, 2013 and 2014; Hometown Sanitation - \$199,500/year for 2012, 2013 and 2014.

Chairman Kuecker allowed for a short recess to allow the commissioners to review the bids for single stream recycling. After much discussion and comments by the board, there was a motion by Schmidt, second by Kuecker to accept Waste Management as the low bid for single stream recycling for a total cost of \$593,643 for 3 years. Voting as follows: Aye – Schmidt, Kuecker, Holmen. Nay – Oeltjenbruns. Commissioner White was not present to vote.

Gregg gave an update regarding the Stipulation Agreement between MPCA and Cottonwood County for the Cottonwood County Landfill. Gregg stated that SEH is still working on the issue. Gregg received a letter from MPCA on September 26th and he has 15 days from the receipt of the letter to reply. Gregg is hopeful that the county may not get fined as was initially thought.

Motion by Oeltjenbruns, second by White, unanimous vote to approve final payment in the amount of \$116,625.59 on the grading project on CSAH 13 (SAP 17-613-43).

The commissioners had no questions/comments regarding the August budget report. Gregg did clarify some amounts for the board that were inaccurate on the last report.

Discussion was held regarding the suggestion to look into the possibility of having the Sheriff's Department get fuel for their squad cars through the Highway Department to save on fuel costs. Sheriff Purrington agreed to try this on a trial basis for the remainder of the year to see how it works.

* * * *

Motion by White, second by Holmen, unanimous vote to approve Memorandum of Understanding between Southwest Regional Development Commissioner (SRDC) and Cottonwood County, for the purposes of creating the Southwest Sustainable Development as outlined in The U.S. Department of Housing and Urban Development's Sustainable Communities Regional Planning Grant Program Application.

* * * *

Auditor/Treasurer Jan Johnson presented three quotes for tax record scanning as follows: Mid America Business Systems - \$33,588.70; US Imaging - \$48,379.55; FNTI - \$26,666.00. The board did not seem to be in agreement to scan images as far back as 1870. The board questioned if less of the images can be scanned. Johnson was asked to compile further information as far as where the funds will come from to pay for the scanning.

* * * *

It was reported that no response was originally received when trying to get quotes for the demolition of tax-forfeited properties. Stuart Therkelsen was contacted to see if he might be interested in submitting a quote for the demolition of two properties. Therkelsen was only interested in giving a quote for the demolition of the property located in Storden. Quote received was in the amount of \$3,025 (\$2,875 + \$150 mobilization fee). Motion by White, second by Holmen, unanimous vote to accept the quote in the amount of \$3,025 from Therkelsen Construction.

* * * *

A request was received from Kim Hall to approve special payment of an Emergency Management bill that needs to be paid before the next deadline for payment of bills. Motion by Holmen, second by White, unanimous vote to allow for special approval of a payment in the amount of \$1,488 to MSpace, Inc. for the video conferencing maintenance contract for the video equipment at the Law Enforcement Center that was approved at the last board meeting.

* * * *

Brief discussion was held in regards to the issues that the Probation Office has been having with the phone system in their offices. The board suggested

that all issues be shared with the individual that has been contacted to come and look at the phones.

* * * *

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

Discussion was held regarding a request for crop damage compensation for JD #32. Motion by Oeltjenbruns, second by White, unanimous vote to make a reduction of improvement expense to the Friesen Trust property and the Malone Family property for construction damage to crops. The amount paid will be \$600/acre for beans (growing crop) and \$850/acre for corn (growing crop).

A final construction report and two change orders for the improvement of a drainage system in JD #10 was presented for approval. It was noted that the original bid price for the project was \$207,360.00. The final cost for the project is \$227,830.92. Motion by White, second by Holmen, unanimous vote to approve final payment (5% of remaining balance plus two change orders) to Gustafson Drainage LLC in the amount of \$30,838.92.

Motion by Holmen, second by White, unanimous vote to pay for crop damages on JD #10 at a rate of \$850/acre for corn (growing crop) and \$400/acre for beans (not planted).

Motion by Holmen, second by Oeltjenbruns, unanimous vote to pay for crops on JD #23 that were destroyed at a rate of \$850/acre for corn and \$600/acre for beans.

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

* * * *

Monthly overtime reports and information regarding preliminary levy amounts set by other counties was handed out for the board's review.

* * * *

At 3:07 p.m., there was a motion by Oeltjenbruns, second by Schmidt, unanimous vote to close the meeting to discuss strategy for labor negotiations. Individuals present were: Commissioners Kuecker, Holmen, Oeltjenbruns, Schmidt and White; Executive Assistant Kelly Thongvivong; Auditor/Treasurer Jan Johnson; County Attorney Nick Anderson.

At 3:52 p.m. Chairman Kuecker adjourned the closed session.

* * * *

There being no further business, the meeting adjourned at 3:52 p.m.

Jan Johnson, Auditor/Treasurer

Ron Kuecker, Board Chairman

Kelly Thongvivong, Executive Assistant