

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, January 6, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle, & Moorhead; County Attorney Jandt; Glenn Kruse; HR Director Arrick-Kruger; Bruce Kuehmichel; Sheriff Inglett; Travis Lapham; Engineer Pogodzinski

Presiding: Auditor Meiners, Chairperson pro tem

Call to order.

Auditor Meiners requested nominations for Chairperson for the year 2015. Commissioner Zmyewski nominated Commissioner Schuldt. The nomination was seconded by Commissioner Walter and carried unanimously.

Chairperson Schuldt requested nominations for Vice-Chairperson for the year 2015. Commissioner Zmyewski nominated Commissioner Kjome. The nomination was seconded by Commissioner Kjome. The motion carried with Commissioner Storlie voting in the negative.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the agenda with additions as discussed.

Motion was made by Commissioner Kjome, seconded by Commissioner Zmyewski and unanimously carried to approve the minutes of the December 30, 2014 meeting.

File No. 1 - Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$ 6,495.07
Road & Bridge Fund	10,361.18
	-----
Total	\$16,856.25
	=====

File No. 2 - On recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Storlie seconded by Commissioner Walter and unanimously carried to authorize the hire of Leah Milde at step 1 of the appropriate comparable worth band effective January 12, 2015 for the position of Public Health Clerk.

File No. 3 - HR Director Arrick-Kruger requested the reappointment of Dr. Ross R. Reichard as County Coroner for a one year term. This will result in both the contract and the appointment expiring at the same time. Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to adopt the following:

### **RESOLUTION NO. 15-1**

BE IT RESOLVED that the Houston County Board of Commissioners hereby appoints Dr. R Ross Reichard as County Coroner for one year, being January 1, 2015 through December 31, 2015

HR Director Arrick-Kruger along with Sheriff Inglett requested approval of the Chief Deputy Sheriff position. Sheriff Inglett, pursuant to M.S. 387.145, has selected Travis Lapham to fill said position. He stated that Mr. Lapham brings with him a great deal of experience that will fit well within the Sheriff's Office. Motion was made by Commissioner Zmyewski, seconded by Commissioner Storlie and unanimously carried to approve the position of Chief Deputy.

It was noted that since the position of Chief Deputy has been approved, the POST Board required pre-employment background investigation and psychological evaluation will be conducted. Sheriff Inglett stated that Mr. Lapham would join the office once he has successfully completed the POST Board requirements.

HR Director Arrick-Kruger reported that Sheriff Inglett meets the requirements to receive a Smart phone per diem. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve a \$50.00 per month Smart phone per diem for Mark Inglett.

The Planning Commission is holding a public hearing to consider the proposed frac sand ordinance this evening in the lower level conference room of the Justice Center.

Commissioner Zmyewski provided an update on the Highway Department Building proposal.

File No. 4 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the 2015 meeting schedule as proposed.

File No. 5 - Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to approve the following 2015 Appropriations:

SE Minnesota Initiative Fund	2,700.00	
SEMAAA	2,000.00	
SELCO	\$138,437.00	
Emergency Medical Service	10,000.00	
SEMCAC - Senior Driving Program	1,000.00	
SEMCAC - Senior & Caregiver Advocacy	1,000.00	
SEMCAC - Senior Nutrition	2,000.00	
Historical Society	37,500.00	
Historical Society - Matching Funds	5,000.00	Maximum
Southern MN Tourism//Historic Bluff Country	951.35	
Agricultural Society	18,000.00	*
Bluff Country HRA	5,000.00	

File No. 6 – Following discussion, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to adopt the following resolution:

**RESOLUTION NO. 15-2**

To Use Alternative Method To Disseminate Bids And Requests

WHEREAS, Minn. Statute § 311A.03 Subd. 3(b), allows a county to use its web-site or recognized industry trade journals as an alternative to disseminate solicitations of bids, requests for information and requests for proposals;

NOW THEREFORE, the Houston County Board of Commissioners hereby resolves:

BE IT RESOLVED, that the County of Houston will continue to use the Houston County website, [www.co.houston.mn.us](http://www.co.houston.mn.us), as an alternative means to disseminate solicitations of bids, requests for information, and requests for proposals for transportation related construction and maintenance projects.

BE IT FURTHER RESOLVED, that any dissemination by alternative means must be in substantially the same format and for the same period of time as a publication would otherwise be required under Minn. Statute § 331A.03 Subd. 3.

File No. 7 – Following discussion, motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to adopt following resolution:

### **RESOLUTION NO. 15-3**

RESOLVED, That under the provisions of Chapter 714, Laws of 1961, duly designated representatives of Houston County shall be authorized to participate in the meetings and activities of their respective State Association by membership therein and attendance at meetings thereof, as contemplated by Statute, and by the provisions of Chapter 529, Laws of 1963; and

RESOLVED FURTHER, That money be appropriated from the County Revenue Fund to defray expenses of such officials in connection therewith, said expenses to be paid upon presentation and allowance of properly itemized claims in an amount not to exceed statute limitations.

File No. 8 - Following discussion motion was made by Commissioner Zmyewski, seconded by Commissioner Storlie and unanimously carried to adopt the following resolution:

### **RESOLUTION NO. 15-4**

WHEREAS, Donna Trehus holds the elected office of Houston County Treasurer and Charlene Meiners holds the elected office of Houston County Auditor;

NOW THEREFORE, BE IT RESOLVED that Donna Trehus, Houston County Treasurer, is granted the following powers: Open any deposit or share accounts(s) with Eitzen State Bank in the name of Houston County;

BE IT FURTHER RESOLVED that Donna Trehus, County Treasurer, Charlene Meiners, County Auditor, and Steve Schuldt, Chairperson of the Houston County Board, are hereby granted the following powers: Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with Eitzen State Bank;

BE IT FURTHER RESOLVED, that the above mentioned powers are granted effective retroactive to January 2, 2014.

File No. 9 – Following discussion, motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the committee appointments as discussed.

Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve a credit card for Samuel Jandt.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve a credit card for Mark Inglett contingent upon his submission of the appropriate paperwork.

Commissioner Storlie encouraged scheduling a policy and strategic planning meeting. It was agreed to schedule monthly policy and strategic planning meetings to follow the first regular board meeting beginning with the February 2, 2015 meeting.

File No. 10 - At this time the printing bids for calendar year 2015, filed pursuant to advertisement, were opened and read:

Caledonia Argus quoted the following prices:

OFFICIAL NEWSPAPER FOR 2014: Official proceedings of the County Board and all notices required to be published in the Official Paper at \$4.19 per column inch.

MISCELLANEOUS NOTICES: Miscellaneous notices not required to be published in the Official Paper at legal or display rate per line. My display rate for legal publications is \$8.98 per column inch and display publications are \$7.74 per column inch.

FIRST PRINTING OF 2014 FINANCIAL STATEMENT: Official Paper for publishing the Financial Statement for the year 2014, subsequent publication, (Chapter 158, Laws for 1993) at \$4.19 per column inch.

SECOND PRINTING OF 2014 FINANCIAL STATEMENT: Official Paper for publishing the Financial Statement for the year 2013, subsequent publication, (Chapter 158, Laws for 1993) at \$4.19 per column inch.

PUBLICATION OF 2014 DELINQUENT TAX LIST: Houston County provides the data in a "type set" format - with the Delinquent List being published by only the successful bidder. Bids to be based on an 8 point type, Arial font with 9 point leading at \$6.73 per column inch.

Spring Grove Herald quoted the following prices:

OFFICIAL NEWSPAPER FOR 2015: Official proceedings of the County Board and all notices required to be published in the Official Paper at \$3.95 per column inch.

MISCELLANEOUS NOTICES: Miscellaneous notices not required to be published in the Official Paper at legal or display rate per line. My display rate for legal publications is \$7.50 per column inch and display publications are \$7.50 per column inch.

FIRST PRINTING OF 2014 FINANCIAL STATEMENT: Official Paper for publishing the Financial Statement for the year 2014, subsequent publication, (Chapter 158, Laws for 1993) at \$4.20 per column inch.

SECOND PRINTING OF 2014 FINANCIAL STATEMENT: Official Paper for publishing the Financial Statement for the year 2013, subsequent publication, (Chapter 158, Laws for 1993) at \$4.20 per column inch.

PUBLICATION OF 2014 DELINQUENT TAX LIST: Houston County provides the data in a “type set” format - with the Delinquent List being published by only the successful bidder. Bids to be based on an 8 point type, Arial font with 9 point leading at \$3.95 per column inch.

The Houston County News quoted the following prices:

OFFICIAL NEWSPAPER FOR 2014: Official proceedings of the County Board and all notices required to be published in the Official Paper at \$4.00 per inch.

MISCELLANEOUS NOTICES: Miscellaneous notices not required to be published in the Official Paper at legal or display rate per line. My display rates for legal publications are \$4.00 per column inch and display publications are \$4.00 per column inch.

FIRST PRINTING OF 2013 FINANCIAL STATEMENT: Official Paper for publishing the Financial Statement for the year 2013 subsequent publication, (Chapter 158, Laws for 1993) at \$4.00 per column inch.

SECOND PRINTING OF 2013 FINANCIAL STATEMENT: Official Paper for publishing the Financial Statement for the year 2013, subsequent publication, (Chapter 158, Laws for 1993) at \$4.00 per column inch.

PUBLICATION OF 2013 DELINQUENT TAX LIST: Houston County provides the data in a “type set” format - with the Delinquent List being published by only the successful bidder. Bids to be based on an 8 point type, Arial font with 9 point leading at \$4.00 per column inch.

Auditor Meiners reported that the low bid of \$3.95 per column inch for the official newspaper was submitted by the Spring Grove Herald. She stated that typically all bids for miscellaneous notices are accepted. The Financial Statement is required to be published two times in different newspapers therefore the first printing should be awarded to newspaper which submitted the low bid of \$4.00 per column inch which is the Houston County News and the second printing to the next lowest bid of \$4.19 per column inch which was submitted by the Caledonia Argus. The Delinquent Tax List should be awarded to the low bid submitted by the Spring Grove Herald in the amount of \$3.95 per column inch. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to accept the bids as outlined by Auditor Meiners.

Motion was made by Commissioner Zmyewski seconded by Commissioner Kjome and unanimously carried to place on file the following items from the consent agenda:

File No. 11 – Correspondence to Planning Commission candidates

File No. 12 – Correspondence in appreciation of service to outgoing Planning Commission members

There being no further business and the time being 10:04 a.m., motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, January 13, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, January 13, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Bryan VanGorp; Mike Fields; Assessor Dybing; Donna Buckbee; Kelley Stanage; GIS Coordinator Krzoska; Ken Tschumper; Steve Hartwick; John Beckman; Eric Johnson; Jack Knight; County Attorney Jandt; Sheriff Inglett; Glenn Kruse; Emergency Manager Kuhlers; Environmental Services Director Frank; Yvonne Krogstad

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to approve the agenda.

Motion was made by Commissioner Kjome, seconded by Commissioner Zmyewski and unanimously carried to approve the minutes of the January 6, 2015 meeting.

File No. 1 - Motion was made by Commissioner Kjome, seconded by Commissioner Zmyewski and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$71,643.47
Road & Bridge Fund	204,512.49
	-----
Total	\$276,155.96
	=====

File No. 2 - Ken Tschumper, La Crescent Township Resident, provided a copy of the Houston County Protectors proposed ordinance which they recently drafted. Mr. Tschumper provided an overview of the proposed ordinance which is made up of the current Houston County mining ordinance (approximately 95%) and the Florence Township ordinance (approximately 5%). All portions appearing in the proposed ordinance taken from the Florence Township ordinance are underscored. He encouraged the Board to consider this proposal.

Bryan VanGorp, Yucatan Township Resident, stated that rail lines are coming to Houston County, all protections will expire in March 2015, and the desired frac sand particle size has been increased. The sand located in Houston County is made up of particle size which is desirable. He appealed to the Board to further consider adopting a ban on frac sand mining.

Steve Hartwick, Money Creek Township Resident, stated that during the recent public hearing it appeared that no one is pleased with the proposed ordinance. Time is running short to go back to the drawing Board. He suggested that the Board adopt a ban. He anticipates that a ban would be challenged. He indicated that a new ordinance that pleases the people could be developed during the period when the ban is challenged. He stated that he favors a strong ordinance that is detailed, and stringent with strict enforcement provisions that will protect Houston County.

Jack Knight, Allamakee County, Iowa, stated that he has performed some research related to ordinances. He indicated that it is his understanding that an option is available whereby a moratorium would go into effect in the event an ordinance was challenged. Allamakee didn't have the political support to pursue a ban on industrial mining, however, it appears to him that Houston County has the support. In closing, he offered any assistance he could provide that the County would find beneficial.

John Beckman, Houston Township Resident, expressed concern related to damage sustained in the Historic Jail. He indicated that taxpayers want to know why the damage occurred and who is responsible. This concern needs to be addressed. Costs were incurred as a result, therefore an investigation should be conducted, just like other investigations which have been conducted within the County.

File No. 3 - GIS Coordinator Krzoska stated that when the compliance funds are utilized to cover expenses, Board approval is required. Last year the cost to enhance the Beacon site with pictometry photos was approved. Recorder Bauer supported this request. Assessor Dybing commented how the addition of pictometry to the Beacon site would create greater efficiencies in his office. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve an amount, not to exceed \$1,500.00, from the compliance fund to cover the cost for the addition of pictometry to the Beacon/Schneider Corporation site.

File No. 4 - Emergency Manager Kuhlert presented a Joint Powers Agreement Region One – Southeast Minnesota Homeland Security Emergency Management. He reported that grants from HSEM used to be awarded to counties on an individual level. Now grants are awarded on a regional level. Region One has utilized grant funding to purchase equipment and is now required to provide insurance coverage for that equipment. Region One is requesting one time dues in the amount of \$1,000.00 to cover insurance and other expenses. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the Joint Powers Agreement and the payment of dues in the amount of \$1,000.00.

There is a need to name an alternate to the SE MN Emergency Management Board. Emergency Manager Kuhlers represents Houston County on the Board and suggested that the Board designate a Commissioner or Sheriff Inglett as alternate in the event he is unable to attend a meeting. Meetings are typically scheduled for the third Friday each month and hosted in Steele County at 10:00 a.m. Discussion was held. Sheriff Inglett is willing to serve as alternate and it was the consensus of the Board to designate him as such.

File No. 5 - Engineer Pogodzinski reported that S.P. 028-599-077 qualifies for Federal funding in 2016. This project is for bridge replacement in Sheldon Township on Charlie Drive which has been awarded to Icon Constructors LLC and will be completed in 2015. Approval to utilize Town Bridge account funds has been granted with reimbursement to follow in 2016 from the Federal funds which have been designated for this project. The Town Bridge account has adequate funds to cover this expense until the reimbursement is received. Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to adopt the following:

**RESOLUTION NO. 15-5**  
**Houston County Federal Project Advance Resolution**

Whereas, the County of Houston is planning to construct SP 028-599-077 in the year 2015, which has been programmed by the ATP in the STIP or work plan for the year 2016, and

Whereas, said County is prepared to proceed with the construction of said project through the use of an advance from their State Aid-Town Bridge Account, to supplement project funding in lieu of future Federal Funds;

Whereas, Houston County and MnDot have a signed advance construction agreement #6888, approved by the County Board, October 7, 2014;

Whereas, repayment of the funds so advanced will be made from Federal funds no later than the year in which the ATP has programmed the project.

Now, therefore be it resolved: That the Commissioner of Transportation be and is hereby requested to approve this advance for SP 028-599-77 of the County of Houston in an amount up to \$272,000, in accordance with Minnesota Rules 8820.1500, Subp. 8 and 9a., and to authorize repayments from Houston's State Aid Town Bridge Account or from local funds within a requested and approved repayment schedule should said project fail to receive Federal funds for any reason.

File No. 6 - Engineer Pogodzinski reported on the following bids which were received until January 12, 2015 for S.A.P. 028-608-014:

Concrete Foundations, Inc. New Hampton, IA 50659	\$1,773,038.38
Doyle Conner Company Rochester, MN 55904	\$2,038,325.94
Flynn Company, Inc. Dubuque, IA 52004	\$2,060,939.02
C.S. McCrossau Construction Inc. Maple Grove, MN 55311	\$2,224,342.55

The low bid was 11.96% below the engineer's estimate. This is the first large concrete paving project for Houston County. The project location is west of Spring Grove on County 8 covering 3 miles. Lifetime cost estimates for both asphalt and concrete paving were prepared and compared. It has been determined that concrete paving is a more cost effective option. Motion was made by Commissioner Kjome, seconded by Commissioner Zmyewski and unanimously carried to accept the low bid of Concrete Foundations, Inc. in the amount of \$1,773,038.38 for S.A.P. 028-608-014.

File No. 7 – Engineer Pogodzinski explained how federal policy related to road signage changed in 2009. The County has had a sign policy in place for several years. It has been updated to bring it in line with the federal policy. Houston County has been in compliance since the federal changes were made. Updated the County's policy will have no impact on current operating procedures. Discussion was held regarding reflectivity and the average life of signs. Engineer Pogodzinski explained the three methods for inspecting signs which includes inspection by a trained individual, inspection based on warranty/sign life expectancy, and inspection by specialized equipment. He likes to use a combination of these methods. It was noted that signs typically last between 12 and 15 years. Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to adopt the Houston County Department of Transportation Road Sign Inventory, Retro-Reflectivity Compliance Evaluation, and Replacement Policy.

Engineer Pogodzinski reported that he plans on ordering two cab and chassis which were included in this year's equipment budget. He stated that if they are ordered now, they will arrive in November in time for the next winter driving season. He stated that the County has 4 plow trucks manufactured between 1996 and 2012. He is evaluating which trucks the newly purchased vehicles will replace. One of the oldest trucks recently had a significant amount of repair work which may lead to a decision to retain the older truck over a more recent model. Commissioner Zmyewski questioned whether trucks are a standard length. Engineer Pogodzinski responded that they are standard. The trucks are built to specifications which vary greatly among entities buying. They are not a "stocked" vehicle, rather they are built to order and are sold as soon as they have been manufactured.

File No. 7a - Commissioner Kjome stated that he has drafted an ordinance banning frac sand mining. He asked County Attorney Jandt to review the proposal to determine defensibility. County Attorney Jandt stated that he is in the process of familiarizing himself with the work on the sand mining ordinance which has been completed to date and has requested a copy of the County's file from Attorney Jay Squires.

The Board requested that Auditor Meiners schedule an update on the Historic Jail. HR Director Arrick-Kruger was previously directed to gather estimates for various options. The building is currently moth balled.

It was the consensus of the Board to approve the scheduling of Finance Committee meetings for the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month at 8:30 a.m.

Commissioner Storlie agreed to represent Houston County on the SELCO Board. Meetings are held at 5:00 p.m. on the 4<sup>th</sup> Tuesday in the months of January, April, July and October at a location in Rochester.

Commissioner Storlie questioned dues to and participation on the La Crosse Area Planning Committee. No Commissioners were familiar with the organization yet Commissioner Storlie receives meeting notices. It was reported that Jack Miller used to represent the County on the Committee. Commissioner Storlie will research participation further. It was noted that no dues have been paid to the organization.

Sheriff Inglett has requested an appointment to meet with the Board at the next regularly scheduled meeting. He wishes to discuss authorizing deputies to take squad cars home provided they live in the County or within 5 miles of its border and within the State of Minnesota. He would also like to discuss the Chief Deputy position.

Commissioner Zmyewski has discussed activity on the CP Rail lines near Miller's Corner. Environmental Services Director Frank provided an update. He reported that CP Rail was granted permits in 2014 to replace old timber pilings on a CP Rail Bridge traversing the Root River with new steel and concrete ones. This upgrade will improve safety of the rail line. In addition, CP Rail is working to secure necessary permits to install a passing lane along a 2 mile stretch north of Brownsville. They have worked with the TEP (Technical Evaluation Panel) which is made up of representatives from the Corp of Engineers, DNR, Board of Soil and Water Resources, County Zoning, County Engineering, and the Soil Conservation Office. The TEP took action this past Friday. There will be a public notice followed by a period for comment. CP Rail is also working with MnDOT regarding highway right of way impacts and hopes to obtain the necessary permitting to allow them to begin construction in 2015.

Commissioner Kjome reported on SE MN Water Board meeting he attended this past week.

Commissioner Walter reported on a meeting which she attended to discuss public comments received related to the proposed mining ordinance.

Commissioner Storlie reported on an HRA meeting which she recently attended. She also discussed the importance of filling EDA Board vacancies as the Board has found it difficult to meet with a quorum.

Chairperson Schuldt reported on a Semcac meeting which he attended.

All members of the Board attended the public hearing related to the proposed mining ordinance which was hosted by the Planning Commission.

Motion was made by Commissioner Kjome, seconded by Commissioner Zmyewski and unanimously carried to place on file the following items from the consent agenda:

File No. 8 – Correspondence to Sen. Miller regarding EDA term length

File No. 9 - Correspondence to various committee appointees and organizations

File No. 10 - Correspondence to payroll regarding new hires

File No. 11 - Tons delivered to Xcel

File No. 12 – Correspondence to Naomi Fruechte in appreciation for her service

There being no further business and the time being 9:55 a.m., motion was made by Commissioner Zmyewski seconded by Commissioner Kjome and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, January 20, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, January 20, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Wayne Stenberg; Debbie Betthauser; HS Director Bahr; Sheriff Inglett; HR Director Arrick-Kruger; Sam Whitehead; Jail Administrator Schiltz; Financial Services Supervisor Kohlmeyer; Social Services Supervisor Hunter; Bryan VanGorp; Ken Tschumper; Bruce Kuehmichel; Mike Fields; Donna Buckbee; Betts Ready; Luke Sass; County Attorney Jandt; Yvonne Krogstad; PHN Director Marchel; Travis Lapham; Glenn Kruse; John Beckman; Eric Johnson; Finance Director Lapham; Assessor Dybing; IS Director Milde

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the agenda as amended.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the minutes of the January 13, 2015 meeting.

File No. 1 - Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$215,256.87
Road & Bridge Fund	122,583.97
	-----
Total	\$337,840.84
	=====

Bruce Kuehmichel, Caledonia City Resident, cited a portion of the revised proposed mining ordinance, specifically a definition and listing of prohibited activities. He questioned whether these revisions ultimately ban frac sand mining in Houston County. He also questioned whether justification for the ban has been documented.

Ken Tschumper, La Crescent Township Resident, was pleased with the language implication that frac sand mining will ultimately be banned in Houston County. He suggested the language is cumbersome and should be simplified and clarified.

Michael Fields, Winnebago Township Resident, stated that the recent planning and zoning meeting was quite eye opening. It was enjoyable to learn that there is no support of frac sand mining within the County.

Donna Buckbee, Yucatan Township Resident, expressed that she is cautiously optimistic of the revised proposed mining ordinance. She questioned how the provisions within the ordinance would be enforced and how individuals reporting violations would be treated.

File No. 2 – Wayne Stenberg and Debbie Betthauser met with the Board to provide an annual update/review of Semcac. Ms. Betthauser is the Director of Senior Services. Mr. Stenberg expressed appreciation for the support of the Semcac organization. He reported that within Houston County there are two Head Start locations, one being in Caledonia and the other in La Crescent-Hokah. The food shelf is located in Caledonia. Recently, the Mayville 4H Club installed garden boxes at the food shelf location which are used to grow organic produce to benefit the food shelf. Senior Nutrition programs include congregate dining in addition to Meals on Wheels. Federal funding was reduced by approximately \$97,000.00 as a result of sequestration which resulted in the closure of the Houston City congregate dining site. In response to the closure, Meals on Wheels delivered within the community have increased. It was reported that the typical senior participating in the Senior Nutrition programs is 85 years of age or older, female, and living at or below poverty level. 6.5% of the congregate meals served are provided to Houston County residents. Houston County has 4.2% of the targeted age population in the Semcac service area. Mr. Stenberg was pleased to share that Energy Assistance funding is good with only a 1% change and weatherization funding has been maintained through September 2015. Rolling Hills Transportation continues and has expanded to serve residents in Olmsted County. Funding for programs comes from Federal and State government funding and local philanthropic organizations.

File No. 3 - HS Director Bahr presented a Transportation Services Contract with Semcac for consideration. She explained the one significant change which is the manner in which the administrative fee is assessed. Under the previous contract the administrative fee was based on a per mile fee. Under the new contract, the administrative fee will be assessed per trip. HS Director Bahr stated that due to Houston County's proximity to healthcare providers and number of miles logged to provide services the County should benefit from this change. Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to approve the Transportation Services Contract.

HS Director Bahr reported that the year has been closed out. She provided information related to the end of year expenses and revenues for various units within the department and how

the overall budget appears. She indicated that EDMS costs and an estate collection reimbursement to the state were not included in the budget and how they impact end of year reporting. Although she expects there to be a certain amount of outstanding invoices she is confident with the budget. The fund balance appears to have increased minimally.

The Human Services Department has the opportunity to enter into an agreement for a regional adoption worker. Adoptions are time consuming, have significant paperwork requirements and frequent changes to laws, rules and regulations often complicate the process. The number of adoptions fluctuates. A regional worker would allow social workers within the county to focus on other duties. Olmsted County has two well versed adoption workers who are able to move adoptions through the process efficiently. The State would like to see a turnaround of adoptions cases of less than 24 months.

File No. 4 – It was reported that out of home placement averages are low. This can be attributed to the front end work the County completes. Permanency is always the goal. Out of home placement results when there are significant maltreatment or behavioral issues. In addition to child protection cases there are also several mental health cases.

Social Services Supervisor Hunter indicated that his unit has been in a state of sustained busy. Recently, there have been 43 vulnerable adult welfare checks in addition to chemical dependency and mental health cases.

Currently there is a DHS rate calculator tool which is not functioning. This is challenging for staff as it prevents staff from accessing the tool they should be utilizing.

At this time Social Services Supervisor Hunter introduced two interns who are assisting in his unit.

Financial Services Supervisor Kohlmeyer provided a general update. She reported that last year at this time her staff was managing 1,203 cases. This year there are already 1,913 cases. That averages out to 239 cases per worker. There are 8 workers. The State is in the process of transferring certain MN Sure cases from being State managed to being managed by the County. This is expected to be an increase of 139 cases. She was pleased to report that MN Sure cases are now being tracked through EDMS. There are 10 additional cases which need to be entered into the EDMS system.

Financial Services Supervisor Kohlmeyer stated that the Title IV pre-test has been completed and the 2 cases have passed. She expects a favorable outcome following the upcoming Federal audit which will take place later this year. She indicated that one case which was pulled for review in quite involved.

A quarterly workgroup is being established to work through concerns with EDMS. This should improve troubleshooting and streamline a process by which decisions are made regarding enhancements. Enhancements are expensive to implement due to the programming required.

Jail Administrator Schiltz, PHN Director Marchel, and Sheriff Inglett met with the Board to discuss options for jail health services. PHN Director Marchel stated that when the public health nurse providing jail health services resigned, it was an opportunity to review needs. The group met to determine the most efficient, effective and progressive option for providing the necessary services. PHN Director Marchel stated that corrections health really has evolved into a specialty type care. It is no longer as simple as dispensing a band aid or aspirin from time to time. Many inmates have significant mental health concerns.

File No. 5 - PHN Director Marchel provided an overview and comparison of 3 options for jail health services. Jail Administrator Schiltz reported that he has completed reference checks on MEnD. The references have been favorable. The doctor who organized MEnD visits the sites and has met with small groups here on two occasions. Jail Administrator Schiltz reported that he had solicited a bid from CCS, however they declined due to the small size of our facility. County Attorney Jandt commented that he has experience with advanced correctional care. The County Jail is required to provide medical care to inmates. In addition, Houston County's jail population is not transient. Inmates are local individuals with family in the community. County Attorney Jandt indicated that this creates an additional moral obligation. He has reviewed the proposal from MEnD. The organization is promising a lot. He suggested reviewing the service in 60 days if the agreement is approved. This would allow the county to exercise the 90 day termination option if the services fail to meet expectation. County Attorney Jandt also sees possible potential as a result of the ACA (Affordable Care Act). Currently, if you are an MA recipient you lose benefits once you become incarcerated. With the ACA, it may be that those who applied for healthcare under the ACA provisions would retain health benefits upon sentencing. This may result in cost savings. Sheriff Inglett expressed his opinion that there may be more control with MEnD than there is under the current processes. Staff will have the ability to communicate with the doctor. He also feels that drug and medicine costs can be reduced. The clinic doctor may view the care from a liability standpoint where MEnD is familiar with the jail population and the needs of that population. Public Health has provided good service, however, MEnD will provide more services for less. PHN Director Marchel indicated that she has had concerns whether Public Health is practicing within its scope. She also has concern with the potential liability of the county when Public Health is providing jail health services. County Attorney Jandt stated that the ability to teleconference with a mental health professional may be a significant benefit to the County. On the recommendation of the committee, motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the Medical Services Agreement with MEnD Correction Care, LLC.

Sheriff Inglett expressed great appreciation of both Jail Administrator Schiltz and PHN Director Marchel for their work on the committee researching jail health services options and for including him in ongoing discussions prior to him taking office.

Sheriff Inglett stated that last week he requested approval of the Chief Deputy Sheriff position. The background investigation and psych evaluation of Travis Lapham have been completed and have come back clean. He indicated that he would like to swear in Mr. Lapham as Chief Deputy Sheriff following today's Board Meeting. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the hire of Travis Lapham as Chief Deputy Sheriff.

Sheriff Inglett has researched whether there is a policy regarding housing of county squads. He has been unable to find either a County or Departmental policy in this regard. He explained that the location of squads impacts response times. He shared his goal to reduce response time. If a deputy is called to respond he or she may be required to first get to their squad before being able to respond. He stated that deputies' homes are scattered across the County. He would appreciate the discretion to allow squads to be kept at the home of deputies. This would provide him with flexibility when responding to calls. If squads were allowed to be kept at home he may be able to utilize a deputy in close proximity versus sending a squad located across the County. He expressed his opinion that it is in the best interest of the county and staff to allow squads to be kept at deputy homes to keep response times low. He requested discretion to allow squads to be kept at deputy residences located within the County or within 1 mile of its border provided it is within the State of Minnesota. Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to allow Sheriff Inglett the discretion to allow squads to be taken home as presented.

File No. 6 - HR Director Arrick-Kruger reported that the Post required investigation of the Chief Deputy Sheriff appointee has been completed and has come back positive in all regards. She recommended that the position of Chief Deputy Sheriff be paid at step 6 of the appropriate comparable worth band of the MAPE contract. This step puts the Chief Deputy Sheriff at a salary slightly higher salary than the Captain which is appropriate and allows for salary growth. In addition, it will result in a slight salary savings. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve placing Travis Lapham on payroll effective immediately at the rate discussed.

On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to accept the resignation of Sheila Kelleher effective following her shift on January 30, 2015 and to draft and send a letter of appreciation for her years of service.

Following discussion, motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve an external EOE search for a 1.0 FTE jailer/dispatcher. It was noted that both part time internal staff members are eligible to apply.

Sheriff Inglett informed the Board of his intent to attend the New Sheriff training being offered and that Travis Lapham will be attending the New Chief Deputy training. The trainings are scheduled for next week and the week of February 6 at a cost of \$1,395.00. He indicated that the cost for these trainings alone would deplete his training budget by ½. He will speak with Finance Director Lapham about his budget options. It was noted that there will be salary savings as a result of changes.

File No. 7 - HR Director Arrick-Kruger provided cost estimates related to demolition, mothballing and repurposing/remodeling of the Historic Jail. She stated that consideration is being given to an initiative that would result in an interpretive center to be shared among various organizations. There is also interest in a collaborative initiative from Untamed Science. This type of repurposing may open up various federal and state funding streams. In addition, facilities is researching solar options which may aid in reducing certain overhead costs.

The Planning Commission has a meeting scheduled for this Thursday, the 22<sup>nd</sup> of January at 7:00 p.m.

Commissioner Storlie reported on negotiation, EDA, and jail health services contract meetings which she attended.

Commissioner Zmyewski reported on a frac sand study committee meeting which he attended.

Commissioner Kjome reported on negotiation and EDA meetings which he attended.

Chairperson Schuldt will be attending the March 4<sup>th</sup> and 5<sup>th</sup> AMC legislative conference.

Finance Director Lapham reported that final year financial information has been sent out to department heads for review. She is reviewing revenues for appropriate categorization. Overall all of the major fund balances have increased. No departments were over budget. Motor Vehicle experienced an increase in revenues. Commissioner Storlie commended department heads for coming in at, or slightly below budget.

Pursuant to M.S. 13D.03 subd. 1(b), motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to go into closed session to consider strategy for labor negotiations. The time was 10:51 a.m.

The time being 11:08 a.m., motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to reconvene in open session.

HR Director Arrick-Kruger restated the reason for the closed session was to consider strategy for labor negotiations.

File No. 8 - Sam Whitehead recommended approval of an EDA loan from the revolving loan fund for Nicki Rud. Ms. Rud would like to open a restaurant in the City of Houston and has over 20 years' experience working in food service. She is seeking a \$20,000.00 loan from the County EDA and an additional \$5,000.00 from the City of Houston. Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the EDA loan for Nicki Rud.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to place on file the following items from the consent agenda:

File No. 9 – Memo regarding Senator Miller's proposed legislation to allow for 3 year EDA terms

File No. 10 – Section 8 Vouchers by County Report

There being no further business and the time being 11:11 a.m., motion was made by Commissioner Zmyewski seconded by Commissioner Walter and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, January 27, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, January 27, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Betts Ready; Newschannel 8; Bryan VanGorp; Eric Johnson; Donna Buckbee; Bruce Kuehmichel; Mike Fields; Glenn Kruse; Kent Holen; PHN Director Marchel; County Attorney Jandt; Yvonne Krogstad; Luke Sass; Environmental Services Director Frank; Zoning Administrator Scanlan; Matt Harter; HR Director Arrick-Kruger; Larry Hogam; Financial Services Supervisor Kohlmeyer

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the agenda.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the minutes of the January 20, 2015 meeting.

File No. 1 - Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$57,523.12
Road & Bridge Fund	22,520.01
	-----
Total	\$80,043.13
	=====

Mike Fields, Winnebago Township Resident, questioned whether County Attorney Jandt had advised the Commissioners or Zoning Department, what advice was rendered and the legal justification for that advice. He went on to express his opinion that poor advice will result in poor decision making. He encouraged the Board to reject the Planning Commission's recommendation regarding the proposed mining ordinance.

Bryan VanGorp, Yucatan Township Resident, expressed concern that the Planning Commission overreached its authority. He shared his opinion that the proposed mining ordinance was worthless and lacked adequate monitoring and enforcement provisions. He stated that it was his hope that mining operations would take place next to the homes of Board members.

Bruce Kuehmichel, Caledonia City Resident, provided a narrative of a dream he had about a juggler and the proposed ordinance.

File No. 2 – Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve a county credit card for Travis Lapham

File No. 3 - Auditor Meiners provided background information on a Ground Lease Agreement with Arne Beneke and Eric Benson for Lot 12. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve said lease.

File No. 4 - Environmental Services Director Frank reported that CP Rail has been working with TEP (Technical Evaluation Panel) and also MNDot on a project in the Brownsville area to install a passing spur west of the current tracks. The TEP has agreed on the wetland delineation. Following Board approval of the delineation, the County will provide for a 15 day comment period. CP Rail will continue to work with MNDot with regard to State 26 right of way concerns related to their project. On the recommendation of the TEP, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the delineation.

File No. 5 – Environmental Services Director Frank reported on an agreement with Dynamic Recycling, Inc. for e-recycling. He explained how the rebate has changed. The contract is priced picked up at our dock. Houston County has worked with Dynamic Recycling, Inc. in the past and is pleased with the service they provide. They are located in the La Crosse/Onalaska area. He indicated that typically, Houston County residents generate a semi-trailer full of e-waste per month. That is between 13,000 and 15,000 pounds. E-waste includes computers, TV's, phones, cellular devices, cd players, radios, etc. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the Minnesota Program Service Agreement with Dynamic Recycling for e-recycling.

Environmental Services Director Frank reported that in December semi-trailers are DOT certified. He has been informed that one trailer will not be certified without first undergoing significant repairs. The cost of the necessary repairs has been estimated and equals the approximate amount to replace the trailer. He explained the necessary repairs which include new door framing, brakes and tire replacement. These trailers are loaded with tires bound for recycling and transported by an independent carrier. Environmental Services Director Frank has been working with Maintenance Foreman Molling to locate a trailer which will meet the needs of the department. The cost for a new trailer is expected to range between \$10,000 and \$15,000. He does not have the funds to cover the expenditure within his budget. Commissioner Zmyewski

questioned what size trailer was needed. Environmental Services Director Frank responded that he is in need of a 53 foot trailer. He would like to retain the old trailer for use as a temporary mattress storage container. La Crosse County is working to provide an option for mattress recycling. Houston County already accepts mattresses as part of the drop site program. Environmental Services Director Frank estimates that approximately 2,000 mattresses are collected annually. There is a mattress recycling facility in La Crosse which will accept mattresses at a rate of \$15.00 each. Discussion was held. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and carried, with Commissioner Zmyewski voting in the negative, to authorize Environmental Services Director Frank to spend up to \$13,000.00 to purchase a semi-trailer.

Environmental Services Director Frank reported that there is a solution for ag bag recycling, however, the technology is expensive. He explained how the ag bags can be shredded, mixed with wood product and burned. He indicated that there is an ag bag recycling facility. However, its location makes it cost prohibitive to utilize due to shipping costs. La Crosse County Solid Waste continues to work towards a regional solution.

File No. 6 - At this time bids for the processing of comingled recyclables received by 1:00 p.m. on Thursday, January 22, 2015 were opened and read. Three bids were received. Environmental Services Director Frank explained how the pricing for recycling of these items was based under previous agreements. The bid is for a 3 year agreement. Bids are based on a per ton fee. Hilltopper Refuse & Recycling Service Inc. bid fibers at \$30.00, rebate at high side, and rigids at \$30.00. Richard's Sanitation LLC bid fibers at \$30.00, rebate at 50%, and rigids at \$35.00. Green Circle recycling bid fibers at \$25.00, rebate equal to value less \$25.00 per ton, and rigids at \$15.00. Environmental Services Director Frank stated that he has toured the Green Circle Recycling facility. Commissioner Walter indicated that Hilltopper Refuse & Recycling Service Inc. has provided good service as our previous recycling provider. Steve Hogam of Hilltopper Refuse & Recycling Service Inc. requested clarification on rebate bid amounts. Matt Harter of Green Circle Recycling provided a response to Commissioner Kjome's question related to the security of hard drive data on electronics submitted for recycling stating that Dynamic Recycling follows the security protocol for electronic waste data per NAID and DOD recommendations. Specifics related to their business' protocol are included in the billing information received from Dynamic Recycling. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to accept the low bid provided by Green Circle Recycling for drop site comingled fiber and rigids recycling.

Zoning Administrator Scanlan reported on the recent Public Hearing held by the Planning Commission regarding the proposed mining ordinance. Minor changes resulting from the hearing were approved and have been incorporated into the proposed ordinance which is being recommended to the County Board. The proposed ordinance has been referred to County Attorney Jandt for review and comment. Discussion was held regarding the scheduling of the required public hearing to be conducted by the County Board. County Attorney Jandt expressed concern with scheduling the public hearing too closely to the expiration of the moratorium. He

stated that prior to an ordinance being effective there will need to be 10 days published notice. He encouraged the Board to be aware of the timeline they are working within and to provide adequate time for decision making. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to schedule the public hearing for 10:00 a.m. on Wednesday, February 18, 2015 in the County Board Room.

Commissioner Zmyewski clarified the process which needs to be completed prior to the moratoriums expiration on March 5<sup>th</sup>.

File No. 7 - HR Director Arrick-Kruger was pleased to report that she and PHN Director Marchel interviewed 2 applicants for the position of Public Health Nurse. On the recommendation of the hiring committee, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to hire Anne Scheetz at step 1 of the appropriate comparable worth band effective February 2, 2015 contingent upon successful completion of the required background check. PHN Director Marchel commented that Ms. Scheetz comes with ideal experiences and expertise including special certification related to wound care and ostomy, she is positive and comes with stellar references.

Financial Services Supervisor Kohlmeyer stated that Case Aide Melissa Jordan is a good fit with the team, and had worked in EDMS prior to joining Houston County. She was an asset when the team went live with EDMS and they are excited for her to become a regular employee. On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the change in status of Melissa Jordan from probationary to regular effective January 28, 2015.

HR Director Arrick-Kruger reported that she has reviewed the requirements to qualify for a mobile computing stipend. She recommended approval of the stipend for Chief Deputy Sheriff Lapham. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve a mobile computing stipend in the amount of \$50.00 per month for Travis Lapham.

File No. 8 - HR Director Arrick-Kruger provided a reminder of the March 16<sup>th</sup> Out of this World Customer Service Training with Rick Olson, customer service expert, author and trainer, which is being hosted here.

HR Director Arrick-Kruger reported that, upon approval, she will file the Houston County pay equity report. This report compares women's salaries to men's salaries within the organization. It considers average salary per class based on banding, years to reach target or maximum salary, etc. Statistics to be submitted indicate that Houston County does not have an underpayment ratio and is doing very well. The final report is required to be posted. Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to approve the submission of the pay equity report.

It was noted that the public hearing to consider the proposed mining ordinance has been scheduled.

All commissioners were in attendance at the Public Hearing held by the Planning Commission.

Commissioner Kjome reported on negotiations, and One Watershed, One Plan meetings which he attended. One Watershed, One Plan would like an alternate assigned to the committee. Commissioner Kjome stated that meetings are expected to take place on a monthly basis, are held in Preston and may be held either during day hours or evening hours. Chairperson Schuldt agreed to be the alternate for the committee and to attend the meetings in the event Commissioner Kjome has a scheduling conflict.

Commissioner Zmyewski expressed concern with the process under which the proposed mining ordinance has been developed. He received a call from Dan Griffin at one point regarding discussion which had been held which was unfamiliar to him leading him to question when the discussion took place. He also voiced concern regarding the conduct of certain committee members which he considered to be insubordinate and/or threatening in nature. He stated that Commissioners are representing the public, and Planning Commission members should not be telling commissioners to “be quiet” or not to bring up this topic or that. He wants the Board members to be aware of this and to realize that the proposed mining ordinance was not developed with 100% agreement among committee members. He shared his opinion that the committee was not conducted in as transparent a manner as it should have been.

Commissioner Storlie reported on a negotiation meeting which she attended. She asked Commissioner Zmyewski to provide greater clarification regarding his concerns. He responded that decisions were made regarding what was included in or excluded from the proposed mining ordinance without it being discussed with the entire committee membership present. He indicated that a group of 4 individuals met behind closed doors and were making decisions. This has made for a perception that the process was not transparent.

Commissioner Walter reported that the finance committee has decided that it will meet once monthly on the 4<sup>th</sup> Tuesday.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to place on file the following items from the consent agenda:

File No. 9 – Minutes of the Bluff Country HRA meeting held  
January 12, 2015

File No. 10 – Correspondence from Money Creek Township  
regarding proposed mining ordinance

File No. 11 – Letter of appreciation to Sheila Kelleher for years  
of service approved 1/20/2015

File No. 12 – Mark Inglett CC Policy Acknowledgment

There being no further business and the time being 10:12 a.m., motion was made by  
Commissioner Zmyewski seconded by Commissioner Storlie and unanimously carried to adjourn  
the meeting, the next advertised meeting being Tuesday, February 3, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, February 3, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Kent Holen; Cheryl Holen; John Beckman; Dan Griffin; Glenn Kruse; Bryan VanGorp; Eric Johnson; Kelley Stanage; Donna Buckbee; Bruce Kuehmichel; Betts Ready; County Attorney Jandt; Engineer Pogodzinski; Finance Director Lapham; Environmental Services Director Frank; Jeremy Chipps; Ron Fadness

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the agenda.

Motion was made by Commissioner Kjome, seconded by Commissioner Storlie and unanimously carried to approve the minutes of the January 27, 2015 meeting.

File No. 1 - Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$175,911.33
Road & Bridge Fund	168,186.31
	-----
Total	\$344,097.64
	=====

File No. 2 - Ron Fadness, representative of Bruening Rock Products, expressed concerns with language included in the proposed mining ordinance which appears contradictory and also limiting language which could prevent the installation of a scale and scale house. He hopes that the language can be clarified.

Bryan VanGorp, Yucatan Township Resident, stated that at times he has used harsh rhetoric. He accused the Board of allowing some individuals to speak at greater length than

others during the public comment period. He has provided evidence which is verifiable and logical argument which seem to him to go unheard. This contributes to his frustration because he is dependent upon the Board to make good decisions which will hopefully result in the preservation of the environment, infrastructure and health of the community. He indicated that communication goes two-ways and the communication between concerned citizens and the Board appears dysfunctional. He called on the Board to acknowledge its part in the dysfunction.

Jeremy Chipps, La Crescent City Resident, provided an overview of his knowledge of air, water, industry and health. He encouraged the Board to tune into an upcoming discussion scheduled to be held on Wisconsin Public Radio related to frac sand mining in Wisconsin, and more particularly, the Trempealeau area. He appealed to the Board for their consideration of a ban on frac sand mining in Houston County.

Kent Holen, Houston Township Resident, expressed concern about the fracturing of the community which has already resulted from frac sand discussion. He appealed to the Board to prevent this heavy industry from coming into the area and further fracturing community relationships. He asked that the Board provide their reasoning for whatever action they take regarding the proposed mining ordinance during a public forum.

Donna Buckbee, Yucatan Township Resident, commented that Money Creek Township Officers submitted a statement of their position and support of a ban on frac sand mining in Houston County. Ms. Buckbee expressed dismay that this was inconspicuously placed on the consent agenda.

Dan Griffin, Planning Commission Chairperson, stated that he feels the need to respond to statements made by Commissioner Zmyewski recently. Commissioner Zmyewski indicated that meetings were being conducted outside of the committee. The meeting he believes Commissioner Zmyewski is referring too included himself, Glenn Kruse, Environmental Services Director Frank and Zoning Administrator Scanlan and was being conducted for the purpose of review of correspondences received from citizens. The citizens' concerns had nothing to do with frac sand. As Chairperson of the Planning Commission, Mr. Griffin regularly meets with Environmental Services staff to discuss various matters.

Commissioner Zmyewski also stated that items were pushed through the committee that weren't discussed with the committee. Mr. Griffin stated that on January 8<sup>th</sup> and 13<sup>th</sup> committee meetings were held. On January 8<sup>th</sup> it was agreed that language included in the ordinance would state mining in excess of 60,000 cubic yards would not be permitted. This established a threshold that would not be allowed to be exceeded. During the subsequent meeting held January 13<sup>th</sup>, Mr. Griffin indicated that Commissioner Zmyewski was no longer satisfied with this language and wanted language to be amended to include any sand for purposes other than agricultural and/or construction. Mr. Griffin reported that Commissioner Zmyewski indicated that this needed to be stated in this manner for "political reasons".

Commissioner Zmyewski indicated that a group referred to as “we” made decisions to return the language to the original form without the consent of the committee as a whole. Mr. Griffin has only engaged in two conversations with Commissioner Zmyewski during the most recent 60 days and believes that his reference to “we” indicates discussion between Glenn Kruse, County Attorney Jandt and himself and the decision to return the language to the original was due to the inability to enforce or defend the amended verbiage.

Commissioner Zmyewski also commented on individuals being insubordinate. Mr. Griffin stated that he does not work for Commissioner Zmyewski solely. He works for the Board as a whole. He also asserted that he did not make the statements he was accused of. There was a conversation with Commissioner Kjome regarding language, however, that discussion took place 4 days after votes had been cast.

In closing, Mr. Griffin expressed his belief that the proposed mining ordinance is a well drafted ordinance that will protect Houston County and its residents.

Kelley Stanage, Houston Township Resident, expressed understanding of Mr. Fadness’ concerns with the proposed mining ordinance. She indicated that she was a member of the original frac sand study committee and concern was raised within that group regarding non-conforming/registered mines and the need and desire to establish parameters governing them. She expressed understanding that this issue is contentious and stated that it appears that business is not being conducted in a transparent manner. A committee charged with gathering information was disbanded only to assemble another committee made up of different membership at a later date. She stated that she submitted two written comments to the Planning Commission. The Chairperson was allowed to choose which comments would be shared during the public hearing. Her comments were not among these, leaving her to question why. Everyone wants to be heard and their concerns listened to. She encouraged the Board to be open. She indicated that the Planning Commission has made recommendations that are contrary to the advice of Jay Squires.

File No. 3 - Engineer Pogodzinski reported on the following bids which were received until January 26, 2015 for S.A.P. 028-996-010:

JB Holland Construction Inc. Decorah, IA 52101	\$1,027,438.92
VanGundy Excavating LLP Houston, MN 55943	\$1,050,045.05
Griffin Construction Company, Inc. Chatfield, MN 55923	\$1,140,585.27

The low bid was 4.93% below the engineer’s estimate. This project is for the reconstruction of Oak Ridge Hill/County 13 west of the City of Houston. On the recommendation of Engineer

Pogodzinski, motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to accept the low bid of JB Holland Construction Inc. in the amount of \$1,027,438.92 for S.A.P. 028-996-010.

Engineer Pogodzinski provided final pricing information related to the cab and chassis he will be purchasing off the State Bid. The grand total for the unit is estimated to be \$220,000.00 which is less than the budgeted amount.

Commissioner Storlie reported that the EDA continues to consider options for the Historic Jail. They expect this to be a topic of discussion during the upcoming EDA summit. Commissioner Walter commented that she has received calls from citizens who would like all options exhausted and expressed support for a collaborative effort with the Mississippi Valley Conservancy. Commissioner Zmyewski would like a timeline related to the Historic Jail established to help ensure that work continues so that a final determination regarding the structure can be made.

File No. 4 - Environmental Services Director Frank reported that Planning Commission and SWCD members visited the Randy Klinski property. Concerns were raised regarding adverse impacts and Caledonia Township Board members expressed concern with potential impacts on township roadways. The Planning Commission voted to recommend denying the permit because it does not conform to the County Land Use Plan and it will adversely increase the quantity of water runoff. On the recommendation of the Planning Commission, motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to deny the issuance of the following conditional use permit:

Randy Klinski – Caledonia Township - To leave fill in a floodplain.

File No. 5 - On the recommendation of the Planning Commission, motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the issuance of the following Zoning Permits:

Richard Tisthammer – Black Hammer Township - Build cattle barn (50' x 72')

Merle Becker – Caledonia Township - Build calving barn (38' x 160')

Herman Gady – Mound Prairie Township - Install modular home (26' x 40')

Leonard Jr. and Holly Wieser – Yucatan Township - Build wood shed (13' x 45')

John Diersen – Mayville Township - Build freestall barn (108' x 140')

Gerald Skifton – Houston Township - Build garage/shed (30' x 36')

Mike McCormick – Mayville Township - Build pole shed addition (54' x 70') (after-the-fact)

Fred Engelhart – Yucatan Township - Build storage shed (30' x 80')

File No. 6 - Finance Director Lapham requested approval of a budget amendment to allocate amounts from 2014 to appropriately account for state audit expenses. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the budget amendment as proposed.

Discussion was held regarding posting of items on the County Website. The County Website is not a site for the posting of publicly submitted items. Question was raised whether Commissioner Kjome's proposed ordinance should have been posted. The document was supplied to County Attorney Jandt for review and response. It had not been shared with other members of the Board. Commissioner Zmyewski stated that the Board voted to draft both a banning and mining ordinance. Commissioner Zmyewski expressed his opinion that the public should be allowed to view the document that resulted from Board action. The Board voted to have banning language drafted. Commissioner Storlie expressed concern that a copy of the proposal was not provided to Board members prior to being put out for the public to view. She would have preferred some degree of Board discussion and/or review of the proposal. Commissioner Zmyewski read the response provided by County Attorney Jandt regarding the proposal submitted by Commissioner Kjome. Commissioner Kjome stated that he performed the study and took the initiative to follow through at the Board's direction. Upon request, Deputy Auditor Quinn identified and read the excerpt from the March 25, 2014 minutes whereby the Board voted to have both banning and mining ordinance language drafted. The Board has been under scrutiny for not appearing to be transparent. The Board indicated that banning language would be drafted, therefore, Commissioner Kjome did so and submitted the work for review. Lengthy discussion was held. Chairperson Schuldt asked County Attorney Jandt whether it was appropriate to post Commissioner Kjome's proposal on the County Website. County Attorney Jandt responded that posting an item on the website is not a legal matter. It is a policy decision. He performed research and found that there was no policy adopted to address this. He encouraged the Board to consider drafting and adopting a policy in this regard. When asked how to proceed with Commissioner Kjome's proposal, County Attorney Jandt stated that he would like to reserve comment until he was able to research the matter more fully. When asked whether the proposal could be considered during the scheduled Public Hearing on February 18<sup>th</sup>, County Attorney Jandt asked that questions be submitted in writing so that he can be certain as to what question he is answering and so that he has time to perform any necessary research prior to providing a response. Commissioner Zmyewski shared his understanding that the Board has the authority to amend an ordinance and make a decision without the involvement of the Planning Commission. He indicated that the Peddler's Ordinance did not go through the Planning

Commission and this would set precedence. County Attorney Jandt stated that it may be possible to consider the proposal during the scheduled hearing, however, findings must be drafted and the causal connection must be made as to why the ban is necessary and is being enacted. If the Board were to adopt the proposed ban without the findings, it would be considered arbitrary and capricious. Commissioner Zmyewski would prefer the proposal be posted on the County Website so that the public may review it prior to the hearing. Chairperson Schuldt questioned whether this proposal may be considered during the scheduled hearing. County Attorney Jandt indicated that it may be argued either way.

Commissioner Kjome reported on a department head and negotiation meetings which he attended recently. He questioned why the Planning Commission meetings had been moved to the Justice Center when the County expended money to install cameras in the Board Room. It was noted that the Planning Commission meetings were moved due to greater ADA amenities and the room is able to accommodate a larger crowd

Commissioner Walter reported on Association of County Township Officers and Veterans Memorial meetings which she attended. The Association of County Township Officers expressed support for the proposed mining ordinance. There will be 3 names added to the Veterans Memorial.

Commissioner Zmyewski commented on Dan Griffin's public comment made earlier. He expressed understanding that Mr. Griffin may have hurt feelings due to the fact that he was recently called on the carpet. This can be expected under the circumstances. Individuals in these types of situations often try to justify their actions. Commissioner Zmyewski sent an e-mail to study committee members on January 8<sup>th</sup> which shows his position and the fact that it did not change from one meeting to the next. It is true that this is about politics. That is what governing and statesmanship is about. The constituents in Commissioner Zmyewski's district have indicated to him that they want certain language included in the mining ordinance. Mr. Griffin does work for the County Board and Commissioner Zmyewski is a member of said Board. The Board directed the committee to draft an ordinance; it did not instruct a group of 4 individuals to do so. Also, Bryan VanGorp expressed concern that he isn't being heard. Commissioner Zmyewski assured Mr. VanGorp is being heard by him. He does make notes during public comment so that he may consider what was said and refer back to it. Just because individuals making public comment do not receive a response, does not mean they are not being heard. It may simply mean that a response is not appropriate at that moment. Commissioner Zmyewski assured everyone that they are being heard.

Commissioner Kjome stated that it is good to have disagreement. The Board needs to work towards a compromise keeping in mind what is best for Houston County.

Commissioner Storlie reported on a Department Head and negotiations meetings which she attended, as well as tours of the La Crosse County Solid Waste Facility and Green Circle Recycling which she participated in and found very informative. She encouraged other Board members to take the tours if they have not already done so.

File No. 7 - Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to authorize the signature of the Chairperson Schuldt on a Satisfaction of Mortgage to correct information on an original Satisfaction of Mortgage for La Crosse McCormick authorized on July 15, 2014.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to place on file the following items from the consent agenda:

File No. 8 – Correspondence to payroll regarding a recent hire and change in employment status

File No. 9 - Correspondence from SE MN Initiative Foundation in appreciation of appropriation

File No. 10 - Public Notice regarding public hearing updating Section 27 of zoning ordinance

File No. 11 - Information from IT Department regarding intent to make 2015 PC purchases over \$1,000.00

There being no further business and the time being 10:21 a.m., motion was made by Commissioner Zmyewski seconded by Commissioner Walter and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, February 10, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, February 10, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Glenn Kruse; Bruce Kuehmichel; Donna Buckbee; Kent Holen; Robyn Tschumper; Financial Services Supervisor Kohlmeyer; PHN Director Marchel; County Attorney Jandt; Eric Johnson; Yvonne Krogstad; HS Director Bahr; Jeremy Chipps; Jail Administrator Schiltz; HR Director Arrick-Kruger; Gretchen Cook

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the agenda.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the minutes of the February 3, 2015 meeting.

File No. 1 - Motion was made by Commissioner Kjome, seconded by Commissioner Walter and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$119,495.37
Road & Bridge Fund	32,525.52
	-----
Total	\$152,020.89
	=====

Ken Tschumper, La Crescent Township Resident, expressed concern that the Planning Commission exceeded its authority when it “adopted” the mining ordinance. In his opinion, the adopted ordinance will not prevent frac sand mining in Houston County. He shared his understanding that the Planning Commission was to make recommendations to the County Board. He claimed the Planning Commission rewrote the ordinance and in doing so changed its meaning. He reiterated his concern that this exceeded their authority. He also expressed concern

with a proposed rail spur which would allow for passing and parking of 150 rail cars. He encouraged Commissioner Walter to review information in the Zoning Office.

Bruce Kuehmichel, Caledonia City Resident, indicated that during a recent public hearing hosted by the Planning Commission, residents were allowed 3 minutes in which to provide comment. He appealed to the Board to do the same at the public hearing which is scheduled for next week. Mr. Kuehmichel indicated that he has requested a list of mines along with the reclamation plan which, through his interpretation of the Land Use Ordinance, is required. To date he has not received the information requested. He questioned when the Board take action to enforce the County Ordinance.

Kent Holen, Houston Township Resident, expressed how difficult it is to have meaningful dialogue when the communication flows only in a single direction. He questioned how much consideration was going into the proposed ordinance and how he, as a resident, will benefit. He expressed understanding that often decisions are made based on the recommendations of a group of trusted advisors and questioned whether the Board had advisors that did not have a monetary interest in the outcome in addition to those with financial interest. He questioned why there was not a health protection section included in the proposed ordinance. While legal costs could be incurred with changes to the ordinance, the cost to constituents, in his eyes, will be far greater.

Gretchen Cook, La Crescent City Resident, questioned how many times residents can read laws to the Board before the Board takes action to enforce those laws.

Donna Buckbee, Yucatan Township Resident, expressed relief that the new Sheriff did not feel the need to have law enforcement present during Board meetings.

Jeremy Chipps, La Crescent City Resident, encouraged the Board to consider an ordinance that would ban frac sand mining and to look at data and science. He commented that often times he arrived and frac sand ordinance writing committee meetings were underway with the door closed and a note stating “do not disturb, meeting in progress” and he had the fortitude to enter anyway.

File No. 2 – On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the change of status of Mary Marchel from probationary to regular effective immediately. It was noted that PHN Director Marchel has undertaken several initiatives within her department. Chairperson Schuldt commented how progressive she is.

HR Director Arrick-Kruger recommended the status change of Jacquelyn Snodgrass be approved. Financial Services Supervisor Kohlmeyer reported that Ms. Snodgrass has been a wonderful addition to the team, and has transitioned well from her previous position with the Child Support Unit. Motion was made by Commissioner Storlie, seconded by Commissioner

Zmyewski and unanimously carried to approve the status change of Jacquelyn Snodgrass from probationary to regular effective February 11, 2015.

File No. 3 – Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to accept the resignation of Carrie Allen effective February 24, 2015 and to draft a letter of appreciation for her service. Financial Services Supervisor Kohlmeyer stated that Ms. Allen has a wonderful opportunity and will be missed by the department, as she was a proficient team member.

HR Director Arrick-Kruger stated that recently a search had been conducted for a Financial Worker. She requested authorization to appoint the other finalist to the position being vacated by Ms. Allen. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to appoint Kirby Fitzpatrick to the position of Financial Worker at step 1 of the appropriate comparable worth band effective February 25, 2015. Financial Services Supervisor Kohlmeyer stated that Ms. Fitzpatrick is currently working as Case Aide, does an amazing job and has proven herself.

Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to authorize a search for a 1.0 FTE Case Aide.

HR Director Arrick-Kruger reported that John Dollar is valuable in many ways. He troubleshoots various mechanical things, makes certain to purchase quality products at affordable cost and has excellent rapport with other members of the maintenance staff. On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve a change in status for John Dollar from probationary to regular effective February 25, 2015.

HR Director Arrick-Kruger stated that Matt Mackie has resigned his position of Lead Worker and wishes to be reclassified as jailer/dispatcher. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the reclassification of Matt Mackie to 1.0 FTE jailer/dispatcher at step 3 of the appropriate comparable worth band and to accept his resignation as lead worker effective upon hiring of a replacement. HR Director Arrick-Kruger along with Jail Administrator Schiltz would prefer to post an internal search for the lead worker position and to allow the jailer/dispatcher search to remain open. In the event a lead worker is appointed from the internal search, a vacancy in a jailer/dispatcher position will result and will then be filled from the current search.

File No. 4 - Auditor Meiners explained that the FSA Office is in need of a written statement indicating who is authorized to sign on behalf of the County for the airport land which has been rented to Jamie Burg. Mr. Burg has enrolled the cropland in a program. It allows for the payments to be made to him as opposed to being made to the landowner which is the County. Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to adopt the following:

## **RESOLUTION NO. 15-6**

BE IT RESOLVED that the Houston County Board of Commissioners hereby authorizes Charlene Meiners, Houston County Auditor, to sign any and all documents required by the U.S. Department of Agriculture and/or the Houston County Farm Service Agency in regard to farm programs for the agricultural land located on the Houston County Airport property.

File No. 5 - Finance Director Lapham provided an overview of the current financial position of the County. She indicated that it was a typical January with more money going out than revenues coming in. She stated that there were 3 pay periods within January, and listed several payments which are made annually and come due in January which include debt service, and worker's compensation, property and liability insurance payments. She reported that interest only payments related to the County's debt service would be made in August.

Chairperson Schuldt questioned how the Board wished to proceed with Commissioner Kjome's proposed ordinance. He indicated that the proposal would likely be considered a significant amendment to the proposal which is scheduled for public hearing next Wednesday. As such, he expressed his belief that it would be prudent to subject Commissioner Kjome's proposal to the same process as the current draft ordinance if the Board wishes to move forward with it. If the proposal reflected what would be considered as minor text amendments, it would be more acceptable to discuss it during the scheduled hearing. Discussion was held regarding the process by which the proposal would go through in the event the Board chooses to consider it further.

With regard to the proposal currently moving through the process, County Attorney Jandt indicated that once the Board takes action, he would encourage the Board to take additional action directing him to draft findings. He suggested having a deadline one week from when the action was taken. The findings would need to be reviewed and accepted. The week between would allow for the findings to be drafted, reviewed by Commissioners, questions asked of the attorney if necessary and action taken.

Commissioner Storlie questioned whether the Board should draft a web posting policy. It was agreed that Auditor Meiners would gather examples of similar policies from other counties.

The time being 9:49 a.m. the meeting was recessed.

The Board reconvened to discuss strategic planning. Discussion was held regarding what issues will be priorities in the coming year. After discussion, it was the consensus of the Board that two priority issues for 2015 will be the Highway Department facility and the Historic Jail facility. It was clarified that the Board wants to exhaust all options for reuse of the Historic Jail before consideration is given to removal of the building. However, it was the general consensus of the Board that any reuse of the building should produce enough income to make the building self-sufficient.

Commissioner Kjome reported on EDA and Extension meetings which he had attended.

Commissioner Walter reported on Extension and Emergency Communications Board (fka ARMER) meetings which she recently attended.

Commissioner Storlie reported on EDA and Emergency Communications Board meetings which she attended. She stated that during the Emergency Communications Board meeting discussion took place on how there has been a shift in how 911 calls are made. 80% of 911 calls come from cell phones which is a significant shift.

There being no further business and the time being 11:10 a.m., motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, February 17, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, February 17, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Glenn Kruse; Bryan VanGorp; Donna Buckbee; Robyn Tschumper; Ken Tschumper; Betts Ready; Kelley Stanage; Gretchen Cook; Bruce Kuehmichel; Eric Johnson; Sam Whitehead; Financial Services Supervisor Kohlmeyer; HS Director Bahr; PHN Director Marchel; Yvonne Krogstad; John Beckman; Corey Baker; Luke Sass; Jeremy Chipps; HR Director Arrick-Kruger; Jackie Baker; Chief Deputy Sheriff Lapham; Social Services Supervisor Hunter

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Storlie and unanimously carried to approve the agenda.

Motion was made by Commissioner Kjome, seconded by Commissioner Storlie and unanimously carried to approve the minutes of the February 10, 2015 meeting.

File No. 1 - Motion was made by Commissioner Kjome, seconded by Commissioner Storlie and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$111,900.12
Road & Bridge Fund	288,273.10
	-----
Total	\$400,173.22
	=====

Ken Tschumper, La Crescent Township Resident, suggested that tomorrow's public hearing be held in the CJC Conference Room to accommodate what he expects to be a large crowd. He advocated for the time in which an individual was provided to speak to be increased from 2 minutes to 3, suggested saving time by allowing those who wished to address the Board to "line up" versus "sign up", and he suggested that a different means of alerting speakers of the

time be utilized and refrain from utilizing a disruptive buzzer. He suggested a time keeper display a yellow piece of paper when 30 seconds remained and then change to a red sheet.

Robin Tschumper, La Crescent Township Resident, shared a bit of history from her childhood growing up in California. She expressed her belief that the proposed draft ordinance will benefit only the wealthy.

Yvonne Krogstad, Caledonia Township Resident, cited specifications within the current ordinance regarding reclamation plans. She expressed concern with the current proposal and the perceived lack of enforcement. She indicated that, in her opinion, residents would prefer to pay more taxes to defend a ban rather than suffer losses by allowing silica sand mining.

Bryan VanGorp, Yucatan Township Resident, expressed concern that defending arbitrary specifications included in the proposed ordinance will be more costly than defending a ban which has reasons. He provided an estimate of the costs incurred to this point related to drafting an ordinance and responding to court related items. He expressed his belief that there are many invalid processes which have resulted in invalid decisions.

Corey Baker, Yucatan Township Resident, expressed concern with the health of children and property values in the event the proposed ordinance is approved. He indicated that a wedge has divided a community of neighbors and that allowing frac sand mining would only further divide the community. He recommended and expressed support for a ban on silica sand mining.

Bruce Kuehmichel, Caledonia City Resident, read the disclaimer found on a bag of sand he had purchased for a small home improvement project.

Donna Buckbee, Yucatan Township Resident, sent notice to all commissioners regarding a recent train derailment. She referenced several train derailments which have occurred. The trains involved were all transporting Bakken Oil. She stated her opinion that there is no safe manner to transport fossil fuels and there is a need to reduce and/or eliminate dependence on fossil fuels.

Jeremy Chipps, La Crescent City Resident, urged members of the Board to consider meeting with the La Crosse Group "CARS". He expressed grave concern with the preparedness of first responders in this area and their ability to effectively deal with a train derailment similar to the one which occurred in Virginia yesterday.

File No. 2 – On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Zmyewski, seconded by Commissioner Storlie and unanimously carried to accept the resignation of Tim Hunter effective March 12, 2015 and to draft a letter of appreciation for his service.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to authorize the initiation of a search for a Social Services Supervisor.

File No. 3 - HR Director Arrick-Kruger reported that it was incorrect to recommend the appointment of staff to fill a recent vacancy. Collective Bargaining agreements require 7 days posting prior to making such a recommendation. She requested that the motion to appoint Kirby Fitzpatrick to the position of Financial Worker be rescinded. This action should not reflect upon Ms. Fitzpatrick in any way. The HR Department needs to follow the appropriate procedure in this regard. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to rescind the appointment of Kirby Fitzpatrick which was made contrary to collective bargaining agreements.

Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to authorize the internal advertising/posting of the Financial Worker vacancy.

File No. 4 - Sam Whitehead recommended the appointment of Joe Thesing to the EDA Board. If approved, one at large vacancy would remain on said Board. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to appoint Joe Thesing to the EDA Board.

File No. 5 - HS Director Bahr was pleased to report that Houston County ranks first in the region and seventh in the State for 2014 estate recoveries. Jean Becker is the staff member conducting the recoveries which have resulted in these rankings.

File No. 6 - HS Director Bahr provided information related to the fund balance and budgets. She explained the difference between cash basis and accrual accounting. Nearly all of the 2014 expenses have been paid, however, there are revenues which still need to be taken into account. She stated that overall, Human Services is doing a better job of capturing revenues which is resulting in reducing the amount of county dollars required for their budget. She discussed how targeted case management hits are captured and documented and the impact random moments reporting has on the budget.

Social Services Supervisor Hunter indicated that adult mental health funding will be entirely changed by 2016. CREST funding will be granted to regions. Olmsted County will be the fiscal agent for CREST funding which could benefit Houston County. Contracts will become more critical. It is believed that the fiscal agents will prefer to deal with large service providers versus smaller providers who specialize in providing minimal services. Staff is anticipating a reasonable impact with regard to Houston County Providers. It will likely impact which funding streams are utilized to pay for services. Social Services Supervisor Hunter expressed his belief that these changes will result in little if any guarantee of CREST funding amounts awarded to Houston County.

MN Choices numbers are changing and requiring more assessment. The case numbers have increased by 4 or 5 over the past week. This is impacting disability workers. He was pleased to report that soon additional staff will be qualified to perform the required assessments.

Social Services Supervisor Hunter reported that new procedures worked out between Human Services, the Sheriff's Department and foster parents to provide for the safety of children is working well. The Sheriff's Department knows who to call and foster parents have been responsive and taken children in on weekends and during the middle of the night. The communication among parties is good.

Discussion regarding a regional adoption worker has been ongoing. However, Social Services Supervisor Hunter explained that entering into a contract for these services may not best serve or be the most cost effective for Houston County. He indicated that the contract costs would likely be better spent on support staff locally. Support staff could do much of the paperwork required. He indicated that the only thing support staff would not be able to complete would be the case management. Houston County doesn't typically experience high volume for adoptions which brings him to this conclusion.

File No. 7 – Social Services Supervisor Hunter shared information about an upcoming Children's Mental Health conference "Understanding the Drama of Trauma" being sponsored through a grant from UCare on Saturday, April 9, 2015 from 9:00 a.m. to 1:00 p.m. at the St Charles Community Center. This event is open to those who work with children including but not limited to teachers, day care providers, and foster care providers.

Financial Services Supervisor Kohlmeyer reported that the deadline to sign up for MN Sure has been extended for those in process who have been subjected to technical difficulty. She also reported that staff has been trained how to close cases for persons who have moved out of the State and to enter address changes for persons moving within the State. Changes and memos are happening continually.

Financial Services Supervisor Kohlmeyer reported that the State will be conducting a SNAP 2015 Management Evaluation. They will review case files targeting 9 specific items with the most important being customer service.

During the recession assistance for able bodied adults without children declined. With the improved economy some assistance has been restored. This program has a significant number of exemptions and the State wants to ensure that the County is properly handling applications and benefits and meeting federal mandates. Thirty cases will be subjected to internal review. They will be reviewing data security, civil rights, claim establishment and recipient integrity. Documentation protocol to track some of these things has been established including the logging of voice mail and returned calls and a formal complaint log which will be submitted annually to the State.

Financial Services Supervisor Kohlmeyer was pleased to report that the MFIP team met work participation rates and the review of the self-support index resulted in a finding that no improvement plan was required to be developed at this time. This shows that families who have gone off of assistance have been able to sustain themselves.

HS Director Bahr publicly thanked Tim Hunter for his good work, great work ethic and imagination. She wished him well with his new endeavor.

File No. 8 - Environmental Services Director Frank met with the Board regarding the CP Railway wetland delineation plan. The plan is a required part of work being conducted to upgrade switches located in a wetland area. Following Board approval of the delineation, the County will provide for a 15 day comment period. On the recommendation of the TEP, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the delineation.

Environmental Services Director Frank reported that CP Rail is considering another project in the Brownsville area. This bridge replacement project will require the submission of another Wetland Delineation Report.

Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to schedule the Board of Equalization meeting for Monday, June 16, 2015 beginning at 6:00 p.m.

At this time discussion was held regarding the format for tomorrow's public hearing. The Board agreed that it was reasonable to allow individuals 3 minutes in which to comment. They believe that it would save time to allow for individuals wishing to make a comment to "line up", it was agreed that they do wish to have those in attendance sign in on a guest register. Consideration was given to moving the public hearing to a larger meeting space, however, upon review of the CJC Conference Room calendar it was discovered that the room was already reserved for a large meeting. The public hearing which was scheduled to be held in the Board Room will remain in said room. Commissioner Zmyewski suggested that the Board remain open to taking action during the special meeting. County Attorney Jandt indicated that in the event the Board wished to take action on the proposed ordinance with little or no amendments, he had little concern. In the event the Board made significant amendments to proposed ordinance he encouraged them to consider voting at a later time to ensure adequate time to prepare legal findings which should be completed within one week or two weeks at maximum. In the event the Board chooses to take action, he would like the Board to take action directing him to prepare the required findings within a given time frame. It was agreed that the Board would like to be able to ask questions of speakers for the purpose of clarification during the public hearing. This may delay the proceedings however the benefit of clarification outweighs brief delay. The Board discussed whether an alternate method could be utilized to notify speakers of the expiration of their time limit and/or to alert them that 30 seconds remained. The display of a colored sheet of

paper was suggested instead of using a disruptive alarm. This would require someone to act as timekeeper.

Discussion was held regarding the requirement or non-requirement of super majority vote. A super majority is required to adopt an ordinance or ordinance amendment.

Commissioner Kjome reported on a busy week of comments, e-mails and phone calls related to the upcoming public hearing and proposed ordinance.

Commissioner Walter reported on Workforce Development and EMS meetings she attended. She also reported that she has received many e-mails and phone calls however, she was unable to respond to all of them due to a medical issue she was required to deal with.

Commissioner Zmyewski reported that he had attended the meeting hosted by the Houston County Protectors which was held last night. He expressed his appreciation for the e-mails and phone calls related to the proposed ordinance.

Commissioner Storlie reported on the training event put on by Scott Anderson and Jay Squires with regard to making good land use decisions. The training event was worthwhile and was well attended by Houston County staff and Board membership.

Commissioner Schuldt reported that he too had attended the training event put on by Scott Anderson and Jay Squires. He indicated that he has received many phone calls and e-mail messages related to the proposed ordinance.

The time being 10:17 a.m. the meeting was recessed until 10:30 a.m. at which time the Board will discuss strategic planning.

The time being 10:35 a.m., the Board reconvened to discuss strategic planning issues.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to place on file the following items from the consent agenda:

File No. 9 – Tons delivered to Xcel

File No. 10 - Correspondence to payroll regarding several changes

File No. 11 - Section 8 Vouchers by County report

There being no further business and the time being 10:55 a.m., motion was made by Commissioner Zmyewski seconded by Commissioner Storlie and unanimously carried to adjourn the meeting, the next advertised meeting being Wednesday, February 18 , 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## **PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

Date: Wednesday, February 18, 2015

10:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Other Guests as listed on File No. 1

Presiding: Steve Schuldt, Chairperson

Call to order.

Chairperson Schuldt provided an overview of how this Public Hearing would be conducted. He shared the rules of decorum which includes; three minutes time for an individual to speak, an individual is limited to speaking a single time, an individual's time may not be deferred to another individual to increase that individuals speaking time, vulgar language, derogatory comments, finger pointing will not be tolerated, please remain quiet and refrain from applause and/or rebuttal remarks. Infractions will result in a verbal warning followed by removal from the venue. Speakers are asked to state their names.

File No. 2 - Ken Lubinski, Brownsville Township resident, who worked as an environmental scientist, expressed concern with the risk of opening the county to widespread industrial sand mining due to the fragility of the area. He indicated that regardless of the thought that has gone into this issue, no one can predict what will result in the future. He encouraged great caution moving forward. In the event the mines are tracked well, that data can be used to learn from the experience. He expressed support for a ban on industrial sand mining.

Drue Ferguson, Money Creek Township resident, expressed her opposition to the proposed ordinance due to a lack of enforcement provisions. She provided an example from the text of the proposed ordinance. She shared her belief that if a referendum were held, the majority of residents would vote in favor of a ban on industrial sand mining. A ban protects the welfare of future generations and preserves the land for them.

Jim Hobelsberger, La Crescent Township resident, appealed to the Board to restore language that was removed from the proposed ordinance by the Planning Commission. He admitted that there is a need for materials to be mined for construction and agricultural purposes. He shared his opinion that the proposed ordinance does not contain language to prevent large scale industrial mining nor does it outline enforcement, monitoring or how these items will be funded. He expects that large companies will pay fines instead of taking steps to come into

compliance. The enforcement of the ordinance will be the responsibility of the Board. Landowners and mining companies will be the only beneficiaries of this industry. Residents will be left with polluted air, contaminated aquifers, degraded roads and reduced property values.

File No. 3 - Julie Burroughs, Mound Prairie Township resident, submitted a photo depicting the recreational use of our county roadways for long distance bicycling. She expressed concern that the roadways are curvy and do not have adequate hard paved shoulders to allow for bicyclists to move over for traffic. On a blind corner haul trucks could encounter a group of bicyclists along with oncoming traffic which could result in a terrible accident. She encouraged the Board to consider industrial mining in the interest of road safety.

Sarah Wexler-Mann, Yucatan Township resident, expressed concern with the dangers of industrial mining. She introduced her 4 month old son Sebastian who she envisions experiencing many “firsts” as a resident of Houston County. She appealed to the Board to consider banning industrial mining which will provide Sebastian with a safe and healthy environment in which to grow up.

File No. 4 - Bob Hurt, Dakota, Minnesota resident, stated that he has already submitted an e-mail sharing his position related to industrial mining in Houston County. Mr. Hurt indicated that he is a landscape photographer who has had the privilege of capturing many beautiful places from across the nation on camera. He expressed his belief that of the many places he has photographed, Houston County is the most beautiful. He has seen from the air how industrial mining has changed the topography of Wisconsin. He would hate to see Houston County’s scenery ravaged by mining. He encouraged the Board to act as good stewards of the land and to protect it for future generations. He urged caution stating that Wisconsin thought that they could protect the land. However, from the look of the topography there, regulation failed.

Ed Walsh, resident of Lost Valley Drive, La Crescent located in Winona County, stated that he considers himself a staunch protector of the environment and regularly visits Houston County to enjoy its natural beauty. Mr. Walsh indicated that he is a practicing trial lawyer in Illinois. He expressed confidence in the advice and guidance of County Attorney Jandt and the Houston County Zoning Ordinance which clearly states purpose and intent. He indicated that Houston County is not the only place faced with this type of land use decision. There are resources available to assist the County. He encouraged the Board to look to the Natural Resources Defense Counsel for guidance and assistance. The Board should preserve the integrity and beauty of the local environment. There are other organizations which would also provide guidance and assistance free of charge.

Marianne Zerbe, Money Creek Township resident, indicated simply that she prefers to be on record as opposed to industrial mining. She shared her opinion that industrial mining will benefit few and there are many who oppose it. She would be proud to be able to claim that she is a resident of Houston County and that the County banned industrial mining.

Michael Fields, Winnebago Township resident, questioned the basis for the 60,000 cubic yard limit which is included in the proposed ordinance. He shared his opinion that this measure was included as a result of ignorance or deception. He alluded that the measure was the result of a calculation projecting the amount of livestock bedding needed in the County for cattle. He expressed his understanding that the current amount of sand needed for livestock bedding ranges between 30,000 and 40,000 cubic yards annually. The 60,000 cubic yard measure would allow each and every mine operating in Houston County to provide enough sand to bed all the cattle in the County for a year. He shared statistics that the number of cattle within Houston County is declining and suggested that the threshold could be much lower. He expressed concern that important protections for neighboring landowners have been stripped from the proposed ordinance. He closed stating that the action of the Board in this regard will impact thousands of lives for many years to come.

Theresa McManimon, Yucatan Township resident, expressed displeasure that this public hearing was scheduled during work hours. She suggested that hearings be held in the evenings so that residents could attend without impacting their work schedules. She expressed her opinion that the proposed ordinance is weak. After much consultation with family and friends, she is supportive of a ban on industrial mining. Benefits of allowing such mining do not outweigh the impacts it would have locally. The proposed ordinance does not include air monitoring or water quality protections. She suggested that Houston County provide a cap on the number of operational mines much like Fillmore County has. She does support mining for the purpose of agriculture and/or construction purposes.

File No. 5 - Charlie Wray, Winnebago Township resident, indicated that he should have been considering the impacts of industrial mining much sooner. He expressed support of a ban on industrial mining while protecting mining for agricultural and construction purposes. He expressed understanding that some landowners may have a desire to sell frac sand from their property in order to benefit their family. However, he is fearful that allowing the industry to get a foothold in the County would lead to “ordinance creep”, lobbying and industry influence in elections. He expressed concern that the industry could deplete and/or pollute the area water supplies.

Allan Stankovitz, Mound Prairie Township resident, stated that he has read the proposed ordinance and questioned Fillmore County regarding its ordinance. It is his understanding that Fillmore County has capped the number of mines which are allowed to operate within its borders at any given time to 5. This ordinance has been in effect since 2012. He expressed concern with the use of the word “may” when, in his opinion the use of “shall” or “must” is preferred. He provided a calculation of how the lack of regulation within the proposed ordinance could result in numerous mines with exponentially more trucks running during many hours for much of the year. He encouraged the Board to carefully consider this multiplying impact and determine more meaningful caps which would truly regulate the industry.

Tricia Runnigen, Mound Prairie Township resident, indicated that the Board is faced with a decision which will impact her children's future. As a mother, she wants her children's quality of life and health protected. She wants to continue to raise her children in an area where the water remains free and the air is clean. A place that is quiet and is sought out by those who live in bustling cities with their extreme amounts of concrete and noise. The city visitors comment on how fortunate she is to live in a beautiful, quiet place when they pass by her yard. She appealed to the Board to take action to protect this precious and fragile area.

Irv Bulto, Chaseburg, Wisconsin resident, formerly of South Ridge above the City of La Crescent expressed support for a ban on industrial mining. He cautioned the Board that they do not want Houston County to look like Wisconsin. He attended this meeting to see democracy in action. He hopes that the Board takes action to reflect what the majority wants.

Lavon Earp Weichert, Caledonia City resident, stated that she is a nurse and fears for the health of Houston County residents if industrial mining is allowed. She expressed concern for the environment, possible pollution, road maintenance costs, noise, congestion and the reduction of land values. Houston County has a small population which should not be considered disposable for the benefit of large industry.

Melvin Davy, Brownsville Township resident, expressed his support of landowner rights and not for industrial mining. He stated that each individual has rights. He suggested in order to control development, development rights could be sold and purchased. This would provide a monetary benefit to the landowner and the purchaser the ability to control the development thus controlling such things as traffic and runoff.

Linda Griggs, Yucatan Township resident, submitted to the Board a "BAN" label signed by Michael Sieve, another Yucatan Township resident who was unable to stay long enough to speak. Mr. Sieve wanted his support of a ban on industrial mining to be known. Ms. Griggs stated that she was in attendance at the recent Planning Commission hearing where that Board made a recommendation to approve the proposed ordinance. She indicated that the Chair of said meeting stated "sand is sand" and in doing so disrespected those in attendance. She stated that the United States Government has two categories defined for gravel/construction mining and industrial mining. She encouraged the Board to consider implementing a ban based on the definition established by the Federal Government.

Bob Bovee, Black Hammer Township resident, stated that people want and need a ban on industrial mining and then broke into song.

Audrey Alfson, Mound Prairie Township resident, moved to Houston County from Alaska. Her spouse was raised in neighboring Fillmore County and the couple decided to move here to raise their family. Ms. Alfson grew up in Alaska in the land of oil and gas. She understands how precious natural resources are. She also understands the lasting affects when industry and fragile areas collide. She was witness to the devastation caused when the Exxon

Valdez ran aground in Prince William Sound. The Sound remains soiled, it isn't healed and it can't be replaced. She shared her opinion that if large corporations are allowed to gain a foothold they will take as much as the can, as quickly as the can and as cheaply as they can. That is what corporations are designed to do.

Chairperson Schuldt, at the urging of Chief Deputy Sheriff Lapham, restated the decorum policy.

Jim Frauenkron, Yucatan Township resident, is raising his family here. They enjoy fishing and canoeing in the local waters. He expressed concerned for surface and ground water in addition to ground water tables. The local eco system purifies our water. In this area there are concerns with farm runoff. He stated that he does not take safe, clean drinking water for granted. He and his family had to deal with a contaminated well for a year's time so he truly understands how precious this resource is. He appealed to the Board to protect the land from large corporations. He indicated that the proposed ordinance has little restriction and no means of enforcement. He expressed support for a ban on industrial mining.

Jim Drost, Stillwater, Minnesota resident, earned his living as a mining engineer and metallurgical engineering. He has worked in the mining industry for 45 years and has studied the impacts that mining has had in the State of Wisconsin. He made the trip to Houston County in hopes of preventing what is happening in Wisconsin from happening in Houston County. The karst area of Houston County is fragile. The area has a vibrant tourist industry. He stated that 1 in 10 individuals are employed in the tourism industry. He provided statistics gathered in Wisconsin related to property values. He stated that property along haul routes experienced property value declines of 30 to 50% of value, properties bordering mines saw their values decline in excess of 50%, real estate agents in the area saw their income reduced by half and the counties affected by mining lost their tourist trade revenues.

Rich Schild, Money Creek Township resident, reported that he serves on the Planning Commission and voted against the proposed ordinance. He shared his opinion that the proposed ordinance doesn't represent the intent of the study committee. He expressed his feeling that the second draft was stronger. He expressed his concerns with the proposed ordinance with regard to the lack of noise limits, and the extensive allowable hours of operation. He shared his opinion that the proposal is not good and can't be made good. He encouraged the Board to consider banning industrial mining.

Julia Massman, Caledonia area resident, indicated that she had spent much time discerning what to say. She referenced the recent train derailment in Virginia. She shared her opinion that to do nothing is to aid, abet and allow. She encouraged everyone to stand up for the United States. Industrial mining is used to produce a product to sell to foreign governments. It is not for the benefit of U.S. citizens. She indicated that a ban would protect the United States and its citizens.

Sherry Berhow, La Crescent City resident, lives along the river and appreciates the tranquility of living in Houston County. She shared her opinion that corporations have a singular purpose of protecting their earnings. She stated that the deep water horizon debacle in the Gulf damaged the beaches so much that children can't play there without turning up tar balls. BP paid their fines and they are gone, leaving behind devastation to the natural landscape which they are ultimately responsible for. Corporations do not care about the beauty of the natural landscape where they carry on business. Ms. Berhow expressed concern with rail, air quality and health along with degradation to the river.

Carol Grahek, Yucatan Township resident, commended members of the Board for their service. She indicated that she does not support a ban on industrial mining. She urged the Board not to be swayed by the day's crowd. Not everyone is against industrial mining.

Dave Grahek, Yucatan Township resident, lived his early years in Chisholm, Minnesota on the iron range. He stated that when the mines were booming, the economy was robust. He stated that as a three time Purple Heart recipient and Vietnam Veteran, he has done his part to preserve freedom. He fought so that protesters could voice their concerns. He asked that the Board work to protect everyone's rights.

Elizabeth McHail, appealed to the Board to keep in mind future generations when they make their decision. She admitted that there are potential benefits, benefits which will be fleeting and few. The costs will burden future generations.

Tom Brown, Union Township resident, retired recently from the railroad where he worked as a track inspector for the area from La Crosse, Wisconsin to Lewiston, Wisconsin and through an area where industrial mining is strong. He expressed his support for a ban on industrial mining. He has witnessed the ill effects of mining, the damage to rail crossings caused by large volumes of heavy haul traffic. Around the Tomah, Wisconsin area heavy haul traffic runs nearly around the clock 7 days a week. His experience comes from working around the industry.

John Beckman, Houston Township resident, realizes he is in the minority. He stated he has no strong feeling with regard to whether mining is allowed or prohibited. He stated that he is a farmer and like many others earns his living off the land. He is unaware whether his land contains saleable sand or not. He did express concern that while today the focus may be prohibiting the sale of sand he wonders what product will be next, will restrictions be placed on the harvest of timber, crops or confinement cattle production. He encouraged the Board to consider everyone's rights as they make their decision.

Sister Rosemary Quinn, is a Carmelite Sister living just across the border in Winona County. The Carmelites have lived at their location for 28 years. Prior to settling there, they spent two years searching for a quiet place to live their simple and prayerful lives. She indicated that the Carmelites accept prayer requests from the outside. They pray for many things.

File No. 6 - Charlie Wieser, La Crescent Township resident, stated that the first land use ordinance was adopted in Houston County in 1965. His grandfather was serving as a commissioner at that time. The ordinance stated intent and was adopted to control land use within the county. The ordinance has been effective for 50 years and should continue to work for another 50 years. He shared his opinion that the proposed ordinance controls industrial mining. It includes applicable language. Furthermore, he expressed his understanding that the County does not have the authority to determine and/or restrict the end use of a raw product. The County has the authority to determine quantity limits which are well defined. County Attorney Jandt has been clear in stating that an outright prohibition, if challenged in court, would have a questionable outcome while the proposed ordinance would very likely be upheld.

James Paulson, Sheldon Township resident, recently moved back to the area where he and his wife's roots run deep. They enjoy the benefits of hunting and fishing around Beaver Creek. He believes it is difficult to weight the benefits and threats of allowing industrial mining. While he understands the value of jobs and property owner rights, outside interests and the ability to tightly regulate the industry are of concern. With large industry involvement there seems to be a tendency for things to go wrong. Outside interests are the financial beneficiaries of the profits. The Bakken Oil Fields in North Dakota have generated significant revenues for that State. However, it has been reported that the NRCS receives, on average, reports of 8 spills per day.

Robin Tschumper, La Crescent Township resident, indicated that her right to breath trumps everyone else's rights. She lives with asthma and grew up in California where smog alerts prevented her from enjoying the out of doors as a child. She appreciates clean air where she can participate in and enjoy outdoor activities. Unlike smog which can be seen, silica particles cannot be seen. She encouraged the Board to ban industrial mining.

Ron Evenson, Houston City resident, moved to the area 45 years ago and established a business. He loves the natural beauty, the farmland, and the serenity. He has served as an elected official on city council, as mayor, and currently on the school board. He understands decision making under pressure. Elected officials should serve the will of the public and in the interest of public welfare. He encouraged the Board to preserve the county for all citizens. He expressed his opinion that the economic base is enhanced when people want to visit, move to and establish businesses in the County. Allowing industrial mining will not attract anyone for these purposes. The export of this raw material will be a source of pollution and burden the road system. He expressed his position that we should preserve what we have.

Jim Rozoxics, La Crescent Township resident, expressed amazement with the eloquent testimony of today. He expressed his opinion that no matter how well-crafted an ordinance is, it will not protect this area. He stated that the Environmental Quality Board has put out a 200 page document which provides recommendations for addressing various issues. He feels the

recommendations put forth in this document should be taken into consideration. In his opinion, the proposed ordinance falls well short of addressing any of the EQB recommendations.

Kelley Stanage, Houston Township resident, explained the difference between common and silica sand. Silica sand poses health risks dependent upon length and duration of exposure. There are increased health risks to mine workers and those living in communities in close proximity to silica sand mining operations. The EQB is a proponent of measuring silica dust. A vote in favor of this ordinance knowingly puts the health of the public at risk. She encouraged the Board to prioritize the health and safety of the public over the financial gains of a few and ban industrial mining.

Joan Redig, Money Creek Township resident, served on the Winona County Solid Waste Committee. The County was leaning towards approving a massive solid waste incinerator when it assembled a committee of residents. In the end, the County did not approve the incinerator and now benefits from the recyclables and solid waste market. Ms. Redig expressed concern for water quality in the event the bluffs were no longer present. Clean water is a resource which needs to be protected.

Liz Gibson-Gasset, Winnebago Township resident, expressed concern that the proposed ordinance puts everything we all love in jeopardy. She expressed her support for a ban on industrial mining which would protect the areas natural beauty, air and water resources and residents health. She shared information on how residents strive to improve the area to attract tourists, new residents, and business. Allowing industrial mining would undermine this work.

Susan VanGorp, Yucatan Township resident, has been expressing concerns for several years. She would prefer to see decisions made based on concerns for health, safety and welfare of county residents. She doesn't want to see the can kicked down the road. She expressed concern with the limited resources of the Planning and Zoning Office. She questions how enforcement will work when the provision provides for enforcement only after a complaint has been filed. She questioned whether enforcement could be dealt equitably.

Bryan VanGorp, Yucatan Township resident, stated that he has become cynical of democracy. He expressed his belief that the duty of government is to protect the common things provided by nature which are essential to survival and that public property rights trump private property rights. He expressed his support for a ban on industrial mining. He does not support the proposed ordinance because, in his opinion, there is no enforcement in Houston County.

Celeste Mader, Houston Township resident, supports a ban on industrial mining which will protect the unique topography found in this driftless area which is home to threatened species. She does not want to see residents saddled with the price of allowing industrial mining.

File No. 7 - Cheryl Holen, Houston Township resident, understands that the Board is faced with a critical and divisive decision which will forever be their legacy. There is a powerful

position which comes with great accountability. She encouraged the Board to ban industrial mining.

File No. 8 - Kent Holen, Houston Township resident, read two poems he authored, one titled "To Live in These Hills is a Blessing" and another titled "Fractured Community" which are on file.

Brian LaVelle, Black Hammer Township resident, expressed his support for Commissioner Kjome's proposed ban on industrial mining. He stated that in the event there is county business to be conducted someone who has served the county for 40 years should step aside and allow others the opportunity to serve. There is a perception that Houston County does not enforce regulations. There is a need to generate revenue to cover the cost of enforcement which should be done through permitting fees and the requirement to provide bonds. Large industry and government should not be allowed to team up in order to oppress individuals. If there are concerns with departments it is the responsibility of the Board to take charge and take action to rectify the situation.

Rodney Garrison, Yucatan Township resident, stated that there is incredible beauty in this area. He chose to move to this area from his previous home in Colorado. He indicated that he was required to install a mound septic system to protect the groundwater from possible contamination. He expressed his belief that mining operations would not be required to abide by the same type of protective measures therefore not bearing any of the financial burden in the event the water supply became contaminated. In Mr. Garrison's opinion, the mining industry is not reputable. In his little town in Colorado, Halburton Corporation funded a retooling of the local grain elevator into a frac sand elevator. The industry raised the top of mountains and urged caution if people don't believe that the bluffs could be destroyed by this industry. The trucks operated under cover of night.

Donna Buckbee, Yucatan Township resident, confirmed that the United States exports sand to Saudi Arabia. She referenced catastrophic losses resulting from the collection and transportation of fossil fuels. She expressed her opinion that there is no safe way to transport fossil fuels, not by pipe, rail, ship or ground. She encouraged ending the excessive use of fossil fuels in an attempt to prevent the destruction of aquifers and to begin a healing of our planet. She would like to see this start here, with the banning of industrial mining.

Diane Crane, Money Creek Township resident, saw this area for the first time as a child. She grew up west of this area where the terrain is flat. She raised her children here who have returned to the area after leaving for a time. As an adult she realizes that there are responsibilities one of which is to conserve resources so that people can live comfortably and have the resources necessary to sustain them for years to come. She expressed her belief that communities and government can work together to establish protections for unique areas. She stated that the BWCA and upper St. Croix have been protected as a result of such efforts.

Steve Hartwick, Money Creek Township resident, expressed dismay that this meeting venue did not accommodate all those who came to speak and as a result individuals left without being heard. Mr. Hartwick stated his opinion that variances in Houston County are easy to obtain. He is concerned with the setback requirements included in the proposed ordinance and indicated that the 1,000 foot setback is not adequate, especially when the State requires a 1,500 foot setback. Individuals are free to move closer to mines if they choose, however, he would not want a mine to move in so close to an established resident. He questioned why the DNR and MN pollution Control Agencies along with a Public Hearing are not required as part of the 5 year renewal process. He stated that if he wanted to open a strip club he would not be allowed to do so because such an establishment degrades the area. A strip club would likely employ as many individuals as a mine. He expressed his belief that a mining operation would be as degrading as this, therefore a ban on this activity is appropriate.

Gretchen Cook, is a La Crescent City resident, whose father was a State Forester in northern Wisconsin. Ms. Cook grew up in northern Wisconsin where there are no bluffs. She shared her belief that it would be unethical to allow in industry that would destroy the bluffs to benefit a few.

Cherryl Jostad, La Crescent City resident, indicated that she would prefer an ordinance that clearly banned industrial mining. She expressed her belief that constituents will stand by the Board in the event the ordinance was challenged. Allowing this industry into the County will only result in the residents being losers.

Janice Dahlsberg, was born and raised in this area. It was her dream to own property and now that she does, it is her goal to be a good steward of the land. This driftless area is a geological wonder with extreme biodiversity that should be conserved for future generations. She indicated that if private property owners have a desire to make money from their land they can certainly sell it to someone and walk away with a profit.

Valerie Green, Brownsville area resident, is a forester. She reported that there are plant and animal species which exist no place other than here. She urged the Board to use good environmental ethics to guide their decision and to make their decision keeping in mind the public good.

Dan Barron, La Crosse, Wisconsin resident, moved here from Illinois. He stated that Illinois is known as the prairie state which he finds curious because only 1/10<sup>th</sup> of a percent of the prairies there have been preserved. He expressed support of a ban on industrial mining.

Bob Nunemacher, La Crescent City resident, moved here in 1972 and appreciates the streams and woodlands. He expressed his belief that the majority of those in attendance favor protecting the natural beauty. This majority also appears to understand the need to protect the ability to mine aggregate and sand for the purpose of agriculture and construction.

Adam Florin, Money Creek Township resident and elected clerk of the Town Board expressed understanding of the position members of the Board are in. It is healthy to have debate on the issue and the moratorium provided time in which to conduct research. There are times when emotions run high and personal bias presents itself, however residents should be listened too. Communication is important. Industrial mining interests will knowingly and willingly violate law and regulation. There are health risks associated with industrial mining. Those risks are too high and the benefits too few to consider allowing industrial mining.

Yvonne Krogstad, Caledonia Township resident, stated her opinion that the proposed ordinance would be impossible to enforce. The sand industry won't police itself. She would like to see non-conforming mines brought into compliance. She would prefer that blasting restrictions be included in the proposed ordinance.

Humphrey Kearns, Hokah Township resident, expressed support for a ban on industrial mining.

Brad Merkl, La Crescent City resident, has lived in this area for half his life. He questioned who is responsible to cover the cost of damage to roadways as a result of mining and how the enforcement process will work. He expressed support for a ban yet understands that a ban has been advised against due to the uncertainty with defensibility.

Wayne Feldmeier, Yucatan Township resident, indicated that he recently spoke with Gene Pellowski who stated on more than one occasion that there is no indication of air pollution from the air monitoring equipment which was installed near a mining operation located in St. Charles, Minnesota.

Doug Thompson, Mound Prairie Township resident, indicated that Soil and Water Conservation staff work with individuals and corporations to promote the wise use of natural resources and compliance with regulations. Land use ordinances do restrict some economic opportunities, however they also promote good stewardship of the land and its preservation.

Pete Baumgartner, La Crosse, Wisconsin resident stated that La Crescent City received a grant in the amount of \$75,000 for the removal of ash trees living or dead.

Jeremy Chipps, La Crescent City resident, is currently employed as an insurance salesman and has worked for Mayo Clinic and in the chemical industry in the past. He attended many of the ordinance writing committee meetings. He expressed his opinion that the committee lacked the tools necessary, failed to perform scientific research and was dependent upon poor research as they worked to draft the proposed ordinance. He stated that there has been an increase in traffic fatalities in fracking zones in Texas.

Bruce Kuehmichel, Caledonia City resident, expressed concern with reclamation plan requirements and anticipates the county being strapped with the bill when these companies pull

out during the night or go bankrupt and landowners do not have enough to cover the cost for expensive reclamation.

Marilyn Frauenkron Bayer, Houston Township resident, shared that Minnesota ranks #1 for quality of life, and Houston County has the greatest biodiversity among the 87 counties in the State. She shared information gleaned from a conversation she had with an employee of Unimen who indicated that he would not want to see industrial mining take place in Houston County.

Ken Tschumper, La Crescent Township resident, stated that for three years a diligent group of individuals has been trying to convince the Board to listen to the people. For two years he represented this county in the legislature. During that time he cast approximately 800 votes for various things and the most important of all was his vote in favor of the Freedom to Breathe Act. He stated that individuals have provided the Board with proven scientific and legal information to support a prohibition on industrial mining. It is clear today that the majority of residents agree with this position.

PHN Director Marchel provided information she has gathered related to the effects of non-metallic on health. Prolonged and repeated exposure to fine particulate matter is linked to TB, bronchitis, and cancer. WHO (World Health Organization) has categorized diesel particulate matter as a carcinogen which also contributes to adverse cardio reaction, aggravated asthma and premature death in individuals with underlying health issues. Repeated low level exposure can impact health. Cumulative effects have not been studied and she urged caution moving forward.

Dale Omodt, Money Creek Township resident and Chair of the Town Board, expressed support of a ban on industrial mining. He shared information on the devastation caused by a small borrow pit utilized during a construction project. He indicated that the reclamation called for the replacement of top soil on the scarred area however the soil used was inadequate to support the growth of agricultural crops. He encouraged the Board to implement strict regulation and control on industrial mining.

Conrad Curren, Black Hammer Township resident, expressed concern that inadequate setbacks result in the taking of someone else's property rights. He encouraged the Board to address past infringements. He would prefer that the setback requirements should be the responsibility of the individual assuming the risk, not of the neighboring property owners.

Chairperson Schuldt expressed appreciation for the public's input at this hearing.

At this time the Board closed the public hearing and convened the Board meeting.

Commissioner Zmyewski stated that he feels that the proposed ordinance is a strong document. Discussion was held as to whether additional wording needed to be added.

File No. 9 - After discussion, motion was made by Commissioner Zmyewski and seconded by Commissioner Kjome to replace the last sentence of Section. 0110.2703, Subd. 3 with the following: "Any sand, quartz and/or silica crystals as defined by M.S. 116C.99, mined for uses other than local construction or agricultural purposes in excess of volume limits of those stated in 0110.2708 Subd. 1, Item 4. Volume Limit." Several commissioners expressed their concern with inserting the word "local". After discussion a roll call vote was taken: District 1 - no; District 2 - yes; District 3 - no; District 4 - no; District 5 - yes. The motion failed.

After discussion, motion was made by Commissioner Zmyewski and seconded by Commissioner Kjome to amend Section. 0110.2703, Subd. 3 to read as follows: **Subd. 3. Industrial Minerals, Metals, Gases, and Fluids.** Minerals such as graphite, diamonds, gemstones, kaolin, and other similar minerals; all petroleum and petroleum-based gases, and fluids; all metallic minerals, including nickel, tin, silver, titanium, vanadium, cadmium, molybdenum, chromium, manganese, cobalt, copper, zirconium, beryllium, thorium, uranium, aluminum, radium, tantalum, niobium, gold, lead, platinum, or palladium in excess of volume limits of those stated in 0110.2708 Subd. 1, Item 4. Volume Limit." Any sand, quartz and/or silica crystals as defined by M.S. 116C.99, mined for uses other than construction or agricultural purposes. A roll call vote was taken: District 1 - yes; District 2 - yes; District 3 - yes; District 4 - yes; District 5 - yes. The motion carried unanimously.

Commissioner Zmyewski indicated that he agrees with a concern expressed by an individual today with regard to the fourth sentence in Section 0110.2705 which states: "Expansion also includes any placement of a structure or part thereof where none existed before..." He felt a weigh scale should not be considered as an expansion. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to amend this sentence to read: "Expansion also includes any placement of a structure (not to include weigh scales or scale houses) or part thereof where none existed before, any new trans-loading site, any addition of a site feature that would allow the land to be more intensely developed, any move of operations to a new location on the property outside the described mine boundary, or any increase in intensity of use when compared to the original nature, function or purpose of the non-conforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the County. Legal nonconforming mining and extraction operations that fail to meet biennial re-registration requirements lose any rights as nonconformities to continue operations.

Motion was made by Commissioner Zmyewski and seconded by Commissioner Kjome to insert the word "local" into Section 0110.2706 Subd. 9, Item 7 after which it will read: "Any designated processing or trans loading site for sand designated for uses other than local construction or agricultural purposes." A roll call vote was taken: District 1 - no; District 2 - yes; District 3 - yes; District 4 - no; District 5 - yes. The motion carried.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to modify Section 0110.2706 Subd. 9, Item 8 to read: “Any mining of industrial minerals, metals, fluids, and gases as defined by Section 110.270, Subd 3.”

Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to modify Section 0110.2708, Subd. 1, Item No. 5 to read: “**Volume Limit.** Sand mines shall be capped at a volume of 60,000 cubic yards (truck yards) per calendar year per site. This limit can be exceeded during times of government declared natural disasters or emergencies or a public construction project. The Zoning Administrator and County Board shall approve, in writing, any exceedance of limits.”

Commissioner Schuldt stated that he wants the ordinance to define our county in that frac sand mining is not conducive to Houston County due to the karst topography and being part of the driftless area.

After discussion, motion was made by Commissioner Storlie and seconded by Commissioner Zmyewski to send the proposed ordinance, as amended, to County Attorney Jandt with instructions to draft the findings of fact. A roll call vote was taken: District 1 – yes; District 2 – yes; District 3 – yes; District 4 – yes; District 5 – yes. The motion carried unanimously.

There being no further business and the time being 1:23 p.m., motion was made by Commissioner Zmyewski seconded by Commissioner Storlie and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, February 24 , 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, February 24, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Finance Director Lapham; HS Director Bahr; HR Director Arrick-Kruger; Charlie Wieser; Leonard Tostenson; Kit Tostenson; Franklin Hahn; Cheryl Holen; Drue Ferguson; Gretchen Cook; Steve Zmyewski; Bruce Kuehmicel; Joan Redig; Audrey Alfson; Robin Tschumper; Mike Fields; Ken Tschmuper; Eric Johnson; Yvonne Krogstad; Drue Ferguson; Kent Holen; Betts Ready; John Beckman; Chief Deputy Sheriff Lapham; Bob Bovee; Jeremy Chipps; Franklin Hahn; Donna Buckbee; Bryan VanGorp; Bryan LaVelle; Larry Ledebuhr; and others

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Kjome, seconded by Commissioner Zmyewski and unanimously carried to approve the agenda.

Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to approve the minutes of the February 17, 2015 meeting.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the minutes of the February 18, 2015 meeting with changes noted.

File No. 1 - Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$67,930.19
Road & Bridge Fund	9,767.60
	-----
Total	\$77,697.79
	=====

Chairperson Schuldt read the following excerpt from the Policy for Public comment Period: “This section of the agenda may not be used as a forum to continue discussion on an agenda item which has already been held as a public hearing.” He noted that there were many guests and questioned how the Board wished to proceed. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and carried with Commissioner Kjome voting in the negative to allow those who did not speak at the public hearing to be allowed an opportunity to speak today subject to the public comment period rules and time limits.

Ken Tschumper, La Crescent Township resident, expressed appreciation for a well-run and fair public hearing.

Eric Johnson, Houston Township resident, has been involved with the discussion surrounding frac sand mining in the County for 3 long years. He stated that he favors individual property owner rights which the constitution provides for and the Commissioners swore to uphold. He introduced his neighbor, Leonard Tostenson, who is present today. He stated that Mr. Tostenson has lived his entire adult life on a farm. Recently, Mr. Tostenson has suffered with medical issues. He would like to be able to utilize his land to generate revenue so that he can cover expenses which Medicare does not cover. Many residents are faced with situations much like Mr. Tostenson’s and want to be able to utilize their land to make a better life for themselves.

Larry Ledebuhr, Mound Prairie Township resident, stated that as a lifelong County resident he has been witness to many things. He indicated that it is bad when property rights are taken. When property in this area is purchased, with it come mineral rights. This could be a great opportunity. He believes that if adequate time is taken, a good job will be done and a positive outcome will result. He expressed concerns with the volatility of agriculture, and personally supports organic and non-GMO farming methods. He expressed his belief that incentives may promote a more stable and strong economy and prevent the boom or bust of producers who hit a rough patch and must rely on natural resources to get through to the next period when agriculture is prosperous.

Betts Ready, Yucatan Township resident, was present at study committee meetings. She expressed concern that the non-conforming mine section of the proposed ordinance does not reflect major concerns voiced during study committee meetings. She indicated that the proposed ordinance fails to address set-backs related to non-conforming mines. It is her desire to see non-conforming mines brought into compliance.

Brian LaVelle, Black Hammer Township resident, questioned why individual property rights which could result in destruction of the economy and landscape would take priority over the rights of all. He indicated that State of Minnesota representatives spoke at a meeting some time ago regarding overburden. He would prefer to call this drainage. He stated that water is scarce. San Pablo is one of the largest cities in the western hemisphere and is currently suffering from drought so extreme that water is being provided to the city for only 2 of 7 days. This example shows that water is precious and needs to be protected.

Bryan VanGorp, Yucatan Township resident, stated that in excess of 1 million acres of farmland have disappeared as a result of urban sprawl and other factors. The population continues to increase as available farmland decreases. He questioned why some believe that a single generation should be allowed to destroy land for personal gain leaving future generations with nothing.

File No. 2 - Charlie Wieser, La Crescent Township resident, indicated that the Board represents all county residents. He questioned whether the Board is willing to risk tax revenues generated from the majority of residents to defend against claims which the County Attorney advised would be difficult to defend with a questionable outcome.

Lorraine Culver, Houston City resident, stated that she is not a property owner. She was compelled to speak stating everyone has basic rights to commons including air and water. These rights go back all through time and are not new. Property rights are not a basic right nor are they most important.

File No. 3 - At this time the Board met with Finance Director Lapham. She requested the Board's signature on a letter of understanding of services with the State Auditor's Office in connection with the 2014 audit. She noted that the audit has already begun. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the letter of understanding and to authorize the signature of Chairperson Schuldt.

File No. 4 - HS Director Bahr requested acceptance of CY 2015 Adult Mental Health Grants – CSP. She provided a summary of various grants benefitting adult mental health which are awarded. State funds are awarded for various programs including but not limited to: CREST which is the adult mental health initiative, regional crisis fund, housing with supports, projects to assist in the transition from homelessness and community support. The memo outlines expectations following acceptance. The county will be required to follow fiscal rules related to qualified and allowable expenditures and services. While signing the acceptance is new, the policies are not. Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the letter and authorize the signature of Chairperson Schuldt. Reporter Craig Moorhead questioned how much the grants totaled. HS Director Bahr responded that the CSP grant award is in the amount of \$77,507.00. She anticipates the CREST grant to be approximately \$88,000.00 however that is under review and may be increased.

File No. 5 – On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to re-appoint Matt Mackie as a 1.0 FTE regular status jailer/dispatcher at step 4 of the appropriate comparable worth band effective March 8, 2015. It was noted that Mr. Mackie will be regular status due to the fact that he has previously completed probationary requirements for said position.

HR Director Arrick-Kruger reported that a competitive internal search for a 1.0 FTE lead jailer/dispatcher has been completed. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to appoint Jordan Rooker as 1.0 FTE lead jailer/dispatcher effective March 8, 2015. Jail Administrator Schiltz stated that 3 candidates were interviewed and while all were well qualified, Mr. Rooker rose to the top of the candidate list. He joined the county in April and had 4 years prior experience as a jailer in addition to a BA in Criminal Justice. His training went very well, and while he had no experience with dispatching, he learned this aspect quickly and performs all functions of the position well. Chief Deputy Sheriff Lapham commented that Mr. Rooker was a standout in the applicant pool. Chief Deputy Sheriff Lapham expressed his appreciation for the willingness of all three candidates to pursue this next professional step.

File No. 6 - Discussion was held regarding the proposed Mineral Extraction and Mining Ordinance. Motion was made by Commissioner Zmyewski and seconded by Commissioner Kjome to amend sentence 6 of Section 0110.2705 of the proposed ordinance to read as follows: "All legal, nonconforming, mining and extraction operations shall comply with all standards as set forth in Sections 0110.2708 and 0110.2710 hereof." After discussion, the motion failed with Commissioners Storlie, Schuldt and Walter voting in the negative.

Motion was made by Commissioner Zmyewski and seconded by Commissioner Kjome to amend the first part of sentence 8 of Section 0110.2705 of the proposed ordinance to read as follows: "Any existing legal, nonconforming mining and extraction operations determined by the Zoning Department and/or the County Board to pose an environmental hazard or negative impact on the health, safety, or welfare of the residents of the County; ..." After discussion, the motion failed with Commissioners Storlie, Schuldt and Walter voting in the negative.

Motion was made by Commissioner Zmyewski and seconded by Commissioner Kjome to amend the second part of sentence 8 of Section 0110.2705 of the proposed ordinance to read as follows: "...or that fails to comply with all standards set forth in this chapter shall lose nonconforming status." After discussion, the motion failed with Commissioners Storlie, Schuldt and Walter voting in the negative.

County Attorney Jandt stated that he was asked to draft findings for the proposed ordinance as amended on February 18, 2015. The question has been posed whether, if adopted, this ordinance would be upheld by the court. He stated that the Board, in these situations acts as a legislative body. They need a rational basis for their action. In some cases the Board acts in a quasi-judicial role, and this type of action is held to a higher standard. He indicated that he cannot answer whether the proposed ordinance would be upheld by the court, as he is not a judge, a member of the Court of Appeals, the Minnesota Supreme Court, or the U.S. Supreme Court.

In his opinion, the County Board has three options: 1) ban; 2) regulate; 3) do nothing.

With regard to a ban, given his review of the law, the County must show that it is necessary to ban in order to protect the health of the community. In the case of a total ban, the courts require demonstrating a compelling need to ban. This would be scrutinized closely, as it would be looked at as a quasi-judicial fact finding.

County Attorney Jandt stated that with regard to regulating, Minnesota case law does discuss quantitative limits for land use. If the County chooses to regulate, the limits must be sufficient to protect the public health of the community. Locally both Fillmore and Winona Counties have chosen to regulate. Winona County has been challenged with regard to a particular permit, and their ordinance was upheld by the court.

If the County Board chooses to do nothing, it will fall back on the existing ordinance and applications for permit would go through the process of being reviewed by the Planning Commission, with the County Board making the final decision.

County Attorney Jandt stated that he has considered the three options as they relate to insurance coverage by MCIT. He indicated that a ban could be construed as a “taking”, and taking claims are not covered by MCIT. While it may perhaps be defended by MCIT, the policy excludes payment of damages for anyone whose economic opportunity was prohibited. In this case, the county could be liable for the economic loss. He stressed that what we do or do not have coverage for depends on the specific lawsuit being brought against the county. MCIT would determine whether they would provide coverage based on the four corners of the law suit.

Commissioner Zmyewski inquired whether County Attorney Jandt is saying we cannot ban, however we can regulate. County Attorney Jandt clarified that he does not know what would happen with a ban, as the court would decide. However, “taking” is held to a higher standard because you are blocking an economic use. With regulation there is some case law and the Board would have the ability to make certain findings and show there is a rational basis. Regulating would also be supported by what has happened in Fillmore, and more specifically, Winona County as their ordinance was upheld by the court.

County Attorney Jandt used the example of a pornography store or a strip club and indicated that counties have the ability to adopt an ordinance whereby they could only be located in certain locations, can only operate during certain hours, etc. Such regulations do not prohibit someone such a business; however, it may make it economically unfeasible to engage in. He reiterated that case law would support regulation provided that you have findings to show a rational basis for your action. With a ban, he would do his best to support the Board’s action, however, a ban would be held to a higher standard and there is not a lot of case law. Whether it would be upheld or not would be for the court to decide based on the specific law suit being served on the county. Commissioner Zmyewski inquired if no one challenges a ban, whether this would be a moot point. County Attorney Jandt responded that this is always the case. If an action is brought, the county would react. If no case is brought against the county there would be nothing to react to.

Commissioner Zmyewski inquired whether on the flip side, if the findings show there is potential for health and environmental issues and the County Board takes no action to ban, whether there would be liability to the county. County Attorney Jandt stated that this is a technical question and he would prefer to have a specific question in writing prior to providing an opinion. However, MCIT would make a determination as to coverage based on the four corners of the law suit served against the county. He also indicated that there are occasionally law suits against insurance companies for failing to provide coverage.

County Attorney Jandt clarified that the findings he provided to the Board are the result of work completed by a number of individuals as well as the minutes from the various meetings.

A Highway Department Building meeting is scheduled for later today to discuss finances.

Commissioner Storlie reported on labor negotiation meetings which she has attended recently.

Commissioner Walter reported that Senator Miller has responded regarding his support for an initiative to include EMS under a Regional Rural Public Health Initiative. Representative Davids acknowledge receipt of information related to the same request. She also provided a reminder of an upcoming meeting of the Houston County Township Officers Association meeting scheduled for 6:00 p.m. on March 12<sup>th</sup> at the Redwood Café. It was agreed that Chairperson Schuldt would attend.

Commissioner Kjome reported on labor negotiation meetings which he has attended.

File No. 7 - Following discussion, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to adopt the following:

**RESOLUTION NO. 15-7**  
**AUTHORIZING APPLICATION FOR MINNESOTA HOUSING & FINANCE AGENCY**  
**FAMILY HOMELESS PREVENTION & ASSISTANCE PROGRAM**

WHEREAS, the Minnesota Housing Finance Agency, State of Minnesota, has been authorized to undertake a program to provide funds for Family Homeless Prevention & Assistance Projects; and,

WHEREAS, the Southeastern Minnesota Housing Network, working through: 1) Three Rivers Community Action, Inc. – Grantee and, 2) Semcac and Lutheran Social Services – LINK – Sub-Grantees, has developed a renewal application for the Minnesota Housing Finance Agency Family Homeless Prevention & Assistance Program; and

WHEREAS, the Southeastern Minnesota Housing network working through: Three Rivers Community Action, Inc, Semcac, and LSS-LINK has demonstrated the ability to perform the required activities of the Minnesota Housing Finance Agency Family Homeless Prevention & Assistance Program;

NOW, THEREFORE, be it resolved that the Southeastern Minnesota Housing Network is hereby authorized as an entity to be charged with the administration of funds made available through the Minnesota Housing Finance Agency Family Homeless Prevention & Assistance Program in the county of Houston, in Minnesota.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to place on file the following items from the consent agenda:

File No. 8 – Invitation to Annual Meeting and Election of  
Houston County Township Officers Association

There being no further business and the time being 10:01 a.m., motion was made by Commissioner Zmyewski seconded by Commissioner Storlie and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, March 3 , 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## **PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

Date: Tuesday, March 3, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Cheryl Holen; Susan VanGorp; Bryan VanGorp; Eric Johnson; Tanner Johnson; Kelley Stanage; Kent Holen; Franklin Hahn; Linda Griggs; Jacqueline Wallace; Marilyn Frauenkron Bayer; Dale Omodt; Steve Zmyewski; Robin Tschumper; Marianne Zerbe; Ryan Stotts; Lee Grippin; Rae Evenson; Steve Hartwick; Leonard Tostenson; Kit Tostenson; Donna Buckbee; Yvonne Krogstad; John Beckman; Sarah Wexler-Mann; Melvin Davy; Jeremy Chipps; Hein Bloem; Ron Evenson; Michael Fields; Marianne Torgeson; Representatives from Channel 8, KTTC Channel 10 & WXOW Channel 19; John Griggs; Chief Deputy Sheriff Lapham; Luke Sass; HR Director Arrick-Kruger; Drue Ferguson; County Attorney Jandt; Gretchen Cook; Wayne Feldmeier; Jackie Baker; Glenn Kruse; Brad Williams; Audrey Alfson; Ken Tschumper; PHN Director Marchel; Zoning Administrator Scanlan; Dan Griffith; Environmental Services Director Frank; Betts Ready; Larry Gaustad; and others

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the agenda.

Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the minutes of the February 24, 2015 meeting.

File No. 1 - Motion was made by Commissioner Kjome, seconded by Commissioner Walter and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$71,604.24
Road & Bridge Fund	7,689.86
	-----
Total	\$79,294.10
	=====

Bob Burns, Caledonia City resident, expressed concern with the proposed ordinance that it will cause prices of aggregate and sand to increase. This would negatively impact cities and townships who utilize these products for road projects and maintenance. It could adversely impact the construction business also and may even prevent individuals from moving to the area. Mr. Burns commented that he is neither in favor of nor against frac sand mining. He is concerned about the cost of doing business in Houston County, taxpayers and citizens.

Michael Fields, Winnebago Township resident, appealed to the Board to prevent the devaluation of his wife's family farm. He indicated that the County appears to favor mining interests because mining permits generate revenue for the County. He expressed concern that non-conforming mines are allowed to continue operations and encroach on property lines. He shared his opinion that non-conforming mines should be phased out not provided with privileges which allow them to infringe upon neighboring property.

Ed Walsh, Winona County resident, represents people in a legal capacity. He encouraged the Board to take action and to do what is right for citizens. He provided a recap of recent events including the Board taking action to instruct the County Attorney to prepare findings related to the proposed ordinance which would essentially ban frac sand mining. He reminded the Board that they do have the authority to enact a ban. He stated that nothing has changed since the Board unanimously approved the language which would ban frac sand mining be included in the proposed ordinance. He does not want the Board to legislate based on fear and/or intimidation.

Bryan VanGorp, Yucatan Township resident, indicated that if something doesn't matter 50 years from now, it is a small issue of minimal concern. The Board is faced with a decision that will matter 50 years from now. It is his hope that the Board will stand strong and make an impactful decision that will protect the land and assets for the next generation.

Bob Hurt, Winona County resident, expressed support for a complete ban on frac sand mining. The past 3 years have been difficult for members of the Board. There are individuals who want to protect mining interests. There are individuals who may be land rich and cash poor that are struggling and must depend on the land. Mr. Hurt provided information related to conservation easements and how they provide a financial benefit to landowners and protect the land. He indicated that there are funds available at this time.

Dave Baumgartner indicated that a poor decision may result in damaged roads and increased taxes. He stated that pesticides are harming honey bees, butterflies and water supplies. He stated that man needs to take action to protect what God created.

Kent Holen, Houston Township resident, referenced a book by George Orwell in which there was a “lucky one”. He indicated that frac sand mining may benefit a lucky few while the majority will suffer financially as a result. He encouraged the Board to stand up for constituents and the majority who will not benefit from frac sand mining.

Mark Schroeder, Spring Grove resident, stated that he recently spoke with friend who lives in Loveland, Colorado. He indicated that Loveland passed a ban on frac sand mining. The result was a lawsuit which was overturned by the justice system. He indicated that significant regulations to prevent mining interests from intruding in the area are preferable. He stated that stringent restrictions could make the area undesirable to mining interests and prevent legal challenges.

File No. 2 - Chief Deputy Sheriff Lapham requested approval for the 2015 Boat and Water Safety Grant. The grant is approximately \$1,000.00 less than last year. Chief Deputy Sheriff Lapham indicated that this could be the result of weather and/or a reduced number of calls. He has estimated the cost for staffing and expenses based on past years. The grant is due April 15<sup>th</sup>. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the 2015 State of Minnesota Annual County Boat and Water Safety Grant Agreement in the amount of \$5,371.00 and authorize the required signatures.

File No. 3 - HR Director Arrick-Kruger stated that there is a vacancy in the position of Extension Educator. This is a University of Minnesota position. Houston County is currently engaged in a contract providing for this position which expires December 31, 2015. The University of Minnesota is responsible to perform the search and fill the position as part of their contractual obligation. Commissioner Walter commented that this shared position provides an Extension Educator whose time is shared between Houston and Fillmore Counties. She feels the shared position works well and serves both counties nicely. It was agreed that Auditor Meiners would inform Chuck Schwartau that Houston County is satisfied with the current services and does not wish to renegotiate the contract at this time.

File No. 4 - HR Director Arrick-Kruger presented a 3 year customer support agreement with Ziegler Cat for the maintenance of the generator. This equipment is complex. The County exhausted all local options for service. This is specialty equipment which local diesel mechanics do not have interest in servicing. The generator requires routine maintenance due to the constant circulation of coolant and fluids. HR Director Arrick-Kruger stated that 2 sizeable batteries require replacement. This will be performed by county staff and will result in a small savings. County Attorney Jandt stated that he has reviewed the contract. This contract is not the same form as most contracts. The contract has a 60 day termination clause where most county contracts have a 30 day and indemnification is not explicit when it is in most other agreements. County Attorney Jandt explained that we are in need of specialized services from Ziegler Cat and they are not in need of the county’s business. He wanted the differences noted however, they are not extremely concerning. The agreement covers a 3 year period. HR Director Arrick-Kruger

indicated that annual pre-payment qualifies the county for additional discounting. Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the Customer Support Agreement with Ziegler Cat in the amount of \$4,510.74 annually.

Commissioner Zmyewski shared his opinion that this equipment exceeds need. He indicated that the generator could power much of the City of Caledonia. As a result, maintenance costs are exorbitant. While the initial cost may have been considered reasonable, the maintenance costs are excessive. He would like this to be a lesson how a poor decision results in excessive long term expenses.

File No. 5 - On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to provide clarification that Matt Mackie's salary should be at step 3 of the appropriate comparable worth band. Last week it was erroneously stated to be step 4.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to appoint Kirby Fitzpatrick probationary financial worker effective March 9, 2015 at step 1 of the appropriate comparable worth band. Action was previously taken and rescinded in order to comply with collective bargaining agreement posting requirements.

Social Services Supervisor Kohlmeyer expressed she is pleased with the addition of Ms. Fitzpatrick as financial worker.

Following discussion, motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to authorize a search for a 1.0 FTE case aide to fill the vacancy created by Kirby Fitzpatrick's appointment to financial worker.

HR Director Arrick-Kruger reported that recently a search was conducted for a 0.5 FTE Case Aide to assist the Social Services unit. The search was unsuccessful. The county did not receive the average response to advertising. The position did provide for participation in the health benefits program at a pro-rated level. Originally, the Human Services Department requested a 1.0 FTE position. The 0.5 FTE position was approved.

HS Director Bahr stated that the social services unit had two 1.0 FTE case aides in 2010. Through attrition and the reorganization of duties these positions dissolved and were not replaced. There is a significant need for a case aide. Clerical duties which case aides perform impact funding. Case aide data entry can provide for timely submission of data which also impacts funding. Northstar Care is an upcoming change which will establish timelines and is linked to IV-E reporting and funding. Financial Services Supervisor Kohlmeyer indicated that without timely reporting and communications between social services and financial services timelines that are missed will result in funding losses. IV-E funding supplements county tax dollars for placement. Social Workers would benefit from clerical assistance which a case aide can provide. This would increase efficiency. Financial Services Supervisor Kohlmeyer stated

that federal audit findings can also impact funding. The social services unit is comprised of 17 employees; a case aide could also provide assistance to the supervisor of this unit. HS Director Bahr reported that an additional \$50 million will likely be designated to child protection from the budget surplus. She anticipates a portion of this trickling down to the county level. A case aide position costs \$42,000.00. A 0.5 FTE position has already been approved so an increase to 1.0 FTE would increase the budget by \$24,000.00. It was noted that the financial loss for failing to meet the IV-E reporting deadlines would cost in excess of \$24,000.00. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve a 1.0 FTE case aide position and search. Commissioner Zmyewski commented that while he has been a proponent of hiring and wage freezes there are times when there is a present need. In this situation he believes that the expense will result in long term savings.

On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to hire Michael Meiners as a 1.0 FTE probationary assistant custodian II at step 1 of the appropriate comparable worth band. Mr. Meiners has qualifications which complement the maintenance department, and has a strong repair background. This fills a long term vacancy.

Motion was made by Commissioner Zmyewski and seconded by Commissioner Kjome to approve the findings of fact prepared by County Attorney Jandt in response to the proposed ordinance. County Attorney Jandt urged caution and suggested taking action with regard to the ordinance prior to taking action related to the findings in case there is a need to amend the findings as a result of a decision. A roll call vote was taken: District 1 – no; District 2 – yes; District 3 – no; District 4 – no; District 5 – yes. The motion failed.

File No. 6 - Motion was made by Commissioner Zmyewski and seconded by Commissioner Kjome to adopt the ordinance as amended on February 24<sup>th</sup> and to further amend said ordinance to remove the word “only” appearing on page 3. A roll call vote was taken: District 1 – no; District 2 – yes; District 3 – no; District 4 – no; District 5 – yes. The motion failed.

Motion was made by Commissioner Zmyewski and seconded by Commissioner Kjome to adopt the ordinance as amended on February 24<sup>th</sup>. A roll call vote was taken: District 1 – no; District 2 – yes; District 3 – no; District 4 – no; District 5 – yes. The motion failed. This is the ordinance which includes text amendments which were unanimously approved by the Board and forwarded to County Attorney Jandt for the preparation of findings.

File No. 7 - Motion was made by Commissioner Storlie and seconded by Commissioner Walter to approve the proposed ordinance, section 27 as recommended by the Planning Commission. Commissioner Zmyewski noted that the February 24<sup>th</sup> text amendments passed unanimously. He felt this showed the intent of the Board and was viewed on TV by many. He stated that several commissioners suffered this week as a result of e-mails and phone calls from individuals desiring to have frac sand mining banned in Houston County. He finds this change in

position disappointing. There are many individuals who support a ban on frac sand mining. These individuals elected the members of the Board. Commissioners accepted this position in order to represent the people. This action returns the Board to square one. Commissioner Walter stated that she does not favor a return to the old ordinance. She did receive many e-mails and phone calls, however some of the individuals she spoke with favor regulation. Not everyone favors a ban on frac sand mining. Commissioner Zmyewski questioned what percentage of individuals would prefer regulation. Using the public hearing as a poll, in excess of 90% of individuals prefer a ban. Commissioner Walter stated that she did track the calls and estimates that approximately 1/3 of those she spoke with support regulation. Commissioner Zmyewski stated that he would like to know the actual numbers. Commissioner Walter stated that she did not bring the log with her. Commissioner Zmyewski responded that he knows what the poll reflects because he has the data. Commissioner Kjome indicated that he also received several calls and that the callers he spoke with favor a ban on frac sand mining. Chairperson Schuldt commented that he received many calls. He stated that as discussion took place and he provided information regarding the implications of banning frac sand mining, many individuals who initially called in support of a ban determined that regulation would be preferable. The ordinance as recommended by the Planning Commission does not allow for the processing of sand. A roll call vote was taken: District 1 – yes; District 2 – no; District 3 – yes; District 4 – yes; District 5 – no. The motion failed due to the requirement for a 4/5<sup>th</sup> majority vote to amend the existing ordinance.

Commissioner Zmyewski stated that processing isn't prohibited and volume limits are not addressed within the proposed ordinance. The ordinance fails to regulate possible frac sand mining due to all of the loopholes. The proposed ordinance only requires non-conforming mines to adhere to 4 items. He expressed his opinion that to bring non-conforming mines into compliance they should be required to adhere to the same regulations as other mines. He read an excerpt from Minnesota Statute 394.06 which he understands to reflect the States position which is that non-conforming mines should be brought into compliance or should be gradually eliminated through regulation. Zoning Administrator Scanlan responded that counties have the option to protect non-conforming uses. Expansion is not viewed in the same manner. Feedlots are an example of another non-conforming use. The County has determined that it values agriculture and the ordinance protects feedlots and the ability to maintain livestock in those facilities. They work with producers to take steps to bring the lots into conformance. The County may do the same with minerals by adopting new standards. This is what the committee discussed in depth. Commissioner Storlie urged those in attendance to be respectful of one another. Commissioner Zmyewski stated that not everyone was in agreement with the proposal submitted to the Planning Commission. He stated that both Commissioner Walter and Dan Griffin wanted to propose an ordinance that would bring non-conforming mines into compliance and the proposal put forth fails to do so.

Dan Griffin responded that there are caps within the proposal. Lengthy discussion was held regarding open acres, density and the need for reclamation plans and registration. Timelines for submission of registration and reclamation plans should be established. Mr. Griffin stated

that there are many inactive mines located across the county. There are mines that may want to remain active and others which may voluntarily close. The ordinance is a step to determine the path for each individual mine. The committee worked hard, the dialogue was good.

Discussion was held regarding non-conforming mines. These are mines which were established prior to 1972 when zoning ordinances were adopted. These mines were “grandfathered” in. The mines were required to register and submit reclamation plans once the zoning ordinances were adopted. However, the requirement to submit reclamation plans was not tracked. The county protected the non-conforming mines right to remain and continue operations. Following the implementation of the zoning ordinance, mines were required to make application for a Conditional Use Permit (CUP). There are 12 conforming mines in which operations are governed by CUP’s and would not be subject to new regulation.

Commissioner Zmyewski again referenced the Minnesota Statute which reflects the position of the State to gradually eliminate non-conforming uses. The County has the authority to elect to protect non-conforming uses which it has chosen to exercise in the case of non-conforming mines. Commissioner Zmyewski again questioned why the ordinance requires non-conforming mines to adhere to a list of 4 criteria when new mines are subject to many more in addition to the 4. Mr. Griffin responded that it was the consensus of the committee to establish the 4 criteria to begin a process through which the non-conforming mines would be brought closer to conformance. The ordinance requires the registration of mines. There are non-conforming mines from 1972 which may not desire to re-register due to inactivity. This would phase out any non-conforming mines which do not re-register. Those that register will need to comply with the 4 criteria established in the ordinance. This is tighter regulation than they are currently subject to. The decision to re-register and remain active could impact taxation. The mines will be limited to 20 open acres, restricted expansion based on current setback requirements and the submission of reclamation plans. Once this process has been carried out the County would know how many active mines remain and could re-evaluate concerns at that time or going forward from this point. Cities and townships made it clear they want the price of aggregate and sand to remain stable. The mines in the County supply aggregate and sand to cities and townships for road projects and maintenance. The ordinance was developed to protect the stability of the aggregate market for the local economy. Mr. Griffin noted that the non-conforming mines have been operating without concern for many years. It would be simple for the county to step in on non-conforming mines in the event there was an issue. It would be more difficult for the county to step in on mines operating under a CUP. When asked who would provide enforcement it was stated that the Zoning Administrator, County Board and County Attorney may be part of enforcement.

Commissioner Zmyewski questioned how the ordinance protects from large scale mining when it allows 60,000 cubic yards of material to be excavated from any given mine annually. He also questioned why 60,000 cubic yards was used, as it is an arbitrary number. Mr. Griffin responded the committee discussed this. It was noted that active mines within the county are

typically removing 35,000 to 40,000 cubic yards of material annually. It was determined by the committee that 60,000 cubic yards allowed for a reasonable level of growth/demand.

There are 131 mines across Houston County of which 47 are currently active 73 are inactive and 12 operate under a CUP. It is possible for inactive mines to become active. These mines would not be allowed to expand beyond their original scope and plan. A mine that registered to produce aggregate could not simply activate to mine sand. Mining sand was not part of their original plan and they are limited to that original purpose. They would not be allowed to expand beyond the original boundaries or excavate an open area exceeding 20 acres. These regulations restrict the operations of non-conforming mines. Commissioner Zmyewski indicated that an operator claimed it would hop from location to location to reduce the burden on a single site. Chairperson Schuldt questioned whether volume limits could be established per operator. This would be difficult to accomplish since mines are registered by site and not by operator.

Commissioner Zmyewski expressed concern that the proposed ordinance establishes two unique sets of rules. He expressed his belief that all mines should be subject to a single set of rules. Mr. Griffin explained that non-conforming mines can't adhere to the regulations which have been established to govern new mining operations. The non-conforming mines were established and their operations are protected. Because the physical location of the mine cannot be changed they are unable to conform to setback requirements. The proposed ordinance continues to protect the non-conforming mines so that aggregate and sand prices continue at a steady rate to benefit the cities and townships who utilize the products. This was important to the committee and the regulations established in the proposed ordinance are the result of the committee's work.

Commissioner Zmyewski questioned why new mines are subject to blasting requirements, setbacks and other regulations when non-conforming mines are not. This has been a difficult process and he feels that it is time to tackle the whole problem. He is not in favor of a phased in approach where it must be reviewed again in a few years and further tightened up. He wants to establish rules to bring the non-conforming mines into compliance now. Zoning Administrator Scanlan noted that non-conforming mines are subject to State and Federal law. They are subject to MSHA regulations which cover blasting, MPCA regulations which regulate storm water and sediment runoff and other applicable State and Federal regulations. Commissioner Zmyewski expressed concern that there are requirements of new mines to notify neighboring property owners of blasting which are not included for non-conforming mines. He wants it to be clear. Commissioner Zmyewski indicated that he would prefer to be proactive and not reactive. He wants a clear and concise ordinance which addresses the problem with non-conforming mines and subjects them to the same regulation as new mining operations.

Discussion was held regarding the inclusion of language related to silica sand/silica crystals as defined in Minnesota Statute. Commissioner Zmyewski stated that the inclusion of this language would please many people. Without this language you have a significant problem that will not go away. The non-conforming mines, as long as they are allowed, will be an issue.

Mr. Griffin questioned what additional standards Commissioner Zmyewski would like to see included in the proposed ordinance so that he would support it. Commissioner Zmyewski stated that the language related to the Minnesota Statute definition must be included. There are many other issues which must be addressed.

Mr. Griffin indicated that the study committee agreed that non-conforming mines were a concern. They developed the proposed ordinance with this in mind. It is a step, in a process, to bring those mines closer to compliance. Commissioner Zmyewski stated again that the proposed ordinance does not bring non-conforming mines into compliance. Environmental Services Director Frank stated that non-conforming mines are out of compliance with regard to setbacks. Through the process of public comment and discussion in the study committee it was agreed that the non-conforming mines would not be allowed to further encroach on setbacks. It was agreed that this was a reasonable starting point. The mines are allowed to remain but prevented from further encroachment. Adopting all of the setback requirements would shutter the non-conforming mines and cause a significant increase in the price of aggregate and sand. Commissioner Zmyewski stated that people are making demands and it can be addressed at this time. There is no need to react to the problem in the future. Commissioner Zmyewski expressed his opinion that it is speculation that the non-conforming mines would be shuttered. It was noted that the non-conforming mines have rights also. Mr. Griffin questioned what other concerns commissioner Zmyewski has with the proposed ordinance. Commissioner Zmyewski stated that Section 7 is a significant issue. This deals with setbacks which non-conforming mines are not subject to. Mr. Griffin again requested clarification regarding what issues Commissioner Zmyewski would like addressed within the ordinance.

The proposed ordinance requires reclamation plans. These would be reviewed by the Zoning Administrator and Soil and Water Conservation. Commissioner Zmyewski expressed concern with inconsistency and he wants consistency. Zoning Administrator Scanlan stated that farmers deal with erosion from heavy rains often. Erosion can be fixed. This happens with the establishment of waterways. Commissioner Zmyewski stated again that he wants to be proactive not reactive. The reclamation plan requirement has lacked follow through. In the event the Board adopts this the Board can ensure that there is follow through. They can make it a priority and place emphasis on it.

Commissioner Zmyewski indicated that the mining industry is present. This is reflected in the divide within the County. It was noted that there is not industrial fracking taking place within Houston County. Commissioner Zmyewski reasserted his requirement to include ban language in the ordinance. The industry has already turned neighbors against one another.

Existing mines cannot be moved. Some of the mines are located closer than current setbacks would allow. A new mine would not be approved for the same location, however, the existing mine operations have been protected. The ordinance prevents further encroachment to an area where a setback is already non-compliant. Commissioner Zmyewski stated that an

existing mine may be situated on a 40 acre tract and registered as such. He expressed his understanding of the ordinance that the mine is protected and can continue operations within said forty acre tract. He stated that the operation would be allowed to encroach on property lines. This is just one of the issues he has with the proposed ordinance.

Commissioner Zmyewski stated that the moratorium will be expiring soon and there is a need to take action. Chairperson Schuldt stated that the proposed ordinance as recommended by the Planning Commission is better than the ordinance which was in place when the moratorium was enacted. Commissioner Zmyewski wants the problem taken care of and promised that it wouldn't get easier moving forward if the problem isn't addressed now. He restated his position that the sentence he proposed must be included. The inclusion of said sentence is a prohibition. Commissioner Zmyewski stated the sentence is required in order to garner his support.

When questioned, PHN Director Marchel stated that the Minnesota Local Public Health Act indicates the Board shall protect against risks to human health. Commissioner Zmyewski restated this. He indicated that the Board has failed to be consistent. They unanimously voted in favor of the inclusion of the ban language and now three members no longer support this. He stated that people will respect the Board if it is consistent.

Commissioner Kjome read an excerpt from the purpose section of the proposed ordinance. This reflected a purpose which includes the protection of the natural landscape and beauty, water resources, farming, and infrastructure, seeks to minimize soil erosion and provide for the excavation of minerals for construction purposes. Commissioner Kjome shared his opinion that only a ban will fulfill this purpose. Chairperson Schuldt stated that there is a need to allow sand extraction. He explained that a ban could be viewed as a "taking". The county could be sued and the ban could be overturned by a judge. He expressed that this would put the county in a poor situation. Commissioner Zmyewski argued Chairperson Schuldt's concerns were purely speculation. He questioned whether Chairperson Schuldt was prepared for the thousands of e-mails that will come if this problem isn't solved today.

Chairperson Schuldt questioned the members of the Board how they wished to proceed as they seem to be at an impasse. Commissioner Zmyewski questioned why members of the Board were willing to put the people in jeopardy. There are health concerns, it is a big deal. Commissioner Zmyewski is confident about moving forward with a ban. He expressed little concern that no one has implemented a ban or that the County could face litigation in response. He expressed his belief that the Board would be viewed as the hero in this situation and not a villain.

Chairperson Schuldt stated that the original ordinance will remain in place. There was an opportunity to improve upon that ordinance by approving the ordinance as recommended by the Planning Commission.

Chairperson Zmyewski stated that the Board has the authority to enact a ban. In addition, findings have been prepared to support the proposed ordinance which includes the prohibiting language. He is willing to do this, the people want the Board to take this action. The Board does not know what the outcome will be.

Chairperson Schuldt expressed his opinion that the right thing is regulation. The County Attorney has expressed his opinion in this regard and it is backed up by case law. There is risk involved if a ban is enacted, as there is no case law to support the ban. Commissioner Zmyewski shared his opinion that one cannot go wrong if they go with the will of the people. He provided the statistics from the public hearing. He reported that there are approximately 400 signatures in support of a ban on frac sand mining.

Chairperson Schuldt, Commissioner Walter and Dan Griffin have received calls. Initially the caller is supportive of a ban, however, as the discussion carries on they explain the attorney's response, they explain what the proposed ordinance does and in closing many individuals have changed their minds and are supportive of regulation. The proposed ordinance may have flaws however, it can be amended and/or improved.

Commissioner Kjome questioned whether the moratorium could be extended. It is not possible to extend the moratorium.

Chairperson Schuldt reported on a meeting to discuss options to finance a proposed Highway Department Building.

Commissioner Kjome reported on One Watershed, One Plan and negotiation meetings which he attended.

Commissioner Walter reported on a Wildcat Park meeting which she attended.

Commissioner Zmyewski reported that he has engaged in discussion with many individuals and township representatives over the past several days.

Commissioner Storlie reported on negotiation, Wildcat Park and Hiawatha Valley Mental Health Board meetings which she has recently attended. She provided an invitation to members of the Board and department heads for a 50<sup>th</sup> Anniversary celebration for Hiawatha Valley Mental Health to be held on June 18<sup>th</sup> at the Historical Center in Winona from 2:00 p.m. to 5:00 p.m.

There being no further business and the time being 11:15 a.m., motion was made by Commissioner Storlie and seconded by Commissioner Walter to adjourn the meeting. A roll call vote was taken: District 1 – yes; District 2 – no; District 3 – yes; District 4 – yes; District 5 – yes. The motion carried. The next advertised meeting being Tuesday, March 10, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, March 10, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Surveyor Walter; Zoning Administrator Scanlan; HR Director Arrick-Kruger; Finance Director Lapham; Steve Hartwick; Bryan VanGorp; Susan VanGorp; Kelley Stanage; Betts Ready; Jeremy Chipps; Yvonne Krogstad; Gretchen Cook; Eric Johnson; Bruce Kuehmichel; Glenn Kruse; Ken Tschumper; John Beckman

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the agenda.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the minutes of the March 3, 2015 meeting.

File No. 1 - Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$159,535.31
Road & Bridge Fund	143,454.80
	-----
Total	\$302,990.11
	=====

Kelley Stanage, Houston Township resident, expressed her appreciation for the work of Commissioners Zmyewski and Kjome. She questioned why the balance of the Board reversed course in one week's time. She expressed concern that while the ordinance recommended by the Planning Commission received negative comments from both mining interests and those supporting a ban, it would continue to be considered for adoption.

Susan VanGorp, Yucatan Township resident reviewed Houston County policy regarding ethics. She questioned whether anyone will benefit economically from frac sand mining. She

expressed her opinion that anyone who would benefit should recuse themselves. She shared her observation that there are differences in how individuals with opposing views are treated by the Board.

Bryan VanGorp, Yucatan Township resident, indicated that there has been a terrible waste of time and resources to return to the beginning point as it relates to the mining ordinance. In Mr. VanGorp's opinion, mining within the county is in chaos. There are several non-conforming mines. He passes by one such mine during his daily commute and believes it has expanded over time. He expressed his belief that the mine is in violation of the county ordinance.

File No. 2 - Ken Tschumper, La Crescent Township resident, submitted in writing his concern regarding employee conduct.

File No. 3 - Bruce Kuehmichel, Caledonia City resident, submitted in writing his concern regarding employee conduct.

Steve Hartwick, Money Creek Township resident, expressed his belief that when something is taken it is taken for one of two reasons, need or greed. Mr. Hartwick went on to explain that, in his opinion, there are adequate operational mines to meet the needs of the County. Therefore, greed is the driving force. A ban on frac sand mining would not adversely impact current mining, agricultural or forestry activities. In his opinion, frac sand mining would be considered a nuisance.

Yvonne Krogstad, Caledonia Township resident, expressed her appreciation for the work of Commissioners Kjome and Zmyewski. She expressed her opinion that their constituents should be proud.

Gretchen Cook, La Crescent City resident, also expressed appreciation for the work of Commissioners Kjome and Zmyewski and for their integrity.

Mr. Schnoor, La Crescent Township resident, expressed appreciation for the work of Commissioners in guiding the county forward. He expressed disappointment that the Board was unable to pass either the ordinance as recommended by the Planning Commission or a ban at the request of many constituents. He feels that this has left the county with an "empty" or inadequate ordinance. He appealed to the Board to reconsider their stance and to take action to further protect air and water quality.

File No. 4 - Surveyor Walter reported that the County has a program whereby private surveyor's are reimbursed \$250.00 for the location, monumenting and certifying of unperpetuated Section and Quarter Section corners. This has been in effect since 1997. The program began with a payment of \$400.00, was increased to \$500.00, and reduced in 2010 to \$250.00 due to financial concerns. When the plan was initiated the cost for remonumentation was estimated at between \$1,000.00 and \$1,500.00. Surveyor Walter expressed a desire to

increase the amount paid to \$500.00. He has reviewed the budget and feels this payment can be supported. He noted that in some years there may be very few payments made while in other years it may be several. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and carried with Commissioner Walter recusing herself, to approve the following resolution:

#### **RESOLUTION NO. 15-8**

WHEREAS, On March 25, 1997 The Houston County Board of Commissioners adopted Resolution No. 97-25 providing that Houston County will pay the sum of \$400.00 to any private surveyor locating, monumenting, and preparing a certificate for any unperpetuated Section or Quarter Section corner; and

WHEREAS, on February 6, 2007 the Houston County Board of Commissioners adopted Resolution No. 07-08 increasing the amount they will pay private surveyors for this service to from \$400.00 to \$500.00; and

WHEREAS, due to fiscal constraints in 2010 this amount was decreased to \$250.00; and

WHEREAS, the Surveyor's Office currently requires more information from private surveyors for monumenting than in the past, and the current payment of \$250.00 does not begin to cover the cost involved;

NOW, THEREFORE, BE IT RESOLVED that the Houston County Board of Commissioners does hereby increase the amount they will pay private surveyors for this service to \$500.00 per Section, Quarter Section or Meander corner;

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 97-25 shall remain in effect.

File No. 5 - On the recommendation of the Planning Commission, motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the issuance of the following interim use permit:

Rick Van Lin of Van Lin Orchards – Hokah Township - Home Occupation  
– Level II

File No. 6 - A preliminary plat has been submitted by Matt Klug of Caledonia Township. The plat is in order. Mr. Klug is working to subdivide an existing lot in Green Acres. He has already secured the necessary variance regarding the road width. On the recommendation of the Planning Commission, motion was made by Commissioner Kjome, seconded by Commissioner Storlie and unanimously carried to approve said preliminary plat.

File No. 7 - On the recommendation of the Planning Commission, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the issuance of the following Zoning Permits:

Van Lin Orchards – Hokah Township - Build ag storage building (48' x 80')

Mitchell Bublitz – Houston Township - Build (2) lean-to on barn (18' x 6' x 136') and barn addition (40' x 60')

Jay McNamer – Money Creek Township - Build garage addition (6' x 24') and shed (32' x 40')

Gerald Meier – Winnebago Township - Change use of structure from garage to dwelling (20' x 30')

Herman Gady – Mound Prairie Township - Build additions on house (4' x 13' and 12' x 26') deck (6' x 12') covered deck (6' x 8')

File No. 8 - Finance Director Lapham provided a copy of the trial balance report. She indicated that her office is busy preparing for tax statements to be sent out, engaged in discussion with Ehlers regarding possible bonding for a Highway Department Building, and working with the State Auditor on the 2014 audit. She would like to see collective bargaining agreements settled so that any resulting financial obligations can be incorporated into the budget.

File No. 9 – Chairperson Schuldt reported that AMC awarded the Mayville Blue Ribbon Strivers 4-H club with an award for community service. Mark Jennings is the leader for the club which installed and tended to gardening boxes at the food shelf. The produce grown was utilized by the food shelf. The award includes \$250.00 for the club. A portion of the award money will be utilized to improve the planter box project. Following discussion, motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to adopt the following:

#### **RESOLUTION NO. 15-9**

WHEREAS, each year the Association of Minnesota Counties (AMC) selects two 4-H projects in the State of Minnesota to receive the AMC 4-H Community Leadership Award; and

WHEREAS, this award was developed to recognize 4-H clubs and other organized 4-H youth development programs for outstanding contributions and services to their local communities; and

WHEREAS, the Mayville Blue Ribbon Strivers from Houston County, Minnesota were awarded the AMC 4-H Community Leadership Award for their “Houston County Food Shelf Garden Project” which provided fresh vegetables to the local food shelf;

NOW, THEREFORE, BE IT RESOLVED that the Houston County Board of Commissioners hereby recognizes and commends the Mayville Blue Ribbon Strivers 4-H Club for their outstanding project which provided nutritional benefits to underprivileged county residents who utilize the food shelf; and

BE IT FURTHER RESOLVED that the Houston County Board of Commissioners more specifically would like to honor and recognize the individual members of the Mayville Blue Ribbon Strivers 4-H Club as follows:

Hannah & Heidi Bolduan  
Kaleb & Owen Cavanaugh  
Amber, Caleb, Kaitlin & Tanner Conniff  
Henry, Reese & Riley Diersen  
James Fitzpatrick  
Evan & Vanessa Hawkins  
Austin & Kendra Heim  
Haley & Tyler Jennings  
Kyle Jennings  
Emelia & Vivian Kittleson  
Blaine & Bronson Knutson  
Carlie & Chayce Krueger  
Anna, Eric & Sarah Mauss  
Case McCormick  
Jack Miller  
Christopher, Ella & Tessa Pieper  
Ella & Maya Reichenbacher  
Hannah & Henry Russert  
Kerrigan Scanlan  
Casey & Erin Schultz  
Amber, Brooke, Cara & Justin Stemper  
Catherine, James, John, Joseph & Leo Troendle  
Alec, Brynne & Elise Weinbender  
Eliza, Eric & Olivia Welscher

Pursuant to M.S. 13D.03 subd. 1(b), motion was made by Commissioner Kjome, seconded by Commissioner Walter and unanimously carried to go into closed session to consider strategy for labor negotiations. The time was 9:33 a.m.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to reconvene in open session at 10:18 a.m.

HR Director Arrick-Kruger reported that a tentative agreement has been reached with both LELS Local 60 and LELS Local 237. These are the unions representing the jailer/dispatchers and deputies and include COLA increases of 2% for 2015, 2.5% for 2016 and 3% for 2017. On the recommendation of the negotiating team, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the tentative labor agreements with both LELS Local 60 and LELS Local 237.

It was the consensus of the Board to continue negotiations with the balance of unions.

Commissioner Storlie reported on EDA and Tourism meetings which she has attended. She noted that the EDA will be hosting a summit on March 26<sup>th</sup> during which tours of the Historic Jail will be conducted.

Commissioner Kjome reported on EDA, Water Planning, and SE MN Water Board meetings which he attended.

Chairperson Schuldt reported on AMC Joint Legislative Conference, Semcac, and Extension meetings which he recently attended.

The next scheduled Joint Board of Health meeting will be hosted in Houston County at The Farmhouse.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to place on file the following items from the consent agenda:

File No. 10 – Correspondence to Hank Koch regarding tons delivered to Xcel

File No. 11 – Information related to Caledonia City ordinance amendments

There being no further business and the time being 10:19 a.m., motion was made by Commissioner Storlie seconded by Commissioner Kjome and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, March 17, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, March 17, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; HR Director Arrick-Kruger; Engineer Pogodzinski; HS Director Bahr; Financial Services Supervisor Kohlmeyer; Susan VanGorp; Bets Reedy; Robin Tschumper; Ken Tschumper; Gretchen Cook; Michael Fields; Lorraine Culver; Bruce Kuehmichel; Joshua Gran; Yvonne Krogstad; Donna Buckbee; Jeremy Chipps; Kelley Stanage; Glenn Kruse; Jack Knight

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the agenda.

Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the minutes of the March 10, 2015 meeting.

File No. 1 - Motion was made by Commissioner Kjome, seconded by Commissioner Zmyewski and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$27,978.57
Road & Bridge Fund	5,891.52
	-----
Total	\$33,870.09
	=====

Chairperson Schuldt provided a reminder of what topics may be discussed during public comment. He directed that any staffing complaints should be directed to the Human Resources Department.

File No. 2 - Bets Reedy, Money Creek Township resident, expressed concerns which have been placed on file.

File 2a - Kelley Stanage, Houston Township resident, stated that she has submitted requests for a listing of the 47 active mines. To date, she has not received the information requested. She submitted her request to County Attorney Jandt.

Jack Knight, Allamakee County resident, shared his concern that Houston County mining activity could negatively impact Allamakee with heavy traffic and trans loading. He offered assistance to Houston County in drafting a restrictive mining ordinance.

Robin Tschumper, La Crescent Township resident, expressed concern resulting from her perception that individuals are treated differently based on their stance with regard to frac sand mining. She also expressed concern with the restrictions placed on the public comment period.

Donna Buckbee, Yucatan Township resident, expressed her opinion that items on the consent agenda are represented differently. She provided an example of how correspondence from the Money Creek Town Board and resolutions from various other towns boards were represented on the consent agenda.

File No. 3 - Jeremy Chipps, La Crescent Township resident, expressed concerns which have been placed on file. He shared Ed Walsh's and his opinion that the County has the authority to enact a ban on silica sand mining and that MCIT does and will provide coverage in the event a lawsuit arises. He requested that the Board provide written proof to the contrary in the event they insist on continuing to use these arguments as justification for not adopting a ban.

Susan VanGorp, Yucatan Township resident, indicated that the County has been propagating three lies. The first lie being that the county "can't" enact a ban on silica sand mining. She expressed her opinion that the County can adopt such a ban provided it has justification. Another being the county can provide adequate and appropriate regulation and enforcement. She shared her opinion that Houston County lacks the ability to provide any enforcement. Finally, a ban would be considered a "taking". She stated that she considers the lack of a ban to be a "taking" of peace and quiet for anyone who borders a mining operation.

Ken Tschumper, La Crescent Township resident, shared that he would be filing an ethics complaint against a committee member for circulating information which resulted in the resolutions which appear on the consent agenda today. Chairperson Schuldt reminded Mr. Tschumper that this is not an appropriate forum in which to discuss this and referred his concerns to the Human Resources Department.

Being the period for public comment had expired, Bruce Kuehmichel was asked to be seated.

File No. 4 - Engineer Pogodzinski recommended approval of a Detour Agreement with Yucatan Township. The detour is needed during a reconstruction project taking place on CSAH 13. The agreement with Yucatan Township is for the use of Muhle Coulee Road. Commissioner

Zmyewski questioned whether there was a detour off of the other side of Oak Ridge. Engineer Pogodzinski stated that the county will be applying chloride in front of a residence located on Chisolm. Commissioner Zmyewski inquired as to the start and duration of the project. Engineer Pogodzinski indicated the project would begin once the spring road bans have lifted or April 15<sup>th</sup>, whichever is later and the project is expected to last approximately 3.5 to 4 months. Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the Detour Agreement with Yucatan Township for the use of Muhle Coulee Drive.

HS Director Bahr reported that Olmsted County has been the fiscal agent for CREST funding. Recently, the State performed an audit which raised some concerns resulting in a change to how CREST funding is distributed. Distribution of CREST dollars will be based on population. HS Director Bahr believes this will benefit Houston County. Not all of the 10 counties will benefit in the same way as Houston County. Meetings related to the changes will begin in April. Houston County will be sending one social worker and its fiscal agent to attend the meetings.

Financial Services Supervisor Kohlmeyer is pleased to share results from the recently completed MN Child Support Performance Report. This measures agency performance in establishing parentage, locating non-custodial parents, enforcement of court orders and modifications, and the collection and processing of support payments. Human Services staff works with staff from the County Attorney's Office and the Sheriff's Department to accomplish these things. Currently, Houston County ranks 23<sup>rd</sup> of 87 counties and exceeds the average in establishing paternity. Houston County has 657 open cases and is performing at 96% with regard to orders. Last year in excess of \$1.6 million in current support was collected and distributed resulting in 76.4%. Arrears collections are measuring at 75%. These percentages can be significantly influenced by a single case. Houston County currently has a single case with arrears exceeding \$40,000.00 which is impacting this performance measure. Financial Services Supervisor Kohlmeyer was pleased to report that together, current and arrears collections exceed \$2.1 million. It is believed that it may take approximately a year before MA referrals begin to impact the statistics. The entire report is available on the DHS website for anyone interested.

Financial Services Supervisor Kohlmeyer reported that the SNAP review is scheduled for next Monday and Wednesday. Monday, the reviewer will perform observation and Wednesday there will be a technical/learning session in addition to an exit interview. She stated that there are specific guidelines and goals with regard to SNAP and MFIP. With most cases, the department has 30 days in which to process application with a goal of 96%. In 2014, the unit fell just shy of the goal at 95%. In a county the size of ours, a single case could result in the unit falling out of compliance. Expedited applications, for those without food or resources, are allowed a 5 day processing window. In the fourth quarter the unit was performing 95% with these. The overall performance throughout the year was 89%. Financial Services Supervisor Kohlmeyer indicated that the unit was short staffed during much of the year and has been working to improve this measure.

Financial Services Supervisor Kohlmeyer was pleased to report that the unit is exceeding the 80% goal with a measure of 94% in clearing IRS matches on cases. They are performing 100% on the cross referencing between states.

The unit focuses a lot on capturing federal bonus funding which continues to be tied to the SNAP program.

Financial Services Supervisor Kohlmeyer reported that the unit is managing 588 MN Sure cases. An additional 123 cases are expected for a total of 711. The computer system continues to be plagued with various bugs. They continue to work through these barriers.

With regard to child support, there are incentive programs to encourage payment by non-custodial parents. The incentives range from the forgiveness of a portion of arrears, deferring interest accumulation when payments are consistently made and other arrangements as agreed by between the custodial and non-custodial parents. The unit is experiencing additional success with tax time and increased collections which result.

File No. 5 - On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to accept the resignation of Malika Eisberner. Ms. Eisberner has accepted a lucrative offer from another organization where she will be able to further her professional career.

Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to authorize a search for a 1.0 FTE social worker.

It was noted that the Houston County Ag Society will be razing the hog building at the fairgrounds due to structural and safety concerns. A tent will be utilized during the 2015 fair. It is not known whether a replacement building will be erected in the future.

File No. 6 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the Application for Exempt Permit (gambling permit) for Ability Building Center (ABC) to be held at Wildcat Landing & Campground on August 1, 2015.

It was noted that both the Joint Board of Health and March Department Head meetings are scheduled for the 24<sup>th</sup> at 1:00 p.m.

Commissioner Kjome reported on the seminar conducted by Rick Olson which he attended.

Commissioner Storlie reported on the seminar conducted by Rick Olson which she attended. She expressed her desire to discuss this further during a strategic planning session.

Chairperson Schuldt reported on Association of County Township Officers and Eitzen City Council meetings which he attended.

Motion was made by Commissioner Storlie and failed due to the lack of a second to place on file items on the consent agenda.

Motion was made by Commissioner Zmyewski and seconded by Commissioner Kjome to table the consent agenda until the next meeting. The motion failed with Commissioner Storlie and Chairperson Schuldt voting in the negative.

There being no further business and the time being 9:47 a.m., motion was made by Commissioner Zmyewski seconded by Commissioner Kjome and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, March 24, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, March 24, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporter Moorhead; HR Director Arrick-Kruger; Surveyor Walter; Sheriff Inglett; Chief Deputy Sheriff Lapham; Ernie Sloan; Gretchen Cook; Bryan VanGorp; Ken Tschumper; Bruce Kuehmichel; Michael Fields; Kent Holen; Linda Griggs; Kelley Stanage; Yvonne Krogstad; Glenn Kruse; John Beckman; Eric Johnson; Jail Administrator Schiltz; Jeremy Chipps; Terry Botcher; Engineer Pogodzinski; and others

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the agenda with amendments as discussed.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the minutes of the March 17, 2015 meeting.

File No. 1 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$52,003.14
Road & Bridge Fund	6,703.46
	-----
Total	\$58,706.60
	=====

Ken Tschumper, La Crescent Township resident, urged the Board to continue the public comment period. He expressed his preference that citizens would be allowed to schedule appointments with the Board however, that is currently not an option. He expressed his opinion that the public comment period feels like one is “talking to a wall”.

Kelley Stanage, Houston Township resident, expressed agreement with Mr. Tschumper. She highlighted a front page article appearing in the La Crosse Tribune which reports on citizen concerns related to the enforcement of mining ordinances with the county. She expressed her concern that Planning Commission Chairman Dan Griffin reportedly approached various townships urging them to submit letters of support for proposed ordinance #27 related to Mining Extraction. She stated that she will be submitting letters to the editor regarding this activity. She shared her concern that ordinance #27, as proposed, does not include the EQB's recommendations for protecting the safety of the public.

Michael Fields, Winnebago Township resident, stated the ordinance in place didn't need to change in order to enact a ban. He requested evidence that MCIT won't provide coverage in the event the county is sued, as it is his understanding that MCIT has a duty to provide coverage.

Bryan VanGorp, Yucatan Township resident, indicated that there is a significant amount of poor information coming from the Board and being provided to the press. He expressed his opinion that natural reclamation is not an adequate measure, nor does it constitute a "reclamation plan". He also shared his opinion that the draft ordinance was developed to cover up the lack of enforcement which has taken place over several decades. He expressed strongly his opinion that there has been a lack of enforcement in the past which he expects to continue. He questioned why the county would implement an amended ordinance when the current ordinance lacks enforcement.

Bruce Kuehmichel, Caledonia City resident, shared a map dated 1-16-2015 showing the location of area silica sand mines including the Biesanz Quarry located in Winona County, the Nesbit mine, Rhine Quarry located in Fillmore County and several others along the Minnesota River Valley. He stated his understanding that all sand pumped into the ground is frac sand and that sandstone foundations, when blasted, create respirable crystalline silica particles.

Gretchen Cook, La Crescent City resident, stated since Houston County does not employ an Administrator, it is the duty of the County Board to oversee staff. She expressed her opinion that there are departments which have failed to perform their duties and the County Board has failed to address this.

Motion was motion was made by Chairman Schuldt, seconded by Commissioner Storlie and passed with Commissioners Zmyewski and Kjome voting in the negative to commence discussion regarding the public comment period at this time. It was discussed that this may cause a delay in scheduled appointments.

Sheriff Inglett stated that it is his understanding that the Board intends to discuss public comment and whether to continue it, and if so, how to deal with it. Chairperson Schuldt stated that the public comment period has gone from suggestions and concerns to lobbying, intimidation, harassment and the creation of a hostile work environment for employees.

Commissioner Storlie reviewed several items in the Public Comment Policy and expressed her concern that the policy is not being followed by the public.

Sheriff Inglett stated that from his observation this morning, the level of disrespect by the citizens in attendance is terrible. He has seen finger pointing, raised voices, and other disrespectful actions. When challenged by people in the audience that the Board needs to earn citizens' respect, Sheriff Inglett responded that respect goes both ways and citizens also need to earn respect from the Board.

Chairperson Schuldt requested County Attorney Jandt's input regarding personal attacks. County Attorney Jandt stated that he is acting as the County Board's corporate counsel, while it is up to the Board to make policy decisions. He indicated that when people use public comment period to talk about county employees that becomes a legal element involving defamation. By the Board not stopping this, the Board could be accused of allowing this to occur and it becomes an issue of liability. While everyone wants a tight definition of "personal attack", there is not one. A legal claim would depend on the person drafting the lawsuit and the four corners of the lawsuit. He sees this same issue continually occurring and he expressed his concern with this. While the Board Chair makes a statement each week that personal attacks are not allowed, the speakers continue to do so. With the meetings being recorded and available on the internet, this information becomes available world-wide which is an issue of liability incurred by the Board. With regard to how to remedy the situation, he felt the easiest way would be to end public comment. However, it is up to the Board to make this policy decision.

Commissioner Zmyewski inquired who is responsible for making sure the public comment does not cross the line. County Attorney Jandt responded that this is a business meeting of the Board. The Board Chair is elected to run the meeting, so they have the role of implementing the decorum of the proceeding. However, the Board Chair can direct someone to take an action, and if the person speaking does not comply "it is hard to put the toothpaste back in the tube".

Chairperson Schuldt expressed his concern with the fact that there are times when law enforcement cannot be in attendance at the meeting due to other priorities that arise. Commissioner Zmyewski suggested that since the commissioners are in charge of policy, personnel and budget, they should direct the Sheriff to ensure that law enforcement is present at each meeting for public safety. Sheriff Inglett stated that he felt it is a security issue. However, his department is not adequately staffed to guarantee having a deputy at the meeting each Tuesday morning. While they will make every attempt to do so, the only way he can guarantee it is to utilize a deputy on over-time. Also, the 2015 budget for the Sheriff's Department was developed by the previous administration and does not include funding for this, so it would have to be paid for from the Board's budget. Commissioner Zmyewski inquired whether changing the time of the meetings would make it easier for law enforcement to be present. Sheriff Inglett responded that he cannot answer that question at this time.

Commissioner Walter stated that it is the Board's goal to bring back professionalism and civility between the Board and constituents. Sheriff Inglett agreed and indicated that we are at a point where the Board feels they need law enforcement at meetings, and we need to get to the root of the cause in order to fix it.

Commissioner Zmyewski inquired whether the Board wants to change the policy and allow the public to be on the agenda. Commissioner Walter responded that the Board obtained input from other counties prior to implementing the current policy and she felt it was best to keep the current policy in place and allow public comment. Commissioner Storlie and Chairperson Schuldt agreed, however, they felt if there cannot be decent public decorum, public comment would have to stop.

Sheriff Inglett stated that if the Board wants to continue public comment, it is important that things be respectful on both sides. He indicated that law enforcement can continue to escort people out as needed, or a policy can be put in place to start "trespassing" people who will not maintain order during meetings. This way they can be removed from the Commissioners Room indefinitely.

Following several outbursts from the audience, Sheriff Inglett addressed the audience and informed them that public comment is over and people need to act like adults.

Commissioner Kjome indicated that he does not like the buzzer used during public comments.

After discussion, it was the consensus of the Board to continue public comment and to direct Sheriff Inglett to arrange for a deputy to attend every board meeting.

File No. 2 - Sheriff Inglett provided information related to a Joint Powers Agreement with the State of Minnesota for eCharging Adapter-Bureau of Criminal Apprehension. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to adopt the following:

#### **RESOLUTION NO. 15-10**

WHEREAS, a Joint Powers Agreement is required between the State of Minnesota, acting through its Commissioner of the Office of MN IT Services, and Houston County in order to collectively share information and complete e-charging and e-ticketing for the LETG Program;

NOW, THEREFORE, BE IT RESOLVED that the Houston County Board of Commissioners does approve the Joint Powers Agreement and authorizes Steve Schuldt, Houston County Board Chairperson, and Charlene Meiners, Houston County Auditor, to sign said Joint Powers Agreement;

BE IT FURTHER RESOLVED that Sheriff Mark Inglett be named as an authorized representative for this Joint Powers Agreement.

File No. 3 - Chief Deputy Sheriff Lapham was pleased to report that the Annual County Boat and Water Safety Grant Agreement in the amount of \$5,371.00 has been fully executed.

Sheriff Inglett stated that the previous administration budgeted for the purchase of two squad cars in 2015. He is not convinced that there is a need for two squad cars and will be reviewing maintenance records for one high mileage vehicle. He requested authorization to purchase an SUV for use by the K9 unit. He reported that Houston County is the only county utilizing a squad car for its K9 unit, while all others have SUVs. Sheriff Inglett expressed concern with safety. He stated that by utilizing a squad car for the K9 unit, there is a dog in the passenger cabin where an individual who is taken into custody would ride. When an individual is required to be transported an additional officer must be called in to transport. The utilization of an SUV would allow for the K9 to be transported in the rear of the vehicle in addition to having seating for any individuals being taken into custody or requiring being transported in the second seat of the passenger cabin. The utilization of an SUV will require the purchase of a kennel which cost Lieutenant Erickson feels can be adequately covered through donations. Sheriff Inglett stated that while the cost for an SUV is approximately \$7,000.00 more than that of a squad, he believes that the SUV will also have a greater resale value which will likely offset the additional expense. Even with the cost of the SUV, funds would be available within the budget to cover a squad if review of maintenance records indicates it is justified. Commissioner Zmyewski stated that he favors operating vehicles to 150,000 miles or more. He also acknowledged that, through conversation, Sheriff Inglett is thoughtful and desires to be a good steward of taxpayer funds. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and carried with Commissioner Zmyewski voting in the negative to authorize Sheriff Inglett to purchase an SUV for use by the K9 unit.

File No. 4 - HR Director Arrick-Kruger requested authorization to initiate a search for a 67 day employee to assist both the Surveyor's Office and the Highway Department with summer projects. Historically, the Surveyor's Office has hired individuals in the surveying field. This has worked well and has been a positive intern site. HR Director Arrick-Kruger stated that there is definitely a need for this temporary position. The Surveyor's Office has budgeted for the expense. Surveyor Walter shared that when he became County Surveyor approximately 30 years ago, he was the only surveyor living within Houston County. He is pleased to report that today there are three resident surveyor's within the county. He and Engineer Pogodzinski have discussed scheduling and expect to have the individual in one department 3 days one week and 2 the next. Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and carried with Commissioner Walter recusing herself to authorize a search for a 67 day employee to assist both the Surveyor's Office and the Highway Department.

File No. 5 - On recommendation from HR Director Arrick-Kruger, motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to re-hire Ryan Frank as a drop site supervisor. This is a 67 day employee position. Mr. Frank will be a direct report of HR Director Arrick-Kruger.

File No. 6 – HR Director Arrick-Kruger reported that minor errors in the pay equity have been corrected and the report resubmitted to the State. At this time, she requested approval of the Compliance Report. Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the Compliance Report and authorize the signature of Chairperson Schuldt.

Commissioner Zmyewski indicated that with warmer temperatures he is concerned that staffing be in place to cover the boat patrol and recommended HR Director Arrick-Kruger speak with Sheriff Inglett in this regard. HR Director Arrick-Kruger responded that discussion was already taking place.

File No. 7 - Wildcat Park Committee Member Ernie Sloan met with the Board to present information about a proposed Wildcat Park improvement project and also an amendment to the Wildcat Park Ordinance. Mr. Sloan has served on the committee for several years. He stated that for many years there has been a desire to improve the restroom and shower facilities at the park. He presented a proposal whereby the three existing sets of vault toilets would be removed and a new restroom and shower facility would be installed near the main park building and a restroom facility with running water would be installed on the south end of the park. The cost estimate for the restroom and shower facility is \$73,800.00 and for the south restroom is \$53,600.00. Vaults, power and water hookup is estimated at an additional \$20,000.00 for a total project cost of \$147,000.00. Currently there is \$28,673.10 in the Wildcat Park Fund which is required to be spent on the park reducing the project amount due to \$118,726.90.

The Wildcat Park Committee has been unsuccessful in securing a grant to offset the expense. Financing options for the improvement project include borrowing against future profits or bonding. Treasurer Trehus has indicated that there is adequate fund balance to borrow from and this would be preferable for this amount. Mr. Sloan stated that rates at the park have remained unchanged since 2008. The committee feels that some revenues are being lost due to the current restroom facility conditions and that this improvement would justify a slight increase in the rates. Commissioner Walter reported that the committee has met with the Corp of Engineers and they responded positively to the improvement project plans.

Chairperson Schuldt stated that it is a nice park which can be utilized by the public. It operates self-sufficiently and has the ability to retire its own debt. Mr. Sloan indicated that historically small projects have been completed using funds generated. This would be a significant upgrade. Commissioner Zmyewski indicated support for the project provided no new taxes are required to fund the project. Profits fluctuate from year to year so the money paid back annually will also fluctuate.

Commissioner Walter stated that while the Corp is supportive of the proposed improvement project, they are requiring that a copy of the plan be submitted and approval be granted prior to any construction. Commissioner Zmyewski indicated that this proposal appears modest. Commissioner Storlie stated that it is similar to what is there, and it does not increase the number of restroom facilities. Quotes were solicited from several vendors with Crest Precast submitting the best price. They are actually honoring the same pricing as provided in 2013. It was noted that the project could be completed within 45 days. This means that there could be improved facilities installed in time for Memorial Day. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the plan and the use of fund balance to be paid back by future Wildcat Park profits.

Mr. Sloan reported that there is a problem with people riding horse in the park and not cleaning up after them. The committee is recommending an amendment to the ordinance to specifically prohibit horses from the park. The Corp of Engineers indicated that it does not allow horses on its other properties unless there are specific horse trails. Commissioner Zmyewski questioned whether this prohibition could result in a lawsuit. It was noted that there are designated places within the county where individuals may ride horse. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to schedule a public hearing for 10:00 a.m. on Tuesday, April 14, 2015 to consider amending the Wildcat Park Ordinance.

File No. 8 - Following discussion, motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the Application for Exempt Permit on behalf of the Caledonia Touchdown Club for activities taking place at Ma Cal Grove Country Club.

There have been no recent meetings regarding the Highway Department. It was noted that the Board wants this process to continue moving forward. Chairperson Schuldt indicated that he would work to schedule a meeting.

Commissioner Storlie reported that tours of the Historic Jail will be offered at 5:00 p.m. on Thursday, March 26<sup>th</sup>. They may also be available following the EDA Summit which is scheduled for the same evening from 5:30 p.m. to 7:00 p.m.

Commissioner Walter reported on a Wildcat meeting which she attended and provided a reminder regarding the Joint Board of Health meeting scheduled for 1:00 p.m. today. She indicated that she will be attending an Outdoor Alliance meeting on Wednesday, March 25<sup>th</sup> and the EDA Summit on the following day.

Commissioner Zmyewski indicated that he will be attending the EDA summit scheduled for March 26<sup>th</sup>.

Commissioner Storlie reported on a recent Wildcat Park Committee meeting which she attended.

Commissioner Walter stated that there is a department head meeting scheduled for the same time as the Joint Board of Health meeting. No commissioners will be present. She did encourage department heads to contact commissioners if there are concerns which come out of that meeting.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and carried with Commissioner Zmyewski voting in the negative to place on file the following items from the consent agenda:

File No. 9 – Correspondence from six townships regarding proposed ordinance

File No. 10 – Section 8 Vouchers by County Report

File No. 11 – Information regarding legislative action to reduce EDA terms to 3 years

File No. 12 – Letter of appreciation for service

There being no further business and the time being 10:15 a.m., motion was made by Commissioner Zmyewski, seconded by Commissioner Storlie and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, April 7, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, April 7, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Chief Deputy Sheriff Lapham; Eric Johnson; Wayne Feldmeier; Bryan VanGorp; Donna Buckbee; Robin Tschumper; Ken Tschumper; Yvonne Krogstad; Bruce Kuehmichel; Mike Fields, Kelley Stanage; Dave Walter; Sheriff Inglett; John Beckman; Steve Lee; Jeremy Chipps; Glenn Kruse; PHN Director Marchel; Health Educator Myhre; Andrea Donlan; Amy Pickering-Schneider

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the agenda.

Motion was made by Commissioner Kjome, seconded by Commissioner Storlie and unanimously carried to approve the minutes of the March 24, 2015 meeting.

File No. 1 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$137,230.35
Road & Bridge Fund	12,177.88
	-----
Total	\$149,408.23
	=====

Steve Lee, Brownsville area resident, stated that he rides horse in and through Wildcat Campground a couple of times a month when the park is closed. He indicated that he cleans up after his horses better than some other pet owners. He does not ride horse in the campground when campers are present. He appreciates the park and owns property bordering both sides of the park. He indicated that he isn't causing chaos or destroying property by riding horse in the park.

Bryan Van Gorp, Yucatan Township resident, expressed his belief that the chaos in Houston County is caused by the governance. He indicated that there is a need to expose this problem. It is the Board which allows employees to conduct themselves inappropriately. He shared his opinion that there are no setback requirements from trout streams and that variances are required. He shared a listing of things which make people angry which include getting kicked out of county offices and being lied to.

Ken Tschumper, La Crescent Township resident, indicated that recently Jack Knight attended a meeting and claimed to be representing Allamakee County. Mr. Tschumper contacted Allamakee County and Mr. Knight has no authority to represent the county. Mr. Tschumper expressed his opinion that the Planning Commission has acted outside its authority and in doing so, acted illegally. He suggested that the Board designate one hour each week during its regular meeting to the discussion of the proposed ordinance. This would allow residents to view what is discussed and to participate.

Kelley Stanage, Houston Township resident, compared the divisiveness in Houston County with that which is in Western Wisconsin as a result of frac sand mining. She would like to see the county come together and heal the divisions in the community. She expressed her opinion that in order to accomplish this, individuals need to work together and be allowed to participate. She expressed her belief that individuals feel as if they have been barred from participating and this is causing them to become angry. She wants the county to move forward and offered her assistance to make this happen.

Donna Buckbee, Yucatan Township residents, stated that during recent forums hosted by the Houston County Protectors individuals could sign up to receive information. She has the sheets of those who wish to receive information related to the health risks associated with frac sand mining. She indicated that many attendees were unaware of the health risks. She indicated that individuals in attendance found Mr. Ed Walsh's statement that the county has the right to ban mining, the fact that findings have been drafted and a definition of what would be considered a "taking" and what would not be interesting. Ms. Buckbee indicated that she was falsely accused and wrongfully removed from a recent meeting. She will not tolerate further false allegations.

File No. 2 - Yvonne Krogstad, Caledonia Township resident, read from a prepared statement which is on file.

Michael Fields, Winnebago Township resident, expressed his opinion that the only logical solution to the problem would be to adopt Commissioner Kjome's proposed ban on frac sand mining and that the Planning Commission's proposal was worthless and should be thrown in the trash.

Dave Walter introduced himself. Mr. Walter was recently promoted to Soil and Water Conservation Director. He stated that he looks forward to working with all partners on conservation efforts.

File No. 3 - Engineer Pogodzinski reported on bids received for Seal Coat. The base bid was for FA1 aggregate and the alternate bid was for lightweight coal slag. There was a discrepancy in the bid opening which was explained, in detail, by Engineer Pogodzinski. Engineer Pogodzinski, with the approval of County Attorney Jandt recommended accepting the low bid for Alternate 1. Engineer Pogodzinski stated that roadways with the coal slag aggregate melt off better in winter. Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to accept the low bid of Scott Construction, Inc. for project C.P. 2015-01 in the amount of \$435,918.43.

File No. 4 - Engineer Pogodzinski requested authorization to participate in the State bid for winter road salt. He stated that the county will submit the number of tons the county anticipates purchasing and the county may take a minimum of 80% and a maximum of 120% of the quantity submitted. Engineer Pogodzinski expects to purchase treated salt. The State utilized treated salt. The treated salt does not clump like standard salt which provides for more even application. He indicated that there is typically a \$3.00 per ton premium for treated salt. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to authorize participation on the State bid for the purchase of road salt.

Discussion was held regarding the use of brine to treat roads. Engineer Pogodzinski stated that the county has utilized brine in the past. However, the county is unable to mix and store brine because it does not have a heated facility with the necessary storage. Brine was not utilized greatly this past season. He indicated that he hopes to move towards greater utilization of brine in the future.

It was agreed that time during the next scheduled board meeting would be set aside to discuss a proposed highway department building. Engineer Pogodzinski will invite both the architect and Jeff Wieser to attend.

File No. 5 - PHN Director Marchel stated that the Public Health interns have developed a PowerPoint related to education about of lyme disease. Highlights of the PowerPoint include black legged ticks (formerly known as deer ticks) are transported by not only deer but also birds and mice. The Mississippi River Valley, particularly the wooded areas, see a much higher infection rate of tick borne illnesses including Lyme's disease and anaplasmosis than other areas. The Mississippi River Valley is a significant flyway for migratory birds which is believed to contribute to the high infection rates. Landscaping techniques can aide in keeping black legged ticks from social yard areas. Lastly, the CDC reports only serum confirmed cases of vector borne illnesses. Many doctors' diagnose based on symptoms and do not perform serum testing resulting which likely results in under-reporting.

File No. 6 - Health Educator Myhre reported that supplemental funding for emergency preparedness related to ebola response is available to counties. Fillmore and Houston counties have been awarded a grant in the amount of \$2,500.00. Health Educator Myhre has very targeted

and strategic plans for the utilization of grant funds since the funding amount is small. Houston county will be partnering with La Crosse County regarding ebola preparedness. Isolation and quarantine are two important facets for containment. Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the grant and authorize the signature of Chairperson Schuldt.

File No. 7 - HR Director Arrick-Kruger along with PHN Director Marchel would like authorization to hire a student intern as a 67 day employee. The position would be filled through a restrictive advertising campaign with posting at higher education facilities. PHN Director Marchel hopes the posting will result in the hire of a junior nursing or health educator student. This opportunity has served the county well and been a great opportunity for the successful student candidate. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to move forward with restrictive advertising for a student intern/67 day employee.

On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the change in status from probationary to regular for Laura O'Heron effective April 28<sup>th</sup>.

File No. 8 - HR Director Arrick-Kruger presented a State of Minnesota Income Contract for the Sentence to Service Program for consideration. She reported that the facilities department has greatly benefitted from this program and there have been no issues. The contract has been reviewed by County Attorney Jandt. On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the Sentence to Service contract which expires June 30, 2017.

HR Director Arrick-Kruger stated that Simple Living Farmer's Market is interested in operating out of the gravel parking lot at the County Community Services Building. The use of the lot would be once weekly. She indicated that both PHN Director Marchel and VSO Gross are receptive to the arrangement and feel it would be a good thing for the community. HR Director Arrick-Kruger indicated that a simple contract is necessary and a nominal annual fee of \$25.00 will be assessed. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to move forward with work on an agreement for the use of the CCSB parking area by Simple Living.

Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to hire Rod Humble as a 67 day employee to assist with boat patrol at a rate of \$23.90 per hour.

Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to hire Kurt Zehnder as a 67 day employee to assist with boat patrol at a rate of \$23.90 per hour.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to hire Mike Ernster as a 67 day employee to assist with boat patrol and/or road patrol.

Chief Deputy Sheriff Lapham indicated that the department still has a desire to add an additional 67 day employee however, they are not prepared to recommend any specific individual at this time.

File No. 9 - Environmental Services Director Frank has been working with the State of Minnesota Department of Agriculture on a cooperative agreement whereby Houston County could collect both household hazardous waste and also unwanted or unused farm pesticides. It has been difficult to work out an agreement due to Houston County's arrangement with La Crosse County Solid Waste. The State assesses a surcharge to agricultural products, the surcharge covers the cost for collections of unused and unwanted products. Houston County would like to expand the opportunities for residents to dispose of agricultural products. The cooperative agreement would allow for both household and agricultural hazardous waste to be collected at the events organized by the county which previously only accepted household hazardous waste. The State will reimburse the County for proper disposal and for a portion of the event advertising. County Attorney Jandt has reviewed the agreement. Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the State of Minnesota Minnesota Department of Agriculture Cooperative Agreement for Waste Pesticide Collection.

File No. 10 - Environmental Services Director Frank reported on an AgBMP program. The program is similar to a revolving loan program and provides low interest loans for feedlot upgrades, septic systems and wells to bring them into compliance when they are non-compliant. Local lending institutions manage the lending and collections. Funds paid back are submitted to the State. The County needs to make application for funds to be used for loaning out. Environmental Services Director Frank anticipates needing \$636,876.80 in funds to be loaned out across the county for projects his office is working with residents on. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the program and application for funding.

File No. 11 – Environmental Services Director Frank reported on the TEP Findings Report for various projects including a County 19 bridge replacement and three CP Rail projects spanning between La Crescent and Brownsville. Wetland delineations for the projects have been approved and purchase agreements are on file for the replacement of impacted wetlands. Following approval and posting there will be a 10 day public comment period. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the findings and move forward with posting notice.

HR Director Arrick-Kruger and PHN Director Marchel requested approval to fill a peer breast feeding counselor position. This position is grant funded. Motion was made by

Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to advertise for the hire of a 67 day peer breast feeding counselor.

File No. 12 - Treasurer Trehus provided information related to real estate tax overpayments, over remittance checks and M.S. 276.19. She requested the over remittance check limit be reduced from \$15.00 to \$5.00 so that the office can comply with Minnesota Statute. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the reduction of the over remittance check limit to \$5.00.

Commissioner Zmyewski reported on EDA meeting which he attended. He also discussed concerns voiced by owners of River Valley Convenience located in Houston, Minnesota related to the e-cigarette ordinance. It was agreed that local business must abide by the ordinance.

The proposed mineral extraction ordinance which failed passage remains on the County website. It was agreed to remove this item from the site.

Commissioner Zmyewski expressed concern with negative public relations related to the Zoning Office. He suggested Environmental Services Director Frank make a presentation during a Board meeting to address concerns, explain duties of the office and share changes made within the department to assure the public that things moving through the office are handled appropriately. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to schedule said presentation.

Commissioner Walter reported on Joint Board of Health, Outdoor Alliance, Extension and La Crescent Comprehensive Planning meetings and an EDA Summit which she recently attended.

Commissioner Kjome reported on Water Planning and Extension meetings, and the EDA Summit which he attended. He provided a reminder of the upcoming public meeting to gather citizen input related to One Watershed, One Plan which is scheduled from 4:00 p.m. to 7:00 p.m. on Wednesday, April 8<sup>th</sup> in Fountain, Minnesota.

Chairperson Schuldt reported on the Joint Board of Health meeting which he attended.

The annual business meeting of the Association of County Township Officers is scheduled for 7:00 p.m. on Thursday, April 9<sup>th</sup> at Good Times.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to place on file the following items from the consent agenda:

File No. 13 – Public Notice regarding hearing to amend  
Wildcat Ordinance

File No. 14 - Correspondence from MCIT regarding liability  
coverage

There being no further business and the time being 10:33 a.m., motion was made by Commissioner Walter seconded by Commissioner Zmyewski and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, April 14, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, April 14, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Zoning Administrator Scanlan; HR Director Arrick-Kruger; Finance Director Lapham; Engineer Pogodzinski; Jake Lonkoski; Yvonne Krogstad; Betts Ready; Bruce Kuehmichel; Glenn Kruse; Jeremy Chipp; Eric Johnson; Mike Fields; County Attorney Jandt; Recorder Bauer; Treasurer Trehus; Deputy Sheriff Sietz; Donna Buckbee; Fred Arnold; Dennis Gavin; Gretchen Cook; Robin Tschumper; Jail Administrator Schiltz; Ernie Sloan; Assessor Dybing; Highway Accountant Schroeder; Highway Mechanic Vesterse; Doug Ramsey; and others not listed

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Kjome, seconded by Commissioner Zmyewski and unanimously carried to approve the agenda.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the minutes of the April 7, 2015 meeting.

File No. 1 - Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$85,248.12
Road & Bridge Fund	127,209.54
	-----
Total	\$212,457.66
	=====

File No. 2 - Michael Fields, Winnebago Township resident, read from a prepared statement which is on file.

Robin Tschumper, La Crescent Township resident, indicated that constituents want to be provided the opportunity to review competitive bids for the proposed highway department building.

File No. 3 - Yvonne Krogstad, Caledonia Township resident, read from a prepared statement which is on file.

Donna Buckbee, Yucatan Township resident, shared her opinion that the Board is sending contradictory messages to the public. On one hand the Board claims to be trying to save the county dollars by not banning frac sand mining because of the cost of potential litigation while on the other hand, the Board plans to spend several million dollars on a proposed highway department building.

File No. 4 - Zoning Administrator Scanlan reported on a conditional use permit submitted by Richard Thesing. Mr. Thesing would like approval to fill in a low lying area in order to park personal vehicles there. The area is less than 1/5 of an acre but would require several feet of fill. Mr. Thesing has access to good fill as the result of a township road project that is taking place nearby. He would agree to extend and maintain an existing culvert located on his property. On the recommendation of the Planning Commission, motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the issuance of the following conditional use permit:

Richard Thesing – Brownsville Township - Substantial Land Alteration in a Shoreland District

File No. 5 - On the recommendation of the Planning Commission, motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the issuance of the following Zoning Permits:

Linda Beranek – Hokah Township - Replace cattle shed (32' x 32')

Bob Beneke – Jefferson Township - Replace and expand pole barn (90' x 45')

Mark and Pat Lange – Crooked Creek Township - Replace addition on house (12' x 34')

Linda Donoghue – Black Hammer Township - Build a sheep shelter (16' x 18')

Tim Von Arx – Union Township - Build hay shed (40' x 100') steer shed (40' x 100') and lean-to on calf barn – south side (16' x 100') (no expansion)

Terry Ranzenberger – Caledonia Township - Build shed addition (32' x 48')

Andrew and Meghan Von Arx – Brownsville Township - Build shed (36' x 45')

Pat Jilek – Caledonia Township - Build garage addition (40' x 32')

Kevin Weichert – Caledonia Township - Build garage addition (60' x 30')

Joe Sullivan – Caledonia Township - Build addition on house (20' x 26')

Wayne Purtzer – Money Creek Township - Build garage (30' x 30')

File No. 6 - Zoning Administrator Scanlan provided information regarding the feedlot program. Based on 2014 performance, the Zoning Office has been awarded a grant in the amount of \$10,600.00 which is in addition to the base grant. The grant will be shared between the Zoning Office and Soil and Water. Soil and Water has 2 staff members who are qualified to perform feedlot inspections. These staff members performed 9 inspections while Zoning Office staff performed an additional 31. Thirteen inspections resulted in the need for operators to improve upon their water quality discharge standards. Six improvement projects have been completed with the balance expected to be completed this year. Several construction permits were issued to support various expansions. Most of these expansions involved the dairy industry. The 2014 Annual County Feedlot Officer Annual Report and Performance Credit Report were discussed with Southeast Regional Feedlot Officer Mark Gernes who works out of Rochester and the Twin Cities and resulted in the performance based grant in the amount of \$10,600.00. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to accept the report and authorize the signature of Chairperson Schuldt. Commissioner Storlie commended staff for the quality of their work which resulted in additional grant funding.

File No. 7 - Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to accept the resignation of part time jailer/dispatcher Elissa Strobel effective April 27, 2015 and to draft letter of appreciation for her service. Jail Administrator Schiltz commented on what a good employee Ms. Strobel was and her excellent communication skills.

On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to authorize a search to fill the part time jailer/dispatcher vacancy utilizing either the current pool or a new search.

Motion was made by Commissioner Kjome, seconded by Commissioner Walter and unanimously carried to change the status of Carol Sherburne from probationary to regular status effective April 27, 2015.

Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to authorize Mary Betz to work up to 3 hours per week in the Treasurer's Office during the month of May and at other times as discussed and/or agreed upon. This is no increase to Ms. Betz's 3/5 time status and will not result in additional payroll expenses. It will require Finance Director Lapham to submit a budget amendment to properly reflect departmental payroll. Recorder Bauer stated that she is accepting of this arrangement provided it is temporary and not permanent. Treasurer Trehus believes this arrangement will help reduce taxpayer wait.

HR Director Arrick-Kruger reported on a collective bargaining agreement with LELS Local #237 for 2015 through 2017. The agreement provides for salary increases in the amount of 2% for 2015, 2.5% for 2016 and 3.0% for 2017. The agreement also increases the written notice requirement for scheduling changes from 5 to 10 days with provisions for emergency situations and also increases the cancellation of court notice from 12 to 24 hours. All other provisions within the agreement remain unchanged. HR Director Arrick-Kruger expressed appreciation for the deputies bargaining team who were good to work with. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and carried with Commissioner Zmyewski voting in the negative to ratify the Collective Bargaining Agreement with LELS Local #237. Commissioner Zmyewski stated that he would have preferred a pay freeze and that 7.5% pay increases over a 3 year period is, in his opinion, not acceptable.

Finance Director Lapham provided an update on the monthly financial reports. It was her indication that nothing is out of line. With the adoption of the LELS #237 Collective Bargaining Agreement there will be a need to reassess the budget as no salary increases were included, therefore, the agreement will impact the budget. She reported that LETG was budgeted for in 2014 however, the expenses will be realized in 2015. She will work with Sheriff Inglett regarding this. She commented that there are salaries which are partially funded by grants and she will need to review this and make necessary adjustments. Highway Accountant Schroeder commented that the highway budget is in line with expectations. Finance Director Lapham expects to present certain budget amendments in June.

File No. 8 – Engineer Pogodzinski reported on 3 bids which were received for pavement marking. Work will include marking of fog and center lines and with a minimal portion being within the City of Caledonia. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to accept the low bid submitted by AAA Striping Service Company in the amount of \$59,363.99. The County's portion of the bid is \$58,796.15 and the City of Caledonia's portion is \$567.84.

Engineer Pogodzinski reported on quotes received for Calcium Chloride. Quotes were received from Freeborn County Coop Oil, Tri-City Paving Inc. and Envirotech Services Inc. The

low quote was submitted by Freeborn County Coop Oil. Engineer Pogodzinski stated that typically the county has the product delivered and county staff applies it to roadways. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to accept the quote submitted by Freeborn County Coop Oil in the amount of \$0.91 delivered to either Caledonia or Spring Grove and \$1.06 delivered and applied to various county roads. The quantities requested by townships are included in the quote and are reimbursed by those townships. Commissioner Storlie questioned whether the price has increased. Engineer Pogodzinski responded that the price has remained relatively steady.

File No. 9 – Quotes have been solicited for the replacement of the fuel system at the airport. The Gas Boy system in current use was installed in 2006 and has become outdated. Both the keypad and receipt printer have required replacement on multiple occasions. The Fuelmaster system comes widely recommended and Houston County has been working with MN DOT Aeronautics regarding funding. There are funds within the budget to cover the county's portion of the expense. The cost of the Fuelmaster system is \$15,615.65 plus \$355.00 for the data logger and another \$1,458.00 for electrical for a total cost of \$17,428.65. Additional costs will include a new PC estimated at \$640.00 and a maintenance contract ranging between \$500.00 and \$900.00 annually. Commissioner Zmyewski questioned whether fuel sales at the airport result in a profit. Engineer Pogodzinski responded that fuel sales typically break even. There are minimal sales during the winter months with the bulk of sales in summer. He doesn't expect to make back the \$4,000.00 county share in a year. Fuel sales, in addition to the point of sale equipment and fuel are subject to testing requirements. Commissioner Zmyewski questioned whether an analysis had ever been completed on expenses versus income. It would be difficult to perform this type of analysis because funding splits for maintenance and replacement projects are determined on a case by case basis after the county has committed to the project. Fuel prices are typically set in the lower range among local airports. If the price is set in a mid-range among local airports sales would decrease significantly. The old system didn't provide any means to track buyers. The new system is expected to provide some level of tracking. The current price for fuel sold at the airport is \$5.40 per gallon. The FAA will be performing an inspection at the airport this summer. When asked, it was noted that Houston County hasn't been and isn't expected to be approved for GPS approach with the current layout of the airport. A straight in GPS approach requires significant clearances. The first row of hangars is within this clearance zone. Approval for GPS approach can take 18 months to 2 years to obtain. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the purchase and installation of the Fuelmaster system.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to recess the regular meeting.

The time being 10:00 a.m., motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to open the public hearing to discuss an amendment to the Wildcat Park Ordinance.

Ernie Sloan stated that due to the danger to campers, damage caused by hoof imprints, manure issues and Corp of Engineer's position that horses are typically not allowed on Corp owned property unless there are designated trails for riding horse, there is a desire to specifically prohibit horses from entering Wildcat Park. There are no designated horse trails within the park and the park property is small which would prevent consideration of designating such trails at any point in the future.

It was noted that it is local individuals who have been riding horse through the park. Bruce Kuehmichel questioned whether there is a proposal for designated horse trails within the park. Park Manager, Jake Lonkoski, commented that the park is small and there is not adequate room to consider designating horse trails. During a recent visit to the park, representatives from the Corp of Engineer's observed hoof impressions left by horses within the park which sparked conversation about the Corps position with regard to horses and horseback riding. Mr. Lonkoski noted that ATV's are not allowed within the park either.

There being no further comment or discussion, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to adjourn the public hearing.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to reconvene the regular meeting.

File No. 10 - Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to amend Chapter IV Section D #8 of Houston County Ordinance #9: Park Rules and Regulations Wildcat Park as proposed to specifically not permit horses in Wildcat Park. Commissioner Zmyewski stressed the fact that Wildcat Park land is owned by the Corp of Engineer's and the County must abide by their rules and regulations. This action brings the County's ordinance related to Wildcat Park in line with the rules established by the Corp of Engineer's. Commissioner Zmyewski indicated that he is personally involved with horses and wants others involved to enjoy them however, the Park is not a place in which to do so.

At this time Engineer Pogodzinski, Highway Accountant Schroeder, Finance Director Lapham, Treasurer Trehus; Highway Mechanic Vesterse and HSR Representative Doug Ramsey met with the Board to discuss the proposed Highway Department Building.

Engineer Pogodzinski indicated that the proposed Highway Department Building project is at a standstill until further action is taken by the Board. This discussion is to provide an update to the Board, to consider site selection, building type and financing options.

Finance Director Lapham provided information related to estimates provided by Ehlers regarding bonding options and interest rates. Bonding rates continue to be at historic lows. These

low rates are expected to remain or increase minimally over the next several months. Ehlers has projected an average coupon rate of 1.98.

File No. 11 – Treasurer Trehus prepared a spreadsheet to show liquid cash and investments. There are adequate reserves to cover \$5.5 million in expenses over the next 5 year period as investments mature. Taxes payments are coming in which will temporarily increase liquid cash. With regard to investments, there may be some callable investments with maturity dates ranging from 0 to 5 years.

Historically, commercial building costs have increased 3.5% annually. Recently, costs have increased 10%. Projections indicate that the increase between 2015 and 2016 will be 10%. Between 2013 and 2015 commercial building costs increased 20% due to inflation and demand. Low bonding rates and increasing building costs indicate that it may be preferable to build sooner rather than later.

Engineer Pogodzinski commented that there are 2 bridge projects on County 249 which require 100% local funding. The pavement on County 249 is also deteriorating and plans to finance repaving will need to be considered. If the county does not adequately plan for these projects it may require bonding in order to complete them. The bridge projects have been planned for and money has been set aside to cover the expense.

Commissioner Zmyewski clarified that if the proposed Highway Department project moves forward the County can pay for \$1.5 million dollars, bond for \$4 million and pay back the bonds as the 0 to 5 year investments mature so payments will not require levy funds. The County has \$12,189,816.17 including liquid cash and investments at this time.

Highway Accountant Schroeder stated that all but \$200,000.00 in FEMA funding has been received. The financial reports reflect \$1.5 million which is allocated for use on a 2015 bridge project.

Commissioner Zmyewski questioned why, when there are \$5 million in available cash investments, does the county continue to increase taxes on constituents. It was pointed out that in past years the county has sustained infrastructure damage resulting from multiple flood events. The financial picture has become clearer now that most FEMA reimbursements have been received which has revealed significant cash assets.

Craig Moorhead requested clarification regarding fund balance and investments. Finance Director Lapham provided an overview of financing. Cash/investments are needed to cover the cost of the project. Fund balance takes into account equity in addition to cash/investments.

Engineer Pogodzinski commented that the Board will need to make decisions related to site selection, building type, and whether to build the project in phases.

File No. 12 - Doug Ramsey, representative from HSR in La Crosse, provided an overview of building type options. The least expensive and least durable would be an all steel structure, a moderate building with greater durability would be a hybrid utilizing precast concrete in addition to steel and the most durable and long lasting but also the most expensive would be an all precast concrete structure. He also presented a couple of construction timelines which show the time from design to building completion.

Commissioner Zmyewski clarified that HSR would be paid a design fee equal to 4.6% of the end project cost. Mr. Ramsey indicated that this percentage reflects HSR honoring the fee proposed in 2009 when the project was estimated at \$7 million. The percentage charged by HSR for a similar cost project this year would be greater.

Mr. Ramsey estimates that site preparation at either site location would be the same. The current site would require the demolition of structures and a significant amount of fill to bring the site to grade and the site by the school has poor soils which will require correction in addition to infrastructure requirements. Access at the school site would be from State 76 provided the proper permits could be secured. The site by the school allows for greater growth opportunities. The current site is land locked unless more property is taken from the Ag Society. It was noted that the Ag Society land is owned by the county but there is a long term lease in place with the Ag Society for its use.

Engineer Pogodzinski indicated that there are guests present to answer questions. When asked, Highway Mechanic Vesterse responded that it is not practical to plan that mechanic bays may be utilized for storage. He expects to utilize all bays and shared various scenarios in support of this position. Engineer Pogodzinski stated that the bays will not sit empty. Commissioner Walter questioned whether Highway Mechanic Vesterse maintains other department's vehicles. He responded that he does not have time to maintain vehicles for other departments and is kept very busy maintaining the Highway Department's fleet.

Commissioner Zmyewski questioned why the proposed structure couldn't be scaled back. He questioned the need for so much vehicle storage. Highway Mechanic Vesterse stated that if someone needs to utilize equipment that has been stored outside in the elements and sub-zero temperatures it may take him more than a workday to get it operational. Commissioner Zmyewski argued that there is heavy farm equipment utilized every day in sub-zero temperatures. Highway Mechanic Vesterse countered that farm equipment is not subject to the same conditions including salt and chloride. Commissioner Zmyewski responded that farm equipment is subject to manure and ammonia. In the event a snow plow truck were to be stored outside, when the drivers get called into to tend to snow covered or icy roads they would need to allow a minimum of 20 minutes to get that vehicle running and the engine warmed up before going out on the roads to perform their work. The driver will get paid from the time he reports to work and may or may not have other work functions to perform during that 20 minute warm up period. That is also 20 more minutes that the roads are not being tended to. Money is lost along with efficiency.

Discussion was held regarding the depth of the bays. The Board questioned whether this could be reduced. Highway Mechanic Vesterse stated that the longest plow truck is 43 feet in length without the brine tank. OSHA has standards for safe walk ways. Highway Mechanic Vesterse stated that OSHA will not allow snow plow trucks to be stored in the current shop with the plows on because there is not adequate space surrounding the vehicle to meet safe and acceptable walk way requirements. Engineer Pogodzinski provided examples of other shop bay lengths and the proposed structure is in line with them. The proposal does not include bays larger than the average. The County operates 4 plow trucks out of the Caledonia location and has 2 other trucks on location for a total of 6.

Chairperson Schuldt shared his position that he does not favor a phased building approach. He feels that costs increase with phased building approaches.

Commissioner Zmyewski stated that there are needs and necessities. He questioned whether the Board wants to consider a more fiscally responsible option as only one option has been presented at this time. Commissioner Storlie stated that she feels the proposed plan meets the needs of the County. She expressed her feeling that something should have been done about the Highway Department a long time ago. The cost to build will only increase the longer the project is put off. Commissioner Zmyewski expressed agreement that, over time, construction costs increase. Commissioner Walter reminded the Board of OSHA violations which the County suffered recently. She stated that there has been a good deal of information presented and she needs time to consider it. Commissioner Zmyewski questioned when the Board would establish a timeline or budget for this project. There is a need for the Board to make some decisions. He reiterated that the Board should establish a timeline to keep the project moving forward.

Engineer Pogodzinski stated that this proposal meets the needs of the department. He indicated that before the proposal can move forward the Board needs to select a site for the structure and determine a building type.

Commissioner Zmyewski stated that a public hearing should be held prior to the Board taking action to expend \$5.5 million dollars in tax revenues. He believes it is appropriate to include the public in this decision. Commissioner Storlie stated that a public hearing at this time is premature. Commissioner Zmyewski again questioned whether it was the Board's intent to hold a public hearing regarding this proposal. He would like to hear how the taxpayers want their money spent. Perhaps the taxpayers would prefer the funding be spent on public health or human services initiatives. Commissioner Storlie questioned whether a public hearing is required on this matter. It was noted that there is no requirement to hold a public hearing.

Commissioner Zmyewski made a motion to schedule a public hearing to discuss the proposed highway department building. The motion failed for lack of a second.

Commissioner Kjome stated that the Board needs to first determine which site a highway department building will be erected on.

Commissioner Zmyewski questioned whether the Board was prepared to establish a decision making timeline regarding the proposal. He stated that there are many questions which need to be answered. Commissioner Storlie stated that recently there was a meeting to discuss possible financing options to fund a highway department building, however Commissioner Zmyewski did not attend. Commissioner Zmyewski indicated that he was out of town when the meeting was scheduled and that he was able to obtain information discussed during said meeting from Finance Director Lapham upon his return.

Commissioner Kjome reported on One Watershed, One Plan, EDA, and an Association of County Township Officers meeting which he attended.

Commissioner Walter reported on an Association of County Township Officers and a Workforce Development meetings.

Commissioner Storlie reported on EDA, Association of County Township Officers, SE MN Emergency Communications, and Hiawatha Valley Mental Health Board meetings which she has recently attended.

Chairperson Schuldt reported on a Semcac meeting which he attended.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to place on file the following items from the consent agenda:

File No. 13 – Correspondence to payroll regarding status change and hires

File No. 14 – Commendation of perfect performance in meeting DHS Human Services financial reporting requirements for 2014.

There being no further business and the time being 11:27 a.m., motion was made by Commissioner Storlie seconded by Commissioner Walter and carried with Zmyewski and Kjome voting in the negative to adjourn the meeting, the next advertised meeting being Tuesday, April 21, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, April 21, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Engineer Pogodzinski; HS Director Bahr; Financial Services Supervisor Kohlmeyer; HR Director Arrick-Kruger; Gretchen Cook; Donna Buckbee; Stan Bahr; Glenn Kruse; Dennis Gavin; Yvonne Krogstad; Bruce Kuehmichel; Sheriff Inglett; Jail Administrator Schiltz

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the agenda.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the minutes of the April 14, 2015 meeting.

File No. 1 - Motion was made by Commissioner Kjome, seconded by Commissioner Walter and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$86,795.27
Road & Bridge Fund	37,304.13
	-----
Total	\$124,099.40
	=====

Yvonne Krogstad expressed her opinion that the plan for the proposed Highway Department Building is excessive, with wasted space. She questioned whether there is a need for a meeting room or whether meetings could be held at an alternate location. She expressed concern that while the plan was presented with designated size of bays and office space, it was noted that the Board would need to approve the final proposal and she expressed her understanding of this to mean the plan is larger than what is needed. She encouraged the Board to insist upon an alternate plan which would result in both lower architecture and construction costs thereby saving taxpayer dollars. She also encouraged the Board to speak with the Fair

Board to construct the new building on the current lot and expressed confidence that the Fair Board would willingly give up space in order to save taxpayer dollars. She suggested that the Board sell the property located near the school so that it would be returned to the tax roll and would generate tax revenues. She expressed her opinion that dispatching trucks from the current site allows trucks to head out in all directions where the site near the school would route all trucks to State 76. In closing, she reminded the Board to remember where the investment funds came from.

Dennis Gavin shared his opinion that the proposed Highway Department Building is too large. He expressed his opinion that the County would still meet its need with a much smaller shop. He stated that there are 30 staff members working out of his shop which includes 2,500 square feet for parts. His business is growing and expanding and the shop meets their needs. He indicated that he doesn't feel the Highway Department will experience any growth. The current proposal, in Mr. Gavin's opinion is overkill. He expressed his agreement that the department does need different working space. He expressed support to construct the building at the current site and to use the site by the school for housing. This would increase the tax base.

File No. 2 - Engineer Pogodzinski reported that only a single bid was received for S.A.P. 28-603-025. This is for paving on CSAH's 5 and 3. The bid submitted was slightly less than the engineer's estimate which was \$146,148.50. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to accept the bid provided by Mathy Construction in the amount of \$141,072.68.

File No. 3 – Engineer Pogodzinski provided a brief overview of the transfer of federal airport entitlement funds. Funds are awarded annually and may be allowed to accrue in order to offset funding for larger projects and they may be loaned to other airports, however, the funds expire after 4 years. The City of Moorhead has asked to borrow \$300,000.00 in FAA Entitlement Funds from Houston County. Approving this transfer would keep the funding within the State of Minnesota. Engineer Pogodzinski indicated that there are no projects planned for the airport at this time and the funds would not be needed in the short term. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the Agreement for Waiver, Transfer and Repayment of Federal Airport Entitlement Funds to the City of Moorhead and to authorize the signature of Chairperson Schuldt on the necessary Agreements.

Engineer Pogodzinski reported that the State will be lifting the southern region seasonal weight restrictions on Wednesday, April 22<sup>nd</sup>. He indicated that the County will lift its seasonal weight restrictions at the same time to coincide with the State.

County 3 near Brownsville has been under construction since last fall and will reopen to traffic later this week. It was noted that areas impacted by the construction project will be gravel until paved later this summer.

County 13, also known as Oak Ridge Hill, will be closed to traffic beginning next week. Detour signs will be posted. Highway Department staff will be applying chloride to various stretches of road along the detour route prior to the closure.

Commissioner Kjome inquired as to the status of the County 8 reconstruction project. Engineer Pogodzinski indicated that the road is scheduled for concrete paving this construction season. Depending on the timeline of the paving will determine whether chloride is applied to control dust. It is possible the roadway will remain gravel until September.

File No. 4 – HS Director Bahr stated that CREST is a grant which funds programs and assistance to adult mental health clients. CREST funding is awarded by region. Houston County is a member of a 10 county cooperative. The State has allocated an additional \$167,400.00 in CREST funding to be used to cover the cost of uncollected room and board expenses. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the Amendment to CREST Initiative Cooperative Agreement 2015.

File No. 5 – On the recommendation of HS Director Bahr, motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the Addendum to Adult & Children's Mobile Crisis Grant Cooperative Agreement 2015. The mobile crisis unit was supposed to be operational by June 30<sup>th</sup>. The agreement provides for funding to cover a period of extension through December 31, 2015. This mobile crisis unit will benefit residents of Houston County. It is an initiative of a twelve county cooperative.

File No. 6 – HS Director Bahr reported that a few years ago the 5 eastern hub counties agreed to enter into an agreement for a fraud prevention investigation program which provides for a designated fraud investigator. The program is grant funded. The cooperative agreement will provide for the continuation of the program through June 30, 2017. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the Regional Administrative Agency Cooperative Agreement Fraud Prevention Investigation Program.

HS Director Bahr stated that the designated fraud investigator will provide an update to Human Services during an upcoming all staff meeting. She will provide details of the meeting to Commissioners and invited them to attend. She was pleased to report that prior to the inception of the program the County's fraud investigation cost benefit was only \$1.87. The State established a minimum performance measure of \$3.00. The current cost benefit, since the inception of the program has risen to \$7.02.

File No. 7 – Human Services is currently working through the reprocurement process for health coverage for residents age 65 and older. This process is happening statewide and includes all 87 counties. Houston County residents in this age group currently have a choice between Blue Plus and Ucare. HS Director Bahr indicated that, for this age group, a change in providers could

be difficult, therefore, she is recommending the same carriers. Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to adopt the following:

#### **RESOLUTION NO. 15-11**

WHEREAS, the Minnesota Department of Human Services has published a Request For Proposals to provide health care services to recipients of Medical Assistance and MinnesotaCare in 87 Minnesota counties including Houston County; and

WHEREAS, the Minnesota Department of Human Services has requested County evaluations and recommendations regarding the RFP proposals from each respective county; and

WHEREAS, Linda Bahr submitted proposals to provide managed health care services in Houston County; and

WHEREAS, representatives of Houston County Human Services have reviewed and evaluated the proposals; and

WHEREAS, UCare and Blue Plus have submitted proposals suitable to meet our needs <optional: reasons for the decision>.

THEREFORE, BE IT RESOLVED that the Houston County Board of Commissioners supports the recommendation of Houston County Human Services approving UCare and Blue Plus as Managed Care Organization(s) (MCO(s)) providing managed health care services in Houston County

HS Director Bahr reported that case aide interviews will be conducted this week and she expects to be making hiring recommendations at the next regular Board meeting. One of the successful candidates will provide assistance in the reception area and the other in the social work area.

Due to the limited pool of applicants, Human Services chose to re-advertise for the position of Social Services Supervisor.

The process to select a candidate to fill the vacant social worker for children's mental health position is underway. The application period has expired and merit testing has been completed. The merit testing results are expected later this week.

HS Director Bahr provided an update related to the NorthStar Care Program. The changes have resulted in more paperwork and increased the difficulty in managing cases. This revamped a program which has been underfunded for years. The exciting part of the NorthStar Care Program is that it appears legislature will be designating a minimum of \$75,000.00 per

county to cover the estimated cost of a single 1.0 FTE child protection employee. Individual county amounts will be awarded dependent upon calculations taking into consideration each county's number of open child protection reports and other factors. In addition, legislature is considering awarding an additional minimum \$30,000.00 to improve the base line and make programs more efficient. HS Director Bahr is hopeful that this additional funding is approved.

MN Choices is another new program impacting disability services workers. The State promised considerably more revenue as a result of the program. The roll out of the program was delayed one year. MN Choices has increased the average intake interview time from 30 to 45 minutes to in excess of 3 hours. It has also resulted in the increased funding as promised. Disability services workers generate adequate revenues to support themselves and other unrelated programs.

HS Director Bahr provided an overview of caseloads among the various units. There are currently 3 children's mental health workers with a search being conducted for a fourth. The workers manage 23, 21, and 27 cases respectively. This equals 17.8 cases per worker after the fourth worker is hired which will still exceed the State's recommendation of 15 cases per worker maximum. Funding is based on the State's recommended number of cases per worker and is reduced when this is exceeded. In addition, these same workers assist with the PSOP (Parent Support Outreach Program). HS Director Bahr indicated that children's mental health workers generate enough revenue to cover their own expenses, with additional revenue to direct elsewhere within the department.

Child protection workers are managing 64 cases. The state recommends a maximum caseload of 15 cases per worker. The penalty for exceeding this recommendation isn't as great as those seen in the children's mental health unit. It does negatively impact staff morale. These cases have significant paperwork requirements. It is the hope that the case aide will reduce the paperwork burden on the social workers managing these cases.

There are 17 out of home placements at this time. This has increased from a recent historic low of 9.

The licensing case aide works to manage all licensed foster homes and day cares within the county. This aide also performs day care and foster care trainings.

There are 4 disability services workers who are currently managing 48, 53, 58 and 41 cases respectively. The average number of cases is being closely monitored. The renewal process expected to be time consuming.

There is one worker managing 19 chemical dependency cases, 4 current guardianships, 3 adult protection cases and 2 commitments.

HS Director Bahr reported there were 978 intakes in 2014. This averages out to 3.9 intakes per day for the year's 251 working days. This year there have already been 251 intakes averaging 4.01 intakes per day which is a slight increase over last year.

Financial Services Supervisor Kohlmeyer stated that the cold weather rule has ended and disconnects are again allowed. The unit has funding to assist families. Assistance for individuals has been exhausted. Semcac continues to have funding available although it isn't expected to last through May.

County staff is managing 719 MN Sure cases. Recently, the Legislature requested information related to what counties have spent or designated to supporting the MN Sure system and process. Financial Services Supervisor Kohlmeyer submitted a report related to this request last Friday. She stated that 1 employee was added to support MN Sure and 50% of another employee's time is spent working with MN Sure cases. The amount of wages spent in Houston County related to support of MN Sure has been estimated at \$100,000.00.

The State was interested in specific examples related to entering an application and the time to process changes as they relate the Maxis system or MN Sure. Financial Services Supervisor Kohlmeyer provided an example of a single household involving 5 members of which a single individual was covered by MN Sure. It took a total of 5 hours to enter the necessary information for the case in the MN Sure system. She indicated that a similar scenario in Maxis would have taken up to 15 minutes to complete. It takes approximately 45 minutes to enter a single individual's application into MN Sure. It could take several hours to enter an application in MN Sure involving a multi member household. The MN Sure system interfaces are still dependable resulting in the need to manually track many things as they are moved through the MN Sure system. This manual tracking takes time. County staff does not have the ability to close cases therefore they must manually track all changes. Renewals have proven to be quite challenging. The State sent passwords to MN Sure participants which were supposed to expedite the renewal process. Often times, these passwords have failed to provide the promised expedited functionality. There is a grant funded organization out of Rochester which provides navigators. The Human Services Department is working with the organization in hopes of receiving assistance from them locally. The only requirements of the navigator are access to a printer and fax. It is possible one of the navigators would be able to provide the public with assistance at the library. The organization is applying for an additional \$500,000.00 in grant funding to continue and expand the navigator system past June 30<sup>th</sup> when current funding will be exhausted. Two Houston County employees currently spend a significant portion of their time assisting residents with navigation services in addition to performing routine daily tasks.

The SNAP review has been completed. Results have been received and corrections are being developed. The review reflects areas where county staff is performing well in addition to areas where improvement would be beneficial.

The State has performance measures in 6 areas which are tracked. Houston County ranks fourth in the area for the processing of expedited services. Financial Services Supervisor Kohlmeyer stated that while the State and Federal goals are to have processed expedited applications within 5 to 7 days, the County has established a goal of processing those same applications within a day. The performance measure is calculated based on single-day processing leading Financial Services Supervisor Kohlmeyer to wonder if the turnaround time will be reduced. The County ranks #1 for processing of SNAP and cash assistance application processing. The State established a threshold of 75% and Houston County is performing at 92 and 95% in these areas. Financial Services Supervisor Kohlmeyer is pleased with staff performance especially considering that the unit has been understaffed at times. She expressed her appreciation to the Board for their support and approval to hire additional staff which made this possible in spite of the trials which MN Sure has presented. MN Sure is cumbersome and has been frustrating.

File No. 8 - On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to hire Danielle Henson-Schroeder as a 1.0 FTE jailer/dispatcher effective May 11, 2015 at a rate of \$19.29 per hour. Sheriff Inglett stated that interviews were completed some time ago and that the required background check has been performed. HR Director Arrick-Kruger stated that these positions continue to draw very competitive applicant pools. Ms. Henson-Schroeder has a criminal justice degree and good knowledge.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to hire Bruce Shores as a 0.5 FTE jailer/dispatcher effective April 24, 2015 at a rate of \$19.29 per hour. Mr. Shores has experience in law enforcement, communications, and the jail. These hires provide for a full complement of staff in this position.

Sheriff Inglett requested authorization to trade in the current K9 vehicle on the new K9 vehicle. The dealership has extended an offer of \$5,000.00 trade in value for the 2010 model year K9 vehicle. Sheriff Inglett reviewed what the most recent squad cars brought at the county auction. He found that 3 squads were sold. The model years were 2007, 2008, and 2009. One of those vehicles brought just over \$5,000.00. Trading in the current K9 vehicle would reduce the cash price of the vehicle to approximately \$29,000.00. Some of the K9 equipment will transfer from one vehicle to the other however, some equipment will need to be replaced. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to authorize the K9 vehicle to be traded towards the purchase of the replacement vehicle.

HS Director Arrick-Kruger reported that Human Services has upcoming leaves and there is a need to plan for coverage. The leaves are in the social worker positions. She requested authorization to hire 67 day employees to provide the necessary coverage. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to hire Emily Engan as a 67 day employee contingent upon successful completion of background check.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to hire Michaela Sichler as a 67 day employee contingent upon successful completion of the required background check. Ms. Sichler is currently an intern with Houston County and is excited with the opportunity to remain on staff as a 67 day employee.

HS Director Bahr reported that clinical supervision of social workers is mandated by the State. A minimum of one hour per month is required. Each social worker should receive 38 hours of supervision annually. Houston County currently contracts with Hiawatha Valley Mental Health Center (HVMHC) for these services which require specific credentials including a master's degree. The clinical supervisor is responsible to review files and to assist workers with case management and offer alternate strategies to manage cases and/or assist clients. The County has the opportunity to continue work with HVMHC and also hire Eric Sever to perform the mandated supervision. The rate charged by HVMHC is \$125.00 per hour, the rate for Mr. Sever is \$75.00 which will be a savings. Mr. Sever has the necessary credentials, provides a different viewpoint, and he formerly worked for HVMHC. Both Mr. Sever and HVMHC are open to this arrangement. Houston County needs to meet the clinical supervision requirements and will benefit from two viewpoints. The proposal is for Mr. Sever to be hired as a 67 day employee. The number of hours involved does not make it feasible for Mr. Sever to enter into a consulting contract due to the required overhead and insurance coverage required. If approved the anticipated start day would be on or around June 1, 2015. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to hire Eric Sever as a 67 day employee.

On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to re-hire Earl Klankowski as a 67 day employee to assist as a drop site supervisor at a rate of \$13.08 per hour. Mr. Klankowski has experience in this position.

MCIT recently sent a building appraisal consultant to view and go through Houston County facilities. The consultant will issue a report to MCIT.

HR Director Arrick-Kruger recently met with Houston County Historical Society representative Debbie Wray and Erin Dorban, a representative for the Preservation Alliance of Minnesota regarding the Historic Jail. Ms. Wray and Ms. Dorban were given a tour of the Historic Jail. The Preservation Alliance of Minnesota has interest in placing the Historic Jail on the "places of interest" listing. This listing is meant to ignite interest and spur economic development within communities.

On April 2<sup>nd</sup>, HR Director Arrick-Kruger met with representatives of the Minnesota Historical Society regarding making application for Legacy funding for capital grants. There is a need to prepare a plan regarding the Historic Courthouse. HR Director Arrick-Kruger learned that the roof along with the fascia and stone steps qualify for possible funding. There is a need to include materials analysis in the structures report. HR Director Arrick-Kruger indicated that this

may or may not require the hire of an architecture firm with expertise in historic structures. The process will likely benefit from a team approach. She will work with Sam Whitehead, EDA representative regarding making application for Legacy grant funding.

Commissioner Zmyewski questioned the Board's intent with regard to the proposed Highway Department Building project. Chairperson Schuldt indicated it is unlikely that construction would begin prior to 2016. It may be possible to perform some site preparation in 2015. Chairperson Schuldt would like the project to continue moving forward. Commissioner Zmyewski clarified that construction on the building would not take place in 2015. Commissioner Walter indicated that it will likely take time to complete the permitting and bidding processes. Commissioner Schuldt expressed his desire to speak with Mr. Gavin further regarding the proposed building. Commissioner Zmyewski indicated that there is a need to select the site for the building and to speak with the Fair Board. Chairperson Schuldt reported that he has received calls from those involved with the fair that they do not favor allowing expansion at the current Highway Department site. It was agreed that the Board would invite Fair Board members to meet to discuss this during one of the next regularly scheduled meetings. Commissioner Kjome requested a steel building option. It was noted that recent options included an all steel structure, a hybrid structure including concrete and steel and also a pre-cast concrete structure option. Commissioner Kjome questioned whether a steel building manufacturer could draft a plan. It was noted that many manufacturers are not willing to commit time to drafting plans for a building they have little guarantee of selling. In addition, it is doubtful a manufacturer would draft plans that could be put out for bid by competitors. Being a governmental unit, the County is required to bid out projects exceeding a certain value. In order to comply with this requirement, the County needs specifications and plans to put out for bid. Hiring an architect is the only way to procure these specifications and plans. Chairperson Schuldt stated that an architect would provide oversight of the project in addition to providing the specifications and plans.

Commissioner Zmyewski questioned how long it would be before the Board makes a decision related to the Historic Jail. The structure has been vacant for 4 years. The structure deteriorates, depreciates and costs money to maintain. The County could submit grant applications for years. There is a need to establish a timeline for decision making with regard to the Historic Jail. Commissioner Storlie stated that she favors exhausting options. The recent EDA Summit with the hope that it would generate some interest. Commissioner Zmyewski indicated that he does not want to see indecision continue indefinitely. Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to make some decision with regard to the Historic Jail by December 31, 2015.

File No. 9 - Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the Caledonia Sno-Gophers Snowmobile Club Maintenance and Grooming application and to adopt the following resolution:

## **RESOLUTION NO. 15-12**

BE IT RESOLVED By the Board of County Commissioners, Houston County, Minnesota, that it approves the Maintenance and Grooming application of the Caledonia Sno-Gophers Snowmobile Club and authorizes the Board Chairperson to sign an agreement with the Department of Natural Resources.

Commissioner Storlie reported on a La Crosse Solid Waste meeting which she attended. Discussion centered on mattress recycling. It was noted that the La Crosse Landfill accepts 7,500 mattresses annually. The cost to recycle a single mattress is \$15.00. The average useful life of a mattress is 7 to 8 years.

Commissioner Zmyewski questioned why the presentation to restore public trust in the Zoning Office was not on the agenda as discussed. He commented that he did not see it as an item for the next meeting either. It was noted that the department is developing the presentation which will include a PowerPoint presentation

File No. 10 - Commissioner Zmyewski confirmed that all members of the Board received correspondence from the Caledonia Mayor regarding the Board's meeting schedule. Caledonia Mayor Gran encouraged the Board to adopt evening meeting times. Commissioner Zmyewski is a proponent of evening meetings which he believes would allow more people to witness firsthand the business meetings of the county. Commissioner Walter stated that she has researched when counties across the state conduct their business meetings. She reported that it is commonplace across the state to hold county board meetings on Tuesday mornings. She is aware that Winona County conducts one of three monthly meetings during evening hours. She queried Commissioner Marsha Ward whether the evening meetings resulted in increased attendance. Ms. Ward stated that the evening meetings have no greater public attendance than daytime meetings. County Board meetings are necessary to conduct the business of the county. Often staff is required to attend which would require compensation in the form of compensatory time or premium pay. Commissioner Walter noted that the Board's meeting schedule is established during the first meeting of the year. Commissioner Zmyewski expressed concern that day meetings limit the pool of individuals running for the office of commissioner. Commissioner Walter responded that whether evening Board meetings are held or not, many committee meetings commissioners are responsible to attend are scheduled during business hours. Semcac and Extension are two meetings which are scheduled during evening hours. Commissioner Zmyewski stated that both township and school board meetings are conducted during the evening hours. Reporter Dan McGonigle interjected that people will have conflicts no matter when meetings are scheduled. People with families may have school/sport events to attend during evening hours. Many positions in healthcare work day, evening, and overnight shifts. Mr. McGonigle stated that he has reported on the county boards for 7 different counties, none of which conducted their business meetings during evening hours. Commissioner Zmyewski responded that just because something has been done a certain way for several years does not

make it right. He is not one to conform just for the sake of conforming. He would like to discuss this further during the first meeting of 2016. Commissioner Storlie noted that in an attempt to make information accessible, this Board began the practice of taping and airing its meetings online. People are provided access. Commissioner Walter stated that AMC indicated the County Board conducts the business meetings concerning the operations of county departments when county departments are providing services. Commissioner Zmyewski stated that no one has convinced him that day meetings are the best option for Houston County and he would like to revisit this during the first meeting in January.

Commissioner Walter reported that she was invited to speak at a recent Brownsville Township meeting and also attended a La Crescent Historical Society meeting.

Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to place on file the following items from the consent agenda:

File No. 11 – Correspondence from SMIF regarding appropriation

File No. 12 - Correspondence to payroll regarding recent employee status changes

File No. 13 – Letter of appreciation

There being no further business and the time being 10:27 a.m., motion was made by Commissioner Storlie seconded by Commissioner Zmyewski and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, April 28, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, April 28, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; PHN Director Marchel; HR Director Arrick-Kruger; County Attorney Jandt; Ken Tschumper; Brady Auger; HS Director Bahr; Bryan VanGorp; Susan VanGorp; Dennis Gavin; Kelley Stanage; Betts Ready; Bruce Kuehmichel; Gretchen Cook; Michael Fields; Donna Buckbee; News Channel 19 representative; Jeremy Chipps; Sheriff Inglett; Duane Beckman; Sandy Graves; Abby Dean; Craig Welsh; Stan Bahr; Finance Director Lapham; Financial Services Supervisor Kohlmeyer; Kendra VanGundy; Jeremy Johnson; Eldon Pohlman; Brady Auger; and others not listed

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the agenda.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the minutes of the April 21, 2015 meeting.

File No. 1 - Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$42,395.43
Road & Bridge Fund	11,426.17
	-----
Total	\$53,821.60
	=====

File No. 2 - Bryan VanGorp, Yucatan Township resident, read from a prepared statement which is on file.

Brady Auger, Yucatan Township resident, River Valley Convenience Store owner, stated that he hires high school age young adults to work in his convenience store which sells tobacco products. In order for him to comply with the county's tobacco ordinance he has had to hire additional staff over age 18 which has cost him more. He questioned why the ordinance was adopted and why he wasn't informed of the changes. He also questioned whether there was an exemption that he could apply for since he only sells tobacco products and not alcohol.

File No. 3 - Ken Tschumper, La Crescent Township resident, stated that complaints have been filed against specific mines which lack the required reclamation plan. He criticized Commissioners Schuldts, Storlie and Walter for their hesitation in scheduling a public hearing to allow the public to provide feedback regarding the proposed Highway Department Building. He shared his opinion that the County does not need a "Cadillac" building when the County has a "Chevy" budget. He shared his belief that this would only increase the tax burden on residents. He expects strong opposition to the proposed building project.

Gretchen Cook, La Crescent City resident, requested a public hearing be scheduled to discuss the proposed Highway Department Building. She expressed her understanding that County trucks are currently housed in township buildings. She questioned why they would all be housed in Caledonia at the new building as this would decrease response time. She also expressed concern that the current Highway Department Building site may be contaminated and could be expensive to clean up. She expressed her opinion that the project has been estimated to cost \$6 to 8 million dollars which is too much.

Michael Fields, Winnebago Township resident, shared his concerns regarding the proposed Highway Department Building. In his opinion, the plan is for a \$6 million "pleasure palace". Mr. Fields shared that he is a veteran and takes the democratic process seriously. He expressed support to hold a public hearing. He encouraged the Board to listen to the public and not the special interest groups.

File No. 4 - PHN Director Marchel stated that there is a desire to expand the Neighbors in Action program to the Caledonia area. This non-profit organization has been active in La Crescent City since July 2007. There are similar activities to the Neighbors in Action program taking place in Spring Grove. Public Health and Neighbors in Action have been successful at grant writing to secure \$50,000.00 to expand the program. Sandy Graves, Neighbors in Action Program Director, explained that the organization was developed when the Minnesota Department of Human Services awarded the group a grant to develop a plan to provide services in small rural communities to care for certain needs of the elderly and disabled so that they may remain in the community, in their homes and live independently longer. The state has an aging population which will become a strain on the system which is in place to help in meeting the needs of the aging population. The organization recruits volunteers to provide the services. They perform background checks and provide training. Volunteers provide services such as taking residents grocery shopping, transporting individuals to appointments, light housekeeping, outdoor chores from recurring chores such as mowing grass or shoveling snow to annual or one

time chores such as cleaning gutters. They even change light bulbs and batteries in smoke detectors. Neighbors in Action have provided assistance to 200 individuals during the past year and have as many volunteers.

Neighbors in Action are excited to work with Public Health to expand their program. Abby Dean was recently hired to help with the expansion. She is investigating the needs in the Caledonia area. There is application being made for additional grants that would ensure ongoing funding for an additional two years.

The organization is working with the Caledonia School District who has donated office space to the organization. Ms. Dean will be reaching out to local churches and service agencies to share information about the services offered and to recruit volunteers. The organization hopes to be able to expand to offer services countywide.

PHN Director Marchel is excited about this opportunity to partner with Neighbors in Action. This will allow Public Health to more fully utilize home health aides skills as opposed to having them performing chore services. It provides for greater options. Neighbors in Action will develop a sustainability plan because there is a cost to providing services.

Commissioner Storlie indicated that those volunteering get as much out of providing the services as those receiving the assistance.

It was noted that there is a sliding fee for services. The program is not a welfare program and there are no income verifications. People are expected to pay what they can based on the sliding fee. Some individuals who utilize the program do so one time while others are provided services multiple times weekly. Ms. Graves estimated that the organization serves between 50 and 60 individuals per month. Providing rides to and from appointments is 60% of the services provided.

Commissioner Storlie shared an experience with the program where individuals receiving assistance want to pay and there are certain services such as companionship visits that do not have a fee associated with them. Most of the churches in La Crescent are supportive of the organization. There will be additional outreach to develop and support these partnerships. PHN Director Marchel will keep the Board apprised of the progress getting this program operational in the Caledonia area.

HR Director Arrick-Kruger provided an overview of the 2015-2017 LELS Local #60 jailer/dispatcher Collective Bargaining Agreement. She reported that a key amendment was an increase in the probationary period from 6 months to one year. There was clean up language regarding insurance and the ongoing HSA and VEBA contributions to align those payments with the 1<sup>st</sup> pay period of the quarters when payments are made. The uniform allowance was increased by \$25.00 annually. This allowance has been unchanged for several years. Wage increases are consistent with those granted the LELS officers unit which are 2% for 2015, 2.5%

for 2016, and 3% for 2017. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and carried with Commissioner Zmyewski voting in the negative to approve the 2015-2017 Collective Bargaining Agreement with LELS Local #60.

File No. 5 - HR Director Arrick-Kruger along with Financial Services Supervisor Kohlmeyer has identified case aides for positions assisting child protection/social workers and front desk/financial workers. Each individual comes with good qualifications. Financial Services Supervisor Kohlmeyer stated that it was a nice pool of applicants. Both finalists bring strong technical and customer service skills, will bring varied strengths and will make welcome additions to the department.

On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to hire Kelly Rohland as a 1.0 FTE case aide at a rate of \$14.19 per hour effective May 11, 2015 contingent up on the successful completion of the required background check. Ms. Rohland comes with extensive event planning from Logistic Health and is accustomed to operating on short deadlines and with large teams.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to hire Joann Curley as a 1.0 FTE case aide at a rate of \$14.19 per hour effective May 4, 2015 contingent upon the successful completion of the required background check. Ms. Curley has extensive background in the banking industry.

File No. 6 - Engineer Pogodzinski reported that one employee has consistently expanded training, developed skills and obtained certification to meet the needs of the position. This employee has been with the County for 14 years and is State and Federal bridge inspector certified. The employee has taken on additional roles as needed. This employee can work on large bridge projects and perform necessary bridge inspections. The position duties have evolved. A position questionnaire has been completed, audited by Human Resources and submitted to Gallagher and Associates (formerly known as Fox Lawson) and come back as a B-25 with a unique pay scale. Engineer Pogodzinski would like the employee to be assigned to the appropriate comparable worth band and fairly compensated. Chairperson Schuldt questioned how frequently bridge inspections are performed. Engineer Pogodzinski responded that deficient bridges may require weekly inspection while others may require an annual inspection. Large box culverts which qualify as bridges may require an inspection once in four years. It is the practice in Houston County to inspect all bridges annually. There are approximately 200 bridges within the county. Motion was made by commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to adopt the B-25 banding range which is new.

On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to change the comparable worth banding of Pat Burns from B-24 to B-25 which is the banding for the Senior Engineering Technician.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to initiate the search for a 1.0 FTE Highway Maintenance Operator.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to accept the resignation of Kelsey Connor and to draft a letter of appreciation for her service. Jail Administrator Schiltz reported that Ms. Connor has been with the County for a couple of years and has moved on for a better career opportunity.

Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve a status change for Alexander Bird from 0.5 FTE jailer/dispatcher to 1.0 FTE jailer/dispatcher. This is to fill the vacancy created by Ms. Connor's resignation. Mr. Bird is excited about this opportunity and had been the a finalist in a recent search.

HR Director Arrick-Kruger reported that she included advertising for a 0.5 FTE jailer/dispatcher pool position in a recent hiring advertisement. She stated that display ads cost \$800.00 to \$1,000.00 and adding an additional position to an ad that was already scheduled was cost effective. She stated that no further action would be taken without the Board's consent. She requested authorization to initiate a search for a 0.5 FTE probationary jailer/dispatcher. She reported that there has been significant turnover within the jail and placing the ad also helped reduce the timeframe for finding additional staff. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to authorize the initiation of a search for a 0.5 FTE jailer/dispatcher.

File No. 7 - HR Director Arrick-Kruger stated that the County was granted \$17,690.00 towards the wellness program. This is slightly more than the amount applied for and due to the high quality of the program. The County will receive \$1,500.00 initially with reimbursement for program expenses at the end of the program. There are no matching funds required. Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to accept the Wellness Incentive Funding. HR Director Arrick-Kruger noted that SE Service Coop has adopted some of PHN Director Marchel's ideas.

HR Director Arrick-Kruger reported that Auditor Meiners meets the criteria to receive a mobile computing stipend and requested approval. As an elected official Auditor Meiners is available outside of typical office hours and is in contact with members of the Board often. Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the mobile computing stipend for Auditor Meiners.

At this time the Fair Board met with the Commissioners. Eldon Pohlman expressed concern that in the event the proposed Highway Department Building is constructed on the current site, additional land currently utilized by and leased to the Fair would be needed for the project. It was noted that this area is used for parking and is full before 11:00 a.m. during events. Commissioner Zmyewski commented that there has been no discussion regarding taking land

that the fair has leased. It may have been a passing comment made by an architect. Discussion was held whether the Fair Board intends to replace the razed hog building. Jeremy Johnson, Fair Board President, indicated that the Fair Board would like to replace the hog building however, funding is tight. If no funding is available projects such as this aren't completed. There has been discussion through the years about collaborating to meet the needs of both the County and the Fair Board. It may be possible to share a facility. This would provide storage for the County and a building in which to house the hogs and sheep during the fair. Commissioner Zmyewski questioned whether the Fair Board would entertain discussion on a shared facility.

Commissioner Zmyewski noted that the proposed Highway Department Building would require no more space at the current site than what is utilized now and that there has been no discussion regarding taking an additional 5 acres. Mr. Johnson indicated that one architect's proposal reflected a project that would require additional land. Commissioner Zmyewski assured the Fair Board that the drawing was a single suggestion from that architect. Commissioner Zmyewski is aware that the Fair Board has a land lease which is in place through 2019. Commissioner Storlie expressed appreciation for today's discussion with the Fair Board stating it is important for the Commissioners to understand how the land is utilized both during the fair and during other times.

Commissioner Zmyewski questioned whether there has been discussion regarding a replacement structure for the hog building. Mr. Johnson stated that there is no funding at this time and since the Fair Board does not own the land it is unable to borrow money to build the new structure. Until funding can be identified, there is little discussion regarding building a replacement structure. The old structure was unsafe and was demolished. A tent will be utilized for the 2015 fair to house the hogs and sheep. Mr. Johnson indicated that the Fair Board struggles financially to simply exist. Commissioner Zmyewski indicated that the County could possibly provide the funding for a building which could be shared and result in a win win for both entities. He expressed understanding that the fair, cities and county all struggle financially. The fair is something many in the community have grown up with and look forward to as a closing activity of summer.

Commissioner Zmyewski again stated that a shared building may meet the needs of both entities. Placement of a shared building is a concern. The Fair Board intended to erect a replacement structure where the old structures were located. This could be problematic if it were shared with the County because accessibility by large county vehicles could be problematic. Engineer Pogodzinski noted that items being stored by the County may include many small items which are not on wheels and moving them out for fair time use of the building may be time consuming. Depending on the type of items/equipment stored in the building will determine whether it may be an aggregate floor or whether it needs to have concrete. The Fair would be required to use portable pens for hog and sheep confinement. It would take time to put up the pens and it would take time to remove them and perform cleaning after the Fair.

Discussion was held regarding the arrangement the Fair Board has for bus storage in the Krech Arena building. It was noted that the Fair Board may utilize the structure 3 times in addition to Fair time. If the Fair Board wants to utilize the facility at other times they are required to pay to have the busses removed.

Mr. Johnson indicated that the Fair Board would welcome the County's assistance in constructing a replacement hog and sheep building. He expressed concern that in the event the County chooses to construct a Highway Department Building at the site located near the school it is unlikely that a shared building would be efficient. He expressed concern that the Commissioners first determine which site they will be using for the project.

Commissioner Walter expressed appreciation for the discussion taking place. It would be beneficial to collaborate however, logistics are of concern. The current Highway Building location would allow for no further expansion and would require significant excavation. The site by the school has ample space for expansion however, its use would prevent further housing expansion in that area. Housing expansion would contribute to the local tax base. Mr. Johnson shared his opinion that the site by the school would be his preferred site for the proposed Highway Department Building. The Fair Board would prefer to erect a replacement hog and sheep building on the same location as those structures which were demolished. Again, this location isn't conducive to Highway Department Use because it is tucked in amongst structures which limit access by large vehicle.

Kendra VanGundy with the Fair Board noted that the fair facilities are used for 9 horse shows, various 4-H events for sheep, goats, and cattle. The buildings are utilized by organizations other than the Fair Board.

The Fair Board would like more information on how the County would utilize a shared building to determine whether a shared facility is feasible.

It was agreed that there is a need for further discussion. Craig Welsh expressed concern with the moving of stored items in and out and the cleaning following Fair use. He indicated that the odor of hogs would likely remain within a building long after the hogs were removed and the building cleaned. There are many things to consider. The Fair Board expressed willingness to continue discussions. It was reiterated that the logistics of a shared building are of concern.

Eldon Pohlman indicated that off season storage in Fair Buildings creates revenue for the Fair Board which is used for the maintenance of the buildings. If a shared building were erected it is possible that the County may cover the building expense while the Fair Board benefits from its use during the Fair. Mr. Pohlman indicated that the townships contribute to the Fair Board. That funding is used strictly on the grounds and is not used towards Fair entertainment

Commissioner Zmyewski expressed appreciation for the hard work of the Fair Board. Jeremy Johnson encouraged Commissioners to first determine where the County will erect the proposed Highway Department Building.

Jeremy Johnson stated that in the event the County expands the current Highway Department site into the Fair parking area, the Fair will suffer greatly. People need to be able to get on the grounds and have close parking. He stated that handicap parking has been increased each year for the past several years and is consistently full by 11:00 a.m. The Fair Board's greatest concern is parking. Main Street is full also. People attending the fair want onsite parking. Eldon Pohlman indicated that the Fair Board has approached Wiebke's about leasing a portion of cropland to provide for additional parking, however, they have been unable to negotiate an agreement. The Fair is cramped and continues to grow. Chairperson Schuldt expressed agreement that things grow, truck and equipment sizes get larger and inevitably the Highway Department will likely expand at some point also.

Jeremy Johnson reiterated his concern with the availability of on-site parking during the Fair. He stated that in the event the County expanded the current Highway Department location it would have a significant negative impact on the fair. Commissioner Zmyewski assured the Fair Board that the County will not be taking additional land from the Fair grounds. Duane Beckman indicated that in the event the County decides to erect the proposed Highway Department Building on the current site, it would be beneficial for both the County and Fair Board to discuss and consider a shared building.

Eldon Pohlman noted that the sheep building is in poor shape. The sheep and hog buildings were constructed in the 1920's and have served the fair well. There was always a problem with water runoff which fell between the structures. There are limitations to where water runoff may be directed without it swamping other structures on the fair grounds. The hog and sheep buildings couldn't be remodeled and with safety becoming a significant concern the hog building was demolished. In addition, the old pens prevent fair visitors from easily viewing the livestock. If the fair is able to erect a replacement building, pens for enjoyable animal viewing will be a priority.

Engineer Pogodzinski expressed concerns regarding a shared building and indicated that careful consideration should be given to the logistics. It will take time to move stored items in and out to allow for shared use. He expressed concern with the space available at the current Highway Department Building site. He indicated that there is a need for covered salt storage. The proposed Highway Department Building does not include basement space. The current building has basement space. Basement stored items will need to be housed in main level space in the proposed building. Engineer Pogodzinski expressed concern that in the event the proposed Highway Department Building is erected on the current site there is not adequate space to allow for future expansion.

Engineer Pogodzinski shared details of current shop, office and storage spaces and compared them with the proposed space in reflected in a recent proposal. He stated that there are areas which are required to meet code such as hallways and restroom facilities. These areas must comply with code and it is not an option to reduce them. Engineer Pogodzinski compared current meeting/break room space with proposed. He explained how the meeting/break room is utilized. While the accounting staff office space has increased slightly there is a need to provide space for several file cabinets accessed by this staff that are currently stored elsewhere. Having the files in the workspace of the staff will provide for greater efficiency. There is one office space which, at current staffing levels, will be unoccupied. However, this space will be utilized by the State Auditor and summer staff. Currently, the State Auditor and summer staff have workspace in the meeting/break room.

Engineer Pogodzinski showed the overall width and length of plow trucks over time reflecting how much these vehicles have increased in size. The bays within the proposed shop area provide for mandatory walkways and there is some additional space which could be utilized for storage. If the size of equipment continues to increase, the additional space could be exhausted within 15 years.

Commissioner Kjome questioned how much maintenance work is completed in the Highway Department's shop. He is aware that many electronic issues with vehicles are taken to outside repair shops. Engineer Pogodzinski responded that there are several pieces of diagnostic equipment required to diagnose computer related issues. It is not feasible for the Highway Department to invest in this equipment therefore, these repairs are taken to outside vendors. All regular maintenance of large equipment is performed in house. This includes but is not limited to general maintenance, welding, hose repair or replacement, replacement of brake pads, wipers and other general wear items. The County employs a single mechanic and he has so much large equipment maintenance work that he does not have time to perform general maintenance on the small equipment. The small equipment is taken to local repair shops for maintenance. Engineer Pogodzinski stated that while most counties employ a single mechanic there are a few which employ multiple mechanics. There are safety benefits to employing 2 mechanics. The proposed shop would provide adequate space for 2 mechanics to work out of. A single mechanic will likely utilize all of the proposed space. He may have a large, low priority project in one bay, a project requiring immediate repair in a second bay, the mechanics truck which houses all tools in the third and other highway staff may be utilizing the fourth bay for cutting edge replacement or welding. It may also have equipment the mechanic is preparing for the upcoming season. Cutting edge replacement for vehicles housed at satellite shops are typically performed at that site. They do not bring vehicles stored off site to Caledonia for minor repair. When asked how long a cutting edge lasts Engineer Pogodzinski responded it depends on the condition of the surface it's clearing. A single cutting edge used on class 1 aggregate may require replacement in as few as 4 hours.

Engineer Pogodzinski shared information from 2008 when the city reviewed the zoning application for the site located near the school. This is available for commissioner review.

Commissioner Storlie questioned where the Sheriff houses impounded vehicles. There is a storage building, however, the current proposal does not include any space for impound vehicle storage.

Commissioner Zmyewski wants to hear from the people from his district who he represents. He supports holding multiple public hearings that will allow time for public comment during evening hours. Motion was made by Commissioner Zmyewski and seconded by Commissioner Kjome to schedule a public hearing for the last Tuesday in May at 6:00 p.m. to discuss the proposed Highway Department Building. A roll call vote was taken: District 1 – no, District 2 – yes, District 3 – no, District 4 – no, District 5 yes. The motion failed.

Commissioner Storlie commended Engineer Pogodzinski for the information he provided. She suggested making the information available on the website. She stated that the public can provide input via e-mail, letter and/or phone calls to commissioners. This allows any member of the public to comment and does not limit it to only those in attendance at a public hearing. Commissioner Storlie expressed concern that there is a lot of information which should be discussed thoroughly. She expressed concern that a single meeting would not be adequate. Commissioner Zmyewski suggested that multiple public hearings could be scheduled. Commissioner Storlie shared her opinion that Engineer Pogodzinski's presentation the Board is available on the web for all county residents to view. Commissioner Zmyewski expressed concern that the regular Board meeting environment is controlled and shares only that information that the Board wants shared. He would prefer open dialogue with constituents where they are free to ask questions. He wants all discussion to be open and transparent. This could be accomplished by hosting a series of public hearings. He expressed concern that public hearings are viewed negatively. They were developed to encourage discussion and transparency and to be utilized as a tool to gather public input. Commissioner Zmyewski is aware of the distrust community members have in the Board who feel that commissioners are not listening. Commissioner Storlie supports further discussion similar to that being held today. She expressed her belief that members were voted on by constituents who trust them to perform the duties of the position. The Board is taking steps to gather information and perform research. The presentations reflect what the Board is considering and it is available for all constituents to view. Commissioner Storlie stated that commissioners are entrusted to do a job, department heads are entrusted to do a job. The department heads know what their job is and she is not supportive of micromanaging them. Engineer Pogodzinski provided an informative presentation. There is additional information which the Board needs to consider. Commissioner Walter shared that she is receiving many calls from individuals who have viewed the Board proceedings and followed it up with contacting her to provide suggestions or discuss concerns.

File No. 8 - County Attorney Jandt reported that the City of La Crescent has adopted a resolution declaring a house a hazardous structure. The County holds a secondary lien in the amount of \$1,577.00 on the property related to emergency assistance which was granted to the owner. The County has the option to enforce the lien. County Attorney Jandt explained that the

lien likely required action to remain enforceable. In the event the County was to take action to enforce the lien it would require the County to take ownership of and repair the property prior to selling the property to recover the lien/mortgaged amount. The amount of the lien is minimal therefore County Attorney Jandt recommended a letter to the City Attorney be drafted to indicate that the County would not pursue the enforcement of the lien which will allow the City to proceed with the process to clean up the property. It was the consensus of the Board to have County Attorney Jandt draft appropriate correspondence to the City of La Crescent Attorney to indicate the County would not pursue the enforcement of its lien.

File No. 9 - County Attorney Jandt requested a budget amendment to provide meal and lodging expense for a special prosecution team from Olmsted County. This prosecution team consists of 3 individuals who are prosecuting a complex case involving a former Houston County employee. The special team is providing this service gratis except for meal and lodging expenses. County Attorney offices within the region often assist one another when it is in the best interest of the county to have outside prosecution. County Attorney Jandt explained how he arrived and the estimated expense. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the budget amendment and to approve reimbursement for meals and lodging in an amount not to exceed \$2,100.00.

File No. 10 - Commissioner Kjome shared correspondence from a constituent which is on file.

Commissioner Storlie reported on a joint video conference with Fillmore County and the Commissioner of Public Health which she attended. She also reported on a housing forum and Bluff Country Housing Association meetings which she attended.

Chairperson Schuldt reported on a joint video conference with Fillmore County and the Commissioner of Public Health which he attended. .

Commissioner Zmyewski questioned how the Board wished to proceed regarding the concern of Mr. Auger. This is the first challenge related to the ordinance which has been in effect for over a year and would require a public hearing to amend. The ordinance protects young workers by removing the possibility that peers would pressure them to sell them tobacco products.

Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to place on file the following items from the consent agenda:

File No. 11 – Correspondence to payroll regarding recent changes

There being no further business and the time being 11:20 a.m., motion was made by Commissioner Walter seconded by Commissioner Storlie and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, May 5, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, May 5, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Bruce Kuehmichel; Gretchen Cook; Kelley Stanage; Betts Ready; County Attorney Jandt; Emergency Manager Kuhlers; HR Director Arrick-Kruger; Zoning Administrator Scanlan; Sheriff Inglett; Robin Tschumper; PHN Director Marchel; HS Director Bahr; Glenn Kruse

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the agenda.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the minutes of the April 28, 2015 meeting.

File No. 1 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$57,322.47
Road & Bridge Fund	6,143.84
	-----
Total	\$63,466.31
	=====

File No. 2 - Engineer Pogodzinski reported on a proposed agreement with Avfuel. By entering into the 5 year agreement, Houston County would be able to collaborate with Fillmore County to reduce costs. The vendor carries branded fuel, offers lower credit card processing fees, provides additional insurance, and offers testing supplies at reduced cost. Houston County would be obligated to purchase all aviation fuel from the vendor which is competitively priced. County Attorney Jandt stated the agreement is complex and provides significant power to the vendor. Therefore, MCIT has been asked to review the agreement in the hopes that they may be able to identify any powers the county may leverage.

File No. 3 - Engineer Pogodzinski reported on quotes received for crack filling. He recommended accepting the low quote submitted by Fahrner Asphalt who has performed work for the county in the past. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to accept the quote submitted by Fahrner Asphalt in the amount of \$1.69 routed or \$1.60 not-routed for blown clean, heat dried and filled with hot rubber with a 2" wide overband.

Engineer Pogodzinski reported that organizers of the Root River Triathlon event have contacted him to inquire about utilizing the electronic message boards for notification of the triathlon route which utilizes County 9, 21, and 25. He stated that the signs are not typically used for events and take 45 minutes per site, per sign to set up. He estimated the time to set up the message boards for this event would take between 3 and 4 hours. It would be a benefit to the residents. He questioned whether the Board would allow the use of the signs and if so, would they be placed as a courtesy or should a fee be charged. In the event a fee is to be charged, he questioned in what amount the fee should be. Commissioner Storlie stated that there are many events hosted throughout the county during the year. Allowing the use of the signs may set precedence. Commissioner Zmyewski stated that the described roadways have limited shoulders and use of the signs would provide a safety benefit. Commissioner Storlie shared that there are several bike events which take place along State 26 and in the La Crescent area which do not post signage. Bikes are permitted on State and local roadways. Engineer Pogodzinski reported that while the State 76 and County 9 intersection will be congested during the event, the County is not permitted to place the message board on State 76. Use of the signs would benefit safety and alert drivers of the activity which would allow them to take an alternate route. Commissioner Storlie questioned how often the boards are utilized by the Highway Department. Engineer Pogodzinski indicated that the message boards would be available for this particular event. The message boards are typically placed one week prior to the start of a project and will remain for approximately 2 weeks into the project before being removed. Chairperson Schuldt and Commissioner Zmyewski expressed agreement that, so long as the boards are available, they should be used to enhance public safety for the event. It was noted that the needs of the Highway Department's use of the message boards are priority. Discussion was held regarding any proposed fee for the use of the message boards. Engineer Pogodzinski stated that he would likely have the boards set up 2 days prior to the event and removed the Monday following the event. There are times when a \$20.00 event permit is required. Commissioner Walter expressed support that no additional fee be charged. It was agreed that Engineer Pogodzinski will draft an electronic message board policy for review and consideration by the Board.

File No. 4 - Recently, the Board approved the hire of two 67 day employees to assist in the Social Services Unit. One of the candidates did not meet State standards. On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to hire Jessie Zierden as a 67 day social worker at a rate of \$18.71 and conditioned upon the required background check. HS

Director Bahr stated that Ms. Zierden will graduate soon and has been interning in child protection. In addition, Ms. Zierden knows the SSIS system which is valuable.

HR Director Arrick-Kruger reported that Financial Services Supervisor Kohlmeyer meets all criteria to receive a mobile computing stipend. Financial Services Supervisor Kohlmeyer is on call, attends many meetings away from the office and is a critical member of the management team who is responsible to back up other team members as needed. Commissioner Zmyewski questioned whether the mobile computing stipend was established for department heads only. HR Director Arrick-Kruger responded that the criteria required in order to qualify for the stipend does not include being a department head. The criteria require that the recipient perform the bulk of their work away from their desk/workstation and/or that they are on call nights and weekends. Determinations were to be reviewed on a case by case basis. HS Director Bahr restated the importance of Ms. Kohlmeyer as part of the management team which requires her to be on call. Financial Services Supervisor Kohlmeyer meets these criteria. Discussion was held regarding mobile hot spots, sell phone and mobile computing stipends. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the mobile computing stipend for Karen Kohlmeyer.

HR Director Arrick-Kruger reported that Becker and Stemper will be working in the Historic Courthouse to install motion sensors for lighting. The quotes received for this project ranged between \$6,000.00 and \$20,000.00. The low quote was modified to better meet needs. Installation of the motion sensors will reduce the need for maintenance team overtime, reduce costs because lights will not be inadvertently left on and will increase safety. This project was budgeted for.

File No. 5 - Zoning Administrator Scanlan reported on a conditional use permit on behalf of Tim Davison. Mr. Davison is working with MN Dot to receive black dirt and fill from a road project taking place nearby. It is Mr. Davison intent to stockpile black dirt for later use and to widen an approach with the township road. An erosion control plan has been developed. On the recommendation of the Planning Commission, motion was made by Commissioner Kjome, seconded by Commissioner Walter and unanimously carried to approve the issuance of the following conditional use permit:

Tim Davison – Hokah Township - Substantial Land Alteration

File No. 6 - On the recommendation of the Planning Commission, motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the issuance of the following Zoning Permits:

Tom and Jill Diana – Sheldon Township - Build screened in porch (8' x 18')

Seth Hargrove – Houston Township - Build garage addition (13'4" x 32')

Curt Wagner – Crooked Creek Township - Build house (56' x 70')

Milford McKay – Yucatan Township - Build replacement shed (20' x 40')

Michael and Rhonda McManimon – Yucatan Township - Build cattle shed (30' x 120')

Brian Welscher – Caledonia Township - Replace and expand existing deck (14' x 26')

Eric Nelson – Caledonia Township - Build shop (60' x 70')

Shooting Star Native Seeds – Spring Grove Township - Build 4 bulk grain bins (24' diameter each)

Christine Humfeld – Mound Prairie Township - Build garage (28' x 32')

Leonard Splittstoesser – Black Hammer Township - Build addition on shed (16' x 30')

File No. 7 – Sheriff Inglett recommended approval of a Joint Powers Agreement with SE MN Violent Crime Enforcement Team, formerly known as South East Minnesota Narcotics and Gang Task Force (SEMNGTF). The county has entered into similar agreements in the past. This agreement will be reviewed by all 8 counties and 5 cities who are participating in the agreement. Commissioner Walter indicated that she has spoken with Sheriff Inglett regarding the agreement. Houston County has used the service provided for in the agreement over the past several years. Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the Joint Powers Agreement and adopt the following:

#### **RESOLUTION NO. 15-13**

BE IT RESOLVED that Houston County will enter into a Joint Powers Agreement with the SE MN VIOLENT CRIME ENFORCEMENT TEAM and will commit their support of \$6,000 each year of the contract (JPA). The term of this Agreement shall be for three years, commencing January 1, 2015 and terminating January 1, 2018, unless terminated earlier pursuant to section 5.7(c) of this Agreement. Sheriff Mark Inglett is hereby authorized to execute such agreements and amendments, as are necessary to implement the project on behalf of Houston County.

File No. 8 – Sheriff Inglett reported that in addition to the State Boat Grant, there is also a Federal Boating Safety Patrol Supplement Grant Agreement. The Federal Grant provides for an additional \$5,000.00 to support the boat patrol. Motion was made by Commissioner Storlie,

seconded by Commissioner Kjome and unanimously carried to approve the Federal Grant and authorize the signature of Chairperson Schuldt and Auditor Meiners.

File No. 9 - Sheriff Inglett solicited quotes to outfit the new K9 unit. Quotes were received from two vendors. Code 4, located in Pelican Rapids, submitted a quote in the amount of \$9,668.47. Whitewater Wireless, Inc. submitted a quote in the amount of \$10,702.54. Sheriff Inglett reviewed Code 4, a nationwide vendor, through their website which provided references. Code 4 guarantees the quality of workmanship and will dispatch a technician within 48 hours to correct any workmanship related defect. Sheriff Inglett stated that the K9 program received a donation in the amount of \$5,000.00 a portion of which will be utilized to outfit the K9 vehicle. Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to accept the quote submitted by Code 4 in the amount of \$9,668.47. Sheriff Inglett reported that it will be necessary to deliver the trade in vehicle to the dealership who will remove any transferrable equipment which will be used in the new vehicle.

Commissioner Walter shared information gathered from discussions held with former Houston County Commissioners and other members of the public related to the placement of a proposed Highway Department Building. In the past there has been a desire to relocate the Highway Department Building so that heavy truck traffic would not be routed through residential neighborhoods, select a site with expansion opportunities, consideration has been given to allowing the current site to be utilized for fair parking in the event it was vacated, and MPCA expressed concerns with pollution and runoff at the current site. Commissioner Walter stated that it is her understanding that there was a citizens group involved with discussions regarding the proposed Highway Department Building in the past. Past Boards studied the options, money has been saved and there is a need to look to the future. Motion was made by Commissioner Walter, seconded by Commissioner Storlie to select the State 76 property as the site for the proposed Highway Department Building. Commissioner Zmyewski expressed a strong desire to hold a public hearing to gather public input. He cautioned taking action based on the advice of former commissioners because those are the individuals who approved the County going into debt \$27 million. A roll call vote was taken: District 1 – yes, District 2 – no, District 3 – yes, District 4 – yes, District 5 – no, the motion carried.

Commissioner Walter restated that she took time to speak with many individuals including former commissioners. Commissioner Kjome indicated that his constituents do not share the same sentiment.

It was agreed that there is a need to learn what steps are necessary to remove the Historic Jail from the National Register.

Commissioner Kjome reported on a One Watershed, One Plan meeting held in Preston which he attended.

Commissioner Walter reported on a Family Collaborative meeting which she attended.

Commissioner Zmyewski reported on the Department Head meeting which he attended last week. He also questioned why Environmental Services Director Frank has not been scheduled to provide the presentation he was instructed to prepare.

Commissioner Storlie reported on a Public Health meeting she attended to discuss the bird flu epidemic. It was noted that Fillmore, Houston and Winona counties have not been affected and there is no risk to public health. The epidemic is having an economic impact. She also reported on Department Head and SELCO Board meetings which she attended recently.

Chairperson Schuldt reported on the Eitzen City Board of Appeal and Equalization meeting which he attended.

Commissioner Storlie and Walter expressed a need to meet with CEDA following a recently received billing from the organization. It was agreed that an appointment with CEDA would be scheduled for the next board meeting.

File No. 10 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the Ground Lease Agreement with Sandra Christopher for Lot #7.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Storlie and unanimously carried to place on file the following items from the consent agenda:

File No. 11 – Correspondence to payroll regarding recent changes

File No. 12 – Correspondence to Hank Koch regarding tons delivered to Xcel

File No. 13 – Correspondence to Kelsey Connor in appreciation of service

There being no further business and the time being 9:54 a.m., motion was made by Commissioner Walter seconded by Commissioner Zmyewski and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, May 12, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, May 12, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Engineer Pogodzinski; HR Director Arrick-Kruger; Finance Director Lapham; County Attorney Jandt; Jack Miller; Robin Tschumper; Ken Tschumper; Bruce Kuehmichel; Donna Buckbee; Bets Reedy; Kelley Stanage; Yvonne Krogstad; Gretchen Cook; Bryan VanGorp; HS Director Bahr; Luke Sass; Vern Fructe; Jeremy Chipps, Environmental Services Director Frank; Environmental Services Clerk Amundson; Deputy Sheriff Swedberg

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Zmyewski to amend the agenda to remove discussion item #5 and not to include an appointment for Environmental Services Director Frank to make a presentation. The motion failed for lack of a second.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and carried with Commissioner Zmyewski voting in the negative to amend the agenda to include an appointment for Environmental Services Director Frank.

Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the minutes of the May 5, 2015 meeting.

File No. 1 - Motion was made by Commissioner Kjome, seconded by Commissioner Zmyewski and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$47,642.83
Road & Bridge Fund	20,495.61
	-----
Total	\$68,138.44
	=====

Bets Reedy, Money Creek Township resident, submitted a copy of a resolution adopted by the Money Creek Town Board which is on file in the consent items.

Jack Miller, La Crescent City resident, questioned why the Board would have selected the site by the Caledonia School for the proposed Highway Department Building. The trucks will increase the amount of noise in the area. The land by the school is prime and should not be removed from the tax rolls. He stated that Dennis Gavin operates nearly 200 hundred trucks and maintains them with a much smaller shop that is proposed for the 12 county trucks. Mr. Miller expressed concern with the lack of maintenance performed on the current Highway Department Building over time and suggested that the building would be adequate to meet needs if an addition were to be built on. He indicated that Mr. Gavin doesn't keep vehicles inside because he needs to make money and can't go to the taxpayers to cover the expense. He stated that the taxpayer is currently strapped with the Justice Center which was overbuilt. He expressed disapproval of the two minute public speaking policy.

Ken Tschumper, La Crescent Township resident, shared his opinion that many people were caught off guard by the decision to select the site by the school for the proposed Highway Department Building. He expressed concern that petroleum storage tanks have been removed from the current Highway Department site and clean up may be required. He encouraged the Board to examine any potential clean up and remediation costs before building on the land near the school. He suggested the County consider purchasing additional land to the west of the current location and selling the land located near the school.

Bryan VanGorp, Yucatan Township resident, admonished the Board for its handling of non-conforming mines and accused them of acting improperly. He shared his opinion that staff has a conflict and has been taking action to cover up previous inadequacies with performance. He stated that there would be no grievances if the law were followed.

Kelley Stanage, Houston Township resident, provided information from a recent EDA meeting. She stated that Matt Schuldt commented how the Historic Jail is not attractive to outside buyers due to the lack of parking. It was suggested to repurpose the building for use by the offices currently housed at the County Community Services Building and selling the County Community Services Building since it is a prime commercial location with adequate parking. Ms. Stanage shared her opinion that the proposed Highway Department Building is overly fancy and much too large. She questioned why Commissioner Walter did not contact Jack Miller, former Houston County Board Chair, for his opinion regarding the proposed building project.

Engineer Pogodzinski rescheduled acceptance of aggregate stockpile and equipment rental quotes until the next scheduled Board meeting.

File No. 2 - Engineer Pogodzinski recommended approval of an amendment to MN DOT agreement for airport maintenance and operations. He reported that the amendment increases the reimbursement rate to 75% of eligible expenses up to a maximum of \$23,910.00. The original

agreement provided for reimbursement of 2/3 of eligible expenses up to a maximum of \$16,190.00. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to accept Amendment #2 to MnDOT Grant Agreement #03887.

File No. 3 - Engineer Pogodzinski reported that the Avfuel agreement has been reviewed by County Attorney Jandt, MCIT and himself. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the agreement with Avfuel.

File No. 4 - HR Director Arrick-Kruger recommended the hire of a 100 day temporary employee. Typically temporary positions are held to 67 days however, in the case of students who are receiving internship credit, 100 days is allowed. The position will be shared between the Highway Department and the Surveyor's Office. Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and carried with Commissioner Walter abstaining from the vote to hire Sean Connor as a 100 day temporary worker at a rate of \$11.85 per hour effective May 14, 2015. Mr. Connor is a student at Winona State.

HR Director Arrick-Kruger recommended hiring Haleigh Johnson for the position of mental health social worker. She reported that the applicant pool was small yet solid. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to hire Haleigh Johnson at \$18.71 per hour effective May 15, 2015. HS Director Bahr stated that Ms. Johnson is a recent graduate of Viterbo University and comes with extensive exposure to emotional issues as a result of an internship at Gunderson Lutheran.

Following discussion, motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the assignment of Pat Burns to comparable worth band B-25 effective retroactive to February 13, 2015.

HR Director Arrick-Kruger was pleased to report that she is awaiting final signatures on the collective bargaining agreement with the jailer/dispatchers unit and that the collective bargaining unit for the deputies is in effect. She hopes to hear from remaining units soon.

Finance Director Lapham provided her monthly financial update. She indicated that county revenues are in line with expectations. The salary adjustments negotiated for 2015 have not been incorporated into the budget. She noted that the budget included a 0% salary increase and the negotiated increases will have an impact. She reported that there will be a need to amend line items within the jail budget. The nurse costs will be greater than projected under a new contract while expenses will be lower.

Commissioner Zmyewski recently spoke with a representative from Market and Johnson. He questioned whether the Board would like to schedule a presentation to learn more about services which Market and Johnson provides. Commissioner Zmyewski indicated that with regard to the proposed Highway Department Project the county has options related to project

management. The County could hire a project manager or utilize the services of a general contractor. The fee schedules for services vary. It was agreed that Auditor Meiners would schedule an appointment for the Market and Johnson representative to make a presentation to the Board. It was agreed that other vendors offering similar services would also be allowed to make an appointment.

Commissioner Kjome stated that the Roverud Building is on the market again. He has been hearing from constituents that they would like the board to reconsider this as an option. Commissioner Kjome commented that when the County originally bid on the property he was unaware of the reserves which are available to cover the cost of a Highway Department Building. The Roverud Building site is contiguous with the Highway satellite property. Commissioner Walter indicated that an appraisal for that building was completed. Commissioner Kjome supports the consideration and evaluation of all available options regarding a Highway Department Building. Chairperson Schuldt suggested Commissioner Kjome meet with Engineer Pogodzinski regarding the Roverud Building.

Auditor Meiners reported that she has tried on several occasions to contact the Minnesota Historical Society to learn the steps to remove the Historic Jail from the Historic Register. She has made attempts via phone and e-mail. She has not received any response to date and will continue to try to make contact.

Commissioner Storlie reported on an EDA meeting which she attended last week.

Commissioner Zmyewski reported that he has received much public inquiry related to recent decisions made by the Board. He reminded fellow Board members to be cognizant of the policies they have established and encouraged them to adhere to them. Policies have been developed to provide structure and he wants the Board to remain consistent.

Commissioner Kjome reported on EDA, SE MN Water Resources Board meetings which he has recently attended.

Commissioner Schuldt reported on a Semcac meeting which he attended last week. He has also met with constituents and attended a Caledonia City Council meeting. He has been fielding many questions regarding the proposed Highway Department Building. He suggested establishing a citizen committee which Commissioner Zmyewski expressed support for. Chairperson Schuldt provided names of some individuals who the Board may want to consider appointing to the committee. He indicated that he will discuss this further and present a list of individuals willing to serve on the committee. Anyone interested in participating should contact Chairperson Schuldt for consideration. He would like to include Dennis Gavin and Andy Allen, a representative from the school, one from the city council and perhaps another individual living in close proximity to the proposed site.

File No. 5 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the La Crescent Snowmobile Club Maintenance and Grooming application and to adopt the following resolution:

**RESOLUTION NO. 15-14**

BE IT RESOLVED By the Board of County Commissioners, Houston County, Minnesota, that it approves the Maintenance and Grooming application of the La Crescent Snowmobile Club and authorizes the Board Chairperson to sign an agreement with the Department of Natural Resources.

File No. 6 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the Viking Ridge Riders Snowmobile Club Maintenance and Grooming application and to adopt the following resolution:

**RESOLUTION NO. 15-15**

BE IT RESOLVED By the Board of County Commissioners, Houston County, Minnesota, that it approves the Maintenance and Grooming application of the Viking Ridge Riders Snowmobile Club and authorizes the Board Chairperson to sign an agreement with the Department of Natural Resources.

File No. 7 – Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and carried with Commissioner Storlie abstaining to approve the gambling permit for ABLE Foundation Inc.

File No. 8 - Auditor Meiners provided a summary of auctioneering service options. She stated the county benefits the most from soliciting quotes from local auctioneers to hold a live auction for surplus county property. While offering items online may attract a larger pool of bidders, online auction service providers take a larger percentage of the proceeds. It was agreed to solicit quotes to hold a live auction the Wednesday of fair week.

File No. 9 – At this time Environmental Services Director Frank presented a PowerPoint to showcase the multitude of responsibilities managed by his office.

At the conclusion of the presentation, Commissioner Zmyewski questioned whether Environmental Services Director Frank would be in during the next scheduled Board meeting to address how his department will go about restoring public trust in his department. Environmental Services Director Frank indicated that the presentation today explains the regulatory duties of his office. He stated that due to the regulatory nature of his office, it is likely that not everyone will be pleased with the job performed by his office. Environmental Services Director Frank stated that mandates related to water, feedlots, wetlands, solid waste and zoning are working and result in less degradation. He expressed confidence that the public will understand how the programs

implemented by and mandates and regulations enforced by the office contribute to the public's wellbeing. Commissioner Zmyewski expressed concern that Mr. Frank was skirting the question. Environmental Services Director Frank stated that as a result of successfully implemented programs and by exceeding state minimum requirements the department is protecting the environment and residents. Environmental Services Director Frank expressed belief that the public understands how the work performed in his office protects the environment and their well being. His office is responsible to implement the programs which provide the protections.

Commissioner Zmyewski questioned how a member of the public may perceive the denial of a permit. He suggested that someone may feel that the application was denied based on the individual's political views. Environmental Services Director Frank responded that in the event an individual were concerned, there is a process in place that the individual may appeal any decision made by his office. The process ensures that everyone is treated the same. The Environmental Services Office is charged with administering ordinances. The ordinances are not all inclusive of the possible scenarios, and not everything is spelled out or black and white. There is an appeal process to appeal any decision. This process has been available to applicants/landowners for a long time.

Commissioner Zmyewski indicated that an investigation resulted in findings which indicated retaliatory actions. He questioned how Environmental Services Director Frank would restore trust. Environmental Services Director Frank reiterated that there is a process by which any decision may be appealed. He indicated in his presentation that he would like to budget for additional staff training. His office and staff have satisfied the requirements set forth by the Board and he considers the matter history and the office and staff is moving forward. Environmental Services Director Frank indicated that coaching was a requirement which he participated in with staff. He admitted this was a good and beneficial experience. He and staff learned from it and are moving forward. He admitted that past actions cannot be taken back. However, learning has taken place. Environmental Services Director Frank monitors concerns more closely, he wants to be made aware of issues so that he may monitor response to prevent any situation from getting out of hand. He stated that his phone number is in the book and his door is always open.

Commissioner Zmyewski stated that several complaints have been received and questioned how they would be dealt with. He questioned how the concerns would be dealt with internally before they became big issues. Environmental Services Director stated that he needs to be informed of concerns. He has received complaints and personally reviewed the findings. While he may have done something differently, the end result was the same. The duties of the office keep staff balancing along a fine line surrounded by grey area. When there is disagreement and enforcement issues, legal counsel will question motive, regulation and will require justification from the Environmental Services Office related to action taken.

Commissioner Zmyewski noted that the presentation claims the office promotes public health and welfare and questioned whether the office has been open to public health concerns.

Environmental Services Director Frank noted that each individual has a unique opinion on how to proceed or what should be done. Not everyone will agree. Everyone has a desire that decisions will benefit Houston County as a whole. Not everyone will be satisfied with any plan. It is the responsibility of his office to use science and facts to move forward in the best interest of the county. The office strives to conduct itself in this manner, and in the event an error is made, it works to rectify it.

Discussion was held regarding a specific structure and instances where structures were required to be removed. Commissioner Zmyewski questioned why action wasn't being taken more quickly related to a specific example provided by him. Environmental Services Director Frank indicated that the investigation into the matter was ongoing. He stated that the office has constraints which make documenting various proofs difficult and the office needs to provide facts in order to build a strong case. The office wants to ensure that if the matter goes to court they are successful.

File No. 10 - Discussion was held regarding a letter which will be sent to all landowners of mines registered in 1972. The letter provides various options available to landowners related to the mines. The process will provide the county with a clear picture of which mines are active and which are not. The process will take time. Commissioner Zmyewski questioned whether the process can be expected to be completed within 6 months. The letters are being sent out by township where registered mines are located. It will take time to receive responses and to move forward according to the response received. This process will take more than six months to complete. Many of the legal descriptions provided when mines were registered in 1972 have been split off and sold. The process requires that each landowner holding title to land described in 1972 be notified. To date, landowners of mines located within four of the counties 17 townships have been notified. The process of notification is high on the priority list of the department. Commissioner Zmyewski requested the listing of all mines registered in 1972. Commissioner Zmyewski questioned how Minnesota Statue, which states mines shall submit reclamation plans within 5 years, should be interpreted. The five year period has long been expired. Environmental Services Director Frank cautioned that statuses cannot be removed simply because a reclamation plan was not submitted. County Attorney Jandt stated that landowners have property rights. If the county removes a right it must ensure that the landowner has been offered due process. The landowners need to be made aware that they may have a right. Once notified, landowners may need to consult with legal counsel. County Attorney Jandt indicated that it may be possible to lose a right in the event one fails to assert their right. He advised that a minimum of two notices be sent. He suggested that the process to assert any right be made as easy as possible and suggested that the process include any written response requirement, and include a postage pre-paid self-addressed envelope for response. The reason for this is so that the individual could not complain at a later date that they were denied due process. Following the process it may be possible to get to a point where rights could be extinguished. It may also be part of the process to have law enforcement serve any non-responders to ensure there are no claims. The goal of the process is for the county to know which mines are active and which are not, and to ensure that the goal is achieved as the result of proper procedure. It is

unknown how long this process will take because the process is evolving. The process is being developed based on the responses received or not received.

Commissioner Zmyewski asked again how the department is restoring the public's trust. Environmental Services Director Frank stated that his office treats each individual the same. There are many public services offered by the department which the department has a history of delivering well. He encouraged open communication. The office strives to meet its responsibility to the taxpayers. Environmental Services Director stated that there will always be issues which require adaptation and change.

Commissioner Zmyewski commended the Environmental Services Department on the job it does with regard to solid waste.

Robin Tschumper questioned how the public can be assured that zoning ordinances are being enforced. Environmental Services Director Frank stated that complaints and response are matters of public record and any member of the public is welcome to review and/or request and purchase a copy.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to place on file the following items from the consent agenda:

File No. 11 – Correspondence to payroll regarding recent changes

File No. 12 – Minutes from April HRA meeting

File No. 13 – SMIF 2016 Appropriations request

File No. 14 – CEDA Annual Report 2014

File No. 15 – Resolution from Money Creek Township supporting a ban on frac sand mining

There being no further business and the time being 11:28 a.m., motion was made by Commissioner Walter seconded by Commissioner Storlie and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, May 19, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, May 19, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; County Attorney Jandt; Engineer Pogodzinski; PHN Director Marchel; HS Director Bahr; Financial Services Supervisor Kohlmeyer; Sheriff Inglett; Bryan VanGorp; Glenn Kruse; Luke Sass; Robin Tschumper; Bets Reedy; Donna Buckbee; Michael Fields; Bruce Kuehmichel; Yvonne Krogstad; Josh Gran; Pete Peterson; Heather Myhre; Debbie Wray; Sam Whitehead

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the agenda.

Motion was made by Commissioner Kjome, seconded by Commissioner Zmyewski and unanimously carried to approve the minutes of the May 12, 2015 meeting.

File No. 1 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$51,378.25
Road & Bridge Fund	168,615.95
	-----
Total	\$219,994.20
	=====

Donna Buckbee, Yucatan Township resident, shared her opinion that the Environmental Services Department would improve public trust if it completed the EAW for the Erickson Mine. She indicated that this was set aside when an EIS was ordered by the State. The mine owner severed ties with Minnesota Sands which resulted in exempting the mine from inclusion on the EIS. She expressed her opinion that the EAW was a directive and should be completed.

Bruce Kuehmichel, Caledonia City resident, stated that the Historic Jail and Historic Courthouse appear on the National Register as a single entry. He shared his understanding that and EAW would be required prior to any demolition. Demolition of the Historic Jail may impact the status of the Historic Courthouse and its eligibility to remain on the National Register. In the event the Historic Courthouse was removed from the registry, the structure would no longer be eligible to receive Legacy grant funding or capital bond funds.

Bryan VanGorp, Yucatan Township resident, shared his opinion that Environmental Services Director Frank attempted to ignore the issue when making a recent presentation to the Board. Mr. VanGorp shared his opinion that the majority of mines located in Houston County are out of compliance and have been for at least 17 years. He indicated that the Board has been made aware of citizen concerns in this regard repeatedly in recent years. He expressed his opinion that the letter being sent to the record owners of mines isn't worth the paper it's written on as it fails to list a deadline or have consequences. He expressed disagreement that the removal of rights cannot result from inaction stating that he would lose his right to practice veterinary medicine in the event he did not obtain required CEU's and report them.

Michael Fields, Winnebago Township resident, shared his opinion that a recent departmental presentation failed to outline any means of correcting shortcomings. He shared his understanding that no mine is exempt from regulation and suggested that Board members review a video posted on the Sandpoint Times website in this regard. In closing, he commented how both Bryan VanGorp and he have been victimized by the processes implemented by the Environmental Services Department.

File No. 2 – Engineer Pogodzinski reported on quotes received for stockpile aggregate. Quotes are solicited annually and typically the Board accepts all quotes. This allows the Highway Department to utilize the nearest quarry with the lowest price taking into consideration transportation costs. The stockpile aggregate quotes are used when completing small projects. For larger projects, bids or quotes are prepared. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to accept all quotes for stockpiles.

File No. 3 – Engineer Pogodzinski reported on quotes received for equipment rental. These are utilized for small projects if there is a need and also in times of emergency/disaster. The practice of soliciting quotes for equipment rental started following the 2007 flood and on the recommendation of FEMA. In emergency instances, if the County has numbers already solicited work may commence. If they do not, they must first solicit the quotes. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to accept all quotes for equipment rental.

File No. 4 – Engineer Pogodzinski reported on a single bid submitted for C.P. 2015-03 Shouldering Aggregate. The bid came in at 11.44% over the engineer's estimate. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to

accept the bid provided by Bruening Rock Products, Inc. in the amount of \$177,814.25 for C.P. 2015-03.

Engineer Pogodzinski reported that County 3 near Brownsville is being paved today.

HS Director Bahr introduced Kelly Rohland, case aide for social workers, Haleigh Johnson, children's mental health social worker, and Joann Curley, financial services case aide and front desk reception.

HS Director Bahr reported that her department has been awarded a child friendly grant in the amount of \$12,500.00. This will allow for the purchase of new furniture and video equipment for the family friendly room.

HS Director Bahr reported that there were versions of bills passed on both the house and senate floors late last night which will impact her department. She stated that a DHS child fatality/near fatality review team was established and required. The purpose of the team would be to conduct on site process reviews. HS Director Bahr was pleased to report that Houston County ranked #1 in Minnesota for screening child protection reports. Often times, rankings are utilized when awarding funding. While it has been a process in Houston County to screen utilizing team members representing various HS areas of expertise, this is not the case across the State. The legislation appears to be encouraging this type of assessment. Houston County has benefitted from the cross training benefits of this in addition to the child protection it provides. The legislation provides for a minimum of \$75,000.00 per county. HS Director Bahr will wait for more detailed information regarding what strings are attached to this funding. Her current understanding is that the funding may not be utilized to supplant current staff and procedures and should be used for increased staff and/or expanded services. She reported that there was a time when the county employed 4 child protection workers who were supported by 2 case aides. With the recent addition of a case aide staffing is currently at 3 child protection workers supported by the single recent hire. She has monitored comp and overtime which justify the addition of staff. Hiring additional staff would reduce liability and improve staff moral.

HS Director Bahr indicated that legislation may also impact worker supervision ratios.

Financial Services Supervisor Kohlmeyer stated that changes to programs are explained in bulletins. New staff has been busy with training. Currently there are 744 MN Sure cases shared between 2 workers. There are in excess of 1,100 cases for cash and food assistance and the old health care program. This equates out to approximately 242 cases per worker which is in line with State recommendations.

Financial Services Supervisor Kohlmeyer stated that there continue to be challenges with MN Sure. She is pleased that only two workers deal with the system and its continually changing processes. Tracking for the system is cumbersome. While improvements have been made, the system continues to work rather inefficiently.

Child support cases have decreased slightly however, Financial Services Supervisor Kohlmeyer cautioned that this decline is a reflection that certain cases previously handled as child support cases are now managed in MN Sure. It may be a simple redistribution and not a decline per say. When asked by Chairperson Schuldt whether there were improvements with MN Sure, Financial Services Supervisor Kohlmeyer stated that while there have been improvements the system continues to remain cumbersome. It is the system the department is required to work with, therefore, staff works through the issues.

File No. 5 - PHN Director Marchel reported that interviews for the summer paid internship have been completed. She recommended hiring Christina Smith, a Viterbo student who just completed her junior year. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to hire Christina Smith as a 67 day employee at a rate of \$11.85 per hour for the summer internship position in Public Health. PHN Director Marchel commented on what a great asset Ms. Smith will be with her good energy and motivation.

File No. 6 - Health Educator Myhre reported that she is working with the Sheriff's Office to make application for a Toward Zero Death grant. She indicated that this is a grant which provides funding on an annual basis and is to be utilized to address traffic safety related issues. The application for \$11,000.00 is due next Friday. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to adopt the following:

#### **RESOLUTION NO. 15-16**

BE IT RESOLVED that Houston County Public Health enter into a grant agreement with the Minnesota Department of Public Safety, for traffic safety projects during the period from October 1, 2015 through September 30, 2016.

The Public Health Director is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the Houston County Public Health and to be the fiscal agent and administer the grant.

File No. 7 - PHN Director Marchel provided information about an upcoming "Sex Trafficking – No longer Just a Big City Issue" presentation. This is a collaborative effort being provided to educate the public and provide for professional development of those working with victims and perpetrators. She shared flyers which may be posted.

Debbie Wray, representing the Preservation Alliance met with the Board. She shared that the Preservation Alliance is a group of citizens interested in Houston County History and the preservation that history. The group has been organized with the help of the Preservation Alliance of Minnesota which also works to protect and preserve old buildings in Minnesota and recently began additional outreach into Greater Minnesota. She provided information about an

event scheduled for Saturday, June 20<sup>th</sup>, which will feature a car show, chicken que, and historic walking tour that will end at the Historic Jail. The goal of the group is to save the jail. The Preservation Alliance would like to work with the County in order to find a beneficial use for the Historic Jail.

Discussion was held regarding grants available through SMIF for the completion of murals.

Sheriff Inglett provided information regarding staff and scheduling to cover peak times of the boat patrol. He stated that he desires to book the most hours for the boat patrol during weekends. He requested authorization to hire 2 additional 67 day employees. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to hire Ben Strandahl and Zach Swedberg as 67 day employees to assist with boat patrol.

It was agreed that Auditor Meiners would schedule a meeting with the Minnesota Historical Society to discuss the process to remove the Historic Jail from the National Register.

Chairperson Schuldt reported that he has individuals in mind to serve on a committee to discuss and advise regarding the proposed Highway Department Building project. He would like to have a couple of more candidates prior to discussing and making appointments. He will bring this back to the Board for discussion.

File No. 8 - Auditor Meiners reported on a request for a tax abatement for William and Jennifer Garbers due to incorrect valuation. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the 2015 tax abatement on parcel #25.0850.000 in the amount of \$218.00.

It was agreed that Commissioner Kjome will gather information related to the Roverud Building as a possible option for the Highway Department.

Commissioner Storlie reported on a CJC meeting which she recently attended.

Commissioner Zmyewski provided information related to a Black River Falls, Wisconsin/Jackson County meeting between townships and representatives from the oil industry where a topic of discussion is focusing on what is being done Houston County, Minnesota. Commissioner Zmyewski questioned the group whether they had interviewed anyone or if they would like a representative from Houston County present and they declined. He questioned how the group could present information of which they have no knowledge.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to place on file the following items from the consent agenda:

File No. 9 – Information related to the possible removal of the Historic Jail from the National Registry

File No. 10 - Correspondence to payroll regarding recent hires and changes

File No. 11 - Correspondence to government units regarding County Auction

File No. 12 - Correspondence to H. Koch regarding tons delivered to Xcel

File No. 13 - Correspondence from MN Department of Human Services regarding single audit findings

There being no further business and the time being 9:52 a.m., motion was made by Commissioner Storlie seconded by Commissioner Walter and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, May 26, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, May 26, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Reporters Olson and Moorhead; Glenn Kruse; Robin Tschumper; Ken Tschumper; Bets Reedy; Yvonne Krogstad; Michael Kruckow; Tony Szak & Jason Plante – Market & Johnson; Jeremy Chipps; Engineer Pogodzinski

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the agenda as amended.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the minutes of the May 19, 2015 meeting.

File No. 1 - Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$43,674.53
Road & Bridge Fund	1,131.28
	-----
Total	\$44,805.81
	=====

Ed Walsh, rural La Crescent, indicated that last week he inadvertently sent an e-mail to the entire county board that was intended only as a response to Bruce Kuehmichel. He stated that he would like to deeply and sincerely apologize for inadvertently sending it to the commissioners. He also apologized to Mr. Michael Kruckow in this regard.

File No. 2 - At this time Tony Szak & Jason Plante, representing Market & Johnson, met with the Board to explain the difference in utilizing a construction manager versus a general contractor for the oversight on a building project such as the proposed Highway Department facility. Mr. Szak indicated that the county would go through an RFP process in order to hire a

construction manager. He further indicated that his firm, in the capacity of construction manager, would work with the architect to come up with savings. Mr. Plante stated that companies, whether public or private, often have a problem balancing wants and needs with costs. The construction manager looks at options from a construction standpoint as opposed to the architect who looks at options from a design standpoint. Also, by utilizing a construction manager, the bidding process would be broken down so that small local contractors could be competitive in the bid process. He indicated that the construction manager's fee would be based on a percentage of the final project cost.

At this time EDA Director Sam Whitehead met with the Board to provide an update on the projects the EDA is currently working on. He indicated that they are updating the Houston County visitor's brochure. They are also revising the revolving loan policies to ensure consistency. Houston City recently contracted with CEDA for a business retention/expansion survey and Mr. Whitehead indicated that he is involved with that process. They are also working on two business projects, one in Caledonia and one in Houston, as well as a legacy funding grant to expand the Root River bike trail throughout Houston County.

Brief discussion was held regarding grants for Wildcat Park funding. Mr. Whitehead indicated we were informed following last year's round of grants that we would have a better chance of receiving funding if the various area grants submitted last year should be combined into one larger project for the region.

Chairperson Schuldt stated that he was impressed by the presentation from Market and Johnson. He felt utilizing a construction manager was a good option. He reported on a project the City of Eitzen undertook which would have been easier if they had someone like this involved with the knowledge and expertise to guide them through the complex situations which came up.

Chairperson Schuldt reported that he is still in the process of setting up a committee to look at Highway Department building options. He indicated that Dennis Gavin is a very busy businessman and he has been having difficulty getting in contact with him. However, he felt that Mr. Gavin's input would be very valuable.

File No. 3 – Commissioner Kjome reported that he contacted the realtor involved with the former Roverud building. He felt it would make a good maintenance building.

Commissioner Storlie reported on a leadership training which she attended last Wednesday. This training consists of a series of meetings and is sponsored by DHS.

File No. 4 – Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the issuance of the following liquor licenses:

#### LIQUOR LICENSES, WINE AND STRONG BEER

Rushford Golf Club, Inc. dba Ferndale Country Club with Deck  
Amanda's Back Forty, LLC dba Amanda's Back Forty  
Reed MCG, LLC dba Ma Cal Grove Country Club  
Valley High Golf, Inc. dba Valley High Golf Club  
Denstad Enterprises, Inc. dba Shellhorn Roadhouse  
City of La Crescent dba Pine Creek Golf Course (Wine & Strong Beer)

ON SALE BEER LICENSES

City of La Crescent dba Pine Creek Golf Course  
Lawrence Lake Marina LLC dba Lawrence Lake Marina  
Gopher State Sportsmans Club  
La Crescent Snowmobile Club

OFF SALE BEER LICENSES

City of La Crescent dba Pine Creek Golf Course  
Lawrence Lake Marina LLC dba Lawrence Lake Marina  
Houston Food Mart  
La Crescent Snowmobile Club

File No. 5 – Auditor Meiners reported on an application for abatement on behalf of Joel L. & Jelaine L. Merchlewitz for Parcel 21.0840.000 in the amount of \$760.00 for taxes payable 2015 because the property is in a state of disrepair and was overvalued. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the same.

File No. 6 – Auditor Meiners reported on an application for abatement on behalf of Daniel J. and Roxanne K. Schleich, Parcel 12.0221.001, in the amount of \$2,438.00 for taxes payable 2015 because the property was incorrectly classified as ag non-homestead. Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the same.

File No. 7 - Auditor Meiners reported on an application for abatement on behalf of Timothy and Dana Gunn, Parcel 21.0293.000, in the amount of \$450.00 for taxes payable 2015 because the property was incorrectly classified as non-homestead. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the same.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to recess the meeting until 10:15 a.m.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to reconvene.

File No. 8 - At this time the Board met with Bob Goede, MCIT. Mr. Goede provided an update with regard to property/casualty insurance coverage.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to place on file the following items from the consent agenda:

File No. 9 – Correspondence to payroll regarding recent hires

There being no further business and the time being 11:04 a.m., motion was made by Commissioner Zmyewski seconded by Commissioner Storlie and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, June 2, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, June 2, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Bryan VanGorp; Sheriff Inglett; PHN Director Marchel; HS Director Bahr; Carson Cofield; Finance Director Lapham; Environmental Services Director Frank; HR Director Arrick-Kruger

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the agenda.

Motion was made by Commissioner Kjome, seconded by Commissioner Walter and unanimously carried to approve the minutes of the May 26, 2015 meeting.

File No. 1 - Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$20,803.45
Road & Bridge Fund	184,863.69
	-----
Total	\$205,667.14
	=====

Bryan VanGorp stated that discrimination against those who speak out against the board has been noticed. Individuals have witnessed instances when the Board has engaged in discussion with others during the public speaking period. He noted that during a recent PowerPoint presentation it was confirmed that the Environmental Services/Zoning Office are responsible for follow up on complaints and enforcement of the land use ordinance. Mr. VanGorp claimed that there was favoritism when the Erickson Mining permits were granted and there was discrimination against those who spoke in opposition. He questioned what is being done to restore public trust and when citizens can expect action related to non-conforming mines which have been allowed to continue operations.

Commissioner Zmyewski asked Mr. VanGorp what his single greatest concern is. Mr. VanGorp was unable to give a single concern indicating that the greatest concerns are linked. He explained that a ban should be enacted regarding frac sand mining, action to allow mining at the Erickson site should be repealed, and non-compliant mines need to be addressed.

File No. 2 - Environmental Services Director Frank reported on a purchase agreement for wetland banking credits submitted by CP Railway Company related to their proposed project near La Crescent, Minnesota. The purchase agreement is acceptable. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the application and purchase agreement. Environmental Services Director Frank stated this acceptance will be followed by a 10 day period for public comment.

The La Crosse County Solid Waste System Annual Meeting is scheduled for June 19<sup>th</sup> from 8:00 a.m. to 1:00 p.m. A tour of the facilities will also be offered. Commissioner Storlie reported that she has already registered. Commissioner Kjome indicated plans to attend.

File No. 3 - HR Director Arrick-Kruger reported that there is a need to correct the salary hourly rate for the position of fiscal officer held by Heidi Hankins. This is a shared position between Finance and Human Services. The correction would be retroactive to Ms. Hankin's date of hire. She has met with the employee who is satisfied with the resolution. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the hourly rate of \$21.08 which reflects the appropriate salary for the position of fiscal officer and to make the appropriate payment retroactive to hire date. HR Director Arrick-Kruger indicated that the original salary was taken from the exempt rather than non-exempt wage grid. This error was discovered during recent reporting.

HR Director Arrick-Kruger along with PHN Director Marchel recommended the hire of Carrie Enright as a 67 day employee for the WIC breast feeding peer counselor position. This position serves both Houston and Fillmore County's and is grant funded. Ms. Enright resides in Preston which will work well for attendance at Fillmore County WIC activities. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the hire of Carrie Enright as a 67 day employee for the position of WIC breast feeding peer counselor.

Sheriff Inglett recently became aware of the need for Board approval to accept donations. He reported that the Hal Hetland Family has made a donation in the amount of \$5,000 to the K9 program and requested approval to accept said donation. Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to accept the donation to the K9 program.

It was noted that a representative from the Minnesota Historical Society will be present at the Board meeting scheduled for June 23<sup>rd</sup> to discuss the process of removing the Historic Jail from the National Register.

A tour of the Historic Jail has been scheduled for June 20<sup>th</sup>. The desire is to have Commissioners on hand for the event.

Commissioner Kjome reported on last week's Planning Commission meeting which he attended. He has also engaged in further discussion with the realtor for the Roverud Building. There are items which he would like to discuss with the full board however, he expressed concern that discussion in open forum would "tip the County's hand" with regard to negotiating a possible purchase. It was agreed that County Attorney Jandt would review the statutes and report back to the Board. If permissible, the Board will convene a closed session to discuss these negotiations at the next regularly scheduled meeting.

Commissioner Walter reported on the AMC District 9 meeting which she attended in Albert Lea, Minnesota. AMC provided information about services offered to counties. She stated that in addition to such offerings as the defensive driving course, AMC offers leadership/team building. She encouraged the Board to consider this opportunity.

Commissioner Storlie reported on meetings of local EDA organizations and the AMC District 9 meeting which she attended recently. She shared information related to a \$75 million remodel taking place in Olmsted County and how solar powered farms require large parcels of flat land which would otherwise be utilized for agriculture and crop production. She provided information on an upcoming Lean training opportunity scheduled for August 27<sup>th</sup>. During the December AMC Conference the changes coming to AMC will be unveiled.

Commissioner Storlie shared feedback received from Steve Nelson of MCIT who worked with HR Director Arrick-Kruger during the Historic Jail flood investigation. Mr. Nelson indicated that Ms. Arrick-Kruger was timely with her information related to that investigation which resulted in a favorable outcome with the claim.

Commissioner Storlie reported that MCIT's trainer is willing to provide either ½ or whole day training for commissioners to foster better communication and team building so that the Board is more effective for constituents. In order for the training to be successful, all members must commit to participating.

Commissioner Storlie reported on a Hiawatha Valley Mental Health meeting which she attended. They will be hosting a celebration of their 50<sup>th</sup> anniversary on June 18<sup>th</sup> from 2:00 p.m. to 5:00 p.m.

Commissioner Storlie suggested consideration be given to providing "Leading Edge" trainings during Department Head meetings. These are 20 minute trainings which can be

purchased at minimal cost. There has been discussion in the past that training opportunities should be undertaken during department head meetings.

Chairperson Schuldt reported on AMC District 9 and Department Head meetings which he recently attended.

File No. 4 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the Houston Money Creek Snowriders Snowmobile Club Maintenance and Grooming application and to adopt the following resolution:

**RESOLUTION NO. 15-17**

BE IT RESOLVED By the Board of County Commissioners, Houston County, Minnesota, that it approves the Maintenance and Grooming application of the Houston Money Creek Snowriders Snowmobile Club and authorizes the Board Chairperson to sign an agreement with the Department of Natural Resources.

Commissioner Kjome reported that he will be participating in the Bear Creek Watershed luncheon meeting, structure inspection & tour. It was noted that others planning to attend need to RSVP by noon today.

Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to place on file the following items from the consent agenda:

File No. 5 – Notice of Bear Creek Watershed luncheon meeting, structure inspection & tour

There being no further business and the time being 9:32 a.m., motion was made by Commissioner Zmyewski seconded by Commissioner Walter and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, June 9, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, June 9, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters Cofield & Moorhead; Finance Director Lapham; PHN Director Marchel; Engineer Pogodzinski; Chuck Schwartau; Bryan VanGorp; Bruce Kuehmichel; Chief Deputy Sheriff Lapham; Donna Buckbee; Engineer Pogodzinski; Yvonne Krogstad; Jim Gander

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the agenda as amended.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the minutes of the June 2, 2015 meeting.

File No. 1 - Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$71,399.66
Road & Bridge Fund	119,779.70
	-----
Total	\$191,179.36
	=====

Bryan VanGorp, Yucatan Township resident, expressed his ongoing concerns with the governance in Houston County and Zoning Office.

Fred Arnold, Caledonia Township resident, expressed his delight with the change of opinion related to the Highway Department Building.

File No. 2 - Engineer Pogodzinski reported on the following bids which were received until June 1, 2015 for S.P. 028-619-003:

JB Holland Construction Inc. Decorah, IA 52101	\$319,270.65
VanGundy Excavating LLP Houston, MN 55943	\$328,091.00
Generation X Construction LLC Rushford, MN 55971	\$333,822.55
Minnowa Construction, Inc. Harmony, MN 55939	\$371,733.05
Landwehr Construction, Inc. St. Cloud, MN 56302	\$572,607.70
Griffin Construction Company, Inc. Chatfield, MN 55923	\$592,958.86

This is the final flood repair project related to 2013 which utilizes federal highway emergency funds. The bids came in substantially under the engineer's estimate. In reviewing the pricing it was noted that the line item which contributed to the difference was shot rock. Commissioner Zmyewski questioned what DBE goals are. Engineer Pogodzinski responded that it impacts projects with federal funds and all but a single bidder met the goal of 1% for this project. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to accept the low bid of JB Holland Construction Inc. in the amount of \$319,270.65.

File No. 3 - On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to hire Aaron Buck as 67 day employee to assist as a drop site supervisor at a rate of \$12.30 per hour.

Finance Director Lapham provided an update regarding the current status of financials for the county. She indicated that next month the reports will be extended since it will mark the ½ way point for the fiscal year. In addition, the budgeting process will begin. She was pleased to report that the county has been able to maintain fund balance in the amount equal to or exceeding 50% of current year levy plus aid. June settlement has been processed.

Chairperson Schuldt is planning a highway department building committee meeting for this Thursday.

Commissioner Storlie expressed concern that discussion in open session should take place prior to convening a closed session to consider a purchase offer amount for the Roverud Building. She stated that previously a purchase offer was proposed and was unsuccessful. She

expressed a desire to discuss the effectiveness of the site and structure. Commissioner Zmyewski expressed concern that, when the other offer was made, there had been no commercial properties sold and little information available on which to base an offer. He expressed support to submit an offer since new information is available and the Roverud Building is “turnkey”, and he felt the office space and maintenance spaces are adequate. The Roverud site adjoins county owned property and includes 10 acres which could be used for expansion. It was noted that the Roverud Building is already 30 years old and the years of remaining usefulness was questioned. Commissioner Zmyewski indicated that a building is as good as the maintenance put into it and the Roverud Building can provide many years of usefulness. Both Commissioners Storlie and Walter expressed concern with purchasing a building that is aged and it not lasting many years and having to address the situation again. Commissioner Walter stated that concern needs to be given to the report completed by MCIT which highlighted maintenance issues/concerns. Commissioner Walter would prefer the Highway Department Building be centrally located. The Roverud Building isn’t centrally located. Commissioner Zmyewski stated that there are satellite shops located across the county already. Those facilities will continue to be available. In the event equipment requires maintenance that cannot be completed at those satellite shops or in the field they are already required to be brought to the Caledonia location. There is minimal distance between Caledonia and Spring Grove where the Roverud Building is located. Commissioner Storlie expressed concern that the Roverud Building does not meet the needs of the county. Commissioner Zmyewski pointed out that there is maintenance and office space. Also, there is additional land which may be developed in the future. Commissioner Walter stated that the land located along State 76 is ideal for a Highway Department Building. Commissioner Kjome expressed his opinion that the land along 76 is better suited for additional housing development. Commissioner Zmyewski indicated that erecting a Highway Department Building could result in decreased property values to the neighboring residential areas as they would be located near an industrial park. In the event access was denied, Highway Maintenance vehicles would be routed right past the school. The Roverud Building is situated on State 44 and has access to the state highway. Maintenance space was the primary need related to the Highway Department Building and the Roverud Building can provide for a purposeful maintenance shop. Commissioner Zmyewski considers storage a secondary concern. The Roverud site has adequate acreage on which to construct a storage building. Commissioner Zmyewski expressed his belief that purchasing the Roverud Building is more fiscally conservative than constructing a multimillion dollar facility. Commissioner Storlie expressed concern that purchasing a 30 year old building that may require replacement before 30 more years have passed may not be as fiscally responsible as constructing a building which fully meets the needs of the county and provides for further growth in the future. Commissioner Zmyewski stated again that the purchase of the Roverud Building can be both efficient and inexpensive, and the location is great. Commissioner Zmyewski expressed concern that not all the funds are available to cover the cost of building new. Commissioner Walter expressed her understanding that all the funds needed for new construction are in savings. The need for a new Highway Department Building has been studied over the past 23 years. Commissioner Storlie disputed the cost of new construction which Commissioner Zmyewski has provided and stated that in the event a less expensive option were approved it would not result in refunding significant amounts of money to taxpayers.

Commissioner Zmyewski indicated that not spending all of the funds that have been saved could result in tax relief. Commissioner Zmyewski stated that there are significant reserves and choices can be made regarding how those funds are spent. Motion was made by Commissioner Storlie and seconded by Commissioner Walter to remove from the table consideration to make an offer to purchase the Roverud Building. A roll call vote was taken: District 1 – yes; District 2 – no; District 3 – yes; District 4 – yes, District 5 – no. The motion carried.

File No. 4 - At this time the Board met with Chuck Schwartau, University of Minnesota Regional Director, regarding an agreement providing Extension programs locally and Employing Extension Staff. This three year agreement provides for a ½ time extension educator and a full time 4-H Coordinator. Mr. Schwartau outlined the responsibilities of both the University and the county under this agreement. He commended the county for choosing to contract for a full time 4-H Coordinator which has resulted in stability and growth. The cost of the agreement will be as follows: 2016 \$113,139.00, 2017 \$115,685.00, and 2018 \$118,578.00 which reflect increases of 2%, 2.25%, and 2.5%. Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the Agreement with the University of Minnesota for providing Extension programs locally and Employing Extension Staff.

Commissioner Kjome reported on One Watershed, One Plan, SWCD tour and meeting regarding the Bear Creek Watershed, and Extension meetings which he attended.

Commissioner Walter reported on an Extension meeting which she attended and provided a reminder about the upcoming Board of Equalization meeting which is scheduled for next week.

Commissioner Zmyewski commented that he would like to see a more conservative approach from the Board by limiting large expenditures, reducing debt yet providing for necessary expenses. Motion was made by Commissioner Zmyewski and seconded by Commissioner Kjome to cap the amount spent on capital expenditures at \$500,000.00 annually. Commissioner Walter expressed a desire to take more time to consider the motion prior to taking action. A roll call vote was taken: District 1 – no; District 2 – yes; District 3 – no; District 4 – no; District 5 – yes. The motion failed.

Commissioner Storlie reported on SE MN Emergency Communications and EDA meetings which she recently attended.

Chairperson Schuldt reported on a Semcac meeting which he attended.

Auditor Meiners stated that Zoning Staff was unavailable to attend and provide details regarding variances which were approved or the various permits recommended for approval by the Planning Commission. Commissioner Kjome serves on the Planning Commission and may be able to answer questions.

Following are variances which were approved by the Board of Adjustment: A variance for Kim Benson of Brownsville Township for an after-the-fact variance of 77 feet to meet the required 100 foot shore land setback to build an attached addition and deck on an existing structure.

A variance for Dennis Forsyth of Caledonia Township for an after-the-fact variance of 7 feet to meet the required 100 foot setback from County Road 10 to build a pole shed.

A variance for Doug Heintz of Sheldon Township for a variance of 186 feet to meet the required ¼ mile setback from an expanding feedlot to an existing dwelling to build a manure storage basin.

A variance for Doug Brand of Money Creek Township for a variance of 446 feet to meet the required ¼ mile setback from an expanding feedlot to an existing dwelling and a variance of 1,416 feet to meet the required ½ mile setback from a residential zone to build a free stall barn and parlor.

A variance for Devoine Kruse of Wilmington Township for a variance of 735 feet to meet the required ¼ mile setback from an expanding feedlot to an existing dwelling to build a free stall barn and parlor.

A variance for Yucatan Valley Land Group/Jim Gander of Yucatan Township for an after-the-fact variance of 23 feet to meet the required 40 foot setback from the top of a bluff to build a cabin.

Discussion was held regarding after the fact concerns. The penalties are ineffective. County Attorney Jandt explained changes approved by the legislature which have impacted and have likely resulted in the increased after the fact variances and permit applications. Increasing the fees for after the fact applications may result in reducing the number. With regard to consistency, it should be noted that each situation is unique and must be considered on the merits of that situation alone.

File No. 5 - On the recommendation of the Planning commissioner, motion was made by Commissioner Kjome, seconded by Commissioner Storlie and unanimously carried to approve the issuance of the following conditional use permits:

Doug Heintz – Sheldon Township - Build manure storage.

Doug Brand – Money Creek Township - Expand a feedlot over 300 animal units (a.u.) from 97 a.u. to 330 a.u.

Devoine Kruse – Wilmington Township - Expand a feedlot over 300 animal units (a.u.) from 249 a.u. to 369 a.u.

File No. 6 - On the recommendation of the Planning Commission, motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the issuance of the following interim use permit:

Advantage FS – Sheldon Township - LP gas storage facility.

File No. 7 – On the recommendation of the Planning Commission, motion was made by Commissioner Kjome, seconded by Commissioner Storlie and unanimously carried to approve the issuance of the following interim use permit with the additional restriction that the cabin may not be improved in any manner in the future:

Yucatan Valley Land Group/Jim Gander– Yucatan Township – after-the-fact - Non-commercial family cabin.

File No. 8 - On the recommendation of the Planning Commission, motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the issuance of the following Zoning Permits:

Charles Little – Houston Township - Build attached garage (21' x 16')

Brian Erickson – Spring Grove Township - Build wood storage shed (20' x 24')

Jim Welscher – Caledonia Township - Build 2 bulk bins (16' x 30')  
chicken coop (12' x 16')

Leah Welscher – Caledonia Township - Build grain bin (11,000 bushels)

Sheldon and Cyndi Johnson – Brownsville Township - Build addition on garage (16' x 24')

Tony Christensen – Yucatan Township - Build pole building (40' x 64')

Dan Schansberg – Caledonia Township - Build calf barn (28' x 50')  
replacing calf hutches

Greg Myhre – Wilmington Township - Build calf shed (16' x 35')  
replacing existing barn

Tom Brown – Union Township (administrative denial – too close to bluff)  
Build deck (12' x 20')

Jerry Welke – Hokah Township - Build pole shed (48' x 80')

Marlin and Mary Ann Carrier – Yucatan Township - Build mudroom/garage (24' x 52') replacing existing garage

Mark Staven – Sheldon Township - Build addition on house (14' x 16')

Terry Bartels – Mayville Township - Build storage building (24' x 32')

Foundation Feeders, Inc. – Wilmington Township - Build confinement loafing barn over existing lot (50' x 256') no expansion

Ron and Jim Holty – Spring Grove Township - Build addition on cattle shed over existing lot (30' x 50') no expansion

Richard Markos – Hokah Township - Build 3-season screened in porch (16' x 16')

Neal Luttreich – Jefferson Township - Build grain bin (42,000 b.u.)

Bradley and Debra Harguth – Wilmington Township - Build addition on house (12' x 26')

Wayne Houdek – Mayville Township - Build bunker silo (36' x 110')

Craig Curley – Yucatan Valley Land Group LLC – Yucatan Township - Build dwelling (24' x 32') after-the-fact

Dustin and Janelle Sayles – Yucatan Township - Build house (34' x 60') garage (34' x 36')

File No. 9 - PHN Director Marchel introduced Laura Sutherland, Safe Harbor Regional Navigator. Ms. Sutherland works out of an office in Rochester and travels amongst an area made up of 11 southeastern counties. She performs education, works with law enforcement and with victims. She provided information related to her background and qualifications. Ms. Sutherland is scheduled to make presentations later today and again during evening hours. Minnesota is one of only a dozen states which protects juvenile victims of sex trafficking through its Safe Harbor law. She indicated that federal legislation is being drafted which is modeled after Minnesota's law. At this time, Ms. Sutherland shared a PowerPoint presentation regarding sex trafficking.

File No. 10 - Following discussion, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the Joint Powers Agreement with the Southeast Minnesota Regional Emergency Communications Board.

A reminder was provided regarding an upcoming informational meeting of the La Crescent Chamber of Commerce. Several distinguished guests are expected to attend.

Commissioner Kjome stated that county law enforcement officers have duties to attend to and questioned whether their continued presence during Board meetings remains necessary. It was agreed that while meetings have been quiet and amicable as of late it is in the best interest of safety to continue to have a law enforcement presence.

Discussion was held regarding capital improvement planning and projection.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to place on file the following items from the consent agenda:

File No. 11 – Correspondence to payroll regarding correction of hourly rate and hire

File No. 12 - Semcac 2016 appropriations request

File No. 13 - Correspondence in appreciation for support from BCMMCHRA

File No. 14 – Correspondence to H. Koch regarding tons delivered to Xcel

There being no further business and the time being 10:49 a.m., motion was made by Commissioner Storlie seconded by Commissioner Kjome and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, June 16, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, June 16, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; HR Director Arrick-Krueger; HS Director Bahr; Financial Services Supervisor Kohlmeyer; Engineer Pogodzinski; Vern Fruechte; Gretchen Cook; Yvonne Krogstad; Ken Tschumper; Bruce Kuemichel; Building Maintenance Foreman Dollar; Chief Deputy Sheriff Lapham

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the agenda.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the minutes of the June 9, 2015 meeting.

File No. 1 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$44,287.09
Road & Bridge Fund	129,992.15
	-----
Total	\$174,279.24
	=====

Yvonne Krogstad, Caledonia Township resident, expressed concern that the agenda was not posted on the website until this morning and that it is difficult to hear the Board's discussion. Ms. Krogstad was encouraged to alert the County Auditor in the event the agenda is not available by Friday afternoon and that the posting of the agenda is a courtesy and not required. Ms. Krogstad asked that the microphones be used.

Ken Tschumper, La Crescent Township resident, indicated that Pope Francis' encyclical has been leaked and includes the Pope's concerns regarding climate change.

File No. 2 - HR Director Arrick-Kruger reported on the current condition of the HVAC system utilized for the air handling within the Historic Courthouse. The system consists of 5 units, 3 of which were installed in 1976-1977. Building Maintenance Foreman Dollar explained how airflow patterns within the building have changed due to increased security measures and how the system lacks zone control. The result is areas of the building being as cool as 60 degrees with other areas being unreasonably warm at approximately 80 degrees. Staff open windows to let warm air in and also to let the heat out which is inefficient. Building Maintenance Dollar stated that parts are unavailable when repairs are needed. Recently, the outdoor temperature reached 90 degrees and 2 of 4 motors failed. The pneumatic switches are worn out and leaking. Quotes have been solicited for an upgraded system. The low quote submitted by Winona Controls Inc. is in the amount of \$59,000.00. Rebates are available however, the exact amount is not known at this time. Upgrading the system will result in better energy control and increased efficiency. HR Director Arrick-Kruger indicated that she initially requested a phased approach whereby the heating system would be upgraded this year followed by an upgrade to the air cooling in 2016. It is preferable to upgrade the entire system at one time if funds are available. This will result in reducing costs further. Finance Director Lapham reported on fund balance. Chairperson Schuldt questioned how extensive maintenance costs have been. HR Director Arrick-Kruger stated that each time Winona Controls vehicles are present it is the result of a service call.

Commissioner Zmyewski questioned when the Historic Courthouse was built. HR Director Arrick-Kruger indicated it was built in the late 1800's. Commissioner Zmyewski further questioned what the useful life of the structure. HR Director Arrick-Kruger expressed doubt that this was discussed. The building was constructed using 2 foot by 4 foot stone block and it was likely the building was expected to last many years. The Historic Structures Report is currently under review to ensure it is proper form when the County makes application for Legacy Funding.

The anticipated payback period for an upgraded HVAC system is five years. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to accept the low quote provided by Winona Controls Inc. to upgrade the HVAC system at one time.

File No. 3 - Engineer Pogodzinski reported on the following bids which were received until June 15, 2015 for S.P. 028-598-011 and S.P. 028-617-010:

Minnowa Construction, Inc. Harmony, MN 55939	\$883,855.00
Swenke Ims Contracting, LLC Kasson, MN 55944	\$983,863.00
VanGundy Excavating LLP	

Houston, MN 55943	\$988,567.40
JB Holland Construction Inc. Decorah, IA 52101	\$1,021,304.15
Griffin Construction Company, Inc. Chatfield, MN 55923	\$1,037,659.92

This is a project to replace bridges with box culverts. Box culverts have a longer life expectancy and will handle the water flow. The bridges are located on County 17 and County 249. The low bid came in 21% below the engineer's estimate. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to accept the low bid submitted by Minnowa Construction, Inc. in the amount of \$883,855.00.

File No. 4 – Engineer Pogodzinski reported on the following bids which were received until June 15, 2015 for S.P. 028-598-009:

Icon Constructors, LLC Mabel, MN 55954	\$756,243.30
Minnowa Construction, Inc. Harmony, MN 55939	\$799,696.50
Duininck Inc. Prinsburg, MN 56281	\$879,817.50
Brennan Cosntruction Lansing, IA 52151	\$949,269.95

This is a bridge replacement project on County 249. Engineer Pogodzinski reported that there are many bridge projects taking place across the state resulting in increased costs for pre-stressed concrete beams. For this project alone the cost for these beams came in \$32,000.00 over the estimate. In addition, this bridge is over special waters which requires additional protections and the paving area will be minimal. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to accept the low bid submitted by Icon Constructors, LLC in the amount of \$756,243.30.

Financial Services Supervisor Kohlmeyer shared a PowerPoint Presentation with the Board regarding the SNAP (Supplemental Nutrition Assistance Program). Houston County recently underwent a 3 year onsite review. In the event errors are found, a corrective action plan will be developed. Financial Services Supervisor Kohlmeyer stated that the review is an opportunity to see what we are doing well and in which areas we should work to improve. She provided the State's goals, Houston County's performance and the statewide averages for

performance. Houston County exceeds the statewide average in all categories and shows annual improvement in all categories, it exceeds the goal in a few categories and is striving to reach the goal in the balance. It is close to meeting the goal in several categories. Financial Services Supervisor Kohlmeyer has received the final report and is working on the corrective action plan. There are items which required corrective action which have already been addressed. Commissioner Storlie commented that “audits/reviews” often conjure up a negative connotation, and she commended Financial Services Supervisor Kohlmeyer for having such a positive interpretation of the process which yields information related to good performance as well as areas which would benefit from improvements.

HS Director Bahr stated that the financial unit has been experiencing many audits. She reported that the CREST Initiative for 2016 and beyond will be undergoing significant changes. Counties will no longer be issuing payments to service providers and clients. Payment will be dispensed from the regional fiscal agent. CREST funding was submitted by each county to support a multi-unit housing complex located in Owatonna for individuals suffering from mental illness who were transitioning into the community. A 22 bed housing unit for the same purpose is being built in Winona. These housing complexes are the result of regional grant funding.

HS Director Bahr reported that Governor Dayton established a child protection taskforce. Recommendations from the taskforce will be tied to funding. Each County is expected to receive a minimum of \$75,000.00. The first payment will be made no later than July 10<sup>th</sup> in the amount of \$60,000.00 followed by a February 15<sup>th</sup> payment based on targeted case management hits. Additional funding may be awarded based on social worker contacts made with children in foster care. The State goal is that workers will have contact with children in foster care at least one time each month. HS Director Bahr explained several other performance measures and how they would be tied to funding. She stated that the County should determine how it will utilize the funding this year and recommended hiring an additional child protection worker since the funds may only be utilized to enhance child protection.

It was noted that the family friendly room is coming together. Furniture and paint color has been selected.

File No. 5 - Auditor Meiners reported on 2 tax forfeited properties. She is intending on holding a public auction to sell the forfeited parcels located in Eitzen City and Winnebago Township. Following discussion, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to adopt the following:

#### **RESOLUTION NO. 15-18**

BE IT RESOLVED THAT Parcel #22.0009.006 of tax-forfeited land be classified as non-conservation land; that the basic sale price be set at \$7,500.00, and that authorization for a public sale of this land be granted, pursuant to M.S. 282.01; that the sale will be held at 1:00 p.m. on Monday, July 13, 2015, by the Houston County Auditor in the Commissioners Room at

the Houston County Courthouse, for not less than the basic sale price; and that full payment of the purchase price and the additional costs shall be due at the time of sale.

File No. 6 - Auditor Meiners explained that the tax forfeited property located in Winnebago Township abuts the township along one border, the other 3 sides of the parcel are bounded by the city. She stated that this parcel once contained a home used for a meth lab and was deemed a hazard which the County was then required to clean up. The clean-up costs of approximately \$20,000.00 were assessed to the taxes. There are no city sewer or water services to the property. Following discussion, motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to adopt the following:

#### **RESOLUTION NO. 15-19**

BE IT RESOLVED THAT Parcel #16.0348.000 of tax-forfeited land be classified as non-conservation land; that the basic sale price be set at \$7,500.00, and that authorization for a public sale of this land be granted, pursuant to M.S. 282.01; that the sale will be held at 1:30 p.m. on Monday, July 13, 2015, by the Houston County Auditor in the Commissioners Room at the Houston County Courthouse, for not less than the basic sale price; and that full payment of the purchase price and the additional costs shall be due at the time of sale.

File No. 7 – Auditor Meiners reported that the License Center has been experiencing increased business and on many days Auditor Office staff assists License Center staff serving customers. There are currently two counter workstations. Auditor Meiners stated that she would like to make the current handicap station which does not have a computer into a 3<sup>rd</sup> work station for staff. This station would be equipped with a computer and adding machine and would have an adjustable countertop/writing surface. There are a couple of individuals who conduct business at the handicap station now. The adjustable countertop/writing surface would continue to provide for the needs of those individuals, in addition, it could be adjusted to be a more ergonomically correct work station for staff that are standing. Auditor Meiners reported that she has worked diligently to meet the Board's expectation that budgets are lean. She has reviewed budget line items and can amend her budget to cover all but \$1,000.00 of the cost to upgrade the License Center work station. The quote received from Staples includes the required dividers, and allows for the reuse of the countertop/writing surface but will upgrade it to be adjustable and installation. Included in the quote was cleaning of the current panels, however, Mike Meiners, Custodian did a wonderful job and got the panels cleaned. The cleaning may be eliminated to reduce the overall project cost. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve spending up to \$2,134.92 and to utilize up to \$1,000.00 from the Commissioner's Budget, other professional and technical fees line item to cover the cost.

File No. 8 – Auditor Meiners reported on a request for a tax abatement for Daniel and Debra Peterson on property which was classified incorrectly and qualified for relative homestead. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter

and unanimously carried to approve the 2015 tax abatement on parcel #24.0324.000 in the amount of \$520.00.

Chairperson Schuldt reported that the citizens committee to discuss the proposed Highway Department Building met last Wednesday. Andy Allen, Dennis Gavin, Highway Accountant Schroeder, Maintenance Foreman Molling, along with Chairperson Schuldt were present. Another meeting has been scheduled for Thursday at the Caledonia Haulers conference room. These meetings are for informational purposes and no decisions are being made during these discussions.

Commissioner Zmyewski expressed concern that there was negative discussion about individuals who hold a specific position related to the proposed Highway Department Building. He indicated that some of the negativity came from County staff and it was disappointing to see this was allowed to take place. Commissioner Zmyewski stated that this upset him and he invited Dan McGonigle, Argus Editor to share his experience. Mr. McGonigle stated that he was upset that his reporting has been perceived as a personal position. He stated that he has been in the reporting business for many years and is reporting the position of the people. Mr. McGonigle stated that tone is set by leaders, whether it is the County Board setting the tone, a department head, or a business person. Individuals in these positions set the tone for their organization. Mr. McGonigle stated that he was upset to be spoken about negatively in front of advertisers and readers of the Argus as he works with these individuals. It was shared that many Houston County constituents do not want this Highway Department Building erected on the property located near the school. It was unprofessional to speak of Mr. McGonigle in a negative way when he was doing his job writing the feelings of the constituents. When it was stated that some individuals were benefitting personally, Chairperson Schuldt questioned who those individuals were. The response was Highway Department office staff were benefitting personally. Mr. McGonigle stated that he would prefer that the individual who spoke negatively of him would have spoken directly to him and not “run him over with the bus” during a committee meeting of which he was not a part. Commissioner Storlie stated that this is not the appropriate venue for this type of discussion. She was made aware of some concerns and was working to address them. Commissioner Zmyewski expressed his opinion that the County Board is responsible to address the concerns and that this is where such concerns should be discussed. He expressed agreement that leaders set the tone. Commissioner Storlie expressed concern that there are certain topics which should not be discussed in open session. Unfortunately County Attorney Jandt was excused earlier and not immediately available to advise. Commissioner Zmyewski expressed his feeling that he has been purposely excluded from certain discussion. Chairperson Schuldt stated that it has come to a point that there are certain comments which he ignores. Commissioner Zmyewski stated that the Board can’t have a double standard and that everyone should be treated the same.

Chairperson Schuldt stated that the individuals participating on the citizen input group include Dennis Gavin and Andy Allen who both object to the project. He had hoped that former Commissioner Dave Corcoran would participate since he was serving when the land was

purchased for the purpose of erecting a new Highway Department Building. He also wanted the Caledonia City public works director on the committee due to the infrastructure that will impact the city. Someone pointed out a recent poll from the Houston County News which reflected that 80% of those who participated in the poll support purchasing the Roverud Building in Spring Grove. Commissioner Storlie expressed concern with the polling data stating that there is misinformation among members of the public. Dan McGonigle indicated that in ordinary conversation there does not appear to be good support to construct the project at the site by the school. He indicated that the landowners may be willing to trade the land by the school for additional land near the current site of the Highway Department Building. There is concern that the project result in a long lasting and functional building that is not too large nor too small to meet needs. When concern was raised regarding negative impacts from water runoff, Chairperson Schuldt stated that the County is held to a high standard. Holding ponds would be included in the site design and he wouldn't expect there to be water runoff issues. Commissioner Storlie called for a point of order in response to comments and activity in the gallery. Commissioner Zmyewski expressed his feeling that the recent poll speaks loudly. Motion was made by Commissioner Zmyewski and seconded by Commissioner Kjome to hold a public hearing within 60 days. Chairperson Schuldt expressed support to allow the committee to study the issue. He shared his concern that in the event a public hearing were held at this time, it would result in much discussion about an issue where there has been little information provided to the public and what information is out there may not be correct. He pointed out that there are members of the community who believe that the cost for the project is \$8 million, when the most recent estimates reflect of cost of \$4.5 million. Commissioner Zmyewski stated that the costs are unknown due to the fact that no budget has been established. He expressed support for the people to voice their concerns and have them be heard. The constituents should have a say in how their tax proceeds are spent. A roll call vote was taken: District 1 – no, District 2 – yes, District 3 – no, District 4 – no, District 5 – yes. The motion failed.

Commissioner Zmyewski stated that since the Board does not desire to hold a public hearing he would like a timeline established. Chairperson Schuldt stated at this time he is not prepared to commit to a time because there needs to be time for the committee to work.

Motion was made by Commissioner Zmyewski and seconded by Commissioner Kjome to hold a public hearing following discussion by the Highway Department Building input committee. A roll call vote was taken: District 1 – no, District 2 – yes, District 3 – no, District 4 – yes, District 5 – yes. The motion carried.

It may be possible to host a public informational meeting. This would allow the County to provide details to constituents and reduce the misinformation that may be circulating. Commissioner Zmyewski indicated that there has been discussion regarding a Highway Department Building since he joined the Board 5 years ago. The site has been selected, there are building plans and cost estimates.

Commissioner Storlie reported on a train the trainer for emergency response meeting she attended. The focus of the meeting was to create more secure courthouses and to ensure employees know what to do in all types of emergencies. She also reported on the Board of Equalization meeting which she attended.

Commissioner Walter reported on the Board of Equalization meeting which she attended. She also provided a reminder that Commissioners can take the necessary certification training for the Board of Equalization via the web starting July 1, 2015.

Commissioner Kjome reported on water planning and Board of Equalization meetings which he attended recently.

Chairperson Schuldt reported on the Board of Equalization meeting which he attended. He indicated that he hopes to attend an upcoming scenic apple blossom drive meeting which is scheduled.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to place on file the following items from the consent agenda:

File No. 9 – Correspondence to payroll regarding drop site hire

There being no further business and the time being 10:30 a.m., motion was made by Commissioner Walter seconded by Commissioner Zmyewski and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, June 23, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, June 23, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Barb Bissen; Robin Tschumper; Bruce Kuehmichel; Engineer Pogodzinski; Kelley Stanage; Bets Reedy; Bryan VanGorp; County Attorney Jandt; Sheriff Inglett; Glenn Kruse; HR Director Arrick-Kruger; HS director Bahr; Health Educator Myhre; Christina Smith; Dr. R. Ross Reichard; Monica Kendall

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the agenda.

Motion was made by Commissioner Kjome, seconded by Commissioner Walter and unanimously carried to approve the minutes of the June 16, 2015 meeting.

File No. A1 - Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the minutes of the Board of Equalization meeting held Monday, June 15, 2015.

File No. 1 - Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$67,644.74
Road & Bridge Fund	91,352.77
	-----
Total	\$158,997.51
	=====

Chairperson Schuldt provided a good order reminder regarding the decorum expected of those speaking during the public comment period.

Barb Bissen, Hokah City resident, stated that recently she volunteered for an event which featured tours of the Historic Jail. Approximately 100 individuals toured the facility and offered ideas for repurposing it. She shared information that the Historic Kasson School has been idle for several years, and recently Destination Medical Center changes have resulted in a developer who intends to repurpose the historic structure for housing. Ms. Bissen encouraged the Board not to be hasty regarding any decision to raze the Historic Jail and expects that interest earned from the proceeds of the insurance settlement would pay for minimal heating of the building. Ms. Bissen is aware that the Historic Jail and Courthouse are listed as a single unit on the Historic Register. Razing the jail would jeopardize the status of the courthouse and require the County to reregister the structure. The status on the Historic Register is what allows the County to make application for Legacy funding grants. Ms. Bissen is aware of leaking in the roof and expressed her opinion that some of the insurance settlement proceeds should be utilized to repair the roof and remove the antennas. She feels that if the roof were repaired the building could be idle for a long period of time without further deterioration.

Bryan VanGorp, Yucatan Township resident, shared that the Houston County Protectors have hosted multiple educational opportunities for residents regarding the hazards of frac sand mining. He expressed his opinion that there are others employed by the County with valuable insight who have been excluded from discussions. He shared his observation that the Board appears to not want to listen to others with knowledge of the industry. He questioned the Board's reasoning for this position. He shared his opinion that if the Board took action to ban frac sand mining and no harm was done to the County, that would be a good thing. However, if mining is allowed and there is harm as a result, he expressed doubt that this is the legacy members of the Board would want to leave.

Sam Whitehead, EDA Coordinator, provided an update to the Board. Work is continuing on the Visitor's Brochure, quotes have been received from La Crosse Graphics along with a recommendation to utilize design services provided by Thorson Graphics. Both La Crosse Graphics and Thorson Graphics worked on the previous Visitor's Brochure. EDA staff continues to pursue options related to the Historic Jail and work continues on grant applications which will be submitted for the next round of Legacy fund awards. Mr. Whitehead reported that he recently attended an Apple Blossom Scenic Byways meeting. He will work with both the La Crescent City Administrator and also Ann Morse from Winona County in hopes of securing additional funding.

File No. 2 – Health Educator Myhre reported on a Grant Project Agreement Amendment to continue funding of the Public Health Emergency Preparedness Grant. This is an ongoing grant through the Minnesota Department of Health which provides for planning in response to emergency situations. It is a joint grant with Fillmore County. Public Health works with information handed down from either or both the CDC and MDH along with local emergency management and law enforcement. Plans are continually reviewed, updated and shared with stakeholders. The grant, in the amount of \$49,224.00, has no match requirements and reflects a slight increase over the previous 2 periods. Funding is utilized to cover the expense for staff time

to fulfill grant requirements, write, maintain and updated plans. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the Minnesota Department of Health Grant Project Agreement Amendment Public Health Emergency Preparedness CFDA #93.069.

At this time PHN Director Marchel introduced Public Health summer intern, Christina Smith.

Chairperson Schuldt reported on the second meeting of the Highway Department Building input committee consisting of Andy Allen, Dennis Gavin, Matt Klug, Engineer Pogodzinski and others. The group would like alternate sites considered. Chairperson Schuldt is learning more about the alternate sights suggested and is not prepared, at this time, to report further. Another meeting of the group will be scheduled. Chairperson Schuldt stated that no decisions were made.

Commissioner Storlie indicated that the Houston County News has been polling the public on issues related to the proposed Highway Department Building. While this is beneficial, she expressed concern that the most recent poll regarding the Spring Grove Building only experienced a response from 60 individuals which is a very limited number considering the total county population.

Commissioner Storlie commented that recently a motion carried to hold a public hearing following a period of discussion by the Highway Department Building public input committee. She would like to participate in said committee. Following discussion, it was agreed that Chairperson Schuldt would keep the Board informed of scheduled meetings of the committee so that others could participate. Commissioner Storlie indicated that she would like additional individuals from across the county to participate on the committee.

Commissioner Zmyewski stated he would like to hold a special election/referendum regarding 3 issues facing the county at this time, those issues being a proposed Highway Department Building, a ban on frac sand mining, and what to do with the Historic Jail. He indicated that there have been public meetings and ongoing discussion for quite some time and it is time to take action. Motion was made by Commissioner Zmyewski to hold a special election this fall. Auditor Meiners expressed concern that election laws are very specific with regard to what items may be included on a ballot. She indicated that these items may not qualify however, it may be possible to hold a referendum regarding funding of a Highway Department Building once a decision has been made. County Attorney Jandt commented that it is his understanding that advisory referendums are not allowed in Minnesota.

Motion was amended by Commissioner Zmyewski, and seconded by Commissioner Kjome to send out a countywide survey on 3 issues being a proposed Highway Department Building, a ban on frac sand mining, and what to do with the Historic Jail. Commissioner Storlie questioned the cost of such a survey. Commissioner Zmyewski responded that there is

approximately \$5 million set aside which can be used to cover the cost. The greatest cost of the survey would be the mailing. Commissioner Zmyewski indicated that the Lutheran Church in Houston recently sent out a survey and the overall cost was approximately \$700.00. Commissioner Walter expressed her desire to gather and share with the public additional information. Commissioner Zmyewski expressed frustration that these topics continue to be discussed with no resolve and the can continues to be “kicked down the road”. It is his opinion that there is plenty of information available, there are plans for the proposed Highway Department Building and many individuals are involved with planning, there have been educational opportunities regarding the concerns related to frac sand mining and the Historic Jail will continue to deteriorate with inaction. He expressed his desire to take action. He expressed frustration that the Houston County News has made attempts to gather public input, yet the Board does not consider their efforts adequate. Commissioner Walter reported on a recent discussion she was engaged in where the individual inquired why the commissioners were not attending township meetings to disseminate information regarding the issues facing the county. She suggested attending these meetings, sharing information and gathering input. Commissioner Zmyewski expressed concern that if each of the commissioners attends meetings of townships and cities he/she represents, there will be 5 unique sets of information being disseminated. He felt this would only add to the confusion. He stated that he feels attending township meetings is part of the job of a commissioner and he regularly attends the meetings of those townships in his district. He would like the Board, as a whole, to share information with the public, not each individual commissioner. He indicated that this would provide for greater consistency. A roll call vote was taken: District 1 -no ; District 2 - yes; District 3 - no; District 4 - no; District 5 – yes. The motion failed.

File No. 3 – At this time Dr. R. Ross Reichard along with Monica Kendall from the Southern Minnesota Regional Medical Examiner’s Office provided the 2014 Houston County Medical Examiner’s Report. This report is the result of significant collaboration and is linked to public health. He was pleased to report that there were no drug overdose deaths and that the graphs reflect that as age increases, so do the number of deaths which is a natural trend. He would be concerned if there were a spike in the number of deaths of 18 to 25 year olds for example, as this is not a natural occurrence. In closing, Dr. Reichard stated that 2014 results were straightforward.

File No. 4 - HR Director Arrick-Kruger reported that a search for a 0.5 FTE jailer/dispatcher has been unsuccessful. Applicants are seeking full time employment only. HR Director Arrick-Kruger has met with Jail Administrator Schiltz and Sheriff Inglett to discuss the departmental needs. Employing two 0.5 FTE jailer/dispatchers allows for significant flexibility however, Sheriff Inglett indicated the department has been short staffed while performing the search and there is a need to fully staff the department. HR Director Arrick-Kruger recommended changing the status of Bruce Shores to full time. Mr. Shores is currently working as a 0.5 FTE jailer/dispatcher. This option will not increase the overall FTE of the department and will provide for full staffing, although it will not allow for as much flexibility. HR Director Arrick-Kruger stated that while there may be increased costs related to health insurance benefits,

this will likely be offset by premium pay that will not be required due to being adequately staffed. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the status change of Bruce Shores from 0.5 FTE to 1.0 FTE jailer/dispatcher.

HR Director Arrick-Kruger is pleased to recommend the appointment of Bethany Moen as Social Services Supervisor. Ms. Moen is a 10 year veteran of the department and offers a wide breadth of experience. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to appoint Bethany Moen as Social Services Supervisor at step 3 of the C-52 band effective June 29<sup>th</sup>. HS Director Bahr stated that Ms. Moen is dependable, sensible and has a nice way in which she handles various situations. She has confidence that Ms. Moen will do well in this position.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to grant a \$50.00 per month mobile computing stipend to Bethany Moen effective July 1, 2015.

The appointment of Bethany Moen as Social Services Supervisor creates a vacancy in a social work position whose primary duties are to serve the disabled population. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the initiation a search for a social worker.

File No. 5 - HR Director Arrick-Kruger explained that she would like to include in the advertisement for the social work position that a “lead worker” assignment may be a future opportunity. This position has not been requested nor approved at this time, however, there is discussion depending on funding. Including this in the ad may impact the applicant pool. Typically a lead worker position would be offered to internal candidates. Currently there are 40 child protection positions across the region. Commissioner Storlie inquired how a lead worker position would impact case loads. HR Director Arrick-Kruger expects that work would shift in the event a lead worker position was approved. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the inclusion of the potential for lead worker assignment within the advertisement for social worker.

Commissioner Kjome reported on collective bargaining negotiation and Planning Commission meetings which he attended this past week. He expressed concern with the Planning Commission having allowed testimony and ruling on a permit renewal which did not appear on the agenda. Discussion was held.

Commissioner Walter reported on a Workforce Development meeting which she attended. She is scheduled to attend another Workforce Development meeting which will include representatives from Winona County on August 7<sup>th</sup>.

Commissioner Zmyewski reported that items discussed during law committee earlier today have been brought before the Board.

Commissioner Storlie reported on collective bargaining negotiation, Scenic Byway, and Solid Waste meetings which she recently attended. She also attended beneficial leadership training. She provided information regarding the number of scenic byway miles in Minnesota versus Iowa, various funding sources, tours which are offered at the Xcel energy plant and the repurposing of the landfill into public trails.

Chairperson Schuldt reported on the Highway Department public input committee and Scenic Byway meetings which he attended.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to place on file the following items from the consent agenda:

File No. 6 – Correspondence regarding tax abatement

There being no further business and the time being 10:14 a.m., motion was made by Commissioner Walter seconded by Commissioner Storlie and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, July 7, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, July 7, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; County Attorney Jandt; Zoning Administrator Scanlan; HR Director Arrick-Kruger; Bruce Kuehmichel; Gretchen Cook; Luke Sass; Yvonne Krogstad; PHN Director Marchel; Glenn Kruse; Arlin Peterson

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the agenda.

Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the minutes of the June 23, 2015 meeting.

File No. 1 - Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$54,209.36
Road & Bridge Fund	168,221.58
	-----
Total	\$222,430.94
	=====

File No. 2 - At this time, Chairperson Schuldt read the following: "At this time, the public is welcome to address the County Board on any matter of county concern. When invited to speak, please state your name, address, and the topic you are addressing. Members of the public may speak respectfully for up to 2 minutes. The public comment period is limited to a total of 15 minutes. County Board members may ask or answer questions of the speaker, however, the issues shall not be debated during the public comment period. At the Board's discretion, the Board may agree to schedule matters addressed during the public comment period on the current Board Agenda or on a future Board Agenda. All discussions must be civil in nature and must be directed at the Board, not at other members of the public. Any discussions

regarding employee or department performance are not allowed and should be taken up with the human resources department or appropriate department head.”

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the transfer of the liquor license for Valley High Golf Club now owned by Foursome Golf Group, LLC.

File No. 3 - HR Director Arrick-Kruger reported that two staff members have successfully completed their probationary periods. The first is Leah Milde, Public Health Clerk. PHN Director Marchel reported that Ms. Milde is bright, learns quickly and has already contributed to streamlining the processes of the department. On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the change of status from probationary to regular for Leah Milde, effective July 12, 2015.

The second staff member who is recommended for regular status is Renee Wagner, Deputy Auditor working in the License Center. Auditor Meiners reported that Ms. Wagner is a wonderful asset to her team, she is learning quickly, fits in and works well with staff and the public. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the change of status from probationary to regular for Renee Wagner, effective July 12, 2015.

HR Director Arrick-Kruger reported that a negotiation meeting is scheduled with AFSCME. She also mentioned that notification has been received from MAPE that the unit has ratified the collective bargaining agreement which will be brought forward to the County Board for final approval.

HR Director Arrick-Kruger reported that a contract in the amount of \$3,900.00 has been entered into for the supplementation of the Historic Structures Report on the Historic Courthouse Building. Once the report has been supplemented it is expected to be included with a grant application for a sizeable capital funding grant available through the Legacy Funds. The grant application is due July 31<sup>st</sup>.

Zoning Administrator Scanlan reported on the following variance which was approved by the Board of Adjustment; a variance for Ron and Jim Holty of Spring Grove Township for a variance of 150 feet to meet the required ¼ mile setback from an expanding feedlot to an existing dwelling to build a cattle confinement barn and manure storage basin.

File No. 4 - On the recommendation of the Planning Commission, motion was made by Commissioner Kjome, seconded by Commissioner Walter and unanimously carried to approve the issuance of the following conditional use permits:

Ron and Jim Holty – Spring Grove Township - Expand a feedlot to 999

animal units and build manure storage.

The Holty's wish to expand their operation and add a finished cattle slat confinement building to house 740 animals. They have traveled to Ireland to research new technology which will increase both the comfort and cleanliness of the new structure while reducing odor. Zoning Administrator Scanlan stated that he has utilized the model created by the University of Minnesota which projects 92% of the time the confinement building will not create nuisance odor. The Holty's have access to 1,000 acres on which to spread their manure and are working to develop the necessary manure management plan for the facility.

File No. 5 - On the recommendation of the Planning Commission, motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the issuance of the following interim use permit.

Tim Heintz – Brownsville Township - Home Occupation – Car Dealership

It was noted that the interim use permit will limit the number of vehicles on the property which are being prepared for sale to twelve, and the permit will sunset after a period of 10 years. Mr. Heintz does not perform painting or extensive body work on vehicles on site. Body and paint repairs are outsourced.

File No. 6 - On the recommendation of the Planning Commission, motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the issuance of the following Zoning Permits:

Mike Patterson – Spring Grove Township - Replace pole shed due to wind damage (32' x 50')

Concrete Foundations, Inc. – Spring Grove Township - Install temporary 90-day ready mix plant for County 8 road project (Starting 7-1-15)

Skree Trust/Gary and Marion Skree – Sheldon Township - Build 4 sided deck (2) (24' x 44')

Doug Heintz – Sheldon Township - Build (2) additions on milking center (15' x 18') and (10' x 30')

Dennis Forsyth – Caledonia Township - Build hay shed (45' x 72') after fact

Kenneth Anderson – Wilmington Township - Build shop addition (16' x 36') and cattle shed addition (40' x 80')

Ed Troendle – Wilmington Township - Build shop (48' x 58') house (48' x 30')

Thomas Phillips – Mound Prairie Township - Build pole building (24' x 28') garden shed (12' x 8.5')

Charles Kasten – Mound Prairie Township - Build pole building (70' x 120')

Erik and Melissa Brennan – Yucatan Township - Build house (38' x 57') garage (38' x 25') deck (12' x 44') and storage shed (9' x 18')

Maynard Welscher/Blue View Dairy – Mayville Township - Replace existing loafing barn with new confinement building (54' x 90') no expansion

Darcy Thorson – Wilmington Township - Build house (50' x 34') garage (26' x 30') porch (5' x 22'6") deck (8' x 20')

Tom Vix – Houston Township - Build (3) storage sheds (12' x 24') (40' x 52') (24' x 48')

Brian and Sally Inglett – Sheldon Township - Build deck (18' x 28')

Eric Halverson – Caledonia Township - Build house (70' x 26.5') garage (40' x 23.5') porch (20' x 6')

Kim Benson – Brownsville Township - Build addition (6'2" x 30') addition on deck (2' x 6'6") after fact

File No. 7 - Commissioner Storlie stated that there has been lengthy discussion regarding the proposed Highway Department Building which she has been carefully considering. She expressed her belief that members of the Board have been elected by the people to perform decision making duties regarding the operations of the County. With these thoughts in mind, she indicated that it is time to move forward with the proposed building project. Motion was made by Commissioner Storlie and seconded by Commissioner Walter to charge Brian Pogodzinski, County Engineer with pursuing necessary permitting, developing the site plan (determining the location of a Highway Department Building) on the 20 acre site already designated by Board motion as the location for the proposed Highway Department Building, and to work with architects to develop a final building design to be presented to the County Board.

Commissioner Kjome expressed concern that there is more information to be gathered. From the information he has gathered, his constituency is supportive of the County acquiring additional land near the current Highway Department Building/Fair Grounds area so that expansion can take place at that site. Chairperson Schuldt stated that in order to purchase additional land at the current site there needs to be a willing seller of suitable land. The land contiguous to the current property is fairgrounds, agricultural property, and single family housing units. Commissioner Storlie stated the County has suitable land for the project which has been designated for said purpose already. Information could continue to be gathered over a period of the next 20 years without ever taking action to move the project forward. She feels the time is appropriate to take action. Commissioner Storlie recently attended an Emergency Management meeting to discuss updates to the Emergency Management Plan. Discussion was held that the County needs to be prepared to respond to emergencies. The equipment needs to be protected and available for use if the need should arise. FEMA is offering grants towards upgrades to ensure response readiness. It may be possible to secure funding that would allow the County to upgrade from a hybrid concrete/steel to a solid concrete structure which will withstand storms of greater magnitude. In order to even consider taking advantage of the FEMA grant opportunities certain decisions need to be made to move the project forward. Commissioner Walter reported that she has received multiple calls from residents who support decision making by elected officials. Commissioner Kjome expressed concern that the school is near the designated site and will be subject to back up alarms of the heavy equipment. He questioned whether there has been discussion with school representatives to determine if they have concerns with being located near a shop which dispatches heavy equipment. Commissioner Storlie stated that estimates for the project are unknown. Estimates have been circulated which reflect those provided several years ago for a design which is larger than what is planned. The cost for the proposed project is unknown at this time. By charging Engineer Pogodzinski with obtaining necessary permits, development of the site plan and building design costs it will become easier to estimate actual costs. There is a need to determine more accurate cost estimates which cannot be done without final plans/designs. It is also necessary to determine whether necessary permitting will be granted. The vote was called for and the motion carried with Commissioner Kjome voting in the negative to charge Engineer Pogodzinski with pursuing necessary permitting, developing the site plan (determining the location of a Highway Department Building) on the 20 acre site already designated by Board motion as the location for the proposed Highway Department Building, and to work with architects to develop a final building design.

Commissioner Kjome reported on a One Watershed One Plan meeting which he attended. The One Watershed One Plan is a collaborative project involving 10 counties.

Commissioner Walter reported on an AMC teleconference which she participated in.

Commissioner Storlie reported on an AMC teleconference which she participated in. AMC expects to be prepared to schedule training after July 20<sup>th</sup>. She also reported on an Emergency Management Planning meeting which she attended and a meeting with the Adult Protection Team.

Commissioner Schuldt reported on information gleaned through discussion with constituents regarding proposed Highway Department Building sites and also about the meeting of the Houston County Association of Township Officers which he attended.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to place on file the following items from the consent agenda:

File No. 8 – Correspondence to payroll regarding appointment and change of status

File No. 9 – Request from Kid's Corner of Caledonia to renew tax abatement

There being no further business and the time being 9:33 a.m., motion was made by Commissioner Walter seconded by Commissioner Kjome and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, July 14, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, July 14, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; County Attorney Jandt; Sam Whitehead; Tim Penny; Denis Gardner; Sarah Beimers; Finance Director Lapham; HR Director Arrick-Kruger; Engineer Pogodzinski; Debbie Wray; Bruce Kuehmichel; Bryan VanGorp; Kent Holen; Ken Tschumper; Wayne Feldmeier; Diane Fields; Michael Fields; Donna Buckbee; Gretchen Cook; Kelley Stanage; Yvonne Krogstad; LeAnn Benson; Fred Arnold; Chief Deputy Sheriff Lapham; Polly Heberlein; Barb Bissen; Jeremy Chipps; Larry Gaustad; Treasurer Trehus; Glenn Kruse; Bill Colopoulos

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the agenda as amended.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the minutes of the July 7, 2015 meeting.

File No. 1 - Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$121,972.27
Road & Bridge Fund	85,412.25
	-----
Total	\$207,384.52
	=====

Chairperson Schuldt read the rules of the public comment period

File No. 2 – Fred Arnold, Caledonia resident, read from a prepared statement which is on file.

Wayne Feldmeier, Yucatan Township resident, stated that he watches County Board meetings via the internet. He commended the Board for the work that they do. He indicated that when past Boards began discussions regarding building a new jail the cost was estimated at \$8 million, however, by the time a Board took action the cost had doubled. He expressed his opinion that money could have been saved if the Board had taken action more quickly. He indicated that the Highway Department Building will cost the going rate when a decision is made. He expressed support to move ahead before the cost increases as a result of years of inflation. In addition, Yucatan Township erected a shop. The shop has resulted in more satisfied workers and equipment which lasts longer. He shared his opinion that building the township shop was one of the best decisions made by the Town Board.

File No. 3 - Deb Wray, Winnebago Township resident, read from a prepared statement which is on file.

Bryan VanGorp, Yucatan Township resident, expressed his displeasure with the handling of various county matters.

Ken Tschumper, La Crescent Township resident, expressed concern that a mining ordinance is being brought forth less than a year following the failure to adopt a similar ordinance which, in his opinion, is contrary to the Houston County Zoning Ordinance.

Bruce Kuehmichel, Caledonia City resident, indicated that he does not support a draft mining ordinance that is scheduled to be discussed during a Public Hearing to be held Tuesday, July 21, 2015. He indicated that Section 27 of the current Zoning Ordinance is adequate.

File No. 4 - Sam Whitehead provided an overview of proposed changes to the EDA bylaws. The proposed changes were triggered by the inability to fill 6 year terms and special legislation allowing for 3 year terms along with minor language clean up. The next step to updating the bylaws will be to hold a public hearing. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to set a public hearing for August 4<sup>th</sup> at 10:00 a.m. to discuss proposed EDA bylaw changes.

File No. 5 - HR Director Arrick-Kruger reported that a search for a Highway Department Maintenance Specialist has been completed. She was pleased to recommend the hire of Charles Ingram for said position. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the hire of Charles Ingram effective July 27<sup>th</sup> contingent upon successful completion of a background check. HR Director Arrick-Kruger stated that Mr. Ingram comes with considerable experience operating heavy equipment in the private sector.

File No. 6 - Engineer Pogodzinski provided copies of the annual Highway Department report.

File No. 7 - At this time the Board met with Tim Penny who presented an overview of what SMIF (Southern Minnesota Initiative Foundation) has done in Houston County over the past year. Mr. Penny expressed appreciation for the financial support of the county. He shared the various ways in which SMIF receives support. SMIF is a non-profit supported by local governments, communities and businesses. They spend approximately \$5 million annually across the region to support 3 key areas which includes early childhood education, entrepreneurial investments and managing community funds. In Houston County they provided a loan to Amanda's Daycare to improve its facilities and SMIF has been providing quality childcare trainings. Recently, SMIF has become able to accept donated farmland which will remain on the tax rolls and continue to be farmed. The proceeds from the farming operation will supplement the other funding streams to support SMIF outreach. Mr. Penny shared information about the Feast Festival which will be hosted in Rochester at the Mayo Civic Center. The festival features local food suppliers. The event goal is to bring together local suppliers with vendors in need of products. The festival has resulted in several contracts between suppliers and vendors. This year the event is a collaborative initiative including SMIF, Minnesota Department of Agriculture and Mayo Foundation and is scheduled to be held December 5<sup>th</sup>.

SMIF also provides business incubators across the region including one in Red Wing, Northfield and Mankato. They offer start up grants or incentive grants to help initiate and foster new projects.

File No. 8 - The time being 9:33 a.m., bids received from auctioneers to conduct the County Auction were opened and read. Zenke Auction & Realty submitted a bid in the amount of 4.89%. Babler Auction Services submitted a bid in the amount of 6%. Following discussion, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to accept the low bid provided by Zenke Auction & Realty in the amount of 4.89%.

Commissioner Zmyewski questioned why action was taken to move the Highway Department Building project forward when the Board recently agreed to hold a public hearing which hasn't been scheduled yet. Chairperson Schuldt indicated that there is a need to keep the project moving forward and the Board has also taken action to select a site. This is the next step in the process. Commissioner Zmyewski expressed his opinion that public input should be gathered and considered prior to taking action to move the project forward. Chairperson Schuldt indicated that the Board has taken action, by selecting a site, to move forward with site development, building design and making application for necessary permits. While this work is happening Chairperson Schuldt indicated that he continues to consider other properties. Commissioner Zmyewski questioned why the Board would put time and resources into moving the project forward without having completed the gathering of information. He questioned what the Board will do in the event a better option materializes once additional work has been completed. He expressed concern that the Board indicates it desires to gather public input and then acts in a way that appears contrary. He shared his expectation that the committee would meet, information would be gathered and discussed followed by a recommendation from the

committee. He shared his frustration with what has been said and the chain of events. Commissioner Walter stated she has received many inquiries and also much support for the decisions of the Board. Commissioner Zmyewski stated he attended the Caledonia City Council meeting just last night. The council indicated that it was displeased with not having had any representation prior to decisions having been made. Commissioner Zmyewski also pointed out that Commissioner Storlie had indicated she wanted representation from across the county. He questioned why Mike Gerardy from the City of Caledonia and a representative from the school haven't been included or even queried to see if they have concerns. Commissioner Zmyewski questioned the urgency with moving the project forward. Chairperson Schuldt stated that there has been much discussion over the years which could go on for many more years as time passes costs increase. Commissioner Storlie expressed her opinion that there has been a considerable amount of research completed and it is appropriate to keep the project moving forward. Commissioner Zmyewski expressed concern that the majority ruled to hold a public hearing and that is being ignored. Commissioner Walter stated that it is known that a Highway Department Building is needed and the site has been chosen. Commissioner Zmyewski expressed concern that by the time building permits are obtained all decisions have been made and it will be too late to consider any concerns raised by the public at that point. Commissioner Walter indicated that it is unknown whether the necessary permits are obtainable. Commissioner Zmyewski continued to pressure the Board to schedule a date for a public hearing. Commissioner Storlie expressed it is time to move on with the next appointment and made a motion to do so. Motion died for lack of a second. Commissioner Zmyewski expressed concern that commissioners continue to contradict themselves and he is being asked by constituents what the plan for a Highway Department is

At this time the Board met with Denis Gardner and Sarah Beimers from the Minnesota Historical Society. Mr. Gardner and Ms. Beimers indicated that they are present to answer questions. Commissioner Storlie questioned whether removal of the Historic Jail will impact the ability of the County to apply for grants. They responded that the Historic Courthouse and Jail are listed as a single unit on the National Register. Removal of the Historic Jail will trigger delisting and the Historic Courthouse would need to go through the listing process for the single structure in order to become eligible for grants. Commissioner Storlie questioned whether there are restrictions on how the Historic Jail may be repurposed. Mr. Gardner indicated that many historic structures are no longer utilized for their original purpose. There is much flexibility with regard to repurposing the structure. It was asked whether there are grants available through the Historical Society to help with repurposing the structure. If a historic structure is owned by a unit of government, a non-profit it would qualify to make application to receive Legacy funding. Structures which are privately owned qualify for state tax credits to rehabilitate. When asked whether the jail cells could be reused as part of the repurposing it was noted that the County would work with a historic architect. Often there needs to be adaptations for reuse. Not all features need to remain "as is". It may be possible to remove the jail cells or utilize the space for another purpose to create a unique experience. The tax credit program is available to private developers and was established to encourage the preservation of historic structures.

Ms. Beimers indicated that Legacy grants are offered to offset the funding costs for planning purposes. The grants can be used so that an adaptive reuse study may be completed to help guide the process to repurpose a structure.

Commissioner Storlie stated that both the Historic Courthouse and Jail are in need of significant work. She questioned whether making application for Legacy funds for projects for each structure would impact the likelihood of being awarded funding. Ms. Beimers' doesn't expect that funding would be inhibited if, for example, application was made for capital improvements for the Historic Courthouse and application was made for a small grant to fund an adaptive reuse study for the Historic Jail because capital and small grants are unique pots of money. In addition, a Legacy grant to develop a preservation plan inclusive of both structures could be applied for. Mr. Gardner shared an example of an aviary and other structures located on property on Waseca County which is undergoing a preservation plan which is inclusive of all structures on the property. Commissioner Walter stated that Pathfinders completed a study recently which required supplementation because if failed to meet necessary requirements for the County to be successful in making application for Legacy funding. Sarah Beimers indicated that Fergus Falls is facing a similar situation with what to do with a historic structure. Fergus Falls is home to a historic state hospital which has not been used for approximately 10 years. Structures that are mothballed typically require minimal maintenance and heat. HR Director Arrick-Kruger stated that the Historic Jail is heated to 50 degrees and ventilation is maintained to inhibit any microorganism growth.

It was noted that state statutes govern demolition of historic register structures. A consultation, review and EAW (environmental assessment worksheet) would be required. The EAW is a process overseen by the EQB (environmental quality board).

Ms. Beimers noted that the Minnesota Historical Society is a resource agency, not a regulatory one. Commissioner Storlie questioned whether a party interested in preserving the jail could come to the Minnesota Historical Society for ideas. Ms. Beimers responded that it is highly likely that preservation discussion would include a historic architect. The developer and architect would work together to determine how to make the structure income producing. There are substantial costs with reuse and a need for significant funding. Commissioner Storlie reported that the Board is not interested in spending significant local funds on the historic jail. Ms. Beimers indicated that recently, developers have stepped forward to rehabilitate historic structures in Winona. They are utilizing the tax credit program. Local governments are responsible to care for historic properties owned by them. The Preservation Alliance is assisting the Winona developer and has visited the historic jail. They may be able to provide advisory involvement with regard to reuse of the historic jail.

Commissioner Schuldt questioned how the tax credit program works. Ms. Beimers stated that there are both federal and state tax credit programs. Many developers who undertake the rehabilitation of historic structures understand how the program works. Developers of historic register structures have taken advantage of the tax credit program in the Twin Cities and Duluth

and even in smaller towns such as New Ulm, Cannon Falls and Winona. The program is working to encourage preservation. The federal and state tax credit programs can both be utilized to offset rehabilitation and reuse costs.

Washington County has repurposed a historic jail. It is likely a historic architect would be able to provide rough cost estimates. Typically the exterior is more important than the interior of historic structures. Commissioner Zmyewski indicated it would be ideal to reuse or repurpose the historic jail. However, he questioned what happens if no developer comes forward, years pass and the structure deteriorates further. It may come to a point that the maintenance costs are too substantial and the County doesn't have funding to improve the structure for reuse. Ms. Beimers stated that there are three ways to remove the structure from the Historic Register; they are raze, move or substantially change. The Historical Society can't prevent the county from demolishing the structure.

The Historic Jail is Italianate style. If the characteristics which make it Italianate are altered, it may force the delisting from the Historic Register. It is not known what alterations would trigger delisting. For the structure to remain on the Historic Register it is important to maintain the characteristics which qualify the structure as Italianate, most of which are exterior.

HR Director Arrick-Kruger noted that the Preservation Alliance developed a display to feature repurposed historic structures. The display will be set up outside the commissioner's room. Laverne has repurposed its jail and it now serves as an art gallery and veterans museum.

Commissioner Zmyewski questioned whether a lease agreement for the structure would allow the lessee to access funding streams. Representatives from the Minnesota Historical Society advised it would complicate things to have a lease situation. A partnership arrangement may provide greater access to funding. It is also possible that a non-profit may be able to act as a pass through agency for certain types of funding.

Ms. Beimers encouraged the Board to make application for Legacy funding to offset the costs to complete an adaptive reuse study. This type of study would consider physical constraints of the building, identify potential uses, and rank the options. It is possible the cost for such a study would exceed the small grant cap of \$10,000.00.

Commissioner Zmyewski indicated that preserving the historic jail and/or repurposing the historic jail is going to be a significant project. In his opinion, the Board is facing other challenges and doesn't have the time to commit to this additional project. He suggested having the Houston County Historical Society take the lead with the historic jail. Debbie Wray expressed concern that the Houston County Historical Society is run by an all-volunteer staff which may be able to offer some assistance, but also lacks resources to take the lead on this project. It was suggested that it may be possible to partner with the EDA.

Representatives from the Minnesota Historical Society encouraged the Board to speak with Rock County officials to see how they handled the repurposing of the jail in Laverne.

When asked to clarify the County's position regarding the Historic Jail, Commissioner Zmyewski indicated that it is easy to say they'd like to repurpose the structure. However, if no developer steps forward, the county could spend much time and money maintaining the structure without it ever being repurposed.

Barb Bissen stated that she would be attending the upcoming SHIPO conference. She is willing to ride share if anyone else is interested in attending. The conference gathers people from across the state that have interest in preserving historic sites and/or developing those sites. The conference is scheduled for September 17<sup>th</sup> and 18<sup>th</sup> in Little Falls.

Finance Director Lapham stated that current financial reports were provided electronically. There are various line items which appear out of line, however they are the result of planned items which will have budget amendments presented to bring line items back in line with the budgeted amounts. Cash balances have been restored to beginning year amounts and debt service payments have been made. Discussion was held regarding debt service payments which will remain consistent throughout the repayment period.

Finance Director Lapham stated the proposed levy for 2016 should be adopted during the September 22<sup>nd</sup> Board meeting due to the fact that there is no regular meeting scheduled for September 29<sup>th</sup> and the proposed levy is to be adopted on or before September 30<sup>th</sup>. Finance Director Lapham reported that budget worksheets will be distributed later this week and will be due in mid-August. Budget meetings should be scheduled for late-August through early-September. Commissioner Storlie questioned whether legislators had taken any action which would significantly impact budgeting. Finance Director Lapham responded she was unaware of any legislation that would impact the budgeting process.

File No. 9 - Treasurer Trehus reported that investments have remained relatively unchanged as she continues to keep funding liquid. There are certain decisions on the horizon which have caused Treasurer Trehus to refrain from making additional significant investments at this time. Commissioner Zmyewski questioned in what amount could the County "write a check" while continuing to maintain adequate operating funds to continue business. Treasurer Trehus responded that approximately \$4 million could be spent without jeopardizing business operations. Discussion was held regarding the benefits and/or drawbacks of fund specific investing. It was noted that any investing of county funds is limited to government backed securities. The money market account is earning 1% interest which is a very good rate at this time.

It was agreed to schedule budget meetings starting on Tuesday, August 18<sup>th</sup>.

File No. 10 - Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to amend the minutes of the December 30, 2014 to accurately reflect that Commissioner Zmyewski, not Commissioner Storlie, seconded the motion to set the Sheriff's salary at \$86,371.95.

File No. 11 - Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the gambling permit for the Sheldon Valley Sportsmans Association for activities scheduled for October 25, 2015.

Pursuant to M.S. 13D.03 subd. 1(b), motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to go into closed session to consider strategy for labor negotiations.

At this time, motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to reconvene in open session.

HR Director Arrick-Kruger re-stated the purpose of the closed session was to discuss strategy for labor negotiations.

File No. 12 – Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and carried, with Commissioner Zmyewski voting in the negative, to approve the tentative labor agreement with MAPE which includes COLA increases of 2% for 2015, 2.5% for 2016, and 3.0% for 2017 and various language changes. Commissioner Zmyewski explained that he does not have an issue with the language changes, however, remains firm in his position that COLA increases should not be granted at this time.

Commissioner Storlie reported that a listing of individuals in custody is now available on the Houston County website. She also provided information on the revenues received by Houston County for housing inmates from other facilities. Commissioner Storlie reported on an EDA meeting which she attended this past week.

Commissioner Zmyewski reported that he attended the Caledonia City Council meeting held last night.

Commissioner Walter reported on a La Crescent Township meeting which she attended.

Commissioner Kjome reported on negotiation and EDA meetings which he recently attended.

At this time, Chairperson Schuldt invited Commissioner Zmyewski to continue his discussion from earlier. Commissioner Zmyewski wants to ensure the public and those governments and entities impacted by the decisions regarding the Highway Department Building project have a platform to voice their concerns and offer ideas. Chairperson Schuldt indicated

that design should be completed by qualified individuals at the direction of the Board. He isn't opposed to hosting a public hearing however he wants a plan prepared that may be presented. Commissioner Schuldt stated again that he is continuing to consider alternate sites. Commissioner Zmyewski wants to ensure that the county does not waste time or resources making decisions only to determine an alternate option is more worthwhile.

Motion was made by Commissioner Kjome, seconded by Commissioner Storlie and unanimously carried to place on file the following items from the consent agenda:

File No. 13 – Correspondence to payroll regarding recent changes in status

File No. 14 - Correspondence to H. Koch regarding tons delivered to Xcel

There being no further business and the time being 12:06 p.m., motion was made by Commissioner Kjome seconded by Commissioner Walter and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, July 21, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, July 21, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Gretchen Cook; Bryan VanGorp; Kelley Stanage; Betts Reedy; Bruce Kuehmichel; Donna Buckbee; Sheriff Deputy Seitz; County Attorney Jandt; Rodney Bartsh; Mike Levigne; HR Director Arrick-Kruger; Engineer Pogodzinski; HS Director Bahr; Social Services Supervisor Moen; Financial Services Supervisor Kohlmeyer; Eric Johnson; PHN Director Marchel; Jeremy Chipps

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Kjome, seconded by Commissioner Walter and unanimously carried to approve the agenda.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the minutes of the July 14, 2015 meeting.

File No. 1 - Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$62,875.62
Road & Bridge Fund	30,933.30
	-----
Total	\$93,808.92
	=====

Chairperson Schuldt read aloud the rules of the public comment period.

Bruce Kuehmichel, Caledonia City resident, requested clarification regarding a motion made on June 16<sup>th</sup> to hold a public hearing to discuss the proposed Highway Department Building following deliberations of the public input committee and a motion made on July 7<sup>th</sup> directing the County Engineer to take additional planning steps. He questioned whether a public

hearing would or would not be held. Commissioner Zmyewski questioned the same thing. Mr. Kuehmicel made it a point to mention that in the event motions are not honored, integrity will come into question.

Eric Johnson, Houston Township resident, stated that he gives credit where it is due. The County Board, along with the Zoning Department and staff have been spoken ill of by various groups. Mr. Johnson shared his opinion that the Board members and Zoning staff have performed their duties well and within the law. He shared that the County took action to approve the renewal of the Erickson mine permit to the disapproval of some. The DNR took action to negate the permit. The Erickson's subsequently went to court with the DNR, and the courts ruled in favor of the Erickson's. Mr. Johnson stated this example shows that the Board and Zoning Office discharge their duties within the law. In closing, Mr. Johnson shared his opinion that the proposed Highway Department Building should be built on the current site and not on the land located near the school.

Bryan VanGorp, Yucatan Township resident, expressed his displeasure that his ethics complaint has been dismissed. He stated that there have been violations, that he has provided evidence, and that decisions have been based on lies making them invalid. He expressed his belief that the appellate court's ruling in favor of Erickson's was all based on lies. He stated that an invalid process cannot yield a valid permit. He expressed disgust that he will be subject to the devaluation of his property due to its location next to a mine. Further comments were made which were interrupted by a point of order request of the County Attorney. Mr. VanGorp was asked to take his seat.

Donna Buckbee, Yucatan Township resident, encouraged those in attendance to read the Pope's encyclical regarding climate change, as she felt it is instructive. The encyclical also speaks of spiritual poverty, corruption in government at all levels and calls on citizen groups to take action to expose corrupt governments.

File No. 2 - Engineer Pogodzinski recommended approval of the final payment for C.P. 2015-02. This is the pavement marking project completed by AAA Striping Service Company. The contract amount was \$57,507.02. Certified to date is \$60,533.71. There was a slight overrun on paint utilized, however, the overage was within expectations. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to adopt the following:

#### **RESOLUTION NO. 15-20**

WHEREAS, CP 2015-02 has in all things been completed, and the County Board being fully advised in the premises,

NOW, THEN BE IT RESOLVED, That we do hereby accept said completed project for and in behalf of the County of Houston and authorize final payment as specified herein.

File No. 3 - Engineer Pogodzinski reported that the joints of a cattle pass running beneath County 10 south of Sheldon and the joints of a culvert running beneath County 5 are failing causing sinkholes in the road surface. It was noted that there is approximately 25 feet of cover over the culvert located on County 5. Engineer Pogodzinski indicated that while the repairs could be made utilizing County equipment and staff, comparisons show that it would be more economical and less disruptive to traffic to utilize a contractor. Subsurface Inc. has submitted quotes for the repair of County 10 at \$7,200.00, and for County 5 at \$55,340.00 for a total of \$62,540.00. Subsurface Inc. will repair and seal the joints so that they will not separate again. The Highway Department has been monitoring the roadway condition at these sites which are deteriorating and need repair. The department did not budget for these repairs, however, there are adequate fund reserves which may be utilized to cover the cost.

In addition to the culvert repairs, blacktop on County 13 west of Houston is cupped and breaking down. The approximate ½ mile of road affected has subsurface material concerns which would be extremely expensive to correct/repair. Currently, flood bonding funds are being utilized to make repairs and upgrades to the hill section of County 13. Funding for this project was limited and in the event the amount was exceeded, the County would be required to bring the roadway into compliance with current road standards. Engineer Pogodzinski has solicited quotes to make the necessary repairs. The first option would be to place a “wedge” of pavement in the ruts so that the road surface is level. This option could be expected to last approximately one year. Wedge repairs get chewed away with each pass of the plow. This option would be relatively inexpensive at \$20,000.00. Another option would be to place the wedge of pavement followed by a 2 inch overlay of blacktop. The estimate for this type of repair is \$80,350.00 and could be expected to last up to 10 years. Doing nothing is a concern due to ice building up in the “tracks” in the winter. With the rutting, the plow blade isn’t able to clear snow and ice from the roadway which causes concern for driver safety. No funds for this repair were budgeted. There are adequate fund reserves which could be utilized. The total cost to repair the cattle pass, culvert and road rutting is estimated at approximately \$143,000.00.

File No. 4 - Commissioner Zmyewski questioned when a decision is required since completing the repairs as described will require a significant amount of fund balance. Engineer Pogodzinski stated that Subsurface Inc. will be working in the area in September and Mathy will be paving the work completed on the County 13 hill in a few weeks. The decision is not needed today, however, a decision within a week or two would allow the County to get the repairs made when the contractors are in the area performing other work. Discussion was held that the cattle pass and culvert repairs are necessary. County 13 will continue to deteriorate without repair. When cost and life expectancy of the wedge option is compared with wedge plus overlay, it appears more cost effective to go with the wedge plus overlay option. Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to approve the repairs to County’s 10, 5 and 13 as described and pay for the expense from fund balance.

Commissioner Zmyewski reported that he has received calls from constituents questioning why County 4 was seal coated so quickly following paving. Engineer Pogodzinski reported that previous studies indicated that sealcoating within 5 years was beneficial. More recent studies are indicating that to get the most useful life from paving, sealcoating should be completed within the first year. He explained that when blacktop is laid there are air pockets which can allow moisture in and the oxidation process begins. Sealcoating oil prevents moisture from getting into air pockets, minimizes oxidation and prevents cracking which result in extended road life. In addition, the slag collects heat which may result in better melting during the winter driving season. County 4 is the first roadway where this being tested in Houston County.

File No. 5 - HR Director Arrick-Kruger recommended approval of up to 8 weeks unpaid leave for Anne Sheetz beginning on or around September 4<sup>th</sup>. PHN Director Marchel indicated that the department has the capacity to cover this short term absence. Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the leave of absence for Anne Sheetz.

File No. 6 - Auditor Meiners reported on a request for a tax abatement from James and Lynette Foellmi. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the 2015 tax abatement in the amount of \$578.00 on parcel #14.0198.004 due to being incorrectly taxed.

File No. 7 - Commissioner Walter reported on a Southeastern Minnesota EMS meeting. Recently their auditor requested paper copies of joint powers agreements. The agreements are on file but only in an electronic form. The agreement was approved earlier. It was the consensus of the Board to sign the paper copy and submit it as requested.

Commissioner Walter provided information coming from the policy and safety committee which has been working to consider state interest in a federal program designed to reduce the number of mentally ill inmates housed in jails. She is working with Jail Administrator Schiltz and Sheriff Inglett. They want to be sure there is no cost to the county to support/participate in the program. While there is a need and it is a good idea, there is no aid for the program.

Chairperson Schuldt asked County Attorney Jandt to share information regarding land swaps. County Attorney Jandt referenced M.S. 373.01 subd. 5(e), which indicates that a county may exchange property of substantially equal value as determined by the County Assessor or licensed real estate appraiser without bids subject to proper notice and public hearing.

Auditor Meiners recently posed a question to County Attorney Jandt regarding the disposal of real property. County Attorney Jandt encouraged the Board to draft and adopt a policy for the disposal of surplus property. He shared that the first step would likely be to declare items as surplus and then to dispose of the items in the manner described in the policy.

Currently, the County hosts and auction on an annual basis. There is time value of money which the Board may want to consider. He questioned whether it is most economical to store, bear liability and wait for an annual auction, or to dispose of surplus by some other means. Auditor Meiners stated that she recently researched various options such as selling surplus utilizing an online auction service and realized that these services charge high commission percentages and the county generates larger revenue through the current process and live auction. Commissioner Zmyewski offered various suggestions such as offering items on the county website. He stated that a value to items such as vehicles could be easily determined utilizing a pricing guide, in the event no one was interested in the vehicle at the advertised price it could still go to auction. If the item were purchased a fair price would be received and storage and liability would be reduced.

At this time Wabasha County Sheriff Rodney Bartsh, and investigator Mike Levigne met with the Board to provide an update on the fraud investigation program. In 2014, Sheriff Bartsh was approached by the Social Services Director. The fraud investigator was a civilian. The idea of putting a law enforcement agent in this position was discussed and a position was quickly created. Mike Levigne was assigned to the position. Mr. Levigne is a high energy man, able to work across 5 counties with little to no supervision. He manages a number of cases and is passionate about the work he is doing. There are many complaints about Mr. Levigne often resulting from individuals who have lost benefits for which they were not eligible. Mike Levigne stated that he does receive a lot of public support for his efforts because it is taxpayer money at stake. He does find it challenging to work from Wabasha and across the 5 county area. This challenge is overcome through good working relationships which have been established with staff from Houston County and the other counties. Mr. Levigne recalls Financial Services Supervisor Kohlmeyer commenting that Houston County had not prosecuted a fraud case in 10 years prior to him starting. There has been one instance where criminal charges were prosecuted resulting from a Houston County investigation. There is another case pending in Houston County. Financial workers from Houston County are just as passionate about uncovering fraud as he is. Commissioner Zmyewski questioned how his referrals are received. Mr. Levigne responded that when financial/eligibility workers get a sixth sense that something isn't adding up or that something "stinks" they will make a referral. As a result, he is managing 40 to 60 cases at any given time. He indicated that counties that border a different state may see more fraud because clients may attempt to obtain benefits from both states. Minnesota has generous assistance programs and individuals may file online without ever being required to meet face to face with a financial/eligibility worker. The generous benefits offered by Houston County also attract those seeking benefits.

Mr. Levigne has three options when he uncovers eligibility concerns. He may uncover additional information which may be included in the eligibility case which essentially "fixes" the situation. He may offer someone who has received benefits in which they were ineligible a waiver or administrative disqualification. This will result in a loss of benefits which they were ineligible for but no criminal proceeding. The final option utilized when blatant fraud has been committed is criminal proceedings with charges of perjury and wrongfully obtaining assistance. This results in a loss of benefits for one year. Software utilized to manage benefits will track

these events and maintain a history so that someone who has signed an administrative disqualification multiple times could be permanently barred from receiving benefits. Ms. Levigne clarified that when he indicates a “loss of benefits” it may be only an individual portion of overall family benefits.

Sheriff Bartsh reported that Wabasha County is the recipient of a grant in the amount of \$90,000.00 which is utilized to cover wages and benefits. The State expects a \$3.00 return on each dollar expended on the program. Currently, Wabasha County has a \$7.00 return. Mr. Levigne is training other fraud investigators from across the state. Sheriff Bartsh stated that Mr. Levigne currently has a county vehicle. This vehicle is expected to need replacing in 2017. Sheriff Bartsh anticipates requesting a portion of funding from each participating county to fund the purchase of a replacement vehicle and gas/maintenance.

Sheriff Bartsh indicated that the high rate of return on investment shows there is value in the fraud investigation program. He hopes that next year the annual report will show a return on investment on a per county basis so that each county knows the value to its taxpayers. Commissioner Storlie questioned whether Mr. Levigne reports cross state fraud to the other state or how he handles those situations. Mr. Levigne responded that he maintains control to ensure that the individual who committed fraud is punished.

Mr. Levigne stated the Board should be proud of its workers. There isn’t much fraud that gets past Houston County financial/eligibility workers. Chairperson Schuldt questioned whether funds are recovered. Mr. Levigne indicated that Financial Services Supervisor Kohlmeyer can best respond to that question. Mr. Levigne did provide an example of a case where a man did not divulge information related to inheritance received and disability settlement received which would have made him ineligible for assistance. When this was uncovered, the county took action to recover assistance which he was ineligible to receive and proceedings are underway to take his assets. In some instances, benefits which a recipient does qualify for may be garnished to recover funds which were awarded to an ineligible individual. Mr. Levigne stated it is best to catch fraud before benefits are awarded. Commissioner Zmyewski questioned whether individuals are cooperative. Mr. Levigne indicated that when there is the potential for criminal proceedings some will voluntarily give up benefits, others cooperate and then blame the financial/eligibility worker who they claim will have to “fix it”. Most people will cooperate with him because he is cop.

HS Director Bahr reported that Mr. Levigne has been a speaker at a staff meeting. Fraud is not something financial/eligibility workers seek out but when things simply don’t appear right, they make the referral to the investigator.

HS Director Bahr introduced Bethany Moen, the new Social Services Supervisor. Ms. Moen has been with the county 10 years and recently promoted to this position.

HS Director Bahr reported that the carpeting and furniture for the family friendly room have been ordered. The room has taken longer than anticipated to complete and will be useful when finished. They are the department with the surplus chair and loveseat in need of disposal. There are clients in need of furniture however, she understands the concerns with proper disposal.

File No. 8 - HS Director Bahr reported on a purchase of service agreement with Olmsted County. This agreement is the "Whatever it Takes" grant which was awarded to Olmsted County as fiscal agent. The funding will be utilized by participating CREST counties. The grant covers the cost of a case manager to monitor cases in which an individual is held at either Anoka or St. Peter mental health facilities. The case manager prevents clients from languishing in these facilities. Houston County is only charged when the service is utilized, otherwise, the agreement costs nothing. Houston County has only had a single individual at one of the mentioned facilities. Olmsted County has been able to reduce its placement days by ½. This is very worthwhile considering the county of financial responsibility covers the cost of the stay 100% after the 30<sup>th</sup> day.

HS Director Bahr was pleased to report that Houston County was one of four Minnesota Counties which were not required to pay penalty due to the State's failure to comply with federal child protection requirements. The 83 other counties across the state will be required to payback federal funds received. The federal program used to tie funding to meeting or exceeding 4 standards which has been increased to 7 currently. Minnesota is falling short with regard to two of those standards. It is unknown at this time whether Houston County complies or falls short.

HD Director Bahr provided a brief overview of the budget and the ½ year mark. Both revenues and expenses are just below 50%. She indicated that the bulk of revenues are received in the third and fourth quarters.

Financial Service Supervisor Kohlmeyer reported that August is child support recognition month. Staff working in this area are required to establish relationships with not only clients but also with County Attorney and Court staff along with judges and magistrates.

The courts are transitioning to e-filing. Human Services will be required to participate. Staff is training how to submit paperwork, some of which is publicly posted, in a manner compliant with data privacy laws. Court Administration has been complimentary of staff who submit required paperwork timely and in good order. It was noted that court administration will not be responsible to check submissions for data privacy compliance. Financial Services Supervisor Kohlmeyer stated that most paperwork headed for court administration is submitted to the County Attorney for review first. She hopes that the review by the County Attorney will catch any data privacy compliance concerns.

Financial Services Supervisor Kohlmeyer stated that any overpayments are recovered and documented. In the event there has been an overpayment and a case is closed, the overpayment

will be referred to our collections worker. There are instances when revenue captures tax returns in payment.

Social Services Supervisor Moen reported that her unit is also working with electronic filing with courts. They are developing the process for numbering. Their work is also reviewed by the County Attorney prior to submission and she hopes this will be a second line of defense to prevent any accidental release of protected data.

Social Services Supervisor Moen reported that MN Choices currently has 16 assessments, with 2 additional assessments anticipated for a total of 18. While this may not sound terrible, these assessments are in addition to the 195 cases distributed across workers. The assessments are taking an average of 8 to 20 hours to complete. Assessments used to take 3 to 8 hours so the average time has doubled. There are numerous questions to answer. The tool utilized for the assessment is new and is a combination of 3 tools which were previously used. The disability workers are doing a very good job. They are required to have knowledge of all waivers and need to know all programs. There will be training so that workers know what services may be offered. In addition to assistance programs there are also a few which are grant funded. In an effort to expend worker knowledge, Human Services and Public Health workers have been meeting monthly to discuss assessments and share information. In September the reassessment period begins. Houston County will be gaining 13 assessments in the month of July. Six Houston County clients will be assessed by workers in their county of residence. The net increase of assessments for Houston County is 7.

HS Director Bahr indicated that other counties are assigning duties in a compartmentalized manner. This is something to explore in greater detail. MN Choices and the new screening and planning procedures have changed the entire process from beginning to end. She stated that disability services workers pay for themselves and generate additional revenue which supports the department.

Chairperson Schuldt reported on a recent Caledonia School Board meeting which he attended. It was the general consensus that the School Board would prefer to have additional housing located near the school instead of the proposed Highway Department Building.

Commissioner Zmyewski reported that he also attended the Caledonia School Board meeting. Commissioner Zmyewski indicated that he is interested in whether the Board plans to hold a public hearing related to the proposed Highway Department Building. Chairperson Schuldt stated that prior to a public hearing he would like to have a plan to present.

Commissioner Storlie reported on Solid Waste and Emergency Communications Board meetings which she attended.

There being no further business and the time being 10:25 a.m., motion was made by Commissioner Walter seconded by Commissioner Zmyewski and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, July 28, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, July 28, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; County Attorney Jandt; Environmental Services Director Frank; IT Director Milde; Shirley Johnson; Bruce Kuehmichel; Bryan VanGorp; Donna Buckbee; Kelley Stanage; Betts Ready; Ken Tschumper; Eldon Pohlman; Luke Sass; deputy Sheriff Kulas; Finance Director Lapham; HR Technician Diersen; Georgia Rosendahl; Duane St. Mary; Rich Cordes; Debbie Wray; Yvonne Krogstad; Jeremy Johnson; Emily Johnson; Rick Jennings; Eldon Pohlman; Mark Jennings; various 4H members

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the agenda.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the minutes of the July 21, 2015 meeting.

File No. 1 - Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$58,953.32
Road & Bridge Fund	50,675.99
	-----
Total	\$109,629.31
	=====

Ken Tschumper, La Crescent Township resident, indicated he had two points of concern. The first concern has to do with the Erickson mine permit. Mr. Tschumper inquired how the 10,000 cubic yard maximum annual extraction limit would be monitored and enforced. He requested the Board take action to direct the Zoning Office to develop a procedure to monitor extraction quantities. His second point of concern is regarding a recently scheduled public

hearing. Mr. Tschumper would like to know who drafted a proposed mineral extraction ordinance, who scheduled a public hearing to discuss the proposed ordinance and who cancelled the public hearing that had been scheduled. He indicated that neither the County Auditor nor County Attorney have any information in this regard.

Bryan VanGorp, Yucatan Township resident, stated he will be discussing Houston County democracy. He recently noticed how excited Commissioners were with a presentation by the fraud investigator who follows up on welfare fraud complaints. He expressed concern that the public may question commissioners and be directed to department heads for explanation. When they speak with department heads they are often directed to commissioners. He questioned why they run around when seeking answers. The public is limited to the time in which they may speak with the Board, there is no debate regarding public concerns, the public is prevented from naming county employees and meetings are attended by uniformed officers.

Bruce Kuehmicel, Caledonia City resident, stated that during last Thursday's Planning and Zoning meeting, member Rich Schild moved to direct 4 conditional use permitted mines to come into compliance. The motion failed. Mr. Kuehmicel shared his opinion that this reflects a disregard for the law and those members who voted against Mr. Schild's motion should be removed from the Planning Commission.

Jeremy Chipps, La Crescent City resident, expressed his ongoing concerns related to potential frac sand mining within the area. He also voiced concerns regarding the transport of both crude oil and frac sand via rail lines which go through the county. He expressed disagreement with the County Attorney's position with regard to non-conforming mines. Mr. Chipps stated these things are very serious.

Yvonne Krogstad, Caledonia Township resident, encouraged the Board to insist that the Zoning Office enforce the current ordinance. She also offered to donate her time to draft a letter to be sent by certified mail to all owners of the 130 non-conforming mines located in the county providing them with 30 days to come into compliance.

File No. 2 - Environmental Services Director Frank reported on the State Department of Agriculture Cooperative Agreement for Waste Pesticide Collection. The State wants to expand the agreement for waste pesticide disposal. The agreement will reduce the reporting requirements to name and pounds of chemical collected. Waste pesticide collection used to take place every other year. However, collection has been changed to coincide with annual household hazardous waste collections which take place annually. Two collections have taken place in 2015, one each in Houston and Spring Grove. An additional collection is scheduled to take place in La Crescent for later this year. On the recommendation of Environmental Services Director Frank, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the Cooperative Agreement for Waste Pesticide Collection and authorize the signature of Chairperson Schuldt.

Commissioner Zmyewski questioned whether there are contracts impacting the recycling center which will expire soon. Environmental Services Director Frank responded that the only contract is for e-waste which expires on January 1, 2016. For other recyclables, such as aluminum, cardboard, and rigids, Environmental Services Director Frank checks for the most economical option among various vendors at the time.

IT Director Milde reported that board meetings are video recorded. The recordings go through a process to enhance the audio, reformatting for web posting and possible redaction when required. While this process typically does not take a lot of time, he is also responding to all other IT issues across county departments with limited IT staff. The department makes every effort to post the video promptly. When the department is unable to meet this goal, it generates many inquiries. Therefore, he is proposing that a notice be posted on the web that every effort will be made to post the Board meeting by 9:00 a.m. on the Friday following the meeting. County Attorney Jandt has reviewed this proposal and finds this to be a realistic goal even in the event redaction and/or editing were required. Commissioner Zmyewski questioned whether a web posting could be made in the event this goal could not be made stating the reason for the extended delay. IT Director Milde responded that this would be possible.

File No. 3 – At this time members of the Houston County Historical Society met with the Board to provide an update. Shirley Johnson expressed appreciation for the continued support of the Houston County Historical Society. She reported that a traveling display featuring Luxemburg, information on the County, why its residents immigrated to America, and where they settled in America including Caledonia and Rollingsstone, Minnesota. The display features 30 panels and will be available for viewing through the end of the year. Other displays include Earth Walker's and Crayola. The timing of the Crayola display is interesting as the Mall of America is currently featuring a Crayola display at this time also.

Ms. Johnson is hopeful that funding to complete the timeline will be raised so that a grand opening celebration can be scheduled for next year. The timeline is expected to be a great educational tool. There is a lot of interesting material which will go into this informative project.

The roof on the Historical Society Ag building was recently replaced and now includes a skylight which has greatly improved viewing of displays within the building. The Eitzen Museum requires maintenance including a new roof. The building is on the Historic Register and was open during the 4<sup>th</sup> of July celebration.

Three Eagle Scouts have completed projects which have greatly helped the historical society. One scraped and painted the schoolhouse, another painted the railroad building and the third completed a landscaping project for the new building. Sentence to Service also assists the Historical Society a great deal with various projects.

Ms. Johnson stated that the Historical Society is not requesting a funding increase. She provided annual statistics related to visitors, researchers, and volunteer hours. The Historical

Society was awarded a grant which made it possible to purchase a digital scanner/viewer. AcenTek has made a donation towards the completion of the timeline. The used book sale was a success. Area veteran's organizations donated the flag, flagpole and lighting. Fundraising for the elevator project continues to be ongoing. Chairperson Schuldt questioned the estimated cost of the elevator project. Ms. Johnson responded that the original estimate was \$85,000.00, however she expects that may have increased to as much as \$100,000.00.

Rich Cordes, Historical Society Treasurer, reported that private sector funding is strong, the memorial fund amazes him. There are significant expenditures and plenty of funding needs. Those who donate know that they receive a lot of "bang for their buck." This Historical Society is thrifty and members spend time seeking needed items such as desks and file cabinets on online auctions where they can be purchased inexpensively.

Debbie Wray reported that a recent event was successful, as a result, additional outreach ideas are being considered. Georgia Rosendahl donates time in the research department and is known as the Spring Grove expert. Duane St. Mary recently joined the Board. His parents donated time to the organization and he remembers much time spent in old sheds and back forties looking for artifacts. He shared a story about his 8 year old granddaughter and his experience when she toured the museum. She had never seen a cabinet record player and he saw the thoughtfulness as she viewed one at the museum. He expressed the importance of saving artifacts for the next generation.

Chairperson Schuldt questioned the needs of the Historical Society in addition to the elevator funding. Ms. Johnson responded that the timeline still requires funding. Mr. Cordes stated that Native American artifacts are needed along with anything pertaining specifically to Houston County history. They are always accepting books for the book sale fundraisers. The basement needs to be finished and a ceiling installed.

File No. 4 - Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the Government Management Group letter of understanding for the preparation of the annual cost allocation plan.

Auditor Meiners reported that a group would like to donate a framed lithograph of the United States Constitution for display at the county office building. There is no cost. Commissioner Walter stated that such a print would be a nice addition. It was agreed that the County would accept such a donation, would provide time for a presentation event, and Auditor Meiners will contact the individual inquiring.

Several members of the Fair Board along with 4H members met with the Board. Jeremy Johnson reported that the Fair Board has been working with the 4H organization to determine building needs. Mr. Johnson commented that there has been discussion with the county regarding the possibility of sharing a building. The Fair Board and 4H organization have begun

fund raising efforts and are interested to know whether the County can provide any financial assistance.

Mr. Johnson reported that the 1<sup>st</sup> phase of the building project has been estimated at \$175,000.00. This includes the cost to erect a 72' x 144' pole building structure, ends enclosed, open on the sides with 14' sidewalls and portable pens for livestock which could be stored when not in use to allow for alternate use of the building. Mark Jennings reported that the 2<sup>nd</sup> phase would cost an additional \$45,000.00 to complete for a total building cost of \$220,000.00. The sheep building has been demolished. The hog building would also be demolished. The pavilion would remain and continue to be used for livestock shows. The building could be as large as 80' x 144'. The width will determine whether the road between that and the neighboring building would remain the same or increase by 8' in width.

The old swine building was 170' in length, the sheep building was 140' in length. The swine pens in the old building are built of wood and prevent viewing by those shorter than 5 foot. The proposal doesn't include a new show arena. The old buildings provided for 105 swine pens and 48 sheep pens. There are 150 pens planned for the new building. The old swine building is actually 2 buildings which have been remodeled into a single structure.

When the project moves forward bids will be solicited for the pens. Estimates were obtained from three vendors in order to estimate the cost of the project. The cost for the pens alone is estimated at \$30,000.00.

Current fundraising efforts include individual 4H club goals, a round up bucket will be available for those wishing to donate change at the fair and a "Go Fund Me" on the groups Facebook page. Some 4H families have already collected small donations towards the project. Chairperson Schuldt questioned whether the Ag Society has approached any organizations for matching funds. Emily Johnson indicated that until estimates for the project were completed 3 weeks ago, the financial need was unknown. Fundraising efforts are very recent and limited at this time. Commissioner Zmyewski commented that funding assistance would be beneficial however the County Board is just preparing to begin the budgeting process and isn't prepared to offer any amount of funding at this time although possible funding may be discussed during the budgeting process.

It was reported that swine entries have increased from 96 last year to 149 this year, sheep entries have increased from 52 last year to 57 this year and goat entries have also increased from 27 last year to 39 this year. There will be no live poultry on display at the fair due to the State Extensions decision to suspend inclusion of live poultry due to concerns related to the bird flu. Poultry exhibitors will instead submit video taken at home along with poster board presentations or hands on displays for judging. Eldon Pohlman reported that other exhibits have increased in addition to the livestock exhibits. Mr. Jennings reported that the Mayville Club has grown by 6 families recently. As a whole, 4H is doing well, opportunities have been expanded and families are realizing the benefits.

Mr. Johnson believes that the completed building has the potential to pay for itself through revenues generated from off season storage of boats, RV's and campers. The planned 14' sidewalls will accommodate these larger items which the Fair Board has to decline storage for at this time. Commissioner Zmyewski questioned whether the organization has considered other cost effective building materials such as concrete with hoop building. Mr. Johnson indicated that has been considered however this option lacks security which will allow for dual purpose.

The Krech Arena was built in 1992 and made possible through matching funds provided by Houston County. That building cost \$40,000.00. The County donated \$20,000.00. Matching funds could result in increased donations. Chairperson Schuldt indicated the County will be budgeting soon at which time funding requests will be considered. Commissioner Storlie requested the group provide a follow up report once the fair has concluded.

Chairperson Schuldt reported on a Highway Department meeting which was held recently and reported that another Highway Department meeting is scheduled for this afternoon at 3:30 p.m. to consider alternate lands. No decisions will be made.

Commissioner Storlie reported on CJCC meeting. County Attorney Jandt reported that due to the positive working relationships at the County, the County has the ability to move forward with the implementation of e-filing for courts and plans to have the procedures and system in place by October. The State has set a deadline for e-filing of July 2016. There are complex data privacy concerns and Court Administration will not act as a filter in this regard. County agencies will need to comply with data privacy when participating in e-filing. The Sheriff's Department uses LETG and computers are needed for squad cars. Originally, it was believed that a grant may be awarded to fund the purchase of needed computers. This has not come to fruition and the Board should be prepared to fund the necessary hardware purchases.

Commissioner Kjome reported on Highway Department and Planning Commission meetings which he has recently attended.

There being no further business and the time being 10:18 a.m., motion was made by Commissioner Walter seconded by Commissioner Storlie and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, August 4, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_

Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, August 4, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; County Attorney Jandt; Jeremy Chipps; Chuck Schulte; Ted Hanson; Bruce Kuehmichel; Dennis Gavin; Matt Klug; Andy Allen; Robin Tschumper; Harold Meyer; Selmer Tweeten; Howard Solberg; Kelley Stanage; Tom Saul; Fred Arnold; Ann Emery; Jeff Gerard; Dave Weidel; Todd Roesler; Greg Weichert; LaVonne Weichert; Dale Vetsch; Phyllis Chiglo; Yvonne Krogstad; Deputy Sheriff Sass; Deb Wray; Polly Heberlein; Gary Heberlein; Erv Baltel; Leland Svehaug; Al Stankovitz; Guy Wolf; Donna Buckbee

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the agenda.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the minutes of the July 28, 2015 meeting.

File No. 1 - Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$17,769.39
Road & Bridge Fund	1,539,174.57
	-----
Total	\$1,556,943.96
	=====

Chairperson Schuldt read aloud the rules of the public comment period.

Donna Buckbee, Yucatan Township resident, requested the names of those who scheduled a Public Hearing and later cancelled said Public Hearing and by what authority they did so stating the people have a right to know.

Erv Baltel, member of Citizens Acting for Rail Safety (CARS), expressed concern with rail safety. He shared information related to rail safety, recent derailments, fragile marshland and the wildlife refuge. He expressed non-support for rail expansion within the Mississippi River Valley.

Allen Stankovitz, Mound Prairie Township resident and CARS member, indicated that he is the author of "DOT 111 Reader", a website with a goal of providing information about the unsafe transport of materials via rail. He shared information that Burlington Northern Santa Fe (BNSF) and Canadian Pacific (CP) have 17 rail projects planned for this area alone. One project is the 2 mile siding which is planned for the Brownsville area. Mr. Stankovitz shared information on the growth and increase of rail transport and particularly with the transport of hazardous materials. He encouraged further study prior to the approval of additional expansion projects.

Guy Wolf, Wisconsin State resident, shared information from a recent visit by DOT Secretary Fox to the La Crosse area. During the visit DOT Secretary Fox allegedly referred to the local rail bridges as having the quality of bridges found in third world countries. Mr. Wolf supports safety first with regard to rail and the transportation of hazardous materials. He encouraged Commissioners to consider safety prior to taking action which would provide for greater rail expansion.

File No. 2 - Jeremy Chipps, La Crescent city resident, provided information related to a roundtable discussion hosted by Governor Dayton. He expressed his opinion that local First Responder units are not prepared to respond to a rail spill/fire involving hazardous materials and that rail companies are under-insured in the event of a catastrophic spill/derailment.

File No. 3 - Bruce Kuehmichel, Caledonia City resident, read from a prepared statement which is on file.

Zoning Administrator Scanlan reported on the following variances which were approved by the Board of Adjustment: A variance for Matt Feldmeier of Yucatan Township for a variance of 340 feet to meet the required ¼ mile setback from an existing dwelling to build a cattle shed.

A variance for Mike and Mary Jetson of Spring Grove Township for a variance of 875 feet to meet the required ¼ mile setback for an expanding feedlot to an existing dwelling.

A variance for Tim Colsch of Houston Township for a variance of 37½ feet to meet the required 40 foot setback from the top of a bluff to build a garage and deck.

A variance for Thomas Trehus of Wilmington Township for a variance of 440 feet to meet the required ¼ mile setback from an existing feedlot to build a house.

File No. 4 - On the recommendation of the Planning Commission, motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the issuance of the following conditional use permit:

Thomas Trehus – Wilmington Township - Build a house on less than 40 acres in an agricultural district.

File No. 5 - Zoning Administrator Scanlan reported on a conditional use permit application of CP Rail for the excavation of material located in a floodplain. This request is in conjunction with a project to upgrade railroad bridges in the area. This project is unique and not part of the siding project. With the completion of the railroad bridge upgrade project and based on engineering projections, water flow capacity would be increased allowing for increased water flow in times of flooding to reduce the risk for damage upstream from backed up flood waters. The permit addresses only that excavation of material which is located within the flood plain. On the recommendation of the Planning Commission, motion was made by Commissioner Storlie, seconded by Commissioner Walter and carried with Commissioner Kjome voting in the negative to approve the issuance of the following conditional use permit:

Tim Havlicek of CP Rail – Hokah Township - Upgrade railroad bridge and place fill in floodplain, excavation of over 50 cubic yards of material in a shore land, substantial land alteration in a floodplain

Commissioner Zmyewski questioned whether there is an agreement in place between the County and CP Rail to ensure that the bridge project is not intended as a gateway for that particular rail line to be upgraded for use as part of a trans-loading facility in the future. Commissioner Kjome reported that he was present at a Planning Commission meeting at which the engineer for CP Rail spoke about the bridge project. He expressed his desire to have another experienced CP Rail representative speak with the County regarding the project. Commissioner Kjome commented on the numerous CP Rail applications which have been discussed recently during Board meetings. Zoning Administrator Scanlan noted that the discussion at this time is centered on a CUP related to the CP Rail bridge project. There has been action to approve wetland delineation which is a federal mandate. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and carried unanimously to direct the County Attorney to draft an agreement with CP Rail to ensure the CP Rail projects taking place within Houston County are not intended to develop into a trans-loading facility. County Attorney Jandt indicated that he will need to perform research to determine whether the County has jurisdiction in this regard.

File No. 6 - On the recommendation of the Planning Commission, motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the issuance of the following interim use permit:

Fred Sandvik, Hickory Orchards – Mound Prairie Township - Temporary ag housing

The interim use permit for Mr. Sandvik is subject to the following 3 conditions: all Federal and State laws will be followed, the housing will be for no more than 8 workers and the permit will be reviewed annually.

File No. 7 - On the recommendation of the Planning Commission, motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the issuance of the following Zoning Permits:

Larry & Patty Van Gundy/Jason Van Gundy – Money Creek Township - Build house/garage (44' x 66') deck (44' x 8') and (5' x 14')

Brad Felten/John Felten – Mayville Township - Build addition on house (28' x 20')

Carol Burtness – Wilmington Township - Build addition on house (44' x 44')

Tim Evenson – Sheldon Township - Build storage shed/heated workshop (58' x 36')

Tim Nelson – Yucatan Township - Build breezeway (12' x 20') and garage (40' x 26')

Ron and Jim Holty – Spring Grove Township - Build cattle barn-slat barn (100' x 264') commodity shed (35' x 80')

Doug Brand – Money Creek Township - Build free stall barn (64' x 264') and parlor/holding pen (64' x 88')

Mark and Elizabeth Becker – Union Township - Build pole shed (24' x 36')

Ingvalson Hilltop Farms/Mike Ingvalson – Caledonia Township - Build calf barn (30' x 256') no expansion

Blaine Liudahl – Caledonia Township - Replace existing house (26' x 38')

Brian Dahl – Black Hammer Township - Convert grainery into dwelling (19' x 19') and add addition (19' x 19')

Joseph and Heidi Thesing – Mound Prairie Township - Build house (52' x 36') garage (28' x 26') screened porch (16' x 14') and deck (26' x 10')

Zoning Administrator Scanlan reported that the Tom and Jim Welscher renewal of Conditional Use Permit #233 was approved by the Planning Commission per Houston County Zoning Ordinance. The Welscher's have no changes planned with regard to the permit.

File No. 8 – County Attorney Jandt reported that the County issued a cease and desist order to Lawrence Lake Marina, LLC relating to a non-conforming use. Legal counsel for the Marina has since contacted County Attorney Jandt with a desire to bring the Marina into compliance and allow for continued operations while engaged in the process of making application for a necessary CUP. The Marina is unique and several entities including the Corp of Engineer's and CP Rail are involved. County Attorney Jandt concerns are centered on the increased activity and ensuring adequate emergency response lanes are accessible. In addition, he wants to ensure the County is indemnified for any activity taking place outside the zoning ordinance. The County does not desire to inhibit business, however, it is interested in the safe operations while application is made for the appropriate permitting. The Marina owner approves of the agreement and wants to work with the county to bring his operations into compliance. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the temporary agreement between Lawrence Lake Marina, LLC and Houston County.

At this time, Sam Whitehead provided an update related to ongoing activities of the EDA. Mr. Whitehead reported that there is an out of state company considering relocating to Caledonia. This would create 5 to 6 new jobs. The company hopes to grow and expand to offer as many as 15 jobs. The company is also considering a site in Iowa. Mr. Whitehead commented that the City of Caledonia is preparing an incentive package in hopes that the company will select the Caledonia location.

Sam Whitehead reported that Thorson Graphics will be designing the new visitor's guide.

There continue to be vacancies on the EDA Board and it would be beneficial to fill those seats. The EDA Board desires to include representation from each city located in the county. Currently there is no representation from either Eitzen or Brownsville. There are also an "at large" seat. Anyone interested in the economic development should be encouraged to participate.

Sam Whitehead reported that additional revisions to the EDA Bylaws were necessary. Proposed revisions have not been reviewed by the EDA Board. Therefore, he recommended that the public hearing scheduled for later this morning be cancelled and rescheduled. Motion was

made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to cancel the public hearing and to reschedule the hearing at a later date once the revisions have been reviewed.

File No. 9 - Chairperson Schuldt reported that there was a Highway Department input committee meeting held last Tuesday. The meeting was well attended and emotional. Chairperson Schuldt noted that he has received signatures from many Caledonia residents who oppose constructing a Highway Department Building on the land located near the school. The citizens have voiced concern for safety and also for private property owner rights which may be infringed upon in the event turn lanes were required to be installed on State 76. Motion was made by Chairperson Schuldt, seconded by Commissioner Zmyewski and carried with Commissioners Storlie and Walter voting in the negative to locate the Highway Department Building at the current site being 1124 East Washington Street in Caledonia.

Commissioner Walter stated the land located near the school was purchased with safety in mind. The current traffic from the Highway Department Building goes through a residential neighborhood. Commissioner Zmyewski disputed the claim that safety was the primary concern when the land was purchased. He expressed his belief that a large complex was intended for the site. The current location didn't allow for this large scale expansion including space for several land use offices and multiple outbuildings. Commissioner Zmyewski indicated that the financial situation and building plans have changed significantly since the land was purchased and this should be taken into consideration. Commissioner Zmyewski stated that public input hadn't been gathered when the land was purchased. This Board is doing the work that the past board should have done. There are many people who do not want the County constructing a Highway Department Building on the land located near the school. Commissioner Storlie pointed out that there were public hearings held regarding the intended purpose of the land. The City of Caledonia hosted a public hearing in this regard. Commissioner Zmyewski stated that he is hearing from the people that they do not want the construction on that land. He expressed support for the motion to build at the current site because the Board works for the people and the people have made it clear what they desire. Commissioner Kjome reported that he has attended the last two meetings to discuss the proposed Highway Department Building. He has come to realize that the existing site is adequate to construct a functional building that will meet the needs of the Highway Department and serve the County well. He expressed his support for the motion made by Chairperson Schuldt and for listening to and working with constituents. Commissioner Storlie stated that she feels strongly that adequate information has not been gathered. Cost estimates for each site have not been gathered nor compared. She wants to represent all people across the County. She questioned whether it could cost more to build at the current site as opposed to the site located near the school.

Commissioner Kjome reported on the Highway Department Input Committee meeting which he attended.

Commissioner Walter reported on a Houston County Township Officers Association meeting and a State Surveyor's meeting which she recently attended. She announced that the annual Houston County Township Officers Association annual banquet is scheduled for September 23 at the Four Seasons.

Commissioner Zmyewski reported that he has been receiving numerous phone calls regarding non-conforming mines and the desire for those mines to be brought into compliance. Recently, Planning Commission Chair Dan Griffin proposed an ordinance which would have made it easier to gather information on active mining operations. To date, it has been difficult to gather accurate data. Commissioner Zmyewski indicated his desire for consistency and for accurate information.

Commissioner Walter expressed her understanding that the Zoning Office was addressing the mines, ownership and level of activity. Commissioner Zmyewski indicated that this process had been suspended. County Attorney Jandt clarified that a process was initiated to make individuals aware of rights and to gather information on their intent. Recently, it was believed that a proposal was coming forward from the Planning Commission therefore, the process begun by the Zoning Office was suspended. The proposal failed to move forward and the process developed earlier was continued. The sending of notification letters has resumed.

File No. 10 - Pursuant to the provisions of Section 0110.0901, subdivision 4 of the Houston County Zoning Ordinance, motion was made by Commissioner Zmyewski that the County require the owner of each non-conforming mine listed on Exhibit 1 provide to the County, within 30 days, written evidence substantiating, and a sworn affidavit of the owner reciting, that the mine has not been inactive or non-operation for more than one year. The motion was seconded by Commissioner Kjome.

Commissioner Storlie indicated that a process is in place. The proposal which would have superseded the process failed to move forward. She questioned why the process isn't being allowed a reasonable amount of time to work which will result in the information needed. Commissioner Zmyewski commented that the Board oversees the Planning Commission and it is within the Board's authority to give direction. Commissioner Zmyewski indicated that he wants to ensure that proper evidence is documented. Commissioner Walter indicated that letters continue to go out from the Zoning Office. She expressed concern that some aggregate mines are utilized when there is infrastructure damage as a result of flooding. They may not be in use much of the time, however, they are a vital resource to townships in times of need. She indicated that inactivity for a period of time should not render them inactive and result in non-use in the future should a need present itself. It is concerning that inactivity may result in the requirement to obtain a CUP in order to commence operations. Commissioner Zmyewski commented that the CUP process isn't complex or expensive. He warned fellow Board members to be thoughtful with their votes since voting against the motion may be perceived as non-feasance.

When questioned by Commissioners, County Attorney Jandt responded that there are two items to consider, one is policy while the other is legal. The Board has the authority to issue an order or directive to his office to draft and send letters as described. With regard to the legal aspect, there are people with property rights. It could be an issue if a single letter is sent with the 30 day response listed and someone was out of town or hospitalized and unable to respond within the allotted period. If the right is removed as a result of inaction, whether due process was provided could be called into question.

The current process allows several opportunities for response and provides adequate notice. An initial letter is sent, and if no response is received a second letter is sent. In the event an affirmative response is received, it triggers the reclamation plan requirement. County Attorney Jandt is working on a proposal to address the procedural steps to complete the process. He has come across an issue with regard to discontinuation. It is unclear what this means as it relates to mining in the State of Minnesota. There isn't an abundance of case law on which to base a recommendation. The discontinuation law was put into effect prior to the Houston County Zoning Ordinance. County Attorney Jandt desires to provide the Board with a full breadth of options. The County, at some point, will be taking property rights and he wants to ensure that the County is in the best position to defend it and he wants to keep it simple and inexpensive with a favorable outcome. He would like to prepare the proposal quickly, however, there are complexities which are making it difficult to develop. There may be valid reasons why there has been inactivity which should not impact the right to carry on an activity in the future. This is what is difficult to define. County Attorney Jandt indicated that he is scheduled to attend a land use conference and hopes to have a rough draft of his proposal prepared so that he may ask questions of experts. Following the conference, he intends to prepare a PowerPoint presentation to present the proposal. This will allow for the public to view the same items as the Board. Commissioner Zmyewski expressed concern with upholding a specific sentence within the Zoning Ordinance which refers to inactivity, however, he is open to amending his motion to fit within legal parameters. He expressed his opinion that the County should have proper documentation and that it is the property owners who bear the burden of proof. County Attorney Jandt has been involved with discussions and shared his thoughts that the County may have a default position and it may be up to the individuals to prove otherwise. County Attorney Jandt stated again that the legal issue is intent to abandon/discontinue. He is unsure how the State would respond with regard to intent. Commissioner Zmyewski questioned whether his motion was appropriate. He wants to ensure that the process is followed through. County Attorney Jandt stated that individuals with an interest are being notified. There will be a need for enforcement provisions as the process is worked through. Currently, the County is learning what is out there to be dealt with. Once that is known, the County will need to address how it will proceed. The Ordinance does include requirements related to discontinuation, performance bonds and also reclamation plans. Motion that the County require the owner of each non-conforming mine listed on Exhibit 1 provide to the County, within 30 days, written evidence substantiating, and a sworn affidavit of the owner reciting, that the mine has not been inactive or non-operation for more than one year was withdrawn by Commissioner Zmyewski.

Commissioner Storlie reported on a Hiawatha Valley Mental Health meeting held last night which she attended. She expressed appreciation for those in attendance who are participating in the process and invited them to continue their participation. She endeavors to serve all Houston County residents in the many issues at hand. She expressed frustration with certain issues where it seems as if one step forward results in two steps backwards. She urged participants in the process to allow the County to present ideas in their entirety before making hasty judgment.

Chairperson Schuldt reported on the Highway Department Building input committee meeting which he attended.

There being no further business and the time being 10:11 a.m., motion was made by Commissioner Zmyewski seconded by Commissioner Walter and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, August 11, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## **PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

Date: Tuesday, August 11, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Reporters McGonigle & Moorhead; Engineer Pogodzinski; Veteran Services Officer Gross; Environmental Services Director Frank; Finance Director Lapham; Ken Tschumper; Gretchen Cook; Donna Buckbee; Yvonne Krogstad; Bruce Kuehmicel; Bryan Van Gorp; Glenn Kruse; County Attorney Jandt; Assistant County Attorney Bublitz; Assistant County Attorney Hammell; Deputy Swedberg; Erv Baltel; Matt Klug; Chuck Schulte; Nicholas Stadem-HDR Engineering

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the agenda.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the minutes of the August 4, 2015 meeting.

Chairman Schuldt read the guidelines for public comment period.

Bets Reedy from Money Creek reported on the governor's remarks that frac sand mining should be banned in southeast Minnesota.

Ken Tschumper requested that the Zoning Department monitor the cubic yards taken from the Erickson mine. Also, he would like to know who drafted the revised zoning ordinance, who scheduled the public hearing and who canceled the public hearing. Also, he stated that Rick Frank will be presenting an application for CP Rail today. He stated that Erv Baltel, a member of the Citizens Acting for Rail Safety (CARS), is in attendance today is knowledgeable about all of the safety aspects dealing with the CP Rail permit.

Erv Baltel, Chaseburg, WI, spoke about rail safety and encouraged the Board not to approve anything that would allow rail expansion at this time. He indicated that there have been several accidents within 100 miles of Houston County in the past few years. He stated that CP Rail wants increased traffic, and with increased traffic there is increased risk.

Bryan Van Gorp, Yucatan Township, expressed concern that the County, in his opinion, is not following state statute and county ordinances, but is hiding behind loopholes.

Bruce Kuehmichel, Caledonia, expressed his concern with the CP Rail permit which is being presented today. He cautioned the Board not to rush into approving this.

File No. 1 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$119,246.15
Road & Bridge Fund	423,579.03
	-----
Total	\$542,825.18
	=====

File No. 2 – At this time Engineer Pogodzinski reported on S.P. 028-617-010. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the grant agreement and to adopt the following:

**RESOLUTION NO. 15-21**  
**For Agreement to State Transportation Fund**  
**Local Bridge Replacement Program**  
**Grant Terms and Considerations**  
**SP 028-617-010**

August 11, 2015

WHEREAS, Houston County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge No. 28J48; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this bridge is available; and

WHEREAS, the amount of the grant has been determined to be \$36,609.80 by reason of the lowest responsible bid;

NOW THEREFORE, be it resolved that Houston County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.50, subdivision 5, clause (3), 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 bridge but

not required. The proper county officers are authorized to execute a grant agreement with the Commissioner of Transportation concerning the above-referenced grant.

File No. 3 – At this time Engineer Pogodzinski reported on S.P. 028-598-011. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the grant agreement and to adopt the following:

**RESOLUTION NO. 15-22**  
**For Agreement to State Transportation Fund**  
**Local Bridge Replacement Program**  
**Grant Terms and Considerations**  
**SP 028-598-011**

August 11, 2015

WHEREAS, Houston County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge No. 28J49; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this bridge is available; and

WHEREAS, the amount of the grant has been determined to be \$178,557.40 by reason of the lowest responsible bid;

NOW THEREFORE, be it resolved that Houston County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.50, subdivision 5, clause (3), 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 bridge but not required. The proper county officers are authorized to execute a grant agreement with the Commissioner of Transportation concerning the above-referenced grant.

Chairperson Schuldt commended Engineer Pogodzinski for obtaining the grants for County 249, as without grant funding we would have to use all county funds for improvements to this road.

File No. 4 – At this time Engineer Pogodzinski reported on S.A.P. 028-598-009. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the grant agreement and to adopt the following:

**RESOLUTION NO. 15-23**

**For Agreement to State Transportation Fund  
Local Bridge Replacement Program  
Grant Terms and Considerations  
SAP 028-598-009**

August 11, 2015

WHEREAS, Houston County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge No. 28556; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this bridge is available; and

WHEREAS, the amount of the grant has been determined to be \$416,210.00 by reason of the lowest responsible bid;

NOW THEREFORE, be it resolved that Houston County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.50, subdivision 5, clause (3), 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 bridge but not required. The proper county officers are authorized to execute a grant agreement with the Commissioner of Transportation concerning the above-referenced grant.

File No. 5 - Veterans Service Officer Gross recommended accepting a grant in the amount of \$10,000.00. He indicated that are additional reporting requirements this year. We will have until June 2016 to spend the funding. The grant is based on population. The funds are used for advertising, marketing, vehicle costs, etc. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the Grant Contract with the Minnesota Department of Veterans Affairs and to adopt the following resolution:

**RESOLUTION NO. 15-24**

BE IT RESOLVED by the Houston County Board of Commissioners that the County enter into the attached **Grant Contract** with the Minnesota Department of Veterans Affairs (MDVA) to conduct the following Program: **County Veterans Service Office Operational Improvement Grant Program**. This grant must be used to enhance the operations of the County Veterans Service Office under Minn. Stat. § 197.608 Subd. 4 (a), and should not be used to supplant or replace other funding.

BE IT FURTHER RESOLVED by the Houston County Board of Commissioners that Steve Schuldt, the Board Chair, and Rob Gross, the County Veterans Service Officer, be authorized to execute the attached Grant Contract for the above-mentioned Program on behalf of the County.

WHEREUPON the above resolution was adopted at a regular meeting of the County Board of Commissioners this eleventh day of August, 2015.

Commissioner Storlie inquired how the July 9<sup>th</sup> event went. VSO Director Gross stated that approximately 15 people attended the last event. This event had 72 registered attendees plus family members. The marketing also generated many calls after the event from people who were unable to attend. The VA Medical Center was very impressed with the public that attended. Many times these meetings are adversarial against the VA, and that was not the case at this event.

Commissioner Walter inquired as to the van utilized by Veteran Services. Mr. Gross responded that it has required some repairs, however, it is still meeting their needs.

At this time the Board met with Finance Director Lapham for the monthly finance update. Revenues are at 48% of budget and expenditures are at 47% of budget, which she indicated is in line with where they should be.

Finance Director Lapham reported that new legislation allows counties to contract with private firms for their annual audit. The State Auditor has proposed a 3 year agreement, however, she felt during the next year we should look into the possibility of contracting with a private firm.

Discussion was held regarding budgeting for 2016. The Board will begin budget reviews next week.

File No. 6 – At this time Environmental Services Director Frank and Nicholas Stadem, HDR Engineering, met with the Board to request approval of the CP Rail amended application and wetland delineation. CP Rail wants to extend their siting from 9,000 feet to 10,000 feet going north. After viewing the site, the TEP Panel questioned why they wanted to expand to the north rather than to the south, as this would not impact wetlands. Also, they raised concerns regarding potential safety impacts to a private driveway. CP Rail indicated that they could not expand to the south because the switch could not be installed on a curve. Also, going south would impact DOT right of way and would require expensive retaining walls as well as anchors on DOT right of way. With regard to the driveway issue, CP Rail indicated that the cars would be at least 200 feet below the driveway and would be off to the side. The proposed amendment will impact 1.85 acres of wetland as opposed to their initial plan which would have impacted 1.83 acres. They have purchased the wetland credits to replace the acres being impacted.

Mr. Frank reported that the TEP Panel consists of representatives from the Corps of Engineers, DNR, BWSR, the county engineer, SWCD as well as the Environmental Services Office. After reviewing the request at length, it was the consensus of the TEP Panel to approve the application and forward it to the County Board for final approval.

Lengthy discussion was held. Commissioner Zmyewski inquired as to the timeline of events. Mr. Stadem responded that they are finishing the permit phase, with construction tentatively set to begin this fall and finish in the spring. The goal is to be active in 2016.

Environmental Services Director Frank stated that a decision must be made within the 60 day timeframe, but can be extended for up to 120 days if the Board feels it is necessary to allow them to make a decision.

Motion was made by Commissioner Walter and seconded by Commissioner Storlie to approve the amended application and wetland delineation.

Commissioner Kjome stated that he would like additional time to review the application. Commissioner Zmyewski agreed and indicated that he would like to have someone from CP Rail meet with the Board to answer questions. Mr. Frank indicated that the Board could meet at the site to physically view the proposal.

After discussion, Commissioners Walter and Storlie agreed to amend their motion and second to extend the timeframe for the application up to 120 days to allow the Board time to do further investigation prior to making a decision.

File No. 7 – At this time Personnel Director Kruger and County Attorney Jandt met with the Board regarding the classification and compensation for the Assistant County Attorney position. Placed on file was a job description for the position of Assistant County Attorney II which has been banded by Fox Lawson at a comparable worth band of D61. Previously, the Assistant County Attorneys have been banded at C44, however, County Attorney Jandt indicated that this banding is more appropriate for an entry level position. He explained the complexity and the multitude of cases handled by his assistants, as well as the level of recovery of MA dollars which has resulted from their work. In comparing the salary of his assistants with 20 other counties, Houston County ranked the lowest. However, he felt that his assistants have a much higher level of experience than most assistant county attorneys in the state. The intent is to move both of the assistants into the classification of Assistant County Attorney II, and to retain the position of Assistant County Attorney I as an entry level position that will be reflected as a vacant position until such time as it is needed.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the job description and banding of the Assistant County Attorney II position at D61.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Storlie and unanimously carried to amend Assistant County Attorney Sue Bublitz's position description to that of Assistant County Attorney II, D61.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to amend Assistant County Attorney Bublitz's salary to D61, Step 9, retroactive to June 12, 2015.

Motion was made by Commissioner Kjome, seconded by Commissioner Zmyewski and unanimously carried to amend Assistant County Attorney Jamie Hammell's position description to that of Assistant County Attorney II, D61.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to amend Assistant County Attorney Hammell's salary to D61, Step 6, retroactive to June 12, 2015.

Commissioner Storlie reported that the EDA met last week. They did not have a quorum present; however, they worked on planning the booth for the fair.

Commissioner Zmyewski reported that he met with citizens regarding the road project on Oak Ridge.

Commissioner Walter reported on an Extension Committee meeting which she attended. They worked on the budget for 2016. Also, Mike Cruse has been hired effective September 1, 2015 as the Houston/Fillmore County Ag Extension Agent.

Commissioner Walter reported on a Workforce Development meeting which she attended where they discussed the federally mandated Career Pathways Program. This program focuses on helping children from 8<sup>th</sup> grade through high school on a career path, as well as helping people get through college in a field where they can find a job.

Commissioner Kjome indicated that he also attended the EDA meeting and the Extension meeting. Also, he reported on a water planning meeting he attended where Dave Walter gave an excellent power point presentation about what they do.

Chairperson Schuldt reported on a Semcac meeting he attended and several grants which the Semcac Board approved.

An AMC training regarding working together as a board and board norms will be held on September 8<sup>th</sup> immediately following the county board meeting.

Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to place on file the following items from the consent agenda:

File No. 8 – Correspondence from Caledonia City Mayor  
regarding location for the proposed highway department building

File No. 9 – 2015 MCIT dividend notice

File No. 10 – Xcel tonnages for July 2015

File No. 11 – Correspondence from the Wabasha County Fraud Investigator regarding the SFY 2014 Grant.

There being no further business and the time being 10:21 a.m., motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, August 18, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, August 18, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Zoning Administrator Scanlan; Finance Director Lapham; PHN Director Marchel; HR Director Arrick-Kruger; Gary Stephenson; HS Director Bahr; Social Services Supervisor Moen; Financial Services Supervisor Kohlmeyer ; Michael Fields; Kelley Stanage; Donna Buckbee; Betts Reedy; Ken Tschumper; Robin Tschumper; Gretchen Cook; Assistant County Attorney Bublitz; Luke Sass; Yvonne Krogstad; Jeremy Chipps; Polly Heberlein; Environmental Services Director Frank; Carol Sherburne; VSO Gross; Treasurer Trehus; Dave Walter; IT Director Milde

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Zmyewski seconded by Commissioner Kjome and unanimously carried to approve the agenda.

Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the minutes of the August 11, 2015 meeting.

File No. 1 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$45,230.01
Road & Bridge Fund	44,876.19
	-----
Total	\$90,106.20
	=====

Chairperson Schuldt read aloud the rules of the public comment period.

Robin Tschumper, La Crescent Township resident, provided an overview of what she understands the duties of County Commissioner to be. She also shared her opinion of the performance of commissioners.

File No. 2 - Ken Tschumper, La Crescent Township resident, read from a prepared statement which is on file.

Michael Fields, Winnebago Township resident, expressed his ongoing concern with fly rock which has landed on his property on a minimum of 4 separate occasions. He informed the Board that he has filed complaints with the following enforcement agencies: Houston County, MSHA, and the State Fire Marshall. He commented that there have been many instances of fly rock landing on his property and questioned why the carelessness continues. He expressed his opinion that the general lawlessness which is accepted in Houston County is the reason.

Zoning Administrator Scanlan reported that the Planning Commission, at its July 18<sup>th</sup> meeting, recommended approval of the Klug subdivision final plat. Motion was made by Commissioner Kjome, seconded by Commissioner Walter and unanimously carried to approve the Klug subdivision final plat. This plat is for a single lot, one acre in size.

File No. 3 - PHN Director Marchel requested approval of a rental agreement. She explained how the WIC Clinics in La Crescent have been held at the Prince of Peace Lutheran Church which no longer meets the needs of Public Health. Alternate space is available at the United Methodist Church of La Crescent. An agreement for the rent of the space has been drafted and provides for a monthly fee in the amount of \$50.00 be paid to the church out of the WIC budget. Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to approve the Rental Agreement between United Methodist Church of La Crescent and the County of Houston.

File No. 4 - Finance Director Lapham provided copies of budget amendments for consideration. The proposed amendments reflect actual activity and will aid in 2016 budgeting. Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to approve the budget amendments as presented.

Chairperson Schuldt stated that he has no update with regard to the proposed Highway Department Building. Commissioner Zmyewski expressed interest in continuing to move the project forward and would like to schedule a meeting following the close of the County Fair.

File No. 5 - On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to accept the resignation of Bob Scanlan. Mr. Scanlan's last day of employment will be August 28, 2015 and creates a vacancy in the Zoning Administrator position.

HR Director Arrick-Kruger has been discussing the Zoning Administrator vacancy with Environmental Services Director Frank. The position description will be reviewed and amended. She requested authorization to immediately initiate a search and advertise to fill the vacancy. HR Director Arrick-Kruger noted that there are immediate needs within the department. She would like to advertise for the potential to make 2 hires. However, at this time she is seeking permission to immediately fill the vacancy created by Mr. Scanlan's resignation. The needs of the department will be studied throughout the process to determine whether additional staffing will be required. Commissioner Zmyewski expressed non-support for hiring 2 new staff members. The Board is scheduled to work on budgeting for the upcoming year. Commissioner Zmyewski indicated that there is consideration being given to adding a County Administrator position. If action is taken in this regard it may alleviate some need within the Planning and Zoning department. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and carried to authorize advertising for the Zoning Administrator vacancy and authorizing said position be filled with Chairperson Schuldt voting in the negative. Commissioner Storlie commented that advertising with the potential to hire for two positions will save advertising fees. HR Director Arrick-Kruger stated that advertising costs range between \$300.00 and \$800.00 per position and clarified that she is not asking for commitment on the 2<sup>nd</sup> position. If advertising for the possibility of two hires, she would expect the applicant pool for the second position to be viable for approximately 6 months.

File No. 6 - HS Director Bahr presented the Vulnerable Children and Adult Plan Amendment for Child Protection Funding connected to an additional \$75,000.00 which was awarded to the county. The Board approved the hire of an additional child protection worker and will utilize the additional funding to cover the cost of said hire. In addition, HS Director Bahr plans to contract with vendors to provide supervised visitation. One of the vendors will be Public Health. It is possible Human Services will contract with Public Health for urinalysis and hair follicle testing. Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the plan.

HS Director Bahr reported that leased vehicles are no longer the most cost effective option therefore, a plan was put in place to rotate out the leased vehicles and to replace those with purchased vehicles. Human Services purchased a Chevy Malibu last year. HS Director Bahr is planning to purchase another car this year and to terminate the lease on the HHR. Chevy is no longer manufacturing the Malibu. She has reviewed options for other similarly sized vehicles. One option is the Toyota Corolla. While the Corolla gets good gas mileage it is small and is not American. Another option is the Ford Taurus which is roomier and American made. Human Services budgeted \$20,000.00 for the vehicle purchase. While the Corolla falls within this amount, the Taurus exceeds the amount by \$1,150.00. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to authorize the purchase of a Ford Taurus.

HS Director Bahr stated that there is an error on the summary of fees listing. Initial daycare licensing is \$150.00 not \$250.00. The daycare license renewal remains unchanged and is

correctly listed at \$150.00. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve changing the fee schedule to reflect the appropriate fees being charged.

Social Services Supervisor Moen stated that adult maltreatment reports are now being directed to a call center which takes information and reports it to the appropriate county. The call center opened on July 1<sup>st</sup> and exceeded the July call expectation by 150% with 4,000 calls. They are actively recruiting additional staff. Unfortunately, there were calls from July 1<sup>st</sup> and 16<sup>th</sup> which got “hung up” and were not delivered to the county until July 31<sup>st</sup>. This concern has been rectified and reports are being received within one hour.

Crisis response is also up and running. This service provides phone consultation and has the potential to dispatch 2 individuals as a mobile response team. Mental health workers have been distributing information regarding the service to clients. To date, no Houston County clients have accessed the service.

Financial Services Supervisor Kohlmeyer reported that there have been significant changes to state funded health care. Minnesota has seen a change in providers in each of the past three years going from Ucare and Blue Plus, to Ucare and Medica and now to Blue Plus and Medica. This is creating significant challenges. As of January 1<sup>st</sup>, Houston County is aware of 1,500 clients who will require re-enrollment. It is not known how the changes will impact clients. Many counties, including Houston, have filed an appeal with the State regarding the provider designations. It is uncertain how the appeal will progress.

There is a certain population of MNSure clients who did not receive renewals. The renewal paperwork was to be received or postmarked by last Friday, August 14<sup>th</sup>. Houston County has 25 cases that are scheduled to be closed. The County must notify the State of those cases being closed by Wednesday. Anyone who failed to meet the deadline will be required to wait until September 1<sup>st</sup> to continue the process. The State neglected to process changes associated with renewals and chose instead to forward those changes onto the counties for entry. These changes are in addition to all of the changes required at the county level already. The workload associated with MNSure is significant.

File No. 7 – Discussion was held regarding the Commissioner’s Per Diem Payments Policy. Currently, no per diem is paid for in-county committee meetings which are scheduled on Tuesday’s when a regular Board meeting was conducted. The negotiating committee is experiencing a significant number of meetings which often last until evening. There are other concerns with the policy such as the one per diem per day limit. There are instances when there are several hours between scheduled meetings and/or travel between out of county locations is required. Commissioner’s Storlie and Zmyewski have discussed the policy. Commissioner Kjome has expressed concern with the policy also. Typically, the policy is reviewed annually in January when committee assignments are made. Following further discussion, motion was made

by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to strike the wording from the policy as noted on the exhibit placed on file.

File No. 8 – Following discussion, motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the Application for Exempt Permit (gambling permit) for Caledonia Touchdown Club, Inc for an event to be held at Ma Cal Grove Country Club on October 10, 2015.

Gary Stephenson, from Fort Dodge, Iowa, presented the Board with a 1934 framed lithograph of the United States Constitution. Mr. Stephenson provided a history of his efforts to donate the lithographs to courthouses across Iowa and in those Minnesota counties which border Iowa. Mr. Stephenson collected donations from area businesses that are named on the artwork. Mr. Stephenson had hoped that area veterans would be present at this time. Chairperson Schuldt accepted the gift on behalf of Houston County Veterans and residents of the county, expressed his appreciation to those local businesses who donated to make this possible and thanked Mr. Stephenson for the gracious gift.

Commissioner Storlie reported on the leadership training which was offered through Human Services. The training is made up of 6 sessions lasting 8 hours each. The sessions have been scheduled for one Wednesday each month. The training is excellent. Auditor Meiners has also been participating and indicated how worthwhile the training is.

Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to recess the meeting for 5 minutes before beginning budget meetings.

It was noted that the Board decided not to video record the budget meeting. It was felt that it is not cost-effective to have the IT Department edit hours of budget meetings.

At this time the Board met with Environmental Services Director Frank and Zoning Administrator Scanlan to review the proposed 2016 budget. Mr. Frank reported that the fees for the landfill and incinerator are increasing next year. He recommended increasing the household fee from \$3.00 to \$3.25 per household and increasing the bag fee from \$2.00 to \$2.50.

The Board met with Carol Sherburne, VSO Director Gross, Treasurer Trehus and Surveyor Walter regarding the 2016 budget.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to recess for lunch.

The time being 12:32 the board reconvened in open session.

The Board met with HR Director Kruger, Human Services Director Bahr, Dave Walter, Finance Director Lapham, Auditor Meiners and IT Director Milde regarding the 2016 budget.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to place on file the following items from the consent agenda:

File No. 9 – Correspondence to payroll regarding the change in banding and salary for the assistant county attorney positions

File No. 10 – Invitation to Township Officers Annual Banquet, 9/23/2015 at Four Seasons

There being no further business and the time being 3:08 p.m., motion was made by Commissioner Storlie seconded by Commissioner Walter and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, August 25, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, August 25, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Sam Whitehead; County Attorney Jandt; Bruce Kuehmichel; Bryan VanGorp; Susan VanGorp; Gretchen Cook; Betts Reedy; Yvonne Krogstad; Deputy Sheriff Swedberg; Dave Walter; Sheriff Inglett; Chief Deputy Lapham; Jail Administrator Schiltz; Assessor Dybing; Recorder Bauer; Engineer Pogodzinski; Highway Accountant Schroeder; PHN Director Marchel; PHN Accountant Lillegraven

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the agenda with amendments as discussed.

Motion was made by Commissioner Kjome, seconded by Commissioner Storlie and unanimously carried to approve the minutes of the August 18, 2015 meeting.

File No. 1 - Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$103,166.96
Road & Bridge Fund	402,443.03
	-----
Total	\$505,609.99
	=====

Bryan VanGorp, Yucatan Township resident, stated that 5 mining complaints have been filed within the past several months and are awaiting response. The ordinance reflects that complaints will receive prompt response. Mr. VanGorp expressed concern with certain Planning Commission action. He encouraged a clear and transparent policy and expressed support for a recently submitted proposed ordinance. He questioned why concerned citizens must police zoning in the county.

Bruce Kuehmichel, Caledonia City resident, questioned when a site visit to the CP Rail project site would be scheduled as a motion to do so carried recently. Commissioner Zmyewski indicated that coordination of that site visit is taking place.

Sam Whitehead reported on the activities of the EDA which included a booth at the Houston County Fair. He also reported on gap financing activities. Caledonia City has been in discussion with Tacticam. Chairperson Schuldt questioned how EDA loans have been performing. Mr. Whitehead responded that they are performing well.

Pursuant to M.S. 13D.05 subd. 3 County Attorney Jandt requested the Board convene a closed session to discuss matters protected by attorney-client privilege. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to convene a closed session.

In response to a question from Craig Moorhead, County Attorney Jandt stated that the discussion is centered on a matter currently under litigation.

Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to reconvene in open session.

County Attorney Jandt stated that the closed session was to provide an update regarding litigation. He indicated that he was unaware whether said litigation involves a current or former employee. MCIT is representing the county with regard to this matter.

File No. 2 - HR Director Arrick-Kruger reported that PHN Director Marchel has been experiencing turnover in the position of WIC peer counselor. Currently, there is no pool of applicants and she requested authorization to advertise. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to authorize advertising for the position of WIC peer counselor.

File No. 3 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the First Amendment to Medical Examiner/Autopsy Services Agreement effective January 1, 2016 through December 31, 2018.

Commissioner Storlie reported on the Caledonia City Council meeting in connection with the 22 acres of county owned land.

Commissioner Zmyewski reported that he has had discussion with Dave Walter regarding safety along CP Rail in the area where the rail spur project is taking place.

It was noted that Commissioners Storlie, Walter and Kjome worked in the EDA booth at the County Fair.

Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to recess until 9:45 a.m.

The Board reconvened in open session.

The Board met with County Attorney Jandt, Sheriff Inglett, Chief Deputy Lapham, Jail Administrator Schiltz, Assessor Dybing, Recorder Bauer, Engineer Pogodzinski, Highway Accountant Schroeder, PHN Director Marchel and PHN Accountant Lillegraven regarding proposed 2016 budgets.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to place on file the following items from the consent agenda:

File No. 4 – Notice of intent to purchase LETG computes which were previously budgeted

File No. 5 – Correspondence from MN State board of Assessors regarding Thomas Dybing's assessor license renewal application

There being no further business and the time being 11:43 a.m., motion was made by Commissioner Zmyewski seconded by Commissioner Kjome and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, September 1, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, September 1, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; County Attorney Jandt; Bruce Kuehmichel; Bryan VanGorp; Ken Tschumper; Robin Tschumper; Gretchen Cook; Donna Buckbee; Kelley Stanage; Donna Buckbee; Michael Fields; Chief Sheriff Deputy Lapham; Yvonne Krogstad; Engineer Pogodzinski; Jeremy Chipps; Environmental Services Director Frank; Deputy Sheriff Seitz;

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to approve the agenda.

Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the minutes of the August 25, 2015 meeting.

File No. 1 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$17,753.66
Road & Bridge Fund	576,681.00
	-----
Total	\$594,434.66
	=====

Gretchen Cook, La Crescent City resident, criticized the manner in which complaints are handled within Houston County. She indicated that several complaints have been filed during recent months which have received no response. She stated her opinion that this reflects poor governance. There are individuals who care about the county, who commit time to attend meetings and raise concerns. She expressed her feelings that these individuals deserve a response. She also expressed her opinion that this reflects an attitude of indifference from Board members.

Bruce Kuehmichel, Caledonia City resident, expressed his ongoing concerns related to climate change. He highlighted several controversial projects which had permitting presented to the Board for action, some of which are pending. He also shared his perception that there is a lack of civility during Planning Commission meetings.

Bryan VanGorp, Yucatan Township resident, questioned why the rules of decorum for the public comment period are routinely being read when there is a lack of enforcement of zoning ordinances. He referenced several complaints which were filed approximately 4 months ago which have not been addressed. He expressed disagreement with Planning Commission action which voted against a directive to the Zoning Department that the ordinance be enforced. He explained how each permitting decision the Board makes “gives” to one and “takes” from another. He encouraged the Board to consider who benefits and who suffers as a result.

Ken Tschumper, La Crescent Township resident, stated that a hearing date has been set to consider a draft ordinance presented by the Houston County Protectors. He expressed his opinion that the draft ordinance is a thoughtful approach and will resolve concerns. He was disheartened by comments made by a particular Planning Commission member about the scheduled hearing and draft ordinance. Mr. Tschumper expressed his opinion that the member is biased and already has their mind made up regarding the draft ordinance and should either recuse himself or be removed from the decision making body. He expressed his feeling that the Houston County Protectors have paid the required fees and deserve to have their proposal considered based on its merits and without bias.

Donna Buckbee, Yucatan Township resident, expressed concern with how rudely Rich Schild was treated during a recent Planning Commission meeting where he requested a correction be made to the minutes.

File No. 2 - Engineer Pogodzinski recommended approval of the final payment for S.A.P. 028-604-033 & S.A.P. 028-609-014. These are paving projects located on CSAH 4 and 9 completed by Mathy Construction. The contract amount was \$4,282,167.59. Certified to date is \$4,564,690.38. The overage is due in part to subgrade corrections required on CSAH 4 and also incentives based on quality of work completed. Possible incentive payments are not included in the engineer’s estimate. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to adopt the following:

#### **RESOLUTION NO. 15-25**

WHEREAS, Contract No. 249 has in all things been completed, and the County Board being fully advised in the premises,

NOW, THEN BE IT RESOLVED, That we do hereby accept said completed project for and in behalf of the County of Houston and authorize final payment as specified herein.

File No. 3 - Chief Deputy Sheriff Lapham reported on a Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies and requested Sheriff Inglett be designated as the authorized signer. Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to adopt the following:

**RESOLUTION NO. 15-26**

WHEREAS, the County of HOUSTON desires to improve efficiencies through participating in a more efficient court process with the Minnesota Judicial Branch; and,

WHEREAS, as the Minnesota Judicial Branch moves towards a more efficient court process, the eCourtMN initiative is committed to ensuring that non-court governmental agencies have appropriate access to court records and documents; and,

WHEREAS, HOUSTON County desires to be subscribed to Minnesota Court Data Services Program.

NOW, THEREFORE, BE IT RESOLVED that the HOUSTON County Board of Commissioners approves and authorizes, SHERIFF MARK INGLETT OF HOUSTON County, to sign the Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies.

File No. 4 - County Attorney Jandt reported on an agreement which will replace Odyssey with more advanced software. The agreement will provide access to court files and minutes, continuance information and the actual documents in electronic format which will save on filing time, postage, and copies. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to adopt the following:

**RESOLUTION NO. 15-27**

WHEREAS, the Office of Houston County Attorney desires to improve efficiencies through participating in a more efficient court process with the Minnesota Judicial Branch; and,

WHEREAS, as the Minnesota Judicial Branch moves towards a more efficient court process, the eCourtMN initiative is committed to ensuring that non-court governmental agencies have appropriate access to court records and documents; and,

WHEREAS, the Office of Houston County Attorney desires to be subscribed to Minnesota Court Data Services Program;

NOW, THEREFORE, BE IT RESOLVED that the Houston County Board of Commissioners approves and authorizes, Samuel D. Jandt, Houston County Attorney, to sign the Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies.

File No. 5 - On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve a status change from probationary to regular for Mike Meiners effective September 16, 2015. HR Director Arrick-Kruger has received many good reports regarding the performance of Mr. Meiners.

HR Director Arrick-Kruger stated that it is time to adopt an affirmative action plan for state fiscal year 2016-2017. She recommended adopting the Minnesota Merit System Equal Employment Opportunity and Affirmative Action Guidelines. Action on said request was rescheduled for September 8<sup>th</sup> to allow commissioners time to access the website where the document is posted and to review its contents.

On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the hire of Lynnsey Standahl as a social worker, at Step 1 of the appropriate comparable worth band and contingent upon the successful completion of the necessary background check. HR Director Arrick-Kruger provided an overview of Ms. Standahl's qualifications and noted that her first day of work is expected to be two weeks from today.

County Attorney Jandt was recently charged with drafting an agreement with CP Rail to ensure the CP Rail projects taking place within Houston County are not intended to develop into a trans-loading facility. He noted, at that time, he would need to research whether the County has jurisdiction in this regard. He reported that Federal law pre-empts state law. There is a Surface Transportation Board with has broad authority over transportation with limits in the area of fire codes. There is case law from Vermont in which the rail company was successful in installing a trans-loading facility despite opposition from the State of Vermont.

County Attorney Jandt indicated that rail companies are encouraged to work with state and local authorities. He noted that CP Rail was not required to apply for the wetland permit in Houston County, however they did. He stated that Houston County has no authority to stop a trans-loading facility.

Currently, the county has postponed action related to a wetland permit application amendment. The County may do one of three things; they may approve the application in a good will gesture and hope that, in the future, the rail company will continue to work with the county, the county could take no action, or the County could deny the application amendment and the project would continue as planned. Regardless of any action taken by the county, the project will continue.

Commissioner Zmyewski stated that the letter sent by County Attorney Jandt was good and expressed the concerns of both the Board and citizens. The letter received from CP Rail in response to the concerns was, in Commissioner Zmyewski's opinion, intimidating and arrogant. In addition, Environmental Services Director Frank was asked to speak with CP Rail and invite a representative to speak with the Board. No response was received from CP Rail in this regard. Commissioner Zmyewski expressed disappointment in the response received from CP Rail.

Motion was made by Commissioner Zmyewski, and seconded by Commissioner Kjome to deny the wetland application amendment. Commissioner Zmyewski expressed his feeling that this will send a message to CP Rail of how strongly the Board is concerned with the impacts of the project on health and safety of citizens and on the encroachment to Dave Walter's property. The motion failed.

Commissioner Zmyewski indicated that the original project has been altered to the extent that it is a new or different project as a result of moving the siding 1,000 feet to the north. This adjustment will have a negative impact on the property owned by Dave Walter. Environmental Services Director Frank mentioned that it was his understanding that the original application for CUP included the 10,000 feet and that the original intent was to utilize only 9,000 feet. Commissioner Zmyewski stated that new information has been made available which would have impacted how he voted. In addition, Commissioner Zmyewski expressed his strong opinion that the rail company should have known how much wetland would be disturbed. Environmental Services Director Frank stated that the CUP is a local matter and the wetland is governed by Federal law. Commissioner Zmyewski expressed concern that the information presented when approval was granted is very different from the information available today, and based on today's information he would have voted differently. The impact to Mr. Walter's property alone is concerning. It was noted that parked trains will be a minimum of 200 feet south of Mr. Walter's driveway. Commissioner Storlie expressed her belief that these issues have been discussed and addressed. She received a map showing the project and surrounding area. Commissioner Zmyewski stated that he did not see a map of the project in relation to Mr. Walter's property and expressed great concern that CP Rail has little regard for local citizens. He questioned Board members whether they want to be on record as having a concern for citizens and protecting the environment or having sided with the rail company. Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome to revoke the CUP granted to CP Rail. The motion failed with Commissioners Schuldt, Storlie and Walter voting in the negative.

Commissioner Zmyewski moved to rescind the motion to approve CP Rail's CUP. The motion died for lack of a second.

It was agreed that the original committee to discuss the proposed Highway Department Building would begin meeting regularly to work on plans for the proposed building.

File No. 6 - Finance Director Lapham provided an overview of the budgets/levy requests for 2016 compared to the budget and levy adopted for 2015. She noted that 2016 has an added

pay period which will cost approximately \$349,000.00. This cost is reflected in the overall salary increase of \$573,000.00. The increase also includes COLA increases/projections which have been negotiated with collective bargaining units. She was pleased to report that there will be no increase to health care premiums and that HAS/VEBA contributions would remain the same. Solid Waste has included household and drop site fee increases however, the increased expenses for disposal have not been estimated nor are they included. In addition, there was discussion earlier regarding the possibility of hiring a coordinator, the current budget projections do not include salary or fringe expenses for such a position. The overview will provide information where to look for changes if deemed necessary. It was agreed to schedule additional budget discussions on September 15<sup>th</sup>. The Board would like department heads encouraged to identify areas to reduce prior to the September 15<sup>th</sup> meetings.

Commissioner Kjome reported on a Planning Commission meeting which he attended last Thursday.

Commissioner Walter reported that she will be attending a State Extension meeting. She also shared information regarding free mammography which is being offered at Public Health on September 11<sup>th</sup> between 9:00 a.m. and 3:00 p.m. The service is offered to women over 40 who have low income or high deductible health plans.

Commissioner Zmyewski expressed concern regarding reports from a recent Planning Commission meeting and questioned whether the meeting had been video recorded. The video is available on the county website. He indicated that he would view the video.

Commissioner Zmyewski favors having further discussion regarding hiring a county coordinator. He feels that this should take place during the budget discussions. He expressed his opinion that a coordinator could save the county money.

Commissioner Storlie reported on the Planning Commission meeting which she attended noting that many positive things come out of the meeting. She was pleased to share, from an EDA standpoint, the IUP for Lawrence Lake Marina was recommended for approval. The IUP allows the owner to grow his business. In addition, discussion has taken place between the Chair and a Board member to resolve a dispute. In closing, she commented how much building is taking place in our growing county.

Chairperson Schuldt reported that there is a Soil and Water tour scheduled for later this morning which he will be attending. In addition, he is planning to attend a Toward Zero Deaths (TZD) meeting tomorrow, September 2<sup>nd</sup>.

Commissioner Walter clarified that Soil and Water is not a county department.

Commissioner Zmyewski provided a reminder of an EDA meeting which is scheduled for 8:00 a.m. tomorrow, September 2<sup>nd</sup>.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to place on file the following items from the consent agenda:

File No. 7 – SMIF Annual Luncheon Invitation

File No. 8 - Correspondence regarding Ride the Ridges

File No. 9 - Correspondence from CP Rail regarding  
Brownsville Siding Project

There being no further business and the time being 10:15 a.m., motion was made by Commissioner Zmyewski seconded by Commissioner Storlie and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, September 8, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, September 8, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Emergency Manager Kuhlert; Jeremy Chipps; Engineer Pogodzinski; Assistant County Attorney Bublitz; Kelley Stanage; Chief Deputy Sheriff Lapham; Betts Reedy; Donna Buckbee; Bruce Kuehmichel; HS Director Bahr; Ken Tschumper; Environmental Services Director Frank; HR Director Arrick-Kruger; Yvonne Krogstad; Fred Arnold; Bryan VanGorp

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the agenda.

Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the minutes of the September 1, 2015 meeting.

File No. 1 - Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$71,126.59
Road & Bridge Fund	472,121.72
	-----
Total	\$543,248.31
	=====

Betts Reedy, Money Creek Township resident, expressed concern regarding an abandoned building in the village of Money Creek. She indicated the Town Board shares in this concern however, has no authority with regard to the structure. Ms. Reedy has reviewed the ordinance and found that it does not address this type of concern. She has discussed her concerns with PHN Director Marchel who shared a copy of the Beltrami County ordinance which does address this type of situation. She would like authorization granted to draft an amendment to the ordinance to address this type of concern. Commissioner Zmyewski commented that PHN

Director Marchel has experience since she was previously employed by Beltrami County. Chairperson Schuldt stated that this is a Zoning matter and that department should be included. Commissioner Storlie noted that there are other zoning matters which should also be addressed. It would be ideal for Zoning and Public Health to work together regarding the structure concerns.

Ken Tschumper, La Crescent Township resident, expressed his expectation that things would improve following the resignation of Bob Scanlan. He indicated that within the past two weeks, 2 non-conforming mines have either commenced operations or have expressed their intent to do so. Mr. Tschumper stated that he does not take issue with the “non-conforming” classification. He expressed his belief that non-conforming mines must maintain certain criteria in order to be allowed to continue operating. He shared his opinion that these mines have not met necessary criteria to retain their non-conforming status making them “new” operations which are, by ordinance, required to make application for a conditional use permit. It is his opinion that these mines are violating the ordinance, should not be allowed to continue operations and are required to make application for a CUP. This situation was addressed by Jay Squires and is on video. Mr. Tschumper also mentioned a public hearing which has been scheduled for September 29<sup>th</sup> to consider a proposed mining ordinance.

Donna Buckbee, Yucatan Township resident, shared her opinion that rail expansion on both sides of the river is about fossil fuels. She commented that the tone of a letter referenced last week by Samuel Jandt from the railroad was arrogant and reflected that the railroad will do as they please with no regard for citizens. She expressed her belief that Commissioner Zmyewski has concern for citizen well-being and also recognized the arrogant tone of the letter. She expressed her understanding that the Board has the authority to enact local law which would protect citizens. Ms. Buckbee also provided information related to information she shared with Board members about leaking rail cars and also about the excessive oil spilled by rail traffic. Ms. Buckbee expressed her opinion that it is the responsibility of the Board to protect citizens. In closing, she commented how people dislike her because she is correct.

Yvonne Krogstad, Caledonia Township resident, expressed appreciation that the proposed ordinance, which is scheduled for public hearing on September 29<sup>th</sup>, has been posted on the website. She objected to the placement of the ordinance on the website as it requires several steps to navigate through the website to locate and view the ordinance. She would prefer the ordinance appear on the opening page where it could be easily accessed. She encouraged members of the public to attend the public hearing and share their comments. In closing she shared a definition of a leader which she recently read stated a leader must have a vision and passion and must work with integrity. She expressed her opinion that all employees should be expected to work with integrity.

Bryan VanGorp, Yucatan Township resident, commented that many Planning Commission and County Board members voted against previously proposed mining ordinances. It will not be long before a vote on another proposal will be taken. The public will get to see how each member votes. Mr. VanGorp addressed several mining complaints which have been filed

over the past 4 months. One complaint sites 15 separate instances over a 3.5 year time period at a single site. He questioned whether there will be consequences imposed on the mine owner for what he called “breaking the law”. He expressed irony that this individual is an individual entrusted to uphold the law and hold others accountable to be law abiding.

Kelley Stanage, Houston Township resident, stated that she was appointed to the State silica sand mining advisory panel. Through participation on the panel she has learned a lot about silica sand mining and how to regulate it. There are mis-conceptions surrounding the price of ag sand. Ag sand is the same type of sand which is used for fracking. The sand comes from two layers of sand which are prevalent in this area. Ms. Stanage pointed out that all sand is silica, however, not all silica sand is frac sand. The Houston County ordinance regulating sand mining has not changed, therefore, regulation cannot be to blame for price increases. Any increases to the prices charged for ag sand are being made at the discretion of the mine operator and/or seller of the sand.

File No. 2 - Engineer Pogodzinski reported on S.P. 028-608-013 for a grading on CSAH 8. This project was completed by JB Holland Construction. The contract amount was \$2,356,756.56. Certified to date is \$2,604,687.55. The overage is due to soft soils which required stabilization. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to adopt the following:

#### **RESOLUTION NO. 15-28**

WHEREAS, Contract No. 237 has in all things been completed, and the County Board being fully advised in the premises,

NOW, THEN BE IT RESOLVED, That we do hereby accept said completed project for and in behalf of the County of Houston and authorize final payment as specified herein.

File No. 3 – Engineer Pogodzinski reported on S.A.P. 028-603-022 for a bridge replacement on CSAH 3. The contract amount was \$721,847.25. Certified to date is \$704,243.71 and slightly less than the estimate. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to adopt the following:

#### **RESOLUTION NO. 15-29**

WHEREAS, Contract No. 245 has in all things been completed, and the County Board being fully advised in the premises,

NOW, THEN BE IT RESOLVED, That we do hereby accept said completed project for and in behalf of the County of Houston and authorize final payment as specified herein.

File No. 4 - Emergency Manager Kuhlers requested approval of the Emergency Management Performance Grant Agreement. The county has been awarded a grant in the amount of \$17,847.00 to be utilized to enhance emergency preparedness and/or response. He intends to use the funds to purchase 4 mobile computers which could be utilized either in the EOC or in the field. The match required is satisfied by a portion of Emergency Manager Kuhlers' salary. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve said grant agreement.

Environmental Services Director Frank reported on the following variances which were approved by the Board of Adjustment: a variance for Daryl Taylor of Union Township for an after-the-fact variance of 18 feet to meet the required 50 foot setback requirement from the west property line and a variance for Arlyn Frauenkron of Money Creek Township for a variance of 1,940 feet to rezone a residential platted subdivision with ½ mile of an existing registered feedlot.

Environmental Services Director Frank reported that the Board of Adjustment delayed action on the Fred Kruckow appeal until a site visit could be completed. The site visit has been scheduled and it is expected that action will follow.

File No. 5 - A preliminary plat has been submitted by Arlyn Frauenkron of Money Creek Township. The plat is in order. It was reported that Mr. Frauenkron is building a new home. On the recommendation of the Planning Commission, motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve said preliminary plat.

File No. 6 - A preliminary plat has been submitted by Mark and Michelle Schnick of Brownsville Township. The plat is in order. On the recommendation of the Planning Commission, motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to approve said preliminary plat contingent upon the purchase of necessary property to meet slope requirements and State DOT right of way requirements.

File No. 7 - On the recommendation of the Planning Commission, motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the issuance of the following conditional use permits:

Duane Peterson – Yucatan Township - Campground in an Ag District

The CUP for Mr. Peterson will be restricted to a maximum of 12 sites and will only last for the duration of the family trust.

File No. 8 - On the recommendation of the Planning Commission, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the issuance of the following interim use permit:

Jim Bakkum – Mound Prairie Township - Non-Commercial Family Cabin  
in an Ag District

One condition of the IUP is the cabin may not be leased out.

File No. 9 - On the recommendation of the Planning Commission, motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the issuance of the following interim use permit:

Earl and Holly Klankowski – Caledonia Township - Home Occupation –  
Level II – Upholstery in an Ag District

File No. 10 - On the recommendation of the Planning Commission, motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the issuance of the following interim use permit:

Kim Benson – Brownsville Township - Run a Food Service and Bar in an  
Ag District

This IUP addressed a bar and food service business and is a step to bringing the business into compliance. Mr. Benson has obtained all necessary permit approvals from the DNR, Corp of Engineers and the Railroad to operate his business. He hosts a Friday night food event and features live music Friday's through Sunday's in the summer months between Memorial and Labor Days. This is a good business for the community, tourism and the Brownsville economy. One requirement of the IUP will for the business to monitor pedestrian traffic and parking. Music will be allowed from 6:00 p.m. to 9:00 p.m. on Friday's and from 3:00 p.m. to 8:00 p.m. on Saturday and Sunday's.

File No. 11 - On the recommendation of the Planning Commission, motion was made by Commissioner Kjome, seconded by Commissioner Storlie and unanimously carried to approve the following Zoning Permits:

Arthur Thompson/Edith Thompson – Yucatan Township - Build garage  
(26' x 36')

Lois McElhiney/Sheldon McElhiney – Mound Prairie Township - Build  
check coop (14' x 60') machine shed/shop (80' x 120') replace barn (50' x  
80') greenhouses (48' x 96' and (2) 36' x 270')

Ken Halverson – Black Hammer Township - Build pole shed (36' x 48')

James and Lynn Foellmi – Union Township - Build attached garage (26' x  
36) addition on house (12' x 16') pole shed (30' x 60')

Chester Doering – Mayville Township - Build cattle barn (156' x 42')  
addition on existing calf barn (32' x 160') feed room (30' x 16')

Justin Thies – Union Township - Build detached garage (34' x 48')

Devoine Kruse – Wilmington Township - Build free stall barn (110' x 96')  
calf barn (64' x 56') double 8 parlor (72' x 120')

Maurine Frydenlund/Eric Frydenlund – Black Hammer Township - Build  
3-sided shelter (16' x 32')

Mark Ebbers – Black Hammer Township - Build deck (20' x 12')

Jim and Jill Britain – Wilmington Township - Build attached garage (28'  
x 32')

Matt Feldmeier – Yucatan Township - Build cattle shed (50' x 70')

Matt Bender – Yucatan Township - Build detached garage (30' x 30')

Tim Colsch – Houston Township - Build garage (30' x 26') cover wrap  
around deck (8' x 60')

Mike and Mary Jetson – Spring Grove Township - Build freestall barn (45'  
x 60')

Casey and Keri Eglinton – Brownsville Township - Build house (44' x 50')  
garage (32' x 30') deck (12' x 15')

Don Kjos – Yucatan Township - Build pole shed (50' x 100')

Dennis Doering Jr. – Brownsville Township - Build shed addition (40' x  
24') corn bin (15' x 16')

Environmental Services Director Frank reported that the monthly Planning Commission meeting has been scheduled for Tuesday, September 22<sup>nd</sup> to alleviate a conflict he has with a Solid Waste meeting. A public hearing has been scheduled for the following week on Tuesday, September 29<sup>th</sup> to consider a proposed ordinance amendment.

File No. 12 - HR Director Arrick-Kruger reported that as of January 1, 2016, Houston County will no longer have an agreement with Woodland for staffing. Since there are no other agencies to contract with for the staffing needed, the County has made the decision to take the

positions internal. She requested authorization to begin a search for three lead positions. A position description was distributed and the position has been banded and submitted to AFSCME. These positions will require successful candidates to have a CDL as they will be responsible for transporting materials in commercial vehicles. In addition to transporting materials, the successful candidates will provide dropsite and recycling center coverage on rotating shifts. It has been determined that 3 lead positions are necessary to ensure adequate coverage. Discussion was held regarding individuals currently holding similar positions. HR Director Arrick-Kruger noted that those employees are Woodland staff members who are welcome to apply for the County's positions. Environmental Services Director Frank reported that La Crosse County has banned certain items and alternate disposal options are identified which often require travel which has resulted in various loads of materials being dispatched to various locations for proper disposal.

The lead positions are new for the county. The county hopes to fill the positions with individuals with CDL and recycling equipment experience. All three leads are subject to the same CDL requirement. Having 3 commercial driver licensed staff allows for greater flexibility in scheduling and ensures greater continuity of coverage if staff members are unavailable due to vacation, illness, etc. Current woodland staff is expected to be competitive, however, they will be required to meet the demands of the position. Commissioner Zmyewski questioned whether these are replacement of new positions. HR Director Arrick-Kruger stated that currently the staffing for these positions is through a contract. The positions are expected to cost slightly more than the contract once they are taken internal. The county will continue to contract with Woodland for client services. Environmental Services Director Frank stated that this is a very beneficial arrangement between the County and Woodland. Woodland staff works at the recycling center and assists at the drop sites. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to authorize the search.

File No. 13 – HR Director Arrick-Kruger reported that DHS requires that the county have affirmative action guidelines for Human Services hires. It has been the practice of the county to adopt the Minnesota Merit System Equal Employment Opportunity and Affirmative Action Guidelines to meet this requirement. A copy of the guidelines has been distributed. Other positions within the county are subject to the county's equal employment opportunity guidelines. HS Director Bahr stated that she has reviewed the Bulletin. She noted that HR acts as a liaison under these guidelines. Failure to adopt the Merit System Guidelines would require the county develop its own process. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to adopt the Minnesota Merit System Equal Employment Opportunity and Affirmative Action Guidelines.

HR Director Arrick-Kruger reported that she has an issue with a recommendation which she can't stand behind and has referred the matter to the County Attorney.

On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to change

the status of Kirby Fitzpatrick from probationary to regular effective Sept 9, 2015. HS Director Bahr reported that Ms. Fitzpatrick is sharp and conscientious.

It was agreed that Rob Gross and John Dollar would work together to organize the hanging of the lithograph featuring the U.S. Constitution. Since no veterans were available to be present when the lithograph was received it is hoped that some can be present for the hanging.

File No. 14 - HR Director Arrick-Kruger reported that the MAPE Labor Agreement was approved on July 14<sup>th</sup>. She presented the agreement for the necessary signatures. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and carried with Commissioner Zmyewski voting in the negative to approve the MAPE Labor Agreement.

Finance Director Lapham provided her monthly financial update. She reported that there have been no extraordinary expenditures or revenues. She will be meeting with Environmental Services Director Frank to discuss the financial implications of the Woodland contract and the positions which are being brought in-house. All departments have been asked to identify budget areas to reduce and brief meetings with the larger departments have been scheduled.

Commissioner Storlie reported on a Soil and Water tour and EDA and Wildcat meetings which she attended. The tour viewed structures at the Doug Heintz and Mark Klinski properties and also at the site of a bridge in Sheldon which was a collaborative project.

Commissioner Zmyewski commented that he has been receiving calls regarding taxes. He has responded that all figures are preliminary. With regard to the website, he would prefer that out of date material be removed. He also wants the webmaster to strive for user friendliness.

Commissioner Storlie commented that website cleanup may not be a high priority task. IT is extremely busy with assisting the Sheriff's Department with a sizeable migration project. There has been discussion in the past regarding adding staff and this reflects a true need. Chairperson Schuldt expressed agreement that the webmaster should strive for user friendliness.

Commissioner Zmyewski commented that Kelley Stanage mentioned increased pricing for ag sand. He questioned whether other members have heard that the increase has been attributed to the uncertainty of what the Board will do in regard to frac sand and the regulatory ordinance. It was noted that Engineer Pogodzinski has reported increased construction sand and aggregate pricing. Commissioner Zmyewski commented that nothing has changed, the ordinance has remained the same. He expressed displeasure with mining operators who appear to be taking advantage of the community by raising prices for this reason.

Commissioner Walter reported on a Soil and Water tour and State Extension and Wildcat meetings which she recently attended.

Commissioner Kjome reported on a Soil and Water tour, and Water Planning meeting which he attended. He also encouraged the expansion of the Highway Department committee to include additional members. Commissioner Zmyewski stated that there are interested community members with expertise in heavy equipment maintenance making them a valuable resource who should be considered for inclusion on the committee. This can be further discussed on Thursday at the scheduled meeting. Commissioner Kjome asked that the Board members not serving on the committee be kept well aware of the discussions as they receive many questions from the public.

Chairperson Schuldt reported on a Soil and Water tour and Toward Zero Deaths meeting which he attended.

Commissioner Zmyewski reported that VSO Gross is concerned with the extensive repairs needed for the Veterans Service van. He stated that the van is in need of significant front end work including shocks, struts, tires, power steering and possible additional repairs to the steering. The van is a 2006 and has 220,000 miles. VSO Gross has budgeted for a replacement vehicle in 2016. Commissioner Zmyewski commended VSO Gross for running the vehicle so long. It was agreed that VSO Gross should begin searching for a suitable replacement vehicle.

Motion was made by Commissioner Kjome, seconded by Commissioner Zmyewski and unanimously carried to recess until the scheduled training at 10:30 a.m.

The time being 10:35 a.m., the Board met with Toni Smith, AMC, regarding potential trainings being considered by AMC, MCIT and Sand Creek. Lengthy discussion was held regarding possible items to be included in trainings and whether the board felt they would be beneficial to counties. The Commissioners indicated that they felt the new Commissioners Training offered by AMC was excellent; however, it would be more beneficial if it was offered before new commissioners take office. Also, they felt another follow up training should be held for commissioners who have been in office for a few years.

There being no further business and the time being 11.29 a.m., motion was made by Commissioner Walter seconded by Commissioner Kjome and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, September 15, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, September 15, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Reporters McGonigle & Moorhead; Finance Director Lapham; HS Director Bahr; Financial Services Supervisor Kohlmeyer; Kelley Stanage; Betts Reedy; Fred Arnold; PHN Director Marchel; PHN Accountant Lillegraven; Environmental Services Director Frank; Engineer Pogodzinski; Highway Accountant Schroeder; HR Director Arrick-Kruger; Sheriff Inglett; Chief Deputy Sheriff Lapham

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the agenda.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the minutes of the September 8, 2015 meeting.

File No. 1 - Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$10,603.87
Road & Bridge Fund	302,025.88
	-----
Total	\$312,629.75
	=====

Commissioner Zmyewski reported that the Highway Department Building Committee meeting scheduled for last week had to be postponed. Commissioner Walter reported that at a recent meeting she attended other counties stressed the importance of having the architect working with the committee to ensure that all building code and OSHA requirements are included in the plan. It was agreed that the next building committee meeting will be held at 4:00 p.m. on Friday, September 18<sup>th</sup> at the Highway Department. Commissioner Zmyewski inquired as to the makeup of the committee. It was agreed to discuss this at the meeting on Friday.

At this time Human Services Director Bahr and Financial Supervisor Kohlmeyer met with the Board. HS Director Bahr reported that ABLE's ground breaking will be held Thursday, September 17<sup>th</sup>, at 3:00 p.m. just south of the High School. Hiawatha Bluffs Complex ground breaking will be held at 10:00 a.m. on Friday, September 25<sup>th</sup> at 1433 Service Drive, Winona (right behind Slumberland).

HS Director Bahr provided an update on the child friendly room. The carpet has been installed and the room has been painted. The new furniture should be arriving soon. The new video equipment will be installed October 1st.

HS Director Bahr reported that the contract for EDMS should be worked out in the near future.

Houston County has requested an expedited appeal with regard to the providers which the state has chosen for us. We have been using UCare and Medica, however, the state is changing our providers to Blue Plus and Medica as of January 2016. Approximately 75% of our clients utilize UCare and there are concerns whether this will be accepted by Mayo in La Crosse. The appeal hearing is scheduled for 2:00 p.m. on September 25<sup>th</sup> in St. Paul.

HS Director Bahr stated that the regional contract manager is working to ensure that all counties have the same level of insurance coverage for certain items. She will meet with Auditor Meiners in this regard.

Financial Supervisor Kohlmeyer reported that every two years a plan is required for the Child Care Assistance Program and MFIP consolidated fund. For 2016 and 2017 Houston County's allocation is approximately \$190,000.00 per year for child care assistance. The documentation requirements to qualify for the program are extensive, and only about half of the applications can be approved because they lack the proper documentation. Currently Houston County is only spending approximately 605 of the child care funds. They have had no waiting list for approximately two years.

Financial Supervisor Kohlmeyer reported that the allocation for MFIP for the next two years amounts to \$169,146.00 per year.

Financial Supervisor Kohlmeyer reported on security requirements and the fact that some additional updates may be needed in order to meet guidelines.

Financial Supervisor Kohlmeyer reported that MN Sure reviews are being done for June, July and August and must be completed by Friday at noon. She reported on several glitches due to household members being on several programs.

Commissioner Kjome reported on a strategic planning meeting for the SE MN Water Board which he attended. They are planning for the next five years. Discussion was held regarding how the One Watershed One Plan will affect counties. They are projecting a need for 1.6 employees to implement the program and the counties would have to share in the cost. He expressed his concern at that meeting in this regard as counties have tight budgets.

Commissioner Walter reported on an EMS meeting she attended. They are able to provide CPR training for Houston County at a much lower cost than the estimates previously obtained. They also watched a power point showing the vast number of ambulance, first responders, etc. that EMS does training and certification for.

Commissioner Walter reported on a Workforce Development meeting which she attended. They are starting an apprentice program with businesses around the region whereby they will supplement wages for three months, after which the business will probably hire the person. Caledonia Care Center is offering apprenticeships through this program.

Commissioner Walter reported on the Brownsville and La Crescent Town Board meetings which she attended. She will also be attending Hokah Township's meeting this evening.

Commissioner Zmyewski reported on phone calls he received from individuals regarding options for the highway department building. He is attending a meeting in this regard on Thursday afternoon. He stated that Chairperson Schuldt and Engineer Pogodzinski are welcome to attend.

Commissioner Zmyewski reported on a survey his wife received from the county where she previously lived which is attempting to determine why people leave the area and how to attract and retain people. He suggested doing something similar in Houston County. Commissioner Walter indicated that this is something that she could bring up with Workforce Development as she felt it would fit in with the education/apprenticeship programs they are doing.

Commissioner Storlie reported on a leadership training she attended. She indicated that it is a very beneficial training.

Chairperson Schuldt reported on a Winnebago Township meeting which he attended regarding an annexation. He also reported on a Semcac meeting which he attended.

File No. 2 – Finance Director Lapham requested approval of a budget amendment for the Auditor's Office for updating a workstation in the License Center. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the budget amendment for the Auditor's Office.

File No. 3 - Motion was made by Commissioner Storlie and seconded by Commissioner Walter to approve a budget amendment for salary adjustments in the Human Services Department in the amount of \$18,801.00. The motion passed with Commissioner Zmyewski voting in the negative. Discussion was held regarding funding streams and how reimbursements affect the Human Services budget.

File No. 4 - At this time the Board met with HS Director Bahr regarding the proposed 2016 budget. HS Director Bahr reported that excluding payroll their projected levy increase is \$57,730.00. She is willing to make reductions to the 2016 foster care budget, with hopes they have fewer cases next year. Chairperson Schuldt inquired whether we are getting all possible funding reimbursements. HS Director responded that there has been three FMLA leaves this year, during which time positions have been covered by utilizing temporary employees. Because of this, she felt the reimbursements may be down slightly. The Disability Services workers reimbursements allow the county to break even for their services and also earn additional funds to help cover other costs. With the big change in MN Choices they are still breaking even, but are not bringing in the level of additional revenue that they used to and she projected that they will be down slightly yet in 2016. Many counties have already added staff due to MN Choices, however, Houston County is being conservative and has not done so. She is hopeful that by rearranging how some things are done and working closely with Public Health they will not have to add staff for this program.

Commissioner Zmyewski stated that the state auditor wants our fund balance to be at 50% of our current year levy. Finance Director Lapham indicated that we meet those criteria. Commissioner Zmyewski inquired whether we should keep an additional 20% in fund balance in case of emergencies. Finance Director Lapham stated that the 50% is our emergency fund. She cautioned that some reimbursements are earmarked for certain items. HS Director Bahr stated that they have tried to stabilize the Human Services fund balance so they do not have large swings. From 2005 to 2014 the Human Services fund balance has only decreased approximately \$47,000.00.

File No. 5 - At this time the Board met with PHN Director Marchel and PHN Accountant Lillegraven regarding the proposed 2016 budget. PHN Director Marchel stated that they have a conservative budget. They have had reductions in home care activity. While this reduces expenses, it also reduces reimbursements. PHN Director Marchel stated that if her department takes over the fiscal responsibility for the immunization collaborative, this would bring in an additional \$8,500.00 in revenue and decrease their levy request to approximately \$38,000.00.

At this time the Board met with Environmental Services Director Frank regarding the proposed 2016 budget. Mr. Frank stated that he originally planned to increase the household fee by 25 cents per month to cover the increased cost for the disposal of large household items and mattresses. Since there will also be increased costs in connection with having to hire the three positions we currently contract for, he recommended increasing the household fee an additional 25 cents per month. This would increase the current \$3.00 per month fee to \$3.50 per month. He

indicated that each 25 cent increase amounts to approximately \$25,000.00 in revenue. The 50 cent increase would reduce the solid waste/recycling budget levy increase to about \$25,000.00.

Mr. Frank also suggested increasing the septic system fees to more adequately cover the cost of the inspections involved. Houston County currently charges a \$200.00 fee for mound systems and a \$100.00 fee for trench systems. He would like to increase the fee for both types by \$100.00. He estimated that there are approximately 75 septic system installations per year.

At this time the Board met with Engineer Pogodzinski and Highway Accountant Schroeder regarding the proposed 2016 budget. For 2016 Highway Department's proposed levy increase is \$20,851.00. They have already reduced \$480,000.00 from the budget. If additional reductions are required, they would reduce gasoline, oil and diesel budgets. Engineer Pogodzinski cautioned that if fuel prices increase, they could go over budget. He could also reduce the equipment parts budget. After discussion, it was agreed to keep the budget as proposed for now.

Commissioner Zmyewski inquired as to the available funding for the highway building. Engineer Pogodzinski and Finance Director Lapham indicated that there is approximately \$4.5 million in fund balance that can be utilized toward the highway building and several other projects. Commissioner Zmyewski inquired as to the cost of the County 249 project. Using today's numbers, Engineer Pogodzinski projected a cost of about \$3 million. Discussion was held regarding the possibility of designating the wheelage tax revenue for County 249.

At this time the Board met with HR Director Arrick-Kruger regarding the proposed 2016 budget. There are two proposed projects budgeted for 2016 including \$30,000.00 for the security system upgrade for the Historic Courthouse and \$25,000.00 for the sound/recording system for the EOC at the Justice Center. Finance Director Lapham suggested that these projects could be funded utilizing the MCIT insurance refund, as this was set aside for capital improvements. If this funding is utilized, these two items can be removed from the 2016 budget. After discussion, it was the consensus of the Board that these items should either be funded through MCIT refunds or fund balance.

HR Director Arrick-Kruger stated that she will also be requesting authorization to replace an AC until that went down at a cost of \$22,000.00.

Discussion was held regarding fund balance. Finance Director Lapham indicated that there is \$6,706,564 available. Commissioner Zmyewski stated that he felt the county should adopt a 0% levy increase and utilize fund balance, rather than go to the taxpayers for a levy increase. It was pointed out that there are other projects that need to be funded, such as the courthouse roof project.

At this time the Board met with Sheriff Inglett and Chief Deputy Sheriff Lapham regarding the proposed 2016 budget.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to place on file the following items from the consent agenda:

File No. 6 – Correspondence to payroll regarding changes

File No. 7 – Correspondence to H. Koch regarding tons delivered to Xcel

File No. 8 – Memorandum of Understanding Region 10 Contracting Services whereby Olmsted County drafts all contracts for counties in this region.

There being no further business and the time being 12.01 p.m., motion was made by Commissioner Zmyewski seconded by Commissioner Storlie and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, September 22, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, September 22, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Sam Whitehead; Environmental Services Director Frank; Sheriff Inglett; Engineer Pogodzinski; Finance Director Lapham; Susan VanGorp; Bryan VanGorp; Lorraine Culver; Donna Buckbee; Betts Reedy; Ken Tschumper; Glenn Kruse; Gretchen Cook; HR Director Arrick-Kruger; County Attorney Jandt; Jeremy Chipps; Bruce Kuehmichel; Michael Fields; Yvonne Krogstad; HS Director Bahr; Treasurer Trehus; Chief Deputy Sheriff Lapham

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the agenda.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the minutes of the September 15, 2015 meeting.

File No. 1 - Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$80,753.37
Road & Bridge Fund	1,009,984.43
	-----
Total	\$1,090,737.80
	=====

Chairperson Schuldt read aloud the rules of the public comment period.

Gretchen Cook, La Crescent City resident, indicated that two weeks ago she expressed concerns regarding the status of several complaints and questioned what has to be done to receive a response.

Michael Fields, Winnebago Township resident, was excused based upon M.S. 13D, 13.43.

Bryan VanGorp, Yucatan Township resident, stated that his daughter is a district attorney in Florida. She recently attended a training to discuss how individuals refrain from participating in a system they perceive as “rigged”. Mr. VanGorp suggested that complaints continue to pile up with no response. He shared his opinion that citizens have been acting as enforcers when the enforcement should be coming from the County. He indicated that citizens have spent several thousands of dollars and many hours of their time to enforce what they feel the Board is failing to enforce. He provided a reminder of an upcoming public hearing regarding a proposed ordinance amendment being presented by the Houston County Protectors. He encouraged the Board to “turn over a new leaf” and vote accordingly.

Yvonne Krogstad, Caledonia Township resident, invited the members of the Board to read the comments of Ken Tschumper which are featured in the Winona Daily News. She also commented on a complaint which was filed on May 4<sup>th</sup> with regard to non-conforming mines to which she has received no response.

Michael Fields, Winnebago Township resident, attempted to speak again and was excused.

Donna Buckbee, Yucatan Township resident indicated that due to the arrogance of the response letter to the County from the Railroad regarding the intended use of the Brownsville area rail siding she contacted a vendor to install solar panels so that she may reduce her dependence on fossil fuels, stating the bottom line is renewable energy is good for the planet and the community.

Ken Tschumper, La Crescent Township resident, commented that the application period for the Zoning Administrator position closed last Friday. He encouraged the Board to hire the very best and most qualified person for the position regardless of the cost. He acknowledged there has been controversy surrounding this position for 4 years.

Sam Whitehead provided an update regarding recent activities of the EDA. He is working with Caledonia City to bring Tacticam to Caledonia. It has been reported that Tacticam is leasing office space in Caledonia while they continue the search for an ideal location for their business.

Mr. Whitehead reported that he recently attended a meeting hosted by DEED featuring offerings. He is learning more about the Property Assisted Clean Energy (PACE) program and has met with EDA directors from across the region. His work on the visitor’s guide is ongoing.

File No. 2 - Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the Wildcat Park Management Agreement with Ed “Jake” Lonkoski.

It was agreed to schedule the Truth In Taxation (TNT) meeting for Monday, November 30<sup>th</sup> at 6:00 p.m.

File No. 3 – Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve an abatement for Stephen & Julia Schulte on parcel #03.0171.000, being a reduction of \$3,480.00 due to incorrect classification.

File No. 4 - Engineer Pogodzinski reported on a quote received from Dunn Blacktop to resurface two bridge decks. It has been debated whether to resurface the decks with asphalt or concrete and determined that asphalt is the best option. The bridges located on CSAH's 26 and 21 will be closed for an estimated 5 days being Monday through Friday in order to mill, make necessary repairs and lay the asphalt. The cost of repairs has been budgeted and will be completed this fall. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to accept the quote provided by Dunn Blacktop in the amount of \$72,921.50 for the prescribed bridge deck repairs.

Commissioner Zmyewski expressed concern with visibility and dirt piles along Oak Ridge Hill. He has been receiving many complaints regarding the hill improvements. Engineer Pogodzinski stated that the slope is the same except for a less than 1% increase at the top near the curve. The road was also widened. While the changes may not be ideal they are an improvement.

The Highway Department Building Committee is interested in establishing recurring meeting dates. They feel that twice monthly meetings will be adequate to move the project forward. It was agreed that the meetings would be held on the first and third Tuesday of each month following the regularly scheduled board meeting. The tentative time for the meetings was established at 11:00 a.m. It is the hope that both Commissioner's Schuldt and Zmyewski will be able to attend as Tuesday's are typically dedicated to County Board business. HSR will be included in the first meeting, and additional participants will also be discussed. Commissioner Zmyewski questioned whether HSR is being paid and he questioned whether it was necessary for them to be present. Engineer Pogodzinski indicated that it is imperative. Commissioner Zmyewski questioned whether there is a need to go out for bids for the work that HSR would be doing. Engineer Pogodzinski stated that it is not necessary to go out for bids. The scope of the project has not been altered or changed enough to justify going out for bids. The project includes the same square footage building. While the location of the building may be different, that only impacts the amount of dirt that must be moved. There has been some money spent to develop a plan for the initial sight and money will be required to develop the plans for the alternate sight. The county could terminate the contract however Engineer Pogodzinski expressed this would be atypical. Commissioner Walter questioned whether there was a specific line item out of which HSR would be paid. Engineer Pogodzinski indicated that funding has been earmarked for the project. It was agreed that the first meeting should be scheduled for two weeks from today starting at 11:00 a.m.

Environmental Services Director Frank stated there have been discussions regarding the recycling program costs and the budget. Both the costs charged by Xcel Energy and the La Crosse County Landfill are increasing. In addition, it is expected that the landfill will discontinue accepting mattresses and box springs in 2016. The County needs to identify and implement an alternate method of disposal for these items. Fortunately, there is a business in La Crosse which is recycling mattresses. However, the cost is \$15.00 per piece. Currently the County collects a \$3.00 per month per household fee. This fee has been in place for the past 2 years. In order to meet cost obligations, Environmental Services Director Frank proposed increasing the fee by \$0.50 per month per household. He proposed that the increase be effective January 1, 2016 which allows time to notify cities and townships. Environmental Services Director Frank stated that the costs charged by vendors we are under contract with are increasing. The recycling and drop site system which Houston County operates keeps illegal dumping at near zero. Other counties and states have interest in the Houston County program for implementation in their areas. Discussion was held regarding the proposed increase. Environmental Services Director Frank reported that drop site staff has been logging the number of mattresses taken in at the drop sites. He is also researching options for collection and storage of mattresses prior to delivery to a mattress recycling facility. Mattresses are non-burnable problem materials. The reason the landfills intend to ban the items is due to the inability to compact them. Mattresses along with household furnishings and building materials are collected in the 30 yard dumpsters for disposal at the landfill. Commissioner Zmyewski expressed concern with reducing in one area simply to increase it in another. Environmental Services Director Frank indicated that the program was started many years ago. The department does its best to contain costs however, there are times when costs must be increased. Houston County is subject to long term agreements with the La Crosse County Landfill and also Xcel Energy. Some of the increase will be utilized to start up the counties mattress collection and recycling which will be an enhancement to the current program. Commissioner Zmyewski questioned how Environmental Services Director Frank arrived at the proposed \$0.50 increase. Environmental Services Director Frank responded that he has projected increased costs for landfill fees and mattress recycling at \$45,000.00, mattress recycling will require additional equipment purchases of approximately \$25,000.00. The equipment purchase will cover needs for a long term. In addition, it was recently approved to bring 3 positions in-house which have previously been contract staff. The agreements with La Crosse County Landfill focus on long term with increases assessed infrequently. Environmental Services Director Frank expressed his belief that the landfill has not had a price increase in 7 years. Commissioner Zmyewski expressed understanding as to why costs have been increasing. Environmental Services Director Frank reported that there was a time when appliances were a problem item, however, through an arrangement with Alter Metal, appliances are now being recycled. Commissioner Storlie supports the proposed increase and hopes that this will be the only increase for the next three years. Environmental Services Director Frank stated that carpeting has been in discussions as the next material to ban from the landfill. He doesn't expect this to happen for a few years , however, he does expect to be required to find an alternate disposal practice for this item also. He stated that carpeting is also recyclable. Motion was made

by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve a \$0.50 increase per month per household fee increase.

Environmental Services Director Frank reported that Houston County charges less for septic permits than surrounding counties. He proposed increasing the septic permit fee by \$100.00. The fee charged for at grade or mound systems is different than the fee charged for trench systems. The increase would be assessed to each type of system. He explained how many site visits are required to provide the proper installation oversight. He reported that the septic permit fee has not been increased for several years. Both Winona and Fillmore counties charge similar rates to what he is proposing. Commissioner's Storlie and Zmyewski asked that action in this regard be held over until the next meeting so that Commissioners have time to confirm the fees charged by neighboring counties.

Commissioner Kjome questioned what the County's process is for addressing violations. Once a complaint has been received, contact is made, an investigation is completed and typically County staff works with the individual to come into compliance. In the event steps are not taken to come into compliance, the matter is turned over to the County Attorney's Office. When questioned whether there is a defined time in which to respond, it was noted that each case is unique, and the time in which it takes to complete an investigation and develop an appropriate response is unique. Currently, the Zoning Office is short staffed and busy with building permits, feedlot inspections and other duties. County Attorney Jandt indicated that recently a complaint was received which was 20 paragraphs long. It was necessary to determine what the complaint was about and which department heads were responsible followed by gathering a team together to develop an appropriate response. In the meantime, several more complaints may have been filed. He stated that he received one complaint on September 10<sup>th</sup> and the response was going out in the mail today. When information is requested it must be assessed to determine what information is public and may be released, and what information is private. This process may require redaction. When redaction takes place it is necessary to review to ensure that public data is made available while maintaining the confidentiality of private information. This takes time and is not as simple as making copies and sending them in the mail. His staff is busy preparing for several felony trials in addition to many other duties. Complaints answered improperly could result in additional liability. Under data practice laws the county must be careful to ensure data sent in response complies. Responding to complaints is multi-faceted and requires time to properly complete. Each complaint is assessed, the responsible party is determined, documentation is requested, filtered and reviewed by the attorney. There is a difference between doing it and doing it correctly. County Attorney Jandt expects to provide responses within 60 day in most instances. Sometimes the response time is due to the schedule of others. The entire process takes coordination and wait time for responses and/or answers. Some responses are contingent upon data practice laws. Some responses are not the answer the complainant wants. Complainants may inquire with Ms. Arrick-Kruger as to the status of their request as she acts as the "filter". In closing, County Attorney Jandt indicated that there is a need for staffing to deal with the complaints which has not been addressed.

Sheriff Inglett expressed concern with the jury attendant compensation. Compensation for the individuals performing this essential function has remained the same since 2006. Jury attendants are currently paid a \$50.00 daily stipend and are eligible for an additional payment in the amount of \$25.00 if the time exceeds 6:00 p.m. Houston County is fortunate to have 2 dedicated and dependable individuals to perform these duties. These individuals have adjusted their schedules to provide staffing in anticipation of 27 jury trials which required service on only 9 occasions. Sheriff Inglett requested approval for a daily stipend in the amount of \$75.00, to continue the provision providing for an additional payment in the amount of \$25.00 in the event their services are required past 6:00 p.m., and to offer a \$15.00 cancellation fee when scheduled trials are settled prior to the trial taking place. These payments come from the Sheriff's budget. Jury attendants ensure that jurors are in place, have the necessary materials, and that jurors do not communicate with outside influences. Members of the Board questioned what jury attendants in surrounding counties are paid. It was agreed that Sheriff Inglett will gather and share this information with commissioners.

Sheriff Inglett requested approval of mobile computing stipends for two Sheriff's Department Lieutenants. These staff members currently receive a \$30.00 per month cellular phone per diem, however, Sheriff Inglett indicated that these individuals meet the requirements and their job duties qualify them to receive the \$50.00 mobile computing device stipend. Each individual accesses email via their smartphones and one is responsible for scheduling and often accesses scheduling software via smartphone. Approval of this request will result in a net increase of \$480.00 annually. Commissioner Zmyewski questioned whether the policy needs to be reviewed as it was his understanding that the mobile computing stipend was for department heads. Commissioner Storlie read the applicable policy. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the \$50.00 mobile computing stipend for both Lieutenants.

Sheriff Inglett expressed concern that recently Commissioner Walter commented that drug arrests appeared to be declining. Sheriff Inglett provided the following statistics to reflect how drug arrests have been increasing. He reported that there were 26 felony level narcotics arrests in 2014, there have been 27 to date in 2015. Six search warrants were exercised in 2014 compared to 21 already exercised in 2015. One such warrant exercised this past Friday night netted several grams of illegal drugs. In 2014 there were no 1<sup>st</sup> degree control substance arrests compared to 2 already in 2015. He noted that 1<sup>st</sup> degree is the highest felony level. There were 2 meth arrests in 2014 compared to 8 already in 2015. Marijuana arrests involving amounts exceeding one pound have increased from 1 in 2014 to 4 so far in 2015. These case numbers show that arrests have significantly increased over 2014 levels. When asked for a reason for the increase, Sheriff Inglett expressed his belief that the functions of the department, not increased drugs, are the reason.

File No. 5 - At this time Finance Director Lapham met with the Board. She presented information related to various proposed levy scenarios and explained reports which she had prepared and distributed to show current cash and fund balances, needs, and the impact proposed levy scenarios would have on fund and cash balances. Discussion was held. Commissioner Walter indicated that she is basing the following motion on cost of living and inflation averages and input from constituents indicating modest and level increase are preferable over sporadic and significant increases. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and carried with Commissioner Zmyewski voting in the negative to approve a 4% levy increase and adopt the following:

### **RESOLUTION NO. 15-30**

BE IT RESOLVED, that the proposed levy after the deduction of County Program Aid (CPA), in the amount of \$11,822,649 be made on all taxable property in the County of Houston for taxes payable in 2016 in the following amounts by County Fund:

County Revenue	\$ 7,584,942
Road & Bridge	2,464,132
Human Services	1,407,309
Bond Fund – 2009B Jail CIP Bonds	503,252
Bond Fund – 2009C Jail Bonds	268,288
Bond Fund – 2010A Jail CIP Bonds	233,582
Bond Fund – 2010B Jail Bonds	224,707
	-----
Total	\$12,686,212
Less CPA	(863,563)
	-----
Total Levy	\$11,822,649
	=====

### **RESOLUTION NO. 15-31** **RESOLUTION ADOPTING 2016 OPERATING BUDGET**

	Revenue	Expenditures	Revenues Over (Under) Expenditures
	-----	-----	-----
County Revenue	\$11,742,407	\$12,112,537	\$ -370,130
Road & Bridge	11,693,013	11,773,275	-80,262
Human Services	4,467,413	4,559,770	-92,357
Debt Service	1,229,829	1,229,829	0
	-----	-----	-----
Grand Total			

County Funds	\$29,675,411	\$29,675,411	\$ -542,749
	=====	=====	=====

Fund balance will be utilized to cover a portion of the increased budget expenses. Commissioner Zmyewski questioned what the goal of the Board is. Commissioner Storlie cautioned there is a need to consider staffing additions which may be required in the coming year including adding a County Administrator, and additional staff in both the IT and HR departments which are not included in the current expense projections. Commissioner Zmyewski questioned whether departments will be directed to make across the board spending cuts. Commissioner Storlie indicated that there are many moving parts to be considered and it may not be fair to direct each department to make a set percentage of reductions. Commissioner Zmyewski expressed great displeasure with having increased the levy in excess of 11.5% over a 3 year period while granting COLA increases. Commissioner Zmyewski expressed his belief that the private sector is not granting wage increases and continuing this practice will result in the need to eliminate positions and/or subject staff to layoff. He expressed strongly that the Board can't continue to simply increase taxes. Commissioner Storlie urged caution when generalizing those who may or may not be granting wage increases. In manufacturing wage increases won't be granted during times when demand is low. Commissioner Zmyewski stated that the population of Houston County has been flat for many years which shows there is not increased need for the services provided by the County. The county offices still serve the same number of residents. The County has been funding wage increases by limiting material purchases which will catch up at some point and become unsustainable. Commissioner Zmyewski referenced a levy comparison handout which showed levy changes over a 10 year period which was prepared by Finance Director Lapham and sent to members of the Board. The trend reflected is unsustainable. Commissioner Walter attributed a portion of the problem to negotiated agreements with labor unions. Commissioner Kjome stated that the negotiating team has mitigated initial requests significantly however, he also would prefer that less wage increases be granted. Commissioner Zmyewski expressed a need to determine how to do more with less and realize the consequences of the Board's actions.

Treasurer Trehus provided information on how a zero percent levy increase would impact cash and investments. She stated that just prior to tax payment due dates operating cash balances are depleted. She reported that following a modest tax increase last year she has not heard customers complaining in her office. She is aware that increasing farm values contributed to the rise in farm taxes. Further depleting cash reserves may or may not have an impact depending whether there is an extraordinary need. Treasurer Trehus prefers not to have cash balances so far depleted and expressed her support for a modest tax increase. If the county were required to cash in long term investments to provide for adequate operating cash, there could be penalties assessed. Utilizing money market funds also limits cash flow.

Commissioner Storlie reported on the Navigating Key Land Use Issues conference. She shared that this is the most valuable training she has participated in and encouraged other Board

members to attend if the conference is hosted again. She will copy and share the materials and notes from the conference. She highlighted a couple of key points raised including ensuring that Board reasoning contributing to a decision be on record. This conference provided views and input from 5 individual attorneys.

County Attorney Jandt stated that he too attended the Land Use Conference with Commissioner Storlie. It has raised several questions for him which he will be researching and making possible recommendations regarding. This will ensure that Houston County has best practices in place. The presenters remained available for discussion following the closing of the conference which was beneficial.

Commissioner Storlie reported on a CJC meeting which she attended.

Commissioner Zmyewski reported that he met with citizens last Thursday afternoon to consider various options related to a proposed highway department building. He will be meeting with the group again tomorrow, September 23rd at 4:30 p.m. And extended an invitation to both Commissioner Schuldt and Engineer Pogodzinski to attend.

Commissioner Walter reported on a Hokah Town Board meeting which she recently attended and also provided a reminder of the Association of County Township Officers banquet scheduled for tomorrow, Wednesday, September 23<sup>rd</sup>.

Commissioner Kjome reported on the ABLE groundbreaking ceremony which he and Commissioner Storlie attended.

Chairperson Schuldt reported on the State Auditor exit interview which he attended. Houston County received an unqualified opinion which is the highest opinion awarded. He also reported on an on-site meeting he attended at the Kruckow mine site with the Board of Adjustment.

Finance Director Lapham reported that the audit will be completed soon and submitted as a requirement for the federal single audit.

Commissioner Storlie provided a reminder of the upcoming AMC conference being held the first week in December. She encouraged all Board members to attend this worthwhile event. It was noted that both Commissioner Storlie and Walter will be attending. Chairperson Schuldt will tentatively attend. Commissioner Zmyewski will not be attending and Commissioner Kjome was undecided at this time.

It is noted that the Department Head meeting is scheduled for 1:00 p.m. today.

There being no further business and the time being 11:02 a.m., motion was made by Commissioner Zmyewski seconded by Commissioner Walter and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, October 6, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, October 6, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; County Attorney Jandt; HR Director Arrick-Kruger; VSO Gross; Bruce Kuehmichel; Kelley Stanage; Wayne Feldmeier; Betts Reedy; Lorraine Culver; Glenn Kruse; Donna Buckbee; Ken Tschumper; Robin Tschumper; HS Director Bahr; PHN Director Marchel; Yvonne Krogstad; Jeremy Chipps; Environmental Services Director Frank

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the agenda.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the minutes of the September 22, 2015 meeting.

File No. 1 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$161,002.11
Road & Bridge Fund	249,591.61
	-----
Total	\$410,593.72
	=====

Chairperson Schuldt read aloud the rules of the public comment period.

Yvonne Krogstad, Caledonia Township resident, addressed what she felt were misconceptions related to the proposed amendment to Ordinance #27 which was presented by the Houston County Protectors. She shared her interpretation that the requirement to provide a reclamation plan would not impact pricing because it is not a new requirement and is already present in the current ordinance. She shared her understanding that the only new requirement which would include a fee is the requirement for non-conforming mines to apply for a CUP, the

fee of which is \$500.00. She expressed her opinion that this would have no impact on sand and gravel pricing. In closing, she indicated that it was her opinion that these misconceptions would not exist if the current ordinance had been enforced.

Wayne Feldmeier, Yucatan Township resident, stated that he had attended the Planning Commissioner meeting held September 29<sup>th</sup>. He shared his opinion that not all individuals are qualified to draft ordinances. He shared information from his experience serving on the sign committee which was made up of several individuals representing varied interests. This committee was able to work through differences and develop a sound ordinance which has served the community well. He expressed concern that overtime various groups have attempted to rewrite zoning in the county. He referenced "Common Visions" which cost approximately \$480,000.00 and changed little if anything within the county.

Ken Tschumper, La Crescent Township resident and member of the Houston County Protectors, was party to the proposed amendment to Ordinance #27 which was submitted. He described the proposal as a small group's attempt to resolve concerns. He expressed concern that the public hearing which was conducted was not fair and that individuals refrained from speaking due to their feeling of intimidation. He also expressed concern that the proposed amendment was misrepresented to township officers. Mr. Tschumper shared his opinion that a ban on frac sand mining should result in lower costs based on simple economics.

Donna Buckbee, Yucatan Township resident, indicated that the Houston County Protectors simply exercised their 1<sup>st</sup> Amendment Rights by submitting their proposed amendment. She expressed frustration that she was prevented from discussing the issue fully. She shared her thoughts regarding a study originally funded by Exxon which began in 1978 and was later unfunded when the report results were counter to the goals of Exxon for the project. She expressed her opinion that Exxon funding was redirected to propaganda.

Lorraine Culver, Houston City resident, commented on the dialogue which took place during the September 29<sup>th</sup> public hearing. She indicated that at times there was beneficial conversation and good conversation. She shared her belief that good communication is the result of a message being sent or conveyed, received and responded to.

Robin Tschumper, La Crescent Township resident, indicated that the proposed amendment presented by the Houston County Protectors was very thoughtful on the part of those who drafted it. She indicated that the proposal would not have been necessary if the current ordinance was enforced. She expressed her perception that no one is willing to enforce the current ordinance or laws. She encouraged the Board to take action to ensure that the current ordinance and laws are enforced.

File No. 2 - VSO Gross presented a proposal for the purchase of a gently used vehicle to replace the veterans van. The current van has 220,000 plus miles and has been developing a history of increasing maintenance costs. VSO Gross has compared many vehicles and has

identified this locally available unit. He believes that a van best meets the needs because it is low to the ground and easier for individuals receiving transportation services to enter and exit. VSO Gross noted that drivers are not allowed to assist by transferring riders in or out of the vehicle. The van has adequate passenger space because many veterans may be accompanied by a spouse or child and in the event medical equipment also accompanies a rider there is adequate storage space. VSO Gross indicated that the vehicle is offered by a local dealer and the purchase will support local business which he feels strongly about. This unit is well equipped with safety features. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the purchase of the described 2014 Dodge Grand Caravan SXT in the amount of \$19,200.00 with estimated tax/title/license of \$1,284.00. Approximately \$7,000.00 from the CVSO grant will be utilized to offset the total cost of the vehicle.

Environmental Services Director Frank reported on a final plat for Mark Schnick for property located approximately 1 mile south of Brownsville along State 26. The final plat has been reviewed by all necessary department heads and agencies. The Schnicks hope to complete the platting process and begin construction this fall. Commissioner Walter commented that this has been a long process for the Schnicks which she has followed throughout. Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the final plat for Mark Schnick.

File No. 3 - HR Director Arrick-Kruger was joined by PHN Director Marchel and recommended the hire of Greta Mierau as a 67 day employee to work as a WIC Breastfeeding Peer Counselor. PHN Director Marchel noted that this is a replacement position and will work primarily with Fillmore County WIC participants. Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to hire Greta Mierau as a 67 day employee at step 1 of the appropriate comparable worth band to work as a WIC Breastfeeding Peer Counselor.

HR Director Arrick-Kruger recommended the hire of Kelly Wooden as a child protection social worker. HS Director Bahr reported that this is a new position resulting from changes made at the state level. She noted that Ms. Wooden has most recently been employed as a grant writer and teacher. HR Director Arrick-Kruger spoke to Ms. Wooden's varied background highlighting her experience with conducting intakes, developing treatment plans and her undergrad and master's studies in psychology. Chairperson Schuldt questioned the magnitude of child protection action within our county. HS Director Bahr indicated that Houston County excels in the State's performance measure regarding reentry into the foster care system, and it ranks relatively low for the amount of time children spend in foster care. There are approximately 18 to 19 children in foster care at this time. This is higher than last year, however, last year Houston County experienced a historic low for the number of children in foster care. HS Director Bahr provided information on the State changes which resulted in the creation of this position and also financial assistance to cover the cost of changes which has resulted in a grant to Houston County in the amount of \$60,000.00 which could be supplemented by an additional \$15,000.00 provided the county meets the performance expectations of the State. Motion was made by Commissioner

Kjome, seconded by Commissioner Walter and unanimously carried to hire Kelly Wooden as a child protection worker at step 3 of the appropriated comparable worth band, effective October 21, 2015 and contingent upon Ms. Wooden's successful completion of a required background check.

File No. 4 - HR Director Arrick-Kruger reported that the AC compressor in a unit installed in 1979 has failed. She presented quotes for the replacement of the unit. Parts for the unit are difficult to obtain when needed. The County will be salvaging parts from the unit with the failed compressor for use on the remaining unit which was installed at the same time. Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to accept the low quote submitted by Schneider Heating & Air Conditioning in the amount of \$19,320.00.

HR Director Arrick-Kruger requested that a closed session be convened pursuant to M.S. 13D.05 subd. 2(b). Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to go into closed session to consider allegations and/or to determine whether disciplinary action if any will be taken. The time was 9:35 a.m.

The time being 10:09 a.m., motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to reconvene in open session.

HR Director Arrick-Kruger stated again the purpose of the closed session was to consider allegations against an individual subject to the Board's authority pursuant to M.S. 13D.05 subd. 2 (b). She reported that no determinations were made.

A reminder was provided of the meeting scheduled for 11:00 a.m. to discuss the proposed Highway Department Building.

Commissioner Kjome reported on the Planning Commission public hearing and mediation meetings which he has attended in the past week.

Commissioner Walter reported on the Planning Commission public hearing and County Association of Township Officers banquet which she attended. She also provided reminders of the following upcoming meetings: Joint Board of Health with Fillmore County to be held at a location in Fillmore County which is to be determined and of the District Meeting scheduled for October 26<sup>th</sup> in Goodhue County.

Commissioner Zmyewski reported on the Planning Commission public hearing which he attended and also on a meeting held with community members to discuss the proposed Highway Department Building.

Commissioner Zmyewski expressed his desire to clarify a statement made by Dan Griffin, Planning Commission Chair, indicating the County Board was the ultimate authority

regarding the enforcement of zoning ordinances. He indicated that this statement is not entirely accurate. The County Board does not receive complaints directly, nor do they perform a review or view sites. It is Commissioner Zmyewski's understanding that complaints are directed to the Zoning Office which is responsible for the investigation. County Attorney Jandt described the process whereby Zoning receives complaints, performs investigation, and may consult with his office. In the event there is uncertainty the Zoning Office may work with the landowner to ensure compliance. The Board of Adjustment may rule on a complaint and any disagreement would commence at the district court level. County Attorney Jandt indicated that, as Board members, there is a duty to report violations.

Commissioner Zmyewski expressed pleasure with the research conducted by VSO Gross with regard to his proposal to purchase a gently used van as a replacement. He indicated that he would appreciate it if other departments would exercise a similar approach to vehicle replacement.

Chairperson Schuldt reported on the Planning Commission public hearing, County Association of Township Officers banquet, and proposed Highway Department Building meeting with community members which he attended.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to place on file the following items from the consent agenda:

File No. 5 – Correspondence regarding State Audit requirements and changes due to recent legislation

File No. 6 – Correspondence from K. Tschumper requesting no further action on proposed amendment for Section 27, Mineral Extraction Ordinance

File No. 7 – Correspondence to H. Koch regarding tons delivered to Xcel

There being no further business and the time being 10:21 a.m., motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, October 13, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, October 13, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; County Attorney Jandt; Environmental Services Director Frank; Engineer Pogodzinski; Health Educator Myhre; Finance Director Lapham; Chief Sheriff Deputy Lapham; Ted Hanson; Bets Reedy; Kelly Stanage; Donna Buckbee; Robin Tschumper; Ken Tschumper; Bruce Kuehmichel; Glenn Kruse; Dennis Egan; Sheriff Inglett; PHN Director Marchel; Jeremy Chipps; Deputy Sheriff Seitz

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the agenda.

Motion was made by Commissioner Kjome, seconded by Commissioner Walter and unanimously carried to approve the minutes of the October 6, 2015 meeting.

File No. 1 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$95,705.71
Road & Bridge Fund	946,635.93
	-----
Total	\$1,042,341.64
	=====

Chairperson Schuldt read aloud the rules of the public comment period.

Ted Hanson, Caledonia Township resident, read from a prepared statement. He expressed concern that cost of living adjustments have been granted as part of collective bargaining negotiations, however, it has been recently reported that social security recipients will receive no cost of living adjustment.

Ken Tschumper, La Crescent Township resident, stated he officially withdrew the proposed amendment to Ordinance #27 which was submitted by the Houston County Protectors. He expressed his concerns regarding the manner in which the public hearing was conducted. Mr. Tschumper also encouraged the board to adopt a policy/process to guide the handling of complaints. In closing, he indicated willingness to work with county staff on these matters in order to come to consensus regarding them.

Robin Tschumper, La Crescent Township resident, shared hearsay regarding alleged comments made by county board members. She encouraged members to consider their comments and to maintain professionalism always.

Yvonne Krogstad, Caledonia Township resident, provided information from a Wisconsin Towns presentation made by Mathy Construction differentiating between industrial and construction sand. It is her understanding that no local mining operators have interest in mining frac sand and citizens have indicated a desire to ban the process, therefore the county should adopt a ban. Ms. Krogstad commended VSO Gross for his prudent fiscal option when shopping of a new veteran's vehicle.

File No. 2 - Chief Deputy Sheriff Lapham reported recently the Sheriff's Department was awarded a grant for the purchase of a new boat. The grant award exceeds the quoted amount for said boat. Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to accept the grant and to adopt the following:

#### **RESOLUTION NO. 15-32**

WHEREAS, the Houston County Sheriff's Department has been awarded a grant through the Federal Boating Safety Grant Program for the purchase of a new patrol boat; and

WHEREAS, the total cost for the purchase of the new patrol boat will be covered by the grant funding;

NOW, THEREFORE, BE IT RESOLVED that the Houston County Board of Commissioners hereby approves and authorizes the Houston County Sheriff's Department to accept said grant funding; and

BE IT FURTHER RESOLVED that the Houston County Board of Commissioners hereby names Houston County Sheriff Mark Inglett as the authorized signer on behalf of Houston County in regard to this project, from this day forward.

File No. 3 - Health Educator Myhre along with PHN Director Marchel provided information related to a SHIP grant which has been awarded collaboratively to Houston and Fillmore Counties. The grant agreement is for a 5 year period commencing November 1, 2015

and expiring October 31, 2020. The grant amount is expected to be approximately \$165,000.00 annually with the exception of grant year 2016 which is expected to be slightly higher at approximately \$180,000.00. Fillmore County has taken action to accept the grant. Further discussion regarding the grant will likely take place during the upcoming Joint Board of Health meeting which is scheduled for November 24<sup>th</sup>. Commissioner Zmyewski questioned what happens if the event one county fails to fully utilize its allotment. PHN Director Marchel indicated that Houston County will fully utilize funds awarded. She is aware that Fillmore County has not always utilized their full allotment. She has questioned the State in this regard and is unsure how any remaining funding will be handled and shared her understanding that it would not impact future allocations. She stated that the focus of SHIP is to improve primary prevention which is also the goal of Public Health. She stated that Houston County develops a plan and budget for use of grant funding and has been developing community contacts to assist implementing the plan. Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to accept the SHIP grant and to authorize the signature of Chairperson Schuldt on the Minnesota Department of Health Community Health Board Grant Project Agreement.

File No. 4 - Environmental Services Director Frank reported that a public hearing was held by the Planning Commission related to a proposed amendment to the Section 27 of the Zoning Ordinance. Comments were received both in favor of and in contrast to the proposed amendment. The Planning Commission voted to deny moving forward with the ordinance. The Board has been provided with a draft copy of Findings of Fact, Conclusions, and Negative Declaration which will be considered for adoption by the Planning Commission. On behalf of the Houston County Protectors, Mr. Ken Tschumper has submitted a request to withdraw the proposed amendment. However, Minnesota Statute requires the county take action within 60 days. County Attorney Jandt expressed concern that multiple individuals submitted the proposal and he is unaware whether the group is incorporated and while Mr. Tschumper may speak on behalf of the group, County Attorney Jandt expressed his position that it would be prudent for the Board to take action with regard to the proposed amendment to ensure that the proposed amendment does not become effective by default. Commissioner Zmyewski questioned when the 60 day time period commenced. County Attorney Jandt responded that the countdown commenced when the proposed amendment was placed on file with the Zoning Office. The Planning Commission took action to deny moving forward with the proposed amendment. While the findings have not been formally adopted, it is expected that action will be taken to adopt them at the next scheduled meeting of the Planning Commission which is November 19th. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and carried with Commissioner Kjome voting in the negative, to deny approving the proposed amendment to Section 27 of the Zoning Ordinance which was submitted by the Houston County Protectors.

Commissioner Zmyewski expressed his concern that the Planning Commission has been inconsistent with its practices. He indicated that when another proposed amendment was undergoing the required public hearing, the Planning Commission made alterations to the document and took action based on the amended draft. More recently, the Planning Commission

refused to make alterations to the proposed amendment and took action. The most recent event was resulting in what appeared to be beneficial dialogue, however, the Planning Commission was hesitant to incorporate changes resulting from the discussion which was inconsistent with previous action. Commissioner Zmyewski shared his position that there needs to be consistent handling of situations. County Attorney Jandt stated that there may have been motions to substantiate alterations. He indicated that a document could be altered during a public hearing and still voted upon. He urged caution that alterations be limited and not substantially change the document. It is the responsibility of the voting members to keep this in mind when considering changes. Boards have a duty to consider comments rendered during public hearings. Findings should be drafted and adopted to support the decision made and explain the reasoning behind the decision. County Attorney Jandt expressed understanding that the current process whereby the Board is taking action prior to the Planning Commission formally adopting findings may seem “backwards” however, in this situation and considering the current timeline and Minnesota Statute, it is advised. Chairperson Schuldt indicated that a request for withdrawal had been received and invited Mr. Tschumper to speak. Mr. Tschumper expressed strongly his displeasure with the handling of his written request for withdrawal stating the signatures from other individuals’ party to the submission could have been requested. He further expressed his perception that this additional discussion and action has been disrespectful to the group who submitted the proposed amendment and later withdrew it from consideration and warned of legal action.

File No. 5 - Engineer Pogodzinski recommended approval of the final payment for C.P. 2015-03. This is a project to apply aggregate to road shoulders completed by Bruening Rock Products Inc. The contract amount was \$177,814.25. Certified to date is \$238,083.01. The project was discontinued due to the overrun resulting from the amount of rock required. The highway department’s budget has adequate funds to cover the overage. Commissioner Zmyewski questioned why the estimate was short by approximately \$60,000.00. Engineer Pogodzinski responded that it is difficult to estimate the amount of rock present on the shoulders and how much will be needed, shoulder widths vary by roadway increasing the difficulty of making quantity projections. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to adopt the following:

#### **RESOLUTION NO. 15-33**

WHEREAS, Contract No. 262 has in all things been completed, and the County Board being fully advised in the premises,

NOW, THEN BE IT RESOLVED, That we do hereby accept said completed project for and in behalf of the County of Houston and authorize final payment as specified herein.

File No. 6 - Engineer Pogodzinski was joined by Finance Director Lapham to discuss the Highway Department's fund balance. Engineer Pogodzinski indicated that Commissioner Zmyewski had requested information to explain the change in fund balance between 2007 and present. Finance Director Lapham has reviewed the information presented. Recently the Soil and Water Conservation District requested a map reflecting past flood damage occurring between 2007 and 2013. The map is being provided with the financial information and does not include damage which was the responsibility of the townships. Each "tick" mark represents damage which required a unique project number and the cost of repair for the projects represented by "tick" marks ranges between \$10,000.00 and \$2 million. Engineer Pogodzinski reported that while all of the flood repair projects have been completed, paperwork on a few of the projects remains. The majority of funding for repairs was covered by FEMA, State aid disaster funds, federal emergency relief funds and/or state flood bonds.

There were 5 major items which have contributed to the increased fund balance including State Aid Maintenance funding, FEMA reimbursement originally paid for by the County and salary, mileage and equipment rental costs typically covered by levy dollars, State Aid reimbursements for engineering expenses typically covered by levy dollars and salary under runs resulting from vacancies and reduced premium pay resulting from mild winter seasons.

Engineer Pogodzinski explained how flooding events resulted in shifting work from regular maintenance to repair work which resulted in reimbursements. The focus was on completing projects approved by FEMA for repair and not on projects funded through the State Aid account. The State Aid account balances increased to levels which could have resulted in penalties therefore qualifying engineering expenses were submitted to reduce the balance. Typically, those engineering costs would have been covered by levy funding. The County covered many expenses which occurred and were later reimbursed. The expenses and revenues did not take place within the same fiscal year.

Commissioner Zmyewski questioned how the County 249 maintenance projects would be funded in the event \$4.5 million from the department's fund balance is utilized to cover the cost of a proposed building. It was noted that wheelage tax revenues are restricted and not included in the reporting. These revenues could be utilized for maintenance projects on County 249. Commissioner Zmyewski questioned what the wheelage tax revenues are currently being utilized for. Currently, wheelage tax revenues are reserved and not being spent. Commissioner Zmyewski questioned why levy dollars are being requested while other revenues are being reserved and resulting in increased fund balance. Discussion was held regarding accounting for wheelage tax revenues which do not qualify for a unique fund of its own but are restricted similar to permit to carry funds within the Sheriff Department's budget. When asked whether Board action was necessary to determine how wheelage tax revenues should be expended, Finance Director Lapham indicated that State Statute guides spending of said funds.

File No. 7 - Finance Director Lapham provided the monthly finance update. She indicated that all items appear within the range of what is expected. She pointed out that certain

budget amendments have been approved to more accurately reflect revenues and expenses. It is important to keep up with any adjustments since much time was spent explaining variances during the recently completed audit.

It was noted that the County was provided an unmodified opinion. There were no material weaknesses identified however, there were significant deficiencies identified which are the result of Houston County being a small county with limited staff which is not conducive to widespread segregation of duties. Finance Director Lapham indicated that the addition of oversight by otherwise non-involved staff could alleviate this finding. She also was pleased to share that she is anticipating a certificate of excellence in financial reporting going forward from this year's audit. She believes that the County will have in place policies and procedures which will meet qualification requirements for this certification. The State Auditor has again expressed concern with the lack of a disaster recovery and/or continuation of operations plan. The safety committee visits discussion in this regard often. There is a need to develop said plan.

Chairperson Schuldt reported on a Highway Department Building committee meeting. The architect is currently considering a 2 building approach and site design due to the change in slope at the current site. A more linear approach to the storage building is also being considered as the site. Another meeting of the committee will be scheduled once some drawings have been prepared for consideration.

Commissioner Kjome reported on an EDA meeting which he attended. He also made comment related to an article appearing in the Star Tribune which indicates a zero percent COLA increase for social security recipients. He expressed concern that the County is nearing a point when choices will be made based on the financial situation and inability to continue to levy greater and greater amounts in order to cover expenses. He expressed his opinion that county government is getting too large and there is a need for greater cross training to meet needs with current staff. He expressed support for the addition of a County Administrator as this position may be key to lean government.

Commissioner Walter expressed concern that in the future choices between services and staffing may be required. She also reported on a comprehensive planning meeting which she attended as a County representative.

Commissioner Zmyewski reported on Highway Department Building committee meeting which he attended. He expressed that he shares those concerns voiced by Commissioner Kjome. The County is nearing a breaking point and hard decisions will need to be made. Levy increases are outpacing national inflation rates and collective bargaining agreements are a contributing factor.

Commissioner Storlie reported on an Emergency Communications meeting which she recently attended.

Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to place on file the following items from the consent agenda:

File No. 8 – Correspondence to payroll regarding recent hires

File No. 9 – Public Notice regarding hearing to consider off sale for Gasthaus LLC, dba Little Miami

File No. 10 - MCIT Annual Meeting announcement and Notice of Board Election

There being no further business and the time being 10:09 a.m., motion was made by Commissioner Zmyewski seconded by Commissioner Walter and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, October 20, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, October 20, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; County Attorney Jandt; Engineer Pogodzinski; HS Director Bahr; Social Services Supervisor Moen; Financial Services Supervisor Kohlmeyer; HR Director Arrick-Kruger; Sheriff Inglett; Surveyor Walter; Michael Schnell; Lorraine Culver; Bryan VanGorp; Kelley Stanage; Bets Reedy; Bruce Kuehmichel; Glenn Kruse; Terry Rosendahl; Yvonne Krogstad; Donna Buckbee; Fred Arnold; Luke Sass; Diane Schnell; Jeremy Chipps; Dan Griffin; Donnella Griffin; CVSO Gross; Environmental Services Director Frank; Rich Schild

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve the agenda.

Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to approve the minutes of the October 13, 2015 meeting.

File No. 1 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$68,028.30
Road & Bridge Fund	102,115.51
	-----
Total	\$170,143.81
	=====

Chairperson Schuldt read aloud the rules of the public comment period.

Fred Arnold, Caledonia Township resident, shared his views regarding the proposed Highway Department Building and the two committees which are currently active. He indicated

that he has attended several meetings and expressed his belief that the two committees have taken action to come to a consensus. Mr. Arnold suggested that the two committees be merged into a single committee.

Bryan VanGorp, Yucatan Township resident, expressed his ongoing concerns with the inaction of the County Board to direct departments and committees to enforce the zoning ordinance. He indicated that the only way he has to correct alleged illegal behavior is to seek legal action. He questioned what has come of complaints filed six months ago and called for the dismissal of each member of the Board of Adjustment based on his opinion that the members are incompetent.

File No. 2 - Engineer Pogodzinski recommended approval of the final payment for S.A.P. 28-603-25 and S.A.P. 28-605-019. This is a paving project completed by Mathy Construction. The contract amount was \$141,072.68. Certified to date is \$147,236.32. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to adopt the following:

#### **RESOLUTION NO. 15-34**

WHEREAS, Contract No. 255 has in all things been completed, and the County Board being fully advised in the premises,

NOW, THEN BE IT RESOLVED, That we do hereby accept said completed project for and in behalf of the County of Houston and authorize final payment as specified herein.

Commissioner Kjome requested clarification regarding the two committees discussed by Mr. Arnold. Commissioner Zmyewski responded that the first committee includes Chairperson Schuldt, Engineer Pogodzinski, Jeff Wieser, a representative from HSR and himself. The second committee is made up of local businessmen with expertise in the repair and storage of large equipment and called together by himself. The committee includes Mr. Arnold, Dennis Gavin, Kurt Roverud, Matt Klug, Chuck Schulte and himself with Chairperson Schuldt and Engineer Pogodzinski being welcome to attend and participate.

Commissioner Walter reported that she has been working with PHN Director Marchel on the agenda for the upcoming Joint Board of Health meeting with Fillmore County. There are issues that need to be addressed. She also reported on a La Crescent Township meeting which she recently attended and suggested having a sign in sheet available at each commissioner's meeting.

Commissioner Storlie provided a reminder of District IX meeting scheduled for Monday, October 26<sup>th</sup> in Cannon Falls. She also expressed concern that the citizen representatives on the Highway Building Committee appear to be from the Caledonia area exclusively. She expressed her support for representation from across the county. Commissioner Zmyewski noted that Kurt

Roverud is from the Spring Grove area and urged caution with assembling a committee that is too large and therefore making it difficult to coordinate and remain effective. Commissioner Storlie indicated that there are others across the county who have expressed an interest and have expertise.

Chairperson Schuldt reported on Houston County Ag Society meeting which he recently attended.

The time being 9:16 a.m., motion was made Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to recess the current meeting and convene a public hearing to consider the liquor license request of Michael Schnell.

It was noted that the applicant was present and invited to speak. Michael Schnell introduced himself and his spouse, Diane who are in the process of purchasing and re-opening Little Miami. It is their desire to offer on and off sale liquor with Sunday sales. They hope to open the business in mid-November. The property closing was scheduled for October 16<sup>th</sup> however, was delayed until later this week. The Schnell's will retain staffing from their previous operations and hope to create additional employment opportunities for local individuals. Commissioner Storlie expressed her appreciation for bringing business to Houston County.

There was no additional comment from the public.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to close the public hearing and reconvene in open session.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the on/off and Sunday liquor sales license for Gasthaus, LLC dba Little Miami.

File No. 3 - HS Director Bahr requested approval of the Electronic Document Management System (EDMS) Agreement. Winona County is the host to Goodhue, Wabasha, Fillmore and Houston Counties. The agreement is for a 3 year period, has a termination clause and has been reviewed by County Attorney Jandt. The annual fee associated with said agreement is \$51,494.00. Houston County participates in EDMS with income maintenance and child support modules. It does not participate in the scheduling module. The annual fee covers network maintenance, continuity, access and storage space. It was reported that Wabasha County pays slightly more, Goodhue slightly less and Fillmore pays more and utilizes the scheduling module. Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to approve the Electronic Document Management System (EDMS) agreement. Discussion was held regarding payment over the previous year. It was noted that both Houston and Goodhue counties made payment even without an agreement in place. Fillmore and Wabasha counties did not make payment and are now subject to retroactive billing.

File No. 4 - HS Director Bahr recommended approval of a Purchase of Service Agreement renewal with Workforce Development, Inc. in the amount of \$92,000.00. There are no changes to the agreement or its cost. Houston County receives a funding allocation from the State which is utilized to cover the cost of this agreement. The agreement is for MFIP and DWP services required by the State. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the Purchase of Service Agreement.

HS Director Bahr reported on a recent MAXIS meeting which she attended. Significant discussion centered on the recent 24/7 legislation which would require local Human Services Departments to convene a meeting at any hour when child safety concerns arise. The intake, plan preparation and logistics would require immediate action by county staff. This is a significant change in expectation. Currently, children are placed in a safe environment and the administrative items convene at the beginning of the next business day. The goal for the current method or the 24/7 legislation is and remains child safety. In the event the legislation is not changed, it may require Houston County to once again pay for on-call staffing. This practice was discontinued several years ago to provide an approximate \$10,000.00 in annual savings. HS Director Bahr will keep the Board apprised of any changes in this regard.

HS Director Bahr reported on a statewide video system which would allow for peer consultation to support best practices. It has been claimed that there will be no cost to counties. She will continue to share information regarding the video system as it becomes available.

File No. 5 - Social Services Supervisor Moen provided out of home placement history and averages covering the past 15 years. She stated that most recently there has been a positive downward trend. She stated that new child protection guidelines will be in effect starting in 2016. Staff has been receiving training. She reported that a rapid consult line has been established. This allows county staff to receive direction from State DHS. She has utilized the rapid consult line one time and shared a favorable opinion of the experience. Social Services Supervisor Moen is also aware of the 24/7 legislation. There is a survey being sent to gather information regarding the counties projected costs associated with making necessary changes to be compliant with the legislation. She will complete the survey once it has been received.

Social Services Supervisor Moen reported that her unit is currently undergoing a Ucare children's mental health audit and is scheduled to undergo a chemical dependency audit in November.

HS Director Bahr noted that changes in philosophy have attributed to the department's ability to contain costs. The foster care budget has been on the decline for several years.

File No. 6 - Financial Services Supervisor Kohlmeyer presented the 2016-2017 County MFIP Biennial Service Agreement for signature. She reported that one of the greatest concern for a family on MFIP in this area is reliable transportation. Families have access to childcare assistance however, there is no local bus service. Employment is opening up in the surrounding

area. It is a significant concern how individuals will transport themselves to La Crosse for an employment opportunity. Financial Services Supervisor Kohlmeyer reported that MFIP caseloads have declined slightly. The cases being managed are extremely complex. The biennial agreement provides the funding for the Workforce Development Agreement, emergency assistance to families related to disconnects or eviction and various other assistance programs.

Financial Services Supervisor Kohlmeyer reported that she is required to submit a plan regarding use of child care assistance funding allocated to the County. In the plan the county makes the State aware of any activities other than those which are guided by statute are being undertaken. She indicated that Houston County focuses on those statute driven activities. She provided an overview of legislation which has allowed for administrative disqualification of a provider who falsely reported attendance and/or billing. She has included county activity in this regard in the plan submitted. She chose to focus on these areas because they represent the greatest potential for fraud.

Financial Services Supervisor Kohlmeyer provided information regarding a scam resulting from a recent hack of the SNAP toll free hotline. The State is working with the FCC regarding this problem. She advised clients not to provide personal information. She stated that education is the best option to preventing victims.

Financial Services Supervisor Kohlmeyer reported that e-filing will be required for certain transactions soon. In preparation, staff will be taking a field trip to Ramsey County to learn best practices and learn from their processes.

It was noted that Governor Dayton has declared Wednesday, October 28<sup>th</sup> County Financial Worker and Case Aide day.

File No. 7 - Sheriff Inglett reported that Fillmore, Winona and Wabasha counties utilize the position of bailiff to provide necessary jury attendant functions. Each of the three counties pays just over \$12.00 per hour for said services. Sheriff Inglett met with the Board recently and requested an increase from \$50.00 to \$75.00 per day in the daily stipend for jury attendants. Sheriff Inglett stated that there is no guarantee regarding hours for jury attendants. Commissioner Schuldt questioned the difference between the positions of jury attendant and bailiff. Sheriff Inglett responded that Deputy Sheriff Kuhlert is the bailiff and provides court security. County Attorney Jandt reported that jury attendants insure that the jury does not mingle with the public during trial, as mingling could result in a mis-trial. It was agreed to refer this matter to HR Director Arrick-Kruger for input.

File No. 8 - Sheriff Inglett reported that the voice logger is critical to the operations of the dispatch center. He expressed his opinion that the current system, maintained through NICE is a "Cadillac" version which is costing the county approximately \$23,000.00 annually to maintain and is more than what the county needs or ever needed. He proposed replacing the voice logger with a more cost-efficient system and provided several options. Each of the options

has up-front costs related to the equipment, set-up and annual maintenance fees. There is a regional option which is hosted by Olmsted County. He recommended purchasing a voice logger through MacTek which has an up-front cost of \$39,141.20 and an annual maintenance fee of \$3,119.00. This will meet the needs of the county and be cost effective. This funding for this will not require additional levy dollars. Sheriff Inglett reported that he has been able to negotiate payment with MacTek to take place in two installments, one with the acceptance of the proposal and another following in 2016. When asked if other counties have experience with MacTek Sheriff Inglett responded that they do and also that he has been pleased with the customer service provided to him to date. He indicated that NICE has been difficult to work with since the 2015 maintenance payment was not made. NICE is located out of state which further complicates and delays repair. MacTek features an alert system which will notify the vendor of any issues. He indicated that system issues for the current provider are learned after the fact. MacTek's alert system is an added safety net. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to accept the proposal submitted by MacTek for the purchase of a new voice logger system.

File No. 9 - HR Director Arrick-Kruger met with the Board along with CVSO Gross to request the acceptance of CVSO Gross's resignation. Motion was made by Commissioner Zmyewski, seconded by Commissioner Storlie and unanimously carried to accept said resignation, effective November 5, 2015 and to thank CVSO Gross for his many years of dedicated service. Discussion was held regarding the possible inclusion of Mr. Gross on the hiring team. HR Director Arrick-Kruger stated that typically a person leaving does not assist in identifying their own replacement however, in this situation with only a single professional in the position, Mr. Gross's expertise will be valuable in identifying a suitable replacement and therefore it is appropriate to invite him to participate in the hiring process. Mr. Gross stated that it is important to him to identify a suitable candidate to care for the community of veterans and to ensure the greatest care and service be continued in Houston County. Mr. Gross shared that he would be accepting a new challenge as the supervisor for the State Veterans Cemetery in Preston. He reported that the first official internment will take place on Veterans Day. Mr. Gross commented that he would be continuing his service to veterans in his new position. He will be in charge of the 132<sup>nd</sup> National Cemetery in the nation. This is an honor for Mr. Gross. Outreach officers from the State will provide coverage for the office during the search for a new CVSO. Mr. Gross indicated that the office will likely receive additional support from neighboring county CVSO's and Ms. Kubitz will remain in the office.

HR Director Arrick-Kruger requested authorization to immediately begin a search for a CVSO. Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to authorize said search.

File No. 10 - HR Director Arrick-Kruger along with Surveyor Walter requested a reduction in FTE of the Assistant County Surveyor from 1.0 to 0.80 FTE. Surveyor Walter has reviewed the status of remonumentation and certification and supports the reduction. In addition, this has been discussed with Tammy Mauss who is in the Assistant County Surveyor position

and she consents and supports the change. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and carried with Commissioner Walter recusing herself, to reduce the FTE of the Assistant County Surveyor position from 1.0 to 0.80 FTE effective immediately.

Surveyor Walter took a moment to report on a spiral metal rod approximately 4 foot in length which was found screwed into the ground to mark a corner. He reported that a backhoe was necessary to remove the spiral rod from the ground where it had been placed. He shared his opinion that the rod was likely placed in the 1930's or 40's. He also shared information from a period in the County's history when there was no county surveyor and the lack of records from that time.

It was noted that the subject of a closed session is present and has requested that the meeting remain open to the public. This is the right of the subject.

At this time, Chairperson Schuldt read aloud obligations of the County Board members. He inquired whether each member of the Board was provided with adequate time to review information. Commissioner Zmyewski commented that he had not viewed the video footage. Each member indicated that they had received and had adequate time to review pertinent information. Chairperson Schuldt continued by explaining that Mr. Griffin would be allowed 15 minutes in which to respond to the allegations and that each Board member would be provided 5 minutes in which to ask questions and/or clarify statements.

Attorney Jandt questioned whether Dan Griffin had been made aware of the time of the meeting and the allegations. He further advised Mr. Griffin that any statements will be part of the public record and the Board may take action on those matters of public record. Mr. Griffin responded in the affirmative.

Dan Griffin responded to the first allegation that minutes were not approved for 3 months is due to the fact that Planning Commission meetings are scheduled only when there is a need to take action on permit requests. The September meeting was cancelled when the item to be discussed and acted upon was removed.

Mr. Griffin reported that he never attempted to influence other officials how to vote on a particular issue. He shared his personal opinion only after the matter had been discussed during a public hearing and action had been taken by the Planning Commission. Following the hearing and Planning Commission action, it was apparent what his position was and Mr. Griffin explained that he was only sharing an opinion which was already known.

On August 23<sup>rd</sup> Mr. Schild moved to direct the Zoning Administrator to vigorously enforce the zoning ordinance. Mr. Griffin shared his understanding that it is not the purpose of Planning Commission to take action in this regard. It is his opinion that the County Board is the proper authority to provide oversight of the Zoning Administrator. He shared his understanding

that the purpose of the Planning Commission is to work with the ordinance and take action on zoning permits and conditional use permits.

Mr. Griffin acknowledged that he and Rich Schild engaged in prolonged discussion. He later phoned Mr. Schild to apologize.

Mr. Griffin noted that he allegedly attended meeting of the County Township Officers Association held at Good Times on April 9, 2015 and distributed forms. He stated that while he had been invited to the April 9<sup>th</sup> meeting, he did not attend. He was not in attendance at the April 9<sup>th</sup> meeting and did not distribute forms at the meeting.

Mr. Griffin reported that following the public hearing and vote by the Planning Commission, he was invited to and did attend township meetings in both Wilmington and Spring Grove. He is a resident of Wilmington Township. He reasserted that when he received the invitation to speak at the Wilmington and Spring Grove township meetings his opinion was already a matter of public record. His discussion at the meetings was comparing a ban on frac sand mining versus the regulation of frac sand mining. He recommended township officers contact their County Commissioner with further concerns and left both of the meetings prior to discussion and any voting. He stated again that these meetings were held two months after the public hearing and Planning Commission vote, his position was well known and as a member of the community he has first amendment rights to express his opinion. Furthermore, it would have been his right to share a form, however, he did not share any forms at either meeting.

Mr. Griffin stated that he has served on the Planning Commission for 5 years and the mining ordinance is only a small portion of the duties. He expressed his concern that he has had profanities yelled at him and accusations made simply because he and a majority of the Planning Commission members hold a different opinion than a group of citizens when it comes to the mining of frac sand. He stated that he did raise his voice in dialogue with Mr. Schild, however that, in his opinion, should not warrant an ethics charge.

At this time Chairperson Schuldt questioned whether Board members had any questions.

Commissioner Zmyewski clarified that Mr. Griffin was not present at the April 9<sup>th</sup> County Association of Township Officers meeting at Good Times, and that he had attended township meetings in both Wilmington and Spring Grove. Mr. Griffin confirmed this to be correct and added that, while he spoke at the township meetings in Wilmington and Spring Grove, he left prior to discussion and voting. Both township meetings were held two months after the public hearing and Planning Commission vote. He did not distribute any forms at any meeting. Reporters were present at the township meetings which Mr. Griffin was invited to. Mr. Griffin stated that he shared his opinion as to why regulation was more favorable than a ban on frac sand mining and left. The discussion and action which took place at the township meetings following his departure was the prerogative of the individual town board. Commissioner Zmyewski stated that the form that the townships adopted was the same with the township name

simply inserted. Most of them came from Commissioner Kjome's district. Mr. Griffin expressed confusion as to the importance of the form. The townships acted independently, and he expressed his lack of understanding why the form is of significance. He shared his opinion that in the event a township took action and wrote it on a piece of paper or the back of a napkin, it was their unique action. Commissioner Walter reported that three townships within her district adopted similar resolutions. Commissioner Zmyewski questioned why a pre-written form was used. Mr. Griffin stated that Commissioner Kjome's opinion and voting record were a part of public information. The townships within his district were aware of his standing on the issue and the town boards disagreed with his position.

Commissioner Walter questioned when the dialogue occurred with Mr. Schild that voices were raised. Mr. Griffin responded that this took place following the meeting. Mr. Griffin repeated that he had contacted Mr. Schild by phone to apologize. Mr. Schild was present and confirmed that Mr. Griffin had phoned him.

Commissioner Kjome reported that he and Mr. Griffin have met at his home to discuss county concerns. In the past, they have had a difference of opinion regarding what is best for the county. Commissioner Kjome stated that he and Mr. Griffin are friends and continue to work together. He admitted that certain discussions are difficult to have when individuals disagree. Commissioner Kjome and Mr. Griffin worked together in hopes of coming to a consensus. Unfortunately, no consensus was reached and Commissioner Kjome indicated that the hearing was cancelled because it would have been a waste of county time.

Commissioner Storlie expressed appreciation for the service of Mr. Griffin. She acknowledged that serving can be difficult. She expressed her opinion that these instances do not reflect an ethics issue. She expressed her displeasure with this entire discussion.

Commissioner Zmyewski shared his point of view. He has worked with Mr. Griffin, they have had good discussion and they have disagreed. Mr. Griffin is always open to discussion and easy to speak with. Commissioner Zmyewski shared his concern that public perception is different and members of the public have become frustrated. Commissioner Zmyewski noted that at times Mr. Griffin has stated that the Planning Commission does not have authority in a specific regard and referred members of the public to the County Board. Commissioner Zmyewski stated that the zoning department receives complaints and perform investigation. The Board of Adjustment often rules on complaints. There are times when the planning Commission recommends a certain position to the County Board for final decision. Commissioner Zmyewski pointed out that many things are never referred to the County Board for action, for example, items regulated by the Board of Adjustment. Commissioner Zmyewski asserted that the Planning Commission does have a role in enforcement. He restated that items go through the Planning Commission, who makes a recommendation to the County Board. Mr. Griffin stated the Board of Adjustment is independent of the Planning Commission. Commissioner Zmyewski noted that to the public, it appears the "buck is always being passed". In addition, it has been indicated that MCIT will not provide coverage to the county if the county were to ban frac sand mining and a

suit was brought. Commissioner Zmyewski stated this is incorrect. MCIT would need to consider the suit and make a determination whether they would provide coverage. MCIT has not stated it will not provide coverage. These types of statements are likely contributing to the frustration of members of the public. Commissioner Zmyewski admitted that Mr. Griffin has individual rights and he is the resident of a township. However, as Chair of the Planning Commission one should be cognizant of the perception others have of you when you are sharing your opinion. It may be construed as pushing a particular position. The question is whether you are presenting a neutral position or whether you are acting to persuade others to vote in a specific way. The perception of what you are doing may be the reason for the ethics concern.

Mr. Griffin stated that when an applicant comes before the Planning Commission with a permit request this should not be discussed prior to any public hearing or vote being taken. Even following action, it is possible that certain applications should not be discussed. Zoning Ordinances impact each individual within the county, and Mr. Griffin indicated that he has a certain expectation that these items should be discussed publicly. Following public hearing and voting, it should be acceptable to share one's opinion which is already reflected in the public record by the vote which has been cast. Commissioner Zmyewski commented that this is a fine line. The position of Chair may be considered a position of power and the perception created by your actions should be of concern.

Commissioner Zmyewski expressed concern that the public hearings were conducted differently. During the February hearing the proposed ordinance was altered. During the most recent hearing Chairperson Griffin denied making any alterations even though the discussion was positive. These are inconsistencies and it would reflect more positively if there weren't inconsistencies.

Commissioner Storlie shared her thoughts regarding these inconsistencies. The first ordinance was drafted by county staff and sanctioned by the County Board while the most recent ordinance was drafted by members of the public. She expressed her belief that there is a difference. Staff and appointees were altering their own work in the first scenario. She would not support the altering of another's work which is the case with the ordinance submitted by members of the public. If alterations are made to their document, it should be done by them. Commissioner Zmyewski noted that the County Attorney provided the opinion that the documents could be altered by the Planning Commission, however, any alterations should be limited to simple text items and should not change the purpose of the document.

Chairperson Schuldt asked that the meeting be focused on the matter at hand.

Mr. Griffin indicated that the most recent public hearing was over 4 hours long. There was beneficial discussion, however, each paragraph of the proposed ordinance had issues. Mr. Griffin expressed his belief that it was not the duty of the Planning Commission to re-write the proposal. There was an hour and 15 minutes of testimony allowed regarding background information not closely related to the subject matter which included testimony about Exxon and

solar panels. Commissioner Zmyewski pointed out that a lobbyist was allowed to speak at great length. Mr. Griffin responded that the individual was unknown to him and called upon when discussion was taking place regarding definitions.

Commissioner Kjome expressed concern that he received phone calls questioning him on whether he was aware what was happening. These came from townships in his district and caused damage to the relationships he had with township officers. The form letter was misguided.

Mr. Griffin shared his opinion that the form letter was immaterial. The townships took action to support their views of the proposed ordinance. Commissioner Zmyewski countered indicating he could convince someone of anything if that individual only had access to one side of the information.

At this time Chairperson Schuldt acknowledge the imperfections in the communication process and suggested staff and appointees be provided with training to improve communication skills. The County will strive to develop effective listening skills and strive for unselfish service to all citizens.

Motion was made by Commissioner Storlie, and seconded by Commissioner Walter to find Mr. Griffin not in violation of the ethics policy. The motion carried with Commissioner Zmyewski voting in the negative.

Commissioner Kjome questioned whether there would be openings on the Planning Commission. HR Director Arrick-Kruger expressed her understanding that Auditor Meiners was taking names of interested individuals. She suggested that interested parties submit a letter of interest outlining their qualifications. She would be happy to assist in the preparation of questions and/or scheduling. It was noted that the deadline for submitting a letter of interest is December 1<sup>st</sup>. Chairperson Schuldt indicated that direction from HR would be welcome. In the event there are multiple interested individuals interviews will be scheduled.

HR Director Arrick-Kruger offered to direct questions from a previous round of interviews for said appointment to members of the personnel committee. In addition, if there are questions the Board would like posed of applicants HR Director Arrick-Kruger would review them. She suggested a 30 to 40 minute interview.

Bryan VanGorp inquired whether there were any openings on the Board of Adjustment. It was noted that Greg Myhre's position is expiring and that Mr. Myhre is eligible to serve another term.

There being no further business and the time being 10:57 a.m., motion was made by Commissioner Schuldt seconded by Commissioner Storlie and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, October 27, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, October 27, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; County Attorney Jandt; Chief Deputy Sheriff Lapham; Engineer Pogodzinski; PHN Director Marchel; Sam Whitehead; Ted Hanson; Gretchen Cook; Bryan VanGorp; Lorraine Culver; Donna Buckbee; Yvonne Krogstad; Bruce Kuehmichel; Mike Schnell

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the agenda.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the minutes of the October 20, 2015 meeting.

File No. 1 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$92,230.56
Road & Bridge Fund	55,160.60
	-----
Total	\$147,391.16
	=====

Chairperson Schuldt read aloud the rules of the public comment period.

Bruce Kuehmichel, Caledonia City resident, addressed a consent agenda item regarding vacancies on the Board of Adjustment.

Lorraine Culver, Houston City resident, commented that last week following the meeting she engaged a couple of commissioners in conversation. She expressed her appreciation for their attention. She shared her opinion regarding a citizen's right to make unlimited amounts of money

and private property rights and that there are other rights, such as the right to clean air and water that are equally as important.

Bryan VanGorp, Yucatan Township resident, expressed his desire to have the public record amended. He read an excerpt indicating the Chairperson does not have the authority to make amendments to proposals and only has the authority to make recommendations regarding proposed changes. He also disputed a recount of a recent public hearing at which point he was excused. Chairperson Schuldt indicated that this information had already been discussed. Mr. VanGorp was escorted out of the meeting under protest.

Donna Buckbee, Yucatan Township resident, questioned why members of the public are prevented from speaking about specific topics such as climate change. She suggested that a discussion in this regard be scheduled so that the topic may be openly debated.

Yvonne Krogstad, Caledonia Township resident, asked for clarification regarding the membership of the Board of Adjustment. It was noted that the Board of Adjustment is made of up 3 members, one of which is a representative from the Planning Commission.

File No. 2 - Engineer Pogodzinski recommended final payment for C.P. 2015-01. This is a sealcoat project completed by Scott Construction. The contract amount was \$435,919.43. Certified to date is \$421,317.86 and just slightly below the bid. Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to adopt the following:

#### **RESOLUTION NO. 15-35**

WHEREAS, project C.P. 2015-01 has in all things been completed, and the County Board being fully advised in the premises,

NOW, THEN BE IT RESOLVED, That we do hereby accept said completed project for and in behalf of the County of Houston and authorize final payment as specified herein.

File No. 3 - Engineer Pogodzinski presented a revised Bridge Replacement List for approval. He explained how the list is utilized. Commissioner Zmyewski questioned the longevity of bridges replaced at this time. Engineer Pogodzinski indicated that bridge designs are developed with the goal that the structure will have an 80 to 100 year useful life. Commissioner Kjome questioned whether projected costs for bridges listed for 2020 replacement have been adjusted for inflation. Engineer Pogodzinski indicated that cost projections do consider inflation and are the best estimate possible at this time. Funding for bridges is not requested until the design is complete and the project is prepared for letting. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the prioritized bridge replacement list and to adopt the following:

**RESOLUTION NO. 15-36**  
**Prioritized Bridge Replacement List**  
October 27, 2015

WHEREAS, Houston County has reviewed the pertinent data on bridges requiring replacement, rehabilitation, or removal, supplied by local citizenry and local units of government, and

WHEREAS, Houston County has identified those bridges that are high priority and that require replacement, rehabilitation, or removal within the next five years;

NOW, THEREFORE, BE IT RESOLVED that the following deficient bridges are high priority and Houston County intends to replace, rehabilitate, or remove these bridges as soon as possible when funds are available,

Old Bridge #	Road # or Name	Total Project Cost	Township Bridge/or State Aid Funds	Federal Funds	Bridge Bonding	Local Funds	GF LBRR	Proposed Construction Year
L4571	Bush Valley Rd	486,160	466,160	0	0	20,000	0	2016
1703	Looney Valley Rd	362,560	218,960	0	123,600	20,000	0	2016
L2547	Daley Creek Dr	397,136	377,136	0	0	20,000	0	2016
8161	CSAH 12	373,437	373,437	0	0	0	0	2017
7546	CSAH 19	559,094	559,094	0	0	0	0	2017
L4011	Rooster Valley Road	463,613	321,609	0	122,004	20,000	0	2017
L4549	Fort Ridgley Rd	463,613	321,609	0	122,004	20,000	0	2017
L3990	Old Indian Trail Rd	394,655	374,655	0	0	20,000	0	2017
L4573	Bush Valley Rd	477,522	331,858	0	125,664	20,000	0	2018
L9501	Prairie Ridge Road	477,522	331,858	0	125,664	20,000	0	2018
L3974	Eitzen Creek Drive	477,522	331,858	0	125,664	20,000	0	2018
L9669	Swede Bottom Rd	477,522	331,858	0	125,664	20,000	0	2018
92280	CSAH 4	396,179	396,179	0	0	0	0	2019
6110	Dotseth Road	362,414	342,414	0	0	20,000	0	2019
R0624	Hattleli Drive	362,414	342,414	0	0	20,000	0	2019
L9037	Gates Coulee Drive	362,414	342,414	0	0	20,000	0	2020
28501	Looney Valley Road	971,055	951,055	0	0	20,000	0	2020
		7,884,832	6,734,568	0	870,264	280,000	0	

FURTHERMORE, Houston County does hereby request authorization to replace, rehabilitate, or remove such bridges; and

FURTHERMORE, Houston County does hereby request financial assistance with eligible approach grading and engineering costs on township bridges, as provided by law.

File No. 4 - PHN Director Marchel provided a report highlighting the 2015 Employee Wellness Program outcomes and survey results. This program was made possible through a grant from the Southeast Service Coop. The goal of the program is to increase job satisfaction, reduce the number of sick days utilized and decrease chronic disease. The grant was for \$17,000.00 and is expected to increase to \$19,000.00 for 2016. PHN Director Marchel provided statistics related

to attendance, highlighted various offerings and shared potential offerings which will be new for 2016 or popular programming which will be repeated.

Sam Whitehead provided an overview of recent activities of the County EDA which has included participation in regional marketing meetings. He also pointed out an interesting piece of information regarding young professionals, ages 18-29, leaving rural areas only to return later.

Mr. Whitehead reported that a revolving loan recipient business has failed. The county holds a security in the form of a mortgage. Houston City also loaned the business EDA funding. The business's primary mortgage was a private mortgage. He indicated that an agreement to recover a portion of the debt may include provisions that the county be awarded 5/6 and the city be awarded the remaining 1/6 of proceeds exceeding the banks recovery of the private mortgage debt. The EDA has held discussions in this regard and recommends relinquishing its mortgage and entering into the recovery agreement. County Attorney Jandt explained that the mortgage held by the county is secondary to the private mortgage with the bank. Relinquishing the EDA mortgage will allow the bank to move through foreclosure proceedings more quickly. It has been reported that there is/are prospective buyer(s) for the restaurant property. The sooner the property is available for resale the sooner creditors collect on the debt. County Attorney Jandt indicated that he will pursue debt recovery following settlement with the bank. This process could be complicated in the event the debtor declared bankruptcy. Chairperson Schuldt questioned the amount which is outstanding. Mr. Whitehead reported that the original mortgage was in the amount of \$25,000.00 however, payments were made for several months. He estimated that the outstanding debt is between \$22,000.00 and \$23,000.00. There was equity in the property. The property owner is prepared to surrender the property so that negotiations with interested parties may move forward. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to relinquish the county's mortgage with Lola's LLC.

Recently, Mr. Whitehead has met with a group interested in starting a non-profit tourism business. Planning for the business is ongoing.

File No. 5 - Sam Whitehead reported that Mike and Diane Schnell have requested a revolving fund loan in the amount of \$24,000.00 to be used as operating capital to open and re-establish Little Miami, a restaurant in Freeburg. The EDA has recommended approval of said request. Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to approve the request of Mike and Diane Schnell for a \$24,000.00 revolving fund loan.

File No. 6 - Elsie Babler has requested a revolving fund loan for capital improvements to her business which has been established for over 5 years. Ms. Babler has secured private funding and also funding granted by the City of Caledonia. The EDA is recommending the County approve a loan in the amount of \$18,000.00. Motion was made by Commissioner Kjome,

seconded by Commissioner Zmyewski and unanimously carried to approve a revolving fund loan in amount of \$18,000.00 for Elsie Babler.

The Highway Department Building Committee is scheduled to meet later today.

Commissioner Storlie reported on a La Crosse Solid Waste meeting and Xcel tour which she recently attended. She commented that there is a significant amount of planning which is required with regard to the landfill. She stated that the Xcel tour was extremely informative and beneficial. In addition, Commissioner Storlie reported that she had also attended the District IX meeting. She provided proposed levies for all District IX counties. There was lengthy discussion held during the District IX meeting regarding CPA and the formula for awarding it. A draft resolution in support of the revised CPA formula is being distributed for consideration.

Commissioner Zmyewski reported on a meeting with Recorder Bauer regarding the technology and compliance funds.

Commissioner Walter reported on a public hearing hosted by fish and wildlife regarding work near Miller's Corner. She also attended the La Crescent City comprehensive planning meeting, the District IX meeting and a wellness offering related to stress management.

Commissioner Kjome reported on the Planning Commission meeting which he attended last week. There is no recording of the meeting due to a technical malfunction. Craig Moorhead offered a copy of his voice recording of the meeting which was accepted following comment by County Attorney Jandt.

Chairperson Schuldt reported on the District IX meeting which he attended.

File No. 7 - Following discussion, motion was made by Commissioner Kjome, seconded by Commissioner Zmyewski and unanimously carried to re-appoint both Dan Goetzinger and Tim McCormick to 3 year terms on the Crooked Creek Watershed Board. The terms for Mr. Goetzinger and Mr. McCormick will expire November 30, 2018.

Commissioner Storlie provided information regarding a conference scheduled for December 3<sup>rd</sup> from 8:00 a.m. to 1:00 p.m. in Winona to discuss the shortage of workforce in the area.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to place on file the following items from the consent agenda:

File No. 8 – Correspondence to payroll regarding recent changes

File No. 9 – Information regarding Board of Adjustment – No vacancies for 2015

File No. 10 – Notice of intent to purchase copier for Public Health required for HIPPA Compliance

There being no further business and the time being 10:00 a.m., motion was made by Commissioner Zmyewski seconded by Commissioner Kjome and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, November 3, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, November 3, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Assistant County Attorney Hammell; Engineer Pogodzinski; Surveyor Walter; Environmental Services Director Frank; HR Director Arrick-Kruger; Kelley Stanage; Bets Reedy; Donna Buckbee; Ken Tschumper; Bruce Kuehmichel; Lorraine Culver; Gretchen Cook; Mike Kruckow; Bryan VanGorp; Susan VanGorp; Glenn Kruse; Yvonne Krogstad; Jeremy Chipps; Financial Services Supervisor Kohlmeyer; IT Director Milde

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the agenda.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the minutes of the October 27, 2015 meeting.

File No. 1 - Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$58,414.91
Road & Bridge Fund	6,085.26
	-----
Total	\$64,500.17
	=====

Lorraine Culver, Houston City resident, expressed her feeling that there are varied concepts of rights. She spoke of 2 primary rights, private property and the right to earn unlimited amounts of money. She shared her opinion of the background of said rights.

Ken Tschumper, La Crescent Township resident, shared his critique of the county board.

Donna Buckbee, Yucatan Township resident, commented how young people raised in rural areas move to larger cities. These individuals may become politically active. She shared her belief that these individuals would not be silenced in the areas they move too. She expressed disgust that residents of Houston County who have moved here from other areas are, in her opinion, silenced. Commissioner Zmyewski questioned whether 'this board' implied that if you are not from here, you are not welcome to speak. He requested information as to when this was allegedly stated so that he may review it.

Susan VanGorp, Yucatan Township resident, shared what she has witnessed. She expressed her perception that there is a difference in how individuals are treated. Those in opposition to frac sand mining are not engaged and are held to the two minute time while those in support are allowed to speak at length. Frac sand opponents are met with disinterest.

Yvonne Krogstad, Caledonia Township resident, expressed her opinion that last week Mr. VanGorp was denied his first amendment rights. Everyone should have a voice, not just the wealthy and influential.

Bryan VanGorp, Yucatan Township resident, expressed his disappointment with the conduct of last week. He noted that Chairperson Schuldt made two points last week with which he agrees, there is lack of public faith in the Planning Commission and a need for better listening skills on the part of the County Board.

File No. 2 - Engineer Pogodzinski along with Surveyor Walter met with the Board regarding a proposal for the purchase of a UTV. The Highway and Surveyor's departments have been utilizing the Sheriff's Departments Kawasaki Mule UTV. The current Sheriff's Department Administration is making changes and intends to utilize the UTV which will prevent its use by the other departments. Engineer Pogodzinski and Surveyor Walter have been working together and have determined the departments have a need for a shared UTV. They have gathered several quotes and compared various models and specifications. It has been determined that purchasing a UTV from the State Bid is not the most cost effective option due to the shipping costs which would be assessed. They have identified models from 3 manufacturer's including Polaris, John Deere and Bobcat. The pricing on the three models is comparable. They recommended accepting the quote from SEMA Equipment for the John Deere model. This option provides for local servicing. They explained how the Polaris model has a smaller box by approximately 25%. The vehicles are utilized to haul small equipment so the box size is important. The John Deere model, while \$100.00 more expensive, has 10 horsepower over the comparable models quoted by Bobcat and Polaris. Surveyor Walter provided examples of jobs when landowners did not want the surveyor's truck to drive across property and allowed the UTV to be driven across the same property. He also shared how there are remote areas he must access, for example near section corners, and there are trails which allow for UTV access but would not accommodate travel by pickup. Commissioner Zmyewski questioned the seating capacity of the John Deere and indicated that the Polaris model provides seating for 3 passengers. Engineer Pogodzinski indicated that while the John Deere is advertised as a 2 person vehicle, the bench seat of both the

John Deere and the Polaris models is the same width. Commissioner Zmyewski questioned the importance of the box size. Engineer Pogodzinski shared the detailed specifications of box size. Also discussed was ground clearance and towing capacity. Towing capacity on all models was identical at 1,500 pounds. Engineer Pogodzinski indicated that in addition to the UTV it will be necessary to purchase a trailer. The new UTV's are wider than the trailer owned by the County. He does not have a recommendation at this time. He suggested that \$2,500.00 will cover the cost of a suitable trailer. Engineer Pogodzinski shared that he has budgeted for the purchase of the UTV in the 2016 budget, however, he has funds available from his 2015 budget to cover 2/3 of the purchase price. Surveyor Walter indicated that the 1/3 budget from his department will come from the 2016 budget. Commissioner Zmyewski wanted to know which budget year the funding for the UTV was coming from. It was noted that the Surveyor's Department has an ATV and trailer which will be sold. The proceeds may be used to offset the cost of the new UTV. Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and carried, with Commissioner Walter recusing herself, to accept the quote of SEMA Equipment for a John Deere UTV in the amount of \$11,250.15 and to approve an additional \$2,500.00 for the purchase of a trailer on which to haul the UTV.

File No. 3 - Engineer Pogodzinski reported on the following bids which were received until November 2, 2015 for S.A.P. 028-599-081 and S.A.P. 028-599-089:

Zenke, Inc. La Crescent, MN 55947	\$341,265.70
Midwest Contracting, LLC Marshall, MN 56258	\$421,580.70
Minnowa Construction, Inc. Harmony, MN 55939	\$447,777.00
A-1 Excavating, Inc. Bloomer, WI 54724	\$538,559.10

The engineer's estimate is \$404,642.00 and the low bid is 15.66% below the estimate. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to accept the low bid of Zenke, Inc. in the amount of \$341,265.70 for S.A.P. 028-599-081 and S.A.P. 028-599-089.

File No. 4 - Engineer Pogodzinski reported on the following bids which were received until November 2, 2015 for S.A.P. 028-610-020:

VanGundy Excavating LLP Houston, MN 55943	\$212,748.00
--	--------------

Zenke, Inc. La Crescent, MN 55947	\$227,495.33
Midwest Contracting, LLC Marshall, MN 56258	\$265,031.50
Minnowa Construction, Inc. Harmony, MN 55939	\$265,500.00
A-1 Excavating, Inc. Bloomer, WI 54724	\$292,289.50

The engineer's estimate is \$236,675.00 and the low bid is 10.11% below the estimate. Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to accept the low bid of VanGundy Excavating LLP in the amount of \$212,748.00 for S.A.P. 028-610-020.

Environmental Services Director Frank reported on Planning Commission business.

File No. 5 - On the recommendation of the Planning Commission, motion was made by Commissioner Kjome, seconded by Commissioner Zmyewski and unanimously carried to approve the issuance of the following conditional use permit:

John and Barb Haverty – Crooked Creek Township - Build a house on less than 40 acres

File No. 6 - On the recommendation of the Planning Commission, motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to approve the issuance of the following interim use permit:

John Justin – Brownsville Township - Non-commercial family cabin

File No. 7 - Environmental Services Director Frank reported that the Planning Commission recommended approval of the Skunk Hollow subdivision final plat. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the Skunk Hollow subdivision final plat, which is for a single lot.

File No. 8 - On the recommendation of the Planning Commission, motion was made by Commissioner Kjome, seconded by Commissioner Zmyewski and unanimously carried to approve the issuance of the following Zoning Permits:

Thomas Trehus – Wilmington Township - Build house (32' x 40') garage (20' x 20') porch (26' x 6')

Don Leary – Union Township - Build storage shed/machine shed (52' x 48')

Wayne Alfveby – Crooked Creek Township - Change in use from shop/storage shed to dwelling (24' x 20') build shed (24' x 30')

Dennis Doering – Brownsville Township - Build shed (70' x 120') and addition on existing shed (14' x 16')

Jeremy and Donna Johnson – Yucatan Township - Build attached garage (24' x 28')

Franklin Hahn – Black Hammer Township - Build shed (50' x 100')

Jenelle Lemke – Houston Township - Build storage shed (12' x 16')

Darryl and Jessica Twite – Caledonia Township - Build garage with lean-to (40' x 52')

Alice Deters/John Deters – Spring Grove Township - Build lean-to (18' x 128')

Fred Sandvik/Hickory Orchards, LLC – Mound Prairie Township - Install trailer (16' x 80')

Fred Sandvik – Mound Prairie Township - Build deck (34' x 20') and (8' x 10')

Dan Kruse – Caledonia Township - Build house with attached garage (46' x 92')

Corey and Karla Kampschroer – Caledonia Township - Build house (74' x 34') garage (36' x 28') porch (6' x 36') and (6' x 24') deck (24' x 12')

Matthew and Melisse Bowen – Caledonia Township - Expand entryway to bring door flush with garage (6' x 6')

H. Kenneth Ring – Money Creek Township - Build equipment shed (40' x 40')

Thomas Brown and Kathleen Olson – Union Township - Build wood deck (12' x 20')

Mitch Bublitz – Winnebago Township - Build pole barn (80' x 108')

Dennis Gavin – Sheldon Township - Build garage (28' x 32') mudroom (16' x 8')

David Eiken – Spring Grove Township - Build house (60' x 57') garage (30' x 30') porches (18' x 14') (11' x 18') (15' x 9')

Kim Benson – Brownsville Township - Install portable storage shed (12' x 32')

Dean Beneke – Jefferson Township - Build lean-to (20' x 60')

Linda Donoghue and William De Graaf, Jr. – Black Hammer Township - Build pole barn addition (21' x 60')

Jared Jergenson – Yucatan Township - Build pole shed (36' x 36')

Joe Burg – Caledonia Township - Build garage addition (12' x 24')

Daryl Taylor – Union Township - Build pole shed (48' x 28') with 10' lean – after the fact

Mark and Michelle Schnick – Brownsville Township - Build house (30' x 50') garage (28' x 32') porch (6' x 50') deck (36' x 10')

Clayton and Shelly Johnson – Black Hammer Township - Build garage (36' x 48')

File No. 9 – Environmental Services Director Frank reported on septic system fees charged by area counties. Houston County fees are noticeably less for similar services. He proposed increasing the permit fees for septic systems by \$100.00 for each type. This will bring the fees up to coincide with costs. Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to increase the septic system permits fees to \$200.00 for trench systems and \$300.00 for mound systems effective January 1, 2016.

File No. 10 - HR Director Arrick-Kruger recommended the hire of Aaron Lacher as Zoning Officer. She reported that candidates for this position have been highly vetted. Mr. Lacher has a Master's Degree in Public Administration and his undergraduate study included a double major in political science and public administration. He comes with experience developing and implementing regulations. Environmental Services Director Frank shared his expectation that Mr. Lacher will fit in quite well in this position. He has successfully negotiated,

developed and implemented regulations and is very qualified to move forward with the issues facing Houston County. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to authorize the hire of Aaron Lacher at step 4 of the appropriate comparable worth band effective November 23, 2015 and contingent upon his successful completion of a background check.

On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to change the status of Joann Curley from probationary to regular effective immediately. Financial Services Supervisor Kohlmeyer stated that Ms. Curley is doing a great job at the front desk and is willing to learn and take on additional case aide duties.

File No. 11 - HR Director Arrick-Kruger has discussed the proposed Jury Attendant Compensation Schedule with Sheriff Inglett and recommended its approval. The schedule was developed with the assistance of Court Administrator Larson to reflect jury attendant compensation across the region. She explained the schedule. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the Jury Attendant Compensation Schedule.

HR Director Arrick-Kruger requested authorization to purchase a replacement server which provides controls for all electronic components and alarms within the Justice Center and Historic Courthouse buildings. The current server is failing which impacts systems from HVAC to dispatch. The failing server will be replaced with a Nexus Automation System at a cost of \$4,422.00 if approved. She has funds available within the maintenance budget, however, this expense will exhaust available funding. A temporary unit will be installed immediately to prevent service disruption due to the frequently failing server. IT Director Milde stated the current server is located in the Justice Center and was installed new when the building was constructed. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to authorize the purchase and replacement of the HVAC Matrix Router/Automation Server.

File No. 12 – Following discussion, motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the abatement due to incorrect classification for James and Debra Hoscheit on parcels #21.1238.000 and #21.1229.000 in the amount of \$232.00.

Commissioner Walter provided a reminder of the November 24<sup>th</sup> Joint Board of Public Health meeting. It was agreed to reschedule the Department Head meeting for December 1, 2015 because it had been scheduled for the same time as the Joint Board of Public Health meeting.

Commissioner Storlie reported on her attendance at Judge Sturino's investiture ceremony.

Commissioner Walter reported on Department Head and Family Collaborative meetings and also on Judge Sturino's investiture ceremony which she recently attended.

Commissioner Kjome reported on a One Watershed, One Plan meeting which he attended.

Commissioner Schuldt reported on a Department Head meeting which he recently attended.

There being no further business and the time being 10:06 a.m., motion was made by Commissioner Walter seconded by Commissioner Kjome and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, November 10, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, November 10, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; County Attorney Jandt; Engineer Pogodzinski; Emily Johnson; Betts Reedy; Kelley Stanage; Bryan VanGorp; Yvonne Krogstad; Engineer Pogodzinski; Chief Deputy Sheriff Lapham; HR Director Arrick-Kruger; Social Services Supervisor Moen; Fred Arnold; Surveyor Walter; Craig Welsh; Eldon Pohlman; Jeremy Johnson; Kevin Waldenberger; Finance Director Lapham

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the agenda as amended.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the minutes of the November 3, 2015 meeting.

File No. 1 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$143,057.59
Road & Bridge Fund	94,542.47
	-----
Total	\$237,600.06
	=====

Commissioner Storlie provided information she gathered as part of her research into surrounding county government practices regarding public comment. She reviewed each point of the public comment period policy. There was significant hard work and thought put into the development of the policy. She suggested making changes to the public comment period which include, moving the period to the end of the business meeting which is common amongst neighboring counties, increasing the time in which a speaker has to 3 minutes and eliminating

the 15 minute cap to the period and holding the period only one time per month at the end of the first business meeting of each month. Commissioner Zmyewski indicated there are both benefits and drawbacks to the proposed changes. He expressed concern that the public comment period be limited to the first meeting only and stated he supports weekly comment periods. Commissioner Storlie noted that the public has multiple ways in which to contact commissioners who are available through e-mail, phone and following regular meetings. Commissioner Zmyewski requested that the public be provided the opportunity to ask clarifying questions prior to adjourning each meeting. It was the consensus of the Board that beginning with the 1<sup>st</sup> December meeting the public comment period would be moved to the end of the business meeting, speakers would be allowed 3 minutes in which to speak and there would be no cap on the overall time period of the public comment period.

At this time Chairperson Schuldt read aloud the rules of the public comment period.

Kelley Stanage, Houston Township resident, shared that she served on the Fillmore County Frac Sand Study Committee a few years ago and also serves on a committee with the EQB at the state level. Both deal with or have dealt with highly contentious issues. These committees included members of the public and functioned well and were facilitated in a professional manner. Ms. Stanage noted that when everyone is treated alike, meetings will be civil. She shared her opinion that when Board's fail to engage in discussion with the public, meetings can be uncivil. She believes that engaging others and being a good listener will result in meetings which are easy to run.

Bryan VanGorp, Yucatan Township resident, read aloud the poem "Be Angry at the Sun" written in 1941 by Robinson Jeffers.

Yvonne Krogstad, Caledonia Township resident, clarified the changes planned for the public comment period. She expressed her disapproval that limiting the public comment period to a single meeting each month is not give and take. She suggested recognizing audience members throughout each meeting as a way to communicate and exchange information.

File No. 2 - At this time HR Director Arrick-Kruger along with Social Services Supervisor Moen met with the Board to request the change in status for two Human Services staff members. Following discussion, motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the change in status from probationary to regular of Haleigh Johnson, effective November 15, 2015. Social Services Supervisor Moen reported that Ms. Johnson is a children's mental health social worker who exhibits great advocacy for children and families and she is pleased to have her as a team member.

Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the change in status from probationary to regular of Kelly Rohland, effective November 11, 2015. Social Services Supervisor Moen reported that Ms.

Rohland is a case aide who assists the social workers with phone calls, filing of paperwork and will soon be taking on the SSIS mentor role and the department is thankful to have her as a staff member.

File No. 3 - Engineer Pogodzinski recommended approval of a grant agreement for airport improvement. He explained that the fuel system improvements project has already been approved and installed. The grant agreement provides for a 60/40 funding split between the State and the County. The amount of the project covered by the State is \$10,874.50, and the portion the County is responsible for is \$7,249.67. Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the agreement and to adopt the following:

**RESOLUTION NO. 15-37**  
**AUTHORIZATION TO EXECUTE**  
**MINNESOTA DEPARTMENT OF TRANSPORTATION**  
**GRANT AGREEMENT FOR AIRPORT IMPROVEMENT**

It is resolved by Houston County as follows:

1. That the state of Minnesota Agreement No. 1001918,  
“Grant Agreement for Airport Consultant Services,” for State Project No. A2801-29  
at the Houston County Airport is accepted.
2. That the Board Chair and County Auditor are authorized to execute this Agreement  
and any amendments on behalf of Houston County.

File No. 4 - County Attorney Jandt reported that Auditor Meiners had provided information regarding the current lease between Houston County and the Ag Society aka Fair Board. County Attorney Jandt noted a reverter clause within the lease and explained how reverter clauses are used and function. He also explained how the reverter clause in the lease is only a possibility. He compared this to a reverter clause such as a life estate which is certain. There is limited case law regarding possible reverter clauses and enforcing the clause could be difficult. A deed would give up control of the land, whereby a lease provides flexibility. Commissioner Zmyewski asked for clarification from County Attorney Jandt regarding which instrument is more favorable. County Attorney Jandt stated that the lease provides for greater flexibility.

At this time the Board met with members of the Ag Society. Jeremy Johnson, Fair Board Chairperson, indicated that without county assistance a new hog/sheep building is not possible. Since the Ag Society is not the owner of the property, they are unable to borrow money to cover the cost of construction. The Ag Society is a 501c5 agency and does not qualify for funding assistance often available to those organizations which are categorized as 501c3. The County appropriates funds to the Ag Society, \$10,000.00 of the annual appropriation is utilized to cover

the cost of insurance, and the balance is utilized for operating expenses including water, sewer and electricity. Townships also appropriate funding which is utilized for capital improvements. Typically, projects are developed and the Ag Society meets with townships to request funding for the specific project. Emily Johnson reported that 4H members have been attempting to gather donations, however to date only \$5,000.00 to \$6,000.00 has been raised. At this rate, it will take many years to raise the necessary funds. There is a desire by some members to improve the dairy barn, however this would significantly increase the cost of the project. Mark Jennings drafted a plan for the hog/sheep building which was presented to the Board the last time the two groups met. The plan includes a 72 x 140 structure with 13 foot sidewalls. The cost for the described building has been estimated at \$164,000.00. If the group wanted to upgrade the plan by concreting the structure, the cost would increase by \$40,000.00 for a total project cost of \$204,000.00. Mr. Johnson provided information on county assistance received to construct the show arena in 1991. Commissioner Zmyewski questioned how the Ag Society would make the payments in the event they were successful in securing a bank loan. Craig Welsh reported that the buildings on the fair grounds are rented out in the offseason. He turns away people each year. The offseason storage revenue generated by the structure would make the loan payment. Commissioner Walter questioned whether the group has exhausted all funding options. Mr. Pohlman indicated that there was discussion at one time of the possibility of bonding in conjunction with the County, should the County bond for the Highway Department Building. Commissioner Storlie suggested developing a sub-committee of members from both the County and the Ag Society to identify and/or exhaust funding options. Commissioner Schuldt questioned whether the County could act as a pass through agency whereby individuals, organizations or businesses could donate funds to the Ag Society and receive the tax benefit of donating to a 501c3 and the funds could be passed to the Ag Society for use on the project. Finance Director Lapham expressed her belief that this has been done in the past and there is the possibility of this going forward. It was agreed that Commissioners Schuldt and Storlie will serve on the committee made up of County and Ag Society personnel. While the County does not desire to deed property to the Ag Society, the Commissioners will work with them in hopes of identifying a viable funding option. Eldon Pohlman commented how the parking lots are full by 10:00 a.m. during the fair and the greatest complaints received are due to the lack of parking. The next meeting of the Ag Society is November 15<sup>th</sup>. Meetings are held the 3<sup>rd</sup> Sunday of each month at 6:00 p.m. at the Justice Center. Both Commissioners Schuldt and Storlie plan to attend the upcoming meeting.

File No. 5 - HS Director Bahr provided information related to agencies accessing district court information electronically. She recommended adoption of a resolution providing for access by the Human Services Department. Similar resolutions have been adopted for probation and the county attorney's office. Motion was made by Commissioner Kjome, seconded by Commissioner Zmyewski and unanimously carried to adopt the following:

#### **RESOLUTION NO. 15-38**

**WHEREAS**, the County of Houston desires to improve efficiencies through participating in a more efficient court process with the Minnesota Judicial Branch; and,

**WHEREAS**, as the Minnesota Judicial Branch moves towards a more efficient court process, the eCourtMN initiative is committed to ensuring that non-court governmental agencies have appropriate access to court records and documents; and,

**WHEREAS**, Houston County Human Services desires to subscribe to Minnesota Court Data Services Program.

**NOW, THEREFORE, BE IT RESOLVED** that the Houston County Board of Commissioners approves and authorizes Bethany Moen, Houston County Human Services, to sign the Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies.

Chairperson Schuldt reported that the Schulte family, who owns land south of the current highway department property, is open to discussing a possible land swap. Prior to this, the family had no interest in selling the land due to the tax implication, however, swapping the land would not have the same implication. The Schulte land lies between the current parcel and County 249 which would allow an additional access point. The Schulte parcel and the County parcel located by the school are very similar. In the event a swap is successfully negotiated it may benefit both the County and the fair. Discussions will be scheduled once the Schulte family has time available.

Finance Director Lapham reported that the October financial reports have been distributed and there is nothing out of the ordinary to report. She stated that the TNT brochure would be going out soon and if the Board wanted something specific included they should communicate that with her.

Commissioner Storlie reported on EDA, Southern MN Tourism, and Hiawatha Valley Mental Health Board meetings which she has recently attended.

Commissioner Zmyewski reported on last week's Highway Department Building committee meeting which he attended.

Commissioner Kjome reported on EDA and SE MN Water Resources Board meetings which he attended.

Chairperson Schuldt reported on the Highway Department Building committee meeting which he attended.

Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to place on file the following items from the consent agenda:

File No. 6 – Correspondence from MCIT regarding voting delegates and alternates

File No. 7 – Correspondence to H. Koch regarding tons delivered to Xcel

File No. 8 – Houston County Historical Society annual financial report

File No. 9 - Correspondence from MCIT regarding annual meeting & election

File No. 10 - MN Board of Peace Officer Standards & Training – Correspondence indicating the Houston County Sheriff's Office passed the 11/3/15 review

There being no further business and the time being 10:00 a.m., motion was made by Commissioner Zmyewski seconded by Commissioner Storlie and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, November 17, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, November 17, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; County Attorney Jandt; Engineer Pogodzinski; PHN Director Marchel; HS Director Bahr; Financial Services Supervisor Kohlmeyer; Social Services Supervisor Moen; PHN Accountant Lillegraven; Mary Thompson; Fred Arnold; Cindy Melbostad; Marcia Bauer; Health Educator Myhre; WIC Coordinator Sullivan; Leah Milde; Yvonne Krogstad; HR Director Arrick-Kruger; Laura O'Heron; Shelly Schulte; Mary Zaffke; Luke Sass

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the agenda as amended.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the minutes of the November 10, 2015 meeting.

File No. 1 - Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$29,339.94
Road & Bridge Fund	124,035.10
	-----
Total	\$153,375.04
	=====

File No. 2 - Following discussion, motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to adopt the following;

**RESOLUTION NO. 15-39**  
**For Agreement to State Transportation Fund**  
**Local Bridge Replacement Program**  
**Grant Terms and Conditions**  
**SAP 028-610-020**

WHEREAS, Houston County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge No. 28J55; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this bridge is available; and

WHEREAS, the amount of the grant has been determined to be \$ 78,663.75 by reason of the lowest responsible bid;

NOW THEREFORE, be it resolved that Houston County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.50, subdivision 5, clause (3), 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 bridge but not required. The proper county officers are authorized to execute a grant agreement with the Commissioner of Transportation concerning the above-referenced grant.

Engineer Pogodzinski reported that individuals often sight in their firearms at the county's sand pull location outside of Houston. There are times when there is increased firearm activity at the sight being in the spring and fall. Recently a complaint was phoned in resulting from the noise of this activity. He has discussed the activity with County Attorney Jandt, Sheriff Inglett and Commissioner Zmyewski. During the summer the adjacent area is used for swimming. The sand pull location is officially considered a mine and is regulated by MSHA. MSHA supports and encourages a no trespass policy. It is the opinion of both County Attorney Jandt and himself that firearms should not be allowed at the sand pull location. Commissioner Zmyewski commented that disallowing firearms may create an issue for some city residents and sportsman because the sand pile was a nice backstop, however, there are public safety and liability concerns. It is in the best interest of the County and residents not to allow firearms at this location. This area borders DNR property and is a designated boat landing. Posting the area as "no trespassing" may have many negative impacts. Commissioner Zmyewski indicated that the Cushion's Peak Campground utilizes the area as a pick up location for guests tubing on the river. County Attorney Jandt expressed his opinion that the conservative approach would be to allow no trespass. This is a unique area with the sand pull, swimming and boat launch areas. He shared his opinion that allowing no firearms would limit liability while providing for the continued uses which have been enjoyed for many years. He also noted that no firearms enforcement should be relatively easy, whereas enforcing a no trespass could prove much more difficult. Motion was made by Commissioner Zmyewski, seconded by Commissioner Storlie and

unanimously carried to authorize the posting of “no use of firearms” signage at the sand pull location outside of Houston.

Engineer Pogodzinski provided an update noting all county roadways will be open prior to the winter driving season.

File No. 3 - PHN Director Marchel provided a departmental review. She highlighted various items from the written report which is on file. Commissioner Storlie expressed appreciation for the staff of the Public Health Department and commended them on the work they do.

File No. 4 - HS Director Bahr reported that last month the EDMS agreement with Winona County was approved however, Winona County wished to include a slight revision related to the termination clause. HS Director Bahr explained that the revision provides clarification. The revised agreement has been reviewed by County Attorney Jandt. Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the revised Electronic Document Management System (EDMS) Agreement and authorize the signature of Chairperson Schuldt.

HS Director Bahr provided an update regarding the budget. Typically, at this time of year revenues lag which is the current situation. HS Director Bahr expects the revenues to catch up in the last months of the year. MA expenses and revenues are also behind and are expected to catch up as the year winds down. She is questioning Federal Administrative Aid which is less than projected for this time of year and has been decreasing in amount with each quarter payment. HS Director Bahr stated that overall, she is pleased with how expenses and revenues are coming in with relation to the budget.

HS Director Bahr reported that Human Services has leases on 2 vehicles with Fleet Services. Recently, she received notification that lease payments are changing. The lease payment on the HHR is declining. However, this vehicle will be returned just one month after the new rate goes into effect. The lease payment on the Malibu is increasing. The lease term for the Malibu is three years. HS Director Bahr feels strongly that the department has made a good and fiscally beneficial decision when it decided to implement a vehicle replacement and purchase plan. The department is already phasing out the lease agreements with owned vehicles. Recently the purchase of a Ford Taurus was approved. That vehicle is scheduled for delivery following the Thanksgiving holiday.

HS Director Bahr was pleased to report that the updates to the child friendly room have been completed. She anticipates purchasing a small corner table in the coming year.

Social Services Supervisor Moen was pleased to announce that staff is prepared to begin accessing MN eCourt records beginning November 18<sup>th</sup>. In addition, staff recently attended child

protection guidelines training. They spent an afternoon addressing scenarios which resulted from a recent audit. Houston County staff was commended for their consistent assessment.

Social Services Supervisor Moen reported that the Rule 25 CD audit has been rescheduled to December.

Financial Services Supervisor Kohlmeyer reported on preliminary child support benchmarks. Staff is exceeding both the threshold and state average in establishing orders, and collections and has increased arrears collection from previous years.

Financial Services staff is already working with efilings which will be mandatory later this year. There is still printing of documents required prior to the upload. The system isn't totally paperless. The financial unit wanted to become proficient with the process prior to an anticipated increase in MN Sure referrals in the month of December.

Financial Services Supervisor Kohlmeyer reported that the current financial assistance case load is 1,920. In 2013, the unit averaged between 1,200 and 1,500 cases. The unit continues to track the number of phone calls and response times. The unit is averaging 675 calls per month which is expected to increase following the State action whereby they sent 800,000 letters regarding non-insurance and the increased tax penalty. This is expected to result in retroactive coverage for many who qualify for MA.

Financial Services Supervisor Kohlmeyer provided an example of the work required of staff for something as simple as an address change which impacts a MN Sure case. There are 42 steps which need to be addressed if mail is returned and reflects an out of state forwarding address. She noted that there are several pieces of mail returned to the department each day.

Financial Services Supervisor Kohlmeyer provided an overview of upcoming renewals and the percentage which must be reviewed to meet State benchmarks.

The financial services unit has received the assistance of a Navigator for MN Sure. This individual is on-site once monthly and is busy assisting clients all day. Work continues to provide remote access for this individual.

Chairperson Schuldt provided a Highway Department Building update. Surveyor Walter has re-established the corners related to the State 76 property. The committee is waiting to be contacted by the Schulte family so that discussions can commence.

Commissioner Kjome clarified that public comment period will take place at the end of the first meeting held each month.

Commissioner Walter reported on EMS and Workforce Development meetings which she recently attended. EMS is experiencing a decrease in funding. Their funding comes from seatbelt violation fines which are decreasing as a result of driver compliance.

Commissioner Storlie reported on a recent Fair Board meeting which she attended. She asked commissioners to consider extending the fairgrounds lease to 50 years. Members of the Fair Board believe this may increase donations for the proposed hog and sheep building. She also reported on a CJC security meeting she attended where discussion was held regarding making all county campuses firearm free.

Commissioner Schuldt reported on the Fair Board meeting which he attended.

File No. 5 - Following discussion, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to adopt the following;

**RESOLUTION NO. 15-40**

Affirming Houston County's endorsement of the revised County Program Aid formula developed by the Association of Minnesota Counties' County Program Aid Work Group

WHEREAS, Minnesota's counties are mandated by the state to provide essential services in many program areas including human services, public safety, and transportation; and

WHEREAS, counties depend on County Program Aid ("CPA") for the financial sustainability of these state-mandated, county-administered services; and

WHEREAS, the current structure of the CPA formula, pursuant MS Chapter 447A.0124, creates considerable volatility in the fund's distribution, interfering with counties' abilities to accurately budget for essential services; and

WHEREAS, the current formula's inadequacies have also resulted in the dramatic reduction of funding for one-third of counties, that have lost at least 50 percent of their funding since 2005; and

WHEREAS, despite fluctuations over the past ten years, the state appropriation to the 2015 CPA is equal to the 2005 appropriation making it greatly depressed in terms of inflation; and

WHEREAS, a revised CPA formula in conjunction with additional funding will enable counties to continue to provide quality services that may also translate into reductions in county levies, decreasing the tax burden of Minnesota residents; and

WHEREAS, in October 2014, the Association of Minnesota Counties assembled the CPA Work Group including leadership from twenty counties and representatives from the

Metropolitan Inter-County Association and the Minnesota Rural Counties Caucus to analyze and develop a CPA formula that reflects the pressing needs of Minnesota's counties; and

WHEREAS, the CPA Work Group unanimously approved a revised CPA formula that benefits all Minnesota counties by reducing volatility and ensuring a fair distribution of CPA; and

WHEREAS, the Board of Directors of the Association of Minnesota Counties that represents the diverse interests of Minnesota's 87 counties, voted to support the proposed CPA formula revisions; now, therefore,

BE IT RESOLVED, Houston County endorses the following revisions to the Minnesota County Program Aid formula:

- A funding increase of \$40 million;
- The creation of a funding floor that guarantees each county \$350,000 in tax base equalization aid ("TBEA");
- Adjustments to the TBEA formula factors to slow down counties' loss of TBEA funding, including: an increase of the per capita factor to \$190 and a decrease of the county adjusted net tax capacity (ANTC) factor to 9 percent;
- The elimination of special funds and transition aid; and
- The creation of a 5% cap on annual CPA losses; ensuring no county will lose more than 5% of its funding each year.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to place on file the following items from the consent agenda:

File No. 6 – Report of Section 8 & Family Self-Sufficiency  
Participation

There being no further business and the time being 10:09 a.m., motion was made by Commissioner Kjome seconded by Commissioner Walter and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, November 24, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, November 24, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; County Attorney Jandt; HR Director Arrick-Kruger; Sam Whitehead; Yvonne Krogstad; Bryan VanGorp; Kelley Stanage; Lorraine Culver; Environmental Services Director Frank; Zoning Administrator Lacher

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the agenda.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the minutes of the November 17, 2015 meeting.

File No. 1 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$42,867.87
Road & Bridge Fund	23,851.06
	-----
Total	\$66,718.93
	=====

Sam Whitehead provided a monthly update regarding County EDA activity. He indicated that he has been finalizing paperwork for recent revolving loan activity involving Gasthaus LLC and Elsie's Bar and Grill. Discussions with Tacticam are ongoing, however, he expressed a desire to refrain from reporting anything specific with regard to this business until a later date when decisions have been finalized. Mr. Whitehead explained that the Visitor's Guide is coming together and there will be changes to how the literature is distributed. The office is undergoing a process by which its books are reviewed. Several loans have been retired, new loans opened so a review of the books is beneficial at this time. Mr. Whitehead reported that recently he attended a

7 Rivers event hosted in Cashton, Wisconsin. The meeting was focused on downtown revitalization.

File No. 2 - On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to re-hire Ronald Friego as a 67 day employee to assist as needed as a drop-site supervisor at a rate of \$12.30 per hour.

HR Director Arrick-Kruger reported that the agreement with ABC is being adjusted. ABC supplies clients who work at the recycling center and also provide coverage for the drop sites.

HR Director Arrick-Kruger reported that a decision was made to hire 3 recycling center lead positions. These positions were previously provided for by the ABC agreement which is being adjusted. Following discussion, motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to hire Gary Massman as a Recycling Center Lead at Step 3 of the appropriate comparable worth band and effective December 14, 2015.

On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to authorize the hire of Danny O'Heron as a Recycling Center Lead at Step 4 of the appropriate comparable worth band effective January 1, 2016.

HR Director Arrick-Kruger will return to the next regularly scheduled Board meeting with a recommendation for a hire for the third position.

Due to technical difficulties, ABC has been unable to review the agreement. HR Director Arrick-Kruger will return with the agreement once ABC has had adequate time to review.

At this time Environmental Services Director Frank introduced Aaron Lacher, Zoning Administrator. Mr. Lacher expressed his excitement with the opportunity to join Houston County. He is originally from the Winona area, has spent time on both coasts and is pleased to have returned to the Midwest. HR Director Arrick-Kruger reported that Mr. Lacher has performed municipal work in Massachusetts and has an educational background in public administration.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to authorize a \$30.00 phone stipend for Zoning Administrator Lacher. HR Director Arrick-Kruger noted that she has reviewed the policy and criteria regarding the stipend, and the position held by Mr. Lacher qualifies for the stipend.

File No. 3 - HR Director Arrick-Kruger presented a department head evaluation form. She stated that this a positive based evaluation option. She stated that evaluations should be

viewed as learning tools and can identify growth opportunities. She recommended that the annual reviews for the current year continue to utilize the narrative process which has been utilized most recently. Commissioner Storlie expressed her opinion that this new option will be more beneficial than the one previously utilized. Commissioner Zmyewski expressed a desire to have each department prepare a report similar to that which was recently presented by Public Health. The report highlighted what services are provided for the budget dollars allocated. He expressed his opinion that this would be a valuable evaluation tool and suggested that a template for the report be developed. HR Director Arrick-Kruger stated that each department should be allowed to develop their own report based on the functions of the department. She would be happy to assist in identifying information which should be included in the reports. She stated that this process will take time to develop and could be implemented in time to be used for next year's evaluations. Commissioner Kjome expressed concern with the schedule of department head reviews. He stated that when so many reviews are scheduled in a single day it is difficult to provide meaningful comments and to differentiate each individual. He would prefer to schedule reviews over a greater period of time.

Chairperson Schuldt provided an update regarding the Highway Department Building. He has spoken with John Schulte. Mr. Schulte remains quite busy and has been made aware that the county property near the school has been staked and he is welcome to view it at his convenience. Mr. Schulte granted permission to the county to perform soil borings at the property owned by his family. Chairperson Schuldt intends on speaking with Assessor Dybing to begin preparing comparison information on the parcels of property.

Commissioner Kjome reported on a Planning Commission meeting which he attended. The agenda included a CUP for the Gjere mine. Commissioner Kjome was pleased that all concerned parties were allowed to share their thoughts and that the mining operator's documentation was well prepared and answered questions. He is hopeful that this set a good example which will continue into the future. Commissioner Zmyewski indicated that the Gjere mine operator has exhibited a desire to operate "by the book".

Commissioner Storlie reported on CJC, Planning Commission and Law Committee meetings which she attended recently. She stated that the inmate population at the jail has remained steady and can be attributed to the good customer service provided by Houston County staff which has resulted in the development of a good working relationship with Winona County.

Commissioner Schuldt reported on an EDA meeting which he attended with prospective business, Tacticam.

Commissioner Walter reported on a finance committee meeting she attended this morning. It was suggested that two commissioners meet with the Finance Director and Department Heads regarding departmental budgets and return to the full Board with recommendations prior to adopting the final budget which must be done by December 29<sup>th</sup>. It was noted that departments are working to adjust their budgets. It was agreed that

Commissioners Walter and Zmyewski would attend the small group meetings and return with a recommendation to the full board regarding budgets. Finance Director Lapham will coordinate the small group meetings.

County Attorney Jandt stated that recently there have been several questions regarding land use appeals and the Board of Adjustment. MCIT requests that any and all claims made be forwarded to them for review. MCIT has provided coverage for several claims related to land use issues. The county is responsible to pay a deductible of \$2,500.00 per case for those cases which MCIT provides coverage for. MCIT recently appointed Mr. Jay Squires as the attorney in one such case. County Attorney Jandt stated that his office is similar to a general practice law firm. Each of the attorneys in the office has expertise in various areas. Mr. Squires' expertise is in property law. County Attorney Jandt commented that his office could handle this recent claim, however, the County is getting the benefit of Mr. Squires' expertise for the cost of the deductible. While Mr. Squires charges a negotiated rate to MCIT, the cost for comparable services would likely range between \$200.00 and \$250.00 per hour. County Attorney Jandt stated that the deductible is money well spent. In addition, the retainer alone to hire an attorney with Mr. Squire's expertise would likely exceed the deductible. In the event private outside attorney services were required, it is likely that meeting proceedings would be required to be transcribed which would be an additional fee ranging between \$3.00 and \$5.00 per page to transcribe meetings lasting between 1.5 and 2 hours. In the event the matter was handled in house, his time would be spent working on the case and not performing all of the other duties of his office. County Attorney Jandt stated that the Gjere CUP process involved his office, the Chairpersons for both the BOA and the Planning Commission along with Environmental Services Director Frank. He expressed his belief that his office can partner with others to properly work through the process ensuring that due process is afforded to everyone so that in the event there is an appeal, the county is in a good position and quite defensible. There is collateral value in ensuring the process is correct. County Attorney Jandt shared his thought that his office is a team with MCIT and it is the duty of his office to have the county in the best position possible in the event there is a controversy. He wants a sound process and good documentation.

File No. 4 - HR Director Arrick-Kruger reported that ABC has executed the contract which County Attorney Jandt had previously approved. She requested Board approval of the same. The Professional/Technical Service Agreement with Ability Building Center (ABC) provides for 3 clients, 1 to assist in the recycling center for 36 hours per week, and 2 to assist as needed at the drop-sites at the county's discretion. ABC will provide any necessary and/or required supervision for the 3 clients. The county is responsible to reimburse ABC on a per hour basis. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the Professional/Technical Service Agreement with ABC.

File No. 5 - Auditor Meiners reported that the four area snowmobile clubs have requested approval of Maintenance and Grooming Grant Agreements. Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the

agreements and to authorize the signature of Chairperson Schuldt and Auditor Meiners on said agreements.

Pursuant to M.S. 13D.05 subd. 2(b) and/or 3(a), motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to go into closed session to consider allegations and/or to determine whether disciplinary action, if any, will be taken.

A member of the gallery requested the identity of the subject. County Attorney Jandt responded with the identity as is required.

The time being 10:35 a.m., motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to reconvene in open session.

Chairperson Schuldt stated the Board met in closed session pursuant to MN Statute 13D.05, Subd. 2(b) for the preliminary consideration of allegations against an individual subject to the Board's authority. The complaint was dismissed as the factual findings do not support the allegations.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to authorize payment of an additional claim which was presented at this time. (Included with File No. 1/all other claims)

There being no further business and the time being 10:39 a.m., motion was made by Commissioner Storlie seconded by Commissioner Zmyewski and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, December 1, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, December 1, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; County Attorney Jandt; Finance Director Lapham; Betts Reedy; Kelley Stanage; Bruce Kuehmichel; Zoning Administrator Lacher; HR Director Arrick-Kruger; Glenn Kruse; Fred Arnold; Recorder Bauer; Lorraine Culver; Luke Sass

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the agenda as amended.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the minutes of the November 24, 2015 meeting.

File No. 1 - Motion was made by Commissioner Kjome, seconded by Commissioner Storlie and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$21,627.24
Road & Bridge Fund	11,583.18
	-----
Total	\$33,210.42
	=====

Commissioner Kjome along with Zoning Administrator Lacher reported on activity undertaken during the recent Planning Commission meeting.

Commissioner Kjome reported on a variance for Dennis Gavin of Sheldon Township for a variance of 43 feet to meet the required 130 foot setback from the centerline of State 76 to build a front porch on an existing house which was approved.

File No. 2 - On the recommendation of the Planning Commission, motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the issuance of the following conditional use permit:

Gjere Construction, Inc. – Black Hammer Township - Do mineral extraction in an ag district.

File No. 3 – Commissioner Kjome reported on a Zoning Amendment request from Todd Bornholdt who will be repurposing the old Skyline Supper Club. On the recommendation of the Planning Commission, motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski, and unanimously carried to approve the issuance of the following Zoning Amendment Order:

Todd Bornholdt – Spring Grove Township - Rezone from Highway Business to Agricultural Protection District

File No. 4 - On the recommendation of the Planning Commission, motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to approve the issuance of the following Zoning Permits:

Dan Slabaugh – Houston Township - Build pole shed (60' x 100')

Todd Bornholdt – Spring Grove Township - Build horse barn (32' x 34')

Grace Nelson – Sheldon Township - Build machine shed (50' x 104')

Darin and Sara Bratland – Caledonia Township - Build lean-to on greenhouse (17'5" x 78')

Brian Lee – Houston Township - Build attached garage (28' x 28')

Church St. Mary/Richard Chapel – Houston Township - Install sign (30" x 8')

Patrick Doyle – Yucatan Township - Build storage shed (16' x 20')

Richard and Susan Kasten – Winnebago Township - Build cover over feeding lanes (24' x 34' and 14' x 48')

Greg Gran – Crooked Creek Township - Build pole shed/garage (24' x 40')

Anthony and Rebekah Miller – Mound Prairie Township - Build deck (16' x 14')

Mike Berg – Houston Township - Replace existing trailer (16' x 64')

File No. 5 – On the recommendation of Finance Director Lapham, motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the issuance of a credit card for Aaron Lacher.

File No. 6 - Finance Director Lapham reported on 3 budget amendments. The first amendment is to reflect activity conducted in the Recorder's Office. The second is to account for federal and state grant funding utilized by the boat patrol, and the final is to reflect activity impacting the unallocated 003 line items. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the budget amendments as presented.

Finance Director Lapham stated that Commissioners will receive employee claims next week which will be paid. She asked that any concerns be directed to her.

File No. 7 – On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to approve an amendment to the hire date of Danny O'Heron from January 4, 2016 to December 14, 2015 due to departmental need.

Chairperson Schuldt reported that he will be contacting potential appraisers for the State 76 property and the Schulte property and will provide estimates and make a recommendation to the full board.

Commissioner Storlie reported on the Joint Board of Health meeting which he recently attended.

Commissioner Zmyewski reported on the TNT meeting which he attended last evening.

Lengthy discussion was held regarding the Planning Commission appointment. Commissioner Zmyewski expressed concern that precedence has been established and that the interview process to determine the appointee should continue. He stated that this is a controversial position. Commissioner Walter commented that she does not personally know either of the candidates from her district however, she has spoken with both candidates and is prepared to make a recommendation based on the information she has gathered from both the candidates and township officers. Commissioner Zmyewski strongly encouraged the Board to participate in a fair process so that the public will have faith in the appointee. During the last round of appointments he refrained from making a recommendation from his district due to the personal relationship with one of the candidates. This ensured that there would be no perception of favoritism and/or personal gain. Commissioner Storlie suggested that since the search is for a

candidate from either District 3 or 4, Commissioners Schuldt and Walter should conduct the interviews and return with a recommendation.

Commissioner Zmyewski expressed a desire for further discussion regarding the Board's policy with regard to making appointments to the various committees. He expressed his support to adopt a formal policy and to incorporate interviews when multiple candidates have expressed interest for a single position.

Commissioner Walter reported on Joint Board of Health and TNT meetings which she attended.

Commissioner Kjome reported on Joint Board of Health, TNT, and One Watershed, One Plan meetings which he has attended over the past week.

Chairperson Schuldt reported on Joint Board of Health and TNT meetings which he has attended.

At this time Chairperson Schuldt read aloud the rules of the public comment period.

Dan McGonigle asked the Board to consider moving the table at which the reporters sit. He indicated that they have difficulty hearing the individuals addressing the Board.

File No. 8 - Lorraine Culver, Houston City resident, expressed her concerns regarding frac sand mining.

Betts Reedy, Money Creek Township resident, shared her thoughts regarding the summit taking place in Paris, France and the Pope's comments, all of which are related to climate change and the need for all of humanity to take action.

Yvonne Krogstad, Caledonia Township resident, commented that there is currently no representation on the Planning Commission from Commissioner District 3. She questioned when District 3 will receive representation.

Kelley Stanage, Houston Township resident, shared her thoughts regarding the appointments made by the Board to various committees. She expressed her agreement with following the ordinance with regard to the Planning Commission appointment and supports an ongoing interview process for candidate's interested in this committee. She encouraged the Board to continue building public trust and reminded members that they serve the people.

Fred Arnold, Wilmington Township resident, provided information from a recent meeting held by the ag society regarding the development of a building replacement plan. It was noted that better financial reporting on the part of the ag society is needed.

Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to place on file the following items from the consent agenda:

File No. 9 – Correspondence to employees regarding upcoming employee recognition awards

There being no further business and the time being 9:48 a.m., motion was made by Commissioner Zmyewski seconded by Commissioner Kjome and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, December 15, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, December 15, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Deputy Auditor Quinn; Reporters McGonigle & Moorhead; County Attorney Jandt; Engineer Pogodzinski; Finance Director Lapham; HS Director Bahr; Social Services Supervisor Moen; Financial Services Supervisor Kohlmeyer; Bruce Kuehmicel; Jeremy Chipps; Betts Reedy; PHN Director Marchel; Yvonne Krogstad; Recorder Bauer; IS Director Milde; Doreen Denstad; Surveyor Walter; Diane Sullivan; Marilyn Moore; Ann Diersen; Jean Meiners; Heather Myhre; Sue Schwebach; Sandra Ask; Pamela Mechtel; Anita Meyer

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the agenda.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the minutes of the December 1, 2015 meeting.

File No. 1 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$63,215.20
Road & Bridge Fund	95,078.57
	-----
Total	\$158,293.77
	=====

File No. 2 - Engineer Pogodzinski recommended approval of the final payment for S.P. 28-619-003. This is a flood project on CSAH 19 completed by JB Holland Construction, Inc. The contract amount was \$319,270.65. Certified to date is \$270,855.75. Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to adopt the following:

### **RESOLUTION NO. 15-41**

WHEREAS, Contract No. 258 has in all things been completed, and the County Board being fully advised in the premises,

NOW, THEN BE IT RESOLVED, That we do hereby accept said completed project for and in behalf of the County of Houston and authorize final payment as specified herein.

File No. 3 - Engineer Pogodzinski recommended approval of the final payment for S.P. 28-599-077. This is for a bridge replacement project on Charlie Drive in the township of Sheldon which was completed by ICON Constructors, LLC. The contract amount was \$318,977.00. Certified to date is \$321,049.15. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to adopt the following:

### **RESOLUTION NO. 15-42**

WHEREAS, Contract No. 252 has in all things been completed, and the County Board being fully advised in the premises,

NOW, THEN BE IT RESOLVED, That we do hereby accept said completed project for and in behalf of the County of Houston and authorize final payment as specified herein.

Chairperson Schuldt has been in contact with Bob Hardt, an appraiser, who has indicated that he is available to perform the necessary appraisals on the Schulte property and the County owned parcel located by the School for an amount ranging between \$1,500.00 and \$1,700.00. Commissioner Zmyewski questioned whether use of this particular appraiser is agreeable to the Schulte family. Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to continue moving forward with the appraisal process.

Commissioner Walter reported on Extension and State Extension Board meetings and the AMC Conference. It was the consensus of the Board to invite the PACE representative to speak regarding the PACE energy efficiency business opportunities.

Commissioner Zmyewski reported on budget meetings held recently.

Commissioner Storlie reported on the AMC Conference and an Emergency Communications Board meeting she attended.

Chairperson Schuldt reported on the AMC Conference which he attended.

File No. 4 - At this time the following employees were recognized for their years of service.

35 Year Awards

Doreen H Denstad

30 Year Awards

Richard D Walter

25 Year Awards

Thomas L Molling

Diane Sullivan

20 Year Award

Marilyn S Moore

Sheila M Schroeder

15 Year Award

Suzanne M Bubnitz

Ann E Diersen

Holly J Gleason

Jean A Meiners

Heather L Myhre

Michael A Olson

Shawn L Peter

Luke T Sass

Susan K Schwebach

10 Year Award

Sandra D Ask

Duane D Brownlee Jr

Daniel T Coogan

Pamela J Mechtel

Anita M Meyer

Andrew J Milde

Matthew W Seitz

HS Director Bahr presented several contracts for approval. Some are for 2016 while others are for 2016-2017.

File No. 5 - HS Director Bahr reported that the first is a Purchase of Service Agreement with Polly Owens for up to 21 hours of person centered planning services. Social Services Supervisor Moen stated that the services offered by Ms. Owens allow for adult children under guardianship to have a voice in their care plan. The cost for the services is covered by waiver reimbursements. Motion was made by Commissioner Storlie, seconded by Commissioner

Zmyewski and unanimously carried to approve said Purchase of Service Agreement which will expire March 1, 2016.

File No. 6 – Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the Memorandum of Understanding between Houston County Human Services and Counseling Clinic, La Crescent. This memorandum provides Rule 25 Assessments at a rate of \$145.00 per assessment between January 1, 2016 and December 31, 2017.

File No. 7 – Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the Memorandum of Understanding Between Houston County Human Services and Zumbro Valley Health Center. This memorandum will provide for Rule 25 Assessments at a rate of \$155.00 per assessment plus travel expenses and covers the period of January 1, 2016 through December 31, 2016.

File No. 8 - Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the Purchase of Service Agreement with Tellurian UCAN, Inc. dba La Crosse Care Center for crisis stabilization services for those with mental health issues. The cost for the service is \$350.00 per day in 2016 and increases to \$375.00 per day in 2017. The agreement expires December 31, 2017. This option may result in savings over more expensive services which range in cost from \$800.00 to \$900.00 per day.

File No. 9 – Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the Purchase of Service Agreement for Mental Health Services from Hiawatha Valley Mental Health Center. The agreement provides for clinical supervision at a rate of \$100.00 per hour which matches that offered by a private individual holding the appropriate credentials for like services. The agreement expires December 31, 2016.

File No. 10 – Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the Purchase of Service Agreement with Ability Building Center, Inc. which provides community based supported employment and transportation options. The services provided meet qualification criteria for funding under a mental health block grant.

File No. 11 – Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to approve the Purchase of Transportation Services Contract with Semcac Transportation. This secures required services provided to MA participants. Houston County will pay administrative fees and for loaded and unloaded miles. The contract expires December 31, 2016.

File No. 12 – Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the Agreement for Provision of Supplemental

Nutritional Assistance Program (SNAP) for the period October 1, 2015 through September 30, 2016. This is a regional contract including Goodhue, Wabasha, Mower and Houston Counties.

HS Director Bahr reported on a MACSSA meeting which she recently attended. There is a strong desire to educate new directors. There are 40 new directors out of the 87 counties.

Financial Services Supervisor Kohlmeyer reported that staff has been very busy processing MN Sure renewals. The open enrollment/re-enrollment period has been overwhelming. She indicated that for every 5 renewals processed, 7 additional renewals arrive. The State is also overwhelmed and has asked whether counties can provide assistance. She has a long list of concerns. The department is prioritizing the processing of renewals and plans an evening blitz to enter as many as possible. The deadline has been extended however, upgrades are planned which could interrupt computer software services. Financial Services Supervisor Kohlmeyer stated that the unit has fielded over 1,000 phone calls already this month.

Social Services Supervisor Moen reported that, over the past weekend, 8 children were placed in out of home placement. The unit has 20 intakes over the same time period last year. The mental health audit uncovered a single timeline deficiency. The unit will be the subject of a CD audit tomorrow.

Finance Director Lapham reported that November settlement has been received. Cash balances at present exceed those recorded the first of the year with the exception of DOT. She cautioned that the cash basis reports are somewhat misleading when taking into consideration the fact that there are 3 outstanding collective bargaining agreements which have not been settled. She was pleased to report that budgets are coming in good.

File No. 13 – There have been budget meetings held. The committee has met with the larger departments and identified additional reductions. Finance Director Lapham provided budget/levy information taking into consideration the identified reductions.

File No. 14 – Following discussion, it was agreed to reappoint Dr. Ross R. Reichard as County Coroner through December 31, 2018. This will result in both the contract and the appointment expiring at the same time. Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to adopt the following:

#### **RESOLUTION NO. 15-43**

BE IT RESOLVED, That the Houston County Board of Commissioners hereby reappoints Dr. R Ross Reichard as County Coroner for three years, being January 1, 2016 through December 31, 2018.

File No. 15 – Following discussion, motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to adopt the following:

## **RESOLUTION NO. 15-44**

BE IT RESOLVED, That the Houston County Board of Commissioners does hereby approve the Minnesota Lawful Gambling Application for Exempt Permit on behalf of the Caledonia Sno-Gophers for gambling activities to be conducted at Little Miami in Crooked Creek Township, with no waiting period.

File No. 16 - Motion was made by Commissioner Kjome, seconded by Commissioner Zmyewski and unanimously carried to approve the minutes of the Truth in Taxation Meeting held Monday, November 30, 2015.

File No. 17 – Motion was made by Commissioner Zmyewski, seconded by Commissioner Storlie and unanimously carried to approve the suggested changes to the Ground Lease Agreement and to authorize the required 60 day notice be sent in this regard.

File No. 18 - Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to approve the issuance of the following Tobacco Licenses for 2016: Money Creek Haven, Inc., River Valley Convenience, Inc., and Houston Food Mart.

The time being 10:07 a.m., and pursuant to M.S. 13D.03 subd. 1(b), motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to go into closed session to consider strategy for labor negotiations.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to return to open session.

Commissioner Zmyewski commented that the Board took action earlier this year to make a decision regarding the Historic Jail by December 31, 2015. To date, no decision has been made. Motion was made by Commissioner Zmyewski, seconded by Commissioner Walter and unanimously carried to extend the decision making deadline to March 1, 2016. It was agreed that a public hearing to gather input regarding the Historic Jail would be scheduled prior to the deadline.

Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to place on file the following items from the consent agenda:

File No. 19 – Server replacement quote for Public Health

There being no further business and the time being 11:13 a.m., motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, December 22, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, December 22, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; Engineer Pogodzinski; HR Director Arrick-Kruger; Sam Whitehead; Kelley Stanage; Betts Reedy; Yvonne Krogstad; Bryan VanGorp; PHN Director Marchel; County Attorney Jandt; Ron Ziegler; Bruce Kuehmichel; Recorder Bauer; Sheriff Inglett; Chief Deputy Sheriff Lapham

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the agenda.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to approve the minutes of the December 15, 2015 meeting.

File No. 1 - Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$111,437.03
Road & Bridge Fund	6,520.07
	-----
Total	\$117,957.10
	=====

File No. 2 - Engineer Pogodzinski reported that funding to replace a 1 ton diesel flatbed truck was included in the 2015 budget. Staff has researched extensively available options including local used inventory, State bid and local dealer options. He presented a quote submitted by Nelson Auto Center for a vehicle which will meet the needs of the department. He indicated that other dealers declined to submit quotes upon learning of the quote submitted by Nelson Auto Center in the amount of \$38,991.03. All options have been thoroughly reviewed and he recommended acceptance of the quote submitted. This truck is in stock and there would

be no wait. Engineer Pogodzinski explained that when purchasing off the state bid there is often a wait period. Commissioner Zmyewski questioned why the department needed to purchase new when a used truck between the model years of 2011 and 2012 could easily be found for sale online for \$20,000.00. He shared his opinion that a truck such as these could be purchased at a significant savings and would have a useful life of 10 years. Engineer Pogodzinski indicated that he was researching low mileage used vehicles and would not consider a vehicle with 80,000 plus miles as a sound investment for the department. Commissioner Zmyewski commented that today's diesel trucks are manufactured to operate well past 200,000 miles. Commissioner Zmyewski commented that he personally purchased a 450 diesel truck with 115,000 miles for \$20,000.00. Commissioner Zmyewski expressed his feeling that new vehicles lose 50% of their value within the first 4 years, therefore used vehicles are a much more financially responsible purchase. Engineer Pogodzinski stated that through their research high mileage vehicles are available. The vehicle he recommended is a base model. It may have power windows however, crank windows now cost more than power. The vehicle will be used to haul tools, pipes, chain saws and posts. The Highway Department currently has 3 such vehicles. Motion was made by Commissioner Storlie, seconded by Commissioner Walter to accept the quote submitted by Nelson Auto Center for a 2015 GMC Sierra 3500 in the amount of \$38,991.03. A roll call vote was taken: District 1 – yes; District 2 – no; District 3 – yes; District 4 – yes; District 5 – no. The motion carried.

File No. 3 - HR Director Arrick-Kruger along with PHN Director Marchel recommended the FTE of the PHN Director position be reduced from 1.0 FTE to 0.8 FTE on a trial term. PHN Director Marchel would return to 1.0 FTE if the position demands. This change will save approximately \$22,000.00. Structural changes have led to efficiencies and coupled with PHN Director Marchel's many years of experience in public health allow for this recommendation which can reduce the Public Health budget. PHN Director Marchel noted that a significant portion of Public Health's budget is staffing and this reduction in FTE was identified as a viable means of reducing the budget. She assured the Board that this change will not compromise Public Health. Commissioner Storlie expressed appreciation for this savings sacrifice. PHN Director Marchel stated that in the event a new Public Health Director would be hired, she would encourage the Board to return the position to full time due to the learning curve of a new director. This reduction is a benefit of length of service. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the reduction to 0.8 FTE from 1.0 FTE of the position of Public Health Director effective January 4, 2016.

Due to ongoing external funding, HR Director Arrick-Kruger along with PHN Director Marchel recommended both the positions of Health Educator and Family Health Nurse remain at 1.0 FTE indefinitely. External funding has remained constant. Recently an additional grant was awarded which will ensure funding for the Family Health Nurse.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to maintain the Health Educator position at 1.0 FTE indefinitely contingent upon ongoing external funding and effective January 1, 2016.

Motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to maintain the Family Health Nurse at 1.0 FTE indefinitely contingent upon ongoing external funding and effective January 1, 2016.

On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to authorize the hire of Dennis O'Heron for the position of Recycling Center Lead at step 3 of the appropriate comparable worth band and effective January 4, 2016

Following discussion, motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to authorize the hire of Nick Douglas as a 67 day employee for the position of drop site supervisor at step 1 of the appropriate comparable worth band.

File No. 4 - HR Director Arrick-Kruger reported historically department head evaluations have been a narrative type. This is difficult for both the Board and department head. She has developed a new tool which has received minimal feedback. It will aid in identifying any weaknesses which can then be addressed. It will provide for a more outcome based approach to the evaluations. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to adopt the new Leadership Evaluation Form for use in evaluating Department Heads.

File No. 5 - Ron Ziegler, representative for CEDA met with the Board to discuss the 2016 Professional Services Agreement. Mr. Ziegler noted that the proposed agreements reflect no price change for the services CEDA provides to Houston County. Mr. Ziegler noted that a 2015 report and 2016 work plan will be presented to the Board in January. It will provide an opportunity to reflect upon the accomplishments for 2015 and to ensure that the CEDA staff member assigned to Houston County and the County are working towards the County's goals. In closing Mr. Ziegler expressed appreciation for the ongoing support and working relationship with Houston County. He noted that CEDA is currently working to expand its marketing program in hopes of increasing opportunities within the area. Commissioner Storlie expressed concerns with communication and timeliness. HR Director Arrick-Kruger suggested that a meeting between the County and CEDA be scheduled to discuss concerns more in depth. She further suggested that the agreement for 2016 be approved noting that there is a 30 day out clause. Both parties wish to continue working together to be productive and foster better communication. Motion was made by Commissioner Kjome, seconded by Commissioner Storlie and unanimously carried to approve the Professional Services Agreement effective January 1, 2016 through December 31, 2016.

File No. 6 - Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the Professional Services Agreement for grant writing services effective January 4, 2014 through December 31, 2016.

HR Director Arrick-Kruger recommended approval of a 2.5% salary adjustments for non-represented employees for 2016. This increase is across the board, in line with the increase granted to represented employees and has been budgeted. Non-represented employees include public health nurses, IT staff, assistant county attorneys, the HR Director and Finance Director. There is a wage grid utilized of which approximately 8 staff members are at maximum and that many more are progressing through the steps. Motion was made by Commissioner Storlie, seconded by Commissioner Walter and carried, with Commissioner Zmyewski voting in the negative.

Commissioner Walter reported on an EMS meeting which she recently attended. She was pleased to report that Peter Lindstrom has agreed to attend the January 12<sup>th</sup> board meeting to provide an overview of the PACE (property assessed clean energy) program.

Commissioner Kjome reported on a recent planning commission meeting which he attended.

File No. 7 – Finance Director Lapham stated that it is time to set the 2016 Final Levy. Commissioner Walter was pleased to report that several departments have identified reductions and decreased their budgets. Motion was made by Commissioner Walter and seconded by Commissioner Storlie to set the final levy at 3%. This is a 1% reduction from the 4% proposed levy. Commissioner Zmyewski expressed his ongoing concerns indicating non-support to pad the savings account by going to the taxpayer. He provided various statistics which he gathered stating the levy has increased at 5 times more than the national rate of inflation. Commissioner Zmyewski has warned over the past 6 years that the Board's practices will catch up with the county's financial health. Commissioner Walter stated confidently that the budget committee has worked diligently with departments to reduce budget lines. The cost of doing business has and continues to increase. She expressed her belief that departments are working bare bones. Commissioner Zmyewski stated that the consequence of continually granting wage increases will be layoffs or additional reductions. Commissioner Zmyewski stated again that he has disagreed with the Board's action to continually increase taxes. Commissioner Walter restated that she has reviewed the budget in detail. A roll call vote was taken: District 1 – yes; District 2 – no; District 3 – yes; District 4 – yes; District 5 – no. The motion carried to set the 2016 final levy at 3% and to adopt the following:

#### **RESOLUTION NO. 15-45**

BE IT RESOLVED, that the proposed levy after the deduction of County Program Aid (CPA), in the amount of \$11,700,666 be made on all taxable property in the County of Houston for taxes payable in 2016 in the following amounts by County Fund:

County Revenue	\$ 7,562,583
Road & Bridge	2,377,731

Human Services	1,394,087
Bond Fund – 2009B Jail CIP Bonds	503,252
Bond Fund – 2009C Jail Bonds	268,288
Bond Fund – 2010A Jail CIP Bonds	233,582
Bond Fund – 2010B Jail Bonds	224,706
	-----
Total	\$12,564,229
Less CPA	(863,563)
	-----
Total Levy	\$11,700,666
	=====

At this time, the committee established to interview Planning Commission applicants, provided an overview of the process by which their selection of appointees was arrived at. Chairperson Schuldt, Commissioner Storlie along with County Attorney Jandt comprised the interview team. Each person was scored by the committee members. The team is recommending the appointment of Jim Wieser and Glenn Kruse. Motion was made by Commissioner Storlie and seconded by Commissioner Walter to appoint Glenn Kruse and Jim Wieser to 3 year terms on the Planning Commission. Commissioner Zmyewski questioned the time which Mr. Kruse has served on the Planning Commission in light of the policy which limits members to three, 3 year terms. Commissioner Storlie stated that appointments are made at the discretion of the Board and that the candidates were individually scored by three persons, those with the highest composite score were recommended for appointment. This has been a fair process. Commissioner Kjome questioned why Commissioner Storlie was assigned to the interview committee instead of himself. He expressed his opinion that he has served on the Planning Commission for several years and could have provided valuable input. He expressed his displeasure with not having been considered for the interview committee. Discussion was held regarding the policy for appointing Planning Commission members. Commissioner Zmyewski questioned why someone who has reached the term limitations was even considered or allowed to submit an application when there were 6 to 7 applicants interested in serving. He questioned why the committee chose to recommend the re-appointment when others wanted to serve on the Planning Commission. Commissioner Storlie stated the interview committee rated the answers of all interviewed persons and compiled the scores. They recommended the individuals who scored the highest. Mr. Kruse submitted an application just like each of the other candidates. Commissioner Schuldt indicated that term limits may have been a mistake. Commissioner Zmyewski expressed strongly his negative opinion of the poor decisions being made. When Chairperson Schuldt called for the question, Commissioner Zmyewski continued to express his disagreement repeatedly.

Motion was made by Chairperson Schuldt, seconded by Commissioner Storlie and carried with Commissioners Zmyewski and Kjome voting in the negative to recess for a period of one hour. The time was 9:56 a.m.

The time being 10:59 a.m., motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to reconvene.

File No. 8 - Commissioner Zmyewski read an excerpt from the October 29, 2013 Proceedings of the Houston County Board of Commissioners regarding the policy which had been adopted with regard to the appointment of Planning Commission members. He questioned the consistency of the Board's actions and why the policy which was implemented is not being adhered to. Commissioner Storlie restated that planning Commission members serve at the pleasure of the Board and that the process to identify the most qualified candidates was fair. Commissioner Zmyewski threatened to table any action regarding the recommendations for appointees to the Planning Commission and stated that tabling action is non-negotiable and does not require a second. Commissioner Storlie called for the vote. Commissioner Zmyewski requested the names of all those candidates who were interviewed. County Attorney Jandt stated that those individuals who accepted and appeared for interviews can be disclosed. He provided the following names of candidates who accepted and participated in an interview: Yvonne Krogstad, Ken Visger, David Schuldt, Bryan VanGorp, Glenn Kruse, James Wieser, and Linda Riddle. Commissioner Zmyewski expressed a desire for he and Commissioner Kjome to interview the candidates a second time to confirm that the individuals recommended for appointment are indeed the very best from the pool. At this time a roll call vote was taken: District 1 – yes; District 2 – no; District 3 – yes; District 4 – yes; District 5 – no. The motion to appoint Glenn Kruse and James Wieser to the Planning Commission for 3 year terms expiring December 31, 2018 carried.

Pursuant to M.S. 13D.03 subd. 1(b), motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to go into closed session to consider strategy for labor negotiations. The time was 11:08 a.m.

The time being 11:25 a.m., motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to reconvene in open session.

Motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to close the Historic Courthouse for the full business day on December 24, 2015. This closure will not impact Public Health or the Justice Center. HR Director Arrick-Kruger will work to alert the public of this change.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to place on file the following items from the consent agenda:

File No. 9 – Correspondence to H. Koch regarding tons delivered to Xcel

File No. 10 – SELCO Annual Report for 2015

There being no further business and the time being 11:27 a.m., motion was made by Commissioner Zmyewski seconded by Commissioner Walter and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, December 29, 2015.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: Tuesday, December 29, 2015

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Judy Storlie, Justin Zmyewski, Steve Schuldt, Teresa Walter and Dana Kjome

Others Present: Auditor Meiners; Deputy Auditor Quinn; Reporters McGonigle & Moorhead; County Attorney Jandt; Bryan VanGorp; Chief Deputy Sheriff Lapham; Finance Director Lapham; Environmental Services Director Frank; HR Director Arrick-Kruger; Yvonne Krogstad; Treasurer Trehus; Stephen Zmyewski; Sheriff Inglett; Mike Fields; Recorder Bauer

Presiding: Steve Schuldt, Chairperson

Call to order.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and unanimously carried to approve the agenda.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the minutes of the December 22, 2015 meeting.

File No. 1 - Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve payment of the license center and Human Services disbursements and the following claims:

County Revenue Fund	\$141,175.79
Road & Bridge Fund	110,192.73
	-----
Total	\$251,368.52
	=====

File No. 2 - Finance Director Lapham stated that a resolution needs to be adopted regarding the 2016 operating budget. She reported that additional revenues have been reported which has reduced the amount of fund balance required in order to balance the budget. This is reflected in the recommended resolution. Commissioner Zmyewski clarified several items. Motion was made by Commissioner Walter and seconded by Commissioner Storlie to adopt the following resolution. The motion carried with Commissioners Zmyewski and Kjome voting in the negative.

**RESOLUTION NO. 15-46**  
**RESOLUTION ADOPTING 2016 OPERATING BUDGET**

	Revenue	Expenditures	Revenues Over (Under) Expenditures
	-----	-----	-----
County Revenue	\$11,863,631	\$12,078,814	\$ -215,183
Road & Bridge	11,642,752	11,642,752	0
Human Services	4,458,893	4,498,719	-39,826
Debt Service	1,229,828	1,229,828	0
	-----	-----	-----
Grand Total			
County Funds	\$29,195,104	\$29,450,113	\$ -255,009
	=====	=====	=====

File No. 3 - Finance Director Lapham reported on several proposed budget amendments from various departments. The amendments are being proposed to more accurately reflect fiscal activity. Motion was made by Commissioner Walter, seconded by Commissioner Storlie and unanimously carried to approve the budget amendments as presented.

File No. 4 - Finance Director Lapham reported that Section 2.04, if approved, will meet FAA requirements regarding airport revenue. The section has been reviewed and found to be in compliance with the State Auditor. Basically, the section notes that any revenue generated by the airport must be spent on the airport. Motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to adopt Section 2.04.

File No. 5 - Finance Director Lapham stated that there is a need to reserve, restrict and commit specific funds for 2016. On the recommendation of Finance Director Lapham, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to reserve \$666,748.00 for capital improvements, \$731,503.00 for the Historic Jail, \$15,000.00 for the replacement of election equipment, to restrict \$411,782.00 for County Road 249, and to commit \$21,063.000 for Road and Bridge projects.

File No. 6 – On the recommendation of the Planning Commission, motion was made by Commissioner Kjome, seconded by Commissioner Walter and unanimously carried to approve the issuance of the following conditional use permit:

Todd Bornholdt – Spring Grove Township - Reconstruct a supper club into a dwelling on less than 40 acres

File No. 7 - On the recommendation of the Planning Commission, motion was made by Commissioner Storlie, seconded by Commissioner Kjome and unanimously carried to approve the issuance of the following Zoning Permits:

Arlyn Frauenkron – Money Creek Township - Build house (34' x 44')  
garage (34' x 22')

Allen Walleser – Mound Prairie Township - Build storage shed (16' x 28')

Peter and Pam Orr – Yucatan Township - Convert deck into 3-season room  
(15' x 14')

Dennis Gavin – Sheldon Township - Build front porch (6' x 28'6")

Steve Jondal – Yucatan Township - Build garage (36' x 40')

Craig Stanislawski – Yucatan Township - Build pole barn (34' x 60')

File No. 8 - HR Director Arrick-Kruger reported on the result of the banding analysis performed by Gallagher and Associates regarding the position of County Attorney. She indicated that recently a banding analysis was completed for the position of Assistant County Attorney and that the remaining positions including Victim Services and clerical staff are scheduled. Once these have been completed, the entire department will have undergone full position analysis. Gallagher and Associates has recommended the County Attorney position be banded at E-82. This recommendation is based upon statutory duties, policy and decision making, and includes quasi administrator type duties including developing and implementing policy. County Attorney Jandt spoke to the duties of the office and provided examples of duties which he has undertaken which could have been completed by an administrator. Commissioner Zmyewski clarified the purpose of banding and the use of the salary grid. HR Director Arrick-Kruger stated that the grid may be used as a guideline to ensure equitable treatment of employees. It is not a contractual obligation. It does allow for equitable compensation for elected officials based on the knowledge those in the positions bring to the table. The salary proposed for the position of County Attorney is reflective of the experience Mr. Jandt has. County Attorney Jandt noted that prior to him taking office, several thousand dollars were spent on issues taken out of house for resolution. He has the knowledge, experience and desire to keep as much in house as is possible which results in savings. He has reviewed how forfeiture funds may be spent and has determined that an acceptable use includes staff training. This will result in added expertise and efficiencies. HR Director Arrick-Kruger stated that, in the past, she has recommended outside investigators due to perception. Now, County Attorney Jandt and staff are capable and willing to perform these functions if necessary. There are various recommendations which benefit from or require legal review and it is cost effective to keep those in house. HR Director Arrick-Kruger strongly supports the adjustment. Motion was made by Commissioner Walter, seconded by

Commissioner Storlie and unanimously carried to approve the banding recommendation put forth by Gallagher and Associates of E-82 for the position of County Attorney.

File No. 9 – On the recommendation of HR Director Arrick-Kruger, motion was made by Commissioner Storlie, seconded by Commissioner Walter and unanimously carried to adopt the 2016 Non-Union, Appointed and Elected Official Wage Grid. The grid will be utilized for equity purposes and includes a 2.5% increase over those paid in 2015.

HR Director Arrick-Kruger proposed 2016 salaries for elected officials. Her recommendations include a 2.5% increase for all elected officials and a step increase for those elected officials who are not at maximum when considering the wage grid. The proposed 2016 wage for the County Attorney takes into consideration past practice.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and carried with Commissioner Zmyewski voting in the negative to set the 2016 salary for the County Recorder at \$65,822.33.

Motion was made by Commissioner Walter, seconded by Commissioner Schuldt and carried with Commissioner Zmyewski voting in the negative to set the 2016 salary for the County Sheriff at \$95,212.80.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and carried with Commissioner Zmyewski voting in the negative to set the 2016 salary for the County Attorney at \$110,224.80.

Motion was made by Commissioner Walter, seconded by Commissioner Kjome and carried with Commissioner Zmyewski voting in the negative to set the 2016 salary for the County Treasurer at \$63,331.20.

Motion was made by Commissioner Walter, seconded by Commissioner Storlie and carried with Commissioner Zmyewski voting in the negative to set the 2016 salary for the County Auditor at \$77,544.00.

Following discussion, motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome and unanimously carried to freeze the salary for the position of County Commissioner at \$19,016.34.

HR Director Arrick-Kruger reported that interviews for Veteran Services Officer will begin today. There were 15 applicants of which 4 are scheduled to be interviewed.

File No. 10 - County Attorney Jandt presented his 2015 annual report. He shared statistics and possible reasons for various trends.

Commissioner Zmyewski clarified that the non-represented employees are being treated equally to represented staff.

Chairperson Schuldt reported that the appraisal of the land involved in the potential land swap for the Highway Department is on order however, it will be some time before it is completed.

Commissioner Kjome expressed concern that it takes a super majority vote to change the zoning ordinance, however appointments can be made with a simple majority vote. If the Board wishes to implement the requirement for a super majority regarding appointments it would be required to change the ordinance. Commissioner Kjome commented that the adoption of the policy which implemented term limits was unanimous. County Attorney Jandt noted that, per the ordinance, Planning Commission appointees serve at the pleasure of the Board.

Commissioner Zmyewski expressed great displeasure with action taken last week which resulted in the appointment of a Planning Commission member who had exhausted the term limits established by Board policy. He indicated that he has been in contact with both AMC and the Attorney General's office and will be following up with them after the first of the year. He noted that during the December 1<sup>st</sup> meeting he commented that the Planning Commission appointments were controversial and urged the Board to be consistent and follow policy so that the process was transparent to the public and so that the public would have faith in the new appointees. He expressed strong support for the development and adoption for a formal policy to guide the Board with all appointments when there are multiple interested individuals. He questioned how, on December 1<sup>st</sup> it was agreed that Chairperson Schuldt and Commissioner Walter would conduct interviews and the recommendations came forth from Chairperson Schuldt and Commissioner Storlie. It was noted that County Attorney Jandt also participated in the interviews. Commissioner Walter responded that due to a family emergency she was unable to fulfill her interview duties and alerted Chairperson Schuldt. Chairperson Schuldt commented that he had requested County Attorney Jandt's participation in the interview process. Commissioner Zmyewski questioned how all the subsequent changes came about. He urged the Board to rescind the appointments.

Commissioner Zmyewski expressed concern that the Board failed to follow process, he expressed his opinion regarding possible discrimination/favoritism and questioned why Mr. Kruse was allowed to submit an application for a position which, by Board policy, he was ineligible for due to having already exhausted the term limit. Motion was made by Commissioner Zmyewski, seconded by Commissioner Kjome to rescind the motion appointing Jim Wieser and Glenn Kruse to the Planning Commission. A roll call vote was taken: District 1 – no; District 2 – yes; District 3 – no; District 4 – no; District 5 – yes. The motion failed.

Commissioner Zmyewski questioned why Mr. Kruse was allowed to submit an application for the Planning Commission when he was ineligible per the Board Policy. He further questioned who indicated to Mr. Kruse that an application would be accepted should he

wish to submit one. Chairperson Schuldt commented that he spoke with both Mr. Griffin and Mr. Kruse on different occasions. Mr. Griffin expressed concern with the inexperience of several members of the Planning Commission. He shared his concern that new members lack of knowledge leaves these individuals vulnerable to being intimidated. Commissioner Zmyewski stated that the other Planning Commission members who had exhausted their term limits were not given the opportunity to make application to maintain their seat on the Commission. He questioned why it appeared that Mr. Kruse was receiving preferential treatment. Mike Fields and Bryan VanCorp, who were present in the gallery, commented regarding their interpretation of the Board Policy regarding the appointment of Planning Commission members. Commissioner Zmyewski pointed out that the Board Policy does not require experience. Chairperson Schuldt stated that there was a time when the County Board lacked experience also. He indicated that experience can result in different decisions being made. He shared that based on his experience today, had he had that experience earlier in his tenure, it would have impacted the decisions he made. Commissioner Zmyewski stated he is proud of his decisions even though he is relatively inexperienced.

Motion was made by Commissioner Zmyewski and seconded by Commissioner Kjome to expunge the appointments made December 22<sup>nd</sup>. A roll call vote was taken: District 1 – no; District 2 – yes; District 3 – no; District 4 – no; District 5 – yes. The motion failed.

Commissioner Zmyewski questioned whether the Board's action to appoint Mr. Kruse and Mr. Wieser was legal and how Mr. Kruse was even eligible for appointment. He questioned if these individuals are allowed to serve and questioned what becomes of any Planning Commission decisions if legal action is taken which results in their removal from said commission. He expressed his opinion that it is in the best interest of the county to suspend the newly appointed members from participating on the Planning Commission.

It was requested that County Attorney Jandt provide an opinion in this regard. County Attorney Jandt asked for clarification regarding the question. Discussion was held. Commissioner Zmyewski questioned why, if Board approval was required and never granted, Mr. Kruse was allowed to make application. He also questioned why a candidate was not chosen from District 3 which remains unrepresented when the policy indicates efforts will be made to have membership representing 4 of 5 Commissioner Districts. He stated that applications were received from individuals representing District 3. Chairperson Schuldt noted that a scoring system was utilized. Commissioner Zmyewski commented that neither he, nor Commissioners Kjome or Walter were provided with the interview information. He questioned what criteria was used that resulted in Mr. Kruse being recommended for re-appointment. Commissioner Storlie commented that not all interview information is public and urged caution regarding the discussion. County Attorney Jandt noted that certain information is public if both the person providing the score and being scored agree to allow for its disclosure. Commissioner Zmyewski expressed his opinion that the appointments are not valid because the majority of Board members did not have access to the interview information.

File No. 11 - Following discussion, motion was made by Commissioner Storlie, seconded by Commissioner Zmyewski and unanimously carried to accept the quote submitted by DLT in the amount of \$1,348.88 to upgrade the existing licenses to include Civil 3D software utilized by the Highway Department. Commissioner Zmyewski explained how CAD software is expensive and requires costly upgrades in order to work effectively among users.

Motion was made by Commissioner Walter, seconded by Commissioner Zmyewski and unanimously carried to place on file the following items from the consent agenda:

File No. 12 – Correspondence to payroll regarding multiple changes & hires

There being no further business and the time being 11:05 a.m., motion was made by Commissioner Schuldt seconded by Commissioner Zmyewski and unanimously carried to adjourn the meeting, the next advertised meeting being Tuesday, January 5, 2016.

BOARD OF COUNTY COMMISSIONERS  
HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Steve Schuldt, Chairperson

Attest: \_\_\_\_\_  
Charlene Meiners, County Auditor