

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: January 24, 2023

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present:

Dewey Severson, Eric Johnson, Robert Burns, Bob Schuldt, and Greg Myhre

Others Present:

Auditor/Treasurer Donna Trehus, Reporter Rachel Stock, Reporter Charlene Selbee, Finance Director Carol Lapham, Public Health and Human Services Director John Pugleasa, Board Clerk/EDA Director Allison Wagner, Engineer Brian Pogodzinski, Recorder Mary Betz, Jail Administrator Dean Ott, Financial Assistance Supervisor Karen Kohlmeyer, Human Resources Director Theresa Arrick-Kruger, City of Caledonia Clerk/Administrator Jake Dickson

Presiding: Chairperson Severson

Call to order.

Pledge of Allegiance.

Motion was made by Commissioner Johnson, seconded by Commissioner Schuldt, motion unanimously carried to approve the agenda.

Motion was made by Commissioner Myhre, seconded by Commissioner Burns, motion carried unanimously to approve the January 10, 2023 meeting minutes.

Motion was made by Commissioner Johnson, seconded by Commissioner Burns, motion carried unanimously to approve the January 17, 2023 workgroup session minutes.

Public Comment: No public comments were made.

APPOINTMENTS

None.

CONSENT AGENDA

Motion by Commissioner Johnson, seconded by Commissioner Burns, motion unanimously carried to approve the consent agenda. Items approved are listed below.

- 1) Assign Kelly Rohland, Adult Services Social Worker, C41, to Child Protective Services Social Worker, C41, (lateral transfer) effective January 25, 2023.
- 2) Initiate a competitive search for a full-time Adult Services Social Worker to fill the vacancy created by Ms. Rohland's change of assignment.
- 3) Confirm Sheriff Swedberg's request to appoint Deputy William Hargrove as Chief Deputy Sheriff, C52 step 8, effective January 29, 2023. (This appointment is pursuant to M.S. 387.145.)
- 4) Reappoint Brad Hoschiet for a 2nd term on the Extension Committee 1/1/2023 to 1/1/2025.
- 5) Approve guardianship contracts - Renata Luetdtke, Judy Storlie, Sandra Fitting.

ACTION ITEMS

File No. 1 – Commissioner Johnson moved, Commissioner Burns seconded, motion unanimously carried to continue Liza Jandt's employment status at 1.0 FTE.

File No. 2 – Prior to making any motions Commissioners discussed who should be appointed to the planning commission. There were two applicants. Commissioner Severson said based on the applications he felt Cindy Wright should be appointed. Commissioner Johnson said the vacancy was in his district and that he would like to see Johnathon Glasspoole appointed to the planning Commission. Johnson said Glasspoole lived in the district where there was a vacancy and he could "vouch" for Glasspoole that he had the qualifications and experience to serve on the committee. Commissioner Schuldt said he thought that Wright owned land in the vacant district, also. Commissioner Johnson moved, Commissioner Myhre seconded, motion failed two to three to appoint Johnathon Glasspoole to the planning commission. Commissioners Severson, Burns, and Schuldt voted no. Commissioner Burns moved, Commissioner Schuldt seconded, motion carried three to two to appoint Cindy Wright to the planning commission. Commissioner Severson also voted yes. Commissioners Johnson and Myhre voted no.

File No. 3 – Commissioner Johnson moved, Commissioner Severson seconded, motion unanimously carried to switch from from Mend to ACH medical service for Houston County Jail services. Commissioners thanked Jail Administrator Ott for working on the new contract quickly after finding out the current company had filed for bankruptcy.

File No. 4 – Commissioner Burns moved, Commissioner Schuldt seconded, motion unanimously carried to approve the cooperative agreement with Olmsted County for Minnesota Department of Health Infrastructure Grant project. This project would focus on developing local data for the following three areas: opioids, family home visiting, and access to services.

File No. 5 – Commissioner Myhre moved, Commissioner Severson seconded, motion unanimously carried to approve the CREST agreement. CREST was a regional collaborative in SE MN that coordinated mental health related services in the region. It was a two year agreement.

File No. 6 – Commissioner Burns moved, Commissioner Schuldt seconded, motion unanimously carried to approve the Regional Mobile Crisis agreement. This was a multi-county project that coordinated mobile crisis services for counties in SE Minnesota. It was a two year agreement.

File No. 7 – Commissioner Johnson moved, Commissioner Burns seconded, motion unanimously carried to approve a request to trade two compact track loaders.

File No. 8 – Commissioner Johnson moved, Commissioner Myhre seconded, motion unanimously carried to approve the purchase of Methyl Methacrylate (MMA) sealant and aggregate for sealing deck bridges. The approved purchase included \$31,116.00 for the material purchase and an estimated \$1,700 for shipping with the understanding that shipping could fluctuate. The total would be approximately \$32,816.00.

File No. 9 - Commissioner Burns moved, Commissioner Myhre seconded, motion unanimously carried to approve a request from Engineer Pogodzinski to attend the AASHTO Resource Technical Exchange in Fort Worth Texas from March 27-30, 2023. The conference, hotel, and transportation would be paid for by MnDot State Aid.

DISCUSSION ITEMS

Commissioners discussed the upcoming Childcare Town Hall Meeting on February 7th 2023. EDA Director Wagner asked if all the Commissioners were interested in attending and if there was a possibility of a quorum. Several Commissioners were interested in attending. Wagner said she would advertise a potential quorum at the event.

Commissioners discussed a possible date to meet with Collaborative Design Group regarding the space utilization study. It was the general consensus of the board that they could meet with Collaborative Design Group on February 14th at the end of the board meeting around 10-10:30 a.m.

Commissioners discussed recent meetings they had attended including a Finance Committee meeting, Human Services Orientation, Spring Grove Co-op Ambulance meeting, and an upcoming Jail Operations meeting.

The Commissioners said Assessor Onstad had done a good job reaching out to the Department of Revenue at the State regarding some changes regarding green acres.

Commissioner Johnson said he wanted to set up a personnel meeting regarding Human Resources policies.

Caledonia Clerk/Administrator Dickson was present and told the board the City of Caledonia had reviewed a cannabis licensing ordinance proposal at their last City Council meeting.

There being no further business at 10:22 a.m., a motion was made by Commissioner Johnson, seconded by Commissioner Myhre, motion unanimously carried to adjourn the meeting. The next meeting would be a special workgroup session with the Fillmore County Commissioners in the afternoon of the same day, January 24, 2023. The next regular meeting would be on February 7th, 2023.

BOARD OF COUNTY COMMISSIONERS

HOUSTON COUNTY, MINNESOTA

By: _____
Dewey Severson, Chairperson

Attest: _____
Donna Trehus, Auditor/Treasurer

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: January 24, 2023

2:25 p.m.

Place: Mable Community Center, Mable, MN

Members Present:

Eric Johnson, Robert Burns, Bob Schuldt, and Greg Myhre

Others Present:

Fillmore County Commissioner Duane Bakke, Fillmore County Commissioner Larry Hindt, Fillmore County Commissioner Mitch Lentz, Fillmore County Commissioner Randy Dahl, Fillmore County Administrator Bobbie Hillery, Fillmore County Director of Nursing Jessica Erickson, Fillmore County EDA Director Chris Hahn, Houston County EDA Director/Board Clerk Allison Wagner, Houston County Public Health and Human Services Director John Pugleasa, and Houston County Public Health Supervisor Jordan Knoke

Board Workgroup Session

Call to order.

The Houston County Commissioners met with Fillmore County Commissioners directly following their Joint Board of Health meeting. The purpose of the special meeting was to discuss possible areas of future cooperation between Houston and Fillmore Counties. No official action was taken at the meeting.

Houston County Commissioners discussed with Fillmore County their legislative priorities. It was the general consensus of Commissioners from both Counties that they shared many of the same priorities.

Commissioners from both Counties discussed the need for child mental health services and issues. They discussed the importance of having regional facilities close to home for County residents.

Commissioners from both Counties agreed that they were open to working together when possible in the future. They discussed the possibility of having joint meetings in the future if situations for possible collaboration emerged.

The meeting ended at 3:20 p.m.

BOARD OF COUNTY COMMISSIONERS

SPECIAL WORKGROUP SESSION — January 24, 2023

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HOUSTON COUNTY, MINNESOTA

By: _____
Dewey Severson, Chairperson

Attest: _____
Donna Trehus, Auditor/Treasurer

**HOUSTON COUNTY
AGENDA REQUEST FORM
February 7, 2023**

Date Submitted: February 2, 2023
By: Tess Kruger, HRD/Facilities Mgr.

ACTION

- **Consider request to request proposals for the Houston County Historic Courthouse roof replacement**

APPOINTMENT REQUEST

- **None**

HR CONSENT AGENDA REQUEST

Public Health and Human Services

- **Change the status of Child Protection Social Worker, Kyli Gobrecht, from probationary to regular, effective 2/8/23**
- **Accept the resignation of Barbara Schmitz, Dept. of Corrections, Technical Clerk I effective the end of the business day 02/10/2023**

<u>Reviewed by:</u>	<input checked="" type="checkbox"/> HR Director	<input checked="" type="checkbox"/> Sheriff
	<input checked="" type="checkbox"/> Finance Director	<input type="checkbox"/> Engineer
	<input type="checkbox"/> IS Director	<input checked="" type="checkbox"/> PHHS
	<input type="checkbox"/> County Attorney	<input type="checkbox"/> (indicate other dept)
	<input type="checkbox"/> Environmental Svcs	<input type="checkbox"/>
<u>Recommendation:</u>		
<u>Decision:</u>		

Houston County Agenda Request Form

Date Submitted: 2/2/2023

Person requesting appointment with County Board: John Pugleasa, Director Human Services

Will you be doing a power point or video presentation: Yes X NO

Issue:

Guardianship contract - Virgie Rud

Attachments/Documentation for the Board's Review:

One electronic copy of base contract for review, and 2 hard copies of each agreement for signature.

Justification:

Action Requested:

Approve and sign contracts as presented

For County Use Only			
Reviewed by:	<u> </u> County Auditor	<u> </u> County Attorney	<u> </u> Zoning/Environmental Service
	<u> </u> Finance Director	<u> </u> County Engineer	<u> </u> HR/Personnel
	<u> </u> IS Director	<u> </u> Other (indicate dept)	<u> </u>
<u>Recommendation:</u>			
<u>Decision:</u>			

All agenda request forms must be submitted to the County Auditor by 4:00 p.m. on Monday in order to be considered for inclusion on the following week's agenda. The Board will review all requests and schedule appointments as appropriate.

PURCHASE OF SERVICE AGREEMENT

This Agreement made and entered into by and between the County of Houston, through its local social service agency, Houston County Human Services, 304 South Marshall Street, Room #104, Caledonia, MN 55921, referred to as "County" and **Virgie Rud**, 524 South Winnebago Street, Caledonia, MN 55921 hereafter referred to as the "Provider".

WITNESSETH

WHEREAS, Houston County Human Services has identified a need for Guardianship/Conservator services for indigent persons who are impaired to the extent of lacking sufficient understanding or capacity to make personal decisions, and are unable to meet personal needs for medical care, nutrition, clothing, shelter, or safety, even with appropriate technological and supported decision-making assistance; and

WHEREAS, this is a mandated service under Minnesota Statute 524.5-101 to 524.5-903 and 252A.01 to 252A.21;

WHEREAS, County wishes to purchase such program services from the Provider;

NOW, THEREFORE, in consideration of the mutual understanding and agreements set forth, Houston County and Provider agree as follows:

1. Term

The term of this Agreement shall be from January 1, 2023 through December 31, 2024. Either party may cancel this Agreement, with or without cause, upon thirty (30) days written notice. Cancellation of this Agreement or expiration of the Agreement term shall not relieve County from paying for Provider's services for wards and protected persons that the Provider is court-appointed to serve, and whom are still eligible for services under this Agreement, before cancellation or termination, so long as Provider remains the court-appointed Guardian and/or Conservator.

2. Services:

- a. Pursuant to MN Statutes 256M (Vulnerable Children and Adults Act) and as further detailed in Attachment A to this Agreement, Houston County agrees to purchase, and Provider agrees to furnish the following services:

BRASS CODE

59500
69500
61600
51600
64800

SERVICE DESCRIPTION

Guardianship/Conservatorship (DD)
Guardianship/Conservatorship (Adult)
Transportation/Mileage (Adult)
Transportation/Mileage (DD)
Money Management

3. Cost and Delivery of Purchased Services:

See Attachment A for details.

4. Eligibility for Services:

- a. Service eligibility will be determined according to the criteria established by Houston County.
- b. Services under this Agreement shall only be provided to clients meeting the criteria of indigent residents of Houston County.
- c. County shall determine an indigent client AND the category of complexity shall be assigned by County after negotiation with the Provider. All new indigent cases that are not a medical emergency must be screened by County prior to start of service. Service level is subject to negotiation by Provider and County in the light of actual experience with the client and/or changing circumstances.

5. Payment for Purchased Services:

- a. To receive payment, Provider shall, within ten (10) business days following the last day of each month, submit a county approved invoice for purchased services to County. The invoice shall show client name, address, case number, and a detailed listing of the service(s) provided.
- b. County shall, within thirty-five (35) days of receipt of the invoice and summary sheet, make payment for all approved units of service. Provider will be contacted within the 35-day period for charges that are in a pending approval status.
- c. Provider further acknowledges that bills must be current and timely. Provider acknowledges that there will be a reduction of 50% of the total amount billable, on bills submitted for payment more than 3 months after date of service.
- d. If the ward/conservatee has a monthly income and is:
 - 1) Receiving Minnesota Supplemental Aid (MSA) and not residing in Nursing Home or Regional Treatment Center or
 - 2) Receives Housing Support (GRH) benefits or
 - 3) Receiving Medical Assistance (MA) Payments for Long-Term Care (LTC) Services,Provider shall deduct 5% of the ward/conservatee's gross monthly income for conservator/guardian fees up to a maximum of \$100.00 per month. This amount must then be deducted from the indicated County payment amount. If the amount obtained from income exceeds County payment amount, there will be no County payment to Provider.

6. Records

- a. Provider shall maintain such records and provide County with financial, statistical and service reports as County may require for accountability.
- b. Per MN Statute 16C.05, Subd. 5, all records pertaining to this Agreement must be maintained for six (6) years at 524 South Winnebago Street, Caledonia, MN 55921.
- c. Provider agrees to cooperate in evaluative and/or outcome efforts as required by County.

7. Independent Contractor

- a. Provider represents that it has, or will secure at its own expense, all personnel required in performing services under this Agreement. Any and all personnel of Provider or other persons, while engaged in the performance of any work or services required by Provider under this Agreement, shall have no contractual relationship with the county and shall not be considered employees of County, and any and all claims that may or might arise under the Unemployment Compensation Act or the Workers' Compensation Act of the State of Minnesota on behalf of said personnel arising out of employment or alleged employment including, without limitation, claims of discrimination against Provider, its officers, agents, contractors, or employees shall in no way be the responsibility of County; and Provider shall defend, indemnify, and hold County, its officers, agents, and employees harmless from any and all such claims irrespective of any determination of any pertinent tribunal, agency, board, commission, or court. Such personnel or other persons shall neither require nor be entitled to any compensation, rights, or benefits of any kind whatsoever from County, including without limitation, tenure rights, medical and hospital care, sick and vacation leave, Workers' Compensation, Unemployment Insurance, disability, severance pay and PERA.
- b. It is agreed that nothing contained in the Agreement, including the payment provisions as specified above for the full term or any portion or extension of the contract period, is intended or should be construed as creating the relationship of co-partners, joint venturers, or an association with County. And nor shall Provider, its employees, agents, and representatives be considered employees, agents and representatives of County.

8. Provider Standards and Licenses

- a. Upon initial implementation of an Agreement with the Provider, Provider shall furnish County a background resume to include the following: professional and personal credentials for guardianship/conservatorship, a minimum of three personal/professional references, professional associations and/or accreditation of such, a current Minnesota driver's license in good standing.
- b. Provider will comply with all background check and background reporting requirements specified by County and courts. Provider agrees to inform Houston County of any change in address and/or violations that may affect background check results within 5 days of the occurrence.
- c. Provider shall comply with all applicable Federal and State statutes and regulations, as well as local ordinances and rules now in effect or hereafter adopted including Minnesota Statutes 524.5 et al.
- d. Other provisions for cancellation of this Agreement notwithstanding, failure to meet the requirements listed in this section may be cause for cancellation of this Agreement effective as of receipt of notice of cancellation.

9. Safeguard of Client Information:

Provider agrees to comply will all data privacy rules as governed by the Minnesota Data Practices Act, Minnesota Chapter 13, and the requirements of the Health Insurance Portability and Accountability Act of 1996 and its implementing regulations (45 C.F.R. Part 160-164).

10. Indemnification:

- a. Provider does hereby agree that it will defend, indemnify, and hold harmless County, its elected officials, employees and agents against any and all liability, loss, damages, costs and expenses (including reasonable attorney's fees and costs of defense) which County may hereafter sustain, incur, or be required to pay:
- 1) By reason of any client and any client's personal caregiver suffering bodily or personal injury, death, or property loss or damage either while participating in or receiving services to be furnished under this Agreement, or while on premises owned, leased, or operated by the Provider, or while being transported to or from said premises in any vehicle owned, operated, leased, chartered, or otherwise contracted for by the Provider or any officer, agent, or employee thereof; or
 - 2) By reason of any client causing injury to, or damage to, the property of another person, during any time when the Provider or any officer, agent, or employee thereof has undertaken or is furnishing the services called for under this Agreement.
 - 3) Any actual or alleged violation of any applicable statute, ordinance, administrative order, rule or regulation, or decree of any court by Provider related to services furnished to client pursuant to this Agreement.
- b. This indemnity provision shall survive the termination or expiration of this Agreement. Nothing herein shall be construed to limit County from asserting against third parties any defenses or immunities (including common law, statutory and constitutional) it may have or be construed to create a basis for a claim or suit when none would otherwise exist.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, Houston County and Provider have executed this Agreement as of the day and year first written above.

VIRGIE RUD

BY: Virgie Rud

DATE 1-30-23

Virgie Rud

Approved as to Form and Execution:

BY: 


DATED: 1-30-23

Houston County Attorney

BY: _____

DATED: _____

Chairperson
Houston County Board of Commissioners

BY: 

DATED: 1/30/23

John Puleasa, Director
Houston County Human Services

Houston County's Conservatorship and Guardianship Service Definition

A guardian or conservator:

- Has only those powers necessary to provide for the demonstrated needs of the ward or protected person.
- Is responsible for protecting the rights of ward or protected person.
- Is the court-appointed decision maker for the ward or protected person.
- Should involve the ward or protected person (and other interdisciplinary team members if applicable) in the decision-making process but is ultimately responsible for making decisions that promote the health, safety and personal well-being of the ward or protected person.

Duties for Guardian/Conservators:

- Minimum of two (2) face-to-face visits with client per year, more frequent visits and communication by other means is encouraged.
- Sign consents and other necessary paperwork
- Complete financial applications as needed
- Complete any required correspondence
- Make court appearances on behalf of client as needed
- Attend Care Conference, annual meetings, ISP and IHP meetings on client's behalf
- Communicate with interdisciplinary team members regarding decisions made

Conservator:

- Pay monthly bills and service other financial responsibilities
- Establish and manage appropriate checking, savings and other accounts
- File annual accounting with the court(s).

Guardian:

- Coordinate general living support services
- Coordinate housing upkeep and repair if needed
- Ensure general living and health needs are adequately met
- File annual well-being report to court(s).

General:

- Remain current on trends and procedures of Conservatorship and Guardianship
- Submit monthly bills and contact notes to Houston County

Rates:

The reimbursement rate for all services is \$138.00 per month. This rate includes mileage. Any mileage reimbursement or travel time must be pre-approved by a County Case Manager. Mileage will be reimbursed at the current IRS mileage rate.

Service Arrangements:

Individual Service Arrangements will authorize the amount and frequency of service to be provided to each client. Provider cannot exceed the authorized amount of service to be

provided without having received prior approval from the involved County worker, or designee, to do so.

Billing:

- Time should be tracked and billed in 15-minute increments.
- Bills and associated contact notes should be submitted to a Human Services Case Manager on a monthly basis.
- While monthly billing is expected, if for some reason monthly billing is not possible, they must be submitted quarterly.
- Provider must meet "end of the year" budget deadlines to be paid for December.

Houston County Agenda Request Form

This form is not intended for the general public. It is intended for use by county department heads, representatives of other governmental units or vendors/agencies who contract with Houston County. Members of the public may address the Board during the Public Comment Period. (See Policy for Public Comment Period).

Date Submitted: 1-Feb-23

Person requesting appointment with County Board: Martin Herrick

Issue:

Houston County Hauler License Renewal for Generation X Construction for 2023.

Justification:

Action Requested:

Final Approval by the County Board. (Chairman Severson signs.)

For County Use Only

Reviewed by:

_____ County Auditor	_____ County Attorney	_____ Zoning Administrator
_____ Finance Director	_____ County Engineer	_____ Environmental Services
_____ IS Director	_____ Other (indicate dept)	

Recommendation:

Decision:

All agenda request forms must be submitted to the County Auditor by 4:00 p.m. on Monday in order to be considered for inclusion on the following week's agenda. The Board will review all reequests and determine if the request will be heard at a County Board meeting.

HOUSTON COUNTY COLLECTION AND TRANSPORTATION LICENSE

LICENSE NUMBER: HOU ~ 30 ~ 23 Expiration date: DECEMBER 31, 2023

ISSUED TO: Generation X Construction, LLC

This license must be posted in public view at the primary place of business of the license holder. A certified copy of this license must accompany any vehicle licensed to collect and transport wastes generated from within Houston County at ALL TIMES.

This license is not transferable as to person or place and is valid for operation only in accordance with the Laws of the State of Minnesota and the regulations and ordinances of the County of Houston.

This license is subject to suspension, revocation and/or substantial penalties for failure to comply in all regards with the provisions of the HOUSTON COUNTY SOLID WASTE MANAGEMENT ORDINANCE, the Minnesota Pollution Control Agency (MPCA) and is subject to suspension or revocation for failure of payment of fees incurred for disposition of wastes at the Xcel Energy Refuse Derived Fuel Processing Facility (RFD Facility), located in La Crosse County, Wisconsin, as directed by the HOUSTON COUNTY SOLID WASTE MANAGEMENT ORDINANCE.

This license obligates the licensee to submit to MPCA the tonnages transported from Houston County to the Excel Energy Incinerator and to the La Crosse County Landfill by February 1st. Report the actual tonnage of acceptable waste generated within Houston County and was delivered to the Facility during the previous calendar year.

Chairperson
Houston County Board of Commissioners

Houston County Agenda Request Form

Date Submitted: 1/31/2023

Person requesting appointment with County Board: John Pugleasa, Director Public Health & Human Services

Will you be doing a power point or video presentation: Yes X NO

Issue:

As related to recent discussions at the Joint Houston/Fillmore Community Health Board regarding concerns about recently legalized sale of Edible Cannabinoid Products and/or Hemp Derived THC food and Beverages, Houston County Public Health requests the Board conduct a Public Hearing to consider a moratorium on the sale of said products.

Attachments/Documentation for the Board's Review:

Electronic Copies of draft Notice of Public Hearing and Proposed Moratorium.

Justification:

Action Requested:

Review request and schedule Public Hearing.

For County Use Only			
Reviewed by:	<u> </u> County Auditor	<u> </u> County Attorney	<u> </u> Zoning/Environmental Service
	<u> </u> Finance Director	<u> </u> County Engineer	<u> </u> HR/Personnel
	<u> </u> IS Director	<u> </u> Other (indicate dept)	<u> </u>
<u>Recommendation:</u>			
<u>Decision:</u>			

All agenda request forms must be submitted to the County Auditor by 4:00 p.m. on Monday in order to be considered for inclusion on the following week's agenda. The Board will review all requests and schedule appointments as appropriate.

HOUSTON COUNTY MINNESOTA

NOTICE OF PUBLIC HEARING AND INTENT TO ADOPT THE INTERIM ORDINANCE AND MORATORIUM ON THE SALE OF EDIBLE CANNABINOID PRODUCTS AND/OR HEMP DERIVED THC FOOD & BEVERAGES

NOTICE IS HEREBY GIVEN; pursuant to the provisions of Minnesota Statutes 375.51 Subdivision 2, that the Houston County Board of Commissioners intends to adopt the "Interim Ordinance & Moratorium on the Sale of Edible Cannabinoid Products and/or Hemp Derived THC Food & Beverages". The proposed interim ordinance and moratorium will be considered at a meeting of the Houston County Board of Commissioners, in the Commissioners' Room at the Houston County Historic Courthouse, located at 304 South Marshall Street, Minnesota, on Tuesday, _____, 2023, at _____ p.m. The meeting will also be available for viewing via Zoom interactive video conference as follows:

MEETING ID:

PASSCODE:

- A. The purpose of the interim ordinance placing a moratorium is to allow Houston County (hereinafter "county") time to conduct a study to better understand the public health and safety issues associated with hemp derived edible cannabinoid products and/or hemp derived tetrahydrocannabinols (THC) food and beverage products. County will be able to study the issues related to the manufacture, sale, labeling, testing, licensing, and distribution of the hemp derived foods and beverages containing THC and/or edible cannabinoid products pursuant to Minn. Stat. Sec. 151.72. The moratorium will allow the County time to establish its authority to regulate said products.

Copies of the proposed "Interim Ordinance & Moratorium on the Sale of Edible Cannabinoid Products and/or Hemp Derived THC Food & Beverages" are available on the Houston County website at co.houston.mn.us and at the Houston County Public Health department, located at 611 Vista Drive, Caledonia, MN 55921, Caledonia, MN 55921.

Questions regarding this matter may be referred to John Pugleasa, Public Health Director, at (507)765-2175. All interested persons are invited to attend the Public Hearing in person. Those wishing to participate remotely may do so by contacting the County Administrator at (507)725-5810 or John.Pugleasa@co.Houston.mn.us. Written correspondence is encouraged and must be submitted to the Houston County Public Health department no later than 4:30 p.m. on Monday, _____, 2023. Written correspondence can also be emailed to John.Pugleasa@co.Houston.mn.us.

John Pugleasa
Director, Public Health

Houston County

Interim Ordinance Placing a Moratorium on the Sale of Edible Cannabinoid Products and/or Hemp Derived Tetrahydrocannabinols (THC) Food and Beverages within the County of Houston

The County Board of Houston County ordains as follows:

SECTION I: PURPOSE AND FINDINGS

WHEREAS, this ordinance is necessary for the immediate preservation of public peace, health, morals, safety, and welfare because of the inherent risk of injury to persons related to the recently legalized (See Minn. Stat. Sec. 151.72) sale of edible cannabinoid products containing Tetrahydrocannabinol (THC) and/or hemp derived THC food and beverage products. A prohibition on the establishment of new uses or the expansion of existing uses related to the sale of such hemp derived edible cannabinoid products is necessary to ensure that the County of Houston (the "County") has sufficient time to study and implement appropriate local regulations that will protect the health and safety of the residents of Houston County. Due to the recent legislative changes to Minnesota Statute Section 151.72 that are already effective, there has not been sufficient time to engage in policy discussions regarding possible regulations or complete the ordinary process for the introduction and adoption of a County ordinance which will address the numerous concerns associated with the sale of edible cannabinoid products containing Tetrahydrocannabinol (THC) and/or hemp derived THC food and beverage products; and

WHEREAS, the County recognizes that there is significant uncertainty and public interest regarding the effect of Minnesota Statute Section 151.72, and which now makes it legal to sell certain edibles and beverages infused with tetrahydrocannabinol (THC), the cannabis ingredient extracted from hemp; and

WHEREAS, the purpose of this interim ordinance placing a moratorium on the sale of hemp derived THC food and beverages is to allow the county time to study the issue and consider licensing and rules, sales management controls for the sale of hemp derived THC food and beverages. This would include behind the sales counter controls and other regulations similar to tobacco sales and products and which include checking identifications (IDs), enforcement, labeling requirements, compliance checks, license fees, and other regulatory oversight; and

WHEREAS, based on reliable and scientific evidence, the County Board finds that the rapid introduction of newly-legalized edible THC food and beverage products ("edibles"), presents a significant potential threat to the public health, safety, and welfare of the residents of Houston County, and particularly to youth of Houston County; and

WHEREAS, the term THC includes all forms of tetrahydrocannabinols and includes Delta 8, Delta 9, and Delta 10 THC; and

WHEREAS, Houston County has the opportunity to be proactive and make decisions that will mitigate these threats and reduce exposure of young people to the hemp derived tetrahydrocannabinols (THC) food and beverages and to the marketing of said edible cannabinoid products containing Tetrahydrocannabinol (THC); and

WHEREAS, under Minnesota state law, counties are the local public health authority and have chief local jurisdiction over matters concerning safety and security of their citizens. The July 2022 legalization of hemp derived edible cannabinoid products and/or hemp derived tetrahydrocannabinols (THC) food and beverages pursuant to Minn. Stat. Sec. 151.72 introduces a new threat to the public without clearly establishing Houston County's ability to respond. There is little or no regulatory structure to track manufacturing, labeling, sales, jurisdiction, and criminalization of hemp derived edible cannabinoid products and/or hemp derived tetrahydrocannabinols (THC) food and beverages; and

WHEREAS, the Minnesota Board of Pharmacy has filed a civil lawsuit against a Minnesota manufacturer and retailer of edible Cannabis products. Under Minn. Stat. Sec. 151.72 which provides that an edible cannabinoid product sold in Minnesota must not contain more than five milligrams of any hemp derived tetrahydrocannabinol (THC) in a single serving or more than a total of 50 milligrams per package. The lawsuit alleges the retailer sold edible cannabinoid products that contain THC far in excess of five milligrams per serving and far in excess of 50 milligrams per package. Investigators allegedly found packages containing 2,500 milligrams of THC. This is 50 times the amount permitted under Minnesota law.

In addition, Minn. Stat. Sec. 151.72 states that edible cannabinoid products must not resemble or contain cartoon-like characteristics of a real or fictional person, animal, or fruit that appeals to children and must not be modeled after brands primarily consumed by or marketed to children. Investigators allegedly found products resembling characteristics of a fictional bear, as well as products that are modeled after common gummy bear candies that are primarily consumed by and marketed to children, including packages of gummy bears that contained 50 times the amount of THC permitted under Minnesota law. (See *Minnesota Board of Pharmacy vs. Northland Vapor Moorhead, LLC; Northland Vapor Bemidji; and Wonky Confections, LLC* filed in Clay County, Minnesota)

WHEREAS, the proposed moratorium would enable Houston County to actively study Minn. Stat. Sec. 151.72 and to better understand and support the safe implementation of edible cannabinoid products containing Tetrahydrocannabinol (THC) and hemp derived edibles and beverage products containing THC. Said moratorium would allow Houston County time to establish its authority over the hemp derived tetrahydrocannabinols (THC) food and beverage products, properly regulate said products, and protect public health and safety.

WHEREAS, the multitude of public health and safety concerns related to the manufacture and sale of hemp derived tetrahydrocannabinols (THC) food and beverages require consideration by health officials and policy makers before Houston County can ensure the public safety is preserved.

SECTION II: AUTHORITY AND JURISDICTION

- A. This Ordinance is enacted pursuant to Minnesota Statutes Chapters 145A which allows counties to adopt ordinances which regulate actual and potential threats to the public health.
- B. Pursuant to Minn. Stat. § 145A.05, Subd. 1, this ordinance shall apply throughout all of Houston County including all municipalities and unincorporated areas therein. Nothing in this Ordinance shall prevent other local levels of government within Houston County from adopting more stringent measures.
- C. This ordinance is also enacted pursuant to the authority in Minnesota Statute Section 394.34 which provides that if a county is conducting, or in good faith intends to conduct studies within a reasonable time for the purpose of considering or adopting an official control or an amendment, extension, addition to an official control, the board, in order to protect the public health, safety, and general welfare, may adopt an emergency measure, a temporary interim zoning ordinance. The purpose of the interim ordinance is to provide the county with the opportunity to study its comprehensive plan and official controls so that it can, in a meaningful way, consider potential amendments to its ordinances. An interim ordinance may regulate, restrict, or prohibit any use within the County for a period not to exceed one year from the effective date of the interim ordinance. Many jurisdictions have adopted interim ordinances to study the impacts of certain uses and determine whether regulations are appropriate for the purpose of protecting the public safety, health, and welfare of their citizens.

SECTION III: DURATION AND EFFECTIVE DATE

- A. This is an emergency interim ordinance which shall become effective immediately upon its approval by the Board. No prosecution based on the provisions of this Ordinance shall occur until the Ordinance has been filed with the County Auditor/Treasurer, unless the person charged with violation had actual notice of the passage of the Ordinance prior to the act or omission complained of.
- B. This interim ordinance shall be in effect for a period of twelve (12) months from the date of adoption or until the earlier of one of the following events: (a) one year from the effective date of this Ordinance or (b) the date upon which the County Board repeals this Ordinance.
- C. In the absence of state licensing, cities that establish licensing and rules, sales management controls, checking identification s (ID's), enforcement, compliance checks, license fees and address other regulatory issues may, by resolution of the city council, be exempt from this moratorium.

SECTION IV: STUDY BY THE COUNTY

- A. The County Board hereby authorizes and directs County staff to conduct a study to better understand the public health and safety issues associated with hemp derived edible cannabinoid products and/or hemp derived tetrahydrocannabinols (THC) food and beverages. County staff shall also study the issues related to the manufacture, sale, labeling, testing, licensing, and distribution of the hemp derived foods and beverages containing THC and/or edible cannabinoid products pursuant to Minn. Stat. Sec. 151.72. The moratorium will allow the County time to establish its authority to regulate said products.

SECTION V: MORATORIUM

In accordance with the findings set forth above, a moratorium is hereby established and imposed as follows:

- A. No business, person or entity may establish a use or expand an existing use authorized by Minnesota Statute Section 151.72. This prohibition includes and involves the sale, testing, manufacturing, or distribution of edible cannabinoid products or hemp derived food and beverage products which contain THC under Minn. Stat. Sec. 151.72. The moratorium shall continue for a period of up to twelve (12) months from the effective date of this Ordinance or until the Board repeals this Ordinance, whichever occurs first.
- B. During the term of this Ordinance and resulting moratorium, County staff will not issue any license or permit, nor will it accept or process any applications for uses related to the sale, testing, manufacturing, or distribution of hemp derived cannabinoids, edible cannabinoid products or related THC food and beverage products under Minn. Stat. Sec. 151.72.
- C. The moratorium established by this Ordinance **does not apply** to the sale, testing, manufacturing, or distribution of products that were lawful prior to enactment of Minn. Stat. Sec. 151.72 relating to THC Products. The moratorium established by this ordinance **applies** to the sale, testing, manufacturing, or distribution of products authorized by Minn. Stat. Sec. 151.72.

SECTION VI: ENFORCEMENT

In addition to any criminal penalties allowed by law, the County may enforce this Interim Ordinance and the resulting moratorium by injunction or any other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also considered a violation of the Houston County Zoning Ordinance and shall be subject to County enforcement pursuant to the provisions of said Houston County Zoning Ordinance.

SECTION VII: SEVERABILITY

Every section, subsection, provision, or part of this Ordinance is declared severable from every

other section, subsection, provision, or part. If any section, subsection, provision, or part of this interim ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, subsection, provision, or part.

NOW THEREFORE, this interim ordinance, placing a moratorium on the sale of hemp derived edible cannabinoid products , and/or hemp derived THC food and beverage products and which allows the county time to study the public health and safety concerns, licensing, rules, labeling requirements, sales controls, methods for checking identifications (ID's), compliance checks, overall enforcement, and other regulatory issues is hereby adopted by the Houston County Board of Commissioners and effective this _____ day of _____, 2023.

HOUSTON COUNTY

By _____
Dewey Severson, Chair
Houston County Board of Commissioners

Date: _____

Attested to by:

Donna Trehus
Houston County Auditor/Treasurer

Date: _____

**HOUSTON COUNTY
AGENDA REQUEST FORM
February 7, 2023**

Date Submitted: 2/3/2023

By: Carol Lapham, Finance Director

CONSENT AGENDA REQUEST

APPOINTMENT REQUEST

ACTION REQUEST

Approve Merchants Bank Credit Cards due to bank change.

<u>Reviewed by:</u>	<input type="checkbox"/> HR Director	<input type="checkbox"/> Sheriff	
	<input checked="" type="checkbox"/> Finance Director	<input type="checkbox"/> Engineer	
	<input type="checkbox"/> IS Director	<input type="checkbox"/> PHHS	
	<input type="checkbox"/> County Attorney	<input type="checkbox"/> (indicate other dept)	
	<input type="checkbox"/> Environmental Svcs		
<u>Recommendation:</u>			
<u>Decision:</u>			

<u>Company</u>	<u>Name</u>	<u>Type</u>	<u>Credit Limit</u>
HOUSTON COUNTY	BRIAN POGODZINSKI	Individual	3000
HOUSTON COUNTY	BRIAN SWEDBERG	Individual	3000
HOUSTON COUNTY	CAROL LAPHAM	Individual	10000
HOUSTON COUNTY	DEAN OTT	Individual	5000
HOUSTON COUNTY	DEWAYNE SEVERSON	Individual	3000
HOUSTON COUNTY	DONNA TREHUS	Individual	3000
HOUSTON COUNTY	ENVIRONMENTAL SERVICES	Individual	3000
HOUSTON COUNTY	ERIC JOHNSON	Individual	3000
HOUSTON COUNTY	GREG MYHRE	Individual	3000
HOUSTON COUNTY	HOUSTON COUNTY	Corporate	250000
HOUSTON COUNTY	HUMAN SERVICES	Individual	3000
HOUSTON COUNTY	IT DEPARTMENT	Individual	5000
HOUSTON COUNTY	JOHN PUGLEASA	Individual	3000
HOUSTON COUNTY	LUCAS ONSTAD	Individual	3000
HOUSTON COUNTY	MAINTENANCE DEPT	Individual	3000
HOUSTON COUNTY	MARK OLSON	Individual	3000
HOUSTON COUNTY	MARTIN HERRICK	Individual	3000
HOUSTON COUNTY	MARY BETZ	Individual	3000
HOUSTON COUNTY	PUBLIC HEALTH	Individual	3000
HOUSTON COUNTY	ROBERT SCHULDT	Individual	3000
HOUSTON COUNTY	ROBERT THOEN	Individual	3000
HOUSTON COUNTY	SAMUEL JANDT	Individual	3000
HOUSTON COUNTY	SHEILA SCHROEDER	Individual	3000
HOUSTON COUNTY	SHERIFF'S OFFICE	Individual	5000
HOUSTON COUNTY	SURVEYORS OFFICE	Individual	3000
HOUSTON COUNTY	THERESSA ARRICK-KRUGER	Individual	3000
HOUSTON COUNTY	WILLIAM HARGROVE	Individual	3000

Houston County Agenda Request Form

Date Submitted: January 25, 2023 Board Date: February 7, 2023

Person requesting appointment with County Board: Brian Pogodzinski

Issue:

Approval requested to attend the AASHTO Annual Meeting in Indianapolis, Indiana from November 12-16, 2023 instead of the previously approved AASHTO Resource Technical Exchange in Fort Worth, Texas. The conference, hotel, and transportation will be paid for by MnDot State Aid.

Attachments/Documentation for the Board's Review:

Justification:

MnDOT State Aid and MCEA recommends the MCEA President attends the conference each year.

Action Requested:

Approval to attend.

For County Use Only

Reviewed by:

_____ County Auditor	_____ County Attorney	_____ Zoning Administrator
_____ Finance Director	_____ County Engineer	_____ Environmental Services
_____ IS Director	_____ Other (indicate dept)	_____

Recommendation:

Decision:

All agenda request forms must be submitted to the County Auditor by 4:00 p.m. on Monday in order to be considered for inclusion on the following week's agenda. The Board will review all requests and determine if the request will be heard at a County Board meeting.



Date: February 2, 2023

To: Houston County Commissioners & Staff

From: Allison Wagner, Houston County EDA

RE: 2022 EDA Annual Report

Background: Present the Houston County EDA's 2022 Annual Report. (See attached.)

Action Required: None. For informational purposes only.



2022 ANNUAL REPORT

HOUSTON COUNTY ECONOMIC DEVELOPMENT AUTHORITY

Introduction

The Houston County EDA welcomed 2022 by finishing pandemic relief related projects and returning to pre-pandemic projects. (The EDA disbursed a total of \$1,554,761 in grant funds to eligible businesses during the pandemic). Continued initiatives included: helping farmers and the expansion of the Bluff Country Collaborative program, which has grown into a strong partnership with area schools including all Houston County School Districts, many area businesses, and several organizational partners. New 2022 projects included opening Houston County's only co-working space, working on expanding the Root River Bike/Pedestrian trail, and creating a core team to address childcare needs throughout the County. The Houston County EDA was involved with authoring seven grants that were awarded in Houston County in 2022. These accomplishments, in addition to the day-to-day work of connecting with businesses and providing assistance to entrepreneurs, have set Houston County up to become a recognized leader in rural development. Thank you for your support and participation in 2022!

2022 Highlights

Business Development

Administered two EDA loans totaling \$52,500 to Houston County Businesses

- Administered a \$37,500 loan to Elsie and Lee Babler and Tamiko Hubka-Steele, owners of 111 E. Grove Street in Caledonia, MN
 - Total project cost: \$247,500
 - Funds were used to rehab the building for three businesses: Tamiko's Hair Salon and Boutique, a vintage antique store, and vacation air bnb rental apartments
 - The project retained several Houston County jobs with the prospect of growing and hiring additional staff in the future
- Administered a \$15,000 loan to The Butcher Shoppe LLC to open a meat and deli business in Hokah, MN
 - Total project cost: \$60,000
 - Funds were used to purchase equipment
 - The project created Houston County jobs with the prospect of growing and hiring additional staff in the future

Revolving Loan Fund Summary (as of Dec. 31, 2021):

Total Number of Active Loans:	13
Year End 2022 Cash on Hand Available to Lend:	\$529,773.77
Year End 2021 Cash on Hand Available to Lend:	\$546,744.13
Outstanding Principal 2022:	\$207,315.63
Outstanding Principal 2021:	\$257,265.87

Loan Investments in 2021

Total Loan Investments:	\$52,500
Total Dollars Leveraged:	\$307,500

Bluff Country Collaborative

- Continued work on the Bluff Country Collaborative (BCC), a partnership among Houston County EDA, Fillmore County EDA, area schools including all Houston County School Districts, over 100 businesses, Workforce Development Inc., Perkins Consortium, and SE Service Cooperative. This partnership aims to create work-based learning opportunities for local students. The effort looks to place students with local business experiential learning activities, creating valuable job experience, exposing them to career opportunities, and developing workforce pipelines for participating businesses.
- Held a Career and Technical Education (CTE) Career Fair in Caledonia. 550 students and 24 businesses attended the event!
- Continued ambassador/mentorship program for students. The goal of the program is to increase participation in Career and Technical Education (CTE) programs by giving students an opportunity to see themselves in a CTE profession by connecting with a mentor – especially students from historically marginalized groups.
- With the help of BCC youth workforce career navigator, MaryAnne Smith, set up student internships, had business speakers in classrooms, and conducted student interviews.
- 170 students from Houston and Fillmore County participated in BCC job shadows in 2023.
- Held BCC Career Fair at La Crescent Area Event Center with over 30 area businesses.
- Raised funds and received grant funding to continue the Bluff Country Collaborative in 2023.



Keep Company Co-Working Space

- Opened Keep Company Co-Working Space, Houston County's only co-working space, a shared space with professional resources for local businesses. Received two grants for the space. One grant was from the Southern Minnesota Initiative Foundation (SMIF).



Oftentimes it can be hard for start-ups and small business owners to afford working space and justify expenses on technical support. Additionally, many small businesses have a limited need for full-time offices but would instead benefit from a common space in which to meet existing and prospective clients.

- This project is a partnership between Houston County EDA, The City of La Crescent, and La Crescent Chamber. It was supported by all Houston County Chambers and businesses in each of Houston County's Communities. Matching funds were received for the project

from Merchant's Bank, Home Federal Bank, ESB Bank, Community and Economic Development Associates (CEDA), and AcenTek.

- The project began when the La Crescent Chamber had an opportunity to expand its current space and offered to create a co-working space for entrepreneurs on weekdays during their regularly scheduled hours in part of their Chamber space.
- The project aims to add value to the space by offering technical support to businesses within the space. Professionals offering services out of the space are paid with grant funding. The new space will continue to be open in 2023!

Childcare Project

- Secured a First Children's Finance Childcare grant valued at \$42,000.
- Established a core team of professionals, parents, educators, government officials, and community members to help address childcare needs in our Houston County communities.
- Planned a childcare appreciation event and town hall childcare event that will be held in early 2023.



Farming Initiative

- Continued work on a Houston County farming initiative to help farmers try new things both on and off the farm. The EDA's goal is to get to know farmers, develop plans based on their individual interests and needs, and help them adapt so that they can be successful.
- Continued partnership with Workforce Development Inc. and U of M Extension.
- Partnered with U of M Extension to hold Ag Horizons Workshop.

Root River Trail Expansion

- Inspired in part by the opening of the Wagon Wheel Trail Bridge in La Crescent, MN a Memorandum of Agreement to Jointly Cooperate was entered into between the County of Houston, City of La Crescent, City of Houston, and City of Hokah to support the planning and development of a trail system between the member entity communities for public use as a recreational trail.
- Each community in the MOA appointed two citizens to serve on a citizen's committee.
- MnDOT Active Transportation Program Corridor Plan Grant was awarded to the City of La Crescent.
- The Houston County EDA is currently helping seek grant funding for the project.

Houston Area Preservation Initiative

- Worked with Houston Area group to develop the Houston Area Preservation Initiative (HAPI)
- HAPI is officially a 501c3 organization whose purpose is to preserve historic property for use as community arts, culture, history, and educational areas for residents and visitors alike.
- Currently restoring and renovating 301 Maple Street in Houston, MN once the home of N. H. Forsyth one of the oldest homes in the City of Houston.
- Authored and was awarded a State Historic Legacy Grant the first step in getting on the Historic Registry.

2023 GOALS

- Strengthen partnerships with Houston County schools and continue Bluff Country Collaborative initiative
- Continue to work with farmers on farming initiative
- Continue to look for grant opportunities for Houston County
- Continue working with various local and regional organizations, and various County departments
- Keep growing public awareness of the Houston County EDA
 - Convene with municipal EDAs
- Implement strategic marketing practices for Houston County and its communities
 - Provide support to local businesses and entrepreneurs
 - Carry out business retention visits and tours
 - Continue to offer business coaching
 - Host free technical assistance trainings and business workshops