

REDWOOD COUNTY, MINNESOTA

August 6, 2019

The Board of County Commissioners met in regular session at 8:00 a.m. in the Commissioners' Room in the Government Center, Redwood Falls, Minnesota.

Present for all or portions of the meeting were Commissioners Lon Walling, Bob Van Hee, Jim Salfer, Dave Forkrud and Denny Groebner. Also present were Administrator Vicki Knobloch; County Attorney Jenna Peterson; Environmental Director Scott Wold; Auditor/Treasurer Jean Price; Highway Engineer Keith Berndt; Planning and Zoning Supervisor Nick Brozek; Technology Coordinator Paul Parsons; Emergency Management Jim Sandgren; Child Advocacy Coordinator Sarah Reynolds; MnDOT AICP Senior Planner Megan DeSchepper; Lower Sioux Representative Deb Durlam; Kyle and Michelle Hentges; Alan Hentges; Emily Wegener; Moore Engineering Rich Slagle; Adam Kronback; Baker Tilly Representatives Terri Heaton and Doug Green.

Chair Salfer called the Meeting to order asking for the Pledge of Allegiance to the Flag.

Deb Durlam was present for Open Forum representing the Lower Sioux Community regarding CUP #12-19, animal confinement feedlot, with environmental concerns.

Emily Wegener was present for Open Forum representing the Hentges, CUP #12-19, regarding the animal confinement feedlot and environmental concerns.

Kyle Hentges was present regarding CUP #12, animal confinement feedlot, and addressed concerns voiced by the Lower Sioux Community.

On motion by Walling, second by Van Hee, the Board voted unanimously to approve the August 6<sup>th</sup> agenda.

Chair Salfer asked the Board members to identify any areas for which they had a Conflict of Interest. Groebner identified a conflict in the Road and Bridge bills.

**CONSENT AGENDA**

- On motion by Forkrud, second by Van Hee, the Board voted unanimously to approve the following:
  - July 16, 2019 Board minutes and amended April 16, 2019 minutes.
  - Payment of bills as follows:

General Fund	\$ 14,469.91
Ditch Maintenance Fund	\$ 1,144.01
Solid Waste Fund	\$ 73.20
Insurance Fund	\$ 318.06
Building Fund	\$ 2,328.41
Soil and Water Fund	\$ 1,217.79
Road and Bridge Fund	\$ 218.27

- Bills exceeding \$2,000: ACE of SW MN \$7,447.00; Indeed \$2,500.00; MN State Auditor \$23,705.75; Counties Providing Technology \$10,277.00; \$3,670.00; G & R Controls \$7,354.25; Heartland Paper Company \$13,626.58; Renville County \$15,511.97; Fleet Services Division \$4,872.49; Galls \$3,155.76; American

Engineering Testing \$8,210.00; Baier Construction \$2,157.60; Blomeke Construction \$9,263.56; Kerkhoff Brothers \$4,435.00; Northland Erosion Control \$3,875.00; Estebo, Frank, Munshower \$2,767.75; Holmberg LTD \$3,200.00.

- Per Diem for Commissioner Walling to attend informational meeting at Walnut Grove and mileage to inspect County Roads in District 1.

#### **AUDITOR/TREASURER**

- On motion by Walling, second by Groebner, the Board voted unanimously to acknowledge the Confession of Judgment for Parcel #94-720-1160, Xoua Kue.
- Price presented the Tax Forfeited List by District to the Board of Commissioners.
- On motion by Walling, second by Forkrud, in a roll-call vote with Walling, Salfer, Groebner, Van Hee and Forkrud all voting aye, the Board adopted the following resolution:

**WHEREAS**, the County Board of Commissioners of the County of Redwood, State of Minnesota elects to use the procedures requiring municipal approval for the classification and reclassification provided in Minnesota Statutes 282.01 Subd. 1 paragraphs (g), (h), and (i) instead of the procedures provided in paragraphs (b), (c), and (d) pertaining to certain parcels of land that have forfeited to the State of Minnesota for non-payment of taxes;

**BE IT FURTHER RESOLVED**, this election will remain effective for a minimum of five years.

- On motion by Forkrud, second by Groebner, in a roll-call vote with Walling, Salfer, Groebner, Van Hee and Forkrud all voting aye, the Board adopted the following Resolution:

**WHEREAS**, the County Board of Commissioners of the County of Redwood, State of Minnesota desires to offer for sale certain parcels of land that have forfeited to the State of Minnesota for non-payment of taxes, and

**WHEREAS**, said parcels of land have been viewed by the County Board of Commissioners and have been classified as non-conservation lands as provided for in Minnesota Statutes 282.01.

**NOW, THEREFORE, BE IT RESOLVED**, that the Redwood County Board of Commissioners hereby certifies that all parcels of land have been viewed and comply with the provisions of Minnesota Statutes 85.012, 92.461, 282.01 subd. 8, 282.018 and the 1991 Laws of Minnesota Ch. 354, Art. 10, Sec. 9, amending M.S. Sec. 282.018, subd. 2 (1990). The County Board of Commissioners hereby certifies that either the County Land Commissioner or the Soil and Water Conservation Board of the district in where the land is located has reviewed the attached land sale list and identified any and all non-forested marginal and wetland.

**BE IT FURTHER RESOLVED**, that the Redwood County Board of Commissioners hereby request approval from the Minnesota Department of Natural Resources for the sale of said lands.

- On motion by Groebner, second by Forkrud, the Board voted unanimously to authorize Board Signatures for municipal approval certificates for tax forfeited properties.
- On motion by Walling, second by Van Hee, the Board voted unanimously to approve the 2018 Audit presented by Price.

#### **COUNTY DITCH AUTHORITY**

- At 8:42 a.m., the Board entered into County Ditch Authority. Present were Commissioners Walling, Forkrud, Groebner, Salfer and Van Hee; Administrator Knobloch, Environmental Director Scott Wold and Auditor-Treasurer Jean Price.
- Price presented the Findings and Order for County Ditch #70.
- On motion by Salfer, second by Forkrud, in a roll-call vote with Groebner, Forkrud, Walling, Van Hee and Salfer all voting aye, the Board approved the Findings and Order for County Ditch #70 to abate \$13.15 in interest charged to the State of Minnesota – DNR on the 2019 tax statement for parcel #51-017-3020 and to revise the redetermination assessment bill for the remaining principal amount of \$219.14 and request the bill be paid immediately. Future drainage assessments for the State of Minnesota – DNR will be required to be paid in full without the option of amortization of the principal.
- Wold presented the Findings and Order for the Redetermination of County Ditch #24.
- On motion by Salfer, second by Forkrud, in a roll-call vote with Groebner, Forkrud, Walling, Van Hee and Salfer all voting aye, the Board approved the Findings and Order to abandon a portion of Branch 39B of Branch 39 of County Ditch #24 pursuant to Minnesota Statute § 103E.806.
- On motion by Groebner, second by Salfer, the Board voted unanimously to set a hearing date of September 17, 2019 at 8:35 a.m. for the 2020 Ditch Levies.
- There being no further business, Chair Walling declared the Ditch Authority meeting adjourned at 8:50 a.m.

#### **RECONVENE**

- The Board reconvened into regular session at 8:50 a.m.

#### **ENVIRONMENTAL**

- On motion by Forkrud, second by Groebner, the Board voted unanimously to declare two wood structure bathrooms at Plum Creek Park as excess property and they will either be torn down or burned by the local fire department.
- On motion by Walling, second by Groebner, the Board voted unanimously to purchase new vault toilets at Plum Creek Park from Boom Concrete in the amount of \$58,945.50.

All Bids Received:

Bidder	Amount
Boom Concrete	\$58,945.50
Huffcut Wood Duck	\$63,600.00

- On motion by, second by, the Board voted unanimously to purchase (6) camper cabins for Plum Creek Park from Trent Baker Construction in the amount of \$15,750 each.

## All Bids Received:

Bidder	Amount
Trent Baker Construction	\$15,750 each Fully Completed
Swede's Portable Buildings	\$16,150 each (exterior only)

**ROAD AND BRIDGE**

- On motion by Van Hee, second by Forkrud, and excluding the bill from Turbes Ag in the amount of \$35.00, the Board voted unanimously to pay bills in the amount of \$219,027.69.
- On motion by Walling, second by Van Hee, with Groebner abstaining due to a conflict of interest, the Board voted to approve the bill to Turbes Ag in the amount of \$35.00.
  - Bills exceeding \$2,000.00: Bolten and Menk \$55,083.00; Duininck Inc. \$34,269.48; Farmward Cooperative \$3,899.07; Flint Hills Resources \$2,083.30; G & R Controls \$6,098.66; L & S Construction \$9,638.44; Marshall NW Pipe Fittings \$2,874.60; Meadowland Farmers Coop \$33,632.76; Minnesota Paving & Materials \$3,765.20; North Central International \$9,066.05; Reedsburg Hardware \$2,181.56; Weelborg Ford \$4,086.44; Ziegler Inc. \$31,833.58.
- On motion by Forkrud, second by Groebner, the Board voted unanimously to set the Letting Date of September 11, 2019 at 10:00 a.m. for SAP 064-715-006, CSAH 115 Overlay.
- On motion by Van Hee, second by Salfer, the Board voted unanimously to purchase three 2019 Chevrolet pickups from Marthaler Chevrolet in the amount of \$34,909.00 for one pickup and two in the amount of \$31,374.00/each. The Minnesota Cooperative Purchase Agreement does not include any Chevrolet or GMC contract. Kohls Weelborg could not submit bids for 2019 pickups.
- On motion by Van Hee, second by Forkrud, the Board voted unanimously to purchase a RGM Road Groom in the amount of \$22,092.00 from RGM Road Groom Mfg.
- On motion by Groebner, second by Walling, the Board voted unanimously to award the 2019-2020 Propane from Farmward Cooperative at \$1.03/gallon.

## All Bids Received

Company	Amount
Farmward Cooperative	\$1.03/gallon
Meadowland Cooperative	\$1.04/gallon

- On motion by Walling, second by Van Hee, the Board voted unanimously to award SAP 064-598-026, County Road 78 Bridge Replacement to Landwehr Construction in the amount of \$734,743.40.

## All Bids Received:

Company	Amount
Landwehr Construction	\$734,743.40
R & G Construction	\$795,844.98
Midwest Contracting, LLC	\$907,847.00

- The Board tabled the award of SAP 064-701-019 and 065-601-013, CSAH 101 Bridge Replacement Project to 8-20-19 due to bids being over budget. Berndt to work with Renville County and MnDOT for solutions.
- On motion by Walling, second by Forkrud, the Board voted unanimously to award SAP 064-605-032, CSAH 5 Overlay to Duininck in the amount of \$653,133.80.

All Bids Received:

Bidder	Amount
Duininck, Inc.	\$653,133.80
Central Specialties, Inc.	\$713,977.92

**COUNTY ATTORNEY**

- On motion by Groebner, second by Van Hee, the Board voted unanimously to approve the Law Library Lease Agreement with the City of Redwood Falls in the amount of \$1,200.00 per year.

**PLANNING AND ZONING**

- An application for a Conditional Use Permit #13-19 for the expansion of an animal confinement feedlot filed by Adam Kronback on the following described real property, situated in the County of Redwood, State of Minnesota, to wit: NE ¼, Twp.109, Section 8, Range 37, Lamberton Township. On motion by Forkrud, second by Van Hee, the Board voted unanimously to approve CUP #13-19 with (12) conditions as set forth by the Planning Commission.
- An application for a Conditional Use Permit #14-19 to operate a custom meat processing business filed by David Dauer on the following described real property, situated in the County of Redwood, State of Minnesota, to wit: SW Corner of the SW 1/4; Twp. 111; Section 25; Range 35, Three Lakes Township. On motion by Van Hee, second by Groebner, the Board voted unanimously to approve CUP #14-19 with (10) conditions as set forth by the Planning Commission.
- An application for a Conditional Use Permit #12-19 for the construction of a head swine feedlot filed by Kyle Hentges on the following described real property, situated in the County of Redwood, State of Minnesota, to wit: SE ¼ of the NE 1/4, Section 18, Twp. 112, Range 34, Sherman Township. On motion by Walling, second by Forkrud, the Board voted unanimously to approve CUP #12-19 with (16) conditions which includes an amendment to Condition #9 as set forth by the Planning Commission.

**TECHNOLOGY**

- On motion by Forkrud, second by Van Hee, the Board voted unanimously to adopt the Redwood County Security and Acceptable Use Policy.

**EMERGENCY MANAGEMENT**

- On motion by Groebner, second by Van Hee, in a roll-call vote with Walling, Groebner, Salfer, Forkrud and Van Hee all voting aye, the Board adopted the following resolution:

**RESOLUTION DECLARING A STATE OF EMERGENCY**

WHEREAS, the Flooding impacted the population of Redwood County and its cities; and

WHEREAS, the Flooding event has caused a significant amount of public property damage; and

WHEREAS, the Redwood County Department of Emergency Management requests the Redwood County Board of Commissioners to declare Redwood County in a STATE OF EMERGENCY for the flooding event of 2019;

NOW, THEREFORE, BE IT RESOLVED, that the Redwood County Board of Commissioners declares Redwood County in a State of Emergency for conditions resulting from the flooding event of July 1, 2019.

**CHILD ADVOCACY CENTER**

- On motion by Walling, second by Groebner, in a roll-call vote with Walling, Groebner, Forkrud, Van Hee and Salfer all voting aye, the Board adopted the following resolution:

**RESOLUTION ACCEPTING DONATION FROM  
WILLMAR YOUTH PROGRAM**

**WHEREAS**, THE WILLMAR YOUTH PROGRAM, wishes to donate 10 bags of basic needs items to The Redwood County Child Advocacy Center; and

**WHEREAS**, the Child Advocacy Center will utilize the donation of the bags for the purpose of basic support needs of victims of crimes entering into foster care; and

**WHEREAS**, the Board of Commissioners appreciates the generosity of the Willmar Youth Program in supporting the Redwood County Child Advocacy Center;

**NOW THEREFORE BE IT RESOLVED**, that the Board of Commissioners hereby approves the acceptance of basic needs bags to the Redwood County Child Advocacy Center, on behalf of the County.

**SPRINGSTED/BAKERTILLY**

- Heaton and Green presented an overview of the issuance of bonds to fund the Courthouse Security Project.

**MnDOT**

- DeSchepper presented a list of the highway improvement projects to be completed through year 2029 in the District 8 area which includes Redwood County.

**ADMINISTRATION**

- On motion by Forkrud, second by Groebner, the Board voted unanimously to award the rental of a 9 acre parcel of farmland to Thomas Morley in the amount of \$152.50/acre. A lease agreement will be drafted by the County Attorney and brought to the 8-20-19 board meeting for approval.
- On motion by Van Hee, second by Groebner, the Board voted unanimously to award the sale of a storage shed to Ken Behrendt in the amount of \$252.00.
- On motion by Groebner, second by Forkrud, the Board voted unanimously to adopt the Data Practices Policy.
- On motion by Forkrud, second by Groebner, in a 4-1 vote with Walling voting nay, the Board voted to retain the 109 acre parcel of farmland.
- On motion by Walling, second by Van Hee, in a 3-2 vote with Groebner and Forkrud voting nay, the Board voted to approve the Memorandum of Understanding with the University of Minnesota, Extension for the after school Program Coordinator.
- On motion by Forkrud, second by Groebner, the Board voted unanimously to approve the State of Minnesota Department of Veterans Affairs Cooperative Agreement.
- The Board tabled the CGI-Contegrity Construction Manager Agreement to the 8-20-19 board meeting pending County Attorney reviewing contract with CGI-Contegrity.
- The Board directed Environmental Director Wold to draft letter to Lessard-Sams Outdoor Heritage Council regarding a notice of conservation project proposals in Redwood County.

*Personnel*

- On motion by Walling, second by Van Hee, the Board voted unanimously to acknowledge the resignation of Jessica Tressler as Full-time Dispatcher in the Sheriff's Office effective 8-8-19.
- On motion by Groebner, second by Forkrud, the Board voted unanimously to acknowledge the resignation of Keith Berndt as Full-time County Engineer for the County Highway Department effective 8-16-19.
- On motion by Walling, second by Salfer, the Board voted unanimously to acknowledge the termination of Lynn Standfuss from Part-time Dispatcher in the Sheriff's Office effective 7-15-19.
- On motion by Forkrud, second by Walling, the Board voted unanimously to hire Joseph VanDeBerg as Full-time Custodian in the Maintenance Department effective 8-12-19 on the 2019 AFSCME Scale, Grade 6, Step 1 at \$13.73/hour.

**COMMISSIONERS ITEMS**

- On motion by Forkrud, second by Groebner, in a roll-call vote with Forkrud, Groebner, Salfer, Van Hee and Walling all voting aye, the Board adopted the following resolution:

**RESOLUTION RETAINING LOCKRIDGE GRINDAL NAUEN PLLP FOR LEGAL SERVICES AND AUTHORIZING CHALLENGE TO DEPARTMENT OF HUMAN SERVICES CONTRACTING DECISION FOR CERTAIN STATE PUBLIC HEALTH CARE PROGRAMS**

**WHEREAS**, PrimeWest Rural Minnesota Health Care Access Initiative, dba PrimeWest Health (“PrimeWest”), is a joint-powers entity, duly authorized by the Minnesota Department of Health, and to be comprised of twenty-four Minnesota counties—Beltrami County, Big Stone County, Chippewa County, Clearwater County, Cottonwood County, Douglas County, Grant

County, Hubbard County, Jackson County, Kandiyohi County, Lac qui Parle County, Lincoln County, Lyon County, McLeod County, Meeker County, Nobles County, Pipestone County, Pope County, Redwood County, Renville County, Stevens County, Swift County, Traverse County, and Yellow Medicine County (“the Counties”); and

**WHEREAS**, Redwood County (“the County”) is one of the twenty-four Counties that has agreed to authorize PrimeWest to act on its behalf through a joint powers agreement under Minn. Stat. § 471.59;

**WHEREAS**, the County elected, through PrimeWest, to purchase health care services on behalf of persons within the County eligible for Health Care Services for Families and Children through Prepaid Medical Assistance (MA) and MinnesotaCare, as well as persons eligible for Minnesota Senior Health Options (MSHO)/Minnesota Senior CarePlus (MSC+);

**WHEREAS**, consistent with Minn. Stat. § 256B.69 and Minn. Stat. § 256B.692, the County informed the Department of Human Services that the County had selected PrimeWest to purchase health care services for eligible persons within the County. The County also desired that PrimeWest be selected as the single plan for both MA and MSHO/MSC+ to serve all persons within the County as allowed under federal and state law starting on January 1, 2020;

**WHEREAS**, on or around July 25, 2019, the Department of Human Services notified the County that PrimeWest was not invited to contract to provide services as the single plan for all persons within the County who are eligible to participate in the MA or MSHO/MSC+ programs;

**WHEREAS**, the Department of Human Services has offered no explanation for its decision not to select PrimeWest as the single health plan, and the Department of Human Services has identified no evidence that the Commissioner of Human Services considered contracting with PrimeWest on a single-health plan basis as required by Minn. Stat. § 256B.694;

**WHEREAS**, the County strongly disagrees with the Department of Human Services’ decision not to select PrimeWest as the single health plan for both MA and MSHO/MSC+ in the County as allowed by federal and state law and, to the extent PrimeWest has not been selected as the single health plan both MA and MSH/MSC+ in the County, the County seeks to pursue all action necessary to challenge the Department of Human Services’ decision;

**WHEREAS**, to the extent the Department of Human Services did not select PrimeWest as the single health plan for both MA and MSHO/MSC+ within the County as allowed by federal and state law, the County wishes to retain Lockridge Grindal Nauen PLLP as outside legal counsel to pursue legal and/or administrative action challenging that decision.

**NOW, THEREFORE BE IT RESOLVED** as follows:



1. The County of Redwood (“the County”) retains the law firm of Lockridge Grindal Nauen, PLLP for purposes of challenging any decision by the Department of Human Services not to contract with PrimeWest on a single-health plan basis within the County.

2. The County expressly authorizes Lockridge Grindal Nauen PLLP to communicate with the Department of Human Services on behalf of the County to request and pursue mediation under Minn. Stat. Chapter 256B, to appear on the County’s behalf at any mediation or administrative proceeding, and, if necessary, to pursue litigation on behalf of the County to challenge the Department of Human Services’ decision.

**COMMISSIONERS**

- The Commissioners reported on meetings they attended.

Walling: Area II; City of Redwood Falls Work session; Horseshoe Lake; Judicial Ditch Prehearing at Sanborn; Building Committee; Counties Providing Technology; Employee Picnic; Tax Forfeiture Properties; Judicial Ditch 24A (Slayton)

Groebner: Redwood County Historical Society; Building Committee; Solid Waste Board; Rural MN Energy Board; Service Enterprises

Salfer: Employee Picnic; Orrin Estebo Open House; Nurse Family Partnership; Southwest Health and Human Services; Child Advocacy Committee

Forkrud: Southwest Health and Human Services; Regional Radio Board; Planning and Zoning; A.C.E.

Van Hee: MN Regional Rail Authority; Redwood Falls City Council Meeting; City of Redwood Falls Work Session; Employee Picnic; Construction meetings on Dekalb Street Project; Prime West

**ADJOURN**

- There being no further business, Chair Salfer declared the meeting adjourned at 12:43 p.m.

\_\_\_\_\_  
Jim Salfer, Chair  
Board of County Commissioners

Attest: \_\_\_\_\_  
Vicki Knobloch  
County Administrator