

This is a preliminary draft of February 7, 2023, minutes as interpreted by the Clerk of the Board for use in preparing the official minutes. It is expected that there will be corrections, additions, and/or omissions before the final minutes are reviewed and officially approved by the County Board.

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The Board of County Commissioners of Fillmore County, Minnesota met in a Special session this 7<sup>th</sup> day of February 2023, at 9:00 a.m. in the Commissioners' Board Room, Fillmore County Courthouse, in the City of Preston.

The following members were present: Commissioners Larry Hindt, Duane Bakke, Marc Prestby, Randy Dahl, and Mitch Lentz.

Others present: Bobbie Hillery, Administrator; Ron Gregg, Highway Engineer; Wanda Berg, Social Service Director; Christy Smith, Finance Director; John DeGeorge, Sheriff; Roxane Kraling, County Recorder; Linsi Engle, Human Resources Officer; Jesse Grabau, Patrol Sargent; Terry Schultz, Building Maintenance Supervisor; Kayla Pierce, Property Appraiser; Cristal Adkins, Zoning Administrator; Chris Hahn, EDA Director; Shelly Topness, Paralegal; Joel Thorson, County Surveyor (Contracted); Tim Jeanetta, Local LELS; Dan Dornink, Investigator; Bonita Underbakke; Joel Mielke; Martin Larson; Rodney Beer; Michael Himlie; Bill Sullivan and Marco Scieora.

Others present via WebEx: Brett Corson, County Attorney; Jason McCaslin, County Assessor; Jessica Erickson, Public Health Director; Tabitha House; Tom Jensen, Community Corrections Director; Karen Reisner, Fillmore County Journal; Melissa Wagner, DNR; Kristi Ruesink, Accounting Technician; Aaren Mathison, SWCD; Donna Rasmussen and Tom Kaase.

The Pledge of Allegiance was recited.

On a motion by Bakke and seconded by Prestby, the Board unanimously approved the agenda.

On a motion by Dahl and seconded by Lentz, the Board unanimously approved the following Consent Agenda:

1. Approve January 24, 2023, County Board minutes

On a motion by Bakke and seconded by Lentz, the Board unanimously approved the Commissioners' Warrants.

The Finance Department warrants were reviewed.

Cristal Adkins, Zoning Administrator was present.

Commissioner Bakke noted that he was unable to attend the public hearing for the conditional use permit. He suggested that the following conditions should be should be required for his conditional use permit with supporting maps:

1. No blasting allowed.
2. Stage 1 excavation only allowed marked as field 1 on map.
3. Excavation buffer of at least 50' from depression edge North & West of sight, wooded area North & South of field 1 remain in-place, no tree removal
4. 10' maximum excavation in stage 1 area, do not excavate to bedrock.
5. Any dewatering in volumes greater than 10,000 gallons per day and/or 1 million gallons per year would require DNR water appropriations permit.
6. Sinkhole mitigation plan:
  - If open crevices or sinkholes form in stage 1 area immediately stop material removal and contact the Fillmore County Zoning Office. The open crevices and/or sinkholes must be grouted and filled and inspection by the Fillmore County Zoning Office before any additional material removal

7. Any proposed expansion beyond the field 1 to field 2 must be inspected by the Fillmore County Zoning Office and a field 2 mitigation plan to be put in place at that time prior to any excavation.

On a motion by Bakke and seconded by Lentz, the Board unanimously approved Resolution 2023-003: for Conditional use permit, K. Rodney Beer, for a Sand Pit in York Township with seven conditions in place.

On a motion by Prestby and seconded by Lentz, the Board unanimously approved to close out the 2022 Shore land grant funds in the amount of \$2,692.00.

On a motion by Dahl and seconded by Bakke, the Board unanimously approved to close out the 2022 Septic Treatment (BWSR) grant funds in the amount of \$18,600.00.

On a motion by Bakke and seconded by Prestby, the Board unanimously approved and signed the 2023 Natural Resources Block Grant Agreement (NRBG) in the amount of \$18,600.00.

Terry Schultz, Building Maintenance Supervisor was present.

Discussion ensued regarding the cost of the water heater for the Courthouse noting that it seemed to be a high cost. Schultz noted that based on specs and state inspection requirements both bids were high.

On a motion by Prestby and seconded by Dahl, the Board unanimously approved the quote from Canton Heating and Cooling in the amount of \$12,293.04 to replace the 50 gallon gas water heater in the Boiler room at the Courthouse.

Ron Gregg, Highway Engineer was present.

Discussion ensued regarding funds available to pay for the survey equipment. It was noted that there is \$40,000 available in the survey equipment line item. It was recommended that the Engineer use those dollars first and then use excess dollars from the Highway budget.

On a motion by Dahl and seconded by Bakke, the Board unanimously approved to purchase Survey Equipment from Frontier Precision in the amount of \$42,668.02 for the County Surveyor Department from the Survey Equipment line item.

The citizens input portion of the meeting was opened at 9:39 a.m. and closed, as no one was present to speak.

Marco Scieora was present.

Mr. Scieora discussed his appeal for his disaster abatement for parcel #18.054.010. He noted that he wanted the opportunity to share that he felt that his denial was based on the Assessor basing his disaster abatement review off of only a few photos. He noted that he had extensive damage to his property that he had to have fixed that cost him an estimated \$95,000. He stated that the property also has deck damage that will need to be fixed yet that will be an additional \$30,000.

Mr. Scieora noted that he submitted additional pictures but no change was made to his review of his abatement request. He feels that the damage to his property should have reached the threshold to be approved for the abatement. Assessor McCaslin noted that he was generous with his review of the property and stated that it was difficult to assess the damage as the repairs had been made prior to be contacted by the property owner. Assessor McCaslin stated he followed the process for outlining the damaged area.

On a motion by Dahl and seconded by Lentz, the Board unanimously denied the appeal for parcel #18.054.010 for the disaster abatement denial.

Lindsy Engle, Human Resources Officer was present.

On a motion by Dahl and seconded by Bakke, the Board unanimously approved 2023 Electronic device stipend.

On a motion by Bakke and seconded by Lentz, the Board unanimously approved to hire Heather Broadwater as Auditor/Treasurer at Grade 15/Step 1 effective 2/27/2023 as requested by Administration and the Hiring Committee.

Tim Jeanetta, 2023 LELS Union Representative was present.

The LELS Union Representative presented a new proposal to the Board with a three year agreement for 2023-2025 for a 4.5%, 3% and 3% Cost of living increase, 12L to 13L option, Jail Programmer to Jail Programmer/Sargent, Uniform increase of \$5 and Juneteenth. The Board discussed a 4.5% and year 2 and 3 based on non-union increases to be brought back to the union members, but was agreeable to all other parts of the agreement, as long as Juneteenth language was based on County approval.

Bobbie Hillery, Administrator was present.

Discussion ensued regarding whether a moratorium was needed on the sale of edible cannabinoid and/or hemp derived THC food and beverage products and any existing ordinances in place. It was noted that this hearing would be an opportunity to talk about all of the options and hear from others. It was mentioned that moratoriums can allow the option that if a city does have a good ordinance in place then that city can be allowed to be removed from the moratorium. It was stated that the gummies seem to be the biggest concern in regards to the children of the communities.

On motion by Dahl and seconded by Lentz, the Board unanimously approved a Public Hearing to be held on February 28<sup>th</sup> at 10 a.m. for an Interim Moratorium regarding the sale of edible cannabinoid products and/or hemp derived THC food and beverage.

Hillery updated the board noting that the Sheriff and Chief Deputy did verify that the 30 day opt out for the Nursing contract was for any time during the contract, that all eight spots for the Legislative Conference for AMC were filled and she did an overview of the dollars expended for the Unallocated and Recorders funds.

Hillery noted that the pre-audit went well and that the single audit for the Social Services department went extremely well and kudos to Diane Olson, Kim McCabe, Val Arnold and Wanda Berg for a job well done. She noted that all departments did well and had items in on a timely basis. The full audit will start the first week in May, so the audit should be completed earlier this year.

Bakke noted that he had One Water Shed, One Plan meeting and they reviewed their plans  
Bakke/Lentz – Wellness – reviewed 2022 and looking ahead to 2023 events  
Hindt/Lentz – EDA – update on Veterans Home; discussed for sale businesses in Rushford

On motion Prestby and seconded by Lentz, the Chair adjourned the meeting at 11:24 a.m.