

This is a preliminary draft of the February 28, 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.

The Board of County Commissioners of Fillmore County, Minnesota met in a Special session this 28th 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; Christy Smith, Finance Director; Jill Huffman & Nicole Schulte, Harmony Telephone Company; Cristal Adkins, Zoning Administrator; Tom Jensen, Community Corrections Director; Ron Gregg, Highway Engineer; Jason Marquardt, Veteran Services Officer; Jessica Erickson, Director of Nursing; Brenda Pohlman, Public Health Educator; Wanda Berg, Social Services Director; Stephanie Mensink, Lead Children Social Worker; Brett Corson, County Attorney; Sheriff John DeGeorge; Lindsie Engle, Human Resources Officer; Karen Reisner; George Spangler; Margo Aakre; Kaye Eiken; Allan Skalet; Lee Loerch, Ione Loerch; Michael Himlie; Steven Duxbury; Eugene Bergstrom; Al and Renee Bergstrom; Sandra Webb; Deb Dahl; Jon Dahl; Gary Broadwater; John Torgrimson; Sean Carroll; Vance Haugen; Julie Braten; Aere Riddys; Glen Goodsell; Tim H; Melia Haugen; Pat Torgrimson; Gerald Wolf; Chris Miller; Matthew Sheets; Julie Little Heide Ege; Vern Bunke; Doreen Semmen; Lisa Miller; Miles Petree; Aaron and Naomi Swartzentruber; Bill Wingert; Randell Grabau; Jason Resseman; Michael Seiler; Joe Mulhern; Amy Bishop; Jordan Kbnok; Gene Enfer; Caroley Enfer; Elizabeth Wolf; Julius Wolf; Stuart Weist; Gary Steuart; Jerry Collins; David Foster; Jen Lafreniere; Austyn Baukol; Merlin Meyer; Boyd Medcalf; Luis Hummel; Cindy Healmight; Joe Groecke; AndreaWaltar and Bonita Underbakke.

Others present via WebEx: Tara Kraling, Account Technician; Chris Hahn, EDA; City of Lanesboro, Michele Peterson; Kim Waller, Community Corrections Case Manager; Riley Buley, SWCD; Kristi Ruesink, Account Technician; Lisa Brainerd; Jeff Brinkman; M Schroeder and Tom Kaase.

The Pledge of Allegiance was recited.

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

Commissioner Hindt spoke, noting that there was a request from some members of the public to speak prior to the Feedlot Ordinance agenda item. He noted that the Board will not be entertaining any questions or comments since the Public Hearing was the public's opportunity to provide input.

On a motion by Bakke and seconded by Prestby, the Board unanimously approved the following Consent Agenda:

1. Approve February 14, 2023, County Board minutes

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

The Finance Department warrants were reviewed.

Jill Huffman and Nicole Schulte, Harmony Telephone Company were present.

On a motion by Dahl and seconded by Prestby, the Board unanimously approved **Resolution 2023-005**: for a three year no-interest loan of \$75,000 for the Minnesota Border-to-Border Grant for North Fountain/South Chatfield serving 300 locations with a letter of support from Commissioners.

On a motion by Bakke and seconded by Lentz, the Board unanimously approved **Resolution 2023-006**: for a three year no-interest loan of \$75,000 for the Minnesota Border-to-Border Grant for Harmony Preston Gap and a letter of support from Commissioners.

Cristal Adkins, Zoning Administrator & Dallas Dornink, Feedlot Officer were present.

Adkins summarized the Planning Commission's public hearing process for the proposed amendment to the Fillmore County Feedlot Ordinance, Section 9. She noted that the Planning Commission voted 5-1 to recommend approval of the Ordinance Amendment, with one Planning Commission member recusing himself from the vote.

On a motion by Bakke and seconded by Lentz, the Board unanimously approved **Resolution 2023-007**: for the adoption of an amendment to the Fillmore County Feedlot Ordinance, Section 9, New Animal Feedlots and Expansion of Existing Animal Feedlot Facilities from 2,000 to 4,000 units.

Bobbie Hillery, Administrator was present.

On a motion by Dahl and seconded by Lentz, the Board unanimously approved **Resolution 2023-008**: for Authorization for Account Signers and Treasury Management Signers for bank accounts.

On a motion by Bakke and seconded by Prestby, the Board unanimously approved Addendum A for **Resolution 2023-009**: for Account Signers and Treasury Management Signers for bank accounts.

The citizen's input portion of the meeting was opened at 9:30 a.m. and closed, as no one was present to speak.

Ron Gregg, Highway Engineer was present.

On a motion by Bakke and seconded by Lentz, the Board unanimously approved Doyle Conner Co. bid for Concrete Surfacing on CSAH 8 in the City of Lanesboro, SAP 23-608-044 in the amount of \$331,221.04.

On a motion by Prestby and seconded by Dahl, the Board unanimously approved out-of-state travel for an employee to attend the MOCA (Minnesota Council of Airports) overnight stay from March 7 to March 9, 2023.

Commissioner Bakke gave a Highway Committee Report: 10 construction projects were awarded. Two bids will be opened on March 16 and March 20. DNR meeting this afternoon to discuss the Forestville Bridge. Highway Engineer Gregg applied and was awarded another grant.

Jason Marquardt, Veteran Services Officer was present.

On a motion by Lentz and seconded by Bakke, the Board unanimously approved Marquardt to apply for the New MDVA CVSO competitive grant that would be used to replace the current Ford Transit vehicle with a 2023 Chevrolet Equinox.

Marquardt gave recognition to WWII Veteran and POW Odell Jerome Johnson whom recently passed away at the age of 101 years old. He noted that Governor Walz made a State of Minnesota Proclamation for Feb 25, 2023, Odell Jerome Johnson day, in honor of his service.

Lindsie Engle, Human Resources was present.

On a motion by Dahl and seconded by Lentz, the Board unanimously approved hiring Katie Hamman as RN/PHN, at Grade 12/Step 3; effective April 4, 2023, as requested by the Director of Nursing and the Hiring Committee.

On a motion by Lentz and seconded by Bakke, the Board unanimously approved promoting Carrie Boyum from PHN to Lead PHN, at Grade 14/Step 4; effective March 3, 2023, as requested by the Director of Nursing and the Hiring Committee.

On a motion by Dahl and seconded by Lentz, the Board unanimously approved hiring Stephanie Anderson as Office Support Specialist Senior, at Grade 6/Step 1; effective March 1, 2023, as requested by the Social Services Director and the Hiring Committee.

On a motion by Bakke and seconded by Lentz, the Board unanimously approved hiring Marilyn Snell as Finance Accounting Technician, Grade 7/Step 1; effective March 20, 2023, as requested by the Finance Director and the Hiring Committee.

Bobbie Hillery, Administrator was present.

On a motion by Lentz and seconded by Prestby, the Board unanimously approved to appoint Liz Newberg as District 1 EDA representative.

Chair recessed the meeting at 9:48 a.m. and resumed back in session at 10:00 a.m.

Chair Hindt Called the Public Hearing to Order:

Administrator Hillery noted that there has been a committee of some of the Departments that have been working with this topic of Cannabinoid/THC since the law change took place. At this time, the team will present the information and research they have found and why the group has brought forth the topic as a possible moratorium and through the Joint Board of Health this public hearing is being held.

Jessica Erickson, Director of Nursing; Wanda Berg, Social Services Director, Stephanie Mensink, Children's Social Worker; Brenda Pohlman, Public Health Educator; Brett Corson, County Attorney; John DeGeorge, Sheriff; and Tom Jensen, Community Corrections Director, offered information in regards to the PowerPoint Presentation of Hemp-Derived Products.

Mensink stated that Fillmore County follow MN Guidelines while screening homes. The impact of use and misuse on child safety is the number one prioritization. Mensink noted that in the instance of prenatal use Fillmore County will offer child welfare. If baby tests positive for THC they would schedule a meeting to make sure the negative impact on the child does not continue.

Pohlman explained that Hemp used manufactured is administered by the department of agriculture. Pohlman discussed Minnesota state statute 151.72 product conditions, labeling conditions, marketing conditions, and testing conditions.

Examples were provided of items that are being sold within the Joint Board of Health area (Fillmore and Houston Counties) that are not properly labelled, that are over the legal milligrams and are advertised towards children.

Attorney Corson informed the Board of the Legal Violations of Hemp-Derived THC. Corson would like to know who is selling and for law enforcement to be able to verify that, the products they are selling are based upon statute. Currently, there is no mechanism to do so. Without an ordinance in place there is difficulty to do this.

Sheriff DeGeorge spoke on behalf of law enforcement concerns, regulation, and compliance. There is no way of testing or determining if a person is under the influence.

Community Corrections Director Jensen commented that there should be local rules regarding THC-based edibles and consumable products.

Administrator Hillery read the four letters aloud that she received prior to the Public Hearing from Marc Brogan, Anna Rae Nelson, Luis Hummel, and Lucas Doering.

The following spoke against the sale of edible cannabinoid products and/or hemp- derived THC food and beverages. Gerald Wolf, Aaron Swartzentruber, and Pastor Stuart Weist.

The following supported adopting an interim ordinance placing a moratorium on the sale of edible cannabinoid products and/or hemp- derived THC food and beverages. Jerry Collins, Lisa Miller, and Austin Baukol. Andrea Welsch was indifferent.

Chair Hindt closed the Public Hearing.

Hillery spoke on behalf of Fillmore County regarding THC regulations, noting that if a moratorium is not placed to at least consider pushing forward with an ordinance. Hillery gave the option of creating a Committee to provide an ordinance until the State of MN law passes. Commissioner Dahl's opinion is that the County is the entity that is charged with carrying out State enforcement and rules. They did not legalize THC they decriminalized it.

On a motion by Dahl and seconded by Prestby, the Board unanimously approved working with Administrator Hillery to form a committee to discuss an Ordinance for the sale of edible cannabinoid products and/or hemp-derived THC food and beverages.

Proposed committee Members for a THC Ordinance include the following: Commissioner Bakke, Commissioner Prestby, Luis Hummel, Lisa Miller, Jason Resseman, Public Health Director Jessica Erickson, Public Health Educator Brenda Pohlman, Community Corrections Director Tom Jensen, Social Services Director Wanda Berg, Sheriff John DeGeorge, Administrator Bobbie Hillery and Attorney Brett Corson.

Calendar review, Committee Reports, and Announcements:

Bakke: SWCD: Jason Wetzel representing District 2; AMC virtual; Historical Society

On a motion by Prestby and seconded by Dahl, the Chair adjourned the meeting at 11:31 a.m.