

# PROCEEDINGS OF THE COUNTY BOARD OF JACKSON COUNTY, MINNESOTA

February 2, 2021

The County Board of Jackson County, Minnesota met in regular session, in the Jackson County Government Resource Center, Cafeteria Room (Door 7), 402 White Street, City of Jackson, Minnesota, on February 2, 2021. The following members of the Jackson County Board of Commissioners were present: Catherine Hohenstein, James Eigenberg, Scott McClure, Philip Nasby and Don Wachal. County Coordinator Steven Duncan and Trish Schulz, Deputy County Coordinator, were also in attendance.

## CALL TO ORDER

Chair Eigenberg called the meeting to order at approximately 9:00 a.m. and led the Pledge of Allegiance.

**Motion was made by Commissioner Hohenstein and seconded by Commissioner McClure** to adopt the agenda per revision #1 (addition of item 2.7: Approve Grant Agreement and Accept Donation of Grant Funds from Southwest Initiative Foundation to the Jackson County Library and authorize the County Coordinator to execute the grant agreement). The motion carried unanimously.

## CONSENT AGENDA

**Motion was made by Commissioner Wachal and seconded by Commissioner Nasby** to approve the Consent Agenda. The motion carried unanimously.

Board Action 21-040: Approve the January 19, 2021 Board of Commissioners regular meeting minutes.

Board Action 21-041: Approve the January 26, 2021 Board of Commissioners special meeting minutes.

Board Action 21-042: Approve all Commissioner disbursements in accordance with Minnesota Statutes 130.01, subd. 4(b), recorded on warrants numbered 94165 through 94311 in the amount of \$272,884.30. For the following funds: Revenue, \$96,124.91; Public Works, \$54,250.06; Ditch, \$21,181.02; Revolving Loan Fund, \$182.50; Agency Fund, \$3,090.00; Library Fund, \$6,467.46; and Taxes and Penalties, \$91,588.35. A detailed list of claims paid is available at the Auditor/Treasurer's office upon request.

Jackson Co Central School District 2895	24,841.68
Racom Corporation	19,920.47
Regents Of The University Of Mn	18,813.99
Cooperative Energy Co.	15,098.34
BWT Holdings, LLLP	14,502.52
Ind School District 177	13,298.80
Wold Architects And Engineers	12,304.36
Jackson/City Of	10,074.45

Erickson Engineering Co Llc	10,017.00
Heron Lake - Okabena School Isd 330	8,040.46
Lakefield/City Of	7,986.48
Rinke Noonan Attorneys At Law	6,678.50
I & S Group Inc	6,587.60
Beemer Companies	6,430.00
Marsden Bldg Maintenance LLC	6,146.80
Ratwik Roszak & Maloney PA	5,395.82
Civicplus	4,977.50
Newman Signs, Inc.	3,663.02
Red Rock Rural Water Systems	3,456.72
Livewire Printing Co	3,322.45
S & J Cleaning	3,309.25
Treasury Division Of Mn Dept Of Finance	2,962.50
Ron's Electric Inc	2,870.66
Ewington Township	2,368.77
KUXX/KKOJ	2,361.45
STONEBROOKE ENG RESP SOLUTIONS	2,276.32
Amazon Capital Services	2,160.77
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<b>Total Claims Over \$2000</b>	<b>219,866.68</b>
<b>109 Claims Under \$2000</b>	<b>53,017.62</b>

Board Action 21-043 Approve the 2021 Solid Waste and Recycling Haulers licenses for:

- 2021 Licensed Solid Waste Haulers
- Hometown Sanitation
  - Schaap's Sanitation
  - Waste Management
  - Hy-Line Hatchery

- 2021 Licensed Recycling Haulers
- Schaap's Sanitation
  - Ronald Rehnelt
  - Pohlman Pallets
  - Lois Hansen

Board Action 21-044: Approve appropriation to Southwest Minnesota Arts Council in the amount of \$750.00 and as approved in the Fiscal Year 2021 budget.

Board Action 21-045: Approve summary of performance evaluations for Land Management Director, Andy Geiger; County Coordinator, Steve Duncan; County Assessor, Karla Ambrose; and Court Services Director, Bob Jirele, all as "meets expectations".

Board Resolution 21-008: Approve Resolution 21-008 approving a grant agreement (GN-00072006) and accept donation of grant funds from Southwest Initiative Foundation to the Jackson County Library as related to support of programs, materials and projects of the library.

County of Jackson )  
 ) SS.  
State of Minnesota )

**Resolution No. 21-008**

**Resolved by the Board of Commissioners, County of Jackson, and State of Minnesota:**

**WHEREAS**, a grant agreement (GN-0002006) and donation of funds proposal has been made by the Southwest Initiative Foundation with this grant of funds to be used by Jackson County Library to support programs, materials and projects at the library, and;

**WHEREAS**, Minnesota State Statutes Chapter 465, Section 465.03, “Gifts to Municipalities” informs that a county governing body shall accept such gifts by resolution and by at least a two-thirds majority;

**IT IS HEREBY RESOLVED**, that the Jackson County Board of Commissioners does hereby approve, by resolution, accepting the grant agreement and the \$15,500.00 donation from the Southwest Initiative Foundation, which is to be allocated to the Jackson County Library and used by the Jackson County Library to support programs, materials and projects at the library.

Passed and adopted by the Board of Commissioners of the County of Jackson, Minnesota this 2nd day of February 2021.

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James Eigenberg, Chair  
Jackson County, Minnesota Board of Commissioners

ATTEST:

\_\_\_\_\_  
(SEAL)  
Steven J. Duncan  
County Coordinator of Jackson County, Minnesota

**JACKSON COUNTY FOOD SHELF**

**Motion was made by Commissioner Hohenstein and seconded by Commissioner Nasby** to adopt Board Action 21-046: Approve appropriation to the Jackson Food Shelf in the amount of \$6,500.00 and as approved in the Fiscal Year 2021 budget. The motion carried unanimously.

## LAND MANAGEMENT

**Motion was made by Commissioner McClure and seconded by Commissioner Wachal** to adopt Board Resolution 21-009: Approve resolution to extend the Jackson County Comprehensive Local Water Management Plan and authorize the County Board Chair to send accompanying letter of request. The motion carried unanimously.

### **Resolution 21-009 to Extend the Jackson County Comprehensive Local Water Management Plan**

**WHEREAS**, Minnesota Statutes, §103B.301, Comprehensive Local Water Management Act, authorizes Minnesota Counties to develop and implement a Comprehensive Local Water Management Plan, and

**Whereas**, Jackson County currently has a state approved Comprehensive Local Water Management Plan that covers the period of May 13, 2008 through March 26, 2021, and

**WHEREAS**, Jackson County has fully adopted the Missouri Basin One Watershed, One Plan, which is currently in the implementation stage, and

**WHEREAS**, Jackson County has fully adopted the Watonwan Basin One Watershed, One Plan, which will be entering the implementation stage in 2021, and

**WHEREAS**, Jackson County is currently a partner in developing the Des Moines Basin One Watershed, One Plan, which will be finishing in 2022-23, and

**WHEREAS**, Jackson County expects to be a contributing partner in developing the Blue Earth Basin One Watershed, One Plan, which has not yet been formed, and

**WHEREAS**, Jackson County is also an active partner in MPCA's Watershed Restoration and Protection strategy for the Missouri, Watonwan, West Fork Des Moines, East Fork Des Moines, and Blue Earth watersheds; completion dates are anticipated by 2026, and

**WHEREAS**, Jackson County is committed to synchronizing water management efforts within all major watersheds with staffing capacity, the WRAPS schedule, and watershed partners as they transition into One Watershed, One Plan development, and

**WHEREAS**, Jackson County assures continued effort toward completion of the Comprehensive Local Water Management Plan update once ongoing planning efforts can be added, and

**WHEREAS**, the Minnesota Board of Water and Soil Resources has authorization to grant extensions pursuant to Minnesota Statutes §103B.3367;

**NOW, THEREFORE, BE IT RESOLVED**, the Jackson County Board of Commissioners requests from the Minnesota Board of Water and Soil Resources an extension of the effective date of the current County Comprehensive Local Water Management Plan until March 26, 2026, in order to complete the update process in accordance with Minnesota Statutes §103B.301.

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CERTIFICATION

State of Minnesota  
Office of County Coordinator  
County of Jackson

I do hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the County of Jackson at a duly authorized meeting thereof held on the 2<sup>nd</sup> of February 2021.

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James Eigenberg  
Jackson County Board Chairman

**AUDITOR/TREASURER**

**Motion was made by Commissioner McClure and seconded by Commissioner Hohenstein** to adopt Board Action 21-047: Approve job description creating a Deputy Auditor-Treasurer PRN (part-time/as needed) position. The motion carried with four “ayes”, no “nays,” and one “recuse” (Wachal).

**Motion was made by Commissioner Hohenstein and seconded by Commissioner Nasby** to adopt Board Action 21-048: Approve personnel request authorizing County Coordinator’s office to fill one (1) position of Deputy Auditor-Treasurer PRN (part-time/as needed). The motion carried unanimously. The motion carried with four “ayes”, no “nays,” and one “recuse” (Wachal).

**PUBLIC WORKS**

**Motion was made by Commissioner McClure and seconded by Commissioner Wachal** to adopt Board Resolution 21-009: Restitution for Winter Rescue. The motion carried unanimously.

**RESOLUTION 21-010  
FOR RESTITUTION OF RESCUES DURING WINTER WEATHER**

**WHEREAS**, Minnesota Statutes, Chapter 12, Emergency Management, directs the establishment of local organizations for emergency management within Minnesota and confers on the governing bodies of the political subdivisions of Minnesota the emergency and disaster powers provided in Chapter 12, and;

**WHEREAS**, Minnesota Statutes § 12.27, subdivision 3, permits the local delegation of authority from the governing body of a political subdivision within Minnesota to a public safety director, police chief, fire chief, public works director, or other officer who may dispatch equipment and personnel as necessary when it would be impractical for the governing body itself to authorize such dispatches and such a delegation is made within Jackson County, and;

**WHEREAS**, Minnesota Statutes § 12.29 grants the authority to declare a local emergency to the chair of a county board of commissioners or their legal successors, such as the delegated designee under Minnesota Statutes § 12.27, and a declaration of a local emergency invokes necessary portions of the response and recovery aspects of applicable local plans, and;

**WHEREAS**, Minnesota Statutes § 12.34 authorizes emergency management personnel to require persons to perform services for emergency management purposes, commandeer for emergency management purposes certain property, provide for the compensation of such commandeered property, and prosecute, as a misdemeanor, any refusal, neglect, or other failure to comply with such an order, and;

**WHEREAS**, Minnesota Statutes § 12.37 provides the authority to provide emergency aid in an expeditious manner, including the expenditure of public funds to combat the emergency and protect the health and safety of persons and property within the emergency declaration, and;

**WHEREAS**, Minnesota Statutes § 12.45 provides that a person who willfully violates a provision of Chapter 12 or a rule or order issued under the authority of Chapter 12 is guilty of a misdemeanor and may be punished by a fine not to exceed \$1,000 and/or imprisonment for not more than 90 days, and;

**WHEREAS**, Minnesota Statutes Chapter 611A entitles a victim, including a government entity, that incurs a loss or harm as a result of a crime to an order of restitution for expenses and losses incurred as a result of that crime, including violations of Minnesota Statutes § 12.45, and;

**WHEREAS**, winter storms and snow emergencies can cause an imminent threat to the life, health, and safety of such individuals who become lost or stranded, and;

**WHEREAS**, the County Sheriff and Engineer have knowledge and conduct real-time observation of winter weather conditions and the trafficability of public roads, and;

**WHEREAS**, a winter storm and snow emergency can occur resulting in a warning that certain or all roads are not safe for travel and are closed, and that citizens should stay at home or in shelter and not travel, and;

**WHEREAS**, the County Sheriff and Engineer provide timely travel advisories, warnings, and announcements that travel is no longer safe and plows are being pulled off roads such that people should seek shelter and not travel, and;

**WHEREAS**, the safety of people involved in rescue efforts extended to such individuals who ignore, disregard, or fail to obey such advisories are likewise endangered in the effort, and;

**WHEREAS**, snow removal and road clearing operations are hampered or blocked and the safety of snow plow operators and equipment as well as the vehicle of the citizen are at risk of damage when stranded and/or buried in snow during such emergencies, and;

**WHEREAS**, said stranded vehicles can block the ability of medical or other emergency vehicles and equipment from traversing the route, thereby jeopardizing the health and safety of other citizens, and;

**WHEREAS**, there is a cost to the public incurred in rescuing individuals who ignore or have not been attentive to weather conditions and/or the declaration of an emergency or travel advisory of the County Sheriff and Engineer, and who have thereby put themselves at extreme risk by not remaining in shelter and/or becoming stranded or having an accident while traveling during such period of adverse weather;

**NOW, THEREFORE, BE IT RESOLVED**, that, following a declared winter storm and snow emergency, or an advisory by the County Sheriff and Engineer to not travel, all people who should have had reasonable knowledge or reason to anticipate their danger as determined by the County Sheriff and either the County Engineer or Emergency Manager at the time and for whom rescue is required because they are out of any shelter and lost or stranded, or who have become stranded on the roadway or within the right-of-way of any public road and for whom rescue is required, shall pay the full cost of rescue and recovery, to include: wages of individuals, hourly equipment, and all other costs as may be incurred in the course of the rescue operation according to the rates as established by the concerned department heads;

**BE IT FURTHER RESOLVED**, that compensation due to the County under this resolution may be paid in response to a claim made by the County with or without criminal charge under Minnesota Statutes § 12.45 but that a refusal to pay or negotiate and resolve any such claim may necessitate the filing of charges under Minnesota Statutes § 12.45 in order to secure an order of restitution and that, by making such a claim without the filing of criminal charges, the County is not in any way limiting or waiving its rights, claims, or other remedies.

**BE IT FURTHER RESOLVED**, that this resolution shall be permanent, shall be advertised annually on Jackson County's website at the beginning of each snow season, and shall be affixed as an addendum to the Jackson County emergency operations plan.

## **CERTIFICATION**

STATE OF MINNESOTA  
COUNTY OF JACKSON

I do by certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the County Board of Jackson County at a duly authorized meeting held February 2nd, 2021.

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James Eigenberg, Chairman

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Steve Duncan, Coordinator

## BOARD REPORTS

Commissioner Wachal reported on meetings/events involving the Southwest Regional Development Commission, Southwest Regional Solid Waste Commission, Rural Minnesota Energy Board, Area Transportation Partnership-District 7 and Board of Commissioners Special Meeting.

Commissioner Nasby reported on meetings/events involving Board of Commissioners Special Meeting, United Community Action Partnership, Friends of the Jackson County Trails and CARES/Co. Relief Funds Committee.

Commissioner McClure reported on meetings/events involving a courthouse exterior improvement project pre-bid walkthrough, County Building Committee, Board of Commissioners Special Meeting, Judicial Ditch 11 informational gathering, Radio Board and Heron Lake Watershed District subcommittee.

Commissioner Eigenberg reported on meetings/events involving Heron Lake Watershed District, Greater Blue Earth River Basin Alliance, Board of Commissioners Special Meeting and Planning and Zoning Commission.

Commissioner Hohenstein reported on meetings/events involving Library Board, Board of Commissioners Special Meeting, Developmental Achievement Center, Heron Lake Watershed subcommittee and CARES/Co. Relief Funds Committee.

## CLOSED MEETING

**Motion was made by Commissioner Nasby and seconded by Commissioner McClure** to close the meeting at 10:13 a.m., as permitted by Minnesota Statutes Section 13D.05, Subd. 3(a), to conduct performance evaluations of Public Works Director, Tim Stahl; Auditor/Treasurer, and Information Systems Manager, Dennis Fields. The motion carried unanimously.

**Motion was made by Commissioner Wachal and seconded by Commissioner Hohenstein** to re-open the meeting at 11:06 a.m. The motion carried unanimously.

## ADJOURN

**Motion was made by Commissioner McClure and seconded by Commissioner Nasby** to adjourn the meeting at 11:06 a.m. The motion carried unanimously.

JACKSON COUNTY BOARD OF COMMISSIONERS

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James Eigenberg, Chair

ATTEST: \_\_\_\_\_  
Steven Duncan, County Coordinator