



# POPE COUNTY MINNESOTA

## Official Proceedings Pope County Board of Commissioners Regular Board Meeting Tuesday, November 15, 2022

The Pope County Board of Commissioners Regular Board Meeting duly noticed for Tuesday, November 15, 2022 at 9:00 a.m. at the Pope County Courthouse, 3rd Floor Board Room, 130 E Minnesota Avenue, Glenwood, MN 56334 was called to order at 9:00 AM by the Chair, with the following Board Members also present: Paul Gerde, Nan Haggerty, Cody Rogahn, and Gordy Wagner. Kersten Kappmeyer, County Administrator, and Neil Nelson, County Attorney, were also present. The Pledge of Allegiance was recited.

Approval of Agenda and Approval of Official Proceedings for November 1, 2022 were presented by the Board Chair. Motion to approve the proposed agenda, with addition of item #8, Minnesota River Watershed Lidar Acquisition Project, made by Gerde and seconded by Rogahn, Carried Unanimously. Motion to approve the Official Proceedings for November 1, 2022 as presented, made by Haggerty and seconded by Wagner, Carried Unanimously.

Request of U.S. Fish and Wildlife for the Certification of Habitat Easement (Johnson, Bangor Township) was presented by Blair Mace, US Fish and Wildlife Service. Motion to certify the US Fish and Wildlife Service habitat easement on the property of Lyle and Judy Johnson in section 11 of Bangor Township as presented, made by Rogahn and seconded by Gerde, Carried Unanimously.

West Central S.W.A.T. Team Agreement was presented by Tim Riley, Sheriff. Motion to approve the five-year contract with West Central S.W.A.T. as presented, made by Rogahn and seconded by Gerde, Carried Unanimously.

Consider the request for Out-of-State Travel for the County Recorder to attend the 2023 Winter Symposium hosted by PRIA (Property Records Industry Association) in Phoenix, AZ. was presented by Sarah Green, Recorder. Motion to approve a request for out-of-state travel by the County Recorder, Sarah Green, to attend the 2023 Winter Symposium hosted by PRIA in Phoenix, AZ on February 21-23, 2023, made by Haggerty and seconded by Wagner, Carried Unanimously.

Approval of Highway Right of Way Plat No. 2 for CSAH 15 was presented by Brian Giese, Engineer. Motion to adopt Resolution 202246, approving Highway Plat No. 2 for CSAH 15 as presented, made by Rogahn and seconded by Gerde, Carried Unanimously.

Interim Use Permit: Nonconfinement Feeding Areas (Reichmann Land and Cattle, Leven and Westport Townships) and Minnesota River Watershed Lidar Acquisition project were presented by David Green, Land & Resource Management Director. A staff presentation was made, and discussion of the permit terms followed on the topics of rationale for ordinance changes requiring an IUP; conditions and permit length; balancing of agricultural and environmental concerns; soil and water quality and testing; and setback distances from water bodies and city limits. A motion to approve the Interim Use Permit for Reichmann Land and Cattle for Nonconfinement Feeding Areas in Leven and Westport Townships as recommended and with the conditions recommended by the Planning Advisory Commission was made by Gerde and seconded by Lindor. A motion was made to amend the main motion to approve the Interim Use Permit as presented and recommended, but add a condition of no manure spreading within 1/2 mile of any lakeshore or of the Villard City Limits, moved by Rogahn and seconded by Wagner, was subsequently withdrawn. The main motion to approve the permit as recommended Failed by the following vote: Ayes: Gerde, Lindor; Nays: Haggerty, Rogahn, Wagner. A motion to approve the Interim Use Permit for Reichmann Land and Cattle for Nonconfinement Feeding Areas in Leven and Westport Townships as recommended and with the conditions recommended by the Planning Advisory Commission, with the addition of conditions requiring windbreaks be provided on all parcels, no cattle within 1/4 mile of the Villard City Limits, and a 3-year permit term, was made by Wagner and seconded by Rogahn. A motion to amend main motion to approve the Interim Use Permit as moved, but to change the condition requiring cattle not be allowed within 1/4 mile of the Villard

City Limits to not being allowed within the Villard City Limits was made by Lindor and seconded by Gerde, Failed by the following vote: Ayes: Gerde, Lindor; Nays: Haggerty, Rogahn, Wagner. The main motion to approve the permit as recommended with the addition of conditions requiring windbreaks be provided on all parcels, no cattle within 1/4 mile of the Villard City Limits, and a 3-year permit term, Failed by the following vote: Ayes: Rogahn, Wagner; Nays: Gerde, Haggerty, Lindor.

The Board recessed for a break at 10:43 a.m., and reconvened at 10:51 a.m.

On the matter of the Reichmann Land and Cattle Interim Use Permit, a Motion was made by Rogahn to approve Interim Use Permit for Reichmann Land and Cattle for Nonconfinement Feeding Areas in Leven and Westport Townships as recommended and with the conditions recommended by the Planning Advisory Commission, with the addition of conditions requiring windbreaks be provided on all parcels, no cattle within 1/4 mile of the Villard City Limits except for allowing access to watering sites, and a 3-year permit term, which died for a lack of second. Motion to approve Interim Use Permit for Reichmann Land and Cattle for Nonconfinement Feeding Areas in Leven and Westport Townships as recommended and with the conditions recommended by the Planning Advisory Commission, with the addition of conditions requiring windbreaks be provided on all parcels and a 3-year permit term, made by Gerde and seconded by Lindor, Carried by the following vote: Ayes: Gerde, Lindor, Rogahn; Nays: Haggerty, Wagner. Motion to approve Pope County's contribution of up to \$15,000 in Riparian Aid Funding to the Minnesota River Watershed Lidar Acquisition Project as presented, made by Haggerty and seconded by Rogahn, Carried Unanimously.

October 2022 Trial Balance and Fund Balance Analysis; Auditor Bills - October 12 - November 8, 2022; and Pay Bills, Supplemental Bills, Per Diems and Employee Reimbursements were presented by Stephanie Rust, Auditor/Treasurer. Motion to approve the October 2022 Trial Balance and Fund Analysis, made by Wagner and seconded by Haggerty, Carried Unanimously. Auditor Bills - October 12 - November 8, 2022 were presented as an informational item. Motion to approve payment of bills of \$206,690.55 plus supplemental bills of \$29,242.28 plus per diems and employee reimbursements of \$4,425.63, totaling \$240,358.46, made by Rogahn and seconded by Gerde, Carried Unanimously.

Review Remaining Board Meeting Schedule was presented by Board Chair. Motion to set the meeting schedule for the remainder of 2022 as follows: December 8, 2022, 9:00am Regular Meeting; December 13, 2022, 9:00am Committee of the Whole Meeting; December 23, 2022, 9:00am Regular Meeting, made by Haggerty and seconded by Gerde, Carried Unanimously.

Motion to convene in closed session pursuant to Minnesota Statute section 13D.05, Subd. 3(b) and attorney-client privilege to discuss the matter of Jepsen v. County of Pope, et al., File No. 61-CV-17-58 with its attorney. This motion, made by Haggerty and seconded by Rogahn, Carried Unanimously. Haggerty recused herself from this closed item. The meeting was closed at 11:20 a.m. Motion to end closed session and return to open session. This motion, made by Wagner and seconded by Gerde, Carried Unanimously. The meeting reopened at 11:38 a.m. Motion to convene in closed session pursuant to Minnesota Statute section 13D.05, Subd. 3(b) and attorney-client privilege to discuss the matter of State ex rel. Peters Sunset Beach, Inc., et al. v. County of Pope, File No. 61-CV-22-310 with its attorney, made by Wagner and seconded by Rogahn, Carried Unanimously. The meeting was closed at 11:42 a.m. Motion to end closed session and return to open session, made by Wagner and seconded by Gerde, Carried Unanimously. The meeting reopened at 12:11 p.m. Motion to convene in closed session pursuant to Minnesota Statute 13D.03 for a briefing and discussion on labor negotiations with the various union bargaining units set to negotiate new successor labor agreements beginning January 1, 2023, made by Haggerty and seconded by Rogahn, Carried Unanimously. The meeting was closed at 12:12 p.m. Motion to conclude closed session and reconvene the meeting in open session, made by Rogahn and seconded by Haggerty, Carried Unanimously. The meeting reopened at 12:46 p.m.

Informational updates were given by the County Administrator and Commissioners.

There being no other business before the Board, the meeting was adjourned by the Chair at 1:10 p.m.



Kersten Kappmeyer, County Administrator



Larry Lindor, Chair of the Board