

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD OF NOBLES COUNTY, MINNESOTA

The County Board of Nobles County met in regular session this 20th day of April, 2010, in the Board of Commissioners Room, at the Nobles County Government Center, Worthington, Minnesota. The following Commissioners were in attendance: David Benson, Diane Thier, Vern Leistico and Marvin Zylstra.

The Pledge of Allegiance to the flag was recited.

On a motion by David Benson seconded by Vern Leistico, it was duly passed to approve the agenda as amended.

On a motion by Vern Leistico and seconded by Diane Thier, it was duly passed to approve the Official Proceedings of the April 6th, 2010 County Board meeting.

Ed Lenz and Paul Langseth, Nobles Soil & Water Conservation District, presented the Board with a 2009/2010 annual plan and report summary for the District.

Wayne Smith, Environmental Services Director, presented the Board with information and recommendations in the area of Environmental Services.

On a motion by Diane Thier and seconded by David Benson, it was duly passed to authorize increasing the maximum amount of Nobles County's Low Interest Loan Program for on-site sewage treatment system upgrades from \$7,500 to \$15,000; and further, extend the payment period from seven to ten years.

On a motion by David Benson and seconded by Vern Leistico, it was duly passed to authorize the County Board Chair and County Administrator to sign, on behalf of Nobles County, the Minnesota Clean Water Partnership Project Implementation Loan agreement. A copy of the agreement was before the Board and is made a part of this resolution by reference.

Steve Schnieder, Public Works Director, presented the Board with information and a recommendation in the area of Public Works.

On a motion by Diane Thier and seconded by Marvin Zylstra, it was duly passed to adopt the following resolution:

WHEREAS, Contract Number 09001 has in all things been completed, and the County Board being fully advised in the premises,

NOW, THEREFORE, BE IT RESOLVED, that the Nobles County Board does hereby accept said project for and in behalf of Nobles County and authorizes final payment as specified herein.

On a motion by David Benson and seconded by Diane Thier, it was duly passed to adopt the following resolution:

WHEREAS, Nobles County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge No.53J67; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this bridge is available; and

WHEREAS, the amount of the grant has been determined to be \$134,923.25 by reason of the lowest responsible bid;

NOW THEREFORE, BE IT RESOLVED that Nobles County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.50, subdivision 5, clause (3), and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the bridge but not required.

On a motion by Marvin Zylstra and seconded by Vern Leistico, it was duly passed that sealed proposals will be received by the Board of Commissioners of Nobles County, Minnesota, at the office of the County Administrator, Nobles County Government Center, 315 Tenth Street, P.O. Box 757, Worthington, MN 56187, until 11:00 a.m., May 17, 2010, for the following work:

Application of Pavement Marking Paint. Work shall include all material, labor and equipment for Pavement Marking. The estimated quantities are 7,580 Gal. Yellow ReflectORIZED Centerline Pavement Marking Paint and 12,650 Gal. White ReflectORIZED Edgeline Pavement Marking Paint.

Kent Wilkening, Sheriff, and Dan Anderson, Emergency Management Director presented the Board with information and recommendations in the area of Public Safety.

On a motion by Marvin Zylstra and seconded by David Benson, it was duly passed to authorize the County Board Chair and County Administrator to sign, on behalf of Nobles County, a grant contract with the State of Minnesota, Division of Emergency Communications Network in the amount of \$16,988.04 to purchase three radios for interoperability with the ARMER system. A copy of the grant was before the Board and is made a part of this resolution by reference.

On a motion by Vern Leistico and seconded by David Benson, it was duly passed to adopt the following resolution:

WHEREAS, the Nobles County Board of Commissioners, in 2009 authorized participation in a Regional 9-1-1 dispatch study; and,

WHEREAS, the Nobles County Board of Commissioners has reviewed the "SWMN 6 County Regional 9-1-1 Dispatch Study and Recommendations" report dated February 2010, prepared by GeoCom Corporation.

BE IT RESOLVED, that Nobles County desires to participate in further discussions and the development of an Agreement with other Southwestern Minnesota Counties interested in participating in multi-county 9-1-1 dispatch services utilizing existing infrastructure located in Nobles County at the existing PJC site.

On a motion by Diane Thier and seconded by David Benson, it was duly passed to approve county department and board travel expenses for April 9th, 2010. A summarized copy of the expenses was before the Board and is made a part of this resolution by reference.

Melvin Ruppert, County Administrator, reviewed the chain of events leading up to the current vacancy in Commissioner District IV, information received at the public hearing held Monday, April 19th and the options of appointing a candidate or holding a special election. The Board gave comments as to filling the position either by appointment or special election.

On a motion by David Benson and seconded by Diane Thier, it was duly passed to adopt the following resolution:

WHEREAS, Commissioner Norm Gallagher resigned as Nobles County Commissioner - District IV, effective March 31, 2010; thus creating a vacancy in the office of County Commissioner; and,

WHEREAS, the Nobles County Board of Commissioners has reviewed Minnesota Statutes §375.101 regarding options in the filling of a vacancy in a County Commissioner seat; and,

WHEREAS, since less than one year remains in Commissioner Gallagher's unexpired term, which ends on January 3, 2011, the Nobles County Board has the option of filling the vacancy in the District IV County Commissioner's seat by appointment or by a special election;

WHEREAS, pursuant to Minnesota Statute §375.101, the Nobles County Board held a public hearing at 7:00 p.m., April 19, 2010 to accept public testimony from persons residing in District IV in which the vacancy exists relating to the qualifications of perspective appointees to fill the vacancy; and,

WHEREAS, prior to the public hearing, notification of the hearing was published in the Worthington *Daily Globe* on April 15, 2010; and

WHEREAS, public officials in District IV were notified via U.S. mail of the April 19, 2010 public hearing as required under Minnesota Statute §375.101 subd. 5. A complete list of officials notified is on file in the Office of the County Administrator and is made a part of this resolution by reference.

WHEREAS, at the Public Hearing held April 19, 2010, the following individual, expressed interest in being appointed to fill the District IV vacancy: Robert Demuth, Jr., Gene Foth, Gerald Mulder and Mike Peil.

BE IT RESOLVED, that Nobles County Board hereby appoints Gene Foth to fill the unexpired term in Nobles County Commissioner District IV; and,

BE IT FURTHER RESOLVED, Gene Foth assume duties of the office of Nobles County Commissioner – District IV after taking his “oath of office”.

In Favor: David Benson, Diane Thier, Marvin Zylstra

Opposed: Vern Leistico

On a motion by Diane Thier and seconded by Marvin Zylstra, it was duly passed to authorize the County Board Chair to sign, on behalf of Nobles County, a Workforce Investment Act Joint Powers agreement with fourteen other Southwest Minnesota Counties. A copy of the agreement was before the board and is made a part of this resolution by reference.

Committee and Board reports were received from the following:

District V-Commissioner Leistico reported on the Park Board, Jt. Powers Transit Authority meetings and the Retired & Senior Volunteer Program annual meeting.

District II-Commissioner Thier reported on the Health, Human Services & Corrections, Library Board, Administrative Committee, Family Connections, Kanaranzi-Little Rock Joint Powers Board meetings and Southwestern Mental Health Board annual meeting and the Public Hearing.

District III-Commissioner Benson reported on the meeting with Governor Pawlenty’s staff in regard to the Wind Energy Production Tax, Southwestern Mental Health annual meeting, Public Hearing and State Community Health Advisory meeting.

District I-Commissioner Zylstra reported on the Extension Committee, Summit Lake Township, Health, Human Services & Corrections, Health Board, EMPAC, Joint Powers Transit Authority meetings and meeting with the City of Worthington in regard to assessing.

County Administrator Ruppert updated the Board on the meeting with the City of Worthington in regard to assessing, Secretary I vacancy in the Extension Office, interviews for Human Services Director and the status of advertisement for the vacant Finance Director position. The Administrative Committee met on April 13th and reviewed the cell phone policy, Lincoln Pipestone Rural Water expansion project and employee evaluation forms.

On a motion by David Benson and seconded by Diane Thier, it was duly passed to approve the following claims for payment:

Auditor’s Warrants:	
March 26, 2010	\$400.00
March 29, 2010	\$279.00
April 2, 2010	\$20,293.55
April 5, 2010	\$21,145.51
April 9, 2010	\$16,817.64
April 12, 2010	\$200.00
April 13, 2010	\$536.86
Commissioners’ Warrants:	
General Fund	\$89,269.22
Public Works Fund	\$21,386.89
Family Services Administration	\$30,881.03
Family Services Social Services	
April 1, 2010	\$4,843.12
April 7, 2010	\$15.00
April 9, 2010	\$14,557.35

There being no further business, the Board adjourned sine dies.

Attest:

Chairperson

County Administrator