

**OFFICIAL PROCEEDINGS OF BOARD OF COMMISSIONERS OF NOBLES COUNTY,
MINNESOTA**

BOARD OF COMMISSIONERS of Nobles County met for its Annual Meeting on Tuesday, January 02, 2018, in the Commissioners Room, at the Nobles County Government Center, Worthington, Minnesota. The following Commissioners were in attendance: Justin Ahlers, Gene Metz, Matt Widboom, Robert S. Demuth and Donald Linssen.

The meeting was called to order by County Administrator, Tom Johnson, at 9:00 AM followed by the Pledge of Allegiance.

1. Call to Order	
2. Pledge of Allegiance	
3. Election of Officers	
3.1	Election of Board Chair
<p><u>VOTING</u> It was duly passed to nominate Robert S. Demuth for the position of Chairperson for 2018. Moved by: Metz, Gene Seconded by: Ahlers, Justin</p> <p>It was duly passed to declare a unanimous ballot be cast for Commissioner Demuth as Chairperson.</p> <p>Newly elected Chairperson Demuth then presided over the meeting. Chairperson Demuth thanked the Board for the opportunity and extended his gratitude to Commissioner Linssen for serving as Chairperson for 2017.</p>	
3.2	Election of Vice Chair
<p><u>VOTING</u> It was duly passed to nominate Matt Widboom for the position of Vice Chairperson for 2018. Moved by: Linssen, Donald Seconded by: Metz, Gene</p> <p>It was duly passed to declare a unanimous ballot be cast for Commissioner Widboom as Vice Chairperson.</p>	
4. Approval of Agenda	
<p><u>VOTING</u> It was duly passed to approve the agenda as amended adding 7.2 C. AFSCME Council 65 – Public Health Contract. Moved by: Widboom, Matt Seconded by: Ahlers, Justin</p>	
5. Recognition	
5.1	Visitors & Guests Welcome
5.2	Excellence in Performance

	Jessica Kruse, Registered Nurse, was acknowledged as the recipient of the Nobles County Excellence in Performance Award.
6. Consent Agenda	
6.1	December 19, 2017 Regular Meeting Minutes
	<u>Attachments:</u> December 19, 2017 Draft Regular Meeting Minutes
6.2	2018 Warrant Payment Authorization - Resolution 201801
	<u>Attachments:</u> Resolution 201801 Warrant Payment Authorization
6.3	Snowmobile Safety Enforcement Grant
	<u>Attachments:</u> State of MN Grant Contract for Fiscal Years 2018 and 2019
6.4	Small Community Wastewater Treatment Program Technical Assistance Grant
	<u>Attachments:</u> Minnesota Public Facilities Authority Project Grant Agreement – Small Community Wastewater Treatment Program Technical Assistance Grant
6.5	Meetings & Conferences - Travel Expenses
	<u>Attachments:</u> Travel Expenses paid December 22, 2017
6.6	Auditor's and Commissioner's Warrants
	<u>Attachments:</u> Accounts Payable Summary Auditor's Warrants Commissioner's Warrants – General Revenue Fund Commissioner's Warrants – Public Works Fund Commissioner's Warrants – Family Services Fund
<u>VOTING</u> It was duly passed to approve the consent agenda as presented. Moved by: Metz, Gene Seconded by: Linssen, Donald	
7. Department Presentations	
7.1	Public Works
A.	Highway - Stephen Schnieder
1.	City of Worthington Construction Agreement - Resolution 201802
	Stephen Schnieder, Public Works Director/County Engineer, presented the Board with information and a recommendation in the area of construction agreements. Mr. Schnieder advised that the City of Worthington would like to include their bituminous paving work under the County's contract in 2018 in hopes to receive lower bid prices. The City will provide the plans, specifications and pay for the costs of the projects and the County reserves the right to drop the City's portion of the project if the cost is too high.

	<p><u>Attachments:</u> City of Worthington Construction Agreement Resolution 201802</p>
<p><u>VOTING</u> It was duly passed to adopt Resolution 201802 to authorize entering into an agreement with the City of Worthington for bituminous paving. Moved by: Ahlers, Justin Seconded by: Widboom, Matt</p>	
<p>2.</p>	<p>Partial Payment for Bituminous Contract - Resolution 201803</p>
<p>Mr. Schnieder advised the contractor, Duininck, Inc. has completed the work on the 2017 Bituminous Paving Contract No. 17001. One of the subcontractors has a dispute about the wage rates and the dispute is being handled by the MN Department of Labor and Compliance and could take up to two years for resolution. Five percent of the total contract is required to be withheld until the contract is complete and the County can release all or a portion of the 5% retainage if they determine it appropriate. Duininck, Inc. is requesting that all but 0.1% of the contract be paid at this time. County Attorney, Kathleen Kusz, questioned if there could be interest or fees charged as a penalty for retaining a portion of the contract. Mr. Schnieder advised there would be no penalty to the County and any fees would go back to the Contractor. Commissioner Ahlers questioned if there is any type of contract warranty on the road projects and Mr. Schnieder advised there was not.</p> <p><u>Attachments:</u> Duininck Bituminous Contract Resolution 201803</p>	
<p><u>VOTING</u> It was duly passed to adopt Resolution 201803, approving the payment of up to 99.9% of the contract, retaining \$9,417.83. Moved by: Linssen, Donald Seconded by: Ahlers, Justin</p>	
<p>B.</p>	<p>Environmental Services - Kathy Henderschiedt</p>
<p>1.</p>	<p>Conditional Use Permit 31-2017 Mike Fogelman, Fulda MN</p>
<p>Kathy Henderschiedt, Planning and Zoning Administrator, presented the Board with information and recommendations in the area of a conditional use permit and a retainer agreement for legal services.</p> <p>Ms. Henderschiedt advised at the December 20, 2017 public hearing, there was discussion that the topography of the land (parcel of land is located on a tract 1,052' x 1,400' in the SE ¼ of SW ¼, Section 15, Township 104, Range 40, Seward Township) causes all rainwater to drain towards the DNR's wetland/wildlife area. The DNR's biggest concern was Mr. Fogelman's proposal for the asphalt and concrete crushing and the potential for petroleum distillates to move off of Mr. Fogelman's property into the wetland. The east area of the property is currently enrolled in the Government CRP Program and Mr. Fogelman does not plan to re-enroll it upon expiration. Ms. Henderschiedt's recommendation after talking to the DNR would be that if the CUP were approved, that the only area Mr. Fogelman be allowed to stockpile and crush the concrete and asphalt is the Northwest portion of this parcel. The area off to the East would serve as a Buffer so that when there is a significant rain event, this buffer area would have a chance to pull all the distillates out of the water before it flows onto the DNR property.</p>	

	<p>John Shea, Nobles Soil & Water Conservation District Manager, advised he was unable to attend the public hearing but had sent comments to Ms. Henderschiedt. He spoke of concerns that Mr. Fogelman's property would not be in the farming program and that he thinks he can tile the wetland. Mr. Shea advised of the Wetland Conservation Act of 1991 and that there would be restrictions through the SWCD if determined a wetland. Mr. Shea agreed with Ms. Henderschiedt's recommendation and would like to see the restrictions placed by the Board. Commissioner Widboom asked if these restrictions were placed by the Planning and Zoning Commission and Ms. Henderschiedt advised they were not. Commissioner Widboom advised he did not feel it was fair to speculate what Mr. Fogelman may do with the property in the future. County Attorney, Kathleen Kusz, advised if no restrictions are placed, they cannot be added in the future. If restrictions are placed now, they can be removed later. Ms. Henderschiedt again advised her recommendation was to restrict the asphalt and concrete crushed product to be stockpiled in the Northwest corner of the parcel. Commissioner Widboom stated he was not sure that Mr. Fogelman had adequate time to reconsider use of his acres since the DNR conversation with Ms. Henderschiedt occurred the afternoon of the public hearing.</p> <p>Bill Schuna of the DNR was present and spoke that the condition is reasonable but that he does not know the extent of the project. Commissioner Metz asked Mr. Schuna if he supported stockpiling of the materials in the Northwest side of the grove and Mr. Schuna answered "yes." Ms. Henderschiedt stated Mr. Fogelman does not understand why he would have restrictions and he feels he should be able to do what he wants. Ms. Kusz stated that Mr. Fogelman also questioned the validity that asphalt could create runoff that would be hazardous. Commissioner Ahlers advised Mr. Fogelman stated that he understands any pollution is his responsibility and Commissioners Ahlers further added that he did not feel these restrictions are necessary.</p> <p>Attachments: Aerial photograph of property Aerial photograph of wetlands near property Topography of area around property Planning & Zoning Minutes 12-20-17</p>
<p><u>VOTING</u> A motion was made by Justin Ahlers and seconded by Matt Widboom to support and approve Conditional Use Permit 31-2017 to Mike Fogelman, Fulda MN, as presented. Motion failed. In Favor: Ahlers, Justin; Widboom, Matt Opposed: Metz, Gene; Demuth, Robert S.; Linssen, Donald</p>	
	<p>Commissioner Demuth spoke of the Board's responsibility to look after the health and safety of constituents. Commissioner Metz stated that there are still many unanswered questions. Ms. Henderschiedt advised of the MPCA's requirements.</p>
<p>A motion was made by Gene Metz and seconded by Donald Linssen to send Conditional Use Permit 31-2017 back to the Planning and Zoning Commission for further discussion on the wetland tiling procedures and MPCA requirements.</p>	
	<p>Commissioner Linssen advised he would like to know what size of an area Mr. Fogelman plans to use for potential storage of the materials. Commissioner Ahlers' stated concerns are that the Planning and Zoning Commission took it up once already and Commissioner Widboom further added that they provided it to the Board with no recommendations on the restrictions presented. Ms. Kusz stated that the Planning and Zoning Commission is a recommending body and that if the Board feels the Commission's recommendation was based on incomplete information it will create a record for review of additional information. Commissioner Widboom stated he would like to see Mr. Fogelman's plans for the use of the area and Commissioner Ahlers stated he would like to see Mr. Fogelman before the Board for the next review.</p>

VOTING

It was duly passed to send Conditional Use Permit 31-2017 back to the Planning and Zoning Commission for further discussion on the wetland tiling procedures and MPCA requirements.

Moved by: Metz, Gene

Seconded by: Linssen, Donald

In Favor: Metz, Gene; Demuth, Robert S.; Linssen, Donald

Opposed: Ahlers, Justin; Widboom, Matt

2. Rupp, Anderson, Squires & Waldspurger, P.A. - Retainer for 2018

Ms. Hendershiedt recommended to the Board to continue to retain Scott Anderson of Rupp, Anderson, Squires & Waldspurger, P.A. to provide advice and consultations on zoning issues as well as ongoing training for Board of Adjustment and Planning and Zoning committees.

Commissioner Demuth stated that Rupp, Anderson, Squires & Waldspurger, P.A. are recognized by all 87 counties but not retained by all. Commissioner Metz asked Ms. Hendershiedt if there could be any additional expenses over the sum of \$3,600.00 and Ms. Hendershiedt advised there could be additional expenses if reviewing an ordinance or if there is an appeal.

Attachments:

Retainer Agreement for Legal Service - Anderson Squires

VOTING

It was duly passed to approve the retainer agreement for legal services with Rupp, Anderson, Squires & Waldspurger, P.A. for 2018 in the amount of \$3,600.00.

Moved by: Metz, Gene

Seconded by: Widboom, Matt

7.2 Human Resources - Sue Luig

A. 2018 County Position Allocation - Resolution 201804

Ms. Luig advised in accordance with the adopted 1976 Personnel Act, Chapter 182, Laws of 1976, the act provides for County Personnel to set the maximum positions allocated to each office for 2018.

Attachments:

Resolution 201804 Position Allocation

VOTING

It was duly passed to adopt Resolution 201804 as presented setting the 2018 Nobles County Position Allocation.

Moved by: Linssen, Donald

Seconded by: Metz, Gene

B. Minimum Salaries for Elected Officials - Resolution 201805

Ms. Luig advised during an election year, the Board is required to set the minimum salaries for the Attorney, Auditor-Treasurer, Recorder and Sheriff and the resolution presented followed the recommendations discussed at the December 27th, 2017 Board Work Session.

Attachments:

Resolution 201805 – Elected Minimum Salary

VOTING

It was duly passed to adopt Resolution 201805 setting the minimum salaries for elected officials for the term next following.

Moved by: Ahlers, Justin

Seconded by: Widboom, Matt

C.	AFSCME Council 65 - Public Health Contract
	Ms. Luing advised that after mediation, the Public Health union voted on the three year contract presented and representatives signed it this morning. The COLA's included in the contract are identical to those in the contracts already signed. Attachments/Handouts: Labor Agreement – AFSCME Council 65 Public Health
<u>VOTING</u> It was duly passed to approve the AFSCME Council 65 Public Health contract for three years effective January 1, 2018. Moved by: Metz, Gene Seconded by: Linssen, Donald	
8. Administration Presentation - Tom Johnson	
Tom Johnson, County Administrator, presented the Board with information and recommendations in the area of County Administration and organizational business required during the statutory meeting.	
8.1	2018 Operating Rules and Guidelines
	Attachments: 2018 Draft Operating Rules with tracked changes 2018 Draft Operating Rules Clean
<u>VOTING</u> It was duly passed to adopt the 2018 Operating Rules & Guidelines as presented. Moved by: Ahlers, Justin Seconded by: Demuth, Robert S.	
8.2	2018 Meeting Dates
	Attachments: 2018 Meeting Calendar
<u>VOTING</u> It was duly passed to adopt the 2018 meeting schedule as presented, that the meetings of the Board will be held on the first Tuesday after the first Monday and the second to last Tuesday of each month at 9:00 a.m. with the exception of changing the December 4th meeting to December 6th to begin at 3:00 p.m.; and further, holding the 2019 proposed budget and tax levy meeting at 6:00 p.m. that same evening. Moved by: Linssen, Donald Seconded by: Metz, Gene	
8.3	2018 County Legal Newspaper
	Marketing proposals were presented from The Globe with a rate of \$9.95/inch for advertising and the Nobles County Review with a rate of \$10.21/column inch. The Board discussed the circulation areas for both newspapers. Attachments: The Globe Proposal Nobles County Review Proposal
<u>VOTING</u> It was duly passed to designate The Globe, Worthington, as the legal newspaper of the County for 2018 and that a summary of County Board proceedings pursuant to MN Statutes §331A.01 be published; and further, to authorize the County Administrator to sign, on behalf of Nobles County, an Advertising Agreement with The Globe for 2018. Moved by: Demuth, Robert S. Seconded by: Widboom, Matt	

8.4	2018 Fee Schedule
	<u>Attachments:</u> Proposed 2018 Fee Schedule
<u>VOTING</u> It was duly passed to adopt the Nobles County Fee Schedule as amended effective January 1, 2018 as presented. Moved by: Linssen, Donald Seconded by: Demuth, Robert S.	
8.5	2018 Board Appointments
	<u>Attachments:</u> Proposed 2018 Committee Appointments
<u>VOTING</u> It was duly passed to appoint members of the Board to represent the Board of Commissioners on committees; and further, to authorize the payment of per diem and expense reimbursement for their attendance at assigned committee meetings. Moved by: Ahlers, Justin Seconded by: Metz, Gene	
8.6	2018 Boards, Committees & Commissions - Citizen Appointments
	<u>Attachments:</u> Committee Appointment Policy Leinen Application
<u>VOTING</u> It was duly passed to reappoint Bruce Leinen to the Heron Lake Watershed District Board of Managers for a three year term expiring February 14, 2021. Moved by: Demuth, Robert S. Seconded by: Ahlers, Justin	
8.7	Share Our Story Document
	Mr. Johnson advised that AMC is encouraging all counties to draft a document for legislators and the public to remind them of the value of County Program Aid funds and the public budget process outcomes. <u>Attachments:</u> Letters to Hamilton, Weber and Schomacker
<u>VOTING</u> It was duly passed to approve the letters be sent to Representative Hamilton, Representative Schomacker and Senator Weber as presented. Moved by: Widboom, Matt Seconded by: Metz, Gene	
8.8	2018 IRS Standard Mileage Rate
	Mr. Johnson advised the Internal Revenue Service issued the 2018 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes. Beginning on Jan. 1, 2018, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be 54.5 cents for every mile of business travel driven, up 1 cent from the rate for 2017. <u>Attachments:</u> IRS News release
<u>VOTING</u> It was duly passed to adopt the 2018 IRS standard mileage rate for business in the amount of 54.5	

cents per mile beginning on January 1, 2018.

Moved by: Ahlers, Justin

Seconded by: Linssen, Donald

9. Inter-Agency Reports / Announcements

9.1 Committee and Board Reports

District I - Commissioner Ahlers reported on the Nobles County Historical Society meeting.

District II - Commissioner Metz - no report.

District III - Commissioner Widboom - no report.

District IV - Commissioner Demuth - no report.

District V - Commissioner Linssen - no report.

Management Team – Attorney Kathleen Kusz recommended that the Board attend the social media training in January; "Stop the Bleed" training will also be provided in the future.

County Administration - Administrator Johnson reported on the Armory.

9.2 Correspondence

Attachments:

Recruitment Update

AMC Legislative Policy Positions 2018

Rinke Noonan Drainage & Water Conference Pamphlet

Open Door Health Center Letter

9.3 Calendar

Attachments:

January 2018

10. Other / Future Business

Holiday Dinner

Monday, January 8, 2018 6:00 p.m.

Hickory Lodge, 2015 N. Humiston Ave, Worthington MN

Nobles Economic Opportunity Network (N.E.O.N.)

Thursday, January 11, 2018 5:30 p.m. – 7:00 p.m.

BioTechnology Advancement Center, 1527 Prairie Drive, Worthington MN 56187

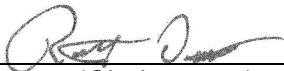
11. Adjournment

VOTING

It was duly passed to adjourn the meeting at 9:57 a.m.

Moved by: Linssen, Donald

Seconded by: Widboom, Matt



(Chairperson)



(County Administrator)