

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

BOARD OF COMMISSIONERS of Nobles County met in regular session on Tuesday, February 06, 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 Chairperson Demuth at 9:00 AM followed by the Pledge of Allegiance.

1. Call to Order	
2. Pledge of Allegiance	
3. Approval of Agenda	
<u>VOTING</u> It was duly passed to approve the agenda as presented. Moved by: Ahlers, Justin Seconded by: Metz, Gene	
4. Recognition	
4.1	Visitors & Guests Welcome
4.2	Excellence In Performance
	Michelle Ridd, Accountant, and Kris Ray, Chief Deputy Auditor-Treasurer, were acknowledged as the recipients of the Nobles County Excellence In Performance Award.
5. Consent Agenda	
5.1	January 23, 2018 Regular Meeting Minutes <u>Attachments:</u> January 23, 2018 Draft Regular Meeting Minutes
5.2	Voting Equipment Grant Award Acceptance <u>Attachments:</u> State of MN Acceptance Letter State of MN Voting Equipment Grant Agreement Grant Application and Resolution approved 12/7/17
5.3	Knowink Agreement <u>Attachments:</u> Knowink 3 year contract Knowink 5 year contract
5.4	Interpreter Agreement 2018 <u>Attachments:</u> Interpreter Agreement Koji
5.5	Meetings & Conferences - Travel Expenses <u>Attachments:</u> Travel Expenses paid February 2, 2018

5.6	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
	Kathleen Kusz, County Attorney, recommended the Board remove item 5.3 Knowink Agreement from the consent agenda as the decision of a three or five year contract needs to be made.
<u>VOTING</u> It was duly passed to approve the Consent Agenda with the exception of item 5.3 Knowink Agreement, which will be reviewed separately. Moved by: Metz, Gene Seconded by: Linssen, Donald	
5.3	Knowink Agreement
	Kathleen Kusz, County Attorney, advised she had reviewed the agreement with Beth Van Hove, Auditor-Treasurer, and her only concern was that there was no out clause without reason but required a breach. Ms. Van Hove had advised Ms. Kusz that she is ok with the company and is in support of a five year agreement.
<u>VOTING</u> It was duly passed to approve the Master Software License and Services Agreement with Knowink for five years for the provision of the install and set-up of electronic poll books. Moved by: Ahlers, Justin Seconded by: Widboom, Matt	
6. Public Hearing	
6.1	Proposed Property Tax Abatement - Gene and Misty Tscherter Parcel 23-0029-000 A. Open Hearing (Action) B. Proposed Abatement - Discussion C. Public Comment D. Close Hearing (Action) E. Decision - Resolution 201807
	<u>Attachments:</u> NHI Nobles County Guidelines NHI request Tscherter Resolution 201807
	A. On a motion by Justin Ahlers and seconded by Gene Metz, it was duly passed to suspend the regular Board meeting and open the Proposed Property Tax Abatement Public Hearing. B. Abraham Algadi, Worthington Regional Economic Development Corporation, Jim Naumann, City of Brewster, and Gene Tscherter, property owner, were present to discuss the proposed property tax abatement and answer questions of the Board. The confusion over ownership status and that the property must be titled to the owner before tax abatement application may be made, timeline of the purchase of the property and delay of the transfer of the property title until December 20th was discussed. Mr. Tscherter advised that the house is at the rough in stage. The Board discussed their concerns over setting a precedence and Ms. Kusz advised of the importance of distinguishing facts. The Nobles County NHI Guidelines state that the program approval must be obtained prior to the start of the construction of the new housing/home. There is justification in

	<p>this scenario but that is not stated in the guidelines and with interpretation, it is open to potential erosion of the deadline. Commission Ahlers advised he felt the Tscherters have done their due diligence.</p> <p>C. No public comments were received.</p> <p>D. On a motion by Donald Linssen and seconded by Gene Metz, it was duly passed to close the Proposed Property Tax Abatement Public Hearing and resume the regular Board meeting.</p> <p>E. On a motion by Justin Ahlers and seconded by Matt Widboom, it was duly passed to adopt Resolution 201807 approving tax abatement for parcel 23-0029-000 pursuant to Minnesota Statute 469.1813.</p>
7. Department Presentations	
7.1	Public Works
A.	Highway - Stephen Schnieder
1.	Road Construction Materials Special Permit
	<p>Stephen Schnieder, Public Works Director/County Engineer, advised the Board that restrictions on truck loads on Interstate 90 would result in trucks using our county roads. New State Statute 169.869 allows aggregate haulers to increase their loads up to 90,000 pounds on six axles or 97,000 pounds on seven axles that are designed for this loading and have permit from the road authority. Enforcement is governed legislatively and with law enforcement. Mr. Schnieder advised the Board could set different weight amounts but that the County has followed the State and legislature previously. Commissioner Metz asked if the Board permits the increased weights if it can be rescinded in the future and Mr. Schnieder replied "Yes, we can stop issuing permits" and explained that the Board can assign routes and set limitations and conditions. This will increase in the loading on CSAH 35 but it is hard to speculate how much and CSAH 35 was built as a good road. Approved vehicles have a tag on the vehicle from the manufacturer, but there is no tag for local identification of permitting approval. Commissioner Widboom asked if the Board had to act on it or if the requests could come before the Board case by case. Mr. Schnieder advised this would delay the permitting process.</p> <p><u>Attachments:</u> MN Statute 169.869</p>
<u>VOTING</u>	
<p>It was duly passed to allow the increased weight permitting on county roads with two stipulations: 1) review in 2 years; 2) all routes be approved by Nobles County Engineer. Moved by: Metz, Gene Seconded by: Widboom, Matt In favor: Metz, Gene; Widboom, Matt, Demuth, Robert S. Opposed: Linssen, Donald; Ahlers, Justin</p>	
2.	2018 Bituminous Contract
	<p>Mr. Schnieder advised the projects for the 2018 bituminous paving contract were reviewed at the January 31, 2018 Board Work Session.</p> <p><u>Attachments:</u> 2018 Bituminous Contract Advertisement for Bids</p>

VOTING

It was duly passed that sealed bids will be received by the Nobles County Board of County Commissioners of Nobles County, Minnesota, at the office of the County Administrator, Nobles County Government Center, P. O. Box 757, 315 10th Street, Worthington MN 56187 until 1:00 PM on Wednesday, March 7, 2018, for the following projects: S.A.P. 053-609-020, being 3.138 miles in length; S.A.P. 053-613-020, being 6.644 miles in length; S.A.P. 053-616-035, being 6.006 miles in length; S.A.P. 053-618-027, being 5.004 miles in length; S.A.P. 053-618-027, being 6.500 miles in length; C.P. 7701, being 0.092 miles in length, City of Worthington, Project No. 01-48392.

Moved by: Ahlers, Justin

Seconded by: Linssen, Donald

B. Environmental Services - Mark Koster

1. Natural Resources Block Grant

Mark Koster, Environmental Services Manager, presented the Board with information and a recommendation on the 2018-2019 Natural Resources Block Grant (NRBG) in the amount of \$73,282.00 to assist with the implementation of the Comprehensive Local Water Plan, Wetland Conservation Act, Shoreland and Subsurface Sewage Treatment Systems (SSTS). The grant has been incorporated into the proposed 2018 budget.

Attachments:

2018 & 2019 State of MN BWSR Natural Resources Block Grant

VOTING

It was duly passed to approve the 2018-2019 State of Minnesota Board of Water and Soil Resources Natural Resources Block Grant Agreement in the amount of \$73,282.00; and further, to authorize the County Administrator to sign the agreement on behalf of Nobles County.

Moved by: Linssen, Donald

Seconded by: Widboom, Matt

7.2 Drainage System - Beth Van Hove/Brad Harberts/Bruce Sellers

A. Findings and Final Order for County Ditch #11

On a motion by Justin Ahlers and seconded by Gene Metz, it was duly passed to recess the regular Board meeting and reconvene as the Ditch Authority.

The County's Ditch Council, Bruce Sellers, Wendland Sellers Office Attorneys At Law; Beth Van Hove, Auditor-Treasurer; and Brad Harberts, Drainage System Coordinator, were present to answer questions of the Board. Mr. Sellers advised on December 7, 2017 the continuation of the final hearing was held for the petition for improvement of portions of Nobles County Ditch 11 and the Nobles County Board, acting as Drainage Authority, heard testimony to make a determination of establishment of the permit. Mr. Sellers recommended the Drainage Authority approve the Findings and Final Order Refusing to Establish Drainage Project and Dismissing Petition for Improvement as outlined in the document.

Attachments:

Draft Final Order

VOTING

It was duly passed to accept the Findings and Order Refusing to Establish Drainage Project and Dismissing Petition for Improvement as drafted by Councilor Bruce Sellers.

Moved by: Ahlers, Justin

Seconded by: Linssen, Donald

In favor: Ahlers, Justin; Linssen, Donald; Demuth, Robert S. Opposed: Metz, Gene; Widboom, Matt	
On a motion by Justin Ahlers and seconded by Matt Widboom, it was duly passed to adjourn as the Ditch Authority and reconvene the regular Board meeting.	
7.3	Auditor-Treasurer - Beth Van Hove
A.	2018 Township Road Allocation
	Beth Van Hove, Auditor –Treasurer, recommended payment to the Nobles County Townships based on the previously approved formula considering each town’s levy, population and road mileage. <u>Attachments:</u> 2018 Township Road Allocation Proposal
<u>VOTING</u> It was duly passed to approve payment to the Nobles County Townships based on the previously approved formula considering each town’s levy, population and road mileage. Moved by: Metz, Gene Seconded by: Ahlers, Justin	
B.	Year End Reports
	Beth Van Hove, Auditor-Treasurer, presented the Board with three year end reports of tax delinquency and two year end cash and investment reports. <u>Attachments:</u> Cash and Investments Collateral 2017 Cash and Investments Year Ending December 31, 2017 Tax Delinquency Township & City 2017 Report of Tax Delinquency 2017 Unpaid Tax as of December 31, 2017
<u>VOTING</u> It was duly passed to accept the Nobles County Auditor-Treasurer's report of Cash and Investments - December 31, 2017. Moved by: Linssen, Donald Seconded by: Widboom, Matt It was duly passed to accept the Nobles County Cash and Investments Collateral Report - December 31, 2017. Moved by: Metz, Gene Seconded by: Demuth, Robert S.	
7.4	Library - Clint Wolthuizen
A.	Nobles County Library & Plum Creek Library System PCLS Joint Powers Agreement
	Clint Wolthuizen, Library Director, presented the Boad with information and a recommendation in the area of a Plum Creek Library System Agency Agreement. The prior agreement had no dissolution statement. In late 2016, Jim Trojanowski, Director of Plum Creek Library, presented the board with an updated Joint Powers Agreement for the Plum Creek Library System which was intended to replace a 2001 agreement that was outdated but still in force. The 2018 PCLS Joint Powers Agreement before the Board has been fully reviewed and edited by most entities comprising PCLS. Kathleen Kusz, County Attorney has reviewed the agreement multiple times and it has

	<p>been reviewed by the Minnesota Counties Intergovernmental Trust. Mr. Wolthuizen advised that it will go to the Library Board next for approval.</p> <p><u>Attachments:</u> Plum Creek Library System Agency Agreement Library Joint Powers Agreement 2001 Summary of changes to Joint Powers Agreement</p>
<p><u>VOTING</u> It was duly passed to approve the Plum Creek Library System Agency Agreement between Nobles County and the Plum Creek Library System. Moved by: Metz, Gene Seconded by: Widboom, Matt</p>	
<p>A member of the Lismore Cooperative Telephone Company was in the audience so the Commissioners decided to take action on Item 8.3 as the next presenter had not yet arrived.</p>	
8.3	2018 Lismore Cooperative Telephone Company Grant Payment
	<p>Commissioner Gene Metz stated for the record that he would be recusing himself from this item as a member of the Board of Directors. Mr. Johnson advised that as part of the Broadband project for the Lismore Cooperative Telephone Company, the Board committed grant funds to bonded funds. The first installment of \$500,000 was made in December 2017.</p> <p><u>Attachments:</u> Executed Loan Agreement Executed Grant Agreement</p>
<p><u>VOTING</u> It was duly passed to authorize payment of \$500,000 to Lismore Cooperative Telephone Company to complete the Nobles County commitment made in 2017 for assistance with the broadband project. Moved by: Ahlers, Justin Seconded by: Widboom, Matt Abstained: Metz, Gene</p>	
7.5	Community Services - Stacie Golombiecki
A.	Voiance Language Services, LLC Purchase of Purchase of Service Agreement
	<p>Stacie Golombiecki, Community Services Director, presented the Board with information and recommended that the Board approve a Services Agreement with Voiance Language Services, LLC. Community Services frequently utilizes language services to maintain communication with those we are servicing who do not speak English as a first language. This service could be utilized by all county departments at a lower rate than the current service used. This service would not replace the use of face to face interpretation in court or in other specific cases when it is desirable.</p> <p><u>Attachments:</u> Voiance Agreement</p>
<p><u>VOTING</u> It was duly passed to approve the Voiance Service Agreement between Nobles County and Voiance Language Services, LLC for the provision of over the phone and video remote interpretation services. Moved by: Widboom, Matt Seconded by: Ahlers, Justin</p>	

8. Administration Presentation - Tom Johnson	
Tom Johnson, County Administrator, presented the Board with information and recommendations in the area of County Administration.	
8.1	2018 Board of Equalization
	<u>Attachments:</u> 2018 Meeting Calendar
<u>VOTING</u> It was duly passed to set the date for the Board of Equalization to be Tuesday, June 12th, 2018 at 6:00 p.m. in the Commissioners' Room, 3rd Floor, Government Center as recommended by the County Assessor. Moved by: Metz, Gene Seconded by: Linssen, Donald	
8.2	Highway Bargaining Unit Contract Change Request
	Mr. Johnson advised the Board that the AFSCME Highway Bargaining Unit Labor Representative had requested the the language of the previous contract for Article XXVI. Miscellaneous Provisions, 26.4 in regard to the clothing allowance being changed back. He informed Mr. Johnson that the highway staff covered by this agreement had not discussed the new language in this contract and that they wish to change it back. Mr. Johnson advised the Board that this would save the County approximately \$1,500 if they approved an MOA to amend the agreement. The consensus of the Board was that the Union Steward and Labor Representative had not clearly explained the changes with the union members that would be affected by them. <u>Attachments:</u> Language Change in Contract approved 12/19/17
<u>VOTING</u> It was duly passed passed to approve the suggested contract language and authorize Administration to sign a memorandum of agreement to amend ARTICLE XXVI. Miscellaneous Provisions, 26.4 language of the AFSCME Highway Bargaining Unit contract effective March 1, 2018. Moved by: Ahlers, Justin Seconded by: Metz, Gene In favor: Ahlers, Justin; Widboom, Matt; Linssen, Donald Opposed: Metz, Gene; Demuth, Robert S.	
8.4	Request for Proposals - PJC Window Flashing Project
	Mr. Johnson advised the Board that the flashing on 48 windows at the Prairie Justice Center need to be repaired and recommended the Board solicit proposals. <u>Attachments:</u> RFP – Nobles County PJC
<u>VOTING</u> It was duly passed that proposals will be received in the office of the Administrator, addressed to Nobles County Government, Administration Office, PO Box 757, Worthington MN 56187 no later than 3 p.m., Friday, February 23, 2018 as presented for the Prairie Justice Center Exterior Facade Repair - Window Through Wall Flashing Replacement. Moved by: Linssen, Donald Seconded by: Widboom, Matt	

<p>8.5</p>	<p>Application and Certificate for Payment No. NOBCTY0005 - Salonek Concrete & Construction</p>
	<p>It was recommended to Pay Application No. NOBCTY00005 for the Nobles County Adrian Shop Addition Project in the amount of \$82,258.03 to Salonek Concrete & Construction for work completed as certified by Falls Architecture Studio, LLC.</p> <p>Attachments: Salonek Pay App NOBCTY00005</p>
<p><u>VOTING</u> It was duly passed to approve Payment Application No. NOBCTY00005 for the payment of \$82,258.03 to Salonek Concrete & Construction as certified by Falls Architecture Studio, LLC. in connection with the contract for the Nobles County Adrian Shop addition. Moved by: Ahlers, Justin Seconded by: Demuth, Robert S.</p>	
<p>8.6</p>	<p>Appointed/Elected Auditor-Treasurer and Recorder positions - Resolution 201808</p>
	<p>Mr. Johnson advised the Board there are many steps involved in the process of changing legislation to authorize counties to make the offices of Auditor-Treasurer and Recorder Appointed versus Elected. If legislation would be drafted and approved, he recommended the Board hold a public meeting. Mr. Johnson advised the resolution before them is only to notify legislatures of the County's desire to have statutory authority to make the offices appointed. If legislation would be approved, the County Board would need to adopt a resolution at a later date to make that change.</p> <p>Kathleen Kusz, County Attorney, discussed that as this is an election year and that the legislative process would not be changed in time, according to statute an elected individual would serve out the 4 year term prior to the Board appointing an individual if that is what they approved. If no one were to file, then the Board could appoint an individual after the first of the year. If one of the two elected officials were to retire during their term, the Board would appoint an individual to fulfill the term. County Attorney Kusz recommended that if the Board is not fully in support of moving forward to make the offices of Nobles County Recorder and Auditor-Treasurer appointed, it is best not to approve the resolution before them. If the Board moves forward, legislation passes, and either elected official is not in favor, a referendum could be requested.</p> <p>The Board recognized Lynn Wilson, County Recorder. Ms. Wilson advised of the importance of checks and balances and that voters have the chance to speak. As an elected official, you give it your everything.</p> <p>Commissioner Ahlers advised the residents need to be heard through a public hearing and felt the only way to do that was to move forward. County Attorney Kusz stated to the Board that the resolution states the Board approves the action and advised a hearing can be held without passing the resolution. Ms. Kusz cautioned the Board not to use this as political capital. Ms. Kusz asked the Board to consider the real question: Do you want the public to make the decision or legislature? Ms. Kusz advised there would be no point in having public meetings or holding a referendum and it fails, but legislation passes and the Board still goes ahead with making the offices appointed anyway. The Board discussed the timeline for changes that would have to occur to have in place in 4 years and a potential timeline for if legislation passes.</p>

	<p><u>Attachments:</u> Resolution 201808 Statutory Authority to make Recorder and Auditor-Treasurer offices appointed.</p>
<p><u>VOTING</u> No action was taken. The consensus of the Board was to include making the offices of Auditor-Treasurer and Recorder Appointed on the 2020 ballot.</p>	
<p>8.7</p>	<p>2018 Board Appointments</p>
	<p>Mr. Johnson advised the Nobles County Art Center Board had requested the County Board to consider appointing a member to participate on the Nobles County Art Center Board. The Board discussed how all the appointments have been closely reviewed in the last year and the importance of having the right members with interest on the Board. Mr. Johnson advised the Art Center Board meets the first Tuesday of each month at 5:30 p.m. at the War Memorial Bldg.</p> <p><u>Attachments:</u> 2018 Committee Appointments</p>
<p><u>VOTING</u> It was duly passed to add the Nobles County Art Center Board to the list of Committees that the Board appoints a member to represent them, authorizing the payment of per diem and expense reimbursement for their attendance at assigned meetings; and further, to appoint Matt Widboom to the Board as an Ex-Officio member. Moved by: Ahlers, Justin Seconded by: Demuth, Robert S.</p>	
<p>8.8</p>	<p>2018 Boards, Committees & Commissions - Citizen Appointments</p>
	<p>Mr. Johnson advised that it was found in the Land Use Ordinance under section 503 Planning Commission, 503.1 states that "a minimum of five (5) members shall be representatives from the unincorporated areas of the County." With the recent appointment of Mike Harmon, Worthington resident of District IV, the Board is out of compliance. Mr. Harmon was contacted and has no concerns with his appointment to the Planning Advisory Commission being rescinded. A viable candidate has submitted an application for the vacancy. Both 1 and 2 of the following are recommended: 1) Rescinding the appointment of Mike Harmon of District IV to represent District III on the Planning Advisory Commission from the December 19th, 2017 Board of Commissioners Meeting; and 2) Appointing Dave Vander Kooi of District III to the Planning Advisory Commission for a three year term expiring December 31, 2020.</p> <p><u>Attachments:</u> Planning Advisory Commission application</p>
<p><u>VOTING</u> It was duly passed to rescind the appointment of Mike Harmon to the Planning Advisory Commission to represent District III for a three year term expiring December 31, 2020. Moved by: Ahlers, Justin Seconded by: Demuth, Robert S.</p> <p>It was duly passed to appoint Dave Vander Kooi of District III to the Planning Advisory Commission for a three year term expiring December 31, 2020. Moved by: Metz, Gene Seconded by: Widboom, Matt</p>	

9. Inter-Agency Reports / Announcements	
9.1	Committee and Board Reports
	<p>District I - Commissioner Ahlers reported on Joint Powers Transit Authority (Prairieland Transportation), Nobles County Historical Society, Emergency Management Planning Advisory Committee (EMPAC), Nobles Rock Community Corrections Executive Board and Reading Sewer project meetings.</p> <p>District II - Commissioner Metz reported on the Legislative breakfast held in Worthington, Rural Minnesota Energy Task Force (RMEB) and the Public Utilities Commission holding a public meeting in Wilmont on 2/15 at 6pm for the Nobles 2 Wind Project.</p> <p>District III - Commissioner Widboom had no report.</p> <p>District IV - Commissioner Demuth had no report.</p> <p>District V - Commissioner Linssen reported on the Joint Powers Transit Authority (Prairieland Transportation), Regional Solid Waste Task Force, Advocate.Connect.Educate (A.C.E.) and Southern Prairie Community Care meetings.</p> <p>Management Team – Attorney Kathleen Kusz had no report.</p> <p>County Administration - Administrator Johnson reported on the negotiation on the lease of space at the Government Center by the State of MN Department of Employment and Economic Development, meeting with Utilities on solar panels and their compatibility with the pollinator plot, and the upcoming Child Care discussion featured at the Nobles Economic Opportunity Network (NEON). Mr. Johnson thanked staff for lining up area daycare providers to attend the NEON meeting and provide facts about their struggles with legislation and requirements, and also to collect comments from those unable to attend.</p>
	<p><u>Attachments:</u> January 8, 2018 Nobles County Fair Association Minutes</p>
9.2	Correspondence
	<p><u>Attachments:</u> Recruitment Update Civil Air Patrol Appropriation Payment Southwest Initiative Foundation Appropriation Payment</p>
9.3	Calendar
	<p><u>Attachments:</u> Commissioners' Calendar – February 2018</p>
<p>10. Other / Future Business Nobles Economic Opportunity Network (N.E.O.N.) Thursday, February 8, 2018 5:30 p.m. BioTechnology Advancement Center, 1527 Prairie Drive, Worthington MN 56187</p> <p>The Commissioners announced the next Coffee with your Commissioners will be Monday, February 26th, 2018, 6:00 p.m. at the Adrian Library just prior to the Adrian City Council Meeting.</p>	


11. Adjournment

VOTING

It was duly passed to adjourn the meeting at 10:59 a.m.

Moved by: Ahlers, Justin

Seconded by: Linssen, Donald



(Chairperson)



(County Administrator)