

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

BOARD OF COMMISSIONERS of Nobles County met in regular session on Tuesday, March 20, 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: Widboom, Matt Seconded by: Linssen, Donald	
4. Recognition	
4.1	Visitors & Guests Welcome
4.2	Recognition for Years of Service
	Stephen Schnieder, Public Works Director/County Engineer, was recognized for 35 years of service with Nobles County.
4.3	DHS Letter of Commendation
	A letter of commendation from the MN Department of Human Services was read aloud and the following Nobles County Community Services staff were recognized for perfect performance in meeting the Department of Human Services (DHS) financial reporting requirements for calendar year 2017: Stephani Diekmann, Fiscal Supervisor; Lori Winters, Account Technician; Lisa Palaschak, Account Technician; and Thelma Yager, Collections Officer.
5. Consent Agenda	
5.1	March 6, 2018 Regular Meeting Minutes <u>Attachments:</u> March 6, 2018 Draft Regular Meeting Minutes
5.2	Interpreter Agreement 2018 <u>Attachments:</u> Purchased Services Agreement - Felix
5.3	MN DHS Agreement - Education Only Tobacco Compliance Checks <u>Attachments:</u> SFY 2018 Annual Plan Agreement State of MN DHS
5.4	2017 Annual Feedlot Report & Performance Credit Report <u>Attachments:</u> 2017 County Feedlot Officer (CFO) Annual Report

5.5	Resolution 201811 - NFP LLP Tax Abatement Attachments: Resolution 201811
5.6	Resolution 201812 - Annual County Boat and Water Safety Grant Attachments: Resolution 201812 2018 State of MN B & W Safety Grant Agreement
5.7	Resolution 201813 - County Day Proclamation Attachments: Resolution 201813
5.8	Meetings & Conferences - Travel Expenses Attachments: Travel Expenses paid March 16, 2018
5.9	Auditor's and Commissioner's Warrants Attachments: 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: Ahlers, Justin	
6. Department Presentations	
6.1	Employee Wellness and Recognition Committee
A.	Employee Wellness and Recognition Program
	Cecilia Bofah, Stacie Golombiecki and Mitchell Hartwig, members of the Employee Wellness & Recognition Committee, presented information in the area of proposed changes to the Employee Wellness and Recognition Program summarizing changes to the "Purpose" section and to the "Excellence in Performance" section. Kathleen Kusz, County Attorney, spoke on behalf of the Management Team and Employee Empowerment Team that both groups had reviewed the changes and were in favor. Attachments: EWR Program Changes Redlined EWR Program Changes Clean
<u>VOTING</u> It was duly passed to approve the amended Employee Wellness and Recognition Program as presented. Moved by: Metz, Gene Seconded by: Linssen, Donald	
6.3	Public Works
A.	Highway - Stephen Schnieder
1.	Bituminous Bid Award
	Stephen Schnieder, Public Works Director/County Engineer, presented the Board with the results of bids received for bituminous paving. Three bids were received. The low

	<p>bid was from Central Specialties Inc. of Alexandria for \$4,232,389.63. The other bids were from Duininck Bros. Inc. of Prinsburg for \$4,510,951.83 and Knife River of St Cloud for 4,829,389.43. The City of Worthington had their work included in the bid and will be having the work done through this contract. The estimated cost was \$5,080,00.69</p> <p><u>Attachments:</u> Bituminous Paving Contract</p>
<p><u>VOTING</u> It was duly passed to enter into an agreement for bituminous paving with Central Specialties in the amount of \$4,232,389.63. The work is expected to begin in May 2018. Moved by: Ahlers, Justin Seconded by: Metz, Gene</p>	
B.	Environmental Services - Kathy Henderschiedt
1.	Conditional Use Permit 02-2018 Tom Volk, Brewster MN
	<p>Kathy Henderschiedt, Planning and Zoning Administrator, presented the Board with information and recommendations in the area of a conditional use permit. Mr. Volk was present and advised the house was a 1920's 4 square house with 3,000 sq. ft and in good condition.</p> <p><u>Attachments:</u> Planning and Zoning Minutes February 28, 2018</p>
<p><u>VOTING</u> It was duly passed to approve Conditional Use Permit 02-2018 at the request of Tom Volk, Brewster MN to move in a non-farm dwelling in a Special Protection District. This parcel of land is located in the SE 1/4 and Lots 5 & 6, exc. tract 465' x 465' cont. 4.96 acres, Section 23 Twp. 104 Range 39, Graham Lakes Township. Moved by: Ahlers, Justin Seconded by: Widboom, Matt</p>	
2.	Conditional Use Permit 05-2018 Nick Henning, Fulda MN
	<p>Kathy Henderschiedt, Planning and Zoning Administrator, presented the Board with information and recommendations in the area of a conditional use permit. Nick Henning was present and advised that Murray County has a standard agreement but there is none in Nobles County which is giving townships the right to veto. In response to an agreement drafted by Graham Lakes Township that was before the Board, Mr. Henning asked "Where is the burden of proof that my truck is causing the damage to the township road? What if a feed truck comes in over weight, should the feed mill be held responsible and where does my liability end?" Mr. Henning referred to the DNR land in the area and asked who is responsible for the hunters tracking mud onto the township roads and what is considered typical road maintenance. What the standard is today may not be the same in the future as the township Board changes.</p> <p>Commissioner Ahlers addressed the question of typical road maintenance as it was covered under the Road Damage paragraph in the proposed Township Road Maintenance Agreement from Graham Lakes Township.</p> <p>Mr. Henning asked if he would be able to fix the road himself. County Attorney, Kathleen Kusz, advised the proposed agreement states repairs would be done by the</p>

township and billed to Mr. Henning.

Stephen Schnieder, Public Works Director/County Engineer, stated the township is responsible for keeping the roadways safe. If unsafe, the township could post a lower weight limit that would restrict operations. If no agreement is in place and damage is done, the township could post a lower weight and then negotiate. Mr. Schnieder advised he agrees with the producers as to how could they be held fully responsible but that he agrees that having an agreement up front leaves less open to interpretation. Commissioner Metz asked Mr. Schnieder if a constituent tears up a county road and fixes it themselves, are they liable if they didn't do it right? Mr. Schnieder replied the ultimate liability remains with the township.

Mr. Henning asked "Isn't this what we pay taxes for? Should I get a break in taxes for taking on additional risk?"

Graham Lakes Township Chairperson John Haberman and Supervisor Tom Olsem were present and spoke that the township would like to have an agreement put in effect to make it easier to work with the producer in the future. Permits have been issued before and they have never had a problem.

Commissioner Ahlers asked the township representatives if they are willing to maintain the 10 ton posted limit if Mr. Henning signs the agreement and they responded "yes."

Commissioner Widboom asked the township representatives if they had talked to the Hennings prior to the public hearing and they advised they had not. The first time was at the hearing on the 28th.

Kathleen Kusz, County Attorney, advised the Board if they want to put a restriction on the permit that a copy of any township road maintenance agreement should be kept on file at the County. Ms. Kusz asked Mrs. Hendershiedt how many agreements have there been. Mrs. Hendershiedt advised it would be the first in Nobles County. There seems to be a movement in areas of the State toward having an agreement.

Commissioner Widboom addressed the Township representatives asking if they have other concerns beside the construction? There are restrictive permits issued for grain handling and manure time. Why not address the construction and manure time in the agreement only?

Mr. Henning asked if a standing agreement in other areas is being used or if Counties are giving townships the authority. Mrs. Hendershiedt advised she had not seen any. It is generic what the contracts say and the County does not get involved in the wording. Mr. Henning responded the townships may have unreasonable requests written into the agreement.

Marv Kruger, Dundee, stated he was against issuing the permit due to water quality concerns. Mr. Henning addressed Mr. Kruger's concern and advised the permit has passed all state permitting.

A motion was made by Justin Ahlers and seconded by Robert S. Demuth, for the passage of Conditional Use Permit 05-2018 with conditions as recommended by Planning and Zoning in addition to a Township Road Maintenance Agreement be in place. Discussion continued.

	<p>Commissioner Metz provided information in the following areas after speaking to 6 different townships about this issue: one township approves a resolution rather than an agreement, 2 generic road agreements from Murray County have been reviewed, both Rock and Murray Counties have agreements as part of their conditional use permitting, and concerns regarding landowners not contacting the township for approval. Mr. Metz stated that even on a county level, the Highway Engineer would not issue 2 driveways for 1 site.</p> <p>Commissioner Ahlers advised that he viewed this Township Road Maintenance Agreement as benefitting both the property owner and Township and he does not want to see the Township limiting the road so would hope that the Supervisors would agree to leave the 10 ton posting upon signing of the agreement.</p> <p>Ms. Kusz stated if an agreement were on file, if a more generic agreement was produced later it would be renegotiated to be more universal.</p> <p>Commissioner Widboom advised he does not support adding this condition as Planning and Zoning did not include this in their recommendation and that many of the Townships in his district have pork producers and they do not have an agreement in place. Commissioner Linssen advised he somewhat agreed with Commissioner Widboom's statements but the townships are "grass roots". They live there and are elected to be caretakers. This agreement is a draft that needs to be worked out between the parties.</p> <p>Ms. Kusz advised the Board should not feel they are second guessing Planning and Zoning if they choose to add conditions.</p> <p><u>Attachments/Handout:</u> Planning and Zoning Minutes February 28, 2018 Board of Adjustment Minutes February 28, 2018 Township Road Maintenance Agreement</p>
	<p><u>VOTING</u> The motion made by Justin Ahlers and seconded by Robert S. Demuth failed for the passage of Conditional Use Permit 05-2018 with conditions as recommended by Planning and Zoning in addition to a Township Road Maintenance Agreement be in place. In Favor: Ahlers, Justin; Metz, Gene. Opposed: Widboom, Matt; Linssen, Donald; Demuth, Robert S.</p>
	<p><u>VOTING</u> It was duly passed to approve Conditional Use Permit 05-2018 at the the request of Nick Henning, Fulda MN for construction of two 165' x 121' total confinement swine barns with concrete pit below with the conditions as recommended by Planning and Zoning. This parcel of land is located on 6.13 acres in the NW ¼ of NW ¼ of Section 4, Twp. 104, Range 39 (Graham Lakes Township). Moved by: Widboom, Matt Seconded by: Linssen, Donald In Favor: Widboom, Matt; Linssen, Donald; Demuth, Robert S., Metz, Gene. Opposed: Ahlers, Justin</p>
<p>6.2</p>	<p>Veterans Services - Bill Brockberg</p>
	<p>Bill "Brock" Brockberg, Nobles County Veterans Service Officer, presented the Board with information in the area of the Veterans Service department and the 2018 American Legion Nobles County Government Day event. The Veterans Service Client program showed 2,137 transactions which does not account for all phone calls and notations. As a county population of 21,729, there are 1,222 Veterans but Mr. Brockberg clarified</p>

	<p>there are 1,453 according to his records. The Veterans Service office brings in Compensation Pension of \$2.9 million, \$156,000 in educational/vocational rehabilitation, \$242,000 in insurance and \$4.2 million in medical benefits. The disabled transportation van currently takes 10 veterans/month to the VA in Sioux Falls at least 8 round trips. The Legion Post attendees and students from area schools gave introductions.</p> <p><u>Attachments:</u> 2018 American Legion Nobles County Government Day</p>
3.	<p>Conditional Use Permit 07-2018 Andy Henning, Iona MN</p>
	<p>Kathy Henderschiedt, Planning and Zoning Administrator, presented the Board with information and a recommendation in the area of a conditional use permit. Mrs. Henderschiedt advised that an agreement was discussed but Bloom Township did not feel it was necessary.</p> <p><u>Attachments:</u> Planning and Zoning Minutes February 28, 2018</p>
<p><u>VOTING</u> It was duly passed to approve Conditional Use Permit 07-2018 at the request of Andy Henning, Iona MN for construction of two 165' x 121' total confinement swine barns with concrete pit below with the conditions as recommended by Planning and Zoning. The parcel of land is located on 6.51 acre tract in NE ¼ SE ¼, Section 9, Twp. 104, Range 41 (Bloom Township). Moved by: Ahlers, Justin Seconded by: Linssen, Donald</p>	
4.	<p>Conditional Use Permit 08-2018 Ryan Thier, Rushmore MN</p>
	<p>Kathy Henderschiedt, Planning and Zoning Administrator, presented the Board with information and a recommendation in the area of a conditional use permit.</p> <p><u>Attachments:</u> Planning and Zoning Minutes February 28, 2018</p>
<p><u>VOTING</u> It was duly passed to approve Conditional Use Permit 08-2018 at the the request of Ryan Thier, Rushmore MN for construction of a 67' x 1,432' total confinement cattle barn with concrete pit below. This parcel of land is located on a tract in the SW ¼ & SE ¼ of Section 22, Twp. 102, Range 42 (Olney Township). Moved by: Metz, Gene Seconded by: Demuth, Robert S.</p>	
6.4	<p>Drainage System - Brad Harberts/Beth Van Hove</p>
A.	<p>Set Date for Order Repair & Obstruction Hearing for CD #4</p>
	<p>1. Motion to recess regular County Board meeting/convene as Ditch Authority</p>
<p><u>VOTING</u> It was duly passed to recess the regular County Board meeting and convene as the Ditch Authority. Moved by: Ahlers, Justin Seconded by: Metz, Gene</p>	

	2. Set Date for Order Repair & Obstruction Hearing for CD #4
	Brad Harberts, Drainage System Coordinator, presented the Board with information and a recommendation in the area of setting a public hearing on the repair and obstruction of Nobles County Ditch #4.
<u>VOTING</u>	
It was duly passed to set the date for a public hearing to be held Tuesday, April 17th, 2018 at 10:30 am. in the Commissioners' Room, 3rd Floor, Government Center, for the repair and obstruction of Nobles County Ditch #4. Moved by: Ahlers, Justin Seconded by: Widboom, Matt	
	3. Motion to adjourn as Ditch Authority/reconvene regular County Board meeting
<u>VOTING</u>	
It was duly passed to adjourn as the Ditch Authority and reconvene the regular County Board meeting. Moved by: Metz, Gene Seconded by: Widboom, Matt	
7. Administration Presentation - Tom Johnson	
7.1	Closed Session Summary
	County Board Chairperson, Robert S. Demuth, provided a summary of the closed session meeting held on Tuesday, March 6, 2018 pursuant to Minnesota Statute §13D.05 Subd. 3(a) to evaluate the performance of the County Administrator in accordance with his employment agreement. The standard county personnel evaluation form was used and Administrator Johnson was ranked in each category by each Commissioner. Rankings varied by Commissioner and by category, all being between 3 and 5. Overall Administrator Johnson received a very satisfactory evaluation. The Commissioners thanked Mr. Johnson publicly for all his hard work.
7.2	Bid Award - PJC Exterior Facade Repair Project
	Tom Johnson, County Administrator, presented the Board with information and a recommendation in the area of a bid award for the Prairie Justice Center Exterior Facade Repair project. This project consists of replacing the window flashing on 48 windows at the Prairie Justice Center according to the same specifications designed by Inspec that was used to correct 8 windows prior. The original RFP was extended by 10 days as the proposals did not comply with the RFP guidelines. Two proposals were received for the project: Mid-Continental Restoration Co. Inc. of Parkston, SD who completed the initial windows in 2017 with a bid of \$69,760 and Reitmeier Masonry, LLC of Brewster with a bid of \$41,826. Craig Skorcowski and Shawn Nelson, Project Managers from the Southwest Minnesota Housing Partnership, were present and answered questions of the Board. Mr. Skorcowski had met onsite with Reitmeier Masonry, went over the exact work and provided conditions from the original specification. Commissioner Widboom questioned what the timeline would be and Mr. Skorcowski advised starting approximately April 2nd with completion in 60 calendar days, based off notice to proceed.
<u>VOTING</u>	
It was duly passed to authorize the County Administrator to sign an agreement, on behalf of	

<p>Nobles County, with Reitmeier Masonry, LLC for the PJC Exterior Facade Repair project for a sum of \$41,826.00. Moved by: Linssen, Donald Seconded by: Metz, Gene</p>	
7.3	Public Works Backup Generator
	<p>Tom Johnson, County Administrator, presented the Board with information and a recommendatoin in the area of approving a backup generator to power the fuel island at the Public Works building. This was discussed at the March 6th meeting and the Board had requested that the specifications of the generators bid and the bid bond be provided. Two proposals were received: Engelkes Electric, Hadley MN had proposed \$3,751.35 (including bid bond) for a Generac GP8000E Running, 10,000 Starting Watts Generator with a 2 year warranty and Fulda Electric, Brandon SD had proposed \$3,995.54 (including bid bond) for a Briggs & Stratton Elite 2100 Series, 8,000 watt Generator with a 3 year warranty. Commissioner Metz confirmed that there was no longer a 3-phase service in the building.</p> <p><u>Attachments:</u> Engelkes Proposal with Bid Bond Engelkes Generator Specs Fulda Electric Proposal with Bid Bond Fulda Electric Generator Specs</p>
<p><u>VOTING</u> It was duly passed to authorize the County Administrator to sign an agreement, on behalf of Nobles County, with Engelkes Electric, LLC. for the Public Works Backup Generator project for a sum of \$3,751.35 as low bidder. Moved by: Ahlers, Justin Seconded by: Widboom, Matt</p>	
<p>The Project Managers answered further questions of the Board regarding the Prairie Justice Center Garage addition.</p>	
7.4	Application and Certification for Payment - Salonek Concrete & Construction
	<p>Mr. Johnson presented the Board with information and a recommendation in the area of a payment application for Salonek Concrete & Construction for the Adrian Garage Addition Project. Shawn Nelson, Project Manager from the Southwest Minnesota Housing Partnership, stated there was approximately \$141,000 left including retainage.</p> <p><u>Attachments:</u> Application No. NOBCTY00006</p>
<p><u>VOTING</u> It was duly passed to approve Payment Application No. NOBCTY00006 to Salonek Concrete & Construction for the Adrian Garage project in the amount of \$100,987.85 for work completed to date. Moved by: Metz, Gene Seconded by: Linssen, Donald</p>	
7.5	Adrian Shop Addition Change Order #3 – Salonek Concrete & Construction
	<p>Tom Johnson, County Administrator, presented the Board with information and a recommendation in the area of proposed change order #3 for additions to the Adrian Shop Addition project. It was discovered that the original plan did not include an enclosure for IT related equipment or connections for the new air compressor. The IT equipment has a proposed cost of \$3,532.00 and connecting the new air compressor would be \$969.00 for a total proposed cost of \$4,501.00</p>

	<u>Attachments:</u> Construction Change Order #3
<u>VOTING</u>	It was duly passed to approve Construction Change Order 3 with Salonek, Inc. in the amount of \$4,501.00 and new project completion date of April 14, 2018 for the installation of the new air compressor and IT equipment as presented. Moved by: Ahlers, Justin Seconded by: Demuth, Robert S.
8. Inter-Agency Reports / Announcements	
8.1	Committee and Board Reports
	<u>Attachments:</u> Park Board Minutes – December 5, 2017 HLWD Minutes – January 16, 2018 Kanananzi – Little Rock Watershed Board Minutes – January 18, 2018 Soil & Water Conservation District Minutes – February 21, 2018
	District I - Commissioner Ahlers reported on the Nobles County Historical Society, 4 township meetings and the Coffee with your Commissioners event in Dundee. Commissioner Ahlers expressed his gratitude to Dundee for hosting this event. District II - Commissioner Metz reported on Library Board, the Plum Creek Library System, township meetings and Southwest Minnesota Opportunity Council meetings. District III - Commissioner Widboom reported on the Highway 60 meeting. District IV - Commissioner Demuth reported on Worthington Regional Economic Development (WREDC) Board and the WREDC annual meeting. District V - Commissioner Linssen reported on a Chief Elected Officials Meeting. Management Team - Attorney Kathleen Kusz reported on drafting a social media policy and the Employee Empowerment Team is promoting the food drive at our local food shelf in the month of March. County Administration - Administrator Johnson reported on the Joint City, County, School work session scheduled for Thursday, March 22nd at 4:00 p.m. at the BioTechnology Advancement Center, Worthington MN regarding the proposed W.E.L.L. collaborative project.
8.2	Correspondence
	<u>Attachments:</u> Recruitment Memo HLWD District Administrator's Report – February 2018 Southwest Crisis Center Invitation for Listening Session March 22, 2018 International Festival – 25th Anniversary Celebration Manna Food Pantry Commissioners At Your Cafe - April
8.3	Calendar
	<u>Attachments:</u> Commissioners Calendars – March and April 2018

9. Other / Future Business

2018 American Legion Nobles County Government Day

Tuesday, March 20, 2018

Farmer's Room, Government Ctr, 315 10th Street, Worthington MN

Presentations: 11:10 a.m.

Administrator/Commissioner Introductions: 12:00 noon followed by lunch

Township Association Annual Meeting

Thursday, April 5, 2018 6:00 p.m.

Elks Club, 1105 2nd Ave, Worthington MN

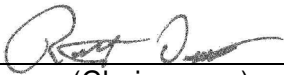
10. Adjournment

VOTING

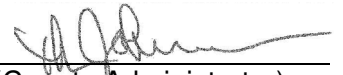
It was duly passed to adjourn the meeting at 10:40 a.m.

Moved by: Metz, Gene

Seconded by: Ahlers, Justin



(Chairperson)



(County Administrator)