

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

BOARD OF COMMISSIONERS of Nobles County met in regular session on Tuesday, September 5, 2017, 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 Linssen at 9:00 AM followed by the Pledge of Allegiance.

1. Call to Order	
2. Pledge of Allegiance	
3. Approval of Agenda	
VOTING It was duly passed to approve the agenda as presented. Moved by: Ahlers, Justin Seconded by: Demuth, Robert S.	
4. Recognition	
4.1	Visitors & Guests Welcome
4.2	Excellence In Performance
	Tammy Fishel, Income Maintenance Supervisor, was recognized as the recipient of the Excellence In Performance Award.
4.3	Recognition for Years of Service
	Karen Bullerman, Registered Nurse, was recognized for 20 years of service.
5. Consent Agenda	
5.1	August 22, 2017 Regular Meeting Minutes Attachments: August 22, 2017 Draft Regular Meeting Minutes
5.2	Interpreter Agreement for 2017-2018 Attachments: Purchased Services Agreement - Salazar
5.3	Meetings & Conferences - Travel Expenses Attachments: Travel Expenses paid September 1, 2017
5.4	Auditor's & 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

VOTING

It was duly passed to approve the consent agenda as presented.

Moved by: Metz, Gene

Seconded by: Ahlers, Justin

6. Public Hearing

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| 6.1 | Proposed Property Tax Abatements
(Scott and Michelle Brunk Parcel 04-0111-000; Don & Helen Brands Parcel 20-0185-500)
A. Open Hearing (Action)
B. Proposed Abatements – Discussion
C. Public Comment
D. Close Hearing (Action)
E. Decision (separate resolutions are required for each property)
1. Parcel 04-0111-000 Resolution 201756 (Action)
2. Parcel 20-0185-500 Resolution 201757 (Action) |
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Attachments:

Nobles Home Initiative Nobles County Guidelines
NHI Brunk Summary and Recommendation from WREDC
NHI Brunk Application
Resolution 201756
NHI Brands Summary and Recommendation from WREDC
NHI Brands Application
Resolution 201757

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| | A. On a motion by Justin Ahlers and seconded by Matt Widboom, it was duly passed to open the Proposed Property Tax Abatement Public Hearing.
B. Tom Johnson, County Administrator, reviewed the recommendations for both parcels received from the Worthington Economic Development Corporation for tax abatement for new residential construction.
C. No public comments were received.
D. On a motion by Justin Ahlers and seconded by Gene Metz, it was duly passed to close the Proposed Property Tax Abatement Public Hearing.
E. 1. On a motion by Robert S. Demuth and seconded by Gene Metz, it was duly passed to adopt Resolution 201756 granting an abatement of property taxes imposed by the County on parcel 04-0111-000.
2. On a motion by Matt Widboom and seconded by Donald Linssen, it was duly passed to adopt Resolution 201757 granting an abatement of property taxes imposed by the County on parcel 20-0185-500. |
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7. Department Presentations

7.4	Human Resources - Sue Luing
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A.	Voluntary Short Term Disability Insurance
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	Sue Luing, HR Director/Deputy County Administrator, advised the Employee Empowerment Team (E.E.T.) has expressed interest from employees in requesting the County to offer a voluntary short term disability insurance policy. E.E.T. would like the Board to consider offering a short term disability insurance policy offered through OCHS, the County's current voluntary insurance representative. Ms. Luing advised that upon approval by the Board, the County would still need to meet the minimum participation percentage requirement.
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	<p><u>Attachments:</u> Plan Design Proposed Rates</p>
<p><u>VOTING</u> It was duly passed to approve the County to offer short term disability insurance with Madison National Life Insurance Company through OCHS during the 2018 benefit enrollment period to be effective on 1/1/18. Moved by: Demuth, Robert S. Seconded by: Metz, Gene</p>	
7.1	Public Works - Stephen Schnieder
A.	Environmental Services
1.	Conditional Use Permit 02-2017 Jose Vasquez, Worthington MN
	<p><u>Attachments:</u> Planning and Zoning Minutes August 23, 2017</p>
<p><u>VOTING</u> It was duly passed to approve Conditional Use Permit 02-2017, the request of Jose Vasquez, Worthington, MN for a home extended business to consist of automotive repair and storage with the following conditions: A maximum of 30 customer cars are permitted on site at any time. This parcel of land is located on a tract 500' x 480' in the SW ¼ of NW ¼, Section 23, Township 103, Range 40, Elk Township. Moved by: Metz, Gene Seconded by: Demuth, Robert S.</p>	
2.	Conditional Use Permit 25-2017 Lismore Cooperative Telephone, Lismore MN
<p><u>VOTING</u> It was duly passed to approve Conditional Use Permit 25-2017, the request of Lismore Cooperative Telephone, Lismore, MN for a conditional use permit for the construction of a 300' communication tower with the following conditions: 1) Applicant must meet all FCC & FAA lighting requirements. 2) Fencing will be required around the base of the tower for safety purposes. 3) Weeds at tower site must be controlled by the landowner(s). This parcel of land is located in the SW ¼ Except 3.6561 Acre Tract & Except S 630' of W 556.5' SW ¼ SW ¼ Section 13, Twp. 104, Range 40 (Seward Township). Moved by: Demuth, Robert S. Seconded by: Widboom, Matt Abstained: Ahlers, Justin; Metz, Gene Commissioner Ahlers stated for the record that he abstained due to ties with Ahlers Holdings, LLC, Fulda MN. Commissioner Metz stated for the record that he abstained as he has Board Delegation with Lismore Cooperative Telephone Company.</p>	
B.	Highway
1.	Adrian Shop Garage
	<p>Stephen Schnieder, Public Works Director/County Engineer, advised the Board of a 20'x22' small two stall garage on the Adrian shop lot that needed to be moved for the new shop addition. The Board held discussion on possible re-use by the Parks Department.</p>

VOTING

It was duly passed to declare the 20'x22' small two stall garage surplus contingent upon the need for use by the County Parks.

Moved by: Ahlers, Justin

Seconded by: Metz, Gene

2.

Buffer Strip Draft Ordinance

Mr. Schnieder advised of changes to the draft ordinance recommended by the Drainage Attorney Kurt Deter, Rinke Noonan Attorneys at Law. The draft ordinance allows the County Board the option to determine the amount of administrative penalty that will be used within the limits determined by BWSR. Mr. Schnieder advised that under 6.2.1 Penalty Determination, the Drainage Attorney recommended setting a range of fees depending on the violation, which is more subjective. The Board held discussion that if Deter is representing many counties and Nobles County softens the wording on the penalty and others don't, it may cause issues. Commissioner Demuth asked if definitions were given for minor, moderate and substantial for the severity of the violations and Mr. Schnieder responded that there were none. County Attorney Kathleen Kusz advised that staff would still have to determine the offense and it would need to be determined who makes the decision of the penalty. If staff are to make the decision, on an individual basis, Board guidance is needed.

Mr. Schnieder recommended a flat fee be set at the beginning of the year along with the fee schedule as there is less subjectivity and less probability that the fee would be challenged. Ms. Kusz stated it is more clear cut to have a set penalty and internal policies can also be created to decrease penalties. Commissioner Ahlers agreed with keeping the penalty consistent.

A motion was made by Justin Ahlers and seconded Gene Metz to approve the passage of the draft Buffer Ordinance with the exertion of 6.2.1. Penalty Determination.

Discussion continued. Ms. Kusz clarified that in further review, it appears 6.2.1 Penalty Determination is not meant to be taken out in its entirety but that only the last sentence and bracketed information outlining the range for nature and severity of violations should be removed. Mr. Kusz also advised that it could also be left in to assist the Board in setting a consistent fee. Mr. Schnieder advised he placed the brackets in to highlight the information and suggested taking out the brackets. 6.2.1 could be left in or taken out at the Board's discretion.

Mr. Schnieder advised the Board of the next steps, including holding a public hearing for comment, to adopt the ordinance. Commissioner Metz stated that after the discussion, 6.2.1 should be left in.

Commissioner Ahlers amended his motion to include 6.2.1 in the ordinance, other than the bracketed portion; Commissioner Metz seconded.

Attachments:

Revised Buffer Strip Ordinance Draft

VOTING

It was duly passed to approve the passage of the draft Buffer Ordinance with the exertion of the bracketed portion following 6.2.1. Penalty Determination which includes the final sentence of the paragraph and the table.

Moved by: Ahlers, Justin

Seconded by: Metz, Gene

3.	Final Payment for Contract No. 16003 - Resolution 201755
	Attachments: Resolution 201755 Final Payment Request for Contract 16003
VOTING It was duly passed to adopt Resolution 201755 authorizing final payment in the amount of \$70,209.35 to Midwest Contracting, LLC. for Contract 16003. Moved by: Ahlers, Justin Seconded by: Widboom, Matt	
Mr. Schnieder provided the Board with updates including shouldering work to begin this week, striping to be completed by the end of next week, bid opening on Thursday, September 7th for 5 bridges and lighted signage on County Road 4 and 59.	
7.2	Emergency Management - Joyce Jacobs
A.	Departmental Update
	Joyce Jacobs, Emergency Management Director, advised that September is National Safety Preparedness month and provided information in the area of emergency preparedness. The Integrated Public Alert and Warning System (IPAWS) Program certificate has been issued and all recipients of NIXLE alerts will automatically receive the IPAWS alerts. Ms. Jacobs advised the NIXLE alerts are local alerts and the IPAWS alerts are used for catastrophic events. The All Hazard Mitigation plan is being updated, which is a 2 year process, and will be ready for adoption in the Fall of 2019. Information will be sent out to Townships and Cities for their participation in public meetings. The 2017 Emergency Management Performance Grant for 2017 will be approximately \$500 less than the previous year and will be coming forward for approval and acceptance at the September 19th meeting. Ms. Jacobs reminded the Board of the importance of having a Emergency Preparedness Plan and to review it with their families.
7.3	Finance - Jerry Vyskocil
A.	2018 Budget Summary
	Jerry Vyskocil, Finance Director, provided a summary to the Board of a projected 5.94% levy increase. The Board directed the Finance Director to coordinate a meeting of the Budget Committee for final review prior to setting the 2018 Not To Exceed Tax Levy at the September 19th meeting.
8. Administration Presentation - Tom Johnson	
8.1	Declaration of Adrian Branch Library Project as Substantially Complete
	Tom Johnson, on behalf of Nobles County Library Director Clint Wolthuizen, advised that CMBA Architects and EDA (Engineers) have designated the project as substantially complete and lien waivers have been collected and the Certificate of Completion has been signed by the Contractor and Architect. Attachments: Certificate of Substantial Completion
VOTING It was duly passed to declare the Adrian Branch Library project as substantially complete. Moved by: Metz, Gene Seconded by: Demuth, Robert S.	

8.2	Government Center Foundation Repair Change Order #2
	<p>Administrator Johnson advised that Jeff Nelson, Falls Architecture Studio, LLC., has submitted a change order request in the amount of \$5,800 and recommendation for the 4 items for the Government Center Foundation Repair Project. Mr. Nelson's correspondence also stated the County will be receiving a credit for the reuse of the excavated materials but figures were not available at that time.</p> <p><u>Attachments:</u> Construction Change Order #2</p>
<p><u>VOTING</u> It was duly passed to authorize the County Administrator to sign, on behalf of Nobles County, Change Order #2 in the amount of \$5,800 for the Government Center Foundation Repair project. Moved by: Ahlers, Justin Seconded by: Widboom, Matt</p>	
8.3	Application and Certification for Payment - Ideal Landscape Application #1
	<p><u>Attachments:</u> Application No. 1</p>
<p><u>VOTING</u> It was duly passed to approve Payment Application #1 for partial completion in the amount of \$132,582.00 to Ideal Landscape and Design, Inc. as certified by Falls Architecture Studio, LLC. Moved by: Metz, Gene Seconded by: Demuth, Robert S.</p>	
8.4	Contractor Selection - Partial Reroof of Public Works Facility
	<p>Administrator Johnson advised that 4 bids were received at the bid letting on Thursday, August 31st, 2017. Southwest Minnesota Housing Partnership, Project Managers, recommends contracting with Gag Sheet Metal, Inc. as lowest responsible bidder.</p> <p><u>Attachments:</u> SWMHP Recommendation Bid Tabulation Sheet</p>
<p><u>VOTING</u> It was duly passed to contract with Gag Sheet Metal, Inc. for the Nobles County Public Works Partial Roof Replacement project at the base bid of \$64,370.00 and adding their alternate price of \$2,400.00 to remove the existing chimney, for a total of \$66,770.00. Moved by: Ahlers, Justin Seconded by: Metz, Gene</p>	
8.5	Security Entry Door System 2017 Project Preparation
	<p>Craig Skorczewski and Shawn Nelson, SMHP Project Managers, advised that proposals were requested of contractors with stipulations on some of the work to be done nights and weekends as to not interrupt the day-to-day operations of Courts. Some contractors were reluctant to submit a proposal. Commissioner Ahlers questioned why work could not be coordinated around the Court schedule and stated it will cost the County more. County Attorney Kusz responded that Court is held every day and that it would be difficult to coordinate daytime work. Discussion was held that approximately \$30,000 is budgeted for the Security Entry Door System preparation, the quotes received lacked detail for billing and there is concern that there will be additional expenses not covered by the quote. The Project Managers advised that the quotes were a "not-to-exceed" amount and that the parameters for the billing and the work can be defined in the agreements. Administrator Johnson stated that the County can</p>

	<p>require exact work hours for billing.</p> <p>Commissioner Ahlers stated "on the record" that he still believes this project should be done during the day time hours as it would save the County a lot of money.</p> <p><u>Attachments:</u> Proposal-Woodbury Construction Proposal Turn Down Proposal Walker Electric</p>
<u>VOTING</u>	<p>It was duly passed to approve the Security Entry Door System 2017 Project preparation per the not-to-exceed proposals received in the amount of \$4,000 from Walker Electric and \$6,190 from Woodbury Construction; and further, to authorize the County Administrator to sign agreements with the Contractors.</p> <p>Moved by: Demuth, Robert S. Seconded by: Widboom, Matt</p>
8.6	<p>2017 Boards, Committees & Commissions - Citizen Appointments A. Kanaranzi-Little Rock Watershed Board of Managers B. Okabena-Ocheda Watershed Board of Managers</p>
	<p>Discussion was held on the advertisement for committee appointments. Administrator Johnson advised that in accordance with the Committee Appointment Policy, vacancies are advertised early enough so that the applications may be sent to the committees of interest so they may get input from the committee before the Board makes the appointment. Staff also noted that according to Statute, watershed appointments must be made at least 30 days before the term expires.</p> <p>A motion was made by Justin Ahlers and seconded by Gene Metz to delay the appointments of the Okabena-Ocheda Watershed if there was no application deadline advertised.</p> <p>Staff confirmed for the Board that the Kanaranzi-Little Rock Watershed and Okabena-Ocheda Watershed opportunities were advertised on the County website, in the Globe and Nobles County Review, along with 4 other committees with an application deadline of July 28, 2017.</p> <p>The motion was rescinded.</p> <p><u>Attachments:</u> 2017 Boards & Committee Appointments KLR Summary Application-Coleen Gruis Application-Jerry Brake OOWD Recommendation Application-Casey Ingenthron Application-Jeff Rogers</p>
<u>VOTING</u>	<p>It was duly passed to appoint Coleen Gruis and Jerry Brake to the Kanaranzi-Little Rock Watershed Board of Managers for 3 year terms expiring October 7, 2020.</p> <p>Moved by: Metz, Gene Seconded by: Demuth, Robert S.</p>

It was duly passed to appoint Casey Ingenthron and Jeff Rogers to the Okabena-Ocheda Watershed Board of Managers for 3 year terms expiring October 31, 2020.

Moved by: Demuth, Robert S.

Seconded by: Metz, Gene

9. Inter-Agency Reports / Announcements

9.1 Committee and Board Reports

Attachments

Kanaranzi-Little Rock Watershed District July 20th Regular Meeting Minutes

District I - Commissioner Ahlers had no report.

District II - Commissioner Metz reported on Plum Creek Library System, AMC Public Land Management, PILT parcels and the upcoming AMC Fall Policy Conference.

District III - Commissioner Widboom reported on One Watershed One Plan and positive comments he has received on Commissioner Metz's work on the plan.

District IV - Commissioner Demuth reported on the Okabena-Ocheda Watershed District bus tour and One Watershed One Plan meetings.

District V - Commissioner Linssen reported on One Watershed One Plan, Southern Prairie Community Care and Advocate.Connect.Educate.(ACE) meetings.

Management Team - County Attorney Kusz had no report.

County Administrator - Tom Johnson had no report.

9.2 Correspondence

Attachments

Recruitment Memo

Small Business Development Center Letter

9.3 Calendar

Attachments

September Calendar

10. Other / Future Business

County Commissioners At Your Café

Thursday, September 14, 2017 7:45 a.m. – 9:45 a.m.

Center for Active Living (CAL), 211 11th St., Worthington MN

Nobles Economic Opportunity Network (NEON)

Thursday, September 14, 2017 5:30 p.m. – 7:00 p.m.

Biotechnology Advancement Center, 1527 Prairie Drive, Worthington MN

11. Adjournment

VOTING

It was duly passed to adjourn the meeting at 10:34 a.m.

Moved by: Metz, Gene

Seconded by: Demuth, Robert S.



(Chairperson)



(County Administrator)