

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

BOARD OF COMMISSIONERS of Nobles County met in regular session on Tuesday, November 21, 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	
<u>VOTING</u> It was duly passed to approve the agenda with the addition of item 8.7 Professional Services Agreement – Falls Architecture Studio. Moved by: Metz, Gene Seconded by: Widboom, Matt	
4. Recognition	
4.1	Visitors & Guests Welcome
4.2	Awards: Recognition for Years of Service
	Jessica Vargas, Eligibility Worker in Community Services, and Bill Brockberg, Veterans Service Officer in Veterans Service, were recognized for 10 years of service.
5. Consent Agenda	
5.1	November 7, 2017 Regular Meeting Minutes <u>Attachments:</u> November 7, 2017 Draft Regular Meeting Minutes
5.2	Interpreter Agreement for 2017/2018 <u>Attachments:</u> Purchased Services Agreement – Carolina Manzo
5.3	Interpreter Renewal Agreements 2018 <u>Attachments:</u> Purchased Services Agreements
5.4	MDH Grant Project Agreement Amendment <u>Attachments:</u> Grant Project Agreement Amendment
5.5	Meetings & Conferences - Travel Expenses <u>Attachments:</u> Travel Expenses paid November 9, 2017
5.6	Auditor's and Commissioner's Warrants <u>Attachments:</u> Accounts Payable Summary Auditor's Warrants

	<p>Commissioner's Warrants – General Revenue Fund Commissioner's Warrants – Public Works Fund Commissioner's Warrants – Family Services Fund</p>
<p><u>VOTING</u> It was duly passed to approve the consent agenda as presented. Moved by: Demuth, Robert S. Seconded by: Metz, Gene</p>	
<p>6. Public Hearing</p>	
6.1	<p>Proposed Amendment to 5-Year Capital Improvement Plan and Use of General Obligation Capital Improvement Plan Bond Proceeds A. Motion to open public hearing and recess regular meeting (Action) B. Proposed Amendment to 5-Year C.I.P. - Discussion C. Public Comment D. Motion to close public hearing and resume regular meeting (Action) E. Decision - Resolution approving the 5-Year Capital Improvement Plan and Amendments thereto and approving the use of General Obligation Capital Improvement Plan Bond Proceeds Therefor - Resolution 201775 (Action)</p>
	<p><u>Attachments:</u> Revised 5 YR CIP Resolution 201775</p>
	<p>A. On a motion by Justin Ahlers and seconded by Matt Widboom, it was duly passed to open the public hearing and recess the regular meeting. B. Tom Johnson, County Administrator, advised that there is an excess of between \$350,000 - \$400,000 upon completing the major projects in the 5-Year Capital Improvement Plan and requested the authority to add additional, crucial projects. George Eilertson, Northland Securities, advised there are no bonds to be issued but only for the Board to authorize the additional projects identified in the revised Capital Improvement Plan at the Government Center, Prairie Justice Center and Public Works facilities for the remaining proceeds in the amount of approximately \$380,000. C. No public comments were received. D. On a motion by Gene Metz and seconded by Robert S. Demuth, it was duly passed to close the public hearing and resume the regular meeting. E. On a motion by Justin Ahlers and seconded by Matt Widboom, it was duly passed to adopt Resolution 201775 approving the 5-Year Capital Improvement Plan and Amendments thereto and approving the use of General Obligation Capital Improvement Plan Bond Proceeds Therefor.</p>
<p>7. Department Presentations</p>	
7.1	<p>Northland Securities Inc. - George Eilertson</p>
A.	<p>Resolution Authorizing Issuance, Awarding Sale, Prescribing the Form and Details and providing for the Payment of \$[2,570,000] Taxable General Obligation Tax Abatement Bonds, Series 2017B and Approving Documents Related Thereto - Resolution 201766</p>
	<p>Commissioner Gene Metz stated for the record he would recuse himself on items 7.1 A., B., and C. as he has board delegation with Lismore Cooperative Telephone Company.</p> <p>George Eilertson, Northland Securities Inc., handed out the \$2,575,000 Taxable General Obligation Tax Abatement Bonds, Series 2017B Bond sale results, advised</p>

	<p>the Board of the updated Resolution 201776 which reflects the correct purchase price and buyer details, and provided information and a recommendation on the bond sale. Mr. Eilertson advised the approximate 3% taxable interest rate was slightly higher than projected. Mark Loosbrock and Bill Loonan, Lismore Cooperative Telephone Company, were present for questions. Commissioner Ahlers directed his question to Mr. Loosbrock if the proposed financing works for LCTC and Mr. Loosbrock replied "Yes, it works with our cash flow." Mr. Loosbrock advised that the dates in the proposed agreement when LCTC sends payment to the County are approximately two months ahead of when the bond payment is due and wanted to further clarify that Lismore Cooperative Telephone Company is paying 100% of the project. It was stated for the record that the updated resolution and the preliminary resolution in the Board packet had the corrected resolution number 201776, but that on the agenda is was mistyped as 201766.</p> <p><u>Attachments/Handouts:</u> Resolution 201776 Bond Sale Results Resolution 201776-Updated</p>
<p><u>VOTING</u> It was duly passed to adopt Resolution 201776 Authorizing Issuance, Awarding Sale, Prescribing the Form and Details and providing for the Payment of \$2,575,000 Taxable General Obligation Tax Abatement Bonds, Series 2017B and Approving Documents Related Thereto. Moved by: Demuth, Robert S. Seconded by: Ahlers, Justin Abstained: Metz, Gene</p>	
<p>B.</p>	<p>Loan Agreement - County of Nobles and Lismore Cooperative Telephone Company</p>
	<p>Mark Loosbrock and Bill Loonan, Lismore Cooperative Telephone Company, were present for questions and discussion. Mr. Loosbrock advised the Board that Attorney Mark Shepherd was working with Dorsey & Whitney LLP to correct some terminology regarding services and uses. Mr. Loosbrock clarified that no grant funds are being used to prepay loans; grant funds directly pay the project costs otherwise it is a taxable event. The debt service will be funded by Lismore Cooperative Telephone Company. The grant agreement has been corrected, but the loan agreement still requires corrected terminology. County Attorney Kathleen Kusz advised she had concerns about the number of blanks in the agreements. Mr. Eilertson advised the blanks are all covered by Resolution 201776 and will be filled in accordingly.</p> <p><u>Attachments:</u> Loan Agreement between the County of Nobles and LCTC</p>
<p><u>VOTING</u> It was duly passed to approve the loan agreement between the County of Nobles and Lismore Cooperative Telephone Company pending completion by Dorsey & Whitney and Attorney Mark Shepherd. Moved by: Ahlers, Justin Seconded by: Widboom, Matt</p>	
<p>C.</p>	<p>Grant Agreement - County of Nobles and Lismore Cooperative Telephone Company</p>
	<p><u>Attachments:</u> Grant Agreement between the County of Nobles and LCTC</p>

<u>VOTING</u>	
It was duly passed to approve the grant agreement between the County of Nobles and Lismore Cooperative Telephone Company pending completion by Dorsey & Whitney and Attorney Mark Shepherd. Moved by: Ahlers, Justin Seconded by: Demuth, Robert S.	
7.2	Public Works
A.	Highway - Stephen Schnieder
1.	Snow Removal Agreement for Downtown Parking Lots
	Stephen Schnieder, Public Works Director/County Engineer, presented the Board with information and a recommendation in the area of a snow removal agreement for the Government Center employee parking lot and the Library parking lot. <u>Attachments:</u> Gruis Agreement
<u>VOTING</u>	
It was duly passed to approve the agreement for parking lot snow removal services for downtown county facilities between Nobles County and Greg Gruis for a three year period expiring May 15, 2020. Moved by: Metz, Gene Seconded by: Ahlers, Justin	
B.	Environmental Services - Mark Koster
1.	Nobles County Buffer Ordinance
	Mark Koster, Environmental Services Manager, and Kathy Henderschiedt, Planning and Zoning Administrator, presented the Board with information and a recommendation in the area of the Nobles County Buffer Ordinance proposed for adoption in order to meet the requirements of MN Statutes §103B.101, Subd. 12a and MN Statutes §103E.48. John Shea, Nobles Soil & Water Conservation District was in the audience and confirmed that 88% of Nobles County parcels were compliant. <u>Attachments:</u> Final Draft Buffer Ordinance 10/31/17 Planning and Zoning Minutes November 15, 2017
<u>VOTING</u>	
It was duly passed to approve the Nobles County Buffer Ordinance as presented effective upon publication. Moved by: Demuth, Robert S. Seconded by: Metz, Gene	
2.	2018-2019 County Feedlot Program Delegation Agreement
	Mark Koster, Environmental Services Manager, presented the Board with information and a recommendation in the area of the 2018-19 County Feedlot Program Delegation Agreement and advised the County is required to inspect a minimum of 7% of the feedlots. <u>Attachments:</u> MPCA Feedlot Program

VOTING

It was duly passed to approve the 2018-19 Nobles County Feedlot Program Delegation Agreement with the MPCA; and further, authorize the County Board Chair to sign, on behalf of Nobles County, the 2018-19 County Feedlot Delegation Agreement.

Moved by: Ahlers, Justin

Seconded by: Demuth, Robert S.

3. Regional Household Hazardous Waste Management Program Agreement - Resolution 201773

Mark Koster, Environmental Services Manager, presented the Board with information and a recommendation in the area of an agreement with Lyon County to ship Household Hazardous Waste material. Mr. Koster advised that Nobles County is less than a 120 day facility, which means that household hazardous waste material must be shipped out monthly to Lyon County. There are no other options currently and staff is happy with the services supplied.

Attachments:

Regional HHW Program Agreement
Resolution 201773

VOTING

It was duly passed to adopt Resolution 201773 approving the Regional Household Hazardous Waste Management Program Agreement with Lyon County; and further, authorizing the Board Chairman and County Administrator to sign the agreement on behalf of Nobles County.

Moved by: Demuth, Robert S.

Seconded by: Widboom, Matt

4. Technical Assistance Grant Application for Reading Sewer Project - Resolution 201774

Mark Koster, Environmental Services Manager, presented the Board with information and a recommendation in the area of a technical assistance grant for the Reading Sewer Project. The Community Assessment Report for Reading identified alternatives at a cost greater than \$50,000 per connection. Mr. Koster advised multiple smaller cluster systems could be constructed. This new approach would include soil borings, new conceptual layouts and cost estimates to update the Community Assessment Report with the purpose of finding a more cost effective option for the community. Peter Miller, Wenck Associates, Inc. was present for questions and discussion.

Attachments:

Reading Grant Application and Resolution 201774

VOTING

It was duly passed to adopt Resolution 201774 approving the Technical Assistance Grant Application for the Community of Reading Sewer Project.

Moved by: Metz, Gene

Seconded by: Demuth, Robert S.

5. Wenck Engineering Services Contract

Mark Koster, Environmental Services Manager, and Peter Miller, Wenck Associates Inc., presented the Board with information and a recommendation in the area of an agreement for a Community Assessment Report (CAR).

Attachments:

Agreement for Community Assessment Report

<u>VOTING</u>	
It was duly passed to authorize the County Board Chair to sign, on behalf of Nobles County, an agreement with Wenck Associates, Inc. for a Community Assessment Report for the provision of completion of soil investigations to build on the findings of the CAR completed in 2015. Moved by: Ahlers, Justin Seconded by: Metz, Gene	
7.3	Human Resources - Sue Luing
A.	Amendment 3 to State of MN Lease
	Sue Luing, Human Resources Director/Deputy County Administrator, presented the Board with information and a recommendation in the area of extending the lease agreement with the State of Minnesota, Department of Administration, acting for the benefit of the Department of Employment and Economic Development. The State has requested an extension to avoid a statutory violation to allow time for the negotiation of a new contract. <u>Attachments:</u> Amendment 3 to Lease 11853
<u>VOTING</u>	
It was duly passed to authorize the County Board Chair and Administrator to sign, on behalf of Nobles County, Amendment No. 3 to Lease No. 11853 for a renewal period of two months commencing December 1, 2017 and continuing through January 31, 2018 with the option for a 2 month renewal until March 31, 2018. Moved by: Demuth, Robert S. Seconded by: Ahlers, Justin	
8. Administration Presentation - Tom Johnson	
8.1	Construction Change Order 1 - Adrian Shop Addition
	Tom Johnson, County Administrator, presented the Board with information and recommendations in the area of County Projects. Craig Skorczewski, Southwest Minnesota Housing Partnership Project Manager, was present for discussion and questions. <u>Attachments:</u> Change Order 1 – Adrian Shop Addition Change Order 1 - Explanation
<u>VOTING</u>	
It was duly passed to approve Change Order 1 with Salonek, Inc. for the Adrian Shop Addition in the amount of \$17,188.00 to include connections of exterior sewer line to the existing sewer line, over-excavations and fill due to site conditions; and further, to extend the project completion date 10 calendar days to March 28, 2018. Moved by: Metz, Gene Seconded by: Widboom, Matt	
8.2	Application and Certificate for Payment - Gag Sheet Metal
	Craig Skorczewski, Southwest Minnesota Housing Partnership, provided a project update and advised the project will be substantially complete by November 24, 2017. It was duly passed to approve Payment Application #3 for payment of \$204,342.36 to Gag Sheet Metal Inc. as certified by the Architect in connection with the 2017 Re-roofing and Exterior Walls Rehabilitation project at the Prairie Justice Center.

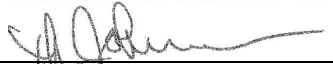
	<p>Mr. Skorczewski advised the Board that since the Board had approved the extension to the project, which is past the termination date of the INSPEC contract, Gag Sheet Metal, Inc. will cover the costs associated if further observation is needed past INSPEC's contract.</p> <p><u>Attachments:</u> Gag Sheet Metal Pay App #3</p>
<p><u>VOTING</u> It was duly passed to approve Payment Application #3 for payment of \$204,302.36 to Gag Sheet Metal Inc. as certified by the Architect in connection with the contract for the 2017 Re-roofing and Wall Rehabilitation. Moved by: Demuth, Robert S. Seconded by: Metz, Gene</p>	
8.3	Application and Certificate for Payment - Brennan Construction of MN, Inc.
	<p>Craig Skorczewski, Southwest Minnesota Housing Partnership, provided a project update and advised that Gag will take on any liquidated damages due to a delayed delivery date with the walls and a new completion date of February 2, 2018.</p> <p><u>Attachments:</u> Pay Application #2 – Brennan Construction</p>
<p><u>VOTING</u> It was duly passed to approve Payment Application #2 for payment of \$231,028.60 to Brennan Construction of MN, Inc. as certified by Falls Architecture Studio, LLC in connection with the contract for the PJC Garage Addition. Moved by: Widboom, Matt Seconded by: Linssen, Donald</p>	
8.4	Professional Services Agreement - EDI Design of Air Handler Unit #4
	<p>Tom Johnson, County Administrator, presented the Board with information and a recommendation in the area of architectural design needed for the replacement of Air Handler Unit #4 in the Government Center. Mr. Johnson advised that Engineering Design Initiative (EDI) was familiar with the building and had completed the prior efficiency project and that Air Handler Unit #4 was proposed within that project but later removed.</p> <p><u>Attachments:</u> EDI Proposal for AHU# 4 Replacement</p>
<p><u>VOTING</u> It was duly passed to authorize the County Administrator to draft and sign, on behalf of Nobles County, a Professional Services Agreement with Engineering Design Initiative (EDI) for the total cost of \$32,500 to complete the design for replacing Air Handler Unit #4 and commission the system after installation. Moved by: Metz, Gene Seconded by: Demuth, Robert S.</p>	
8.5	Financial Planning Agreement - Northland Securities, Inc.
	<p>Mr. Johnson presented the Board with information and a recommendation in the area of a financial planning agreement for financial planning assistance related to the establishment of a property tax abatement to assist with the construction of an agribusiness to be located within the County. Mr. Johnson advised that a local producer, New Fashion Pork, is considering building a new feed mill in Round Lake. Northland Securities can assist with exploring the other options available.</p>

	<p><u>Attachments:</u> Financial Planning Agreement</p>
	<p><u>VOTING</u> It was duly passed to authorize the County Administrator to sign, on behalf of Nobles County, a Professional Services Agreement with Northland Securities, Inc. for the total cost not to exceed \$6,160 to assist with appropriate options the County has the ability to use and recommend the best alternative method in support of the project. Moved by: Widboom, Matt Seconded by: Ahlers, Justin</p>
8.6	<p>Closed Session - Potential Litigation</p>
	<p>Mr. Johnson advised that he and County Attorney Kusz have discussed the potential litigation of Counties bringing a lawsuit against pharmacies that distribute opioid medications and feel it is not yet necessary to hold a closed session. Ms. Kusz advised that she received the names of 2 firms that larger Minnesota counties have already hired for the class action suit. As the Counties Legal Advisor, Ms. Kusz advised the County Board to seek more information on what is needed to determine if the cost for staff to collect the data will be worthwhile. More information will be provided at the Association of Minnesota Counties Annual Conference. The consensus of the Board was to discuss again at the December 7th meeting if needed after the Association of Minnesota Counties Annual Conference.</p>
8.7	<p>Professional Services Agreement - Falls Architecture Studio</p>
	<p>Tom Johnson, County Administrator, presented the Board with information and a recommendation in the area of a design for improvements to the jury rooms at the Prairie Justice Center. Mr. Johnson advised that he believes the cost of the project will be under \$25,000. Some of the proposed design changes will be used from the study authorized in June of this year, but not all and we can still achieve the same goal.</p> <p><u>Attachments/Handouts:</u> PJC Jury Room Modifications Proposal</p>
	<p><u>VOTING</u> It was duly passed to authorize the County Administrator to draft and sign, on behalf of Nobles County, a Professional Services Agreement with Falls Architecture Studio, LLC for the total cost of \$3,000 plus expenses to complete the design for improvements to the jury rooms at the Prairie Justice Center. Moved by: Demuth, Robert S. Seconded by: Metz, Gene</p>
	<p>9. Inter-Agency Reports / Announcements</p>
9.1	<p>Committee and Board Reports</p>
	<p>District I - Commissioner Ahlers reported on the Rock Nobles Community Corrections Annual meeting and the Nobles County Historical Society meeting. District II - Commissioner Metz had no report. District III - Commissioner Widboom reported on the City, County, School and College, road improvements at the Fairgrounds, Southwestern Minnesota Opportunity Council (SMOC) and Department of Transportation listening sessions on mowing for 2018. District IV - Commissioner Demuth reported on the Prairie View retention pond. District V - Commissioner Linssen reported on the meetings with New Fashion Pork and the City of Round Lake. Management Team – Attorney Kathleen Kusz had no report.</p>

	County Administration - Administrator Johnson reported on the meetings with New Fashion Pork and the City of Round Lake, Sanford Hospitals recognition, the Leutenant Governor's staff visit last week and Union Negotiations.
Inter-Agency Reports / Announcements	
9.2	Correspondence
	Attachments: Recruitment Memo Rinke Noonan February 2018 Drainage Conference 2018 U of M SSTS Certification and Continuing Ed Schedule Gould Government Relations Letter HLWD District Administrator's Report October
9.3	Calendar
	Attachments: Commissioners' Calendar – November and December
10. Other / Future Business	
Board Work Session Wednesday, November 29, 2017 8:30 a.m. Executive Conference Room, Gvt Ctr, 318 9 th Street, Worthington MN 56187	
2017 AMC Annual Conference Monday, December 4 th & Tuesday, December 5 th , 2017 River's Edge Convention Center, St. Cloud MN	
Continuation of County Ditch #11 Final Hearing Thursday, December 7, 2017 10:00 a.m. Farmers Room, Nobles County Gvt Ctr, 315 Tenth Street, Worthington MN	
11. Adjournment	
VOTING It was duly passed to adjourn the meeting at 10:24 a.m. Moved by: Ahlers, Justin Seconded by: Metz, Gene	



(Chairperson)



(County Administrator)