

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

The Board of Commissioners of Nobles County met in regular session on Tuesday, August 6, 2019, 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 Widboom at 9:00 AM followed by the Pledge of Allegiance.

<b>1.0 Call to Order</b>	
<b>2.0 Pledge of Allegiance</b>	
<b>3.0 Approval of Agenda</b>	
<b><u>VOTING</u></b>	
It was duly passed to approve the agenda as amended, adding 5.5 Temporary Liquor License-change in date, 6.4.B. 2020 DHS Update–Mediation Request–Resolution 201949 Attachment A, and 7.4 Letter of Support–Lismore Cooperative Telephone Company Fiber to Bigelow. Motion by: Ahlers, Justin Seconded by: Linssen, Donald	
<b>4.0 Recognition</b>	
<b>4.1</b>	<b>Visitors &amp; Guests Welcome</b>
<b>4.2</b>	<b>Retirement Recognition</b>
	Jackie Kramer, Eligibility Worker, was acknowledged as the recipient of the Nobles County Excellence In Performance Award.
<b>5.0 Consent Agenda</b>	
<b>5.1</b>	<b>July 23, 2019 Regular Meeting Minutes</b> <b><u>Attachments:</u></b> July 23, 2019 Draft Regular Meeting Minutes
<b>5.2</b>	<b>Amendment #1 to Joint Powers Agreement 155502 – Resolution 201948</b> <b><u>Attachments:</u></b> Amendment 1 to Joint Powers Agreement 155502 Resolution 201948
<b>5.3</b>	<b>Meetings &amp; Conferences – Travel Expenses</b> <b><u>Attachments:</u></b> Travel Expenses paid August 2, 2019
<b>5.4</b>	<b>Auditor's Warrants</b> <b><u>Attachments:</u></b> Accounts Payable Summary Auditor's Warrants
<b>5.5</b>	<b>Temporary Liquor License – Change in Date</b> <b><u>Attachments:</u></b> Application and Permit for a 1 Day to 4 Day Temporary On-sale Liquor License Forms Liquor Liability Coverage Nobles County Sheriff's recommendation

**VOTING**

It was duly passed to approve the Consent Agenda as presented.

Moved by: Metz, Gene

Seconded by: Demuth, Robert S.

**6.0 Department Presentations**

<b>6.1</b>	<b>Southwest Minnesota Private Industry Council, Inc. – Carrie Bendix</b>
<b>A.</b>	<b>Workforce Development – Annual Update</b>
	Carrie Bendix presented the Southwest Minnesota Private Industry Council annual update, presented information on the programs available, workforce needs, outreach programs, employer engagement, career pathways, addressing shortage of skilled workers, and high school student’s exposure to regional occupations in demand, and answered questions of the Board. September 19 is the CareerForce Launch Day. <b><u>Attachments/Handout:</u></b> Southwest Minnesota Private Industry Council Information Packet
<b>6.2</b>	<b>Public Works</b>
<b>A.</b>	<b>Highway – Stephen Schnieder</b>
<b>1.</b>	<b>Bridge Replacement Contract</b>
	Stephen Schnieder, Public Works Director/County Engineer, presented the Board with information and a recommendation of a Bridge Replacement Contract for 4 Bridge Replacement Projects. <b><u>Attachments:</u></b> Advertisement for Bids
<b><u>VOTING</u></b> It was duly passed to proceed with the advertisement of bids for 4 bridge replacement projects. Moved By: Ahlers, Justin Seconded by: Metz, Gene	
<b>2.</b>	<b>Nobles 2 Wind Farm Letter of Credit</b>
	Stephen Schnieder presented the Board with information and a recommendation on the Nobles 2 Wind Project Letter of Credit change. <b><u>Attachments:</u></b> Template Form Letter with ALLETE South Wind, LLC
<b><u>VOTING</u></b> It was duly passed to approve acceptance of the out of state bank CoBank of Colorado to provide the second letter of credit for the Nobles 2 Wind Farm. Moved by: Demuth, Robert S. Seconded by: Metz, Gene	
<b>3.</b>	<b>Local Option Sales Tax</b>
	Stephen Schnieder presented the Board with information and a recommendation on the local option sales tax as a funding option that is made available by the MN legislature to help raise funds for transportation other than raising property taxes.

**VOTING**

It was duly passed to direct Public Works Director to put a list of potential projects for local option sales tax together to discuss further.

Moved by: Metz, Gene

Seconded by: Ahlers, Justin

**B. Environmental Services – Kathy Henderschiedt**

**1. Conditional Use Permit #16-2019  
Minnesota Energy Resources, Green Bay WI**

Kathy Henderschiedt, Planning & Zoning Administrator, presented the Board with information and recommendation in the area of a conditional use permit for a request of Minnesota Energy Resources, Green Bay, WI for a conditional use permit for replacement of two existing 4” natural gas pipelines operated by Northern Natural Gas with a 12” natural gas pipeline outside the road right-of-way along with services to individual sites and future expansion allowing for pipeline to be parallel to roads for up to one-mile north or south of new 12” pipeline outside the road right-of-way upon acquisition of easements from respective landowners with the 12 conditions listed on the Attachment.

Discussion was held with Mr. Levi Langseth from MN Energy Resources present regarding how gas line will affect JD 9, 13, and 24 projects along with the use of Brad Harberts name vs using his job title or designee in the conditions so if Brad wasn’t able to be present he could appoint someone in his place.

A motion was made by Robert S. Demuth Conditional Use Permit #16-2019 be approved with Brad Harberts or designee listed in the conditions. The motion died due to lack of a second.

A motion was made by Gene Metz Conditional Use Permit #16-2019 be approved with the 12 conditions recommended by the Planning & Zoning Commission with the name change from Brad Harberts to Nobles County Drainage System Coordinator or designee.

**Attachments:**

Conditions from Planning and Zoning Commission  
Planning and Zoning Minutes July 17, 2019

**VOTING**

It was duly passed to approve Conditional Use Permit #16-2019 to Minnesota Energy Resources, Green Bay, WI with the 12 conditions recommended by the Planning & Zoning Commission with the name change from Brad Harberts to Nobles County Drainage System Coordinator or designee.

Moved by: Metz, Gene

Seconded by: Widboom, Matt

**2. Conditional Use Permit #19-2019  
All State Ag Parts, Hudson WI**

Ms. Henderschiedt presented the Board with information and recommendation in the area of a conditional use permit for a request of All State Ag Parts, Hudson, WI for a conditional use permit for construction of a 60’ x 132’ hoop storage building.

**Attachments:**

Planning and Zoning Minutes July 24, 2019

<b><u>VOTING</u></b>	
It was duly passed to approve Conditional Use Permit #19-2019 to All State Ag Parts, Hudson, WI. Moved by: Ahlers, Justin Seconded by: Linssen, Donald	
<b>6.3</b>	<b>Assessor – Val Ruesch</b>
<b>A.1.</b>	<b>Professional Services Agreement</b>
	Val Ruesch, County Assessor, presented the Board with information and a recommendation for a Professional Services Agreement with Erik Skogquist, the Contractor, to provide assessing services for the City of Worthington. <b><u>Attachments:</u></b> Professional Services Agreement
<b><u>VOTING</u></b>	
It was duly passed to approve Professional Services Agreement for Erik Skogquist, the Contractor, to provide assessing services for the City of Worthington to begin the tax year 2020 and automatically renew annually for up to four additional tax years. Moved by: Ahlers, Justin Seconded by: Metz, Gene	
<b>A.2.</b>	<b>Professional Services Agreement</b>
	Val presented the Board with information and a recommendation for a Professional Services Agreement with Erik Skogquist, the Contractor, to provide assessing services for the Townships and Small Cities. <b><u>Attachments:</u></b> Professional Services Agreement
<b><u>VOTING</u></b>	
It was duly passed to approve Professional Services Agreement for Erik Skogquist, the Contractor, to provide assessing services for the Townships and Small Cities to begin the tax year 2020 and automatically renew annually for up to four additional tax years. Moved by: Metz, Gene Seconded by: Demuth, Robert S.	
<b>B.</b>	<b>Professional Services Agreement</b>
	Val presented the Board with information and a recommendation for a Professional Services Agreement with Wally Schultz, the Contractor, to provide assessing services for the Townships and Small Cities. <b><u>Attachments:</u></b> Professional Services Agreement
<b><u>VOTING</u></b>	
It was duly passed to approve Professional Services Agreement for Wally Schultz, the Contractor, to provide assessing services of all real and exempt property excluding the income producing property within certain townships as described in the agreement to begin the tax year 2020 and automatically renew annually for up to two additional tax years. Moved by: Ahlers, Justin Seconded by: Linssen, Donald	
<b>6.4</b>	<b>Community Services – Stacie Golombiecki</b>
<b>A.</b>	<b>Nobles County Health and Human Service Advisory Committee Updated Bylaws</b>
	Stacie Golombiecki, Community Services Director, presented the Board with information and a recommendation to ratify the updated Bylaws that were approved by the Nobles County Health and Human Service Advisory Committee at their most recent

	<p>meeting on July 17<sup>th</sup>, 2019. Discussion was held on clarity of Board Members.</p> <p><b>Attachments:</b>  Nobles County Health and Human Services Advisory Committee Bylaws  Health and Human Service Advisory Committee Meeting Minutes – April 17<sup>th</sup>, 2019  Nobles County Health and Human Services Advisory Committee Bylaws Finalized  Health and Human Service Advisory Committee Meeting Minutes – July 17<sup>th</sup>, 2019</p>
<p><b>VOTING</b>  No action was taken on the Nobles County Health and Human Service Advisory Committee Updated Bylaws and it was requested to have the Health and Human Service Advisory Committee further clarify them.</p>	
<b>B.</b>	<p><b>2020 DHS Update – Mediation Request – Resolution 201949</b></p>
	<p>Stacie Golombiecki presented the Board with information and a recommendation to support appealing the DHS decision pursuing mediation in collaboration with the other 23 counties who are either already members of the PrimeWest Joint Powers Agreement or who have signed resolutions to join PrimeWest later this fall. Discussion was held and Kathleen Kusz pointed out the difference between mediation and arbitration in this matter. Cost estimate is \$4,000-\$5,000/county participating, and reference that if the cost would reach an \$80,000 threshold total, they would come back to the group if needed.</p> <p><b>Attachments:</b>  County Mediation Request Resolution 201949  MN Statute 256B.694 Sole-Source or Single-Plan Managed Care Contract  MN Statute 256B.692 County-Based Purchasing  MN Statute 256B.69 Prepaid Health Plans  Attachment A: Primary concerns and information to support a resolution requesting Mediating in collaboration with 23 other counties</p>
<p><b>VOTING</b>  It was duly passed to approve Resolution 2019-49 as presented: 1. The County of Nobles (“the County”) retains the law firm of Lockridge Grindal Nauen, PLLP for purposes of challenging any decision by the Department of Human Services not to contract with PrimeWest on a single-health plan basis within the County. 2. The County expressly authorizes Lockridge Grindal Nauen PLLP to communicate with the Department of Human Services on behalf of the County to request and pursue mediation under Minn. Stat. Chapter 256B, to appear on the County’s behalf at any mediation or administrative proceeding, and, if necessary, to pursue litigation on behalf of the County to challenge the Department of Human Services’ decision.  Moved by: Demuth, Robert S.  Seconded by: Linssen, Donald</p>	
<b>6.5</b>	<p><b>Human Resources – Sue Luing</b></p>
<b>A.</b>	<p><b>Personnel Policy P-200 Purpose, Adoption and Administration</b></p>
	<p>Sue Luing, Deputy County Administrator/Human Resources Director, presented the Board with information and a recommendation from our Labor Attorney to update Personnel Policy P-200.</p> <p><b>Attachments:</b>  P-200 Draft Policy – Redline  Attachment: P-200 Draft Policy – Clean</p>
<p><b>VOTING</b>  It was duly passed to approve Personnel Policy P-200 as presented.  Moved by: Metz, Gene  Seconded by: Demuth, Robert S.</p>	

<b>B.</b>	<b>2020 County Cafeteria Contribution and VEBA Participation on PEIP Plans</b>
<b>1.</b>	<b>2020 County Cafeteria Contribution</b>
	Sue presented the Board with information on the 2020 County Cafeteria Contribution. <b><u>Attachments:</u></b> PEIP Rates Coop Rates
<b><u>VOTING</u></b> It was duly passed to approve the 2020 county cafeteria contribution be set at \$1,000.00/month per FTE as presented. Moved by: Ahlers, Justin Seconded by: Metz, Gene	
<b>2.</b>	<b>VEBA Participation on PEIP Plans</b>
	Sue presented the Board with information that the employees will be voting on whether they desire to switch the employee health insurance to Public Employees Insurance Program (PEIP). Discussion was held that the IRS regulations only allow HSA for the one PEIP plan but VEBA regulations do not have the same regulations, and can be offered on all three proposed plans.
<b><u>VOTING</u></b> It was duly passed to allow three PEIP plans have a VEBA program with the PEIP HSA compatible plan having the choice between VEBA or HSA. Moved by: Metz, Gene Seconded by: Linssen, Donald	
<b>7.0</b>	<b>Administration - Tom Johnson</b>
<b>7.1</b>	<b>Nobles County Government Center – Fuel Tank Limited Site Investigation</b>
	Tom Johnson, County Administrator, presented the Board with information recommending accepting the proposal from Apex Environmental, Inc. of Parkers Prairie, MN for \$8,072.00 to complete the requirements of the Limited Site Investigation.
<b><u>VOTING</u></b> It was duly passed to approve Apex Environmental, Inc. to complete the Fuel Tank Site investigation in the amount of \$8,072.00. Moved by: Linssen, Donald Seconded by: Metz, Gene	
<b>7.2</b>	<b>Minnesota Rural Counties Membership</b>
	Tom presented the Board with information that MN Rural Counties Lobbyist, Dan Larson, presented his services to the board and discussion was held whether to participate. <b><u>Attachments:</u></b> Map of Minnesota Rural Counties Membership
<b><u>VOTING</u></b> It was duly passed to approve becoming a member of Minnesota Rural Counties effective September 1, 2019 and budget for 2020 membership. Moved by: Demuth, Robert S. Seconded by: Widboom, Matt	
<b>7.3</b>	<b>AMC Fall Policy Conference – September 12-13, 2019</b>
	Tom announced to the Board the AMC Fall Policy Conference is September 12-13,

	2019. Commissioner Metz stated each person can only lobby for one policy at the conference so he would appreciate if others would attend.
<b>7.4</b>	<b>Letter of Support – Lismore Cooperative Telephone Company Fiber to Bigelow</b>
	Commissioner Gene Metz stated for the record that he would be recusing himself from this item as a member of the Board of Directors of LCTC. Mr. Johnson advised that Lismore Cooperative Telephone Company (LCTC) is looking for a letter of support for a State of MN Grant for Fiber to the Premise in Bigelow. Gene Metz, on behalf of LCTC, presented the Board with information that Bigelow was excluded from the original contract as the existing carrier said they were going to provide fiber to Bigelow and they have not.
<b><u>VOTING</u></b>	
It was duly passed to approve a Letter of Support to Lismore Cooperative Telephone Company to get Fiber to the premises in the City of Bigelow. Moved by: Ahlers, Justin Seconded by: Demuth, Robert S. Abstained: Metz, Gene	
<b>8.0 Inter-Agency Reports / Announcements</b>	
<b>8.1</b>	<b>Committee and Board Reports</b>
	District I - Commissioner Ahlers reported on Heron Lake Watershed District meeting.  District II - Commissioner Metz, no report.  District III - Commissioner Widboom, no report.  District IV - Commissioner Demuth requested commissioner's sign up to work at the Nobles County Fair Booth.  District V - Commissioner Linssen, no report.  Management Team – County Attorney Kathleen Kusz, no report.  County Administration – Tom Johnson, no report.  <b><u>Attachments:</u></b> Heron Lake Watershed District (HLWD) Regular Meeting Minutes May 21, 2019 Rock Nobles Community Correction Executive board Minutes July 11, 2019
<b>8.2</b>	<b>Correspondence</b>
	<b><u>Attachments:</u></b> Recruitment Update Southwestern Minnesota Opportunity Council Inc Annual Report City of Worthington Planning Commission Notice of August 6 <sup>th</sup> Hearing Junior Achievement
<b>8.3</b>	<b>Calendar</b>
	<b><u>Attachments:</u></b> Commissioners Calendar – August 2019

**9.0 Other / Future Business**

**County Attorney Interviews**

Tuesday, August 6, 2019 11:00 a.m.

Executive Conference Room, Gvt Ctr, 318 9<sup>th</sup> Street, Worthington MN

**Nobles County Fair**

Wednesday, August 7<sup>th</sup> through Sunday, August 11<sup>th</sup>

Nobles County Fairgrounds, Worthington MN

**Continuation of JD #9 Hearing**

Monday, August 12, 2019 9:30 a.m.

Farmers Room, Government Center, 315 Tenth Street, Worthington MN

**Continuation of JD #24 Hearing**

Monday, August 19, 2019 9:30 a.m.

Farmers Room, Government Center, 315 Tenth Street, Worthington MN

**10.0 Adjournment**

**VOTING**

It was duly passed to adjourn the meeting at 10:55 a.m.

Moved by: Demuth, Robert S.

Seconded by: Ahlers, Justin



(Chairperson)



(County Administrator)