

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD OF NOBLES COUNTY, MINNESOTA

The County Board of Nobles County met in regular session this 4th day of April, 2017, in the Board of Commissioners Room, at the Nobles County Government Center, Worthington, Minnesota. The following Commissioners were in attendance: Justin Ahlers, Gene Metz, Matt Widboom, Robert Demuth Jr. and Donald Linssen.

The Pledge of Allegiance to the flag was recited.

On a motion by Justin Ahlers and seconded by Matt Widboom, it was duly passed to approve the amended agenda, adding item 7.10 Court Appointed Attorney Contract.

Katie Klosterbuer, 4-H Program Coordinator, was acknowledged as the recipient of the Nobles County Excellence in Performance Award.

Ryan Kruger, Investigator in the Sheriff's office, was recognized for 15 years of service.

On a motion by Gene Metz and seconded by Robert Demuth Jr, it was duly passed to approve the consent agenda as presented.

- 5.1 March 21, 2017 Regular Meeting Minutes
- 5.2 Meetings & Conferences – Travel Expenses
- 5.3 Auditor's and Commissioner's Warrants

Kent Wilkening, Sheriff presented the Board with information and recommendations in the area of a request for a leave of absence.

On a motion by Justin Ahlers and seconded by Gene Metz, it was duly passed to approve the request for leave of absence until July 31, 2017.

Stephen Schnieder, Public Works Director/County Engineer, presented the Board with information and recommendations in the area of a bituminous surfacing agreement, a school zone speed study request and rural intersection lighting.

On a motion by Gene Metz and seconded by Justin Ahlers, it was duly passed to adopt Resolution 201723 that the Chairperson and Administrator be authorized to enter into an agreement with Leota Township for bituminous surfacing and that such Agreement be part of this resolution. A copy of the Agreement was before the Board.

Mr. Schnieder advised that the contractor for bituminous surfacing may start in May, which is one month earlier than planned.

Mr. Schnieder advised that pedestrian safety has been a concern on West Oxford Street at the Middle School for many years. A School Zone Speed Study was performed in the fall of 2011 and the recommendation at that time was for no school speed zone to be enacted. In 2015, the school zone area was inspected by the MN/DOT district traffic office to advise and the recommendation was to use other passive methods to alert drivers. These methods have all been utilized but there are still concerns being expressed by law enforcement, neighborhood residents and the school administration that a school zone speed reduction is needed. A motion has been passed by the Worthington Traffic and Safety Committee to request Nobles County to hire a consultant.

On a motion by Matt Widboom and seconded by Robert Demuth Jr., it was duly passed to authorize a consultant be hired for the School Zone Speed Study request at the Worthington Middle School.

On a motion by Justin Ahlers and seconded by Matt Widboom, it was duly passed to install lighting at the intersection of County State Aid Highway 13 and 35 north of the city of Rushmore and at County State Aid Highway 25 and 35 east of the city of Adrian.

Sue Luing, Human Resources Director/Deputy County Administrator, presented the Board with amended personnel policies as recommended by the County's labor attorney.

Commissioner Ahlers explained that he would like to table the policies today, review the policies individually at a work session and bring them back to the following meeting as he had questions he would like to have answered prior to approving.

A motion made by Justin Ahlers and seconded by Gene Metz to table the policies, review them at a work session and bring them back to the following meeting failed after the following discussion continued by the Board.

In Favor: Justin Ahlers

Opposed: Gene Metz, Matt Widboom, Robert Demuth Jr., Donald Linssen

Commissioner Linssen advised the Board should keep in perspective that the County's labor attorney recommended these revisions as the policies were not up to standard. If we are to be represented, there has to be a regimented guideline. Commissioner Ahlers advised he was not disputing that but would like Ms. Luing to go over the changes and the reasons for them.

Mr. Johnson advised the Board could approve the policies as presented and review the changes and bring back if there was a change they do not agree with. Commissioner Ahlers explained he had questions and felt it would be better if the Board had more time. Ms. Luing explained that the policies have been reviewed by the labor attorney, the Employee Empowerment Team and the Management Team with no further comment. Commissioner Widboom questioned if the Board is truly seeking changes be made from what is presented or if the Board is just wanting an explanation of the policies. He stated that he was ok with approving the policies and reviewing them after.

Mr. Johnson advised that most of these policies include references to other policies which is why they needed to be amended at the same time. Many of the changes came right out of statute.

Ms. Luing reviewed the changes to each individual policy and answered questions of the Board.

On a motion by Robert Demuth Jr. and seconded by Matt Widboom, it was duly passed to approve the Data Practices Act/Tennessee Warning for Employees as presented.

On a motion by Matt Widboom and seconded by Donald Linssen, it was duly passed to approve the Employee Handbook Disclaimer as presented.

On a motion by Gene Metz and seconded by Robert Demuth Jr., it was duly passed to approve Personnel Policy P-206 Probation Period as presented.

On a motion by Gene Metz and seconded by Donald Linssen, it was duly passed to approve Personnel Policy P-218 Grievance Process as presented.

On a motion by Robert Demuth Jr. and seconded by Matt Widboom, it was duly passed to approve Personnel Policy P-218A Employee Conduct/Disciplinary Action as presented.

On a motion by Robert Demuth Jr. and seconded by Gene Metz, it was duly passed to approve Personnel Policy P-218B Personnel Board of Appeals as presented.

On a motion by Justin Ahlers and seconded by Matt Widboom, it was duly passed to approve Personnel Policy P-220 Terminations – Voluntary as presented.

On a motion by Gene Metz and seconded by Robert Demuth Jr., it was duly passed to approve Personnel Policy P-235 Policy Against Offensive Conduct, Discrimination, Harassment and Violence as presented.

On a motion by Matt Widboom and seconded by Donald Linssen, it was duly passed to approve Personnel Policy P-240 Family and Medical Leave Policy as presented.

On a motion by Gene Metz and seconded by Robert Demuth Jr., it was duly passed to delete Personnel Policy P-219 Terminations – Involuntary.

Kathleen Kusz, County Attorney, presented the Board with information in the area of a Court Data Services Subscriber Amendment to the CJDN Agreement adding the State Court Administrator's office as a party.

On a motion by Justin Ahlers and seconded by Gene Metz, it was duly passed to approve the Court Data Services Subscriber Amendment to CJDN Subscriber Agreement. A copy of the Agreement was before the Board and is made a part of this resolution by reference.

Stacie Golombiecki, Community Services Director, and Terri Janssen, CHS Administrator/Public Health Director, presented the Board with information and recommendations in the area of a letter of commendation, family home visiting and the Community Health Worker Alliance.

Stephani Diekmann, Lori Winters, Lisa Palaschak and Thelma Yager were recognized and commended for perfect performance in meeting the DHS Human Service financial reporting requirements for calendar year 2016.

On a motion by Justin Ahlers and seconded by Matt Widboom, it was duly passed to adopt the following Resolution number 201725:

The Community Health Board of Nobles County supports increasing the minimum MA reimbursement for all public health nurse family home visits, as proposed in HF1385/SF1143, which would help maintain and strengthen home visiting programs throughout Minnesota.

WHEREAS, The Community Health Board of Nobles County recognizes that Minnesota's local public health departments are a primary provider of family home visiting for at-risk women and families throughout Minnesota; and

WHEREAS, Family Home Visiting is a voluntary, strength based service provided in the family's home environment beginning prenatally and continuing through the early years of a child's life; and

WHEREAS, Family Home Visits provide parenting support and social, emotional, and health-related education to families and connect families to appropriate community resources; and

WHEREAS, 85% of brain growth occurs before age 3, and brain growth is impacted greatly by a child's early experiences, and nearly 200,000 Minnesotan children under the age of 6 are at risk of poor physical and mental health outcomes; and

WHEREAS, the Association of Minnesota Counties (AMC) Legislative Policy Positions supports stable, flexible state funding and public policy to support healthy families and supports additional state funding for county-delivered maternal and child health services, such as evidence-based home visiting programs; and

WHEREAS, The Local Public Health Association of Minnesota (LPHA)'s *2017 LPHA Legislative Priorities*

recognizes that "family home visits are an effective way to prevent child maltreatment, promote healthy childhood development and foster self-sufficiency among Minnesota's most at-risk families- all of which help reduce health care and public program costs" and that "the current minimum MA reimbursement rate falls far short of covering the cost of services," leaving counties to rely heavily on local tax levies to fill the gaps; and

WHEREAS, LPHA's *2017 Legislative Priorities* support "increasing the minimum MA reimbursement for family home visits in order to provide needed resources to maintain and strengthen family home visiting programs that lessen the negative impacts of poverty and improve outcomes for children of our most at-risk families";

NOW, THEREFORE IT BE RESOLVED, that the Nobles County Community Health Board is submitting a Letter of Support for increasing the minimum MA reimbursement rate for all public health nurse family home visits, as proposed in HF1385/SF1143; and

BE IT FURTHER RESOLVED, that the Nobles County Community Health Board authorizes its Chair and Community Health Administrator to sign on its behalf a Letter of Support for increasing the minimum MA reimbursement rate for all public health nurse family home visits, as proposed in HF1385/SF1143.

Commissioner Ahlers requested that Representative Joe Schomacker be sent the letter of support in addition to Representative Rod Hamilton and Senator Bill Weber.

On a motion by Robert Demuth Jr. and seconded by Justin Ahlers, it was duly passed to approve the Community Health Worker Alliance Purchase of Service Agreement. A copy of the Agreement was before the Board and is made a part of this resolution by reference.

Joanne Bartosh, A.C.E. of SW Minnesota/Nobles County, Kim Schwich, The Salvation Army, and Wally Scholten, Volunteer, presented the Board with information in the area of the positive impact of National Service programs in Nobles County in observance of the proclamation of County Day in Nobles County.

Wally Scholten was presented with an award honoring him for over 30 years of service with The Salvation Army.

On a motion by Gene Metz and seconded by Justin Ahlers, it was duly passed to recess the County Board meeting at 10:30 a.m. for the Outlet Petition Continuance for Consolidated Judicial Ditch #1.

On a motion by Matt Widboom and seconded by Robert Demuth Jr., it was duly passed to reconvene the County Board meeting at 10:39 a.m.

Tom Johnson, County Administrator, presented the Board with information and recommendations in the areas of terms of sale for Tax-Forfeited Property and County Administration.

On a motion by Justin Ahlers and seconded by Robert Demuth Jr., it was duly passed to adopt the following resolution number 201724 setting the terms for the sale of Tax-Forfeited land in Nobles County:

Bidders and/or Prospective Purchasers. All bidders and/or prospective purchasers that own real property located in Nobles County that have delinquent property taxes or have had a contract for purchase of tax-forfeited lands cancelled in the past five years are ineligible to participate in the public auction or direct purchases.

Basic Sale Price in Public Sales. All parcels offered at public auction will be sold to the highest bidder. The minimum bid acceptable is the basic sale price that is shown on the list of tax-forfeited land. The basic sale price is equal to \$1.00 plus any extra charges for special assessments levied after forfeiture and for hazardous waste control.

Extra Fees and Costs in Addition to the Basic Sale Price. A 3% surcharge for the state assurance account will be collected at the time of the sale. The following extra fees will be collected when the basic sale price is paid in full: a state deed fee of \$25.00, a deed filing fee of \$46.00, a state deed tax equal to the greater of \$1.65 or 0.33% of the sale price, a \$50.00 Well Disclosure Certificate if applicable, and any county administrative costs.

Payment Terms. Full payment after any sale is due no later than the end of the business day on the date of sale. Payment may be made in cash or by cashier's check.

Special Assessments Levied Before and After Forfeiture. The balance of any special assessments that were levied before forfeiture and canceled at forfeiture are not included in the basic sale price and may be reassessed by the municipality. These special assessments are shown on the list of tax-forfeited land under the column entitled "Assessments Before Forfeiture."

Any special assessments that were levied after forfeiture and certified to the county auditor have been added to the appraised value and must be paid by the purchaser as part of the basic sale price. These special assessments are shown on the list of tax-forfeited land with a special line entitled "Specials After Forfeiture."

Conditions and Restrictions on the Use of Sale Properties. Sales are subject to the following restrictions:

- (1) The purchaser is bound by existing leases;
- (2) The purchaser is bound by easements obtained by a governmental subdivision or state agency for a public purpose;
- (3) The purchaser is bound by building codes and zoning laws;
- (4) All sales are final with no refunds or exchanges allowed;
- (5) The appraised value does not represent a basis for future taxes; and
- (6) Demolition is subject to Pollution Control Agency rules and regulations.

Disposition of Parcels Not Sold at Public Auction. Any parcel not sold at a public sale may be purchased after the public sale by paying the basic sale price. The basic sale price cannot be changed until the parcel is reappraised, republished, and again offered at a later public sale.

What the County Provides in Terms of Title and Proof of Ownership. The buyer will receive a receipt at the time of the sale. The Department of Revenue will issue a state quitclaim deed after full payment is made. A state deed has the characteristics of a patent from the State of Minnesota. However services of an attorney may be necessary to make the title marketable

Reservation of Certain Rights. The County reserves the right to accept or reject any and all bids. The County also reserves the right to remove a parcel from the Public Sale List.

The Board reviewed the proposed language changes suggested by the Nobles County Park Commission. Mr. Johnson and Ms. Kusz made suggestions as to broadening the language under Section 2, Membership, Subdivision (c) so that the requirement can be changed if a position cannot be filled and there are no applicants from the appropriate district rather than just in the case of a resignation.

On a motion by Justin Ahlers and seconded by Matt Widboom, it was duly passed to set the Park Ordinance Public Hearing for Tuesday, May 2nd at 10:30 a.m., with an alternate date of May 23rd, to amend the bylaws as proposed by the County Attorney and County Administrator pursuant to Board materials and discussion.

The Board reviewed and discussed the proposed fee plus expenses to complete the design of a back-up generator set for the Public Works site. Commissioners Metz questioned if that could not be designed by a local electrician and Mr. Johnson expressed the challenge may be with getting it sized appropriately. Commissioner Ahlers suggested talking to 2 or 3 electricians and going with the best design.

The consensus of the Board was to direct the Administrator to contact local electricians for design concepts and proposals for the back-up generator set.

On a motion by Justin Ahlers and seconded by Robert Demuth Jr., it was duly passed to hire Falls Architecture Studio at the proposed sum of \$42,000 to perform duties of project design, bidding and construction administration for the Adrian Public Works Garage addition.

Mr. Johnson advised the Commissioners that Angelo Torres, IT Director, and Shawn Larson, Morris Electronics, have visited area Counties in a collaborative effort for a future shared data center and received favorable responses. It will be necessary to determine the real costs before payback and commitments can be determined. Commissioner Ahlers asked if it would be proactive for the County to approach 9-12 Counties for \$1,000 seed money rather than Nobles County footing the bill up front. Commissioner Widboom stated that as we would be the host, it is our responsibility to fund it.

On a motion by Gene Metz and seconded by Matt Widboom, it was duly passed to authorize the Administrator to develop and sign agreements with EDI and EAPC as proposed by each firm.

On a motion by Robert Demuth Jr. and seconded by Justin Ahlers, it was duly passed to authorize the County Administrator to approve change orders which are under \$5,000.00 or 1% of the estimated cost of the project, whichever is greater. And, allow the County Administrator to approve change orders greater than this amount providing there is an urgent reason, and, only with approval of the Board Chair and/or Vice-Chair as presented.

On a motion by Matt Widboom and seconded by Gene Metz, it was duly passed to approve Public Works to complete a survey, as time is available, at Worthington Cemetery to develop an accurate map of the plots.

The Board discussed the long term needs and space efficiencies for the Auditor-Treasurer, Assessor, Recorder, Administration and Finance where new cubicles are needed along with remodeling of the spaces affected. Mr. Johnson advised that on April 3rd, he received word of staff questioning the Auditor-Treasurer and Assessor area. Commissioner Metz questioned if the Drainage System Coordinator is housed in the right building and would like to have more discussion after he has been here awhile.

Commissioner Widboom stated he would support the Administration changes but feels the Board should wait on the 2nd floor changes. He suggested a team be formed to evaluate all areas. Commissioner Linssen agreed that the Board needed to address any concerns regarding working conditions and that long range needs should be taken into consideration.

Administrator Johnson asked the Board if they would support the Finance department coming up to the 3rd floor where Public Health was previously located. The consensus of the Board was to support the move to 3rd floor.

On a motion by Robert Demuth Jr. and seconded by Gene Metz, it was duly passed to support all 3rd floor office improvement plans of Administration and Finance; and further, to direct the Administrator to form a team to evaluate space needs in the Government Center.

On a motion by Justin Ahlers and seconded by Robert Demuth Jr., it was duly passed to authorize final payment to Doom & Cuypers Construction, Inc. in the amount of \$21,501.92 for the 9th Street entrance repair project.

On a motion by Robert Demuth Jr. and seconded by Justin Ahlers, it was duly passed to appoint Marvin Zylstra, Worthington, to the Planning Advisory Commission for District I.

On a motion by Gene Metz and seconded by Justin Ahlers, it was duly passed to approve the agreement with Amie Ascheman of Runchey, Louwagie & Wellman, PLLP, to perform services required in child protection (CHIPS) cases.

Committee and Board reports were received from the following:

- District I-Commissioner Ahlers reported on the Extension Committee meeting.
- District II-Commissioner Metz reported on the One Watershed One Plan and Planning and Zoning training meetings.
- District III-Commissioner Widboom reported on the Extension Committee meeting.
- District IV-Commissioner Demuth reminded Commissioners of the upcoming final Lake Ocheda Plan meeting on April 5th at Hickory Lodge.
- District V-Commissioner Linssen reported on Advocate Connect Educate (A.C.E.), Southern Prairie Community Care and Planning and Zoning training.
- Management Team – Kathleen Kusz reported on that she and two Attorneys from her office attended the Planning and Zoning training and that she will have a student lawyer this year in her office.
- County Administrator-Tom Johnson reported on a collaborative meeting with the School District and Public Utilities, the Prairie Justice Center roof project, the Association of Minnesota Counties Leadership Summit and discussed with the Board cancelling the upcoming Nobles Economic Opportunity Network meeting due to conflicts.

On a motion by Justin Ahlers and seconded by Gene Metz, it was duly passed to adjourn the meeting at 11:32 a.m.

Attest:


Chairperson


County Administrator