

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

BOARD OF COMMISSIONERS of Nobles County met in regular session on Tuesday, September 19, 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 as presented. Moved by: Ahlers, Justin Seconded by: Widboom, Matt	
4. Recognition	
4.1	Visitors & Guests Welcome
4.2	Recognition for Years of Service
	Shannon Thier, Secretary II for Rock Nobles Community Corrections, was recognized for 10 years of service.
5. Consent Agenda	
5.1	September 5, 2017 Regular Meeting Minutes <u>Attachments:</u> September 5, 2017 Draft Regular Meeting Minutes
5.2	Meetings & Conferences - Travel Expenses <u>Attachments:</u> Travel Expenses paid September 15, 2017
5.3	Auditor's and Commissioner's Warrants <u>Attachments:</u> 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: Demuth, Robert S. Seconded by: Metz, Gene	
6. Department Presentations	
6.1	Plum Creek Library System - Jim Trojanowski

A.	2018 Budget
	No discussion held.
B.	Library System and Activities
	Jim Trojanowski, Director of Plum Creek Library System, provided the Board with an update on the trends for circulation of materials, uses of libraries and the condition of the building owned by Plum Creek Library System.
7. Administration Presentation - Tom Johnson	
7.1	Emergency Management Performance Grant
	Tom Johnson, County Administrator, on behalf of the Emergency Management Director, advised the County has been awarded a 2017 Emergency Management Performance Grant (EMPG) in the amount of \$22,237 and requires a match by the County. <u>Attachments:</u> Emergency Management Performance Grant 2017
<u>VOTING</u> It was duly passed to approve and accept the Emergency Management Performance Grant in the amount of \$22,237.00; and further, to authorize the Board Chair and County Administrator, on behalf of Nobles County, to sign the agreement. Moved by: Ahlers, Justin Seconded by: Widboom, Matt	
7.2	Surplus Property
	Mr. Johnson recommended to the Board that a 1999 F150 Pickup truck, used for mail delivery, be declared surplus and that C5, the oldest carpool vehicle, be used for the mail delivery and for in town travel when it does not conflict with mail delivery.
<u>VOTING</u> It was duly passed to declare the 1999 F150 Pickup truck as surplus property and approve selling it "as is" through the online auction service utilized by Public Works. Moved by: Widboom, Matt Seconded by: Metz, Gene	
7.3	Amendment #2 to Lease Agreement for Armory - ISD 518
	Mr. Johnson advised that the School District wishes to extend the lease of the Armory until December 31, 2018 when the construction of a new building for the Area Learning Center and Gymnastics will be completed. <u>Attachments:</u> Amendment 2 to Lease Agreement
<u>VOTING</u> It was duly passed to authorize the County Board Chairperson and Administrator to sign, on behalf of Nobles County, Amendment #2 to the Lease Agreement with Worthington School District #518 extending the lease through December 31, 2018 at the same lease rate of \$1,324 per month. Moved by: Demuth, Robert S. Seconded by: Ahlers, Justin	
7.4	Application for Payment - Gag Sheet Metal Inc. Application #1
	<u>Attachments:</u> Application for Payment

<u>VOTING</u>	
It was duly passed to approve Payment Application #1 for the payment of \$510,326.91 to Gag Sheet Metal Inc. for partial completion of the 2017 Reroofing and Exterior Wall Rehabilitation at the PJC as certified by the Architect. Moved by: Metz, Gene Seconded by: Demuth, Robert S.	
6.2	Public Works - Stephen Schnieder
A.	Bridge Replacement Award of Contract
	Stephen Schnieder, Public Works Director/County Engineer, advised that a bid opening was held September 7, 2017 for the replacement of five bridges: one in Bloom Township, two on County State Aid Highway 13, and two on County State Aid Highway 15. There were 5 bids received with Henning Construction of Adrian being the lowest responsible bidder.
<u>VOTING</u>	
It was duly passed to award the contract to Henning Construction of Adrian, as lowest responsible bidder, for the bid amount of \$760,026.70. Moved by: Ahlers, Justin Seconded by: Metz, Gene	
B.	MN Geological Survey Soil Sampling
	Mr. Schnieder advised the Nobles County Board had approved the Nobles County Geological Atlas project on September 11, 2015 and 2 sites owned by the County have been identified to bore down to bed rock and gather soil samples. Discussion was held specifically on the tax forfeited property if a notation should be placed on the property that there is no environmental concern. <u>Attachments:</u> Worthington Location – Picture 1 Worthington Location – Picture 2 Adrian Location
<u>VOTING</u>	
It was duly passed to allow the MN Geological Survey Soil Sampling on the Adrian Shop property and tax forfeited property in Worthington subject to approval from the Auditor-Treasurer. Moved by: Metz, Gene Seconded by: Ahlers, Justin	
C.	Planning and Zoning Property Split Approval - Resolution 201758
	Mr. Schnieder advised the Board of MN Statute 272.162 "Restrictions on Transfers of Specific Parts" allowing for the County Planning and Zoning to review and approve property splits prior to a property transfer being recorded. The Cities already have this authority but it is optional for the County. Discussion was held on the interpretation of the 24 hour review process according to law which has been interpreted by some as 3 working days. Mr. Schnieder advised that the 24 hour clock will start when the information is brought to the Auditor-Treasurer's office. County Attorney Kusz added that if the clock starts at 4:00 p.m. on Friday, the review period would end at 4:00 p.m. on Monday. The intent of the 24 hour review process was not to add additional work time in the evenings or weekends. <u>Attachments:</u> Resolution 201758

VOTING

It was duly passed to adopt Resolution 201758, which authorizes Planning and Zoning to approve or deny property splits in Nobles County in accordance with MN Statute 272.162.

Moved by: Widboom, Matt

Seconded by: Ahlers, Justin

Mr. Schnieder provided an update on the road projects and that there were delays due to the weather but that they should only require 1-2 more days. Commissioner Ahlers advised that he has received a lot of positive comments on the new roads.

7.5 Government Center Foundation Repair Change Order #3

Mr. Johnson advised that during excavation of the Government Center Foundation repairs, the concrete pad on the south lawn had to be removed, which was approved through Change Order 1. A plan was proposed for an expanded patio layout that was tied into an amphitheater project for the south lawn.

Attachments:

Change Order 3 Summary

Construction Change Order #3

VOTING

It was duly passed to approve the Government Center Foundation Repair Change Order #3 for the concrete patio on the south lawn.

Moved by: Demuth, Robert S.

Seconded by: Linssen, Donald

7.6 Government Center Foundation Repair Change Order #4

Mr. Johnson reviewed a summary of additional items from Architect, Jeff Nelson, found during the Government Center Foundation Repair project to be addressed and considered for funding. Craig Skorczewski, SWMHP Project Manager, was present and addressed additional questions of the Board.

Attachments:

Recommendation from Falls Architecture

VOTING

It was duly passed to authorize the Administrator to sign Change Order 4 for the Government Center Foundation project, approving the following items totaling \$67,425.00: Item 1 Grading at the SE Corner of the building near Tenth Street; Item 2 Hose bib repair and move above new grade; Item 4 Replace previous work area (unit priced \$630/ft) 90 feet; Item 7 Mechanical room well (main intake vents) and Item 8 Drain tile taps.

Moved by: Metz, Gene

Seconded by: Demuth, Robert S.

7.7 Professional Services Agreement - Security Window Tinting

Mr. Johnson and Mr. Skorczewski advised the Board that there was only one company found in the region able to complete a project for security tinting. One window was completed by Sibley Auto last month as a test and the District Court was satisfied with the result. A proposal was received to complete the tinting on the interior windows along the north side of the Courts at the Prairie Justice Center.

Attachments:

Professional Services Agreement

VOTING

It was duly passed to authorize the County Administrator to sign, on behalf of Nobles County, a Professional Services Agreement with Sibley Auto in the amount of \$2,280.00 to tint the windows

<p>on the north side of the Courts at the Prairie Justice Center. Moved by: Ahlers, Justin Seconded by: Widboom, Matt</p>	
7.8	Professional Services Agreement - PJC Refrigeration Unit Replacement
	<p>Mr. Johnson and Mr. Skorczewski reviewed the information for the 2 proposals received for replacement of the refrigeration units. Mr. Johnson advised these replacements were anticipated and included in the "PJC Misc." line of the CIP Bonded Project list.</p> <p><u>Attachments:</u> Gag Sheet Metal Proposal Professional Services Agreement-NAC</p>
<p><u>VOTING</u> It was duly passed to approve and authorize the County Administrator to sign a Professional Services Agreement with NAC Mechanical & Electrical Services for installation of new refrigeration units at the Prairie Justice Center. Moved by: Demuth, Robert S. Seconded by: Metz, Gene</p>	
7.9	Rescind Motion approving Security Entry Door System 2017 Project Preparation from Sept. 5th
	<p>Mr. Skorczewski advised the Board that after the September 5th, 2017 approval of the not-to-exceed proposals, it was discovered that the proposals were not all inclusive. The electrical proposal has since been withdrawn and additional detailed proposals were requested and are ready for consideration. Kathleen Kusz, County Attorney, asked if the bidder of the original not-to-exceed construction proposal had been contacted to submit a revised bid. Mr. Johnson responded that no agreements had been signed and he had not contacted them for a revised bid. The project cost will be below \$10,000; therefore it was not an advertised bid or formal request for proposals.</p> <p><u>Attachments:</u> Walker Proposal Woodbury Construction Proposal</p>
<p><u>VOTING</u> It was duly passed to rescind the motion passed September 5, 2017 approving 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 revoking the authorization of the County Administrator to sign agreements with the Contractors. Moved by: Demuth, Robert S. Seconded by: Widboom, Matt</p>	
7.10	Professional Services Agreements - Security Entry Door System Project Preparation
	<p>The Board held discussion on the proposals received and confirmed with Mr. Skorczewski that the proposals for consideration were all inclusive.</p> <p><u>Attachments:</u> Proposal – Aguilar Construction Professional Services Agreement – Aguilar Construction Proposal – Fulda Electric Professional Services Agreement – Fulda Electric</p>

VOTING

It was duly passed to authorize the County Administrator to sign, on behalf of Nobles County, a Professional Services Agreement with Aguilar Construction for preparation of the space for the security booth at the Prairie Justice Center in the amount of \$2,650.00.

Moved by: Ahlers, Justin

Seconded by: Metz, Gene

It was duly passed to authorize the County Administrator to sign, on behalf of Nobles County, a Professional Services Agreement with Fulda Electric for the required electrical work in preparation of the space for the security booth at the Prairie Justice Center in the amount of \$3,823.24.

Moved by: Widboom, Matt

Seconded by: Demuth, Robert S.

7.11 Professional Services Agreement - Demolition of Tax Forfeited Structures

Mr. Johnson reviewed the proposals received for demolition of the structures on commercial parcel 28-0023-000 in Round Lake and residential parcel 29-0101-000 in Rushmore and recommended to the Board to have one contract for the entire scope of the demolition projects for the properties under the County's ownership administration as listed in the RFP.

Attachments:

Professional Services Agreement – JDSR, LLC

VOTING

It was duly passed to authorize the County Auditor-Treasurer or County Administrator to sign, on behalf of Nobles County, an agreement with Jesse Drost, JDSR, LLC in the amount of \$54,550 for the demolition of structures on tax forfeited parcels 28-0023-000 and 29-0101-000.

Moved by: Metz, Gene

Seconded by: Widboom, Matt

7.12 Lismore Cooperative Telephone Company 2017 Broadband Cash Contribution

Tom Johnson, County Administrator, recommended that the Board authorize the disbursement of a portion of the \$1MM cash contribution in the amount of \$500,000. Commissioner Ahlers questioned if the Board had already approved this disbursement and Mr. Johnson advised that the Board had previously approved the disbursement under different terms including an initial lease payment of \$226,451.00 and the payment of \$375,000 in cash in 2017 with the First State Bank Southwest Broadband Local Loan. Commissioners Ahlers asked County Attorney Kusz if the Board needed to rescind the motion from the prior meeting to move forward and County Attorney Kusz confirmed.

VOTING

A motion was made by Justin Ahlers and seconded by Matt Widboom to rescind the motion passed August 8th, 2017 approving the County to pay the \$226,451 initial lease payment, payment of \$375,000 cash in 2017 and \$375,000 cash in 2018.

On a motion by Justin Ahlers and seconded by Matt Widboom, it was duly passed to amend the motion by adding " in addition to any underwriting fees for the loan; and further, establish that the Wind Energy Resources be used for the funding."

It was duly passed to rescind the motion passed August 8th, 2017 approving the County to pay the \$226,451.00 initial lease payment, payment of \$375,000 cash in 2017 and \$375,000 cash in 2018 in addition to any underwriting fees for the loan; and further, establish that the Wind Energy Resources be used for the funding.

It was duly passed to authorize the disbursement of \$1,000,000.00 cash; \$500,000 to be paid in 2017 and \$500,000 to be paid in 2018 out of Wind Energy funds to Lismore Cooperative Telephone Company.

Moved by: Ahlers, Justin

Seconded by: Demuth, Robert S.

Abstained: Metz, Gene

Commissioner Metz stated for the record he was abstaining as he has Board Delegation with Lismore Cooperative Telephone Company.

Darwin Veld, President of Lismore Cooperative Telephone Company, and Bill Loonan, General Manager, advised the Board that the fiber install will be complete to the Rushmore water tower in 1 1/2 weeks and the project will be complete for 2017, ahead of schedule.

7.13	2018 Budget A. Preliminary Budget Highlights B. 2018 Not To Exceed Levy - Resolution 201759
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Tom Johnson, County Administrator, reviewed the 2018 proposed budget including a 5.94% increase in the tax levy over 2017 for the not-to-exceed amount of \$13,973,268. Mr. Johnson advised of the commitment to continue to identify ways to reduce the not-to-exceed number prior to final approval in December.

Attachments:

2018 Budget Summary
Budget Summary By Fund
Resolution 201759

VOTING

It was duly passed to adopt Resolution 201759, the not to exceed, proposed tax levy in the amount of \$13,973,268 for collection in 2018 as presented.

Moved by: Demuth, Robert S.

Seconded by: Widboom, Matt

8. Inter-Agency Reports / Announcements

8.1	Committee & Board Reports
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Attachments:

Soil & Water Conservation District August 15, 2017 Meeting Minutes

District I-Commissioner Ahlers reported on the Nobles County Fair Board and 2018 ditch assessments meetings.

District II-Commissioner Metz reported on Wilmont and Ellsworth City Council meetings, PILT (Payment in Lieu of Taxes), MNLARS licensing and registration system, Southwestern Minnesota Opportunity Council (SMOC) meetings and an upcoming AMC Public Land Work Force meeting.

District III-Commissioner Widboom reported on Southwest Regional Development Commission (SRDC) and Nobles Economic Opportunity Network (NEON) meetings.

District IV-Commissioner Demuth reported on Planning and Zoning Interim Use Permits.

District V-Commissioner Linssen reported on Chief Elected Officials, Southern Prairie Community Care (SPCC), Nobles Economic Opportunity Network (NEON) and Budget Committee meetings.

Management Team- County Attorney Kusz had no report.

County Administrator-Tom Johnson reported on Rock-Nobles Community Corrections, Nobles Economic Opportunity Network (NEON), City/County/College/School and C.I.P. Bond Project meetings.

8.2	Correspondence
	<u>Attachments:</u> Recuitment Memo HLWD District Administrator's Report – August 2017 Lewis & Clark Regional Water System Summer Newsletter Payment of Southwest MN Crisis Center 2017 Appropriation Payment of Nobles County Fair Association 2017 Appropriation – 2nd Half
8.3	Calendars
	<u>Attachments:</u> September and October Calendars
9. Other / Future Business Board Work Session Wednesday, September 27, 2017, 8:30 a.m. Executive Conference Room, Gvt Ctr, 318 9 th Street, Worthington MN	
10. Adjournment	
<u>VOTING</u> It was duly passed to adjourn the meeting at 10:48 a.m. Moved by: Demuth, Robert S. Seconded by: Ahlers, Justin	



(Chairperson)



(County Administrator)