

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

The Board of Commissioners of Nobles County met in regular session on Tuesday, December 18, 2018, 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 Demuth at 9:00 AM followed by the Pledge of Allegiance.

1.0 Call to Order	
2.0 Pledge of Allegiance	
3.0 Approval of Agenda	
<u>VOTING</u> It was duly passed to approve the agenda, changing the order to move 6.7 C. Finance Policies, D. Open-Gov Custom Integration and E. 2018 Final Payment of Bills immediately following the Consent Agenda. Motion by: Ahlers, Justin Seconded by: Metz, Gene	
4.0 Recognition	
4.1	Visitors & Guests Welcome
5.0 Consent Agenda	
5.1	December 6, 2018 Regular Meeting Minutes <u>Attachments:</u> December 6, 2018 Draft Regular Meeting Minutes
5.2	December 6, 2018 2019 Budget & Levy Meeting Minutes <u>Attachments:</u> December 6, 2018 Draft 2019 Budget & Levy Meeting Minutes
5.3	City of Adrian Legal Services Agreement <u>Attachments:</u> Legal Services Agreement
5.4	City of Round Lake Legal Services Agreement <u>Attachments:</u> Legal Services Agreement
5.5	Greater MN Family Services 2019 Family Based Service Contract Renewal <u>Attachments:</u> 2019 Greater MN Family Services Family Based Renewal Contract
5.6	Client Community Services – Semi Independent Living Services 2019-2020 Renewal <u>Attachments:</u> 2019-2020 Client Community Services – Semi-Independent Living Services Purchase of Service Agreement
5.7	2019-2020 Day Care Consultation Agreements <u>Attachments:</u> 2019-2020 Kids-R It Day Care Center Consultation Agreement 2019-2020 We Care Day Care Center Consultation Agreement

5.8	Hope Haven/The Achievement Center 2019-2020 Supported Employment Agreement Attachments: 2019-2020 Hope Haven Supported Employment Agreement
5.9	Specialized Vocational Services 2019-2020 Supported Employment Agreement Attachments: 2019-2020 Specialized Vocational Services Supported Employment Agreement
5.10	2019-2020 Southwest MN Regional MFIP/Diversions Work Program Renewal Attachments: 2019-2020 Southwest MN Regional MN Family Investment Program/Diversions Work Program Purchase of Service Contract
5.11	2019 Southwestern Mental Health Center Community Support Services Agreement Renewal Attachments: 2019 Southwest Mental Health Center Community Support Agreement
5.12	2019 Southwestern Mental Health Center Master Services Agreement Renewal Attachments: 2019 Southwest Mental Health Center Master Services Agreement
5.13	2019 Intensive Family Based Contract Renewal Southwestern Mental Health Center Attachments: 2019 Southwest Mental Health Center Intensive Family Based Contract
5.14	NCHS Legacy Grant Acceptance to fund HVAC Assessment for Armory Attachments: MN Historical and Cultural Grant Agreement
5.15	Meetings & Conferences – Travel Expenses Attachments: Travel Expenses paid December 7, 2018
5.16	Auditor's and Commissioner's Warrants Attachments: Accounts Payable Summary Auditor's Warrants Commissioner's Warrants – General Revenue Commissioner's Warrants – Public Works Commissioner's Warrants – Family Service Fund
<u>VOTING</u> It was duly passed to approve the Consent Agenda as presented. Moved by: Linssen, Donald Seconded by: Widboom, Matt	
6.0 Department Presentations	
6.7	Finance – Jerry Vyskocil
C.	Finance Policies
	Jerry Vyskocil, Finance Director, presented the Board with information and recommendations in the areas of Finance Policies. Attachments: Fund Balance Policy Policy for Use of Restricted Assets Current Budget Policy Administrative Policy Article 4 Budgets GASB 34 Committee Resolution

	Policy to Determine the Current Portion of Compensated Absences
	1. Approve Fund Balance Policy and remove Use of Restricted Assets Policy
	<u>VOTING</u> It was duly passed to approve the Fund Balance and Reserves Policy as presented and remove the Use of Restricted Assets Policy. Moved by: Metz, Gene Seconded by: Demuth, Robert S.
	2. Budget Policy and removal of Administrative Policy Article 4
	<u>VOTING</u> It was duly passed to approve the Nobles County Budget Policy as presented and remove Nobles County Administrative Policy Article 4 Budgets. Moved by: Ahlers, Justin Seconded by: Widboom, Matt
	3. Rescind GASB 34 Committee resolution adopted December 23, 2002
	<u>VOTING</u> It was duly passed to rescind GASB 34 Committee Resolution of Nobles County Board of Commissioners adopted December 23, 2002. Moved by: Metz, Gene Seconded by: Ahlers, Justin
	4. Policy to Determine the Current Portion of Compensated Absences
	<u>VOTING</u> It was duly passed to approve the Nobles County Policy to Determine the Current Portion of Compensated Absences as presented. Moved by: Ahlers, Justin Seconded by: Linssen, Donald
D.	Open-Gov Custom Integration
	Jerry Vyskocil, Finance Director, presented the Board with information and recommendations in the area of amending the Open-Gov Contract to include Custom Integration. <u>Attachments:</u> OpenGov Order Form
	<u>VOTING</u> It was duly passed to authorize the modification of the Open-Gov contract to include the Custom Integration into the current five year commitment at an additional annual rate of \$2,800. Moved by: Widboom, Matt Seconded by: Demuth, Robert S.
E.	2018 Final Payment of Bills
	<u>VOTING</u> It was duly passed to authorize the Nobles County Finance department to pay bills December 31, 2018 without prior County Board approval to include: family service administration claims, capital improvement claims and general government claims as permitted under M.S. 375.18 Subd. 1b. These claims would then be brought before the Board at their first meeting in January 2019 for review and approval. Moved by: Ahlers, Justin Seconded by: Metz, Gene
6.1	Public Works – Stephen Schnieder

A.	Americans with Disability Act Transition Plan
	<p>Stephen Schnieder, Public Works Director/County Engineer, presented the Board with information and a recommendation in the area of approving the Americans with Disabilities Act Transition Plan. Mr. Schnieder advised there were no public comments after the November 20th, 2018 public meeting.</p> <p>Attachments: ADA Transition Plan Final</p>
<p><u>VOTING</u> It was duly passed to assign and adopt Resolution 201868 approving the Nobles County Highway Department ADA Transition Plan for the Nobles County Highway Department's Public Rights of Way as presented. Moved by: Ahlers, Justin Seconded by: Widboom, Matt</p>	
B.	Rural Lighting Agreement No. 1031300 – Resolution 201837
	<p>Mr. Schnieder advised MnDOT is granting Nobles County up to \$298,240 for the installation of rural lighting at 14 intersections along the trunk highway system.</p> <p>Attachments: MnDOT Contract No. 1031300 Resolution 201837</p>
<p><u>VOTING</u> It was duly passed to adopt Resolution 201837 that Nobles County enter into Mn/DOT Agreement No. 1031300 with the State of Minnesota Department of Transportation for the following purposes:</p> <p>To provide for lighting system construction along various intersections in the County which are defined in said agreement.</p> <p>IT IS FURTHER RESOLVED, that the County Board Chair and the County Administrator are authorized to execute the Agreement and any amendments to the Agreement. Moved by: Linssen, Donald Seconded by: Metz, Gene</p>	
<p>Mr. Schnieder advised the Board of the bid openings occurring on December 20th: Milling, Bituminous Paving & Aggregate Shoulders and Bridge Replacement.</p>	
6.2	Community Services – Stacie Golombiecki
A.	State of MN/DHS County Grant Contract – Children's Mental Health Respite Care Services
	<p>Stacie Golombiecki, Community Services Director, presented the Board with information and a recommendation in the area of a grant to provide respite care services to children who are receiving Children's Mental Health case management.</p> <p>Attachments: State of Minnesota/Department of Human Services County Grant Contract – Children's Mental Health Respite Services</p>
<p><u>VOTING</u> It was duly passed to approve the State of Minnesota Department of Human Services COUNTY Grant Contract effective January 1, 2019 for the provision of designing and providing planned and/or emergency children's mental health respite care services for eligible children and families. Moved by: Metz, Gene Seconded by: Ahlers, Justin</p>	
6.3	Emergency Management – Joyce Jacobs

A.	Cable Package for Situational Awareness and Phone/Internet Redundancy
	Joyce Jacobs, Emergency Management Director, presented the Board with information and a recommendation in the area of providing backup phone lines and internet service for the Emergency Operations Center. Attachments: Nobles County 3 Yr Agreement with VAST Nobles County 3 Yr Agreement with Mediacom
<u>VOTING</u>	It was duly passed to authorize the County Administrator to sign, on behalf of Nobles County, a three year Broadband Business Customer Agreement for cable/phone/internet with Vast Broadband. Moved by: Widboom, Matt Seconded by: Linssen, Donald
B.	SafeAssure Service Agreement
	Ms. Jacobs presented the Board with information and a recommendation in the area of utilizing the services of SafeAssure for workplace training to ensure compliance with state statutes and OSHA regulations. Attachments: SafeAssure Service Agreement
<u>VOTING</u>	It was duly passed to authorize the Board Chairperson and County Administrator to sign, on behalf of Nobles County, a Service Agreement for the period of twelve months with SafeAssure Consultants, Inc. for the provision of abiding by all applicable federal and state laws including, but not limited to, OSHA regulations and local/state/national building codes in addition to practicing all reasonable and appropriate safety and loss control practices. Moved by: Metz, Gene Seconded by: Demuth, Robert S.
6.4	Drainage System – Brad Harberts/Kris Ray
A.	Motion to recess regular County Board meeting/Convene as Ditch Authority
<u>VOTING</u>	It was duly passed to recess the regular County Board meeting and convene as the Ditch Authority. Moved by: Ahlers, Justin Seconded by: Widboom, Matt
B.	Individual Ditch Systems Year End Balance 2018
	Brad Harberts, Drainage System Coordinator, and Kris Ray, Auditor-Treasurer, presented the Board with information and a recommendation in the area of transferring monies as of December 31, 2018 from the General Fund to County Ditches #2,5 and 11 which will have deficit balances and to reimburse the monies back to the General Fund effective January 2019. Minnesota Statute 103E.655, subd. 2 allows for loans to be made from the General Fund to a ditch system with insufficient cash to pay expenditures. The Board held discussion on miscellaneous ditch expenses and who the responsible party is for paying bills related to the petition on County Ditch 11. Mr. Harberts was directed to clarify with Bruce Sellers. Attachments: Ditch Balance December 2018
<u>VOTING</u>	It was duly passed to transfer monies in the amount of \$41,000 as of December 31, 2018 from the

<p>General Fund to County Ditches #2, 5 and 11 which will have deficit cash balances as of 2018 year end; and further, effective January 2019, reimburse the monies back into the General Fund. Moved by: Metz, Gene Seconded by: Linssen, Donald</p>	
C.	Motion to adjourn as Ditch Authority/Reconvene County Board meeting
<p><u>VOTING</u> It was duly passed to adjourn as Ditch Authority and reconvene the County Board meeting. Moved by: Widboom, Matt Seconded by: Demuth, Robert S.</p>	
6.5	Human Resources – Sue Luing
A.	P-244 Health Care Savings Plan Waiver
	<p>Sue Luing, Human Resources Director, presented the Board with information and a recommendation in the area of granting a one-time waiver to Personnel Policy P-244 Health Care Savings Plan in recognition of the dedication of the currently appointed Auditor-Treasurer fulfilling all responsibilities of the vacated elected position.</p>
<p><u>VOTING</u> It was duly passed to approve for Kris Ray, acting Auditor-Treasurer, a one-time waiver to the specific language in Personnel Policy P-244 of “an employee must use a minimum of 50% of their annual leave accrual in the calendar year in order to qualify to have hours in excess of 480 converted to cash and deposited into the Health Care Savings Plan Account. If an employee does not use 50% of their accrual on December 31st they would lose all hours above 480 in their annual leave bank.”; and further, to thank Kris Ray for her dedication in the County’s time of need. Moved by: Ahlers, Justin Seconded by: Metz, Gene</p>	
6.6	Budget Committee
A.	2019 Elected Officials Budgets
	<p>Tom Johnson, County Administrator and Budget Committee member, advised by MN Statute the Board is required to set salaries for all elected positions and budgets for their respective departments prior to January 1, 2019. As the 2019 Elected Officials Salaries were set at the November 20th Board of Commissioners’ meeting, Mr. Johnson presented the Board with information in the area of the 2019 Elected Officials Departmental Budgets.</p> <p><u>Attachments:</u> Resolution 201863 Attorney Budget Resolution 201864 Auditor-Treasurer Budget Resolution 201865 Recorder Budget Resolution 201866 Sheriff Budget</p>
1.	County Attorney Budget – Resolution 201863
<p><u>VOTING</u> It was duly passed to adopt Resolution 201863 that the 2019 budget for personnel, operating and equipment for the Office of the County Attorney be \$972,553. Moved by: Widboom, Matt Seconded by: Demuth, Robert S.</p>	
2.	County Auditor-Treasurer Budget – Resolution 201864
<p><u>VOTING</u> It was duly passed to adopt Resolution 201864 that the 2019 budget for personnel, operating and</p>	

equipment for the Office of the County Auditor-Treasurer be \$741,750. Moved by: Linssen, Donald Seconded by: Ahlers, Justin	
3.	County Recorder Budget – Resolution 201865
<u>VOTING</u> It was duly passed to adopt Resolution 201865 that the 2019 budget for personnel, operating and equipment for the Office of the County Recorder be \$331,268. Moved by: Metz, Gene Seconded by: Widboom, Matt	
4.	County Sheriff Budget – Resolution 201866
<u>VOTING</u> It was duly passed to adopt Resolution 201866 that the 2019 budget for personnel, operating and equipment for the Office of the County Sheriff be \$4,869,220. Moved by: Linssen, Donald Seconded by: Widboom, Matt	
6.7	Finance – Jerry Vyskocil
A.	Tom Johnson, County Administrator, advised in Mr. Vyskocil’ s absence, there have been no changes to the budget since the last review at the November 26 th Board of Commissioners Work Session and advised that in September, the proposed levy was over 8%. Commissioner Widboom advised as a member of the Budget Committee, the Committee worked hard to bring the levy down to where it is currently at and are aware of the Ag Economy and the Committee and Board are very engaged in it. The County must operate as respectfully as ever before. The local paper has provided articles of real world situations right here and Commissioner Widboom acknowledged Commissioner Linssen’ s continued concern for fixed income citizens. Commissioner Linssen expressed his gratitude to the Budget Committee. <u>Attachments:</u> 2019 Budget Summary/Tax Levy by Fund Resolution 201861
<u>VOTING</u> It was duly passed to adopt Resolution 201861, ordering spread of the levy in the amount of \$14,020,308; and further, to direct the County Administrator to certify the spread levy with the County Auditor for collection in 2019. Moved by: Ahlers, Justin Seconded by: Metz, Gene	
B.	2019 Budget Adoption – Resolution 201862 <u>Attachments:</u> 2019 Budget Summary/Tax Levy by Fund Resolution 201862
<u>VOTING</u> It was duly passed to adopt Resolution 201862, approving the 2019 Budget as was before the Board at \$36,101,830. Moved by: Linssen, Donald Seconded by: Demuth, Robert S. Chairperson Demuth expressed his gratitude to the Finance department for their hard work.	
7.0	Administration Presentation – Tom Johnson
7.1	Tax Forfeited Property Terms of Sale – Resolution 201867

Tom Johnson, County Administrator, presented the Board with information and recommendation to changes to he Tax Forfeited Property Terms of Sale based on discussion from the December 6th public meeting.

Attachments:

Resolution 201515 Terms of Sale adopted 4/21/2015
Resolution 201867 Terms of Sale Draft

VOTING

It was duly passed to adopt Resolution 201867 setting the Terms for the Salfe of Tax-Forfeited Land In Nobles County as follows:

Public Sales: Basic Sale Price

All parcels are offered at public auction and 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

There will be a surcharge for the state assurance account to be collected at the time of the sale. The following extra fees will be collected when the basic sale price is paid in full:

- Current state deed fee;
- Deed filing fee;
- State deed tax;
- Well Disclosure Certificate if applicable;
- Other required assessments, and;
- Any county administrative costs.

Payment Terms: Cash or certified check

Full payment at day of sale.

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:

Persons who have previously defaulted and forfeited property due to non-payment of property taxes are not eligible to bid on tax forfeited properties. All sales are final with no refunds or exchanges allowed.

Restrictions on the Use of the Properties:

Sales are subject to the following restrictions on the use of the properties:

- (1) existing leases,
- (2) easements obtained by a governmental subdivision or state agency for a public purpose,
- (3) building codes and zoning laws,
- (4) demolition is subject to MN Pollution Control Agency rules and regulations.

Private Sales: 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.

Title: 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.

Moved by: Metz, Gene

Seconded by: Ahlers, Justin

7.2 2019 Boards, Committees & Commissions – Citizen Appointments

The Board reviewed all applications and recommendations.

Attachments:

- 2019 Nobles County Boards and Committees Listing
- DAC Recommendation and applications (3)
- EMPAC Recommendation and applications (2)
- Joint Planning Commission (Jt Jurisdictional) Application
- Personnel Board of Appeals Application
- Planning Advisory Commission Recommendation and Applications (5)
- Southwestern Mental Health Center – Board of Directors Application
- Zoning Board of Appeals Recommendation and Applications (2)

VOTING

It was duly passed to reappoint Stacie Golombiecki, Worthington, to a 3 year term on the Developmental Achivement Center Board expiring December 31, 2021.

Moved by: Ahlers, Justin

Seconded by: Widboom, Matt

It was duly passed to reappoint Doug White, Fulda, to a 3 year term on the Developmental Achivement Center Board expiring December 31, 2021.

Moved by: Widboom, Matt

Seconded by: Demuth, Robert S.

It was duly passed to reappoint Jesse Leopold, Worthington, to a 3 year term on the Developmental Achivement Center Board expiring December 31, 2021.

Moved by: Metz, Gene

Seconded by: Linssen, Donald

It was duly passed to reappoint Kent Wilkening, Sheriff, to a 3 year term on the Emergency Management Planning Avisory Committee expiring December 31, 2021.

Moved by: Ahlers, Justin

Seconded by: Metz, Gene

It was duly passed to reappoint Molly Schneider, to a 3 year term on the Emergency Management Planning Advisory Committee expiring December 31, 2021.

Moved by: Linssen, Donald

Seconded by: Ahlers, Justin

It was duly passed to reappoint Tom Weise, Round Lake, to a 3 year term on the Joint Planning Commission (Jt Jurisdictional) as the Lorain Township representative expiring December 31, 2021.

Moved by: Metz, Gene

Seconded by: Demuth, Robert S.

It was duly passed to reappoint Jenny Andersen, Worthington, to a 3 year term on the Personnel Board of Appeals expiring December 31, 2021.

Moved by: Linssen, Donald

Seconded by: Widboom, Matt

It was duly passed to reappoint Ron Ozmun, Worthington (District IV), to a 3 year term on the Planning Advisory Commission expiring December 31, 2021.

Moved by: Widboom, Matt

Seconded by: Linssen, Donald

It was duly passed to reappoint John Penning, Wilmont (District II), to a 3 year term on the Planning Advisory Commission expiring December 31, 2021.

Moved by: Metz, Gene

Seconded by: Demuth, Robert S.

In Favor: Metz, Gene; Widboom, Matt; Demuth, Robert S., Linssen, Donald

Opposed: Ahlers, Justin

It was duly passed to appoint Jay Clarke, Brewster (District I) to a 3 year term on the Planning Advisory Commission expiring December 31, 2021.

Moved by: Ahlers, Justin

Seconded by: Widboom, Matt

It was duly passed to appoint Mike Harmon, Wgtn (District IV) to a 3 year term on the Zoning Board of Appeals expiring December 31, 2021.

Moved by: Metz, Gene

Seconded by: Linssen, Donald

It was duly passed to appoint Michael Hoefl, Reading (District I) to a 3 year term on the Zoning Board of Appeals expiring December 31, 2021.

Moved by: Ahlers, Justin

Seconded by: Demuth, Robert S.

It was duly passed to reappoint David Benson, Bigelow, to a 3 year term on the Southwestern Mental Health Center Board of Directors expiring December 31, 2021.

Moved by: Linssen, Donald

Seconded by: Metz, Gene

8.0 Inter-Agency Reports / Announcements

8.1 Committee and Board Reports

District I - Commissioner Ahlers had no report.

	<p>District II - Commissioner Metz reported on the Nobles Economic Opportunity Network (N.E.O.N.) and Library Board meetings.</p> <p>District III - Commissioner Widboom had no report.</p> <p>District IV - Commissioner Demuth reported on the Worthington Regional Economic Development Corporation (WREDC).</p> <p>District V - Commissioner Linssen had no report.</p> <p>Management Team - Attorney Kathleen Kusz had no report.</p> <p>County Administration – Administrator Tom Johnson had no report.</p> <p><u>Attachments:</u> Nobles County Park Board Meeting Minutes September 10, 2018 Southwest Regional Development Commission September 13, 2018 Commission Mtg Southwest Regional Development Commission October 11, 2018 Board of Directors Mtg Southwest Regional Development Commission November 8, 2018 Annual Mtg Heron Lake Watershed District (HLWD) Regular Mtg October 16, 2018 Nobles County Art Center Board Mtg Minutes December 4, 2018</p>
8.2	<p>Correspondence <u>Attachments:</u> Recruitment Update Order Appointing Title Examiner for Nobles County NHI Payments made in December 2018 HLWD District Administrator’s Report November 2018</p>
8.3	<p>Calendar <u>Attachments:</u> Commissioners Calendar – January 2019</p>
<p>9.0 Other / Future Business</p> <p>Excellence In Performance Recipients Breakfast Wednesday, December 19, 2018 7:30 a.m. - 8:30 a.m. Executive Conference Rm, 318 9th Street, Worthington MN</p> <p>Board of Commissioners Work Session Wednesday, December 26, 2018 8:30 a.m. Executive Conference Rm, 318 9th Street, Worthington MN</p>	
<p>10.0 Adjournment</p>	
<p><u>VOTING</u> It was duly passed to adjourn the meeting at 10:11 a.m. Moved by: Ahlers, Justin Seconded by: Linssen, Donald</p>	



(Chairperson)



(County Administrator)