

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

The Board of Commissioners of Nobles County met in regular session on Tuesday, February 18, 2020, 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 Ahlers at 9:00 A.M. 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 as presented. Motion by: Widboom, Matt Seconded by: Demuth, Robert S.	
4.0 Recognition	
4.1	Visitors & Guests Welcome
5.0 Consent Agenda	
5.1	February 04, 2020 Regular Meeting Minutes <u>Attachments:</u> February 04, 2020 Draft Regular Meeting Minutes
5.2	Meetings & Conferences – Travel Expenses <u>Attachments:</u> Travel Expenses paid February 14, 2020 Travel Expenses paid Board February 14, 2020
5.3	PCard/Auditor's Warrants <u>Attachments:</u> Accounts Payable Summary Auditor's Warrants
<u>VOTING</u> It was duly passed to approve the Consent Agenda. Moved by: Metz, Gene Seconded by: Widboom, Matt	
7.0 Administration Presentation	
7.1	W.E.L.L. Lobbyist
Tom Johnson, County Administrator, presented the board with information regarding contracting a Lobbyist to support the W.E.L.L. bonding request. Proposed costs were provided ranging from \$20,000.00 to \$35,000.00. The preferred firm proposed a fee of \$20,000.00, was involved in the Lewis & Clark process and has a positive review from AMC staff. All three Administrators will be involved in the final negotiation. The Advisory Committee for the project recommends a split of costs as follows: City 20%, County 40%, School 40%.	
<u>VOTING</u> It was passed to contract a Lobbyist for the 2020 legislative session. Moved by: Widboom, Matt	

<p>Seconded by: Metz, Gene In favor: Widboom, Matt; Metz, Gene; Demuth, Robert S.; Linssen, Donald Opposed: Ahlers, Justin</p>	
6.0 Department Presentation	
6.1	Public Works/Highway – Stephen Schnieder
6.1 (A)	Rural Street Lighting
<p>Stephen Schnieder presented the board with information regarding the possibility of adding intersection lighting along County State Aid Highway 1 and County State Aid Highway 35 as these are higher volume roads. Funding for the County State Aid Highway system was increased by approximately \$757,000 in 2020. On average it is estimated that each intersection will cost around \$16,000. No vote was needed as Public Works was only looking for a recommendation if they should move forward with the planning of this project.</p>	
6.1 (B)	Township Bridge Replacement Contract Attachment Contract 20001
<p>Two township bridges were approved for funding to be replaced. The bid opening was held on February 6, 2020 with two bids being submitted. The low bid was \$491,133.90 and the other bid was \$507,369.90. The engineer's estimate was \$496,957.00. It was recommended to the board to award the contract to Midwest Contracting.</p>	
VOTING	
<p>It was duly passed to award the contract to Midwest Contracting of Marshall, MN in the amount of \$491,133.90 Moved by: Widboom, Matt Seconded by: Linssen, Donald</p>	
6.1 (C)	Road Construction Materials Overweight Permit Update
<p>Permits for hauling overweight road construction materials was approved by the county board with a review of the impacts to the roadways after two years. There have been limited requests for the road construction materials special permit. The permits have been primarily from local contractors and contractors performing work for the county. There has been no noticeable impact to the paved road system due to the increased truck weights. It is the recommendation to continue allowing the road construction materials special permits with the Public Works Director having the discretion on whether to issue the permits.</p>	
VOTING	
<p>It was duly passed to continue to allow the road construction materials special permits Moved by: Metz, Gene Seconded by: Widboom, Matt</p>	
6.1 (D)	City of Brewster Paving Agreement Attachment Agreement Resolution 202008
<p>Nobles County is planning on a bituminous paving project in the City of Brewster in 2020. The City of Brewster would like to include their work under the county contract. It was recommended to the board to approve the agreement with the City of Brewster.</p>	
VOTING	
<p>It was duly passed to approve the City of Brewster paving agreement, Resolution 202008. Moved by: Linssen, Donald Seconded by: Ahlers, Justin</p>	
6.2	Auditor-Treasurer – Joyce Jacobs
6.2 (A)	Township Road Allocation Attachment 2020 Town Road Allocation Spreadsheet

Mrs. Jacobs presented the board with information regarding MN Statute 162.081 Subd. 4. Money apportioned to a county from the town road account must be distributed to the treasurer of each town within the county, according to a distribution formula adopted by the county board. Distribution of the town road funds to each town treasurer must be made by March 1, annually, or within 30 days after receipt of payment from the commissioner.

VOTING

It was duly passed to approve payment to the Nobles County Townships based on the submitted formula.

Moved by: Demuth, Robert S.

Seconded by: Metz, Gene

6.3 Assessor – Valerie Ruesch

6.3 (B) County Board of Appeal and Equalization Meeting for the 2020 Assessment

Valerie Ruesch, Nobles County Assessor, presented the board with options for setting the date for the County Board of Appeal and Equalization meeting for the 2020 assessment.

VOTING

It was duly passed to set the County Board of Appeal and Equalization meeting for the 2020 assessment for June 16, 2020 at 6:00pm located in the County Board Room.

Moved by: Metz, Gene

Seconded by: Widboom, Matt

6.4 Human Resources – Sue Luing

**6.4 (A) Law Clerk Position Classification
Attachment**

Law Clerk Position Description

Sue Luing, Human Resources Director, presented the board with information regarding a newly created position for a Law Clerk that would allow us to hire an individual that has their law degree but have not passed the MN Bar Exam yet. If approved, we could hire an individual that meets the Law Clerk minimum qualifications. That individual would assist the County Attorney's office in conducting research and writing tasks, making limited court appearances where permitted, and generally assisting the current attorneys. A law clerk may have the opportunity for promotion into a vacant Assistant County Attorney position once they have passed the MN State Bar Exam and are licensed to practice. It generally takes 5 months from graduation to licensure.

VOTING

It was duly passed to approve the Law Clerk job description and associated point value with the County Attorney's office.

Moved by: Widboom, Matt

Seconded by: Ahlers, Justin

6.4 (B) Personnel Policy P-237 Drug & Alcohol Testing for Commercial Drivers

Personnel policy P-237 Drug & Alcohol Testing for Commercial Drivers needs to be updated and is being presented for approval. The Federal Motor Carrier Safety Administration (FMCSA) amended its regulations to establish a database that will contain information about violations of DOT/FMCSA drug and alcohol testing programs for holders of CDLs, including test results and test refusals. This database is called the Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse A.K.A. the "Clearinghouse." The purpose behind forming the Clearinghouse and establishing regulations for employers regarding the Clearinghouse is to improve roadway safety by identifying and making readily available information regarding commercial motor vehicle drivers who have committed drug and/or alcohol violations that would render them ineligible to operate a CMV on behalf of a carrier or transportation company.

VOTING

It was duly passed to approve the personnel policy as presented effective January 1, 2020.

Moved by: Demuth, Robert S.

Seconded by: Metz, Gene

7.0 Department Presentation

7.7 Doom & Cuypers Change Order

	<u>Attachment</u> Proposal – Doom & Cuypers
Tom Johnson presented the board a proposal for additional work to be done on the Data Center. It was recommended to accept the bid.	
<u>VOTING</u> It was duly passed to approve the change order in the amount of \$2,617.00. Moved by: Demuth, Robert S. Seconded by: Linssen, Donald	
8.0 Inter-Agency Reports/Announcements	
8.1	Committee and Board Reports
	<p>County Administration – Bruce Heitkamp reported on a Mutual Aid grant that was applied for and was successfully awarded for \$25,000. He also reported that he had attended the Governor’s Conference for Emergency Management. Lastly he reported that the Data Center is progressing.</p> <p>District III - Commissioner Widboom – Reported on the SMOC meeting and reported their focus remains on child care. They are looking for businesses to get involved and possibly contribute towards a facility.</p> <p>District II - Commissioner Metz – Reported on the SMOC meeting as well and stated they are not just looking for a building but the program as a whole is a challenge to create. He also reported on the NEON meeting and the updates that MN West reported on.</p> <p>District I - Commissioner Ahlers – No report.</p> <p>County Administration – Tom Johnson reported on the W.E.L.L. updates and the upcoming Open House for the community.</p> <p>District IV - Commissioner Demuth – Reported on EET and their plans to search for new possible Dental and Life insurance policies for county employees. He also reported on Prime West meetings that he and Commissioner Linssen attended in Alexandria. They are not finding much content in the meetings and may halt going until there is more useful information.</p> <p>District V - Commissioner Linssen – Reported on the Prime West meetings as well. He shared his frustrations of the uncertainty of what will be decided with Prime West.</p>
7.0	Department Presentation
7.2	Northland Securities – LPRW Bond Refunding <u>Attachment</u> Northland Agreement
Tom Johnson, County Administrator; George Eilertson, Northland Securities; and Jason Overby Lincoln Pipestone Rural Water presented the board with information regarding Northland Securities teaming with LPRW to plan for a refunding of General Obligation Water Revenue Bonds, Series 2013A to G.O. Water Revenue Bonds, Series 2020A. As we previously issued these older bonds, Nobles County is again the appropriate agency to issue the new bonds. Northland Securities needs authorization to complete the process.	
<u>VOTING</u> It was duly passed to approve the agreement with Northland Securities. Moved by: Metz, Gene Seconded by: Demuth, Robert S.	
7.3	Dorsey Whitney – LPRW Bond Refunding <u>Attachment:</u> Dorsey Agreement

Dorsey has been our bond counsel for all recent bond issues. It is appropriate to use them for a refunding of General Obligation Water Revenue Bonds, Series 2013A to General Obligation Water Revenue Bonds, Series 2020A. As we previously issued these older bonds, Nobles County is again the appropriate agency to issue the new bonds. Dorsey needs authorization to act as our bond counsel for this issue.

VOTING

It was duly passed to approve the agreement with Dorsey as proposed for the Lincoln Pipestone Rural Water Bond Refunding, Series 2020A.

Moved by: Widboom, Matt

Seconded by: Linssen, Donald

7.4 **Lincoln Pipestone Rural Water Bond Refunding**
Attachment:
Finance Plan
Resolution 202009

Lincoln Pipestone Rural Water is requesting to refund the General Obligation Water Revenue Bond Series 2013A and issue new bonds as General Obligation Water Revenue Bonds, Series 2020A. Bonds, Series 2013A to General Obligation Water Revenue Bonds, Series 2020A. As we previously issued these older bonds, Nobles County is again the appropriate agency to issue the new bonds. The expected savings for LPRW is greater than \$200K by taking this action. The first step in this process for this board is to set a sale date, recommended by Northland Securities to be held on Tuesday, February 18, 2020 in the Nobles County Commissioners Board Room.

VOTING

It was duly passed to adopt Resolution 202009 Lincoln Pipestone Rural Water Bond Refunding and setting the sale date of March 23, 2020.

Moved by: Metz, Gene

Seconded by: Ahlers, Justin

7.5 **Heron Lake Watershed District Levy Authority Increase**

Our local legislators have requested the counties in which the HLWD operates take a position on the HLWD request to increase their levy authority. HLWD has had capped levy authority for 14 years and has been at that cap for some time. They have currently requested an increase from the current \$250K maximum to have authority in an amount not to exceed \$500K. Our local legislators wish to know if the counties involved are in support of the request or not.

VOTING

It was passed to table the Heron Lake Watershed District Levy Authority Increase to Tuesday March 3, 2020.

Moved by: Widboom, Matt

Seconded by: Demuth, Robert S.

In favor: Widboom, Matt; Demuth, Robert S.; Linssen, Donald

Opposed: Metz, Gene; Ahlers, Justin

7.6 **Heron Lake Watershed District Bonding Authority**

The Heron Lake Watershed District is making a request to grant them bonding authority at the MN Legislature during the current legislative session. Our local legislators have requested the counties in which the HLWD operates take a position on the HLWD request to grant them bonding authority. Watersheds currently do not have this authority and must work with the respective counties to bond for major projects.

VOTING

It was approved to not support the Heron Lake Watershed District in acquiring their own general obligation Bonding Authority.

Moved by: Ahlers, Justin

Seconded by: Metz, Gene

In favor: Ahlers, Justin; Metz, Gene; Widboom, Matt

Opposed: Demuth, Robert S.; Linssen, Donald

9.0 Closed Session – County Administrator – Annual Performance Review

On a motion by Widboom, Matt and seconded by Metz, Gene, it was duly passed to close the meeting at 10:40 a.m. pursuant to Minnesota Statute §13D.05 Subd. 3(a) to evaluate the performance of County Administrator, Tom Johnson, in accordance with his employment agreement.

On a motion by Metz, Gene and seconded by Widboom, Matt it was duly passed to open the meeting at 11:18 a.m.

Chairperson Ahlers advised the Board has completed the County Administrator's Performance Evaluation. The closed meeting recording was sealed and will be safely stored and a summary of the closed session will be provided at the following regular Board meeting.

8.2 **Correspondence**
Attachments:
Recruitment Update
KLR Profit & Loss
KLR Watershed Newsletter
Nobles County Art Center Board Meeting Minutes 2/4/2020
KLR Balance Sheet
KLR Agenda 2/13/2020
Calendar of Events
HLWD Activity Report
Nobles Soil & Water Conservation District Profit & Loss
KLR Balance Sheet – Ditch Account
KLR Bills Payable
KLR 2020 Annual Plan and Budget
KLR Annual Report
Nobles SWCD Program Summary
KLR Regular Meeting Minutes 1/9/2020
Nobles SWCD Bills Payable
Nobles SWCD Board Meeting 1/15/2020

8.3 **Calendar**
Attachments:
Commissioners Calendar February 2020

10.0 **Other / Future Business**

W.E.L.L. Community Open House
Thursday February 20, 2020 4:00 p.m. – 7:00 p.m.
Worthington Fire Department – 830 2nd Avenue Worthington, MN 56187
Commissioners at your Café
Tuesday February 25, 2020 9:00 a.m. – 10:00 a.m.
Ecumen Meadows – 1807 College Way Worthington, MN 56187
AMC Legislative Conference
Wednesday February 26 – 27, 2020
InterContinental Hotel St. Paul, MN

11.0 Adjournment

VOTING
It was duly passed to adjourn the meeting at 11:19 A.M.
Moved by: Demuth, Robert S.
Seconded by: Widboom, Matt



(Chairperson)



(County Administrator)