

OFFICIAL PROCEEDINGS OF BOARD OF COMMISSIONERS OF NOBLES COUNTY, MINNESOTA

The Board of Commissioners of Nobles County met in regular session on Tuesday, January 04, 2022, at the Government Center, in the Commissioner’s Board Room, Worthington, Minnesota. The following Commissioners attended: Gene Metz, Donald Linssen, Bob Paplow, Justin Ahlers and Robert S. Demuth.

Administrator Heitkamp called the meeting to order at 9:00 A.M. followed by the Pledge of Allegiance.

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| 1.0 Call To Order | |
| 2.0 Pledge of Allegiance | |
| 3.0 Election of Officers | |
| 3.1 Election of Board Chair | |
| <u>VOTING</u> It was duly passed to elect Donald Linssen as the 2022 Board Chair. Motion by: Demuth, Robert S. Seconded by: Paplow, Bob Commissioner Linssen abstained from vote. | |
| 3.2 Election of Board Vice-Chair | |
| <u>VOTING</u> It was duly passed to elect Robert S. Demuth as the 2022 Board Vice-Chair. Motion by: Ahlers, Justin Seconded by: Metz, Gene Commissioner Demuth abstained from vote. | |
| 4.0 Approval of Agenda | |
| <u>VOTING</u> It was duly passed to approve the agenda with the addition of the addendum. Motion by: Paplow, Bob Seconded by: Demuth, Robert S. | |
| 5.0 Recognition | |
| 6.0 Consent Agenda | |
| 6.1 | December 21, 2021 Regular Board Meeting Minutes Draft <u>Attachments:</u> December 21, 2021 Draft Minutes |
| 6.2 | Meetings and Conferences – Travel Expenses <u>Attachments:</u> Expenses paid December 31, 2021 |
| 6.3 | Auditor’s & Commissioner’s Warrants <u>Attachments:</u> Accounts Payable Summary Auditor’s Warrants |
| 6.4 | Annual Authorization for Electronic Funds Transfers Payments <u>Attachments:</u> Resolution 202201 |
| <u>VOTING</u> It was duly passed to approve the consent agenda as presented. Moved by: Metz, Gene Seconded by: Ahlers, Justin | |
| 7.0 Department Presentations | |
| 7.1 (A) | 2022 Ditch Maintenance Assessments <u>Attachments:</u> 2022 Proposed Ditch Assessments |
| Each of the 36 ditch systems in Nobles County is required to have adequate funds for future maintenance expenses. Any 2022 assessments must be approved by the Board and submitted to the Auditor-Treasurer for the 2022 Property Tax Statements. Attached was the proposal for 2022 ditch maintenance assessments. Commissioner Ahlers, Commissioner | |

Metz, Aaron Holmbeck, Zach Reker and Joyce Jacobs worked to prepare this proposal. The proposal is for all ditch systems to be assessed an amount that would maintain their positive balance or work toward paying off past/current debt for repair costs incurred. Select systems also need to be assessed funds to pay out damages for grass strips in the systems that have open ditches and have completed redeterminations.

VOTING

It was duly passed to accept the proposed 2022 ditch maintenance assessments baring no appeals of ditches currently under review.

Moved by: Ahlers, Justin

Seconded by: Paplow, Bob

7.2 (A) | **Lincoln Pipestone Rural Water Bond**

On Nov 23, 2010, Nobles County entered into an agreement with Lincoln Pipestone Rural Water (LPRW) for the purpose of issuance, sale, and delivery of an \$8,500,000 Taxable General Obligation Water Revenue Bond. This agreement allowed the bonds to qualify to be designated as "Build America Bonds". As a part of this agreement, Nobles County held funds in a reserve fund to cover the interest due on the bond. With the recent bond refundment, the Build America Bonds were paid in full on Dec 2, 2021. Now that the Build America Bonds have been paid in full, there is no longer a need to hold LPRW funds in the reserve requirement. The disbursement of funds to LPRW of \$347,563.58 less any bond refundment fees and year end reporting agent fees plus the 4th quarter 2021 interest payment. In addition to these funds, the County will also forward the final yearly IRS bond credit payment to LPRW when it is received in January / February 2022.

VOTING

It was duly passed to approve the disbursement of funds in the amount of \$347,415.25 to Lincoln Pipestone Rural Water

Moved by: Demuth, Robert S.

Seconded by: Metz, Gene

7.3 (A) | **Nobles County Tobacco Ordinance**

Attachments:
Proposed Ordinance

As discussed at the work session on November 30th, the legal age for purchasing tobacco products in Minnesota was raised from 18 to 21 consistent with Federal law. During the meeting, it was also discussed the potential revisions dealing with flavored tobacco products and revising or adding definitions for youth oriented facilities and drug paraphernalia. Lengthy discussion was had on the flavor ban and the pros and cons of it. Ahlers was opposed to the flavor ban as it prohibits businesses within the County and will also cause those businesses to lose money from customers purchasing outside of the County. Other Commissioners expressed their concerns as well but felt overall the health of not only youth but all Nobles County residents is the top priority. A public hearing is needed per state statute before the updated ordinance can be approved.

VOTING

It was duly passed to table the discussion until a public hearing is held.

Moved by: Metz, Gene

Seconded by: Paplow, Bob

7.4 (A) | **AFSCME – Highway Contract MOU**

Attachments:
Highway Contract MOU

On October 21, 2021 the County Board ratified the new Highway union contract for 2022-2024. Since then we have settled other union contracts with an additional longevity personal day and a new annual leave accrual table as follows:

1. Longevity-an employee will receive one annual eight hour personal day after completing 10 years of service. This was proposed to reward longevity of current employees.
2. Annual Leave accruals-the first and second tiers of annual leave were increased to assist with recruitment of new employees.

Because the highway contract was already settled we wanted to offer this unit the same as other employees were getting and not penalize them for settling early and making them wait until the next negotiations in 2024.

The highway membership has signed the MOU in agreement

VOTING

It was duly passed to approve the Highway Union contract MOU as presented.

Moved by: Ahlers, Justin

Seconded by: Demuth, Robert S.

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| 7.4 (B) | Teamsters Local 320 – Human Services Contract <u>Attachments:</u> Human Services Contract |
| Negotiation meetings began in early September. A tentative agreement was reached and ratified by the union members. After much discussion and consideration of requests on the part of both the union and the county negotiating teams, changes were identified, salary increases were agreed to for a 3 year term and a final contract proposal is attached. COLAS: 2022-2.75% 2023-2.75% 2024-3% | |
| <u>VOTING</u> It was duly passed to approve the Human Services union contract as presented. Moved by: Demuth, Robert S. Seconded by: Paplow, Bob | |
| 7.4 (C) | AFCME – Public Health Contract <u>Attachments:</u> Public Health Contract |
| Negotiation meetings began in early September. A tentative agreement was reached and ratified by the union members. After much discussion and consideration of requests on the part of both the union and the county negotiating teams, changes were identified, salary increases were agreed to for a 3 year term and a final contract proposal is attached. COLAS: 2022-2.75% 2023-2.75% 2024-3% | |
| <u>VOTING</u> It was duly passed to approve the Public Health union contract as presented. Moved by: Metz, Gene Seconded by: Ahlers, Justin | |
| 7.4 (D) | Teamsters Local 320 – Courthouse/Library Contract <u>Attachments:</u> Courthouse/Library Contract |
| Negotiation meetings began in early September. A tentative agreement was reached and ratified by the union members. After much discussion and consideration of requests on the part of both the union and the county negotiating teams, changes were identified, salary increases were agreed to for a 3 year term and a final contract proposal is attached. COLAS: 2022-2.75% 2023-2.75% 2024-3% | |
| <u>VOTING</u> It was duly passed to approve the Courthouse/Library union contract as presented. Moved by: Ahlers, Justin Seconded by: Demuth, Robert S. | |
| 7.4 (E) | COVID-19 Vaccination and Testing Emergency Temporary Standard <u>Attachments:</u> Proposed Covid Testing Policy |
| OSHA has issued a COVID 19 Vaccination and Testing Emergency Temporary Standard (ETS) to minimize the risk of COVID-19 transmission in the workplace. The ETS establishes binding requirements to protect unvaccinated employees of large employers over 100 from the risk of contracting COVID-19 in the workplace. Covered employers (Nobles County) must develop, implement and enforce mandatory COVID-19 vaccination policy, with an exception for employers that instead adopt a policy requiring employees to elect either to get vaccinated or to undergo regular COVID-19 testing and wear a face covering at work. The mandate is currently on hold and the US Supreme Court will be hearing arguments on both the OSHA employer mandate and the health care worker | |

mandate on January 7, 2022. Employers must comply with most provisions by January 10, 2022 and the employers must comply with the testing requirement by February 9, 2022. It is unknown whether the US Supreme Court/OSHA will extend these compliance dates when they make their decision. This is why we are bringing forth this policy now to be prepared in case the original dates are still in place. This policy is being recommended to only be effective if the mandate is upheld. If the ETS mandate decision is not upheld then this policy would not be effective.

OSHA has stated that companies that fail to comply with the regulations could face penalties of nearly \$14,000 per violation. So whether we agree with the mandate or not this is a large possible liability for the county.

Bruce Heitkamp, Sue Luing and Joe Sanow have all worked on the policy being presented starting with a template from MNOSHA. This policy could be amended in the future as things may change.

Lengthy discussion was had and differing opinions were shared. It was made clear that not all commissioners agreed with the policy but the risk of penalties was not fair to tax payers and also the health of our employees is a top priority.

VOTING

It was passed to approve the attached Nobles County Vaccination, Testing, and Face Covering Policy contingent upon the ETS mandate being upheld.

Moved by: Metz, Gene

Seconded by: Demuth, Robert S.

In favor: Metz, Gene; Demuth, Robert S.; Paplow, Bob; Linssen, Donald

Opposed: Ahlers, Justin

8.0 Administration Presentation

8.1 2022 IRS Mileage Rate

Attachments:

IRS Statement

Nobles County policy states the mileage rate for work related travel will follow IRS rates. The IRS has released on December 17, 2021 the mileage rate for work related activities. The rate for 2022 is set by the IRS at \$0.585 per mile, up 2.5 cents from 2021. This item was an information piece only.

8.2 2022 County Board Operating Rules

Attachments:

2022 Tentative Board Operating Rules

Each year during the Annual Meeting, the board approves the Board Operating Rules. The Operating rules have been reviewed by staff, and during the Dec. 29, 2021 Work Session, with a few relatively minor changes proposed. The attached Board Rules were presented for approval.

VOTING

It was duly passed to approve the 2022 County Board Operating Rules as presented.

Moved by: Ahlers, Justin

Seconded by: Demuth, Robert S.

8.3 2022 Boards, Committees & Commissioners – Citizen Appointments

Attachments:

2022 Tentative Board Operating Rules

It is customary to appoint citizens during the Annual Meeting to the various County boards, committees, or commissions. Citizen appointments to the various boards, committees, or commissions are integral to the mission of Nobles County. Several residents have offered to represent Nobles County on perspective boards, committees, and/or commissions. Other openings remain unfilled as of this date.

VOTING

It was duly passed to appoint Stacie Golombiecki to the Developmental Achievement Center Board.

Moved by: Ahlers, Justin

Seconded by: Paplow, Bob

It was duly passed to appoint Jesse Leopold to the Developmental Achievement Center Board.

Moved by: Demuth, Robert S.

Seconded by: Metz, Gene

It was duly passed to appoint Ryan Kruger to the Emergency Management Planning Advisory Committee.

Moved by: Metz, Gene

Seconded by: Linssen, Donald

It was duly passed to appoint Jared Rozenboom to the Emergency Management Planning Advisory Committee.

Moved by: Ahlers, Justin

Seconded by: Paplow, Bob

It was duly passed to appoint Sara Henning to the Extension Committee.

Moved by: Metz, Gene

Seconded by: Demuth, Robert S.

It was duly passed to appoint Bruce Hill to the Joint Planning Commission.

Moved by: Ahlers, Justin

Seconded by: Demuth, Robert S.

It was tabled to appoint Bruce Hill to the Zoning Board of Appeals until the board can determine if he can be on the Joint Planning Commission and the Zoning Board of Appeals.

It was duly passed to appoint Ann Lange to the Park Board.

Moved by: Metz, Gene

Seconded by: Demuth, Robert S.

It was duly passed to appoint Martin Rickers to the Planning Advisory Commission.

Moved by: Demuth Robert S.

Seconded by: Metz, Gene

It was duly passed to appoint John Penning to the Planning Advisory Commission.

Moved by: Metz, Gene

Seconded by: Demuth Robert S.

It was duly passed to appoint Jay Clarke to the Planning Advisory Commission.

Moved by: Ahlers, Justin

Seconded by: Paplow, Bob

It was duly passed to appoint David Benson to the Southwestern Mental Health Center – Board of Directors

Moved by: Demuth, Robert S.

Seconded by: Metz, Gene

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| 8.4 | 2022 Commissioner Board Appointments Attachments: 2022 Tentative Commissioner Board Appointments |
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The Annual Meeting customarily is the time to review Commissioner Appointments on various Boards who either support Nobles County's business interests and/or mission. The County Commissioners are members of various boards, committees, joint powers organizations, and/or commissions; either as voting members or as ex-officio members. The Board of Commission appointments were reviewed during the December 29, 2021 Work Session. Several requested changes were discussed. Designees and Alternate responsibilities were addressed.

VOTING

It was duly passed to approve the 2022 Commissioner board appointments as presented.

Moved by: Ahlers, Justin

Seconded by: Paplow, Bob

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| 8.5 | 2022 Fee Schedule Attachments: 2022 Tentative Fee Schedule |
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Each year at the annual meeting, the board sets all fees for services to the public through the

Fee Schedule. Numerous staff or board activities are invoiced to a person or an organization making the request. The Nobles County Fee Schedule is approved annually documenting the different fees and how much they are. The proposed Fee Schedule was attached showing modifications requested by staff and discussed during the Dec. 29, 2021 Work Session.

VOTING

It was duly passed to approve the 2022 Fee Schedule as presented.
Moved by: Demuth, Robert S.
Seconded by: Paplow, Bob

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| 8.6 | 2022 County Legal Newspaper and Publication Site <u>Attachments:</u> Newspaper Joint Bid |
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Each year at the Statutory Meeting the board shall approve the official County Legal Newspaper and official publication for the upcoming year. Minnesota Statutes §331A.01 through 331A.12 shares official newspaper requirements for publication of the notices and postings.
A collaborative joint bid between The Globe & Gerald Johnson’s publications (Nobles County Review, Tri County News, Fulda Free Press, & Murray County Advantage), respectively, were the 2021 designated publication(s). Both publication entities meet the requirements by MN Statute. A proposed \$15.31 per column inch is offered in the joint quote for 2022.
The board should also designate the Nobles County website at www.co.nobles.mn.us as the official publication site for those projects and communications allowed by MN Statute, currently including MN Statute 331A.12 specific to transportation projects. Summary minutes are shared in the publications with detail offered on the Nobles County Website. This practice is intended to continue.

VOTING

It was duly passed to approve the bid from The Globe and Gerald Johnson publications for the 2022 county legal newspaper. It was also approved to designate Nobles County website as the official publication site for transportation projects.
Moved by: Paplow, Bob
Seconded by: Metz, Bob

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| 8.7 | Nobles County Information Technology Department – Outsourcing Services Service Contracts to other Government Entities or Supporting Entities <u>Attachments:</u> Pricing Template Proposed Agreement |
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The Board of Commission has recently acted to invest additional resources in its IT infrastructure; including a new IT office area and IT data center. Local units of government, and other entities who work cooperatively with the County, respectively, have requested varied IT services from the County. Previous Board Action and conversations directed staff to investigate options to assist. As a part of a Board directive, the IT staff has had conversations with potential customers and advisors to derive an Agreement and Fee Schedule. The provisions of services, to the afore-mentioned outside entities, will assist in recouping recent IT-related costs. County Attorney Joe Sanow offered language for the Hosting Agreement. Final details are being made to introduce and offer IT services.
The Minnesota Counties Intergovernmental Trust (MCIT) was asked to offer input regarding pending risks. At the time of the meeting MCIT had not offered their directives yet. Therefore the item was tabled for a later date so more information could be collected.

VOTING

It was duly passed to table the IT services item for a later date.
Moved by: Ahlers, Justin
Seconded by: Paplow, Bob

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| 8.8 <small>(Addendum)</small> | Minimum Salaries for Elected Officials <u>Attachments:</u> Resolution 202202 |
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By MN Statute, and during the January meeting prior to the first date on which applicants can file for the offices of Attorney, Auditor-Treasurer, Recorder, and Sheriff; the Board is required to set, by resolution, the minimum salaries to be paid to those officers for the term next following. Below are the proposed minimum salaries:

Attorney: \$94,480.00
Auditor-Treasurer: \$74,831.00
Recorder: \$62,826.00
Sheriff: \$89,114.00

VOTING

It was duly passed to adopt resolution 202202 as presented.

Moved by: Ahlers, Justin

Seconded by: Metz, Gene

9.0 Inter-Agency Reports / Announcements

9.1 Committee and Board Reports

Attorney – Joe Sanow – Hearings are still being conducted by Zoom most of the time.

Seeing less juvenile crimes compared to this time last year, probably because kids are in school now vs. last year.

District I – Commissioner Ahlers – The Historical Society is completely out of the Library and looking for volunteers to help at the Armory.

District III – Commissioner Paplow – No Report.

District II – Commissioner Metz – Reported on Union Negotiations. The new Plum Creek director has started and seems to be working out well.

District V – Commissioner Linssen – No Report.

District IV – Commissioner Demuth – No Report.

Administration – Reported on the appreciation for the Library staff in the absence of a director.

Emergency Management / Deputy Administration – No Report.

9.2 Correspondence

Attachments:

Recruitment Update

9.3 Calendar

Attachments:

January 2022

10.0 Other / Future Business

Board Meeting– Tuesday January 18, 2022

9:00 a.m. Nobles County Board Room

Work Session – Wednesday January 26, 2022

8:30 a.m. Nobles County Board Room

11.0 Adjournment

It was duly passed to adjourn the meeting at 10:13 a.m.

Moved by: Paplow, Bob

Seconded by: Ahlers, Justin



(Chairperson)



(County Administrator)