

OFFICIAL PROCEEDINGS OF BOARD OF COMMISSIONERS OF NOBLES COUNTY, MINNESOTA

The Board of Commissioners of Nobles County met in regular session on Tuesday, February 15, 2022, at the Government Center, in the Commissioner’s Board Room, Worthington, Minnesota. The following Commissioners attended: Donald Linssen, Robert S. Demuth, Gene Metz, Justin Ahlers and Bob Paplow.

Chairperson Linssen 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 Approval of Agenda | |
| <u>VOTING</u> It was duly passed to approve the agenda with the additions. Motion by: Metz, Gene Seconded by: Paplow, Bob | |
| 4.0 Recognition | |
| 4.1 Visitors and Guests Welcome | |
| 5.0 Consent Agenda | |
| 5.1 | February 01, 2022 Regular Board Meeting Minutes Draft <u>Attachments:</u> February 01, 2022 Draft Minutes |
| 5.2 | Meetings and Conferences – Travel Expenses <u>Attachments:</u> Expenses paid February 11, 2022 |
| 5.3 | Auditor’s & Commissioner’s Warrants <u>Attachments:</u> Accounts Payable Summary Auditor’s Warrants |
| 5.4 | Solid Waste and Recycle Hauling & Facility Permits for 2022 |
| <u>VOTING</u> It was duly passed to approve the consent agenda as presented. Moved by: Demuth, Robert S. Seconded by: Metz, Gene | |
| 6.0 | Department Presentations |
| 6.1 (A) | Bonding for Joint Ditch Projects with Jackson County Improvement Projects for JD 9, JD 13 and JD 24 have been approved by the Nobles/Jackson Joint Ditch Authorities and bids for all three projects have now been approved. Some of the work on the improvement projects is already underway with more work starting early this spring. We are now at a point where bonds need to be secured for the projects. As all three of the Improvement Projects for JD 9, JD 13 and JD 24 involve both Nobles and Jackson Counties, the idea of the doing a bond for all three projects with one county taking the lead has been discussed as a way to save funds on the bonding process. At the Joint Ditch Authority meeting on 2/8/2022, the decision was made to bring the idea forth to the Nobles County Board to determine if Nobles County would be willing to be the lead county for the approximate \$21,000,000 bond that will be required to finance the Improvement Projects for JD 9, JD 13 and JD 24. Joyce Jacobs and Zach Reker were available for questions along with Kevin Nordquist, Jackson County Auditor-Treasurer. Questions were asked if this bond would affect Nobles County’s bond rating, which it should not. It was also discussed to look at multiple firms to do the bonding to make sure it is competitive. |
| <u>VOTING</u> It was duly passed to bond for joint ditch projects JD 9, 13 and 24 with Jackson County and entertain discussion from two bonding councils. Moved by: Ahlers, Justin Seconded by: Metz, Gene | |
| 6.1 (B) | Resolution 202209 for Reimbursement for Bond Proceeds <u>Attachments:</u> Resolution 202209 |

Improvement Projects for JD 9, JD 13 and JD 24 have been approved by the Nobles/Jackson Joint Ditch Authorities and bids for all three projects have now been approved. Some of the work on the improvement projects is already underway with more work starting early this spring. As work progresses, contractors will need to be paid for work that has been completed and stock piled materials. Payments will need to be made on a timely basis out of county funds until bond funds are in place. In order to make sure that the county is able to be reimbursed for expenses incurred before bond proceeds are available, a resolution needs to be in place declaring the official intent of Nobles County to be reimbursed for certain expenditures from the proceeds of the bond to be issued by the county for the joint ditch projects.

VOTING

It was duly passed to adopt resolution 202209.
Moved by: Metz, Gene
Seconded by: Paplow, Bob

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| 6.1 (C) Addendum | Township Road Allocation <u>Attachments:</u> 2022 Town Road Allocation |
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As per 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. The County Board must consider each town's levy, its population, town road mileage and other factors considered advisable to the interest of achieving equity among the towns. The current distribution formula used to allocate funds considers each town's:

- 1.) Levy
- 2.) Population
- 3.) Road mileage

There was a 50% increase in the Town Road Allocation is due to the **one time** transfer of General Funds (\$12 mill) made available by; Minnesota Session Laws – 2021, 1st Special Session Chapter 5, Article 1, Section 1, Subd 4(a) .

VOTING

It was duly passed to approve the 2022 Township Road Allocation as presented.
Moved by: Metz, Gene
Seconded by: Demuth, Robert S.

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| 6.2 (A) | Wind Farm Repowering Agreement with Xcel Energy <u>Attachments:</u> Road Map Repowering Agreement (in Addendum) |
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Northern States Power Company d/b/a Xcel Energy (Developer), desires and intends to repower the existing Nobles 1 Wind Farm which consists of 134 wind turbines. The Developer needs to enter into a Repowering Agreement (Agreement) with the County to accomplish this. An agreement was presented which consisted of key exhibits that outline the "Road Use and Repair Agreement" and "Public Drainage System Protection Agreement". This Agreement has been reviewed and revised to reflect the needs and requirements of the County Engineer/Public Works Director and County Attorney. The form of Agreement is generally consistent with neighboring Counties in Minnesota. In general, the Developer has addressed and accepted all comments and language changes provided by the County. There is another wind farm that is repowering at the same time and is in coordination with Northern States Power Company.

VOTING

It was duly passed to approve the agreement with Northern States Power Company as presented and authorize the County Attorney and County Engineer to make necessary changes if needed.
Moved by: Ahlers, Justin
Seconded by: Paplow, Bob

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| 6.2 (B) | Bid Award for Contract 22001 <u>Attachments:</u> Bid Abstract Contract 22001 |
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Bids for the 2022 bridge replacements were open on Monday, January 31, 2021. The County Board needs to approve the award of the contract to the lowest responsible bidder. The contract consists of 8 separate projects with new precast concrete box culverts being installed to replace existing crossings. 3 bids were received. The bids ranged from

\$3,440,892.75 and \$3,638,157.65 with the low bid received from Midwest Contracting, LLC of Marshall, MN. The cost difference between the two lowest bidders was \$49,413.30 which is a 1.4% difference. The low bid was \$490,520.22 (16.6%) above the original estimated cost.

VOTING

It was duly passed to approve Contract 22001 and award the project to Midwest Contracting, LLC for the amount of \$3,440,892.75.

Moved by: Demuth, Robert S.

Seconded by: Ahlers, Justin

6.3 (A) **Prairie Holdings Group, Inc., & Joel & Julie Lorenz Rev. Living Trust – Re-Zone #01-2022**

Attachments:

Planning and Zoning Meeting Minutes

Prairie Holdings Group, Inc., applicant and Joel J. Lorenz & Julie A. Lorenz Rev. Living Trust, Worthington, MN landowner, requesting to rezone a 33.40-acre tract from Agricultural Preservation to General Industry. Public hearing is required under Section 504 Zoning Amendments of the Nobles County Land Use Ordinance. This parcel of land is located in the NW ¼ of SW ¼ except the East 219', Section 12, Township 102, Range 40, Worthington Township.

VOTING

It was duly passed to approve the request of Prairie Holdings Group, Inc., applicant and Joel J. Lorenz & Julie A. Lorenz Rev. Living Trust, Worthington, MN landowner.

Moved by: Demuth, Robert S.

Seconded by: Paplow, Bob

6.4 (A) **Request for Position Change**

Community Services has a vacancy in the office support unit. In an attempt to better meet the needs of both the agency and the community there is interest in changing this position to an Income Maintenance Case Aide position. A large percentage of the service provided at the front window is assisting customers with income maintenance related questions, forms, etc. This position would be co-located with the current Office Support Specialists and would provide back-up coverage for the unit. Because the new position will be part of the income maintenance unit we will be able to draw down additional revenue through Federal Financial Participation (FFP) on the entire salary of the position vs. just a portion of the salary as it is now. The salary difference between the two positions is approximately \$3,000 per year. With the additional FFP, there will be no increased cost to the County with this change.

VOTING

It was duly passed to approve the change from an office support specialist to an income maintenance case aide position.

Moved by: Ahlers, Justin

Seconded by: Metz, Gene

6.4 (B) **Community and Economic Development Associates Professional Service Agreement – Child Care Expansion Project**

Attachments:

CEDA Agreement

The Minnesota Department of Employment and Economic Security issued requests for proposals late last year for the purpose of expanding the availability of quality child care to support regional economic development. Nobles County was awarded \$75,000 for the primary purpose of retaining a project manager. Community and Economic Development Associates (CEDA) has done this type of work in other parts of the State. An agreement was presented that spelled out the parameters under which CEDA will manage the project. Per the Agreement, CEDA will provide a project manager for Nobles County an average of 32 hours per week at the rate of \$77,755 not to exceed annually. Community Services will provide in-kind resources of office space, phone services, etc. for the position.

VOTING

It was duly passed to approve the professional service agreement with CEDA.

Moved by: Demuth, Robert S.

Seconded by: Paplow, Bob

6.5 (A) **Teamsters Local 320 MOU - Henning**

Attachments:

MOU - Henning

The classification of Eligibility Worker was updated to acknowledge the current duties of the Eligibility Worker. Upon implementation 1/1/22 using the procedure outlined in personnel policy P-242, it placed Nan Henning at a level 9 step H in the new pay level. After a meeting with the union and employees they addressed concern that Nan Henning had been here for over 22 years and knows her job well. The reclassification was not new things to learn it was identifying what they already do. After discussion with the Administrative committee it was recommended to complete an MOU with Teamsters to move Nan Henning to a level 9 step I. As this is a deviation from the language in Personnel Policy P-242, it needs board approval as well.

VOTING

It was duly passed to approve the MOU for Nan Henning as presented retro back to 1/1/22.
Moved by: Demuth, Robert S.
Seconded by: Paplow, Bob

6.5 (B) | **Income Maintenance Case Aide Position Classification**
Attachments:
Income Maintenance Case Aide Position Description

The board has approved Community Service request to change an Office Support Specialist to a Income Maintenance Case Aide and will need to approve the new position description and points. Stacie Golombiecki, Community Service Director put together a job description that was sent off to George Gmach our compensation plan administrator for rating as identified below. Income Maintenance Case Aide associated point values of 197 pay level 7.

VOTING

It was duly passed to approve the Income Maintenance Case Aide position and associated points as presented.
Moved by: Ahlers, Justin
Seconded by: Metz, Gene

6.5 (C) | **Social Services Case Aide Position**
Attachments:
Social Services Case Aide Position Description

An Adult Service Case Aide position was approved in the 2022 budget. This position will assist the Adult Social Workers. We currently have a Case Aide that assists the Family and Children Social Workers. That job description was used to add the Adult Service Case Aide duties. The employee will not be expected to do both areas. George Gmach our compensation plan consultant reviewed the job description and assigned the position 202 points which is a level 7 on our current pay scale.

VOTING

It was duly passed to approve the Social Services Case Aide position and associated points as presented.
Moved by: Demuth, Robert S.
Seconded by: Paplow, Bob

6.5 (D) | **Personnel Policy P-214B Emergency Closing of County Departments Policy**
Attachments:
P-214B

Policy P-214B Emergency Closing of County Departments Policy is being updated to provide overtime pay for a few classes of non union employees. After completion of some of the new union contracts, language had been added for certain classes of workers if they needed to work when we close the County offices they would be paid time and a half. This policy was updated to include some non union job classifications that fall under the same requirement as the union workers. To be fair to the non union workers the policy has been updated to provide them with time and a half pay when the county offices close. We request that this policy be approved retroactive to 1/1/22. The draft was then reviewed with the management team and EET committee for input.

VOTING

It was duly passed to approve Policy P-214B as presented.
Moved by: Ahlers, Justin
Seconded by: Metz, Gene

6.5 (E) | **Social Worker Reclassification**
Addendum

Due to recruitment issues Stacie Golombiecki requested that the one year required experience in all social worker job descriptions be changed to prefer. It was sent to George Gmach for pointing. The job points were lowered from 289 to 282 but these points are still in the same range for the pay level of this position at level 12.

VOTING

It was duly passed to approve the Social Worker job description and associated point values as presented.

Moved by: Metz, Gene

Seconded by: Paplow, Bob

7.4 County Support of Adrian’s Safe Route to School Grant

Attachments:

Resolution 202210

Nobles County is being asked to sponsor Adrian’s Safe Routes to School Grant Application. Adrian is attempting to provide safe routes to their various school locations and outlying sports facilities. An awarded application must obtain the support of the County Engineer and a Resolution from the County Board. Adrian’s sidewalk infrastructure is in need of repair. It is a common practice for children to walk on city streets to reach their school destinations. This grant application is requesting funding to improve infrastructure to Adrian’s two schools and athletic facilities. The County Engineer plays a pivotal role in the Safe Routes to School Program. Adrian is believed to not be a State-Aid City and it must work with the County Engineer. The County Engineer will communicate with the local project manager and the District State Aid Engineer. Adrian has obtained the services of Dewild, Grant, & Reckert (DGR) to design the proposed projects, if successfully funded. Adrian is prepared to supplement project-related funding in excess to grant funding. If funded, DGR Engineers would be coordinating the project with Aaron Holmbeck. Jill Wolf, Adrian’s City Administrator and Claire Henning, Nobles County’s SHIP Coordinator spoke on behalf of the project and what benefits it would bring to the city of Adrian and its residents. A resolution was presented which represented Nobles County’s support of the project.

VOTING

It was duly passed to approve resolution 202210.

Moved by: Ahlers, Justin

Seconded by: Paplow, Bob

6.6 (A) Emergency Management Planning Advisory Committee (EMPAC) Bylaw Amendment

Attachments:

EMPAC bylaw amendments

Nobles County EMPAC is requesting Nobles County Commissioners acknowledge proposed amendments and act to approve the EMPAC Bylaws to include a an optional Member at Large Position.

The below changes were addressed:

1. Article III-Membership, Section 2- Membership Composite:

List all membership positions including 2 board members

Provides verbiage and requirements to meet the Member at Large Position

2. Article III-Membership Terms Section 3- Membership Terms:

Member at Large Position has a probationary period of one year of the three year term

3. Article III –Membership, Section 7- Membership Approval:

Should read: The Board may remove for any cause- Any member after who accumulates three or more unexcused absences during a calendar year

EMPAC Committee has reviewed and approved the Bylaw changes.

VOTING

It was duly passed to approve the EMPAC bylaws as presented.

Moved by: Metz, Gene

Seconded by: Ahlers, Justin

6.6 (B) Emergency Management Planning Advisory Committee (EMPAC) Committee Appointment

Attachments:

Citizen Application

The EMPAC bylaws have just been updated to include a member at large position. Mr. Edmund McHale has reached out to Emergency Manager Tawn Hall, with a request to be included in the committee. Mr. McHale has vast experience which would qualify him to be a committee member.

VOTING

It was duly passed to appoint Edmund McHale to the EMPAC committee as a member at large.

Moved by: Ahlers, Justin

Seconded by: Demuth, Robert S.

7.0 Administration Presentation

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| 7.1 | 2022 Boards, Committees & Commissions – Citizen Appointments <u>Attachments:</u> Citizen Applications |
| Citizen appointments to the various boards, committees, or commissions are integral to the mission of Nobles County. Residents have offered to represent Nobles County on perspective boards, committees, and/or commissions. Other openings remain unfilled as of this date. | |
| <u>VOTING</u> It was duly passed to approve Galen Benton to the Park Board. Moved by: Linssen, Donald Seconded by: Ahlers, Justin | |
| 7.2 | Nobles County Historical Society Facilities Grant – Board Consent as Owner <u>Attachments:</u> Exhibit I |
| The Nobles County Historical Society (NCHS) is requesting the county’s assistance to obtain a facilities-improvement grant from the State of Minnesota. The County is asked to participate as the current owner of the Armory building. There is \$72,000.00 of tuck pointing (\$35,998 NCHS match) that is proposed within the Armory’ garage area. The County (owner) is being asked to record the acknowledgement as a grant requirement; per the following language: “Exhibit 1, the declaration of state bond-funded assistance, must be recorded in the property’s official real estate records maintained by the county in which the property is located. When recording Exhibit 1, you must provide a copy of the legal description of the property. This description can be typed on Exhibit A – Legal Description of the Property page attached to Exhibit 1. This verification is stamped by the county recorder showing the date on which it was recorded. Proof of the recording needs to be returned to the Grants Office.” Discussion was had that when the building has a grant attached to it, the state can put a lien on the on building and the transfer of the title (if the owner is switched) may get hung up. Attorney Sanow advised that while this is a possibility, it is not very likely and he would recommend moving forward with the grant process. | |
| <u>VOTING</u> It was duly passed to consent to the facilities grant and direct the Historical Society to proceed and apply for the grant. Moved by: Ahlers, Justin Seconded by: Demuth, Robert S. | |
| 7.3 | Nobles Home Initiative – Proposed 2021 COVID-19 Exemptions for Disqualified Parties <u>Attachments:</u> NHI Guidelines |
| The Nobles Home Initiative (NHI) was made available by local units of government within Nobles County to promote new-home construction. This program has provided an increase in new-home construction and tax base within Nobles County. The back-fill of existing homes has also created a supply of homes for people who are in that market. To be eligible for the NHI Program, participants are required to fulfill timeline and information-offering items. The Nobles County Auditor-Treasurer’s Office is directed to enforce this policy; as directed by the Nobles County Commissioners. COVID-19 has presented numerous challenges for commercial and residential constituents. It has been recently identified that COVID-19 related challenges have impacted several NHI Participants. Those participants didn’t meet their NHI timeline obligations in paying their taxes on time. As directed by policy, the Auditor- Treasurer’s Office wrote notifications to inform those new home owners that they were no longer eligible to participate in the NHI program. As instructed, those new home owners will not receive refunds for the abated portions of the dwelling-related taxes. It is proposed that due to COVID-19 related challenges, a NHI exemption be offered to all 2021- disqualified parties. If acceptable to the Board of Commissioners, NHI-Exemption Action would make these disqualified parties participants of the NHI Program again. As included in the proposal, it was suggested that Automatic Clearing House (ACH) or escrow accounts be strongly suggested (or mandatory) for future NHI participants to mitigate future disqualification threats. | |
| <u>VOTING</u> It was duly passed to approve allow participants that were disqualified in 2021 to requalify for the program with the stipulation of signing up for an ACH. Moved by: Paplow, Bob Seconded by: Metz, Gene | |
| 8.0 Inter-Agency Reports / Announcements | |
| 8.1 | Committee and Board Reports |

Attorney – Joe Sanow – No Report.

District I – Commissioner Ahlers – Reported on the EMPAC meeting where fire districts were discussed.

District III – Commissioner Paplow – Reported on the vacancy of the Library Director and the need for applicants.

District II – Commissioner Metz – Discussed the wind farm repowering project.

District V – Commissioner Linssen – Reported on the LEC, Prime West and EMPAC meetings he attended.

District IV – Commissioner Demuth – No Report.

Administration – Reported on ARPA projects, Maintenance updates throughout the buildings and GIS needs.

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| 8.2 | Correspondence Attachments: Recruitment Update Nobles SWCD Meeting Minutes 1/19/21 Nobles SWCD Meeting Agenda 1/19/21 HLWD Meeting Agenda 2/16/22 Nobles County Art Board Meeting Minutes 2/1/22 |
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| 8.3 | Calendar Attachments: February 2022 March 2022 |
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9.0 Other / Future Business

Work Session – Wednesday February 23, 2022
8:30 a.m. Nobles County Board Room
AMC Legislative Conference – Wednesday March 2-3, 2022
InterContinental Hotel St. Paul, MN
Board Meeting– Tuesday March 08, 2022
9:00 a.m. Nobles County Board Room
Administration/Commissioner Dinner – Monday February 28, 2022
6:00 p.m. Hickory Lodge Worthington, MN

10.0 Adjournment
It was duly passed to adjourn the meeting at 10:54 a.m.
Moved by: Paplow, Bob
Seconded by: Ahlers, Justin



(Chairperson)



(County Administrator)