

OFFICIAL PROCEEDINGS OF BOARD OF COMMISSIONERS OF NOBLES COUNTY, MINNESOTA

The Board of Commissioners of Nobles County met in regular session on Tuesday, February 21, 2023, at the Government Center, in the Commissioner’s Board Room, Worthington, Minnesota. The following Commissioners attended: Robert S. Demuth, Justin Ahlers, Gene Metz, Bob Paplow and Chris Dybevic.

Chairman Demuth called the meeting to order 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	
VOTING It was duly passed to approve the agenda as presented. Motion by: Ahlers, Justin Seconded by: Paplow, Bob	
4.0 Recognition	
4.1 Visitors and Guests Welcome	
4.2 Years of Service Recognition Erin Top, Juvenile Restorative Justice Agent, was recognized for 15 years of service with the County.	
5.0 Consent Agenda	
5.1 (A)	February 07, 2023 Regular Board Meeting Minutes Draft <u>Attachments:</u> February 07, 2023 Draft Minutes
5.2	Meetings and Conferences – Travel Expenses <u>Attachments:</u> Expenses paid February 10, 2023
5.3 (A)	Auditor’s & Commissioner’s Warrants <u>Attachments:</u> Accounts Payable Summary Auditor’s Warrants
5.3 (B)	Auditor’s & Commissioner’s Warrants – Vendors paid over \$2,000 <u>Attachments:</u> Auditor’s Warrants
5.4	Township Road Allocation <u>Attachments:</u> 2023 Proposed Town Road Allocation
5.5	Nobles & Jackson County Judicial Ditch No. 9 – Bid Package #4 – Pay Application #3 <u>Attachments:</u> Contractors Application for Payment #3
VOTING It was duly passed to approve the consent agenda as presented. Moved by: Metz, Gene Seconded by: Dybevic, Chris	
6.0 Special Presentations	
6.1 (A)	Interim Ordinance Placing a Moratorium on Sale of Edible Cannabinoid Products <u>Attachments:</u> Moratorium
The utilization of edible cannabinoid products is currently being debated within the Legislature. Until the time where a framework can be constructed that addresses how schools, law enforcement, cities and counties can effectively manage all intricacies surrounding this issue, it is imperative that an interim ordinance be considered placing a moratorium on the sale and distribution of said products. Currently unlike the regulations that govern alcohol and tobacco, the use of cannabinoid products are for a large part unregulated. Due to the public health ramifications on the health of some of our most vulnerable populations, Nobles County Community Services Public Health is requesting the board pass an interim ordinance placing a moratorium on the sale of these products. Discussion was had on how many businesses in the	

County are currently selling these products. Michelle Ebbers answered there were two business that they were aware of. If passed, all businesses in the county that sell tobacco products would receive a letter stating they had 48 hours (from time of approval) to cease selling the edible cannabinoid products.

VOTING

It was duly passed to approve the interim ordinance placing a moratorium on the sale of edible cannabinoid products in Nobles County.

Moved by: Paplow, Bob

Seconded by: Ahlers, Justin

7.0 Department Presentations

7.1 (A)	MN Department of Health – COVID Workforce Development Grant Resiliency Speaker Tim Gabrielson – Speaker Engagement Agreement <u>Attachments:</u> Tim Gabrielson Agreement
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Nobles County has secured grant funding through the COVID Workforce Development Grant that has been previously accepted by the Board of Commissioners in the amount of \$134,750. One of the grant deliverables is to contract with a presenter to talk with our staff and our community about mental health, resiliency, or additional pertinent topic areas designed to help alleviate some of the after effects of COVID-19. Tim Gabrielson is a renowned speaker that focuses on Temporarily Interrupting Mindsets (TIM) and Gratitude-Attitude-Behavior-Entertainment (GABE) to provide audiences simple systems for self transformation and positive perspectives all based within a fun relaxing atmosphere. Throughout the past three years of continuous change and difficulty, laughter and finding ways to create resiliencies within our community are essential. Some of our staff as well as staff from other parts of the State have heard Mr. Gabrielson’s presentation and speak very highly of his presentations. This speaker’s fees as well as the venue fees will be absorbed by the COVID Workforce Grant in the total amount of \$8,850 (\$8,500 for the speaker and \$350 for the venue). Once approved, this presentation will be confirmed for May 17, 2023.

VOTING

It was duly passed to approve the Speaker Engagement Agreement with Tim Gabrielson using the COVID Workforce Development Grant.

Moved by: Metz, Gene

Seconded by: Dybevick, Chris

7.2 (A)	2023 Bridge Replacement Projects on CSAH 6 and CSAH 19 <u>Attachments:</u> Nobles County Highway Map Advertisement for Bids
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Two larger bridge replacement projects (new 3-span continuous concrete slab bridges to replace existing timber bridges) on CSAH 6 and CSAH 19 have been approved for funding. The Board needs to authorize the advertisement for bids for the projects to move forward. The two bridges were approved for construction using a combination of County State Aid and State Bridge Bond (Local Bridge Replacement Program) funding. The intent is to tie both bridge projects under one contract. This would simplify the oversight required having one prime contractor to work with and would create economy of scale which may reduce overall construction costs. The work will be scheduled for late summer of 2023 with substantial completion in late spring/early summer of 2024.

VOTING

It was duly passed to approve the advertisement for bids for the 2023 bridge replacement projects on CSAH 6 and CSAH 19 and for the bid opening to be Tuesday March 28, 2023 at 1:00p.m.

Moved by: Ahlers, Justin

Seconded by: Metz, Gene

7.2 (B)	Final Payment for Contract 22003 – 2022 County Wide Seal Coat Project <u>Attachments:</u> Contract Number 22003 Resolution 202302
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All work has been completed on Contract number 22003 for the county-wide bituminous seal coat work done in 2022. The next step requires the County Board to accept the completed work and authorize final payment. Fahrner Asphalt

Sealers, LLC has completed the project and the work has been inspected by the County Highway Department. The final payment of \$184,908.29 which includes 5% retainage requires board approval.

VOTING

It was duly passed to approve resolution 202302 accepting the work completed for Contract #22003 and authorizing final payment in the amount of \$184,908.29 to Fahrner Asphalt Sealers, LLC.

Moved by: Ahlers, Justin

Seconded by: Paplow, Bob

7.2 (C) | **Delegated Contract Process – MNDot Contract No. 1052026**

Attachments:

MNDot Contract Number 1052026

Resolution 202303

The 2018 Delegated Contract Process (DCP) agreement is expiring and needs to be updated. This agreement allows the State of Minnesota to receive federal highway funding on behalf of Nobles County and to manage federal contracts. The agreement is a standard agreement that all counties are required to approve to receive federal construction funding through the State. It sets out our requirements in managing the federal funded projects to meet all federal requirements for using the funds.

VOTING

It was duly passed to approve resolution 202303 MNDot Contract No. 1052026

Moved by: Paplow, Bob

Seconded by: Metz, Gene

7.2 (D) | **2023 County-Wide Crack Sealing and Seal Coat Projects**

Attachments:

Nobles County Highway Map

The County has ~50 miles of County State Aid Highways (CSAH) that are in need of crack treatment and seal coat surface treatment. The Engineering Department is in the process of finalizing bid documents to address this need. The work will be funded from our CSAH Construction account. The intent is to combine both work types under one contract. Our current estimates for the combined work is ~\$2.3M. The work being contemplated would have a substantial completion date of September 1, 2023.

VOTING

It was duly passed to approve the advertisement for bids for the 2023 County-Wide Crack Sealing and Seal Coat projects and for the bid opening to be Tuesday March 28, 2023 at 2:00 p.m.

Moved by: Paplow, Bob

Seconded by: Ahlers, Justin

7.2 (E) | **2023 County-Wide Crack Sealing and Joint Leveling (Local Projects)**

The County has many additional miles of County State Aid Highways (CSAH) and Local County Highways that are in need of crack treatment and joint leveling in preparation for a seal coat surface treatment. The Engineering Department is in the process of finalizing the various routes and bid documents to address this need. The work will be funded from with Local construction dollars. We are planning to accomplish ~50 additional miles of contracted work this year to prepare for a seal coat the following year. Current estimates for the combined work of crack sealing and joint leveling would be ~\$1M depending on the quantity of miles and condition of the various roadways. The work being contemplated would have a substantial completion date in the fall of 2023.

VOTING

It was duly passed to approve the advertisement for bids for the 2023 County-Wide Crack Sealing and Joint Leveling (Local Projects).

Moved by: Metz, Gene

Seconded by: Demuth, Robert S.

7.2 (F) | **Department Update**

Aaron Holmbeck gave a department update.

7.3 (A) | **Approve Hire and Adjust Budget**

Attachments:

Proposed Amended Budget

Joe Sanow requested of the board to adjust the 2023 budget to allow for a new hire while retaining Eckberg Lammers for up to 6 months during the probationary period. The Nobles County Attorney’s Office has made a tentative offer to an assistant county attorney I candidate. That offer has been accepted, pending board approval.

While there are two open positions allocated, the current 2023 budget does not include funds for another in-house assistant county attorney. Total compensation for the requested position would cost up to \$8,984 a month depending on benefit elections.

Eckberg Lammers is agreeable to offset its contract for the same amount. But, due to increasing demand for its services, Eckberg cannot guarantee it will be able to take work back if the new hire does not work out.

The preference is to carry the new hire’s salary and the current Eckberg Lammers contract for six months from the new hire’s start date. If the new hire successfully completes the probationary period, Eckberg’s contract will be reduced by that amount.

VOTING

It was duly passed to approve the hire of an assistant county attorney I, adjust the county budget, keep the same contract with Eckberg Lammers and revisit all areas in 3 months.

Moved by: Dybevick, Chris
 Seconded by: Ahlers, Justin

7.4 (A)	2023 County Position Allocation Update <u>Attachments:</u> Resolution 202304
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The 2023 Position Allocation list was approved at the December 20, 2022 board meeting. Included on that list were 2 Assistant County Attorney positions. Through the budgeting process those 2 positions were eliminated to free up funds for the contract with Eckberg & Lammers for assistance due to the vacancies of Assistant County Attorneys. An Assistant County Attorney was offered a position, which means the 2023 position allocation needs to be revised.

VOTING

It was duly passed to approve resolution 202304 and approve the amended 2023 position allocation.

Moved by: Dybevick, Chris
 Seconded by: Metz, Gene

7.4 (B)	Juneteenth Holiday
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During the last round of union negotiations all union contracts were settled with language as follows: Juneteenth will become a County Holiday in the event that the State Legislature enacts legislation making it a State holiday. The personnel policy P-218 Holidays was also updated with the same language for the non-union employees. The Governor has signed the bill that declared Juneteenth a state holiday. An email was sent to employee’s notifying them of this designation and effective in 2023. Since then it was learned that this piece of legislature isn’t effective until August 1, 2023 so it would not become a state holiday until 2024. This item was brought to the board to decide if Juneteenth 2023 will be given to employees as a holiday or wait until 2024.

The board had discussion and Commissioner Metz stated he was in favor of waiting until the bill is signed into law and waiting until 2024. Robert Demuth and Justin Ahlers were opposed to Metz’s statement and were in favor of giving the holiday to employees in 2023. Both Demuth and Ahlers stated the intent was there for employees to have the holiday in 2023.

VOTING

It was passed to wait to recognize Juneteenth in 2024 or when it becomes signed into law.

Moved by: Metz, Gene
 Seconded by: Dybevick, Chris
 In Favor: Metz, Gene; Dybevick, Chris; Paplow, Bob
 Opposed: Demuth, Robert S.; Ahlers, Justin

8.0 Administration Presentation

8.1	Nobles County Library – Worthington Site Improvements
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The County is investigating ways to improve services at the Nobles County Library at their Worthington location. Improvements could include both operational and structural changes, respectively. A recent Nobles County Library Strategic Plan and corresponding Implementation Plan were created as planning tools. Discussion was had on either appointing two Commissioners to the planning group or having the whole boards (commissioners and Library board) meet to discuss the next steps. While all commissioners wanted to hear and have a say in the planning process it was decided to have two commissioners attend meetings and once a plan is more finalized bring it to the entire board.

VOTING

It was duly passed to appoint Bob Paplow and Chris Dybeveck to attend the Library focus group meetings.

Moved by: Ahlers, Justin

Seconded by: Paplow, Bob

8.2 Nobles Economic Opportunity Network Project – Status of Rural Community Hotspots**Attachments:**

MVTV Letter

A Nobles Economic Opportunity Network (NEON) project with the assistance of MVTV Wireless now provides Broadband Internet and Managed Wi-Fi services (“hotspots”) to remote areas of Nobles County. MVTV Wireless’ Julie Foote presented a hotspot update to the Commissioners during the January 31, 2023 Work Session. Foote followed up with additional information pertinent to continuing Internet and Wi-Fi services to these remote areas. Foote offered Administrator Bruce Heitkamp a usage review of these remote sites. She also shared the need to replace equipment for all eight (8) locations, if these sites were to remain. MVTV is willing to provide equipment and the technical services to refresh these sites. The ongoing County expenses would be \$39.95 per month, per site, to supply the chosen rural locations with broadband Internet and Managed Wi-Fi services, respectively. Commissioner Metz stated that Lismore Telephone would be willing to look into providing services in place of MVTV. Commissioners asked for Lismore Telephone to discuss and report back.

VOTING

It was duly passed to approve discontinuing services with MVTV and the 8 hotspots county wide.

Moved by: Paplow, Bob

Seconded by: Dybeveck, Chris

Commissioner Metz obtained from the vote

9.0 Inter-Agency Reports / Announcements**9.1 Committee and Board Reports**

Attorney – Joe Sanow – No Report.

District I – Commissioner Ahlers – Reported on HLWD and DNR holding up the progress on ditch #3.

District III – Commissioner Paplow – Reported on the Library Board meeting.

District II – Commissioner Metz – No Report – No Report.

District V – Commissioner Dybeveck – No Report.

District IV – Commissioner Demuth – Reported on the Soils & Water board meeting.

Administration – Reported on several items: Meeting on a CEO program, Government Day discussions, Pictometry training, Building projects update and Enterprise Auto discussions.

9.2 Correspondence**Attachments:**

Recruitment Memo

HLWD Meeting Minutes 1/18/23

Nobles SWCD Bills Payable as of 1/31/23

Nobles SWCD Meeting Agenda 2/15/23

Nobles SWCD Meeting Minutes 1/18/23

9.3 Calendar**Attachments:**

February 2023

March 2023

10.0 Other / Future Business

Work Session – Tuesday February 28, 2023

8:30 a.m. Government Center Board Room, Worthington, MN

AMC Legislative Conference – Tuesday February 22-23, 2023

InterContinental Hotel, St. Paul, MN

Board Meeting – Tuesday February 21, 2023

9:00 a.m. Government Center Board Room, Worthington, MN

11.0 Adjournment

It was duly passed to adjourn the meeting at 10:38 a.m.

Moved by: Paplow, Bob

Seconded by: Metz, Gene



Nobles County Board Chair



Nobles County Administrator