

OFFICIAL PROCEEDINGS OF BOARD OF COMMISSIONERS OF NOBLES COUNTY, MINNESOTA

The Board of Commissioners of Nobles County met in regular session on Tuesday, April 18, 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 Colleen Houselog, Child Support Officer, was recognized for 35 years of service.	
4.3 Government Day The board recognized students from Worthington Christian School as they attended Government Day at the Government Center.	
5.0 Consent Agenda	
5.1 (A)	April 04, 2023 Regular Board Meeting Minutes Draft <u>Attachments:</u> April 04, 2023 Draft Minutes
5.2	Meetings and Conferences – Travel Expenses <u>Attachments:</u> Expenses paid April 07, 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
VOTING It was duly passed to approve the consent agenda as presented. Moved by: Paplow, Bob Seconded by: Metz, Gene	
6.0 Special Presentations	
6.1	MN DNR Proposed State Land Acquisition <u>Attachments:</u> Land Acquisition Proposal Map Resolution 202314
MN DNR’s Bill Schuna and Scott Rall proposed 7 acres of grassland to be acquired. Taxes slated to be paid by the current private owners are \$36 per acre (\$252.00). The Payment in Lieu of Taxes (PILT) is stated to be \$52.29 per acre (\$366.00). The land is currently surrounded by the Lambert Prairie Wildlife Management Area.	
VOTING It was duly passed to approve resolution 202314 approving the DNR land acquisition. Moved by: Metz, Gene Seconded by: Demuth, Robert S.	

7.0 Public Hearing

- 7.1 Public Hearing – Proposed Property Tax Abatement Joseph and Angela Joswiak Parcel 04-0162-500
- A. Open Hearing (*Action*)
 - B. Proposed Abatement – Discussion
 - C. Public Comment
 - D. Close Hearing (*Action*)
 - E. Decisions : Joseph and Angela Joswiak Parcel 04-0162-500–Resolution 202310 (*Action*)
- Attachments:**
Application information
Resolution 202310

VOTING

- A. A motion by Justin Ahlers and seconded by Bob Paplow, it was duly passed to open the Proposed Property Tax Abatement Public Hearing for Joseph and Angela Joswiak Parcel 04-0162-500.
- B. Bruce Heitkamp, Nobles County Administrator, reviewed the Nobles Home Initiative Application.
- C. No Discussion or public comment was received.
- D. On a motion by Gene Metz and seconded by Bob Paplow, it was duly passed to close the Proposed Property Tax Abatement Public Hearing.
- E. On a motion by Justin Ahlers and seconded by Chris Dybeveck, it was duly passed to adopt Resolution 202310 approving tax abatement to Joseph and Angela Joswiak Parcel 04-0162-500 pursuant to Minnesota Statute 469.1813.

- 7.2 Public Hearing – Proposed Property Tax Abatement Nate Lynn Parcel 11-0058-000
- A. Open Hearing (*Action*)
 - B. Proposed Abatement – Discussion
 - C. Public Comment
 - D. Close Hearing (*Action*)
 - E. Decisions : Nate Lynn Parcel 11-0058-000–Resolution 202311 (*Action*)
- Attachments:**
Application information
Resolution 202311

VOTING

- A. A motion by Justin Ahlers and seconded by Robert S. Demuth, it was duly passed to open the Proposed Property Tax Abatement Public Hearing for Nate Lynn Parcel 11-0058-000.
- B. Bruce Heitkamp, Nobles County Administrator, reviewed the Nobles Home Initiative Application.
- C. No Discussion or public comment was received.
- D. On a motion by Bob Paplow and seconded by Justin Ahlers, it was duly passed to close the Proposed Property Tax Abatement Public Hearing.
- E. On a motion by Gene Metz and seconded by Bob Paplow, it was duly passed to adopt Resolution 202311 approving tax abatement to Nate Lynn Parcel 11-0058-000 pursuant to Minnesota Statute 469.1813.

8.1 Department Presentations

8.1 (A) Tobacco License Reconsideration – Corky’s Corner

Nobles County Community Services had received a request for a new tobacco license for Corky’s Corner. The business is planning to be in the Casey’s “west” location in Worthington. The application was denied through Community Services based on the fact the location was within 1000 feet of a Youth Oriented Facility (Trojan Field). The Ordinance provides “no license shall be granted to any applicant for the retail sale of a licensed product (tobacco and related items) within 1,000 feet of a youth-oriented facility, as measured by the shortest line between the property line of the space to be occupied by the proposed licensed retailer to the nearest property-line of the youth-oriented facility. The Ordinance defines a youth-oriented facility as “a facility where any of its residents, customers, visitors, or inhabitants, of which at least twenty-five percent are regularly under age 21, or primarily sells, rents, or offers a service or product . . . primarily by a person under age 21. A youth-oriented facility includes a school, playground, recreation center, and a park.” The item was then brought to the County Board on 4/4/23 for reconsideration at the request of Corky’s Corner owner Ankitkumar Patel and his lawyer Peter Coyle. After discussion, the Board tabled the item for the 4/18/23 meeting so they could gather more information. It needed to be determined if Trojan Field was in fact a Youth Oriented Facility. Attorney Liz Viera from Rupp, Anderson, Squires, Waldspurger & Mace, P.A. provided legal counsel to Attorney Joe Sanow and the

Board. Commissioner Demuth stated that while he agrees with Public Health’s intent with the ordinance he also is looking at the item from an economic standpoint and having a corner business close would not be good for the County either. Commissioner Ahlers stated he would like the ordinance revised due to these unforeseen circumstances and then have the tobacco license approved. Attorney Sanow suggested if there were lack of evidence (ticket sales, use of time reports) to determine that Trojan Field was a Youth Oriented Facility then the Board could approve the tobacco license for Corky’s Corner.

VOTING

It was passed to make a finding that there is insufficient evidence to show that Trojan Field is a youth oriented facility within the definition of the Nobles County Tobacco Ordinance therefore approving the tobacco license for Corky’s Corner.

Moved by: Dybevick, Chris

Seconded by: Paplow, Bob

In Favor: Dybevick, Chris; Paplow, Bob; Demuth, Robert S.; Metz, Gene

Opposed: Ahlers, Justin

8.1 (B) | **New Tobacco License Application – Casey’s Retail Company**

Attachments:

Tobacco License Application

Nobles County Community Services has received a request for a new tobacco license from Casey’s Retail Company which intends to purchase the property located at 1097 W. Gateway Drive, Worthington. Based upon the application meeting the requirements of the current Nobles County Tobacco Ordinance, Community Services has no objection to the approval of this application.

VOTING

It was duly passed to approve the tobacco license for Casey’s Retail Company.

Moved by: Ahlers, Justin

Seconded by: Dybevick, Chris

8.2 (A) | **Request for Funding for Library Pre-Design**

Attachments:

Koch-Hazard Letter

The Nobles County Library in Worthington was built in the early 1960s and updated to ADA standards in 1997. However, as the city of Worthington has grown and library services have changed, the Library Board feels that it is necessary to update the facility to better meet the needs of the community. Since the Worthington Historical Society has moved to the Armory, the lower level of the building provides an opportunity to expand the library programs and meeting spaces. Library Board members presented the board with a proposal from Koch-Hazard for services to start planning the Library remodel.

VOTING

It was duly passed to approve funding of \$8,500 to Koch-Hazard to complete a facility assessment and space planning study at the Worthington branch Library.

Moved by: Ahlers, Justin

Seconded by: Metz, Gene

8.3 (A) | **ICE Contract**

In 2001 Nobles County entered into contract with Immigration and Naturalization Service (INS) to house detainees in the Nobles County Jail. In 2019 the Department of Human Services made changes for facilities to become PREA compliant with DHS. In 2022 the jail was notified that it would need to take steps to become compliant with PREA standards. There is a great deal of changes and training correctional officers and jail administrators would need to complete to fulfill these requirements. Since 2021 the jail has only billed immigration for 13 days. Due to lack of revenue along with the extensive changes that would need to occur, it was recommended the Nobles County Jail discontinue their contract with ICE.

VOTING

It was duly passed to discontinue the contract between the Nobles County Jail and ICE to hold detainees.

Moved by: Ahlers, Justin

Seconded by: Demuth, Robert S.

8.4 (A) | **Nobles County Assessor’s Office – Property Valuations Update**

County Assessor Val Ruesch presented the board with an overview of the valuation notices sent out to citizens. She also discussed upcoming Local Board of Appeal meetings. This was an informational item only.

8.5 (A)	<p>Update Resolution for Designation of Depositories</p> <p><u>Attachments:</u> Current Resolution Resolution 202312</p>
<p>Resolution 202143 to Designate Depositories and Authorize Auditor/Treasurer to Make Investments needs to be updated and adopted. Changes include:</p> <p>a. Resolution has been updated to show the current names of financial institutions where Nobles County funds are located.</p> <p>b. Leading Edge Credit Union and Worthington Federal Savings Bank have been added to the list as potential depositories after confirming how their CDs are insured.</p> <p>c. US Bank has been added as they are the “holding bank” for Moreton Capital Markets, LLC so in order to purchase investment products through MCM, we need to add US Bank to our list.</p>	
<p><u>VOTING</u></p> <p>It was duly passed to adopt resolution 202312. Moved by: Ahlers, Justin Seconded by: Paplow, Bob</p>	
8.5 (B)	<p>Using Electronic Funds Transfer for Local Taxing Districts</p> <p><u>Attachments:</u> Resolution 202313</p>
<p>Electronic Funds Transfer (EFT) allows the County to directly deposit tax settlements and other payments into the accounts of our local taxing districts. This is a safe and secure method of quickly disbursing funds without cutting a physical check and paying the costs of the envelope and mailing. Over the last couple of years the Auditor-Treasurer’s office has requested local taxing districts to provide them with the information needed to set them up for EFTs. Based on the reduction of staff time and savings in postage a resolution was presented to require all local taxing districts to be set up with EFT.</p>	
<p><u>VOTING</u></p> <p>It was duly passed to approve resolution 202313. Moved by: Dybeveck, Chris Seconded by: Metz, Gene</p>	
8.5 (C)	<p>Voting Equipment Purchase Requests</p> <p><u>Attachments:</u> KNOWiNK Estimate</p>
<p>The Poll Pads that were purchased in 2018 at a cost of \$65,280 (\$48,960 VEGA Grant/\$16,320 County) have now completed five years of service and need to be replaced. The Poll Pads (iPads) are used as electronic rosters to check in voters at the polling place and register new voters on Election Day. They are critical in assisting polling place judges with making sure that voters have not already cast an absentee ballot and are also crucial in maintaining data privacy of voter information. The Poll Pads also aid in making sure that all information required on a new voter is collected in addition to making sure voters are voting at the correct location. The 2023 Elections budget does include \$41,310 for “Major Equipment” purchases as it was anticipated the purchase would be necessary in 2023 to be ready for the 2024 March Presidential Nomination Primary (PNP). It was asked of the Board to purchase 51 new Poll Pads, transport cases and sleds for a total cost of \$21,802.50.</p>	
<p><u>VOTING</u></p> <p>It was passed to approve the purchase of 51 new Poll Pads, transport cases and sleds for \$21,802.50. Moved by: Metz, Gene Seconded by: Dybeveck, Chris In Favor: Metz, Gene; Dybeveck, Chris; Demuth, Robert S.; Paplow, Bob Opposed: Ahlers, Justin</p>	
8.6 (A)	<p>Certificate of Need Letter to MPCA</p> <p><u>Attachments:</u> MPCA Letter</p>

The Nobles County Landfill needs a signed letter from the Nobles County Board to the MPCA regarding the County's Mixed Municipal Solid Waste (MMSW) disposal destination. As required by MN Rule Ch. 9215, the Nobles County Landfill is submitting a Certificate of Need (CON) request for the years 2023-2025 to the MPCA. This will ensure the landfill has sufficient capacity to meet the needs of the County's MMSW. The rule also states that the request shall include a letter from the County Board of the County generating the solid waste. The letter shall indicate the County's best estimate of the amount of solid waste available for management at the proposed facility. This estimate is based on using projections from historical waste disposal and projected future disposal.

VOTING

It was duly passed to approve the County Board Chair to sign the letter from Nobles County to the MPCA.
 Moved by: Ahlers, Justin
 Seconded by: Demuth, Robert S.

8.7 (A) **Application for Parade Permit – Ellsworth Family Fun Days**

Attachments:

- Parade Map
- Application
- Certificate of Insurance

The Family Fun Days parade is planned for Saturday, June 10, 2023. The parade will impact traffic and safety considerations along County Highways 11 & 30, respectively. The City of Ellsworth has applied for a Parade Permit with a starting time of 6:30 p.m. and concluding at 8:00 p.m; offering proof of insurance and a parade route map with their request. County Engineer Aaron Holmbeck was presented this application. Sheriff Ryan Kruger is the recognized Safety Officer listed on the application. Both have reviewed the application and see no issues with it being approved.

VOTING

It was duly passed to approve the parade permit for the City of Ellsworth.
 Moved by: Metz, Gene
 Seconded by: Ahlers, Justin

9.0 Inter-Agency Reports / Announcements

9.1 **Committee and Board Reports**

Attorney – Joe Sanow – No Report.

 District I – Commissioner Ahlers – No Report

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

 District II – Commissioner Metz – No Report.

 District V – Commissioner Dybevic – Reported on the E.O. Olson meeting and the Library Focus Group meeting.

 District IV – Commissioner Demuth – No Report.

 Administration – Reported on the City, County, School meeting where CSAH 10 was discussed.

9.2 **Correspondence**
Attachments:
 Recruitment Memo

9.3 **Calendar**
Attachments:
 April 2023
 May 2023

10.0 **Other / Future Business**

Government Day Lunch– Tuesday April 18, 2023
 10:00 – 12:00 p.m. Farmers Room, Government Center, Worthington, MN
Work Session – Wednesday April 26, 2023
 8:30 a.m. Government Center Board Room, Worthington, MN
Board Meeting – Tuesday May 02, 2023

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

11.0 Adjournment

It was duly passed to adjourn the meeting at 10:35 a.m.

Moved by: Ahlers, Justin

Seconded by: Paplow, Bob



Nobles County Board Chair



Nobles County Administrator