

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

The Board of Commissioners of Nobles County met in regular session on Tuesday, May 02, 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.

<b>1.0 Call To Order</b>	
<b>2.0 Pledge of Allegiance</b>	
<b>3.0 Approval of Agenda</b>	
<b><u>VOTING</u></b>	
It was duly passed to approve the agenda as presented. Motion by: Metz, Gene Seconded by: Ahlers, Justin	
<b>4.0 Recognition</b>	
<b>4.1 Visitors and Guests Welcome</b>	
<b>4.2 Years of Service Recognition</b>	
Sara Henderson, Child Support Officer, was recognized for 25 years of service.	
<b>5.0 Consent Agenda</b>	
5.1 (A)	<b>April 18, 2023 Regular Board Meeting Minutes Draft</b> <b><u>Attachments:</u></b> April 18, 2023 Draft Minutes
5.2	<b>Meetings and Conferences – Travel Expenses</b> <b><u>Attachments:</u></b> Expenses paid April 21, 2023
5.3 (A)	<b>Auditor’s &amp; Commissioner’s Warrants</b> <b><u>Attachments:</u></b> Accounts Payable Summary Auditor’s Warrants
5.3 (B)	<b>Auditor’s &amp; Commissioner’s Warrants – Vendors paid over \$2,000</b> <b><u>Attachments:</u></b> Auditor’s Warrants
5.3 (C)	<b>Breakdown of Wells Fargo Payments</b> <b><u>Attachments:</u></b> On Behalf of Payment Report
5.4	<b>Temporary Liquor License</b> <b><u>Attachments:</u></b> Application
<b><u>VOTING</u></b>	
It was duly passed to approve the consent agenda as presented. Moved by: Ahlers, Justin Seconded by: Paplow, Bob	
<b>6.0 Special Presentations</b>	
6.1	<b>U.S. Fish and Wildlife Services – Commissioner Wetland Easement Notification – DNR Approval Barbra King Trust and Troy King Trust</b> <b><u>Attachments:</u></b> Barbra King Arial Map Barbra King Plat Map Certification of the County Board Troy King Arial Map Troy King Plat Map Certification of the County Board

Approval was requested of the County Board for wetland habitat easements within Nobles County to be sent to the Minnesota Department of Natural Resources, Land Exchange for their approval. There are two contiguous portions of land within Indian Lake Township relating to this inquiry. This land adjoins the Minnesota and Iowa border. Each trust has its own certification document to be acknowledged and signed. The wetland easement areas are acquired primarily for the benefit of wetland bird species. Taxes would continue to be paid by the landowners.

**VOTING**

It was duly passed to approve the request for acquisition by the U.S. Fish and Wildlife Service of the Barba King Revocable Trust land as presented.

Moved by: Ahlers, Justin

Seconded by: Metz, Gene

It was duly passed to approve the request for acquisition by the U.S. Fish and Wildlife Service of the Troy King Revocable Trust land as presented.

Moved by: Ahlers, Justin

Seconded by: Paplow, Bob

**7.1 Department Presentations**

7.1 (A) **New Tobacco License – Worthington Smoke Shop**

**Attachments:**

Worthington Smoke Shop Application

Nobles County Community Services has received a request for a new tobacco license from the Worthington Smoke Shop, which intends to utilize property located at 1610 N McMillian St, Worthington, MN. Based upon the application, Community Services does not have information or evidence to indicate that it would not meet the requirements of the current Nobles County Tobacco Ordinance. Therefore, Community Services has no objection to the approval of this application.

**VOTING**

It was passed to approve the tobacco license application for the Worthington Smoke Shop.

Moved by: Metz, Gene

Seconded by: Paplow, Bob

7.1 (B) **New Tobacco License Application – The Station, LLC**

**Attachments:**

Tobacco License Application

Nobles County Community Services has received a request for a new tobacco license from The Station LLC. which intends to utilize property located at 1607 N McMillian St, Worthington, MN. Based upon the application, Community Services does not have information or evidence to indicate that it would not meet the requirements of the current Nobles County Tobacco Ordinance. Therefore, Community Services has no objection to the approval of this application.

**VOTING**

It was duly passed to approve the tobacco license application for The Station, LLC.

Moved by: Dybeveck, Chris

Seconded by: Demuth, Robert S.

7.2 (A) **Lewis and Clark Regional Water System – Sibley Line – CUP #02-2023**

**Attachments:**

Planning and Zoning Minutes

Lewis & Clark Regional Water System, Sioux Falls, SD, has applied for a conditional use permit for construction of a main water line, outside the road right-of-way paralleling King Ave from 270<sup>th</sup> Street South to the Iowa line. Public Hearing is required under Section 603.4 (7) essential services and pipelines of the Nobles County Planning and Zoning Ordinance. Planning and Zoning met and recommended approval of the CUP.

**VOTING**

It was duly passed to approve CUP #02-2023 as presented.

Moved by: Ahlers, Justin

Seconded by: Metz, Gene

7.3 (A) **Bid Award for Contract 23003 – 2023 Crack Seal and Joint Leveling Project**

**Attachments:**

Bid Abstract

	Project Map
<p>Bids for the 2023 Bituminous Crack Treatment and Joint Leveling project were opened on Tuesday, April 18, 2023. The Board needs to approve the award of the contract to the lowest responsible bidder. The contract consists of ~63 miles of bituminous crack sealing and ~88.5 miles of bituminous joint leveling. 3 bids were received. The bids ranged from \$847,738 to \$1,574,619 with the low bidder being Northwest Asphalt &amp; Maintenance. The low bid of \$847,738 was 4.77% below the engineer's estimate of \$1,243,600. An abstract of the bids was attached for reference. This project would be funded with local highway funds. It is intended to complete this work in advance for next year's seal coat project.</p>	
<p><b>VOTING</b>  It was duly passed to award the 2023 crack seal and joint leveling project to Northwest Asphalt &amp; Maintenance for the amount of \$847,738.00.  Moved by: Ahlers, Justin  Seconded by: Metz, Gene</p>	
7.3 (B)	<p><b>Final Payment for Contract 21001 – 2021 Township Bridge Replacements</b>  <u>Attachments:</u>  Final Acceptance Letter  Resolution 202315</p>
<p>All work has been completed on Contract number 21001 for two township bridge replacements in 2021. The next step requires the County Board to accept the completed work and authorize final payment. Henning Construction, Inc. has completed the construction for both projects including all turf establishment and the work has been inspected by County engineering personnel and approved. The final payment of \$15,583.81 which includes 5% retainage requires board approval. The final pay request along with the prime contractor's certification of final contract acceptance, Board acknowledgement to be completed, and affidavits for the prime and all sub-contractors were all attached for review.</p>	
<p><b>VOTING</b>  It was duly passed to adopt resolution 202315 accepting contract 21001 and authorizing final payment in the amount of \$15,586.81 to Henning Construction, Inc.  Moved by: Metz, Gene  Seconded by: Paplow, Bob</p>	
7.3 (C)	<p><b>Public Works Update</b></p>
<p>Aaron Holmbeck gave the board an update on Public Works projects.</p>	
<p><b>8.0 Administration Presentations</b></p>	
8.1	<p><b>Government Center Standby Diesel Generator Replacement Bid Proposal and Recommendation</b>  <u>Attachments:</u>  Edi-dolejs recommendation letter</p>
<p>Bids were obtained to replace the Government Center's current standby diesel generator. Subsidy funds received through the American Recovery Plan Act award is proposed to be used to pay for this project. The edi-dolejs consulting engineer firm has prepared specifications for the replacement of the Government Center's current 175 kWh, diesel-powered, standby generator. A new 400 kWh standby diesel generator and supporting infrastructure is proposed to meet current and future electrical needs. The current standby generator will not supply electricity to the entire Government Center; and the new generator and infrastructure would.</p> <p>The following two (2) bids were opened due to the published solicitation and bid opening on April 19, 2023:</p> <ul style="list-style-type: none"> <li>- Doom &amp; Cuyper's Construction, Inc., Marshall, MN \$548,851.00</li> <li>- Sussner Construction, Inc., Marshall, MN \$574,800.00.</li> </ul> <p>The low bid from Doom &amp; Cuyper's was recommended to be awarded the project. A Caterpillar brand standby generator will then be ordered. Construction would likely commence later in 2023 with the generator install taking place during the spring of 2024 (when the generator is received).  Commissioner Paplow expressed he felt the project was higher than he felt comfortable approving.</p>	
<p><b>VOTING</b>  It was duly to award Doom &amp; Cuyper's Construction, Inc. the standby generator project in the amount of \$548,851.00.  Moved by: Ahlers, Justin  Seconded by: Dybevic, Chris  In Favor, Ahlers, Justin; Dybevic, Chris; Demuth, Robert S.; Metz, Gene  Opposed: Paplow, Bob</p>	

8.2	<b>MCIT Report</b>
Tom Suppes, MCIT Risk Management Consultant, presented the board with MCIT's 2023 Annual Report.	
<b>9.0 Inter-Agency Reports / Announcements</b>	
9.1	<b>Committee and Board Reports</b>
<p>Attorney – Joe Sanow – No Report.</p> <p>District I – Commissioner Ahlers – Reported on the SMOC Transit meeting. It was discussed changing the local city bus route in the future.</p> <p>District III – Commissioner Paplow – No Report.</p> <p>District II – Commissioner Metz – Reported on the CPT meeting where it was decided not to service North Dakota at the end of 2024.</p> <p>District V – Commissioner Dybevic – Reported on Southern Prairie being disbanded. They will distribute monies back to Counties.</p> <p>District IV – Commissioner Demuth – Reported on attending local boards.</p> <p>Administration – Reported on attending local boards and appreciated all of the Commissioner's attendance. Talked about child care progress and a PJC impound storage building.</p>	
9.2	<b>Correspondence</b> <b>Attachments:</b> Recruitment Memo Nobles County Law Library Agenda 4/19/23 Nobles County Law Library Minutes 1/31/23 Nobles SWCD Budget spreadsheet Nobles SWCD Meeting Minutes 3/15/23 Nobles SWCD Bills Payable HLWCD Agenda 4/19/23 HLWCD Meeting Minutes 3/15/23 HLWCD Meeting Minutes 4/7/23 Nobles SWCD Agenda 4/19/23 Nobles County Art Center Meeting Minutes 4/17/23 KLR Balance Sheet KLR Meeting Minutes 1/19/23 KLR Agenda 4/20/23 KLR Budget Spreadsheet
9.3	<b>Calendar</b> <b>Attachments:</b> May 2023
10.0	<b>Other / Future Business</b>
<b>Board Meeting</b> – Tuesday May 23, 2023 9:00 a.m. Government Center Board Room, Worthington, MN <b>Work Session</b> – Wednesday May 31, 2023 8:30 a.m. Government Center Board Room, Worthington, MN <b>Worthington City Local Board of Appeal &amp; Equalization</b> – Thursday May 4, 2023 9:00 a.m. Government Center Board Room, Worthington, MN <b>AMC District Meeting</b> – Thursday June 8, 2023 Time and location TBD	
<b>11.0 Adjournment</b> It was duly passed to adjourn the meeting at 10:33 a.m. Moved by: Ahlers, Justin	

Seconded by: Demuth, Robert S.



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Nobles County Board Chair



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Nobles County Administrator