

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

The Board of Commissioners of Nobles County met in regular session on Tuesday, February 06, 2024, at the Government Center, in the Commissioner’s Board Room, Worthington, Minnesota.

The following Commissioners attended: Robert S. Demuth, Justin Ahlers, Bob Paplow, Gene Metz and Chris Dybevic. Chairperson Ahlers called the meeting to order at 9:00 A.M. followed by the Pledge of Allegiance.

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| <b>1.0 Call To Order</b>   |  |
| <b>2.0 Pledge of Allegiance</b>  |  |
| <b>3.0 Approval of Agenda</b>  |  |
| <b>VOTING</b><br>It was duly passed to approve the agenda as presented.<br>Motion by: Demuth, Robert S.<br>Seconded by: Paplow, Bob  |  |
| <b>4.0 Recognition</b>   |  |
| <b>4.1 Visitors and Guests Welcome</b>   |  |
| <b>4.2 Years of Service Recognition</b><br>Chris Janssen, Highway Maintenance Worker, was recognized for 15 years of service.  |  |
| <b>5.0 Consent Agenda</b>  |  |
| 5.1 (A)  | <b>January 02, 2024 Regular Board Meeting Minutes Draft</b><br><u>Attachments:</u><br>January 23, 2024 Draft Minutes   |
| 5.2 (A)  | <b>Meetings and Conferences – Travel Expenses</b><br><u>Attachments:</u><br>Expenses paid January 26, 2024   |
| 5.3 (A)  | <b>Auditor’s &amp; Commissioner’s Warrants</b><br><u>Attachments:</u><br>Accounts Payable Summary<br>Auditor’s Warrants  |
| 5.3 (B)  | <b>Vendors Paid over \$2,000</b><br><u>Attachments:</u><br>Paid Invoice Report by Vendor   |
| 5.3 (C)  | <b>Breakdown of Wells Fargo Payments</b><br><u>Attachments:</u><br>Wells Fargo Payments  |
| <b>VOTING</b><br>It was duly passed to approve the consent agenda as presented.<br>Moved by: Metz, Gene<br>Seconded by: Demuth, Robert S.  |  |
| <b>6.0 Public Hearing</b>  |  |
| 6.1 (A)  | <b>Nobles County Tobacco Ordinance</b><br><b>A. Open Hearing (<i>Action</i>)</b><br><b>B. Proposed Ordinance – Discussion</b><br><b>C. Public Comment</b><br><b>D. Close Hearing (<i>Action</i>)</b><br><b>E. Decisions : Ordinance (<i>Action</i>)</b><br><u>Attachments:</u><br>Proposed Ordinance |
| This Public Hearing was offered to introduce the proposed Nobles County Tobacco Ordinance revisions. If deemed appropriate, the Tobacco Ordinance can be approved and published. Stacie Golombiecki reviewed the ordinance and proposed changes. |  |

- Updated language pertaining to the 2022 Minnesota Student Survey results
  - Returned to Agency issuing licenses instead of the County Board and adding an appeal process for denials in front of the County Board
  - Implement a process for entities to appeal any denial of a tobacco licensure as long as the allotment of licenses has not been exceeded
  - Renewal stipulations regarding the timeframe for applications
  - Reducing the number of tobacco licenses from 1 per 600 residents to 1 in 700.
  - Included a regulation that all cities, towns or villages with populations under 1,000 be allocated the right to have at least one tobacco retailer within their city limits
  - Revised definition of “youth-oriented facility”
  - Change minimum distance from 1000 feet to 500 feet
  - Added a definition for “cannabis products” and language prohibiting a cannabis licensee from applying for a tobacco license for the same interior space
  - Added subdivision 9 to section 13 violations – a person who has a cannabis/hemp license revoked must also have any tobacco license suspended for at least seven days (MS 461.12, Subd.2a)
  - Removed “drug paraphernalia” from the tobacco ordinance as drug paraphernalia has been decriminalized, although Worthington city ordinance could still be enforced.
- No public comment was received. All current tobacco license holders were notified of the changes.

**VOTING**

- A. A motion by Bob Paplow and seconded by Justin Ahlers, it was duly passed to open the Public Hearing.
- B. Stacie Golombiecki, Community Services Director, presented the board with an overview of the ordinance.
- C. No public comment was received.
- D. On a motion by Gene Metz and seconded by Chris Dybeveck it was duly passed to close the proposed ordinance Public Hearing.
- E. On a motion by Bob Paplow and seconded by Chris Dybeveck, it was duly passed to approve the Nobles County Tobacco Ordinance as presented.

**7.0 Department Presentations**

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| 7.1 (A) | <b>Nobles Cooperative Electric – Worthington, MN – CUP #01-2024</b><br><b><u>Attachment:</u></b><br>Planning and Zoning Minutes |
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Nobles Cooperative Electric of Worthington, MN is requesting a conditional use permit for the Adrian substation upgrade. Public hearing is required under Section 603.4 #7. The parcel of land is located on the south 235 feet of the east 250 feet of the southeast quarter of Section 2, Township 101N, Range 43 West, Grand Prairie Township.

**VOTING**

It was duly passed to approve Conditional Use Permit #01-2024 as presented.  
Moved by: Metz, Gene  
Seconded by: Paplow, Bob

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| 7.2 (A) | <b>County Board of Appeal and Equalization Meeting for the 2024 Assessment</b> |
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The date needs to be set for the 2024 assessment. The board may meet on any 10 consecutive meeting days in June, after the second Friday in June. No action taken by the County Board of Appeal and Equalization after June 30th is valid, except for corrections that are clerical in nature or changes that extend homestead treatment until the tax extension date for that assessment year.

**VOTING**

It was duly passed to set the County Board of Appeal and Equalization meeting for June 18, 2024 at 6:00 p.m. in the Commissioner Board Room at the Government Center.  
Moved by: Dybeveck, Chris  
Seconded by: Paplow, Bob

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| 7.3 (A) | <b>ATP-7 Transportation Alternatives Grant Application</b><br><b><u>Attachment:</u></b><br>Grant Application<br>Resolution 202406 |
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The Minnesota Department of Transportation solicited applications for funding Transportation Alternatives projects in District 7 for federal fiscal year 2028. The Nobles County Highway Department submitted a grant application to install paved shoulders (on-road trail) as part of our 2027 resurfacing project on CSAH 35 between Worthington and Adrian. To receive this funding, a resolution from Nobles County assuming full responsibility for the operation and maintenance of property and facility for the useful life of the improvements is required. The segment of CSAH 35 between Worthington and Adrian is one of the County's most heavily used routes and would provide the highest value for this type of funding. The County has previously installed widened paved shoulders on the corresponding segment of CSAH 35 going east out of Worthington as well as CSAH 12 going west out of Worthington. Installing a widened paved shoulder with edge line rumble strips would provide both a safer alternative for bicycle commuters and improved access for agricultural use. The paved shoulder improvements will add approximately \$2 million in additional cost of which up to \$1.6 million may be eligible for federal funding.

Discussion was had regarding the safety of having a bike trail along that road. Commissioner Metz expressed his concern for younger children riding bike on such a busy highway. Other Commissioners were in agreement. Another concern was the \$2million cost. Although \$1.6 million would be requested through the MNDot funding, Commissioners were still hesitant to agree.

**VOTING**

It was passed to approve resolution 202406 in support of the Transportation Alternatives project in the amount of \$1.6 million dollars. If the \$1.6 million dollars is not allocated by the Minnesota Department of Transportation for the project the topic would need to be revisited.

Moved by: Demuth, Robert S.

Seconded by: Dybevick, Chris

In Favor: Demuth, Robert S.; Dybevick, Chris; Ahlers, Justin; Paplow, Bob

Opposed: Metz, Gene

**7.4 (A) CaseWorks Implementation – Hosting Agreement with Kandiyohi County**

**Attachment:**

Contract 22001

Resolution 202403

Community Services is preparing for a transition from Application Extender to CaseWorks for an electronic document management system which is scheduled for later this month. In the exploration for this project, the question was posed as to whether Nobles County IT Department would manage a centrally located server here for the system or would prefer to contract with another county to house and maintain the required servers. Nobles County IT Department determined that they felt it would be more cost effective to contract with another County for hosting the necessary services. Kandiyohi County is experienced in this process and is currently hosting for several other counties who are using the CaseWorks System. The Agreement brought to the board has been reviewed and approved by both the Nobles County IT Department and the Nobles County Attorney. The cost for this service is a one time set up fee for all 5 applications used of \$10,000 and then ongoing maintenance of \$10,000.00 per year. This first year of maintenance will be prorated to the actual go live date so will be a little bit less. These costs were included within the 2024 budget request and the initial request to the Board to switch applications.

**VOTING**

It was duly passed to approve the hosting agreement with Kandiyohi County for the CaseWorks system.

Moved by: Paplow, Bob

Seconded by: Metz, Gene

**7.4 (B) Resolution Designating the Community Health Service Administrator – Minnesota Department of Health**

**Attachment:**

Resolution 202407

The Minnesota Department of Health requires each Community Health Board to designate a Community Health Service (CHS) Administrator. Due to the current vacancy of the Public Health Supervisor position, a new resolution from the Board declaring a CHS Administrator is needed. The Community Health Service (CHS) Administrator serves as the Boards Authorized Agent in communications with the department. The CHS Administrator is also responsible for providing all necessary information in connection with grant funding, budgets, progress toward goals, and submitting applications and required documentation in connection with fulfilling the designated public health functions and duties. The Board Chairperson continues to be the authorized agent and signatory for grant agreements and execution of contracts on

behalf of the Board. As the Community Service Director has served in this role in the past and is willing to do so again during this vacancy if approved by the Board of Commissioners to do so.

**VOTING**

It was duly passed to adopt resolution 202407 designating Stacie Golombiecki as the Community Health Service Administrator.

Moved by: Demuth, Robert S.

Seconded by: Paplow, Bob

7.4 (C) **Child Care Grant Approval**

**Attachment:**

Applicant Twelve

In December 2022, The Nobles County Board of Commissioners approved up to \$400,000 in funding to be utilized for three child care grant programs in the county. These funds are intended to accompany funding from the Minnesota Department of Employment and Economic Development (DEED) Grant. Contracted and county staff developed a framework for two of the grants and opened the programs for applications in April 2023. In April 2023, a review committee was formed to review the applications from child care providers and make recommendations to the Board for the approval of those applications. The review committee met on Thursday, February 1, 2024 to evaluate two applications for funding that had been received. Of the two applications, one was recommended for approval by the Board for funding and one will be asked for further information. The funding request that was approved by the committee and will be funded through county funds once approved is Applicant Twelve- \$4,000

**VOTING**

It was duly passed to approve the Child Care Grant applicant twelve in the amount of \$4,000.

Moved by: Dybeveck, Chris

Seconded by: Metz, Gene

7.5 (A) **Updated Resolution for Designation of Depositories**

**Attachment:**

Resolution 202405

Resolution 202143 to designate depositories and authorize Auditor-Treasurer to make investments needs to be updated and was presented to the board with changes.

**VOTING**

It was duly passed to adopt resolution 202405 to designate depositories and authorize Auditor-Treasurer to make investments.

Moved by: Metz, Gene

Seconded by: Paplow, Bob

7.5 (B) **Updated Investment Policy**

**Attachment:**

Investment Policy

The Investment Committee met and determined that some of the language in the current policy limits their ability to invest county funds to capitalize on the current interest rates so the committee is proposing changes to the current policy.

The Investment Committee met and is recommending the following changes to the current policy.

-Page 3: updates the list of depositories to reflect the current resolution.

-Page 3: changes the membership of the Investment Committee to allow for one board member to serve as a consistent member.

-Page 6: removes the limiting language for investing and replaces it with a goal of investing to coincide maturity dates with payments of planned expenditures in addition to using a five year history of the daily cash balance to stay fully invested while maintaining liquidity to meet cash flow requirements.

-Page 8: again, removes the limiting language and clarifies that investments exceeding five years are made to coincide with expected use of the funds.

**VOTING**

It was duly passed to approved the updated Investment Policy as presented.

Moved by: Demuth, Robert S.

Seconded by: Dybeveck, Chris

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| 7.5 (C)   | <b>Repurchase Agreement</b><br><u>Attachment:</u><br>Agreement                                   |
| <p>The Investment Committee has determined that setting up a “sweep account” is in the best interest of the county to increase our interest earnings. In order to set up a sweep account, the county needs to enter into a “repurchase agreement”. The Investment Committee reviewed the current Investment Policy to confirm that it allowed the county to enter into a “repurchase agreement” for the purpose of establishing a “sweep account” at FSBSW. A sweep account will allow us to earn interest on our daily cash balance over and above our base minimum.</p>   |  |
| <p><b><u>VOTING</u></b><br/>         It was duly passed to approve entering into a Repurchase Agreement as presented.<br/>         Moved by: Paplow, Bob<br/>         Seconded by: Demuth, Robert S.</p>  |  |
| 7.5 (D)   | <b>Township Road Allocation</b><br><u>Attachment:</u><br>2024 proposed township road allocations |
| <p>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:</p> <ol style="list-style-type: none"> <li>1.) Levy</li> <li>2.) Population</li> <li>3.) Road mileage</li> </ol> |  |
| <p><b><u>VOTING</u></b><br/>         It was duly passed to approve the 2024 township road allocations as presented.<br/>         Moved by: Dybeveck, Chris<br/>         Seconded by: Metz, Gene</p>   |  |
| 7.6 (A)   | <b>Proclamation of Excess Property</b>   |
| <p>Excess county property needs to be acknowledged and acted upon by the Board of Commissioners prior to it being sold. The Sheriff Department recently were able to acquire leased vehicles for their fleet. This will now allow the Sheriff Department to sell some their obsolete vehicles.</p> <ul style="list-style-type: none"> <li>• Unit 1731 – 2017 Ford F Series Pickup VIN# 1FTEW1EG0HKD12450</li> <li>• Unit 1735 – 2017 Chevrolet Tahoe SUV VIN# 1GNSKBKXHR255047</li> <li>• Unit 1736 – 2017 Ford Explorer SUV VIN# 1FM5K8AROHGC56889</li> <li>• Unit 1826 – 2018 Chevrolet Tahoe SUV VIN# 1GNSKDEC7JR280257</li> <li>• Unit 1928 – 2019 Chevrolet Tahoe SUV VIN# 1GNSKDEC3KR344960</li> </ul>  |  |
| <p><b><u>VOTING</u></b><br/>         It was duly passed to approve proclaiming Unit 1731, 1735, 1736, 1826, 1928 as excess property.<br/>         Moved by: Paplow, Bob<br/>         Seconded by: Demuth, Robert S.</p>   |  |
| 7.6 (B)   | <b>Jail Intercom System Maintenance Contract</b><br><u>Attachment:</u><br>ABBA Logic Quote       |
| <p>Nobles County replaced the intercom system in the jail, with a significant cost to the county. The system needs to be maintained, updated and serviced periodically. Currently there is no maintenance agreement in place for the new intercom. There has been some significant issues with the new system including, amplifiers going out. The current Amps are being replaced and are under warranty. The back fee to get back on the program is \$3149.00 plus 1 more year of tech support at \$3149.00 for a total of \$6298.00 Going forward the annual cost for the maintenance will be \$3149.00 per year. A quote from Abba Logic LLC was included.</p>  |  |
| <p><b><u>VOTING</u></b><br/>         It was duly passed to approve the maintenance agreement with ABBA Logic as presented.</p>  |  |

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| <p>Moved by: Metz, Gene<br/>         Seconded by: Paplow, Bob</p>   |  |
| 7.7 (A)   | <p><b>Human Resource Director Reclassification</b><br/> <u>Attachment:</u><br/>         Job Description</p>  |
| <p>Bruce Heitkamp, County Administrator requested the Human Resource Director job descriptions be reclassified. Sue Luing Human Resource Director will be retiring on May 31, 2024. Before posting this vacancy Mr. Heitkamp wanted to lower the experience slightly in an attempt to get more qualified applicants. It was sent to George Gmach for pointing. The job points were lowered from</p>   |  |
| <p><b><u>VOTING</u></b><br/>         It was duly passed to approve the changes to the Human Resource Director job description as presented.<br/>         Moved by: Paplow, Bob<br/>         Seconded by: Ahlers, Justin</p>   |  |
| 7.7 (B)   | <p><b>Article 14-COVID-19 Public Health Emergency Policy and Article 15-COVID Preparedness Plan</b><br/> <u>Attachment:</u><br/>         Article 14<br/>         Article 15</p>                            |
| <p>On May 23, 2023, the county board rescinded resolution 202152 Emergency Paid Sick Leave and all union MOU's effective June 1, 2023. This action was taken due to the expiration of the federal public health emergency for COVID 19. At that same time Administrative Policies Article 14 and Article 15 that also pertained to COVID should have been deleted as well.</p>  |  |
| <p><b><u>VOTING</u></b><br/>         It was duly passed to delete Administrative Policies Article 14 and Article 15.<br/>         Moved by: Paplow, Bob<br/>         Seconded by: Metz, Gene</p>  |  |
| <p><b>8.0 Administration Presentation</b></p>   |  |
| 8.1   | <p><b>2024 Boards, Committees &amp; Commissions – Citizen Appointments</b><br/> <u>Attachments:</u><br/>         Ahlschlager Application<br/>         Jonas Application<br/>         Reese Application</p> |
| <p>Citizen appointments to the various Boards, Committees, or Commissions are integral to Nobles County's Mission. There are current citizen public body openings. Three applications were received for consideration.</p>  |  |
| <p><b><u>VOTING</u></b><br/>         It was duly passed to appoint Melissa Ahlschlager to the Travel Southwest MN Board for a three-year term.<br/>         Moved by: Ahlers, Justin<br/>         Seconded by: Dybeveck, Chris</p> <p>It was duly passed to appoint Marcia Jonas to the Developmental Achievement Board for a three-year term.<br/>         Moved by: Demuth, Robert S.<br/>         Seconded by: Metz, Gene</p> <p>It was duly passed to appoint Linda Reese to the Library Board for a three-year term.<br/>         Moved by: Paplow, Bob<br/>         Seconded by: Metz, Gene</p> |  |
| <p><b>9.0 Inter-Agency Reports / Announcements</b></p>  |  |
| 9.1   | <p>Committee and Board Reports</p>   |
| <p>Commissioner, District 2; Gene Metz: Reported on the ditch payout meetings.</p> <p>Commissioner, District 5; Chris Dybeveck: Reported on discussions with Library Board members regarding the proposed renovations.</p> <p>Administration; Bruce Heitkamp: Reported on building projects, Internship program the CEO program.</p>  |  |

Commissioner, District 4; Robert S. Demuth: No Report.

Commissioner, District 3; Bob Paplow: No Report.

Commissioner, District 1; Justin Ahlers: No Report.

Attorney, Braden Hoefert: Absent.

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| 9.2 | <b>Correspondence</b><br><b>Attachments:</b><br>Recruitment Memo |
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| 9.3 | <b>Calendar</b><br><b>Attachments:</b><br>February 2024 |
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**10.0 Other / Future Business**

**Board Meeting** – Tuesday February 20, 2024 9:00 a.m. Government Center Board Room, Worthington, MN

**Administration/Commissioner Holiday Party** – Monday February 26, 2024 6:00 p.m. 1015 Steak Co. Sibley, IA

**Work Session** – Wednesday February 28, 2024 8:30 a.m. Government Center Board Room, Worthington, MN

**11.0 Adjournment**

It was duly passed to adjourn the meeting at 10:12 a.m.

Moved by: Demuth, Robert S.

Seconded by: Paplow, Bob



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Nobles County Board Chair



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Nobles County Administrator