

OFFICIAL PROCEEDINGS OF THE
BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF NICOLLET
MAY 28, 2019

The Nicollet County Board of Commissioners met in regular session on Tuesday, May 28, 2019, at 9:00 a.m. Commissioners Denny Kemp, Marie Dranttel, Jack Kolars, Terry Morrow and John Luepke were present. Also present were County Attorney Michelle Zehnder Fischer, County Administrator Ryan Krosch and Human Resources Director Jamie Haefner.

Approval of Agenda

Motion by Commissioner Luepke and seconded by Commissioner Kolars to approve the agenda with the following addition: Fraud Prevention Investigation Program Grant. Motion carried with all voting in favor.

Introduction of New Employees - None

Consent Agenda

Motion by Commissioner Morrow and seconded by Commissioner Luepke to approve the consent agenda items as follows: May 14, 2019 Board Minutes; approval of bills; renewal of liquor/tobacco licenses; annual DNR Boat and Water Safety Grant; out of state travel request – Jody Fischenich, Health and Human Services; and end of probation for Eligibility Worker Erin Wachtel effective May 30, 2019. Motion carried with all voting in favor.

Public Appearances - None

Health and Human Services

Request for Nicollet County Commissioner Appointment to Substance Use Coalition

Health and Human Services Director Cassie Sassenberg requested the Board consider appointment of a Nicollet County Commissioner to the Substance Use Coalition. The Nicollet Alliance for Prevention against Alcohol, Tobacco and Other Drugs (NAPAA) was formed in April as a collaborative coalition between Nicollet County and community partners. The mission of this group is to come together as one community to educate, share knowledge, challenge our way of thinking, and prevent underage substance use. NAPAA is requesting the participation and formal appointment of a Nicollet County Commissioner. Motion by Commissioner Luepke and seconded by Commissioner Kolars to appoint Commissioner Terry Morrow to the NAPAA and Commissioner Denny Kemp as alternate. Motion carried with all voting in favor.

South Central Community Based Initiative Purchase of Service Agreement

Health and Human Services Director Sassenberg requested the Board consider approval of the South Central Community Based Initiative Purchase of Service Agreement. The South Central Community Based Initiative (SCCBI) is a Board with a

Joint Powers Agreement for the Counties of Blue Earth, Brown, Faribault, Martin, Freeborn, Le Sueur, Nicollet, Rice, Sibley, and Watonwan. This Board accepts and administers grants, enters into contracts, and has a hired Regional Mental Health Manager who is responsible for the overall administration of the SCCBI. In 2018, the Joint Powers Board was established as its own entity versus collaboration. This created the need for a new Joint Powers Board Agreement, new Bylaws, and now contracts with each County for the services provided, particularly the management of the Department of Human Services Mental Health Initiative Grant. Through this grant, the County receives reimbursement for case management services, community support program services, and flex funds in the amount of \$229,082 annually and funding for the Power Up Clubhouse in the amount of \$20,000 annually. Motion by Commissioner Morrow and seconded by Commissioner Dranttel to approve the South Central Community Based Initiative Purchase of Service Agreement. Motion carried with all voting in favor.

Renewal of Fraud Prevention Investigation Grant

Director Sassenberg requested approval of the Fraud Prevention Investigation (FPI) Grant. The County currently receives this grant to help fund the fraud investigator position. This grant, through the Minnesota Department of Human Services, is for two years starting July 1, 2019, and would provide \$80,000 in funding each year. Motion by Commissioner Luepke and seconded by Commissioner Morrow to approve the FPI Grant contract as presented with the Minnesota Department of Human Services. Motion carried with all voting in favor.

Property and Public Services

Establishment of Recycling Committee

Property and Public Services Director Mandy Landkamer requested the Board consider the establishment of a Nicollet County Recycling Committee. The Committee would consist of six residents and one commissioner and a commissioner alternate. The Committee would be tasked with completing identified goals and objectives to enhance existing recycling services and to provide educational opportunities for residents. Motion by Commissioner Kolars and seconded by Commissioner Morrow to establish a Recycling Committee consisting of six residents, one commissioner and one commissioner alternate. Motion carried with all voting in favor.

Motion by Commissioner Kolars and seconded by Commissioner Luepke to appoint Commissioner Morrow to the Nicollet County Recycling Committee and Commissioner Dranttel as the alternate. Motion carried with all voting in favor.

Consider Lower Minnesota West – One Watershed One Plan (1W1P) Planning Boundary Map and Resolution of Support

PPSD Director Landkamer requested the Board consider approval of the 1W1P Planning Boundary Map and Resolution of Support. 1W1P encourages shared services and information between local government units (LGUS) within the watershed to implement programs that improve water quality in an efficient manner that benefits the immediate watershed as well as the receiving watersheds downstream. 1W1P will also provide LGUs the ability to develop a cohesive, unified direction for long-term water planning identifying priority areas within the watershed through the expertise of the local

staff and officials. LGUs can work together to address water quality problems across jurisdictional boundaries to achieve greater watershed goals. The proposed planning boundary largely follows Planning Area 55 of the Board of Water and Soil Resources suggested planning boundary map (adopted by BWSR Board April 2014). The proposed planning boundary deviates from the suggested planning area to include Bevens and Silver Creek Watersheds up to the Carver County line in the northeast portion of the planning area. This is proposed to streamline the planning process and to avoid the complexities of including Sibley County, a non-metro County, in with the seven-County metro area. Motion by Commissioner Morrow and seconded by Commissioner Dranttel to approve the 1W1P Planning Boundary Map and adopt the Resolution of Support. Motion carried with all voting in favor.

Resolution to Support a Lower Minnesota River West Watershed
One Watershed, One Plan project

WHEREAS, the Minnesota Board of Soil and Water Resources has developed policies for coordination and development of comprehensive watershed management plans, also known as One Watershed, One Plan, consistent with Minnesota Statutes, Chapter 103B.801, Comprehensive Watershed Management Planning Program; and

WHEREAS, Minnesota Statutes, Chapter 103B.301, Comprehensive Local Water Management Act, authorizes Minnesota Counties to develop and implement a local water management plan; and

WHEREAS, Minnesota Statutes, Chapter 103D.401, Watershed Management Plan, authorizes Minnesota Watershed Districts to develop and implement a watershed management plan; and

WHEREAS, Minnesota Statutes, Chapter 103C.331, subdivision 11, Comprehensive Plan, authorizes Minnesota Soil and Water Conservation Districts to develop and implement a comprehensive plan; and

WHEREAS, the counties, soil and water conservation districts, and watershed districts within the Lower Minnesota River West Watershed, as delineated on the attached One Watershed, One Plan Planning Boundary Map, have interest in developing a comprehensive watershed management plan for this area, as required by Minnesota Statutes, Chapter 103B.801, subdivision 5, Timelines: administration, which requires the completion of a statewide transition to comprehensive watershed management plans by 2025.

NOW, THEREFORE, BE IT RESOLVED, that Nicollet County recognizes watershed-scale planning efforts consistent with Minnesota Statutes, Chapter 103B.801, also known as One Watershed, One Plan; and

BE IT FURTHER RESOLVED that Nicollet County is willing to collaborate with the counties, soil and water conservation districts, and watershed districts within the Lower Minnesota River West Watershed for watershed-scale planning efforts in the future; and

BE IT FURTHER RESOLVED that the Nicollet County supports an application to the Board of Water and Soil Resources for a planning grant to develop a comprehensive watershed management plan and anticipates entering into an agreement with the counties, soil and water conservation districts, and watershed districts within the Lower Minnesota River West Watershed, to collaborate on this effort, pending selection as a recipient of a planning grant.

Finance

Negative Drainage System Fund Balance Transfer

Finance Director Heather McCormick requested the Board consider a transfer from the General Fund to the Drainage Fund to cover a negative drainage system fund balance. On December 18, 2018, the Board approved a Negative Ditch Fund Balance Policy in order to comply with State Statute Section 103E.655 - Paying Drainage System Costs. With Fiscal year 2018 now being complete, the Board needs to temporarily transfer funds from the General Fund to cover the negative drainage system

cash balance of (\$765,116.30). The advancement will be repaid plus 4% interest as the funds become available in the individual ditch funds. Motion by Commissioner Dranttel and seconded by Commissioner Morrow to adopt the Resolution Approving the Transfer of Funds to Pay for a Negative Drainage System Fund Balance. Motion carried with all voting in favor.

**RESOLUTION APPROVING THE TRANSFER
 OF FUNDS TO PAY FOR A NEGATIVE
 DRAINAGE SYSTEM FUND BALANCE**

Whereas, MN Statute 103E.655 states the costs for a drainage project proceeding and construction must be paid from the drainage system account by drawing on the account; and

Whereas, MN Statute 103E.655 also states that if money is not available in the drainage system account on which the warrant is drawn, the board may, by unanimous resolution, transfer funds from any other drainage system account under its jurisdiction or from the county general revenue fund to the drainage system account. If the board transfers money from another account or fund to a drainage system account, the money plus interest must be reimbursed from the proceeds of the drainage system that received the transfer. The interest must be computed for the time the money is actually needed at the same rate per year charged on drainage liens and assessments; and

Whereas, the Nicollet County Ditch Fund has a negative balance as of 12/31/2018.

Whereas, Nicollet County adopted a Drainage System Fund Balance Policy on December 18, 2018.

Now, therefore, be it resolved that the Nicollet County Board of Commissioners approves the following transfer of funds from the General Fund to the Ditch Fund to cover a negative cash balance as of 12/31/2018:

County Ditches	
Ditch Inspector/Nathan	599.80
#3	(31,076.16)
#4A	(6,744.26)
#8A	(4,000.45)
#9 Improvement	(962.32)
#11	(4,023.05)
#12	(13,746.97)
#12 Lateral 1	(524.90)
#13A	(11,074.13)
#16A	5,988.66
#23	430.47
#24A	(13,054.92)
#27	(43.45)
#29A	190,504.69
#30A	4,690.81
#32A	5,699.14
#32A Lateral 1 B8	4,399.20
#33A	(12,088.36)
#35A	(7,003.15)
#38A	(113,892.79)
#39	(717.55)
#40A	(23,867.13)
#41	(75.08)
#46A Improvement	(10,784.58)
#47A	(2,823.06)

Nicollet County Board Meeting Minutes
 May 28, 2019

#48A	(3,001.13)
#49	4,523.86
#51A	3,392.74
#52	(1,817.54)
#53A	32,848.10
#58C	(4,620.95)
#59A	(2,752.14)
#61	7,899.97
#62A Improvement	591,642.63
#65	(83.54)
#70	947.34
#71	(4.57)
#72	(2,414.19)
#75	17,985.27
#76A	(70,063.88)
#77	(111,425.07)
#77 Lateral 1 B4	(15,308.26)
#77 Lateral 2	(46,238.91)
#77 Lateral 3	265.88
#78	(23,810.95)
#78 Lateral 2 B4	(16,533.52)
#79	(54,239.72)
#80	3,090.49
#81	3,188.39
#82	(1,004.68)
#83	(9,186.42)
#84	(2,028.52)
#85	(3,660.08)
#86A	(408,465.25)
#86A Lateral 1	(2,690.57)
#87	(1,848.88)
#88	(2,417.97)
#90	(428,378.36)
#91	1,181.77
#92	(1,513.17)
#94	(2,256.28)
#95	(10,950.08)
#96	348.92
#97	(262.98)
Judicial Ditches	
Joint JD 1A NS	(31,872.31)
JD 1A Lateral 2 NS	43.66
JD 6 NS	(3,138.98)
JD 12 NS	(101,477.16)
JD 13 NS	276.62
JD 14 NS	(3,496.11)
JD 15 NS	(17,853.08)
JD 16 NS	439.84
JD 1 SN	(5,043.35)
JD 1 Lateral 1 SN	(1,552.32)
JD 1 Lateral 1 3B SN	(1,200.44)

JD 3 SN	(620.86)
JD 5 SN	915.85
JD 6A SN	(6,712.89)
JD 6A LA SN	(1,754.49)
JD 14 SN	(3,240.14)
JD 20 SN	(125.12)
JD 7 SRN	5,231.90
JD 13 SRN	12,387.33
JD 13 LA SRN	(617.39)
JD 31 RSN	(1,855.07)
Total Ditches	(765,116.30)

Therefore, be it further resolved, that the transfer of said funds will be done in accordance with the Nicollet County Drainage System Fund Balance Policy.

Public Works

Consider Award of 2019 Bituminous Materials Contract (Asphalt Emulsions)

Public Works Director Seth Greenwood requested the Board consider award of the contract for the 2019 bituminous materials (Asphalt Emulsions). Bids were received on May 20, 2019, with two bids received. Bid results are as follows:

Bidder	Flint Hills Resources	Meigs Paving Asphalt & Emulsions
CRS – 2 Delivered to Nicollet County	\$445.00/Ton	\$433.49/Ton
Diluted CSS-1h (Fog Seal)	\$245.00/Ton	\$240.38/Ton
Demurrage	\$75.00/Hr	\$70.00/Hr

Public Works Director Greenwood is recommending awarding the bid for the CRS-2 and Diluted CSS-1h (Fog Seal) to the low bidder Meigs Paving Asphalt & Emulsions.

Motion by Commissioner Morrow and seconded by Commissioner Luepke to award the bid to and enter into a contract (contingent on contract language approval by the County Attorney) with the low bidder Meigs Paving Asphalt & Emulsions for CRS-2 in the amount of \$443.49/ton and CSS-1h in the amount of \$245.00/ton for the 2019 bituminous materials (asphalt emulsion). Motion carried with all voting in favor.

Consider Adoption of Americans with Disabilities Act (ADA) Transition Plan and Resolution

Public Works Director Greenwood requested the Board approve a resolution adopting Part 1 and Part 7 of the Mankato/North Mankato Area Planning Organization (MAPO) ADA Transition Plan and Inventory. The MAPO has been working on developing an ADA transition plan and inventory for public rights-of-way for over a year. Each member jurisdiction of the MAPO will have its own plan. On May 10, 2019, the MAPO Policy Board adopted the final ADA Transition Plan for the MAPO. MAPO is now asking each member jurisdiction to approve Part 1 of the ADA Transition Plan and also the part of the plan that is specific to the member jurisdiction. In this case it is Part

7 for Nicollet County. Motion by Commissioner Kolars and seconded by Commissioner Morrow to adopt the Resolution Adopting Part 1 and Part 7 of the Mankato/North Mankato Area Planning Organization ADA Transition Plan and Inventory for Public Rights-of-Way. Motion carried with all voting in favor.

RESOLUTION ADOPTING PART 1 AND PART 7
OF THE MANKATO/NORTH MANKATO AREA
PLANNING ORGANIZATION (MAPO) AMERICANS WITH
DISABILITIES ACT (ADA) TRANSITION PLAN AND INVENTORY
FOR PUBLIC RIGHTS-OF-WAY

WHEREAS, the Federal government enacted the Americans with Disabilities Act (ADA) of 1990 to prevent discrimination of individuals with disabilities relating to employment and access to public programs, services and facilities; and

WHEREAS, Title II of the ADA requires applicable public agencies who have responsibility or authority over streets, roads, or walkways to develop and adopt a Transition Plan which reports the findings of a Self-Evaluation process, identifies a Title II ADA Coordinator, describes a plan and schedule for the removal of accessibility barriers, and defines a grievance procedure for the public to submit grievances; and

WHEREAS, the Mankato/North Mankato Area Planning Organization (MAPO), under directive from the Federal Highway Administration (FHWA) and the Minnesota Department of Transportation (MnDOT), has initiated and partially funded the development of ADA Transition Plans for partner agencies included within its jurisdiction; and

WHEREAS, Nicollet County is committed to constructing pedestrian facilities designed in accordance with ADA Design Standards and Procedures defined in the Public Rights-of-Way Accessibility Guidelines (PROWAG), and the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Rights-of-Way developed by the Access Board; and

WHEREAS, Nicollet County is committed to constructing pedestrian facilities designed in accordance with ADA Design Standards and Procedures defined by the Minnesota Department of Transportation (MnDOT); and

WHEREAS, Nicollet County performed a Self-Evaluation of current services, policies, and practices, and the effects thereof, to identify and document barriers to ADA accessibility and needed modifications; and

WHEREAS, Nicollet County completed Part 7 of the MAPO ADA Transition Plan and Inventory for Public Rights-of-Way which reports the findings of the Self-Evaluation process, identifies a Title II ADA Coordinator, describes a plan and schedule for the removal of accessibility barriers, and defines a grievance procedure for the public to submit grievances; and

WHEREAS, Nicollet County provided an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the Self-Evaluation process and development of the ADA Transition Plan by submitting comments;

NOW, THEREFORE, BE IT RESOLVED that Nicollet County hereby adopts Part 1 – MAPO Partner Agency Requirements and Project Purpose concurrently with Part 7 Nicollet County ADA Transition Plan and Inventory of the over-arching MAPO ADA Transition Plan and Inventory for Public Rights-of-Way document.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the County will pursue the removal of barriers identified in the Self-Evaluation during reconstructions and as part of the capital improvements approved by the governing body provided said improvements are within the fiscal budgetary constraints of the jurisdiction.

At 9:40 a.m., the Chair recessed the County Board meeting to hold the Drainage Authority meeting. The meeting reconvened at 9:42 a.m.

Administration

All Season's Arena Joint Powers Board

Administrator Ryan Krosch presented a request from the All Season's Arena Joint Powers Board asking Nicollet County to become a member. As a member, Nicollet County would be responsible for 2.5% of the operating budget and future capital costs. This share is based on the total percentage of the ISD 77 population that lives in rural Nicollet County. At the May County Board Workshop, the Board discussed this request and if membership into this joint powers aligned with the County's mission statement. Motion by Commissioner Kolars and seconded by Commissioner Luepke to approve joining the All Season's Arena Joint Powers Board. Discussion by Board members followed. The motion failed by a vote of 1 to 4 with Commissioner Kolars voting in favor and Commissioner Luepke, Morrow, Dranttel, and Kemp voting not in favor.

Informational Items

Commissioner Committee Reports

The Commissioners reported on various past and future activities/meetings, including:

Commissioner Jack Kolars

- County Personnel, Board, Employee Picnic
- TDS Board
- MVAC Meeting
- Board Workshop
- Noted June 5th District 7th meeting in St. James

Commissioner Marie Dranttel

- Employee Picnic
- Project 33 meeting in St. Peter
- Board Workshop
- Joint Ditch meeting with Sibley
- Brown Nicollet CHB Conference call

Commissioner Terry Morrow

- Employee Picnic
- Board Workshop
- Project 33 Meeting with St. Peter
- Planting event in St. Peter
- Power Up Clubhouse event
- Memorial Day festivities in St. Peter

Commissioner John Luepke

- Employee Picnic
- Board Workshop

- Memorial Day festivities in Lafayette

Chair's Report

- South Central EMS
- Discussion of ARMER system
- Thanked Commissioner Kolars for serving as chair of AMC District 7

Letter of Support Recommending Blue Earth County Commissioner Kip Bruender's Appointment to the Minnesota Counties Intergovernmental Trust (MCIT) Board

Commissioner Kemp requested consideration of a letter of support for Commissioner Kip Bruender of Blue Earth County to be appointed to the the MCIT Board. Motion by Commissioner Kemp and seconded by Commissioner Morrow to support a letter recommending Commissioner Kip Bruender of Blue Earth County be appointed as a member of the MCIT Board. Motion carried with all voting in favor.

Motion by Commissioner Kolars and seconded by Commissioner Luepke to approve the expenses and per diems for the meetings noted above during the Commissioner reports and/or listed on the Claims Listing, and authorize payment of those expenses and per diems by the Finance Office. Motion carried with all voting in favor.

Motion by Commissioner Morrow and seconded by Commissioner Luepke to adjourn the meeting. The meeting adjourned at 10:08 a.m.



DENNY KEMP, CHAIR
BOARD OF COMMISSIONERS

ATTEST:



RYAN KROSCH
CLERK TO THE BOARD