

OFFICIAL PROCEEDINGS OF THE
BOARD OF COUNTY COMMISSIONERS FOR
NICOLLET COUNTY, MINNESOTA
AUGUST 25, 2020

The Nicollet County Board of Commissioners met in regular session on Tuesday, August 25, 2020, at 9:00 a.m. Commissioners Denny Kemp, Jack Kolars, Marie Dranttel, Terry Morrow and John Luepke were present. Also present were County Administrator Ryan Krosch, County Attorney Michelle Zehnder Fischer and Recording Secretary Abigail Lewis.

The meeting was held via teleconference pursuant to Minnesota Statute 13D.021 due to the coronavirus pandemic. There were no public comments submitted by email or phone. No members of the public requested to participate in the meeting by phone. The meeting was recorded and broadcasted live online.

Approval of Agenda

Motion by Commissioner Morrow and seconded by Commissioner Kolars to approve the agenda with one agenda addition Master Service Agreement with BakerTilly. Motion carried with all voting in favor.

Consent Agenda

Motion by Commissioner Kemp and seconded by Commissioner Morrow to approve the consent agenda items as follows: approval of the August 11, 2020 Board Meeting minutes, end of probation: Michael Davis, effective September 3, 2020, approval of the Commissioner Warrants as presented for the following amounts: Revenue Fund - \$212,940.04, Road & Bridge Fund - \$26,689.33, Human Services Fund - \$116,502.09 and acknowledge review of the Auditor's Warrants. Motion carried with all voting in favor.

Public Appearances

Veleda Cordes, resident of Courtland, MN, appeared before the Board to address the County and Board in regards to the PLN20-11 Gun Club expansion. Ms. Cordes addressed her concerns in regards to Statute 97B.

Joe Michaletz, resident of North Mankato, appeared before the Board to counter Ms. Cordes' concerns by stating that Thor Nelson, a local conservation officer, measured the distance from shooting house to corral. Mr. Michaletz stated that the distance between the corral and range was 635 feet, which is more than the recommended 500 feet.

Brenda Golden, resident of New Ulm, MN, appeared before the Board to address the PLN20-11 Gun Club expansion. Ms. Golden raised a number of questions and concerns including whether this facility was public or private, if corporate events would be held and if military assault rifles would be allowed. Ms. Golden also inquired what corrective or preventative action will be in place for the possibility of a neglectful discharge.

David Sturing, resident of Courtland, MN, appeared before the Board to address the PLN20-11 Gun Club expansion. Mr. Sturing commented that the berm is 53 yards

from his property and requested that the possibility of relocating the pistol shooting range be considered, so as to not point in the direction of his home.

Property Services

Findings of Fact and Conditions for PLN20-11

County Attorney, Michelle Zehnder Fischer, appeared before the Board to request approval on the Findings of Fact and Conditions for PLN20-11, as per the motion from the July 28, 2020 Board meeting.

Attorney Zehnder Fischer read condition number 11 into record as it states, "The consumption of alcoholic beverages at the facility by shooting participants is prohibited both prior to, and while, the participants are engaging in shooting activities.

Motion by Commissioner Dranttel and seconded by Commissioner Kolars to approve condition number 11 as read, and presented. Motion carried on a 3-2 roll call vote. Commissioners Dranttel, Kolars and Morrow in favor and Commissioners Kemp and Luepke opposed.

Attorney Zehnder Fischer read condition number 30 into record as it states, "Firearms that are larger than .39 caliber are not permitted on the rifle range for commercial use, except for muzzleloader and black powder style firearms. The commercial use of tracer, armor-piercing, incendiary, steel-core, explosive, steel-jacketed, and accelerator ammunition is prohibited. Shotguns that are 10-gauge or smaller are allowed to be used at the facility.

Commissioner Morrow inquired about military assault rifles and Administrator Krosch provide clarification on semi-automatic vs. automatic. Commissioner Morrow inquired on what would happen in the event of a neglectful discharge and invited Mr. Michaletz back to the podium to provided clarity. Mr. Michaletz stated that he and his wife would do everything in their power to ensure this does not happen, but in the event that it does, a complaint would be filed and handled accordingly.

Motion by Commissioner Dranttel and seconded by Commissioner Kemp to approve condition number 30 as read, and presented. Motion carried with all voting in favor on a roll call vote.

At this time, Attorney Zehnder Fischer stated that the Board should now rule on the Findings for PLN20-11 as provided. Commissioner Morrow inquired about the township road use and Property Services Director confirmed that a satisfactory resolution on the township road must be reached between the owners and the township. The conditional use permit will not be issued until the road issue is resolved. Commissioner Morrow inquired about signage and safety of children on the township road and that confirmed that the township would be responsible for any signage.

The Board inquired about the location of the corral and the distance from the range. Director Landkamer confirmed that the measured distance was 635 feet. The Board invited Chief Deputy Karl Jensen to the podium to inquire about an additional corral. Chief Deputy Jensen stated that there is an additional corral on the property, but the distance from that corral to the range was not known to him.

Motion by Commissioner Dranttel and seconded by Commissioner Kolars to approve the Findings for PLN20-11 as provided. Motion carried on a 3-2 roll call vote. Commissioners Dranttel, Kolars and Morrow voting in favor and Commissioners Kemp and Luepke opposed.

Public Works

Consider MnDOT Detour Agreement 1044658

Public Works Director, Seth Greenwood, appeared before the Board to request approval on MnDOT's Detour Agreement 1044658 and resolution.

MnDOT is planning a pavement and culvert rehabilitation project on TH 99 from City of Nicollet to TH 169 in 2021. This project will require the use of a detour and will utilize portions CR 5 and 40. Included in the packet is a detour agreement for the use of CR 5 and 40 and MnDOT will reimburse the County for the anticipated pavement life consumed during the duration of the detour.

Motion by Commissioner Morrow and seconded by Commissioner Kemp to approve the MnDOT Detour Agreement 1044658. Motion carried with all voting in favor.

NICOLLET COUNTY

RESOLUTION

IT IS RESOLVED that Nicollet County enter into MnDOT Agreement No. 1044658 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County for the use of County State Aid Highway No. 5 and County State Aid Highway No. 40 as a detour route during the construction to be performed upon, along, and adjacent to Trunk Highway No. 99 from County State Aid Highway No. 42 to South Junction Trunk Highway under State Project No. 5206-31 (T.H. 99=007).

IT IS FURTHER RESOLVED that the _____ Board Chair
(Title)
and the _____ County Administrator
(Title)

are authorized to execute the Agreement and any amendments to the Agreement.

Consider MnDOT Lighting Agreement 1044568

Director Greenwood requested approval on MnDOT's Lighting Agreement 1044568 and resolution.

MnDOT is planning a pavement and culvert rehabilitation project on TH 88 in 2021 from the City of Nicollet to TH 169. Nicollet County, on past highway projects, have supported the installation of intersection lighting at the intersections of paved County roads with the trunk highway. Intersection lighting has been shown to provide safety benefits. CR 13, 17, and 40 are paved and intersect with TH 99. Included in the packet is the agreement that would provide intersection lighting at CR 17 and 40. Intersection lighting has already been provided at CR 13 as part of a past truck highway project.

As part of this agreement, MnDOT would be responsible for all costs associated with installation of the lighting system. Nicollet County would be responsible for all future maintenance and monthly electrical costs.

Motion by Commissioner Kolars and seconded by Commissioner Kemp to approve the MnDOT Lighting Agreement 1044568. Motion carried with all voting in favor.

NICOLLET COUNTY

RESOLUTION

IT IS RESOLVED that Nicollet County enter into MnDOT Agreement No. 1044568 with the State of Minnesota, Department of Transportation for the following purposes:

To provide ownership, operation, and maintenance of Lighting Systems on Trunk Highway (T.H.) No. 99 at County State Aid Highway No. 17 and No. 40. The contract construction is to be performed under State Project No. 5206-31 (T.H. 99).

IT IS FURTHER RESOLVED that the _____ **Board Chair**
(Title)

And the _____ **County Administrator**
(Title)

are authorized to execute the Agreement and any amendments to the Agreement.

At the request of the Board, Director Greenwood provided an update on various road projects within the County.

Break: 9:55 a.m.

Back 10:05 a.m.

Administration

Resolution Supporting the Southern MN RTCC to apply for Phase 2 Funding

County Administrator, Ryan Krosch, appeared before the Board to request approval on the Resolution Supporting the Southern MN RTCC to apply for Phase 2 Funding.

At the August Board Workshop SRF Consulting gave a presentation on the Regional Transportation Coordinating Council (RTCC) in southern Minnesota. The Mankato/North Mankato Area Planning Organization (MAPO) has hired SRF to complete a planning process to implement a RTCC in partnership with the Minnesota Department of Transportation. The RTCC will include representatives from transportation and human services providers as well as other social service organizations and agencies from across the eight-county south-central Minnesota region, comprised by Blue Earth, Brown, Faribault, Le Sueur, Martin, Nicollet, Waseca, and Watonwan counties. The purpose of the RTCC is to coordinate the provision of transportation services throughout this region.

Motion by Commissioner Kemp and seconded by Commissioner Morrow to approve the Resolution Supporting the Southern MN RTCC to apply for Phase 2 Funding. Motion carried on a 4-1 roll call vote. Commissioners Kemp, Morrow, Luepke and Kolars voting in favor and Commissioner Dranttel opposed.

**RESOLUTION SUPPORTING THE SOUTHERN MINNESOTA
RTCC TO APPLY FOR PHASE 2 IMPLEMENTATION FUNDING**

WHEREAS; the Minnesota Department of Transportation (MnDOT) Office of Transit and Active Transportation and the Minnesota Council On Access (MCOTA) seek to formalize and increase coordination between transportation providers that will result in better connections between providers, identification and elimination of

transportation service gaps, identification and elimination of system redundancies, and development of a more efficient system of transportation, and easier customer access to providers that meet their travel needs; and

WHEREAS; MnDOT is providing the financial and technical support for the creation of a statewide network of Regional Transportation Coordination Councils (RTCCs) throughout Greater Minnesota to meet those goals; and

WHEREAS; the Mankato/North Mankato Area planning Organization (MAPO) administered an RTCC Phase 1 planning grant and led the coordination of transportation stakeholders in South-Central Minnesota to create an Operational Implementation Plan for the Southern Minnesota RTCC; and

WHEREAS; Nicollet County is a transportation stakeholder in South-Central Minnesota that seeks to ensure an efficient and cost-effective transportation system that improves the mobility of "transportation-disadvantaged" individuals, such as older adults, individuals with disabilities, individuals with low incomes, and/or military veterans; and

WHEREAS; Nicollet County understands that the RTCC Phase 2 implementation effort will include (but not necessarily be limited to):

- Organizing the RTCC membership, board, and staff to implement the RTCC Work Plan tasks
- Implementing Work Plan tasks such as coordinating transportation services and resources; providing communication, training, and organizational support; and implementing mobility strategies.
- Working towards statewide coordination emphasis areas such as a Transportation Management Coordination Center (TMCC) and volunteer driver programs

NOW, THEREFORE, BE IT RESOLVED that Nicollet County supports the Southern Minnesota RTCC to apply for Phase 2 implementation funding from MnDOT; and

BE IT RESOLVED FURTHER that Nicollet County commits to working in good faith with the Southern Minnesota RTCC and other regional transportation stakeholders through the RTCC Phase 2 implementation effort, which will include providing staff time to assist the RTCC board and staff with input and feedback at critical decision-making stages.

Resolution Appointing the Nicollet County Recorder and Register of Titles

Administrator Krosch requested approval from the Board on the Resolution Appointing the Nicollet County Recorder and Register of Titles.

Minnesota Statute 375A.1205 provides a process for making certain elected county offices appointed. With the retirement and resignation of elected County Recorder Kathy Conlon, the Board approved a resolution on July 14 making the office of County Recorder and Registrar of Titles appointed. Under Minnesota Statute 375A.1205, a petition may be filed within 30 days of adoption of this resolution rescinding the Board's action. No such petition was filed.

Minnesota Statute 375A.1205 also states, "Duties of an elected official required by statute whose office is made appointive must be discharged by the county board of commissioners acting through a department head appointed by the board for that purpose. Reorganization, reallocation, delegation, or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute".

The requested resolution merges the duties of county recorder and registrar of titles into the Property & Public Services Department and appoints Property & Public Services Director Mandy Landkamer as the Nicollet County Recorder & Registrar of Titles.

Motion by Commissioner Kemp and seconded by Commissioner Kolars to approve the Resolution Appointing the Nicollet County Recorder and Register of Titles. Motion carried with all voting in favor on a roll call vote.

**RESOLUTION APPOINTING THE NICOLLET COUNTY RECORDER
AND REGISTRAR OF TITLES**

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WHEREAS, Minnesota Statute 382.01 states the office of county recorder shall be elected; and
WHEREAS, Minnesota Statute 375A.1205 provides a process for making certain county elected offices appointed; and

WHEREAS, the office of Nicollet County Recorder became vacant on June 27, 2020 due to the retirement of the incumbent elected County Recorder Kathy Conlon; and

WHEREAS, pursuant to Minnesota Statute 375A.1205, the Nicollet County Board of Commissioners approved a resolution on July 14, 2020 making the county recorder and registrar of titles an appointed position; and

WHEREAS, said resolution took effect 30 days after its adopted as no petition to rescind the resolution was filed pursuant to Minnesota Statute 375A.1205; and

WHEREAS, Minnesota Statute 375A.1205 states the duties of an elected official required by statute whose office is made appointive must be discharged by the county board of commissioners acting through a department head appointed by the board for that purpose. Reorganization, reallocation, delegation, or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

NOW, THEREFORE, BE IT RESOLVED, the Nicollet County Board of Commissioners hereby appoints Nicollet County Property and Public Services Director Mandy Landkamer as the Nicollet County Recorder and Registrar of Titles.

BE IT FURTHER RESOLVED, the statutory duties of the county recorder and registrar of titles shall be carried out and reorganized into the Nicollet County Property and Public Services Department.

Nicollet County CARES Business Assistance Grant Program

Administrator Krosch provided an update on the CARES Act funding the County has received through the State and requested approval on a resolution for the Nicollet County CARES Business Assistance Grant Program.

Nicollet County received over \$4.1million of Federal CARES Act funds to assist with the costs associated with responding to the COVID-19 pandemic. Business assistance grants are eligible expenditures of the Federal CARES Act funds under the US Treasury guidance. The Business Assistance Grant Program would provide grant assistance to eligible for-profit and non-profit businesses in Nicollet County that can demonstrate being financially impacted by the Covid-19 pandemic.

Motion by Commissioner Kemp and seconded by Commissioner Morrow to approve the resolution for Nicollet County's CARES Business Assistance Grant Programs. Motion carried with all voting in favor on a roll call vote.

RESOLUTION APPROVING NICOLLET COUNTY'S CARES ACT BUSINESS ASSISTANCE GRANT PROGRAM

WHEREAS, The Coronavirus Aid, Relief, and Economic Security (CARES) Act was passed by Congress and signed into law by President Trump on March 27th, 2020; and

WHEREAS, this over \$2 trillion economic relief package was established to provide economic and public health assistance to the American people impacted by the coronavirus (COVID-19) pandemic; and

WHEREAS, through the Coronavirus Relief Fund, the CARES Act provides \$150 billion of financial assistance for state, local and tribal governments who are navigating the impact of the COVID-19 pandemic; and

WHEREAS, The CARES Act requires that the payments from the Coronavirus Relief Fund only be used to cover expenses that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the state or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020 (December 1, 2020 for Minnesota); and

WHEREAS, Nicollet County received \$4,146,361 of CARES Act funds; and

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WHEREAS, on August 11, 2020 Nicollet County approved a CARES Act Funding Plan and Budget in accordance with guidance provided by the US Department of Treasury and Minnesota Office of Management and Budget; and

WHEREAS, US Treasury Guidance dated June 30, 2020 states that CARES Act Funds may be used for expenses associated with the provision of economic support in connection with the COVID-19 public health emergency including expenditures related to the provision of grants to small businesses; and

WHEREAS, US Treasury Coronavirus Relief Fund Frequently Asked Questions (FAQ) dated August 10, 2020 states CARES Act funds may be used to reimburse small business for costs caused by business interruption due to a required closure or stay at home order; and

WHEREAS, said FAQ further states that CARES Act funds may be used for economic support in the absence of a stay at home order if such expenditures are determined by the government to be necessary in response to the public health emergency; and

WHEREAS, Nicollet County businesses have experienced mandatory and voluntary business disruptions and less revenue due the public health emergency.

NOW, THEREFORE, BE IT RESOLVED, that the Nicollet County Board of Commissioners approves the attached Nicollet County CARES Act Funding program (Program):

Nicollet County CARES Act Business Assistance Grant Program

BE IT FURTHER RESOLVED, general administrative and policy changes may be made to this Program by the Nicollet County Finance Director or Nicollet County Administrator without Nicollet County Board approval as guidance, need and circumstances change.

BE IT FURTHER RESOLVED, after consultation with the Nicollet County Finance Director and the County's Program consultant, the Nicollet County Administrator is authorized to approve the final list of grant award recipients for this Program.

BE IT FURTHER RESOLVED, the Nicollet County Board of Commissioners has determined that expenditures for these Programs:

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the County budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act); and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020 (December 1, 2020 for Minnesota).

Administration Agenda Addition Master Services Agreement with BakerTilly

Administrator Krosch requested approval on the Master Services Agreement with BakerTilly, who would assist Nicollet County with the CARES Business Grant Program and other CARES Act funding services as needed.

Motion by Commissioner Kemp and seconded by Commissioner Morrow to approve the Master Services Agreement with BakerTilly and authorize Administrator Krosch to sign the agreement. Motion carried with all voting in favor on a roll call vote

Commissioner Committee Reports

The Commissioners reported on various meetings and activities including:

Commissioner Marie Dranttel

- Region 9 Meeting
- Drainage Meeting
- Board Workshop
- St. Peter Liaison Meeting
- Fresh Food Friday Distribution
- AMC CARES Act Webinar

Commissioner Terry Morrow

- Two Budget Meetings
- St. Peter Liaison Meeting
- #OurStPeter
- Fresh Food Friday Distribution

Commissioner Denny Kemp

- Statewide Communications Board Finance Meeting
- Workshop
- Shift Quarterly Meeting

Commissioner Jack Kolars

- Canvassing of Primary Vote
- MN Valley Action Council Meeting
- Greater Mankato Growth
- Traverse des Sioux

Chair's Report

- Two ISG Drainage Seminars
- Two Budget Meeting

Approve Per Diems and Expenses

Motion by Commissioner Kemp and seconded by Commissioner Dranttel to approve the expenses and per diems for the meetings noted above during the Commissioner Reports and/or as submitted on approved expense reports, and authorize payment of those expenses and per diems by the Finance Office. Motion carried with all voting in favor.

Adjourn

Motion by Commissioner Kemp and seconded by Commissioner Morrow to adjourn the meeting. Motion carried with all voting in favor. The meeting adjourned at 10:31 a.m.



JOHN LUEPKE, CHAIR
BOARD OF COMMISSIONERS

ATTEST:



RYAN KROSCH
CLERK TO THE BOARD