

Nicollet County Board of Commissioners Meeting



September 8, 2020

Nicollet County Government Center 501 South Minnesota Avenue, St. Peter, MN 56082

Commissioners – John Luepke, Chair; Jack Kolars; Terry Morrow; Marie Dranttel; Denny Kemp

NOTICE REGARDING NICOLLET COUNTY BOARD OF COMMISSIONERS MEETING AND DRAINAGE AUTHORITY MEETING

September 8, 2020

9:00 A.M.

**NICOLLET COUNTY GOVERNMENT CENTER BOARD ROOM
501 SOUTH MINNESOTA AVENUE
ST. PETER, MN**

Due to the COVID-19 (coronavirus) pandemic and resulting state and federal emergency declarations and guidance about limiting unnecessary person-to-person contact, the September 8, 2020 Nicollet County Board meeting and Drainage Authority meeting will be conducted under Minnesota Statute 13D.021 – Meetings by Telephone or Other Electronic Means. Some County Board and Drainage Authority members may possibly participate by telephone or other electronic means.

Due to the current health pandemic, only a limited number of persons will be allowed in the meeting room at one time. Persons in attendance must maintain proper social distancing at all times while in the building.

The meetings can also be viewed live at www.co.nicollet.mn.us/642/County-Board-Meeting-Videos. A copy of the meeting agenda and packet is available at www.co.nicollet.mn.us/AgendaCenter/Board-of-Commissioners-3.

Questions or comments regarding agenda items and viewing or listening to the meeting can be directed to Ryan Krosch, Nicollet County Administrator, at 507-934-7204 or rkrosch@co.nicollet.mn.us.

Vision Statement

Setting the standard for providing superior and efficient county government services through leadership, accountability and innovation to a growing and diverse society.

**Leadership. Efficiency. Accountability.
Innovation. Integrity.**

Mission Statement

Providing efficient services with innovation and accountability

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Commissioners – John Luepke, Chair; Jack Kolars; Terry Morrow; Marie Dranttel; Denny Kemp

- 9:00 a.m.** Call Board of Commissioners Meeting to Order: Chair Luepke
1. Flag Pledge
 2. Silence Your Cell Phones
 3. Approval of Agenda
- Consent Agenda
1. [Approval of August 25, 2020 Board Minutes](#)
 2. [End of Probation](#)
 3. Approval of Bills
- Public Appearances
- 9:05 a.m.** Health and Human Services
1. [COVID-19 Update](#)
 2. [CARES ACT: Community Resiliency Funding Program](#)
- 9:25 a.m.** Public Works
1. [Consider MnDOT Detour Agreement 1044820](#)
- 9:40 a.m.** Chair's Report
- Commissioner Committee Reports
- Commissioners Meetings & Conferences
- Approve Per Diems and Expenses
- Adjourn Board of Commissioners Meeting
- 9:45 a.m.** Break
- 10:00 a.m.** Call Drainage Authority Meeting to Order: Chair Luepke
- Drainage Authority Agenda Items
1. Consent Agenda
 - a. [Approval of August 25, 2020 Drainage Authority Minutes](#)
 2. [Public Hearing for Ditch Cleanings CD30A](#)
 3. [Continued Public Hearing for Ditch Cleanings on CD 24A](#)
 4. **This portion of the meeting is closed for attorney-client privilege pursuant to MN Statutes Chapter 13D to discuss litigation regarding the improvement project on Nicollet County Ditch 62A.**
 5. [County Ditch 62A Improvement Project and Litigation](#)
- Adjourn Drainage Authority Meeting

Continued...

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Commissioners – John Luepke, Chair; Jack Kolars; Terry Morrow; Marie Dranttel; Denny Kemp

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Notice of Scheduled Meetings

The following is a notice of scheduled meetings. Pursuant to Minnesota Statute 13D.04, this notice of meetings also serves as notice of regular and special meetings of the Nicollet County Board of Commissioners. Meetings with a quorum of Nicollet County Board of Commissioners expected to attend is noted with an asterisk (*).

NOTICE REGARDING NICOLLET COUNTY MEETINGS DURING THE COVID-19 PANDEMIC
Due to the COVID-19 (coronavirus) pandemic and resulting state and federal emergency declarations, these and future Nicollet County meetings will be conducted under Minnesota Statute 13D.021 – Meetings by Telephone or Other Electronic Means.

Questions or comments regarding any Nicollet County meeting and requests to participate in any meeting can be directed to Ryan Krosch, Nicollet County Administrator, at 507-934-7204 or rkrosch@co.nicollet.mn.us.

September 3 – Highway 169 Coalition Meeting

September 8 - County Board of Commissioners Meeting, 9 a.m., Nicollet County Government Center, Board Room, St. Peter*

September 8 – County Drainage Authority Meeting, 9 a.m., Nicollet County Government Center*

September 15 - Individual Department Head Meeting with Technologies, 8:15 a.m., Nicollet County Government Center, Board Room, St. Peter*

September 15 - County Board Workshop, 9:30 a.m., Nicollet County Government Center Board Room, St. Peter*

September 22 - County Board of Commissioners Meeting, 9 a.m., Nicollet County Government Center, Board Room, St. Peter*

September 22 – County Drainage Authority Meeting, 9 a.m., Nicollet County Government Center*

October 1 - Highway 169 Coalition Meeting

October 5 – Mankato Rehabilitation Center Meeting

October 13 - County Board of Commissioners Meeting, 9 a.m., Nicollet County Government Center, Board Room, St. Peter*

October 13 - County Drainage Authority Meeting, 9 a.m., Nicollet County Government Center*

October 20 – Road Tour, 9:30 a.m., Nicollet County

October 21 – St. Peter Liaison Meeting, Conference Call, 10:30 a.m.

October 27 - County Board of Commissioners Meeting, 9 a.m., Nicollet County Government Center, Board Room, St. Peter*

October 27 - County Drainage Authority Meeting, 9 a.m., Nicollet County Government Center*

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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 provide 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

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

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

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item:						
End of Probations						
Primary Originating Division/Dept.: Human Resources Contact: Jamie Haefner Title: Human Res. Dir. Amount of Time Requested minutes Presenter: Jamie Haefner Title: Human Res. Dir.	Meeting Date: 9/8/2020 Item Type: Consent Agenda (Select One)					
Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No						
County Strategy: Facilities and Space - preserve, maintain and build our assets (Select One)						
BACKGROUND/JUSTIFICATION: Health and Human Services Sheriff Dave Lange has requested the end of probation for Courtney Otto, Correctional Officer, effective September 6, 2020.						
Supporting Documents: <input type="radio"/> Attached <input checked="" type="radio"/> In Signature Folder <input type="radio"/> None						
Prior Board Action Taken on this Agenda Item: <input checked="" type="radio"/> Yes <input type="radio"/> No If "yes", when? (provide year; mm/dd/yy if known)						
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A						
ACTION REQUESTED: Grant end of probationary status						
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> FISCAL IMPACT: Other (Select One) If "Other", specify </td> <td style="width: 50%; vertical-align: top;"> FUNDING County Dollars = Grant (Select One) </td> </tr> <tr> <td style="vertical-align: top;"> FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments: </td> <td style="vertical-align: top;"> Total </td> </tr> </table>			FISCAL IMPACT: Other (Select One) If "Other", specify	FUNDING County Dollars = Grant (Select One)	FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:	Total
FISCAL IMPACT: Other (Select One) If "Other", specify	FUNDING County Dollars = Grant (Select One)					
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:	Total					

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item: COVID-19 Update	
Primary Originating Division/Dept.: Health and Human Services	Meeting Date: 09/08/2020
Contact: Cassandra Sassenberg Title: HHS Director	Item Type: Regular Agenda (Select One)
Amount of Time Requested 10 minutes	
Presenter: C. Sassenberg Title: HHS Director	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
County Strategy: Programs and Services - deliver value-added quality services (Select One)	
BACKGROUND/JUSTIFICATION: The Health and Human Services Director will provide an update on COVID-19 related topics including statistics, response, and use of CARES funding.	
Supporting Documents: <input type="radio"/> Attached <input type="radio"/> In Signature Folder <input checked="" type="radio"/> None	
Prior Board Action Taken on this Agenda Item: <input type="radio"/> Yes <input checked="" type="radio"/> No	
If "yes", when? (provide year; mm/dd/yy if known)	
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A	
ACTION REQUESTED:	
FISCAL IMPACT: No fiscal impact (Select One) If "Other", specify	FUNDING County Dollars = Other (Select One)
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:	Total

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item:		
CARES ACT: Community Resiliency Funding Program		
Primary Originating Division/Dept.: Health and Human Services	Meeting Date: 09/08/2020	
Contact: Cassandra Sassenberg Title: HHS Director	Item Type: Regular Agenda (Select One)	
Amount of Time Requested 10 minutes		
Presenter: C. Sassenberg Title: HHS Director	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No	
County Strategy: Programs and Services - deliver value-added quality services (Select One)		
BACKGROUND/JUSTIFICATION: The Health and Human Services Director will provide an overview of a proposed CARES program to help meet the COVID-19 related needs of mental health and housing organizations either located in Nicollet County or contractually serving Nicollet County residents with the goal of promoting resiliency in these organizations and those they serve.		
Supporting Documents: <input type="radio"/> Attached <input type="radio"/> In Signature Folder <input checked="" type="radio"/> None		
Prior Board Action Taken on this Agenda Item: <input type="radio"/> Yes <input checked="" type="radio"/> No		
If "yes", when? (provide year; mm/dd/yy if known)		
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A		
ACTION REQUESTED:		
Approval of the CARES Community Resiliency Funding Program		
FISCAL IMPACT: Other (Select One) If "Other", specify	FUNDING County Dollars = Other CARES Act Funding (Select One)	
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:	Total	

Nicollet County CARES Community Resiliency Funding

Purpose: CARES funding will be used to meet the COVID-19 related needs of mental health and housing organizations either located in Nicollet County or contractually serving Nicollet County residents to promote resiliency in these organizations and those they serve.

Effective: Proposals/statements of need are due on October 15, 2020

I. ELIGIBILITY FACTORS

To be eligible, applicant must apply and must meet all of the following conditions:

- Applicants must be located in Nicollet County or be contractually serving Nicollet County residents
- Applicants must provide services specific to mental health, chemical dependency, or housing
- Applicants must have expenditures that are reasonably necessary as a result of COVID-19 and a cost substantially more than would be typically expended.

II. DETERMINING THE AMOUNT OF NICOLLET COUNTY CHILD CARE ASSISTANCE PAYMENT

- Proposals will be reviewed by the Nicollet County Administrator and Health and Human Services Director. Allocations will be determined based on need.

IV. Preliminary List of Identified Community Partners

- Counseling Services of Southern Minnesota (contracted service)
- Sioux Trails Mental Health Center
- New Beginnings Chemical Dependency Treatment
- Leo Hoffmann Center
- Mankato Chemical Health
- St. Peter Psychology Clinic
- Southwest Minnesota Housing Partnership
- Partners for Affordable Housing
- Minnesota Valley Action Council
- MRCI (contracted service)
- Lutheran Social Services (contracted service)



RESOLUTION APPROVING NICOLLET COUNTY'S CARES ACT COMMUNITY RESILIENCY FUNDING 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

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 of actions to facilitate compliance with COVID-19-related public health measures, expenses for acquisition and distribution of medical and protective supplies and expenses for public safety measures undertaken in response to COVID-19; and

WHEREAS, US Treasury Coronavirus Relief Fund Frequently Asked Questions dated July 8, 2020 states Cares Act funds may be used for consumer grant programs to prevent eviction and homelessness and may be used to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 pandemic.

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

- Nicollet County CARES Community Resiliency Funding Program

BE IT FURTHER RESOLVED, general administrative and policy changes may be made to these Programs by the Nicollet County Health & Human Services Director or Nicollet County Administrator without Nicollet County Board approval as guidance, need and circumstances change.

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

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); and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020 (December 1, 2020 for Minnesota).

Approved by the Board of Commissioners of Nicollet County, Minnesota this 8th day of September, 2020.

John Luepke, Nicollet County Board Chair

Attest:

Ryan Krosch, County Administrator
Clerk to the County Board

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item: Consider MNDOT Detour Agreement #1044820	
Primary Originating Division/Dept.: Public Works/Highway Contact: Seth Greenwood, P.E. Title: PWD/Co. Eng. Amount of Time Requested 10 minutes Presenter: Seth Greenwood, P.E. Title: PWD/Co. Eng.	Meeting Date: 09/08/2020 Item Type: Regular Agenda <small>(Select One)</small> Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
County Strategy: Facilities and Space - preserve, maintain and build our assets. <small>(Select One)</small>	
BACKGROUND/JUSTIFICATION: MNDOT need to make several repairs to TH 68 due to prior storm damage. The repair work will necessitate the closure of TH 68 and signing of a detour. MNDOT is requesting to utilize CSAH 24 and CSAH 37. The estimated length of time the detour will be needed is 45 days. Compensation for the use of CSAH 24 & 37 is \$1,034.21. MnDOT is planning on starting the repair work in September 2020.	
Supporting Documents: <input checked="" type="radio"/> Attached <input type="radio"/> In Signature Folder <input type="radio"/> None	
Prior Board Action Taken on this Agenda Item: <input checked="" type="radio"/> Yes <input type="radio"/> No If "yes", when? (provide year; mm/dd/yy if known)	
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A	
ACTION REQUESTED: Approve MNDOT Detour Agreement #1044820 and resolution.	
FISCAL IMPACT: Other <small>(Select One)</small> If "Other", specify	FUNDING County Dollars = Grant <small>(Select One)</small> Total
FTE IMPACT: No FTE change <small>(Select One)</small> If "Increase or "Decrease" specify: Related Financial/FTE Comments:	

**STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
AND
NICOLLET COUNTY
DETOUR AGREEMENT
FOR THE TRUNK HIGHWAY NO. 68 DETOUR**

State Project Number (S.P.):	<u>0710-120</u>	Original Amount Encumbered
Trunk Highway Number (T.H.):	<u>68=083</u>	<u>\$1,034.21</u>

This Agreement is between the State of Minnesota, acting through its Commissioner of Transportation ("State") and Nicollet County acting through its Board of Commissioners ("County").

Recitals

1. The State is about to perform slope and drainage repairs construction upon, along, and adjacent to Trunk Highway No. 68 from Township Road T-145 to County State Aid Highway (C.S.A.H.) No. 45 under State Project No. 0710-120 (T.H. 68=083); and
2. The State requires a detour to carry Trunk Highway No. 68 traffic on County State Aid Highway No. 37 and No. 24 during the construction; and
3. The State is willing to reimburse the County for the road life consumed by the detour as hereinafter set forth; and
4. Minnesota Statutes § 471.59, subdivision 10, § 161.25, and § 161.20, subdivision 2(b), authorize the parties to enter into this Agreement.

Agreement

1. Term of Agreement

- 1.1. **Effective Date.** This Agreement will be effective on the date the State obtains all signatures required by Minnesota Statutes § 16C.05, subdivision 2.
- 1.2. **Expiration Date.** This Agreement will expire when the State removes all detour signs, returns the temporary Trunk Highway detour to the County, and pays for the detour compensation.

2. Agreement Between the Parties

2.1. Detour.

- A. Location.** The State will establish the T.H. 68 detour route on the following County Roads as detailed in the Project Plans or Special Provisions:
C.S.A.H. No. 37 and No. 24 for a total distance of 1.6 miles.
- B. Modification of the Detour Route.** The State may modify the detour route or may add additional roadways to the official detour during construction. The State will request concurrence from the County for changes to the detour route. If such change increases the States total payment amount over the maximum obligation in Article 3.2, the Agreement will be amended.
- C. Axle Loads and Over-Dimension Loads.** The County will permit 10-Ton axle loads on the detour route. Over-dimension loads will not be permitted except in cases of extreme emergency.

- D. **Traffic Control Devices.** The State may install, maintain, and remove any traffic control devices it considers necessary to properly control the detoured traffic. The State may paint roadway markings, such as the centerline, edge lines, and necessary messages.
- E. **Detour Maintenance.** The State will perform any necessary bituminous patching and ordinary maintenance on the roadway or shoulder of the County roads used for the detour, at no cost or expense to the County. Bituminous patching is defined as any work, including continuous full width overlays, less than 100 feet in length. All State expenditures beyond those required for bituminous patching and ordinary maintenance will be credited against the road life consumed reimbursement due the County.
- F. **Duration.** The State will provide the County with advance notice identifying the dates the State intends to place and remove the detour signing.

2.2. **Basis of State Cost (Road Life Consumed).** The State will reimburse the County for the road life consumed by the detour using the following methods, as set forth in the Detour Management Study Final Report dated January 1991, and updated by MnDOT's Policy on Cost Participation for Cooperative Construction Projects and Maintenance Responsibilities between MnDOT and Local Units of Government.

- A. The "Gas Tax Method" formula, multiplies the Combined Tax Factor per mile times the Average Daily Traffic ("ADT") count of vehicles diverted from the Trunk Highway times the county roads length in miles times the duration of the detour in days to determine the State's cost for the road life consumed by the detour. If an ADT changes, the parties will amend the Agreement.
- B. The County may, at its option, perform an "Equivalent Overlay Method" analysis. A State-approved firm, at no cost or expense to the State, must perform the testing and analysis. The County will keep records and accounts to verify any claim it might bring against the State for additional costs using the "Equivalent Overlay Method".

3. Payment

3.1. **For Road Life Consumed.** \$1,034.21 is the State's estimated cost for the road life consumed by the detour based on the data below:

<u>Tax Factor</u>	<u>ADT</u>	<u>Road Length (Miles)</u>	<u>Duration (Days)</u>	<u>Cost</u>
0.00513	2,800	1.6	45	\$1,034.21
Road Life Consumed Amount:				<u>\$1,034.21</u>

The State's total payment for the road life consumed by the detour is equal to the amount computed by using the "Gas Tax Method" formula plus any amount determined by using the "Equivalent Overlay Method" analysis that is in excess of twice the "Gas Tax Method" amount.

- 3.2. **Maximum Obligation.** \$2,100.00 is the maximum obligation of the State under this Agreement and must not be exceeded unless the maximum obligation is increased by execution of an amendment to this Agreement.
- 3.3. **Conditions of Payment.** The State will pay the County the State's total road life consumed payment amount after performing the following conditions.
 - A. Execution of this Agreement and the County's receipt of the executed Agreement.
 - B. State's encumbrance of the State's total payment amount.

- C. State's removal of all detour signs.
- D. State notifies the County of the removal of the detour signs, and the number of days the detour was in effect.
- E. State's receipt of a written request from the County for payment.

4. Release of Road Restoration Obligations

By accepting the State's road life consumed payment plan and total payment amount, the County releases the State of its obligation, under Minnesota Statutes § 161.25, to restore the County roads used as a T.H. 68 detour to as good of condition as they were before designation as temporary trunk highways.

5. Authorized Representatives

Each party's Authorized Representative is responsible for administering this Agreement and is authorized to give and receive any notice or demand required or permitted by this Agreement.

5.1. The State's Authorized Representative will be:

Name, Title: Susan Museus, Contract Administrator (or successor)
 Address: 2151 Bassett Drive, Mankato, MN 56001
 Telephone: 507-304-6202
 E-Mail: Susan.Museus@state.mn.us

5.2. The County's Authorized Representative will be:

Name, Title: Seth Greenwood, Public Works Director (or successor)
 Address: 1700 Sunrise Drive, St. Peter, MN 56082
 Telephone: 507-931-56082
 E-Mail: sgreenwood@co.nicollet.mn.us

6. Assignment; Amendments; Waiver; Contract Complete

- 6.1. **Assignment.** No party may assign or transfer any rights or obligations under this Agreement without the prior consent of the other party and a written assignment agreement, executed and approved by the same parties who executed and approved this Agreement, or their successors in office.
- 6.2. **Amendments.** Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Agreement, or their successors in office.
- 6.3. **Waiver.** If a party fails to enforce any provision of this Agreement, that failure does not waive the provision or the party's right to subsequently enforce it.
- 6.4. **Contract Complete.** This Agreement contains all prior negotiations and agreements between the State and the County. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

7. Liability

The County and State will be responsible for their own acts and omissions, to the extent authorized by law. Minnesota Statutes § 3.736 governs the State's liability. Minnesota Statutes, Chapter 466 governs the liability of the County.

8. State Audits

Under Minnesota Statutes § 16C.05, subdivision 5, the County's books, records, documents, and accounting procedures and practices relevant to this Agreement are subject to examination by the State and the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Agreement.

9. Government Data Practices

The County and State must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by the State under this Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the County under this Agreement. The civil remedies of Minnesota Statutes § 13.08 apply to the release of the data referred to in this clause by either the County or the State.

10. Governing Law; Jurisdiction; Venue

Minnesota law governs the validity, interpretation, and enforcement of this Agreement. Venue for all legal proceedings arising out of this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

11. Termination; Suspension

11.1. *By Mutual Agreement.* This Agreement may be terminated by mutual agreement of the parties or by the State for insufficient funding as described below.

11.2. *Termination for Insufficient Funding.* The State may immediately terminate this Agreement if it does not obtain funding from the Minnesota Legislature, or other funding source; or if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the County. The State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the County will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if this Agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds.

11.3. *Suspension.* In the event of a total or partial government shutdown, the State may suspend this Agreement and all work, activities, performance, and payments authorized through this Agreement. Any work performed during a period of suspension will be considered unauthorized work and will be undertaken at the risk of non-payment.

12. Force Majeure

No party will be responsible to the other for a failure to perform under this Agreement (or a delay in performance), if such failure or delay is due to a force majeure event. A force majeure event is an event beyond a party's reasonable control, including but not limited to, unusually severe weather, fire, floods, other acts of God, labor disputes, acts of war or terrorism, or public health emergencies.

[The remainder of this page has been intentionally left blank]

STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minnesota Statutes § 16A.15 and 16C.05.

Signed: _____

Date: _____

SWIFT Purchase Order: _____

NICOLLET COUNTY

The undersigned certify that they have lawfully executed this contract on behalf of the Governmental Unit as required by applicable charter provisions, resolutions, or ordinances.

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

DEPARTMENT OF TRANSPORTATION

Approved:

By: _____
(District Engineer)

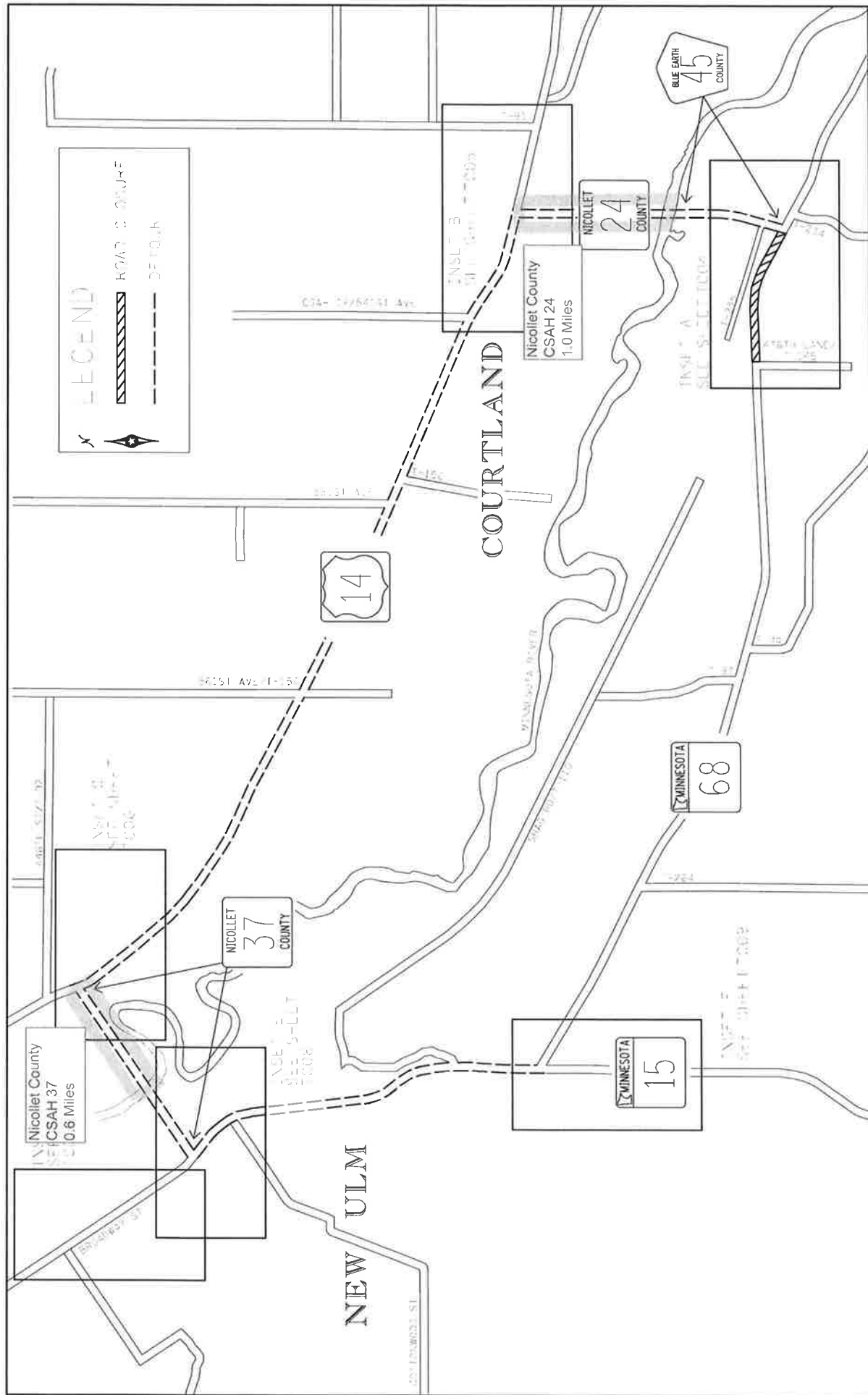
Date: _____

COMMISSIONER OF ADMINISTRATION

By: _____
(With Delegated Authority)

Date: _____

INCLUDE COPY OF THE RESOLUTION APPROVING THE AGREEMENT AND AUTHORIZING ITS EXECUTION.



NICOLLET COUNTY

RESOLUTION

IT IS RESOLVED that Nicollet County enter into MnDOT Agreement No. 1044820 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. 37 and No. 24 as a detour route during the construction to be performed upon, along, and adjacent to Trunk Highway No. 68 from Township Road T-145 to County State Aid Highway No. 45 under State Project No. 0710-120 (T.H. 68=083).

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.

CERTIFICATION

I certify that the above Resolution is an accurate copy of the Resolution adopted by the Board of Commissioners of Nicollet County at an authorized meeting held on the 8th day of September, 2020, as shown by the minutes of the meeting in my possession.

Subscribed and sworn to me this _____
_____ day of _____, 2020

Notary Public _____

My Commission Expires _____

(Signature)

Ryan Krosch
(Type or Print Name)

County Administrator
(Title)

OFFICIAL PROCEEDINGS OF THE
NICOLLET COUNTY DRAINAGE AUTHORITY
August 25, 2020

The Nicollet County Drainage Authority met in regular session on Tuesday, August 25, 2020 at 10:39 a.m. with Chair John Luepke presiding. Commissioners Marie Dranttel, Terry Morrow, Jack Kolars, Denny Kemp and John Luepke were present. Also present were County Administrator Ryan Krosch, Recording Secretary Abigail Lewis and County Attorney Michelle Zehnder Fischer.

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 broadcast live online.

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 Drainage Authority minutes. Motion carried with all voting in favor.

Set Public Hearing Date for Ditch Cleaning

Public Services Manager, Jaci Kopet, appeared before the Board to request a public hearing date be set for September 8, 2020 at 10:00 a.m. for the cleaning of CD30A.

Motion by Commissioner Kolars and seconded by Commissioner Kemp to set the public hearing date of September 8, 2020 at 10:00 a.m. for the requested cleaning of CD30A. Motion carried with all voting in favor.

Public Hearing for Ditch Cleanings on CD16A, CD24A and CD48A

Chair Luepke opened the public hearing for ditch cleanings on CD 16A, CD 24A and CD48A. Manager Kopet provided opening comments.

- a. Notices were mailed to all landowners of each ditch on August 10, 2020
- b. Posting and Publishing was not required by statute for this hearing.

Manager Kopet invited Ditch Inspector, Nate Henry, to the podium to present each ditch-cleaning request separately. Nate Henry provided background on the request to clean CD16A. At 10:42 a.m., Chair Luepke opened the public comment portion of the meeting. Chair Luepke called three times for comment and with no public comment, Chair Luepke closed the public comment portion for CD16A.

Motion by Commissioner Kolars and seconded by Commissioner Morrow to approve the cleaning of CD16A. Motion carried with all voting in favor.

Inspector Henry provided background information on the request to clean CD24A. At 10:45 a.m., Chair Luepke opened the public comment portion of the meeting.

Steve Michels, a landowner along CD24A, appeared before the Board to represent multiple landowners along CD24A. The consensus of the group Mr. Michels was representing was that a cleaning of CD24A is not necessary. Mr. Michels proposed a partial cleaning in which the two main wash out areas be cleaned and fixed.

Manager Kopet received a letter from Nate Johnson, a landowner along CD24A, which she read into record.

Steve Burnett, a landowner along CD24A, appeared before the Board to provide his support for the cleaning of the entire ditch. Mr. Burnett was the individual who requested the ditch cleaning and addressed the concerns he has in regards to CD24A.

At 10:50 a.m., Chair Luepke closed the public comment portion of the meeting. The Board had discussion on whether culvert repair, complete ditch cleaning or a partial ditch cleaning would be the best and most cost effective option for all landowners.

Attorney Zehnder Fischer provided recommendation that the Board direct staff to articulate the cost on paper of the three ditch cleaning options presented and delay a final decision until September 22, 2020.

Motion by Commissioner Kemp and seconded by Commissioner Morrow to continue the Public Hearing for CD24 on Tuesday, September 8 at 10:15 a.m. Motion carried with all voting in favor.

Inspector Henry provided background information on the request to clean CD48A. It was recommended by Attorney Zehnder Fischer that this public hearing be continued at a later date to allow for proper noticing and documentation in regards to the re-establishment of CD48A that has been recommended.

With the additional information provided to the Board it was the consensus of the Board to allow any landowners present to approach the Board with their comments prior to continuing the hearing at a later date.

Gean Dorn, a landowner along CD48A, provided an overview on the issues resulting in a need for this requested ditch cleaning. Mr. Dorn was inclined to have the meeting continue on Tuesday, September 22, 2020.

Motion by Commissioner Morrow and seconded by Commissioner Kemp to continue the Public Hearing for CD48A on Tuesday, September 22 at 10:00 am. Motion carried with all voting in favor.

Closed Meeting

County Ditch 62A Improvement Project and Litigation

At 11:35 a.m., Chair Luepke moved to a closed session of the Drainage Authority, as permitted under Minnesota Statute §13D.05, Subdivision 3(b), to discuss litigation regarding the improvement project on Nicollet County Ditch 62A. Individuals attending the closed meeting were: Commissioners Denny Kemp, Marie Dranttel, Terry Morrow, John Luepke and Jack Kolars; County Administrator Ryan Krosch; County Attorney Michelle Zehnder Fischer; County Engineer Seth Greenwood; Ditch Inspector Nate Henry and Public Services Manager Jaci Kopet.

At 12:11 p.m., Chair Luepke called the Drainage Authority back to session.

Motion by Commissioner Morrow and seconded by Commissioner Kolars to adjourn the meeting. The meeting adjourned at 12:11 p.m.

JOHN LUEPKE, CHAIR
BOARD OF COMMISSIONERS

ATTEST:

RYAN KROSCH
CLERK TO THE BOARD

Nicollet County Drainage
Authority Meeting
Agenda Item



Agenda Item:

Public Hearing for Ditch Cleanings on CD30A

Primary Originating Division/Dept.: Public Services

Meeting Date: 09/08/2020

Contact: Jaci Kopet

Title: Public Services Manager

Item Type:
(Select One) Regular Agenda

Amount of Time Requested 15 minutes

Presenter: Jaci/Nate

Title: Public Services/Inspector

Attachments: ☒ Yes ☐ No

County Strategy:
(Select One) Facilities and Space - preserve, maintain and build our assets

BACKGROUND/JUSTIFICATION:

Attached are the petitions and maps of the areas that are proposed to be cleaned for CD 30A.

The public hearing will take place at 10:00 am to hear any concerns from land owners on the ditch systems

Supporting Documents: ☒ Attached ☐ In Signature Folder ☐ None

Prior Drainage Authority Action Taken on this Item: ☐ Yes ☒ No

If yes, when? (provide year; mm/dd/yy if known)

Approved by County Attorney's Office: ☐ Yes ☐ No ☒ N/A

ACTION REQUESTED:

Cleaning approvals

FISCAL IMPACT: Other
(Select One)

If "Other", specify

FUNDING

Drainage Authority Dollars =

Grant

(Select One)

FTE IMPACT: No FTE change
(Select One)

If "Increase or "Decrease" specify:

Related Financial/FTE Comments:

Total



Date: 8-13-2020

Repair Request

TO: Nicollet County Board of Commissioners

The undersigned represent and state:

1. That they are the owners of lands within the watershed of, and affected by Judicial/County

Ditch No. CD 30 A

2. That said ditch is in need of repairs as follows:

Clean the open ditch as shown on the
attached map.

3. This request is not intended to be a formal petition under Chapter 103E of Minnesota Statutes, but merely to furnish information as to repairs we believe to be needed.

4. We the undersigned do hereby consent to having the requested repairs done at any time convenient to the Nicollet County Drainage Authority.

WHEREFORE, your petitioners request that the said County Drainage Authority will investigate this matter and take such measures as they deem necessary to repair said ditch.

[Signature]
[Signature]
Warner Frost

[Signature]
[Signature]

I hereby recommend to the Nicollet County Board of Commissioners that a ditch

hearing be set.

Date: 8-24-2020

Signed: [Signature]

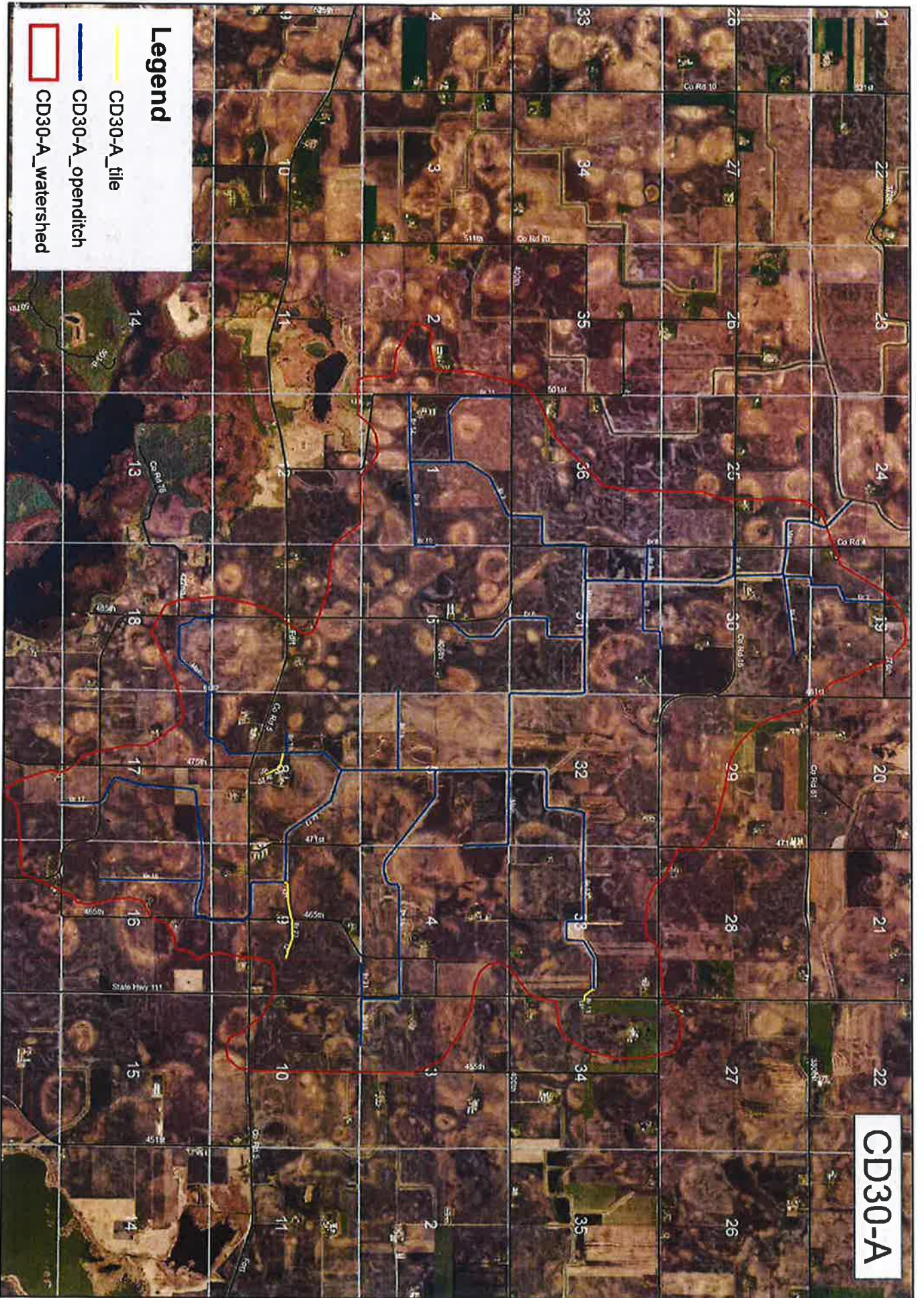
Nicollet County Ditch Inspector

Approved for Repairs by Nicollet County Drainage Authority:

Date _____

Signed Authority Chair _____

Public Works Department
1700 Sunrise Drive, St. Peter, MN 56082
Telephone 507-931-1760
seth.greenwood@co.nicollet.mn.us



- Legend**
- CD30-A_tile
 - CD30-A_openditch
 - CD30-A_watershed



0 0.4 0.8 1.6 Miles

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one.
 This drawing is a compilation of information from various sources and is to be used for reference purposes only.
 Nicollet County Public Works - Ditch Department is not responsible for any inaccuracies herein contained.
 If discrepancies are found please contact Nicollet County Public Works Dept. at 507-531-1760



Date: 8-10-2020

Repair Request

TO: Nicollet County Board of Commissioners

The undersigned represent and state:

1. That they are the owners of lands within the watershed of, and affected by Judicial/County

Ditch No. CD 30 A + 19.

2. That said ditch is in need of repairs as follows:

Clean the open ditch as shown on the
attached map.

3. This request is not intended to be a formal petition under Chapter 103E of Minnesota Statutes, but merely to furnish information as to repairs we believe to be needed.

4. We the undersigned do hereby consent to having the requested repairs done at any time convenient to the Nicollet County Drainage Authority.

WHEREFORE, your petitioners request that the said County Drainage Authority will investigate this matter and take such measures as they deem necessary to repair said ditch.

X [Signature]
[Signature]
[Signature]
19 & 30 A

I hereby recommend to the Nicollet County Board of Commissioners that A ditch

hearing be set.

Date: 8-24-2020

Signed: [Signature]

Nicollet County Ditch Inspector

Approved for Repairs by Nicollet County Drainage Authority:

Date _____

Signed Authority Chair _____

Public Works Department
1700 Sunrise Drive, St. Peter, MN 56082
Telephone 507-931-1760
seth.greenwood@co.nicollet.mn.us



CD30-A

Legend

- CD30-A_tile
- CD30-A_openditch
- CD30-A_watershed



0 0.4 0.8 1.6 Miles

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of information from various sources and is to be used for reference purposes only. Nicollet County Public Works - Ditch Department is not responsible for any inaccuracies herein contained. If discrepancies are found please contact Nicollet County Public Works Dept. at 507 931-1750.

19 + 30A



Nicollet County
Minnesota

Author: Nathan A. Henry
Date: 4/12/2013

NICOLLET
COUNTY EST. 1853

Agenda Item: Continued Public Hearing for Ditch Cleanings on CD24A		
Primary Originating Division/Dept.: Public Services		Meeting Date: 09/08/2020
Contact: Jaci Kopet	Title: Public Services Manager	Item Type: Regular Agenda (Select One)
Amount of Time Requested 15 minutes		
Presenter: Jaci/Nate	Title: Public Services/Inspector	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
County Strategy: Facilities and Space - preserve, maintain and build our assets (Select One)		
BACKGROUND/JUSTIFICATION: This is a continued Public Hearing from August 25, 2020 to continue the discussion of cleaning portions of CD24A. Nathan Henry, Nicollet County Ditch Inspector will be presenting estimate costs for various options of cleaning that were previously discussed. The public hearing will take place at 10:15 am to hear any concerns from land owners on the ditch systems		
Supporting Documents: <input checked="" type="radio"/> Attached <input type="radio"/> In Signature Folder <input type="radio"/> None		
Prior Drainage Authority Action Taken on this Item: <input type="radio"/> Yes <input checked="" type="radio"/> No		
If yes, when? (provide year; mm/dd/yy if known)		
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A		
ACTION REQUESTED: Cleaning approvals		
FISCAL IMPACT: Other (Select One) If "Other", specify		FUNDING Drainage Authority Dollars = Grant (Select One)
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify:		Total
Related Financial/FTE Comments:		

Nicollet County Drainage
Authority Meeting
Agenda Item



Agenda Item:

County Ditch 62A Improvement Project

Primary Originating Division/Dept.: County Attorney's Office

Meeting Date: 09/08/2020

Contact: Michelle Zehnder Fischer Title: County Attorney

Item Type: Regular Agenda
(Select One)

Amount of Time Requested 30 minutes

Presenter: Michelle Zehnder Fischer Title: County Attorney

Attachments: ☐ Yes ☒ No

County Strategy: Programs and Services - deliver value-added quality services
(Select One)

BACKGROUND/JUSTIFICATION:

Pursuant to Minn. Stat. § 13D.05, subd. 3(b), a closed meeting of the Nicollet County Drainage Authority is needed to discuss litigation regarding the improvement project on Nicollet County Ditch 62A.

Supporting Documents: ☐ Attached ☐ In Signature Folder ☒ None

Prior Drainage Authority Action Taken on this Item: ☐ Yes ☒ No

If yes, when? (provide year; mm/dd/yy if known)

Approved by County Attorney's Office: ☒ Yes ☐ No ☐ N/A

ACTION REQUESTED:

FISCAL IMPACT: Other
(Select One)

If "Other", specify

FTE IMPACT: No FTE change
(Select One)

If "Increase or "Decrease" specify:

Related Financial/FTE Comments:

FUNDING

Drainage Authority Dollars =

Grant

(Select One)

Total