

Chairperson Oslin called the meeting to order at 9:01 a.m., with the following members present: Commissioners Wilhelm, Reynolds, Oslin, Tellinghuisen, and Peterson. The Pledge of Allegiance was recited.

Assistant County Administrator Holly Wilson introduced one (1) supplemental document one (1) add-on agenda request items to the County Board:

- 5.7 Approve CR 101 Closeout – Supplemental Document
- 5.10 Authorize Professional Services Agreement for CSAH 13 with WSB

#### CONSENT AGENDA

A motion was made by Cmsr Tellinghuisen seconded by Cmsr Peterson, to approve the following consent agenda items:

- Review of Auditor's Warrants;
- Authorize County Board Work Sessions
- Approve Commissioners' Mileage and Per Diems – April 2021
- Consider Mille Lacs County and Isle School District Transportation Agreement
- Consider CVS Staff time to attend the Mille Lacs Lakes Area OCC
- Emergency Management Performance Grant (EMPG) Agreement
- Execute Contract for Maintenance of Tax-Forfeited Property

Cmsr Wilhelm motioned to accept the agenda as amended; Cmsr Reynolds seconded. A roll call vote was called; Cmsr Wilhelm, Reynolds, Oslin, Tellinghuisen, and Peterson voted aye. Motion carried.

#### CONSIDER REAPPOINTMENT OF COUNTY ENGINEER PURSUANT TO MINNESOTA STATUTE 163.07

Cmsr Tellinghuisen requested to table this item pending feedback/discussion. Assistant County Administrator Holly Wilson stated that there would not be a personnel review during the Board meeting, appointment of the County Engineer is required by statute and needs to occur in May of the year of expiration. Cmsr Wilhelm motioned to table Reappointment of County Engineer Pursuant to Minnesota Statute 163.07, Tellinghuisen seconded. A roll call vote was called; Cmsr Wilhelm, Tellinghuisen, and Oslin voted aye. Cmsr Reynolds and Peterson voted nay. Motion carried.

#### APPROVE REVISIONS TO PERSONNEL POLICY

Human Resources Manager Karly Fetters reviewed the changes to the Personnel Policy. Cmsr Wilhelm motioned to approve Revisions to Personnel Policy, Cmsr Reynolds seconded. A roll call vote was called; Cmsr Wilhelm, Reynolds, Tellinghuisen, Oslin and Peterson voted aye. Motion carried.

#### APPROVE PURCHASE OF PORTABLE EXERCISE EQUIPMENT ALLOTTED BY SHIP GRANT

Human Resources Manager Karly Fetters reviewed the awarded SHIP Grant. Cmsr Reynolds motioned to approve Purchase of Portable Exercise Equipment Allotted by SHIP Grant, Cmsr Wilhelm seconded. A roll call vote was called; Cmsr Wilhelm, Reynolds, Tellinghuisen, Oslin and Peterson voted aye. Motion carried.

#### CONSIDER SPECIAL COUNTY BOARD MEETING

Assistant County Administrator Holly Wilson reviewed the statutory requirements of a Special County Board Meeting. Cmsr Tellinghuisen motioned to approve scheduling a Special County Board Meeting on May 11, 2021 at 8:00 a.m., Cmsr Wilhelm seconded. A roll call vote was called; Cmsr Wilhelm, Reynolds, Tellinghuisen, Oslin and Peterson voted aye. Motion carried.

#### APPROVE PROPOSAL FOR VETTER JOHNSON ARCHITECT SERVICES

Assistant County Administrator Holly Wilson reviewed the Proposal. Cmsr Wilhelm questioned if this proposal covered more than a plaster job. Facilities Manager Noelan Lange responded that it included HVAC work as well. Cmsr Wilhelm motioned to approve Proposal for Vetter Johnson Architect Services, Cmsr Peterson seconded. A roll call vote was called; Cmsr Wilhelm, Reynolds, Tellinghuisen, Oslin and Peterson voted aye. Motion carried.

#### CONSIDER AWARD BID FOR SAP 048-614-004 (CSAH 14)

County Engineer Neal Knopik reviewed the bids and amounts. Knopik recommended to the board to award Hillman Construction for the bid amount. Cmsr Wilhelm asked if Hillman Construction has done work for the county previously. Knopik stated that they have. Cmsr Peterson motioned to approve

Award Bid for SAP 048-614-004 (CSAH 14), Cmsr Wilhelm seconded. A roll call vote was called; Cmsr Wilhelm, Reynolds, Tellinghuisen, Oslin and Peterson voted aye. Motion carried.

#### APPROVE CR 101 CLOSEOUT

County Engineer Neal Knopik reviewed his recommendation to close out this project with 27 days of liquidated damages being assessed, noting that the State follows this recommendation, as well. Cmsr Oslin asked County Attorney Joe Walsh for his opinion on extending contracts and changing parameters. County Attorney Walsh noted that while the Engineer is the party who applies and interprets the contract, the County Board can amend/change the contract. County Attorney Walsh added that, while the changes are usually done by the Engineer at his discretion, this could be done by the County Board, as well. Cmsr Tellinghuisen expressed his concern with adjusting the completion date of the contract, but noted that he does not agree with the number recommended in this agenda item. Instead he proposed 4 days of liquidated damages assessed, totaling \$10,000. Cmsr Peterson motioned to approve the closeout of the CR 101 project in accordance with the County Engineer's recommendation. The motion was not seconded; motion failed. Further discussion took place regarding the actions of the county, contractor, and past discussions. Cmsr Tellinghuisen motioned to approve the close out of the project with 4 days of liquidated damages assessed, totaling \$10,000. Cmsr Wilhelm seconded.

Further discussion took place regarding the project. County Engineer Neal Knopik noted that it is standard practice for a contractor to request an extension of days when needed, and that this is always done in writing. This was not done by the contractor on this project. Cmsr Oslin noted he received a concern regarding a potential conflict of interest regarding his involvement on this project. Cmsr Oslin stated he does not believe there to be a conflict of interest.

A roll call vote was taken for the aforementioned motion on the table. Cmsr Reynolds and Cmsr Peterson voted nay, Cmsr Tellinghuisen, Wilhelm, and Oslin vote aye. Motion carried.

County Attorney Joe Walsh addressed the County Board, advising against unilaterally amending the contract. He recommended the motion framed as a settlement proposal to the contractor, including that they would forgo any further claims and closeout this project. Cmsr Wilhelm motioned to make a settlement proposal to Knife River regarding the closeout of CR 101, that would include payment of 4 days liquidated damages in the amount of \$10,000. Cmsr Tellinghuisen seconded. A roll call vote was called; Cmsr Wilhelm, Reynolds, Tellinghuisen, Peterson, and Oslin voted aye. Motion carried.

#### CONSIDER UNITRENDS BACKUP ENTERPRISE PLUS LICENSE

Technology Services Manager Michael Virnig reviewed the license. Virnig stated he believes UniTrend is more cost-effective and can back up as many servers as necessary at no additional cost. Cmsr Wilhelm motioned to approve UniTrends Backup Enterprise Plus License, Cmsr Reynolds seconded. A roll call vote was called; Cmsr Wilhelm, Reynolds, Tellinghuisen, Oslin and Peterson voted aye. Motion carried.

#### AUTHORIZE PROFESSIONAL SERVICES AGREEMENT FOR CSAH 14 WITH WSB

County Engineer Neal Knopik reviewed the request to get outside help sine they are currently short a technician. Knopik stated that it is a State Aid project and the County can get reimbursed on the cost. Knopik stated he sent out bids to 3 companies, and only received two proposals in return. Cmsr Peterson motioned to approve Authorize Professional Services Agreement for CSAH 14 With WSB, Cmsr Wilhelm seconded. A roll call vote was called; Cmsr Wilhelm, Reynolds, Tellinghuisen and Peterson voted aye. Cmsr Oslin voted nay. Motion carried.

#### CONSIDER CLOSED SESSION MEETING TO DISCUSS TRIBAL LITIGATION

A motion was made by Cmsr Reynolds to close the meeting at 10:16 a.m., in accordance with M.S. 13D.05 Minnesota Statue 13D.05, Subdivision 3 (b). The meeting was closed under attorney client privilege to discuss legal issues, legal advice and litigation strategy arising from the federal lawsuit filed by the Mille Lacs Band of Ojibwe, Sara Rice and Derrick Naumann versus Mille Lacs County in the United States District Court for the District of Minnesota, Court File No. 17-cv-5155. Cmsr Tellinghuisen seconded. Motion carried. Cmsr Tellinghuisen motioned to reopen the meeting at 11:24 a.m.; Cmsr Wilhelm seconded. Motion carried.

#### COMMITTEE REPORTS

Cmsr Reynolds attended an East Central Regional Library meeting an reviewed with the Board a pilot project that will be funded by a grant. This project will allow a self-serve option fro 7 a.m.-9 p.m. at the

Hinckley library. Residents can apply for this option to be placed on their card. The Hinckley library will try this project for a year. Reynolds also mentioned that National Day of Prayer will be 5/6/2021, and she's been notified that 16 different churches are participating in the event to pray for elected officials on this day.

Cmsr Oslin attended the policy committee for the Snake River Watershed.

Cmsr Wilhelm motioned to adjourn the meeting 11:34 a.m.; Cmsr Tellinghuisen seconded. A roll call vote was called; Cmsr Wilhelm, Reynolds, Oslin Tellinghuisen, and Peterson voted aye. Motion carried.

ATTEST:

/s/Holly Wilson  
Holly Wilson  
Assistant County Administrator

/s/David Oslin  
David Oslin  
County Board Chairperson