

## OFFICIAL PROCEEDINGS OF THE COUNTY BOARD OF NOBLES COUNTY, MINNESOTA

The County Board of Nobles County met in regular session this 6<sup>th</sup> day of September, 2011, in the Board of Commissioners Room, at the Nobles County Government Center, Worthington, Minnesota. The following Commissioners were in attendance: Marvin Zylstra, Diane Thier, Robert Demuth Jr., Vern Leistico and David Benson.

The Pledge of Allegiance to the flag was recited.

On a motion by Marvin Zylstra, seconded by David Benson, it was duly passed to approve the agenda.

On a motion by Robert Demuth Jr., seconded by Vern Leistico, it was duly passed to approve the Official Proceedings of the August 23<sup>rd</sup>, 2011 County Board meeting.

Commissioner Thier presented a certificate of appreciation to Eileen Berger, retiring Jailer for her 13 years of service to Nobles County.

Julie Wellnitz, Library Director, was introduced to the Board.

Kent Wilkening, Nobles County Sheriff, presented the Board with information and a recommendation in the area of a request for personnel.

On a motion by David Benson, seconded by Marvin Zylstra, it was duly passed to authorize filling a full time and part-time jailer position; and further, authorize filling the temporary full time jailer position upon its vacancy due to succession.

Stephen Schnieder, Public Works Director, presented the Board with information and recommendations in the area of Public Works.

On a motion by David Benson, seconded by Vern Leistico, it was duly passed to approve Conditional Use Permit #18-2011 to Shellie Lynn, Adrian, MN for operation of an extended home business to consist of selling antiques and collectibles to be located in the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , of Section 10, Township 102, Range 43 (Westside Township) as recommended by the Nobles County Planning Advisory Commission.

On a motion by Marvin Zylstra, seconded by Robert Demuth Jr., it was duly passed to approve Conditional Use Permit #19-2011 to Gerald Lynch, Waucoma, IA for construction of a 101' x 200' total confinement barn to house 1500 head of swine located in part of SW  $\frac{1}{2}$  N. and W. of RR except 4.207 acre tract and except Par 208 Hwy.60 ROW Plat 53-5(S.P. 5306) of Section 4, Township 102, Range 39 (Lorain Township) as recommended by the Nobles County Planning Advisory Commission.

On a motion by Diane Thier, seconded by David Benson, it was duly passed to approve Conditional Use Permit #21-2011 to Kent Slater, Wilmont, MN for construction of a new 56' x 300' calf barn and replacement of a 44' x 64' livestock barn to be located on a tract 365' x 445' in SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 2, Township 103, Range 42 (Larkin Township) as recommended by the Nobles County Planning Advisory Commission.

On a motion by Vern Leistico, seconded by Robert Demuth Jr., it was duly passed to approve Conditional Use Permit #13-2011 to Worthington Tractor Parts Inc., DBA Worthington Ag Parts, Worthington, MN for construction of an 8' security/privacy fence to be located on a 20.5 acre tract and 38.4acre tract in the NE  $\frac{1}{4}$  of Section 34, Township 102, Range 40 (Worthington Township) as recommended by the Nobles County Planning Advisory Commission.

On a motion by Vern Leistico, seconded by David Benson, it was duly passed to approve the proposal from Gary's Electric, Rushmore, MN in the amount of \$14,125.00 for rewiring twelve electric sites at Maka-Oicu Park.

Nicole Names, Human Services Director, presented the Board with information and recommendations in the area of Family Services.

On a motion by David Benson, seconded by Marvin Zylstra, it was duly passed to authorize the County Board Chair and County Administrator to sign, on behalf of Nobles County, contract renewals for home and community based waived services for the following providers: Southwestern MN Opportunity Council, South Shore Care Center, Lutheran Social Services, Nobles County Developmental Achievement Center and Specialized Vocational Services.

On a motion by Robert Demuth Jr., seconded by Vern Leistico, it was duly passed to authorize the County Board Chair and County Administrator to sign, on behalf of Nobles County, contract amendments due to the legislatively enacted rate decrease of 1.5% with the following providers: Client Community Services, Inc., Habilitative Services, Inc., New Dawn, Inc., Hope Haven-The Achievement Center, Golden Horizons, Ecumen Meadows, Lutheran Social Services, Southwestern Minnesota Opportunity Council, Specialized Vocational Services, Nobles County Developmental Achievement Center and Nobles Rock Community Health Services.

On a motion by Marvin Zylstra, seconded by Vern Leistico, it was duly passed to authorize the County Board Chair and County Administrator to sign, on behalf of Nobles County, a group residential housing agreement with the Meadows of Worthington changing name to Ecumen Meadows and changing overall quantity of group residential housing beds to 20.

On a motion by Marvin Zylstra, seconded by David Benson, it was duly passed to authorize the purchase of a scanner and necessary equipment for record imaging at a cost not to exceed \$4,500.00; and further, that food stamp bonus dollars be used for the purchase.

On a motion by David Benson, seconded by Vern Leistico, it was duly passed to approve the Community Services job descriptions and point rankings for the public health nurse at a grade 21 and registered nurse at a grade 19; and further, begin the recruitment process for these positions.

On a motion by Marvin Zylstra, seconded by David Benson, it was duly passed to adopt the following resolution:

**WHEREAS**, the Nobles County Board of Commissioners expresses their support of the United States Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10<sup>th</sup> anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

**WHEREAS**, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

**WHEREAS**, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

**WHEREAS** at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

**WHEREAS** at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

**WHEREAS** nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

**WHEREAS** tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

**WHEREAS** countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

**WHEREAS** the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

**WHEREAS** the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

**WHEREAS** the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

**WHEREAS** the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

**WHEREAS** 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

**WHEREAS** 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

**WHEREAS** on the 10<sup>th</sup> anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001, and their families; and

**WHEREAS** the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

**WHEREAS** in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460); and

**WHEREAS** in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

**WHEREAS** September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States:

**NOW, THEREFORE, BE IT RESOLVED** that the Nobles County Board of Commissioners:

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and

(2) offers its deepest and most sincere condolences to the families, friends and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives;

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

**BE IT FURTHER RESOLVED** that on the 10<sup>th</sup> anniversary of this tragic day in United States history the Nobles County Board of Commissioners calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

**BE IT FURTHER RESOLVED** that the Nobles County Board of Commissioners encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

Discussion followed on the proposed tax abatement program for residential real estate. Administration will contact the City of Worthington to determine a date for a joint meeting with the City, County and School District to discuss.

On a motion by Marvin Zylstra, seconded by David Benson, it was duly passed to approve county department and board travel expenses for August 26<sup>th</sup>, 2011. A summarized copy of the expenses was before the Board and is made a part of this resolution by reference.

On a motion by Vern Leistico and seconded by David Benson, it was duly passed to adopt the following; not to exceed, proposed tax levy for collection in 2012; and further, to direct the County Administrator to certify these amounts with the County Auditor.

<i>2012 General Levy</i>	\$ 9,297,085
<i>2012 Bonds &amp; Indebtedness</i>	\$ <u>1,296,150</u>
 <i>Total Proposed Payable 2012 Levy</i>	 <u>\$10,593,235</u>

In Favor: Vern Leistico, David Benson, Marvin Zylstra, Robert Demuth Jr.  
Opposed: Diane Thier

On a motion by Marvin Zylstra and seconded by Vern Leistico, it was duly passed that a Truth in Taxation public hearing on the 2012 budget and levy be set for 6:00 p.m., Thursday, December 8<sup>th</sup> in the Board of Commissioners Room, Nobles County Government Center, Worthington, MN.

- Committee and Board reports were received from the following:
- District V-Commissioner Leistico reported on the Human Services Advisory and Southern Prairie Health Purchasing Alliance meetings.
  - District III-Commissioner Benson reported on the Southern Prairie Health Purchasing Alliance meeting.
  - District I-Commissioner Zylstra reported on the Human Services Advisory, Heron Lake Watershed, Joint Transit and Health Board meetings.
  - District II-Commissioner Thier reported on the Planning and Zoning and Kanaranzi Little Rock Watershed meetings.
  - County Administrator-Melvin Ruppert notified the Board of the Heron Lake Watershed tour Wednesday, September 21<sup>st</sup> at 1:00 p.m., update on temporary financing received from Dennis Healy, Lincoln-Pipestone Rural Water and jail inspection report.

On a motion by David Benson, seconded by Marvin Zylstra, it was duly passed to approve the following claims for payment:

Auditor's Warrants:	
August 18, 2011 .....	\$221.75
August 19, 2011 .....	\$12,542.09
August 22, 2011 .....	\$67.75
August 23, 2011 .....	\$2,458.80
August 24, 2011 .....	\$1,467.62
August 25, 2011 .....	\$765.25

August 26, 2011 .....	\$14,716.91
August 31, 2011 .....	\$270.00
Commissioners' Warrants:	
General Fund .....	\$64,361.02
Public Works Fund.....	\$13,518.44
Family Services Administration.....	\$31,697.38
Family Services Social Services	
August 19, 2011 .....	\$20,618.41
August 25, 2011 .....	\$36,122.38
August 30, 2011 .....	\$738.90

There being no further business, the Board adjourned sine dies.

Attest:

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
County Administrator