

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD OF NOBLES COUNTY, MINNESOTA

The County Board of Nobles County met in regular session this 6th day of July, 2010, in the Board of Commissioners Room, at the Nobles County Government Center, Worthington, Minnesota. The following Commissioners were in attendance: Diane Thier, Vern Leistico, Gene Foth, David Benson and Marvin Zylstra.

The Pledge of Allegiance to the flag was recited.

On a motion by Vern Leistico seconded by Gene Foth, it was duly passed to approve the agenda.

On a motion by Diane Thier and seconded by David Benson, it was duly passed to approve the Official Proceedings of the June 22nd, 2010 County Board meeting.

On a motion by David Benson and seconded by Marvin Zylstra, it was duly passed to open the public hearing on the proposed County Ditch #2 clean out.

Steve Schnieder, Public Works Director, presented information on the proposed clean out. Comments were received from the public in attendance.

On a motion by Gene Foth and seconded by Diane Thier, it was duly passed to close the public hearing.

On a motion by Gene Foth and seconded by David Benson, it was duly passed to authorize the Public Works department to conduct elevation checks and survey County Ditch #2 and report back to the Board with results.

On a motion by David Benson and seconded by Diane Thier, it was duly passed to adopt the following resolution:

WHEREAS, Contract Number 09004 has in all things been completed, and the County Board being fully advised in the premises,

NOW, THEREFORE, BE IT RESOLVED, that the Nobles County Board does hereby accept said project for and in behalf of Nobles County and authorizes final payment as specified herein.

On a motion by David Benson and seconded by Vern Leistico, it was duly passed to adopt the following resolution:

WHEREAS, Nobles County has established a policy for the closing of county highways for parades and special events; and,

WHEREAS, Sarah Noble, as representative of the Rushmore Booster Club, has submitted, on their behalf, an application for a parade permit.

NOW THEREFORE, BE IT RESOLVED, that the parade permit application dated June 23rd, 2010 for the Rushmore Booster Club is hereby granted.

Wayne Smith, Environmental Services Director, presented the Board with information and recommendations in the areas of a conditional use permit and an amendment to the Nobles County Land Use Ordinance.

On a motion by Diane Thier and seconded by Gene Foth, it was duly passed to approve Conditional Use Permit #08-2010 to Robert Lynn, Lismore, MN for the construction of a 185' non-commercial wind turbine to be located in the SE ¼ of Section 9, Township 103, Range 43 (Lismore Township) as recommended by the Nobles County Planning Advisory Commission.

On a motion by Gene Foth and seconded by Marvin Zylstra, it was duly passed to adopt the text amendment to the Nobles County Land Use Ordinance, Section 603.4 Conditional Uses (15) as recommended by the Nobles County Planning Advisory Commission.

Section 603.4 Conditional Uses (15) Any structure over one hundred ninety nine (199) feet in height

Kent Wilkening, Sheriff, and Monette Berkevich, Jail Administrator, presented the Board with information and recommendations in the area of requisition for personnel and a Minnesota Department of Corrections agreement.

A motion was made by Vern Leistico and seconded by David Benson, to authorize advertising and filling the vacant deputy sergeant position, preferably within the Sheriff's department. The motion was amended by David Benson and seconded by Gene Foth to read: to authorize advertising and filling the vacant deputy sergeant position from within the Sheriff's department. The motion and the amendment were adopted after debate.

On a motion by Gene Foth and seconded by Vern Leistico, it was duly passed to authorize advertising and filling a vacant jailer position.

On a motion by David Benson and seconded by Diane Thier, it was duly passed to authorize the Chairperson to sign, on behalf of Nobles County, a joint powers agreement with the Minnesota Department of Corrections to house offenders at the Prairie Justice Center in the amount of \$55.00 per day.

Stacie Golombiecki, Deputy Human Services Director, presented the Board with information and recommendations in the area of contracts.

On a motion by Marvin Zylstra and seconded by Vern Leistico, it was duly passed to authorize the Chairperson and County Administrator to sign, on behalf of Nobles County, a contract with Avera McKennan Hospital, Marshall, MN for involuntary psychiatric treatment services.

On a motion by Vern Leistico and seconded by Gene Foth, it was duly passed to authorize the Chairperson and County Administrator to sign, on behalf of Nobles County, group residential housing agreements for adult foster care.

On a motion by David Benson and seconded by Diane Thier, it was duly passed to authorize the Chairperson and County Administrator to sign, on behalf of Nobles County, an amendment to the current contract with Habilitative Services, Inc. for homemaker services.

Lynn Wilson, Recorder, presented the Board with information and a recommendation in the area of an agreement.

On a motion by Diane Thier and seconded by David Benson, it was duly passed to authorize the Chairperson and County Administrator to sign, on behalf of Nobles County, a satellite office agreement with the State of Minnesota.

Sharon Balster, Auditor-Treasurer, presented the Board with information and a recommendation in the area of a grant application.

On a motion by David Benson and seconded by Vern Leistico, it was duly passed to approve the HAVA (Help America Vote Act) Operating Grant application. A copy of the application was before the Board and is made a part of this resolution by reference.

Jason Kloss, Nobles-Rock Community Health Services Sanitarian, presented the Board with a recommendation of the Nobles-Rock Health Board to adopt an Environmental Health Licensing Ordinance and two amendments to the current Tobacco Ordinance as presented at a public hearing on June 16, 2010. There being no objections filed, written or verbal at the public hearings, the Nobles-Rock Health Board recommends the adoption effective immediately upon passage by the Nobles County Board of Commissioners and publication according to law.

On a motion by Vern Leistico and seconded by David Benson, it was duly passed to adopt the Environmental Health Licensing Ordinance as recommended by the Nobles-Rock Health Board; and reference made thereto by a summary as follows:

This ordinance establishes standards and regulations for operating, designing, constructing and maintaining food, beverage, and lodging establishments; public pools and related facilities; youth camps; manufactured home parks, recreational camping areas and non-community transient water systems for the purpose of preventing and abating public health risks. The ordinance has been developed to be fair, consistent, and educationally based to fit the diverse needs of Nobles County.

As part of section 2 of this ordinance, the Nobles County Board of Commissioners adopts the following Minnesota Statutes and Rules by reference as part of this ordinance as fully stated in the ordinance. These Minnesota Statutes and Rules can be found at www.revisor.leg.state.mn.us.

2.1 Food, Beverage, and Lodging Establishments, as defined in and governed by Minnesota Statutes, Chapter 157 (with the exemption from the fee's section 157.16) and Minnesota Statutes, Chapter 327, Minnesota Rules, parts 4626.0010 to 4626.2010, and Minnesota Rules, parts 4625.0100 to 4625.2300.

2.2 Manufactured Home Parks and Recreational Camping Areas, as defined in and governed by Minnesota Statutes, Sections 327.14 to 327.28, and Minnesota Rules, parts 4630.0200 to 4630.2210.

2.3 Youth Camps, as defined in and governed by Minnesota Statutes, Sections 144.71 to 144.74, and Minnesota Rules, parts 4630.2300 to 4630.4700.

2.4 Public Pools, as defined and governed by Minnesota Statutes, Section 144.1222, and Minnesota Rules, parts 4717.0150 to 4717.3970.

2.5 Public Non-community Transient Water Systems licensed by the Board, as defined and governed by Minnesota Statutes, Chapter 144.381-144.387 and Minnesota Rules, Chapter 4720.

In addition, the Environmental Health Licensing Ordinance addresses the following topics: Definitions, Licensure, Special Event Food License, Plan Reviews, Inspections, Enforcement Actions, Notice of Suspension, Imminent Health Threats, Emergency Orders, Revocation of License, License Suspension/Revocation Appeal, and Appeals Board process.

The enactment of this ordinance repeals and replaces the following ordinances: the Nobles County Food and Beverage Ordinance adopted on November 19, 2002; the Nobles County Lodging Ordinance adopted on November 3, 1980; and the Nobles County MHP/Campground Ordinance adopted on September 16, 1986. Any license, permit, or variance granted by the department remains in effect and continues to be subject to the standards, plans or conditions in effect at the time the license, permit or variance was granted.

This is a summary of the information contained in the Nobles County Environmental Licensing Ordinance and the full text of this ordinance is on file at the Nobles County Government Center in the Office of the County Administrator and Nobles/Rock Community Health Services office.

On a motion by Gene Foth and seconded by Marvin Zylstra, it was duly passed to adopt the following two amendments as an addition to the current Tobacco Ordinance adopted in March of 1999 as recommended by the Nobles-Rock Health Board:

Section 3, Subd. 10. Smoking prohibited in tobacco retail stores. Smoking shall not be permitted and no person shall smoke indoors at a location with a retail tobacco license.

Section 5, Subd. 1. Minimum Age. Individuals employed by a licensee under this ordinance must be at least sixteen (16) years of age to sell tobacco, tobacco products, or tobacco related devices.

An official copy of the Tobacco Ordinance is on file at the Nobles County Government Center in the Office of the County Administrator and Nobles-Rock Community Health Services, for use and examination by the public.

On a motion by Vern Leistico and seconded by David Benson, it was duly passed to approve county department and board travel expenses for June 18th, 2010. A summarized copy of the expenses was before the Board and is made a part of this resolution by reference.

Committee and Board reports were received from the following:

District II-Commissioner Thier reported on the Planning & Zoning and Administrative Committee meetings.

District IV-Commissioner Foth reported on the Nobles Soil & Water, Okabena-Ocheda Watershed meetings.

- District V-Commissioner Leistico reported on the Family Services, Resource & Conservation Development meetings and the Regional Dispatch meeting at Lake Wilson.
- District III-Commissioner Benson reported on the Regional Development Commission meeting.
- District I-Commissioner Zylstra reported on the Administrative Committee, Southwestern Minnesota Opportunity Council, Family Services and Budget Committee meetings.
- County Administrator Ruppert updated the Board on the following: Employee Self Serve & E-Time card demos; a discussion with Public Works director in regard to staff responding to septic system enforcement questions; Lincoln Pipestone Rural Water financing discussions with Northland Securities and Dorsey & Whitney on Build America Bonds; the distribution of 2011 budget information to departments; and a car pool vehicle repair.

Steve Johnson, Vetter-Johnson Architects, presented a power point presentation updating the Board on the current Library assessment. Discussion followed and the Board directed the County Administrator to forward a letter to the City of Worthington, School District and Plum Creek advising them that the County intends to move forward in identifying available sites for a new library facility and requesting of interests they may have in partnering. Steve Johnson was requested to prepare information regarding site configuration, square footage, parking, etc.

On a motion by Diane Thier and seconded by Gene Foth, it was duly passed to approve the following claims for payment:

Auditor's Warrants:	
June 18, 2010	\$6,177.04
June 22, 2010	\$1,128.49
June 25, 2010	\$19,737.45
June 28, 2010	\$603.00
Commissioners' Warrants:	
General Fund	\$31,884.40
Public Works Fund	\$83,498.09
Family Services Administration	\$18,614.42
Family Services Social Services	
June 24, 2010	\$32,366.39
June 28, 2010	\$22,194.00

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

Attest:

Chairperson

County Administrator