

**REGULAR MEETING OF THE BIG STONE COUNTY BOARD**  
**August 7, 2007**

The Big Stone County Board of Commissioners met in the Commissioner's Room at 8:30 AM on Tuesday, August 7, 2007. Chairman Tomschin called the meeting to order with Commissioners Athey, Sandberg, Olson and Janssen present. Also present were Mike Swenson of the Ortonville Independent, County Attorney Bill Watson and County Auditor Michelle Knutson. The Pledge of Allegiance followed.

Motion by Athey, seconded by Janssen and carried to approve the minutes of the July 17<sup>th</sup> regular meeting, the July 24<sup>th</sup> joint meeting with Traverse County and the July 26<sup>th</sup> special meeting.

Motion by Olson, seconded by Janssen and carried to approve the agenda with noted addition.

Committee reports were presented.

Motion by Sandberg, seconded by Athey and carried to execute the Partnership Agreement for Shared Use of Communications Facilities with Mn/DOT.

Motion by Olson, seconded by Sandberg and carried to authorize the expenditure for a psycho sexual evaluation/assessment for an extended juvenile jurisdiction (EJJ) case as requested by Attorney Watson.

Motion by Olson, seconded by Janssen and carried to execute a Consent Agreement with the Upper Minnesota River Watershed District regarding the multi-purpose pedestrian trail with the updated survey information.

Motion by Olson, seconded by Sandberg and carried to adopt the following resolution:

**2007-22**

WHEREAS, the Big Stone County Highway Department proposes to reconstruct County Road No. 63 from County State Aid Highway #38 to County Road No. 60, which project is set forth on the plat recorded and referred to as the "Big Stone County Highway Right of Way Plat 06-1" on file in the office of the County Recorder, Big Stone County, Minnesota, in Large Plat Case, Page 200, hereinafter referred to as "Project"; and WHEREAS, the Project work consists of widening and grading County Road No. 63, including ditch and slope construction, for the purpose of providing for the safety of the traveling public; and

WHEREAS, in addition to the existing easements, certain land and interest therein are required to construct the Project; and

WHEREAS, the land and interests therein which are needed to construct the Project are described in Exhibit "A", which is attached hereto (hereinafter referred to as "New Right of Way"); and Exhibit "B" and Exhibit "C" which are the Temporary Work Permits/Temporary Easements; and

WHEREAS, the Big Stone County Board of Commissioners desires to begin construction of the project in the spring of 2008; and

WHEREAS, to begin construction of the project in the spring of 2008, the County will require title and possession of the New Right of Way prior to the filing of an award by the court appointed commissioners pursuant to the provisions of M.S. 117.042.

NOW THEREFORE, BE IT RESOLVED that the Big Stone County Board of Commissioners hereby authorizes William J. Watson, Big Stone County Attorney, along

with the County Engineer to proceed to acquire the New Right of Way in accordance with Minnesota Statutes.

BE IT FURTHER RESOLVED that the Big Stone County Board of Commissioners hereby authorizes the acquisition of the New Right of Way that cannot be successfully acquired through negotiation by eminent domain and to take title and possession thereto prior to the filing of an award by the court appointed commissioners, pursuant to M.S. 117.011 and 117.042.

BE IT FURTHER RESOLVED that the Big Stone County Board of Commissioners hereby requests that William J. Watson, Big Stone County Attorney, file the necessary petition therefore, and to prosecute such action to a successful conclusion or until it is abandoned, dismissed, or terminated by the county or the court.

Commissioners Olson and Sandberg reported on the Collaborative meeting they attended to discuss the vacant Collaborative Director position. Because the position was developed by the schools for the administration of the program, the action to fill the position will be the charge of the Collaborative Board, not the County.

Countryside Public Health Administrator Liz Auch reviewed the Nurse Family Partnership program with the Board. Auch reported that the Countryside Board has approved it for Big Stone and Yellow Medicine Counties. However, each of those county boards must sign off on the agreement. Motion by Athey, seconded by Olson and carried to execute the Supporting Hands Nurse Family Partnership Joint Powers Agreement with the understanding that the funds are to come from the Countryside Public Health budget.

Auch also reviewed the Agency's 2007 activities and 2008 budget.

Sara Carlson from the Southwest Initiative Foundation presented an update on the Foundation and made a formal request for their 2008 funding. Kari Dorry from the Early Childhood Initiative was also present to provide an update.

Following a break, Chairman Tomschin called the public hearing to order at 10:07 AM to take public comment on the Big Stone County Administrative Offense Procedures Ordinance and the Big Stone County Traffic and Criminal Code Ordinance. No public comments were received. Attorney Watson reminded those present that the authority for these ordinances lies outside the municipalities of the County only.

Chairman Tomschin adjourned the public hearing at 10:08 AM.

Motion by Janssen, seconded by Olson and carried to adopt the Big Stone County Administrative Offense Procedures Ordinance and to publish a summary in the official minutes.

### **SUMMARY OF THE BIG STONE COUNTY ADMINISTRATIVE OFFENSE PROCEDURES ORDINANCE**

Subdivision 1. Purpose

Subdivision 2. Defines administrative offense.

Subdivision 3. Notification of violation.

Subdivision 4. Sets forth the payment procedure.

Subdivision 5. Allows for a hearing to contest the administrative offense.

Subdivision 6. Allows for the appointment of a hearing officer.

Subdivision 7. The affect of failure to pay.

- Subdivision 8. Disposition of payment proceeds.
- Subdivision 9. Sets forth the effective date of the ordinance.

The complete printed copy of the ordinance is available for inspection during regular office hours at the Office of the Big Stone County Auditor, 20 2nd St SE, Suite 103, Ortonville, MN 56278.

Motion by Athey, seconded by Sandberg and carried to adopt the Big Stone County Traffic and Criminal Code Ordinance and to publish a summary in the official minutes.

**SUMMARY OF THE  
BIG STONE COUNTY  
TRAFFIC AND CRIMINAL CODE ORDINANCE**

- Subdivision 1. Defines purpose and authority of ordinance.
- Subdivision 2. Describes offenses which are subject to the ordinance.
- Subdivision 3. Sets forth a maximum penalty of \$300 for a violation.
- Subdivision 4. Sets forth the effective date of the ordinance.

The complete printed copy of the ordinance is available for inspection during regular office hours at the Office of the Big Stone County Auditor, 20 2nd St SE, Suite 103, Ortonville, MN 56278.

Motion by Sandberg, seconded by Janssen and carried to adopt the following resolution:

**2007-23**

WHEREAS, the Big Stone County Board of Commissioners believes that the goals of law enforcement can be served by establishing an informal, cost effective and expeditious procedure for enforcing certain ordinance violations through an administrative procedure; and

WHEREAS, the Big Stone County Board of Commissioners has adopted the Administrative Offense Procedures Ordinance which establishes a fair and prompt method of resolving minor traffic and criminal offenses through an administrative procedure; and

WHEREAS, this Ordinance authorizes the County Board to establish a list of ordinance violations which are subject to administrative procedure and to set fees for the violations of those ordinances by resolution.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Big Stone County Board of Commissioners that the following ordinance violations may be subject to the Administrative Offense Procedures Ordinance and to the penalties stated herein and that this resolution is effective August 15, 2007, and shall continue in effect until changed by action of the Board:

<u>Ordinance Number</u>	<u>Offense</u>	<u>Administrative Penalty</u>
<b>Big Stone County Traffic and Criminal Code:</b>		
Subd. 2 a	Failure to Obey Traffic Control Signals	\$70.00
Subd. 2 b	Speeding	\$70.00

Subd. 2 c	Improper Lane Use	\$70.00
Subd. 2 d	Improper Turns	\$70.00
Subd. 2 e	Failure to Yield Right of Way	\$70.00
Subd. 2 f	Stopping or Parking on a Roadway	\$70.00
Subd. 2 g	Other Parking Violations	\$70.00
Subd. 2 h	Littering	\$70.00
Subd. 2 i	Equipment Violations	\$70.00
Subd. 2 j	Failure to Use Passenger Restraint for Children	\$70.00
Subd. 2 k	Seat Belt Violations	\$30.00
Subd. 2 l	Theft, Less than \$20.00	\$70.00
Subd. 2 m	Trespass	\$70.00
Subd. 2 n	Disorderly Conduct	\$70.00
Subd. 2 o	Public Nuisance	\$50.00
Subd. 2 p	Unlawful Deposit of Garbage	\$75.00
Subd. 2 q	Loud Exhaust	\$70.00
Subd. 2 r	Exhibition Driving	\$70.00
Subd. 2 s	Off-road vehicle violations	\$70.00
Subd. 2 t	Snowmobile violations	\$70.00

Attorney Watson reminded the Board and Sheriff John Haukos that a hearing officer will need to be appointed.

Sheriff Haukos reported that the City of Ortonville has requested a meeting to discuss county policing. Board consensus was that Commissioners Sandberg and Janssen represent the Board at these discussions.

County Engineer Nick Anderson updated the Board on the trail and the issues with securing the railroad right-of-way. Anderson also reported that US Fish and Wildlife has requested that a kiosk be erected at the trail entrance to the refuge.

The annual Highway 5-year planning meeting was set for Tuesday, August 28, 2007, at 9:00 AM at the Highway Department.

Ann Lundberg and Burt Nypen from the Historical Society were present to discuss their 2008 budget request.

Motion by Olson, seconded by Sandberg and carried to authorize payment of the following claims as presented by Auditor Knutson:

General	\$ 43,171.32
Highway	133,674.15
Ditch	2,865.00
BSAG	<u>44.71</u>
Total	\$179,755.18

Motion by Olson, seconded by Sandberg and carried to execute the Exemption Agreement with the State Auditor with regards to the mandate waiver program.

Notice was received that the County's 2007 MCIT dividend is \$57,560 and is allocated as follows: Workers' Compensation \$12,410 and Property/Casualty \$45,150.

Motion by Olson, seconded by Sandberg and carried to approve the County's share of the Regional Radio Board's 2008 budget.

Motion by Athey, seconded by Janssen and carried to authorize the purchase of computer equipment out of E911 funds.

Discussion was held on the miscellaneous items in the County's storage shed. Board consensus was to hold a "garage sale" to sell the items. The Property Committee will head this up.

Motion by Olson, seconded by Sandberg and carried to clarify previous language that Robert Loraff is a temporary part-time deputy hired through August 31, 2007.

HR Director Sue Schultz reported that the HR Director position has been posted and published.

Motion by Sandberg, seconded by Janssen and carried to ratify the hiring of Laura Brown as a Child Protection Worker at Grade 18, Step Start effective August 13, 2007.

Motion by Olson, seconded by Janssen and carried to execute the contract with SafeAssure Consultants, Inc. for safety training.

Open enrollment for the employees' cafeteria plan is scheduled for November 13, 2007.

Following a break, motion by Athey, seconded by Sandberg and carried to close the meeting at 11:12 AM to continue discussions on labor negotiation strategy.

Motion by Athey, seconded by Sandberg and carried to reopen the meeting at 12:37 PM.

For the remainder of the meeting, the Board reviewed the preliminary 2008 County budget.

Chairman Tomschin adjourned the meeting at 2:22 PM.

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Doug Tomschin, Chairman

ATTEST: \_\_\_\_\_  
Michelle R. Knutson, Auditor