

**REGULAR MEETING OF THE BIG STONE COUNTY BOARD**  
**May 6, 2008**

The Big Stone County Board of Commissioners met in the Commissioner's Room at 8:30 AM on Tuesday, May 6, 2008. Chairman Janssen called the meeting to order with Commissioners Tomschin, Athey, Sandberg and Olson 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 Sandberg and carried to approve the minutes of the April 15<sup>th</sup> regular meeting.

Motion by Sandberg, seconded by Tomschin and carried to approve the agenda with noted addition.

Attorney Watson left the meeting.

Committee reports were presented.

Following discussion, motion by Tomschin, seconded by Sandberg and carried to authorize making a per diem and county car available for the volunteers serving on the Advisory Task Force to the Regional Radio Board for their attendance at meetings.

HR Director Sue Schultz reported on recent discussions regarding changing office hours at Extension. Motion by Olson, seconded by Tomschin and carried to authorize changing the hours to 12:00 noon – 4:30 PM. Schultz also reported that they will be implementing a team reporting structure for the office staff.

Discussion was held on the Employee Handbook update. HR Director Schultz reported that the Department Heads will meet to go through the needed changes and it will be brought back to the Board for approval. Commissioners were encouraged to let her know of any changes they feel need to be addressed.

Motion by Sandberg, seconded by Olson and carried to ratify the Welfare Board's decision to advertise for a Social Worker as presented by HR Director Schultz and Family Services Director Gayle Robinson.

Chairman Janssen declared the public hearing open at 9:08 AM to take public comment on the Big Stone County Food and Beverage Ordinance and the Big Stone County Food Manager Ordinance. Upon hearing no public comment, Chairman Janssen declared the hearing adjourned.

Motion by Olson, seconded by Tomschin and carried to adopt the following resolutions enacting the Big Stone County Food and Beverage Ordinance and the Big Stone County Food Manager Ordinance and to publish a summary of the ordinances in the official minutes:

**2008-09**

WHEREAS, the Big Stone County Board of Commissioners intends to protect and provide for the public health, safety, and general welfare of the county of Big Stone by licensing and inspecting restaurants and places of refreshment and similar food service; regulating their design, construction, operation and maintenance; providing for the enforcement of the regulations herein throughout said county; and

WHEREAS, pursuant to Minnesota Statute Chapter 145A.05 and Minnesota Statute Chapter 371.59 county boards may adopt ordinances to regulate actual or potential threats to the public health; and

WHEREAS, Countryside Public Health is a joint powers board of health organized under Minnesota Statute Chapter 145A.03 and Minnesota Statute Chapter 471.59 by Big Stone, Chippewa, Lac qui Parle, Swift and Yellow Medicine Counties; and WHEREAS, the Minnesota Commissioner of Health has delegated authority to Countryside Public Health under Minnesota Statute Chapter 145A.07, Subd. 1, for the licensing, inspection, reporting, and enforcement duties authorized under Minnesota Laws, Chapter 157 relating to rules and standards for food and beverage service establishments, hotels, motels, lodging establishments, and resorts; and WHEREAS, it is the intention of the Big Stone County Board of Commissioners to approve the Food and Beverage Ordinance attached hereto. NOW, THEREFORE, BE IT RESOLVED that the Big Stone County Board of Commissioners does hereby enact the attached Food and Beverage Ordinance and ordains the terms therein.

### **2008-10**

WHEREAS, the Big Stone County Board of Commissioners intends to protect and provide for the public health, safety, and general welfare of the county of Big Stone by regulating the employ of certified food managers throughout said county; and WHEREAS, pursuant to Minnesota Statute Chapter 145A.05 and Minnesota Statute Chapter 371.59 county boards may adopt ordinances to regulate actual or potential threats to the public health; and

WHEREAS, Countryside Public Health is a joint powers board of health organized under Minnesota Statute Chapter 145A.03 and Minnesota Statute Chapter 471.59 by Big Stone, Chippewa, Lac qui Parle, Swift and Yellow Medicine Counties; and WHEREAS, the Minnesota Commissioner of Health has delegated authority to Countryside Public Health under Minnesota Statute Chapter 145A.07, Subd. 1, for the licensing, inspection, reporting, and enforcement duties authorized under Minnesota Laws, Chapter 157, particularly M.S. 157.011 and Minnesota Rules 4626.2000 to 4626.2025, relating to rules and standards for food and beverage service establishments, hotels, motels, lodging establishments, and resorts; and WHEREAS, it is the intention of the Big Stone County Board of Commissioners to approve the ordinance regulating the employ of certified food managers attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Big Stone County Board of Commissioners does hereby enact the attached ordinance regulating the employ of certified food managers and ordains the terms therein.

### **SUMMARY OF THE BIG STONE COUNTY FOOD AND BEVERAGE ORDINANCE**

The subject matter and general purpose of the Food and Beverage Ordinance is to protect and provide for the public health, safety, and general welfare of the county of Big Stone by licensing and inspecting restaurants and places of refreshment and similar food service; regulating their design, construction, operation and maintenance; providing for the enforcement of the regulations herein throughout said county. The Ordinance includes general provisions; definitions; an adoption of food and beverage establishment standards; a provision for the embargo, condemnation, and tagging of food and beverages; provisions for the review of plans for construction; a procedure when an

infection is suspected; and compliance procedures including provisions for administrative enforcement, criminal enforcement and civil injunction.

**SUMMARY OF THE  
BIG STONE COUNTY FOOD MANAGER ORDINANCE**

The subject matter and general purpose of the Food Manager Ordinance is to protect and provide for the public health, safety, and general welfare of the county of Big Stone by regulating the employ of certified food managers for food establishments; by inspecting food establishments regarding said employ; and by providing for the enforcement of the related regulations stated herein. The Ordinance includes general provisions; definitions; an adoption of food manager rules; compliance procedures; provisions for administrative enforcement, criminal enforcement and civil injunction.

The complete printed copies of the ordinances are 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 Olson and carried to authorize payment of the following claims as presented by Auditor Knutson:

General	\$39,859.09
Highway	29,947.45
Taxes & Penalties	<u>5.00</u>
Total	\$69,811.54

Motion by Sandberg, seconded by Olson and carried to authorize payment to Toshiba in the amount of \$183.80 as an auditor warrant.

Motion by Olson, seconded by Athey and carried to ratify the payment to the Big Stone County Court Administrator in the amount of \$43,925.50 for the County Road #63 project.

Motion by Olson, seconded by Tomschin and carried to execute the agreement with Ron Reisdorph for lawn mowing services.

Motion by Sandberg, seconded by Olson and carried to execute the gravel crushing contract with Kingsway Construction.

Motion by Olson and seconded by Sandberg to execute the Cooperative Agreement with the State of Minnesota for the Minnesota River State Trail from Ortonville to the Big Stone National Wildlife Refuge. Motion carried with Commissioner Athey voting Nay.

Motion by Athey, seconded by Tomschin and carried to re-appoint Alice Stielow as a member of the Local Social Services Agency Board.

Discussion was held on selling the 1988 Crestliner boat. The matter was tabled to allow further research to determine the value and to explore other avenues for use. Commissioner Sandberg will meet with Sheriff Haukos and report back to the Board.

Motion by Olson, seconded by Sandberg and carried to authorize upgrading the plotter at the Highway Department at an approximate cost of \$5,400.

Motion by Athey, seconded by Tomschin and carried to adopt the following resolution:

BE IT RESOLVED that Big Stone County act as the legal sponsor for an application for funding to the State of Minnesota Department of Natural Resources for Maintenance of snowmobile trails managed by Big Stone Lake Area Sno Riders.

BE IT FURTHER RESOLVED that upon approval of its application by the state, Big Stone County may enter into an agreement with the State of Minnesota for the above referenced project and that it will comply with all applicable laws and regulations as stated in the agreement.

BE IT FURTHER RESOLVED that the Chair of the Big Stone County Commissioners is authorized to sign such an agreement with the Department of Natural Resources.

BE IT FURTHER RESOLVED that the County Auditor is authorized to serve as the fiscal agent for the above-mentioned project.

BE IT FURTHER RESOLVED that Big Stone County act as legal sponsor for 32 miles of snowmobile trails in Traverse County beginning North of Graceville and extending North through Wheaton to the White Rock Dam.

BE IT FURTHER RESOLVED that Big Stone County act as legal sponsor for 2 miles of snowmobile trails in Traverse County beginning west of Beardsley and extending west to Browns Valley.

Discussion was held on the disposal of fluorescent bulbs from County buildings. Board consensus was to continue to pay for disposal out of the Environmental Office and budget accordingly in the future.

County Recorder Elaine Martig was present to update the Board on the quotes received for getting documents from 1991-2003 scanned and indexed into the Fidlar system. Motion by Tomschin and seconded by Athey to accept the quote from Main Street Industries upon the recommendation of Recorder Martig. Motion carried with Commissioner Olson abstaining.

Attorney Watson returned to the meeting with a copy of the appraisal for the right-of-way for the County Road #63 project. Motion by Olson, seconded by Tomschin and carried to adopt the following resolution:

**2008-12**

WHEREAS, the Big Stone County Board of Commissioners passed a resolution on August 7, 2007, authorizing acquisition of right-of-way along County Road No. 63 in Big Stone County, including a proceeding in eminent domain for those parcels not able to be acquired through negotiation; and

WHEREAS, a condemnation action has been brought in the name of the County of Big Stone to condemn land not acquired by negotiation; and

WHEREAS, an appraisal was conducted on the lands that are the subject matter of this condemnation at the request of Big Stone County, which is attached hereto and made a part of this Resolution; and

WHEREAS, the Big Stone County Board of Commissioners desire to adopt as their own the appraised values of the parcels referred to in said appraisal.

NOW THEREFORE, BE IT RESOLVED The Big Stone County Board of Commissioners hereby adopts and approves the values of the parcels to be acquired by condemnation action as set forth in the attached land appraisal conducted by Lance Lundquist on the 3rd day of May, 2007, and the 29th day of July, 2007, and countersigned by Nicholas A. Anderson on the 8th day of October, 2007, and incorporates in this Resolution the report attached hereto and made a part hereof by reference.

Environmental Officer Darren Wilke updated the Board on recent discussions with Waste Management regarding single sort recycling contract negotiations. Board consensus was to allow Environmental Officer Wilke to proceed with moving towards single sort recycling.

Environmental Officer Wilke reported on the office's activities.  
Chairman Janssen adjourned the meeting at 10:00 AM.

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Howard Janssen, Chairman

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