

**REGULAR MEETING OF THE BIG STONE COUNTY BOARD**  
**February 15, 2011**

The Big Stone County Board of Commissioners met in the Commissioner's Room at 8:30 AM on Tuesday, February 15, 2011. Chairman Athey called the meeting to order with Commissioners Sandberg and Wulff present. Commissioners Berning and Olson were absent. 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 Sandberg, seconded by Wulff and carried to approve the minutes of the February 1<sup>st</sup> regular meeting.

Motion by Wulff, seconded by Sandberg and carried to approve the agenda.

Commissioners reported on the following committees:

Athey – Planning Commission

Commissioner Wulff reported on the ditch training he attended.

Motion by Wulff, seconded by Sandberg and carried to appoint the following citizens to the Adhoc Committee to discuss possible restructuring of offices in the Courthouse: DeWayne Redfield, Bill Stallman, Mike Jorgenson, Jim Foster and Jay Sammon.

Attorney Watson reported that he had reviewed various documents that will be presented for the Board's approval at the next meeting.

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

General	\$ 64,513.53
Highway	58,740.05
Ditch	<u>18,900.00</u>
Total	\$142,153.58

Motion by Sandberg, seconded by Wulff and carried to execute the audit engagement letter with the Office of the State Auditor for the 2010 audit.

Motion by Wulff, seconded by Sandberg and carried to adopt the following resolution and execute the Annual County Boat and Water Safety Grant Agreement as presented:

**2011-09**

WHEREAS under the provisions of M.S. Section 86B.105, the Sheriff of each county is required to carry out the provision of Chapter 86B and the Boat and Water Safety Rules, hereinafter referred to as the "Minn. Rules", including patrol, enforcement search and rescue, watercraft inspection, waterway marking and accident investigation, all hereinafter referred to as the "Sheriff's Duties"; and

WHEREAS in connection with the Sheriff's Duties, M.S. Section 86B.701 provides that the County submit to the Commissioner of Natural Resources a budget to carry out the Sheriff's Duties; and

WHEREAS M.S. Section 86B.701 and the Minn. Rules provide for the allocation of funds by the Commissioner to the County based on certain criteria and conclusions to assist the funding of the Sheriff's Duties; and

WHEREAS the County has submitted a proposed budget to the State.

THEREFORE BE IT RESOLVED that the State shall reimburse the County up to \$1,751.00 for the activities stated in Chapter 86B.

Motion by Sandberg, seconded by Wulff and carried to authorize IT Systems Technician Terry Ocaña to execute the vendor contract with the Upper MN Valley RDC for the project funded by the C.K. Blandin Foundation Grant.

Due to inactivity, motion by Sandberg, seconded by Wulff and carried to approve the termination of Mary Amberg from the County's part-time custodian call list as presented by Building Maintenance Supervisor Jim Hasslen.

Discussion was held on the use of the City of Ortonville's building for sandbagging. The City Street Department is requesting that the County participate in paying for costs to repair any damages to their new parking lot as a result of the use. Motion by Sandberg, seconded by Wulff and carried to authorize EMD Jim Hasslen to report back to the City that the County is willing to be responsible for one-half of any damage that occurs this spring. No action was taken for any long-term commitment at this time.

Motion by Wulff, seconded by Sandberg and carried to close the meeting for the public hearing on the Tobacco Ordinance.

Chairman Athey declared the public hearing open at 9:10 AM to take public comment on the Big Stone County Tobacco Ordinance. Attorney Watson summarized the changes to the new ordinance. No public comments were received. Chairman Athey declared the hearing adjourned at 9:18 AM.

The regular board meeting was reopened.

Motion by Sandberg, seconded by Wulff and carried to adopt the Big Stone County Tobacco Ordinance and to publish a summary of the ordinance in the official minutes:

**SUMMARY OF THE  
BIG STONE COUNTY TOBACCO ORDINANCE 2011**

This Ordinance is intended to regulate the sale, possession, and use of tobacco, tobacco products, tobacco related devices, and nicotine or lobelia delivery devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, tobacco related devices, and nicotine or lobelia delivery devices, and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as stated in Minnesota Statute 144.391.

The complete printed copy of the Ordinance is available for inspection during regular office hours at the Big Stone County Auditor's Office, 20 2<sup>nd</sup> St SE, Ortonville, MN 56278.

Motion by Wulff, seconded by Sandberg and carried to approve the Conditional Use Permit Application of Jerry's U-Save as recommended by the Planning Commission and presented by Environmental Officer Darren Wilke.

Richard Mueller and Martha Croatt were present to discuss various concerns they have regarding Piper Street and with the Environmental Office. Attorney Watson addressed the issues regarding the road. He stated that some of the issues have been addressed in the past and some of them are not the County's to address. They need to be handled in District Court. Environmental Officer Wilke addressed what could be done regarding their concerns that relate to his office. Attorney Watson again summarized what their options were.

Following a break, County Engineer Nick Anderson reported that the MPCA is enforcing a new permit for the spraying of weeds. At this time, the County is below the threshold.

County Engineer Anderson reported that he has received a request for the Lidar information. Motion by Sandberg, seconded by Wulff and carried to set the fee for the data at \$1,000.

Discussion was held on a permit request to tile through County Road 33. Engineer Anderson will gather further information and report back to the Board.

Engineer Anderson reported that the Highway Department will be terminating its contract with MNDot for use of the salt shed by Beardsley since the County no longer uses it.

The meeting was recessed until 1:00 PM.

Those present for the discussion on the Strata Environmental Assessment Worksheet were Commissioners Athey, Sandberg and Wulff, Attorney Watson, Auditor Knutson, Sheriff John Haukos, Environmental Officer Darren Wilke, Jason Kirwin from West Central Environmental Consultants and Clark Mastel. Strata Project Manager Bill LaFond called in and was connected via speakersphone. Mr. LaFond provided an overview of the project and answered specific questions from those present. Following the discussion, motion by Sandberg, seconded by Wulff and carried to declare a negative declaration on the need for an Environmental Impact Study (EIS) and to adopt the findings of fact and conclusion as presented by Environmental Officer Wilke.

Motion by Wulff, seconded by Athey and carried to approve the parking layout for the City of Graceville project (CSAH 22).

Chairman Athey adjourned the meeting at 2:09 PM.

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Wade Athey, Chairman

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