

Yellow Medicine County Board Minutes

February 24, 2004

Chair Jane Remiger called this regular meeting to order at 11:18 a.m. with Commissioners Lynn Anderson, Louis Sherlin, Gary Johnson, and Ron Antony present. Administrator John Chattin, Robert Wolfington of the Marshall Independent, and Dan McGonigle of the Granite Falls Advocate Tribune were also present.

02-24-04-01 Motion by Mr. Johnson and second by Mr. Anderson to approve the agenda with the addition of: safety budget considerations; county shop repair needs; acknowledgement of John Chattin's ICMA recognition; fairground building needs; and a law enforcement grant. Carried.

02-24-04-02 Motion by Mr. Sherlin and second by Mr. Johnson to approve the consent agenda including:

- 1) Approval of the February 10, 2004 minutes;
- 2) Adoption of a commendation for Adam Eckhardt;
- 3) Approval of two reallocation requests;
- 4) Approved liquor licenses and Sunday liquor licenses for J.B. Yates, Goodfellows, Montevideo Country Club, and Granite Falls Golf Club; and
- 5) Approval of a raffle permit for J.B. Yates.

Carried.

02-24-04-03 Motion by Mr. Antony and second by Mr. Johnson to approve the application for a law enforcement grant for mass destruction equipment. Carried.

Mr. Anderson reported on Prairie Country RC&D, the approval of a solid waste management plan, Countryside Public Health, and Prairie Lakes Detention Center.

Randy Jacobson, the new Planning and Zoning Administrator, and Jolene Johnson presented a conditional use permit (CUP) application from Midwest Wireless for the construction of a tower. Conditions were amended to include a 200-foot setback, obtaining all required permits, red lights at night and white strobe lights during the day, and fencing around the building and ground anchors.

02-24-04-04 Motion by Mr. Sherlin and second by Mr. Antony to approve the Midwest Wireless CUP. Carried.

County Attorney Tom Kramer joined in a discussion about how zoning permit violations should be handled. Violators are often found through the Assessor's office when buildings are found that no permit was issued for. Various penalties, including criminal misdemeanor charges and civil action, were discussed.

02-24-04-05 Motion by Mr. Antony and second by Mr. Johnson to have the Planning and Zoning Commission debate the issue and make a recommendation to the Board. Carried.

02-24-04-06 Motion by Mr. Sherlin and second by Mr. Antony to adopt the following resolution:

WHEREAS, the Minnesota Pollution Control Agency has established an animal feedlot program designed to assist animal feedlot operators in efficient and environmentally sound management of animal wastes; and

WHEREAS, the Minnesota Pollution Control Agency's program provides for county involvement in the processing of animal feedlot permit applications and administration of the animal feedlot program in accordance with Minn. Stat. 116.07 subd. 7 (2001) and Minn. Rules ch. 7020.1600 (October 23, 2000); and as specified in the

attached county delegation agreement;

NOW THEREFORE, BE IT RESOLVED by the Yellow Medicine County Board of Commissioners that the County of Yellow Medicine assumes certain responsibilities for the administration of the animal feedlot program and processing of animal feedlot permit applications in accordance with Minn. Stat. 116.07, subd. 7 (1992), and Minn. Rules ch. 7020.1600 (October 23, 2000); and the attached delegation agreement that describes the administration of the county feedlot program as specified in Minn. Rules ch. 7020.1600, subpart 3; and

BE IT FURTHER RESOLVED, that the County appoints Randy Jacobson as the County Feedlot Pollution Control Officer and that the County Feedlot Pollution Control Officer will:

- (a) Administer animal feedlots and manure storage areas registration programs according to Minn. Rules ch. 7020.0350;
- (b) Locate and register all animal feedlots and manure storage areas that remain unregistered by January 1, 2002;
- (c) Distribute permit application and registration forms to owners required to make application for a permit. Permit application forms must contain the information required in Minn. Rules ch. 7020.0505, subpart 3;
- (d) Review permit applications and issue construction short-form and interim permits in accordance with Minn. Rules ch. 7020.0535, and in the approved delegation agreement;
- (e) Inspect all animal feedlots and manure storage areas in accordance with the approved delegation agreement;
- (f) Review and process complaints;
- (g) Provide assistance to owners in completing permit applications;
- (h) Maintain a record of all correspondence and material relating to permit applications, inspections, and complaints;
- (i) Maintain a record of all notifications received from livestock production facility operators claiming the hydrogen sulfide ambient air quality standard exemption including the days the exemption was claimed and the cumulative days used as provided in Minn. Stat. 116.0713, items (2)(b) and (2)(c).
- (j) Submit an annual report to the commissioner by April 1 of each year, in a format requested by the commissioner, that includes the following:
 - (1) all newly acquired and updated registration information required under Minn. Rules ch. 7020.0350
 - (2) inspection summary information from the previous year;
 - (3) permitting summary information from the previous year including information regarding permits for facilities with less than 1000 animal units that are CAFOs under the 40 C.F.R. part 122, Appendix B(b);
 - (4) complaint and complaint response summary information from the previous year;
 - (5) outreach and education summary information from the previous year; and
 - (6) summary of the progress toward achieving the goals identified in the approved delegation agreement and, if applicable,

proposed adjustments to the goals or plans to meet the goals in the approved delegation agreement;

- (k) Complete the required county feedlot pollution control officer training necessary to perform the duties described under this part assigned to the county feedlot pollution control officer; and
- (l) Forward to the commissioner all permit applications, inspection reports and all other applicable documents for the facilities identified in Minn. Rules ch. 7020.1600, supb. 4, item B.

BE IT FURTHER RESOLVED, that the County of Yellow Medicine agrees to notify the Minnesota Pollution Control Agency in writing of any changes in the program as outlined herein and attached hereto;

BE IT FINALLY RESOLVED, that the County of Yellow Medicine respectfully submits this resolution and the attached delegation agreement to the Minnesota Pollution Control Agency and respectfully requests that the Minnesota Pollution Control Agency approve the County's participation in the animal feedlot program.

Carried.

02-24-04-07 Motion by Mr. Antony and second by Mr. Anderson to approve an additional appropriation of \$2,000 for travel and seminar expenses for Mr. Jacobson to attend required classes. Carried.

Mr. Kramer reviewed an e-mail received from former Planning and Zoning Administrator Jeff Van De Wiele requesting payment for unused sick, vacation, and comp time. He felt that a previous understanding was not being honored. Mr. Chattin will correspond with Mr. Van De Wiele and request that a claim be submitted.

Mr. Kramer also asked that liability questions on a dunk tank be referred to Mr. Chattin and he gave a brief update on legal issues concerning Art Larson and Charles Anderson.

Ms. Remiger recessed the meeting for lunch at 12:18 p.m. and reconvened at 1:08 p.m.

Jane Hennagir, MCIT Account Executive, reviewed their annual report with the Board.

Terry Renken, Administrator for the Yellow Medicine River Watershed District, was present with four of his board members to review their annual report and 2004 budget.

John Johnson, Engineer, and Steve Schaub, Assistant Engineer, reviewed a memo on the Memorial Park Trail. The County was liable for approximately \$5,405 during phase 1 and would have about \$13,000 in additional costs for phase 2. No action was taken.

02-24-04-08 Motion by Mr. Antony and second by Mr. Johnson to adopt the revised Snow and Ice Removal Policy as presented. Carried.

Engineer Johnson noted that the state would be imposing seasonal road restrictions starting February 27th.

02-24-04-09 Motion by Mr. Sherlin and second by Mr. Antony to adopt the following resolution:

BE IT RESOLVED that pursuant to Chapter 163.02 of the 1998 Minnesota Statutes the County Highway Engineer and/or Assistant County Highway Engineer is hereby authorized to impose weight and load restrictions on all highways under the County's jurisdiction.

Carried.

It was noted that a change in the CSAH 47 project would increase costs from approximately \$600,000 to \$730,000, due to regrading, and that the gravel tax issue will not be pursued. An opinion from County Attorney Tom Kramer stating that the County was responsible for weed control in County road right-of-ways was also shared.

Mr. Chattin reviewed proposed changes to the County's investment policy.

02-24-04-10 Motion by Mr. Anderson and second by Mr. Antony to adopt Policy 401 – County Investment Policy as presented. Carried.

02-24-04-11 Motion by Mr. Sherlin and second by Mr. Anderson to approve an additional appropriation request, as presented, to establish a budget for the Clarkfield building. Carried.

The day-to-day operations of the Clarkfield building were also discussed. It was decided to ask Ditch Inspector, John Kolhei, to deal with daily issues with Mr. Chattin available to assist.

Mr. Antony noted that Mr. Chattin has been recognized for being certified as a credentialed manager by the International City/County Management Association. Mr. Chattin also updated the Board on several issues he has been working on.

Mr. Antony continued the Commissioners' reports with updates on the Labor Management Committee, Safety Committee, and Countryside Public Health. Ms. Remiger reviewed correspondence received, upcoming events, and regional rail authority activities. Mr. Johnson reported on the Upper Minnesota Valley Regional Development Authority, Pioneerland Library, and Area Agencies on Aging. Mr. Sherlin reported on Developmental Achievement Center activities.

02-24-04-12 Motion by Mr. Antony and second by Mr. Johnson to approve Commissioners' Warrants as presented totaling \$33,320.88 and acknowledge review of the Auditors' Warrants as presented totaling \$86,359.96. Carried.

Repairs to a new fairgrounds building were discussed. Since a discount was received by the County on the building due to construction defects, using those savings to fund building repairs and improvements was considered.

02-24-04-13 Motion by Mr. Sherlin and second by Mr. Antony to have the fair board submit a list repairs and improvements necessary to alleviate construction defects on the new Yellow Medicine County Pavilion, with associated costs, to the County Board for consideration. Carried.

02-24-04-14 Motion by Mr. Antony and second by Mr. Sherlin to adjourn the meeting at 3:40 p.m. Carried.

Witness:

Jane Remiger, Chair

Attest:

Carolyn Sherlin, Auditor/Treasurer