

OFFICIAL PROCEEDINGS OF THE
BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF NICOLLET
FEBRUARY 12, 2019

The Nicollet County Board of Commissioners met in regular session on Tuesday, February 12, 2019, at 9:00 a.m. Commissioners Marie Dranttel, Jack Kolars, Terry Morrow and John Luepke were present. Also present were County Attorney Michelle Zehnder Fischer, County Administrator Ryan Krosch and Recording Secretary Lynette Peterson. Absent: Commissioner Denny Kemp.

Approval of Agenda

Vice Chair Luepke stated there is one addition to the Consent Agenda "Rush River and High Island Creek TMDL Project". Motion by Commissioner Morrow and seconded by Commissioner Kolars to approve the agenda with one addition to the Consent Agenda. Motion carried with all voting in favor.

Introduction of New Employees – None

Consent Agenda

Motion by Commissioner Kolars and seconded by Commissioner Morrow to approve the consent agenda items as follows: January 22, 2019 Board Minutes, approval of bills, end of probations for Licensed Social Worker – Waiver Case Manager Corissa Schneewind effective February 21, 2019, and Social Worker Erin Kissner Effective February 21, 2019, and \$1,000 annual cash match from 2020-2022 for the Clean Water Act grant application submitted for the Rush River and High Island Creek TMDL Project. Motion carried with all voting in favor.

Public Appearances - None

Public Works

Draft ADA Transition Plan Presentation

Matt Lassonde, Transportation Planner, Bolton & Menk

Public Works Director Seth Greenwood introduced Matt Lassonde, Transportation Planner at Bolton & Menk. Mr. Lassonde is leading the development of ADA Transition Plans for the Mankato/North Mankato Planning Organization (MAPO) and its member jurisdictions. This process began in September of 2017. Mr. Lassonde provided an overview of the process including the self-evaluation (field inventory) project, the ADA Transition Plan development, public involvement and the next steps in the process. An open house is scheduled for February 20, 2019, at the North Mankato Police Annex from 3 p.m. – 6 p.m. with an official presentation at 3:30 p.m. Mr. Lassonde stated this is a prioritization process with the community. Mr. Lassonde distributed a draft resolution for the Board to consider. Public Works Director Greenwood will work on the resolution language, draft it to pertain to Nicollet County and bring the resolution to a future meeting for approval.

Consider 2018 Budget Change Request

Public Works Director Greenwood requested the Board consider approval of a 2018 budget amendment. The County Board approved the 2018 construction projects after the 2018 budget was developed. The actual 2018 construction projects exceeded the approved 2018 budget. Money for the extra costs in 2018 was included in the 2017 financial statement and not reflected in the 2018 budget. The total amount of the change request is \$740,000. Motion by Commissioner Kolars and seconded by Commissioner Morrow to approve the 2018 budget change request. Motion carried with all voting in favor.

Public Works Director Greenwood gave an update on snow removal on County roads.

PPSD – Property Services

January 28, 2019 Planning & Zoning Advisory Commission Meeting

Deputy Zoning Administrator Jon Hammel appeared before the Board to request approval of a conditional use permit for Buell Consulting, Inc./Lorentz Properties, LLC to install a replacement telecommunications tower.

Motion by Commissioner Morrow and seconded by Commissioner Dranttel to accept the Planning and Zoning Advisory Commission’s January 28, 2019 report, recommendations and findings as submitted therein, which included the following:

Buell Consulting, Inc./ Lorentz Properties, LLC	PLN19-01	Belgrade Township
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Motion carried with all voting in favor.

At 9:38 a.m., the Chair recessed the County Board meeting to hold the Drainage Authority meeting. The meeting reconvened at 9:39 a.m.

Administration

Administrator Ryan Krosch reported on the transportation sales tax report from the State of Minnesota for 2018. Nicollet County has currently collected \$1.35 million in transportation sales tax for 2018.

Informational Items – Replacement Hirings

Commissioner Committee Reports

The Commissioners reported on various past and future activities/meetings, including:

Vice Chair’s Report

- Ditch Information Meeting
- Brown-Nicollet Environmental Health Meeting

Commissioner Terry Morrow

- Ditch Information Meeting
- AMC Newly Elected Commissioner Training
- Visited Schroeder Farm
- Meeting with Representative Jeff Brand
- Meeting with Leah Mahoney on SHIP

Commissioner Jack Kolars

- Brown-Nicollet Environmental Health Meeting
- Union Negotiations

Commissioner Marie Dranttel

- Brown-Nicollet Environmental Health Meeting
- Union Negotiations
- Planning & Zoning Committee Meeting

Motion by Commissioner Kolars and seconded by Commissioner Morrow to approve the expenses and per diems for the meetings noted above during the Commissioner reports and/or listed on the Claims Listing, and authorize payment of those expenses and per diems by the Finance Office. Motion carried with all voting in favor.

County Attorney

County Attorney Michelle Zehnder Fischer stated there are a couple of upcoming presentations the Board may be interested in attending. St. Peter Schools will be presenting the video "Screenagers" on February 25, at 6:30 p.m. with information on the effects of screen time on kids. North Mankato and Nicollet County are partnering for public presentations regarding scams on March 13 at 3 p.m. and March 14 at 6 p.m. in North Mankato.

At 9:45 a.m., Commissioner Morrow moved and Commissioner Kolars seconded to recess the County Board meeting for a break. The meeting reconvened at 10:30 a.m.

**Brown-Nicollet Environmental Health
Public Hearing – BNEH Ordinance Revisions**

Vice Chair Luepke opened the public hearing to discuss proposed changes to the Brown-Nicollet Environmental Health Regulation of Food and Beverage Establishments Ordinance.

Brown-Nicollet Environmental Health Director Jesse Harmon provided information to the Board relating to proposed changes to the Regulation of Food and Beverage Establishments Ordinance. The current ordinance was last revised in 2014. The ordinance is being amended to address changes in the Minnesota Food Code. This

new food code became effective January 1, 2019. Discussion was held regarding the ordinance changes.

Vice Chair Luepke asked for public comment. With no one appearing, Vice Chair Luepke closed the public hearing.

Motion by Commissioner Dranttel and seconded by Commissioner Morrow to adopt the proposed changes to the Brown-Nicollet Environmental Health Regulation of Food and Beverage Establishments Ordinance as presented and order publication of a summary of said Ordinance. Motion carried with all voting in favor.

LEGAL NOTICE
NICOLLET COUNTY RESIDENTS
NOTICE OF AMENDMENT OF THE FOLLOWING NICOLLET COUNTY ORDINANCE - SUMMARY

After being duly advertised, the below amendments to the Nicollet County Ordinance Providing for the Regulation of Food and Beverage Establishments were adopted by the Nicollet County Board of Commissioners at a Public Hearing held at 10:30 a.m. during the regular meeting of Tuesday, February 12, 2019, in St. Peter, Minnesota.

The following is a summary pursuant to Minnesota Statutes Section 375.51 and Minnesota Statutes 331A.01, of sections within the following Nicollet County Ordinance which were amended:

The Nicollet County Ordinance Providing for the Regulation of Food and Beverage Establishments:

This Ordinance provides standards for Food and/or Beverage Establishments and authority to protect the health, safety, and general welfare of the public. This Ordinance establishes minimum standards as defined in the Minnesota Food Code, Minnesota Rules, Parts 4626.0010 to 4626.1855, except Certification of Food Protection Managers under Minnesota Statutes Section 157.16, subdivision 2(a), and Minnesota Rules, Parts 4626.0033, subparts G, H, I, J, K, L, M, N, and O, and this Ordinance; for the design, construction, operation, and maintenance of Food and/or Beverage Establishments in Nicollet County. This Ordinance shall be applicable to all Food and/or Beverage Establishments as defined in Minnesota Statutes Section 157.15, Minnesota Rules, Part 4626.0020, and this Ordinance, and shall include all other businesses and establishments where meals, and/or drinks are served, except as exempted by Minnesota Statutes Section 157.22, that are located in Nicollet County, Minnesota. In addition, this Ordinance shall serve as criteria for evaluation of Food and/or Beverage service facilities in Youth Camps as defined in Minnesota Statutes Section 144.71, subdivision 2, that are located in Nicollet County, Minnesota. This Ordinance provides for the licensing and inspection of all Food and/or Beverage Establishments, the enforcement of violations, and the fixing of penalties of this Ordinance throughout Nicollet County.

SECTION 1: Purpose and Authority. Modify references to Minnesota Rules to include Minnesota Rules, Parts 4626.0010 to 4626.1855, Minnesota Rules, Part 4626.0033, subparts G, H, I, J, K, L, M, N, and O, and Minnesota Statutes Section 157.16, subdivision 2(a), to meet the requirements of the Minnesota Department of Health and the Minnesota Food Code. Clarify language and restructure Minnesota Rules and Minnesota Statutes references.

SECTION 2: Scope. Remove "lunches" as it would be included in reference to meals. Restructure sentence format.

SECTION 3: Administration. Remove "referred to as the" as it would be assumed by previously using "hereinafter", and restructure sentence format.

SECTION 4: Definitions. Minnesota Statutes Section 157.15 and Minnesota Rules, Part 4626.0020 to include additional definitions that may be found in these specific Statutes and Rules. Clarify, add, and/or remove definitions, including: additional food service, alcohol beverage service, appeals board, bed and breakfast, beverage only establishment, catering, certified food protection manager, code, daycare, environmental health department, environmental health director, extensive remodeling, hazard analysis and critical control point (HACCP) plan, imminent health hazard, large food establishment, licensee, limited food establishment, minimal handling special event food stand, one day special event food stand, person, person in charge, regulatory authority, high risk food establishment, medium risk food establishment, school additional food service, school food service, seasonal limited food establishment, seasonal small establishment, service kitchen, small food establishment, transient use, and variance. Changed Section numbers to account for removal of definitions in the previous Ordinance.

SECTION 5: Review of Construction Plans. Modify and clarify reference to Minnesota Rules, Parts 4626.1720, to include Subparts E and F. Restructure sentence format.

SECTIONS: 5 – 6: Replace Nicollet County with “the County” as described in Section 4.13.

SECTIONS: 5 – 16: Replace Environmental Health Department with “Regulatory Authority” as referenced in Section 3.

SECTION 6: Licensure. Change language to clarify licensure requirements and licensure process.

SECTION 7: Requirements of Licensed Establishments. Minnesota Rules, Part 4626.0040, subpart A; and Minnesota Rules, Part 4626.0045, to clarify employee illness reporting, exclusion, and restriction requirements. Remove requirement to report customer illness to County Law Enforcement Department.

SECTION 8: Inspection and Correction. Change language for clarity and consistency throughout this section and the Program Ordinance. Replace reference to Minnesota Rules, Parts 4626.2000 to 4626.2010, to include Minnesota Rules, Part 4626.0033.

SECTION 9 – 12: Replace Minnesota Rules, Chapter 4626 with the “Minnesota Food Code” as referenced in Section 1.2. Restructure sentence format.

SECTION 11: Suspension of License. Change language to clarify suspension of license. Change in the timeframe in which written request must be received by the Regulatory Authority.

SECTION 12: Revocation of License. Change language to clarify the timeframe in which revocation of license will take place and the methods in which the written notice of revocation will be provided to the license holder.

SECTION 13: Appeals Procedure. Change language to clarify Request for Hearing, Notice of Hearing, Decisions of the Appeals Board, and Notices Not Appealed.

SECTION 15: Penalties. Language to provide explanation on how the Regulatory Authority may enforce provisions of this Ordinance.

SECTION 16: Variances. Restructure sentence format.

SECTION 17: Effective Date. New effective date. Language to address prosecution for existing violations of the previous Nicollet County Ordinance Providing for the Regulation of Food and Beverage Establishments.

The above amendments to the Nicollet County Ordinance Providing for the Regulation of Food and Beverage Establishments shall take effect February 12, 2019, following publication of this notice.


A complete printed copy of the Ordinance is available for inspection at the Nicollet County Administrator's Office during regular office hours.

Motion by Commissioner Morrow and seconded by Commissioner Kolars to adjourn the meeting. The meeting adjourned at 10:37 a.m.



JOHN LUEPKE, VICE CHAIR
BOARD OF COMMISSIONERS

ATTEST:



RYAN KROSCH
CLERK TO THE BOARD