

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
JULY 6, 2021

The Faribault County Board of Commissioners met in regular session at the Courthouse in the City of Blue Earth at 9:00 a.m. on July 6, 2021. The following members were present: Bruce Anderson, Bill Groskreutz, John Roper, and Greg Young Commissioners. Commissioner Tom Loveall was absent. County Auditor/Treasurer/Coordinator Darren Esser, County Attorney Cameron Davis, Acting Clerk to the Board Clara Vereide, Kevin Mertens, and Milt Steele were also present. Also participating in the call were Faribault County employees: J. Blair, K. Anderson, S. Asmus, D. Anderson, and L. Scholten.

The meeting was called to order by Chair Roper. The pledge of allegiance was recited.

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Young/Groskreutz motion carried unanimously to approve the synopsis and official proceedings of the June 15, 2021 regular, drainage authority, and Board of Equalization meetings.

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Groskreutz/Young motion carried unanimously to approve the agenda of July 6, 2021.

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The calendar was updated.

No member of the public appeared during public comment.

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Committee reports were given. Groskreutz reported on transit issue and HRA; Young reported on CD21 meeting; Anderson reported on extension; and Roper reported on CD21 meeting.

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Faribault/Martin County Public Health Sanitarian Tim Langer met regarding ordinances.

A public hearing on food and beverage ordinance was held at 9:30 am. No member of the public appeared to make comment.

Groskreutz/Anderson motion carried unanimously to adopt Resolution 21-CB-54 the amended food and beverage ordinance and repeal the former. Anderson, Groskreutz, Roper, and Young voted yes.

RESOLUTION

BE IT RESOLVED, by the Board of County Commissioners of Faribault County, Minnesota, as follows:

1. The Board of Commissioners of Faribault County hereby approves and adopts the attached Faribault County Food and Beverage Ordinance.

2. This resolution shall become effective immediately upon its adoption and approval.

FOOD AND BEVERAGE ORDINANCE

An ordinance providing for the licensing and inspection of restaurants and places of refreshment and similar food service; regulating their design, construction, operation and maintenance and providing for the enforcement of this ordinance and the fixing of penalties throughout the entirety of Faribault County thereof be and thereby is established as follows:

This Ordinance shall be applicable to all food and beverage establishments such as restaurants, boarding houses and places of refreshment as defined in Minnesota Statutes, Chapter 157 and shall include temporary and push cart commissaries, drive-ins, bars, taverns, drive-in cafes, clubs, lodges, eating facilities at resorts, schools, public buildings and all other businesses and establishments where meals, lunches or drinks are served, except those exempted by Minnesota Statutes, section 157.22.

This Ordinance is enacted pursuant to Minnesota Statutes, section 157, which establishes the authority for the State to license food and beverage establishments, and Minnesota Statutes, section 145A.07, which authorizes the Commissioner of Health to enter into an agreement with counties or cities organized under provisions of Minnesota Statutes, section 145A.03 to perform all or part of the licensing, inspection, and enforcement duties authorized under the provisions of these sections.

The Faribault County Board of Commissioners pursuant to Minnesota Statutes, section 145A.05, subdivision 8 ordains:

SECTION I - DEFINITIONS

The following definitions shall apply in the interpretation and the enforcement of this Ordinance.

- 1.1 Agency means Human Services of Faribault & Martin Counties acting under the provisions of Minnesota Statutes, Chapter 145A, as the Board of Health.
- 1.2 Health Department means Human Services of Faribault & Martin Counties and its community health personnel.
- 1.3 Staff means the Human Services of Faribault & Martin Counties Community Health Services Program Manager, Public Health Sanitarian and any related personnel acting under the Agency's authority.
- 1.4 Director means the Executive Director of Human Services of Faribault & Martin Counties.
- 1.5 Program Manager means the Community Health Services Program Manager of Human Services of Faribault & Martin Counties.
- 1.6 Sanitarian means the Public Health Sanitarian of Human Services of Faribault & Martin Counties.

SECTION II- ADOPTION OF FOOD & BEVERAGE ESTABLISHMENT STANDARDS

- 2.1 The standards for Food and Beverage Establishments outlined in Minnesota Statutes, section 157 (with the exemption from the fees section 157.16), and in the Minnesota Food Code Minnesota Rules, Chapter 4626, including the Certified Food Protection Manager Requirements for Food Establishments, Minnesota Rules, Parts 4626.0033A-F and any subsequent amendments thereto, are hereby incorporated in and made part of this Ordinance. Minnesota Rules, Parts 4626.0033G-O are enforced by the Minnesota Department of Health and not delegated to Human Services of Faribault & Martin Counties. Wherein Minnesota Rules, Chapter 4626 refers to the Commissioner; Commissioner shall mean Human Services of Faribault & Martin Counties Community Health Board and its designated agents.

SECTION III - EMBARGO, CONDEMNATION AND TAGGING

- 3.1 General: The Staff may condemn and cause to be removed, embargo, and/or tag any item deemed to be violation of Minnesota Rules, Chapter 4626 in accordance with Parts 4626.1805 through 4626.1815; or successor Rules.

SECTION IV - PLAN REVIEW OF FUTURE CONSTRUCTION

- 4.1 General: When an establishment in Faribault County, licensed or to be licensed under the provisions of Minnesota Statutes, Chapter 157, is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a licensed establishment, it shall submit to the Health Department all required plans, specifications and materials, and comply with the requirements of Minnesota Rules, Chapter 4626. Plans and the fee specified by the Agency shall be submitted at least 30 days before beginning construction, extensive remodeling or conversion of a food establishment.
- 4.2 General: The Sanitarian shall inspect the establishment prior to the start of operation, to determine compliance with the approved plans and specifications. The licensee shall not begin operations until the Sanitarian has conducted a final inspection and approved issuance of the food license.

SECTION V - PROCEDURE WHEN INFECTION IS SUSPECTED

- 5.1 General: When the Staff has reasonable cause to suspect the possibility of disease transmission from a food or beverage service establishment employee; he/she shall work in coordination with and under the guidance of the Minnesota Department of Health (MDH) Foodborne and/or Waterborne Diseases Investigation Unit to secure an illness or morbidity history of the suspected employee and/or make other investigations as may be required and take appropriate action. The Staff may require any or all of the following measures:
- 1) The immediate exclusion of the employee from all food service establishments;
 - 2) The immediate closure of the food service establishment concerned until, in the opinion of the Staff, no further danger of disease outbreak exists;
 - 3) Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease, and;
 - 4) Adequate medical and laboratory examinations of the employee or other employees and their body discharges.

SECTION VI - COMPLIANCE PROCEDURES

- 6.1 Licenses Needed: It shall be unlawful for any person to operate a food and/or beverage service establishment within Faribault County who does not possess a valid license issued to them by the Health Department as required by this Ordinance. Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a license. Licenses shall not be transferable from one establishment, person or location to another establishment, person or location. A valid license shall be posted in every food service establishment. All licenses expire as of December 31 each year.
- 6.2 Application for License
- A. Any person desiring to operate a food service establishment shall make written application for a license on forms provided by the Health Department. Such application shall include: the applicant's full name and address and whether such applicant is an individual, firm, partnership or corporation, the location and type of proposed food service establishment, as well as the signature of the applicant or applicants. If a partnership, the names of the partners, together with their addresses shall be included. Each application for a license, together with the appropriate license fee as described herein, shall be submitted to the Health Department not later than January 31 each year, following expiration of the previous year's license, or in the case of a seasonal or new business, within 30 days of the opening date of such a business. Any person who operates a food service establishment without submitting a license application and appropriate fee shall be deemed to have violated this Ordinance and shall be subject to prosecution as provided for in this Ordinance.
- B. Proprietors of any food and/or beverage establishment shall pay an annual license fee at a rate specified by resolution of Human Services of Faribault & Martin Counties. This annual license fee may be adjusted from time to time as the Agency shall deem appropriate. A penalty fee at a rate specified by Human Services of Faribault & Martin Counties shall be added to the amount of the license fee and paid by the proprietor if the annual license fee has not reached the Health Department office by the dates specified in section 6.2A.
- C. From and after October 1st of each year, the license fee for new food and beverage establishments, or new operators, shall be one-half of the appropriate annual license fees plus any penalties which may be required.

6.3 Inspection and Correction

- A. The Health Department shall inspect food and beverage establishments according to Minnesota Statutes, Chapter 157 and rules adopted under Minnesota Statutes, Chapter 157. The frequency of inspection shall be based on the degree of health risk and shall be in compliance with the inspection frequency outlined in Minnesota Statutes, section 157.20; or successor Statutes.
- B. The person operating a food establishment shall, upon request of the Health Department and after proper identification, permit access to all parts of the establishment at any reasonable time for purpose of inspection and shall exhibit and allow copying of any records necessary to ascertain sources of foods or other compliance with the provisions of this Ordinance. Any interference with the Health Department in performance of his/her duties shall be grounds for immediate suspension of the license.
- C. Every person engaged in the operation of a food establishment, as herein defined, shall upon request, furnish reasonable samples free of charge to the Health Department for laboratory analysis.
- D. Whenever an inspection of a food service establishment is made, the findings shall be recorded on the inspection report form. One copy of the inspection report form shall be furnished to the person in charge of the establishment. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it, except when report forms are a part of pending investigations.
- E. The inspection report form shall specify a specific and reasonable period of time for the correction of the violations. Correction of the violations shall be accomplished within the period specified.

6.4 Suspension of License

- A. Licenses may be suspended temporarily by the Staff at any time for failure by the holder to comply with the requirements of this Ordinance. Whenever a license holder or operator has failed to comply with any notice requiring corrective action, issued under the provisions of this Ordinance, that license holder or operator may be notified in writing that the license upon service of notice is immediately suspended and that an opportunity for a hearing before the Appeals Board will be provided if a written request for appeal is filed within five (5) working days with the Staff by the license holder.
- B. Notwithstanding the other provisions of this Ordinance, whenever the Sanitarian finds insanitary or other condition(s) in the operation of a food establishment which, in their judgment, may constitute a substantial hazard to the public health, they can without warning, notice or hearing, issue a written notice to the license holder or operator citing such condition(s), specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and if deemed necessary, such order shall state that the license is immediately suspended, and all food and/or beverage operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the Staff, shall be afforded an appeal before the Appeals Board as soon as the Appeals Board may be convened.
- C. Any person whose license or permit has been suspended may at any time make application for a reinspection for the purpose of reinstatement of the license. Within ten (10) working days

following receipt of a written request, including a statement signed by the applicant that in their opinion the condition(s) causing suspension of the license has/have been corrected, the Sanitarian shall make a reinspection. If the applicant is in compliance with the requirements of this Ordinance and Minnesota Rules, Chapter 4626, the license shall be reinstated.

6.5 Revocation of License: For serious or repeated violations of any of the requirements of this Ordinance or Minnesota Rules, Chapter 4626, the license may be permanently revoked after an opportunity for a hearing before the Appeals Board has been provided. Prior to such action, Staff shall notify the license holder in writing, advising that the license shall be permanently revoked at the end of a five (5) day period.

6.6 Variance Request

A. Variance Request: A party may ask the Health Department to grant a variance based on the applicable Minnesota Rules, Parts 4626.1690 to 4626.1715. A variance shall not be requested nor shall one be granted from Minnesota Rules, Part 4626.1690A. The party requesting the variance must submit the variance request in writing to the Health Department along with the fee specified by the Agency. A request must contain:

1. The specific language in the rule or rules from which the variance is requested;
2. The reason why the rule cannot be met;
3. The alternative measures that will be taken to assure a comparable degree of protection to health or the environment if a variance is granted;
4. The length of time for which the variance is requested;
5. A statement that the party applying for the variance will comply with the terms of the variance, if granted;
6. Other relevant information the Health Department determines necessary to properly evaluate the request for the variance.

B. Criteria for Decision: A variance may be granted provided that:

1. The conditions causing the hardships are unique to the property, applicant or licensee.
2. The variance is proved necessary in order to secure for the applicant a right or rights enjoyed by other persons in the same area or district.
3. Granting of the variance will not be contrary to public interest or damaging to the rights of other persons or of properties in the same area or district.
4. The granting of the variance will not be contrary to the policy and intent of the County Food and Beverage Ordinance, or detrimental to the public health, safety and welfare.
5. No variance shall be granted simply because there are no objections, because those who do not object outnumber those who do, or for any reason other than a proved hardship.

C. Informal Administrative Hearing: Unless otherwise provided, the Health Department shall conduct an informal administrative hearing within thirty (30) days of receipt of an application for variance. The applicant or his/her designated representative shall attend the hearing and present the facts or conditions upon which the application for the variance is based. The Health Department shall prepare a written decision with its reasons therefore, and serve it personally or by registered or certified mail on the applicant by midnight of the tenth (10th) County working day following the hearing.

D. Request for Formal Hearing: In the event that the Health Department decides to deny the application for the variance, the applicant may request a formal hearing on said variance. The

request shall be in writing stating the grounds upon which the request is based and served personally or by registered or certified mail on the Health Department by midnight of the tenth (10th) County working day following the Health Departments decision. Following receipt of a request for a formal hearing, the Health Department shall notify the Appeals Board, and the hearing shall be conducted pursuant to Section 6.7 of this Ordinance.

- 6.7 Appeals Board: The Appeals Board shall consist of six (6) members from the Human Services of Faribault & Martin Counties Board such that a minimum of two (2) members from each county are included. The Chairperson of the Human Services Board will be the Appeals Board Chairperson and will be included as one of the six members.
- A. Request for Hearing: Any person affected by a notice of embargo, suspension, denial of variance, or revocation shall be granted a hearing on the matter before the Appeals Board upon filing in the office of the Staff, written petition requesting such a hearing and setting forth a brief statement on the grounds therefore. Said petition shall be filed within ten (10) working days after the notice was served.
 - B. Date of Hearing: The hearing requested shall be held not more than ten (10) working days after the date on which the petition was filed. The Chairperson of the Appeals Board may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if in the judgment a good and sufficient reason exists for such postponement.
 - C. Notice of Hearing: The Staff shall cause five (5) working days written notice of the hearing to be given to the petitioner or petitioners by personal service or by mailing to the petitioner or petitioner's last known address.
 - D. Proceedings: At such hearing the petitioner, their agent or attorney shall be given an opportunity to be heard and to show cause why the notice of embargo, suspension, denial of variance, or revocation issued by the Health Department should be modified or withdrawn. The Program Manager or County Attorney shall present a detailed written statement of their findings and recommendation(s) to the Appeals Board at the time of the hearing.
 - E. Decisions of the Appeals Board: The Appeals Board, within three (3) working days after such hearing, shall sustain, modify or withdraw the notice of embargo, suspension, denial of variance, or revocation depending upon its findings. A copy of the decision of the Appeals Board shall be served by mail to the petitioner or petitioners. Any person aggrieved by the decision of the Appeals Board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the state.
 - F. Record of Proceedings: The proceedings of each hearing held before the Appeals Board pursuant to petition, including the findings and the recommendation(s) of the Program Manager or County Attorney shall be recorded and written summaries be entered as a public record in the office of the Director. Such record shall include a copy of every notice or order or writing issued in connection with the matter.
 - G. Notices not Appealed: Any notice served pursuant to the provisions of this Ordinance shall automatically become final if a written petition for a hearing is not filed with the Health Department within ten (10) working days after the notice is served.

- 6.8 Severability: The provisions of this Ordinance shall be severable. Should any section, paragraph, sentence, clause, phrase or portion of this Ordinance be declared invalid for any reason, the remainder of said Ordinance shall not be affected thereby.
- 6.9 Minnesota Department of Health: The requirements contained in this Ordinance are intended to be comparable to the Minnesota Department of Health rules and are intended to meet the minimum requirements set forth by the Minnesota Department of Health. Whenever the Minnesota Department of Health amends rules or adopts new rules setting more restrictive sanitary standards than the ones established in this Ordinance, the rules set by the Minnesota Department of Health shall govern and will be considered in the enforcement procedure as part of this Ordinance.
- 6.10 Penalties: Any person, firm, or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed the maximum allowed under the Misdemeanor Statutes or by imprisonment not to exceed the maximum allowed under the Misdemeanor Statutes or both. Each day that a violation continues shall constitute a separate offense. Such persons may be enjoined from continuing such violations.
- 6.11 In the event of a violation or a threat of violation of this Ordinance, the County Attorney may make take appropriate action to enforce this Ordinance, including application of injunctive relief, action to compel performance, or other appropriate action in court, if necessary, to prevent, restrain, correct, or abate such violations, or threatened violations.
- 6.12 Effective Date: This Ordinance shall be in full force and effect upon publication.

SECTION VII - REPEAL OF PREVIOUS ORDINANCE

- 7.1 This Ordinance, adopted July 6, 2021 hereby repeals and replaces in its entirety the Faribault County Food and Beverage Ordinance adopted on March 4, 2014.

A public hearing on swimming pool ordinance was held at 9:35 am. No member of the public appeared to make comment.

Anderson/Young motion carried unanimously to adopt Resolution 21-CB-55 the amended swimming pool ordinance and repeal the former. Anderson, Groskreutz, Roper, and Young voted yes.

RESOLUTION

SWIMMING POOL ORDINANCE

SECTION 1: Purpose

The purpose of this ordinance is to establish standards for all public swimming pools and to protect the health, safety, and general welfare of the people of Faribault County, including the following general objectives:

1. Provide a minimum standard for the design, construction, operation, and maintenance of public swimming pools.
2. Correct and prevent conditions that may adversely affect persons utilizing public swimming pools; and
3. Meet consumer expectations for the quality and safety of public swimming pools.

SECTION 2: Scope

This Ordinance shall be applicable to all public swimming pools as defined in MN Rules, Part 4717.0250, and shall provide for the licensing and inspection of all public swimming pools, regulation of the design, construction, operation and maintenance of such pools and the enforcement of violations of this Ordinance.

SECTION 3: Authority

1. This Ordinance is enacted pursuant to MN Statutes, section 145A.07, which authorizes the Commissioner of Health to enter into an agreement to perform all or part of the licensing, inspection and enforcement duties authorized under the provisions of these sections.
2. The requirements contained in this Ordinance are intended to be comparable to the Minnesota Department of Health Rules and are intended to meet the minimum requirements set forth by the Minnesota Department of Health. Whenever the Minnesota Department of Health amends rules or adopts new rules setting more restrictive standards than the ones established in this Ordinance, the rules set by the Minnesota Department of Health shall govern and will be considered in the enforcement procedure as part of this Ordinance.

SECTION 4: Definitions

The following definitions shall apply in the interpretation and the enforcement of this Ordinance.

1. Appeals Board shall mean six (6) members of the Human Services of Faribault & Martin Counties Board such that a minimum of two (2) members from the Faribault County and two (2) members from Martin County are included. The Chairperson of the Human Services Board will be the Appeals Board Chairperson and will be included as one of the six (6) members.
2. Board shall mean the Human Services of Faribault & Martin Counties Community Health Board acting under the provisions of MN Statutes, Chapter 145A, as the Board of Health.
3. Commissioner of Health shall mean the Minnesota Commissioner of Health.
4. Director shall mean the Executive Director of Human Services of Faribault & Martin Counties.
5. Health Authority shall mean the Human Services of Faribault & Martin Counties Community Health Services Program Manager, Public Health Sanitarian or designated staff.
6. Health Department shall mean Human Services of Faribault & Martin Counties Environmental Health Department or the authorized representative.
7. Private Residential swimming pool shall mean any swimming pool located on private property under the control of the homeowner, the use of which is limited to swimming or bathing by

members of the homeowners or their invited guest. (The design, construction, and operation of such pools are not subject to the provisions of MN Rules, Chapter 4717).

8. Public swimming pool shall mean any swimming pool, other than a private residential swimming pool, that is: (1) open to the public generally, whether for a fee or free of charge; (2) open exclusively to members of an organization and their guests; (3) open to residents of a multiunit apartment building, apartment complex, residential real estate development, or other multi-family residential area; (4) open to patrons of lodging establishment or other public accommodation facility; or (5) operated by a person in a park, school, licensed child care facility, group home, motel, camp, resort, club, condominium, manufactured home park, or political subdivision with the exception of swimming pools at family day care homes licensed under MN Statutes, section 245A.14, subdivision 11, paragraph (a).
9. Sanitarian shall mean the Public Health Sanitarian of Human Services of Faribault & Martin Counties.

SECTION 5: Adoption of Public Pool Standards

The standards for public swimming pools outlined in Minnesota Rules, Parts 4717.0150 to 4717.3970 and any subsequent amendments thereto, except Minnesota Rules, Parts 4717.0310 to 4717.0450, and MN Statutes, section 144.1222 are hereby incorporated in and made part of this Ordinance. Wherein MN Rules, Chapter 4717 refers to the Commissioner, Commissioner shall mean the Human Services of Faribault & Martin Counties Community Health Board and its designated agents.

SECTION 6: Review of Construction Plans

When a Public pool in Faribault County is licensed or to be licensed under the provisions of MN Rules, Chapter 4717 is constructed, installed or materially altered, complete plans and specifications shall be submitted to the Minnesota Department of Health as specified in Minnesota Rules, Chapter 4717, Part 4717.0450, along with the fee specified in MN Statutes, section 144.1222, subdivision 1a or successor Statutes.

SECTION 7: Licensure

1. The Health Department is authorized to issue licenses for the operation of public swimming pool and such pools are required to be licensed prior to commencing operation in any calendar year. It shall be unlawful for any person to operate a public pool within Faribault County who does not possess a valid license issued to them by the Health Department as required by this Ordinance. Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a license.
2. Licenses issued pursuant to this Ordinance expire on December 31, of each year. License renewal applications shall be filed prior to January 31 or the first day of operation in each calendar year. Licenses shall become overdue and subject to a penalty if received after January 31 or 30 days after the first day of operation in each calendar year. Every person seeking to operate a public swimming pool shall make application in writing to the Health Department. Such application shall include: the applicant's full name and address and whether such applicant is an individual, firm, partnership or corporation, the location, as well as the signature of the applicant or applicants. Such application shall be provided by the Health Department. When a person is seeking to operate more than one swimming pool, an additional license and fee shall be required.

3. Applicants for license shall pay an annual license fee at a rate specified by the Board. This annual license fee may be adjusted as the Board shall deem appropriate. A penalty fee at a rate specified by the Board shall be added to the amount of the license fee and paid by the applicant if the annual license fee has not reached the office of the Health Department by the dates specified. Licenses shall not be transferable from one establishment, person or location to another establishment, person or location. When opening after October 1, and before January 1, a new business or new operator is required only to pay ½ of the normal annual fee.
4. If the Health Department should determine from the application that the health and safety of the public will be properly safeguarded, approval of the license may be given except for a newly constructed or altered pool.
5. If the Health Department should determine from the application or subsequent inspection that the health and safety of the public in the pool will not be properly safeguarded, the Health Department may deny the application for licensure. Such applicant is entitled to a hearing before the Appeals Board as outlined in Section 11 of this Ordinance.

SECTION 8: Inspection

1. The Health Department shall inspect public swimming pools at least as frequently as required by MN Statutes, section 157.20 and rules adopted under Minnesota Statutes, section 157 and any subsequent amendments thereto.
2. Pursuant to MN Rules, Part 4717.0375, the Health Authority shall have the right to enter and have access to the Public Pool at any time during the conduct of business and is authorized to inspect and sample the water in public pools. No persons shall interfere with or hinder the Health Authority in the performance of its duties, or refuse to permit the Health Authority to make such inspections.
3. The person operating a public pool shall, upon request of the Health Department and after proper identification, permit access to all parts of the pool at any reasonable time for purpose of inspection and shall exhibit and allow copying of any records necessary to ascertain compliance with the provisions of this Ordinance.
4. When any of the conditions in the following items listed as A to F are found, a public pool must be immediately closed to use when so ordered by the Health Department. The owner of the pool or the owner's agent must place a sign at the entrance to the pool indicating that the pool is closed. The pool must remain closed until the condition is corrected and approval to reopen is granted by the Health Department. A pool must be closed when:
 - A. The units of lifesaving equipment specified in MN Rules, Part 4717.1450 are not provided;
 - B. The water clarity standard specified in MN Rules, Part 4717.1750, subpart 7, is not met;
 - C. The disinfectant residual specified in MN Rules, Part 4717.1750 subpart 3 and any subsequent amendments thereto, is not met;
 - D. The pool has been constructed or physically altered without approval of plans as required by MN Rules, Part 4717.0450;
 - E. All pool drain equipment does not meet the requirements of MN Statutes, section 144.1222, subdivisions 1, b, c, and d and any subsequent amendments thereto.

- F. There is any condition that endangers the health or safety of the public.
5. All findings of an inspection of a public pool shall be recorded on the inspection report form. One copy of the inspection report form shall be furnished to the person in charge. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it, except when report forms are a part of pending litigations.
6. The inspection report form shall specify a specific and reasonable period of time for the correction of the violations. Correction of the violations shall be accomplished within the period specified.

SECTION 9: Suspension of License

1. Licenses may be suspended temporarily by the Health Authority at any time for failure by the holder to comply with the requirements of this Ordinance. Whenever a license holder or operator has failed to comply with any notice requiring corrective action, issued under the provisions of this Ordinance, that license holder or operator may be notified in writing that the license upon service of notice is immediately suspended and that an opportunity for a hearing before the Appeals Board will be provided if a written request for appeal is filed within ten (10) days with the Health Authority by the license holder.
2. Any person whose license or permit has been suspended may at any time make application for a re-inspection for the purpose of reinstatement of the license. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in their opinion the condition(s) causing suspension of the license has/have been corrected, the Sanitarian shall make a re-inspection. If the applicant is in compliance with the requirements of this Ordinance the license shall be reinstated.

SECTION 10: Revocation of License.

For serious or repeated violations of any of the requirements of this Ordinance, MN Rules, Chapter 4717 or MN Statutes, section 144.1222, the license may be permanently revoked after an opportunity for a hearing before the Appeals Board has been provided. Prior to such action, the Health Authority shall notify the license holder in writing, advising that the license shall be permanently revoked at the end of a five (5) day period.

SECTION 11: Appeals Procedure

Appeals shall be heard by the Appeals Board, which shall consist of six (6) members of the Human Services of Faribault & Martin Counties Board such that a minimum of two (2) members from Faribault County and two (2) members from Martin County are included. The Chairperson of the Human Services Board will be the Appeals Board Chairperson and will be included as one of the six (6) members.

1. Request for Hearing. Any person affected by a notice of closure, suspension, or revocation shall be granted a hearing on the matter before the Appeals Board upon filing in the office of the Director, written petition requesting such a hearing and setting forth a brief statement on the grounds therefore. Said petition shall be filed within ten (10) days after the notice was served.
2. Date of Hearing. The hearing requested shall be held not more than ten (10) days after the date on which the petition was filed. The Chairperson of the Appeals Board may postpone the date of the

hearing for a reasonable time beyond such ten (10) day period, if in the judgment of the Chairperson a good and reasonable reason exists for such postponement.

3. Notice of Hearing. The Health Authority shall cause five (5) days written notice of the hearing to be given to the petitioner or petitioners by personal service or by mailing to the petitioner's last known address.
4. Proceedings. At such hearing the petitioner, their agent or attorney shall be given an opportunity to be heard and to show cause why the notice of closure, suspension, or revocation issued by the Health Authority should be modified or withdrawn. The Health Authority shall present a detailed written statement of their findings and recommendation(s) to the Appeals Board at the time of the hearing.
5. Decisions of the Appeals Board. The Appeals Board, within three (3) days after such hearing, shall sustain, modify or withdraw the notice of closure, suspension, or revocation depending upon its findings. A copy of the decision of the Appeals Board shall be served by mail to the petitioner or petitioners. Any person aggrieved by the decision of the Appeals Board may seek relief there from in any court of competent jurisdiction as provided by the laws of the state.
6. Record of Proceedings. The proceedings of each hearing held before the Appeals Board pursuant to petition, including the findings and the recommendation(s) of the Health Authority shall be recorded and written summaries be entered as a public record in the office of the Director. Such record shall include a copy of every notice or order or writing issued in connection with the matter.
7. Notices not appealed. Any notice served pursuant to the provisions of this Ordinance shall automatically become final if a written petition for a hearing is not filed with the Director within ten (10) days after the notice is served.

SECTION 12: Severability.

The provisions of this Ordinance shall be severable. Should any section, paragraph, sentence, clause, phrase or portion of this Ordinance be declared invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

SECTION 13: Penalties.

Any person, firm, or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed the maximum allowed under the Misdemeanor Statutes or by imprisonment not to exceed the maximum allowed under the Misdemeanor Statutes or both. Each day that a violation continues shall constitute a separate offense. Such persons may be enjoined from continuing such violations.

SECTION 14: Effective Date

This Ordinance shall be in full force and effective upon publication.

SECTION 15: Repeal of Previous Ordinance

This Ordinance, adopted July 6, 2021 hereby repeals and replaces in its entirety the Faribault County Public Swimming Pool Ordinance adopted on March 18, 2014.

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Public Works Director Mark Daly met regarding office business.

Young/Anderson motion carried unanimously to adopt resolution 21-RB12-56 approving the grant agreement for Blue Earth Safe Routes to Schools program. Anderson, Groskreutz, Roper, and Young voted yes.

RESOLUTION

Exhibit E
Grant Agreement to State Transportation Fund
Safe Routes to Schools Program
Grant Terms and Conditions
SP 022-591-002

WHEREAS, Faribault County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for Safe Routes to Schools; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this project is available; and

WHEREAS, the amount of the grant has been determined to be \$91,000 by reason of the lowest responsible bid;

NOW THEREFORE, BE IT RESOLVED that Faribault County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.40 and will pay any additional amount by which the cost exceeds the estimate and will return to the Minnesota State Transportation Fund any amount appropriated for the project but not required. The proper county officers are authorized to execute a grant agreement and any amendments thereto with the Commissioner of Transportation concerning the above-referenced grant.

Young/Groskreutz motion carried unanimously to adopt Resolution 21-RB13-57 approving the agreement to maintain facility for Blue Earth Safe Routes to Schools program. Anderson, Groskreutz, Roper, and Young voted yes.

RESOLUTION

Exhibit F
Agreement to Maintain Facility
Safe Routes to Schools Program
SP 022-591-002

WHEREAS, the Safe Routes to School Program was established in Minn. Stat. §174.40 to provide assistance in capital investments for safe and appealing nonmotorized transportation to and from a school with a useful life of at least ten years: and

WHEREAS, the Minnesota Department of Transportation (MnDOT) has determined that for projects implemented with Safe Routes to School funds, operation and maintenance requirements for its useful life should be applied to the project sponsor, and

WHEREAS, the County of Faribault is the project sponsor for the Safe Routes to School project within the City of Blue Earth.

THEREFORE BE IT RESOLVED, that the Project Sponsor hereby agrees to assume full responsibility for the design, construction, operation and maintenance of property and facilities related to the aforementioned Safe Routes to School project.

BE IT FURTHER RESOLVED THAT the Sponsoring Agency has received assurance that the Agency receiving the facility will retain responsibility for maintenance. Failure to adequately maintain the facility will result in the Recipient Agency being ineligible for future funding under this or similar federal or state funded programs.

Discussion was held regarding JD1F crossing at CSAH 13.

Young/Anderson motion carried to temporarily fill void on JD1F crossing at CSAH 13 with adequate patch until permanent repair can be made. Groskreutz voted no.

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Young/Groskreutz motion carried to rescind authorization of the County Coordinator to cast a unanimous vote for Mary Jo McGuire as second vice president of the National Association of Counties.

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Central Services Director Lexi Scholten met regarding office business. An update on probation office move was given.

Groskreutz/Young motion carried unanimously to approve the hiring of Anthony Allevan as Maintenance Man I in Public Works; Tanya Nichols as Part-time Dispatch/Jailer, Tiffany Cumming as Part-time Deputy, and Dalton Potter as full-time Dispatch/Jailer in the Sheriff Department; Stacy Scofield as Administrative Office Specialist in Court Services; and Saxon Warmka as Building/Facilities Maintenance Assistant in Buildings and Grounds.

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Drainage Project Manager Dustin Anderson met regarding JD1F crossing at CSAH 13.

Young/Anderson motion carried unanimously to accept quote of \$94,785.00 for replacement of JD1F centerline culvert on CSAH 13 from Brunz Construction.

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Groskreutz/Anderson motion carried unanimously to approve the purchase a used large format plotter/scanner for \$1,500.00 using Recorder Compliance Funds.

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Groskreutz/Young motion carried unanimously to approve Resolution 21-CB-58 setting public landowner tax forfeiture auction date and Parcel List 2021-B. to 9am Tuesday August 10, 2021. Anderson, Groskreutz, Roper, and Young voted yes.

RESOLUTION

WHEREAS, the County Board of Commissioners of Faribault County, State of Minnesota, desires to offer for sale certain parcels of land that have forfeited to the State of Minnesota for non-payment of taxes, and

WHEREAS, said parcels of land have been viewed by the County Board of Commissioners and have been classified as non-conservation lands as provided for in Minnesota Statutes 282.01, and

WHEREAS, that the basic sale price of each parcel on List 2021-B of Tax Forfeited Land has been set by the County Board of Commissioners and is on file with the County Auditor-Treasurer.

NOW, THEREFORE, BE IT RESOLVED, that the Faribault County Board of Commissioners hereby certify that the parcels of tax forfeited land listed on List 2021-B of Tax Forfeited Land be approved and the authorization for a public sale of this land be granted, pursuant to Minnesota Statutes 282.01;

BE IT FURTHER RESOLVED, that the sale of said Tax Forfeited Land will be held outside at the front steps of the Faribault County Courthouse, 415 North Main Street, Blue Earth, MN at 9:00AM, Tuesday, August 10, 2021, by the Faribault County Auditor-Treasurer for not less than the basic sale price and that all sales shall be in full payment at the time of the sale.

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Young/Anderson motion carried unanimously to approve Resolution 21-CB-59 setting private adjacent landowner tax forfeiture auction date and Parcel List 2021-A 9am August 6th in commissioners board room. Anderson, Groskreutz, Roper, and Young voted yes.

RESOLUTION

WHEREAS, the County Board of Commissioners of Faribault County, State of Minnesota, desires to offer for sale certain parcels of land that have forfeited to the State of Minnesota for non-payment of taxes, and

WHEREAS, said parcels of land have been viewed by the County Board of Commissioners and have been classified as non-conservation lands as provided for in Minnesota Statutes 282.01, and

WHEREAS, that the basic sale price of each parcel on List 2021-A of Tax Forfeited Land has been set by the County Board of Commissioners and is on file with the County Auditor-Treasurer.

NOW, THEREFORE, BE IT RESOLVED, that the Faribault County Board of Commissioners hereby certify that the parcels of tax forfeited land listed on List 2021-A of Tax Forfeited Land be approved and the authorization for a private sale of this land be granted, pursuant to Minnesota Statutes 282.01;

BE IT FURTHER RESOLVED, that the sale of said Tax Forfeited Land will be held in the Commissioners Room of the Faribault County Courthouse, 415 North Main Street, Blue Earth, MN at 9:00AM, Friday, August 6, 2021, by the Faribault County Auditor-Treasurer for not less than the basic sale price and that all sales shall be in full payment at the time of the sale.

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Anderson/Groskreutz motion carried unanimously to approve requests from M. Lore to attend an online Supervisor Coaching lab; L. Scholten to attend a one-day Labor Law & Labor Arbitration in Minneapolis; T. Hanevik to attend a 4-day Jail Administrators Conference in Brainerd; M. Eckhardt to attend a 1-day Minnesota Prosecutor training in Minneapolis; and L. Mehrhof to attend a 2-day MN Assoc. of Assessment Personnel in St. Cloud.

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Young/Anderson motion carried unanimously to approve credit card for Cameron Davis.

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Groskreutz/Young motion carried unanimously to set 2022 budget work session at 9:00 am on August 24, 2021.

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Groskreutz/Anderson motion carried unanimously to place ad in Faribault County Register special fair edition.

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No member of the public appeared during Drainage public comment.

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Young/Anderson motion carried unanimously to pay audit list and auxiliary totaling \$ 507,495.24 as follows:

GENERAL REVENUE FUND	\$ 136,503.63
PUBLIC WORKS FUND	32,621.16
HUMAN SERVICES FUND	222,521.37

NON REV/DISB A	1,354.85
COUNTY LIBRARY FUND	41,902.74
HUNTLEY SEWER DISTRICT	130.35
DITCH FUND	<u>72,461.14</u>
	\$ 507,495.24

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The meeting was recessed to 9:00 a.m. July 20, 2021.

John Roper, Chair

Clara Vereide, Acting Clerk to the Board