

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: September 26, 2023

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Dewey Severson, Eric Johnson, Robert Burns, Bob Schuldt, and Greg Myhre

Others Present: Interim Auditor/Treasurer Polly Heberlein, Reporter Wanda Hansen, Reporter Rachel Stock, Finance Director Carol Lapham, Board Clerk/EDA Director Allison Wagner, Recorder Mary Betz, Engineer Brian Pogodzinski, Human Resources Director Theresa Arrick-Kruger, Sheriff Brian Swedberg, IT Director Andrew Milde, Environmental Services Director Martin Herrick, Environmental Services Technical Clerk Amy Sylling, Deputy Auditor/Treasurer Mark Bennett, Public Health and Human Services Director John Pogleasa, Deputy Auditor/Treasurer Eliana Babinski, Financial Assistance Supervisor Karen Kohlmeyer, Fiscal Supervisor Heidi Harms, Lieutenant Steve Garrett, Wabasha County Detective Nate Barker, Amber Miller, Steve Goetzinger, Leslie Reichgelt, Darrell Johnson, Stephanie Goetzinger, Kristina Sherbon, Dawn Steffes, Kayla Oppelt, Julie Rosendahl, Tiffany Hill, Dayva Goetzinger, Aubrey Buttell, Brittany Miller, Emily Papenfuss, Tessa Welbig, Dawn Scholl, News 8, Teresa Walter, Ashley, Sandy, Tanya, Karla, Meghan, Chelsey, and Nikki

Presiding: Chairperson Severson

Call to order.

Pledge of Allegiance.

Prior to any motions being made Commissioner Myhre asked that Consent Item No. 4: Initiate a competitive search for a 1.0 FTE Case Aide B22, be removed from the agenda. Motion was made by Commissioner Johnson, seconded by Commissioner Burns, motion unanimously carried to approve the agenda with the change.

Motion was made by Commissioner Johnson, seconded by Commissioner Burns, motion unanimously carried to approve the meeting minutes from September 12, 2023.

Motion was made by Commissioner Schuldt, seconded by Commissioner Myhre, motion unanimously carried to approve the workgroup session minutes from September 19, 2023.

Public Comment:

Amber Miller introduced herself and Steve Goetzinger from La Crescent. She said “you guys might remember approving us for, to become managers at Wildcat campground, but that almost didn’t happen did it?” She began by asking the Commissioners by a show of hands if any of them had ran against someone to become Commissioner. She then asked if anyone had disputed the vote after the fact. Miller said there were people at the County who tried to sabotage, mislead, and confuse her and those doing the hiring. She said they were a family that lives by their values and integrity. Miller said after the initial interview there was a second unexpected interview and that “miscommunication and delays emerged casting doubt on our selection as the chosen candidate”. She said she had received the most votes for the Wildcat Park manager position; however, the vote had been questioned repeatedly (fifteen times in one meeting) by one of the Commissioners and he suggested re-interviewing the runner up. Miller questioned the hiring process and its fairness. She asked if there were conflicts of interest with the process and quoted the County’s Code of Ethics. Miller referenced the April 11th 2023 Board meeting saying while it was on the agenda to approve a Wildcat Park manager that day the name of her LLC was missing on the agenda and there was no contract. The board voted on hiring a park manager at that meeting, but it did not pass that day. Miller said in reference to the April 11th meeting: “A few key points to note, the employee tasked with drafting the contract had all the necessary information. The Parks Committee had already spent hours working on the contract the previous week. The final contract the County later sent was nearly identical to the previous manager’s contract. The County had established a timeline for completion which was not followed”. She said she felt she had been pressured into making quick decisions, and that the day the Commissioners did vote to officially hire her LLC a final contract had still not been finalized. Instead, they had used Miller’s own revised version at that Board meeting. “I implore you to thoroughly investigate this matter because it is my belief that this is not an isolated incident” Miller said. She also said she had data requested emails. She asked how the County Attorney would handle the request as he was a person of interest. Miller ended by thanking the Commissioners for the opportunity to serve the community, but said there was no point in her managing Wildcat again if the matter was not going to be looked into.

Commissioner Johnson said Miller’s public comment deserved a response. Johnson apologized to Miller for what happened. He said he too had questioned the County’s hiring processes. Johnson said he shared her same frustrations and thanked her for voicing them.

Commissioner Severson questioned Miller asking if she had notified all campers that she would be attending the board meeting that day. He also asked about a card system at the park.

Miller said she had notified some people she would be attending the meeting. She said the card discussion was a discussion for the Parks Committee.

Commissioner Myhre told Miller she had done a nice job and thanked her for attending.

APPOINTMENTS

Nate Barker, Wabasha County Detective, gave an update on the Regional Prevention and Investigation program. The program was a grant funded program from the Minnesota Department of Human Services that helped detect fraud in Human Services programs. Barker was hired to work in the region in multiple counties. He said in Houston County he had discovered \$16,455.00 worth of fraud findings in the County in the last year. If Human Services Staff or the general public suspected someone of fraud when it came to the programs there was a referral process and a tip hotline that could be used. Barker would then investigate the matter. Public Health and Human Services Director Pugleasa said fraud cases were minimal compared to the overall number of cases the County had.

Lieutenant Steve Garrett made a public comment saying Nate Barker was a “great asset to our area” and that he was grateful for him.

CONSENT AGENDA

Commissioner Johnson asked why Amy Sylling needed to wait until 10/9/2023 to move from the Environmental Services office to the Auditor/Treasurer office. Human Resources Director Kruger said the department heads were working out the transition and that Sylling was needed in the Environmental Services office, but was doing some training with the Auditor/Treasurer’s office. 10/9/2023 was also the end of a pay period. Commissioner Johnson said the Auditor/Treasurer’s office had been short staffed for nearly two months and that he would prefer if Sylling moved effective immediately. Kruger said that was not her recommendation, but that the decision was up to the Commissioners. Commissioner Severson said in his experience transitions were always made at the start of a new pay period. Motion by Commissioner Burns, seconded by Commissioner Myhre, motion unanimously carried to approve the consent agenda.

- 1) Reassign Amy Sylling from Environmental Services Technical Clerk I to a probationary 1.0 FTE Deputy Auditor/Treasurer Technical Clerk II, B22 Step 3, effective 10/09/2023. (Kruger)
- 2) Hire Eva Welscher as a probationary 0.5 FTE Deputy Auditor/Treasurer- License Center Technical Clerk II, B22 Step 1, effective 10/16/2023 conditioned upon successful completion of background check. (Kruger)
- 3) Reassign Kristen Klug from Case Aide to a probationary 1.0 FTE Eligibility Worker B24 Step 1, effective 10/09/2023. (Kruger)
- 4) This item was removed from the consent agenda.
- 5) Reassign Zachary Swedberg from Sheriff’s Deputy 1.0 FTE Patrol Sergeant, C43 Step 9, effective 10/08/2023. (Kruger)

ACTION ITEMS

File No. 1 – Commissioner Myhre moved, Commissioner Johnson seconded, motion unanimously carried to approve Houston County Hauler Licenses for Justin Birdd (new owner of Midwest Roll Off LLC), Justin Birdd (new owner of Two Guys and a Dumpster LLC), and Caledonia Haulers-Dennis Gavin.

File No. 2 – Commissioner Burns moved, Commissioner Schuldt seconded, motion unanimously carried to adopt Resolution No. 23-31 Final Acceptance for CP 2023-05, Contract #333 with Sir Lines-A-Lot Inc, for pavement markings. Total cost was \$185,991.50. See resolution below.

RESOLUTION NO. 23-31

FINAL ACCEPTANCE FOR CP 2023-05 PAVEMENT MARKINGS

CONTRACT # 333 – SIR LINES-A-LOT INC

September 26, 2023

WHEREAS, Contract No. 333 has in all things been completed, and the County Board being fully advised in the premises,

NOW, THEN BE IT RESOLVED, That we do hereby accept said completed project for and in behalf of the County of Houston and authorize final payment as specified herein.

File No. 3 – Commissioner Myhre moved, Commissioner Johnson seconded, motion unanimously carried to adopt Resolution No. 23-32 Final Acceptance for CP 2023-01, Contract #056 with Bruening Rock Products, for maintenance rock. The total cost was \$280,476.29. See resolution below.

RESOLUTION NO. 23-32

FINAL ACCEPTANCE FOR CP 2023-01 MAINTENANCE ROCK

CONTRACT # 056 – BRUENING ROCK PRODUCTS INC

September 26, 2023

WHEREAS, Contract No. 056 has in all things been completed, and the County Board being fully advised in the premises,

NOW, THEN BE IT RESOLVED, That we do hereby accept said completed project for and in behalf of the County of Houston and authorize final payment as specified herein.

File No. 4 – Commissioner Burns moved, Commissioner Schuldt seconded, motion unanimously carried to adopt Resolution No. 23-33 Final Acceptance for SAP 028-612-014, Contract #321 with Minnowa Construction for the bridge replacement on CSAH 12. Total cost was \$234,180.54. See resolution below.

RESOLUTION NO. 23-33

FINAL ACCEPTANCE FOR SAP 028-612-014 BRIDGE REPLACEMENT

CONTRACT # 321 – MINNOWA CONSTRUCTION INC

September 26, 2023

WHEREAS, Contract No. 321 has in all things been completed, and the County Board being fully advised in the premises,

NOW, THEN BE IT RESOLVED, That we do hereby accept said completed project for and in behalf of the County of Houston and authorize final payment as specified herein.

File No. 5 – Commissioner Burns moved, Commissioner Johnson seconded, motion unanimously carried to adopt Resolution No. 23-34 Final Acceptance for CP 2023-06, Contract #334 with Scott Construction Inc for bituminous sealcoat. The total cost was \$523,759.41. See resolution below.

RESOLUTION NO. 23-34

FINAL ACCEPTANCE FOR CP 2023-06 BITUMINOUS SEAL COAT

CONTRACT # 334 – SCOTT CONSTRUCTION, INC

September 26, 2023

WHEREAS, Contract No. 334 has in all things been completed, and the County Board being fully advised in the premises,

NOW, THEN BE IT RESOLVED, That we do hereby accept said completed project for and in behalf of the County of Houston and authorize final payment as specified herein.

File No. 6 – Commissioner Burns moved, Commissioner Schuldt seconded, motion unanimously carried to approve the addition of a self-service portal to existing CaseWorks program. Total cost would be \$16,875 (\$12,500 - licensing, and \$4375 - support through 2024). All costs were covered by funding from the state for MA unwind, resulting in no change to the 2024 PH/HS budget.

File No. 7 – Commissioners discussed the future of the Houston County jail and its impact on the levy and budget. It was estimated that closing the jail and contracting out the services would save the County \$355,000 in 2024. The Commissioners considered pros and cons of closing the Houston County jail and contracting out the services to another county such as Winona. Commissioner Burns brought up concerns regarding reopening the jail if the jail

population began to trend upwards. Commissioner Johnson said he did not think it would be difficult to reopen the Houston County jail if needed. Johnson also said he did not see the jail population growing in the near future. The County was currently averaging around six Houston County inmates per day for the 2023 year and the number had been even lower in recent months. Commissioner Johnson said that day there was only one Houston County inmate in the jail. A Meet and Confer meeting had been held with the union and workers of the jail the day prior. It was estimated that in closing the jail the County would lose 2.5 positions. Currently jailers also worked in dispatch, but if the jail closed only dispatch would be needed. Commissioner Schuldt said he was concerned about passing on the tax burden to other tax paying communities in Houston County if cities were responsible for transporting those they arrested. He suggested holding a meeting to get public input on the matter. Commissioner Johnson asked what the difference would be if for example an officer in La Crescent made an arrest and transported the person to Caledonia or Winona. Commissioner Severson said time, but other Commissioners said the distance from La Crescent to Caledonia or Winona would be about the same. Commissioner Severson said there may be a line when the officer arrived with the person arrested at the Winona County Jail. Commissioner Johnson said it was mentioned at the Meet and Confer the day prior that some county attorneys were aggressive and prosecuted minor felonies while other counties did not. He again said he did not see the numbers in jail population climbing. Commissioner Johnson said a regional jail should have been considered back when the Houston County jail was built. Commissioners also briefly discussed having just a hold cell, and the possibility of combining dispatch with another County like Fillmore County. It was the general consensus of the Commissioners to hold a public meeting for input on the future of the jail sometime in November. No official decisions were made on the matter.

File No. 8 – Commissioner Burns moved, Commissioner Myhre seconded, motion unanimously carried to approve the new 2023-2024 fee schedule.

File No. 9 – Prior to any motions being made Commissioners discussed the proposed levy. Closing the jail or keeping it open would have an impact on the levy. Commissioner Burns had found some cuts for departments, and had also suggested using remaining ARPA dollars to help lower the budget and levy. Commissioner Johnson said he wanted to commend Commissioner Burns for working to find cuts, but said he did have some concerns with the proposed cuts, and also did not want to have to use any fund balance. Commissioner Burns said he had tried to find cuts to allow the jail to continue to be open, but also lower the levy. Commissioner Burns moved, Commissioner Severson seconded, motion carried four to one to adopt Resolution No. 23-35 proposed levy and set the proposed levy at 7%. Commissioner Johnson voted no. See resolution below.

RESOLUTION NO. 23-35

BE IT RESOLVED, that the proposed levy after the deduction of County Program Aid (CPA), in the amount of \$14,501,698 be made on all taxable property in the County of Houston for taxes payable in 2024 in the following amounts by County Fund:

County Revenue	\$ 8,526,212
Road & Bridge	3,053,147
Public Health & Human Services	2,564,809
Bond Fund – 2017A Jail Bonds	1,193,955
Bond Fund – 2020A Jail Bonds	176,400

Total	\$ 15,514,523
Less CPA	(1,462,825)

Total Levy	\$ 14,501,698
	=====

File No. 9 – Commissioner Burns moved, Commissioner Myhre seconded, motion carried four to one to adopt Resolution No. 23-36 adopting the 2024 proposed budget. Commissioner Johnson voted no. See resolution below.

RESOLUTION NO. 23-36
RESOLUTION ADOPTING 2024 PROPOSED OPERATING BUDGET

	Revenue	Expenditures	Revenues Over (Under) Expenditures
	-----	-----	-----
County Revenue	12,579,740	12,591,525	(11,785)
Road & Bridge	10,937,649	10,937,649	0
Public Health & Human Services	7,621,339	7,621,339	0
Debt Service	1,586,433	1,586,433	0
	-----	-----	-----
Grand Total	32,725,161	32,736,946	0
	=====	=====	=====

DISCUSSION ITEMS

Commissioners discussed recent and upcoming meetings they had attended including a Zoning, Department Head, Finance, Jail Committee, La Crosse County Solid Waste meeting, and a Cannabis Public Hearing.

Commissioner Johnson asked the Board if Miller’s public comment was something they should be addressing. He said “me personally I don’t like what Amber went through”. He said her comments should be addressed and looked into. Commissioner Burns said he wanted to read what had been handed out at the meeting. Commissioner Myhre said he thought the matter should be investigated.

The Commissioners set the TNT meeting for December 12th at 6:00 p.m. at the County.

Public Comment:

Teresa Walter said she had come to the meeting to say thank you and goodbye to the board after being a Commissioner. She said she had enjoyed being a Commissioner. The Commissioners thanked her for her years of service to the County.

There being no further business at 11:45 a.m. motion was made by Commissioner Johnson, seconded by Commissioner Schuldt motion unanimously carried to adjourn the meeting. The next meeting would be a regular meeting on October 3, 2023.

BOARD OF COUNTY COMMISSIONERS

HOUSTON COUNTY, MINNESOTA

By: _____
Dewey Severson, Chairperson

Attest: _____
Polly Heberlein, Interim Auditor/Treasurer

**HOUSTON COUNTY
AGENDA REQUEST FORM
October 3, 2023**

Date Submitted: September 28, 2023

By: Tess Kruger, HRD/Facilities Mgr.

ACTION

- **Initiate a competitive search for a 1.0 FTE Case Aide B22**

APPOINTMENT REQUEST

NONE

HR CONSENT AGENDA REQUEST

Sheriff's Office

- **Hire Patricia Goetzinger Krall as a Casual Employee, Sheriff's Office Transport Officer at an hourly wage of \$18.53**
- **Change the employment status of Deputy Sheriff, Lucas Inglett, from probationary to regular, effective 10/10/2023**

<u>Reviewed by:</u>	<input checked="" type="checkbox"/>	HR Director	<input checked="" type="checkbox"/>	Sheriff
	<input checked="" type="checkbox"/>	Finance Director	<input type="checkbox"/>	Engineer
	<input type="checkbox"/>	IS Director	<input checked="" type="checkbox"/>	PHHS
	<input type="checkbox"/>	County Attorney	<input type="checkbox"/>	(indicate other dept)
	<input type="checkbox"/>	Environmental Svcs	<input type="checkbox"/>	
<u>Recommendation:</u>				
<u>Decision:</u>				

Houston County

Agenda Request Form

This form is not intended for the general public. It is intended for use by county department heads, representatives of other governmental units or vendors/agencies who contract with Houston County. Members of the public may address the Board during the Public Comment Period. (See Policy for Public Comment Period).

Date Submitted: 10/2/2023 for 10/3/2023

Person requesting appointment with County Board: Martin Herrick

Issue:

Approval/Denial:1) No Wake Zone Ordinance for the West Channel of the Mississippi River.

Justification:

Planning Commission recommendation including in meeting comments attached for the No Wake Zone Ordinance.

Action Requested:

Final Approval by the County Board.

For County Use Only

<u>Reviewed by:</u>	_____ County Auditor	_____ County Attorney	_____ Zoning Administrator
	_____ Finance Director	_____ County Engineer	_____ Environmental Services
	_____ IS Director	_____ Other (indicate dept)	_____

Recommendation:

Decision:

All agenda request forms must be submitted to the County Auditor by 4:00 p.m. on Monday in order to be considered for inclusion on the following week's agenda. The Board will review all requests and determine if the request will be heard at a County Board meeting.

COUNTY OF HOUSTON
NOTICE OF PUBLIC HEARING AND INTENT TO ADOPT AN ORDINANCE

PLEASE TAKE NOTICE:

That a public hearing, pursuant to Minnesota Statutes 394.26, to consider adopting a No Wake Zone by ordinance, will take place during the Houston County Board of Commissioner's meeting on Tuesday, October 3, 2023, at 9:05 a.m. in the Commissioner's Room, Houston County Historic Courthouse, located at 304 South Marshall Street, Caledonia, Minnesota.

Houston County is seeking to enact an Ordinance relating to the regulation of boats in the Mississippi River commencing at the "West Channel Bridge" and concluding at the main channel entrance for the west backwater channel near River Mile 699, within the boundaries of Houston County, Minnesota. Copies of the proposed Ordinance are available for viewing online at:

<https://www.co.houston.mn.us/ordinances/?mdocs-file=7381>. Hard copies can be requested from the Zoning Office, located at 304 South Marshall Street - Room 209, Caledonia, Minnesota or viewed during regular office hours at the Auditor's Office, located at 304 South Marshall Street - Room 116, Caledonia, Minnesota.

All persons having an interest in the matter are invited to attend the hearing. The meeting will be accessible to public participants in person or via our conference call line at 312-626-6799 and entering meeting ID: 994 7297 7175 and password 368422. Public attendees are requested to mute their line until addressed.

HOUSTON COUNTY ENVIRONMENTAL SERVICES

By Martin Herrick
Zoning Administrator

ADV: September 18, 2023

Houston County, Minnesota

MAP LEGEND

100ft Proposed
No Wake Zone



The information on this page represents current data from a working file which is updated continuously. Its accuracy cannot be guaranteed. No warranty, expressed or implied, is provided for the data herein, or its use. Houston County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis.



HOUSTON COUNTY ORDINANCE NO. _____

An Ordinance relating to the regulation of boats in the Mississippi River commencing at the "West Channel Bridge" and concluding at the main channel entrance for the west backwater channel near River Mile 699, within the boundaries of Houston County, Minnesota.

The County of Houston does ORDAIN and ENACT the Houston County "One-Hundred (100) Foot No-Wake" Ordinance.

Section 1. The following words and phrases, when used in this ordinance, have the following meanings:

1. "Boat" is any watercraft as defined in Minnesota Statutes 86B.005, Subd. 18.
2. "Motorboat" means any boat propelled by machinery as defined in Minnesota Statutes 86B.005, Subd. 9.
3. The Mississippi River between Mile 698 and Mile 699 and all bodies of water that, together with their connecting channels, are a part of the Mississippi River located within the County of Houston, State of Minnesota. A map thereof is on file in the Office of the Houston County Engineer, the Houston County Auditor, and is attached to the original draft of this ordinance.
4. "Person" includes an individual, partnership, association, corporation, or any body of persons.
5. "Slow-Minimum Wake Speed" means operation of a motorboat at less than planing speed whereby the wash or wake created by the motorboat is minimal and, in no case, a speed of more than five (5) miles per hour.
6. "West Channel Bridge" refers to the Highway 14/61 bridge across the west backwater channel of the Mississippi at the Minnesota-Wisconsin state line and adjacent to the DNR Sportsman's Boat Landing.

Section 2. In the interest of public health, safety, and general welfare, the following regulations are imposed upon all motorboats operated, placed, or maintained in the Mississippi River between Mile 698 and Mile 699 being that part of the Mississippi River and its connecting channels within the boundaries of Houston County, Minnesota.

1. No person shall operate a motorboat at greater than a slow-minimum wake speed within one-hundred (100) feet of the shore in the west backwater channel of the Mississippi River between the "West Channel Bridge" near River Mile 698 and the main channel entrance near Mile 699.
2. Motorboats utilized by government agencies and rescue craft while on official business shall be exempt from the provisions of this ordinance.

Planning Commission No Wake Zone Hearing Minutes

August 24, 2023

Marty discussed the draft of the no wake zone ordinance and the Planning Commission's role to recommend this to the Board of Commissioners. Marty stated this evolved because of safety concerns of residents.

Cindy Wright asked who will enforce this. The Sherriff's Office and Minnesota Conservation Officers will enforce it.

Chairman Hammell and Greg Myhre voiced interest in recommending it to the Board of Commissioners.

Larry Hafner stated he would like time to review the draft prior to recommending it. Other members expressed interest in recommending approval. Larry Hafner said, "I can abstain. I just don't like to have someone put something in front of me and say sign it." Josh Gran referenced Larry Hafner's comment stating he had heard half of the legislators who voted on the 2022 bill allowing the sale of THC didn't read the bill and found out later that it was buried in the bill they had approved.

Marty explained that from the Highway 16 bridge to the swing bridge, there would be a no wake zone in effect that would go out 100 feet from the ordinary high-water line.

Marty read the proposed draft of the No Wake Zone Ordinance for the Planning Commission. Larry Hafner stated after hearing the draft read, he was ok with recommending this to the Board of Commissioners. Cindy Wright stated it's a safety issue and we should vote to recommend this.

Greg Myhre made a motion to recommend the Houston County Board approve the No Wake Zone Ordinance as presented. Wayne Feldmeier seconded. Roll call vote was taken. All were in favor. Motion carried.

Houston County, Minnesota

MAP LEGEND

100ft Proposed
No Wake Zone

0 1,000 ft

The information on this page represents current data from a working file which is updated continuously. Its accuracy cannot be guaranteed. No warranty, expressed or implied, is provided for the data herein, or its use. Houston County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis.





August 7, 2023

Martin Herrick
Environmental Services Director
Houston County
304 S. Marchall St., Room 209
Caledonia, MN 55921

Dear Mr. Herrick,

The Department of Natural Resources (DNR) has completed the review of the materials received from Houston County regarding establishing a slow-no wake area within one-hundred (100) feet of the shore in the west backwater channel of the Mississippi River between the "West Channel Bridge" near River Mile 698 and the main channel entrance near Mile 699.

Under Section 3 of your proposed ordinance we request the addition of Minnesota Conservation Officers to be added to those that are authorized and entitled to enforce this ordinance provision.

Upon review, the DNR found your draft ordinance to be a measured and a reasonable response to the existing conditions. With the addition to Section 3 noted above, I approve your proposed ordinance as amended (Attachment A).

Any changes to the ordinance would have to be submitted to remain valid. Please forward a copy of the final signed ordinance for our official files to CAPT Adam Block our State Boating Law Administrator.

Once it is received, the ordinance will be added to our Minnesota Lake and River Use Summary. You can forward a copy to CAPT Block via email at adam.block@state.mn.us.

Sincerely,

Rodmen
Smith

Digitally signed by Rodmen
Smith
Date: 2023.08.09 15:29:01
-05'00'

Colonel Rodmen Smith

cc: CAPT Adam Block, Boating Law Administrator

CAPT Jason Peterson Region 3 Manager

LT Julie Siems, DNR District 18

Brian Swedberg, Houston County Sheriff

WSU File

HOUSTON COUNTY ORDINANCE NO. _____

An Ordinance relating to the regulation of boats in the Mississippi River commencing at the "West Channel Bridge" and concluding at the main channel entrance for the west backwater channel near River Mile 699, within the boundaries of Houston County, Minnesota.

The County of Houston does ORDAIN and ENACT the Houston County "One-Hundred (100) Foot No-Wake" Ordinance.

Section 1. The following words and phrases, when used in this ordinance, have the following meanings:

1. "Boat" is any watercraft as defined in Minnesota Statutes 86B.005, Subd. 18.
2. "Motorboat" means any boat propelled by machinery as defined in Minnesota Statutes 86B.005, Subd. 9.
3. The Mississippi River between Mile 698 and Mile 699 and all bodies of water that, together with their connecting channels, are a part of the Mississippi River located within the County of Houston, State of Minnesota. A map thereof is on file in the Office of the Houston County Engineer, the Houston County Auditor, and is attached to the original draft of this ordinance.
4. "Person" includes an individual, partnership, association, corporation, or any body of persons.
5. "Slow-Minimum Wake Speed" means operation of a motorboat at less than planing speed whereby the wash or wake created by the motorboat is minimal and, in no case, a speed of more than five (5) miles per hour.
6. "West Channel Bridge" refers to the Highway 14/61 bridge across the west backwater channel of the Mississippi at the Minnesota-Wisconsin state line and adjacent to the DNR Sportsman's Boat Landing.

Section 2. In the interest of public health, safety, and general welfare, the following regulations are imposed upon all motorboats operated, placed, or maintained in the Mississippi River between Mile 698 and Mile 699 being that part of the Mississippi River and its connecting channels within the boundaries of Houston County, Minnesota.

1. No person shall operate a motorboat at greater than a slow-minimum wake speed within one-hundred (100) feet of the shore in the west backwater channel of the Mississippi River between the "West Channel Bridge" near River Mile 698 and the main channel entrance near Mile 699.
2. Motorboats utilized by government agencies and rescue craft while on official business shall be exempt from the provisions of this ordinance.

Section 3. The Sheriff of Houston County is authorized and directed to inform the public by official notification, as well as by posting and buoying the west backwater channel of the Mississippi River between the "West Channel Bridge" near River

Mile 698 and the main channel entrance near Mile 699. The Houston County Sheriff's Office and Minnesota Conservation Officers are authorized and entitled to enforce the provisions of this ordinance.

Section 4. Penalties. Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor.

Section 5. Effective Date. This ordinance shall become effective upon its passage and publication.

HOUSTON COUNTY ORDINANCE NO. _____

An Ordinance relating to the regulation of boats in the Mississippi River commencing at the "West Channel Bridge" and concluding at the main channel entrance for the west backwater channel near River Mile 699, within the boundaries of Houston County, Minnesota.

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2. "Motorboat" means any boat propelled by machinery as defined in Minnesota Statutes 86B.005, Subd. 9.
3. The Mississippi River between Mile 698 and Mile 699 and all bodies of water that, together with their connecting channels, are a part of the Mississippi River located within the County of Houston, State of Minnesota. A map thereof is on file in the Office of the Houston County Engineer, the Houston County Auditor, and is attached to the original draft of this ordinance.
4. "Person" includes an individual, partnership, association, corporation, or any body of persons.
5. "Slow-Minimum Wake Speed" means operation of a motorboat at less than planing speed whereby the wash or wake created by the motorboat is minimal and, in no case, a speed of more than five (5) miles per hour.
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Section 4. Penalties. Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor.

Section 5. Effective Date. This ordinance shall become effective upon its passage and publication as required by law.

ADOPTED by the Houston County Board of Commissioners this 5th day of September, 2023.

Houston County Board Chair

Attest: _____
Houston County Auditor/Treasurer