

REGULAR MEETING AS POSTED  
BECKER COUNTY BOARD OF COMMISSIONERS  
DATE: Tuesday, November 26, 2002 at 8:30 a.m.  
LOCATION: Board Room, Courthouse

All Present

#### Agenda

1. It was moved and seconded to approve the Agendas (Seal, Johannsen), carried.
2. It was moved and seconded to approve the Minutes of November 12, 2002 as corrected (Seal, Murray), carried.

#### Open Forum

Bob Bristlin spoke concerning support of the Boys & Girls Club, who are on the Board Agenda later in the day. He asked what the county policy was on supporting local groups. Commissioner Murray added that he didn't think that there was a policy, but that the EDA should have one in place. This brings up a good point to have a policy in the future. This program serves our young people and ties into the Keys to Innovation Program started through the Probation Office.

#### Auditor

1. It was moved and seconded to approve a Gambling Permit: The Fargo-Moorhead Family YMCA for operations at the YMCA – Camp Cormorant in Cormorant Township (Murray, Seal), carried.

#### Finance

1. There was discussion of a purchase by Human Services of (17) new PC's, (1) laptop, (1) quick pad, and (25) monitors. Doug will research options and bring back to Finance Committee.
2. It was moved and seconded to concur with the Finance Committee to approve the Human Services copier leases. The renewal will be \$25 less than the current lease. Current Contract is \$94.86/month and the new contract will be \$69.90/month (Murray, Seal), carried. Brian Berg is going to do a survey on the cost of copier in county departments.
3. It was moved and seconded to authorize payment for expense claims in excess of 90 days for Richard Johannsen and Bob Brett, Transit Claims, Human Services Claims and Regular Claims (Johannsen, Winter), carried.
4. The Road & Bridge claim for mowing the county parcel on Hwy. 59 was recalculated down from \$645 to \$465. Commissioner Murray suggested the gravel from this parcel should not be mined until a use is determined for the land.
5. It was moved and seconded to concur with the Finance Committee to approve the five-year funding commitment of \$41,882 (\$8,376.40/yr) to West Central Initiative (Murray, Winter), carried.
6. The Association of MN. Counties has asked each County to provide them with two items of legislative mandates that could be changed to save the County funds, and two possible ideas are: 1. The requirement for drug/alcohol assessments each time an individual is apprehended. 2. The County cannot decrease the amount of Library funding from year-to-year; it can only increase. This limits the County from giving special funding for projects.

Assessor

1. It was moved and seconded to approve the following Abatements on the Consent Agenda.

2002 Tax Payable

<u>Parcel #</u>	<u>TwN/Cty</u>	<u>Amount</u>	<u>Reason</u>
16.0004.000	Holmesville	\$456	Homestead

2. Wally Fatland's request for an Abatement was reviewed. Wally is requesting an Abatement in the amount of \$2500. Steve Skoog, County Assessor, stated that Wally needs to apply for an Abatement with his office. At that time, the request will be reviewed by the Abatement Committee and a recommendation will be brought back to the Board. Commissioner Winter will be on that Committee.

Boys & Girls Club

Erika Tigges, Jerry Schutz, and Kirk Malkowski represented the Club and updated the Board on activities and budgets. They requested a grant or gift to help with operational costs. It was moved and seconded to bring this request back to the last Board meeting in January and meanwhile to look at the EDA Policy (Winter, Murray), carried. Curt Sitko, Becker County Free Press stated that the City should pick up their share of the costs.

Highway

1. It was moved and seconded to approve the Agenda as presented (Winter, Johannsen), carried.
2. It was moved and seconded to pass Resolution No. DOH 11-01-60 establishing a meeting date for the 5-Year Plan. The Public Information Meeting will be held on December 17, 2002 from 4:00 to 8:00 p.m., Commissioner's Board Room (Winter, Johannsen), carried.
3. It was moved and seconded to pass Resolution No. DOH 11-02-58 for Project Acceptance for Project No.'s SAP 03-621-13, SAP 03-634-13, SAP 03-635-03, CP 202-126-01, consisting of bituminous overlays and aggregate shouldering contracted with Bauerly Companies and authorize final payment in the amount of \$46,440.18 (Johannsen, Winter), carried.
4. It was moved and seconded to pass Resolution No. DOH 11-02-59 for Project Acceptance for Project No.'s SAP 03-599-19, SAP 03-599-20, SAP 03-599-21, consisting of three bridge replacement projects, contracted with Midwest Contracting, LLC. and authorizing final payment in the amount of \$14,463.74 (Winter, Seal), carried.

Human Services

2. It was moved and seconded to approve the Agenda as amended (Seal, Murray), carried.
3. The Transit Claims were approved on the Consent Agenda.
4. It was moved and seconded to concur with Matt Casey's recommendation to join with other counties and purchase the Merit System from DHS and authorize him to pursue and agreement (Seal, Winter), carried.
5. The computer purchase request was addressed under Finance.
6. It was moved and seconded to authorize the Board Chair to sign the Social Services Claims for December (Seal, Murray), carried.

## Commissioners

1. Reports & Correspondence:
  - a. Sunnyside Meeting, Commissioner Winter
  - b. Lakeland Mental Health Meeting, Commissioner Seal
2. Appointments:
  - a. It was moved and seconded to appoint Commissioner Engebretson as a delegate to the Annual Minnesota Counties Insurance Trust Meeting (Winter, Murray), carried.
3. Commissioner Engebretson addressed the Pow Wow grounds property request and the need to move forward. Commissioner Winter thought that Natural Resources and the County Auditor should work on this.
4. It was moved and seconded to send a letter to the A-Team thanking them for the outstanding job they did while filling in for the County Administrator (Murray, Winter), carried.
5. It was moved and seconded to set the Organizational Meeting for Tuesday, January 7, 2003 at 8:30 a.m., Board Room, Courthouse (Winter, Murray), carried.
6. The Truth In Taxation Meeting is set for December 5, 2002 at 7:00 p.m. in the upper Courtroom. Commissioner Winter suggested that Ryan Tangen and Steve Skoog do the presenting at the meeting.
7. Commissioner Engebretson turned the meeting over to Commissioner Murray, Vice-Chair. It was moved and seconded to hold the Christmas Tea on December 23, 2002 at 3:00 p.m. in the Board Room, Courthouse and to recognize the years of service to Becker County by Commissioner Murray, Commissioner Seal, Commissioner Johannsen, Marlene Martinson, County Recorder, and Warren Rethwisch, County Sheriff (Winter, Engebretson), carried. Commissioner Murray turned the meeting back to Commissioner Engebretson, Board Chair.
8. It was moved and seconded to re-bid the tuck-pointing of the Courthouse in March of 2003, using new specifications (Winter, Murray), carried.
9. It was moved and seconded to authorize the Finance Committee to meet on December 1, 2002, if needed, to pay claims (Murray, Seal), carried.

## Citizens for Lawful Government

Ken Pearson presented information to the Board concerning the Citizens for Lawful Government's request that the county withdraw from the Cooperative Law Enforcement Agreement. Comments from the Board: Commissioner Engebretson said we would need legal council before decisions could be made. Commissioner Murray stated the new board and sheriff would need to look at this. Commissioner Johannsen questioned what Ken meant about the statement that the agreement is unfair, unjust and illegal. Commissioners elect Bob Bristlin stated that the commissioners signed but relied on the Sheriff and the County Attorney, and Harry Salminen wanted to know how agreement was unfair and unjust and what type of things are happening. Ken thanked everyone for their time.

## Planning & Zoning

1. It was moved and seconded to approve the Agenda (Johannsen, Murray), carried.
2. Planning Commission Minutes (PC) of November 19, 2002 Meeting:
  - 1) **FIRST ORDER OF OLD BUSINESS:** Preliminary Plat of Little Floyd Lake Estates, Taylor Investments, Developer. It was moved and seconded to concur with the findings of the PC to approve the change of zone from agriculture to residential and approval of 25 lots and two

- outlots, with Outlot B being conveyed to the Pelican River Watershed District (Winter, Seal), carried.
- 2) **SECOND ORDER OF OLD BUSINESS:** Preliminary plat of Floyd Lake Acres, Don Busker, Developer. It was moved and seconded to concur with the findings of the PC to approve the Preliminary Plat as follows: 1. Change of zone from agricultural to residential for 18 lots, numbered Lots 1-14, Block 1; Lots 1&2, Block 2 and Lot 1, Block 3; 2. Change of zone from agricultural to special protection for one lot, numbered Outlot A. Stipulations on Outlot A: 1. Zoned Special Protection; 2. Outlot A, the intent of these conditions is to leave Outlot A in its natural states as of November 14, 2002; 3. There will be no residential, industrial, agricultural, commercial or surface water oriented use undertaken or allowed; 4. There will be no residential, industrial, agricultural or commercial facilities, buildings, structures or dwellings allowed whatsoever, including accessory structures, water-orientated accessory structures, campers, decks, satellite dishes, satellite towers, exterior lighting, highways, roads and trails; 5. There will be no private or public controlled access to public water or as a shore recreational area, over-water storage, landing ramps allowed; 6. No recreational vehicles allowed including bicycles, snowmobiles, dune buggies, motorcycles, all terrain vehicles, or any other type of motorized vehicles; 7. There will be no destruction, mowing, cutting, trimming or removal of vegetation or trees allowed. There will be no tilling, planting, cultivation, filling, mining, excavation, drilling, dredging, or removal of topsoil, sands, gravel, rocks, minerals or other materials, or any change in topography allowed; 8. There will be no aquatic vegetation removal or alterations allowed; 9. There will be no manipulation or alteration of surface or subsurface springs or other bodies of water or any activities or uses detrimental to water quality (Johannsen, Seal), carried.
  - 3) **FIRST ORDER OF NEW BUSINESS:** Joe Erickson, Cormorant Twp. It was moved and seconded to concur with the PC to approve a conditional use permit to allow commercial storage in an existing structure located in an agricultural zone based on the fact that it is compatible with the surrounding area (Murray, Winter), carried.
  - 4) **SECOND ORDER OF NEW BUSINESS:** John & Katherine Escherich. It was moved and seconded to concur with the findings of the PC to approve a conditional use permit to allow commercial storage in an agricultural zone based on the fact that the use would not be detrimental to the area and with the stipulations that there be no more than three buildings; the structures be no closer than 100 feet from the westerly property line; the buildings be no closer than 100 feet from the township road right of way; and the structures be located on the most southerly six (6) acres of the property, Audubon Twp. Brad Hanson, Supervisor, Audubon Twp. Asked for changes in the stipulations to read no closer than 200 feet from the westerly property line and within 25 feet of the wetlands (Winter, Murray), carried. Added to the motion was it was contingent on the satisfaction of Audubon Twp. The Board thanks Audubon Twp. for bringing this matter to the attention of the Board.
  - 5) **THIRD ORDER OF NEW BUSINESS:** Veronica Nylander, Audubon Twp. It was moved and seconded to concur with the findings of the PC to approve a certificate of survey to allow three tracts of land, 4.71 acres, 2.51 acres and 2.89 acres, based on the fact that the certificate does meet the criteria of the Zoning Ordinance and Subdivision Ordinance (Seal, Johannsen), carried.
  - 6) **FOURTH ORDER OF NEW BUSINESS:** Scott Dirks. It was moved and seconded to concur with the findings of the PC to approve the certificate of survey to allow two tracts of land, one being 5.7 acres in size and the other being 3.5 acres in size based on the fact that the certificate meets the criteria of the Zoning Ordinance and Subdivision Ordinance (Murray, Winter), carried.
  - 7) **FIFTH ORDER OF NEW BUSINESS:** Melvin Wolter, Two Inlets Twp. It was moved and seconded to concur with the findings of the PC to approve the certificate of survey to allow two tracts of land, one being 59,100 sq. ft. and the other being 45,318 sq ft, based on the fact that the certificate of survey does meet the requirements of the Zoning Ordinance and Subdivision Ordinance (Murray, Seal), carried.
  - 8) **SIXTH ORDER OF NEW BUSINESS:** Bruce Quammen, Audubon Twp. Tabled.
  - 9) **SEVENTH ORDER OF NEW BUSINESS:** Adult Entertainment Ordinance. No County Board action, see following motion to hold a Public Hearing at the December 17, 2002 Board Meeting.
  - 10) **EIGHTH ORDER OF NEW BUSINESS:** Final Plat of Hillside Pines, Jody Beaudine, Developer. It was moved and seconded to concur with the findings of the PC to approve the final Plat of Hillside Pines based on the fact that the plat does meet the criteria of the Zoning Ordinance and Subdivision Ordinance (Winter, Johannsen), carried.

- 11) NINTH ORDER OF NEW BUSINESS: Final Plat of Bass Lake Estates, Thomas Bergren, Developer. It was moved and seconded to concur with the findings of the PC to approve the final plat of Bass Lake Estates based on the fact that the plat does meet the criteria of the Zoning Ordinance and Subdivision Ordinance (Johannsen, Seal), carried.
  - 12) TENTH ORDER OF NEW BUSINESS: The Informational Meeting is scheduled for Thursday, December 12, 2002 at 8:30 a.m. at the Planning and Zoning Office.
3. It was moved and seconded to hold a Public Hearing at the Board Meeting of December 17, 2002 at 3:00 p.m. to discuss the Adult Uses and Sexually Oriented Business Ordinance (Murray, Johannsen), carried.
  4. It was moved and seconded to approve the following appointments to the Environmental Assessment Worksheet (EAW) Review Committee (Winter, Murray), carried.  
  
Roger Winter, Commissioner; Brad Grant, SWCD; Ken Christiansen, Planning Commission Member; John Postovit, COLA Representative; Terra Guetter, PRWD, Adm.; Jeff Moritz, Cormorant Lakes Watershed District, Supervisor; Ellis Peterson, Cormorant Lakes Watershed District, Supervisor.
  5. The Marshall Oaks Preliminary Plat and Change of Zone Request was discussed, Commissioner Engebretson turned the meeting over to Vice-Chair Murray, and it was moved and seconded to concur with the Planning & Zoning Office to deny the change of zone based on the fact that the property does not meet the definition of a Residential District; however, does meet the Agricultural District definition (Engebretson, Winter), carried. Johannsen voting nay. 4 – 1 vote. Rick Ellsworth spoke in opposition of the request for Change of Zone. Tom Guetty, Attorney for the Boutons, spoke in favor. Commissioners Winter and Engebretson had questions on the land. The DNR is working on the re-classification of the lake. Commissioner Johannsen asked why the conflict of opinions from the Planning Commission?

#### Environmental Services

1. It was moved and seconded to approve the agenda as amended (Seal, Murray), carried.
2. The information letter to County Boards and Tribal Governments from the State Director of the Division of Emergency Management was discussed.
3. It was moved and seconded to accept the report on the Solid Waste Plan, Five-Year Update (Murray, Seal), carried.
4. It was moved and seconded to pass Resolution No. SW 11-02-2B, declaring the following solid waste fee schedule changes be made to the Residential Services Fee and the Tipping Fees structure, to provide citizens of the county with environmentally correct and economically feasible solid waste disposal. Residential Service Fee: Annual year-round be raised from \$25 to \$37.50; Seasonal be raised from \$20 to \$30. Tipping Fees at the Transfer Station: Compacted MSW be lowered from \$65 to \$52.50 per ton; Loose MSW be lowered from \$8.50 to \$7.50 per cubic yard; Appliances be lowered from \$10 to free disposal (limit 2 per visit); Passenger vehicle tires be lowered from \$2.50 per tire to free disposal (limit 2 per visit); Fluorescent light bulbs be lowered from current variable fees to free (limit 10 per visit); Waste oil filters be accepted free; Lead Acid Batteries be accepted free.
5. It was moved and seconded to approve to support the renewal and update to the existing Household Hazardous Waste Operational Contract (Murray, Seal), carried.

#### Human Resources

Closed Session    Litigation    Open Session

1. It was moved and seconded to consider a settlement agreement with the Union regarding a grievance (Seal, Murray), carried.
2. It was moved and seconded to authorize the County Administrator to negotiate the salary with the Planning & Zoning Administrator as the position was newly banded and graded by the Review Committee (Winter, Murray), carried.

There being no further business, the meeting was adjourned.

/s/ Brian C. Berg  
Brian C. Berg  
County Administrator

/s/ Carolyn Engebretson  
Carolyn Engebretson  
Board Chair