

REGULAR MEETING AS POSTED
BECKER COUNTY BOARD OF COMMISSIONERS
DATE: Tuesday, July 24, 2007 at 8:15 a.m.
LOCATION: Board Room, Courthouse, All Present

Agenda

1. It was moved and seconded to approve three agenda additions: Board Authorization to Board Chair to sign the complete and final release with Peterson Sheetmetal; accepting an Emergency Management Performance Grant; and Matt Davis, from the North Country Trail Association, requesting a signature for a Minnesota/Local/State Water Wetland Application Grant (Knutson, Salminen), carried.
2. It was moved and seconded to approve the Minutes of July 10, 2007 (Salminen, Mulari), carried.

Commissioners

1. Open Forum:
 - a. Bob Bristlin stated he was speaking on behalf of local contractors. Mr. Bristlin disapproves of using ICWC Crews (inmates in our minimum jail) to build affordable housing. Mr. Bristlin feels that if the County can get out of the contract in a month they should so any future jobs will stay in the County. Commissioner Salminen noted that Mr. Bristlin was a supporter of the ICWC Crew. Mr. Bristlin stated he did vote for it but he now feels he made a mistake.
 - b. Joseph Neitzke spoke representing the Becker County Tax Payers Association and as a concerned member of Holy Rosary Catholic Church. He is asking the County Board to give serious consideration to placing a parking lot to the North of Holy Rosary Catholic Church
 - c. Scott Walz speaking on behalf of Keith Danks. Mr. Danks received a letter from the Technical Review Panel stating after review of his property and after the wetlands had been delineated it was found the land is not suitable for a lot/block subdivision and the Technical Review Panel cannot endorse the project. The letter also stated that if a lot/block subdivision was pursued, and Environmental Assessment Worksheet would be required. The letter does not identify what the concerns are. Mr. Walz would like clarification from the County.
2. Matt Davis with the North Country Trail Association requested Board approval to be the representative on the Minnesota/Local/State Water Wetland Application Grant authorizing the North Country Trail Association to be the agent. It was moved and seconded to authorized the Board Chair, Barry Nelson, to sign the Minnesota/Local/State Water Wetland Application Grant as the landowner (Salminen, Mulari), carried.

3. It was moved and seconded to accept the Emergency Continuous Management Performance Grant in the amount of \$13,529 (Salminen, Knutson), carried.
4. It was moved and seconded to authorize the Board Chair, Barry Nelson, to sign the complete and final release agreement in the amount of \$1,000 with Peterson Sheetmetal (Mulari, Salminen), carried.
5. Reports & Correspondence:

Commissioner Bellefeuille Reports:

- a. Lookout Mountain Township Summit Meeting: Committee has met once and is seeking ideas from committee members.
- b. Historical Society Meeting: Five different sites have been looked at and it was decided that the existing area where the Historical Society is located is the most viable to rebuild or make changes. Baker Hogen has been retained to help with a design.
- c. Commissioner Bellefeuille stated he received numerous complaints regarding the 10,000 Lakes Festival.

Commissioner Salminen Reports:

- a. Commissioner Salminen stated he too received calls regarding the 10,000 Lakes Festival.

Commissioner Mulari Reports:

- a. OHV Meeting: Had meeting with Commissioner Knutson, Chip Lohmeier , Guy Fischer and Will Yliniemi as to what the perimeters will be for the upcoming meetings. A letter was drafted on Commissioners behalf and Commissioner Mulari is asking the Board Chair to sign. Note one change to the second paragraph, second line; should read and provided. It was moved and seconded to authorize the Board Chair, Barry Nelson, to sign the OHV letter (Knutson, Bellefeuille), carried.

Commissioner Nelson Reports:

- a. Zoning Ordinance Review Committee Meeting: Meeting was held in Board Room due to scheduling conflict. A discussion was held regarding the 10,000 square maximum impervious surfaces. Another meeting will be held next month.
- b. Sunnyside: Katie Lunmark is the new Administrator.
- c. Soil and Water Meeting: Attended the regular meeting, Soil and Water is ready to present the budget. The increase is larger due to the State not increasing their share. The County has been asking Soil and Water to do more work.

Commissioner Knutson Reports:

- a. OHV Meeting: The organizational meeting with the facilitators went very well and he believes the facilitators will do a good job without any preconceived notions. Commissioner Knutson is not part of the committee but he will attend. Updated reports of progress have been requested.
 - b. Environmental Meeting: Noted changes at the landfill will be forthcoming.
 - c. County Fair Update: The Fair begins Wednesday July 25.
3. Joint Airport Meeting - The date for the joint City/County Airport meeting has been rescheduled to October 2nd at 2:30 p.m. at the City Administration Meeting Room.
 4. Appointments
 - a. None at this time, but a short discussion reference attendance of members on ordinance review committee.

Auditor – Treasurer

1. Licenses & Permits

- a. It was moved and seconded to set a public hearing date for the Off-Sale Intoxicating Liquor License for Lakes One Stop Shop on August 14, 2007 at 9:00 a.m. at the Becker County Commissioners Room (Salminen, Mulari), carried.

2. Swift Plant Sale

- a. The sale of the Swift Plant has been postponed until July 31st at 10:00 a.m. in the Becker County Commissioners Room.

Finance Committee Minutes

1. It was moved and seconded to approve the Finance Claims (Salminen, Bellefeuille), carried.
2. It was moved and seconded to approve the purchase of the GIS software upgrade in the amount of \$7,649.32 (Salminen, Mulari), carried.
3. It was moved and seconded, with some discussion, to approve a change order for the Transit building for two LED exit signs and installation in the amount of \$745.80 (Salminen, Knutson), carried.
4. It was moved and seconded, with some discussion, to pursue a study and design of a parking lot to the southwest of the Courthouse with Lightowler Johnson including a topography survey in the amount of \$11,250 with Lightowler Johnson managing the construction of the parking lot for an additional \$5,000 (Salminen, Nelson), carried.

5. It was moved and seconded to pay the Highway Departments MARCO copier lease payment on an Auditor-Treasurer warrant (Mulari, Salminen), carried.

Sheriff – Bids for Replacement Squad Cars

1. It was moved and seconded to accept bids for the replacement of five squad units (Salminen, Bellefeuille), carried.

Human Services

1. Agenda Additions – None at this time.
2. It was moved and seconded to approve a renewal purchase of service agreement with Stellher Human Service, Inc. not to exceed \$224,284 (Salminen, Knutson), carried.
3. It was moved and seconded to accept the Adult/MCD Service Report (Salminen, Mulari), carried.
4. It was moved and seconded to accept the Children’s Services Report (Knutson, Mulari), carried.
5. It was moved and seconded to accept the Income Maintenance Reports (Salminen, Bellefeuille), carried.
6. It was moved and seconded to approve the Human Service Claims (Salminen, Knutson), carried.
7. It was moved and seconded to accept a two year Family Planning Grant from the Minnesota Department of Health in the amount of \$209,397 for Community Health (Salminen, Knutson), carried.
8. It was moved and seconded to approve the Community Health Claims (Salminen, Mulari), carried.
9. It was moved and seconded to accept the Transit Ridership Report (Knutson, Salminen), carried.
10. It was moved and seconded to approve the Transit Claims (Salminen, Bellefeuille), carried.

DNR – Tom Kucera

1. It was moved and seconded to approve Resolution #07-07-2B for Mn. DNR to acquire an 80 acre parcel of private property in South Height of Land Township described as NW ¼ NW ¼ Section 16, Township 139 North, Range 39 West, and NE ¼ NE ¼ Section 17, Township 139 North, Range 39 West (Knutson, Mulari), carried.

Highway Department

1. Agenda Additions – none at this time.
2. It was moved and seconded to approve Resolution # 07-07-2A to allow the Commissioner of Transportation to be appointed as agent of the County of Becker to accept as its agent, federal aid funds which may be made available for eligible transportation related projects (Salminen, Bellefeuille), carried.
3. Construction Update – Grading on Highway 56 west is done up to Little Toad Lake Road. The spreading of gravel will start today. They will continue to grade to the east. Overlay projects will start sometime in August. In August, reclaiming will start on Highway 124, overlaying on Highway 143, and overlay and pave Highway 37.

Closed Session

1. It was moved and seconded to close session for union negotiations (Mulari, Salminen), carried.
2. It was moved and seconded to open session (Mulari, Salminen), carried.

Planning and Zoning

1. It was moved and seconded to approve one agenda addition; informational meeting (Mulari, Salminen), carried.
2. FIRST ORDER OF BUSINESS: Naterra Land. Requests a change of zone from agricultural to residential and approval of a preliminary plat consisting of 5 lots on Buffalo Lake.

Speaking in favor of the application was:

Scott Seeley – representing Doug Koenig, is proposing to go with Option #2 with a change to the setback: to grant Becker County a conservation easement for 140' with a 10' setback allowing pruning and trimming.

Sara Hoffert – believes option #2 is a great compromise.

Speaking in opposition to the application was:

Dave Friedl, DNR – noted that a letter was sent out stating this land is highly erosive and the worst type of soil for development. The DNR is willing to accept the deeding of land up to the 1460 elevation for an aquatic management area. There would be no pruning or trimming allowed. Roots of the trees are holding the bank together.

Robin Turnwall – this option goes against the DNR’s proposal. He would like the County Board to go with the DNR’s recommendation.

Sandy Nelson – spoke against the proposal.

Commissioner Nelson noted that he spoke with Brad Grant and the soils are highly erosive. He further noted that a 0 or 10% setback is ridiculous because at some point in building you will have encroachment of the easement for yard area. There is no way for the County to monitor ongoing pruning and trimming. Commissioner Nelson asked the developer if option # 2 with a 10’ setback is the only option they are willing to consider. Commissioner Nelson and Commissioner Mulari noted they would be willing to a one time pruning option. It was moved and seconded to concur with Planning and Zoning to deny the change of zone from agricultural to residential and deny the preliminary plat (Nelson, Mulari), carried.

3. **SECOND ORDER OF BUSINESS:** Northern Resort Development. Requests a change of zone from agricultural to high density residential and a conditional use permit for a multi unit residential development consisting of 19 units on the property.

Speaking in favor of the application was:

Rand Schaeffer – Noted he is excited about the project.

It was moved and seconded to concur with Planning and Zoning to approve the change of zone and for a conditional use permit (Bellefeuille, Mulari), carried.

4. **THIRD ORDER OF BUSINESS:** James Schaefer and Steve Anderson. Request a change of zone from commercial to residential and conditional use permit for storage condominiums which would consist of two buildings, 40 ft by 120 ft and two buildings 30 ft by 120 ft.

Speaking in favor of the application was:

Jim Schaefer – Noted he received a letter of concern from Robert Spizzo, there was discussion between them.

It was moved and seconded to concur with Planning and Zoning to approve the change of zone and for a conditional use permit (Salminen, Mulari), carried.

5. **FOURTH ORDER OF BUSINESS:** Keith Schwichtenberg. Requests a change of zone from agricultural to residential and approval of a certificate of survey for three lots. It was moved and seconded to concur with Planning and Zoning to approve the change of zone and approve a certificate of survey (Salminen, Knutson), carried.
6. **FIFTH ORDER OF BUSINESS:** Barry Wilde. Requests a change of zone from agricultural to residential and approval of a preliminary plate consisting of 4 lots. It was moved and seconded to concur with Planning and Zoning to approve the change of zone and approve a preliminary plat (Knutson, Salminen), carried.

7. SIXTH ORDER OF BUSINESS: Bruce Pearson. Requests a conditional use permit to excavate and install a natural boulder retaining wall within 50 feet of the ordinary high water mark of Bad Medicine Lake.

Speaking in favor of the application was:

Bruce Pearson – Expressed his frustration with Planning and Zoning. He followed all steps he was instructed to; incurring \$2,100 in expenses, only to find out the project did not meet the requirements of the ordinance. Had he been instructed of this from the beginning they would not have gone through the steps and incurred the expense they did.

Commissioner Nelson expressed his apologies if the information was not conveyed in the right time frame. He also noted that there is no guarantee you will be granted a conditional use permit. Commissioner Nelson stated that they need to look into the requirements that are currently in place. Commissioner Knutson stated that he has looked at the property and believes it should not be touched. Commissioner Nelson noted that he cannot support this project because it does not meet the requirements of the ordinance. A motion was moved and seconded to allow Bruce Pearson to build his wall 25 ft x 4 ft (Salminen, Bellefeuille). Commissioner Nelson noted that this was a poor decision because it will impact the water quality in a negative way. Commissioner Knutson noted that at the Planning and Zoning meeting Chad Pearson, son of Bruce Pearson, stated the wall was for aesthetic purposes only. Commissioner Mulari noted she is having a hard time understanding how it would have a negative impact. Commissioner Nelson asked Patty to clarify. Patty stated the following negative impacts: run off, raw vegetation, roof lines will run off into lake, waves will hit the wall and sediment will be carried into water. Commissioner Nelson noted that Planning and Zoning voted unanimously to deny this application. With no new information it is hard to go against Planning and Zoning. A motion was moved and seconded to table the original motion, until the next board meeting, to allow Board Members to view the property (Mulari, Salminen), carried.

8. SEVENTH ORDER OF BUSINESS: Daniel & Jacqueline Weiss. Request a conditional use permit for the replacement of an existing retaining wall within the shore impact zone. It was moved and seconded to concur with Planning and Zoning to approve an after the fact conditional use permit (Knutson, Mulari), carried.
9. EIGHTH ORDER OR BUSINESS: Patricia Anderson. Requests a conditional use permit to repair an existing retaining wall, which was partially collapsed, within the shore impact zone. It was moved and seconded to concur with Planning and Zoning to approve the conditional use permit (Mulari, Bellefeuille), carried.
10. NINTH ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, August 16, 2007 at 8:00 a.m. at the Planning and Zoning office.

11. Discussion was held on recommendations for zoning ordinance amendments by the Zoning Ordinance Advisory Committee. There were approximately 40-45 people present at the meeting. There will be a public meeting held.

There being no further business, the meeting was adjourned.

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

/s/ Barry Nelson
Barry Nelson
Board Chair