

REGULAR MEETING AS POSTED
BECKER COUNTY BOARD OF COMMISSIONERS
DATE: TUESDAY, March 21, 2017 at 8:15 a.m.
LOCATION: Board Room, Courthouse

Agenda/Minutes:

1. Meeting was brought to order by Board Chair Knutson. Commissioners in attendance: Knutson, Skarie, Grimsley, and Nelson; County Administrator, Jack Ingstad; and Minute Taker, Cindy Courneya. Absent: Commissioner Okeson.
2. Pledge of Allegiance.
3. It was moved and seconded to approve the agenda with the following changes: Under Open Meeting: Add: Number 3: Approval of Board Minutes of March 7, 2017: Under Commissioners: Add: Number 5: Public Data Records Request; and Under Highway: Remove: Number 1: Capital Outlay – Pickup Truck Purchase (Three). (Grimsley, Skarie), carried.
4. It was moved and seconded to approve the minutes of March 7th, 2017, with the requested changes. (Grimsley, Nelson), carried.

Commissioners:

1. Open Forum:
 - a. Gerry Schram, resident of Erie Township, spoke in reference to the Detroit Lakes Public Library and encouraged everyone to utilize the services the library offers. He also referenced the agenda item, the request by Highway to purchase three new vehicles, and encouraged the Board to purchase the least expensive vehicles, if and when they move forward in doing so. It was reported that the item has been removed from the agenda.
2. Reports and Correspondence: The Commissioners reported on the following:
 - a. Commissioner Skarie: Meeting with the City of Detroit Lakes, along with Detroit Township in regards to the Jail Construction Project and the road; Partnership-4Health; Land of the Dancing Sky Area Agency on Aging; and also attended a reception for Retired Senior Volunteer Program (RSVP) Volunteers.
 - b. Commissioner Grimsley: Development Achievement Center (DAC).
 - c. Commissioner Nelson: Courthouse Committee, Natural Resources Management (NRM), Highway Committee, and Economic Development Authority (EDA).
 - d. Commissioner Knutson: Natural Resources Management (NRM) and Sheriff's Committee.

- e. Commissioner Okeson: Absent.
3. Appointments: There were none.
 4. It was moved and seconded to approve Resolution 03-17-2D, to advertise and hire a temporary Office Support position for the summer workload for the Becker County Extension Service. (Skarie, Nelson), carried.
 5. Discussion was held in regards to the Public Data Records request received pertaining to the subject matter of Aquatic Invasive Species (AIS) for the years 2014 to date. County Administrator, Jack Ingstad, reported that the request is very broad and he has contacted the Information Technology (IT) Department for their assistance.

It may be necessary to track and invoice staff time back to the AIS Program, as discussed.

Finance Committee Minutes: Mary Hendrickson presented:

1. It was moved and seconded to approve the Regular Claims, Auditor Warrants, Over 90-Day, Additional, and Human Services Claims, as presented:
 - a. Auditor Warrants (Tuesday Bills):
 - i. 03/07/2017, in the amount of \$ 19,892.20
 - 03/14/2017, in the amount of \$ 35,128.00
 - for a total amount of \$ 55,020.20
 - b. Over 90-Day Claims:
 - i. Anytime Towing, in the amount of \$125.00 (for seized ExMark lawnmower).
 - ii. Fabwurx, Inc., in the amount of \$6,900.00 (corrected invoice from December 2016).
 - iii. Olympic Sales, Inc., in the amount of \$ 61.87 (invoice was misplaced).
 - iv. Perham Health in the amount of \$ 120.00 (balance due after insurance payment).
 - v. Software House International, in the amount of \$ 446.00 (invoice was misplaced).
 - c. Additional Claims:
 - i. Curt Schmoll – meal reimbursement, in the amount of \$ 30.00 (to cover two days of training).
 - ii. MN Department of Corrections – in the amount of \$ 77,399.49 (corrected invoice for 6 months reimbursement).
 - iii. Enterprise Rent-a-Car – in the amount of \$ 2,899.72 (request to add February lease fee to claims).

- d. Human Services Claims:
 - i. Human Services, Community Health, and Transit, as presented.

(Nelson, Skarie), carried.

Auditor-Treasurer: Mary Hendrickson presented:

1. Licenses & Permits:
 - a. It was moved and seconded to approve Resolution 03-17-2C, the Gambling Application for Exempt Permit to conduct a Raffle for the Cormorant Lions Club on May 13, 2017, for operations at the Cormorant Community Center, 10929 County Highway 5, Pelican Rapids, MN, in Cormorant Township. (Nelson, Grimsley), carried.
 - b. It was moved and seconded to approve the Wine/Strong Beer License Renewal for Ella Marie's Café & Collectibles – Ella Marie's LLC – Cormorant Township (No Strong Beer). (Skarie, Nelson), carried.
 - c. It was moved and seconded to approve the Liquor On-Sale (including Sunday) License Renewal for the following:
 - i. M & K Enterprises – Pit 6-11 – Lake Eunice Township;
 - ii. The Cormorant Pub, Inc. DBA: The Pub – Patricia J. Maloney – Cormorant Township;
 - iii. Townsquare Beverage, LLC – WeFest – Lakeview Township. (Skarie, Grimsley), carried.
 - d. It was moved and seconded to approve the Liquor Off-Sale License Renewal for the following:
 - i. Fisher Properties of Cormorant, Inc. – Cormorant Bottle Shop – Cormorant Township;
 - ii. Richwood Off-Sale, Inc. – Jon Johnson – Richwood Township. (Nelson, Skarie), carried.
 - e. It was moved and seconded to approve the 3.2 On/Off Sale License Renewal for the following:
 - i. The Hideaway Resort – Alan Chirpich – Shell Lake Township;
 - ii. Whaley's Resort & Campground, LLC – Nathan or Mitchell Lauwagie – Round Lake Township;
 - iii. Townsquare Beverage, LLC – WeFest – Lakeview Township. (Grimsley, Nelson), carried.
 - f. It was moved and seconded to approve the Tobacco License Renewal for Strawberry Lake Store – Sugar Bush Township. (Grimsley, Nelson), carried.
2. It was moved and seconded to accept the February 2017 Cash Comparison and Investment Summary, as presented. (Grimsley, Nelson), carried.
3. It was moved and seconded to approve the purchase of a new Vision Screener, as presented, for the Department of Motor Vehicle, at a cost of 935.00 from Stereo Optical Company, Inc., Chicago, IL. (Grimsley, Skarie), carried. It is noted that this is required equipment for driver's license eye exams and is a budgeted item.

Mahube-Otwa Community Action Partnership, Inc. – Liz Kuoppala, Executive Director, and Marcia Otte, Family Development Director presented:

1. It was moved and seconded to approve Resolution 03-17-2A, that the Becker County Board of Commissioners supports the Mahube-Otwa Community Action Partnership, Inc., “Family Homeless Prevention and Assistance Program” (FHPAP). (Skarie, Nelson), carried.

Becker County Historical Society & Museum: Becky Mitchell, Executive Director, presented:

1. Ms. Mitchell provided an update on activities of the Becker County Historical Society & Museum, with it noted that they are now incorporating science related displays and activities to the museum, to make it more inclusive for children. She commented on the exploration of moving the museum to the Becker County Minimum Security Facility and also noted the addition of a \$5.00 admission fee for adults to the museum, for non-members only. An invitation was also extended to the commissioners to visit the museum for a tour of the Smithsonian Exhibit currently on display until April 8, 2017.

County Attorney: County Attorney, Tammy Merkins presented:

1. It was moved and seconded to approve Resolution 03-17-2B, to either hire from the previous list of qualified attorney candidates or advertise, interview and hire one (1) full-time Assistant County Attorney. (Skarie, Grimsley), carried.
2. The Public Data Records request was also discussed with County Attorney, Tammy Merkins. As far as the timeline, it was noted that the request should be completed within a “reasonable” amount of time. It was also reported that all data needs to be reviewed and redacted, in accordance with MN State Statute. Ms. Merkins will follow-up on timeline requirements for a larger, more broad request such as this.

Highway: Jim Olson presented:

1. It was moved and seconded to approve Amendment Number 1 to the MnDOT Construction Agreement (Contract No. 1002905-1), for work related to TH59/ County Road 155, to allow for reimbursement of a lump sum of \$3,000 in railroad flagging charged by CP Railway, to be paid by the County to MnDOT, with the total cost at \$7,351.31 (\$3,000 – flagging fees, and \$4,351.31 - construction fees); and to authorize the Becker County Engineer to amend the agreement, as presented; and for the Board Chair and County Administrator to execute said amendment. (Grimsley, Skarie), carried.

Land Use Department – Natural Resources Management (NRM): Steve Skoog and Dan McLaughlin presented:

1. It was moved and seconded to add to the agenda, Gravel Sale at Rooney's Pit in Forest Township to Current Owner. (Grimsley, Skarie), carried.
2. It was moved and seconded to approve the direct sale of NRM County gravel at Rooney's Pit in Forest Township to current owner, Pat Sweeney, for a total of 2,000 cubic yards at \$3.50 per cubic yard, for a total amount of \$7,000. (Grimsley, Skarie), carried. It was noted that NRM will use the proceeds to purchase 2,000 cubic yards of gravel from the Highway Department when needed for road maintenance.
3. It was moved and seconded to approve the list of Timber Tracts (Tracts 1 through 9), as presented, for the Becker County Timber Sale Auction on Friday, April 14, 2017. (Skarie, Grimsley), carried.
4. It was moved and seconded to accept the low quote from Meadowland Surveying for an amount up to \$3,200, to provide surveying services for a portion of county owned property located in the Northeast Quarter of the Northwest Quarter of Section 17-141-38 in Round Lake Township, to allow for future easements and sale to adjoining owners for legal access, with survey and deed costs part of the sale price to each landowner, and with the award pending a commitment from all the landowners. (Grimsley, Skarie), carried.
5. It was moved and seconded to accept the low quote from Midway Ford, Roseville, MN for the purchase of one (1) 2017 Ford Extended Cab Pickup for the NRM Department, in the amount of \$23,587.76, along with transfer fees of \$1,667.95, for a total cost of \$25,255.71. (Grimsley, Skarie), carried.
6. It was moved and seconded to approve the Natural Resources Management (NRM) Water Access Improvements, for predetermined recreational sites recommended by the Recreational Advisory Committee (RAC) and approved by the NRM Committee, to include the purchase of four (4) Fire Ring/Grills, Four (4) Picnic Tables, and two (2) Roll-in Docks, with the exception of one (1) Swim Raft, for a total cost of \$9,483.00, and with the cost covered by the Recreation Fund. (Grimsley, Skarie), carried.
7. It was moved and seconded to approve the request to solicit and secure Satellite Quotes, for supply and maintenance of portable toilets, to be located at select public accesses and/or parks in Becker County, as presented. (Grimsley, Skarie), carried.

Land Use Department – Planning & Zoning: Steve Skoog and Dylan Ramstad-Skoyles presented:

1. It was moved and seconded to concur with the Planning Commission (March 13, 2017), to approve the request submitted by Jon Nettleton, for a Conditional Use Permit (CUP) to sell flowers, vegetables, and puppies, for the project located at 13895 County Hwy. 4, in Lark Park, MN, with adoption of the following findings and to limit the total number of adult dogs to ten (10).

Jon Nettleton has submitted a Conditional Use Application to sell flowers, vegetables and puppies. Chapter eight section eleven part F of the zoning ordinance outlines six findings and criteria for approving a conditional use. The Planning Commission has reviewed the application and makes the following recommendations:

- a. **Affect on surrounding property.** That the conditional use will not harm the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.

The applicant has indicated that they will not be kenneling nor doing any dog care except for their own dogs. They also want to sell flowers and vegetables a few months of the year. The Commission feels that this will result in limited amounts of traffic for a few months of the year. The property is large with few neighbors in the immediate vicinity. These conclusions lead the Commission to believe that this use will not harm any of the neighboring properties.

- b. **Affect on orderly, consistent development.** That establishing the conditional use will not impede the normal, orderly development and improvement of surrounding vacant property for uses predominant in the area.

The proposed use should not affect any area development in the future.

- c. **Adequate facilities.** That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Yes, the property is easily accessible.

- d. **Adequate parking.** That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

The property has adequate parking.

- e. **Not a nuisance.** That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance, and to control lighted signs and other lights so that no disturbance to neighboring properties will result.

The sale of flowers and vegetables will not be a nuisance unless there are a large amount of customers which can be mitigated by limiting the hours and having adequate parking. There are not residences in the immediate vicinity which should also mitigate any noise from the puppies and customers. There is also a large amount of trees to provide a noise buffer.

- f. **Additional criteria for shoreland areas.** In Shoreland areas, it shall be found that adequate measures have been or will be taken to assure that:

- i. **Pollution.** Soil erosion or other possible pollution of public waters will be prevented, both during and after construction;

Property is not on public water.

- ii. **View from public waters.** That the visibility of structures and other facilities as viewed from public waters will be limited;

Property is not on public water and is heavily wooded.

- iii. **Adequate utilities.** That the site has an adequate water supply and on-site sewage treatment;

Yes.

- iv. **Watercraft.** That the types, uses, and number of watercrafts that the project will generate can be safely accommodated.

Not on a public water.

(Grimsley, Skarie), carried.

- 2. It was moved and seconded to concur with the Planning Commission (March 13, 2017), to approve the request submitted by Singrid Lindsay, 35046 Hwy. 34, Ogema, MN, for a Conditional Use Permit (CUP) to build a wireless facility to include a 309 foot lattice tower, 10X14 foot equipment platform, and a 43X53 foot chain link fence, with the project located at Cherry Lake Road, and with adoption of the following findings:

Sigrid Lindsay has submitted a Conditional Use Application to build a wireless facility. Chapter eight section eleven part F of the zoning ordinance outlines six findings and

criteria for approving a conditional use. The Planning Commission has reviewed the application and makes the following recommendations:

- a. **Affect on surrounding property.** That the conditional use will not harm the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.

The construction of the tower will not increase traffic in the area nor will it change the fundamental use of the property. This construction should not change any of the current activities and uses of the properties in the area.

- b. **Affect on orderly, consistent development.** That establishing the conditional use will not impede the normal, orderly development and improvement of surrounding vacant property for uses predominant in the area.

Nothing should change due to the construction of the tower.

- c. **Adequate facilities.** That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Yes, the property is easily accessible.

- d. **Adequate parking.** That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Parking is not an issue with this application as it is construction of a tower and parking is not needed for this use.

- e. **Not a nuisance.** That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance, and to control lighted signs and other lights so that no disturbance to neighboring properties will result.

The construction of a tower should not create a nuisance as none of the potential nuisances listed nor can the Commission think of any others that will be created by its construction.

- f. **Additional criteria for shoreland areas.** In shoreland areas, it shall be found that adequate measures have been or will be taken to assure that:

- i. **Pollution.** Soil erosion or other possible pollution of public waters will be prevented, both during and after construction;

Yes, this is not applicable to the application.

- ii. **View from public waters.** That the visibility of structures and other facilities as viewed from public waters will be limited;

The view should be limited as the construction is not on the public water and is located in a forested area.

- iii. **Adequate utilities.** That the site is adequate for water supply and on-site sewage treatment; and

Yes, this is not applicable to the application.

- iv. **Watercraft.** That the types, uses, and number of watercrafts that the project will generate can be safely accommodated.

Yes, this is not applicable to the application.

(Grimsley, Skarie), carried.

- 3. It was moved and seconded to concur with the Planning Commission (March 13, 2017), to approve the request submitted by Mattson, Bros., Inc., for a Conditional Use Permit (CUP) to build a wireless facility, to include a 259 foot self-supported lattice tower, a 10X14 foot equipment platform, and a 42X66 foot chain link fence, for the project located at 12309 County Hwy. 14 in Lake Park, MN, and with the adoption of the following findings:

Mattson Bros Inc. has submitted a Conditional Use Application to build a wireless facility. Chapter eight section eleven part F of the zoning ordinance outlines six findings and criteria for approving a conditional use. The Planning Commission has reviewed the application and makes the following recommendations:

- a. **Affect on surrounding property.** That the conditional use will not harm the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.

The construction of the tower will not increase traffic in the area nor will it change the fundamental use of the property. This construction should not change any of the current activities and uses of the properties in the area.

- b. **Affect on orderly, consistent development.** That establishing the conditional use will not impede the normal, orderly development and improvement of surrounding vacant property for uses predominant in the area.

Nothing should change due to the construction of the tower.

- c. **Adequate facilities.** That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Yes, the property is easily accessible.

- d. **Adequate parking.** That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Parking is not an issue with this application as it is construction of a tower and parking is not needed for this use.

- e. **Not a nuisance.** That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance, and to control lighted signs and other lights so that no disturbance to neighboring properties will result.

The construction of a tower should not create a nuisance as none of the potential nuisances listed nor can the Commission think of any others that will be created by its construction.

(Grimsley, Skarie), carried.

Lunch Bunch was held at the Speak Easy in Detroit Lakes and provided by Human Services Director, Denise Warren.

Being no further business, Board Chair Knutson adjourned the meeting.

Jack Ingstad
County Administrator

Larry Knutson
Board Chair