

REGULAR MEETING AS POSTED
BECKER COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING All Present
DATE: Tuesday, November 23, 2004 at 8:15 a.m.
LOCATION: Board Room, Courthouse All Present
Agenda

1. It was moved and seconded to approve the Agenda as amended (Salminen, Bristlin), carried.
2. It was moved and seconded to approve the Minutes of November 09, 2004 as corrected (Engebretson, Bristlin), carried.

Open Forum

Don Wahl addressed the Board with an update from the True County Assessment Committee. He made a suggestion for the board to appoint Brian C. Berg, County Administrator, to do an independent investigation of the Becker County Assessor's Office. Commissioner Salminen answered that our Assessor would not care if the county or townships do the assessing, but the choice remains with the townships and he represents his townships. Commissioner Winter also reminded Don that Brian met with them this week in his office. Commissioner Bristlin agreed with Commissioner Salminen that they represent their districts townships. Don said, I know you want to honor townships, and they have the choice, but I still feel a rotation of Assessors is needed. Commissioner Winter agreed that it would be a good idea to have Brian do an independent study next year. Les Ristinen stated that we are not trying to force townships, only educate.

Terry Kalil addressed the Board concerning the new County Public Health Unit and where we were with that. Commissioner Winter asked Commissioner Salminen if he could give an update at Human Services time on the Agenda.

Commissioners

1. Reports & Correspondence:
 - a. Extension Meeting, Commissioner Bristlin
 - b. Donations for AMC Conference, Commissioner Salminen. Thank you letters will be sent to Lakes Shirts and Springhill Pottery.
 - c. Airport Update, Commissioner Salminen
2. There was discussion of True County Assessment. Commissioner Bristlin stated we have done as much as we can for now, and the decision is up to the Townships. The Assessor has conducted meetings and they have not been well-attended. It was moved and seconded to dissolve the True County Assessment Committee and to send letters to all members of the committee thanking them for their participation (Engebretson, Salminen), carried.

Finance

1. It was moved and seconded to approve the Claims as presented (Engebretson,

- Bristlin), carried.
2. It was moved and seconded to approve a Change Order request: Proposal Request No. 1, Project No. 04084 from Lightowler Johnson Associates Inc. in the amount of \$234.60 to provide labor and material to attach the steel angles to an existing precast concrete screen wall (Bristlin, Seaberg), carried.
 3. It was moved and seconded to approve the Suggested Per Diem & Mileage Policy for Commissioners as presented through the Finance Committee (Salminen, Bristlin), carried.

Board Member is allowed 1 Per Diem per day.

Board Member is permitted to collect a Per Diem on Board Day. ie. Meeting day ends at noon and may have a meeting at 7:00 p.m.

If a Board Member attends a meeting outside of assigned committee, the attendance must be approved by the Board of Commissioners for paid Per Diem. No Per Diem will be paid for the Board of Equalization.

Board Member will not receive a Per Diem for a travel day.

Board Day is defined as a day when the County Board of Commissioners meet to conduct business.

Mileage will be paid for Per Diem Meetings and Board Days.

Mileage for meeting attendance is encouraged to be shared among the Commissioners, ie. Ride Share, Car Pool, etc.

4. The MCIT Dividend for 2004 was discussed.
- 5.
5. Replacement of the Courthouse Postage Machine was discussed, and it was moved and seconded to approve a 5-year lease with Pitney Bowes (Bristlin, Seaberg), carried.

6. It was moved and seconded to approve the Becker County Jail Contract Amendment with Sunnyside Care Center specifically "Term and Cost" para. 1. that due to further evaluation, Sunnyside Care Center will increase the contract price from \$12,850 to \$16,600 from a period extending from September 1, 2004 to February 28, 2005 (Bristlin, Salminen), carried.
7. It was moved and seconded to pass Resolution No. 11-04-2A, approving to fill (2) full-time Social Worker Positions in the Human Services Department due to (2) resignations (Salminen, Bristlin), carried.

8. The Environmental Services Solid Waste Service Fee was discussed, and it was decided to remain as is for 2005.

9. It was moved and seconded to approve the Capital Purchase request from the IT Department to upgrade the remote build network hardware to handle increased network traffic in the amount of \$6,699.80 (Bristlin Salminen), carried.

10. It was moved and seconded to approve the upgrade to the Becker County Web-site having (2) students from the Technical College redesign the layout of the Becker County Web-site not to exceed \$4,000 (Engebretson, Bristlin), carried.
11. Ryan reminded those present that the Becker County Truth-in-Taxation Meeting will be advertised and held on December 02, 2004 at 7:00 p.m. in the Upper Courtroom, Becker County Courthouse.
12. Purchase of the new Becker County Flag was discussed and all were in agreement to purchase up to 25 flags to make available for county buildings and to offer the balance for sale.

Auditor – No Licenses or Permits

Highway

1. It was moved and seconded to pass Resolution No. 11-04-2B, requesting to approve the repayment of these County State Aid funds by Becker County in the amount of \$1,658,868 in accordance with MN Rules 8820.1500, Subp. 9 from future year allocations in amounts listed until fully repaid (maximum 3-year repayment) (Engebretson, Bristlin), carried.

\$552,956	CY2005
\$552,956	CY2006
\$552,956	CY2007
2. Brad Wentz reminded everyone that the Highway 5-Year Plan will be held on December 2, from 4:30 to 7:00 p.m. in the County Board Room.
3. Construction Update. Everything has been completed on our scheduled road projects. St. Clair Lake/ City of DL/Pelican River Watershed District.

Tara Guetter, Pelican River Watershed, and Rich Grabow, City of Detroit Lakes, updated the Board on their request for the County to in-act an Ordinance regulating the surface use of Lake St. Clair. It was moved and seconded to approve the Ordinance (Bristlin, Engebretson), motion and second were withdrawn. The Ordinance was referred to the County Attorney’s Office and authorization to move forward with a Public Hearing given by Consensus of the County Board. The Ordinance will be addressed at the next county board meeting. Eugene Hustad, a Lake St. Clair resident, requested the Board to consider allowing canoeing on the lake.

Assessor

1. It was moved and seconded to approve the following Abatements (Salminen, Seaberg), carried.

2004 Tax Payable

Parcel #	Twn/City	Amount	Reason
01.0034.001	Atlanta	\$1012	Homestead
18.0035.000	Lake Park	64	Homestead
21.0311.000	Osage	264	Correction
21.0311.001	Osage	68	Correction

Mrs. Becker County

DeVon Green, Mrs. Becker County for 2004, has been working on developing a flag representing Becker County. She had a price list to submit to the County Board. It was moved and seconded to approve to order (25) flags for Becker County to be paid from non-departmental funds. The flags will be made available for county buildings and the balance for resale (Bristlin, Salminen), carried.

Human Services

1. It was moved and seconded to approve the Agenda as amended (Salminen, Bristlin), carried.
2. A report on the Becker County Public Health System was given. All hiring has been completed, the equipment transfer from Multi-County Nursing Services is being decided, and the Public Health System will be ready at the first of the year.
3. The National Children's Study was discussed. The plan, which starts in 2007, will provide a vast amount of data to develop new prevention strategies, health and safety guidelines, as well as educational approaches and new treatments for children. The Becker County Health Unit will be responsible for coordination in Becker County.
4. It was moved and seconded to accept the Transit Grant (Bristlin, Salminen), carried.
5. It was moved and seconded to accept the Public Assistance Applications (Bristlin, Seaberg), carried.
6. It was moved and seconded to approve the following Purchase of Services Contracts (Engebretson, Bristlin), carried.

Northern Safety & Security Divine House
Rural MN CEP Becker County DAC
Barbara VanOfferen Adult Foster Care

7. It was moved and seconded to send a letter of congratulations to Jim and Jane Hokenson for being awarded the MSSA Region IV Child Foster Care Provider of the year 2004 (Engebretson, Salminen), carried.

8. It was moved and seconded to approve the Transit Claims and the Human Services Claims (Engebretson, Salminen), carried.

Planning & Zoning

1. It was moved and seconded to approve the following Zoning Ordinance Revision Amendment Recommendations from the Planning Commission (Bristlin, Seaberg), carried.

Item # 1 – Lot Area Definition. Proposed definition: Lot area – the area located within the lot lines, excluding any part of the lot that is below the ordinary high water level of any public water, within any wetland, within the area of a bluff, within the area of any road easement or within the area of any road right-of-way. Easements for public utilities may be included in the lot area, (amended 2004).

Item # 2 – Lot of Record – a lot that was buildable before the May 5, 1971 enactment of this ordinance, (added 2004).

Item #3 – Domestic Animal Definition. Proposed definition: Domestic animal – animals kept as household pets, such as, but not limited to, cats and dogs, (added 2004).

Item # 4 & 5 – Footing and Foundation Definitions. Proposed definition: Footing – part of the foundation bearing directly upon the earth. For the purpose of this Ordinance, the definitions of footing and foundation can be interchanged, (added 2004). Foundation – the lowest division of a building, wall or the like, usually of masonry or treated wood, and partly or wholly below the surface of the ground. For the purpose of this Ordinance, the definitions of footing and foundation may be interchanged, (added 2004).

Items # 6 & 7 – Definitions for Attached and Detached. Proposed definition: Attached – the sharing of a common wall or portion of a wall with a door, so that a person must travel between buildings without going outside, (added 2004). Detached – complete separation (including the complete separation of roofs, walls and decks or when a person travels between buildings by going outside, (added 2004).

Item # 8 – Definition for Contiguous. Proposed definition: Contiguous – the sharing of a common lot line or boundary or any portion of a lot line or boundary touching at any point, (added 2004).

Item # 9 & 10 – Lot Size and Animal Units. Sent back to the Committee.

Item # 11 – Detached Garages and Accessory Structures. Sent back to the Committee.

Item # 12 – Rewording of Section 17, Subdivision 9-C. Rewording – In shoreland areas, the lot shall be in separate ownership from contiguous lands and all sanitary and dimensional requirements of the Ordinance are complied with insofar as practical. When adjacent substandard parcels are in the same ownership, they shall be joined into one

parcel and shall no longer be allowed as individual building sites. If, in a group of two or more contiguous lots under the same ownership, any individual lot that is not a buildable lot shall not be considered as a separate parcel of land for the purposes of sale or development, the lot shall be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirement for building, (amended 2004).

Item # 13 – Easements and New Road Classification. Rewording – No site permit shall be issued for a lot, plot or tract of land not having frontage on a public road unless:

1. The property has no access to public road except by an easement over the land of others;
 2. The easement from the property to a public road is at least fourteen (14) feet wide;*
 3. The easement serves no more than two tracts of land;*
 - and 4. The lot owner has signed and recorded in the County Recorder’s Office a document that:
 - a. acknowledges the owner’s responsibility for upgrading the road to public road specifications if it is converted to a public road at the owner’s request;
 - b. specifies the front lot line.
- * This provision does not apply to property which is accessed by a forest management road, (amended 2004).

When new development is proposed, the Class D road specification applies to all roads serving the plat, including the existing forest management road. Only Townships may apply for the easement on the roadway. The minimum easement width will be 33 feet, (added 2004).

New Road Classification “Class D Road” This item is to be sent back to the Review Committee.

County Easement Policy – Every easement application must be accompanied by a survey. The cost of the easement is the appraised market value of the land over which the easement runs. It is the responsibility of each owner or township to obtain all necessary easements, (added 2004).

Item # 14 – Structure Setbacks.

Township Road was 78 feet from centerline; proposed is 45 ft. from right-of-way.
County Road was 115 feet from centerline; proposed is 45 ft. from right-of-way.

It was the consensus of the Planning Commission to change the wording as follows:

- Setback from a township easement road – 78 feet from the centerline of the road
- Setback from a dedicated township right-of-way – 45 feet from the road right-of-way
- Setback from a county easement road – 95 feet from the centerline of the road
- Setback from a dedicated county road right-of-way – 45 feet from the road right-of-way

Item #15 – String line. Sent back to the Review Committee.

Item #16 & #17 – Normal Maintenance. Proposed Definition. Maintenance and/or repair – normal upkeep of a structure that does not involve the replacement of the main

structural frame or walls, or changes in the exterior dimensions of the structure, such as, but not limited to: work performed on the interior of the structure; painting; replacement of siding, windows, doors, soffit, fascia, shingles, additional doors or windows; new floorboards to decks. Under no conditions shall repairs and maintenance constitute replacement of the main structural frame, walls or changes to the exterior dimensions. Removal of the structure or any part of a structure and rebuilding on an existing slab or foundation constitutes new construction, (added 2004).

Section 17, Subd. 8 – Normal Maintenance. Routine upkeep of a structure that does not involve the replacement of the main structural frame or walls, or changes in exterior dimensions of a structure is permitted. Routine upkeep includes, but is not limited to: work performed on the interior of the structure; painting; replacement of siding, windows, doors, soffit, fascia, shingles, additional doors or window; new floorboard to decks. Under no conditions shall repairs and maintenance constitute replacement of the main structural frame, walls, or changes in the exterior dimensions. Removal of the structure or any part of a structure and rebuilding on an existing slab or foundation constitutes new construction. Replacement of an existing slab, foundation, or floor constitutes new construction, whether done by removal or raising of the structure, (amended 2004).

Item # 18 – Addition to Section 6, Subd. 5. Additional Special Provisions, Add #4 under Section C:

4. A detached accessory building or structure, such as a garage, shall not be used as a guest cabin or contain living or sleeping quarters.
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2. Planning Commission Recommendations (PC) of November 16, 2004:
 - 1) First Order of Business: Old Business, Application by Mark Yozamp. Tabled.
 - 2) Second Order of Business: Gary Larson. Tabled.
 - 3) Third Order of Business: Sheldon Struble. Cormorant Twp. It was moved and seconded to concur with the findings and recommendations of the PC to approve the certificate of survey to allow two tracts of land, each being 2.5 acres in size, based on the fact that the survey does meet the criteria of the Zoning Ordinance and Subdivision Ordinance and the lots are compatible with the surrounding area (Bristlin, Salminen), carried.
 - 4) Fourth Order of Business: Timothy Furhwirth, Detroit Twp. It was moved and seconded to concur with the findings and recommendations of the PC to approve a change of zone from agricultural to residential and approve a certificate of survey to allow two tracts of land, one being 2.51 acres in size and one being 3.92 acres in size, based on the fact that the request is compatible with the surrounding area and meets the criteria of the Zoning Ordinance and Subdivision Ordinance (Engebretson, Bristlin), carried.
 - 5) Fifth Order of Business: Melody Sherbrooke, Cormorant Twp. It was moved and seconded to concur with the findings and recommendations of the PC to approve a conditional use permit to allow a commercial use consisting of a beauty salon based on the fact that the use would not be detrimental to the surrounding area (Bristlin, Salminen), carried
 - 6) Sixth Order of Business: Lee Carlson, Erie Twp. It was moved and seconded to concur with the findings and recommendations of the PC to approve the change of

- zone and preliminary plat based on the fact that it does meet the criteria of the Zoning Ordinance and Subdivision Ordinance (Bristlin, Salminen), carried.
- 7) Seventh Order of Business: Arlene Lillis, Detroit Twp. It was moved and seconded to concur with the findings and recommendations of the PC to approve the change of zone from agricultural to residential and certificate of survey to allow a 1.61 acre tract based on the fact that it does meet the criteria of the Zoning Ordinance and Subdivision Ordinance and is compatible with the surrounding area (Bristlin, Salminen), carried.
 - 8) Eighth Order of Business: Final Plat of Marshall Oaks, Joyce Bouton, Developer. It was moved and seconded to approve the final plat of Marshall Oaks based on the fact that the final plat meets the criteria of the Zoning Ordinance and Subdivision Ordinance (Bristlin, Salminen), carried.
 - 9) Ninth Order of Business: Informational Meeting. The next meeting is scheduled for Thursday, December 16, 2004 at 8:30 a.m. at the Planning and Zoning Office.

There being no further business, the meeting was adjourned after lunch.

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

/s/ Roger Winter
Roger Winter
Board Chair