

REGULAR MEETING AS POSTED  
BECKER COUNTY BOARD OF COMMISSIONERS  
DATE: TUESDAY, December 15, 2020 at 8:15 a.m.  
LOCATION: Board Room, Courthouse

Agenda/Minutes

1. Meeting was brought to order by Board Chair Grimsley. Commissioners in attendance: Grimsley, Nelson, Skarie, Knutson, and Okeson; County Administrator, Michael Brethorst, and Minute Taker, Cindy Courneya.
2. Pledge of Allegiance.
3. It was moved and seconded to approve the agenda with no changes. (Knutson, Okeson, carried).
4. It was moved and seconded to approve the minutes of December 1, 2020 with the requested changes. (Knutson, Nelson), carried.
5. It was moved and seconded to approve the minutes of December 8, 2020, as presented for the Special meeting of the two-mile Extraterritorial issue. (Knutson, Okeson), carried.

Commissioners

1. Open Forum:
  - a. Several citizens were present to discuss Resolution 06-20-1E: "Constitutional and Business Friendly" and thus opted to wait to present until the item is addressed later in the meeting. Richard Billett, Burlington Township Supervisor, was also present relative to the Wannigan Park and Draft Master Plan and chose to wait until the item would be addressed later in the meeting.
  - b. Former Becker County Commissioner, Gerry Schram, a resident of and Supervisor for Erie Township, stressed the need for Becker County to support the local businesses, suggesting that Becker County become a "sanctuary city", to protect the businesses during the State government shutdowns.
2. Reports & Correspondence: The Commissioners reported on the following meetings:
  - a. Commissioner Knutson: Natural Resources Management (NRM) Committee, Sheriff's Committee, and One Watershed-One Plan meeting.
  - b. Commissioner Nelson: NRM Committee, Courthouse Committee, MN Rural Counties (MRC) and AMC Annual Conference meetings (held virtually), and Finance Committee meeting.
  - c. Commissioner Skarie: Human Services Committee and Mahube-OTWA.

- d. Commissioner Grimsley: Development Achievement Center (DAC) meeting, Two-Mile Extraterritorial meeting, Human Services Committee, and MCIT Annual meeting.
  - e. Commissioner Okeson: One Watershed-One Plan, Sheriff's Committee, Wannigan Park meeting, AMC Annual Conference (held virtually), Two-Mile Extraterritorial meeting, and NW Emergency Communications Board meeting.
3. Appointments: There were none.

County Administrator – Mike Brethorst presented:

1. COVID-19/CARES: Constitutional & Business Friendly: Resolution 06-20-1E:
- a. Chair Grimsley presented an overview of Resolution 06-20-1E: "Constitutional & Business Friendly".

Following the passage of the resolution on June 20, 2020, the Board was lobbied to rescind Resolution 06-20-1E, due to potential liability issues for the County and businesses. It has been requested that the Commission hear from additional public on the matter and discuss the merit of the resolution once again.

There were several citizens present today for the discussion and Chair Grimsley opened the meeting up for public comment.

The following individuals presented:

- i. Warren Wermager – noted his concerns with the Governor's orders, recommending the County continue the resolution and do whatever they can to support the businesses.
- ii. Rayna Tucker – owner of Sapphire Restaurant in Detroit Lakes, noted that they have done "everything right" per the recommendations and support keeping the businesses open.
- iii. Robin Tate – spoke on behalf of all business owners of Becker County, urging the County to defend the resolution and to support the businesses in re-opening.
- iv. Nathan Francis – worked as a bartender in Detroit Lakes but due to lack of hours, was forced to find other work. He also stressed the need to re-open gyms, noting that he travels to neighboring Fargo, ND, to work out.
- v. Cathy Crawford – noted her agreement with Robin Tate's comments and her support of the businesses as well.

- vi. Mike Williams – owner of PIT 611 – referenced Becker County’s recent awarding of CARES Act funding for businesses, adding that if additional funds are made available, that there be less restrictions.

Commissioner Nelson clarified that the Board followed the rules in implementing the CARES Act Grant Funding, acknowledging that it was cumbersome due to State and Federal requirements. He also suggested and encouraged participation from business owners in planning the roll out of the next round.

- vii. Deon Scrow – owner of Deon’s Danger Zone Gym – noted how the closures have negatively impacted his business. He also noted how devastating it is for those trying to stay healthy during this pandemic, both physically and mentally, as well as for those fighting addictions.
- viii. Robert Strand – owner of SNAP Fitness, Detroit Lakes – referenced the \$1.8 million Becker County spent on Capital Improvements using the CARES Act dollars, with roughly 1.2 million spent on the modification to bring the Sheriff’s office into recommended compliance with CDC guidelines. He suggested funding guidelines should be made so that more businesses are eligible to receive the needed assistance.
- ix. Brian Anderson, resident of Becker County, noted that Becker County is losing business, with many commuting to Fargo to do business.
- x. Detroit Lakes Attorney, David Stowman, referenced and read the letter he had sent to the Board of Commissioners, once again expressing his concerns with the passage of the resolution. He attended virtually today for the discussion of the resolution, as stated, while also recognizing and acknowledging the concerns and frustrations of the business owners and other individuals that presented today.

At the request of Mr. Stowman, there was also a moment of silence, in honor of the over 300,000 people who have lost their lives due to COVID-19 in the United States so far.

He asked today for the repeal of the Resolution, as stated, and suggested a new resolution be created to replace Resolution 06-20-1E. He also recommended the County seek outside legal counsel, if needed.

- b. With no others coming forward to present, Chair Grimsley concluded the public comment period and proceeded to read Resolution 06-20-1E: “Constitutional & Business Friendly”.

Following, options were discussed. Commissioners Grimsley and Knutson were in support of leaving the resolution as approved; Commissioners Okeson and Nelson suggested removing the sentence containing “supporting businesses to avoid insolvency...”, as stated in paragraph six (6); and Commissioner Skarie recommended rescinding and replacing the resolution with other language.

County Attorney, Brian McDonald, was present and reiterated that the passage of this resolution by the commissioners does not protect the businesses from any legal consequences if they open back up against the Governor’s orders.

Becker County Sheriff Todd Glander was present and referenced the resolution, as stated, noting that as Sheriff, it is his duty and responsibility to support and uphold the constitution and therefore supported the resolution.

- c. A motion was made by Commissioner Skarie to approve the repeal of Resolution 06-20-1E: “Constitutional and Business Friendly”, as discussed. (Skarie); motion died for lack of a second.
- d. It was moved and seconded to amend Resolution 06-20-1E: “Constitutional and Business Friendly”, to remove the line in paragraph 6 that reads, “and, that, the County Commission of Becker County supports businesses to avoid insolvency by opening up, at their own risk, and to continue operating with safe and responsible best practices”. (Nelson, Okeson), carried 3-2 with a roll call vote taken: Nelson – Aye; Grimsley – Nay; Skarie – Aye; Okeson – Aye; Knutson – Nay.

2. COVID-19/CARES Update:

- a. County Administrator, Mike Brethorst, provided an update on the COVID-19/ CARES Grant Funding, noting that the MN Legislature has now passed a Small Business Assistance Packet, in the amount of \$216.8 million (economic relief package), along with the extension of Unemployment Insurance benefits. He explained that the bill allocates three different buckets of relief funding available:
  - i. MN Department of Revenue (DOR) Administered Payments based on criteria to includes Business Type, Number of Full-Time employees, and Sales Tax Loss Data;
  - ii. DEED Administered Targeted Grants - DEED will identify and provide grants to large convention centers and movie theatres;
  - iii. County Administered Relief Fund/”Catch All” - approximately \$115 million to the 87 MN Counties, based on a per capita minimum with a \$256,250 floor.

- b. The Finance Committee has developed and approved a Becker County Emergency Business Relief Grant Assistance Program. The program would make onetime grants of up to \$2,000 available to qualified businesses, depending on volume of applications and availability of funds. To qualify, businesses will need to have experienced a financial hardship due to direction to close their business operations as a direct result of MN Executive Order 20-99 or subsequent order.

A one-page application will be posted on the Becker County website, with the application to open at 12:01 p.m. on Tuesday, December 16, 2020 and closing on March 15<sup>th</sup>, but will likely be extended, with a possible award date upon validation of an application.

It was moved and seconded to approve the Becker County Emergency Business Relief Assistance Grant Program and application via the County website, as presented, and the awarding of up to \$2,000.00 each to qualifying businesses. (Okeson, Skarie), carried.

3. 2021 Budget:

- a. It was moved and seconded to approve Resolution 12-20-2A, as presented, that the Becker County Tax Levy for 2021 be set at an amount of \$22,554,713, and with the Becker County Economic Development District authorized to levy a tax for 2021 at \$124,350; and to approve the attached exhibits to include Exhibit "A": Administrative Rules, which is incorporated by reference, showing additional budgetary assumptions and administrative controls delegated/ authorized by the Becker County Board of Commissioners, Exhibit "B" the Position Allocation list, and Exhibit "C", the Final Budget by Line Item, adopted by the Becker County Board of Commissioners. (Skarie, Nelson), carried.
- b. It was moved and seconded to approve Resolution 12-20-2B, as presented, to approve the Re-Affirmation of the Becker County Transit Sales and Use Tax for 2021, to be dedicated exclusively to Becker County Road and SMART Tax Projects, at the rate of one-half of one percent (.5%) pursuant to M.S. 297A.993. (Knutson, Okeson), carried.
- c. It was moved and seconded to approve Resolution 12-20-2C, as presented, to adopt the Becker County Highway Department 2021-2025 Five-Year Construction Improvement Plan, as was presented to the public, and is hereby approved, as attached to said resolution. (Okeson, Nelson), carried.

4. Discussion was held regarding the two-mile extraterritorial issue with Becker County Surveyor, Roy Smith, and Planning & Zoning Director, Kyle Vareberg presenting, along with City Administrator, Kelcey Klemm and other City representatives in attendance as well.

Options were discussed with the Board providing direction for moving forward; to cease seeking outside legal counsel at this time relative to the two-mile extraterritorial issue; that a meeting be held with the City of Detroit Lakes with a quorum present; and if legal issues arise, that the County Administrator, Mike Brethorst, be allowed to seek legal counsel then, if needed, and at his discretion, with a limit of under \$3,000.00, with the Board to review the situation again in a few weeks.

Finance Committee Minutes: Auditor-Treasurer: Mary Hendrickson presented:

1. It was moved and seconded to approve the Regular Claims, Auditor Warrants, Over-90-Day Claims, and additional issues, as presented:

a. Auditor's Warrants (Tuesday Bills):

- i. 11/30/2020 in the amount of \$ 10,201,566.78
  - ii. 12/01/2020 in the amount of \$ 337,366.52
  - iii. 12/02/2020 in the amount of \$ 40,233.00
  - iv. 12/08/2020 in the amount of \$ 59,454.01
- for a total amount of . . . . . \$ 10,638,620.31

b. Over-90-Days:

- i. Locators & Suppliers – dated 08/11/2020 in the amount of \$176.79 (invoice just received).

c. Additional Issues:

- i. Codie Bouchie – credit card – no itemized receipt, in the amount of \$10.95 from China King;
- ii. Darin Borth – credit card – no itemized receipt, in the amount of \$12.95 from China King;
- iii. Andrew Bachman – credit card – two fees for a total of \$43.82 – no itemized receipt from 40 Club.

(Knutson, Nelson), carried.

2. It was moved and seconded to authorize the Finance Committee to review and approve year-end claims. (Knutson, Skarie), carried.

3. It was moved and seconded to approve the purchase of two new roll-off containers through Alloy at the low quote of \$9,850.00 (quote good for 30 days); however, due to increase in steel prices, to also authorize acceptance of the 2<sup>nd</sup> low quote of \$10,375.00 from Fabwurx, if the first low quote changes and becomes the higher quote. (Knutson, Nelson), carried.

Auditor-Treasurer: Mary Hendrickson presented:

1. Licenses & Permits – there were none.

County Attorney – Brian McDonald presented:

1. It was moved and seconded to approve the purchase of a five-year subscription to Citrix ShareFile software, to scan large case files; 25 licenses at a cost of \$12,007.00 plus initial one-time set up fee of \$6,783.00, with the total cost at \$18,790.00 and using CARES Funds. (Knutson, Nelson), carried.
2. It was moved and seconded to authorize the one-time purchase of office furnishings for the new Victim Coordinator's office and furniture for the new Victim Lounge area at an amount of up to \$5,000.00 using CARES Funds; with the low quote of \$1,996.01 from Cooper's Office Supply, Fergus Falls, MN for the office furnishings and at an amount up to \$3,000.00 for the furniture for the lounge area. (Nelson, Okeson), carried.

Sheriff: Todd Glander presented:

1. It was moved and seconded to approve the MN DNR – 2020 Federal Boating Safety Equipment Grant Application in the amount of \$10,143.00, for the purchase of a Hummingbird Helix 8 and one 12 side scanner from North Shore Fiberglass Repair & Storage and 1 Aquaeye Handheld Sonar, with Maintenance Plan from VodaSafe, to be used for search and recovery, and with reimbursement from the grant funds. (Knutson, Okeson), carried.

Highway: Jim Olson presented:

1. It was moved and seconded to approve Resolution 12-20-2D, to accept completed Project Number SAP 003-598-011 for County Road 125, consisting of Bridge Removal, Box Culvert Installation, Approach Grading and Aggregate Surfacing contracted with Riley Bros Construction, Inc. of Morris, MN and to authorize final payment in the amount of \$12,358.25, prepared and processed by the Highway Department. (Nelson, Okeson), carried.
2. It was moved and seconded to approve Resolution 12-20-2E, to accept completed Project Number SAP 003-157-001 for County Highway 14 to County Highway 16, consisting of Drain Tile and Aggregate Surfacing contracted with Hough, Inc. of Detroit Lakes, MN and to authorize final payment in the amount of \$18,700.22, prepared and processed by the Highway Department. (Nelson, Okeson), carried.
3. It was moved and seconded to approve Resolution 12-20-2F, to accept completed Project Number SAP 003-599-031 for Smokey Hills Road, Guyles Road and 520<sup>th</sup> Avenue, consisting of Culvert Replacement, Approach Grading and Aggregate Shouldering

contracted with Dennis Drewes, Inc. of Frazee, MN and to authorize final payment in the amount of \$12,607.78, prepared and processed by the Highway Department. (Nelson, Okeson), carried.

4. It was moved and seconded to approve the proposed Grant-in-Aid ATV Trail on either CSAH 38 or 40 Right-of-Way to City of Wolf Lake, as presented. (Knutson, Okeson), carried.

Human Services: Denise Warren presented:

1. It was moved and seconded to approve the MN Department of Health - COVID-19 Vaccine PrepMod Usage Agreement, as presented. (Skarie, Nelson), carried.
2. It was moved and seconded to approve the renewal of the Sourcewell Family Child Care Licensing Agreement, at a cost of \$41,000.00, with no change from last year. (Skarie, Okeson), carried.
3. It was moved and seconded to approve the MN Department of Human Services 2021-2022 CMH Screening Grant at a cost of \$46,564.00. (Skarie, Knutson), carried.
4. It was moved and seconded to approve the Human Services claims for Human Services, Public Health, and Transit, as presented. (Skarie, Nelson), carried.

Land Use – Environmental Services: Steve Skoog presented:

1. It was moved and seconded to approve Resolution 12-20-2G, to approve Attachment A: - the list of 2021 Becker County Commercial Solid Waste Haulers License Applications, as presented, with the provision that the applicants must meet all the licensing requirements of the Becker County Solid Waste Ordinance prior to receiving a license certificate. (Nelson, Knutson), carried.

Land Use – Natural Resources Management (NRM): Dan McLaughlin presented:

1. It was moved and seconded to award the 2022 Tree Seedling Production Contract to PRT USA, Inc., the sole bid received and to purchase 95,000 seedlings for an estimated contract total of \$16,840.00. (Nelson, Knutson), carried.
2. It was moved and seconded to approve the request for the Woods and Wheels ATV Club to cross tax-forfeited lands in Section 20 of Wolf Lake Township for their proposed Grant-in-Aid ATV Trail (in conjunction with Highway Department). (Nelson, Okeson), carried.

Land Use – Parks & Recreation: Guy Fischer presented:

1. Discussion was held relative to the Wannigan Park – Draft Master Plan and timeline, with Burlington Township Supervisor, Richard Billett, present. He noted that Burlington Township had no prior knowledge of the Master Plan for the Wannigan Park and referenced the two-mile extraterritorial issue in relationship to the project. At this point the Township, while not against the Park, will not accept or approve the Master Plan until receive more information.

It was noted that the City of Frazee “drives” the project and that the County supports the park and will help and partner in different areas for startup, however, would not likely support continued reoccurring funding of the project.

It was moved and seconded to accept the Draft Master Plan for the Wannigan Park Project, pending Burlington Township’s review and approval, prior to requesting GMRPTC consideration for future funding; and to direct County Administrator, Mike Brethorst, to sign the application. (Okeson, Nelson), carried.

2. It was moved and seconded to approve submitting the 2021 MN City Participation Program (MCP) Application and Agreement to MHFA between January 4-15, 2021, with Guy Fischer as signatory for the MCP Application and County Administrator, Mike Brethorst, as signatory for the MCP Agreement. (Knutson, Nelson), carried.

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

Following the Board meeting, Board Chair Grimsley presented the 2020 Becker County State of the County Address.

He noted many accomplishments as well as acknowledged Becker County’s lower property tax extension rate, noting that the County is in the top 1/5<sup>th</sup> of all 87 counties in the State as being the lowest. He also thanked the county employees for their service, as well as fellow Board members for their dedication, care, and participation in the many decisions made over the past year.

Immediately following, an open house was held in honor of Commissioner Don Skarie, in recognition and appreciation for his 10 years of dedicated service to Becker County, representing District 4.

/s/ Michael Brethorst  
Michael Brethorst  
County Administrator

/s/ Ben Grimsley  
Ben Grimsley  
Board Chair