

JANUARY 26, 2021
BOARD MINUTES

Pursuant to motion of adjournment the Polk County Board of Commissioners met in regular session at 8:00 o'clock a.m., January 26, 2021 in the Commissioners Room, Government Center, Crookston, MN. Members present: Commissioner Gerald Jacobson, Commissioner Warren Strandell, Commissioner Joan Lee and Commissioner Mark Holy and Charles S. Whiting, County Administrator, Clerk of the Board. Other present: Michelle Cote, Deputy Clerk of the Board. Commissioner Gary Willhite was absent.

AGENDA

A motion was made by Commissioner Lee seconded by Commissioner Holy and adopted by unanimous vote of the Board to approve the January 26, 2021 agenda.

CONSENT ITEMS

A motion was made by Commissioner Strandell seconded by Commissioner Lee and adopted by unanimous vote of the Board to approve the below consent items:

- 1. Approve the January 5 and January 19, 2021 Board minutes.**
- 2. Resolution (2021-09) Accepting Financial Donations On Behalf Of Polk County Sheriff's Office From Mary Filipski**

Resolution Accepting Financial Donations On Behalf Of Polk

County Sheriff's Office From Mary Filipski

RESOLUTION (2021-09)

The following resolution (2021-09) was offered by Commissioner Strandell:

WHEREAS, Mary Filipski made a financial donation of \$50.00 to support the Polk County Sheriff's Office K-9 program in Polk County; and

WHEREAS, Polk County Sheriff's Office, wishes to have the County Board formally accept these financial donations on behalf of Polk County Sheriff's Office and put towards K-9 program.

NOW THEREFORE BE IT RESOLVED, By the County Board of Polk County, Minnesota as follows:

1. The donation from Mary Filipski, which is listed above, is hereby accepted by the Polk County Board of Commissioners on behalf of the Polk County Emergency Management Office.

Commissioner Lee seconded the foregoing resolution and it was declared adopted upon the following vote. YEAS: Lee, Jacobson, Strandell and Holy. NAYS: None.

- 2. Resolution (2021-10) Accepting Financial Donations On Behalf Of Polk County Sheriff's Office From Lean Packaging LLC**

**Resolution Accepting Financial Donations On Behalf Of Polk
County Sheriff's Office From Lean Packaging LLC**
RESOLUTION (2021-10)

The following resolution (2021-10) was offered by Commissioner Strandell:

WHEREAS, Lean Packaging LLC made a financial donation of \$500.00 to support the Polk County Sheriff's Office K-9 program in Polk County; and

WHEREAS, Polk County Sheriff's Office, wishes to have the County Board formally accept these financial donations on behalf of Polk County Sheriff's Office and put towards K-9 program.

NOW THEREFORE BE IT RESOLVED, By the County Board of Polk County, Minnesota as follows:

1. The donation from Lean Packaging LLC, which is listed above, is hereby accepted by the Polk County Board of Commissioners on behalf of the Polk County Emergency Management Office.

Commissioner Lee seconded the foregoing resolution and it was declared adopted upon the following vote. YEAS: Lee, Jacobson, Strandell and Holy. NAYS: None.

COUNTY BOARD MEMBERS ISSUE FORUM

1. Commissioner Jacobson brought forth that he participated the Planning Commission meeting.
2. Commissioner Strandell brought forth that he attended the Public Safety meeting discussion focused on (6) six upcoming retirements in 2021. In addition, he attended the Pine to Prairie Drug Task Force meeting and an MPO meeting.
3. Commissioner Lee brought forth that she attended the East Polk County Soil and Water Conservation District meeting where the Board reorganized for 2021. The East Polk County Soil and Water Conservation Board voted to continue to participate with AIS. In addition, she had a DAC meeting where the focus was finances and the impact of COVID-19. She also participated in an Extension 4-H meeting and an Inter-County Community Council meeting.
4. Commissioner Holy brought forth discussion regarding the designated flood plain area within his district that has the potential to impact sales due to the requirement of flood insurance.

SHERIFF

Jim Tadman, Polk County Sheriff came before the Board with matters pertaining to his department:

1. Monthly Sheriff Reports

The December 2020 monthly Sheriff reports were presented and discussed with the Board. (Reports on file in the Administrator's Office)

2. Purchase of (1) Patrol K-9

A motion was made by Commissioner Holy seconded by Commissioner Strandell and adopted by unanimous vote of the Board to approve the purchase of (1) Police K-9 with patrol and narcotic detection training from Mark McDonough, Anoka, MN in the amount of \$15,500.00.

PLANNING AND ZONING

Jacob Snyder, Environmental Specialist/Planning and Zoning Administrator came before the Board with matters pertaining to Planning and Zoning:

1. Resolution (2021-11) Interim, Use Permit For Phillip Miller To Allow For Operation Of A Small Sawmill/Home Business

**Interim, Use Permit For Phillip Miller
To Allow For Operation Of A Small Sawmill/Home Business**

RESOLUTION (2021-11)

The following resolution (2021-11) was offered by Commissioner Jacobson:

WHEREAS, Polk County Zoning Ordinance, Section 12.3048 requires an Interim Use Permit to operate a small sawmill/home business in the Agricultural District and;

WHEREAS, Phillip Miller rents land owned by Vernon Graber and that parcel is described as All that part of the Southeast Quarter (SE¼) of Section Twenty-eight (28), Township One Hundred Forty-seven (147), North of Range Forty-four (44), West of the Fifth Principal Meridian, lying west of the 100 feet wide right of way, which was originally owned by the Railroad Company and is now owned by Norman, Clay and Polk Counties pursuant to a Deed recorded as Document No. 533805, said right of way being 50 feet on each side of said Main Track centerline in the W½SE¼ of Section 28-147-44; AND The South 10 acres of the Southwest Quarter of the Southeast Quarter (SW¼SE¼) of Section Twenty-eight (28), Township One Hundred Forty-seven (147), North of Range Forty-four (44), West of the Fifth Principal Meridian, LESS All that part lying west of the 100 foot wide right of way, which was originally owned by the Railroad Company and is now owned by Norman, Clay and Polk Counties pursuant to a Deed recorded as Document No. 533805, said right of way being 50 feet on each side of said Main track centerline in the W½SE¼ of Section 28-147-44, parcel #28.00224.01:

WHEREAS, Phillip Miller's has a plan that meets all requirements of the Polk County Zoning Ordinances; and

WHEREAS, The Polk County Board of Commissioners finds:

1. The applicant is requesting an Interim Use Permit to operate the small sawmill business on parcel 28.00224.01.

2. The property is approximately 10.36 acres and located in Section 28 of Garfield Township.
3. The applicant is proposing to operate out of an existing 42' x 72' shed. The proposed use would be in a 42' x 36' area within the building.
4. The applicant has submitted an operational plan and intends to meet all applicable rules in section 12.3048 of the PCZO.
5. The Interim Use Permit would be to operate this business until a time when the IUP is no longer desired.
6. Shirley Nelson, adjacent landowner, sent a letter stating that their property has been a sanctuary for wildlife and the trees are important to the ecosystem. The noise would be upsetting to all in the area so please preserve it.
7. Dean Johnson contacted our office to state that he is not opposed to the operation of a sawmill business on the site but wanted to make sure that the logs were not piled up near the Township road.
8. The proposed use is an interim use expressly designated in the ordinance; and,
9. That the interim use will not be injurious to 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.
10. That the establishment of the interim use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
11. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
12. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
13. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

NOW THEREFORE BE IT RESOLVED, That the Polk County Board of Commissioners grants an interim use permit to Phillip Miller with the following conditions:

1. That the interim use will not be injurious to 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.
2. That the establishment of the interim use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
6. That the use of the property shall at all times be in compliance with all Federal, State of Minnesota, and County of Polk rules and regulations.
7. That all Federal, State and local regulations are followed regarding the handling and storage of hazardous materials.
8. The IUP shall remain valid for the operation of this business if all conditions of section 12.3048 of the PCZO are followed.
9. The operational plan shall be followed, any deviation from this plan will need to be approved by Polk County Planning & Zoning staff.
10. Site storage of rough-cut logs or lumber shall meet structural setbacks off property lines of over 15 feet and over 68 feet from the centerline of 105th Ave SW.
11. There will be a limit of 100 cords of wood located on the site at any one time.
12. Wood shall be locally sourced from Minnesota and incoming wood must be evaluated for invasive insects that could pose a threat to native timber. (invasive timber species include but are not limited to Emerald Ash Borer, Hemlock Woolly Adelgid and Asian Longhorned Beetle.

13. Any IUP issued under this Ordinance is granted solely to the applicant and/or the business entity named in the application, and for the premises named in the IUP application. No IUP of any sort granted pursuant to this Ordinance is transferable to any other person or premises. If a change of ownership, control or location of any licensed premises occurs, whether pursuant to move, sale, transfer, assignment or otherwise, the owner must complete a new application subject to approval pursuant to this Ordinance.
14. Applicant is bound by all applicable rules in the Polk County Zoning Ordinance and those special conditions listed above as well as all State and Federal laws applying to this operation.

Commissioner Strandell seconded the foregoing resolution and it was declared adopted upon the following vote. YEAS: Lee, Jacobson, Strandell and Holy. NAYS: None.

2. Resolution (2021-12) Conditional Use Permit For Minnkota Power Cooperative Inc. For Reconstruction, Maintenance And Operation Of An Electrical Substation

Resolution (2021-12) was offered by Commissioner Holy subject to continued discussion between Sullivan Township, Keystone Township and Minnkota Power regarding the functionality and safety of intersection and ditch seconded by Commissioner Strandell and adopted upon the following vote: YEAS: Lee, Jacobson, Strandell and Holy. NAYS: None. (See Resolution (2021-12) on file in the Administrator's Office.)

3. Resolution (2021-13) Conditional Use Permit For Fertile Community Conservation Club To Operate A Trap Shooting And Gun Range

Resolution (2021-13) was offered by Commissioner Jacobson seconded by Commissioner Lee and adopted upon the following vote: YEAS: Lee, Jacobson, Strandell and Holy. NAYS: None. (See Resolution (2021-13) on file in the Administrator's Office.)

4. Preliminary Plat Ponderosa Addition

A motion was made by Commissioner Lee seconded by Commissioner Jacobson and adopted by unanimous vote of the Board to approve the Preliminary Plat for Ponderosa Addition Parcel No. 72.00063.00 with the conditions as presented to the Board. (Conditions on file in the Administrator's Office)

FACILITIES

Mark Dietz, Facilities Management Director came before the Board with matters pertaining to his department:

1. DEED Lease

A motion was made by Commissioner Strandell seconded by Commissioner Holy and adopted by unanimous vote of the Board to approve the Lease between the Department of Employment and Economic Development (DEED) and Polk County located at the Human Service Center Building in East Grand Forks, MN as presented to the Board. (Lease on file in the Administrator's Office)

With no further business the Board adjourned to reconvene at 8:00 a.m., February 2, 2021.

Gerald Jacobson, Chair

Charles S. Whiting, Polk County Administrator
Clerk of the Board