

APRIL 25, 2023
BOARD MINUTES

Pursuant to motion of adjournment the Polk County Board of Commissioners met in regular session at 8:00 o'clock a.m., April 28, 2023, in the Commissioners Room, Government Center, Crookston, MN. Members present: Commissioner Warren Strandell, Commissioner Gary Willhite, Commissioner Joan Lee, and Commissioner Mark Holy. Others present: Polk County Administrator Chuck Whiting, Samuel Melbye, Deputy Clerk of the Board.

REVISED AGENDA

A motion was made by Commissioner Willhite seconded by Commissioner Holy and adopted by unanimous vote of the Board to add Polk County resident Brent Wagner regarding issue with County, railroad, and R.J. Zavoral moving snow and displacing rocks in his field to the April 25, 2023, agenda. A motion was made by Commissioner Willhite seconded by Commissioner Holy and adopted by unanimous vote of the Board to approve the amended April 25, 2023, agenda.

***RESIDENT CONCERN**

Brent Wagner, Polk County resident, came before the Board with concerns of rocks being displaced into his field after the County, BNSF Railroad and R.J. Zavoral moved snow into wind rows in his field near railroad tracks. All entities received permission to move the snow and Mr. Wagner is requesting help with removing the rocks that were placed in his field due to the work done. Richard Sanders, Polk County Highway Engineer, discussed with the Board Mr. Wagner's issue with rocks being displaced from the railroad tracks and into his field. Mr. Sanders explained that the railroad hired a contractor to move snow away from the tracks and into Mr. Wagner's field. The Board requested that Mr. Sanders work with Mr. Wagner and help contact the railroad to have rocks removed from Mr. Wagner's field.

CONSENT ITEMS

A motion was made by Commissioner Willhite seconded by Commissioner Holy and adopted by unanimous vote of the Board to approve the below consent item:

1. Approve the April 18, 2023, Board minutes.

COUNTY BOARD MEMBERS ISSUE FORUM

1. Commissioner Strandell brought forth that he attended the following meetings:
 - a. Grand Forks-East Grand Forks Metropolitan Planning Organization meeting.
 - b. Received information from Tri-County Corrections regarding lack of staffing.
2. Commissioner Willhite brought forth that he attended the following meetings:
 - a. Crookston Downtown Development Committee meeting.
 - b. Lake Agassiz Finance Committee meeting.
3. Commissioner Lee brought forth that she attended the following meetings:
 - a. Polk County Extension virtual meeting.
 - b. Received a phone call from resident concerning their assessed value. Resident is going through the appeal process by attending the Township Board of Appeal & Equalization meeting and possibly the County Board of Appeal & Equalization.
 - c. Received call from resident with questions about a possible solar farm in Winger.

4. Commissioner Holy brought forth that he attended the following meetings:
 - a. East Grand Forks Annual State of the City Address.

PUBLIC HEALTH

Sarah Reese, Public Health Director came before the Board with matters pertaining to her department:

1. Out-of-State Travel Request for Amy Van Den Einde

A motion was made by Commissioner Lee seconded by Commissioner Willhite and adopted by unanimous vote of the Board to approve out-of-state travel for Amy Van Den Einde to attend the Contraceptive Technology Conference on September 20 – September 22, 2023, at Atlanta Georgia.

2. Out-of-State Travel Request for Melissa Perreault

A motion was made by Commissioner Holy seconded by Commissioner Willhite and adopted by unanimous vote of the Board to approve out-of-state travel for Melissa Perreault to attend the Montana Summer Institute on June 20 – June 23, 2023, at Big Sky Montana and the National Prevention Network on August 15 – August 17, 2023, at Birmingham, Alabama. (All expenses paid by DHS as the Region 1 Regional Prevention Coordinator to meet workplan deliverables)

PLANNING AND ZONING

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

1. Resolution (2023-23) Interim, Use Permit For R.J. Zavoral & Sons Inc. To Allow For Temporary Asphalt Batch Plant And Contractor Yard

RESOLUTION (2023-23)

**Interim, Use Permit For R.J. Zavoral & Sons Inc.
To Allow For Temporary Asphalt Batch Plant And Contractor Yard**

The following resolution (2023-23) was offered by Commissioner Lee:

WHEREAS, Polk County Zoning Ordinance, Section 12.3020 and 12.3030 requires an Interim Use Permit to operate a temporary asphalt batch plant and contractor yard in the Agricultural District and;

WHEREAS, R.J. Zavoral & Sons Inc. is leasing a portion of land owned by Marion Olson and described as: That part of the North Half (N ½) of Section Twenty-Six (26), Township One Hundred Fifty (150) North, Range Forty (40) West of the Fifth Principal Meridian, described as follows: Commencing at the intersection of the North Right-of-way line of State Highway No. 92 and the centerline of the township road running North and South between Sections 27 and 26 in Township 150 North, Range 40 West, then East along the North right-of-way line of said Highway No. 92 a distance of 726 feet to the point of beginning, then North parallel to the center line of said North-South township road a distance of 2,286 feet 4 inches to a point, then East parallel to the North right-of-way line of said Highway No. 92 a distance of 2,286 feet 4 inches to a point, then South parallel to the center line of said North-South township

road a distance of 2,286 feet 4 inches to a point on the North right-of-way line of said Highway No. 92, then west along said right-of-way line a distance of 2,286 feet 4 inches to the point of beginning, parcel #10.00136.01;

WHEREAS, R.J. Zavoral & Sons Inc. have 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 a temporary hot mix asphalt batch plant and contractor yard for a period of 1 year.
2. The property is 120 acres located in section 26 of Chester Township. The plant and contractor yard is to be executed on approximately 5 acres located in the active mining operation of the Olson Gravel Pit. This parcel is owned by Marion Olson.
3. The applicant has submitted a supplemental information packet and a plan of operations for the use of the site.
4. The Interim Use Permit would be to operate this asphalt plant/contractor yard from Spring of 2023 through Spring of 2024. If approved the IUP will be valid for a period of 1 year from the date of issuance unless an extension is requested from the applicant.
5. The plan of operations highlights the portable batch operations following air emissions standards, equipment added to reduce noise, calcium chloride and watering to control dust so that none of these are a nuisance to other properties around the site.
6. The existing gravel operations on the site have 10-20 feet of elevation difference than the existing property surrounding the site with topsoil berms which will provide screening from neighboring land uses.
7. The site will be utilized as an asphalt plant and contractor yard dependent of regional roadway projects that would be awarded to RJ Zavoral and Sons, Inc. When the hot mix asphalt batch operations are active the hours will be 6am to 8pm Monday through Saturday. No planned office building will be constructed on the site. The number of employees reporting to the site will vary but will be estimated 3-5 employees not including truck drivers.
8. The truck traffic will utilize State Highway 92 that is the access point into the existing gravel operation. No trucks will be staged on State Highway 92, they will be routed into the pit for loading of the materials.
9. Our office has received a complete contractor storage yard list of equipment as well as a plan of operations for the asphalt batching activity.

10. The applicant stated that the location was chosen to have the least environmental impacts. The existing site is a gravel operation so the hot mix asphalt and contractor yard will co-exist with existing nearby land uses. The projects will utilize aggregate from the site to use in the temporary hot mix asphalt batch operations. Existing topography and being setback a great distance off any adjacent roadways should screen the operations from any neighboring properties.
11. No comments were received on this request.
12. The proposed use is an interim use expressly designated in the ordinance; and,
13. 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.
14. 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.
15. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
16. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
17. 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 R.J. Zavoral & Sons Inc. 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. 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.
8. The IUP shall be valid for a period of 1 year and shall expire unless reapplication is received before the expiration date.
9. The operational plan shall be followed, any deviation from this plan will need to be approved by Polk County Planning and Zoning staff.
10. Dust from operations shall be controlled via dewatering and calcium chloride or similar products as to not create a dust nuisance to neighboring properties.

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

ADMINISTRATION

Chuck Whiting, Polk County Administrator came before the Board with matters pertaining to his department:

1. Consideration of AMC/NACo Public Lands Initiative

Discussion along with a handout was presented to the Board regarding AMC asking Polk County to consider an allocation of our Local Assistance and Tribal Consistency Funds towards promoting the benefits of local publicly managed land. (Handout on file in the Administrator's Office)

2. 2024 Budget Goals & Objectives

Discussion was held with the Board regarding the 2024 budget.

PUBLIC HEARING

1. Amending The Capital Improvement Plan Adopted May 18, 2021, Resolution (2021-43) For The Issuance Of Capital Improvement Plan Bonds Pursuant To Minnesota Statutes, Section 373.40

a. Open Public Hearing

A motion was made by Commissioner Willhite seconded by Commissioner Lee and adopted by unanimous vote of the Board to open the Public Hearing at 10:00 a.m.

PUBLIC COMMENTS

Michelle Cote, Polk County resident, asked about the potential impact of noise if the transformer is placed next to the Government Center entrance. Richard Langlois, Facilities Management Director, stated that the current transformer does not make any noise and does not anticipate the new transformer making any noise but he will check into it.

b. Close Public Hearing

A motion was made by Commissioner Lee seconded by Commissioner Holy and adopted by unanimous vote of the Board to close the Public Hearing at 10:28 a.m.

ADMINISTRATION

Chuck Whiting, Polk County Administrator came before the Board with matters pertaining to his department:

1. Resolution (2023-22) Amending Resolution (2021-43) To Modify The 2020 Capital Improvements Plan And Subsequent Amendments

RESOLUTION (2023-22)

Amending Resolution (2021-43) To Modify The 2020 Capital Improvements Plan And Subsequent Amendments

The following resolution (2023-22) was offered by Commissioner Lee:

WHEREAS, The Polk County Board of Commissioners approved Resolution 2020-06 on January 7, 2020 thereby approving the Capital Improvements Plan; and

WHEREAS, The Resolution 2020-06 also gave authorization for the sale of capital improvements bonds for the projects identified in the CIP; and

WHEREAS, Resolution 2021-43 amended the CIP adding four projects and deleting one project; and

WHEREAS, The projects from the amended CIP are complete and \$571,492 remains; and

WHEREAS, The County Board and Administration have identified additional capital improvement projects that could be addressed with the CIP bond proceeds; and

WHEREAS, The County Board conducted a public hearing on April 25, 2023 for public comment on the second proposed CIP amendments.

NOW THEREFORE BE IT RESOLVED, That the Polk County Board of Commissioners amends the 2020 Capital Improvements Plan and subsequent amendments in order to utilize the remaining \$571,492 in 2020 CIP bond funds towards the following capital projects:

Government Center:

Replace main feed underground wire from transformer	\$40,000
Government flashing and drainage repairs	\$49,640
Concrete and excavation improvements	\$16,126

Justice Center:

Mechanical upgrades – couples, piping	\$720,000
---------------------------------------	-----------

Total \$825,766

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

KENDRA OLSON, ATTORNEY - PEMBERTON LAW

1. Closed Session with Attorney Kendra Olson Pursuant to Minn. Stat. 13D.5, Subd. 3(b) to Discuss Litigation Related to the Red River Valley Juvenile Center

a. Board Action to Enter Into Closed Session

A motion was made by Commissioner Lee seconded by Commissioner Holy and adopted by unanimous vote of the Board to move into closed session at 10:38 a.m.

b. Board Action to Re-Enter Into Open Session

A motion was made by Commissioner Holy seconded by Commissioner Lee and adopted by unanimous vote of the Board to reconvene into regular session at 11:01 a.m.

With no further business the Board adjourned to reconvene at 8:00 a.m., May 2, 2023.

Warren Strandell, Chair

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