

MAY 16, 2023
BOARD MINUTES

Pursuant to motion of adjournment, the Polk County Board of Commissioners met in regular session at 9:30 o'clock a.m., May 16, 2023. Members present: Commissioner Warren Strandell, Commissioner Gary Willhite, Commissioner Joan Lee, Commissioner Mark Holy, and Charles S. Whiting, County Administrator, Clerk of the Board. Others present Samuel Melbye, Deputy Clerk of the Board.

AGENDA

A motion was made by Commissioner Lee seconded by Commissioner Willhite and adopted by unanimous vote of the Board to approve the May 16, 2023, agenda.

CONSENT ITEMS

A motion was made by Commissioner Holy seconded by Commissioner Willhite and adopted by unanimous vote of the Board to approve the May 16, 2023, consent items:

1. Approve Commissioner Warrants: General Revenue Fund, \$239,031.51; Public Works Fund, \$230,880.22; Public Safety Fund, \$64,662.32; Public Health Fund, \$15,251.73; Forfeited Tax Sale Fund, \$320.00; Special Assessments (Ditch) Fund, \$4,485.30; Environmental Services Fund, \$15,305.25; Resource Recovery Fund, \$182,913.46; Landfill Fund, \$45,642.78; Per Diems, \$600.00; Meal Reimbursements (without overnight lodging), \$44.49 and Sign Audit List.
2. Approve the April 25 and May 2, 2023, Board minutes.
3. Approve payment to US Bank, St. Louis, MO in the amount of \$87,607.76 for procurement card purchases.
4. Approve payment to 13 Towns Newspaper, Fosston, MN in the amount of \$91.00 for AIS Tech Ads.
5. Resolution (2023-27) Accepting Financial Donations On Behalf Of Polk County Sheriff's Office From Marcella Lentsch.

RESOLUTION (2023-27)

**Accepting Financial Donations On Behalf Of Polk
County Sheriff's Office From Marcella Lentsch**

The following resolution (2023-27) was offered by Commissioner Holy:

WHEREAS, Marcella Lentsch made a financial donation to Polk County Sheriff's Office of \$1000.00 to support the Polk County Sheriff's 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 Association and put towards the Polk County K-9 program.

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

1. The donation from Marcella Lentsch, which is listed above, is hereby accepted by the Polk County Board of Commissioners on behalf of the Polk County Sheriff's Office.

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

COUNTY BOARD MEMBER ISSUE FORUM

1. Commissioner Strandell brought forth that he attended the following meetings:
 - a. Tri-County Corrections meeting
 - b. Drug Task Force meeting
 - c. NW Regional Development meeting
2. Commissioner Willhite brought forth that he attended the following meetings:
 - a. University of Minnesota – Crookston graduation commencement ceremony
 - b. Polk County Building meeting
 - c. Crookston City Council meeting
 - d. Polk County Extension meeting
 - e. Tri-Valley Opportunity Council Board meeting
 - f. Special Primary Election Canvassing
 - g. KROX Radio Program
3. Commissioner Lee brought forth that she attended the following meetings:
 - a. Safe TALK Suicide Prevention training
 - b. Radio Program
 - c. DAC annual and quarterly meetings – re-elected as Treasurer
 - d. Polk County Extension meeting
 - e. Sand Hill River Watershed – One Watershed, One Plan meeting
 - f. Special Primary Election Canvassing
 - g. Department of Health Services training
 - h. State Community Health Services Advisory Committee (SCHSAC) Executive Board meeting
 - i. Association of Minnesota Counties (AMC) - Futures meeting
 - j. AMC Legislative update
 - k. Union Lake Sarah Improvement District meeting
4. Commissioner Holy brought forth that he attended the following meetings:
 - a. No meetings.
 - b. Received several (seven) phone calls from concerned taxpayers regarding items on the agenda for today

EAST POLK SOIL & WATER CONSERVATION DISTRICT

Rachel Klein, East Polk Soil & Water Conservation District Manager came before the Board with matters pertaining to the EPSWCD:

1. 2022 County Feedlot Officer Annual Report

The 2022 County Feedlot Officer Annual Report was discussed and presented to the Board. A motion was made by Commissioner Lee seconded by Commissioner Holy and adopted by unanimous vote of the Board to approve signing the 2022 County Feedlot Officer (CFO) Annual Report as presented. (Report on file in the Administrator’s Office)

PUBLIC HEARING

1. Housing Incentive Program & Property Tax Abatements For The City Of Crookston & City Of East Grand Forks

c. Opening of Public Hearing

A motion was made by Commissioner Lee seconded by Commissioner Holy and adopted by unanimous vote of the Board to open the Public Hearing at 10:00 a.m. There were no comments from public.

d. Closing of 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 10:01 a.m.

e. Resolution (2023-26) Proposed Abatements In The City of Crookston & City Of East Grand Forks consideration following hearing for the 2022 property tax abatements for properties in Crookston & East Grand Forks.

RESOLUTION (2023-26)

Proposed Abatements in the City of Crookston & City of East Grand Forks

The following resolution (2023-26) was offered by Commissioner Holy:

WHEREAS, The County of Polk has held a Public Hearing on the proposed abatements in the City of Crookston & City of East Grand Forks pursuant to Minnesota Statutes, Section 469.1812 through and including 469.1815, and;

WHEREAS, The Polk County Board of Commissioners has proposed to abate the County’s share of property taxes on the following parcels for two years, unless noted:

City of Crookston

Housing Incentive Program Parcels

82.03960.00	NATURE VIEW TWIN HOMES LLC		\$1,647.96
82.03961.00	ROBERT HERKENHOFF		\$1,162.18
82.03962.00	NATURE VIEW TWIN HOMES LLC		\$1,613.92
82.03977.00	THE MEADOWS LLC		\$13,286.33

82.03978.00	THE MEADOWS LLC		\$13,286.33
	Total for City of Crookston		\$30,996.72

City of East Grand Forks

83.04485.00	THOMAS & CAROLE LARKINS		\$1,559.84
83.04504.00	COREY & MICHELLE QUIRK		\$1,553.47
83.04490.00	ALEC & SIGNEY JOHNSON		\$1,450.79
	Total for City of East Grand Forks		\$4,564.10

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

TIM FINSETH – NORTHWEST REGIONAL DEVELOPMENT COMMISSION

Tim Finseth, Transportation Planner, Northwest Regional Development Commission came before the Board regarding his new position:

1. Introduction to the Board as the new Transportation Planner

Tim Finseth has been named the Transportation Planner for the seven-county Northwest Regional Development Commission based in Warren, MN, he succeeds longtime Planning Director, Troy Schroeder.

MINNESOTA OFFICE OF STATE AUDITOR

Julie Blaha, State Auditor, Tammy Swanson, Karen Stacken, & Amy Ames, from the Minnesota Office of State Auditor addressed the Board via Zoom regarding the Audit:

1. 2021 Audit

The 2021 Audit was discussed and presented to the Board. (Audit on file in the Administrator’s Office) A motion was made by Commissioner Willhite seconded by Commissioner Lee and adopted by unanimous vote of the Board to approve the audit as presented by the Office of the State Auditor.

MIS

Levi Webster, MIS Director came before the Board with matters pertaining to his department:

1. Approval of Justice Center Network Switch Upgrade

A motion was made by Commissioner Willhite seconded by Commissioner Holy and adopted by unanimous vote of the Board to approve the SHI quote of \$55,553.06 for the purchase to replace the current Justice Center network switches.

PLANNING AND ZONING

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

1. Final Plat “Lady Slipper Lane”

The applicant Richard & Sandra Johnson are applying to plat portions of Parcel No. 61.00233.00 and 61.00240.00 into a roadway for access purposes in Section 33 and

Section 34 of Rosebud Township along Sandhill Lake. The property is located in the shoreland district and will remain a private roadway planned to be named “Lady Slipper Lane”. A motion was made by Commissioner Lee seconded by Commissioner Willhite and adopted by unanimous vote of the Board to approve the Final Plat “Lady Slipper Lane” with conditions.

2. Resolution (2023-28) Large Gathering Permit For River Bottom LLC At Maple Lake Pavilion, For An Event On May 28, 2023 In The Shoreland Zoning District

RESOLUTION (2023-28)
Large Gathering Permit For River Bottom LLC
At Maple Lake Pavilion, For An Event On May 28, 2023
In The Shoreland Zoning District

The following resolution (2023-28) was offered by Commissioner Holy:

WHEREAS, Polk County Zoning Ordinance, Section 20.0000 requires a Large Gathering Permit (LGP) for any public gathering of 1,000 or more persons at a location at any single time for the purpose of musical, racing, political, promotional, or social entertainment or other similar type of activity; and

WHEREAS, River Bottom LLC owns a parcel of land described as Block One, Subdivision of Reserve and King Edward’s Park Lots in Washington heights in Lots 1 and 2, Sec. 34, Twp., 149, N. of R. 43, W. parcel #32.00234.00; and

WHEREAS, River Bottom LLC’s plan meets all requirements of the Polk County Zoning Ordinance; and

WHEREAS, The Polk County Board of Commissioners find:

1. Applicants own a riparian lot on Maple Lake. The lot is approximately 3.4 acres.
2. The applicant is proposing to have a concert that will trigger the large gathering requirements of the PCZO section 20.0000 on May 28, 2023. The Johnny Holm Band event will run from 8:30 p.m. to midnight.
3. The Maple Lake Pavilion building is approximately 4,700 square feet in size and has been in operation since 1928. The property was purchased by the “River Bottom LLC” in 2022. The main event that has been held annually, minus COVID years, has been the Johnny Holm Band concert that takes place over Memorial Day weekend.
4. The applicant has satisfied the requirements of the Polk County Zoning Ordinance including:
 - a. Certificate of Insurance for the Maple Lake Pavilion including the event.

- b. Sanitary Facilities including bringing in 18 portable toilets provided by a licensed business will be set on site for the event.
 - c. Solid Waste Disposal is collected and disposed of by the owner.
 - d. Operational Plan and supplemental information received.
 - e. Clean-up Bond of \$25,000 coverage in place for the event.
 - f. Property perimeter will be fenced to control unauthorized entry into the event.
5. The applicant has vendors that have appropriate licensing from the Minnesota Department of Health for food served at the Maple Lake Pavilion, including the May 28th event.
 6. The applicant has coordinated with the Sheriff's Office and County Highway Department to address other parking and traffic concerns so that no roadways around the site are hazardous to event goers or block traffic around the event site.
 7. The applicant is expecting 1,000 to 1,200 people for the May 28th event, which requires the LGP. The LGP will be specific to the May 28th event. Any future events that will exceed 1,000 people would require an additional LGP.
 8. Concessions and alcohol will be provided for the May 28th event. Lakeview Resort is licensed to provide food and alcohol for the May 28th event. No gambling activities will be allowed as part of the May 28th event.
 9. A Large Gathering Review Panel reviewed the request as required by the PCZO. The panel proposes conditions and safeguards for permits for Large Gatherings. The Large Gathering Review Panel considers the location of the proposed Large Gathering, the duration, available road accesses, whether or not alcohol may be present, the intended audience, surrounding land uses, the types of activities being proposed, the distance for available medical, fire and safety facilities, the availability and type of sanitation facilities and any other factors determined by the Panel to be an issue of concern to the health, safety and welfare of Polk County and the attendants at a Large Gathering.
 10. It was determined by the Large Gathering Review Panel that the applicant should be allowed to host this event as the event last year ran smoothly, and the applicant has acted in good faith with the County to make sure that past events are safe to all event attendees.
 11. The applicant has obtained a \$25,000 bond as required by the PCZO for the May 28th event.
 12. The applicant will have the property perimeter fenced so as not to have unauthorized entry into the event. There will be private security from ASP of Moorhead INC. They will provide 8 people from 7pm to 1am to work the event.

No parking will be allowed along any roadways around the event. Parking will be provided by Kurt Larson to utilize an area located one block north of the pavilion and lighting will be set up for safety.

13. Polk County Sheriff's office will provide 2 to 4 deputies to work the May 28th event and the PCSO intends to continue to work with the applicant with maintaining public safety at the large dance events.
14. Mentor Fire and Rescue will be covering any fire or first responder calls during the May 28th event. The applicant reached out to the Mentor Fire Chief, Jay Anderson, that confirmed they will be available on the night of the event should anything be needed from their department.
 - a. All exits will be required to have locking hardware installed to secure the doors open during the May 28th event.
 - b. Emergency lighting is required at all exits.
 - c. The maximum allowed occupancy of the building for the May 28th event is 511 people, which is based on the standing room square footage of the pavilion event area.
15. The Maple Lake Improvement District has no concerns with the request.
16. The proposed use requires an LGP and is expressly designated in the ordinance.
17. The LGP 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.
18. The approval of the LGP will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
19. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
20. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
21. 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 grant a Large Gathering Permit to River Bottom LLC for the Johnny Holm Band event on May 28, 2023 with the following conditions:

- 1) The maximum number of persons allowed to assemble on the permitted premises for the event shall be 1,250. The applicant shall not sell tickets to, nor allow to assemble on the permitted premises, more than the maximum permissible number of persons stated in the permit.
- 2) The event hours shall be from 7:30 p.m. to midnight. Event staff and security shall ensure the event ends and the event crowd leaves at midnight.
- 3) The maximum occupancy of the Maple Lake Pavilion during this event shall be 511 persons. It shall be the responsibility of the applicant or their employees to ensure the max occupancy of the structure is not exceeded at any time during the event. The applicant shall have at least 2 crowd managers during the event to ensure the max occupancy is not exceeded.
- 4) All exits in the Maple Lake Pavilion shall remain free of obstructions during the event.
- 5) As required by the PCZO the applicant shall obtain necessary insurance and bonding prior to the event.
- 6) The applicant shall fence the perimeter of the event grounds with fencing not less than 4 feet in height and of sufficient strength to prevent persons from gaining unauthorized access to the assembly area.
- 7) The applicant shall provide 18 portable toilets to be used during the event. The property, including parking grounds shall be picked up of all solid waste, which shall be removed within forty-eight hours after the event.
- 8) Noise from the event shall not exceed levels listed in Minnesota Rules, Chapter 7030.
- 9) Security shall be provided as applied for and listed in the approved operation plan.
- 10) Under-age drinking shall be prohibited during the event and all persons shall be ID checked and banded before being served alcohol. Security and event staff shall roam the crowd to ensure those persons consuming alcohol have been ID checked and banded, and to identify those who are intoxicated. No re-entry to the event shall be permitted.

- 11) Limited parking shall be provided on site and additional parking shall be provided one block north of the Maple Lake Pavilion on parcel #32.00232.00. Parking areas shall be marked and monitored by security and/or the Sheriff's Office.

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

SOCIAL SERVICES

Karen Warmack, Social Services Director came before the Board with matters pertaining to her department:

- 1. Request To Hire A Temporary Part Time Family Based Service Provider**

A motion was made by Commissioner Willhite seconded by Commissioner Holy and adopted by unanimous vote of the Board to approve hiring a temporary part-time Family Based Service Provider.

- 2. Two Eligibility Worker Replacement Requests**

Due to two resignations a motion was made by Commissioner Lee seconded by Commissioner Holy and adopted by unanimous vote of the Board to approve refilling the two Eligibility Worker positions and any internal subsequent position vacancies occurring because of this action.

HIGHWAY

Richard Sanders, Highway Engineer came before the Board with matters pertaining to his department:

- 1. County Ditch No. 49 Maintenance Request**

A request has been made regarding Sletten Township having 2 culverts they would like to replace thru their township road south of CSAH 1 in the SE ¼ of Section 24. A motion was made by Commissioner Lee seconded by Commissioner Holy and adopted by unanimous vote of the Board to approve the work in CD 49 and name Richard Sanders as Engineer over the project.

- 2. County Ditch No. 23 Maintenance Request**

County Ditch No. 23 has experienced flooding. Polk County to repair culvert and approach in Section 11, Brandsvold Township. A motion was made by Commissioner Lee seconded by Commissioner Holy and adopted by unanimous vote of the Board to approve the work in County Ditch No. 23 and name Richard Sanders as Engineer over the project.

- 3. County Ditch No. 126 Maintenance Request**

In April 2022 County Ditch No. 126 experienced flooding. Polk County has worked with FEMA to fix damage associated with the funding in County Ditch No. 126. A motion was made by Commissioner Holy seconded by Commissioner Strandell and adopted by unanimous vote of the Board to approve the work in County Ditch No. 126 and name Richard Sanders as Engineer over the project.

- 4. Polk County Highway/Landowner Agreement**

The Polk County Highway has worked with landowners to allow the Highway Department to plow up snow to create a snow fence to help prevent snow from

drifting onto their roadways. This has always been verbal agreement. The past couple years there has been concerns about damage to property. Discussion along with a Draft Polk County Highway Department Snow Fencing Agreement was presented to the Board. (Draft Agreement on file in the Administrator's Office).

SHERIFF

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

1. Monthly Sheriff Reports

The April 2023 Sheriff Reports were discussed and presented to the Board. (Reports on file in the Administrator's Office)

2. Donation of Armor 800 Radios

The Sheriff's Office rotates out expired 800 mobile and handheld radios. A motion was made by Commissioner Willhite seconded by Commissioner Holy and adopted by unanimous vote of the Board to approve donating the expired 800 mobile and handheld radios to assist Volunteer Fire Departments.

PROPERTY RECORDS

Samuel Melbye, Property Records Director came before the Board with matters pertaining to his department:

1. Liquor Licenses

A motion was made by Commissioner Holy seconded by Commissioner Willhite and adopted by unanimous vote of the Board to approve the Annual Liquor Licenses for Lakeview Resort, Inc., Snow Sled Inn Bar and Grill/Deonne Maygra, and One N' Only of Euclid, Inc., conditional upon the approval of the County Sheriff and the County Attorney.

2. Otter Tail Power Company Request for Easement for Underground Electric Power Line

Discussion along with handouts were presented to the Board regarding Otter Tail Power Company Easement for Underground Electric Powerline. A motion was made by Commissioner Willhite seconded by Commissioner Holy and adopted by unanimous vote of the Board to authorize the County Board Chair and the Director of Property Records to sign the Electrical Line Easement for Otter Tail Power Company to construct, operate, maintain, use, upgrade, rebuild, relocate or remove an electric line facility on Parcel 82.02266.01 in the City of Crookston with total compensation from Otter Tail Power Company in the amount of \$721.00. (Handouts on file in the Administrator's Office)

ST. PAUL'S LUTHERAN CHURCH – EUCLID MN

Clifford Schulz, came before the Board representing St. Paul's Lutheran Church in Euclid, MN:

1. Solid Waste Assessment Appeal

Discussion was held with the Board regarding the appeal for the Solid Waste Assessment at St. Paul's Lutheran Church, Euclid, MN. A denial letter from Jacob Snyder, Assistant Environmental Services Administrator was presented to the Board

laying out the issues and decision for denial pertaining to the Church's request along with the application for appeal. A motion was made by Commissioner Willhite seconded by Commissioner Holy and adopted by unanimous vote of the Board to not take any action on the appeal for the Solid Waste Assessment at St. Paul's Lutheran Church, Euclid, MN and to review the Solid Waste Fee Policy and the minimum fee when the next fee request is brought to the Board. (Handouts on file in the Administrator's Office)

ADMINISTRATION

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

1. Resolution (2023-29) Reappointing Richard Sanders County Highway Engineer

RESOLUTION (2023-29) **Reappointing Richard Sanders County Highway Engineer**

The following resolution (2023-29) was offered by Commissioner Willhite:

WHEREAS, MN Statute 163.07 Subd. 2 allows county boards to reappointment the County Engineer for a term of four years in May of the year in which the term expires; and

WHEREAS, The term for County Highway Engineer Richard Sanders expires in May, 2023; and

WHEREAS, The Board of Commissioners is pleased with the work of Richard Sanders as County Highway Engineer and with the County Highway Department.

THEREFORE BE IT RESOLVED, By the Polk County Board of Commissioners that Richard Sanders be reappointed as County Highway Engineer for a four-year term expiring in May, 2027.

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

2. Out of State Travel Request – ICMA Conference in Austin, TX (September 30 to October 4, 2023)

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 the Polk County Administrator to attend the ICMA Conference in Austin, TX (September 30 – October 4, 2023).

COMMISSIONER WARRANTS

A motion was made by Commissioner Holy seconded by Commissioner Willhite and adopted by unanimous vote of the Board that the following Commissioner Warrants were approved:

COMMISSIONER WARRANTS
DATED 05/19/2023
APPROVED 05/16/2023

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<u>Vendor Name</u>	<u>Amount</u>
Al's Electric Inc	6,125.00
Avenu Insights & Analytics	6,896.84
Baldwin Supply Company	6,957.15
Beltrami Industrial Services	50,955.10
Brost Chevrolet Inc	8,288.99
Church & Dwight Co Inc	14,467.53
CNH Industrial Accounts	3,666.16
Code 4 Services Inc	7,899.87
Corbin/Roger	3,935.00
Crookston Fuel Company	2,867.81
Demo Plus Inc	15,838.96
Destination Transport	2,190.00
Diamond Vogel Paint	94,230.00
ELEMENTAL AIR	11,180.00
Estensen Environmental	3,420.00
Evenaire Systems Inc	28,509.00
Friendly Cheverolet Inc	5,865.32
General Repair Service	17,350.20
Gowan Construction Inc	60,438.00
Ironman Welding Inc	2,405.00
Johnson Controls	19,303.20
K & L Inc	5,855.70
Kustom Kollision LLC	20,153.63
Laacke & Joys Company	4,194.00
McDonough K- 9	14,500.00
Mn State Auditor	156,783.75
MPCA	6,290.87
Northdale Oil Inc	2,102.00
Polk County Highway Department	15,578.36
Ppc Industries	10,873.58
Reese/Sarah	3,969.49
RJ Zavoral & Sons Inc	21,470.00
Road Machinery and Supplies Co.	6,524.61
Sandhill Snowcruisers	5,100.00
SHI International Corp	13,897.31
Todd's Tire Service Inc	15,480.00
Tynsid Township Treasurer	3,050.00
US Bank Voyager Fleet Sys	5,577.80
Valley Electric Of Crookston LLC	3,550.00
Widseth Smith Nolting & Assoc	12,893.00
Ziegler Inc	2,365.68
221 Payments less than 2000	95,493.66
Final Total:	798,492.57

With no further business the Board adjourned to reconvene at 8:00 o'clock a.m., May 23, 2023.

Warren Strandell, Chair

ATTEST:

Charles S. Whiting, County Administrator
Clerk of the Board