

JUNE 27, 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., June 27, 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.

****AGENDA**

A motion was made by Commissioner Lee seconded by Commissioner Holy and adopted by unanimous vote of the Board to approve the revised June 27, 2023, agenda adding No. 7 under Highway and No. 2 under Administration.

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 items:

1. Approve the June 20, 2023, Board minutes.

COUNTY BOARD MEMBERS ISSUE FORUM

1. Commissioner Strandell brought forth that he attended the following meetings:
 - a. County Board of Appeal and Equalization
 - b. Grand Forks-East Grand Forks Metropolitan Planning Organization meeting
 - c. Planning and Zoning Advisory Board meeting
 - d. West Central Watershed meeting
2. Commissioner Willhite brought forth that he attended the following meetings:
 - a. County Board of Appeal and Equalization
3. Commissioner Lee brought forth that she attended the following meetings:
 - a. County Board of Appeal and Equalization
 - b. State Community Health Services Advisory Committee
 - c. Tour of the Minnesota Department of Health Labs
 - d. Association of Minnesota Counties (AMC) Board of Directors Reception
 - e. AMC Finance Committee meeting
 - f. Toward Zero Deaths meeting
4. Commissioner Holy brought forth that he attended the following meetings:
 - a. County Board of Appeal and Equalization

SHERIFF

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

1. Deputy Sheriff Medically Retiring July 1, 2023

Due to a Deputy Sheriff retirement a motion was made by Commissioner Willhite seconded by Commissioner Holy and adopted by unanimous vote of the Board to approve posting and hiring a Deputy Sheriff.

2. Monthly Sheriff Reports

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

MCIT

Paul Hajduk, MCIT Risk Management Consultant came before the Board with matters pertaining to Polk County:

1. 2023 MCIT Report

The 2023 MCIT Report was discussed and presented to the Board. (Report on file in the Administrator's Office)

HIGHWAY

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

1. Gravel Purchase – Gowan Construction

A motion was made by Commissioner Lee seconded by Commissioner Holy and adopted by unanimous vote of the Board to approve purchasing 10,000 tons of CL 5 gravel from Gowan Construction, Oslo, MN in the amount of \$4.45 per ton as measured in the stockpile.

2. Replace Maintenance II Position/Part Time Position

A motion was made by Commissioner Holy seconded by Commissioner Willhite and adopted by unanimous vote of the Board to allow the Polk County Highway Department to fill a Maintenance II part-time position with a full-time position and to advertise for the position.

A motion was made by Commissioner Lee seconded by Commissioner Willhite and adopted by unanimous vote of the Board to allow the Polk County Highway to fill a Maintenance II full-time position and to advertise for the position.

3. Township of Brandsvold Township Agency Agreement

A motion was made by Commissioner Lee seconded by Commissioner Holy and adopted by unanimous vote of the Board to approve the Agency Agreement between Polk County and the Township of Brandsvold as presented to the Board. (Agreement on file in the Administrator's Office)

4. CD 99 FEMA Repair, Outlet Repair

A motion was made by Commissioner Willhite seconded by Commissioner Holy and adopted by unanimous vote of the Board to award CD 99 Repair to Davidson Construction Inc., Newfolden, MN in the amount of \$712,332.00 and allow Administrator and Chair of the Board to sign contracts. (Contract on file in the Administrator's Office)

5. County Ditch 45 Maintenance Request

Polk County is required to repair field approaches. Polk County to repair culvert and approach in Section 20, Russia Township. A motion was made by Commissioner Holy seconded by Commissioner Lee and adopted by unanimous vote of the Board to approve the work in CD 45 and name Richard Sanders as Engineer over the project.

6. Polk County Highway 5 Year Plan/Funding Review Tabled From June 6, 2023, Board Meeting

A motion was made by Commissioner Lee seconded by Commissioner Holy and adopted by unanimous vote of the Board to take off the table from the June 6, 2023, Board meeting and discuss the Polk County Highway 5 Year Plan/Funding Review. A motion was made by Commissioner Lee seconded by Commissioner Willhite and adopted by unanimous vote of the Board to approve the proposed 5-year projects. A motion was made by Commissioner Holy seconded by Commissioner Lee and adopted by a 3-1 vote of the Board to approve raising the Local Option Sales Tax Collected from 0.25% to 0.5%. A motion was made by Commissioner Holy and failed due to lack of a second to approve collecting Wheelage Tax Funds at the rate of \$20.00 starting January 1, 2024.

7. *County Ditch 117 Maintenance Request

Roome Township would like to replace culverts thru their township roads in sections 3/10 and 10/15 of Roome Township. This work will be paid for by the township. A motion was made by Commissioner Holy seconded by Commissioner Willhite and adopted by unanimous vote of the Board to approve the work in CD 117 and name Richard Sanders as Engineer over the project.

ENVIRONMENTAL SERVICES

Jon Steiner, Environmental Services Director came before the Board with matters pertaining to his department:

1. RRF Insurance – Approve 2023/2024 Coverage Proposal

The Polk County Resource Recovery Facility (RRF) was required to find private insurance in 2021 when the Minnesota Counties Insurance Trust (MCIT) announced they were unable to get re-insurance coverage for that year. The Polk County RRF along with two other RRF's, hired the Mahoney Group of Mesa, AZ as a consultant/broker to find coverage. The Mahoney Group provides that service for Polk County for \$25,000.00. Starr Surplus Lines Insurance Company provided coverage in 2022-2023 and has now provided its insurance quote for coverage in 2023-2024. The 2023 quote provides coverage from August 1, 2023, to July 31, 2024.

A motion was made by Commissioner Willhite seconded by Commissioner Holy and adopted by unanimous vote of the Board to authorize Binder with Mahoney Group, Mesa, AZ in the amount of \$25,000 for administering the property insurance for the RRF.

A motion was made by Commissioner Willhite seconded by Commissioner Holy and adopted by unanimous vote of the Board to authorize contract for Property Insurance with Starr Surplus Lines Insurance Company, Chicago, IL for August 1, 2023, to July 31, 2024.

A motion was made by Commissioner Willhite seconded by Commissioner Holy and adopted by unanimous vote of the Board to authorize additional coverage for Terrorism Insurance with Starr Surplus Lines Insurance Company, Chicago, IL.

PLANNING AND ZONING

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

1. Resolution (2023-31) Interim Use Permit For Jordan Olson & Sidney Williams To Allow Operations Of An Animal Rescue Home-Based Business

RESOLUTION (2023-31)
Interim Use Permit For Jordan Olson & Sidney Williams
To Allow Operation Of An Animal Rescue Home-Based Business

The following resolution (2023-31) was offered by Commissioner Lee:

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

WHEREAS, Jordan Olson & Sidney Williams own a parcel of land described as: That part of the Southeast Quarter (SE ¼) of Section 20, Township 147 North, Range 43 West of the 5th Principal Meridian, Polk County, Minnesota, described as follows: Commencing at the southwest corner of said SE ¼; thence East along the south line of said SE ¼ a distance of 660.00 feet to the point of beginning of that tract of land to be described herein; thence East along the south line of said SE ¼ a distance of 1630 feet, more or less, to a point 350 feet west from the southwest corner of said SE ¼; thence North and parallel to the east line of said SE ¼ a distance of 530 feet to a point; thence East, a distance of 350 feet to a point on the east line of said SE ¼ that is 530 feet north of the southeast corner of said SE ¼; thence north along the east line of said SE ¼ a distance of 1210 feet, more or less, to a point that is 900.00 feet south from the northeast corner of said SE ¼; thence West and parallel to the north line of said SE ¼ of distance of 1980 feet, more or less, to a point that is 660.00 feet east; from the west line of said SE ¼ and 900.00 feet south from the north line of said SE ¼; thence South a distance of 1740 feet, more or less, to the point of beginning. Said tract of land contains 74.83 acres, more or less, parcel #27.00130.00;

WHEREAS, Jordan Olson and Sidney Williams have a plan that meets all requirements of the Polk County Zoning Ordinances; and

WHEREAS, The Polk County Board of Commissioners finds:

1. The applicants are requesting an Interim Use Permit (IUP) to operate an animal rescue home-based business on a parcel of land in section 20 of Garden Township.
2. The property is approximately 74.83 acres in size and contains the homestead of the applicants as well as several agricultural accessory structures.
3. The applicant is proposing to operate the rescue shelter out of two accessory structures, 12' x 16' (192 sq ft) and 12' x 30' (360 sq ft). The two accessory structures are needed to isolate cats and dogs at the rescue shelter.
4. The applicant has submitted an operational plan and intends to meet all applicable rules in section 12.3048 of the PCZO. The operational plan states the site use is strictly to take in rescue animals or animals that must be rehomed due to bad living conditions.

Smiley's Rescue is a non-profit organization with a board of directors that makes financial and other decisions on the rescue shelter. Jordan Olson (landowner) and Sid Williams (director of operations) are the people responsible for operation of this shelter. This operation is not a commercial kennel it is to rescue animals and rehome those animals.

5. The Interim Use Permit application proposes to operate this business meeting all conditions until a time when the operation either grows larger than that required to operate under an IUP (accessory structures over 1,800 sq ft), which would require the applicants to go through the County Conditional Use permitting process or the site use is no longer desired.
6. No comments were received on this request.
7. The proposed use is an interim use expressly designated in the ordinance; and,
8. 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.
9. 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.
10. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
11. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
12. 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 Jordan Olson & Sidney Williams 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. The IUP shall remain valid for the operation of this business if all conditions of section 12.3048 PCZO are followed.
8. The operational plan shall be followed, any deviation from this plan will need to be approved by Polk County Planning & Zoning staff.
9. The interim use permit shall become void one year after it was granted unless used.
10. 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 persons or premises. If a change of ownership, control, or location of any licensed premises occurs, whether pursuant to more, sale, transfer, assignment, or otherwise, the owner or proposed new owner must complete a new application subject to approval pursuant to this ordinance.
11. 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 Holy seconded the foregoing resolution and it was declared adopted upon the following vote. YEAS: Commissioner Willhite, Commissioner Strandell, Commissioner Holy, and Commissioner Lee. NAYS: None.

2. Resolution (2023-32) Conditional Use Permit for Kevin Groven Over 2,500 Sq Ft Of Accessory Structures On A Parcel Of Land Between 2-5 Acres In Size

Resolution (2023-32) was offered by Commissioner Willhite seconded by Commissioner Holy and adopted upon the following vote: YEAS: Commissioner Willhite, Commissioner Strandell, Commissioner Holy, and Commissioner Lee. NAYS: None. (See Resolution (2023-32) on file in the Administrator's Office.)

3. Resolution (2023-33) Conditional Use Permit For Joel Manecke Over 2,500 Sq Ft Of Accessory Structures On A Parcel Of Land Between 2-5 Acres In Size

Resolution (2023-33) was offered by Commissioner Lee seconded by Commissioner Holy and adopted upon the following vote: YEAS: Commissioner Willhite, Commissioner Strandell, Commissioner Holy, and Commissioner Lee. NAYS: None. (See Resolution (2023-33) on file in the Administrator's Office.)

4. Resolution (2023-34) Conditional Use Permit For John Gingrich To Operate A Sawmill/Home Based Business

Resolution (2023-34) was offered by Commissioner Lee seconded by Commissioner Willhite and adopted upon the following vote: YEAS: Commissioner Willhite, Commissioner Strandell, Commissioner Holy, and Commissioner Lee. NAYS: None. (See Resolution (2023-34) on file in the Administrator's Office.)

5. Award Grant For Income-Based Septic System Fix-Up Program From Cheryl Byrne

A motion was made by Commissioner Lee seconded by Commissioner Holy and adopted by unanimous vote of the Board to award a Low-Income Septic Fix-Up Grant to Cheryl Byrne to upgrade the failing septic system and to award the bid to Olson & Sons Excavating, Tim Olson, L#1620, who was the low bidder (\$10,200.00) and will be installing the system.

6. Award Grant For Income-Based Septic System Fix-Up Program From Dan Qualley

A motion was made by Commissioner Willhite seconded by Commissioner Holy and adopted by unanimous vote of the Board to award a Low-Income Septic Fix-Up Grant to Dan Qualley to upgrade the failing septic system and to award the bid to Olson & Sons Excavating, Tim Olson, L#1620, who was the low bidder (\$10,000.00) and will be installing the system.

7. Award Grant For Income-Based Septic System Fix-Up Program From Joyce White

A motion was made by Commissioner Holy seconded by Commissioner Lee and adopted by unanimous vote of the Board to award a Low-Income Septic Fix-Up Grant to Joyce White to upgrade the failing septic system and to award the bid to Olson & Sons Excavating, Tim Olson, L#1620, who was the low bidder (\$10,200.00) and will be installing the system.

8. Award Grant For Income-Based Septic System Fix-Up Program From Michell Olson

A motion was made by Commissioner Lee seconded by Commissioner Holy and adopted by unanimous vote of the Board to award a Low-Income Septic Fix-Up Grant to Michell Olson to upgrade the failing septic system and to award the bid to Olson & Sons Excavating, Tim Olson, L#1620, who was the low bidder (\$6,800.00) and will be installing the system.

9. Award Grant For Income-Based Septic System Fix-Up Program From Anthony Narvaez

A motion was made by Commissioner Willhite seconded by Commissioner Holy and adopted by unanimous vote of the Board to award a Low-Income Septic Fix-Up Grant to Anthony Narvaez to upgrade the failing septic system and to award the bid to Great Northern Septic, Brandon Maygra L#4100, who was the low bidder (\$16,137.00) and will be installing the system.

PROPERTY RECORDS

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

1. Out of State Travel

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 Sam Melbye, Property Records Director to attend the Aumentum Conference in Nashville, TN from September 17-21, 2023, with expenses to be paid by MnCCC.

ADMINISTRATION

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

1. 2024 Budget Status

The status of the 2024 budget was discussed with the Board.

2. **City of Fertile has Acted on the Draft Agreement for ARPA Funds for Remodeling the Agassiz Environmental Learning Center

The Polk County – City of Fertile Agassiz Environmental Learning Center Subrecipient Grant Agreement was discussed and presented to the Board. The City of Fertile has coordinated with the AELC Board an estimate and drawings for \$200,000.00 of remodeling of the existing learning center. The City’s request for ARPA funds was \$144,000,00 and the agreement is for this amount. The City Council recently approved the agreement. A motion was made by Commissioner Lee seconded by Commissioner Holy and adopted by unanimous vote of the Board to approve the Agreement as presented. (Agreement on file in the Administrator’s Office)

With no further business the Board adjourned to reconvene at 8:00 a.m., July 18, 2023.

Warren Strandell, Chair

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