

SEPTEMBER 28, 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., September 28, 2021. Members present: Commissioner Warren Strandell, Commissioner Joan Lee, Commissioner Gary Willhite, Commissioner Mark Holy and Charles S. Whiting, County Administrator, Clerk of the Board. Other present Michelle Cote, Deputy Clerk of the Board. Commissioner Gerald Jacobson was absent.

AGENDA

A motion was made by Commissioner Strandell seconded by Commissioner Willhite and adopted by unanimous vote of the Board to approve the September 28, 2021, Board agenda.

CONSENT ITEMS

There were no consent items.

COUNTY BOARD MEMBERS ISSUE FORUM

1. Commissioner Strandell brought forth that he participated in a special Tri-County Community Corrections meeting to set a course of action for the Juvenile Center during the repairs of the facility. The decision was made to close the facility during the repairs.
2. Commissioner Lee brought forth that she participated in an online training program for the State Community Health Services Advisory Committee. In addition, she participated in the Personnel Committee meeting which focused on negotiations. She also attended the Inter-County Community Council meeting.
3. Commissioner Willhite brought forth that he participated in the Personnel Committee meeting which focused on negotiations. He also attended the special Crookston School Board meeting focused on COVID-19 restrictions.
4. Commissioner Holy brought forth that he participated in a special Tri-County Community Corrections meeting. Discussion was also brought forth regarding buffer compliance and the West Polk County Soil and Water Conservation District.

SHERIFF

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

1. Monthly Sheriff Reports

The August 2021 monthly Sheriff reports were presented and discussed with the Board. (Reports on file in the Administrator's Office)

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. EPSWCD 2022 Budget

The East Polk Soil & Water Conservation District 2022 budget was presented and discussed with the Board. (Budget on file in the Administrator's Office)

DITCH HEARINGS

Richard Sanders, Polk County Highway Engineer and Michelle Cote, Property Records Director came before the Board with matters pertaining to the Ditch Hearings:

1. Consolidation Hearings for State Ditch 61

I. Call to Order

A motion was made by Commissioner Strandell, seconded by Commissioner Holy and adopted by unanimous vote of the Board to open the Public Hearing at 9:02 a.m. for the Consolidation of State Ditch 61.

II. Purpose of the Hearing

The purpose of the hearing was provided by Attorney Kurt Deter reviewing the redetermination and the potential consolidation process of State Ditch 61 and County Ditch 87, County Ditch 88 (Branch 2), County Ditch 89, County Ditch 89 (Branch 2) (Branch 3), County Ditch 91, County Ditch 91 (Branch 1) (Branch 2) (Branch 3), State Ditch 61 (Lateral 1) (Outlet 1) (Outlet 2), Judicial Ditch 72 (Branch 4) (Branch 5) (Branch 6) (Branch 7) (Branch 8) (Branch 9) (Branch 10) (Branch 10) (Branch 17).

III. Record of Notice Requirements

Michelle Cote, Director of Property Records indicated the Hearing Notice had been published the weeks of September 6, 2021, September 13, 2021, and September 20, 2021. Notices were also mailed to all affected landowners within the redetermined benefitted area of State Ditch 61 and Joint Judicial Ditch 72 the week of September 13, 2021.

IV. Presentation of Consolidation Information

The general presentation was provided by Richard Sanders, Polk County Highway Engineer. He reviewed maps of the benefitted areas.

V. Public Comments and Questions

None were made.

IV. Possible Action by the Drainage Authority

Approval of the consolidation can be made if:

- a. It is consistent with the Redetermination of the benefitted areas of the drainage system.
- b. Would provide for efficient administration of the drainage system.
- c. Would be fair and equitable.

A motion was made by Commissioner Holy, seconded by Commissioner Strandell, and carried by a unanimous vote to authorize the consolidation of ditches and rename the drainage system as Polk County Ditch 200 as presented under MS 103E.801 as it is deemed consistent with the redetermination, would provide efficient administration of the drainage system, and is fair and equitable.

VII. Possible Recourse or Appeal Process

Discussion was brought forth regarding the appeal process for the approved consolidation. An affected person may appeal the consolidation to district court within 30 days of the filing of the order or they may petition to abandon the ditch of which there is no time limitations.

VIII. Close the Hearing

A motion was made by Commissioner Holy, seconded by Commissioner Strandell, and carried by a unanimous vote to close the consolidation hearing at 9:15 am.

Richard Sanders, Polk County Highway Engineer and Michelle Cote, Property Records Director came before the Board with matters pertaining to the Ditch Hearings:

1. Consolidation Hearings for Joint Judicial Ditch No. 72.

**** Note Joint Judicial Ditch No. 72 Commissioners are Jacobson (absent), Lee and Holy.**

VI. Call to Order

A motion was made by Commissioner Holy, seconded by Terry Sorenson, and adopted by unanimous vote of the Board to open the Public Hearing at 9:03 a.m. for the Consolidation of Joint Judicial Ditch No 72.

VII. Purpose of the Hearing

The purpose of the hearing was provided by Attorney Kurt Deter reviewing the redetermination and the potential consolidation process of Judicial Ditch 72 (Main Branch) (Branch 1) (Branch 2) (Branch 3) (Branch 12) (Branch 13) (Branch 13-1) (Branch 13-2) (Branch 13-3) (Branch 14) (Branch 15E) (Branch 15W) (Branch 16), Polk County Ditch 88 (Branch 1), (Main), a portion of Polk County Ditch 89 and Polk County Ditch 136 (Branch 10).

VIII. Record of Notice Requirements

Michelle Cote, Director of Property Records indicated the Hearing Notice had been published the weeks of September 6, 2021, September 13, 2021, and September 20, 2021. Notices were also mailed to all affected landowners within the redetermined benefitted area of State Ditch 61 and Joint Judicial Ditch 72 the week of September 13, 2021.

IX. Presentation of Consolidation Information.

The general presentation was provided by Rich Sander, Polk County Highway Engineer and Myron Jesme, Red Lake Watershed District Administrator.

X. Public Comments and Questions.

- a. Ray Zajac, Manville, ND – Owns land in Section 4, 5 and pt of 6. He would like to be out of the benefitted area. He indicated he feels he would be taxed for nothing and he would like to do his own work.

It was stated that the redetermination hearing has been held and that this hearing was for the consolidation and dividing of the legal drainage system. Discussion was brought forth indicated the benefits of being in a legal drainage system rather than a private ditch such as the possibility of additional permitting requirements for general cleaning and maintenance.

b. Gary Mathias, Hangaard Township, Clearwater County brought for concerns that he would like to see addressed such as dividing the system into two reaches with one reach being on the west side of the Lost River and one reach on the East Side of the Lost River.

c. Kip Kalahara, Hangaard Township, Clearwater County – Reiterated a request for other options. He is not interest in selling any right of way.

Discussion was brought forth regarding the redetermination process which has concluded including the appeal timeframe.

XI. Possible Action by the Drainage Authority

Approval of the consolidation can be made if:

1. It is consistent with the Redetermination of the benefitted areas of the drainage system.
2. Would provide for efficient administration of the drainage system.
3. Would be fair and equitable.

A motion was made by Commissioner Holy, seconded by Tom Anderson, and carried by a unanimous vote to authorize the consolidation of the above ditches into two (2) systems separated by what is East and West of the Lost River as requested under MS 103E.801 as it is deemed consistent with the redetermination, would provide efficient administration of the drainage system, and is fair and equitable.

A motion was made by Terry Sorenson, seconded by Tom Anderson, and carried by unanimous vote to rename the portion East of the Lost River as Joint Ditch 101 and the portion that is West of the Lost River Joint Ditch 100.

As a result of the two motions, Joint Ditch 100 consists of old JD 72 (Main Branch) (Branch 1) (Branch 2) (Branch 3) (Branch 16), Polk County Ditch 88 (Branch 1), a portion of PC 88 (Main), and a portion of Polk County Ditch 89 and; Joint Ditch 101 consists of (Branch 12) (Branch 13) (Branch 13-1) (Branch 13-2) (Branch 13-3) (Branch 14) (Branch 15E) (Branch 15W) and Polk County Ditch 136 (Branch 10).

IX. Possible Recourse or Appeal Process

Discussion was brought forth regarding the appeal process for the approved consolidation. An affected person may appeal the consolidation to district court within 30 days of the filing of the order or they may petition to abandon the ditch of which there is no time limitations.

X. Close the Hearing

A motion was made by Tom Anderson, seconded by Commissioner Holy and carried by a unanimous vote to close the consolidation hearing at 9:43 am.

PLANNING AND ZONING

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

1. Resolution (2021-77) Conditional Use Permit For Ronald Wald For Hooking A New Septic System To An Existing Accessory Structure

Resolution (2021-77) was offered by Commissioner Willhite seconded by Commissioner Holy and adopted upon the following vote: YEAS: Lee, Holy, Willhite and Strandell. NAYS: None. (See Resolution (2021-77) 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. Certificate of Performance/Final Acceptance CP 121-19-1359, CP 121-19-1360, CP 121-50-1361, CP 121-53-1362, CP 121-54-1363, CP 121-71-1364

A motion was made by Commissioner Holy seconded by Commissioner Strandell and adopted by unanimous vote of the Board to approve the Certificate of Performances and the Certificate of Final Acceptance on CP 121-19-1359, CP 121-19-1360, CP 121-50-1361, CP 121-53-1362, CP 121-54-1363, CP 121-71-1364 and allow the County Engineer to sign the Certificate of Performances and the County Engineer and the County Administrator to sign the Final Voucher.

2. Certificate of Performance/Final Acceptance CP 121-201-1350, CP 121-29-1349, and CP 121-18-1352 (Clearwater 18)

A motion was made by Commissioner Strandell seconded by Commissioner Willhite and adopted by unanimous vote of the Board to approve the Certificate of Performances and the Certificate of Final Acceptance on CP 121-201-1350, CP 121-29-1349, and CP 121-18-1352 (Clearwater 18) and allow the County Engineer to sign the Certificate of Performances and the County Engineer and the County Administrator to sign the Final Voucher.

3. Certificate of Performance/Final Acceptance SP 060-596-003

A motion was made by Commissioner Willhite seconded by Commissioner Holy and adopted by unanimous vote of the Board to approve the Certificate of Performance and the Certificate of Final Acceptance for SP 060-596-003 and allow the County Engineer to sign the Certificate of Performance and the County Engineer and the County Administrator to sign the Final Voucher.

4. Certificate of Performance/Final Acceptance SAP 060-623-019

A motion was made by Commissioner Holy seconded by Commissioner Strandell and adopted by unanimous vote of the Board to approve the Certificate of Performance and the Certificate of Final Acceptance for SAP 060-623-019 and allow the County Engineer to sign the Certificate of Performance and the County Engineer and the County Administrator to sign the Final Voucher.

5. County Ditch 13 Maintenance Request

A motion was made by Commissioner Willhite seconded by Commissioner Strandell and adopted by unanimous vote of the Board to approve the work in CD 13 and name Richard Sanders as Engineer over the project.

PUBLIC HEATH

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

1. Reclassify Position

Discussion was held with the Board regarding that Polk County Public Health is currently re-hiring a 1.0 FTE Nurse (Registered Nurse RN I or Public Health Nurse RN II) for Correctional Health. A request along with a job description was presented to the Board to reclassify this position with a Paramedic/Licensed Practical Nurse. Reclassification pending Human Resources final review and grading of the proposed presented job description, with latitude to hire a candidate (Paramedic/Licensed Practical Nurse or RN I/RN II) that best meets the needs of our agency. A motion was made by Commissioner Strandell seconded by Commissioner Holy and adopted by unanimous vote of the Board to approve reclassifying the position of Registered Nurse RN I or Public Health Nurse RN II to Paramedic/Licensed Practical Nurse/job description. (Job Description on file in the Administrator's Office)

PROPERTY RECORDS

Michelle Cote, Property Records Director came before the Board with matters pertaining to her department:

1. Public Safety Lease

A motion was made by Commissioner Holy seconded by Commissioner Strandell and adopted by unanimous vote of the Board to authorize the signing of the lease between the State of Minnesota, Department of Administration acting for the benefit of the Department of Public Safety, Driver and Vehicle Services (Tenant) and Polk County (Lessor) commencing on January 1, 2022, and continuing through June 30, 2025, by the Polk County Chair of the County Board and the Polk County Administrator. (Lease on file in the Administrator's Office)

Commissioner Holy left the Board meeting at 11:00 a.m.

SOCIAL SERVICES

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

1. Eligibility Worker Replacement Request

A motion was made by Commissioner Strandell seconded by Commissioner Lee and adopted by unanimous vote of the Board to approve refilling the Eligibility Worker position and any internal subsequent position vacancies occurring because of this action.

ADMINISTRATION

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

1. Resolution (2021-76) Setting Preliminary 2022 Property Tax Levy

Setting Preliminary 2022 Property Tax Levy **RESOLUTION (2021-76)**

The following resolution (2021-76) was offered by Commissioner Willhite:

WHEREAS, The Minnesota State Legislature passed and the Governor of the State of Minnesota signed into law, Minnesota Laws 2001, Special Session Chapter 5, and;

WHEREAS, M.S. 275.065, sub. 1 requires local taxing authorities in the State of Minnesota to establish a proposed levy on or before September 30, 2021, for taxes payable in 2022, and;

NOW THEREFORE BE IT RESOLVED, By the Board of County Commissioners of Polk County that the proposed statement of expenses and anticipated receipts on file in the office of the County Administrator, for the year 2021, be and they hereby are preliminarily accepted by this Board as a proposed budget for Polk County for the year 2022 dated September 22, 2021, and that the proposed levy on the taxable property for Polk County for Year 2021 payable in 2022 be preliminarily set as follows:

Net Levy	\$26,150,000 (+4.60%) (An increase of \$1,150,000)
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BE IT FURTHER RESOLVED, By the Board of County Commissioners of Polk County that the time set for the 2022 Budget Public Hearing is December 14, 2021, at 6:00 p.m. in the County Board Room of the Government Center at 612 No. Broadway, Crookston.

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

2. 2022 Budget Update

An update was given to the Board regarding the 2022 budget.

With no further business the Board adjourned to reconvene at 8:00 o'clock a.m., October 5, 2021.

Joan Lee, Vice-Chair

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