

REGULAR MEETING AS POSTED  
BECKER COUNTY BOARD OF COMMISSIONERS  
DATE: TUESDAY, November 15, 2016 at 8:15 a.m.  
LOCATION: Board Room, Courthouse

Agenda/Minutes:

1. Meeting was brought to order by Board Chair Nelson. Commissioners in attendance: Nelson, Okeson, Skarie, Knutson, and Grimsley; County Administrator, Jack Ingstad; and Minute Taker, Cindy Courneya.
2. Pledge of Allegiance.
3. It was moved and seconded to approve the agenda with the following changes: Under Commissioners: Jail Project Update, add: "and Possible Action"; under Auditor-Treasurer: Add: 1a: Gambling Permit: Cormorant Lakes Sportsman's Club at Hooligan's Lakeside, Lake Park, MN; and Under Sheriff: Remove 3a: Purchase Request: One (1) Lawn Mower for STS. (Knutson, Grimsley), carried.
4. It was moved and seconded to approve the minutes of November 1, 2016 with the requested change. (Grimsley, Okeson), carried.

Commissioners:

1. Open Forum:
  - a. Gerry Schram, resident of Erie Township, reported that he has observed a considerable amount of leaves, branches, and cut-down trees being disposed of along Highway 113, across from McKenzie Road. He also thanked and praised the Highway Department for their quick response and repair of a washed out road.
  - b. Brian Winczewski, resident of Osage, MN, submitted, for public record, a letter noting his concerns regarding the Osage Sportsman's Club, and a request that the Board deny the Osage Sportsman's Club's request today to approve an after-the-fact Conditional Use Permit (CUP) to remove trees from the property. In addition, he also submitted a copy of the warranty deed, dated October 21, 2015, from the Township of Osage, and a copy of the survey from Lindow Surveying & Mapping, LLC, for the Osage Sportsman's Club, along with a memo dated November 4, 2016, from Russell D. Mattson to the Becker County Planning and Zoning Commission in regards to the location of the shooting lanes at the Osage Sportsman's Club. He also voiced his safety concerns.
  - c. Mahlon Edmonson, resident of Osage, MN, voiced his frustration with the Osage Sportsman's Club for cutting down the trees on the club's property, noting that the trees served as a noise and safety barrier.
  - d. Del Carver, resident of Moorhead, MN and property owner on Bog Lake, expressed his frustration and concerns with the Board's prior approval of the CUP allowing the Osage Sportsman's Club to expand their shooting range and

also read the State of Appeals ruling on the case to overturn the approval. He also voiced his concerns with the upcoming request today to approve the after-the-fact CUP to cut down trees on the shooting range, noting that his property is downrange and the trees acted as a noise and safety barrier.

2. Reports and Correspondence: The Commissioners reported on the following:
  - a. Commissioner Nelson: Natural Resources Management (NRM) Committee and attended a meeting as a representative of the Association of Minnesota Counties (AMC) in St. Paul with the Minnesota Pollution Control Agency (MPCA) and Board of Water and Soil Resources (BWSR).
  - b. Commissioner Skarie: Human Services Committee, Salary Review Board meeting for Elected Official Salary Setting, Becker County Council on Aging, and Safety Committee.
  - c. Commissioner Knutson: Sheriff's Committee and Becker County Planning Commission.
  - d. Commissioner Okeson: Salary Review Board meeting for Elected Official Salary Setting, Highway Road Tour, and attended the Minnesota Transportation Alliance 123<sup>rd</sup> Annual Membership meeting on November 9, 2016 at the Minnesota Landscape Arboretum, Chanhassen, MN, where he was presented the William Koniarski Public Sector Advocate Award. He thanked his fellow commissioners for nominating him for the award and the Board congratulated him.
  - e. Commissioner Grimsley: Human Services Committee, Economic Development District meeting in Fergus Falls, MN, and also reported that he and County Administrator, Jack Ingstad, will be meeting with Director, Becky Mitchell, from the Becker County Historical Society next week in regards to the Historical Society/Museum location.
3. Appointments: There were none. It was reported that the appointment for the Cormorant Lakes Watershed District Manager position will be made at the next Board meeting of Tuesday, December 13, 2016.
4. It was moved and seconded to confirm the 2017 Becker County Budget Hearing for Thursday, December 8, 2016, beginning at 6:01 p.m. in the Board Room of the Courthouse, and to also approve the Public Hearing of the Becker County Highway Five-Year Plan (2017-2021) and 2017 SMART Tax Sales Appropriation Plan be held on this date following the Budget Hearing. (Okeson, Skarie), carried.
5. It was moved and seconded to approve Resolution 11-16-2A, to approve the Board of Commissioner's meeting calendar for 2017, as presented. (Knutson, Grimsley).

County Administrator, Jack Ingstad, would like to add the date for the Budget Hearing to the calendar and therefore has requested to postpone approval of the calendar until the next board meeting on December 13, 2016.

It was moved and seconded to table the motion to approve Resolution 11-16-2A, as presented. (Knutson, Grimsley), carried.

Jail Project Update: County Administrator, Jack Ingstad, presented:

1. It was moved and seconded to proceed with the Highway 59 location for the new jail site, even if the County has to install a lift station or own septic and water system. (Grimsley, Skarie), carried.
2. It was moved and seconded to authorize the Jail Committee to choose the architect for the architectural design of the new jail, between BKV Group and Klein McCarthy Architects, and to return to the Board for ratification. (Grimsley, Skarie), carried.
3. It was moved and seconded to authorize the Jail Committee to expend an additional \$50,000 for the Jail Construction Project, as discussed. (Skarie, Nelson), carried.
4. There was also discussion on touring a jail site that has utilized BKV Group for architectural design services, whether it's the Pennington County Jail currently under construction, or another jail site that has been completed.

Sheriff Todd Glander reported later that the Pennington County Jail is in the very early stages of construction, and therefore, he will research other possible sites that have contracted with BKV Group for architectural design services.

Finance Committee Minutes: Mary Hendrickson presented:

1. It was moved and seconded to approve the Regular Claims, Auditor Warrants, and Over 90-Day Claims, as presented:
  - a. Auditor Warrants (Tuesday Bills):
    - i. 11/01/2016 in the amount of \$ 1,590.75
    - ii. 11/09/2016 in the amount of \$ 26,512.88for a total amount of \$ 28,103.63
  - b. Over 90-Days:
    - i. Arrow Electric, in the amount of \$12.46 (invoice just turned in)
    - ii. All Star Cleaning Service, in the amount of \$323.84 (invoice was misplaced)
    - iii. Jiffy Lube, in the amount of \$30.83 (invoice just turned in)(Knutson, Okeson), carried.

2. It was moved and seconded to approve the purchase of Cisco Engineer On-Site Consulting, at a cost of \$1,850.00 from Marco, as presented. (Skarie, Knutson), carried.
3. It was moved and seconded to approve the purchase of Cisco Voice Gateways Software replacement and licenses, at a cost of \$10,230.18 from Marco, as presented. (Knutson, Okeson), carried.
4. It was moved and seconded to approve the renewal of Cisco Yearly Maintenance – Phone Systems, effective December 31, 2016 - December 30, 2017, at a total cost of \$13,233.22 from Marco, as presented. (Okeson, Knutson), carried.
5. It was moved and seconded to accept the quote of \$1,350.00 for LogMeIn Remote Support, as presented. (Grimsley, Knutson), carried.
6. It was moved and seconded to approve the purchase of twenty-four (24) Microsoft Windows Server Licenses, at a total cost of \$1,728.00 from SHI, Somerset, New Jersey. (Knutson, Skarie), carried.
7. It was moved and seconded to approve the payment of \$1,700.00 for MN.IT Internet Service Fees for September 2016. (Knutson, Grimsley), carried.

Auditor-Treasurer: Mary Hendrickson presented:

1. Licenses & Permits:
  - a. It was moved and seconded to approve Resolution 11-16-2F, to approve the Gambling Application for Exempt Permit to conduct Gambling by the Cormorant Lakes Sportsman's Club – Gaming, for operations at Hooligans Lakeside, 17575 County Highway 6, Lark Park, MN, in Lake Eunice Township. (Knutson, Skarie), carried.
2. Auditor-Treasurer, Mary Hendrickson, reported that the Canvassing Board met in regards to the Election on Monday, November 14, 2016.
3. It was moved and seconded to approve the Capital Expenditure Request to replace the CertiChex Professional Software, for processing all County checks, in the amount of \$8,659.00 from Gerard's Business Solutions, Inc., Burnsville, MN. (Grimsley, Knutson), carried.

Highway: Jim Olson presented:

1. It was moved and seconded to approve Resolution 11-16-2E, to enter into the State of MN Department of Transportation (MNDOT) Trunk Highway 225 Turnback Agreement (Number 1026773), as presented, and to authorize the County Board Chair and County Administrator to execute the agreement and any amendments to said agreement. (Okeson, Knutson), carried.

Sheriff: Sheriff Todd Glander presented:

1. It was moved and seconded to approve Resolution 11-16-2B, as presented, to renew the Sunnyside Care Center and Becker County Jail Agreement, as presented, effective

November 1, 2016 – October 31, 2017, at the monthly rate of \$3,642.08, with a total cost of \$43,704.96 for the contract year. (Grimsley, Knutson), carried.

2. It was moved and seconded to approve Resolution 11-16-2C, to hire one (1) Full-Time Correctional Officer position, due to a vacancy, and to backfill as necessary, which may include a Part-Time Correctional Officer. (Knutson, Okeson), carried.
3. It was moved and seconded to approve Resolution 11-16-2D, as presented, to reorganize the Sheriff's office by taking three (3) Part-Time Courthouse Screener positions (1.2 FTE's) and creating a Variable Hour Courthouse Screeners Group and moving the three (3) current Part-Time Courthouse Screener employees in the position to the Variable Hour Courthouse Screeners Group, and to advertise and hire one (1) additional Courthouse Screener through the normal hiring process. (Knutson, Okeson), carried.
4. It was moved and seconded to accept the low quote from Mountain Motors of Detroit Lakes, as presented, for the purchase and installation of five (5) Squad Car Hitches, at a cost of \$353.64 each. (Okeson, Knutson), carried.

Human Services: Denise Warren presented:

1. It was moved and seconded to approve the public sale of a 1989 Camper Trailer, using on-line bidding and advertised on the County website, and if no interest, to sell as scrap. (Grimsley, Skarie), carried.
2. It was moved and seconded to approve the Human Services claims for Human Services, Community Health, and Transit, as presented. (Skarie, Knutson), carried.

Land Use Department – Natural Resources Management (NRM)/Parks & Recreation: Guy Fischer and Steve Skoog presented:

1. It was moved and seconded to approve the Detroit Mountain Recreational Maintenance Services Agreement, at a cost of \$7,500.00 for one (1) year, and as presented. (Grimsley, Okeson), carried.
2. It was moved and seconded to accept the low quote of \$39,950.00 from ECCO Midwest of Hastings, MN, to develop a contract with ECCO Midwest to perform asbestos and other hazardous materials removal work on Tax Forfeited Property (Former Gary's Furniture Building) in Frazee, MN, and to authorize the Board Chair to sign said contract. (Okeson, Knutson), carried. It was noted that this would not include demolition of the building.
3. It was moved and seconded to accept the donation of \$100.00 from American Legion Post #15, Detroit Lakes, MN, to be used toward the purchase of the Dunton Locks Fishing Pier. (Knutson, Grimsley), carried.
4. It was moved and seconded to approve the purchase of a Dog Waste Station at Dunton Locks Park, at a cost of \$300.00. (Grimsley, Knutson), carried.

Land Use Department – Planning & Zoning: Patty Swenson and Steve Skoog presented:

1. Discussion was held in reference to the request by the Osage Sportsman’s Club for the approval of a Conditional Use Permit (CUP), to allow the conversion of timberland to cleared property within the Shoreland District, which was part of a previous request and future proposal. It was noted that the Planning and Zoning Department has received approximately 20 letters of opposition to the request.

Board Chair Nelson opened the meeting up for public comment. Brian Winczewski was present, however, he had addressed the Board during Open Forum. Chair Nelson requested a “recap” of those that spoke during Open Forum in reference to the Osage Sportsman’s Club CUP request. It was acknowledged that Brian Winczewski, Mahlon Edmonson, and Del Carver were present during Open Forum and spoke in opposition to the request, as noted above (See Open Forum Section).

A letter was also submitted by Russell and Judy Mattson of Osage, MN to the Becker County Planning and Zoning Commission, expressing their safety concerns and frustration with the noise level for the residents that live in close proximity to the shooting range.

Jodi Walsh, Park Rapids, MN spoke on behalf of the Osage Sportsman’s Club, and reported that the club has replanted 400 trees and changed the direction of the shooting.

There were no other questions or comments from the public. Board Chair Nelson acknowledged the concerns and issues brought forward today, noting that the Board appreciated the feedback from both sides. He also verified with Ms. Walsh that part of the stipulation of the permit will be to maintain the area as a vegetative or forest area, whether with the trees that were planted, or from brush that may grow and she was in agreement.

It was moved and seconded to concur with the Planning Commission (November 7, 2016), to approve the request submitted by the Osage Sportsman’s Club, for a Conditional Use Permit (CUP), for the project located at County Road 48; to allow the conversion of timberland to be cleared within the Shoreland District on the following findings (taken from the Planning Commission Minutes dated November 7, 2016):

- a. The applicant has an approved Stormwater Pollution Prevention Plan from the Becker County Soil & Water Conservation District, a permit from the Minnesota Pollution Control Agency, along with a letter from the Minnesota Department of Natural Resources indicating their approval.
- b. The clearing of the trees does not encroach on neighboring properties and will not have an effect on the properties.

c. The owners did not clear all the way to the public water so any future structure on the property will not be visible from the public water. This is an after the fact request, and as stated by Planning Commission Member, Harry Johnston, "I have visited this property twice in the past year and feel this Conditional Use Permit would have previously been approved, if requested".

d. Also included is the Staff report for the Osage Sportsman's Club as follows:

i. Affect on surrounding property. That the conditional use will not harm 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.

Staff finds that the previous removal of trees did not encroach on neighboring properties and as such will not have an effect on those properties.

ii. Affect on orderly, consistent development. That establishing the conditional use will not impede the normal, orderly development and improvement of surrounding vacant property for uses predominant in the area.

The clearing of the land will not have an effect on orderly consistent development. The removal of trees in no way impedes any future or current development in the area.

iii. Adequate facilities. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

This is an existing site and currently has the necessary utilities and access from County Highway 48. The drainage from the property will not be affected as they have an approved Stormwater Pollution Prevention Plan from Becker County Soil and Water Conservation District and a permit from the Minnesota Pollution Control Agency, along with a letter from the MN Department of Natural Resources indicating approval.

iv. Adequate parking. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

This is an existing facility with adequate parking for the intended use.

- v. Not a nuisance. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance, and to control lighted signs and other lights so that no disturbance to neighboring properties will result.

The appropriate permits for clearing trees have already been obtained by the Sportsman's club and those permits require the owners to control the dust and noise from those activities. None of the other suggested nuisances are possible with the proposed activities.

- vi. Additional criteria for shoreland areas. In Shoreland areas, it shall be found that adequate measures have been or will be taken to assure that:

- a. Pollution. Soil erosion or other possible pollution of public waters will be prevented, both during and after construction;

The Sportsman's club has obtained the necessary permits from the MPCA and a SWPPP from BCSWCD to control their stormwater.

- b. View from public waters. That the visibility of structures and other facilities as viewed from public waters will be limited;

The owners did not clear all the way to the public water, so any future structure on the property will not be visible from the public water.

- c. Adequate utilities. That the site is adequate for water supply and on-site sewage treatment; and the site is rustic and does not have a well or an on-site sewage treatment system.

In staff's view the site would be suitable for both utilities if the need for them arose in the future.

- d. Watercraft. That the types, uses, and number of watercrafts that the project will generate can be safely accommodated.

The site will not be using watercraft.

and to further include, as part of the public record, that the shore impact zone be enforced, and that the area be maintained with the planted trees and/or brush, as discussed and as agreed upon. (Knutson, Okeson), carried.



2. It was moved and seconded to concur with the Planning Commission (November 7, 2016), to approve the request submitted by Mark Rasmussen, for a Conditional Use Permit (CUP), for the project located at 11659 US Highway 10; to allow the manufacturing of skidsteer attachments and other agricultural equipment attachments, with the amended hours from 7:00 a.m. to 5:30 a.m., and to include the following staff findings (taken from the Planning Commission Minutes dated November 7, 2016):

- a. Affect on surrounding property. That the conditional use will not harm 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.

The area is predominantly agriculture and is located right on the highways as such the proposed use will not harm the use of enjoyment or any of the neighboring properties. All of the activity will be located indoors.

- b. Affect on orderly, consistent development. That establishing the conditional use will not impede the normal, orderly development and improvement of surrounding vacant property for uses predominant in the area.

The CUP will not impede the orderly development of the surrounding property as it is a manufacturing building in a rural area but close to the City of Lake Park. The current use of the surrounding land is mostly Agricultural so this will not impede their use.

- c. Adequate facilities. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

The area has the need access to US Hwy 10. With the provided utilities and drainage issues have been addressed.

- d. Adequate parking. The adequate measures have been or will be taken to provide the sufficient off-street parking and loading space to serve the proposed use.

There is adequate parking for the proposed facilities.

- e. Not a nuisance. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance, and to control lighted signs and other lights so that no disturbance to neighboring properties will result.

All of the proposed activities would take place indoors and is located centrally on the property. This would allow for any possible nuisance like noise and dust to dissipate before reaching the neighboring properties.

(Okeson, Knutson), carried.

- 3. It was moved and seconded to concur with the Planning Commission to approve the request submitted by Vicky Grondahl, for the re-arrangement of a previously approved CIC – Viking Bay (Document Number: 574811); to approve the re-arrangement of the Final Plat allowing five (5) total units instead of the original ten, for the project located at 16241 Viking Bay Road, and with it noted that the re-arrangement meets all of the criteria in the Ordinance. (Knutson, Okeson), carried.

Being no further business, Board Chair Nelson adjourned the meeting.

Following, the Board of Commissioners attended Lunch Bunch at the Sunlite Bar and Grill, Detroit Lakes, MN, provided by Brian Rubenstein, Department Head for Probation.

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Jack Ingstad  
Jack Ingstad  
County Administrator

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Barry Nelson  
Barry Nelson  
Board Chair