

REGULAR MEETING AS POSTED
BECKER COUNTY BOARD OF COMMISSIONERS
DATE: TUESDAY, March 16, 2021 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, Knutson, Okeson, Grimsley, and Vareberg; County Administrator, Mike Brethorst, and Minute Taker, Cindy Courneya.
2. Pledge of Allegiance.
3. It was moved and seconded to approve the agenda with the following change: Under Auditor-Treasurer: Remove #3: Motor Vehicle Department Structuring and Postpone until next Board meeting of April 6th. (Grimsley, Knutson), carried.
4. It was moved and seconded to approve the minutes of March 2, 2021, with the requested changes. (Okeson, Knutson), carried.

Commissioners:

1. Open Forum:
 - a. Gerry Schram commended the commissioners and Highway Department, thanking them for the great work that was done on the roads this past year and specifically to County Roads #37, #35, and #25.
2. Reports and Correspondence: Reports were provided on the following meetings:
 - a. Commissioner Vareberg: Review Board meeting.
 - b. Commissioner Grimsley: Land of the Dancing Sky.
 - c. Commissioner Okeson: NW Emergency Communications Board (virtually), Sheriff's Committee, and toured the Becker County Food Pantry, along with Commissioner Grimsley.
 - d. Commissioner Nelson: Highway Committee and Courthouse Committee.
 - e. Commissioner Knutson: Safety Committee and Sheriff's Committee.
3. Appointments:
 - a. It was moved and seconded to appoint Craig Hall as an At-Large member of the Becker County Board of Adjustments, to serve a three-year term. (Knutson, Okeson), carried.

County Administrator – Mike Brethorst presented:

1. It was moved and seconded to approve Resolution 03-21-2E, to advertise and hire a full-time Human Resources Director through the normal hiring process and if filling this vacancy creates another vacancy in the Department, to then fill that vacancy also. (Okeson, Vareberg), carried.

It was noted that no decision was made on Band and Grade for the position at this time, with further discussion to be held at the next Finance Committee meeting.

2. County Administrator, Mike Brethorst, provided an update on the status of the following five (5) separate grant programs to aid businesses effected by COVID-19, with Guy Fischer attending virtually:
 - a. 2K – Round 1 Grants
 - b. 2K – Round 2 Grants
 - c. 1K – Child Care Grants
 - d. Block Grants
 - e. Round 3 – CARES

Discussion followed with a request to use funds from the Special General Fund to cover the remaining grant awards.

It was moved and seconded to accept the applications for the Business Relief Grant (Round 3), as presented, with a maximum total of \$25,000 granted to each business, to be paid for with the State of MN special COVID Funds. All funds needed in excess of these funds shall be temporarily paid for from the County's Special General Funds. Once the County receives the American Rescue Plan funds, repayment shall be made to the County for said grants paid for out of the Special General Fund. (Grimsley, Okeson), carried.

3. Discussion was held regarding the consideration to approve the Memorandum of Understanding (MOU) with Otter Tail County relative to the One Watershed-One Plan (1W-1P). Tera Guetter with the Pelican River Watershed District (PRWD) was present, along with Pete Waller from the Board of Soil & Water Resources (BWSR) (virtually), and Bryan Malone with the Becker County Soil & Water Conservation District. Options were presented to include approving the MOU, as presented, or the MOU as amended by the PRWD and presented by Tera Guetter, or to decline entering into the agreement. If approved, the PRWD wishes to act as the fiscal agent.

Commissioners Knutson, Vareberg, and Grimsley voiced their concerns and frustration over the process and plan and noted that they would not be supporting.

It was moved and seconded to accept and adopt the Memorandum of Understanding (MOU), as amended by the Pelican River Watershed District (PRWD), by and between the Counties of Otter Tail and Becker, and the East Otter Tail, West Otter Tail and Becker County Soil & Water Conservation Districts, and the Pelican River and Cormorant Lakes Watershed Districts, as outlined in said agreement. (Okeson, Nelson), motion failed 3-2.

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's Warrants (Tuesday Bills):
 - i. 03/03/2021 in the amount of \$ 134,743.30
 - ii. 03/09/2021 in the amount of \$ 153,757.74
for a total amount of \$ 288,501.04
 - b. Over-90-Day Claims:
 - i. Fargo Forum in the amount of \$1,039.90 – dated 11/30/2020 (Invoice just turned in);
 - c. Additional Item: Request to add a claim to McNeilus of Dodge Center, MN for a 2021 Peterbilt Recycling Truck at a cost of \$234,209.48.

(Knutson, Okeson), carried.
2. It was moved and seconded to approve the Human Services claims for Human Services, Public Health, and Transit, as presented. (Grimsley, Knutson), carried.

Auditor-Treasurer: Mary Hendrickson presented:

1. Licenses and Permits:
 - a. It was moved and seconded to approve the following On-Sale (Including Sunday Sale) Liquor Licenses:
 - i. Detroit Mountain Recreation Area – Erie Township;
 - ii. Resort Management – DBA Forest Hills Golf & R.V. Resort – Audubon Township.

(Okeson, Grimsley), carried.
 - b. It was moved and seconded to approve the following On-Sale (Includes Sunday Sale) – Renewal:
 - i. Detroit Country Club, Inc. – Lakeview Township.

(Okeson, Grimsley), carried.

- c. It was moved and seconded to approve the following Liquor Off-Sale – Renewals:
 - i. Seven Sisters Spirits, LLC – Lakeview Township;
 - ii. J-Rod Enterprises – DBA Cormorant Bottle Shop – Cormorant Township;
 - iii. Lakes Corner Liquor Store, LLC – Erie Township. (Okeson, Knutson), carried.

- d. It was moved and seconded to approve the following Combination On-Off Sale (Includes Sunday Sales) Liquor License – Renewal:
 - i. Toad Lake Store – Cynthia Knoll – Toad Lake Township. (Knutson, Grimsley), carried.

- e. It was moved and seconded to approve the following Seasonal On-Sale – New License:
 - i. Green Valley Golf, LLC – Michael Levin – Cormorant Township. (Nelson, Grimsley), carried.

- f. It was moved and seconded to approve the following Wine & Strong Beer License – Renewal:
 - i. Hoslers Two Inlets Country Store, LLC – DBA Two Inlets Store – Two Inlets Township. (Knutson, Okeson), carried.

- g. It was moved and seconded to approve the following 3.2 On-Sale – Renewal:
 - i. Hoslers Two Inlets Country Store, LLC – DBA Two Inlets Store – Two Inlets Township. (Knutson, Grimsley), carried.

- 2. It was moved and seconded to accept the January 2021 Cash Comparison and Investment Summary, as presented. (Grimsley, Knutson), carried.

Land Use – Environmental Services – Steve Skoog presented:

- 1. It was moved and seconded to approve Resolution 03-21-2C, to approve Becker County Solid Waste Hauler License #27, for Pioneer Roll Off, LLC, to commercially haul waste in Becker County through 2021. (Knutson, Okeson), carried.

- 2. It was moved and seconded to approve Resolution 03-21-2D, to enter into a host site grant agreement with the MN Pollution Control Agency (MPCA), for Becker County to host an AmeriCorps member for the 2021-22 program year, and to direct the County Administrator to sign the grant agreement. (Grimsley, Knutson), carried.

Planning & Zoning – Kyle Vareberg presented:

1. It was moved and seconded to concur with the Planning Commission (March 8, 2021), to approve the request submitted by Hanson Properties of Shoreham, for a Conditional Use Permit (CUP) to construct and replace a fence six (6) feet high within fifty (50) feet of the Pelican River, for the project located at 24110 County Highway 22, Detroit Lakes, MN. (Okeson, Knutson), carried.
2. It was moved and seconded to concur with the Planning Commission (March 8, 2021), to amend the existing Conditional Use Permit (CUP) - recorded document Number 658932, for Sandra Orthmeyer Vetter, for the project located at County Highway 32, Corner of 335th, Rochert, MN; to allow crushing and hauling on an as needed basis between the hours of 7:30 a.m. and 5:00 p.m., Monday through Friday. (Okeson, Vareberg), carried.
3. Board Chair Nelson offered anyone from the public to come forward with comments relative to the agenda item to consider the request submitted by Richard and Dana Laine, to approve a Conditional Use Permit (CUP) for a Commercial Planned Unit Development (PUD); to have eight (8) R.V. sites and a 12-slip dock system, with the project located at 20781 County Road 117 (Toad Lake), Osage, MN.

Several individuals from the public presented, along with Attorney Thomas Winter, representing Richard and Dana Laine.

The following spoke in support of the project:

- a. Attorney, Thomas Winters, presented on behalf of Richard and Dana Laine, and provided clarification on the “Findings”, as presented from the Planning Commission minutes (March 8, 2021). He noted that the Laine’s are now proposing 8 sites vs. the original proposal of 14 and that they would comply with the placement of the docks per the MN-DNR. They noted the sight lines for visibility and stressed that this CUP meets all safety guidelines on the road for pedestrians, and he also referenced the willingness of the Laine’s to enforce policies to ensure safety. He referenced the Bambi Resort, which is also located on County Road 117.
- b. T.J. Nogoseth, Fargo, ND – owns a Park Model on a separate parcel of property with his wife and children and has no safety concerns.

The following spoke in opposition to the project, voicing concerns of safety, the issue of protecting the lakes, and the potential decrease of home values in the area due to the placement of the campground:

- a. Deb Nerud, neighbor of the proposed resort/resident of Osage, MN and President of the Toad Lake Association, spoke in opposition noting safety concerns.
- b. Lori Mitchell, owner of property on Toad Lake, attended virtually, and spoke in opposition to the project, noting her concerns of “going against everything the State does to protect our lakes” and if approved, was concerned that the owner would come back to request additional sites.
- c. Kari Ball owns a home located near the proposed RV Campground and spoke in opposition to the project (via phone). She noted that with the land being re-zoned from Agricultural to Residential, she would not have purchased the home if there had been any possibility of an RV Campground being located there.
- d. Yvonne Kangas, resident north of the proposed campground, spoke in opposition to the project, noting safety concerns, especially in respect to being able to see a child walking on the curved gravel road and noted poor sight lines, especially with the foliage.
- e. Clark Lee, a nearby homeowner, spoke in opposition to the project, noting that seven (7) public hearings have been held regarding this CUP request and noted the past denial(s) of both the Planning Commission and Board of Commissioners. He also indicated that no changes have been made that will make a difference and asked that the Board support the Planning Commission to deny the request today as well.
- f. Roger Ball, resident near the proposed site, noted his concerns on decreased property values and safety concerns as well.
- g. Patty Swenson, resident adjacent to the property, spoke in opposition to the project, noting that this property was re-zoned to Residential and urged the Board to not allow it for commercial use.

Attorney Thomas Winters addressed the concerns presented and noted that if a complaint is received and validated and nothing is done to address the violation of the CUP, that Becker County has the option of removing the CUP.

The applicant, Richard Laine, spoke in favor of the CUP, and addressed the Board, giving his reasons for requesting the CUP and confirmed that they would adopt policies like nearby “Bambi’s Resort”, to ensure safety and a well-kept campground.

Board Chair Nelson announced that testimony from the public was now closed.

Commissioner Knutson commented that he has no problem or issues with the view of the campground from his property; however, has issue with putting a commercial business in a residential area, and noted the negative effect it would have on home values, if approved, and would create another “hazard” moving forward for other CUPs in a similar situation.

Commissioner Vareberg noted his support for both sides; however, his main concern was the possibility of it becoming cluttered and an eyesore. He also noted that while he could not support right now, he could have considered it, if there was some type of L-shaped fence/storage required at each site, to eliminate any clutter.

Commissioner Grimsley noted he would vote to deny as he would not support putting a commercial business into a residential area.

It was moved and seconded to concur with the Planning Commission (March 8, 2021), to deny the application, based on the findings as presented; for the application as submitted by Richard and Dana Laine, for a Conditional Use Permit (CUP) for a Commercial Planned Unit Development (PUD) to have eight (8) RV sites and a 12-slip dock system, for the project located at 20781 County Road 117 in Osage, MN. (Knutson, Grimsley), a roll call vote was called and taken as follows: Knutson – Yay; Grimsley – Yay; Okeson – Nay; Nelson – Nay; Vareberg – Yay. Motion carried 3-2.

In continuation of the discussion on this matter, Commissioner Vareberg stated that he would support the CUP if certain conditions were placed on the CUP.

It was moved and seconded to rescind the original motion, to allow for possible conditions to be placed on the CUP, (Vareberg, Okeson), a roll call vote was called and taken as follows: Knutson – Nay; Grimsley – Nay; Okeson – Yay; Nelson – Yay; Vareberg – Yay. Motion carried 3-2. It was also noted that if the CUP is denied, the applicants cannot reapply for one (1) year.

A brief break was taken, to allow the County Administrator, Mike Brethorst and Planning and Zoning Director, Kyle Vareberg to consult with the County Attorney's office (Lisa Tufts) on how to proceed relative to the motion.

After the break, it was clarified that the original motion once rescinded is off the table and therefore the motion to deny is no longer valid and the matter can be brought back for consideration to include conditions.

It was moved and seconded to table the request until the next Board of Commissioner's meeting on Tuesday, April 6th. (Vareberg, Knutson), carried.

Human Resources/Building Maintenance: County Administrator, Mike Brethorst, presented:

1. It was moved and seconded to approve the purchase of five (5) leased 2016 Chevrolet Equinox vehicles through Enterprise, as presented, at a total cost of \$30,315.95, with the leases set to expire in March and April 2021. (Knutson, Okeson), carried.

It was noted that Human Services will pay a pro-rated amount from the HS budget.

2. It was moved and seconded to approve two new workstations for the IT GIS staff, at State Contract pricing, from Cooper's Office Supply, Fargo, ND, to include:
 - a. Desk and Chairs @ \$2,501.34 x 2 = \$5,002.68
 - b. Installation @ \$540.00
 - c. Table and Chairs @ \$1,203.08for a total cost of \$6,756.76
(Okeson, Nelson), carried.

Commissioner Grimsley also requested to bring back the proposal to purchase and install two (2) bottled-water stations (1 for Human Services and 1 for the Courthouse).

3. It was moved and seconded to approve the purchase of Dell Direct Attached Storage for Backup Data from High Point Networks at a cost of \$14,820.00 and Veeam License at a cost of \$4,916.00, for a total cost of \$19,896.00. (Knutson, Okeson), carried.

Highway: Jim Olson presented:

1. It was moved and seconded to approve Resolution 03-21-2A, to accept completed Project Numbers SAP 003-629-021, SAP 003-637-020 & CP 003-115-001, consisting of Milling, Reclaiming, Bituminous Surfacing and Aggregate Shouldering on County Roads 29, 37, and 115, contracted with Mark Sand & Gravel, Fergus Fall, MN, and to authorize final payment in the amount of \$97,915.95, prepared and processed by the Highway Department. (Okeson, Nelson), carried.
2. It was moved and seconded to approve Resolution 03-21-2B, to ban parking on the road (County State Aid Highway No. 22, from County State Aid Highway No. 6 to Legion Road). (Grimsley, Okeson), carried.

Land Sale – Highway 59 Frontage: Resolution 03-21-2F: County Administrator, Mike Brethorst, presented:

1. It was moved and seconded to approve Resolution 03-21-2F, as presented, to Close the meeting pursuant to MN Stat. 13D.05, to set the terms and type of sale for a 7.54-acre parcel of land owned by Becker County (Highway 59 Frontage – Parcel #: 49.7001.051), with it deemed Excess Public Land, and to set the minimum acceptable value for the sale of said asset. (Knutson, Grimsley), carried.
2. Closed Session –
3. It was moved and seconded to Open back into Regular Session. (Okeson, Grimsley), carried.

4. Regular Session –

- a. It was moved and seconded to authorize that County Administrator, Mike Brethorst, enter into an agreement with The Real Estate Company (Realtor, Dave Neisen), on behalf of Becker County, for the sale of “excess public land” located at Highway 59 Frontage (Parcel #: 49.7001.051), to advertise for the sale and to negotiate those details, as discussed. (Nelson, Okeson), carried.

Work Session – Highway: Public Works Building

- 1. The Commissioners, County Administrator, Mike Brethorst, Highway Engineer, Jim Olson, and Highway staff attended a Work Session relative to the proposed Highway-Public Works Building, along with Oliver Finneman with McGough Construction, Deb Brandwick with Oertel Architects, and Land Use-Environmental Services Director, Steve Skoog, attending virtually.

It was moved and seconded to move forward with the construction of a single structure building for the new Highway Public Works Building, to finalize the design, and to approve bids at a later date. (Nelson, Okeson), carried.

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

/s/ Michael M. Brethorst
Michael M. Brethorst
County Administrator

/s/ Barry Nelson
Barry Nelson
Board Chair