

**JULY 28, 2020**  
**BOARD MINUTES**

Pursuant to motion of adjournment, the Polk County Board of Commissioners met in regular session at 8:00 o'clock a.m., July 28, 2020 at Environmental Services, 320 Ingersoll Avenue, Crookston, MN. Members present: Commissioner Gerald Jacobson, Commissioner Warren Strandell, Commissioner Gary Willhite, Commissioner Joan Lee and Commissioner Don Diedrich and Charles S. Whiting, County Administrator, Clerk of the Board. Other present: Michelle Cote, Deputy Clerk of the Board.

**REVISED AGENDA**

A motion was made by Commissioner Lee seconded by Commissioner Jacobson and adopted by unanimous vote of the Board to approve the July 28, 2020 revised agenda adding Mark Holy.

**CONSENT AGENDA**

No Consent Agenda Items.

**COUNTY BOARD MEMBERS ISSUE FORUM**

1. Commissioner Jacobson brought forth discussion regarding a new plat for residential development in the City of Fertile where property lines of an adjacent plat are under scrutiny. In addition, he participated in a Northwestern Mental Health Center meeting where the focus was potential layoffs.
2. Commissioner Strandell brought forth that he attended no meetings since the prior Board meeting.
3. Commissioner Willhite brought forth that he participated in the Polk County Planning Commission meeting.
4. Commissioner Lee brought forth that she participated in a 21<sup>st</sup> Century Public Health meeting where the focus was the direction of Public Health and the impact of COVID-19. She also participated in a Polk County Personnel Committee meeting where a union mediation was held. She also participated in two Inter County Community Council meetings. The first focused on finance and auditing where RFPs were reviewed for auditing services. The second was the regularly scheduled meeting where CARES funding was the focus. Discussion was brought forth regarding businesses reaching out regarding the COVID-19 impact.
5. Commissioner Diedrich brought forth that he participated in a Northwestern Mental Health Center meeting. Discussion was brought forth regarding a call of concern from Mark Holy in reference to County Ditch No. 39.

**SHERIFF**

Jim Tadman, Polk County Sheriff, Sergeant Brian Lundeen and Chief Deputy Mike Norland came before the Board with matters pertaining to the Sheriff's Office:

**1. Polk County Sheriff's Vehicles Order**

A motion was made by Commissioner Strandell seconded by Commissioner Lee and adopted by unanimous vote of the Board to approve going forward and ordering eight new patrol vehicles from Enterprise for the 2021 budget.

**2. Resolution (2020-64) Accepting Financial Donations On Behalf Of Polk County Sheriff's Office From American Crystal Sugar Company**

**Resolution Accepting Financial Donations On Behalf Of Polk County Sheriff's Office From American Crystal Sugar Company**

**RESOLUTION (2020-64)**

The following resolution (2020-64) was offered by Commissioner Diedrich:

WHEREAS, American Crystal Sugar Company awarded a \$5,000.00 Community Grant to support the Polk County Sheriff's Office in Polk County; and

WHEREAS, Polk County Sheriff's Office, wishes to have the County Board formally accept this financial grant on behalf of Polk County Sheriff's Office and be used for Polk County Sheriff's Office K9 Program.

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

1. The grant from American Crystal Sugar Company, which is listed above, is hereby accepted by the Polk County Board of Commissioners on behalf of the Polk County Sheriff's Office.

Commissioner Jacobson seconded the foregoing resolution and it was declared adopted upon the following vote. YEAS: Lee, Diedrich, Willhite, Strandell and Jacobson. NAYS: one.

**3. Monthly Sheriff Reports**

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

**ENVIRONMENTAL SERVICES**

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

**1. Resolution (2020-65) Solid Waste – Pandemic Relief**

**Solid Waste Fee – Pandemic Relief**  
**RESOLUTION (2020-65)**

The following resolution (2020-65) was offered by Commissioner Diedrich:

WHEREAS, A global pandemic occurred in CY2020 which triggered Federal and State actions which prescribed various measures to be taken to protect public health, welfare and safety; and

WHEREAS, On March 13, 2020 the Governor of the State of Minnesota declared a Peacetime Emergency in order to activate various emergency protocols to address the Pandemic. Multiple extensions to that declaration have since been issued; and

WHEREAS, On March 16, 2020 the Governor of the State of Minnesota issued Executive Order #20-04 to order the closure of ‘places of accommodation’ which included, but not limited to, the following: restaurants, food courts, cafes, coffeehouses, bars, taverns, clubs, lounges, theaters, other indoor/outdoor entertainment venues, gyms, fitness centers, and other facilities for sports, athletics, activities or recreation. Multiple new Orders, as well as modification, extension, expansion or contraction of the scope existing Orders have since been issued; and

WHEREAS, The impact of Executive Order #20-04 and all subsequent Executive Orders had a profound negative impact on ‘places of accommodation’ within Polk County which resulted in the loss of revenue and drop in waste generation from these entities; and

WHEREAS, Polk County Board of Commissioners desires to provide financial relief from the Pandemic and the associated governmental responses to it; and

WHEREAS, Polk County Solid Waste Ordinance Section 5.2000 titled ‘Service Charges’ allows for a Solid Waste Assessment which appear on the Polk County property tax statements each year as a special assessment. Said Assessment is used by Polk County to fund solid waste programs and expenses necessary to protect the public health, safety and environment; and

WHEREAS, Polk County Solid Waste Ordinance Section 5.2600 titled ‘Appeals from Assessment’ allows for the owner of real property or business to file for an appeal of their Assessment on a form provided by the Department if the Assessment is not equitable. Said appeals shall be made prior to the July 1<sup>st</sup> deadline; and

WHEREAS, The Polk County Board of Commissioners desires to provide the option for immediate relief from the impact of the Pandemic and the associated government responses to it, including the option for said ‘places of accommodation’ to appeal their Assessment.

THEREFORE BE IT RESOLVED, The Polk County Board of Commissioners finds the Pandemic, and the associated governmental responses to it, presents a unique circumstance for which to justify modification to the appeal process as prescribed by the Solid Waste Ordinance for the CY2020 Assessment; and

BE IT FURTHER RESOLVED, The Polk County Board of Commissioners hereby extends the deadline to file and appeal of the CY2020 Assessment until October 1, 2020; and

BE IT FURTHER RESOLVED, Said relief measures shall apply to those ‘places of accommodation’ which are located in Polk County Solid Waste District #2, excluding the incorporated legal boundaries of any unit of government which was a recipient of dispersed CARES Funding directly from the Federal Government or the State of Minnesota.

BE IT FURTHER RESOLVED, The Board directs the Environmental Service Department to review each application for abatement to avoid duplication of services which may be encountered if participation in other CARES Act Funding or similar programs has already provided relief that could be used for payment of the CY 2020 Assessment.

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

**2. CY2021 Waste & Special Material Fee Schedules**

The CY2021 Waste & Special Material Fee Schedule was presented and discussed with the Board. A motion was made by Commissioner Jacobson seconded by Commissioner Lee and adopted by unanimous vote of the Board to approve the CY2021 Waste & Special Materials Fee Schedule as presented effective beginning January 1, 2021 unless later modified. (CY2021 Waste & Special Material Fee Schedule on file in the Administrator’s Office)

**3. Solid Waste Program Updates**

General updates on projects and permits for the Transfer Station, Landfill and Resource Recovery Facility were discussed with the Board.

**PLANNING AND ZONING**

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

**1. Resolution (2020-66) Conditional Use Permit For Minnkota Power Cooperative Inc. For Reconstruction, Maintenance & Operation Of An Electrical Substation**

Resolution (2020-66) was offered by Commissioner Strandell seconded by Commissioner Jacobson and adopted upon the following vote: YEAS: Lee, Diedrich, Willhite, Strandell and Jacobson. NAYS: None. (See Resolution (2020-66) on file in the Administrator’s Office.)

**2. Resolution (2020-67) Conditional Use Permit For Jonathan Olson For Hooking A Septic System To An Accessory Structure**

Resolution (2020-67) was offered by Commissioner Diedrich seconded by Commissioner Lee and adopted upon the following vote: YEAS: Lee, Diedrich, Willhite, Strandell and Jacobson. NAYS: None. (See Resolution (2020-67) on file in the Administrator’s Office.)

**3. Resolution (2020-68) Conditional Use Permit For Jay Holm An Accessory Structure That Bring The Total Square Footage Over 2500 Sq. Ft. On A Parcel Less Than 5 Acres In Size, But Greater Than 2**

Resolution (2020-68) was offered by Commissioner Strandell seconded by

Commissioner Jacobson and adopted upon the following vote: YEAS: Lee, Diedrich, Willhite, Strandell and Jacobson. NAYS: None. (See Resolution (2020-68) 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 SP 060-090-003 Fosston Bike Trail**  
Gordon Construction, Mahnomon, MN has completed the work on the Fosston Bike Trail project. A motion was made by Commissioner Lee seconded by Commissioner Jacobson and adopted by unanimous vote of the Board to approve the Certificate of Performance/Certificate of Final Acceptance for SP 060-090-003 in the amount of \$213,068.13 and allow the County Engineer to sign the Certificate of Performances and the County Engineer and County Administrator to sign the Final Voucher.
- 2. Mower Tractor Purchase**  
A motion was made by Commissioner Diedrich seconded by Commissioner Willhite and adopted by unanimous vote of the Board to approve purchasing one mower from Valley Plains Implement, Crookston, MN in the amount of \$147,000.00.
- 3. Approve MNDOT Agreement 1044384**  
MNDOT is doing work along TH 2 near Mentor, MN. As part of the project they will need to remove and replace the intersection light at the corner of TH 2 and CSAH 10. A motion was made by Commissioner Lee seconded by Commissioner Jacobson to approve MNDOT Cooperative Construction Agreement 1044384 in the amount of \$11,943.18 and have the County Administrator and County Board Chair sign the Agreement as presented to the Board. (Agreement on file in the Administrator's Office)
  - a. Approve Resolution (2020-63) MnDOT Agreement No. 1044384 With The State Of Minnesota - Department Of Transportation**

### **RESOLUTION (2020-63)**

#### **MnDOT Agreement No. 1044384** **With The State Of Minnesota - Department Of Transportation**

The following resolution (2020-63) was offered by Commissioner Lee:

IT IS RESOLVED, That Polk County enter into MnDOT Agreement No. 1044384 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the County to the State of the County's share of the costs of the lighting replacement construction and other associated construction to be performed upon, along, and adjacent to Trunk Highway No. 2 (E.B.L.) from 0.84 miles west of Trunk Highway No. 32 to 0.39 miles west of County State Aid Highway No. 34 and on Trunk Highway No. 2 (E.B.L.) from 0.49 miles east of

Trunk Highway No. 59 to 1.04 miles east of Trunk Highway No. 59 under State Project No. 6004-26 (T.H. 2=008).

IT IS FURTHER RESOLVED, That Gary Willhite, Chair of the Polk County Board and Charles S. Whiting, Polk County Administrator are authorized to execute the Agreement and any amendments to the Agreement.

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

**4. NG 911 Data Cleanup and Readiness**

Discussion and handouts (work plan) pertaining to the NG 911 Data Cleanup & Readiness was presented to the Board. To comply with NG 911 (next generation), the County needs to ensure its GIS data (road centerlines, address points, and ESN zones) and legacy 911 databases (MSAG and ALI) all represent the same information. A motion was made by Commissioner Strandell seconded by Commissioner Diedrich and adopted by unanimous vote of the Board to approve contracting with ProWest and Associates in the amount of \$40,000.00 to complete the work listed in the work plan as presented. (Handouts on file in the Administrator's Office)

**5. Polk County Park – Maple Lake Vendor Fee's**

Discussion was held with the Board regarding Polk County Park – Maple Lake Vendor Fee's. Polk County has been requested to allow vendors to sell goods at East Shore and Polk County Campground and the necessary Conditional Use Permit.

**SOCIAL SERVICES**

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

**1. Family Based Service Provider Replacement Request**

A motion was made by Commissioner Jacobson seconded by Commissioner Lee and adopted by unanimous vote of the Board to refill the Family Based Service Provider position, and any internal subsequent position vacancies occurring because of this action.

**PUBLIC HEALTH**

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

**1. COVID Update**

An update was given to the Board regarding CDC changes and Governor Walz's signed Executive Order 20-18.

**2. Tobacco 21**

Discussion was held with the Board regarding Minnesota, starting August 1, 2020 the minimum Legal Sales Age increases from 18 to 21 for all commercial tobacco products including tobacco-related devices, electronic delivery devices (natural or synthetic nicotine and non-nicotine substances) and nicotine delivery products. The statewide Tobacco 21 Law is the latest step in the movement to reduce youth access to addictive tobacco products, including e-cigarettes.

## **FINANCE**

Ron Denison, Finance Director came before the Board with matters pertaining to his department:

### **1. 2020 Budget Information**

Discussion along with handouts pertaining to Polk County Budget to Actual Comparison as of June 30, 2020 Report and the Second Quarter Comparisons 2016-2017-2018-2019-2020 Report was presented to the Board. (Reports 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. Extension Committee Appointee**

Due to Scott Balstad, Extension Committee Member/Commissioner District V resigning from his Extension Committee appointment. A motion was made by Commissioner Lee seconded by Commissioner Diedrich and adopted by unanimous vote of the Board to appoint Marlys Balstad to fill Scott Balstad's unexpired term. This term will end on December 31, 2020.

### **2. Deputy Registrar – License Center**

A motion was made by Commissioner Jacobson seconded by Commissioner Diedrich and adopted by unanimous vote of the Board to approve the Commissioner of Public Safety appointment of Michelle M. Cote as Deputy Registrar #008.

### **3. Election CARES Grant Application**

A motion was made by Commissioner Diedrich seconded by Commissioner Lee to authorize applying for the 2020 Election CARES Grant. (This is a collaborative grant that requires agreements with townships and cities maintaining a polling place for the 2020 election cycle).

#### **a. Resolution (2020-69) Election CARES Act Grant**

### **RESOLUTION (2020-69)** **Election CARES Act Grant**

The following resolution (2020-69) was offered by Commissioner Diedrich:

WHEREAS, The COVID-19 Pandemic requires additional efforts to make the election process safe, sanitary and effective; and

WHEREAS, The Office of the Minnesota Secretary of State is currently soliciting grant applications from counties for grants pursuant to Laws 2020, Chapter 77, section 4 and the federal CARES Act; and

WHEREAS, Grants will be provided to each county pursuant to a formula set forth in Section H of the grant application provided by the Office of the Secretary of State; and

WHEREAS, The funds provided by the Office of the Secretary of State are provided for the purpose of the uses set forth in the federal CARES Act and as further restricted by Laws 2020, chapter 77, section 4, subdivision 4; and

WHEREAS, Those purposes are primarily for the protection of persons involved with the election process including voters, as well as certain other purchases set forth in law; and

WHEREAS, The county will work with the municipalities within the county to determine a fair, equitable, and mutually agreeable allocation of the funds within the County and between municipalities, and if an agreement cannot be reached, the funds will be distributed pursuant to the OSS identified default allocation as determined by the Secretary and provided in Section G of the grant application; and

WHEREAS, The grant application is to be completed by the staff of the auditor and other staff responsible for the administration of elections in this county; and

WHEREAS, The grant application must be completed, certified by a county official, typically the chief county election official, returned to the Office of the Secretary of State and a grant agreement executed prior to the receipt of the funds to which the county is entitled pursuant to Section H of the grant application; and

WHEREAS, Laws 2020, Chapter 77, Section 4 requires a 20% match for the grant, with a 25% match for electronic roster purchases; and

WHEREAS, The grant agreement will reflect the grant application for each county; and

WHEREAS, Additional assistance may be forthcoming later in this election cycle from state and federal funds, particularly those funds appropriated for these purposes by the Legislature; and

WHEREAS, There are continuing needs throughout the election cycle for both COVID-19 and election security efforts and concomitant costs; and

WHEREAS, Time is of the essence;

THEREFORE BE IT RESOLVED, That the grant application in the form presented to this board and to be submitted to the Office of the Secretary of State is hereby approved; and

BE IT FURTHER RESOLVED, That the Board hereby appropriates the required match amount as indicted in the application for the purposes set forth in the grant application.

[ALTERNATIVE: BE IT FURTHER RESOLVED, That the Board directs the spending of existing county funds in an amount equivalent to the required match indicated in the application on the purposes for which the grant is received]

BE IT FURTHER RESOLVED, That the chief elections officer of the County and staff are directed to submit this approved grant application at the earliest opportunity; and

BE IT FURTHER RESOLVED, That when the grant agreement is provided to the chief elections officer of the county, that person is delegated the authority to execute that agreement and return it to the Office of the Secretary of State without further approval by this Board; and

BE IT FINALLY RESOLVED, That the chief elections officer of the county is hereby authorized to apply for any additional funds made available by the state for the defrayment of costs of efforts to combat COVID-19 in the election process and for the enhancement of election security, and to execute any grant agreements required to access those funds from this date until the general election on November 3, 2020.

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

**\*POLK COUNTY RESIDENT**

Mark Holy, Polk County Resident and others (Dan Driscoll, Keystone Township and Charlie Hotvedt, Sullivan Township) came before the Board with matters pertaining to the Red Lake Watershed Ditch 39 Process:

**1. Red Lake Watershed District - County Ditch 39 Improvement Process**

Discussion was held with the Board regarding the Red Lake Watershed District proposed improvement of County Ditch 39 process regarding a petition process for improvement for County Ditch 39. The final hearing was held on July 23, 2020. The 30 day appeal process is in effect. It is Mr. Holy's opinion that drainage statute in the proposed improvement of County Ditch 39 process were not upheld. It would be his request to set up a meeting with the County Attorney regarding this during the appeal process.

**ADMINISTRATION**

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

**1. CARES Funds and Options**

Discussion along with handouts pertaining to the CARES Act Funding Guide for Counties and the CARES Act Support Document and Commonly Asked Questions was presented to the Board. (Handouts on file in the Administrator's Office)

**2. 2021 Budget Status**

The 2021 budget was discussed with the Board.

With no further business the Board adjourned to reconvene at 8:00 a.m., August 4, 2020.

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Gary Willhite, Chair

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