Pursuant to motion of adjournment the Polk County Board of Commissioners met in regular session via Webex Phone Conference at 9:30 o’clock a.m., May 19, 2020. 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.

AGENDA
A motion was made by Commissioner Lee seconded by Commissioner Jacobson and adopted by unanimous vote of the Board to approve the May 19, 2020 agenda.

CONSENT AGENDA
A motion was made by Commissioner Diedrich seconded by Commissioner Jacobson and adopted by unanimous vote of the Board to approve the consent agenda for May 19, 2020:

1. Approve Commissioner Warrants: General Revenue Fund, 104,481.38; Public Works Fund, $133,814.05; Public Safety Fund, $30,379.75; Public Health Fund, $6,092.48; Forfeited Tax Sale Fund, $25.00; CAP Grant Project, $1,225.20; Special Assessments (Ditch) Fund, $7,982.00 Environmental Services Fund, $10,792.44; Resource Recovery Fund, $66,232.24; Landfill Fund, $12,626.92; Per Diems, $1,575.00; Meal Reimbursement (without overnight lodging), $42.64 and Sign Audit List.
2. Approve the May 5, 2020 Board minutes.
3. Approve payment to US Bank, St. Louis, MO in the amount of $34,103.91 for procurement card purchases.
4. Approve payment to Card Member Services, St. Louis, MO in the amount of $1,584.97 for credit card purchases.
5. Approve payment to Diversified Contractors, Inc., Fargo ND in the amount of $135,280.00 for the Human Service Center Project in East Grand Forks, MN.

COUNTY BOARD MEMBER ISSUE FORUM
1. Commissioner Jacobson brought forth that he attended a conference call meeting for the Dancing Sky on Aging where the focus was senior meals. He also attended a Northwestern Mental Health Center meeting electronically.
2. Commissioner Strandell brought forth he attended a Northwest Regional Development Commission meeting where the focus was the retirement of Cam Fanfulik, Executive Director. He also participated in a Tri-County Community Corrections meeting and a Radio Board meeting.
3. Commissioner Willhite brought forth that he attended the Tri-Valley Opportunity Council Executive Board meeting via conference call. Discussion was brought forth regarding the hours of the Transfer Station to include Saturday.
4. Commissioner Lee brought forth she participated in a University of Minnesota SBCD conference call regarding the impact of COVID-19 on small businesses. In addition, she participated in a conference call sponsored by AMC focused on the COVID-19
impact on the swine industry and an Economic Club of Minnesota - Our Economy & Health in Crisis where the real unemployment rate is, herd immunity and vaccines. She also participated in a conference call with White House staff regarding FEMA reimbursements. In addition, she participated in the AMC Board of Directors meeting where the focus was revenue, furloughs and the AMC election process. She also participated in the EPA Local Government Advisory conference call. Discussion was brought forth regarding the Inter Community Council meeting where the focus was the audit and the evaluation of the Executive Director. Discussion was also brought forth regarding a call received from a taxpayer regarding a ditch buffer letter.

5. Commissioner Diedrich brought forth that he participated in a Tri-Valley Opportunity Council Executive Board meeting via conference call. He also attended a Northwestern Mental Health Center meeting via conference call where the focus was revenue and the impact of COVID-19 in addition to a succession plan for the Executive Director. Discussion was brought forth regarding a call received from Gary Osvak regarding veterans’ issues. Mr. Osvak wanted to bring forth the exemplary service received from Kurt Ellefson, Polk County Veteran’s Service Officer.

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

1. COVID-19 Update
   An update was given to the Board regarding the COVID-19 virus.

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

1. Resolution (2020-44) Interim, Use Permit For Carole Larson To Allow For Operation Of A Bed And Breakfast

   **Interim, Use Permit For Carole Larson**
   **To Allow For Operation Of A Bed And Breakfast**
   **RESOLUTION (2020-44)**

The following resolution (2020-444) was offered by Commissioner Lee:

WHEREAS, Polk County Zoning Ordinance, Section 12.3027 requires an Interim Use Permit to operate Bed and Breakfast in the Shoreland District and;

WHEREAS, Carole Larson owns a parcel of land described as: That part of Government Lot 1 of Section 11, and Government Lot 2 of Section 12, all in Township 148 North, Range 42 West of the Fifth Principal Meridian, Polk County, Minnesota to be described as follows: Commencing at the southwest corner of said Section 12; thence North 0 degrees 42 minutes 50 seconds West, assumed bearing, along the west line of said Section 12 a distance of 3746.29 feet to the west bound centerline of U.S. Highway 2; thence northwesterly a distance of 679.88 feet, along said west bound centerline on a nontangential curve concave to the southwest having a radius of 11457.36 feet, a central angle of 3
degrees 24 minutes 00 seconds, and a chord bearing North 60 degrees 26 minutes 33 seconds West to the point of beginning; thence southeasterly a distance of 1038.57 feet along said west bound centerline on a curve concave to the southwest having a radius of 11457.36 feet, a central angle of 5 degrees 11 minutes 37 seconds, and a chord bearing South 59 degrees 32 minutes 44 seconds East; thence North 28 degrees 59 minutes 20 seconds East, not tangent to the last described curve, along the centerline of Knute Township Road No. 781, a distance of 251.23 feet; thence continuing along last said centerline northeasterly a distance of 108.25 feet on a tangential curve concave to the southeast, having a radius of 295.13 feet, a central angle of 21 degrees 00 minutes 56 seconds, and a chord bearing North 38 degrees 21 minutes 04 seconds East; thence North 30 degrees 52 minutes 09 seconds West, not tangent to the last described curve, a distance of 105 feet, more or less, to the shoreline of Oak Lake; thence westerly, northwesterly, northeasterly, southeasterly, northerly, and northwesterly, along said shoreline, a distance of 1,981 feet, more or less, to a line bearing North 27 degrees 51 minutes 27 seconds East from the point of beginning; thence South 27 degrees 51 minutes 27 seconds West 378 feet, more or less, to the point of beginning.  EXCEPT that part contained in Government Lot One (1), Section Eleven (11), Township One Hundred Forty-eight (148), North of Range Forty-two (42), West of the Fifth Principal Meridian, parcel #45.00113.00;

WHEREAS, Carole Larson has a plan that meets all requirements of the Polk County Zoning Ordinances; and

WHEREAS, The Polk County Board of Commissioners finds:

1. The applicant is requesting an Interim Use Permit to operate a bed & breakfast business on parcel #45.00113.00.

2. The property is approximately 3.69 acres in section 11 of Knute Township. The property is entirely located in the shoreland district created by Oak Lake, a natural environment lake.

3. The site has been evaluated by a septic professional but we have yet to receive a design for the planned septic system.

4. The applicant has submitted an operational plan and intends to meet all applicable rules in section 12.3027 of the PCZO.

5. The Interim Use Permit would be to operate this business until a time when the applicant notifies us it is no longer desired.

6. MnDNR has contacted PZ to state that they had no formal comments on this matter but to notify the County that there is extensive fringe wetland areas along the shoreline of this property. Any disturbance or land alteration along the shoreline would have to go through WCA rules and regulations. The local Soil and Water Conservation district regulates WCA rules in Polk County.
7. The proposed use is a 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 Carole Larson 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. That all Federal, State and local regulations are followed regarding the handling and storage of hazardous materials.

8. The IUP shall remain valid for the operation of this business if all conditions of section 12.3027 of the PCZO are followed.

9. 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 person or premises. If a change of ownership, control or location of any licensed premises occurs, whether pursuant to move, sale, transfer, assignment or otherwise, the owner must complete a new application subject to approval pursuant to this Ordinance.

10. The owner or caretaker shall live in the facility during normal operations.

11. Patrons visiting the site must use off-street parking provided by the applicant.

12. A new septic system must be installed prior to the operations of the bed and breakfast business.

13. No more than 4 rooms will be allowed under this IUP.

14. This business should not provide public access to Oak Lake for recreational boating.

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

2. Resolution (2020-45) Interim, Use Permit For Abraham Hershberger To Allow For Cabinet/Furniture Making Business
The following resolution (2020-45) was offered by Commissioner Lee:

WHEREAS, Polk County Zoning Ordinance, Section 12.3048 requires an Interim Use Permit to operate a cabinet/furniture making business in the Agricultural District and;

WHEREAS, Abraham Hershberger owns a parcel of land described as: That part of the North Half of the Southeast Quarter (N½SE¼), and the Southwest Quarter of the Northeast Quarter (SW¼NE¼), All in Section Twenty-four (24), Township One Hundred Forty-eight (148) North of Range Forty-two (42) West of the Fifth Principal Meridian, being described as follows: Commencing at the Northeast corner of said N½SE¼ : thence North 89 degrees 59 minutes 07 seconds West, along the North line of said N½NE¼, a distance of 1,600.04 feet to the West line of the East 1,600 feet of said N½SE¼ and the point of beginning; thence South 00 degrees 22 minutes 29 seconds East, along said West line, a distance of 47.63 feet; thence North 89 degrees 59 minutes 07 seconds West a distance of 245.00 feet; thence North 11 degrees 40 minutes 31 seconds West a distance of 195.00 feet; thence North 31 degrees 49 minutes 43 seconds West a distance of 120.00 feet; thence North 14 degrees 49 minutes 40 seconds West a distance of 220.00 feet; thence North 44 degrees 12 minutes 42 seconds East a distance of 260.00 feet; thence North 23 degrees 08 minutes 10 seconds East a distance of 730 feet, more or less, to the North line of said SW¼NE¼; thence East, along said North line, a distance of 190 feet, more or less, to the Northeast corner of said SW¼NE¼; thence South, along the East line of said SW¼NE¼, to the Southeast corner of said SW¼NE¼; thence North 89 degrees 59 minutes 07 seconds West, along the South line of said SW¼NE¼, to the point of beginning, parcel #45.00180.01;

WHEREAS, Abraham Hershberger has a plan that meets all requirements of the Polk County Zoning Ordinances; and

WHEREAS, The Polk County Board of Commissioners finds:

1. The applicant is requesting an Interim Use Permit to operate a cabinet and furniture making business on parcel #45.00180.01.

2. The property is approximately 14.3 acres in section 24 of Knute Township.

3. The applicant is proposing to construct a 648 sq. ft. wood working shop for the proposed cabinet and furniture business.

4. The applicant has submitted an operational plan and intends to meet all applicable rules in section 12.3048 of the PCZO.

5. The Interim Use Permit would be to operate this business until a time when the applicant either expands operation requiring a conditional use permit or continues with this home-based business until it is no longer desired.

6. Sharon Messelt, adjacent landowner, contacted our office to state that they are
not opposed to the operation of a woodworking business on the site.

7. The proposed use is a 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 Abraham Hershberger 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. That all Federal, State and local regulations are followed regarding the handling and storage of hazardous materials.

8. The IUP shall remain valid for the operation of this business if all conditions of section 12.3048 of the PCZO are followed.

9. The operational plan shall be followed, any deviation from this plan will need to be approved by Polk County Planning & Zoning staff.

10. Stains, varnish & similar chemicals used in sealing or protecting the cabinets/furniture must be stored properly and excessive waste must be disposed of following hazardous waste regulations.

11. Patrons visiting the site must use off-street parking provided by the applicant.

12. 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 person or premises. If a change of ownership, control or location of any licensed premises occurs, whether pursuant to move, sale, transfer, assignment or otherwise, the owner must complete a new application subject to approval pursuant to this Ordinance.

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

WEST POLK SOIL & WATER CONSERVATION DISTRICT
Nicole Bernd, West Polk Soil & Water Conservation District Manager came before the Board with matters pertaining to the District:

1. Middle-Snake-Tamarac River Watershed One Watershed One Plan MOA
A motion was made by Commissioner Lee seconded by Commissioner Willhite and adopted by unanimous vote of the Board to approve and sign the Memorandum of Agreement between Polk County and Marshall County by and through their respective County Board of Commissioners, and The Marshall and West Polk West Polk Soil and Water Conservation Districts (SWCD), by and through their respective Soil and Water Conservation District Board of Supervisors, and The Middle-Snake-Tamarac Rivers
Watershed District, by and through their respective Board of Managers as presented. (MOA on file in the Administrator’s Office)

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

1. **Contract With Department Of Employment & Economic Development (DEED)**
   Due to language changes to the Contract with the Department of Employment and Economic Development (DEED) that was presented to the Board in April 2020 a motion was made by Commissioner Strandell seconded by Commissioner Lee and adopted by unanimous vote of the Board to approve the Contract as presented with the language changes. (Contract 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. **Sweeper Quotes**
   Due to Total Lawn Care machine breaking down and realizing it would not be large enough to provide the service needed to sweep county roads, a motion was made by Commissioner Strandell seconded by Commissioner Jacobson to rescind the quote that was award at the March 17, 2020 Board meeting with Total Lawn Care, Crookston, MN in the amount of $92 per hour and award the quote to Pro Sweep of Fargo, ND in the amount of $99.75 for Street Sweeping Services.

2. **Concrete Repair In Crookston Shop**
   A motion was made by Commissioner Diedrich seconded by Commissioner Strandell and adopted by unanimous vote of the Board to approve the quote from Palmer Masonry and Concrete, LLC, Crookston, MN in the amount of $19,306.00 to repair the concrete in the Crookston Highway Department Shop.

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

1. **Liquor Licenses**
   A motion was made by Commissioner Diedrich seconded by Commissioner Jacobson and adopted by unanimous vote of the Board to approve the Annual Liquor Licenses for Lake View Resort, Inc., Snow Sled Inn Bar and Grill/Deonne Maygra, Union Lake Sarah Campground Operations LLC, and One N’ Only of Euclid, Inc. conditional upon the approval of the County Sheriff and the County Attorney.

2. **Resolution (2020-46) Requesting The Polk County Auditor-Treasurer Abate The Penalty On Late Payment Of Property Taxes For Taxes Payable May 15, 2020**

   Requesting The Polk County Auditor-Treasurer
   Abate The Penalty On Late Payment of Property Taxes For Taxes Payable May 15, 2020

   RESOLUTION (2020-46)
The following resolution (2020-46) was offered by Commissioner Jacobson:

WHEREAS, On March 13, 2020, Governor Tim Walz issued Emergency Executive Order 20-01 declaring a Peacetime State of Emergency in response to the COVID-19 pandemic; and

WHEREAS, On March 15, 2020, Governor Walz issued Emergency Executive Order 20-02, ordering the temporary closure of all public and private schools to help slow the spread of COVID-19; and

WHEREAS, On March 16, 2020, Governor Walz issued Emergency Executive Order 20-04, ordering the temporary closure of bars, restaurants, and other places of accommodation to help slow the spread of the pandemic; and

WHEREAS, On March 16, 2020, Governor Walz issued Emergency Executive Order 20-05, providing certain relief to employers and unemployed workers during the COVID-19 emergency; and

WHEREAS, On March 20, 2020, Governor Walz issued Emergency Executive Order 20-20, requiring Minnesotans to stay at home; and

WHEREAS, Emergency Executive Order 20-05 recognizes that the economic insecurity caused by the COVID-19 pandemic will be a major concern for many Minnesotans; and

WHEREAS, Emergency Executive Order 20-15 recognizes that the State's response to the COVID-19 pandemic will result, either directly or indirectly, in the closure of many of Minnesota's small businesses; and

WHEREAS, Polk County desires to provide temporary relief to its residents and businesses within the County that have been directly or indirectly impacted by the economic pressures caused by the COVID-19 pandemic; and

WHEREAS, Polk County recognizes that as a result of unemployment, lost or reduced wages and the loss of business income, the prompt payment of property taxes will be a major economic pressure for many County residents this year; and

WHEREAS, Not all individual and business property owners are experiencing financial hardship due to COVID-19 in Polk County, and those who can, should pay their property taxes by the May 15th deadline. Individual and business property owners who utilize escrow payments should continue payments as scheduled; and

WHEREAS, State of Minnesota assessed properties are to be excluded from this resolution;
WHEREAS, Pursuant to Minn. Stat.§ 279.01, subd. 2, the County Board may, with the concurrence of the County Auditor-Treasurer, abate the penalty for late payment of property taxes; and

WHEREAS, The County Board finds that imposing a late payment on first half of 2020 property taxes would be unjust and unreasonable; and

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

Pursuant to Minn. Stat. § 279.01, subd. 2, the County Board hereby authorizes the Polk County Auditor-Treasurer the power to consider the COVID 19 impact a hardship and abate the penalty provided in Minn. Stat.§ 279.01 for the payment of property taxes after May 15, 2020 through July 15, 2020.

The adjusted tax penalty table is as follows:

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This Resolution does not limit the authority of the County Board to abate taxes or property values as otherwise provided by law.
Commissioner Willhite seconded the foregoing resolution and it was declared adopted upon the following vote. YEAS: Lee, Diedrich, Willhite, Strandell, Jacobson NAYS: None.

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

1. COVID-19 Operations Planning
Discussion was held with the Board regarding the Governor’s recent executive orders pertaining to the COVID-19 virus and it appears we need to be inching back towards reopening. Handouts were also discussed and presented to the Board pertaining to Emergency Executive Order 20-56 Safely Reopening Minnesota’s Economy and Ensuring Safe Non-Work Activities during the COVID-19 Peacetime Emergency I along with Emergency Executive Order 20-55 Protecting the Rights and Health of At-Risk Populations during the COVID19 Peacetime Emergency. (Handouts on file in the Administrator’s Office)

2. Legislative Update
Representative Deb Kiel participated in the discussion held with the Board regarding Legislature moving towards passing through federal CARES funds to counties in response to the COVID-19 pandemic to address local government costs. Discussion was also held regarding the Law Library Fund Bill, and the failure to pass a tax or a bonding bill. Handouts were also presented to the Board pertaining to the House and Senate CARES Act Proposal, County Distribution Amounts, H.F. 4673 CARES Act Proposal and County Aid Amounts. (Handouts on file in the Administrator’s Office)

COMMISSIONER WARRANTS
A motion was made by Commissioner seconded by Commissioner and adopted by unanimous vote of the Board that the following Commissioner Warrants were approved:

See next page.
<table>
<thead>
<tr>
<th>Vendor Name</th>
<th>Amount</th>
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<tr>
<td>American Communications Inc</td>
<td>4,537.50</td>
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<td>American Solutions For Business</td>
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<td><strong>Payments less than 2000</strong></td>
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<td><strong>Final Total:</strong></td>
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With no further business the Board adjourned to reconvene at 8:00 o’clock a.m., May 26, 2020.

______________________________
Gary Willhite, Chair

ATTEST:

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