

Traverse County Commission
Regular Board Meeting
July 17, 2018

The meeting was called to order at 9:34 a.m. by Commission Chair Kevin Leininger. Other commissioners present included Dave Salberg, Tom Monson, Mark Gail, and Todd Johnson. The Pledge of Allegiance was recited. Upon a motion by Monson and second by Gail, the agenda was approved unanimously with the following additions: Counties Providing Technology (CPT) update and Dean Frisch would like to ask questions during the new courthouse discussion.

Highway Department

Chad Gillespie, County Engineer, presented the department update. Gillespie handed out a list of equipment that the Highway Department would like to sell. Leininger wants them to keep the Lorenze Model 8001 snow blower, Monson agreed. The Board suggested adding the old Traverse Care Center van and the old spray truck that John Fridgen used. The plan is to list the equipment on govdeals.com, a reserve can be set. Gillespie will run an ad in the local paper to let the public know when the sale will happen. Gillespie informed the Board that someone will be coming to look at the generator this week.

Planning & Zoning

Ben Oleson, Hometown Planning was available by phone and County Attorney, Matt Franzese appeared before the Board. The following resolution was approved unanimously on a motion by Monson and second by Salberg:

**TRAVERSE COUNTY
RESOLUTION 18-15**

**A RESOLUTION PERTAINING TO THE CONDITIONAL USE PERMIT APPLICATION
FROM BIG DOG LAND DEVELOPMENT**

WHEREAS, on June 15, 2018, Big Dog Land Development submitted a Conditional Use Permit application seeking to add 49 new RV sites to the existing Rosebud RV Park, which is a Planned Unit Development;

WHEREAS, during a meeting of the Traverse County Planning Commission on July 11, 2018, concerns about the application were raised and its possible impact on the lake and its environs, specifically ingress and egress traffic, vehicle traffic, Highway 27 issues, boundary barriers, water quantity and quality for the RV park site and surrounding properties, and other issues;

WHEREAS, the Planning Commission recommends that an Environmental Assessment Worksheet be completed in order to address some of the concerns about the application;

WHEREAS, M.S.A. §15.99, Subd. 2(a) requires a government agency to either accept or reject a conditional use application within 60 days of submission, but that M.S.A. §15.99, Subd. 3(d) states that if a state statute, federal law, or court order requires a process to occur before the agency acts on the request, and the time periods prescribed in the state statute, federal law, or court order make it impossible to act on the request within 60 days, the deadline to act is therefore extended to 60 days after completion of the last process required in the applicable statute, law, or order in those situations;

WHEREAS, M.S.A. §116D.04, Subd. 2a(b), the Environmental Quality Board is mandated to create rules which shall establish categories of actions for which environmental assessment worksheets shall be prepared, as well as categories of actions for which no environmental review is required under this section;

WHEREAS, Minnesota Rule 4410.100, Subpart 3(A) states that when a project is not otherwise exempt, and when a governmental unit with approval authority over the proposed project determines that, because of the nature or location of a proposed project, the project may have the potential for significant environmental effects, an Environmental Assessment Worksheet shall be prepared;

WHEREAS, M.S.A. §394.25, Subd. 1 authorizes a county to establish official controls for planning, development, and zoning of its lands;

WHEREAS, Traverse County Land Use Ordinance Section 22.08(2) states that for an expansion of a planned unit development involving more than six (6) dwelling units or sites, a Conditional Use Permit cannot be approved until either an Environmental Assessment Worksheet or Environment Impact Statement is completed;

WHEREAS, as noted by the Minnesota Court of Appeals in *Allen v. City of Mendota Heights*, 694 N.W.2d 799 (Minn.App. 2005), the Minnesota Environmental Policy Act (MEPA), as codified in M.S.A. Ch. 116D, requires a process to occur before the city acts on written requests for action on a proposed development. More specifically:

First, MEPA mandates that "to the fullest extent practicable the policies, rules and public laws of the state shall be interpreted and administered in accordance with the policies set forth in [MEPA]." M.S.A. §116D.03, subd. 1.

Second, MEPA and the environmental-review rules specifically mandate that environmental review of projects take priority by prohibiting granting a permit, approving a project, or beginning a project until the environmental-review process is complete. M.S.A. §116D.04, subd. 2b; Minn. R. 4410.3100 subd. 2.

Third, MEPA instructs all state agencies to "identify and develop methods and procedures that will ensure that environmental amenities and values, whether quantified or not, will be given at least equal consideration in decision making along with economic and technical considerations." M.S.A. §116D.03, subd. 2(3); and

WHEREAS, the Traverse County Board of Commissioners believes that there is the potential for significant environmental effects in the granting of requested conditional use permit, and it is therefore in the best interests of the residents of Traverse County to follow the recommendation of the Traverse County Planning Commission in requiring that an Environmental Assessment Worksheet be completed before the Conditional Use Permit application from Big Dog Land Development can be considered.

NOW THEREFORE, BE IT RESOLVED by the Traverse County Board of Commissioners, as follows:

1. Big Dog Land Development shall complete an Environment Assessment Worksheet for its proposed addition of 49 new RV sites to the existing Rosebud RV Park.
2. Pursuant to M.S.A. §15.99, Subd. 3(d), the 60-day deadline to either accept or reject Big Dog Land Development's Conditional Use Permit application is hereby extended to 60 days after receiving the completed Environmental Assessment Worksheet.

PASSED AND ADOPTED this 17th day of July 2018.

TRAVERSE COUNTY BOARD OF COMMISSIONERS

Kevin Leininger, Chairman

ATTEST:

Lisa Siegel, County Coordinator

One Board member currently attends the Planning Commission/Board of Adjustment meeting. The current ordinance states that a County Commissioner cannot serve on the Planning Commission as a voting member. Monson would like to change the ordinance so that the Commissioner can be a voting member of the Planning Commission; this would make it a six-person Board. By statute, a Commissioner can't sit on the Board of Adjustment. Franzese will draft the changes to the Ordinance and bring to the Board of approval.

The Board appointed Ben Oleson as the primary contact for BWSR regarding the Buffer Ordinance.

Traverse Care Center

Kristin Guindon, Regional Director, Health Dimensions Group appeared before the Board to give a Traverse Care Center update. She went over quality and regulatory information and the capital spend report. Guindon and their architect will set up a meeting with the County Building Committee to go over the asbestos removal of the 200 wing and the options available.

Advantenon, Inc.

David Coudron from Advantenon, Inc. appeared before the Board to give a broadband update. Currently, there are 119 customers. There are two areas by the White Rock and around the lake that are having coverage issues because of trees. Advantenon is working with landowners to use their land to install equipment to increase coverage.

Law Enforcement Center

Brenda Bartz, Jail Administrator gave the jail update. Our usage for the month of June was 69.36%. County Sheriff Trevor Wright gave a department update. The meeting with Browns Valley regarding the police service contract will be Friday at 7:30 a.m.

Wright received the joint powers agreement (JPA) between the Traverse County Sheriff's Office and the BCA for the records management system, NIBRS. This will bring our agency into compliance with the FBI requirements. There was a motion by T. Johnson to approve the JPA, seconded by Monson and approved unanimously.

Assessor

Dianne Reinart presented a proposal from ProWest and Associates for a soils module. This would work with our current GIS system and it would convert our current Land Grades into Crop Productivity Index, CPI. CPI is what the farmers use to compare land and set land prices. The cost of the soils module is \$8,500.00 to set up and then \$500.00 per year for maintenance. There was a motion by Salberg to purchase the soils module, first checking to see if the Records special fund can pay for it and if not still go ahead with the purchase, second by Monson and approved unanimously.

Auditor/Treasurer

Kit Johnson gave the Board an update on the new joint powers organization, Counties Providing Technology (CPT). They had their first meeting on July 16. The Board of the new organization voted that the capital contribution for each member that has the joint powers agreement will be \$175,000.00. These funds are intended to address costs associated with the hiring of an executive director, legal fees, the purchase of CPUI, potential employment agreements with existing staff, cash flow and other expenses associated with the creation of a new governmental entity. There are currently 23 counties that have joined the joint powers organization.

K. Johnson informed the Board that Traverse County was approved for up to \$250,000.00, USDA, 0.75% interest loan for projects at the Traverse Care Center. When we applied for the loan a year ago, we had listed the parking lot, roof, call light system, Wi-Fi, and asbestos removal as the projects that we would be working on. We have completed our share which is \$98,000.00. The Board agreed to wait to submit the expenses until after the Traverse Care Center puts in their portion of the projects. The Board instructed K. Johnson to keep in touch with the Traverse Care Center.

The State Auditors were here on Monday. There was a motion by Monson, second by T. Johnson and approved unanimously to set Traverse Care Center and Prairieview Place's capital asset threshold at the same rate as the County's.

County Coordinator

A motion was made by T. Johnson to approve the July 3, 2018, minutes with a second by Salberg with unanimous approval. Upon a motion by Monson and second by Gail, the following bills were approved unanimously:

CARDMEMBER SERVICE	\$6,601.48
EAGLE CONCRETE CONTRACTING, INC.	\$4,469.30
LARSON OIL, INC	\$20,851.20
MARK SAND & GRAVEL DAKOTA CO	\$7,533.05
OTTER TAIL POWER CO	\$3,279.15
TRAVERSE COUNTY HIGHWAY DEPARTMENT	\$2,088.31
WHEATON-DUMONT ELEVATOR	\$2,732.12
ZIEGLER, INC.	\$204,900.28

Per M.S. 375.12, the number of claims totaling \$2000.00 or less were 61, amounting to \$21,205.16.

Upon a motion by Monson, seconded by T. Johnson, John Deal's application for fireworks display was unanimously approved.

The Board is currently trying to find a replacement for the HRA Board, the replacement will need to come from District 4. Salberg tried to do some recruitment but hasn't been able to find anyone. Monson made a motion to replace the HRA Board member with the County Commissioner in that district so that all the districts are represented until a replacement can be found, seconded by Gail and approved unanimously.

Unanimous approval was obtained to hire a part-time Recycling Building Attendant upon a motion by T. Johnson and seconded by Monson.

Salberg would like the Board to make a decision about building a new courthouse, the Board has been talking about it for the past five years and the cost of building a new courthouse keeps increasing. Salberg has had nothing but positive comments from the majority of his constituents that he has spoken to. With the tax increase of approximately 2.3%, he would like to build it by doing the lease revenue bonds like they did with Prairieview Place.

Dean Frisch appeared before the Board to discuss his concerns with a new courthouse. He is wondering why the County Commissioners are discussing other options besides a referendum. He would like T. Johnson to do more research on consolidating with other counties and find out how much of a saving it would be. He would like the County to continue to maintain the existing courthouse and if there is a referendum on a new courthouse it should be tied to a house and one acre.

Monson does not want to spend the amount of money needed to fix an old building that is falling apart. There was an estimate done a few years back and it would cost between \$2 and

\$3 million to fix the existing courthouse and he would rather put that money into a new building.

T. Johnson said that the savings from the heating and cooling costs plus insurance savings costs would have made up a big part of the bond payment in 2014. And if you look at 20 years of maintenance on an old building versus a new building the cost adds up. And if we did build a new courthouse we would be the only new courthouse in the surrounding counties. If we consolidated Traverse County would be ahead with a new courthouse and a jail so that would be a positive of having a new courthouse. T. Johnson believes we need to have it on the ballot and let the people have their say.

Darwin Anderson asked if we have a design of the new courthouse so that the security of the courthouse would be known. Leininger explained that we have a rough draft design, if it is decided to put it on the ballot there will be public meetings with more information given at that time.

Jim Zych stated that currently there are services being shared between counties; County Engineers are being shared between two counties, what other services are being shared? Consolidation is not unrealistic. He would rather see the money proposed to spend on a new courthouse go into the infrastructure, like improving the county roads.

There were questions regarding where the new courthouse would be located and what type of heating would be used. Leininger said that the proposed plan would include tearing down the old courthouse and building it in the same location and we are looking at geothermal heating.

Steven Schmidt explained that he wants the ability to vote on a new courthouse, he wants to see it a referendum. He would also like to get more information on the new courthouse. He wants everyone to think about where Wheaton is today not what Wheaton was in the past, the population continues to get smaller.

Chuck Prysmus said his concern is not having enough information; it would be easier to support or not support this issue if we had the figures to back it up, how much would we save in heat and how much interest would cost. He would like a brochure with the information in it then he can make an informed decision. Monson explained that we do plan to have public meetings.

T. Johnson made a motion to put the new courthouse question on the ballot for the November election, seconded by Monson. Leininger said that if we are going to put it on the ballot then we need to pay Engan to get more information so the public knows what they are voting for. The motion was approved unanimously.

Siegel will contact Engan and Associates to get a quote on the cost of the next steps.

Leininger adjourned the meeting at 11:58 a.m.

Lisa Siegel, County Coordinator

Kevin Leininger, Board Chairman