



MORRISON COUNTY BOARD OF COMMISSIONERS OFFICIAL MINUTES

December 3, 2013

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The meeting was held in the County Board Room, Government Center, Little Falls MN, and was called to order at 9:00 a.m. by Chairman Johnson.

Members present: Commissioners Randy Winscher, Duane Johnson, Don Meyer, Kevin Maurer and Jeff Jelinski.

Staff present: Deb Gruber, Brian Middendorf, Michel Wetzel, Brad Vold, Jim Sczublewski, Amy Kowalzek, Bonnie Paulsen, Russ Nygren, Steve Backowski, Beth Hamlin, and Nicole Nordlund.

Others present: Jennie Zeitler, Kevin Flatau, Tom Wilczek, Jon Johnson, and Doreen Moe.

APPROVAL OF COUNTY BOARD MINUTES

A motion was made by Commissioner Meyer, seconded by Commissioner Winscher and carried unanimously to approve the Morrison County Board of Commissioner Minutes for November 19, 2013.

AGENDA CHANGES

A motion was made by Commissioner Winscher, seconded by Commissioner Jelinski and carried unanimously to adopt the agenda as presented.

SHERIFF'S REPORT

A motion was made by Commissioner Jelinski, seconded by Commissioner Winscher and carried unanimously to fill a vacancy for a full time Deputy and any subsequent vacancies as a result.

SOCIAL SERVICES REPORT

Brad Vold, Social Services Director, and Jim Sczublewski, Fiscal Officer discussed Morrison County's spending in Human Services from the Minnesota County Human Service Cost Report for the Calendar Year 2012.

PUBLIC HEALTH REPORT

Bonnie Paulsen, Public Health Director, discussed upcoming meetings in December.

PLANNING AND ZONING REPORT

The County Board considered a Rezone Request for Doreen Moe to rezone a 3.54 acre parcel from Commercial to Rural Residential for the purpose of allowing a dwelling and up to 1.5 animal units to remain on the property; located in party of SE ¼ of SE ¼, Section 02 Township 041, Range 031, Belle Prairie Township. A motion was made by Commissioner Meyer, seconded by Commissioner Jelinski and carried unanimously to adopt the Resolution that was presented to the Board and attached to these minutes.

The County Board considered a Conditional Use Permit request for Central MN Credit Union/Centra Sota to establish a bulk fertilizer facility; located in part of N ½ of NW 1/4, Section 20 Township 040, Range 032, Little Falls Township. A motion was made by Commissioner Winscher, seconded by Commissioner Meyer and carried unanimously to adopt the proposed findings of fact and to approve the Conditional Use Permit. A copy of the Findings of Fact and Decision are attached to these minutes.

LAKE ALEXANDER DISTRICT REPORT

A motion was made by Commissioner Maurer, seconded by Commissioner Jelinski to approve the 2014 Work Plan and Budget for the Lake Alexander Lake Improvement District at \$78,360.56, \$10 per parcel. Motion carried on a



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roll call vote with all Commissioners voting "aye."

COUNTY BOARD WARRANTS

A motion was made by Commissioner Meyer and seconded by Commissioner Winscher to approve the following Resolution:

WHEREAS, the Morrison County Board of Commissioners have reviewed the list of County Board Warrants;

NOW THEREFORE, BE IT RESOLVED, that the list of County Board Warrants on file in the Auditor/Treasurer's Office for November 5, 2013 be approved for payment:

REVENUE	\$ 59,255.41
PUBLIC WORKS	\$ 11,946.44
SOCIAL SERVICE	\$124,376.70
SOLID WASTE	\$ 28,490.83
PARKS FUND	\$ 34.07
LOCAL COLLABORATIVE	\$ 20,562.50
TOTAL	\$244,665.95
Meals	\$ 87.51

Motion carried on a roll call vote with all Commissioners voting "aye".

PUBLIC WORKS REPORT

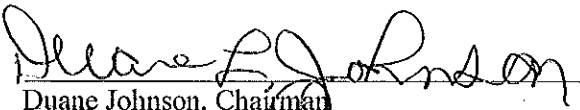
A motion was made by Commissioner Meyer, seconded by Commissioner Jelinski to approve Resolution #2013-067 Certificate of Project Completion and Acceptance for Contract #254; SP 049-070-010. The motion carried on a roll call vote with all Commissioners voting "aye".

COUNTY BOARD REPORTS AND SCHEDULE

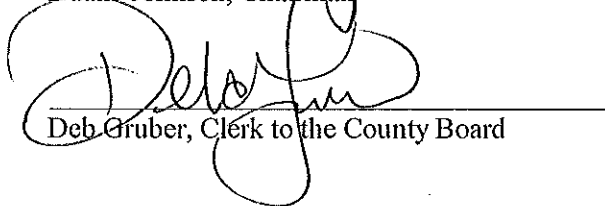
Members of the County Board reported on various meetings they have attended and on their upcoming schedule of meetings with various organizations.

ADJOURNMENT

A motion was made by Commissioner Winscher, seconded by Commissioner Maurer and carried unanimously to adjourn the meeting at 9:51 a.m.



 Duane Johnson, Chairman



 Deb Gruber, Clerk to the County Board

RESOLUTION

WHEREAS, the Morrison County Planning Commission and the Morrison County Board of Commissioners held a public hearing on November 25, 2013 to consider rezoning a parcel of land from Commercial to Rural Residential, located in Section 02, Township 041, Range 031, Belle Prairie Township, also known as parcel number 02.0023.000.

WHEREAS, the applicant purchased this 3.54-acre parcel in 1996, and

WHEREAS, a home, built in 1929, exists on the property, and

WHEREAS, the Commercial zoning district was assigned to this parcel by Belle Prairie Township when they administered their own zoning. A discussion with the Babe Brisk from the Belle Prairie Township Board offered insight into the reason for zoning the parcel Commercial. She stated that the Freedhem Store, the Consolidated Telephone hub and a meat market were adjacent to this parcel, so the decision was made to zone that general area Commercial, and

WHEREAS, Planning Commission member Darvin Keehr stated that the previous owner of the parcel operated an insurance agency from the home, and

WHEREAS, the parcel currently is used as a homestead and hobby farm, and

WHEREAS, dwellings and agricultural use is prohibited within the Commercial zoning district, and

WHEREAS, the Planning & Zoning Office received a complaint regarding the use of the commercially zoned property for agricultural use. Notice was given to the landowner that a violation of the Land Use Control Ordinance exists. The corrective actions were to either remove the agricultural animals or request a rezone of the property to a zoning district that allows such animals, and

WHEREAS, the use of the property for a homestead is considered a legal non-conforming use. If the use of the property for a homestead is abandoned, it cannot be reestablished if it is discontinued for a continuous 12 month period, and

WHEREAS, the applicant is proposing to rezone the parcel to Rural Residential, as the Rural Residential zoning district does permit dwellings and agricultural uses. The Land Use Control Ordinance does have performance standards for the number of animal units on small lots within the Rural Residential zoning district, and

WHEREAS, the parcel is not of adequate size (minimum five acres) to be considered for an Agriculture zoning designation, and

WHEREAS, the surrounding parcels are zoned Agriculture, Residential and Commercial, and

WHEREAS, the parcel is situated along 203rd Street, which is a county road, and

WHEREAS, the Purpose of the Commercial Zoning District is: *to promote and protect areas which currently are active commercial areas or meet the comprehensive plan guidelines for future or desired commercial development*, and

WHEREAS, the purpose of the Rural Residential Zoning District is: *to promote and protect areas which have low density, generally residential development and are essentially rural in character. It is intended to allow traditional rural activities such as agriculture, forestry, home businesses and occupations in manners that do not degrade the rural character of the area, and*

WHEREAS, applicable Comprehensive Plan Goals and Objectives are:

Goal B1: Promote the wise utilization of land for organized residential development.

Goal Objective 1: Increase the use of cluster designs for rural residential development, especially in development scenarios where open space can be used for buffering residential and agricultural land use areas.

Goal C1: Promote a thriving county-wide community by promoting economic and business diversity.

Goal Objective 5 – Increase the use of buffering or similar practices to minimize the impacts of residential development on commercial and industrial use, and commercial and industrial use on residential development.

Goal C2: Minimize the impacts of business development on other land use within Morrison County.

Goal Objective 1- Limit commercial and industrial development only in areas capable of handling such development with adequate infrastructure and services.

Goal Objective 5 – Reduce the impacts of spot zoning by carefully considering the adverse secondary impacts of the potential business and its future use, and

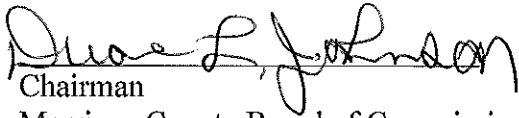
WHEREAS, Robin Hensel spoke in favor of the rezone request at the public hearing, and

WHEREAS, the applicant appeared before the Belle Prairie Township Board on January 14, 2013. The Belle Prairie Township Board has offered a recommendation for approval of this request and stated the rezone will conform to the Comprehensive Plan, and

WHEREAS, based upon the information and exhibits received at the public hearing on November 25, 2013 and the information provided by staff for the rezone request, a motion was made by Darvin Keehr and seconded by Randy Winscher, that the Planning Commission recommend approval of this rezone request. The vote was 6 yes, 0 no, and

NOW THEREFORE, based on the information, exhibits and testimony reviewed at the public hearing as well as information provided by staff, be it hereby resolved that the parcel described in Attachment A be granted the zoning of Rural Residential.

The above resolution was duly adopted by the Morrison County Board of Commissioners at its regular meeting on December 3, 2013.



Duane L. Johnson

Chairman

Morrison County Board of Commissioners



Clerk

Clerk

Morrison County Board of Commissioners

**In the Matter of an Application
By Central Minnesota Credit Union for a Conditional Use Permit**

The above application came on for consideration before the Morrison County Board of Commissioners on December 3, 2013. Based upon the application, information received at the public hearing on November 25, 2013, the recommendations of staff and all files and records relating to the application, the Board makes the following:

FINDINGS OF FACT

1. Central Minnesota Credit Union owns the property in question, which is legally described in Attachment A, also identified as parcels #16.0333.000 and 16.0333.001.
2. CentraSota is the prospective buyer of the property.
3. The applicant is proposing to operate a bulk fertilizer business on two parcels that make up a 21.86 acre tract within the Commercial zoning district.
4. Bulk fuel depot is defined as, "Bulk storage of oil, gasoline, liquid fertilizer, chemicals & similar liquids in excess of 2,500 gallons."
5. The Morrison County Land Use Control Ordinance allows bulk fuel depots within the Commercial zoning district with a Conditional Use Permit.
6. The applicant will be utilizing the existing buildings that were part of the Hilmerson Auto Parts complex, which is located on Haven Road, between Tri-City Paving and Hilmerson Collision Center.
7. The fertilizer storage tanks will be located outdoors within secondary containment consisting of a metal ring and a rubber membrane.
8. The applicant is proposing to store 120,000 gallons of liquid fertilizer amongst up to ten storage tanks.
9. The loading pad will be located indoors and within secondary containment.
10. Vehicle wash down will occur indoors and the rinsate will be contained and applied on agricultural land, per Minnesota Department of Agriculture recommendation.
11. There are several fertilizers the applicant is proposing to store and sell. They go by the products names of GoldStart Liquid Fertilizers, Conventional Liquid Fertilizer, Urea Ammonium Nitrate Liquid and Citri-Che Zinc. According to the material safety data sheets, the fertilizers are odorless, or may have a slight ammonia odor. The fertilizers are made up of various N-P-K solutions, and are non-flammable. They are considered to be a low health hazard, and contain no hazardous components as per 29 CFR 1910.000 (subpart Z).
12. The area where the fertilizer will be stored is outside of the Little Falls City Limits, but there has been effort by the City to locate new water wells south of town. There is a small possibility the bulk fertilizer site will fall within the City's wellhead protection plan if wells are sited within the area.
13. The site is within restricted air space for the Little Falls/Morrison County Airport. Subsequent building activity will be subject to height restrictions and review by the FAA.

14. Licensing, storage, handling, disposal and incident response for bulk fertilizer is outlined in Minn. Statute 18C. The Minnesota Department of Agriculture is the licensing agency and regulatory authority. The applicant must receive a Bulk Fertilizer Storage Permit from the MDA before they store fertilizers on the premises.
15. The applicant has submitted an emergency response plan.
16. The Little Falls Township Board has offered a recommendation for approval of the conditional use permit stating they strongly recommend approval of the CUP application as the location is perfect and compliments the existing enterprises within the immediate area.
17. Planning and Zoning staff recommended the following conditions:
 1. Abide by federal, state and local law.
 2. Future construction shall be in compliance with Little Falls/Morrison County Airport zoning requirements.
18. Robin Hensel was present at the hearing and expressed concern over the saturation of chemicals in the area of the proposed facility, as well as its proximity to County ditches, the railroad and the Mississippi River.
19. There were four County Commissioners at the public hearing on November 25, 2013.

THE PLANNING COMMISSION FOUND THAT:

1. The requested use will not create an excessive burden on the existing roads or other utilities because the roads are adequate to handle the traffic and load weight.
2. The requested use is compatible with the surrounding area and will not significantly depreciate near-by properties because the existing fencing will provide separation and adjacent uses are similar. Also, the previous use was a junkyard.
3. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on near-by properties as no proposed construction would be visible from the road.
4. The requested use, in the opinion of the Planning Commission, is reasonably related to the existing land use and environment because it is within Commercial zoning.
5. The requested use is consistent with the Morrison County Land Use Control Ordinance and the purposes of the zoning district, because there will be appropriate permits from the County and the State.
6. The requested use is not in conflict with the Morrison County Comprehensive Plan, as the Comprehensive Plan encourages commercial development.
7. The requested use will not create an unreasonably adverse affect because of noise, odor, glare or general unsightliness for near-by property owners as no one voiced concern over the items listed.

Motion was made by Robert Lorenz, and seconded by Joseph Stumpf to recommend approval of the application. The vote was "6" in favor, "0" opposed

DECISION

WHEREFORE, the Morrison County Board of Commissioners hereby approves these findings of fact for a Conditional Use Permit to Central Minnesota Credit Union/CentraSota to establish a Bulk Fuel Depot, and hereby moves to grant the Conditional Use Permit to establish a Bulk Fuel Depot specifically for the storage and sale of liquid fertilizer on property as described in Attachment A.


Chairman
Morrison County Board


Clerk
Morrison County Board

That part of the North Half of the Northwest Quarter (N½ of NW¼) of Section 20, Township 40, Range 32, Morrison County, Minnesota described as follows:

Commencing at the northwest corner of said N½ of NW¼; thence North 89 degrees 57 minutes 39 seconds East, assumed bearing, 1515.70 feet along the north line of said N½ of NW¼ to its intersection with the northerly extension of the east line of that tract of land described in Book 168 Deeds, page 370; thence South 00 degrees 02 minutes 21 seconds East 264.00 feet along said northerly extension to the northeast corner of said tract of land described in Book 168 Deeds, page 370; thence South 89 degrees 57 minutes 39 seconds West 83.12 feet along the north line of said tract of land described in Book 168 Deeds, page 370 to the point of beginning; thence South 00 degrees 06 minutes 11 seconds East 125.00 feet to the south line of that tract of land described in Document No. 378286; thence continuing South 00 degrees 06 minutes 11 seconds East 16.15 feet; thence South 86 degrees 21 minutes 28 seconds West 206.44 feet; thence South 33 degrees 42 minutes 05 seconds West 42.94 feet; thence South 10 degrees 08 minutes 48 seconds West 51.09 feet to the easterly line of County Road No. 76; thence South 16 degrees 27 minutes 01 seconds East 524.48 feet along said easterly line of County Road No. 76 to its intersection with the south line of that tract of land described in Document No. 435640; thence North 89 degrees 57 minutes 39 seconds East 970.51 feet along said south line of that tract of land described in Document No. 435640 to its intersection with the westerly line of Trunk Highway No. 10; thence North 00 degrees 34 minutes 11 seconds West 1007.26 feet along said westerly line of Trunk Highway No. 10 to its intersection with said north line of the N½ of NW¼; thence South 89 degrees 57 minutes 39 seconds West 1020.48 feet along said north line of the N½ of NW¼ to the northeast corner of that tract of land described in Book 120 Deeds, page 575; thence South 00 degrees 02 minutes 21 seconds East 264.00 feet along the east line of said tract of land described in Book 120 Deeds, page 575 to its intersection with the north line of said tract of land described in Book 168 Deeds, page 370; thence North 89 degrees 57 minutes 39 seconds East 149.88 feet along said north line of that tract of land described in Book 168 Deeds, page 370 to the point of beginning. Subject to easements of record, if any.

RESOLUTION # 067

Certificate of Project Completion and Acceptance by County Board.

Contract No. 254
Project No. SP 049-070-010
Class of Work: Electrical Lighting System
Location: CSAH 3, 12, 21, 26, 32, 33, 48, 49 & 52

WHEREAS: A Contract Agreement for County Projects was made between the County of Morrison and Rum River Electric Inc, of Onamia, Minnesota, and

WHEREAS: All the necessary work and labor has been performed for the completion of said Project, and

WHEREAS: The Morrison County Commissioner of the district where the project is located has made a final Inspection of said Project, and

WHEREAS: The Morrison County Engineer recommends final acceptance of said Project.

NOW, THEREFORE, BE IT RESOLVED: The Morrison County Board of Commissioners do hereby certify that the work has been properly completed and is hereby accepted.

STATE OF MINNESOTA }
COUNTY OF MORRISON }

I, Deb Gruber, County Administrator, Morrison County, Minnesota hereby certify that I have compared the foregoing copy of the resolution of the County Board of said County with the original record thereof on file in the Administration Office of Morrison County in Little Falls, Minnesota as stated in the minutes of the proceedings of said board at a meeting duly held on this 3rd day of December, 2013, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Witness by hand and seal this 3rd day of December, 2013.

Handwritten signature of Deb Gruber and printed name: Deb Gruber, County Administrator

Table with 6 columns: Commissioner, Yes, No, Abs, Mot, 2nd. Rows include Jelinski, Johnson, Winscher, Meyer, and Maurer with handwritten 'X' marks in the Yes and Mot columns.