



MORRISON COUNTY BOARD OF COMMISSIONERS OFFICIAL MINUTES

JANUARY 3, 2017

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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 the Clerk to the County Board, Deb Gruber.

Members present: Commissioners Randy Winscher, Duane Johnson, Mike Wilson, Jeff Jelinski, and Mike LeMieur.

Staff present: Deb Gruber, Tabitha Maher, Judge Anderson, Brian Middendorf, Steve Messerschmidt, Brad Vold, and Amy Kowalzek.

Others present: Tyler Jensen, Mark Slupe, Tom Wenzel, Beverly LeMieur, Anthony Wenzel, Steve Wenzel, and Cindy Brey.

ELECTION OF COUNTY BOARD CHAIRMAN

The Clerk to the County Board called for nomination for the County Board Chairman. Commissioner Winscher nominated Commissioner Wilson, the Clerk to the Board called for nominations three times. A motion was made by Commissioner Johnson, seconded by Commissioner Jelinski to close nominations and cast a unanimous ballot for Commissioner Wilson to serve as Board Chair for 2017. The motion carried unanimously.

ELECTION OF COUNTY BOARD VICE-CHAIRMAN

The Clerk to the County Board called for nomination for the County Board Vice-Chairman. Commissioner Winscher nominated Commissioner Johnson, the Clerk to the Board called for nominations three times. A motion was made by Commissioner Jelinski, seconded by Commissioner LeMieur to close nominations and cast a unanimous ballot for Commissioner Johnson to serve as Board Vice-Chair for 2017. The motion carried unanimously.

APPROVAL OF COUNTY BOARD MINUTES

A motion was made by Commissioner Johnson, seconded by Commissioner Jelinski and carried unanimously to approve the Morrison County Board of Commissioner Minutes for December 30, 2016.

AGENDA CHANGES

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

BIDS FOR LEGAL PRINTING

Deb Gruber, County Administrator, opened the only bid received for legal printing, which was from the Morrison County Record. A motion was made by Commissioner Johnson, seconded by Commissioner Winscher and carried unanimously to approve Resolution #2017-007, Legal Printing designating the Morrison County Record for legal printing at the following rates:

Line Rate: \$0.87 per line

Display Ad Rate: \$7.30 per column inch

APPROVAL OF ANNUAL RESOLUTIONS

A motion was made by Commissioner Jelinski, seconded by Commissioner Winscher and carried unanimously to approve the annual resolutions: #2017-001, Travel Policy; #2017-002, Committee Meeting Attendance Payment for Citizens; #2017-003, Board of Commissioners Code of Conduct; #2017-004, Public Meeting Notices; #2017-005, Elected Officials Salaries (Attorney, Auditor, Recorder, Sheriff); #2017-006, County Board Mileage Reimbursement.



MORRISON COUNTY BOARD OF COMMISSIONERS OFFICIAL MINUTES

JANUARY 3, 2017
Page 2 of 2

SOCIAL SERVICES REPORT

Brad Vold, Social Services Director, presented to the Board MACSSA's (Minnesota Association of County Social Services Administrator's) legislative platform for the 2017 Legislative Session.

LAND SERVICES REPORT

A motion was made by Commissioner Johnson, seconded by Commissioner LeMieur and carried unanimously to consider the Conditional Use Permit request from Charles and Cindy Brey to expand their existing resort.

COUNTY BOARD WARRANTS

A motion was made by Commissioner Johnson and seconded by Commissioner Jelinski 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 January 3, 2017 be approved for payment:

REVENUE	\$	314,352.36
PUBLIC WORKS	\$	1,346.96
SOCIAL SERVICE	\$	69,318.90
LOCAL COLLABORTIVE	\$	2,508.42
TOTAL	\$	387,526.64

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

A motion was made by Commissioner Johnson and seconded by Commissioner Jelinski to approve the Commissioners Expense Reports as presented. Motion carried on a roll call vote with all Commissioners voting "aye".

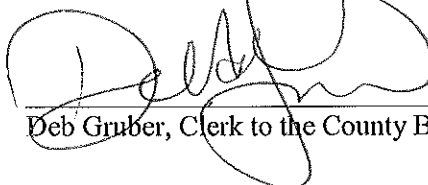
COUNTY BOARD REPORTS AND SCHEDULE

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 Johnson, seconded by Commissioner Jelinski and carried unanimously to adjourn the meeting at 9:58 a.m.


Mike Wilson, Chairman


Deb Gruber, Clerk to the County Board

MORRISON COUNTY
ELECTED OFFICIALS AND DEPARTMENT HEADS TRAVEL POLICY 2015
Resolution #2017-001

WHEREAS, Morrison County realizes that it is necessary to keep up on new legislation, and other new policies that will improve the operations of Morrison County and,

WHEREAS, it is also necessary to continue training and education in order to be able to continue providing good services for the taxpayers of Morrison County.

THEREFORE, The Morrison County Board of Commissioners authorize, subject to budget restrictions, out of state travel for Elected Officials and Department Heads to attend the following:

- NACO Annual Conference
- NACO Annual Legislative Conference
- Washington D.C., when necessary to lobby for legislation affecting Morrison County, to protect the interest of the county
- Travel required when serving on a NACO approved committee
- Meetings in adjacent states
- Seminars directly related to the officials job duties

Morrison County will pay for reasonable travel costs to and from the approved site. All other costs will follow the established travel policy as listed in the Morrison County Personnel Policy and/or the applicable IRS Code.

The County Board will review any request other than those listed above and if there is not sufficient time prior to the next board meeting to review, then it will be reviewed by the chair and vice-chair and if appropriate they may authorize the necessary travel.

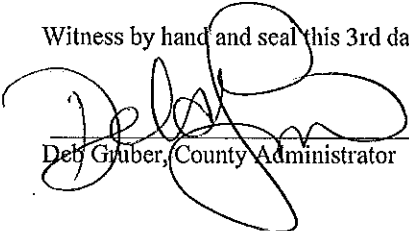
Adopted this 3rd day of January, 2017

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 January, 2017, 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.

Commissioner	Yes	No	Abs	Mot	2nd
Jelinski	X			X	
Johnson	X				
Winscher	X				X
Wilson	X				
LeMieur	X				

Witness by hand and seal this 3rd day of January, 2017.



 Deb Gruber, County Administrator

**MORRISON COUNTY
 COMMITTEE MEETING ATTENDANCE PAYMENT FOR CITIZENS
 RESOLUTION #2017 - 002**

BE IT RESOLVED that the Morrison County Board of Commissioners hereby establish the committee meeting attendance payment for all citizens appointed to serve on various committees designated to receive said payment as follows for 2017:

- Morrison County Board of Adjustments - \$50.00 per meeting
- Morrison County Planning Commission - \$50.00 per meeting
- All other County Board appointed committees (including the Morrison County Trails Committee) \$50.00 per meeting

No more than one payment will be made per day to any Committee member.

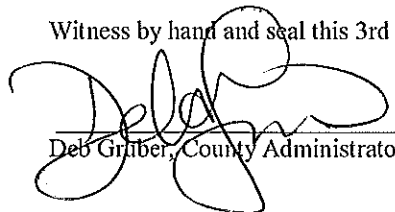
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Commissioner	Yes	No	Abs	Mot	2nd
Jelinski	X			X	
Johnson	X				
Winscher	X				X
Wilson	X				
LeMieur	X				

Witness by hand and seal this 3rd day of January, 2017.



 Deb Gruber, County Administrator

RESOLUTION 2017-003

Code of Conduct
Morrison County Board of Commissioners

WHEREAS, The Morrison County Board functions within the statutory framework of Minnesota law. General powers and responsibilities are found in Minnesota Statutes, especially but not exclusively Chapters 370, 373, 375. Minnesota Statutes supersedes all bylaws, rules and policies established by the Board.

WHEREAS, It is the policy of the Morrison County Board to maintain a respectful work and public service environment free from violence, discrimination, harassment, and other offensive or degrading remarks or conduct.

WHEREAS, All members of the Morrison County Board of Commissioners shall act in a professional, respectful and lawful manner at all times while performing their duties and representing the organization.

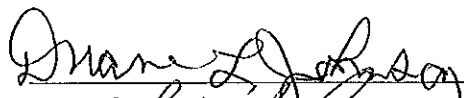
WHEREAS, The Morrison County Board of Commissioners will not tolerate disrespectful or unprofessional behavior towards constituents, members of the public, employees, or other Elected Officials.

WHEREAS, The following meeting conduct rules shall apply to all County Board meetings, Board appointed committee meetings, advisory meetings or any other interaction a Morrison County Commissioner may have with the each other, the public or employees:


1. Respect the dignity of all individuals.
2. Respect one another's facts, opinions and right to speak.
3. Refrain from using profane, threatening or abusive language.
4. Treat people with respect and dignity in all interactions related to County Government.
5. Allow citizens, staff or colleagues sufficient opportunity to present their views in a respectful, tolerant and attentive manner.

NOW THEREFORE BE IT RESOLVED, If a Morrison County Commissioner is made aware of another Commissioner's not behaving in a professional, respectful or lawful manner, it is their responsibility to bring the matter to the attention of the entire County Board to be addressed as deemed necessary.


Adopted this 3 day of January, 2017.

 Duane Johnson, Morrison County Commissioner

 Mike Wilson, Morrison County Commissioner

 Mike LeMieur, Morrison County Commissioner

 Jeff Jelinski, Morrison County Commissioner

 Randy Winscher, Morrison County Commissioner

**MORRISON COUNTY
PUBLIC MEETING NOTICES
RESOLUTION #2017 - 004**

WHEREAS, THE Morrison County Board of Commissioners, carrying out their functions during the year of 2017, will hold numerous and varied meetings to consider the business of Morrison County Government in various places in and about Morrison County; and

WHEREAS, it is the express intent of the Morrison County Board of Commissioners to hold such meetings in an open public forum; and

WHEREAS, it is the express intent of the Morrison County Board of Commissioners to provide notification of said meetings as prescribed by Minnesota Statute Chapter 13D,

NOW THEREFORE, BE IT RESOLVED, by the Morrison County Board of Commissioners that the County bulletin board, which is located in the public entry of the new Government Center be hereby designated as the public place for notification of all regular County Board of Commissioners Meetings;

BE IT FURTHER RESOLVED that all regular meetings of the County Board shall, in so far possible, be held in the Commissioner's Room, Government Center, Morrison County, Little Falls, Minnesota, on two Tuesdays of each month, beginning at approximately 9:00 a.m., with agendas having been prepared and distributed in advance of the meetings declaring the location and the approximate time schedule for call to order, consideration of agenda items and approximate time of recess or adjournment, and

BE IT FURTHER RESOLVED that the date, time, place, and purpose of all regular and special meetings of the County Board shall be electronically mailed at least three days in advance of the meeting to all persons who file a written or electronic mail request for notification of meetings, said request to be in effect for one year, and

BE IT FURTHER RESOLVED that in the event of need for an emergency meeting of the County Board within less than three days, notification may be provided to all persons requesting notification by electronic – mail as soon as reasonably practical after notification of County Board Members, and

BE IT FURTHER RESOLVED that all notifications of the various and sundry committees be electronically mailed to all persons who file a request for notification, said request to be in effect for one year, and

BE IT FURTHER RESOLVED that all persons requesting notification of regular or special County Board Meetings and their various and sundry committees designate an electronic mail address on their request to be used for this purpose,

FINALLY, BE IT RESOLVED that all meetings, seminars, or conferences attended by the Morrison County Board of Commissioners are open meetings for any person to attend at their own expense.

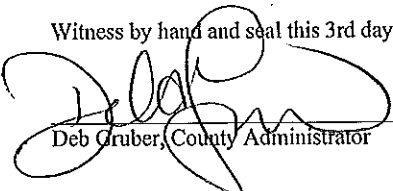
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STATE OF MINNESOTA }
COUNTY OF MORRISON }

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Commissioner	Yes	No	Abs	Mot	2nd
Jelinski	X			X	
Johnson	X				
Winscher	X				X
Wilson	X				
LeMieur	X				

Witness by hand and seal this 3rd day of January, 2017.



Deb Gruber, County Administrator

RESOLUTION #2017 - 005
Setting the 2017 Salary of the
Morrison County Attorney, Auditor-Treasurer, Recorder and Sheriff

WHEREAS, the Morrison County Board of Commissioners is statutorily required to annually set the salary of the Morrison County Attorney, the Morrison County Auditor-Treasurer, the Morrison County Recorder and the Morrison County Sheriff (hereinafter collectively referred to as the Elected Officials); and

WHEREAS, the Elected Officials will be compensated according to the Morrison County pay plan in order to promote a uniform compensation system for the Elected Officials and the appointed employees of Morrison County; and

WHEREAS, such placement promotes continuity and uniformity within the County compensation system as part of this initial placement, and

WHEREAS, the applicable statutes provided that the County Board may not reduce the salary of the Elected Officials during the term for which the individual was elected or appointed; and

WHEREAS, the County Board has reviewed the statutory criteria; and

WHEREAS, the County Board has determined that the continued application of the County's pay plan provides a great savings to the citizens of Morrison County than would be provided by strict consideration of the Statutory Criteria:

NOW, THEREFORE, BE IT RESOLVED by the Morrison County Board of Commissioners and Morrison County that the 2017 salary for the Elected Officials shall be establishes as follows:

County Attorney: Grade 43, Step 9 at the annual salary of \$120,296.80.

County Auditor-Treasurer: Grade 38, Step 5 at the annual salary of \$83,802.37.

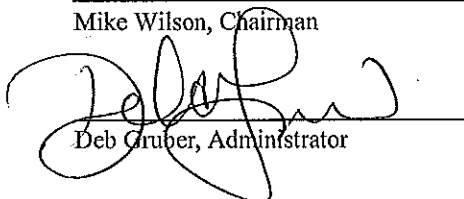
County Recorder: Grade 33, Step 6 at the annual salary of \$71,635.20.

County Sheriff: Grade 42, Step 7 at the annual salary of \$106,017.60.

Adopted this 3rd day of January 2017.



Mike Wilson, Chairman



Deb Gruber, Administrator

RESOLUTION # 2017-006
 COUNTY BOARD MILEAGE REIMBURSEMENT

WHEREAS, Minnesota Statute 375.055 allows for reimbursement for necessary expenses in performing the duties of the office as set by resolution of the County Board; and

WHEREAS, Minnesota Statute 375.06 further explains the conditions reimbursement is allowed; and

WHEREAS; Minnesota Statute 375.163 allows for expenses of delegates to the Association of Minnesota Counties;

NOW THEREFORE, BE IT RESOLVED that the Morrison County Board of Commissioners follows the following schedule for reimbursement for mileage at the current IRS rate:

Allowable Meetings for Expense Reimbursement:

1. County Board meetings
2. County Committee meetings (when assigned as the representative or alternate)
3. Joint Powers Boards (when assigned as the representatives or alternate)
4. Meetings of Local Governments (cities, townships, school districts)
5. Meetings of AMC, NACO, MCIT and other County Associations
6. Meetings designated and approved by the County Board
7. Court/hearing or other appearances as necessitated by law
8. Training Sessions
9. Canvassing Board
10. Board of Equalization
11. Meetings for County created agencies (ex. Lake Improvement Districts, HRA, Rich Prairie Sewer and Water District etc.)
12. Planning Commission site visits

Meetings Not Allowed for Expense Reimbursements:

1. Meetings with constituents
2. Meetings or events with non-profit or community groups not formally assigned by the County Board (ex. Township Recycling Days, Take Back the Night, etc.)
3. Meetings with staff, Elected Officials or Department Heads
4. Social or Community organization meetings (Kiwanis, Lions, etc.)
5. Parades or Community celebrations (towns days, County fair, etc)
6. Board of Adjustment meetings or site visits

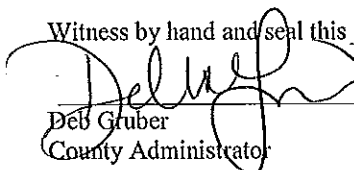
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STATE OF MINNESOTA }
 COUNTY OF MORRISON }

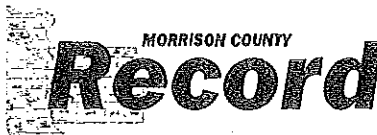
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Commissioner	Yes	No	Abs	Mot	2nd
Jelinski	X			X	
Johnson	X				
Winscher	X				X
Meyer	X				
LeMieur	X				

Witness by hand and seal this 3 day of Jan.


 Deb Gruber
 County Administrator

216 SE 1st Street,
Little Falls, MN 56345



Phone: 320-632-2345
Fax: 320-632-2348

e-mail: mcr@mcrecord.com • www.mcrecord.com

BIDS FOR PUBLISHING LOCAL GOVERNMENT LEGAL ITEMS IN 2017

We respectfully submit the following bid for the publication of your legal items in 2017. It is the same rate quoted all government units within our legal jurisdiction. The maximum legal rate allowed by the State of Minnesota for the Record in 2017 is \$.30 per word or \$1.50 per line. Most, if not all, local governments with one legal newspaper are paying the maximum rate allowed by law. We are pleased that we can continue providing a savings from these maximum rates for our local units of government.

Our bid for 2017 is:

LINE RATE	.87 PER LINE
DISPLAY AD RATE	\$7.30 PER COLUMN INCH

We remind you that the Record continues to serve you with over 19,000 independently audited circulation that saturates Morrison County and points beyond. Our C.A.C. audit indicates that the publisher's delivery system reaches 97.8% of its defined market. The filed verification has a margin of error or plus/minus 1.3% at a 95% confidence level. As an added benefit, all legal advertising is posted on our award winning web site www.mcrecord.com at no additional charge. Our web site now has more than 35,500 unique visitors per month.

Bonding will be supplied as required upon bid approval.

Thank you for your consideration of our bid. If you have any questions, please contact Judy Espino at 320-632-2345.

Sincerely,

A handwritten signature in black ink that reads "Tom West".

Tom West
General Manager

**MORRISON COUNTY
LEGAL PRINTING
RESOLUTION #2017-007**

WHEREAS, Minnesota Statutes Chapter 375.12, require the annual letting of bids for publication of official proceedings of the County Board and similar statutes require the publication of delinquent tax lists and County Financial Statements, and local transportation project bid advertisements; and

WHEREAS, the County Board of Commissioners of Morrison County evaluated all bids received,

NOW THEREFORE, BE IT RESOLVED, that the Morrison County Record be and the same is hereby designated by the Board of County Commissioners of the County of Morrison and State of Minnesota as the newspaper in which the official proceedings of said Board, the financial statements, and the list of real estate remaining delinquent in the County aforesaid shall be published, and that the Morrison County Record be designated for all legal printing for the County for the year 2017;

BE IT FURTHER RESOLVED, that the Morrison County Web Site (www.co.morrison.mn.us/wsite/publicworks/public_works.htm) be hereby designated as the official site for advertisements for bids on local transportation projects per Minnesota Statutes MS 331A.12.

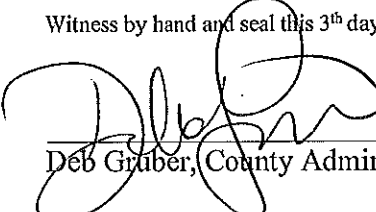
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STATE OF MINNESOTA }
COUNTY OF MORRISON }

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Commissioner	Yes	No	Abs	Mot	2nd
Jelinski	X				
Johnson	X			X	
Winscher	X				X
Wilson	X				
LeMieur	X				

Witness by hand and seal this 3rd day of January, 2017.



Deb Gruber, County Administrator

STATE OF MINNESOTA
COUNTY OF MORRISON

MORRISON COUNTY BOARD OF COMMISSIONERS
CONDITIONAL USE PROCEEDING

ORDER OF CONDITIONAL USE

PROPERTY OWNER: **Charles & Cindy Brey – 29.0426.000**

The petition for a Conditional Use was presented before the Morrison County Board of Commissioners on the **3rd day of January, 2017**, on a petition pursuant to the Morrison County Land Use Ordinance, for the following described property:


**See Attached, Section 31, Township 132, Range 31
Scandia Valley Township**

IT IS ORDERED that a Conditional Use be granted upon the following conditions:

**To expand the existing resort, through the addition of parcel 29.0426.000
including attached conditions:**

This order of Conditional Use shall become void if not enacted within two (2) years of the date this order was granted.

DATED this 3rd, of January, 2017.



Chairman
Morrison County Board of Commissioners

STATE OF MINNESOTA)
COUNTY OF MORRISON)

MORRISON COUNTY OFFICE
OF PLANNING & ZONING

I, Amy Kowalzek, Planning & Zoning Administrator for the County of Morrison, with and in for said County, do hereby certify that I have compared the foregoing copy and Order granting a Conditional Use with the original record thereof preserved in my office, and have found the same to be a correct and true manuscript of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand at Little Falls, Minnesota, in the County of Morrison on the 3rd day of January, 2017.

Morrison County Zoning Administrator

Charles & Cindy Brey – Conditional Use Permit – 29.0426.000

Conditions

1. Must maintain a current certificate of septic system compliance on file with the Planning & Zoning Office that includes the pumping of the septic tanks. The empty tanks must be inspected for water tightness including but not limited to sampling of soil surrounding the tanks, checks of the tank seals/gaskets and a check for tank cracks.
2. Boat launching shall occur at the public accesses
3. Resort owner shall provide educational material on Aquatic Invasive Species and the invasive species infestation(s) in Fish Trap Lake.
4. Land Use Permits must be obtained prior to construction of decks or other structures within the resort.
5. The property owner shall request a resort shoreline vegetation and storm water evaluation by the Soil and Water Conservation District (SWCD). The property owner shall implement and maintain the shoreline vegetation/improvement plan and storm water plan provided by the SWCD by November 30, 2017.

In the Matter of an Application
by Charles and Cindy Brey for a Conditional Use Permit: 29.0426.000

The above application came on for consideration before the Morrison County Board of Commissioners on January 3, 2017. Based upon the application, information received at the public hearing held on December 27, 2016, the recommendations of staff and all files and records relating to the application, the Board makes the following:

FINDINGS OF FACT

1. The Breys recently purchased this parcel, located adjacent to their resort.
2. The parcel is on Fish Trap Lake, which is a General Development lake.
3. The Morrison County Board of Commissioners granted a rezone of the parcel from Shoreland Residential to Shoreland Commercial at their December 8, 2016 meeting.
4. The applicant is requesting a Conditional Use Permit to expand the existing resort to include the parcel. The parcel has a non-conforming cabin, a garage and approximately 125 feet of shoreline.
5. The applicants plan to expand the two bedroom cabin by adding a basement with four additional bedrooms, a covered entrance and a deck onto the cabin. The cabin expansion will require a variance since the structure does not meet setback from Fish Trap Lake. An addition will be constructed onto the existing garage, this space will be used as a gathering/reunion space for resort guests.
6. The Breys have operated Sweetwater Resort since 2001. The resort began on one parcel with three two-bedroom cabins. In 2007, the Breys renovated their onsite home to create a duplex with two rental units on the second floor. They also purchased the parcel west of the resort. That parcel had a cabin and garage. A CUP was granted in 2007 to add that parcel to the resort.
7. The existing resort has approximately 161 feet of shoreline frontage and is approximately 3.2 acres in size. The addition of the new parcel would bring the resort area to 5.5 acres and 286 feet of shoreline frontage.
8. The resort is serviced by County State Aid Highway 20, also known as Azure Road.
9. The current resort occupies areas within Tier 1 and 2; Tier 1 is the first 200 feet from the lake, Tier 2 is the next 267 feet from the lake behind Tier 1. On the additional parcel, the cabin is located within Tier 1 and the garage is located within Tier 2.
10. Allowable density within Tier 1 is 12.5%; Tier 1 density, including the new parcel is 6%
11. Allowable density within Tier 2 is 7.5%; Tier 2 density, including the new parcel is 1.4%
12. The impervious surface calculation for each Tier and for the resort overall is compliant. The resort's overall impervious surface is 18.2%
13. The applicant is aware of the docking standards for resorts. Up to two docks are allowed for resort guests and a third dock is allowed for the resort caretaker. The applicant is proposing a total of three docks on the resort shoreline. Up to ten boats associated with the resort may be moored at those docks.

14. Applicable Comprehensive Plan Goals and Objectives:

Shoreland Management

Goal D1: Work to ensure that development occurring within the County's watersheds is done in a thoughtful and deliberate manner so as to balance environmental, social and economic goals to the greatest extent possible.

Goal E3: Ensure that the County's lakes and rivers remain a resource that is available for use and enjoyment by the general public.

Goal D10: Work to better coordinate with federal, state and local government agencies and non-profits, lake associations and others with an interest in shoreland development to effectively balance the benefits that arise from development of shoreland areas with the need to protect, preserve and restore valuable natural resources.

Objective 10: Study and consider the development of clear policies relating to existing and new issues relating to shoreland areas, including vacation rental of homes in residential settings, the creation or expansion of resorts and campgrounds, the conversion, expansion or replacement of seasonal lakeshore cabins into year-round homes and the spread of invasive species.

Local Economic Development

Goal C1: Support efforts to build a strong and varied local economy that provides adequate employment opportunities and access to the goods and services needed by County residents.

Objective 8: Seek opportunities to encourage and support local entrepreneurs in their efforts to create and expand their businesses, where appropriate, in order to create a more stable and vibrant local economy.

Goal C2: Ensure that land use regulations allow for a variety of business and industry consistent with the rural settings of the County, in areas where they have access to adequate infrastructure and services, and where they will not create unnecessary conflict with other land uses.

Objective 1: Limit commercial and industrial development only to areas capable of handling such development with adequate infrastructure and services.

Objective 2: Mitigate impacts of new commercial and industrial development on existing adjacent land use and the impacts of existing adjacent land on new commercial and industrial development.

Objective 4: Reduce the impacts of legal nonconforming businesses in residential zoned areas by carefully considering the adverse secondary impacts of the business and its future use and limiting expansion that would be inappropriate for the area.

Objective 6: Only rezone properties for commercial or industrial uses when such actions would be consistent with the Comprehensive Plan and when they would not constitute "spot zoning" for the convenience of a particular landowner.

Objective 19: To the extent possible, commercial areas should be developed according to function; the indiscriminate mixing of retail, business services, personal services and other types of commercial activity shall be discouraged.

15. Applicable Comprehensive Water Plan Goals and Objectives:

Surface Water Goal: To protect, enhance and maintain the quality of all surface waters in Morrison County

Objective B: Ensure that land use decisions for shoreland development take environmental impacts into consideration

Land Use and Development Goal: To ensure that land use decisions are compatible with natural resource protection.

Objective B: Reduce the pressures/impacts of shoreland, rural residential and marginal land development

16. Planning and Zoning staff suggested the following conditions:

1. Must maintain a current certificate of septic system compliance on file with the Planning & Zoning Office that includes the pumping of the septic tanks. The empty tanks must be inspected for water tightness including but not limited to sampling of soil surrounding the tanks, checks of the tank seals/gaskets and a check for tank cracks.
2. Boat launching shall occur at the public accesses
3. Resort owner shall provide educational material on Aquatic Invasive Species and the invasive species infestation(s) in Fish Trap Lake.
4. Land Use Permits must be obtained prior to construction of decks or other structures within the resort.
5. The property owner shall request a resort shoreline vegetation evaluation by the Soil and Water Conservation District (SWCD). The property owner shall implement and maintain the shoreline vegetation/improvement plan provided by

17. A plat map, survey, site photos and aerial photos were presented.

18. The Planning Commission and Board of Commissioners viewed the property on December 21, 2016.

19. 96 notices were sent out regarding this item.

20. District 1 Commissioner Kevin Maurer commented at the hearing that the applicants have done a thorough job of addressing issues on the resort and a condition placed on the permit to have the applicant work with the Soil and Water Conservation District, the runoff issue will be addressed.

21. The Planning Commission discussed their observations at the site viewing, including the road that drains towards the lake. They expressed concern over the erosion and sediment this may contribute to the lake. The property owners discussed the ongoing issues with that area and the diversions they have built to route the water. The Planning Commission discussed the possibility of the Morrison County Soil and Water Conservation District (SWCD) doing a storm water evaluation and plan for the resort. The applicants said they would be willing³¹ to work with the SWCD.

22. The Planning Commission found:

1. The requested use will not put an excessive burden on roadways, utilities and public facilities such as parks and schools because no burden will be placed on the roadway or utilities; the County Engineer is not concerned with the impacts of this use.
2. The requested use will not be detrimental to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. Other nearby properties are recreational. Not much will change with this resort expansion, and no comment was received from any of the neighbors.
3. The use, in the opinion of the Planning Commission, is reasonably related to the existing land use and the environment. Groundwater, surface water and air quality in the surrounding area will not be adversely affected by the proposed use with the conditions and maintenance of stormwater and shoreline improvement plans. Water quality will be addressed and the lake should not be adversely affected.
4. The use is consistent with the purposes of the zoning ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use. The information heard at the hearing is consistent with the observations at the site viewing and the information within the application.
5. The use is not in conflict with the comprehensive plan of water plan of the County. With the conditions and Soil and Water Conservation District consult, the use will be in harmony with both plans.

23. The following conditions were approved by the Planning Commission and were acceptable to the applicant:

1. Must maintain a current certificate of septic system compliance on file with the Planning & Zoning Office that includes the pumping of the septic tanks. The empty tanks must be inspected for water tightness including but not limited to sampling of soil surrounding the tanks, checks of the tank seals/gaskets and a check for tank cracks.
2. Boat launching shall occur at the public accesses
3. Resort owner shall provide educational material on Aquatic Invasive Species and the invasive species infestation(s) in Fish Trap Lake.
4. Land Use Permits must be obtained prior to construction of decks or other structures within the resort.
5. The property owner shall request a resort shoreline vegetation and stormwater evaluation by the Soil and Water Conservation District (SWCD). The property owner shall implement and maintain the shoreline vegetation/improvement plan and storm water plan provided by the SWCD by November 30, 2017.

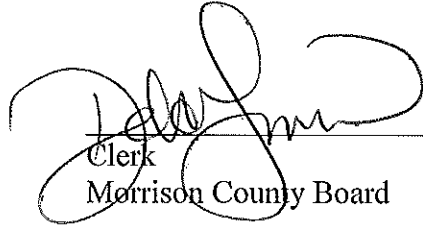
24. Motion was made by Tom Crawford and seconded by Robert Otremba to recommend approval of the application with above conditions. The vote was "5" in favor, "0" opposed.

DECISION

WHEREFORE, the Morrison County Board of Commissioners hereby approves these findings of fact for a Conditional Use Permit to Charles and Cindy Brey to expand the existing resort, through the addition of parcel 29.0426.000, located in Section 31, Township 132N, Range 31W, Scandia Valley Township and hereby moves to grant the Conditional Use permit with five (5) conditions.



Chairman
Morrison County Board



Clerk
Morrison County Board

Conditions

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