

REGULAR MEETING OF THE KOOCHICHING COUNTY BOARD OF COMMISSIONERS  
Held on Tuesday, March 22, 2022 9:30 a.m.

MEMBERS PRESENT: Commissioners Pavleck, Sjoblom, Adee, and Murray  
MEMBERS ABSENT: Commissioner Skoe

OTHERS IN ATTENDANCE: Janelle Peterson, Trent Nicholson, Philip Nolan, Jon Froemke, Matt Gouin, Len Peterson, Shelley Johnson, Robert Ewald, Bob Hilke, Barb Nelson, Cole and Kari Hraban, Georgeane and Andrew Wright, Kathy LaFrance, Joann Smith, Mary Pelowski, Rian Reed, Steve Earley, Betsy Zaren, and KCCTV reporter Darcy Sullivan

2022/03-14 Motion by Sjoblom, seconded by Adee to approve the agenda with additions and deletions. Voting yes: Sjoblom, Adee, Pavleck, Murray. Motion carried.

2022/03-15 Motion by Sjoblom, seconded by Murray to approve the minutes from the March 8, 2022 regular meeting. Voting yes: Sjoblom, Adee, Pavleck, Murray. Motion carried.

2022/03-16 Motion by Adee, seconded by Murray to approve Courthouse claims in the amount of \$70,822.19, and approve Highway claims in the amount of \$85,160.91, Burial claim in the amount of \$1,400. Voting yes: Sjoblom, Adee, Pavleck, Murray. Motion carried.

000 Notice of hire of two (2) part-time E-911 Dispatcher/Correction Officers and one (1) full-time E-911 Dispatcher/Correction Officer.

2022/03-17 Motion by Sjoblom, seconded by Murray that during County Administration Director, Jenny Herman's leave to approve Betsy Zaren, County Administrative Assistant stepping up to ensure critical work is being done with additional compensation based on County Administration Director salary; and Janelle Peterson Human Resource Generalist will temporarily step up to ensure critical work is being done with additional compensation to be determined by the Personnel Committee; and further that Teresa Briggs, former County Administration Director will temporarily assist Betsy Zaren as a temporary hire on an hourly basis based on County Administration Director salary. Voting yes: Sjoblom, Adee, Pavleck, Murray. Motion carried.

2022/03-18 Motion by Adee, seconded by Murray to appoint Jody Reller to the University of Minnesota Extension Committee for a three-year term beginning on January 1, 2021 through December 31, 2023. Voting yes: Sjoblom, Adee, Pavleck, Murray. Motion carried.

Bob Ewald asked to approach the Board and expressed his concern over setting up a special taxing district for the International Falls Ambulance Service. He is thoroughly opposed to it. He stated he doesn't know how much the city spends on providing the service and feels they should meet with the Hospital and Good Samaritan Center. When they updated their ambulance service about 15 – 20 years ago they went first class and it's now a full-time facility and Ewald doesn't believe a community of this size can afford that and doesn't think the taxpayers, of which many are on fixed income, should have to subsidize the city. When they put this together the way it is

now, they didn't ask for any input or any help now suddenly, it's losing money and they want us to bail them out. He again stressed he's strongly opposed to it and offered to serve on a committee that would look more closely into expenses and costs.

Commissioner Pavleck responded he would give an update on where things are at now; we heard a lot of those same concerns and from Ranier in particular, and before we sign anything or start doing anything we decided to get together and have a meeting. Out of that meeting came an agreement that we would have equal representation there with two from International Falls, Ranier, and Koochiching County, and St. Louis County to be determined. If that group goes forward and all are in agreement that would be the body that would steer how we move forward with the ambulance district. We had multiple meetings and couldn't find agreement, but this is where everyone agreed. Bob then volunteered to attend meetings going forward if citizen input is needed, Commissioner said that is something we can look at. We're just getting the meetings together and they will be open to the public.

2022/03-19 Motion by Adee, seconded by Murray to appoint Commissioners Murray and Sjoblom to a Steering Committee for the International Falls Ambulance Special Taxing District and to adopt the following resolution allowing the appointed Koochiching County Commissioners to meet:

**WHEREAS**, the city of International Falls wishes to create an emergency medical services special taxing district pursuant to Minn. Stat. §144F.01 which states that special taxing districts may be created in order to assist political subdivisions in meeting the needs of providing essential emergency medical services in their communities; and

**WHEREAS**, the land area included in part of the proposed special taxing district includes the city of International Falls, the city of Ranier, and certain unorganized townships of Koochiching County and St. Louis County;

**WHEREAS**, Koochiching County has the option of participating in the special taxing district through a Joint Powers Agreement of which a draft is attached to this Resolution;

**WHEREAS**, an Advisory Committee comprising of 2 representatives from the city of Ranier, 2 representatives from the city of International Falls, 2 representatives from Koochiching County and undetermined number of representatives from St. Louis County can be formed;

**WHEREAS**, the Advisory Committee will meet to discuss the draft Joint Powers Agreement, fiscal responsibilities and operations of the city of International Falls Emergency Medical Services; and

**NOW THEREFORE, BE IT RESOLVED**, that the Commissioners, County of Koochiching, Minnesota, hereby agrees to participate in a Steering Committee and appoints Terry Murray and Jason Sjoblom to such Steering Committee. Voting yes: Sjoblom, Adee, Pavleck, Murray. Motion carried.

2022/03-20 Motion by Murray, seconded by Adee approving the request by Koochiching Technology Initiative (KTI) to be the host site for a temporary one-year position that will be focused on expanding broadband access to underserved locations and advancing technology availability. The host site would consist of office space, telephone line, and internet access

within the courthouse with guidance to be provided by KTI. This position is fully funded through AmeriCorps Lead For America program which also covers Worker's Compensation and Liability Insurance. Voting yes: Sjoblom, Adee, Pavleck, Murray. Motion carried.

2022/03-21 Motion by Murray, seconded by Sjoblom authorizing the Sheriff's Office to raise the Jury Bailiff temporary position from \$13 to \$18 an hour. Voting yes: Sjoblom, Adee, Pavleck, Murray. Motion carried.

2022/03-22 Motion by Adee, seconded by Murray approving the 2020 Stonegarden Grant with an amount of \$165,000 and effective dates of 09/01/2020 through 08/31/2023. Grant dollars will be shared by Koochiching County Sheriff's Office, International Falls Police Department and MN Department of Natural Resources. Voting yes: Sjoblom, Adee, Pavleck, Murray. Motion carried.

2022/03-23 Motion by Adee, seconded by Sjoblom approving Public Health and Human Service warrant voids totaling \$1,096.38. Voting yes: Sjoblom, Adee, Pavleck, Murray. Motion carried.

2022/03-24 Motion by Murray, seconded by Sjoblom approving the donation of outdated PC equipment to KEDA for the joint effort with KOOTASCA for local tax preparation assistance to the underserved in Koochiching County. The program is located at Backus in International Falls and at the Northome Library. It was noted that volunteers are still needed in the International Falls location, and you don't need to know how to prepare taxes, just need general knowledge on working with personal computer equipment. Voting yes: Sjoblom, Adee, Pavleck, Murray. Motion carried.

2022/03-25 Motion by Murray, seconded by Adee to approve the Help America Vote Act (HAVA) grant language and to authorize Tom West's signature on the grant. Grant dollars will be used for safety at the polling places and towards installing a camera at the outside voting box. Voting yes: Sjoblom, Adee, Pavleck, Murray. Motion carried.

2022/03-26 Motion by Adee, seconded by Sjoblom to approve the temporary hire of Bob Peterson, former Koochiching County Auditor/Treasurer at current Auditor/Treasurer salary to address election year staffing. Voting yes: Sjoblom, Adee, Pavleck, Murray. Motion carried.

2022/03-27 Motion by Adee, seconded by Sjoblom to approve the preparation of an RFP, advertisement, review bids, and prepare contracts for the replacement of Lee Hervey with Voyager Communications for the maintenance of the TV towers providing free TV service to Koochiching County residents. Hervey is retiring and has agreed to assist with the transition to the new contractor. Commissioner requested a letter of commendation be given to Hervey for his many years of service. Voting yes: Sjoblom, Adee, Pavleck, Murray. Motion carried.

2022/03-28 Motion by Adee, seconded by Murray authorizing the Highway Department to advertise for the vacant Permanent Part-time laborer position(s). This position will be filled at the step level based on an applicant's experience and knowledge. Voting yes: Sjoblom, Adee, Pavleck, Murray. Motion carried.

2022/03-29 Motion by Murray, seconded by Adee authorizing the Environmental Services Director (ESD) to enter into a staffing agreement with Always There Staffing, Inc. to provide DNR trained AIS Watercraft inspectors for 2022 to help prevent the spread of aquatic invasive species. ESD noted invasive species were found in Black Bay and they are currently taking action at Kettle Falls. Voting yes: Sjoblom, Adee, Pavleck, Murray. Motion carried.

2022/03-30 Motion by Murray, seconded by Adee authorizing the Environmental Services Director (ESD) to enter into an agreement with North St. Louis County Soil and Water Conservation District (SWCD) to help prevent the spread of Aquatic Invasive Species (AIS) at sites on Lake Kabetogama and Ash River by operating an AIS watercraft inspection program. Subject to North St. Louis County SWCD paying all costs associated with said agreement. Voting yes: Sjoblom, Adee, Pavleck, Murray. Motion carried.

2022/03-31 Motion by Adee, seconded by Murray to support Clay County's resolution No. 2021-56 affirming the State utilize all Solid Waste Management Tax Revenue for increase SCORE grants to Koochiching County.

**WHEREAS**, State law has long required counties to lead solid waste management according to a waste management hierarchy that prioritizes reduction, reuse, and recycling and then incineration with a goal of minimizing landfilling; and

**WHEREAS**, In 1989, the Minnesota Legislature enacted a set of laws that authorize grants to counties for waste reduction and recycling activities; and

**WHEREAS**, The funding was pursuant to a recommendation of the Governor's Select Committee on Recycling and the Environment "SCORE"; and

**WHEREAS**, Koochiching County meets all requirements of Minn. Stat. § 115A.557 for SCORE eligibility; and

**WHEREAS**, SCORE funds are derived from the Solid Waste Management Tax (SWMT) on solid waste services; and

**WHEREAS**, A substantial portion of SCORE funding is now diverted annually toward other environmental initiatives and the State's general fund, which was not the original intent of the Legislature;

**WHEREAS**, Less than 25% of total SWMT collections were awarded as SCORE grants to counties for recycling and solid waste management programs; and

**WHEREAS**, The Clay County Board of Commissioners recently passed Resolution No. 2021-56 which supports directing 100% of SWMT revenue to SCORE to fund county efforts to increase recycling, expand local markets for recyclable materials, and reduce landfilling; and

**WHEREAS**, Clay County is requesting other counties consider the passage of similar resolutions to be sent to Clay County for distribution to state legislators; and

**WHEREAS**, This action is consistent with policy positions of the Association of Minnesota Counties and the Minnesota Solid Waste Administrators Association.

**THEREFORE, BE IT RESOLVED**, That the Koochiching County Board affirms its support for Clay County Board Resolution No. 2021-56 requesting the state legislature to appropriate all Solid Waste Management Tax revenue to increased SCORE grants to counties. Voting yes: Sjoblom, Adee, Pavleck, Murray. Motion carried.

2022/03-32 Motion by Sjoblom, seconded by Murray approving the Minnesota GreenCorps Host Site Resolution to host a Minnesota GreenCorps member to help us with recycling and reuse programming within Koochiching County. This is a program coordinated through the MPCA which places full-time GreenCorps members with host sites across the state to serve approximately 40 hours a week for 11 months from September 2022 through August 2023. The MPCA provides the GreenCorps member to the County for the 11 months with the County Contribution consisting of supervision of at least 4 hours per week, some training and professional development, vehicle expense for travel, office space, internet connection, phone, computer and other office equipment as needed. Computer, phone, connections, office equipment, vehicle expense and other costs not including office space and supervision is estimated to be \$4,000 to \$5,000 for the term of service. The resolution reads as follows:

**WHEREAS**, Koochiching County has applied to host an AmeriCorps member from the Minnesota Green Corps, a program of the Minnesota Pollution Control Agency (MPCA), for the 2022-2023 program year; and

**WHEREAS**, if the MPCA selects Koochiching County, the organization is committed to implementing the proposed project as described in the host site application, and in accordance with prescoped position description; and

**WHEREAS**, the MPCA requires that Koochiching County enter into a host site agreement with the MPCA that identifies the terms, conditions, roles and responsibilities;

**BE IT RESOLVED THAT** Koochiching County hereby agrees to enter into and sign a host site agreement with the MPCA to carry out the member activities specified therein and to comply with all of the terms, conditions, and matching provisions of the host site agreement and authorizes and directs the Koochiching County Environmental Services Director to sign the grant agreement on its behalf. Voting yes: Sjoblom, Adee, Pavleck, Murray. Motion carried.

2022/03-33 The Environmental Services Director asked the Commissioners to consider the approval of Conditional Use Permit (#CUP 2202) from the Rainy Lake Vacation Campground LLC. The Planning and Zoning Commission met on February 10th and again on March 10, 2022, to hold a public hearing on the conditional use permit application submitted by Cole Hraban, Rainy Lake Vacation Campground LLC. The project site is north of Highway 11 East and east of the Bohman DNR Boat Landing. The applicants are requesting approval of a conditional use permit in order to expand the existing 30-unit RV Campground. After receiving public comment, the planning and zoning commission made the recommendation to approve the conditional use permit allowing the campground expansion for 17 additional RV sites as proposed. Rainy Lake Vacation Campground LLC's application included 17 seasonal campsites but since the Planning and Zoning Commissions last meeting have requested to decrease the number of sites to 14 after further review and consideration.

The Board called for public comment:

Cole and Kari Hraban, owners of Rainy Lake Vacation Campground, commented they are eager business owners, invested in this community and built a campground in an area that desperately

needed one. We have received multiple compliments in the few years that we have been open and strive to make it better. We have faced hardships and have survived the pandemic that cancelled many reservations. We send our customers to many businesses in the area; clothing and gift shops, laundromats, restaurants, resorts, convenience stores and gas stations, and we want to bring more people to the community so we can help it thrive. Local taxpayers also use the campground. They have camp hosts onsite, and they are also onsite to maintain everything. In 2017 before we purchased the property, we spent months verifying that we could develop both the north and south properties. We completed the development of the south property in 2019. That fall I reached out to two of our neighbors and asked if I could buy some of their land or gain an easement to move the road to create a better access to my property. My request was denied. I spent many months working with the DNR trying to get their approval to build a road on my land connecting the north and south property. This was deemed unallowable due to ordinary high-water levels. They are also planning to build a storage/maintenance building which is part of the original CUP granted in 2001. I am forced to hook up to city sewer and the dramatic increase of cost associated with that task will force me to sell to a developer or create more annual income to help pay for the sewer connection. Our extension we were granted in 2017 is coming due so we are here today to try and get a CUP for 14 seasonal sites with 12 on the north side and 2 on the south side. Traffic on UT 275 is going to increase one way or the other and we are trying to be a part of the solution. We hope that we can work with our County Commissioner and local landowners to have UT 275 repaired or redone. Having the seasonal campsites will reduce traffic of campers using the road and there is a strict policy that the campers must be 2012 or newer or have management approval. Keep in mind that we have camp hosts and ourselves on site keeping the campground looking nice, and we will also handle any noise or road complaints and will handle them as quickly as possible.

Barb Nelson, property owner across the bay requested Dr. Laura Stoiber's letter be read as she could not be present.

Commissioner Murray read the following letter:

Dear County Commissioners:

I am writing this letter following the March 10 public hearing held by the Planning and Zoning Commission regarding the application submitted by Cole Hraban/Rainy Lake Vacation Campground LLC in order to expand the existing RV Campground by adding an additional 17 seasonal RV campsites.

Please let this letter serve as public comment as I am unable to attend the March 22nd Koochiching County Board of Commissioners meeting.

I understand the need to support small businesses and the value that they bring to the community, however, the existing infrastructure is not adequate to support the proposed expansion of the RV campground. Additionally, there are too many impacts, known and unknown to the adjacent properties. This second conditional use permit application should not be granted since there were no clear solutions proposed at the March 10th meeting for improvements needed to the road to access the business.

The existing utility road 275 is a one lane road, not suitable for commercial use, as

stated at the March 10th meeting, and cannot support the proposed activity and traffic. This makes the expansion of the RV park unsustainable. The strategy of meeting and guiding each RV as they enter and exit was thoughtful and well-meaning, but not a viable long-term solution for safety and does not account for extra car traffic.

As was stated by many property owners at the March 10th meeting, property values in the vicinity of this property will absolutely be adversely affected. Especially if the existing roadways and safety are compromised. Therefore, this second conditional use permit application does not meet the County's five criteria for approval.

At the very least, no decision should be made until a land survey is conducted and a viable plan for the road is proposed that all stakeholders can review.

Currently, there are too many unanswered questions to support the approval of a second conditional use permit.

Sincerely,

Dr. Laura Stoiber

Property Owner

Barb Nelson, contiguous neighbor directly across the bay, said it's been a frustrating two months, and this is nothing personal with the Hraban's, however, this expansion is completely unacceptable to all. Over the course of the last two months most of the neighbors expressed their opposition and have felt completely disregarded. The closest elderly neighbor was reprimanded at the Planning and Zoning meeting when she contradicted the applicant. The meeting ended with no one wanting to approve this request. She feels this is all driven by money and this latest expansion is completely unacceptable. Nelson wondered how everyone at the meeting would like 14 big RV's in their backyard.

Bob Ewald said he had no concerns about the expansion and is supportive of the expansion.

Georgianne Wright is the closest neighbor immediately north of the campground, and one of the new RV sites will be 14 feet from her bedroom window. She would like to add one condition to the conditional use permit and that is a 6-foot privacy fence built between our properties.

Bob Hilke supports the campground but has concerns about the expansion such as watercraft congestion and the boat launch area is very busy especially in the morning and evening and feels the place is getting overrun.

Rian Reed, DNR, explained the campground is allowed one dock per site and that is all the DNR would regulate. Surface use is regulated by the County Sheriff's office.

Andrew Wright, adjacent property owner, asked where the 14 sites will be located. The parcels north of the campground property are zoned residential, and UT 275 is not built for heavy traffic, it's just gravel over muskeg and a little black top and two cars can't meet on 133. Valuation on my property went down this year.

Len Peterson, County Assessor, said last year the sales on the lake didn't go anywhere so this had nothing to do with value of the property. This year is a whole different story.

Barb Nelson again spoke at length about concerns over safety on the water especially with Bowman landing there and traffic and feels property values will go down.

Commissioner Adee inquired whether every camper comes with a boat. Hraban said no. Also inquired whether the campground was four feet from Wright's house. Wright explained their house is approximately 14 feet from the property line.

Mary Pelowski, property owner, hasn't experienced any negative effects from the campground being there and wants to see some concessions to make this work for everyone. The one lane road is problematic as one or both cars end up with tires in the ditch. Pelowski then discussed the Highway Department engineer is concerned about the increased traffic and even the Fire Chief expressed concern. She would like the Commissioners to talk with them. Has anyone contacted the State about the ordinary high-water line?

Rian Reed, DNR Hydrologist, said the eastern edge of the channel was surveyed and it shows the ordinary high-water level wrapping around even past open water and for the State public water rule jurisdiction and when those rules kick in is when we are within that ordinary high-water level and so much of that area is already there. Wetland regulation falls under the jurisdiction of the County. Projects would be reviewed by the Soil and Water Conservation District as well as Environmental Services as they administer the Wetland Conservation Act. That would be their rules that would regulate whether a road could be placed in a wetland or not. The way it is now the only thing that can be built there is an eight-foot dock. Fill is prohibited and a bridge is also prohibited when there is access by a road.

Gouin, ESD Director, summed up Reed's statement by stating right now there is a conservation easement on the west side of this property that prevents the applicants from doing any development in there. They can run their sewer below grade, but they can't do anything on the surface. The other portion that's available to them is lake bottom and what Reed was just saying is they can't fill the lake bottom. Therefore, a road can't come in from the South. The only access to the north property by road is UT 275. They have an existing Conditional Use permit approved in 2001 which included construction and operating an RV park campground consisting of no more than 30 campsites, shower house, dump station, storage building, workshop and up to three cabins and includes both the north and south parcels. Hraban's want to amend this original CUP by adding 14 additional campsites and they would eliminate the three cabins. Twelve campsites on the north side of their development and two more on the south.

Len Peterson, County Assessor, disputed devalue of surrounding property. Lake property is like gold in the bank and doesn't see any chance of property values going down as a result of the proposed expansion.



Barb Nelson expressed her concerns at length regarding safety, wildlife and access by road.

Hraban's expressed that other resorts and businesses have been operating for years safely and I question whether you can safely get a service or medical vehicle in and out of them, but, they have shown it works. There are hills and dirt roads without turn arounds and we have a tarred road and a turn around. A fire and medical truck did access our campground last year without a problem. Kari doesn't feel it's fair for the requested 6-foot fence to go all the way to the lake as that would obstruct their view.

Board Chair Pavleck thanked all for their comments and noted in 30 years they have never overturned a position from the Planning and Zoning Board. We have a citizen commission for a reason, and we rely on their position. We do make adjustments at time, but we have never overturned. He would like the Commissioners to go and look at the property.

Commissioner Murray said he's been at the meetings; he understands what the issues are, but you have to go with the overall good and feels we should pass this. We asked the P&Z Board to meet twice and make the decision, so it didn't have to come to the County Board. I'm not going to overturn their decision.

Commissioner Sjoblom also sat in all the meetings and heard all the concerns, it was good to see the community and people coming together as they care about their area and that is important. It's good to see that and I hope it continues but I also have to look at every other point of view. The Hraban's have been considerate property owners and see the only issue is the road. If the road wasn't an issue before, why is it an issue now? Why wasn't this addressed before? The Hraban's have a right to use the road too just like everyone else does. Looking back at the development stages that have been going on since 1961, and what is there now was approved in 2001 and think it is time to move and act.

2022/03-34 Motion by Sjoblom, seconded by Murray to approve the Hraban's request with the following conditions: a privacy fence not to impede the view of either property, starting at the water line and going 150 feet east, leave unchanged the storage building, remove the three cabins and all remaining language in the CUP 01-06 will remain.

Board Chair Pavleck stressed the importance of viewing the properties and there may be other changes we want to make and then that would be the time to make the motion. Gouin noted the timeline for the Board to make a decision was extended to May 7<sup>th</sup> so there would be time to delay their decision. The Hraban's expressed concern about extending the decision as that affects their timelines of getting work done and getting hooked up to City water/sewer.

2022/03-35 Motion by Sjoblom, seconded by Murray to rescind motion 2022/03-34 for further consideration and for the Board to look at the property and possibly extend the date for the hook up to the Jackfish water and sewer. Voting yes: Sjoblom, Adee, Pavleck, Murray. Motion carried.

It was decided April 19<sup>th</sup> at 9:30 a.m. the commissioners will meet at Rainy Lake Vacation Campground to do a site inspection, and this will come back to the Board April 26<sup>th</sup>.

Mary Pelowski thanked the Board for keeping an open mind and is looking forward to finding a compromise.

Steve Earley, adjacent landowner to the Airport, is not in favor of annexing the airport to the City. We're concerned that the city will want to annex surrounding properties to the city and asked that the County Board really study and understand their request so that doesn't happen.

Board Chair commented the partnership between the City and County has been good because the property line runs right down the middle of the airport, and it's shared. Some feel that doesn't matter but, he feels it really does matter.

Bob Ewald went around to all the property owners adjacent to the airport and everybody is opposed to the City annexing anymore property as noted on petition he got. The Board accepted the petition.

2022/03-36 Motion by Murray, seconded by Adee to adjourn the meeting at 12:33 p.m. Voting yes: Sjoblom, Adee, Pavleck, Murray. Motion carried.