



MORRISON COUNTY BOARD OF COMMISSIONERS OFFICIAL MINUTES

JANUARY 5, 2021

PAGE 1 OF 3

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

Members present: Commissioners Randy Winscher, Greg Blaine, Mike LeMieur, Mike Wilson and Jeffrey Jelinski.

Staff present: Deb Gruber, Tabitha Maher, Amy Kowalzek, Steve Messerschmidt

Others present: Judge Toni Wetzel, Mark Slupe, Zach Hacker, Ron M. (virtual caller), Dave (virtual caller).

ELECTION OF COUNTY BOARD CHAIRMAN

The Clerk to the County Board called for nomination for the County Board Chairman. Commissioner LeMieur nominated Commissioner Wilson, the Clerk to the Board called for nominations three times. A motion was made by Commissioner Winscher, seconded by Commissioner LeMieur to close nominations and cast a unanimous ballot for Commissioner Wilson to serve as Board Chair for 2021. The motion carried unanimously with all Commissioners voting 'aye'.

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 Blaine, 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 Blaine to serve as Board Vice-Chair for 2021. The motion carried unanimously with all Commissioners voting 'aye'.

APPROVAL OF COUNTY BOARD MINUTES

A motion was made by Commissioner Jelinski, seconded by Commissioner Winscher and carried unanimously to approve the Morrison County Board Meeting Minutes from December 31st, 2020.

APPROVAL OF ANNUAL RESOLUTIONS

A motion was made by Commissioner LeMieur, seconded by Commissioner Blaine and carried unanimously to review and authorize the Annual Resolutions#2021-001 through #2021-006.

AGENDA CHANGES

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

BID 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 Winscher, seconded by Commissioner Jelinski and carried unanimously to approve Resolution #2021-007, Legal Printing designating the Morrison County Record for legal printing at the following rates:

Line Rate: \$0.93 per line

Display Ad Rate: \$7.76 per colmm1 inch



MORRISON COUNTY BOARD OF COMMISSIONERS OFFICIAL MINUTES

JANUARY 5, 2021

PAGE 2 OF 3

LAND SERVICES

A motion was made by Commissioner LeMieur, seconded by Commissioner Jelinski to consider the Resolution#2021-008 Proposed ordinance amendments and the recommendation of the Planning Commission, authorizing. Motion carried 3-2 on a roll call vote with Commissioners Jelinski and Winscher voting 'nay'.

The County Board recessed at 10:40 a.m. and reconvened at 10:46 a.m.

WARRANTS

A motion was made by Commissioner Winscher, seconded by Commissioner Blaine to approve the following Resolution:

WHEREAS, the Morrison County Board of Commissioners have reviewed the list of County Board Warrants, with Manual and Auditor Warrants;

NOW THEREFORE, BE IT RESOLVED, that the list of County Board Warrants on file in the

Auditor/Treasurer's Office for January 5th, 2021 be approved for payment:

ASSOCIATION OF MN COUNTIESGREAT	\$	20,456.00
RIVER REGIONAL LIBRARY	\$	125,750.25
CLIENT PAYMENT	\$	2,117.84
INFORMATION SYSTEMS CORPORATION	\$	41,654.75
MN COUNTIES COMPUTER COOP	\$	73,290.23
MN TRANSPORTATION ALLIANCE INC	\$	3,524.00
SCHNEIDER CORPORATION	\$	14,480.00
TRI MIN SYSTEMS INC	\$	2,400.00
TRITECH SOFTWARE SYSTEMS	\$	51,209.59
WEX BANK	\$	6,838.32
WULFF FUNERAL HOME	\$	2,500.00
ZIEGLER INC	\$	282,710.00
VENDORS LESS THAN \$2000	\$	23,370.79
TOTAL	\$	650,301.77

A motion was made by Commissioner Winscher, seconded by Commissioner Blaine to approve the Commissioners Expense Reports as presented. Motion carried on a roll call vote with all Commissioners voting 'aye'.

ADMINISTRATION

Deb Gruber, County Clerk, updated the County Board on the upcoming Business Assistance Program.

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.



**MORRISON COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES**

JANUARY 5, 2021

PAGE 3 OF 3

ADJOURNMENT

A motion was made by Commissioner Jelinski, seconded by Commissioner Blaine and carried unanimously to adjournment the meeting at 10:52 a.m.

A handwritten signature in black ink, appearing to read 'Mike Wilson', written over a horizontal line.

Mike Wilson, Chairman

A handwritten signature in black ink, appearing to read 'Deb Gruber', written over a horizontal line.

Deb Gruber, Clerk to the County Board

Morrison County
Elected Officials and Department Heads
Travel Policy 2021
Resolution #2021-001

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 service for the taxpayers of Morrison County.

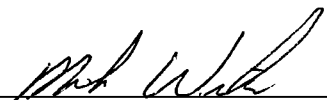
Therefore, The Morrison County Board of Commissioners authorize, subject to budget restrictions, out of state travel for Elected Officials and Department Heads to attend the following:

- 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

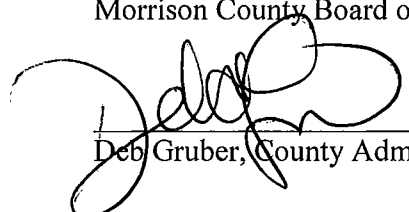
Morrison County will pay for reasonable travel costs to and from the approved site. All other costs will follow the established travel policy as listed in the Morrison County Personnel Policy and/or the applicable IRS Code.

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 5th day of January, 2021.



Chairman
Morrison County Board of Commissioners



Deb Gruber, County Administrator

**MORRISON COUNTY
COMMITTEE MEETING ATTENDANCE PAYMENT FOR CITIZENS
RESOLUTION #2021 - 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 2021:

- Morrison County Board of Adjustments - \$75.00 per meeting
- Morrison County Planning Commission - \$75.00 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.

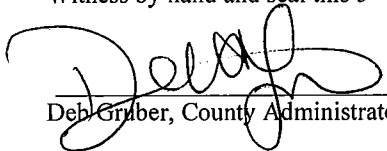
Adopted this 5th day of January, 2021.

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 5th day of January, 2021, 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	✓				
Blaine	✗				✗
Winscher	✗				
Wilson	✗				
LeMieur	✗			✗	

Witness by hand and seal this 5th day of January, 2021.



Deb Gruber, County Administrator

**MORRISON COUNTY
PUBLIC MEETING NOTICES
RESOLUTION #2021 - 003**

WHEREAS, THE Morrison County Board of Commissioners, carrying out their functions during the year of 2021, 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 County Board 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.

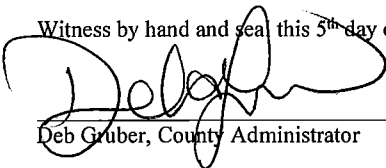
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STATE OF MINNESOTA }
COUNTY OF MORRISON }

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

Witness by hand and seal this 5th day of January, 2021.



Deb Gruber, County Administrator

RESOLUTION 2021- 004

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.

WEREAS, 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.

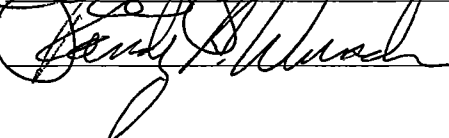
Adopted this 5th day of January, 2020.

 Mike LeMieur, Morrison County Commissioner

 Mike Wilson, Morrison County Commissioner

 Greg Blaine, Morrison County Commissioner

 Jeff Jelinski, Morrison County Commissioner

 Randy Winscher, Morrison County Commissioner

RESOLUTION # 2021 - 005
 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

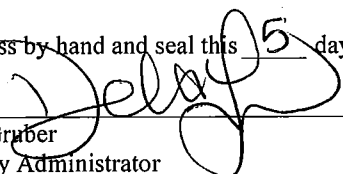
Adopted this 5th day of January, 2021

STATE OF MINNESOTA }
 COUNTY OF MORRISON }

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

Witness by hand and seal this 5 day of Jan 2021



 Deb Gruber
 County Administrator

RESOLUTION #2021 – 006
Setting the 2021 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 2021 salary for the Elected Officials shall be establishes as follows:

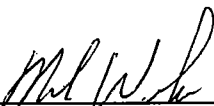
County Attorney: Grade 43, Step 9 at the annual salary of \$136,884.80

County Auditor-Treasurer: Grade 38, Step 3 at the annual salary of \$92,497.60

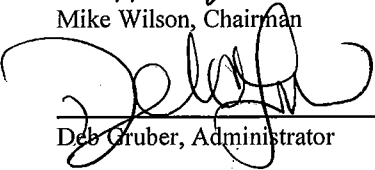
County Recorder: Grade 33, Step 8 at the annual salary of \$90,729.60

County Sheriff: Grade 42, Step 9 at the annual salary of \$131,622.40

Adopted this 5th day of January 2021.



Mike Wilson, Chairman



Deb Gruber, Administrator

**MORRISON COUNTY
LEGAL PRINTING
RESOLUTION #2021-007**

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 2021;

BE IT FURTHER RESOLVED, that the Morrison County Website be hereby designated as the official site for advertisements for bids on local transportation projects per Minnesota Statutes MS 331A.12.

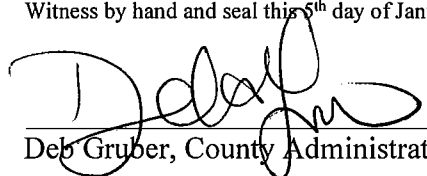
Adopted this 5th day of January, 2021.

STATE OF MINNESOTA }
COUNTY OF MORRISON }

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

Witness by hand and seal this 5th day of January, 2021.



 Deb Gruber, County Administrator

RESOLUTION #2021-008

RESOLUTION AMENDING PORTIONS OF THE MORRISON COUNTY LAND USE CONTROL ORDINANCE

WHEREAS, a Notice of Intention to consider adopting amendments to the Morrison County Land Use Control Ordinance was published in the Morrison County Record on March 8, 2020 and March 22, 2020; and

WHEREAS, the Morrison County Planning Commission held a public hearing on said ordinance amendments on December 28, 2020; and

WHEREAS, the Morrison County Planning Commission recommended by a majority the adoption of the ordinance amendments; and

WHEREAS, based on the comments heard at the hearing, the proposed language was amended; and

BE IT ORDAINED the amendments to the following ordinance sections is adopted.

SECTION 500: ADMINISTRATION

504. Planning Commission/Board of Adjustment

504.1 Authority

The County Board of Commissioners hereby creates the Planning Commission/Board of Adjustment (PC/BOA) pursuant to Minnesota Statutes 394.21-394.37 and all acts amendatory thereof.

504.2 Duties

- a. Acting in its capacity as the Planning Commission, the PC/BOA is hereby designated by the County Board to:
 1. assist the County Board in the formulation of goals, policies and programs for the future development of Morrison County;
 2. assist the County Board in the preparation of development controls designed to promote development consistent with adopted goals and policies;
 3. review applications for and conduct public hearings in accordance with the provisions of this Ordinance, and make recommendations on conditional and interim use permits, rezone requests and Ordinance amendments to the County Board;
 4. review subdivision proposals for compliance with the provisions of this Ordinance, conduct public hearings on them, and make recommendations on such proposals (including preliminary and final plats) to the County Board of Commissioners;
 5. perform any other such duties as required or requested by the County Board of Commissioners to further goals and policies in furtherance of the intent of this Ordinance
- b. Acting in its capacity as the Board of Adjustment, the PC/BOA is hereby designated by the County Board to have the exclusive authority to:
 1. order the issuance or denial of variances from the requirements of any official control, including restrictions placed on nonconformities.
 2. hear and decide any appeal from an order, requirement, decision, or determination made by the Director or an administrative official charged with enforcing any Ordinance adopted under the authority of Minnesota Statutes Chapter 394.

3. interpret any management district boundary on the Official Zoning Map and hear and decide any appeals of a denial of a land use permit by the County Land Services Department due to the land's location on any official map, as set forth in, and under the procedures of, Minnesota Statute Section 394.361.
- c. The PC/BOA shall have other such duties and authorities as are prescribed by ordinances of this County.

504.3 Membership

- a. The PC/BOA shall consist of five voting members and may have one non-voting ex-officio member (who will only serve on the Planning Commission.) Said ex-officio member shall be a member of the County Board of Commissioners.
- b. At least two voting members shall be residents of the portion of the County outside the corporate limits of municipalities.
- c. No elected officer of the county or employee of Morrison County shall serve as a voting member of the PC/BOA.
- d. No member of the PC/BOA shall have received, during the two years prior to appointment, any substantial portion of income from business operations involving the development of land within the county.
- e. Questions of whether any particular issue or matter before the PC/BOA involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of all PC/BOA members (except the ex-officio PC member), except the PC/BOA member being challenged.

504.4 Appointment/Terms

- a. The members of the PC/BOA shall be appointed by the County Board of Commissioners by a simple majority vote consistent with Minnesota Statute, Chapter 394.
- b. One (1) voting member shall reside in and be appointed from each county commissioner district. The county commissioner representing the district shall have the authority to recommend the member from said district to the County Board for consideration. A member appointment requires a simple majority vote of the County Board. The Morrison County Board Chairperson shall appoint PC/BOA members on behalf of the County Board per the County Board's vote on said members.
- c. Each voting member of the PC/BOA shall be appointed for a term of five years except for the initial appointment terms as specified below. Appointments shall become effective at the first PC/BOA meeting in a calendar year.
 - Commissioner District 1 - one (1) member with term ending December 31, 2023.
 - Commissioner District 2 - one (1) member with term ending December 31, 2023.
 - Commissioner District 3 - one (1) member with term ending December 31, 2023.
 - Commissioner District 4 - one (1) member with term ending December 31, 2024.
 - Commissioner District 5 - one (1) member with term ending December 31, 2024.
- d. The one non-voting ex-officio Planning Commission member shall be annually appointed for a one year term.
- e. Appointments shall be made by the County Board by a simple majority vote to fill any vacancy for the unexpired duration of the term. Vacancies in regular positions shall be declared by the County Board under any of the following conditions:
 1. Death of a member.
 2. Resignation of a member.
 3. Removal of a member for cause as provided in this ordinance.

504.5 Removal

The following shall be deemed sufficient cause for the County Board of Commissioners to remove any PC/BOA member. The County Board of Commissioners may remove any member upon a super-majority vote (4/5) and upon the occurrence of any of the following conditions and can fill vacancies for any unexpired term.

- a. A member who fails to attend one-third (1/3) of the regularly scheduled PC/BOA meetings in any 12 month period without approval of the absences.
- b. A member who fails to attend three consecutive regular PC/BOA meetings and/or viewings without approval of the absence.
- c. Attendance at several regular PC/BOA meetings for such a short length of time as to render the member's services of little value to the County.
- d. Violation by the member of any land use control ordinance adopted by the County pursuant to Minnesota Statutes 394.27 to 394.37, and all acts amendatory thereof.
- e. Any change in member residency status from unincorporated to incorporated, if the change causes the make-up of the PC/BOA to be inconsistent with this Section. Also any change in residency from the commissioner district the member was appointed to represent.
- f. Inability to carry out the duties of the PC/BOA due to a conflict of interest.
- g. A member who at a PC/BOA meeting engages in offensive, obscene, or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger, or resentment in others.
- h. Any other reason cited by the County Board of Commissioners.

504.6 Organization and Procedures

a. Officers

1. Officers of the PC/BOA shall be a Chairperson, Vice-Chairperson and Secretary,
2. Officers shall be elected by the PC/BOA at the first meeting held in a calendar year.
3. In the event of a resignation of an officer, the PC/BOA shall fill the vacancy.
4. The Chairperson shall preside at all meetings.
5. The Vice-Chairperson shall assume the responsibilities of the Chairperson when the latter is not able to serve.
6. The Secretary shall assume the responsibilities of the Chairperson when the latter and the Vice-Chairperson are not able to serve.
7. The PC/BOA authorizes the Land Services Director to appoint a County employee to perform the PC/BOA secretarial duties such as producing written meeting minutes.

b. Bylaws and Rules of Procedure

The PC/BOA shall develop bylaws for the transaction of its business, which shall not be inconsistent with or contrary to the statutes of the State of Minnesota or the ordinances of this County. The County Board of Commissioners must approve said bylaws.

c. Meetings

Meetings shall be scheduled and conducted according to the PC/BOA bylaws and at other such times as the Chairperson or Land Services Director shall deem necessary and appropriate.

d. Voting

Each of the five voting members, including the chair, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. A decision to abstain from voting shall also extend to discussion. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the attending members except the member who is being challenged.

e. Records

The PC/BOA shall keep a written public record filed in the Land Services Department of all its proceedings, findings, and determinations on all matters referred to it and shall cause a copy of any order issued by the PC/BOA to be recorded with the County Recorder by the Land Services Director as necessary pursuant to Minnesota Statutes.

504.7 Compensation

The PC/BOA members may be compensated in an amount determined by the County Board and may be paid their necessary expenses for attending meetings and in the conduct of business of the PC/BOA.

505. Variances

505.1 Procedures for Variances. The following procedures shall be followed for requests for variances made before the PC/BOA acting in its capacity as the Board of Adjustment:

- a. The person applying for a variance shall fill out and submit to the Planning & Zoning Administrator a variance application including complete sketches of the proposed plans and other information as required by the Administrator or Board of Adjustment. The application shall include a statement of the practical difficulties claimed, along with the filing fee.
- b. The official submission date for the application will not start until the application and all required documentation is submitted, and the filing fees have been fully paid. The Zoning Administrator shall refer the application to the Board of Adjustment for review.
- c. After the request for a variance is filed with the Board of Adjustment, the Board shall set a date for hearing thereon and hear any parties who may appear in person or by agent or attorney.
- d. Notice of the time and place of hearing shall be published once in the official newspaper of the county at least ten (10) days in advance of the hearing. Notice of the time and place of hearing shall be mailed not less than ten (10) days in advance of the hearing to the person filing the notice and to owners of property within one-half (1/2) mile of the subject property or to at least ten (10) property owners whichever is greater. Failure of any property owner to receive such notification shall not invalidate the proceedings. If the notification contains a misspelling, a location error, or some other omission, this will also not invalidate the proceedings.
- e. The petitioner or his representative shall appear before the Board of Adjustment in order to present evidence concerning the proposed variance.
- f. The Board of Adjustment may impose conditions on the granting of variances to insure compliance and to protect adjacent properties and the public interest.
- g. The Board of Adjustment must make a ruling on the variance within sixty (60) days of the County's receipt of a completed variance application request, unless exercising a time extension pursuant to Minnesota Statute 15.99 or successor statutes.

- h. A certified copy of any order issued by the Board of Adjustment acting upon a request for a variance, shall be filed for record with the County Recorder. The order issued by the Board of Adjustment shall include the legal description of the property involved. The Zoning Administrator shall be responsible for meeting the requirements of this subdivision.
- i. The Zoning Administrator shall be responsible for giving written notice of the decision or order of the Board of Adjustment to the proper parties having matters before the Board of Adjustment.

505.2 Criteria for Granting Variances. The Board of Adjustment shall not grant an application for a variance unless it determines that the strict enforcement of this ordinance would cause a practical difficulty, as defined herein, because of circumstances unique to the individual property under consideration and that the granting of such variance(s) will be in keeping with the spirit and intent of this ordinance. Specifically, the Board of Adjustment must find that each of the following conditions are met:

- a. Is the request in harmony with the general purpose of the Morrison County Land Use Ordinance and Comprehensive Plan: and
- b. Is the applicant proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance: and
- c. Will the issuance of the variance maintain the essential character of the locality: and
- d. Is the alleged practical difficulty due to circumstances unique to the property: and
- e. Is the need for the variance created by actions other than the landowner or prior landowners: and
- f. Does the alleged practical difficulty involve more than just economic considerations:

505.3 **Additional Considerations for After the Fact Applications**

In circumstances where a variance is sought to an official control after the work has already been begun or completed, in violation of one or more official controls, additional criteria may, in the discretion of the Board of Adjustment, be considered in determining whether to grant or deny the variance request. If the Board of Adjustment finds that all of the criteria set forth in section 506 5.2 a through f, are met, then the following additional criteria may be considered and weighed by the Board of Adjustment in determining whether to grant or deny the request:

- a. Why did the applicant fail to obtain a variance/or comply with the applicable requirements before commencing work? Did the applicant act in good faith? Why or Why not?
- b. Did the applicant attempt to comply with the law by obtaining the proper permits: and
- c. Did the applicant obtain a permit from another entity that violated the law: and
- d. Did the applicant make a substantial investment in the property: and
- e. Did the applicant complete the repairs/construction before the applicant was informed of the impropriety: and
- f. Is the nature of property residential/recreational and not commercial: and
- g. Are there other similar structures on the lake (if applicable): and
- h. Would the minimum benefits to the county appear to be far outweighed by the detriment the applicant would suffer if forced to remove the structure

505.4 Burden of Proof. It shall be the burden of the applicant to all of the requirements of the ordinance are met in order to issue a variance. No variance shall be granted simply because there are no objections; or because those who do not object outnumber those who do, nor for any reason other than a proven practical difficulty. Absent a showing of practical difficulty as provided in Minnesota Statutes and this ordinance, the Board of Adjustment shall not approve any variance.

- 505.5 Written Findings. Decisions by the Board of Adjustment shall be rendered in writing stating the reasons in sufficient detail so that it can be determined that the decision was based on the record and according to the criteria contained in this ordinance.
- 505.6 Appeals of Decisions. Any person(s) who deems himself aggrieved by the Board of Adjustment's decision may appeal in writing the decision of the Board of Adjustment to District Court of Morrison County within thirty (30) days of receipt of notice of the decision.
- 505.7 Material Adverse Effect. The applicant for a variance which, in the opinion of the Board of Adjustment, may result in a material adverse effect on the environment may be requested by the Board of Adjustment to demonstrate the nature and extent of the effect.
- 505.8 Lapse and Extinguishment. If, within two (2) years after the date the variance was granted, a land use permit was not obtained, the variance shall become null and void

506. Conditional and Interim Uses

- 506.1 Purpose and Intent. Recognizing that certain uses may or may not be compatible with the principal permitted uses in the various zoning districts depending on the particular case, the authority to permit such uses is vested in the County Board according to the following procedures. Conditional Use (CUP) and Interim Use (IUP) Permits may be issued for any and only the uses or purposes for which such permits are required or permitted by provisions of this Ordinance.
- 506.2 Criteria for Granting Conditional Use and Interim Use Permits. In granting a CUP or IUP, the Planning Commission shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands and water bodies. Among other things, the Planning Commission shall make the following findings where applicable:
- a. The use will not put an excessive burden on roadways, utilities and public facilities such as parks and schools.
 - b. The request 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.
 - c. 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.
 - d. 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.
 - e. The use is not in conflict with the Comprehensive Plan or Water Plan of the County.
- 506.3 Additional Considerations. In permitting a new CUP or IUP or the alteration of an existing CUP or IUP, the Planning Commission may impose, in addition to these standards and requirements expressly specified by this ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:
- a. Increasing the required lot size or yard dimension.
 - b. Limiting the height, size or location of buildings.
 - c. Controlling the location and number of vehicle access points.
 - d. Increasing the street width.
 - e. Increasing the number of required off-street parking spaces.
 - f. Limiting the number, size, location or lighting of signs.

- g. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- h. Designating sites for open space.
- i. Restoring land to prior condition when conditional use ends.

506.4 Burden of Proof. It shall be the burden of the applicant to demonstrate he/she meets the criteria for the CUP/IUP. No CUP/IUP shall be granted simply because there are no objections; or because those who do not object outnumber those who do, nor for any reason other than the applicant demonstrating the criteria has been met. Absent a showing of meeting the criteria, the County Board shall not approve any CUP/IUP without first requiring conditions on the permit that bring the request into compliance with the criteria.

506.5 Procedure for Conditional and Interim Use Request.

- a. Applications for CUPs and IUPs will not be accepted from anyone who is not an owner of land for which the application is made. The application must contain the required information as specified on the application form or, if in shoreland, the information requested on the application form and the information specified in section 718 of this ordinance.
- b. The person applying for a CUP or IUP shall fill out and submit to the Zoning Administrator a conditional or interim use application form and filing fee. The official submission date for the application will not start until the application and all required documentation is submitted, and the filing fees have been fully paid.
- c. The Planning Commission shall hold a public hearing on the proposal. Notice of the time, place, and purpose of the public hearing shall be given by publication in the official newspaper of the county at least ten (10) days before the hearing, Notice of the public hearing shall also be sent to owners of record within one-half (1/2) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners. Failure of any property owner to receive such notification shall not invalidate the proceedings. If the notification contains a misspelling, a location error, or some other omission, this will also not invalidate the proceedings.
- d. The petitioner or his representative shall appear before the Planning Commission to present evidence concerning the proposed conditional or interim use.
- e. The Planning Commission must make a recommendation on the Conditional or Interim Use Permit request within sixty (60) days from the Official Submission date of the CUP or IUP application, as logged in by the Morrison County Land Services Department, or within any extensions of such time as allowed by law.. The Planning Commission, in its recommendation, may recommend imposing conditions it considers necessary to protect the public health, safety, and welfare of the public. The Planning Commission shall make its report to the County Board following the hearing recommending approval, disapproval or modified approval of the proposed CUP or IUP.
- f. An amended CUP or IUP application shall be administered in a manner similar to that required for a new CUP or IUP. Amended CUPs or IUPs shall include requests for changes in conditions and as otherwise described in this Ordinance.
- g. No application for a CUP or IUP shall be resubmitted for a period of one (1) year from the date of said order of denial.
- h. If the land use does not conform to the conditions of the permit, the CUP or IUP can be revoked and the land shall be restored to the original condition.
- i. A Conditional or Interim Use Permit granted by Morrison County becomes null and void if the use is discontinued for period of twelve (12) months or longer.
- j. If the owner of a parcel of land subject to a conditional or interim use permit, or any individual acting with the owner's permission or under the owner's authority, violates the conditions of the permit, the zoning officer shall give written notice to the landowner specifically stating the nature of the violation,

actions which must be taken to correct the violation, and the time limit within which the violation must be corrected. The notice shall be personally delivered or sent by first class mail to the landowner's last known address. If the owner fails to correct the violations within the time limit, the zoning officer shall schedule a hearing before the Morrison County Board of Commissioners. The landowner shall:

1. be given written notice of the hearing and the specific nature of the violation.
 2. be given the opportunity to question any person providing information about the violation.
 3. be given the opportunity to present evidence showing that he/she is not in violation or that there are mitigating factors.
 4. be given the opportunity to propose a resolution to the problem.
- m. If the Morrison County Board of Commissioners determines that the landowner has violated the conditions of the permit the Board may:
1. revoke the conditional or interim use permit,
 2. impose additional conditions or restrictions on the permit,
 3. impose a civil fine, and/or
 4. allow the landowner additional time to correct the violation or develop other alternatives which protect the interests of the County, it's citizens, and it's resources.

The decision of the County Board is final.

506.6 Planning Commission Recommendation and County Board Action.

- a. For each application for a conditional or interim use permit the Planning Commission shall report to the County Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions shall be complied with when they are deemed necessary for the protection of the public interest.
- b. Upon receipt of the report by the Planning Commission the County Board may hold whatever public hearings it deems advisable and shall make a decision upon the proposal to grant or deny a conditional or interim use permit.
- c. The Morrison County Board must take action on the application no later than sixty (60) days from the Official Submission date of the CUP or IUP application.
- d. Morrison County may extend the time limits specified above before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.
- e. The County Board, in acting upon the conditional or interim use permit, may impose such conditions and safeguards upon the premises benefited by a conditional or interim use as may in its discretion be necessary to prevent injurious effects therefrom upon other property in the neighborhood. Violation of such conditions and safeguards, when made a part of the terms under which the conditional or interim use is granted, shall be deemed a violation of this ordinance.

506.7 Material Adverse Effect. The applicant for a conditional or interim use which, in the opinion of the Planning Commission, may result in a material adverse effect on the environment may be requested by the Planning Commission, to demonstrate the nature and extent of the effect.

506.8 Changes of Conditional Use Permits. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued, shall require an amended conditional or interim use permit and all procedures and a new permit fee shall apply as if a new permit were being issued including information on the use, location, and conditions imposed by the Planning Commission, time limits, review dates, and such other information as may be appropriate.

506.9 Lapse of Conditional Use. The use approved under a conditional or interim use permit must commence within two (2) years of the date the conditional or interim use permit was approved. The land owner may

request, in writing a one (1) year extension prior to the two (2) year expiration date. If the use is not commenced after two (2) years, or an extension is not requested, the conditional use permit shall become null and void.

507. Amendments and Rezoning Procedures

- 507.1 Criteria for Granting Amendments. The County Board may adopt amendments to the zoning ordinance or map in relation to land uses within particular districts, procedures, standards or the location of the district lines. Such amendments shall reflect changes in the Comprehensive County Plan or changes in conditions in the county.
- 507.2 Initiation of Amendments. Amendments to this ordinance may be initiated by petition by the owner of the property in question, recommendation of the Planning Commission, or by action of the County Board.
- 507.3 Planning Commission Review. Any amendment not initiated by the Planning Commission shall be referred to it for study and report to the County Board.
- 507.4 Notice and Hearing. The Planning Commission shall hold at least one (1) public hearing on the proposed amendment prior to making its recommendation to the County Board. The following procedures shall be followed:
- a. Written notice of public hearings regarding the application of official controls to specific properties shall be sent to owners of record within one-half (1/2) mile of the affected property. This distance shall be extended to ensure that a minimum of ten (10) property owners are so notified. In addition, written notice shall be given to the affected board of town supervisors and the municipal council of any municipality within two (2) miles of the affected property.
 - b. A public hearing shall be held by the Planning Commission and the County Board after the request for the zoning amendment has been received. Notice of said hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing.
 - c. The Minnesota Commissioner of Natural Resources shall be notified in accordance with section 709.1 regarding all proposed amendments involving changes in the text, zoning map or shorelands map regulating shoreland management.
 - d. All amendments which affect the text of the ordinance, the zoning map or the flood plain map regarding flood plain areas and/or regulations must be submitted to and approved by the Minnesota Commissioner of Natural Resources prior to adoption by Morrison County. Changes in the official zoning map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given ten (10) days written notice of all hearings to consider an amendment and said notice shall include a draft of the ordinance amendment or technical study under consideration.
- 507.5 Planning Commission Recommendation and County Board Action.
- a. The Planning Commission shall make its report to the County Board at designated meetings of the County Board following the hearing. The Planning Commission may recommend approval, disapproval, or modified approval of the proposed amendment.
 - b. The County Board must take action on a rezone application within sixty (60) days after the request has been received. The person(s) making the application shall be notified in writing of the action taken.
 - c. Before rendering its decision, the County Board may hold one or more public hearings in accord with the provisions of this section.
 - d. If no report or recommendation is transmitted by the Planning Commission within sixty (60) days after the request for the zoning amendment has been received, the County Board may take action without awaiting such recommendation.

- e. The proposed amendment shall be effective only if four-fifths (4/5) of all members of the County Board concur in its passage.

507.6 Resubmission of Previously Denied Petitions. No petition by a property owner for an amendment to the text of this ordinance or zoning map shall be considered by the Planning Commission within one (1) year following the date of denial of such request by the Planning Commission or County Board except if, in the opinion of the Planning Commission, new evidence or a change of circumstances.

These changes are effective April 1, 2021.

Adopted this 5th Day of January, 2021



Chairman
Morrison County Board



Clerk
Morrison County Board