



ITASCA COUNTY BOARD OF COMMISSIONERS

Itasca County Courthouse
123 NE 4th Street
Grand Rapids, MN 55744
(218) 327-2847

Tuesday, June 18, 2024

2:30 PM

Itasca County Boardroom

FINAL

WORK SESSION MINUTES

I. CALL TO ORDER

Chair Johnson called the meeting to order at 2:30 PM.

Attendee Name	Title	Status	Arrived
Cory Smith	District #1	Present	2:30 PM
Terry Snyder	District #2	Present	2:30 PM
John Johnson	District #3	Present	2:30 PM
Burl Ives	District #4	Present	2:30 PM
Casey Venema	District #5	Present	2:30 PM

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

Motion To: Approve the agenda, as presented.

RESULT: APPROVED (5 TO 0)
MOVER: Commissioner Terry Snyder
SECONDER: Commissioner Cory Smith
AYES: Cory Smith, Terry Snyder, John Johnson, Burl Ives, Casey Venema

IV. MINUTES APPROVAL

Motion To: Approve the minutes, as delineated below.

RESULT: APPROVED (5 TO 0)
MOVER: Commissioner Casey Venema
SECONDER: Commissioner Burl Ives
AYES: Cory Smith, Terry Snyder, John Johnson, Burl Ives, Casey Venema

1. Approve the minutes of the Tuesday, June 11, 2024 County Board Regular Session.

V. RECOMMENDED FOR CONSENT AGENDA

1. Approve the Purchase of Service Agreement between ICHHS and Absolute Guardian Care for Guardianship and Conservatorship.

RESULT: RECOMMENDED FOR CONSENT NEXT: 06/25/2024 2:30 PM

2. Approve and accept the 2024/2025 Housing Support Agreements effective July 1, 2024.

RESULT: RECOMMENDED FOR CONSENT NEXT: 06/25/2024 2:30 PM

3. Approve the donation of 40-50 end-of-life analog monitors to PC's for People.

RESULT: RECOMMENDED FOR CONSENT NEXT: 06/25/2024 2:30 PM

4. Approve Joint Powers Agreement (JPA) by and between the State of Minnesota, acting through its Department of Natural Resources, Wildlife Division and Itasca County, for the purpose of implementing cooperative wildlife projects and authorize necessary signatures.

RESULT: RECOMMENDED FOR REGULAR NEXT: 06/25/2024 2:30 PM

5. Approve utility license for construction, maintenance and operation of an underground telecommunication line over and across tax-forfeited trust lands in Section 4, township 61, Range 24 and authorize necessary signatures.

RESULT:	RECOMMENDED FOR CONSENT	NEXT: 06/25/2024 2:30 PM
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VI. DISCUSSION / INFORMATIONAL

1. Citizen Input

Connie Freshour provided citizen input regarding the appointment of a County Attorney.

Sheila Jensen provided citizen input regarding Item #6.4 (County Subordinate Service District Discussion) and the appointment of a County Attorney.

2. American Rescue Plan (ARP) Request – Mn-Fish

Motion To: Approve the American Rescue Plan (ARP) request, in the amount of \$15,000, from Mn-Fish for an Education/Advocacy project.

RESULT:	APPROVED (5 TO 0)
MOVER:	Commissioner Burl Ives
SECONDER:	Commissioner Cory Smith
AYES:	Cory Smith, Terry Snyder, John Johnson, Burl Ives, Casey Venema

RECESS

Chair Johnson recessed the meeting at 3:05 PM.

RECONVENE

Chair Johnson reconvened the meeting at 3:38 PM, with all members present.

3. Public Hearing Re: Off Sale Liquor License for Blackberry Junction LLC

Motion To: Open the Public Hearing Re: Off Sale Intoxicating Liquor License for Blackberry Junction LLC located at 25306 Dove Lane, Grand Rapids, MN.

RESULT:	APPROVED (5 TO 0)
MOVER:	Commissioner Terry Snyder
SECONDER:	Commissioner Cory Smith
AYES:	Cory Smith, Terry Snyder, John Johnson, Burl Ives, Casey Venema

Motion To: Close the above public hearing.

RESULT:	APPROVED (5 TO 0)
MOVER:	Commissioner Terry Snyder
SECONDER:	Commissioner Cory Smith
AYES:	Cory Smith, Terry Snyder, John Johnson, Burl Ives, Casey Venema

Motion To: Approve the issuance of an Off Sale Liquor License for Blackberry Junction LLC located at 25306 Dove Lane, Grand Rapids, MN.

RESULT:	APPROVED (5 TO 0)
MOVER:	Commissioner Burl Ives
SECONDER:	Commissioner Casey Venema
AYES:	Cory Smith, Terry Snyder, John Johnson, Burl Ives, Casey Venema

4. County Subordinate Service District Discussion

Health and Human Services (HHS) Director Eric Villeneuve and Commissioner Casey Venema provided information regarding the possibility of a County Subordinate Service District for the Nashwauk Ambulance Service.

Motion To: Continue the discussion regarding County Subordinate Service Districts between the County, City of Nashwauk, and other government agencies to include a road map to chart out next steps.

RESULT: APPROVED (5 TO 0)
MOVER: Commissioner Terry Snyder
SECONDER: Commissioner Cory Smith
AYES: Cory Smith, Terry Snyder, John Johnson, Burl Ives, Casey Venema

5. Public Hearing Re: Rezone Application Submitted by Jeff Peterson

Motion To: Open the Public Hearing Re: Rezone Application Submitted by Jeff Peterson to rezone properties from Rural Residential to Recreational Commercial for properties located at 19-017-1307, 19-017-1308, and 19-017-4203. All aye.

RESULT: APPROVED (5 TO 0)
MOVER: Commissioner Casey Venema
SECONDER: Commissioner Cory Smith
AYES: Cory Smith, Terry Snyder, John Johnson, Burl Ives, Casey Venema

Motion To: Close the above public hearing.

RESULT: APPROVED (5 TO 0)
MOVER: Commissioner Terry Snyder
SECONDER: Commissioner Casey Venema
AYES: Cory Smith, Terry Snyder, John Johnson, Burl Ives, Casey Venema

Motion To: Continue deliberations relative to the Rezone Application submitted by Jeff Peterson to the County Board's June 25, 2024 Regular Agenda.

RESULT: APPROVED (5 TO 0)
MOVER: Commissioner Burl Ives
SECONDER: Commissioner Casey Venema
AYES: Cory Smith, Terry Snyder, John Johnson, Burl Ives, Casey Venema

6. Itasca County Tourism Economic Impact Report

Visit Grand Rapids Executive Director Megan Christianson provided a presentation regarding the 2024 Itasca County Economic Impact.

RESULT: INFORMATIONAL - NO ACTION TAKEN

7. Declaration of Vacancy

Motion To: Declared a vacancy in the elected County Attorney position.

RESULT: APPROVED (5 TO 0)
MOVER: Commissioner Casey Venema
SECONDER: Commissioner Cory Smith
AYES: Cory Smith, Terry Snyder, John Johnson, Burl Ives, Casey Venema

8. Appointment to Fill Elected County Attorney Vacancy

Motion To: Appoint Jacob Fauchald to fill the elected Itasca County Attorney vacancy pursuant to Minn. Stat. Sec. 375.08 upon giving the bond and taking the oath as required by law with such appointment to be effective June 25, 2024 at a salary of one hundred forty thousand dollars (\$140,000).

RESULT: APPROVED (5 TO 0)
MOVER: Commissioner Cory Smith
SECONDER: Commissioner Casey Venema
AYES: Cory Smith, Terry Snyder, John Johnson, Burl Ives, Casey Venema

VII. COMMITTEE REPORTS

Commissioners Venema and Johnson reported on their attendance at the recent Grand Village Years of Service dinner.

Commissioner Johnson reported on his attendance at a recent Arrowhead Regional Development Commission (ARDC) meeting.

VIII. ADMINISTRATOR UPDATE

IX. COMMISSIONER COMMENTS

Commissioner Ives provided comment regarding the recent passing of a bill which makes it more difficult to collect on bad debt.

Commissioner Johnson provided comment regarding the recently announced IRRRB recreational grants and interest in reviewing the current lease relative to the boat landing at the Canisteo Mine Pit to potentially reintroduce the landing to public and/or public safety use.

X. CLOSED SESSIONS

XI. ADJOURN

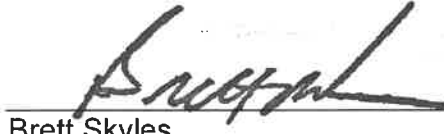
Chair Johnson adjourned the meeting at 5:46 PM.

ATTEST



John Johnson

Chair of the County Board



Brett Skyles
Clerk of the County Board



June 18, 2024

Chair:

PULL: None

ADDITIONS: None

CHANGES: None

INFORMATIONAL:

1. Item #6.6 – Additional Information



ITASCA COUNTY BOARD OF COMMISSIONERS

Itasca County Courthouse
123 NE 4th Street
Grand Rapids, MN 55744
(218) 327-2847

Tuesday, June 11, 2024

2:30 PM

Itasca County Boardroom

DRAFT

REGULAR SESSION MINUTES

I. CALL TO ORDER

Chair Johnson called the meeting to order at 2:30 PM.

Attendee Name	Title	Status	Arrived
Cory Smith	District #1	Present	2:30 PM
Terry Snyder	District #2	Absent	
John Johnson	District #3	Present	2:30 PM
Burl Ives	District #4	Present	2:30 PM
Casey Venema	District #5	Present	2:30 PM

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

Motion To: Approve the agenda, as presented.

RESULT:	APPROVED (4 TO 0)
MOVER:	Commissioner Burl Ives
SECONDER:	Commissioner Casey Venema
AYES:	Cory Smith, John Johnson, Burl Ives, Casey Venema
ABSENT:	Terry Snyder

IV. MINUTES APPROVAL

Motion To: Approve the minutes, as delineated below.

RESULT:	APPROVED (4 TO 0)
MOVER:	Commissioner Cory Smith
SECONDER:	Commissioner Casey Venema
AYES:	Cory Smith, John Johnson, Burl Ives, Casey Venema
ABSENT:	Terry Snyder

1. Approve the minutes of the Tuesday, June 4, 2024 County Board Work Session.

V. CONSENT AGENDA

Motion To: Approve the Consent Agenda, as delineated below.

RESULT:	APPROVED (4 TO 0)
MOVER:	Commissioner Cory Smith
SECONDER:	Commissioner Burl Ives
AYES:	Cory Smith, John Johnson, Burl Ives, Casey Venema
ABSENT:	Terry Snyder

1. Accept the Minutes of the May 9, 2024 HHS Advisory Committee Meeting.

VI. REGULAR AGENDA**1. Citizen Input**

Ken Haubrich, Dan Butterfield, Jesse Smith, Jerry Stejskal, Diane Howe, Wade Freshour, Marge Sella, Paul DeRosier, John Aultman, Deborah Fideldy, Joy Castle, Doug Johnson, and Cathy Round provided citizen input to address concerns regarding County Attorney applicant, James Austad.

Stephanie Lipsy and Craig Nelson provided citizen input regarding the Itasca Pride event scheduled for June 23, 2024.

Mary Drewes and Connie Freshour provided citizen input regarding presentation of the Ten Commandments.

Mike Patrow provided citizen input regarding separation of church and state.

2. Commissioner Warrants

Motion To: Approve Commissioner Warrants with a check date of June 14, 2024, in the amount of \$2,358,617.55.

RESULT:	APPROVED (4 TO 0)
MOVER:	Commissioner Casey Venema
SECONDER:	Commissioner Cory Smith
AYES:	Cory Smith, John Johnson, Burl Ives, Casey Venema
ABSENT:	Terry Snyder

3. Recognition of County Employees

The following employees were recognized:

Welcome to new employee, Cody Ploetz, Sheriff's Deputy/Road Deputy in the Sheriff's Department, which was effective June 3, 2024.

Farewell to Samantha Schultz, whose last day as Sheriff's Deputy/Road Deputy with the Sheriff's Department, which was effective June 1, 2024, after 9+ months of service.

Farewell to Nevada Childs, whose last day as Probation Officer with the Probation Department, which was effective May 31, 2024, after 2+ years of service.

Farewell to Sheryl Pihlaja, whose last day as Legal Secretary with the Attorney's Department, which was effective June 7, 2024 after 1 year of service.

Farewell to Paul Twedt, whose last day as Park Operations Coordinator with the Land Department, which was effective May 24, 2024 after 1 month of service.

RESULT:	INFORMATIONAL - NO ACTION TAKEN
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4. Service Contract with Commercial Asphalt Repair, Inc.

Motion To: Approve service contract with Commercial Asphalt Repair, Inc. in the amount of \$42,780 for crack-filling and seal-coating asphalt areas at the Itasca County Fairgrounds, and authorize necessary signatures.

RESULT:	APPROVED (4 TO 0)
MOVER:	Commissioner Casey Venema
SECONDER:	Commissioner Cory Smith
AYES:	Cory Smith, John Johnson, Burl Ives, Casey Venema
ABSENT:	Terry Snyder

5. CEDA Update
Community and Economic Development Associates (CEDA) representative Sarah Carling provided an update regarding community and economic development projects within Itasca County.

RESULT:	INFORMATIONAL - NO ACTION TAKEN
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6. American Rescue Plan (ARP) Request – Taconite Fire Department
Motion To: Approve the American Rescue Plan (ARP) request, in the amount of \$125,000, from Taconite Fire Department for the purchase of a Pumper truck reallocating funds previously encumbered for a Fire Hall Addition.

RESULT:	APPROVED (4 TO 0)
MOVER:	Commissioner Burl Ives
SECONDER:	Commissioner Cory Smith
AYES:	Cory Smith, John Johnson, Burl Ives, Casey Venema
ABSENT:	Terry Snyder

7. American Rescue Plan (ARP) Request – Carpenter Township
Motion To: Approve the American Rescue Plan (ARP) request, in the amount of \$10,000, from Carpenter Township for a Permanent Siding of Firehall Building project.

RESULT:	APPROVED (4 TO 0)
MOVER:	Commissioner Burl Ives
SECONDER:	Commissioner Cory Smith
AYES:	Cory Smith, John Johnson, Burl Ives, Casey Venema
ABSENT:	Terry Snyder

8. American Rescue Plan (ARP) Request – Greenway Township
Motion To: Approve the American Rescue Plan (ARP) request, in the amount of \$20,000, from Greenway Township for a Twin Lakes Beach Improvement project.

RESULT:	APPROVED (4 TO 0)
MOVER:	Commissioner Cory Smith
SECONDER:	Commissioner Burl Ives
AYES:	Cory Smith, John Johnson, Burl Ives, Casey Venema
ABSENT:	Terry Snyder

9. American Rescue Plan (ARP) Request – Morse Township
Motion To: Approve the American Rescue Plan (ARP) request, in the amount of \$5,100, from Morse Township for a Morse Town Hall painting project.

RESULT:	APPROVED (4 TO 0)
MOVER:	Commissioner Burl Ives
SECONDER:	Commissioner Casey Venema
AYES:	Cory Smith, John Johnson, Burl Ives, Casey Venema
ABSENT:	Terry Snyder

10. American Rescue Plan (ARP) Request – Good Hope Township
Motion To: Approve the American Rescue Plan (ARP) request, in the amount of \$9,036, from Good Hope Township for a Town Hall Roofing project.

RESULT:	APPROVED (4 TO 0)
MOVER:	Commissioner Casey Venema
SECONDER:	Commissioner Burl Ives
AYES:	Cory Smith, John Johnson, Burl Ives, Casey Venema
ABSENT:	Terry Snyder

11. Performance Evaluation Summary

Chair Johnson provided a summary of the performance evaluation of County Administrator Brett Skyles held at the Tuesday, June 4, 2024 County Board Work Session.

RESULT:	INFORMATIONAL - NO ACTION TAKEN
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12. Interim County Attorney Appointment

It was the consensus of the County Board to table the appointment of an interim County Attorney.

RESULT:	INFORMATIONAL - NO ACTION TAKEN
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VII. COMMISSIONER COMMENTS

Commissioner Ives provided comment regarding recent communications with constituents relative to zoning issues and appointment of an interim County Attorney.

Commissioner Smith provided comment regarding recent communications with constituents relative to appointment of an interim County Attorney and reported on his attendance at a recent Squaw Lake City Council meeting.

Commissioner Venema provided comment regarding recent communications with constituents relative to appointment of an interim County Attorney and reported on his attendance at a recent Fair Board meeting.

Commissioner Johnson provided comment regarding American Rescue Plan (ARP) funds and urged the public to visit businesses affected by the Swan River roundabout project.

RECESS

Chair Johnson recessed the meeting at 4:15 PM.

RECONVENE

Chair Johnson reconvened the meeting at 4:29 PM, with all members present except Snyder absent.

VIII. CLOSED SESSIONS

1. Hold a Closed Session per MN Statutes 13D.03 Re: Labor Negotiations.

Motion To: Go into Closed Session per MN Statutes 13D.03 Re: Labor Negotiations.

RESULT:	APPROVED (4 TO 0)
MOVER:	Commissioner Casey Venema
SECONDER:	Commissioner Cory Smith
AYES:	Cory Smith, John Johnson, Burl Ives, Casey Venema
ABSENT:	Terry Snyder

Others Present: Human Resources Director Janet Borth, DDA Human Resources Consultant Tessia Melvin, and County Administrator Brett Skyles.

Motion To: Go into Open Session.

RESULT:	APPROVED (4 TO 0)
MOVER:	Commissioner Cory Smith
SECONDER:	Commissioner Casey Venema
AYES:	Cory Smith, John Johnson, Burl Ives, Casey Venema
ABSENT:	Terry Snyder

RESULT:	INFORMATIONAL - NO ACTION TAKEN
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IX. ADJOURN

Chair Johnson adjourned the meeting at 5:10 PM.

ATTEST

John Johnson
Chair of the County Board

Brett Skyles
Clerk of the County Board



**ITASCA COUNTY
BOARD OF COMMISSIONERS**

Itasca County Courthouse
123 NE 4th Street
Grand Rapids, MN 55744

Tuesday, June 18, 2024

REQUEST FOR BOARD ACTION: RBA-2024-262

DEPARTMENT: Health & Human Services

TIME REQUESTED: < 5 Minutes

PRESENTER: Eric Villeneuve

AGENDA ITEM:

Absolute Guardian Care Purchase of Service Agreement

BOARD ACTION REQUESTED:

Approve the Purchase of Service Agreement between ICHHS and Absolute Guardian Care for Guardianship and Conservatorship.

BACKGROUND:

Itasca County has had private agencies under contract to provide guardianship and conservatorship services to our residents. Due to two of the agencies ending their contracts, we only have one provider currently, LSS (Lutheran Social Services). Absolute is a local company with a reputation for providing quality services. Absolute is interested in establishing a contract with ICHHS to provide this service, which will only increase in need as our population ages.

COUNTY ATTORNEY REVIEW: No

SUPPORTING DOCUMENTATION:

1. Absolute Guardian Care 2024

06/18/2024

RESULT:	RECOMMENDED FOR CONSENT	NEXT: 06/25/2024 2:30 PM
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ITASCA COUNTY HEALTH AND HUMAN SERVICES
1209 SE 2nd Avenue
Grand Rapids, Minnesota 55744

PURCHASE OF SERVICE AGREEMENT

The ITASCA COUNTY HEALTH AND HUMAN SERVICES, 1209 SE 2ND AVENUE, GRAND RAPIDS, MINNESOTA 55744, hereafter referred to as the "Agency", and **ABSOLUTE GUARDIAN CARE, 1407 NW 4TH STREET, GRAND RAPIDS, MN 55744**, hereafter referred to as the "Contractor", enter into this Agreement for the period from **07/01/2024 THROUGH 12/31/2024**.

WITNESSETH

WHEREAS, the Contractor is an approved vendor according to published county criteria or certified by the Public Agency ITASCA COUNTY HEALTH AND HUMAN SERVICES to provide **GUARDIANSHIP AND CONSERVATORSHIP** to persons; and

WHEREAS, the Agency, pursuant to Minnesota Statutes, Sections 373.01 and 373.02, wishes to purchase such program services from the Contractor; and

WHEREAS, the Contractor represents that it is duly qualified and willing to perform such services;

NOW THEREFORE, in consideration of the mutual understandings and agreements set forth, the Agency and Contractor agree as follows:

I. CONTRACT GENERAL

A. Contractor's Duties:

1. Attached to this Agreement as Exhibit "A" will be items **a through g** as follows:
 - a. **Description of services.**
 - b. **Exposition of staffing**, including job description and professional qualifications of personnel.
 - c. **Organizational chart** with names and positions.
 - d. **Line item budget.**
 - e. **Proof of professional/commercial liability insurance**, (photocopies should include expiration date and amount of coverage).
 - f. **Proof of Worker's Compensation**, (photocopies should include expiration date).
 - g. **Operating license** (photocopy, when applicable).
2. Attached to this Agreement as Exhibit "B", when applicable, are specific duties of the Contractor, as the Agency deems necessary, for the delivery and accountability of client services.
3. The Contractor shall, in writing within ten (10) days, notify the Agency whenever it is unable to, or going to be unable to, provide the required quality or quantity of purchased services. Upon such notifications, Agency shall determine whether such inability will require modification or cancellation of said Agreement.

B. Cost and Delivery of Purchased Services:

1. The Contractor certifies that the services to be provided under this Agreement are not available without cost to eligible clients. The Contractor further certifies that payment claims for purchased services will be in accordance with rates of payment which do not exceed amounts reasonable and necessary to assure quality of service. The Contractor further certifies that rates of payment do not reflect any administrative or program costs assignable to private pay or third-party pay service recipients.
2. Purchased services will be provided to guardianships, conservatorships and representative payees established within **ITASCA COUNTY**, however client may reside outside of county.

C. Safeguard of Client Information:

1. The use or disclosure by any party of information concerning an eligible client in violation of any rule of confidentiality provided for in Minnesota Statutes, Chapter 13, and the Health Insurance Portability and Accountability Act of 1996 (45 C.F.R. Part 160-164), or for any purpose not directly connected with the Agency's or Contractor's responsibility with respect to the purchased services hereunder is prohibited. The collection, use, maintenance and dissemination of data on clients shall be in accordance with the laws of Minnesota and the United States applicable to the data. The Contractor shall assure compliance with Minnesota Statute Section 13.46, subd. 10, Para. (b).
 - a. The parties hereto recognize that data collected, used, exchanged, and disseminated for the administration and management of activities and programs authorized by this Agreement may be classified by State or Federal Law as private or confidential. The parties agree that such data will be collected, used, exchanged, and disseminated consistent with the requirements of law applicable to that data, including the Minnesota Data Practices Act, Minn. Stat. §§ 13.01 et seq., as amended, the Rules of the Commissioner of Administration promulgated there under, MN Rules 1205.0100 et seq., as amended, and the Health Insurance Portability and Accountability Act of 1996 (45 C.F.R. Part 160-164). To the extent necessary for the administration and management of activities and programs herein provided and as otherwise specifically authorized by law, private and confidential data may be exchanged and disseminated between the respective parties, including their legal representatives.
 - b. (When applicable) In accordance with MN Rules 1205.0200 Subpart 14D. it is agreed that the Contractor shall be the responsible authority for that nonprofit corporation.
2. The Agency and Contractor shall insure that a joint release of information document is completed to permit mutual exchange of information between Agency and Contractor.

D. Equal Employment Opportunity and Civil Rights and Nondiscrimination:

1. (When applicable) the Contractor agrees to comply with the Civil Rights Act of 1964, Title VII (42 USC 2000e); including Executive Order No. 11246, and Title VI (42 USC 2000d); and the Rehabilitation Act of 1973, as amended by Section 504;
2. (When applicable) the Contractor certifies that it has received a certificate of compliance from the Commissioner of Human Rights pursuant to Minnesota Statutes, Section 363A.36. This section only applies if the grant is for more than \$100,000, and the Contractor has employed forty or more full-time employees within the State of Minnesota on a single working day during the previous 12 months.

E. Fair Hearing and Grievance Procedures:

1. The Agency agrees to provide for a fair hearing and grievance procedure in conformance with Minnesota Statutes, Section 256.045, and in conjunction with the fair Hearing and Grievance Procedures established by administrative rules of the State Department of Human Services.

F. Conditions of the Parties' Obligations:

1. It is understood and agreed that in the event the reimbursement to the Agency from State and Federal sources is not obtained and/or continued at a level sufficient to allow for the purchase of the indicated quantity of purchased services, the obligations of each party hereunder shall thereupon be terminated.
2. This Agreement may be canceled by either party at any time, with or without cause, upon thirty (30) days notice, in writing, delivered by mail or in person.
3. Before the termination date specified in Page 1 of this Agreement the Agency may evaluate the performance of the Contractor in regard to terms of this Agreement to determine whether such performance merits renewal of this Agreement.

4. Any alterations, variations, modifications, or waivers of provisions of this Agreement shall be valid only when they have been reduced to writing, duly signed, and attached to the original of this Agreement.
5. No claim for services furnished by the Contractor, not specifically provided in the Agreement, will be allowed by the Agency, nor shall the Contractor do any work or furnish any material not covered by this Agreement, unless this is approved in writing by the Agency. Such approval shall be considered to be a modification of the Agreement.
6. In the event that there is a revision of Federal regulations which might make this Agreement ineligible for Federal financial participation, all parties will review the Agreement and renegotiate those items necessary to bring the Agreement into compliance with the new Federal regulations.

G. Subcontracting:

1. The Contractor agrees not to enter into subcontracts for any of the work contemplated under this Agreement without written approval of the Agency.
2. All subcontractors must be subject to and must meet all of the requirements of this Agreement.
3. The Contractors must ensure that any and all subcontracts to provide services under this Agreement must contain the following language:

The subcontractor acknowledges and agrees that the Minnesota Department of Human Services is a third-party beneficiary, and as a third-party beneficiary, is an affected party under this Agreement. The subcontractor specifically acknowledges and agrees that the Minnesota Department of Human Services has standing to and may take any appropriate administrative action or may sue the provider for any appropriate relief in law or equity, including but not limited to rescission, damages, or specific performance, of all or any part of the Agreement. Minnesota Department of Human Services is entitled to and may recover from the provider reasonable attorney's fees, costs, and disbursements associated with any action taken under this paragraph that is successfully maintained. This provision must not be construed to limit the rights of any party to the Agreement or any other third-party beneficiary, nor must it be construed as a waiver of immunity under the Eleventh Amendment to the United States Constitution or any other waiver or immunity.

4. The Contractor agrees to be responsible for the performance of any subcontractor to ensure compliance to the subcontract and Minnesota Rules, part 9525.1870, subpart 3.

H. Contractor Interested in Agreement:

1. No county official or deputy or clerk or employee of such official shall be directly or indirectly interested in any agreement, contract, work, labor, or business to which the County is a party or in which it is or may be interested or in the furnishing of any article to, or the purchase or sale of any property, real or personal, by the County, or of which the consideration, price, or expense is payable from the County treasury. Any violation of the provisions of Minnesota Statutes, Section 382.18, shall be a gross misdemeanor.

I. Contractor Debarment, Suspension and Responsibility Certification:

Federal Regulations 45 CFR 92.35 prohibits the State/Agency from purchasing goods or services with federal money from vendors who have been suspended or debarred by the federal government. Similarly, Minnesota Statutes, Section 16C.03, subd. 2 provides the Commissioner of Administration with the authority to debar and suspend vendors who seek to contract with the State/Agency. Vendors may be suspended or debarred when it is determined, through a duly authorized hearing process, that they have abused the public trust in a serious manner.

By Signing This Agreement, The Contractor Certifies That It And Its Principals* And Employees:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from transacting business by or with any federal, state or local governmental department or agency; and
- b. Have not within a three-year period preceding this contract: 1) been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract; 2) violated any federal or state antitrust statutes; or 3) committed embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property; and
- c. Are not presently indicted or otherwise criminally or civilly charged by a governmental entity for: 1) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction; 2) violating any federal or state antitrust statutes; or 3) committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property; and
- d. Are not aware of any information and possess no knowledge that any subcontractor(s) that will perform work pursuant to this Agreement are in violation of any of the certifications set forth above.
- e. Shall immediately give written notice to the Contracting Officer should Contractor come under investigation for allegations of fraud or a criminal offense in connection with obtaining, or performing: a public (federal, state or local government) transaction; violating any federal or state antitrust statutes; or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property.

* "Principals" for the purposes of this certification means officers; directors; owners; partners; and persons having primary management or supervisory responsibilities within a business entity (e.g. general manager; plant manager; head of a subsidiary, division, or business segment and similar positions).

Directions for On Line Access to Excluded Providers

To ensure compliance with this regulation, identification of excluded entities and individuals can be found on the Office of Inspector General (OIG) website at <https://oig.hhs.gov>.

If you do not have access to the website, and/or need the information in an alternative format, contact: Crissy Krebs, Business Division Manager, Itasca County Health and Human Services at (218) 327-6152.

J. Miscellaneous:

1. Entire Agreement: It is understood and agreed that the entire Agreement of the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof, as well as any previous agreements presently in effect between the Contractor and any county social services agency relating to the subject matter hereof.
2. The Contractor acknowledges and agrees that the Minnesota Department of Human Services is a third- party beneficiary and, as a third-party beneficiary, is an affected party under this Agreement. The Contractor specifically acknowledges and agrees that the Minnesota Department of Human Services has standing to and may take any appropriate administrative action or sue the Contractor for any appropriate relief in law or equity, including, but not limited to, rescission, damages, or specific performance, of all or any part of the Agreement between the County Board and the Contractor. The Contractor specifically acknowledges that the County Board and the Minnesota Department of Human Services are entitled to and may recover from the Contractor reasonable attorney's fees and costs and disbursements associated with any action taken under this paragraph that is successfully maintained. This provision shall not be construed to limit the rights of any party to the Agreement or

any other third-party beneficiary, nor shall it be construed as a waiver of immunity under the Eleventh Amendment to the United States Constitution or any other waiver of immunity.

3. The Contractor agrees to acknowledge the Agency in the credits of advertisements and publicity.
4. (When applicable) The placement agreements between vendors and counties, other than Itasca, to provide services to out-of county clients under this Agreement must contain a provision stating that the county signing the placement agreement will either (1) pay the costs of other social services rendered by Itasca County or other providers that are under contract with Itasca County; and (2) will be responsible for billing Medical Assistance, Medicare, private insurance, or third-party payer.

At the time the social service is rendered, the vendor will instruct the provider to bill the county of financial responsibility directly. Any county placing a child in Itasca County will be financially responsible for any and all placement costs for that child, including but not limited to placements in secure and/or shelter facilities whether by police hold or any other means.

Itasca County will not be financially responsible for any placement costs for out of county children unless prior authorization is obtained from Itasca County Health and Human Services.

5. (When applicable) The Contractor agrees to bill all pay sources including third party insurances and obtain a denial prior to submitting a claim to Itasca County Health and Human Services. In the event the service is not covered by the third party payer, a denial must be submitted with the claim to Itasca County Health and Human Services. Payment will not be made without such denial. A denial reason for anything other than "non-covered service" does not constitute county coverage; for example: not billing within the allowed time frame for a particular carrier, wrong procedure code, diagnosis code, etc.
6. Itasca County will not pay for two placements that occur on the same date of service.

II. Contract Specific

A. Contractor's Duties

1. The Agency agrees to purchase and the Contractor agrees to furnish the following:

Absolute Guardian Care

- **Complete all roles/responsibilities of Guardian/Conservator as defined in MN Statute (524.5-418) (524.5-313)**
- **File annual accounting reports with the court.**
- **Maintain client data per HIPAA requirements.**
- **Maintain professional liability insurance and bonds.**

Guardianship or Conservator:

\$60.00 per hour

2. The total amount to be paid for purchased services described in "A.1." shall not exceed **\$65,000.00 ITASCA COUNTY PAID.**

B. Eligibility for Services:

1. The parties understand and agree that the eligibility of the client to receive the purchased services is to be determined in accordance with eligibility criteria established by the Agency.
 - a. It is understood and agreed by the parties that, for fee eligible recipients, fees shall be charged and collected in accordance with fee policy and schedules adopted by the County Board of Commissioners.
 - b. The Contractor shall not charge any program or service fee to social services eligible clients except in accordance with "B.1.a." above.

- c. (When applicable) When the Agency has determined that the client is no longer eligible to receive purchased services or that services are no longer needed or appropriate, the Agency must notify the Contractor within 5 days of the determination. The Agency must notify the client of proposed termination of services in writing at least 10 days prior to the proposed agency action and of the client's right to appeal this proposed agency action.
- d. (When applicable) The Contractor must notify the Agency and the client in writing whenever the Contractor proposes to discharge or terminate service(s) to a client. The notice must be sent at least 10 days prior to the proposed date of discharge or termination, and must include the specific grounds for discharge or termination of service(s). The Contractor must not discharge or terminate services to a client prior to the proposed date unless delay would seriously endanger the health, safety, or well-being of other residents or service recipients.
- e. (When applicable) The Contractor must establish written procedures for discharging a client or terminating services to a client. The written procedures must include:
 - 1) Preparation of a summary of findings, processes, and plans to be transmitted with the client;

C. Payment for Purchased Services:

- 1. Certification of expenditures: The Contractor shall, within five (5) working days following the last day of each calendar month, submit a standard invoice for social services purchased to Itasca County Health and Human Services. The invoice shall show: (1) total program and administrative expenditures for the month and (2) an itemized account of each social services eligible individual, identifying service(s) provided, number of units, cost per unit and service dates, including administrative costs allocated to the provision of purchased services to reimbursement eligible clients.
- 2. All bills for a specific month of service **must** be in to the Agency within five days of end of service month; example, services given in January can be received no later than the fifth working day of February. **Bills older than five weeks may be rejected** due to the variety of funding sources that are utilized by the Agency.
- 3. Payment: The Agency shall, within thirty (30) days of the date of receipt of the invoice, make payment to the Contractor for all reimbursement eligible clients identified on the invoice.

D. Recording Requirements or Accountability:

- 1. The Contractor agrees to maintain records and documents which sufficiently and properly reflect all direct and indirect services provided to clients covered by this Agreement. Documentation includes, but is not limited to, statements relating to Client Identifying Information, all available intake data, treatment plan, progress data, discharge plan, evidence of eligibility and redetermination of eligibility status, court orders when appropriate, and a proper release of information allowing the Contract Manager at the Agency, or other Agency designee, access to the above mention data.

E. Audit and Record Disclosures:

- 1. The Contractor Shall:
 - a. Allow personnel of the Agency, the Minnesota Department of Human Services, or their representative, access to the Contractor's facility and records at reasonable hours to exercise their responsibility to monitor purchased services.
 - (1) Permit the Contract Manager or other personnel of the County, through the Agency, access to the Contractor's facility to conduct site visits, as deemed necessary, to determine compliance with this Agreement and to evaluate the quality of services provided under this Agreement. Such visits may be made with prior notice at any time within the hours of operation of the Contractor. The Contractor shall be furnished a summary of any reports prepared as a result of the visit.

- (2) The Agreement gives the Agency, DHS, and the U.S. Department of Health and Human Services the authority to copy program and fiscal records.
 - b. Provide the Agency with information about fees collected and the fee source.
 - c. Maintain all records pertaining to the Agreement at **ABSOLUTE GUARDIAN CARE, 1407 NW 4TH STREET, GRAND RAPIDS, MN 55744** for four (4) years for audit purposes.
 - d. Comply with policies of the Minnesota Department of Human Services regarding social services recording and monitoring procedures, as defined in the Department of Human Services Social Service Manual, and the administrative rules of the State Agency.
 - e. If the collection of social services fees is delegated to the Contractor, the Contractor must provide the Agency with information about fees collected and the fee sources.
 2. Books, records, documents and accounting procedures and practices of the Contractor relative to the Agreement are subject to examination by the Agency.
- F. Bonding, Indemnity, Insurance, and Audit Clause:
1. Bonding: The Contractor shall obtain and maintain at all times, during the term of this Agreement, a fidelity bond covering the activity of its personnel authorized to receive or distribute monies.
 2. Indemnity: The Contractor agrees that it will at all times indemnify and hold harmless the Agency from any and all liability, loss, damages, costs or expenses which may be claimed against the Agency or Contractor;
 - a. By reason of any service client's suffering personal injury, death, or property loss or damages either while participating in or receiving from the Contractor the care and services to be furnished by the Contractor under this Agreement, or while on premises owned, leased or operated by the Contractor, or while being transported to or from said premises in any vehicle owned, operated, chartered or otherwise contracted for by the Contractor or his assigns; or
 - b. By reason of any service client's causing injury to another person, or damage to the property of another person during any time when the Contractor or his assigns or employee thereof has undertaken, or is furnishing the care and service called for under this Agreement.
 - c. The Contractor agrees to comply with the Agency's/Itasca County's Indemnification and Insurance Policy attached to this Agreement as Exhibit "C."
 3. Insurance: The Contractor further agrees, in order to protect itself and the Agency under the indemnity provisions set forth above, to at all times during the term of this Agreement, have and keep in force a professional/commercial liability insurance policy in the amount of **\$1,500,000.00** for total injuries or damages arising from any one incident and **\$3,000,000.00** general aggregate. Worker's Compensation shall be provided per Minnesota statutory limits and Employer's Liability shall be in the amount of Bodily Injury by Accident: **\$500,000.00** each Accident, Bodily Injury by Disease: **\$500,000.00** each employee, Bodily Injury by Disease: **\$500,000.00** policy limit. When transportation is provided by the Contractor, said Contractor shall have and keep in force automobile liability in the amount of **\$1,500,000.00** for bodily injury and property damage covering owned, non-owned and hired automobiles. Itasca County Health and Human Services must be named additional insured. The Contractor agrees to comply with the Agency's/Itasca County's Indemnification and Insurance Policy attached to this Agreement as Exhibit "C."
 4. Audit: The Contractor agrees that within sixty (60) days of the close of its fiscal year, unless a later date is agreed upon between the Agency and the Contractor, an audit will be conducted by an Accountant which will meet the requirements of the Single Audit Act of 1996, P.L. 104-156 and Office of Management and Budget, Circular No. A-133. Contractors not meeting the \$750,000 minimum requirement of expending federal dollars in a single fiscal year for single audits will be required to complete a yearly financial statement. After completion of the audit and/or financial statement, a copy

of the report must be filed with the Agency. The books, records, documents, and accounting procedures of the vendor or party receiving public funds are subject to audit by the state auditor.

5. The Contractor certifies that the organization is in compliance with the workers compensation insurance requirements of Minnesota Statutes, section 176.181, subdivision 2 as reflected in the attached proof of insurance.

G. Noncompliance

1. If the Contractor fails to comply with the provisions of this Agreement, the Agency may seek any available legal remedy.
2. Either party must notify the other party within 30 days when a party has reasonable grounds to believe that this Agreement has been or will be breached in a material manner. The party receiving such notification must have 30 days, or any other such period of time as mutually agreed to by the parties, to cure the breach or anticipatory breach.

H. Independent Contractor.

1. It is agreed that nothing herein contained is intended or should be construed in any manner as creating or establishing the relationship of co-partners between the parties hereto or as constituting the Contractor as the agent, representative or employee of the Agency for any purpose or in any manner whatsoever. The Contractor is to be, and shall remain, an independent contractor with respect to all services performed under this Agreement. The Contractor represents that it has, or will secure at its own expense, all personnel required in performing services under this Agreement; that all personnel of the Contractor or other persons, while engaged in the performance of any work or services required by the Contractor under this Agreement, shall have no contractual agreement with the Agency and shall not be considered employees of the Agency and any and all claims that may or might arise under the Unemployment Compensation Act or the Workers Compensation Act of the State of Minnesota on behalf of said personnel arising out of employment or alleged employment, including without limitation, claims of discrimination against the Contractor, its officers, agents, contractors or employees, shall in no way be the responsibility of the Agency; and that the Contractor shall defend, indemnify and hold the Agency, its officers, agents and employees, harmless from any and all such claims irrespective of any determination of any pertinent tribunal, agency, board, commission or court. Such personnel or other person shall neither require nor be entitled to any compensation, rights or benefits of any kind whatsoever from the County, including without limitation, tenure rights, medical and hospital care, sick and vacation leave, workers compensation, employment insurance, disability, severance pay and PERA.

BY _____
(Director, Itasca County Health and Human Services)

BY _____
(Director, Contracting Agency)

DATED _____

DATED _____

BY _____
(Chairperson, Itasca County Board of Commissioners)

BY _____
(Chairperson, Board of Contracting Agency)

DATED _____

DATED _____



**ITASCA COUNTY
BOARD OF COMMISSIONERS**

Itasca County Courthouse
123 NE 4th Street
Grand Rapids, MN 55744

Tuesday, June 18, 2024

REQUEST FOR BOARD ACTION: RBA-2024-281

DEPARTMENT: Health & Human Services

TIME REQUESTED: < 5 Minutes

PRESENTER: Christine Krebs

AGENDA ITEM:

2024/2025 Housing Support Agreements

BOARD ACTION REQUESTED:

Approve and accept the 2024/2025 Housing Support Agreements effective July 1, 2024.

BACKGROUND:

Paid with state waiver dollars, no county dollars are expended. Agreement rates are set by the state.

COUNTY ATTORNEY REVIEW: N/A

SUPPORTING DOCUMENTATION:

1. HOUSING SUPPORT INDIVIDUAL LIST FOR BOARD 2024-2025
2. Housing Support with supplemental services list for Board 2024-2025
3. HOUSING SUPPORT CORP LIST FOR BOARD 2024-2025 (2)

06/18/2024

RESULT:	RECOMMENDED FOR CONSENT	NEXT: 06/25/2024 2:30 PM
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**INDIVIDUAL GROUP RESIDENTIAL HOUSING AGREEMENTS EFFECTIVE 7/1/24
THRU 6/30/25 MONTHLY \$1,170.00 DAILY \$38.47**

GIBEAUS ADULT FOSTER CARE

NEWMAN-TRUDEL REBEKAH

NORRIS, JOANNE

RIMA, DARLA & ROB

SCHULTZ, KARI

WILSON, EVA

WOKASCH, MICHAEL & BARBARA (WOKASCH I)

**CORPORATE HOUSING SUPPORT AGREEMENTS FOR HOMES THAT ARE
LICENSED FOR SUPPLEMENTAL SERVICES EFFECTIVE 7/1/24 THRU 6/30/25
MONTHLY \$1,170.00 DAILY \$38.47
WITH A MAX SUPPLEMENTAL SERVICE PAYMENT OF \$494.91 PER MONTH**

NORTHLAND BEACON HILL

**CORPORATE HOUSING SUPPORT AGREEMENTS EFFECTIVE 7/1/24 THRU
6/30/25 MONTHLY \$1,170.00 DAILY \$38.47
(FORMERLY GRH AGREEMENTS)**

AMERICARE LODGE

AUTUMN LANE INC.

BIGFORK VALLEY VILLA

BROOKSTONE MANOR

CEDAR VALLEY HOMES, INC. AKA MCKINNEY LAKE HOUSE

DIAMOND WILLOW ASSISTED LIVING EAGLE PINES (GR #1)

DIAMOND WILLOW ASSISTED LIVING MISSISSIPPI STE (GR #2)

DUNGARVIN RIVER

DUNGARVIN 13TH

FACES NORTH

GARDEN COURT CHATEAU

HILLCREST-NASHWAUK

HOME AND COMFORT, INC

HOPE HOUSE 1 COMMUNITY SETTING

HOPE HOUSE 2 COMMUNITY SETTING

LUTHERAN SOCIAL SERVICE GARLAND

LUTHERAN SOCIAL SERVICE DREAMCATCHER

LUTHERAN SOCIAL SERVICE 5TH AVE SLS

LUTHERAN SOCIAL SERVICE RIVERKNOT

MAJESTIC PINES GRAND LLC

MAPLE WOODS INC

MCOCS GRAND RAPIDS

NHS ALPINE

NHS MIDWAY II

NHS VIKING

NHS WHITE PINE

NORTHLAND 1307 S POKEGAMA – POKEGAMA PLACE

NORTHLAND 402 SE 13TH ST MAPLEWOOD

NORTHLAND SISEEBAKWET RANCH

NORTHLAND – SYLVAN BAY

NORTHLAND SPEARS PLACE

NORTHWOODS VILLA INC HOUSE 1

NORTHWOODS VILLA INC HOUSE 2

NORTHWOODS VILLA INC HOUSE 3

NORTHWOODS VILLA INC HOUSE 4

OAK HILLS

OAKRIDGE BIRCHCOURT

OACKRIDGE WILLOW

ORION BASS BROOK

ORION BAYSIDE

ORION CLOVER

ORION MAPLE

ORION NORTHWEST

ORION RIVERSIDE

ORION 833 SOUTHWEST

ORION WESTWOOD

RESIDENTIAL LIVING SOLUTIONS RIVER HOUSE

RESIDENTIAL LIVING SOLUTIONS LAKE HOUSE

RIVER GRAND, INC.

SUGAR BROOK VILLA

THE EMERALDS

THRIVE BEHAVIORAL NETWORK



**ITASCA COUNTY
BOARD OF COMMISSIONERS**

Itasca County Courthouse
123 NE 4th Street
Grand Rapids, MN 55744

Tuesday, June 18, 2024

REQUEST FOR BOARD ACTION: RBA-2024-271

DEPARTMENT: Management Information Services **TIME REQUESTED:** < 5 Minutes
PRESENTER: Christopher Worth

AGENDA ITEM:
Donation of Equipment

BOARD ACTION REQUESTED:
Approve the donation of 40-50 end-of-life analog monitors to PC's for People.

BACKGROUND:
N/A

COUNTY ATTORNEY REVIEW: N/A

SUPPORTING DOCUMENTATION: None

06/18/2024

RESULT:	RECOMMENDED FOR CONSENT	NEXT: 06/25/2024 2:30 PM
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**ITASCA COUNTY
BOARD OF COMMISSIONERS**

Itasca County Courthouse
123 NE 4th Street
Grand Rapids, MN 55744

Tuesday, June 18, 2024

REQUEST FOR BOARD ACTION: RBA-2024-268

DEPARTMENT: Land Department

TIME REQUESTED: < 5 Minutes

PRESENTER: Michael Gibbons

AGENDA ITEM:

MN DNR Wildlife/Land Department Joint Powers Agreement

BOARD ACTION REQUESTED:

Approve Joint Powers Agreement (JPA) by and between the State of Minnesota, acting through its Department of Natural Resources, Wildlife Division and Itasca County, for the purpose of implementing cooperative wildlife projects and authorize necessary signatures.

BACKGROUND:

This JPA is similar to the one used for cooperative site preparation and timber stand improvement contracts with MN DNR Forestry, so it is not anticipated to need much legal review. In order to combine agencies into a single contract for wildlife projects, a Joint Powers Agreement is necessary. There are no financial obligations between the parties. The term of the JPA is for five years, from 2024-2029.

COUNTY ATTORNEY REVIEW: Yes and/or Pending

SUPPORTING DOCUMENTATION:

1. Itasca County Master Habitat_060424 (003)

06/18/2024

RESULT:	RECOMMENDED FOR REGULAR	NEXT: 06/25/2024 2:30 PM
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State of Minnesota

Master Joint Powers Agreement

SWIFT Contract Number: 247922

Master Contract T-Number: 2429G

This Master Contract is between the State of Minnesota, acting through its Commissioner of Natural Resources ("State") and Itasca County whose designated business address is 1177 LaPrairie Avenue, Grand Rapids, MN 55744 ("County"). State and County may be referred to jointly as "Parties."

Recitals

1. Under Minnesota Statutes § 471.59, subd. 10, the State is empowered to engage such assistance as deemed necessary. The State is in need of assistance and desires to implement a cooperative wildlife habitat program, coordinate wildlife projects, and maintain and improve public access and recreation on lands owned or administered by the County for the purpose of natural resource management.
2. Under Minnesota Stat. § 477A.14 Subd. (a), the County is authorized to implement wildlife habitat management programs on County tax-forfeited lands it administers. The County desires to implement wildlife habitat programs on County managed tax-forfeited lands in cooperation with the State for the purpose of natural resource management. The County is responsible for the protection, administration, and management of County managed tax-forfeited lands within the boundaries of the County.
3. The State and the County desire to promote cooperation between agencies, prevent misunderstandings and minimize administrative time and expense. Therefore, in consideration of the above premises, the parties hereto agree to cooperate and coordinate projects for wildlife habitat, public access, and public recreation on County managed tax-forfeited lands according to the provisions or terms below.

Accordingly, the Parties agree as follows:

Agreement

1. Term of Master Agreement

COUNTY UNDERSTANDS THAT NO WORK SHOULD BEGIN UNDER THIS MASTER CONTRACT UNTIL ALL REQUIRED SIGNATURES HAVE BEEN OBTAINED AND THE COUNTY'S AUTHORIZED REPRESENTATIVE IS NOTIFIED TO BEGIN WORK BY THE STATE'S AUTHORIZED REPRESENTATIVE.

- 1.1 Effective date. July 1, 2024, or the date the State obtains all required signatures under Minn. Stat. § 16C.05, subd. 2, whichever is later.
- 1.2 Work Order Agreements. The term of work under Work Order Agreements issued under this Master Contract may not extend beyond the expiration date of this Master Contract.

- 1.3 Expiration date. June 30, 2029, or until all obligations have been satisfactorily fulfilled, whichever occurs first.
- 1.4 Survival of Terms. The following clauses survive the expiration or cancellation of this grant contract agreement: 6. Liability; 7. State Audits; 8. Government Data Practices; 9. Venue; and 10. Publicity and Endorsement.

2. County's Duties

The County, who is not a State employee, may be requested to perform any of the following services under individual Work Order Contracts:

- 2.1 County's representatives shall be active participants in the planning stages of any proposed wildlife project(s) and agreed upon projects shall be set forth in a signed Work Order. The County understands that only the receipt of a fully executed Work Order Contract authorizes the County to begin work under this master contract. Any and all effort, expenses, or actions taken before the Work Order Contract is fully executed is not authorized under Minnesota Statutes and is undertaken at the sole responsibility and expense of the County. A sample Work Order Contract is attached and incorporated into this master contract as Exhibit A.
- 2.2 Habitat management and maintenance practices that may be implemented under a signed Work Order include but are not limited to the following: forest wildlife habitat development projects, development and maintenance of wildlife openings, trail and access construction and maintenance, prescribed burns, and timber stand improvement projects.
- 2.3 The State and the County shall each name a Project Manager in each Work Order. Each Project Manager will report to their Authorized Representative and will work together to coordinate all project requirements and site work.
- 2.4 A project established under the terms of this agreement will in no way prejudice the County's responsibility to manage tax forfeited lands as provided by law. All activities shall be consistent with all state and local laws and regulations.
- 2.5 All sites developed pursuant to this agreement shall be open to public hunting, trapping, and other compatible public recreation in accordance with state law and state regulations.
- 2.6 The State and the County will provide the other with a copy of any and all necessary documents for a given project within a reasonable period of time.
- 2.7 Any publicity regarding a project under this agreement shall give recognition to both the State and the County.
- 2.8 Neither the State nor the County may be required to enter into a Work Order for any reason including lack of funding.

3. Payment

3.1 Compensation. The total financial obligation of the State and the County, if any, under this agreement will not exceed \$500,000. Payment terms will be set forth in the signed Work Order(s). Individual Work Orders will not exceed \$25,000.

3.2 Payment.

3.2.1 Invoices. The State will promptly pay the County after the County presents an itemized invoice for the goods received or services actually performed, and the State's Authorized Representative accepts the invoiced goods or services. Invoices shall be submitted timely and in a form prescribed by the State and according to the work order schedule or no more than monthly.

3.2.2 Retainage. Under Minn. Stat. § 16C.08, subd. 2 (10), no more than 90 percent of the amount due under the Work Order may be paid until the final product of the Work Order has been reviewed by the State. The balance due will be paid when the State determines that the County has satisfactorily fulfilled all the terms of the Work Order.

4. Authorized Representative

The State's Authorized Representative is Lindsey Shartell, Northeast Regional Wildlife Manager, 1201 East Highway 2, Grand Rapids MN 55744, 218-328-8870, lindsey.shartell@state.mn.us, or his/her successor.

The State's Project Manager will be identified in each Work Order Agreement.

The County's Authorized Representative is Kory Cease, Itasca County Land Commissioner, 1177 LaPrairie Ave., Grand Rapids MN 55744, 218-327-2855, Kory.Cease@co.itasca.mn.us, or his/her successor.

5. Assignment, Amendments, Waiver, and Contract Complete.

5.1 Assignment. The County may neither assign nor transfer any rights or obligations under this Agreement without the prior consent of the State and a fully executed assignment agreement, executed and approved by the authorized parties or their successors.

5.2 Amendments. Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the authorized parties or their successors.

5.3 Waiver. If the State fails to enforce any provision of this Agreement, that failure does not waive the provision or its right to enforce it.

5.4 Contract Complete. This Agreement contains all negotiations and agreements between the State and the County. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

6. Liability

Each party will be responsible for its own acts and behavior and the results thereof. The Minnesota Tort Claims Act, Minn. Stat. § 3.736 and other applicable laws govern the State's liability. Nothing in this Contract shall be construed to limit either party from asserting against third parties any defenses or immunities (including common law, statutory and constitutional) it may have or be construed to create a basis for a claim or suit when none would otherwise exist.

7. State Audits.

Under Minn. Stat. § 16C.05, subd. 5, the County's books, records, documents, and accounting procedures and practices relevant to this Agreement are subject to examination by the State, the State Auditor, or Legislative Auditor, as appropriate, for a minimum of six years from the expiration or termination of this Agreement.

8. Government Data Practices.

The County and State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, (or, if the State contracting party is part of the Judicial Branch, with the Rules of Public Access to Records of the Judicial Branch promulgated by the Minnesota Supreme Court as the same may be amended from time to time) as it applies to all data provided by the State under this Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the County under this Contract. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data governed by the Minnesota Government Practices Act, Minn. Stat. Ch. 13, by either the County or the State.

If the County receives a request to release the data referred to in this clause, the County must immediately notify and consult with the State's Authorized Representative as to how the County should respond to the request. The County's response to the request shall comply with applicable law.

9. Venue

Venue for all legal proceedings out of this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

10. Publicity and Endorsement

10.1 Publicity. Any publicity regarding the subject matter of this Contract must identify the State as the sponsoring agency and must not be released without prior written approval from the State's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, information posted on corporate or other websites, research, reports, signs, and similar public notices prepared by or for the County individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this Contract.

10.2 Endorsement. The County must not claim that the State endorses its products or services.

11. Termination

11.1 Termination. The State or the County may terminate this agreement at any time, with or without cause, upon 30 days' written notice to the other party.

11.2 Termination for Insufficient Funding. The State may immediately terminate this Agreement if it does not obtain funding from the Minnesota Legislature, or other funding source; or if funding cannot be continued at a level sufficient to allow for the payment of the services covered here.

Termination must be by written or fax notice to the County. The State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the County will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if the agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. The State must provide the County notice of the lack of funding within a reasonable time of the State's receiving that notice.

12. Invasive Species Requirements

The State requires active steps to prevent or limit the introduction, establishment, and spread of invasive species during contracted work. This applies to all activities performed on all lands under this agreement and is not limited to lands under DNR control or public waters. Duties are listed under Sections II and III (p. 5-8) of [Operational Order 113](#). All parties involved in the project shall prevent invasive species from entering into or spreading within a project site by cleaning equipment vehicles, gear, and/or clothing prior to arriving at the project site.

If the equipment, vehicles, gear, or clothing arrives at the project site with soil, aggregate material, mulch, vegetation (including seeds) or animals, it shall be cleaned by County-furnished tools or equipment (brush/broom, compressed air or pressure washer) at the staging area. The operator shall dispose of material cleaned from equipment and clothing at a location determined by the State's Project Manager. If the material cannot be disposed of onsite, secure material prior to transport (sealed container, covered truck, or wrap with tarp) and legally dispose of offsite.

The operator shall ensure that all equipment and clothing used for work in infested waters has been adequately decontaminated for invasive species (e.g., zebra mussels) prior to being used in non-infested waters. All equipment and clothing including but not limited to waders, tracked vehicles, barges, boats, turbidity curtain, sheet pile, and pumps that comes in contact with any infested waters must be thoroughly decontaminated.

13. Pollinator Habitat Enhancement

Habitat restorations and enhancements conducted on DNR lands and prairie restorations on state lands or any lands using state funds are subject to pollinator best management practices and habitat restoration guidelines pursuant to [Minnesota Statutes, section 84.973](#). Practices and guidelines ensure an appropriate diversity of native species to provide habitat for pollinators through the growing season. Current specific practices and guidelines to be followed for contract and grant work can be found in the [DNR Pollinator Best Management Practices and Habitat Restoration Guidelines](#).

14. E-Verify Certification (in accordance with Minn. Stat. § 16C.075).

For services valued in excess of \$50,000, the County certifies that as of the date of services performed on behalf of the State, County and all its subcontractors will have implemented or be in the process of implementing the federal E-Verify Program for all newly hired employees in the United States who will perform work on behalf of the State. The County is responsible for collecting all subcontractor certifications and may do so utilizing the E-Verify Subcontractor Certification Form available at <http://www.mmd.admin.state.mn.us/doc/EveryfySubCertForm.doc>. All subcontractor certifications must be kept on file with the County and made available to the State upon request.

15. Non-Native, Invasive or Extirpated Species

Any introduction or reintroduction of non-native, invasive or extirpated species (e.g., elk) is out of scope and not covered by this agreement.

16. Federal Funds

Payments under this Contract will be made from federal funds obtained by the State through CFDA 15.611 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. § 669 et seq.) with the United States of America, acting by and through the United States Fish and Wildlife Service (the "Service"). The County is responsible for compliance with all federal requirements imposed on these funds and accepts full financial responsibility for any requirements imposed by the County's failure to comply with federal requirements.

17. Whistleblower Protection Rights

(41 USC §4712, Enhancement of Recipient and Subrecipient Employee Whistleblower Protection)

(a) This award, related subawards, and related contracts over the simplified acquisition threshold and all employees working on this award, related subawards, and related contracts over the simplified acquisition threshold are subject to the whistleblower rights and remedies established at 41 USC 4712.

(b) Recipients, their subrecipients, and their contractors awarded contracts over the simplified acquisition threshold related to this award, shall inform their employees in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 USC 4712.

(c) The recipient shall insert this clause, including this paragraph (c), in all subawards and in contracts over the simplified acquisition threshold related to this award.

18. Procurement of Recovered Materials

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines. [78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75885, Dec. 19, 2014]

19. Use of Funds for Match or Reimbursement

State funds cannot be used by the County as match or for reimbursement for any other grant or program without prior written authorization from the State's Authorized Representative.

(a) The County must submit a written request for authorization no less than 10 business days prior to applying for the new funds or program to the State's Authorized Representative. This request must include the following information: this project name, this contract number, the amount of these funds to be used, location where these funds were or will be used, activity funded, and current landowner (if applicable). The project name, location where the new funds will be used, activity to be funded, funding source of the new grant or program, and a brief description of the grant or program being applied for must also be included.

(b) If the new grant or program will add any encumbrances to the land where these funds were or will be spent, these encumbrances must be approved in writing by the State's Authorized Representative and the current landowner.

20. Exhibits

The following Exhibits are attached and incorporated into this Contract. In the event of a conflict between the terms of this Contract and its Exhibits, or between Exhibits, the order of precedence is first the Contract, and then in the following order:

Exhibit A: Work Order Template

1. State Encumbrance Verification

Individual certifies that funds have been encumbered as required by Minn. Stat. §§ 16A.15 and 16C.05

Print Name: Jodi Wendorf

Signature: _____

Title: Accounting Director Date: _____

SWIFT Contract No. 247922

2. County

The County certifies that the appropriate person has executed the Contract on behalf of the County as required by applicable articles, bylaws, resolutions, or ordinances.

Print Name: _____

Signature: _____

Title: _____ Date: _____

3. State Agency

With delegated authority

Print Name: David Olfelt

Signature: _____

Title: Division Director Date: _____

4. Commissioner of Administration

As delegated to The Office of State Procurement

Print Name: _____

Signature: _____

Title: _____ Date: _____

Admin ID: _____



State of Minnesota
SWIFT Contract Number: _____
Master Contract Number: 2429G

**Professional and Technical
Services Work Order Contract**

This Work Order Contract is between the State of Minnesota acting through its Commissioner of the Department of Natural Resources ("State") and Itasca County ("County"). This Work Order Contract is issued under the authority of Master Contract T-Number 2429G, SWIFT Contract Number 247922, and is subject to all provisions of the Master Contract which is incorporated by reference.

Contract

1. Term of Contract

- 1.1 Effective date. [Spell out full date (e.g., April 1, 2019)], or the date the State obtains all required signatures under Minn. Stat. § 16C.05, subd. 2, whichever is later. The County must not begin work under this contract until this contract is fully executed and the County has been notified by the State's Authorized Representative to begin work.
- 1.2 Expiration date. [Spell out full date (e.g., March 31, 2020)], or until all obligations have been satisfactorily fulfilled, whichever occurs first.

2. Scope of Work

The County shall perform all duties described in this Contract to the satisfaction of the State.

The County, who is not a State employee, will:

- 2.1 Allow the Project, which is attached to and incorporated into this Agreement as Attachment A, to be conducted on County property identified in Attachment A.
- 2.2 Attend a pre-construction meeting with the contractor and the State, if desired.

The State will:

- 2.3 Provide all necessary funding for Project.
- 2.4 Advertise, award and administer the contract(s) for work on the Project.
- 2.5 Conduct all necessary boundary marking and other logistics related to project execution, including all processes required to obtain the services of a private contractor or State personnel to complete the project.
- 2.6 If required by the County, facilitate private contractor enrollment on the County's approved contractor list.

- 2.7 Obtain the necessary State and Federal permits in the name of the State and the County and abide by any and all regulations, which may apply.
- 2.8 Assure the County that it shall not intentionally or otherwise create or perpetuate any structure or circumstance known or believed to be a public hazard in the construction, operation or maintenance of the project area.
- 2.9 Notify the County when work on the project begins and ends. The State will coordinate with the County for a pre-construction meeting with the contractor.
- 2.10 Monitor the results of the project work and provide any data and photos collected to the County.
- 2.11 Allow the County to provide assistance or conduct inspections, if desired, during either the active management or monitoring stages of the project.
- 2.12 If Outdoor Heritage Funds are used on the project, signage shall be erected by the State in accordance with Minn. Laws 2010, Chapter 361, Article 3, Section 5(b) h. Any other signage requirements for specific funding sources used on the project will also be followed.

The Parties will:

- 2.13 Execute amendments to this Agreement in writing, which will not be effective until approved by both authorized parties or their successors.
- 2.14 Mutually develop a sign plan for all signs and posters for the Project that includes County review of the general depiction, message, locations for placement, and maintenance responsibility. No signs or posters that are not legally required shall be placed on County land without the approval of the County Project Manager.

3. Consideration and Payment.

- 3.1 The total obligation of the State under this Agreement will not exceed \$XX.00.
- 3.2 Invoices. The State will promptly pay the County after the County presents an itemized invoice, including documentation, for services actually performed on the Project and the State's Authorized Representative accepts the invoiced services. Documentation must include copies of all payable invoices showing:
 - Name and address of the vendor
 - Date of purchase or work
 - Specific site (WMA, WPA, landowner name, etc.) where work was done or where materials will be used
 - Quantity of item(s) or work purchased
 - Description of item(s) or work purchased
 - Unit price
 - Total amount of each line item
 - Proof of payment of vendor (such as a cancelled check)

Partial payments are allowed but may not be submitted more than monthly. Payments for work completed through June 30 of each year must be submitted to the State's Authorized Representative no later than July 20 of that same year.

Final invoices for the project must be submitted within 30 days after the project is completed, but no later than July 20, 20xx.

4. Project Managers

The State's Project Manager is [name, title, address, telephone number]. The State's Authorized Representative will certify acceptance on each invoice submitted for payment.

The County's Project Manager is [name, title, address, telephone number]. If the County's Project Manager changes at any time during this Work Order Contract, the County must immediately notify the State.

1. State Encumbrance Verification

Individual certifies that funds have been encumbered as required by Minn. Stat. §§ 16A.15 and 16C.05

Print Name: _____

Signature: _____

Title: _____ Date: _____

SWIFT Contract No. _____

3. State Agency

With delegated authority

Print Name: _____

Signature: _____

Title: _____ Date: _____

2. County

The County certifies that the appropriate person has executed the Contract on behalf of the County as required by applicable articles, bylaws, resolutions, or ordinances.

Print Name: _____

Signature: _____

Title: _____ Date: _____

Attachment A: Project

Project Title: This cooperative project shall be known as the **descriptive title Project** ("Project"). It shall in all cases be identified as a cooperative project between the State and County.

Location(s): TRS and/or lat/long; approximately xx acres. See Attachment 1, Map, which is attached to and incorporated into this agreement.

Background: *The main cover type in the proposed project areas is non-merchantable rock outcrop with off-site balsam fir, aspen spp., birch, red maple, scrub oak, white pine, red pine, and jack pine. The project location is generally not suitable for timber management due to poor soils and excessive drainage. However, the site exhibits excellent potential for soft and hard mast production to benefit black bear, ruffed grouse, white-tailed deer, and various other species. Historically, this type of site probably burned relatively frequently at fairly low intensities, but fire suppression and lack of merchantability have resulted in little or no disturbance in recent decades.*

Management Objective: *There are three principle management objectives for this project. The first is to increase acorn production, the second is to increase berry production, and the third is to encourage oak and pine regeneration. The overall purpose of this project is to improve habitat for wildlife on State and County Tax Forfeited Lands by mimicking a low intensity wildfire event via mechanical treatment.*

All three objectives will be initially accomplished through hand-cutting. All woody species, excluding fire tolerant species (oak, white pine, red pine, and jack pine), less than 6 inches DBH will be cut and those over 6 inches will be girdled to increase sunlight and encourage acorn and berry production. The majority of the stumps will be 6" or less in height and the slash will be left to deteriorate naturally. Subsequent treatments will be required to maintain the project site in the desired condition every 2 to 10 years; however, maintenance treatments are not covered by this agreement will be administered via additional specific project agreements.



**ITASCA COUNTY
BOARD OF COMMISSIONERS**

Itasca County Courthouse
123 NE 4th Street
Grand Rapids, MN 55744

Tuesday, June 18, 2024

REQUEST FOR BOARD ACTION: RBA-2024-237

DEPARTMENT: Land Department

TIME REQUESTED: < 5 Minutes

PRESENTER: Cindy Shevich

AGENDA ITEM:

Utility License for Arvig Enterprises, Inc. on Tax-Forfeited Trust Land

BOARD ACTION REQUESTED:

Approve utility license for construction, maintenance and operation of an underground telecommunication line over and across tax-forfeited trust lands in Section 4, township 61, Range 24 and authorize necessary signatures.

BACKGROUND:

This License is for construction of underground telecommunication lines running parallel with Bass Lake Park Road for a term of 10 years.

COUNTY ATTORNEY REVIEW: N/A

SUPPORTING DOCUMENTATION:

1. License for approval Arvig Bass Lake Park Rd

06/18/2024

RESULT:	RECOMMENDED FOR CONSENT	NEXT: 06/25/2024 2:30 PM
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ITASCA COUNTY UTILITY LICENSE

This license ("License") is granted this ____ day of _____, 2024, by Itasca County on behalf of the State of Minnesota in trust for the taxing districts (hereinafter Itasca County); pursuant to the provisions of Minnesota Statutes Section 282.04, Subd. 4, which states the County Auditor with approval of the county board is authorized to grant easements or permits on unsold tax-forfeited land for telecommunications and electric power lines, either by underground cable or conduit or otherwise.

NAME AND ADDRESS OF LICENSEE: Arvig Enterprises, Inc., 150 Second Ave. Southwest, Perham, MN 56573

LICENSE FEE: Three hundred Fifty-six Dollars and no/100ths (\$356.00) (sum of \$50.00 application fee, \$306.00 land value, and \$0 timber value)

TERM: The initial term of this non-exclusive License shall commence on the date set forth above, and shall end at 12:00 a.m. on _____. The term of this License is ten (10) years from the date of execution, subject to termination as provided herein.

PURPOSE OF LICENSE: This License is granted unto Licensee, its heirs, successors and assigns, until terminated as hereinafter provided, full right and authority to enter at any time upon and across and under a strip of land nine (9) feet in width, located no closer than three feet (3') off the edge of the road, known as Bass Lake Park Road and running parallel with the existing road, as determined by the Itasca County Land Department as an acceptable License location and is located on the parcels hereinafter described, to erect, maintain, repair, upgrade, rebuild, relocate, operate and patrol underground lines, including the right to erect poles and other telecommunication line structures, wires, cables, pipes and any necessary appurtenances, the right to clear said strip and keep it clear from brush, trees, buildings and fire hazards and the right to remove dangerous trees, if any, located beyond the limits of said strip, under the covenants and agreements of Licensee to use the following described lands:

Located within the following lands as shown on the attached Exhibits heretofore referred to as "Licensed Premises", and whose general location is listed below for reference:

Government Lot Two (2), Section Four (4), Township Sixty-one (61), Range Twenty-four (24) West.

Licensee shall also have the right of reasonable access to the Licensed Premises for the purposes described herein, over and across real property owned by the State of Minnesota in trust for the taxing districts adjacent to the Licensed Premises, with the specific access location to be designated by Itasca County, as manager of said lands, within a reasonable time upon request by Licensee, its contractors, agents, or assigns.

This License is granted pursuant to and subject to the terms of Itasca County Utility Permit to Construct dated October 20, 2022.

For the purpose of this License, "Utility" means any telephone and electric power line either by underground cable or conduit or otherwise, sewer and water lines, highways, recreational trails, railroads, and pipe lines for gas, liquids, or solids in suspension as authorized by Minn. Stat. 282.04, subd. 4.

DISCLAIMER: Licensee agrees to hold Itasca County and State of Minnesota in trust for the taxing districts harmless in regard to the legal descriptions provided by Licensee. Itasca County is relying on ownership information and license legal descriptions provided by Licensee. The grant herein is limited to parcels owned by the State of Minnesota in trust for the taxing districts. Itasca County makes no representations or warranties as to the ownership of the parcels crossed by this License, and assumes no liability for any errors or costs for corrections in that regard. The License granted herein is limited to the interest of the tax-forfeited trust, if any.

This License is granted subject to the following terms:

1. At the end of the License period and if both parties wish to renew, the renewal fee and time period will be based on Itasca County policy at that time.
2. This License is issued for underground telecommunication line utility purposes.
3. Pursuant to Minnesota Statutes Section 282.04, Subd. 4., this License shall be cancelable upon reasonable notice by Itasca County for violation of any of its terms or if at any time its continuance will conflict with a public use of the land over or upon which it is granted, or for any other reason.

In the event this License is cancelled or terminated under this Paragraph, Licensee shall remove all of Licensee's personal property, at Licensee's expense, from the Licensed Premises within one (1) year from the date of cancellation or termination.

4. If at any time the Itasca County shall deem it necessary to make any improvements or changes on all or any part of the road right-of-way or Licensed Premises on which this licensed utility and their ancillary facilities are located, then and in such event, Licensee shall within 15 days after written notice from Itasca County, or its authorized agent, proceed to alter, change, vacate or remove said utility and their ancillary facilities from the Licensed Premises so as to conform to said road changes and as directed by Itasca County. Such work shall be done without any cost whatsoever to Itasca County and shall be completed within the date specified in said written notice. Licensee shall assume all liability and hold Itasca County harmless from any and all claims of damage of any nature whatsoever occasioned by reason of not having removed said utility and their ancillary facilities within the time specified in said notice.
5. Itasca County, the State of Minnesota, or an authorized lessee thereof, under any minerals exploration lease or mining lease, or their respective successors or assigns, shall have the right to request the removal of the licensed utilities and their ancillary facilities from the Licensed Premises or the area in which they are situated, upon not less than three (3) years' written notice to the Licensee, to facilitate the mining of minerals or materials located in, under or upon the Licensed Premises. In the event Itasca County, the State of Minnesota, or a lessee under a minerals exploration lease or mining lease requests removal of the utilities and their ancillary facilities from the Licensed Premises, Itasca County shall explore any reasonable alternative location on adjacent or nearby land owned by Itasca County or the State of Minnesota in trust for the taxing districts, for Licensee's relocation, consent for which shall not be

unreasonably withheld by Itasca County or the State of Minnesota in trust for the taxing districts. All costs for removal or relocation of Licensees' utilities and their ancillary facilities shall be paid by the Licensee, or its successors or assigns. Itasca County and the State of Minnesota reserve the right to access and remove County and State-owned iron bearing minerals and lean ore materials from Licensed Premises and adjacent lands.

6. Unless otherwise authorized by Itasca County, within one (1) year from the surrender, expiration or cancellation of this License, Licensee shall remove from the Licensed Premises all the utilities and their ancillary facilities owned, installed or maintained by it. If Licensee does not remove such utilities and their ancillary facilities, all such utilities and facilities remaining shall become the property of Itasca County, to be used or disposed of as Itasca County elects. Licensee agrees to pay Itasca County for the costs of removing and disposing of such utilities and their ancillary facilities.
7. Licensee agrees, at its expense, to comply with all federal, state and local laws and regulations, including municipal ordinances, affecting Licensed Premises or the area in which they are situated and keep them in a neat and orderly condition, and shall remove all refuse and debris that may accumulate thereon. Licensee shall comply with the requirements of the Wetland Conservation Act of 1991 (Laws of Minnesota 1991, Chapter 354), any amendments thereto, and the rules adopted thereunder. Licensee is bound by the crossing location and installation method as detailed in any associated applications and permits and as approved by the Itasca County. Licensee shall not deviate from the terms and conditions of this License or any applications or permits as approved by the State unless it has first obtained written permission from the Itasca County Land Department and the appropriate permitting authority.
8. If Licensee plans to construct or make any ancillary facilities or other improvements or alterations on the Licensed Premises as necessary or suitable for its operations and use, Licensee must first review those plans with and receive written approval from Itasca County. Any changes, alterations or improvements in or to the Licensed Premises shall be at Licensee's sole expense. Licensee's use of the Licensed Premises shall be supported by all permits required by law, and Licensee shall not operate in violation of any such permits.
9. No timber shall be cut, used, removed or destroyed by Licensee without first obtaining written permission from Itasca County. Licensee must pay for all timber (both mature timber and regeneration) damaged on the Licensed Premises by Licensee prior to incurring the damage. Timber damages will be determined by the Itasca County Land Commissioner and will be based on current market values. Itasca County reserves the right to sell and dispose of, under the provisions of law now or hereinafter governing the sale of timber on county managed lands, all the timber upon the Licensed Premises, and hereby reserves to the purchaser of such timber, or agents and servants of the purchaser, the right at all times to enter thereon, and to cut and remove any and all such timber therefrom, according to the terms of the purchaser's contract with Itasca County, and without let or hindrance from Licensee, but such purchaser shall not unnecessarily or materially interfere with the operations carried on thereon. Itasca County's agreement with a purchaser of the timber shall provide that the purchaser of the timber will agree to assume entire responsibility and liability for all damages and injury to all persons and Licensed Premises whether caused by the purchaser, the purchaser's officers, agents or employees, arising from activities undertaken based on the timber permit or the purchaser's use or occupancy of the Licensed Premises covered by the timber permit.
10. Merchantable timber on Licensed Premises shall be salvaged to the extent practical. Each species must be utilized down to a minimum merchantable top diameter (outside bark) as follows: 3 inches for cordwood material (all species), 6 inches for bolts (all species), 10 inches for saw timber (conifers), and 12 inches for saw timber (hardwoods). All non-merchantable material resulting from clearing operations on Licensed Premises originating from other ownerships shall not be brought, stored or disposed of on

Licensed Premises or any county managed lands. Windrow piling or piling of any vegetative materials, including firewood, is also not permitted on said lands. Slash and non-merchantable materials slash originating from any upland site shall not be deposited in wetland areas.

11. Timber on Licensed Premises may be offered for sale by Itasca County and successful purchasers will make advanced payments on said timber. The persons and entities awarded a timber permit, heretofore referred to as permit holder(s), shall have rights to enter upon Licensed Premises to harvest the timber. Licensee must not unduly interfere with timber permit holder activities carried out under authorization of the timber permit.
12. Itasca County, or its agents or contractors, upon reasonable notice to Licensee, shall have the right to enter upon and into said Licensed Premises at any time to inspect the same. Such inspection shall not unreasonably hinder or interrupt the operations of Licensee, except in cases where emergency entry is necessary to preserve the Licensed Premises and other property.
13. The use of Licensed Premises by Licensee in utility construction or maintenance for which this License is granted shall be subject to the use, sale, or leasing for mineral or other legal purposes. Licensee will not cause any unnecessary hindrance to the activities of Itasca County and shall allow access to and across the Licensed Premises by Itasca County when needed for activities including, but not limited to, general land management, timber management, and recreational or mineral development, whether Itasca County is acting on its own behalf or that of the State of Minnesota in trust for the taxing districts.
14. This License is permissive only. No liability shall be imposed upon or incurred by Itasca County or any of its officers, agents, or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of Licensee or any of its agents, employees, or contractors relating to any matter hereunder. This License shall not be construed as estopping or limiting any legal claim or right of action of any such person against Licensee, its agents, employees, or contractors for any damage or injury resulting from any such act of omission, or as estopping or limiting any legal claim or right of action of Itasca County against Licensee, its agents employees, or contractors, for violation of or failure to comply with the provisions of the license or applicable provisions of law. Licensee shall indemnify and hold harmless Itasca County from all claims arising out of Licensee's use of the Licensed Premises whether such claims are asserted by civil action or otherwise.
15. Licensee shall not without Itasca County's prior written consent: a) assign, convey or otherwise transfer this License or any interest under it; b) sublet the Licensed Premises or any part thereof; or c) permit the use of occupancy of the Licensed Premises or any part thereof by anyone other than Licensee. This License shall extend to, and bind the successors, heirs, legal representatives and assigns of Licensee, if any. Itasca County may require a party who has requested to sublet, use or occupy the Licensed Premises to obtain a separate License from Itasca County prior to occupying or using the Licensed Premises.
16. No delay by Itasca County in enforcing any of the conditions of this License shall operate as a waiver of any of its rights.
17. Licensee will pay when due all taxes and assessments levied against the Licensed Premises or the improvements thereon.

18. LICENSEE 's Insurance and Indemnification.

- A. LICENSEE agrees to defend, indemnify and hold harmless ITASCA COUNTY and the State of Minnesota in trust for the taxing districts, its elected officials, officers, agents, volunteers and employees from any liability, claims, causes of action, judgments, damages, losses, costs or expenses, including reasonable attorney fees resulting directly or indirectly from any act or omission of LICENSEE, anyone directly or indirectly employed by them including any and all subcontractors and/or anyone for whose acts and/or omissions they may be liable herein and against all loss by reason of failure of said LICENSEE to perform fully, in any respect, all obligations under this License.
- B. LICENSEE agrees at all times during the term of this License to have and keep in force insurance, either under a self-insurance program or separate insurance policy, as follows:

- a. General Liability shall list ITASCA COUNTY and State of Minnesota in trust for the taxing districts, as additional insured with the following insurance limits:

	<u>Limits</u>
General Aggregate	\$3,000,000
Products-Completed	
Operations Aggregate	\$3,000,000
Personal and Advertising Injury	\$1,500,000
Each Occurrence:	

Combined Bodily Injury and Property Damage	\$1,500,000
--	-------------

- b. Automobile Liability - Combined single limit each occurrence for bodily injury and property damage covering owned, non-owned and hired automobiles
- | | |
|--|---------------|
| | <u>Limits</u> |
| | \$1,500,000 |

- c. Workers' Compensation and Employer's Liability:
- Statutory
Limits
- If LICENSEE is based outside the State of Minnesota, coverage must apply to Minnesota Laws.

- d. Employer's Liability
- | | |
|--------------------------|---------------|
| Bodily injury by: | <u>Limits</u> |
| Accident - Each Accident | \$500,000 |
| Disease - Policy Limit | \$500,000 |
| Disease - Each Employee | \$500,000 |

An umbrella or excess policy over self-insured retentions is an acceptable method to provide the required aggregate insurance amounts.

The above establishes minimum insurance requirements. It is the sole responsibility of LICENSEE to determine the need for and to procure additional coverage that may be needed in connection with this License.

LICENSEE shall not commence work on Licensed Premises, or otherwise occupy Licensed Premises, until it has obtained required insurance and filed an acceptable Certificate of Insurance with ITASCA COUNTY to the attention of Itasca County Land Department, c/o Land Commissioner, 1177 LaPrairie Avenue, Grand Rapids, MN 55744. The Certificate shall:

1. List ITASCA COUNTY and State of Minnesota in trust for the taxing districts as Certificate holder and as additional insured with respect to operations covered under the contract for all liability coverages except Workers' Compensation and Employer's Liability and Professional Liability, if applicable; and,
 2. Be amended to show that ITASCA COUNTY will receive thirty (30) days written notice in the event of cancellation, non-renewal or material change in any described policies.
- C. LICENSEE also agrees that any contract let by LICENSEE for the performance of the work on Licensed Premises as provided herein shall include clauses that will: (1) require LICENSEE to defend, indemnify and hold harmless ITASCA COUNTY and the State of Minnesota in trust for the taxing districts, its elected officials, officers, agents and employees for any liability, claims, causes of action, losses, demands, damages, judgments, costs, interest, expenses (including, without limitation, reasonable attorney fees, witness fees and disbursements incurred in the defendant thereof) arising out of or by reason of the acts and/or omissions of said LICENSEE, its subcontractors, anyone directly or indirectly employed by them, and/or anyone for whose acts and/or omissions they may be liable for ; (2) require LICENSEE to provide and maintain insurance in accordance with the following:

a. Workers' Compensation: (Statutory Limits)

Employer's Liability Insurance:

	<u>Limits</u>
1. Bodily Injury by Accident, each accident	\$500,000
2. Bodily Injury by Disease, policy limit	\$500,000
3. Bodily Injury by Disease, each employee	\$500,000

Note: all states endorsement is required if LICENSEE is domiciled outside the State of Minnesota.

b. Commercial General and Automobile Liability Insurance:

	<u>Limits</u>
1. Commercial General Liability:	
Combined Bodily Injury and Property Damage	
Each Occurrence Limit	\$1,500,000
General Aggregate Limit	\$3,000,000
Products - Completed Operations	
Aggregate Limit	\$3,000,000
Personal and Advertising Injury Limit	\$1,500,000
Coverages above shall also include:	
Premises - Operations	
Contractual Liability (including oral and written contracts)	
Explosion, Collapse, Underground Property Damage (XCU)	

2. Automobile Liability including Hired Car and Employers Non-Ownership Liability:
Combined Bodily Injury and Property Damage:
Each Occurrence Limit \$1,500,000

The above subparagraphs establish minimum insurance requirements and it is the sole responsibility of LICENSEE'S Subcontractor(s) to purchase additional insurance that may be necessary for the Licensed activities.

D. LICENSEE further agrees the minimum requirements set forth above shall at all times be in an amount at least equal to the maximum liability of ITASCA COUNTY under Minn. Stat. 466.04 now or as said statute is hereafter amended or as otherwise required by law, statute or rule.

E. In addition to any other rights contained herein ITASCA COUNTY reserves the right to terminate, suspend or rescind this License if LICENSEE is not in compliance with the requirements contained herein and retains all its rights thereafter to pursue any legal remedies against LICENSEE. All insurance policies shall be open to inspection by ITASCA COUNTY upon written request.

19. **Liability.** This License shall not be construed as imposing any liability on Itasca County for injury or damage to the person or property of Licensee, or to any other persons or property, arising out of any use of the Licensed Premises, or under any other easement, right-of-way, license, lease or other encumbrance now in effect, unless such injury or damage results from the gross negligence or intentional acts of Itasca County, or from a breach of this License by Itasca County. Licensee shall indemnify and hold harmless Itasca County from all claims arising out of the use of the Licensed Premises (excepting claims resulting from the gross negligence or intentional acts of Itasca County, from a breach of this License by Itasca County or arising out of use of the Licensed Premises by a third-party who subsequent to the date hereof has been authorized by Itasca County to use the Licensed Premises, or that third-party's agents, employees, heirs or assigns). The exception to Licensee's liability set forth in this paragraph shall be subject to the liability limitations and all defenses and provisions of Minn. Stat. 466 which are specifically retained by Itasca County.

20. Licensee shall acquire necessary rights to surface not owned or managed by Itasca County. It is understood and agreed that in case any interest in the land covered by this License is owned by any entity other than Itasca County or the State of Minnesota in trust of the taxing districts, this License shall not be construed as authorizing any invasion of or trespass upon such other interest, that in case it shall be necessary to make use of any such other interest in connection with any operations hereunder, Licensee shall obtain all necessary legal rights therefore before proceeding therewith, that Licensee shall be liable for all damages to any such other interest caused by any operations hereunder, and that Itasca County shall not incur or be subject to any liability therefore.

21. Crossing of recreational trails, including but not limited to the following snowmobile trails, to-wit: NONE; ATV/OHM and bicycle trails, to-wit: NONE; and associated spurs as currently exist and including any and all future amendments or additions to their routes:

- a. The location of any crossing of a recreational trail must be approved in advance by Itasca County. Itasca County may provide written instructions as to any specific construction standards to be followed for the crossing of a recreational trail.
- b. Utility construction and maintenance activities shall be conducted in a manner so as to minimize disturbance of safe recreational trail use and to separate the public from work areas. Licensee must provide signs to warn recreational trail users of any construction hazards.

- c. Licensee is responsible for repairing any damage created by Licensee's activities, to a recreational trail in a manner satisfactory to Itasca County.
- d. Prior approval must be obtained from Itasca County Land Commissioner, or their designee, for the cutting or trimming of trees within the recreational trail right-of-way located outside of the Licensed Premises.
- e. Licensee shall notify Itasca County in advance of its intent to perform any utility construction or maintenance operations that cross or fall within a recreational trail right-of-way. Itasca County shall assist Licensee in implementing safe, cooperative usage of the recreational trail right-of-way, including planning and implementation of trail re-routes, if necessary. Licensee may not re-route or close the recreational trail right-of-way without the prior written approval of Itasca County.

22. Additional construction and maintenance specifications:

- a. Utility construction, maintenance and associated activities must be confined to the Licensed Premises. Itasca County agrees to grant temporary permits as are reasonably necessary for the purposes of construction and maintenance. No damage or improvements to access roads and other areas may be done outside of the Licensed Premises without permission from the Itasca County Land Commissioner. The Itasca County Land Commissioner must be notified before motor vehicles are used off traveled roadways or on vehicle-restricted Itasca County trails, or before heavy equipment is moved across the Licensed Premises or other county managed lands not described herein. Prior approval and notification are not required during emergencies. However, the Itasca County Land Commissioner must be notified within five (5) days of such use, damage or improvement to allow timely assessment of the damage, if any, and to ensure proper reparations and repairs.
- b. Organic soil material and mineral soil must be left in place on the Licensed Premises unless approved by the Land Commissioner, for which said approval shall not be unreasonably withheld if soil removal is required for the installation of Licensee's utility as part of permitting or other construction requirements.
- c. On utilities whose presence is not readily visible on or above the ground surface, such as on underground utilities with narrow, unmaintained right-of-ways (i.e. underground telecommunication or electric power lines), the utility location must be signed at all angle points and at other locations as needed so that the distance between signs does not exceed 5 chains or 330 feet.
- d. Upon completion of utility construction or maintenance, Licensee shall restore the Licensed Premises and right-of-way to an environmentally sound condition. This may include, but is not limited to, eliminating any erosion problems and re-establishing stable vegetative cover as acceptable to the Itasca County Land Commissioner.
- e. Construction and maintenance of the utility license and system will be performed by Licensee without any cost to Itasca County or the State of Minnesota in trust for the taxing districts.
- f. Licensee must mark all survey markers within the Licensed Premises area prior to utility construction and maintenance. Licensee shall restore at Licensee's expense all survey markers damaged from any activities associated with this License by Licensee or Licensee's contractors.
- g. Licensee shall contact Itasca County 10 days prior to installation and within 10 days following completion of any licensed utility construction or maintenance work.
- h. Licensee shall be responsible for Licensee's employees, agents and contractors receiving and thoroughly understanding all conditions of this License.

23. The contact information for Itasca County and Licensee is as follows:

Itasca County Contacts:	Licensee:
Itasca County Land Department c/o Land Commissioner Kory Cease 1177 LaPrairie Avenue Grand Rapids, Minnesota 55744 Austin Rohling Itasca County Auditor County Courthouse 123 NE 4 th Street Grand Rapids, MN 55744	Arvig Enterprises Inc. 150 Second Ave. SW Perham, MN 56573

I/We as **Licensee(s)** hereby acknowledge that I/We have read the contents of the above document entitled Itasca County Utility License and understand its terms and agree to be bound by the conditions set forth therein.

ARVIG ENTERPRISES, INC.

Dated: _____

By: _____

Name: _____

Title: _____

STATE OF MINNESOTA)

) ss

COUNTY OF _____)

This instrument was acknowledged to before me this _____ day of _____, 2024 by _____, as the _____ of Arvig Enterprises, Inc. , Licensee.

(Notary Seal)

Notary Public

Dated: _____

THE STATE OF MINNESOTA IN TRUST
FOR THE TAXING DISTRICTS

By: _____
Austin Rohling, County Auditor

STATE OF MINNESOTA)

) ss

COUNTY OF ITASCA)

This instrument was acknowledged before me this _____ day of _____, 2024, by Austin Rohling, as County Auditor on behalf of Itasca County, a public body corporate of the State of Minnesota.

(Notary Seal)

Notary Public

ITASCA COUNTY LAND COMMISSIONER

Dated: _____

Kory Cease

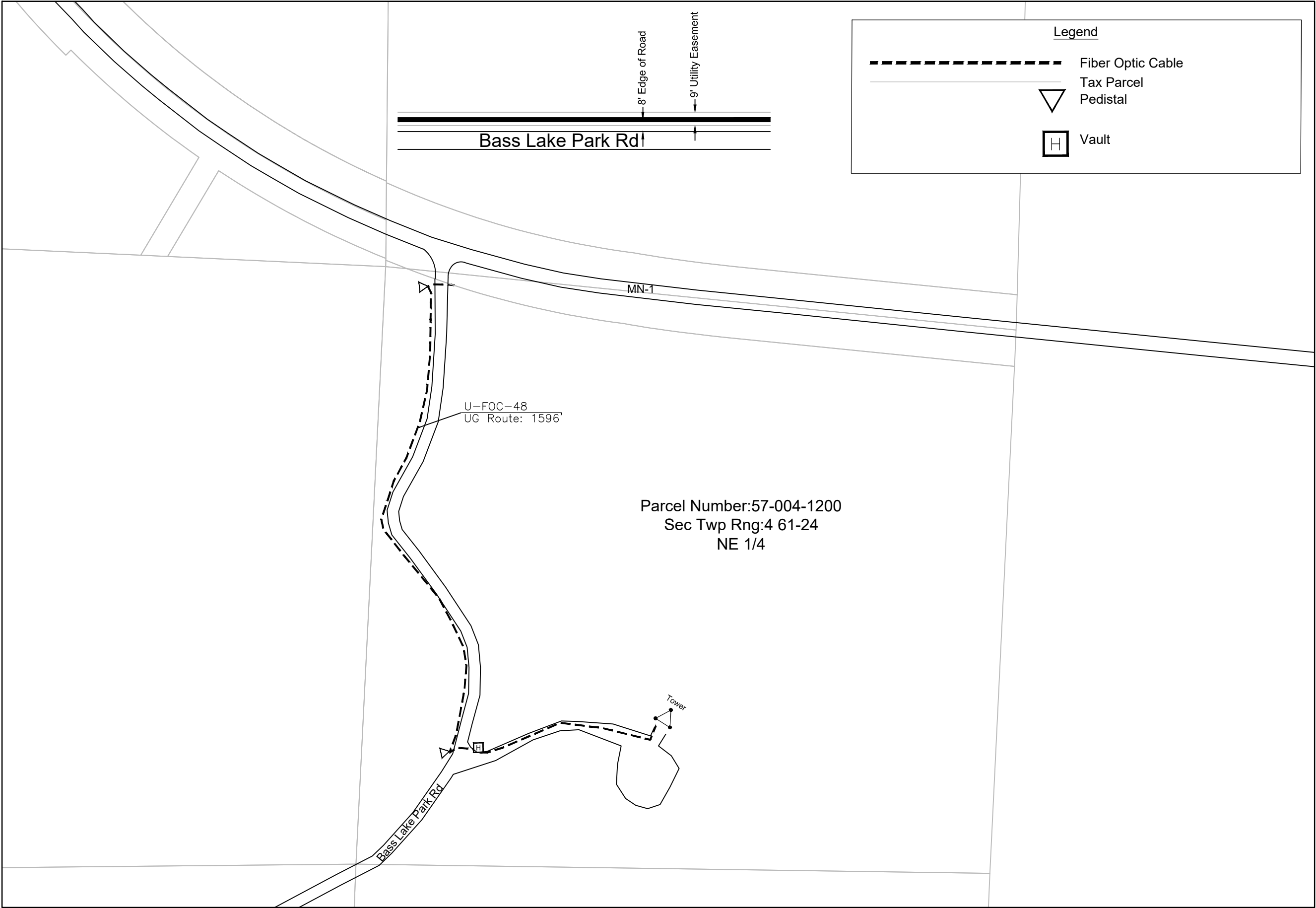
STATE OF MINNESOTA)
) ss
COUNTY OF ITASCA)

This instrument was acknowledged to before me this _____ day of _____, 2024, by Kory Cease, as Itasca County Land Commissioner on behalf of Itasca County, a public body corporate of the State of Minnesota.

(Notary Seal)

Notary Public

Drafted by: Cindy Shevich, Real Estate Specialist
 Itasca County Land Department
 1177 LaPrairie Ave
 Grand Rapids, MN 55744



Legend

- Fiber Optic Cable
- Tax Parcel
- Pedestal
- Vault



1" = 200'

Route	Bass Park Lake Rd
City	-
County	-
Filename	-
Work Order #	-



160 2nd St SW
Perham, MN 56573
(218) 346-5500

TRACKING

Staked By:	-
Drafted By:	-
Project Manager	
As-Built By:	-
Revision	- - -

GSOC

GOPHER STATE ONE CALL
1-800-252-1116
www.gopherstateonecall.org

Prepared by:





**ITASCA COUNTY
BOARD OF COMMISSIONERS**

Itasca County Courthouse
123 NE 4th Street
Grand Rapids, MN 55744

Tuesday, June 18, 2024

REQUEST FOR BOARD ACTION: RBA-2024-88

DEPARTMENT: Administrative Services

TIME REQUESTED: 10 Minutes

PRESENTER: Chair

AGENDA ITEM:

Citizen Input

BOARD ACTION REQUESTED:

Receive Citizen Input

BACKGROUND:

The Itasca County Board of Commissioners encourages citizen input. Each citizen will be allowed to address the County Board one time for up to three (3) minutes in length. Comments should be directed to the Board as a body. When addressing the Board, please state your name and address for the record. The Board will take all information under advisement. As part of County Board protocol, it is unacceptable for any speaker to slander or engage in character assassination at a County Board meeting. In addition, no political grandstanding, candidate endorsement, or other attempts to influence the outcome of an election shall be permitted. Any violation of the above statement shall result in the loss of your remaining time.

COUNTY ATTORNEY REVIEW: N/A

SUPPORTING DOCUMENTATION: None

RESULT:	INFORMATIONAL - NO ACTION TAKEN
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**ITASCA COUNTY
BOARD OF COMMISSIONERS**

Itasca County Courthouse
123 NE 4th Street
Grand Rapids, MN 55744

Tuesday, June 18, 2024

REQUEST FOR BOARD ACTION: RBA-2024-257

DEPARTMENT: Administrative Services

TIME REQUESTED: 15 Minutes

PRESENTER: Tom Neustrom

AGENDA ITEM:

American Rescue Plan (ARP) Request - Mn-Fish

BOARD ACTION REQUESTED:

Consider the American Rescue Plan (ARP) request, in the amount of \$15,000, from Mn-Fish for an Education/Advocacy project.

BACKGROUND:

COUNTY ATTORNEY REVIEW: N/A

SUPPORTING DOCUMENTATION:

1. ARP Request - Mn-Fish

Motion To: Approve the American Rescue Plan (ARP) request, in the amount of \$15,000, from Mn-Fish for an Education/Advocacy project.

RESULT:	APPROVED (5 TO 0)
MOVER:	Commissioner Burl Ives
SECONDER:	Commissioner Cory Smith
AYES:	Cory Smith, Terry Snyder, John Johnson, Burl Ives, Casey Venema

From: noreply@civicplus.com
To: [Brett Skyles](#); [Gail Guck](#); [Amanda Schultz](#); [Cory Smith](#); [John Johnson](#); [Burl Ives](#)
Subject: Online Form Submittal: American Rescue Plan (ARP) Request Form
Date: Friday, June 7, 2024 9:20:52 AM

CAUTION: This email originated from outside of the Itasca County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

American Rescue Plan (ARP) Request Form

AMERICAN RESCUE PLAN (ARP) REQUEST FORM

Entity Name:	Mn-Fish
Name of Contact:	Tom Neustrom
Address:	21622 Airport Rd
City:	Grand Rapids
State:	Mn
Zip Code:	55722
Phone Number:	218-259-2628
E-mail Address:	Markwholsten@gmail.com
Commissioner District:	District 1 - Cory Smith, District 3 - John Johnson, District 4 - Burl Ives
Project Name:	Education/Advocacy
Amount Requested:	15,000
Project Budget & Summary of Project:	Community Investment to support and enrich the sport of fishing and outdoors in Minnesota
Additional Information:	<i>Field not completed.</i>

Email not displaying correctly? [View it in your browser.](#)



**ITASCA COUNTY
BOARD OF COMMISSIONERS**

Itasca County Courthouse
123 NE 4th Street
Grand Rapids, MN 55744

Tuesday, June 18, 2024

REQUEST FOR BOARD ACTION: RBA-2024-278

DEPARTMENT: Auditor / Treasurer

TIME REQUESTED: 5 Minutes

PRESENTER: Austin Rohling

AGENDA ITEM:

Public Hearing Re: Off Sale Liquor License for Blackberry Junction LLC

BOARD ACTION REQUESTED:

Hold a Public Hearing Re: Off Sale Intoxicating Liquor License for Blackberry Junction LLC located at 25306 Dove Lane, Grand Rapids, MN and make a determination of the issuance of an Off Sale License for this establishment.

BACKGROUND:

COUNTY ATTORNEY REVIEW: N/A

SUPPORTING DOCUMENTATION:

1. Affidavit
2. Township Approval

Motion To: Approve the issuance of an Off Sale Liquor License for Blackberry Junction LLC located at 25306 Dove Lane, Grand Rapids, MN.

RESULT:	APPROVED (5 TO 0)
MOVER:	Commissioner Burl Ives
SECONDER:	Commissioner Casey Venema
AYES:	Cory Smith, Terry Snyder, John Johnson, Burl Ives, Casey Venema

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)

) ss.

COUNTY OF ITASCA)

Brett Holum, being first duly sworn, on oath states as follows:

1. I am the Publisher of the Grand Rapids Herald Review, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the public notice attached/copies below was published in the

Sunday June 2nd 2024

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: \$2.00 per 1-col line.

5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Itasca County. The newspaper complies with the conditions described in §580.033, sub d. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

Brett Holum [Signature]

Subscribed and sworn to before me on this

6th day of June 2024

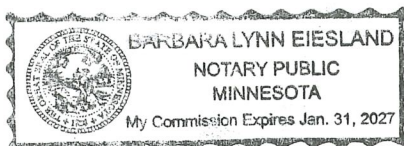
Barbara Eiesland

Notary Public

NOTICE OF PUBLIC HEARING ITASCA COUNTY BOARD OF COMMISSIONERS Off-Sale Liquor License

Notice is hereby given that a Public Hearing will be held on Tuesday, June 18th, 2024 beginning at 2:30 pm in the Itasca County Board Room, 123 NE 4th St, Grand Rapids, Minnesota. The purpose of the Public Hearing is to take comments and concerns regarding issuance of an Off-Sale Liquor License to Blackberry Junction LLC, 25306 Dove Lane, Grand Rapids, MN 55744. For further information regarding said hearing, contact the Itasca County Administrative Services Department, Itasca County Courthouse, 123 NE 4th St, Grand Rapids, Minnesota 55744, (218) 327-2847. Katharine Johnson, Itasca County Licensing Specialist (Dated May 30, 2024)

HR June 2, 2024.....167702



ITASCA COUNTY
TOWNSHIP RESOLUTION
FOR ON-SALE & OFF-SALE INTOXICATING LIQUOR LICENSE

The Township Supervisors of BLACKBERRY Township, Itasca County,

Minnesota, at a meeting held on the 20 day of MAY, do

hereby adopt a Resolution approving/consenting the application of

KRIS MANETAS to sell
(Licensee Name)

ON-SALE & OFF-SALE INTOXICATING LIQUOR at the establishment known as,

BLACKBERRY JUNCTION LLC
(Business Name)

Chairman Signature:  Date: 5-20-2024

Clerk Signature:  Date: 5/20/2024



**ITASCA COUNTY
BOARD OF COMMISSIONERS**

Itasca County Courthouse
123 NE 4th Street
Grand Rapids, MN 55744

Tuesday, June 18, 2024

REQUEST FOR BOARD ACTION: RBA-2024-279

DEPARTMENT: Health & Human Services

TIME REQUESTED: 15 Minutes

PRESENTER: Eric Villeneuve, Casey Venema

AGENDA ITEM:

County Subordinate Service District Discussion

BOARD ACTION REQUESTED:

Hold Discussion about a County Subordinate Service District for the Nashwauk Ambulance Service

BACKGROUND:

The City of Nashwauk has been meeting with the municipalities in the Nashwauk PSA about the possibility of a special taxing district. Out of those meetings came the discussion of a County Subordinate Service District as a possible option. This initial discussion is to talk about what a Subordinate Service District is, how it operates and to gauge the interest of the full County Board for further research. No specific action is being requested at this initial meeting.

COUNTY ATTORNEY REVIEW: N/A

SUPPORTING DOCUMENTATION:

1. House Research Subordinate Service District
2. M.S. 375B County Subordinate Districts

Motion To: Continue the discussion regarding County Subordinate Service Districts between the County, City of Nashwauk, and other government agencies to include a road map to chart out next steps.

RESULT:	APPROVED (5 TO 0)
MOVER:	Commissioner Terry Snyder
SECONDER:	Commissioner Cory Smith
AYES:	Cory Smith, Terry Snyder, John Johnson, Burl Ives, Casey Venema

Subordinate Service Districts

Beginning in 1969, a few metropolitan area counties were authorized to establish “subordinate service districts” by special law. Since 1982, counties, other than the seven metropolitan counties and St. Louis County, have been able to establish subordinate service districts under general law (Minn. Stat. ch. 375B). Towns were authorized to establish subordinate service districts in 1989 (Minn. Stat. ch. 365A). Subordinate service districts are very similar to city special service districts.

What is a subordinate service district?

A subordinate service district is a geographic area within a county or town, smaller than the entire county or town, in which the county or town provides services at a higher level than are provided generally throughout the jurisdiction or provides services that are not provided at all in the jurisdiction. A county subordinate service district (but not a town's) must be a compact, contiguous area.

What services can be provided in a subordinate service district?

Any service that the county or the town is otherwise authorized by law to provide may be provided in a district. Op. Atty Gen. 125a (March 26, 1984). County and town subordinate service districts cannot overlap to provide the same service. Minn. Stat. § 365A.10. Anecdotally, the law has been used to pave a portion of town road, provide community sewage treatment systems in new developments and near lakes, and provide ambulance services. There is no comprehensive information on the number, location, purpose, or financing of subordinate service districts; counties and towns do not report on them to any state agency.

How are the services paid for?

The services are paid for by revenues from within the district. For both counties and towns, a service may be paid for through a property tax or service charge, or a combination of the two, against the users of the service. Counties and towns may issue general obligation bonds without an election for capital projects in subordinate service districts, payable primarily from the taxes or charges from the district but also ultimately backed by the general taxing power of the county or town. The taxes or fees supporting the bonds must continue to be imposed until the bonds are repaid, even if the district is dissolved. Minn. Stat. §§ 375B.09; 365A.08; 365A.095.

How is the way services are paid for different from other ways of paying for improvements or services?

If the county or town used general property tax levy revenues, the entire jurisdiction would pay for the improvement or service. A subordinate service district requires those benefitting from or using the improvements or services to pay for them. Assuming the county or town had authority to use special assessments for the particular purpose, special assessments typically are not for ongoing costs, and the amount charged must be substantially equal to the property's market value increase due to the improvement. In contrast, a subordinate service district can be used to pay for ongoing costs and does not require the charges to match the benefit.

How is a subordinate service district formed?

By board resolution. A county board may establish a district by resolution after a public hearing. The resolution must specify the service or services to be provided within the subordinate service district and the territorial boundaries of the district. Minn. Stat. § 375B.04.

By petition. In a county and in a town, a subordinate service district may be established by petition. In a county, the petition submitted to the county board must be signed by at least 10 percent of voters within the area proposed for the subordinate service district. In a town, it must be signed by at least 50 percent of the property owners in the area to be served. In both cases, the petition must describe the proposed district boundaries and services. Within 30 days, the county or town board must hold a public hearing and then approve, approve with modifications, or disapprove the request.

Whether created by board resolution or petition, creation of a subordinate service district is subject to reverse referendum. If 5 percent of voters in the district (for counties) or 25 percent of property owners in the district (for towns) petition for a referendum, a special election must be held. When this occurs, the district is not established unless approved by a majority of those voting on the question. Minn. Stat. §§ 365A.06; 375B.05.

Can a district be enlarged?

A county subordinate service district may be enlarged in the same manner for establishing a new district. Minn. Stat. § 375B.08. The statute specifies who can vote.

How is a district discontinued?

Both county and town subordinate service districts may be discontinued if a petition requesting it is approved. For counties, the petition must be signed by at least 10 percent of the voters in the area. Counties are not required to hold public hearings. A county board also may initiate discontinuing a district by adopting a resolution after publishing notice for between three and six months before the resolution is adopted. In a county, whether initiated by petition or board resolution, the county must hold a special election within the boundaries of the district not less than 30 nor more than 90 days after the resolution or receipt of the petition. The district is discontinued if a majority of those voting on the question favor discontinuance. For towns, the petition must be signed by at least 75 percent of the property owners in the area. Town boards must hold a public hearing before deciding whether to discontinue a subordinate service district, but no election is held. Minn. Stat. §§ 365A.095; 375B.10; 375B.11.

If revenues remain after a town subordinate service district is discontinued and all outstanding obligations have been paid, the town board may deposit the surplus revenues in the town general fund or refund them to the owners of property charged during the last year a tax or fee was imposed in the district. Minn. Stat. § 365A.095. The county subordinate service district law does not address this situation.

For more information: Contact legislative analyst Christopher Kleman at christopher.kleman@house.mn or Deborah Dyson at deborah.dyson@house.mn. Also see the House Research publication *City Special Service Districts*.

The Research Department of the Minnesota House of Representatives is a nonpartisan office providing legislative, legal, and information services to the entire House.

CHAPTER 375B

COUNTY SUBORDINATE SERVICE DISTRICTS

375B.01	PURPOSE OF SUBORDINATE GOVERNMENTAL SERVICE DISTRICTS.	375B.07	REFERENDUM.
375B.02	DEFINITION.	375B.08	ENLARGING A SUBORDINATE SERVICE DISTRICT.
375B.03	ESTABLISHMENT OF SERVICE DISTRICTS.	375B.09	FINANCING.
375B.04	CREATION BY COUNTY BOARD.	375B.10	WITHDRAWAL; ELECTION.
375B.05	CREATION BY PETITION.	375B.11	WITHDRAWAL; BY RESOLUTION OF COUNTY BOARD.
375B.06	PUBLICATION AND EFFECTIVE DATE.	375B.12	LOCAL LAWS SUPERSEDED.

375B.01 PURPOSE OF SUBORDINATE GOVERNMENTAL SERVICE DISTRICTS.

It is the purpose of this chapter to provide a means by which a county as a unit of general local government can effectively provide and finance various governmental services for its residents.

History: 1982 c 507 s 8; 1983 c 216 art 1 s 63

375B.02 DEFINITION.

"Subordinate service district" means a compact and contiguous district within the county in which one or more governmental services or additions to countywide services are provided by the county and financed from revenues secured from within that district. The boundaries of a single subordinate service district may not embrace an entire county.

History: 1982 c 507 s 9

375B.03 ESTABLISHMENT OF SERVICE DISTRICTS.

Notwithstanding any provision of law requiring uniform property tax rates on real or personal property within the county, any county in this state, except a metropolitan county as defined in section 473.121, subdivision 4, and any other county containing a city of the first class, may establish subordinate service districts to provide and finance any governmental service or function which it is otherwise authorized to undertake. A function or service to be provided shall not include a function or service which the county generally provides throughout the county unless an increase in the level of the service is to be supplied in the service district.

History: 1982 c 507 s 10

375B.04 CREATION BY COUNTY BOARD.

The county board of commissioners of any county, except a metropolitan county as defined in section 473.121, subdivision 4, and any other county containing a city of the first class, may establish a subordinate service district in a portion of the county by adoption of an appropriate resolution. Before the adoption of the resolution, the county board shall hold a public hearing on the question of whether or not a subordinate service district shall be established. The resolution shall specify the service or services to be provided within the subordinate service district and shall specify the territorial boundaries of the district.

History: 1982 c 507 s 11

375B.05 CREATION BY PETITION.

Subdivision 1. **Petition.** A petition signed by ten percent of the qualified voters within the portion of the county proposed for the subordinate service district may be submitted to the county board requesting the establishment of a subordinate county service district to provide any service or services which the county is otherwise authorized by law to provide. The petition shall include the territorial boundaries of the proposed district and shall specify the types of services to be provided within the district.

Subd. 2. **Public hearing.** Upon receipt of the petition, and verification of the signatures by the county auditor, the county board shall, within 30 days following verification, hold a public hearing on the question of whether or not the requested district shall be established.

Subd. 3. **Approval; disapproval.** Within 30 days following the holding of a public hearing, the county board, by resolution, shall approve or disapprove the establishment of the requested district. A resolution approving the creation of the district may contain amendments or modifications of the district's boundaries or functions as set forth in the petition.

History: 1982 c 507 s 12

375B.06 PUBLICATION AND EFFECTIVE DATE.

Upon passage of a resolution authorizing the creation of a subordinate service district, the county board shall cause the resolution to be published once in the official newspaper. The resolution shall include a general description of the territory to be included within the district, the type of service or services to be undertaken in the district, a statement of the means by which the service or services will be financed, and a designation of the county agency or officer who will be responsible for supervising the provision of the service or services. The district shall be deemed established 30 days after publication or at a later date as may be specified in the resolution.

History: 1982 c 507 s 13

375B.07 REFERENDUM.

Subdivision 1. **Petition.** Upon receipt of a petition signed by five percent of the qualified voters within the territory of the proposed district prior to the effective date of its creation as specified in section 375B.06, the creation shall be held in abeyance pending referendum vote of all qualified electors residing within the boundaries of the proposed district.

Subd. 2. **Election.** The county board shall make arrangements for the holding of a special election on a date authorized by section 205.10, subdivision 3a, within the boundaries of the proposed district. The question to be submitted and voted upon by the qualified voters within the territory of the proposed district shall be phrased substantially as follows:

"Shall a subordinate service district be established in order to provide (service or services to be provided) financed by (revenue sources)?"

If a majority of those voting on the question favor creation of the proposed district, the district shall be deemed created upon certification of the vote by the county auditor. The county auditor shall administer the election.

History: 1982 c 507 s 14; 2017 c 92 art 2 s 19

375B.08 ENLARGING A SUBORDINATE SERVICE DISTRICT.

The county board, on its own motion or pursuant to petition, may enlarge any existing subordinate service district pursuant to the procedures specified in sections 375B.04 to 375B.07. Only qualified voters residing in the district to be added shall be eligible to participate in the election, but if five percent of the qualified voters residing in the existing service district petition to participate in the election, all qualified voters residing in the proposed service district shall be eligible.

History: 1982 c 507 s 15

375B.09 FINANCING.

Subdivision 1. **Budget.** (a) Upon adoption of the next annual budget following the creation of a subordinate service district the county board shall include in the budget appropriate provisions for the operation of the district including, as appropriate, either a property tax levied only on property within the boundaries of the district or a levy of a service charge against the users of the service within the district, or any combination of a property tax and a service charge.

(b) A tax or service charge or a combination thereof shall not be imposed to finance a function or service in the subordinate service district which the county generally provides throughout the county unless an increase in the level of the service is to be supplied in the subordinate service district in which case, in addition to the countywide tax levy, only an amount necessary to pay for the increased level of service may be imposed.

Subd. 2. **Bonds.** At any time after the requirements of section 375B.07 have been met and the subordinate service district created, the county board may issue obligations in an amount it deems necessary to defray in whole or in part the expense incurred and estimated to be incurred in making capital improvements necessary to operate the subordinate service district and provide the special services in the district, including every item of cost from inception to completion and all fees and expenses incurred in connection with the capital improvements or the financing. The obligations shall be payable primarily out of the proceeds of the taxes and service charges imposed pursuant to subdivision 1, net revenues as described in section 444.075, and special assessments under chapter 429. The county board may by resolution pledge the full faith credit and taxing power of the county to ensure payment of the principal and interest on the obligations if the proceeds of the taxes and service charges are insufficient to pay the principal and interest. Obligations must be issued in accordance with chapter 475, except that an election is not required, and the amount of the obligations is not included in determining the net indebtedness of the county under the provisions of any law limiting indebtedness.

Subd. 3. **Covenants to secure obligations.** In resolutions authorizing the issuance of general or special obligations and pledging taxes and service charges imposed under subdivision 1, net revenues, or special assessments to their payment, the county board may make covenants for the protection of holders of the obligations and taxpayers of the county as it deems necessary, including a covenant that the county will impose and collect charges of the nature authorized by this chapter at the time and in the amounts required to produce, together with any taxes or special assessments designated as a primary source of payment of the obligations, funds adequate to pay all principal and interest when due on the obligations and to create and maintain reserves securing the payments as may be provided in the resolutions.

Subd. 4. **Continuance in event of withdrawal.** If obligations have been issued for the benefit of the subordinate service district, and the district is withdrawn or removed pursuant to either section 375B.10 or

375B.11, the rates, charges, and tax levies, if any, in the withdrawn or removed district must continue until the obligations and any obligations issued to refund them have been paid in full.

History: 1982 c 507 s 16; 2008 c 154 art 10 s 11

375B.10 WITHDRAWAL; ELECTION.

Upon receipt of a petition signed by ten percent of the qualified voters within the territory of the subordinate service district requesting the removal of the district, or pursuant to its own resolution, the county board shall make arrangements for the holding of a special election within the boundaries of the service district on a date authorized by section 205.10, subdivision 3a. The question to be submitted and voted upon by the qualified voters within the territory of the district shall be phrased substantially as follows:

"Shall the subordinate service district presently established be removed and the service or services of the county as provided for the service district be discontinued?"

If a majority of those voting on the question favor the removal and discontinuance of the services, the service district shall be removed and the services shall be discontinued upon certification of the vote by the county auditor. The county auditor shall administer the election.

History: 1982 c 507 s 17; 2017 c 92 art 2 s 20

375B.11 WITHDRAWAL; BY RESOLUTION OF COUNTY BOARD.

The county board may by resolution withdraw a subordinate service district from the provisions of this chapter and discontinue the service provided within the service district. The county board shall cause notice of its intention to withdraw the service district to be published at least once in the official newspaper not more than six months or less than three months before the resolution is adopted. If a joint powers agreement is a part of the subordinate service district arrangement no withdrawal shall be effective under this section unless all parties to the joint powers agreement agree to the withdrawal.

History: 1982 c 507 s 18

375B.12 LOCAL LAWS SUPERSEDED.

A special law for a single county, except a metropolitan county as defined in section 473.121, subdivision 4, and any other county containing a city of the first class, which authorizes the county to establish subordinate service districts or areas is hereby superseded. Any service being provided pursuant to the special law on or before the effective date of Laws 1982, chapter 507, sections 1 to 12 may continue to be provided pursuant to the special law.

History: 1982 c 507 s 19



**ITASCA COUNTY
BOARD OF COMMISSIONERS**

Itasca County Courthouse
123 NE 4th Street
Grand Rapids, MN 55744

Tuesday, June 18, 2024

REQUEST FOR BOARD ACTION: RBA-2024-280

DEPARTMENT: Environmental Services

TIME REQUESTED: 20 Minutes

PRESENTER: Katie Benes

AGENDA ITEM:

Public Hearing Re: Rezone Application Submitted by Jeff Peterson

BOARD ACTION REQUESTED:

Hold a Public Hearing Re: Rezone Application Submitted by Jeff Peterson to rezone properties from Rural Residential to Recreational Commercial for properties located at 19-017-1307, 19-017-1308 and 19-017-4203.

BACKGROUND:

Jeff Peterson has requested that the parcels listed above be rezoned so he can proceed with a Conditional Use Permit (CUP) to re-establish a resort on the properties.

COUNTY ATTORNEY REVIEW: N/A

SUPPORTING DOCUMENTATION:

1. Peterson Rezone Information
2. Peterson Rezone Comments
3. Peterson Rezone County Board Criteria
4. Harris Township - Facts of Finding Updated
5. Citizen Handouts - Angel Flynn and Libbey

Motion To: Continue deliberations relative to the Rezone Application submitted by Jeff Peterson to the County Board's June 25, 2024 Regular Agenda.

RESULT:	APPROVED (5 TO 0)
MOVER:	Commissioner Burl Ives
SECONDER:	Commissioner Casey Venema
AYES:	Cory Smith, Terry Snyder, John Johnson, Burl Ives, Casey Venema

DATE 5/ PHONE # _____ PERMIT # _____

ITASCA COUNTY APPLICATION TO AMEND ZONING MAP/REZONE

Jeff Peterson
APPLICANT/ADDRESS 33002 Diamond Rd G.R.

AGENT/ADDRESS _____

PROPERTY ADDRESS 32460 Southwood Rd, Grand Rapids MN 55744
Part of Lt. 4 & Part of NW SE, Section 17, Harris Twp. 54-25

PROPERTY DESCRIPTION/PARCEL # 19-017-1308 + 19-017-1307 + 19-017-4203
see attached legal description

LAKE NAME/CLASS Pokegama (GP) EX. USE seasonal

ZONING DISTRICT [EXISTING]

ZONING DISTRICT [PROPOSED]

Rural Residential

Recreation Commercial

Reason for Proposed Amendment or Zone Change Moving Southwood Resort
to commercial campground status

Attach to this form a map showing property location, all properties within 300', dimensions of existing and proposed buildings, all streets and roads, North direction and any other information pertinent to this request.

SITE INSPECTION: A site inspection shall be made by the Board and the applicant acknowledges that no one can be prohibited from coming onto the property _____ Yes. The applicant chooses a site inspection by staff _____ Yes.

SIGNATURE/DATE: [Signature] 5/10/24

On 5/10/24, the Zoning Office received the completed application, accompanying information and the fee is paid in full

PERMIT APPROVAL: In accordance with MS#15.99, Itasca County must approve or deny the variance application within 60 days of submission of the completed application/fee. If said application is denied, the reason/s must be stated in writing at the time of denial. This time line may be extended by Itasca County for another 60 days provided the applicant/s receive written notice with reasons for the extension. The extension may not exceed 60 days unless approved by the applicant. The 60 days will end on: August 1, 2024

On _____ Planning Commission/BoA authorized an extension for the following reasons with an expiration date of: _____

Authorizing Signature and Date: _____

On _____ the applicants hereby waive the time frame requirements set forth in MS#15.99:

Signatures

Witness:

RECOMMENDATION

TOWN BOARD OF _____ APPROVAL _____ CHAIR _____

OR
AMEND _____ DATE _____

PCBA 01
0-0000

REASONS: _____

Amendments to the Zoning Map/Rezone shall be recommended for approval to the County Board upon finding by the Planning Commission that all of the following conditions exist:

1. The proposed zoning does not substantially conflict with the Itasca County Comprehensive Plan.
2. The proposed zoning shall not be spot zoning, which is zoning to discriminate in favor of one lot or parcel out of context with surrounding lots or parcels.
3. The original zoning was inconsistent with the comprehensive or land use plan; or an error was made in the comprehensive or land use plan which should be corrected along with the zoning; or substantial changes have occurred in the community since the adoption of the comprehensive or land use plan, which should result in the plan/s and the zoning being amended.
4. A clear public need for and benefit from the proposed rezoning shall exist beyond any benefit or convenience to the land owner.

RECOMMENDATION:

On 6/12/2024 the Planning Commission/Board of Adjustment, unanimously/ majority vote (2:2)
recommends, to the County Board of Commissioners, APPROVAL AMENDMENT REJECTION

of the map amendment/rezone submitted by Jeff Peterson for rezone from Rural Residential to
Recreational Commercial

Jusa Marasch 6-12-24
Chairperson – Itasca County Planning Commission/Board of Adjustment

On _____ the County Board of Commissioners unanimously/majority vote
recommends APPROVAL AMENDMENT REJECTION of the map amendment/rezone submitted
by _____

Chairperson – Itasca County Board of Commissioners

Approval includes the findings of fact and compliance with all County, State and Federal Rules, Regulations and Statutes as required by law.

In accordance with Section 18.4 of the Zoning Ordinance, all decisions by the County Board shall be final. Judicial review of these decisions by injunction, mandamus, declaratory judgment or other remedy shall be in the manner prescribed by law.

Amendment/Rezone Application for:

HARRIS TOWNSHIP'S "FACTS OF FINDING"

Criteria Necessary for Granting a Recommendation for a REZONE REQUEST

To make an affirmative recommendation of a Rezone Request to the Itasca County Planning Commission and Board of Adjustment, the Harris Town Board must identify all positive findings as specified:

REQUEST FROM: Jeff Peterson DATE 5/22/24

REQUEST FOR: Rezone of property

1. Are terms of the rezone consistent with the Harris Township Comprehensive Plan? Yes or No or N/A
Comments:

2. Will this request be considered a spot rezone? Yes or No or N/A
Comments:

3. If granted, will the rezone maintain the essential character of the neighborhood? Yes or No or N/A
Comments:

4. Have environmental concerns or precautions been addressed? Yes or No or N/A
Comments:

5. Have boundary/property lines been found, correctly identified, and agreed upon by all property owners involved? Yes or No or N/A
Comments:

6. Will the site have sufficient vehicle access in and out of the property, and will there be adequate parking space (if applicable)? Yes or No or N/A
Comments:

Other Comments : _____

Based on the criteria above, the Harris Town Board will make the following recommendation to the Itasca County Planning Commission / Board of Adjustment regarding the Rezone Request:

X RECOMMEND AS PRESENTED/REQUESTED _____ DO NOT RECOMMEND

RECOMEND IF AMENDED AS FOLLOWS:

Motion by Supervisor Schack and seconded by Supervisor Davis to approve. Ayes- 5; Nays-0 Motion Carried

Signed, the Harris Township Board of Supervisors:

Peggy Clayton Peggy Clayton, Chair

Mike Schack Mike Schack

Ryan Davies Ryan Davies

Dan Gilbert Dan Gilbert

Jim Kelley Jim Kelley

Note:

The Harris Town Board reserves the right to change or amend their recommendation, based on new information, up until the scheduled public hearing by the Itasca County Planning Commission / Board of Adjustment

DATE: 5/22/24

GUIDELINES FOR AMENDMENTS TO THE ZONING MAP

Applicant: Jeff Peterson

Property Location: 32460 Southwood Road, Grand Rapids

Present Zoning District: Rural Residential

Proposed Zoning District: Recreational Comm.

Amendments to the Zoning Map shall be recommended for approval to the County Board upon finding by the Planning Commission that all of the following conditions exist:

1. The proposed zoning does not substantially conflict with the Itasca County Comprehensive Land Use Plan. Why or Why not:

The proposed zoning does not conflict with the Itasca County Comprehensive Land Use Plan. In fact, it substantially aligns with the development and expansion of existing, time proven recreational facilities that encourage growth and recreation with our county's natural resources.

VII. Recreation Goal

Develop an integrated green space and recreation system within Itasca County that provides diverse, developed and primitive, recreational opportunities for all residents and visitors while protecting unique scenic and natural areas

2. The proposed zoning shall not be spot zoning, which is zoning that discriminates in favor of one lot or parcel out of context with surrounding lots or parcels. Why or Why not:

The proposed zoning is not spot zoning because the land is adjoining to an existing resort that has been successfully in operation since 1946 under the same proposed use. It is also near other similar zoning.

3. The original zoning was inconsistent with the Comprehensive Land Use Plan; or an error was made in the Comprehensive Land Use Plan, which should now be corrected along with the zoning district; or substantial changes have occurred in the community, which should result in the Comprehensive Land Use Plan and the zoning being amended. Why or Why not:

The original zoning of many small resorts was not updated when the county adopted an official Comprehensive Land Use Plan. Now is the time to correct and align their existing use with the current Comprehensive Land Use Plan and zoning.

4. A clear public need for and benefit from the proposed rezoning shall exist beyond any benefit or convenience to the landowner. Why or Why not:

There is a huge need for more recreational areas on Pokegama Lake, especially the beautiful Wendigo Arm. Currently, there are zero resorts or campgrounds on the entire lower east side of the lake as many have closed due to rising costs and restricted opportunities for expansion.

Recommendation to County Board:

Approval

Rejection

Chairperson of the Planning Commission/BoA

Date



Pokegama (GD)

NA

CABIN

CABIN

Storage

VEGETATED

19-017-1308

1307

SOUTHWOOD ROAD

CLEARING

VEGETATED

19-017-4203

VEGETATION
BUFFER PLAN

40-50' on lakeside

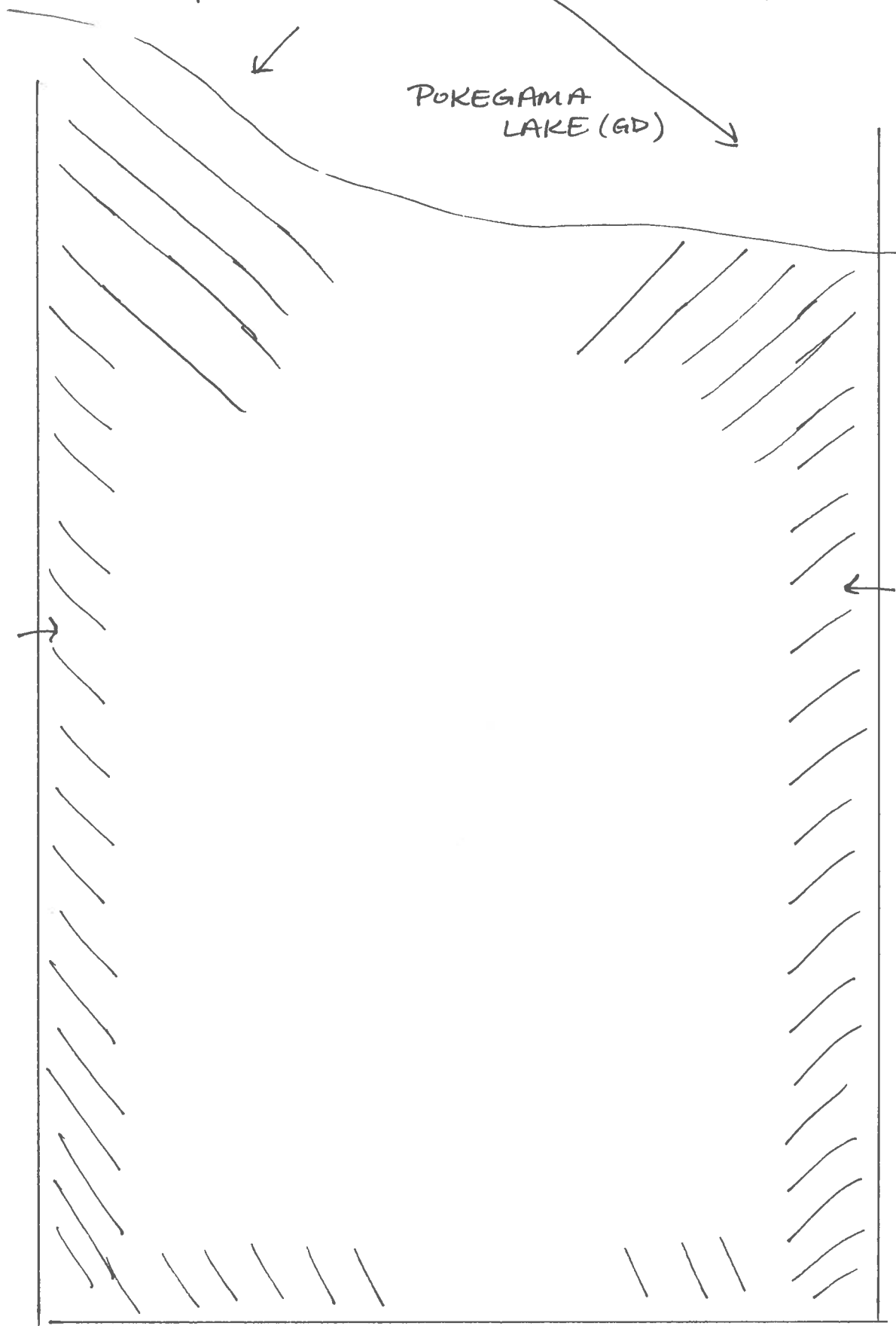
POKEGAMA
LAKE (GD)

45' buffer

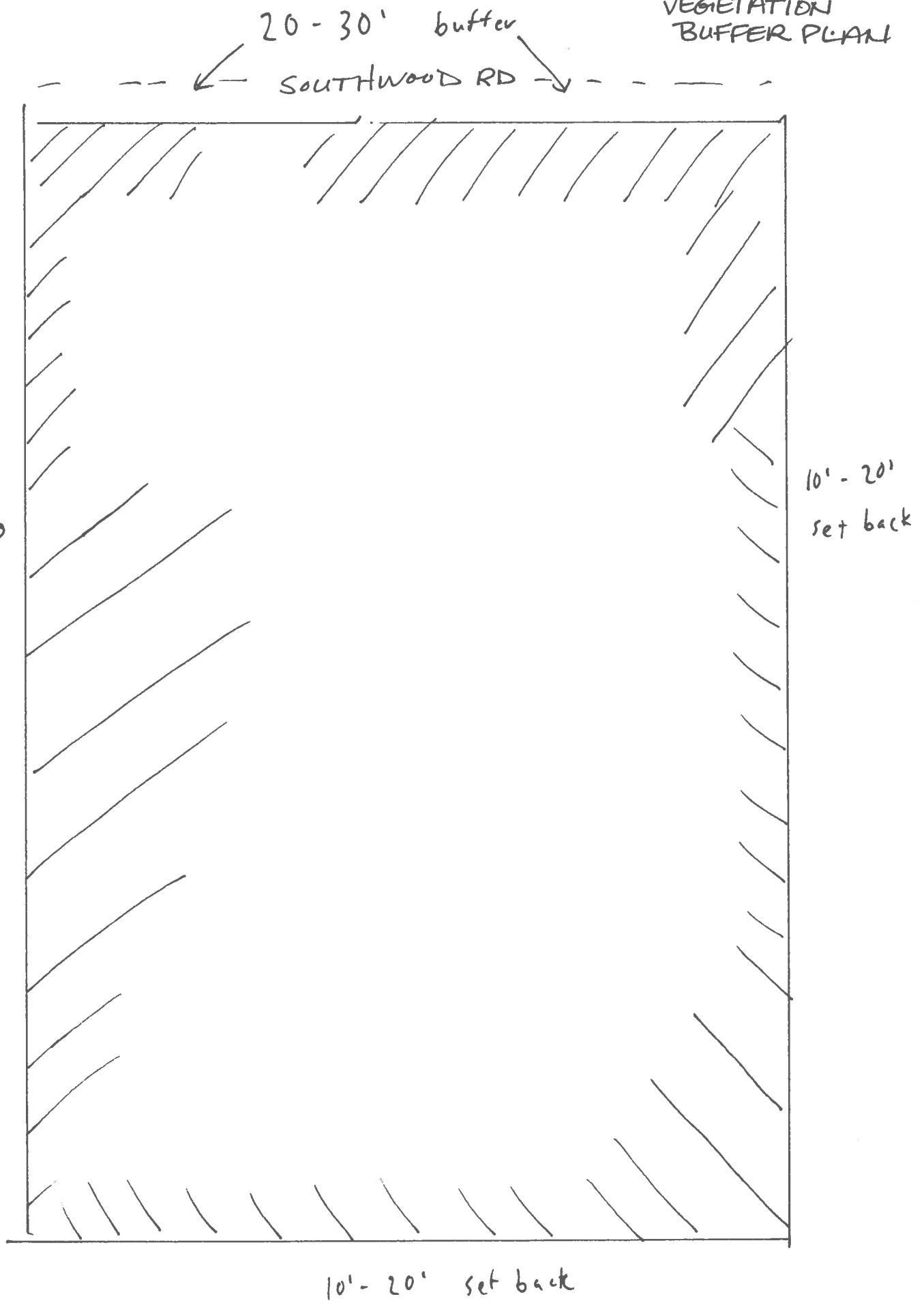
SOUTHWOOD RD

20-30' buffer

Buffer of
trees
approx. 45'



VEGETATION
BUFFER PLAN



PCBA 020

C: PCBA

In Re: FINDINGS OF FACT, CONCLUSIONS OF LAW,
RESOLUTION AND ORDER

Rezone application for: Jeff Peterson, 33002 Diamond Rd., Grand Rapids, MN 55744

Property Location/Address: 32460 Southwood Rd., Grand Rapids, MN 55744
Part of Lot 4 and Part of the NW SE, Section 17, Harris Township 54-25
Parcels 19-017-1307, 19-017-1308, 19-017-4203

The rezone application, from Rural Residential to Recreational Commercial on the above parcels came before the Planning Commission/Board of Adjustment at their regular meeting on 6/12/2024 with Jeff Peterson present as representative. In addition to Board Members Maasch, Kortekaas, Butterfield and Bellomy; also present were Environmental Services Director Katie Benes, Peggy Clayton, Dave Eckstein, John Angell, Amy Flynn, Eric Schramm, Aaron Lantz, Aaron Bialke, Rusty Eichorn, Rich Libbey, Amy Bestland, Crystal Smith and Roy Smith.

Upon the records, files and proceedings herein, the Board makes the following:

FINDINGS OF FACT

1. The parcels are:
 - a. Approximately 9.60 in area;
 - b. Zoned Rural Residential;
 - c. Located within the shoreland overlay district of Pokegama Lake, a General Development Class lake
 - d. Borders Southwood Road (township road), a Class C Highway;
 - e. Located in Harris Township T54 R25, Commissioner District #4 and
 - f. Parcels 19-017-1307 and 19-017-1308 are developed (with two dwellings and one storage building); 19-017- 4203 is undeveloped.
2. On 5/10/2024, Jeff Peterson submitted a rezone application for rezone from Rural Residential to Recreational Commercial. He proposes to use parcels for a resort/campground. Parcels 19-017-1307 and 19-017-1308 were previously utilized as a resort but have not been operating/licensed as a resort (through the State) in recent years. Since this property is zoned Rural Residential and did not continue to be licensed as/an existing resort, the property is required to be rezoned to be utilized as a resort again. The acreage is consistent with the Recreational Commercial Zoning District requirements.
3. Per Zoning Map, Parcels 19-017-1307 and 19-017-1308 are surrounded by Rural Residential Zoning; Parcel 19-017-4203 is primarily surrounded by Rural Residential Zoning but a portion of it is adjacent to Recreational Commercial Zoning to the north (Parcel 19-017-1304).
4. Parcel 19-017-1304 was previously utilized as a resort but has not been operating as a resort in recent years. In 1992, the owners of this parcel had requested a rezone of the property from Residential to Recreational Commercial (which they had purchased in 1968 as an existing resort, Birch Cove Resort/Campground) and the rezone was approved (Permit #921358).
5. Section 20.3.4, a Rezone or Amendment to the Zoning Map may only be recommended for approval, to the County Board, upon finding by the Planning Commission/BoA that all of the following exist:
 - A. The proposed zoning does not substantially conflict with the Itasca County Comprehensive Plan.
 - B. The proposed zoning shall not be spot zoning; that is zoning that discriminates in favor of one lot or parcel out of context with surrounding lots or parcels.

- C. The original zoning was inconsistent with the comprehensive plan; or an error was made in the comprehensive plan which should now be corrected along with the zoning; or substantial changes have occurred in the community which should result in the comprehensive plan and the zoning being amended.
- D. A clear public need for and benefit from the proposed rezoning shall exist beyond any benefit or convenience to the landowner.
6. Section 7.1, the purpose of the Rural Residential Zoning District is:
The Rural Residential Zoning District is intended to provide a residential district that is predominantly shoreland and rural in character and allows activities that do not degrade the rural residential character. This zoning district shall be used to promote a high quality residential living environment.
7. Per Section 9.1, the purpose of the Recreational Commercial Zoning District is:
The purpose of the Recreational Commercial Zoning District is to protect and encourage the sound development of the recreational industry in Itasca County. To achieve the goal to develop an integrated green space and recreation system that provides diverse, developed and undeveloped, recreational opportunities for all residents and visitors while protecting unique scenic and natural areas as stated in the Itasca County Comprehensive Land Use Plan.
8. Notice of the Planning Commission/BoA 6/10/2024 site inspection and 6/12/2024 public hearing was published in the 5/22/2024 issue of the *Grand Rapids Herald Review* and the 5/23/2024 issue of the *Scenic Range News Forum*. Notice of the 6/18/2024 County Board public hearing will be published in the 5/29/2024 issue of the *Grand Rapids Herald Review* and 5/30/2024 issue of the *Scenic Range News Forum*.
9. As required in Article 18, notice of the 6/12/2024 Planning Commission/BoA hearing and the 6/18/2024 County Board hearing was sent to applicants, property owners within 1/2 mile of the affected property, Harris Township Clerk, Rian Reed (DNR), SWCD (Andy Arens) and Pokegama Lake Association for their information and comment.
10. On 5/22/2024, Harris Township recommended approval of the rezone application.
11. Correspondence dated 6/4/2024 was received from Vic Spadaccini and Susan Schreifels, in opposition to the rezone, with concerns that a campground could have a negative impact to the area (noise, traffic, etc.).
12. The site was viewed by the PC/BoA on 6/10/2024 (less Member Oja).
13. In accordance with Section 20.3.1, the Planning Commission/BoA shall conduct at least one public hearing on all property zoning map amendments and report [their recommendation] to the County Board in writing within 30 days of the close of the hearing/s.
14. The County Board will conduct their public hearing on Tuesday, June 18th, at 2:30 p.m. in the County Board Room of the Courthouse.
15. Per Section 20.3.2, upon the filing of a report by the Planning Commission/BoA or upon expiration of the 30-day period, the County Board may by resolution adopt the amendment or any portion thereof as it deems advisable.
16. In accordance with Minnesota Statue 15.99, Itasca County must approve or deny the rezone application within 60 days of submission which is 7/9/2024.
17. At the 6/12/hearing:
- Documents were added to the record (listed below): PCBA 01C (criteria questions completed by the applicant and PCBA 07 – 12;

- Dave Eckstein, John Angell, Amy Flynn, Eric Schramm, Aaron Lantz, Aaron Bialke, Rusty Eichorn, Rich Libbey, Amy Bestland, Crystal Smith and Roy Smith were present, in opposition, and discussed various concerns which included: public safety/traffic, noise, development would not be compatible with the area; rezone could allow other uses, spot zoning, conflicts with the CLUP and Zoning Ordinance, environmental (unregulated boat landing) and increased boat traffic.

18. The record consists of:

- PCBA 01- Rezone application submitted 5/10/2024, Harris Township findings (3 pgs.);
- PCBA 02- Zoning map (4 pgs.);
- PCBA 03- Notice dated 5/17/2024 to property owner;
- PCBA 04- Notice dated 5/17/2024 to Harris Township Clerk;
- PCBA 05- Notice dated 5/15/2024 to affected property owners, parcel map, list of affected of property owners, plat book map (11 pgs.);
- PCBA 06- Correspondence dated 6/4/2024 was received from Vic Spadaccini and Susan Schreifels;
- PCBA 07- Email correspondence dated 6/10/2024 from Rich Libbey (2 pgs.);
- PCBA 08- Information, petition submitted on 6/12/2024 by Dave Eckstein (43 pgs.);
- PCBA 09- Previous rezone request information (from 2000) submitted on 6/12/2024 by Amy Flynn (12 pgs.);
- PCBA 10- Photos submitted on 6/12/2024 by Rusty Eichorn (6 pgs.);
- PCBA 11- Information submitted on 6/12/2024 by Rich Libbey (7 pgs.);
- PCBA 12- Opposition statement submitted on 6/12/2024 by Crystal Smith (2 pgs.);
- PCBA 13- Staff report dated 6/7/2024 (2 pgs.);
- PCBA 14- Guidelines for Amendments to the Zoning Map completed by the PCBA members (4 pgs.);

CONCLUSIONS OF LAW

The rezone from Rural Residential to Recreational Commercial was not recommended for approval to the County Board because it was not found by the majority of the members that all of the following conditions exist:

1. The proposed zoning does not substantially conflict with the Itasca County Comprehensive Land Use Plan (CLUP).
Does not conflict: (Butterfield, Bellomy) new businesses are encouraged; (Kortekaas) resorts are needed; (Maasch) CLUP encourages recreational development;
Conflicts: (Butterfield) would change a residential area, safety factor is unknown but very concerning;
2. The proposed zoning shall not be spot zoning, which is zoning that discriminates in favor of one lot or parcel out of context with surrounding lots or parcels—the parcels are contiguous and one parcel is adjacent to Recreational Commercial zoning to the north;
3. The original zoning was inconsistent with the Comprehensive Land Use Plan; or an error was made in the Comprehensive Land Use Plan, which should now be corrected along with the zoning district; or substantial changes have occurred in the community, which should result in the Comprehensive Land Use Plan and the zoning being amended—the property should have been zoned commercial when zoning was first created; the area has been used for commercial/recreational uses for years and there are other commercial areas on Southwood Rd.; and
4. A clear public need for and benefit from the proposed rezoning shall exist beyond any benefit or convenience to the landowner.
Yes: (Bellomy) re-establishing of a recreational business would be a benefit to the people of Itasca County; (Kortekaas) resorts are needed for families to enjoy time together;
No: (Butterfield/Maasch) there is not a clear public need or benefit.

RESOLUTION

Now therefore, Bellomy/Kortekaas motioned to recommend (to the County Board) approval of the rezone application submitted by Jeff Peterson for rezone from Rural Residential to Recreational Commercial as set forth in the 6/7/2024 staff report in accordance with the conclusions of law. Motion to recommend was denied (2:2 vote). NAYES: Butterfield, Maasch; AYES: Kortekaas, Bellomy.



Lisa Maasch, Chairperson



Date

ATTEST:



Katie Benes, Environmental Services Director



Date

Excerpt from the 6/12/2024 PCBA minutes:

Jeff Peterson/Rezone—(Part of Lot 4 and Part of the NW SE, Section 17, Harris Township 54-25, Parcels #19-017-1307, 19-017-1308, 19-017-4203) submitted a rezone application for rezone from Rural Residential to Recreational Commercial. Two documents were added to the record: PCBA 01C (criteria questions completed by applicant); PCBA 07 (email dated 6/10/2024 from Rich Libbey). An aerial photo was reviewed on the overhead screen and the existing zoning districts. Jeff Peterson was present and discussed his rezone application which he is requesting to allow him to utilize his property as a resort again. He purchased the operating resort/properties in order to establish a new resort, but he didn't feel the need to keep the license current since it would be a few years before it would be operating as a resort again (since he purchased the properties he has removed the existing cabins and constructed two dwellings). It was clarified that this application is only for a rezone and a new resort would require a conditional use permit. Peggy Clayton, Harris Township Chair, was present and commented that Harris Twp. has recommended approval of the rezone. Dave Eckstein, was present in opposition and submitted a packet of information for the record (PCBA 08). His comments included there is no existing resort; the proposed rezone would be spot zoning; has traffic/safety concerns since Southwood Rd. is a only 24' in width, has blind spots and there are many residential homes within the .4 miles between these parcels and Hwy.169 and concerned with increased boat traffic. He is submitting for the record a signed petition with over 40 signatures of residents in opposition. John Angell, was present in opposition with concerns and referred to Court Case #44199, Hawkinson vs. Itasca County; and recommended officials review this court case to confirm this would not be considered spot zoning and also comment that rezoning should not be for financial reasons. Mr. Eckstein commented that the Harris Twp. findings indicated this application would be spot zoning. Amy Flynn, was also present in opposition, and discussed a previous rezone request (for Parcel 19-017-1308) for rezone from Residential to Recreational Commercial which was denied in 2000 because there was no evidence that an error has been made in the present zoning and this would be spot zoning and submitted this information for the record (PCBA 09). Others present, in opposition, were Eric Schramm, Aaron Lantz, Aaron Bialke, Rusty Eichorn (submitted photos, PCBA 10), Rich Libbey (submitted PCBA 11), Amy Bestland, Crystal Smith (submitted statement, PCBA 12) and Roy Smith. Many had public safety/traffic concerns since this is a residentially populated area with no road shoulder, lots of foot traffic and blind spots/approaches. Other concerns mentioned included: noise, development would not be compatible with the area; rezone could allow other uses, spot zoning, conflicts with the CLUP and Zoning Ordinance (S.20.3.4), environmental (unregulated boat landing) and increased boat traffic. Bellomy/Butterfield motioned to close the public portion of the meeting which carried unanimously.

At 10:16 a.m., Butterfield/Kortekaas motioned to recess the meeting and then the meeting was re-opened to address other applications (and the Board will come back to this application later in the meeting).

At 11:05 a.m., Chair Maasch recessed the meeting for 5 min. Before the meeting was called back to order, members reviewed document copies that were submitted for the record earlier in the meeting by Dave Eckstein (PCBA 08), Amy Flynn (PCBA 09), Rusty Eichorn (PCBA 10), Rich Libbey (PCBA 11) and Crystal Smith (PCBA 12). At 11:50 a.m., the meeting was called back to order.

Ms. Benes commented that uses only allowed in the Shoreland Overlay District would be allowed if rezoned (not all the uses allowed in the Recreational Commercial Zoning District). Peggy Clayton, commented that the Harris Township findings were marked incorrectly (#2/spot zoning); all members said it was not spot zoning and findings will be corrected. The map was reviewed on the overhead screen and Member Bellomy explained how the three properties proposed to be rezoned were adjacent. Jeff Peterson, commented that he would prefer to have seasonal RV sites (and RVs would remain for the season) and there is no proposed boat landing. It was mentioned that the last time the resort was licensed was in 2021.

The meeting was reopened to allow John Angell to address the members and he questioned what the impact would be to the two properties that would be completely surrounded by Recreational Commercial zoning if the rezone was approved and if the properties would be considered spot zoned. It was the consensus of the Board that this would not be considered spot zoning.

Motion: Bellomy/Kortekaas motioned to recommend (to the County Board) approval of the rezone application submitted by Jeff Peterson for rezone from Rural Residential to Recreational Commercial as set forth in the 6/7/2024 staff report. Motion to recommend was denied (2:2 vote). Nays: Butterfield, Maasch; Ayes: Kortekaas, Bellomy.

(County Board hearing is scheduled for 6/18/2024).

GUIDELINES FOR AMENDMENTS TO THE ZONING MAP

Applicant: Jeff Peterson

Property Location: 32460 Southwood Road, Grand Rapids

Present Zoning District: Rural Residential

Proposed Zoning District: Recreational Comm.

Amendments to the Zoning Map shall be recommended for approval to the County Board upon finding by the Planning Commission that all of the following conditions exist:

1. The proposed zoning does not substantially conflict with the Itasca County Comprehensive Land Use Plan. Why or Why not:
① Encourages new business
② Changes to a residential area
③ Safety factor is unknown, but very concerning.
2. The proposed zoning shall not be spot zoning, which is zoning that discriminates in favor of one lot or parcel out of context with surrounding lots or parcels. Why or Why not:
Not spot zoning due to adjacent parcel zoned commercial
3. The original zoning was inconsistent with the Comprehensive Land Use Plan; or an error was made in the Comprehensive Land Use Plan, which should now be corrected along with the zoning district; or substantial changes have occurred in the community, which should result in the Comprehensive Land Use Plan and the zoning being amended. Why or Why not:
Ref to 10/11/2000 LBA + PC/BoA findings - the original intent was Residential
The original zoning was changed to residential as more residents built, making this property non conforming.
4. A clear public need for and benefit from the proposed rezoning shall exist beyond any benefit or convenience to the landowner. Why or Why not:
No public need or benefit.

Recommendation to County Board:

Approval

* Rejection

Daniel D. Burr

6-12-2024

Chairperson of the Planning Commission/BoA

Date

GUIDELINES FOR AMENDMENTS TO THE ZONING MAP

Applicant: Jeff Peterson

Property Location: 32460 Southwood Road, Grand Rapids

Present Zoning District: Rural Residential

Proposed Zoning District: Recreational Comm.

Amendments to the Zoning Map shall be recommended for approval to the County Board upon finding by the Planning Commission that all of the following conditions exist:

1. The proposed zoning does not substantially conflict with the Itasca County Comprehensive Land Use Plan. Why or Why not:

No it does not - resorts are needed

2. The proposed zoning shall not be spot zoning, which is zoning that discriminates in favor of one lot or parcel out of context with surrounding lots or parcels. Why or Why not:

Will not other parcels are already zoned commercial

3. The original zoning was inconsistent with the Comprehensive Land Use Plan; or an error was made in the Comprehensive Land Use Plan, which should now be corrected along with the zoning district; or substantial changes have occurred in the community, which should result in the Comprehensive Land Use Plan and the zoning being amended. Why or Why not:

this should have been done back when they looked into rezoning

4. A clear public need for and benefit from the proposed rezoning shall exist beyond any benefit or convenience to the landowner. Why or Why not:

Resorts are needed for families to enjoy time together

Recommendation to County Board:

Approval

Rejection

Chairperson of the Planning Commission/BoA

Date

Rubene Kontinen

6-12-24

GUIDELINES FOR AMENDMENTS TO THE ZONING MAP

Applicant: Jeff Peterson

Property Location: 32460 Southwood Road, Grand Rapids

Present Zoning District: Rural Residential

Proposed Zoning District: Recreational Comm.

Amendments to the Zoning Map shall be recommended for approval to the County Board upon finding by the Planning Commission that all of the following conditions exist:

1. The proposed zoning does not substantially conflict with the Itasca County Comprehensive Land Use Plan. Why or Why not:

Does NOT The COMP PLAN encourages business creation and expansion

2. The proposed zoning shall not be spot zoning, which is zoning that discriminates in favor of one lot or parcel out of context with surrounding lots or parcels. Why or Why not:

IS NOT. PARCELS ARE CONTIGUOUS TO A PARCEL ZONED COMMERCIAL RECREATION #2

3. The original zoning was inconsistent with the Comprehensive Land Use Plan; or an error was made in the Comprehensive Land Use Plan, which should now be corrected along with the zoning district; or substantial changes have occurred in the community, which should result in the Comprehensive Land Use Plan and the zoning being amended. Why or Why not:

I believe this property should have been zoned commercial when zoning was first created

4. A clear public need for and benefit from the proposed rezoning shall exist beyond any benefit or convenience to the landowner. Why or Why not:

The reestablishing of a recreational business, would be a benefit to the people of Itasca County.

Recommendation to County Board:

Approval

Rejection

Mike Bellamy 6-12-29

Chairperson of the Planning Commission/BoA

Date

GUIDELINES FOR AMENDMENTS TO THE ZONING MAP

Applicant: Jeff Peterson

Property Location: 32460 Southwood Road, Grand Rapids

Present Zoning District: Rural Residential

Proposed Zoning District: Recreational Comm.

Amendments to the Zoning Map shall be recommended for approval to the County Board upon finding by the Planning Commission that all of the following conditions exist:

1. The proposed zoning does not substantially conflict with the Itasca County Comprehensive Land Use Plan. Why or Why not: *yes → It encourages development of recreational development.*
2. The proposed zoning shall not be spot zoning, which is zoning that discriminates in favor of one lot or parcel out of context with surrounding lots or parcels. Why or Why not: *no → It does not because of adjoining properties to the recreational commercial.*
3. The original zoning was inconsistent with the Comprehensive Land Use Plan; or an error was made in the Comprehensive Land Use Plan, which should now be corrected along with the zoning district; or substantial changes have occurred in the community, which should result in the Comprehensive Land Use Plan and the zoning being amended. Why or Why not: *yes - The area has been used for commercial / recreational uses for years - there are other commercial areas on Southwood road.*
4. A clear public need for and benefit from the proposed rezoning shall exist beyond any benefit or convenience to the landowner. Why or Why not: *there is not a clear public need for or benefit.*

Recommendation to County Board:

Approval

Rejection

Lisa Marshall
Chairperson of the Planning Commission/BoA

6-12-24
Date

purchase agreement

June 4, 2024

Katie Benes, Director
Itasca County Environmental Services
123 NE Fourth Street
Grand Rapids, MN 55744

Re: Possible rezoning from Rural Residential to Recreation Commercial

This is to notify you that we are opposed to having the property described as: the west 200' of that part of Lot 4; Section 17, Township 54, Range 25 (19-017-1308, 19-017-1307, 19-017-4203 rezoned as per the application request of Jeff Peterson. We wish it to remain zoned as Rural Residential.

We purchased our property in this neighborhood as a residential home. We wish to live in a community where people are fully vested in the area. Having a commercial campground in our neighborhood will only bring additional traffic and noise. We do not see any benefit to the neighbors that would be affected.

We have a VRBO in the neighborhood. This has disrupted the neighborhood several times day and night. Some of the users have negatively impacted the lake by being unknowledgeable of boater safety and lake regulations, as well as impacts to the shorelines. The excessive noise and partying into the later hours of the night has irritated many of the neighbors. We are concerned that rezoning the above-identified property will add to this problem.

Wendigo arm has always been the quieter and more peaceful portion of Lake Pokegama. Since the rebuilding of the Highway 169 overpass, more water traffic has entered this arm with negative impacts to homeowners who permanently live on their respective properties.

Request for rezoning of this property should have been done before its purchase, so the buyer would have been fully aware of locals' concerns before attempting to invest in it for commercial purposes.

Sincerely,



Vic Spadaccini and Susan Schreifels
1474 Ruff Shores Rd.
Grand Rapids, MN 55744

June 7,2024

Dear Planning Commission Members:

I urge the Board to reject this rezone application for 3 residential lots on the Wendigo Arm of Pokegama Lake from Rural Residential to Recreational Commercial as this request does not meet all 5 of the criteria necessary to approve this request.

The first of which is DOES IT CONFLICT WITH THE COMPREHENSIVE PLAN?

Section 1V.Sub E- Lakeshore Development Objective-

MAINTAIN RESIDENTIAL ZONING-

ENCOURAGE RETENTION OF EXISTING ZONING AND USES IN ESTABLISHED RESIDENTIAL AREAS. Page 23 of the Comprehensive plan.

I feel it definitely conflicts with this criteria for approval of this zoning change. Every lot on the Wendigo Arm is zoned Rural Residential except 2 lots out of many hundred. One is the Pickled Loon and the other is currently a residential home on a left over rezone from 1992 when the resort was still in operation. Since then the resort has been decommissioned and is no longer in existence. This lot is not in commercial use and its use is residential.

I urge the members to vote NO on this question as this rezone would not be compatible with the existing residential zoning and use of basically all the lots on the Wendigo Arm of Pokegama Lake.

Question #2-THE PROPOSED ZONING SHALL NOT BE SPOT ZONING-

I feel this is spot zoning. The rezoning of this parcel would benefit the applicant to the detriment of the surrounding established residents and neighbors. An RV park would alter the character of this residential neighborhood and is not compatible in close proximity to homes. I believe neighbors will relay their concerns about this possible development.

A single family home on this property would be in harmony with the neighborhood where as a commercial development is not compatible.

Sincerely, Richard Libbey

18603 Hale Lake Drive

Grand Rapids, Mn 55744

Dave Eckstein

Itasca County Planning Commission Meeting
June 12, 2024 – 9:00 a.m.

Southwood Road Neighbors Presentation

1. Introduction of the Facts.
 - Dave Eckstein (32382 Southwood Road)
2. Discussion on the Legal Aspect of this Rezoning.
 - John Angell (32314 Southwood Road)
3. Questions for Mr. Peterson.
4. Individual Speakers from Southwood Road Neighborhood.
 - Liz Bruggemeyer (32434 Southwood Road) and Elmer Smith (32502 Southwood Road)
 - Elmer Smith's daughter Amy Flynn (32500 Southwood Road)
 - Eric Schramm (32357 Southwood Road)
 - Aaron Lantz (32453 Southwood Road)
 - Aaron Bialke (32318 Southwood Road)
 - Open the floor to any other neighborhood speakers
5. Conclusion

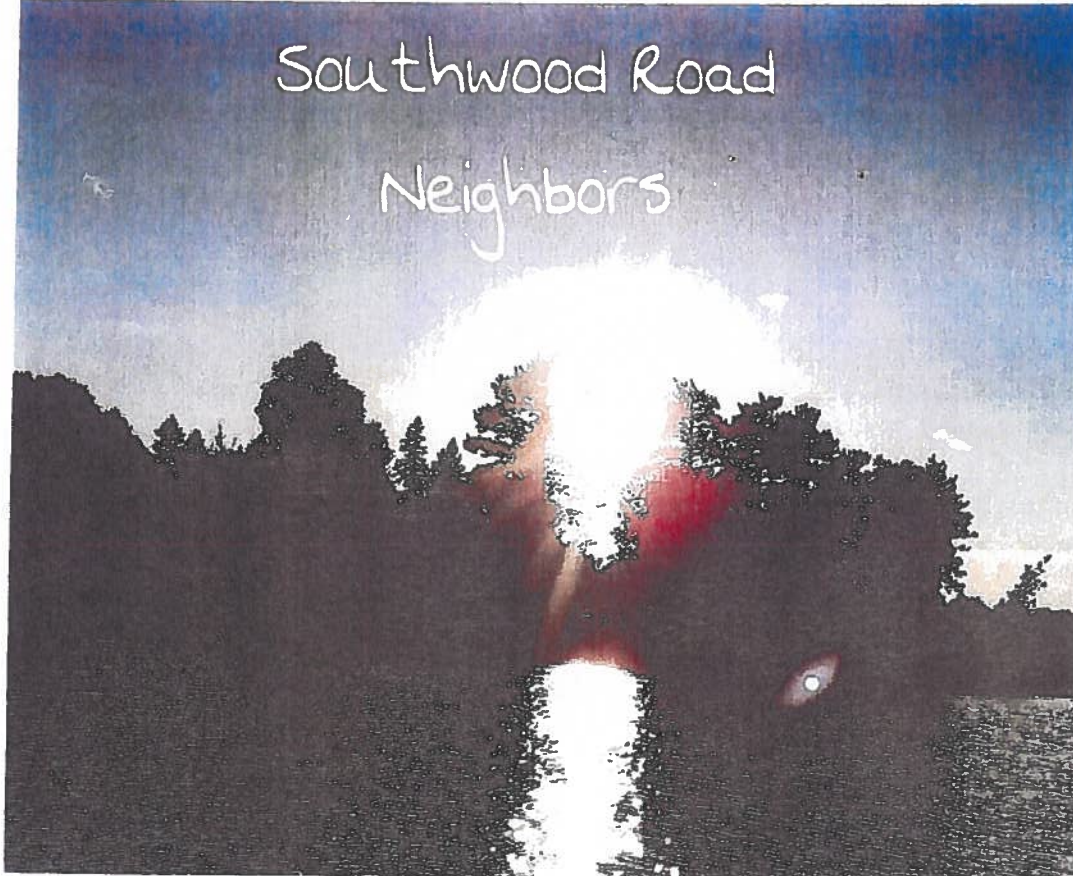
Attachments:

- Exhibit 1 – Six (6) photos of Southwood Road
- Exhibit 2 – Southwood Road Neighbors Rezoning Opposition Listing and Summary
- Exhibit 3 – Plat Map from Mr. Peterson's Application - Eckstein Property/Polegama Electric
- Exhibit 4 – Parcel 19-017-1308 current zoning classification
- Exhibit 5 – Parcel 19-017-1307 current zoning classification
- Exhibit 6 – Parcel 19-017-4203 current zoning classification
- Exhibit 7 – Spot Zoning Information
- Exhibit 8 – Site Drawings and Buffer Zones
- Exhibit 9 – American Disabilities Act ("ADA") and Campgrounds
- Exhibit 10 – Impervious Surface Calculation
- Exhibit 11 – Itasca County Comprehensive Land Use Plan

Note: these attachments will be discussed in the presentation.
Thank-you!

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PLDA 08
C:PCBR



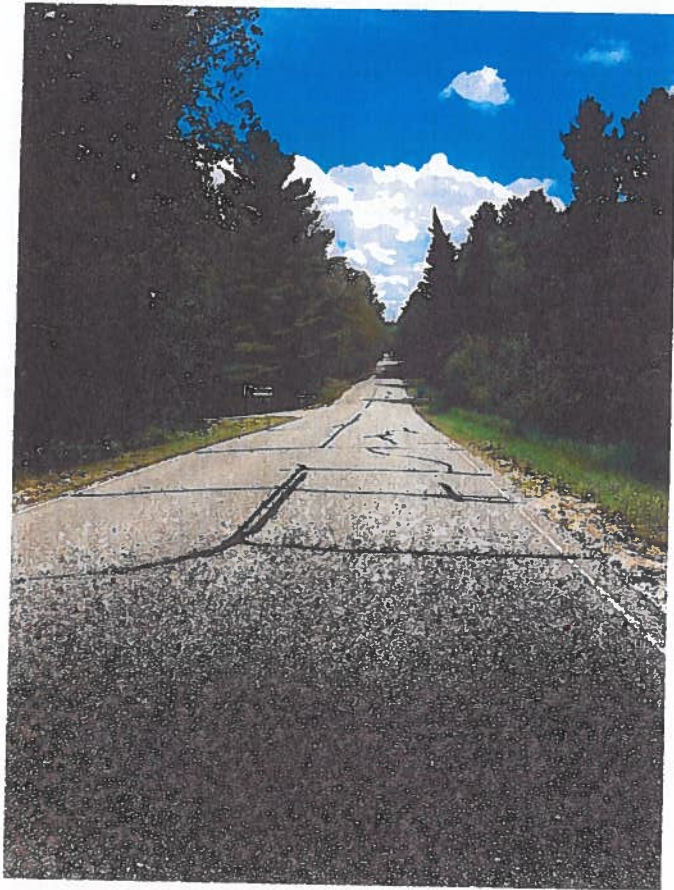


Exhibit 1 - Photo 2

Southwood Road
At Southwood Resort
(East View - somewhat
flatter)

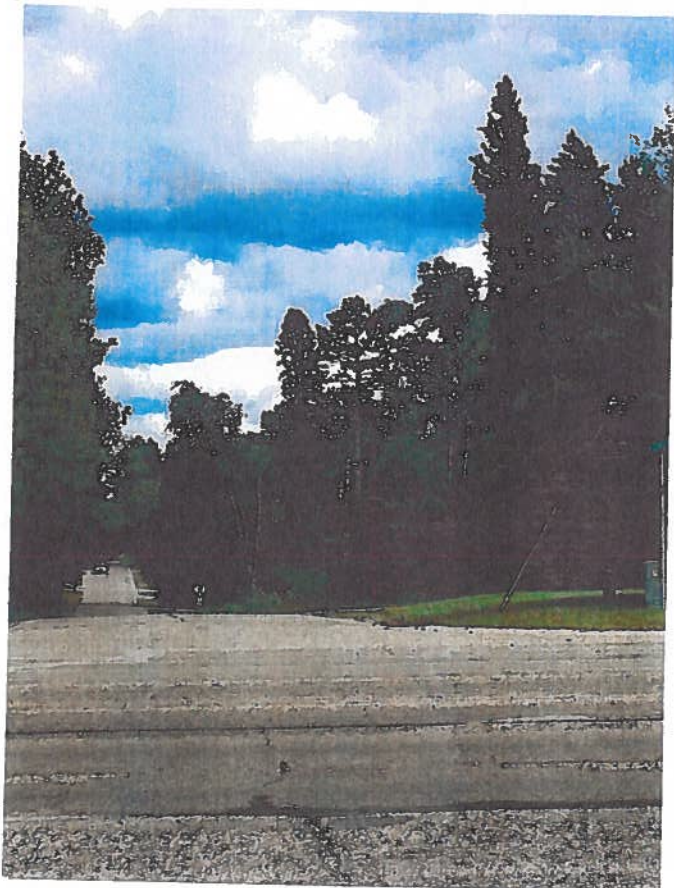


Exhibit 1 - Photo 1

View of Southwood Road
East view across Hwy 169
(Note: not a flat road)

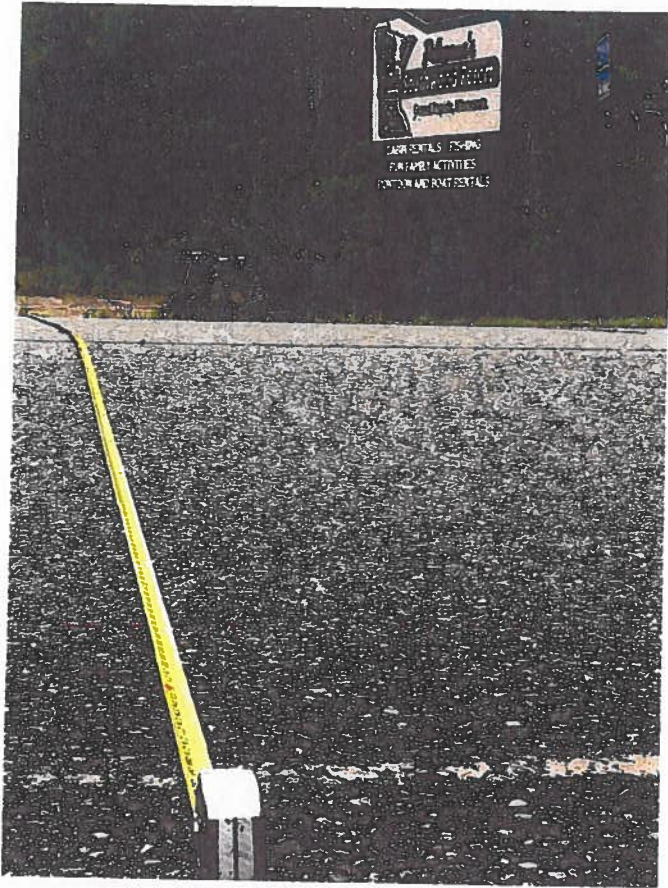


Exhibit 1 - Photo 4

Southwood Road

- Measurement next photo
- Road not flat

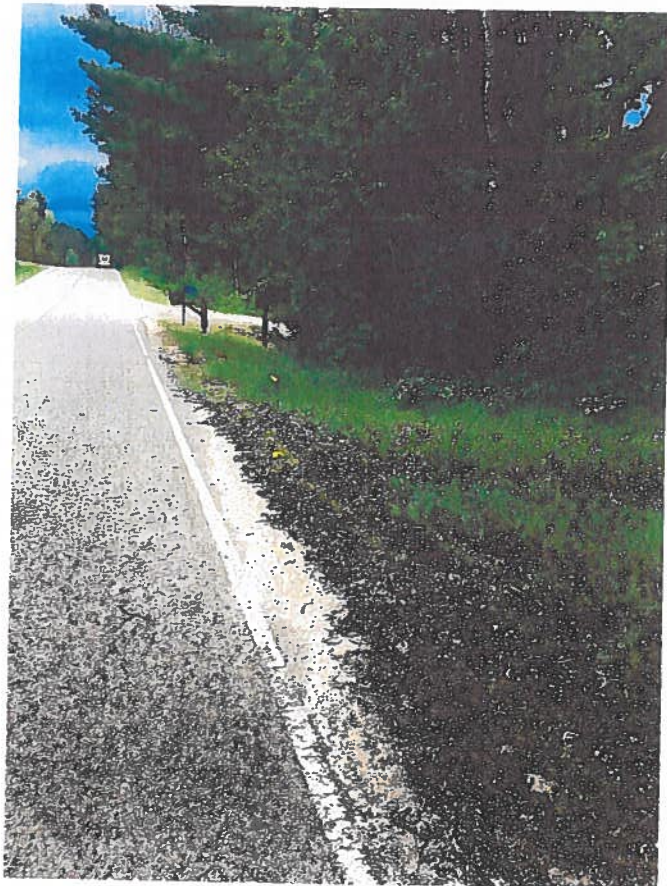


Exhibit 1 - Photo 3

Southwood Road (West View from resort)
(No pedestrian shoulder either side)

Note: ① Pedestrians must walk around Mailboxes

② Some blind spots



width of a motorhome, 5th wheel trailer



Sign in

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Tools

between 8-10 feet

The average width of RVs is 8'6", with a fifth-wheel RVs measuring between 8-10 feet in width. However, the addition of slide-outs can increase the width of an RV to up to 14'6".



neighbor.com

<https://www.neighbor.com>, [storage-blog](#), [rv-dimensio...](#) !

RV Dimensions: Length, Width, and Height Explained

● About featured snippets • 🗨 Feedback

People also ask :

How wide is a 5th wheel RV?

What's the average width of an RV?

What is the width of a Class A motorhome?

What is the maximum width of a motorhome?

Feedback

 Videos :



RV Measurements (5th Wheels vs Travel Trailers - How they ...

YouTube · Two Tired Teachers

Mar 30, 2017

4 key moments in this video

https://www.google.com/search?q=width+of+a+motorhome%2C+5th+wheel+trailer&rlz=1C1GCEA_enUS881US907&oq=width+of+a+motorhome%2C+5th+wheel+trailer&rlz=Cn7iH4k4M4k4Qn4

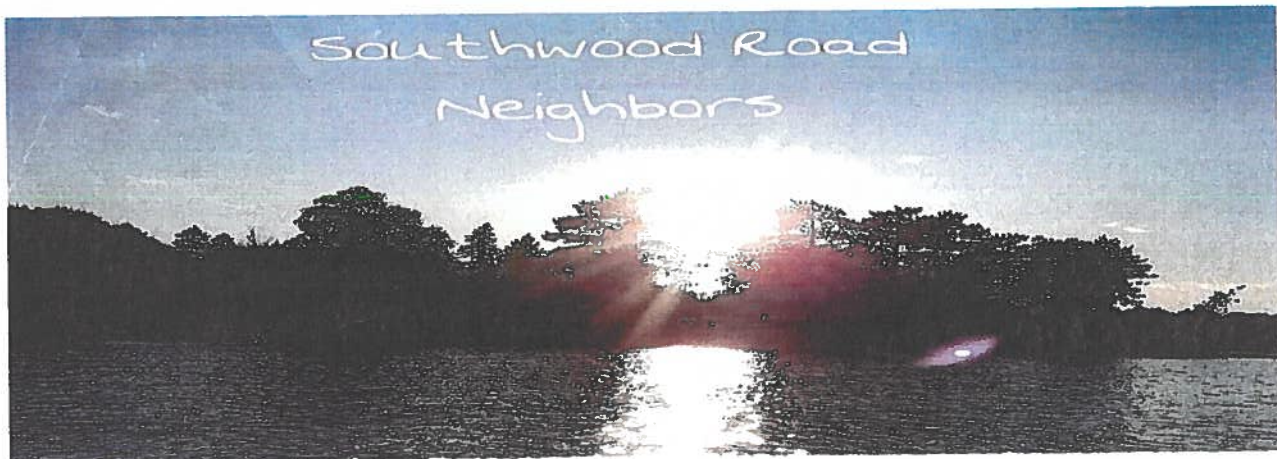


Exhibit 1 - Photos

Southwood Road
width 24'

Note: See next page

Exhibit 2 - Petition of Opposition



We, Southwood Road neighbors, are opposed to the rezoning application by Jeffrey Peterson of parcels 19-017-1308, 19-017-1307 and 19-017-4203 from Rural Residential to Recreation Commercial ("Moving Southwood Resort to commercial campground status"). We believe that the request should be rejected for the following reasons and concerns.

Spot Zoning: zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within the larger zoned properties. Spot zoning has largely been considered illegal by Minnesota Courts.

Grandfathered Rights Not Applicable: the original structures of the old Southwood Resort have been demolished. Even if the property was grandfathered in from a zoning perspective, as we understand it, that would apply to the original type structures which no longer exist (i.e. the use cannot be expanded).

Non-Conforming / High Density:

- Included in the request are 20 campsites, five (5) septic pressure beds, four (4) septic tanks and one (1) well on the north side of Southwood Road at the former Southwood Resort. These campsites are in addition to two new cabins recently built (one new cabin each on parcels 19-017-1307 and 19-017-1308) facing Pokegama Lake. This project would require excavation / land clearing / leveling on a land area of only approx. 4.27 acres.
- Included in the request are 20 campsites, four (4) septic mound systems, four (4) septic tanks and one (1) well on the south side of Southwood Road (parcel 19-017-4203 adjacent to but east of and not across from the former Southwood Resort). This project would require excavation / land clearing / leveling on a land area of only approx. 4.75 acres with a minimal buffer zone.

Safety & Security Risk Increase: Pedestrian, vehicle, and resident safety is paramount. Southwood Road does not have pedestrian street lighting, nor does it have a walkway, sidewalk, pedestrian crossing path or shoulder that would allow for safe pedestrian foot traffic. This creates an alarming safety concern regarding parcel 19-017-4203 on the south side of the road. In addition to these safety concerns, with a commercial campground there is also an inherit increase in security risks for all nearby residents - to person and property (i.e. increase in risk of theft, burglary, property damage, etc.).

Please direct any additional questions or concerns to Peggy Clayton (Harris Township) 218-259-1551.

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Southwood Road Neighbors Petition Summary

Oppose Rezoning Request of Mr. Peterson

23 in person / 23 electronic signatures – 46 local signers

Complete List of electronic and in-person signatures from residents (as of 7:00 am, June 7):

Basant S. Ahluwalia / 32570 Southwood.

*In Person Signature

Jeff & Sarah Anderson / 32546 Southwood.

*Electronic Signature

John & Jessica Angell / 32412 Southwood.

Jamie & Nick Arola / 31720 Southwood.

Amy & Paul Bestland / 32688 Southwood.

Aaron Bialke / 32318 Southwood.

Joel & Kelly Biersdorff / 32132 Southwood.

Larry Bishop [Cynthia Forsman] / 32493 Southwood.

Josh & Joslyn Blade / 32056 Southwood.

Elizabeth Bruggemeyer / 32434 Southwood.

Lisa Burmeister Carsrud / 31888 Southwood.

Tim & Lisa Conway / 32224 Southwood.

Nick & Elizabeth Dahlgren / 32048 Southwood.

Abram & Abby Daigle / 32055 Southwood.

Jeff and Mandy Dick / 31898 Southwood.

Sharon Doty / 31952 Southwood.

Dave & Jackie Eckstein / 32382 Southwood.

Patricia Flood / 32326 Southwood.

Amy and Kevin Smith Flynn / 32500 Southwood.

David Fogelquist / 32703 Southwood.

Todd Gabrielson / 32622 Southwood.

Reil Grow / 32592 Southwood.

Corey & Connie Hendershot / 32214 Southwood.

Russ & Sandie Helgeson / 32672 Southwood.

Aaron & Heather Lantz / 32453 Southwood.

Exhibit 2 - page 4

Julie Labois / 32621 Southwood.

Todd Major / 32575 Southwood.

David & Susan Marchel / 32612 Southwood.

John & Kelly Mostoller / 32270 Southwood.

Richard Neary / 31792 Southwood.

Karen Ogle / 32522 Southwood.

Lee & Charlene Ruzynski / 32276 Southwood.

Mindy Ruzynski / 41572 Southwood.

Esther Sanders / 32688 Southwood.

Eric Schramm / 32357 Southwood.

Crystal & Rick Smith / 31961 Southwood.

Elmer and Joy Smith – Alex Flynn / 32502 Southwood.

Christy & Todd Sutherland / 32575 Southwood.

Gregg Willow / 32527 Southwood.

Bill Braun / 19480 Ruff Shores Rd.

Robert & Vicki Dunnell / 19362 Ruff Shores Rd.

Vic Spadaccini & Susan Schreifels / 19474 Ruff Shores Rd.

Katrina Jensen / 19410 Ruff Shores Rd.

Janna & Killian Block / 19522 Pine Landing Dr.

Scott & Denise Swanson / 19514 Pine Landing Dr.

Karen and Ron Ruud / 19557 Pine Landing Dr.

Exhibit 3



Property Details		Itasca County Assessor's Department	
19-017-3204			
Parcel Details			
Assessment Year	Taxes Payable Year	Class Code	Class Description
2024	2025	233	Commercial Preferred
Land Estimate	Building Estimate	Estimated Market Value	
\$87,700	\$161,500	\$249,200	
Legal Description			
Township 54N Range 25W Section 17 - PART NW SW LYG E OF HWY 169 LESS S 1076.92 FT & LESS THE E 700 FT			
Land Detail			
Land Type	Units	CAMA Land Estimate	
FULL SITE IMPROVEMENT	1	\$20,000	
ROAD R/W IN SQUARE FEET	9148 Square Feet	\$0	
ZONE 1 COMMERCIAL	68389 Square Feet	\$67,705	
Building 1 Details			
Improvement Type	Improvement Subtype 1	Improvement Description 1	Total Base Size
COM	WAREHSE		2,970
Gross Bldg Area	Building Value	Year Built	
2,970	\$106,386	2008	
Char Descrip	Code Descrip	Units	Stories
EXT. WALL	STEEL		
ROOF	GABLE ROOF		
ROOF COVER	STEEL/METL		
HEATING	SLAB HEAT		
FLOOR COVR	UNFINISHED		
INT. WALLS	STEEL PANL		
CEILINGS	STEEL PANL		
BASE AREA	AVERAGE	2970	
			14
			45
			66
Building 2 Details			
Improvement Type	Improvement Subtype 1	Improvement Description 1	Total Base Size
COM	OFFICE	ATT TO WHS	810
Gross Bldg Area	Building Value	Year Built	
810	\$55,130	2008	

Property Details		Itasca County Assessor's Department	
19-017-1304			
Parcel Details			
Assessment Year	Taxes Payable Year	Class Code	Class Description
2024	2025	151	Non-Comm Seasonal Residential Recreational
Land Estimate	Building Estimate	Estimated Market Value	
\$450,200	\$829,700	\$1,279,900	
Legal Description			
Township 54N Range 25W Section 17 - W 210FT OF PART OF LT 4 LYG E OF LI 1900FT E OF & PARA WITH W LINE OF LOT 3 SAID SEC			
Land Detail			
Land Type	Units	CAMA Land Estimate	
BLACKTOP OR CEMENT	500	\$825	
DRIVEWAY ACCESS	1	\$2,000	
ELECTRIC SERVICE	1	\$3,000	
ROAD R/W	0.18 Acres	\$0	
SEPTIC SYSTEM	1	\$10,000	
NO VALUE LAND UNDER WATER	0.14 Acres	\$0	
WATER WELL	1	\$5,000	
POKAGAMA - Excellent	20 Feet	\$38,874	
POKAGAMA - Good	200 Feet	\$358,050	
UPLAND	3.39 Acres	\$32,418	
Building 3 Details			
Improvement Type	Improvement Subtype 1	Improvement Description 1	Total Base Size
OTH	ACCESSORY		240
Gross Bldg Area	Building Value	Year Built	
240	\$14,122	2020	
Char Descrip	Code Descrip	Units	Stories
INT INSPEC	NO		
PLUMBING	NO		
ELECTRIC	YES	240	
INSULATED	NO		
LINING	NO		
HEATING	NO		
BASE AREA	GOOD	240	
			12
			20



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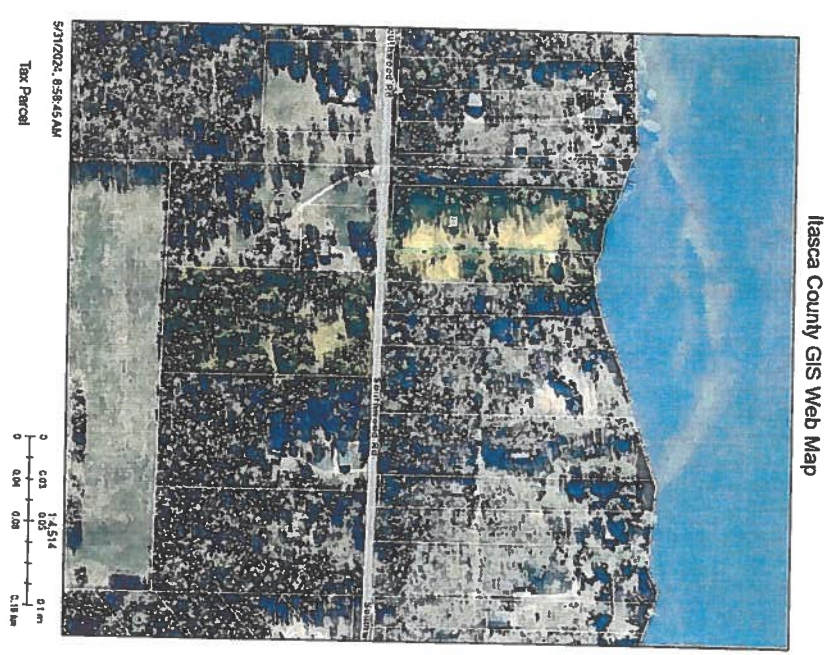
Itasca County GIS Viewer

Itasca County GIS Viewer



Exhibits 4-6

Summary - 3 parcels not 1 with 1 being reverted



This is a screenshot of a web browser displaying a map. The map shows a large area of land with various colored regions. The text 'Tax Parcel' is visible on the left side of the map.

Itasca Land and Property Details

Building 2 Details

Improvement Type	Improvement Subtype 1	Improvement Description 1	Total Base Size	Gross Bldg Area	Building Value	Year Built
OTH	STORAGE		120	120	\$1,000	0

Char Descrip	Code Descrip	Units	Stories	Foundation	Wall Height	Width	Length

Building 1 Details

Improvement Type	Improvement Subtype 1	Improvement Description 1	Total Base Size	Gross Bldg Area	Building Value	Year Built
RES	1-3		1,200	1,200	\$99,616	2022

Char Descrip	Code Descrip	Units	Stories	Foundation	Wall Height	Width	Length
INT INSPEC	NOT HOME						
FOUNDATION	SLAB						
STYLE	RAMBLER						
SHAPE	1-6 CORNER						
CONST	FRAME						
ROOF STYLE	SHED ROOF						
ROOF COVER	ASPHALT						
HEATING	SLAB HEAT						
BASE AREA		1200					
OPEN PORCH	AVERAGE	144		SLB		30	40
						12	12

Sales Information

Multi Parcel	CRV Number	E CRV Number	Sale Date	Buyer Name	Seller Name	Purchase Price
	168287	1294594	20210802	PETERSON, JEFFREY	BECKER, LAWRENCE	\$670,000

https://maps-test.co.itasca.mn.us/ASP_Scripts/CAMA_Detail.asp?PRCL_NBR=19-017-1308

Itasca Land and Property Details

EXHIBIT

Former Southwood Resort

Property Details

19-017-1308

Itasca County Assessor's Department

Parcel Details

Assessment Year	Taxes Payable Year	Class Code	Class Description	Land Estimate	Building Estimate	Estimated Market Value
2024	2025	204	Non-Homestead Qualifying Single Res Unit	\$80,300	\$114,600	\$194,900
2024	2025	232	Commercial Seasonal Res Rec (Resort)	\$327,300	\$0	\$327,300

Legal Description

Township 54N Range 25W Section 17 - W 200' OF PART LOT 4 LYG E OF LINE 1400' E OF & PARA TO W LINE OF LOT 3 LESS HWY ROW

Land Detail

Land Type	Units	CAMA Land Estimate
FULL SITE IMPROVEMENT	1	\$20,000
SEPTIC SYSTEM	4	\$40,000
NO VALUE LAND UNDER WATER	0.15 Acres	\$0
POKEGAMA - Good	200 Feet	\$327,250
UPLAND	2.91 Acres	\$20,319

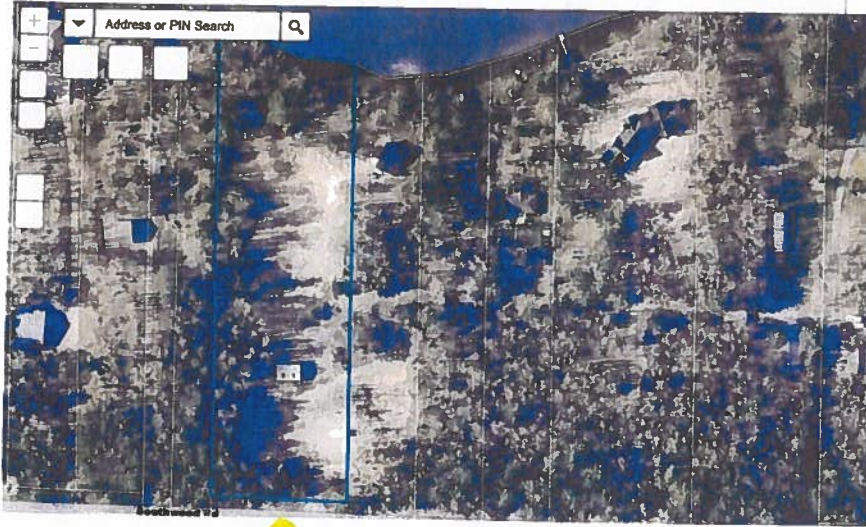
Building 3 Details

Improvement Type	Improvement Subtype 1	Improvement Description 1	Total Base Size	Gross Bldg Area	Building Value	Year Built
OTH	PB		864	864	\$14,021	0

Char Descrip	Code Descrip	Units	Stories	Foundation	Wall Height	Width	Length
FLOOR	CONCRETE	864					
ELECTRIC	YES						
INSULATED	NO						
LINING	NO						
HEATING	NO						
MAKE	MORTON						
BASE AREA	STANDARD	864			12	24	36

https://maps-test.co.itasca.mn.us/ASP_Scripts/CAMA_Detail.asp?PRCL_NBR=19-017-1308

Address or PIN Search



100ft

Pop-up Panel
(1 of 1) [Clear](#)

[Zoom to](#)

PETERSON, JEFFREY W

Name: PETERSON, JEFFREY W
Parcel Number: 19-017-1308
Description: Tax Parcel
Class Code: 204-0-0
Land Estimate: \$407600
Building Estimate: \$114600
EMV: \$522200
MP Number: 19-017-1308
Tax District Name: HARRIS TWP
Sec Top Rng: 17-54-25
Legal Desc: W 200' OF PART LOT 4 LYG E OF LINE 1400' E OF
Plat Name:
Undivided Interest:
Acres: 3.1
Square Feet: 133529.3
Lake Name: POKEGAMA
Mailing Address: 33002 DIAMOND RD
GRAND RAPIDS MN 55744
Physical Address: 32440 SOUTHWOOD RD
[Link to Plat](#)
[Link to Land & Building Info](#)
[Link to Tax Info](#)

https://maps-test.co.itasca.mn.us/publicapp/7?query=13411393b604f538b73ae69e53d60cf_30%2CPRCL_NBR%2C19-017-1304

 **Itasca County Parcel Information System**
Itasca County's Web Site

Sun, May 26, 2024
Parcel Info Data Date: May 23, 2024
CRV Info Data Date: May 23, 2024
Payment Detail Data Date: May 23, 2024

[Parcel Information](#) [CRV Information](#) [Lake Finder](#) [FAQ](#) [Request Info](#)

Record Details

Taxpayer of Record
PETERSON, JEFFREY W
33002 DIAMOND RD
GRAND RAPIDS MN 55744

Parcel Number: 19-017-1308

Physical Address	32440 SOUTHWOOD RD GRAND RAPIDS MN 55744
Plat Name	
1st Line of Legal Desc	W 200' OF PART LOT 4 LYG E OF LINE 1400' E OF
Deeded Acres	3.07
Sec-Top-Rng	17-54-25
Lake (P / Name)	01053200POKEGAMA
Emergency Number	NOT AVAILABLE

[View the Itasca County GIS map](#) for this parcel in a NEW WINDOW.

This parcel has 1 property tax classification(s). Valuations are provided below for each classification.

Class 1 - Group 204 Non-Residential - Qualifying Single-Family Unit			
Land Value:	\$80,300		
Building Value:	\$198,400		
Total Class Value:	\$278,700		
Class Code: 252 Commercial Seasonal Rec (Resort)			
Land Value:	\$308,000		
Building Value:	00		
Total Class Value:	\$308,000		
		Total Land Value = \$388,900	
		Total Building Value = \$198,400	
		Grand Total Value = \$579,300	

19-017-1308
[Click Here To See The Current Year Tax Record For This Parcel](#)

[Click here for Last Year's Tax Statement](#)

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Minnesota Counties Information Systems
Grand Rapids, MN
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Sales Information

Multi Parcel	CRV Number	E CRV Number	Sale Date	Buyer Name	Seller Name	Purchase Price
	168620	1316669	20210915	PETERSON, JEFFREY W.	WANKEN, JAMES T.	\$110,000
	168619	1316628	20210915	PETERSON, JEFFREY W.	WANKEN, JERRY G.	\$220,000

https://maps-test.co.itsca.mn.us/ASP_Scripts/CAMA_Detail.asp?PRCL_NBR=19-017-1307

Exhibit 5

		Property Details 19-017-1307				Itasca County Assessor's Department	
Parcel Details							
Assessment Year	Taxes Payable Year	Class Code	Class Description	Land Estimate	Building Estimate	Estimated Market Value	
2024	2025	204	Non-Homestead Qualifying Single Res Unit	\$201,300	\$99,600	\$300,900	
Legal Description							
Township 54N Range 25W Section 17 - W 100 FT OF PART LOT 4LYG E OF LINE 1600 FT E OF & PARA WITH W LINE OF LOT 3							
Land Detail							
Land Type	Units	CAMA Land Estimate					
FULL SITE IMPROVEMENT	1	\$20,000					
ROAD R/W	0.08 Acres	\$0					
NO VALUE LAND UNDER WATER	0.08 Acres	\$0					
POKEGAMA - Good	105 Feet	\$171,806					
UPLAND	1.36 Acres	\$9,496					
Building 1 Details							
Improvement Type	Improvement Subtype 1	Improvement Description 1	Total Base Size	Gross Bldg Area	Building Value	Year Built	
RES	1-3		1,200	1,200	\$99,616	2022	
Char Descrip	Code Descrip	Units	Stories	Foundation	Wall Height	Width	Length
INT INSPEC	NOT HOME						
FOUNDATION	SLAB						
STYLE	RAMBLER						
SHAPE	1-6 CORNER						
CONST	FRAME						
ROOF STYLE	SHED ROOF						
ROOF COVER	ASPHALT						
HEATING	SLAB HEAT						
BASE AREA		1200		SLB		30	40
OPEN PORCH	AVERAGE	144				12	12

https://maps-test.co.itsca.mn.us/ASP_Scripts/CAMA_Detail.asp?PRCL_NBR=19-017-1307

Address or PIN Search

Popup Panel

(1 of 1) [Close](#)

Zoom to

PETERSON, JEFFREY W

Name: PETERSON, JEFFREY W

Parcel Number: 19-017-1307

Description: Tax Parcel

Class Code: 204-0-0

Land Estimate: \$201,300

Building Estimate: \$99,600

ENR: \$300,900

MP Number: 19-017-1307

Tax District Name: HARROS TWP

Sec/Twp/Rng: 17-54-25

Legal Desc: W 100 FT OF PART LOT 4LYG E OF LINE 1600

Plat Name:

Undivided Interest:

Acres: 1.5

Square Feet: 65924

Lake Name: POKEGAMA

Mailing Address: 33002 DIAMOND RD

GRAND RAPIDS MN 55744

Physical Address: 32442 SOUTHWOOD RD

Link to Plat

Link to Land & Building Info

Link to Tax Info

05/23/24, 1:40 PM

https://maps-test.co.itasca.mn.us/publicapp/?query=134113993b804636b73ae69e53d60cf_30%2CPRCL_NBR%2C19-017-1304

4/1

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Itasca County Parcel Info System

Itasca County Parcel Information System
Itasca County's Web Site

Sun, May 26, 2024

Parcel Info Data Date: May 23, 2024

CRV Info Data Date: May 23, 2024

Payment Detail Data Date: May 23, 2024

[Parcel Information](#) [CRV Information](#) [Lake Finder](#) [FAQ](#) [Request Info](#)

Record Details

Taxpayer of Record PETERSON, JEFFREY W
33002 DIAMOND RD
GRAND RAPIDS MN 55744

Parcel Number: 19-017-1307

Physical Address:	32442 SOUTHWOOD RD GRAND RAPIDS MN 55744
Plat Name:	
1st Line of Legal Desc:	W 100 FT OF PART LOT 4LYG E OF LINE 1600
Decided Acres:	1.53
Sec-Twp-Rng:	17-54-25
Lake (If J Name):	POKEGAMA
Emergency Number:	NOT AVAILABLE



[View the Itasca County GIS map](#) for this parcel in a NEW WINDOW.

This parcel has 1 property tax classification(s). Valuations are provided below for each classification.

Class Code 204 Res-Homes/Mod Outlying Single-Fam Unit			
Land Value:	\$191,500	Total Land Value =	\$191,500
Building Value:	\$900	Total Building Value =	\$900
Total Class Value:	\$192,400	Grand Total Value =	\$192,400

19-017-1307

[Click Here To See The Current Year Tax Record For This Parcel](#)

[Click Here To See Last Year's Tax Record](#)

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Minnesota Counties Information Systems
Grand Rapids, MN
Website hosting & maintenance provided by [Two Digits in the Web, LLC](#)

Parcel Details		Property Details					Itasca County Assessor's Department	
		19-017-4203						
		Across and down from Southwood Resort						
Assessment Year	Taxes Payable Year	Class Code	Class Description	Land Estimate	Building Estimate	Estimated Market Value		
2024	2025	204	Non-Homestead Qualifying Single Res Unit	\$51,900	\$500	\$52,400		
Legal Description								
Township 54N Range 25W Section 17 - E 330 FT OF W 660 FT OF N 660 FT OF NW SE								
Land Detail								
Land Type	Units	CAMA Land Estimate						
FULL SITE IMPROVEMENT	1	\$20,000						
ROAD R/W	0.23 Acres	\$0						
FIELD	0.03 Acres	\$200						
UPLAND	4.75 Acres	\$31,659						
Building 1 Details								
Improvement Type	Improvement Subtype 1	Improvement Description 1	Total Base Size	Gross Bldg Area	Building Value	Year Built		
OTH	STORAGE	STG	0	0	\$500	0		
Char Descrip	Code Descrip	Units	Stories	Foundation	Wall Height	Width	Length	
Sales Information								
Multi Parcel	CRV Number	E CRV Number	Sale Date	Buyer Name	Seller Name	Purchase Price		
	165458	1021514	20191008	MCDONALD, ADAM	MINNESOTA DEPARTMENT OF REVENUE	\$3,354		
	168439	1309214	20210829	PETERSON, JEFFREY	MCDONALD, ADAM	\$32,000		

https://maps-test.co.itsasca.mn.us/ASP_Scripts/CAMA_Detail.asp?PRCL_NBR=19-017-4203

4/4

Itasca County GIS Viewer

Address or PIN Search

Zoom to

PETERSON, JEFFREY W

Name: PETERSON, JEFFREY W

Parcel Number: 19-017-1307

Description: Res Parcel

Class Code: 204-0-0

Land Estimate: \$201,300

Building Estimate: \$99,600

EMV: \$300,900

MP Number: 19-017-1307

Tax District Name: HARROS TWP

Sec Twp Rng: 17 54-25

Legal Desc: W 100 FT OF PART LOT 4LY E OF LINE 1600

Plot Name:

Undivided Interest:

Acres: 7.5

Square Feet: 665924

Lake Name: POKEGAMA

Mailing Address: 33002 DIAMOND RD

GRAND RAPIDS MN 55744

Physical Address: 32442 SOUTHWOOD RD

Link to Plot

Link to Land & Building Info

Link to Tax Info

Itasca County GIS Viewer Version 2.25 Questions/Comments

Address or PIN Search

Map title: Itasca County GIS Web Map
Layout: Letter ANSI A Portrait
Format: PDF

300ft

https://maps-test.co.itasca.mn.us/publicapp/?query=134113993b604f538b73ee09e53d60d_30%2CPRCL_NBR%2C19-017-4203

Itasca County Parcel Information System
Itasca County's Web Site

Thu, May 23, 2024
Parcel Info Date Date: May 23, 2024
CRV Info Date Date: May 23, 2024
Payment Detail Date Date: May 23, 2024

[Parcel Information](#) [CRV Information](#) [Lake Finder](#) [FAQ](#) [Request Info](#)

Record Details
Taxpayer of Record PETERSON, JEFFREY W
33002 DIAMOND RD
GRAND RAPIDS MN 55744

Parcel Number: 19-017-4203

Physical Address:	33019 SOUTHWOOD RD GRAND RAPIDS MN 55744
Legal Address:	
1st Line of Legal Desc:	E 330 FT OF W 660 FT OF N 660 FT OF NW SE
Section Acres:	6
Geo-Tag-Tag:	17-64-25
Label # / Name:	
Emergency Number:	NOT AVAILABLE



[View the Itasca County GIS map](#) for this parcel in a NEW WINDOW.

This parcel has 1 property tax classification(s). Valuations are provided below for each classification.

Class Code 294 Non-Homestead Qualifying Single Res Unit			
Land Value:	\$51,900	Total Land Value =	\$51,900
Building Value:	\$0	Total Building Value =	\$0
Total Class Value:	\$51,900	Grand Total Value =	\$51,900

[19-017-4203](#)
[Click Here To See The Current Year Tax Record For This Parcel](#)
[Click Here To See Last Years Tax Statement](#)

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Minnesota Counties Information Systems
Grand Rapids, MN
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"Spot zoning" is a label applied to certain zoning amendments legislated as legislative acts unsupported by any rational basis related to promoting public welfare. The term applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with surrounding uses and create an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property.



Exhibit 7
Case Law

Hawkinson v. County of Itasca

231 N.W.2d 279 (1975)

Harold G. HAWKINSON, Appellant, v. COUNTY OF ITASCA, Respondent.

No. 44199.

Supreme Court of Minnesota.

June 20, 1975.

William W. Essling, St. Paul, for appellant.

*280 W. J. Spooner, County Atty., Grand Rapids, for respondent.

Heard before SHERAN, C. J., and OTIS, SCOTT, and KNUTSON, JJ., and considered and decided by the court en banc.

OTIS, Justice.

This is an action for a declaratory judgment to set aside an Itasca County ordinance zoning plaintiff's property residential, and to authorize plaintiff to develop and expand lakeshore property for recreational-commercial purposes, or in the alternative to recover damages. The matter was tried to the court without a jury. Plaintiff appeals from the court's decision that he was entitled to no relief other than the right to continue a nonconforming use of his lakeshore lots. We affirm.

The area in question is located on the southwest shore of "Sherry's Arm" of Lake Pokegama in Itasca County. Between the years 1958 and 1966, plaintiff acquired 32 acres of land with 1,500 feet of shoreline, described as lakeshore lots 50, 51, 52, 53, 61, 62, 63, 64, and 65; outlet F containing 4½ acres; and outlet G containing 17 acres, both outlets being west of

and adjacent to the lakeshore lots, separated from them only by a roadway. The property has access to State Highway No. 17 by virtue of the fact the highway runs through the southwest corner of outlet G.

On October 2, 1969, Itasca County adopted an ordinance, effective November 1, 1969, which zoned all of plaintiff's property as residential. Prior to that time, the property remained unzoned. The ordinance contained the following provisions:

"Sec. 4. 10 Non-Conforming Uses Any use of a structure and/or premises existing at the time of enactment * * * of this ordinance, but not in conformity with its provisions, may be continued provided that: "Sec. 4. 11 the use is not changed to another non-conforming use or re-established if discontinued for a continuous twelve (12) month period. "Sec. 4. 12 no existing structure devoted to a non-conforming use shall be enlarged, extended, constructed, moved, or structurally altered except in changing the use of the structure to a use consistent with the provisions of this ordinance."

At the time the ordinance was adopted, plaintiff operated a small recreational-commercial business on his lakeshore lots on which he had a summerhouse, trailer sites, a playground, beaches, a boat harbor, launching equipment, and a commercial fishing pond. Work had been commenced on a utility building, an excavation dug for a motel-lodge, and other preparations had been made in anticipation of ultimately expanding the business. However, the progress of the work had been slowed substantially after 1966 when plaintiff sustained injuries in an automobile accident.

The issue is whether plaintiff has acquired a vested right to complete the work which he has commenced and to carry out the plans for an integrated commercial-recreational area for the entire 32 acres. The trial court held that outlets F and G had not been developed to any substantial degree, were not being used for commercial-recreational purposes, and consequently were properly zoned residential without any nonconforming use being permitted. As to lakeshore lots 50 to 53 and 61 to 65, the court held that they were being used for commercial-recreational or recreational-residential purposes, that plaintiff was entitled to continue those nonconforming uses, but that he would not be permitted to enlarge them without the approval of the county planning commission. The court did, however, permit any building under construction to be completed.

Plaintiff raises the following questions:

"The term 'enlarge' is ambiguous and unclear in many respects. Does it mean geographical, vertical, or horizontal? Does it include or exclude normal increase in volume of business

and such improvements as may be necessary to "281 maintain the business facilities or to accommodate normal increase in business?"

More specifically, plaintiff asserts a right to complete a utility building on lot 65; to construct eight dwelling units on lot 62; to erect a lodge with a kitchen and dining room and a 32-unit motel on lots 50 to 53; and to install a sewage-disposal facility on outlets F and G, on which he also wishes to construct a parking lot, storage building, community building, and office headquarters, and to use some of this area as camping and trailer sites.

Plaintiff testified he had spent over \$108,000 in developing the area as an integrated recreational unit and that he had plans for an overall investment of some \$275,000, of which \$50,000 represented a prospective loan approved by the Small Business Administration. Of the amount actually expended, however, \$28,800 represented the purchase price of the entire area, \$20,000 represented the value of his services and those of his family, and \$18,000 represented his estimate of the rental value of equipment and machinery he himself owned and used in preparing the project for development.

Outlet G, which was zoned residential without any nonconforming use, consisted of 17 acres on which no buildings had been erected. Plaintiff testified that it had been cleared of brush and that 500 truckloads of stumps had been removed in anticipation of developing ski slopes, toboggan slides, and snowmobile trails. That lot contained the access road from State Highway No. 17 to all the other lots. Culverts and bridges over a clear stream had been constructed and a pond dredged. Plaintiff had excavated for a small office building and a snowmobile storage building which he asserts a right to complete. A community building for guests had also been planned. In addition, outlet G was designed to provide a sanitary sewer system for lots 61 to 65 although the line had not yet been installed. The trial court found that outlets F and G were not "being used to any extent, and probably not at all, for the furtherance of a non-conforming use." The court also expressly held that plaintiff could not build a sewage-disposal system on outlet G without obtaining authority from the planning board, which had previously refused to give its consent.

Outlet F, which consisted of 4½ acres, was also zoned residential without any nonconforming use allowed. It had no buildings and none were planned. This area was to be used for camping, hiking, and parking, and was the site for a sewer system designed to service lakeshore lots 50 to 53. Sewer and water lines had not been installed but some preparation had been made for them.

Lakeshore lots 61 to 65, which were adjacent to outlet G, although separated by a roadway, contained a residence, a utility building, a septic tank and water mains, a playground,

electric lines, nine trailer sites, a parking area, and a beach and harbor where boats were rented. Construction was in progress on the utility building on lot 65 and the trial court held plaintiff could complete the structure "as commenced before the zoning ordinance was passed. This does not mean that he can enlarge the building or change it in any way; but the Court sees no reason why he cannot complete a structure which was already commenced."

Plaintiff, on appeal, seeks clarification of his authority to continue work on the utility building. That structure at the time the ordinance was adopted was 28 feet in width and 44 feet in length with a 12-foot ceiling. In building it, plaintiff planned to include a laundry room, shower room, and toilets on the first floor, and to build a snack bar, gift shop, and caretaker's apartment on the second floor, which was at grade level. As we construe the trial court's order, it was intended to permit plaintiff to complete the second floor but to prohibit any enlargement of the original ground floor dimensions. With this decision we are in accord, and hold that plaintiff "282 may proceed to finish the construction of this building according to those plans.

With respect to a proposed addition to plaintiff's summer home on lot 62 of eight two-story dwelling units, we take a different view. No work had been commenced on that project and to undertake it after the adoption of the ordinance would, in our opinion, clearly be a violation of the ordinance by adding nonconforming commercial residential units to an existing structure devoted to a conforming use.

Lakeshore lots 50 to 53 are north of lots 61 to 65 and separated from outlet F only by a roadway. Lots 50 to 53 included commercial trout fishing ponds and contained a parking area and a ramp for launching boats. This area was serviced by water, sewer, and electricity. Three buildings are located on it, a dwelling, a fishfood house, and a garage. A principal source of contention in these proceedings is plaintiff's claim that he was entitled to construct a lodge with a dining room, kitchen, lounge, enclosed swimming pools, and enclosed trout pond over an excavation which had concrete walls and was once used as a pond. In addition, plaintiff asserts the right to complete a 32-unit motel which would be a wing of the lodge. The trial court found that lakeshore lots 50 to 53 were being used for commercial-recreational purposes at the time the zoning ordinance was adopted, and held that plaintiff was entitled to continue his nonconforming use "but shall not enlarge the same." We concur in this conclusion as to lots 50 to 53.

In arriving at its decision, the trial court found that lakeshore property on Sherry's Arm of Lake Pokegama is occupied almost entirely by summer cottages and year-round homes of a residential nature. It also found that outlet F was best adapted for residential use and outlet G "ideally located" for residential purposes. In addition, the court found that these

lots have been put to no commercial use and had not had improvements of a substantial nature. We believe the evidence supports these conclusions. The kind of improvements which were made on the outlots were as consistent with the development of a residential area as with a commercial-recreational area. The grading and clearing of the land, and the dredging and development of the pond and stream added substantial value to the property for residential purposes. The effort and expense applied to these outlots are not wasted by the zoning.

The same may be said of the lakeshore property. While it is true that plaintiff's long-range plans have been frustrated, he is not prevented from carrying on at the same level which obtained before the zoning ordinance was adopted. We are aware of no authority which would permit plaintiff to expand an excavation with a concrete wall into a full-blown summer resort with a 32-unit motel attached. To permit such an expansion would do violence to the well-established rule that nonconforming uses are to be restricted in a way which will be conducive to their ultimately being phased out, County of Freeborn v. Clausen, 295 Minn. 96, 102, 203 N.W.2d 323, 327 (1972).

Plaintiff cites Hawkins v. Talbot, 248 Minn. 549, 80 N.W.2d 863 (1957), for the proposition that "geographic expansion within the original area is permissible." That case, however, involved the continuing nonconforming use of a gravel pit. We pointed out that by the very nature of that business it had to expand the area of its operation or be deprived of all value. Plaintiff also cites Connor v. Township of Chanhassen, 249 Minn. 205, 81 N.W.2d 789 (1957), to support his claim that he has a vested right to continue his nonconforming use even at a different location if the area where his business is located is condemned. It is enough to say that those circumstances do not here exist, and plaintiff is entitled to carry on the precise business in which he was engaged at the time that the zoning ordinance was adopted.

Under what circumstances a property owner may complete a project which is in "283 progress at the time his use of the property becomes nonconforming is a difficult question. Its resolution is ordinarily governed by the degree of hardship which would be imposed if construction or expansion were halted before completion. The rule is set forth in 8A McQuillin, Municipal Corporations (3 ed.) § 25.188, as follows:

"The general rule is that actual use as distinguished from merely contemplated use when a zoning restriction opposed to it becomes effective is essential to its protection as a lawful nonconforming use. Accordingly, the question of an existing business or other use at the time zoning restrictions become effective must be considered in the light of the principle that the law is concerned, not with a mere plan or intention, but with overt acts or failure to

act. Thus, it is not the present intention to put property to a future use but the present use of the property which must be the criterion. That is to say, mere intentions or plans at the time a zoning ordinance becomes effective to use particular land or dwellings for a certain use does not entitle one to that use in contravention of the ordinance. * * * * * However, substantial expenditures, work or change of position relative to erection of a building or establishment of a business, in addition to purchase of land, may entitle one to protection against subsequent zoning."

Plaintiff cites Board of Commrs. v. Petsch, 172 Neb. 263, 109 N.W.2d 388 (1961), to support the rule that once a project is started the owner is entitled to a nonconforming use of the entire area when construction has been completed. Petsch dealt with the nonconforming use of a trailer park. There, the property owner had installed 13 trailers in an area which was staked out for 59. Water, sewer, telephones, and power were available to the entire tract. Under those circumstances, the Nebraska court held that the owners had a vested interest in a nonconforming use of both the space being used and the space which was being prepared for use. However, the court added,

"* * * A contemplated or intended use, standing alone, is not sufficient. In other words, where a trailer-court project is partially completed when zoning regulations become effective, and the evidence is clear as to the extent of the project, the completed project will ordinarily determine the scope of the nonconforming use." 172 Neb. 268, 109 N.W.2d 391.

In a later decision, County of Saunders v. Moore, 182 Neb. 377, 381, 155 N.W.2d 317, 320 (1967), the Supreme Court of Nebraska declined to permit a nonconforming trailer park to be completed where "* * * there were no developed facilities available to accommodate any trailers and * * * the parking of any trailers on the property would be little other than parking trailers on open farm land which is adjacent to a well and an electrical source." The court distinguished Petsch and held that in the Moore case the owner showed no substantial construction had been made or substantial liabilities incurred.

"* * * The rule to be deduced from the above authorities is that preliminary contracts or work which are not of a substantial nature and contracts or work consistent with the zoning ordinances and regulations are not considered to be substantial construction or liabilities relating directly to the intended use which has become nonconforming because of the change or adoption of the regulations or ordinances." 182 Neb. 379, 155 N.W.2d 319.

Two cases cited by plaintiff, decided by intermediate courts of appeal in Ohio, dealt with trailer parks under partial construction when zoning regulations were enacted. Meuser v. Smith, 74 Ohio L.Abs. 417, 141 N.E.2d 209 (1956); Kessler v. Smith, 104 Ohio App. 213, 142

N.E.2d 231 (1957). The Meuser case indicates that work had begun on the foundation of a utility building, and grading had been started as well as contracts "284 let for water, sewer, and electricity. In permitting the project to be completed, the court did not indicate what expenses had been incurred in reliance on the absence of zoning. The Kessler opinion, on the other hand, which also allowed completion of the park, disclosed expenditures of \$20,500 before the property involved was zoned. By way of contrast, however, the two outlots F and G were found by the trial court in this case not to have been developed in any substantial manner and to be entirely suitable for residential purposes.

A Federal court, in construing Michigan law, held in City of Ann Arbor v. Northwest Park Const. Corp., 280 F.2d 212 (6 Cir.1960), that the removal of many trees and stumps in preparation for use as commercial property, the grading of the land, and other preparations did not create a vested right in commercial zoning after the property was rezoned for residential use. Likewise, the expenditures for acquisition of the property itself may not be included in the consideration of plaintiff's investment for commercial purposes, R. A. Vachon & Son, Inc. v. City of Concord, 112 N.H. 107, 111, 289 A.2d 646, 649 (1972); Mayor and City Council of Baltimore v. Shapiro, 187 Md. 623, 634, 51 A.2d 273, 279 (1947). The rule is stated in 8A McQuillin, Municipal Corporations (3 ed.) § 25.188, p. 32, as follows:

"A purchase of property with an intention to use it for a particular purpose does not in itself give a right to use it for that purpose as against a subsequent zoning ordinance or restriction. Indeed, the fact that a party makes a large investment in a city lot, which at the time it is purchased is free of restrictions, with an intent to use it for business purposes, does not invalidate a zoning ordinance subsequently adopted insofar as that ordinance restricts the use of the lot to residential purposes."

To the same effect is Town of Lebanon v. Woods, 153 Conn. 182, 215 A.2d 112 (1965).[1]

Our conclusions concur with those well summarized by the Supreme Court of Iowa in Board of Supervisors v. Paaske, 250 Iowa 1293, 1300, 98 N.W.2d 827, 831 (1959):

"It is impossible to fix a definite percentage of the total cost which establishes vested rights and applies to all cases. It depends on the type of the project, its location, ultimate cost, and principally the amount accomplished under conformity. Each case must be decided on its own merits, taking these elements into consideration."

For plaintiff to prevail, it is not enough that he show some prejudice in not being permitted to carry out his plans. There must be substantial prejudice. Harris Used Car Co. v. Anne Arundel County, 257 Md. 412, 419, 263 A.2d 520, 524 (1970).

By way of conclusion, we hold that plaintiff has not acquired a vested right to complete the plans which he had developed before November 1, 1969, to create an integrated commercial-recreational area for the lakeshore lots and outlots. In our opinion, the expenses plaintiff incurred by way of preparation did not result in prejudice so substantial as to permit him to complete the project. We have previously indicated that the trial court's findings that outlots F and G are well suited for residential use are supported by the evidence. That evidence strongly suggests that the work done by plaintiff in those areas enhanced their value for residential use. As to the lakeshore lots, we further hold that it is proper for plaintiff to complete the utility building located on lot 65 by enlarging it vertically. However, we concur in the trial court's determination that work on the lodge and motel units had not progressed sufficiently to justify a completion of those buildings. Nor may plaintiff complete the eight units planned for lot 62.

What may, in the future, be permissible improvements to accommodate an increase "285 in the volume of business, and what may be an impermissible enlargement or expansion of existing facilities, it is not now possible to predict. Such matters are better left to resolution by the Board of Itasca County Commissioners, and the Itasca Planning Advisory Commission rather than for us by way of dictum to propose an imprecise formula.

Affirmed.

NOTES

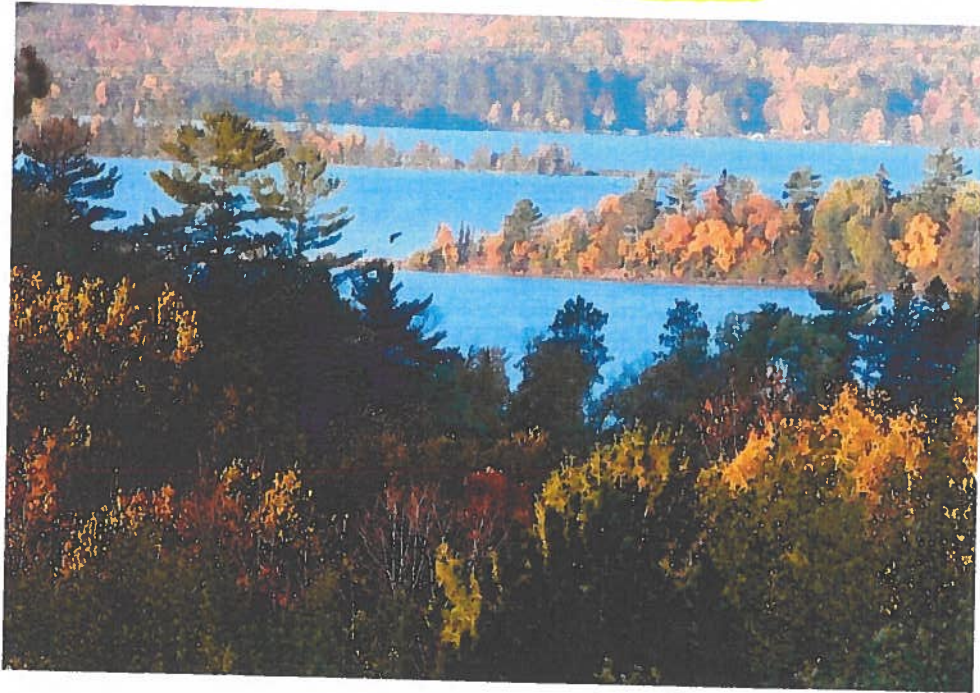
[1] See, also, Note, 49 Minn.L.Rev. 973, 985.

Some case metadata and case summaries were written with the help of AI, which can produce inaccuracies. You should read the full case before relying on it for legal research purposes.

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Exhibit 11

Itasca County Comprehensive Land Use Plan



Goals, Objectives and Implementation Tools

"Itasca County Government strives to preserve and enhance the quality of life, the environment, and economic well-being within the community"

3. **Land use conflicts** - Discourage development of lands within large contiguous tracts of natural resource lands in a manner that will create land uses that conflict with natural resources (residential development, agriculture, industrial sites, amusement parks, golf courses).
4. **Consolidation of development** - Encourage residential and commercial development to occur in areas already fragmented by housing, urban uses, and existing road corridors to minimize adverse impacts and cost of public services.
5. **Clustering** - Encourage clustering rather than dispersion of development.
6. **Private forest industry lands** - Continue to monitor status of private industrial forest lands and intentions of industrial forest landowners to sell land holdings in the county.
7. **Forest land retention** - Support retention of industrial forest lands as natural resource land through conservation easements, or purchase by a public agency or other industrial forest company.

G. Family Forest Lands or Non-Industrial Private Forest Lands Objective

1. **Forest health** - Provide and support education to maintain or improve forest health and biodiversity for family forest landowners (University of Minnesota Extension, Itasca County Soil Water Conservation District, Department of Agriculture Natural Resource Conservation Service).
2. **Invasive species** - Support educational programs, early detection, monitoring and control or eradication programs.
3. **Incentives** - Support Minnesota's current property tax programs for family forest landowners (Sustainable Forest Incentive Act and the 2c Managed Forest Tax Class).
4. **Forest fragmentation** - Support conservation easements and similar mechanisms (Forest Legacy, Forest Stewardship Planning, Tree Farm) ensuring forests will continue to provide natural resource benefits.

IV. Housing and Settlement Patterns Goal

Provide adequate guidelines for Housing and Settlement in Itasca County that protect the health, safety and welfare of the public, respect the unique settlement characteristics of the county, maximize the use of existing infrastructure, and offer a diversity of development patterns that minimizes adverse effects on natural resources.

- A. **Residential Development Density Objective** – Encourage residential development appropriate to its location in the county.
 - 1. **Urban areas** - Encourage traditional city densities in areas adjacent to existing urban areas in order to minimize infrastructure and maintenance costs to Itasca County.
 - 2. **Low density outside urban areas** - Limit development outside of urban expansion areas to low densities through zoning.
- B. **Future Development Areas Objective** - Jointly plan with municipalities, townships, and joint powers boards for infrastructure expansion and future development areas based on anticipated population growth and need for infrastructure. Development should be appropriate to the environmental conditions present. Encourage respect for established residential neighborhoods.
- C. **Rural - Residential Development Pattern Objective** – Low density for rural residential development.
 - 1. **Rural development density** – Define maximum densities, divisions per tract in the Zoning Ordinance.
 - 2. **Rural cluster development** - Encourage the use of techniques such as cluster (Conservation Subdivision) to accommodate development pressure in rural environmentally sensitive areas.
 - 3. **Incentives** - Consider incentives for encouraging cluster development.
 - 4. **Buildable area** - Develop minimum buildable area standards.
 - 5. **Wetlands** - Encourage preservation of wetlands.
- D. **Housing Diversity Objective** - Work to provide diverse housing that meets lifecycle needs and increases affordability.
 - 1. **Housing development** - Support the improvement of existing housing, redevelopment of housing, and infill development.
 - 2. **Housing studies** - Work with Itasca County Housing and Redevelopment Authority, cities and townships to implement the recommendations of published housing studies.
 - 3. **Housing funding** – Identify and pursue funding for affordable housing options which may include development, rehabilitation, and redevelopment projects.
 - 4. **Private investment** - Encourage private investment in housing and support such investments with public programs, such as Tax Increment Financing when appropriate.
 - 5. **Vacation Rentals** – Encourage regulating the use of single-family residences located in residential zoning districts for short-term vacation rentals.
 - 6. **Rental housing standards** - Recommend and encourage, with the municipalities and townships, minimum safety and health standards for all rental housing, including rental registration for rental housing not currently licensed by the health department.

Al VanDusen
Amy Flynn

Public Hearing by Itasca County on rezoning
Southwood Resort Property

W 200' of Lot 4 lyg E of line 1400' E of and para to W line
of Lot 3, S. 17, T54 R25, Richard and Barbara Carlson

2. In 1969 a Zoning Ordinance went into effect pertaining to Pokegama Lake property owners. The ~~above~~ property was zoned Residential but was grand fathered in to continue operating as a resort with intentions it eventually would become non other than Residential.

They placed restrictions on rebuilding in case of loss of building because of wind, fire, etc. (Should spell out all of the restrictions here)

Go to
Article
4

The question,

Was this zoning by the orginial planners an oversite limiting the Resort owner to expand, rebuild or continue as a Recreational Commercial operator ?

4. I believe the facts speak for themselves. The intent was to keep the area residential. That was the reason for the orginial planners to place restrictions on rebuilding etc. in the first place but allowed the owners to continue running the resort as long as no change occured. Removed cabins(4) + Residence

There was no need for another level of zoning to allow the owners for rebuilding in case of fire etc. because they obviously had in mind the grand father clause being temporary until change would meet their intent.

Also, the Hawkinson case going to the supreme court reflects this intent. (Should spell out the case discription etc.)

I am sure Jeff Peterson

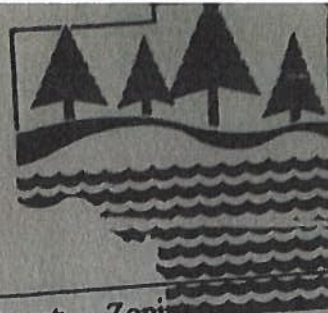
~~I assume Richard and Barbara Carlson~~ upon purchasing the Southwood Resort was aware of this zoning. It is just normal business procedure. It should not have come as a surprise.

Because their intent is now selling the Resort It appears the zoning issue came into play because of the increased value it would create.

While I can understand their feelings, This does not give reason for rezoning to Residential Commercial. We must recognize the orginial planners intent, Residential only!!!!

ITASCA COUNTY

REQUEST FOR BOARD ACTION



Date:

RBA No.:

Requested Board Date: 10/24/00

Flexibility:

Item: Rezone from Residential to Recreational Commercial submitted by Richard/Barbara Carlson

Originating Department: Zoning & Planning Commission/BoA

Presenter: Terry Greenside

Estimated Time: 10-15 minutes

Board Action Requested:

Accept the Planning Commission/Board of Adjustment's recommendation to deny the above rezone from Residential to Recreational Commercial - W 200' of Lot 4 lyg E of line 1400' E of and para to W line of Lot 3, S. 17, T54 R25 submitted by Richard/Barbara Carlson in accordance with the attached findings of fact

Background:

On October 4th, 2000 the Planning Commission unanimously recommended to deny the above rezone because there is no evidence that an error has been made in the present zoning and this would be spot zoning.

The property contains 3+- acres, borders Pokegama Lake and Southwood Road. The Carlson's have owned the property for 14 years and this property has been operated as a Resort since the 50's. The Carlson's have sold the property and a rezone would allow the variance process to replaced the existing units. Because the property is zoned residential, a resort is a restricted use, therefore is a non-conforming use, so no permit/s or variances would be able to be filed. The resort could be maintained as is.

Alternate Action:

Administrative/Public Works Division Recommendation: Z-1

Consent Agenda 10/16/00

Regular Agenda

Refer to

Table until

Other

Supporting Documents:

X

Attached

None

**Complete file can be seen at the Zoning Office

Signature/Date: 10/11/00

Distribution/Date: 10/11/00
Attorney, B. Olson, Carlsons

Recommended for Consent Agenda:
☐ Yes ☐ No

Clerk of Board Comments:

Signature/Date:

Board Action:

Approved as Requested: _____

Denied: _____

Tabled: _____

Other: _____

Distribution / Filing Instructions:

DECISION

Worth moved to recommend, to the County Board of Commissioners,

APPROVAL REJECTION of the rezone application from

Residential to Recreational Commercial because there is no evidence that an error has been made in the present zoning and this would be spot zoning.
submitted by Richard/Barbara Carlson

For properties described as W 200' of Lot 4 lvg E of line 1400' E of and Para to West line of Lot 3, S. 17, T54 R25

in accordance with the requirements set forth in the findings of fact, on the application and all other documents referenced in and made a part of this hearing.

Statement - attached to record. See #5

Demich SECONDED THE MOTION AND IT WAS DECLARED ADOPTED UPON THE FOLLOWING

VOTE: AYES: 4 NAYS: 0 Absent Hynek

ADOPTED THIS 4 DAY OF October 2000.

ITASCA COUNTY PLANNING COMMISSION AND BOARD OF ADJUSTMENT

Byron Snowden III
CHAIRPERSON - Byron Snowden III

ATTEST:

Terry Greenside
TERRY GREENSIDE, I.C. ZONING OFFICER

ARTICLE IV

EXISTING NON-CONFORMITIES AND LOTS OF RECORD

341969 1995
Sec. 4. 10 Non-Conforming Uses - All legally established nonconformities as of the date of this ordinance, or amendments thereto, may continue, but they will be managed according to applicable state statutes and other regulations of this community for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply:

Sec. 4. 11 - The use is not changed to another non-conforming use or reestablished if discontinued for a continuous twelve (12) month period. The County Assessor shall notify the Zoning Officer in writing of instances of non-conforming uses which have been discontinued for a continuous twelve (12) month period.

Sec. 4. 12 - No existing structure devoted to a non-conforming use shall be enlarged, extended, constructed, moved, or structurally altered except in changing the use of the structures to a use consistent with the provisions of this Ordinance.

Sec. 4. 13 - No junk yard may continue as a non-conforming use for more than three (3) years after the effective date of this Ordinance except that a junk yard may continue in a zone that permits, such as a conditional use, providing within that period, it is completely enclosed with a building, fence, screen planting or other device of such height as to screen completely the operations of the junk yard. Plans of such a building or device shall be approved by the County Planning Commission before it is erected or put into place. The Planning Commission may authorize a temporary extension of additional year upon special application for said extension.

Sec. 4. 20 Non-Conforming Structures - It is the intent of this ordinance to permit the continuance of any nonconforming structure existing at the date of adoption of this ordinance which does not comply with the provisions of this ordinance by reason of restriction on area, lot coverage, yards or other characteristics of the structure. It is also recognized that it is the intent of this ordinance not to encourage their continuation or expansion but to encourage, over time, compliance with the current requirements of this ordinance. Nonconforming structures shall be subject to the following:

Sec. 4. 21 - not be enlarged or altered in any way which increases its non-conformity

Sec. 4. 22 - requests for additions to non-conforming structures may be permitted provided all of the following standards are complied with:
-the addition is not toward the already non-conforming setback and said setback is not less than 50';
-the addition is not located within shore or bluff impact zones.
-that any modification to an existing structure, or the addition of any structure does not exceed $\frac{1}{3}$ or 50% of the square footage of the original building as it exists on 4/1/95.

now makes the following findings of fact and decision:

APPLICATION AND ZONING INFORMATION:

1. The parcel measures 200' in width by approximately 700', containing 3+- acres, borders Pokegama Lake, General Development class, Southwood Road, and is located in Harris Township, Commissioner District #4.

2. This property has been operated as a Resort since the 50's. The original zoning maps, established in 1969, zoned the property as residential. The resort consists of 4 cabins, ~~the cabins~~ and ~~the~~ residence. Under the present zoning, a resort is a restricted use. Therefore, the resort can be maintained as is, however, the units could not be replaced. If rezoned, replacements and/or expansions would be allowed, however, because of density, variance/s may be required.

* CRITERIA: *There are many ~~different~~ reactions in the public interest these criterion.*

3. Article VII, Section 7.41 of the Zoning Ordinance sets forth the guidelines for amendments to the Zoning Map:

- A. The proposed zoning shall be consistent with the comprehensive or land use plan adopted for the County;
The proposed zoning shall not be spot zoning, which is zoning to discriminate in favor of one lot or parcel out of harmony with surrounding lots or parcels and the comprehensive or land use plan, and without benefit to the community. *(We are a sea of regulations.)*
A mistake has been made in the original zoning which was inconsistent with the comprehensive or land use plan; or an error was made in the comprehensive or land use plan which should not be corrected along with the zoning; or substantial changes have occurred in the community since the adoption of the comprehensive or land use plan, which should result in the plan/s and the zoning being amended.

- D. There shall exist a clear public need for and benefit from additional zoning of the type proposed, which shall be above and beyond any benefit or convenience to the land owner.

*Ad the benefit & convenience is to the land owner
No he can exploit our community for his own*

E. *not for*

to - Aug. 9, 2000 - A. Carlson - opposed me

Asked - why didn't apply -

"We" didn't want to go through all those meetings and ~~stuff~~ every thing".

— Only applying now to make it more

available & more attractive package to buy!

So and Brian Cove just went at and apply & received it still

6. ITASCA COUNTY PLANNING COMMISSION/BOARD OF ADJUSTMENT

OCTOBER 4, 2000

9:00 A.M.

COUNTY BOARD ROOM

The regular meeting of the Itasca County Planning Commission/Board of Adjustment was held on Wednesday, October 4, 2000, at 9:00 a.m. in the County Board Room of the Courthouse with the following in attendance: MEMBERS: Byron Snowden III, John Dimich, Ben Puline and Dale Worth. ABSENT: Stan Hynek. EXOFFICIO: Don Dewey, Terry Greenside, Gregory Fordham and Jack Muhar. GUESTS: Dick Carlson, Elmer Smith, Jerry Wanken, Ray Sanders, Vern Witherill, Blake Hanson, Jim Rothstein, Rich Libbey, Mary Dorholt, Scott Seeley, Greg Anselmo, Jack Berg, Carol Bargeman, Susan Clos, Ronald Clos, Gene Tardy, Ken Truebenbach, Kevin Figgins, Richard Gailfus, Carol Spearman, Gail Houman, Frank Houman, Orlin and Mary McCollor, David Roth, and Tom Howard.

Chair Snowden III called the meeting to order at 9:00 and made a brief explanation of the meeting procedures (copies of the opening statement were available for the audience).

Additions to the agenda: Schedule public hearing on the Mississippi Headwater's Board amendments to the comp plan and to mention that John George has requested that his variance application be tabled until the November 1st meeting.

Minutes: A motion was made by Puline, seconded by Dimich and unanimously carried to approve the minutes of the September 6th meeting as sent.

A motion was made by Worth, seconded by Puline and unanimously carried to call back to the table the rezone application, from Residential to Recreational Commercial, submitted by Dick and Barbara Carlson - W 200' of Lot 4 lyg E of line 1400' E of and para to W line of Lot 3, S. 17, T54 R25. The hearing was continued at the last meeting in order for the notification process to be re-completed. Don Dewey entered into the record the application and zoning information. Dick Carlson was present and explained that they would like the opportunity to rebuild or replace the existing units at their resort. Elmer Smith, Jerry Wanken, Ray Sanders, Vern Witherill, Blake Hanson, Richard Libbey, area property owners/lake association representative, were present to voice their opposition to the rezone because of the future potential uses, density, safety/increased traffic on road, nuisance with jet skis, parties, snowmobiles-resort should die natural death; residential neighborhood, spot zoning, not a mistake in original zoning, public interest would not be best served by rezone and the property values may be affected. Rankin Ahlm, neighbor to an existing campground facility, was present and voiced his support of the neighbors. Mr. Smith also submitted a petition signed by 150 signatures opposing the rezone. Clarification was made concerning the correspondence received from Charlotte Carlson dated 8/8/00 in that she is actually opposed to the rezone. Correspondence dated 9/29/00 from Roger/Elizabeth Bruggemeyer was read into the record by Blake Hanson. Jim Rothstein and Mary Dorholt, Rothstein Realty, were present as representatives for Mr. Carlson and supported the rezone as it is un-American to not allow the resort to continue, they are not asking for any other uses and it is unfair to the Carlson's. Terry Greenside read into the record the definition of a

Public meeting

10/4/00

PCBoA

recreational commercial zone and reviewed the land use classification list. Harris Township has recommended approval of the rezone. The additional correspondence received from Jerry/Joyce McKnight and Larry/Patty Becker were made a part of the record. Chair Snowden III also mentioned that the statements made by the property owners, contained in the transcript, at the September meeting, were reviewed and are similar as those made today. After discussion, a motion was made by Worth, seconded by Puline and unanimously carried to close the public portion of the hearing. Discussion included that a variance to replace the existing cabins may not even be applied for because a resort is restricted in a residential zone. Mr. Dimich mentioned that he feels there is no evidence of a mistake, and the present zoning has been in existence since 1969, with no reasons to change it and would look at this as a nonconforming use that will end over time and revert back to the residential character of the neighborhood. A motion was then made by Worth to recommend, to the County Board of Commissioners, rejection of the rezone from Residential to Recreational Commercial, submitted by Richard and Barbara Carlson, because there is no evidence that an error has been made in the present zoning, therefore, there is no reason to overturn what the previous Board has done and this would be spot zoning. Mr. Dimich seconded the motion. Also, to include in the findings, for the record, this statement: Mr. Carlson or the new owners should be able to continue their business, also in case of disaster or tragedy, it should be noted and recorded that Mr. Carlson tried to change the zoning on this date and failed at the planning commission level and that the future Planning Commission Board/s should take this into consideration for variances or for rebuilding the resort. Motion carried unanimously. Mention was also made that the Planning Commission's recommendation will be forwarded to the County Board, for their official action on Tuesday, October 24th. Their meeting begins at 3:00 p.m. The Administrator's Office can be contacted for the time when the matter will be considered.

6
After closing the public portion of the meeting.

in. Commissioner Saxhaug seconded the motion. Motion carried:
Ayes - Districts #2, #3, #4, #5; Nays - None; Absent - District
#1.

Commissioner Saxhaug exited the meeting at 3:55 p.m.

REZONE

①
Commissioner Trunt moved to accept the Planning Commission/Board of Adjustment's recommendation to deny the rezone from Residential to Recreational Commercial for the W 200' of Lot 4 lyg E of line 1400' E of and para to W line of Lot 3, S. 17, T54, R25, submitted by Richard and Barbara Carlson in accordance with the findings of fact. Commissioner Mandich seconded the motion. Motion carried: Ayes - Districts #3, #4, #5; Nays - None; Absent - Districts #1, #2.

HIGHWAY EASEMENT ACROSS STATE LANDS

Commissioner Mandich moved to authorize the County Highway Department to acquire easement across State of Minnesota Lands for a proposed realignment of County Road 342 near Napoleon Lake. Commissioner Trunt seconded the motion. Motion carried: Ayes - Districts #3, #4, #5; Nays - None; Absent - Districts #1, #2.

TIMBER AUCTION

Commissioner Mandich moved to authorize publication of the Notice of Intermediate and Regular Oral Bid Timber Auction in the official newspaper of the County as provided by law and that the Land Commissioner offer such tracts of timber in the order in which they appear in said Notice of Sale. Such sale shall commence at 10:00 a.m. on Tuesday, November 21, 2000, at the Cohasset Community Center. Commissioner Trunt seconded the motion. Motion carried: Ayes - Districts #3, #4, #5; Nays - None; Absent - Districts #1, #2.

WATER SURFACE USE ORDINANCE #3

Commissioner Trunt moved to delay the submission of Water Surface Ordinance #3 (No Wake Zone for the inlet into Newburg Bay on the east side of MacKenzie Island on Turtle Lake) to the Minnesota Department of Natural Resources (DNR) for their review until May 1, 2001. Commissioner Mandich seconded the motion. Motion carried: Ayes - Districts #3, #4, #5; Nays - None; Absent - Districts #1, #2.

DISPATCH REMODELING

Commissioner Mandich moved to accept the low quote of \$14,520.00 from Ross Home Center for an elevated floor in the dispatch area with funding from Capital Projects. Commissioner Trunt seconded

7. **Manufactured housing** - Recognize manufactured housing as a viable option.
8. **Affordable housing** - Encourage affordable housing throughout the county.
9. **Multi-family housing** - Encourage the development of adequate multi-family housing within or adjacent to developed areas.

Section 4 Brt E. **Lakeshore Development Objective** – Establish guidelines to encourage new shoreland development using practices that provide protection and sustainability of water quality and habitat for fish and wildlife.

1. **Protection of environmentally sensitive areas** – Require protection of environmentally sensitive areas and lakeshore bluffs within a development site. Develop standards for maximum square footage of impervious surfaces in relation to lot size. In sensitive areas enforce shoreland management standards and maximize the use of mitigations.
2. **Encourage good shoreland stewardship principles** – Encourage and support the maintenance and reclamation of lakeshore to its natural state. Educate the public about shoreland stewardship. Encourage conservation subdivisions, clustered developments and other similar development patterns.
3. **Lakeshore fragmentation** – Encourage retention of larger tracts; encourage protection with conservation easements and similar legal agreements.
4. **Buildable Area** - Develop minimum buildable area standards for lakeshore/riparian lots. Encourage preservation of wetlands.
5. **Structure integration and compatibility** - Consider standards for integrating new structures within existing shoreland and development that results in compatible bulk and design.
6. **Maintain residential zoning** – Encourage retention of existing zoning and uses especially in established residential neighborhoods.
7. **Sensitive lake areas** - Encourage the concept of identifying specific areas of any lake that may require a different set of development criteria, beyond the general classification criteria for that lake class, due to Federal and/or DNR designated water, land, or habitat issues. Encourage the establishment of riparian development criteria beyond the standard lot size regulations currently based on lake class.
8. **Riparian development practices** - Encourage conservation subdivisions, riparian buffers, limits on maximum impervious surface, multiple and special shoreland lake classifications, improved planned unit development standards, common open space and clustered or group docking.
9. **Riparian density standards** - Establish density standards that create or maintain open space, protect water quality and wildlife habitat, limit impervious surfaces, erosion and runoff and protect aquatic and shoreland native vegetation.
10. **Incentives** – Support tax or other incentives encouraging private lakeshore owners not to develop, subdivide, or plat undeveloped lakeshore or environmentally sensitive areas.

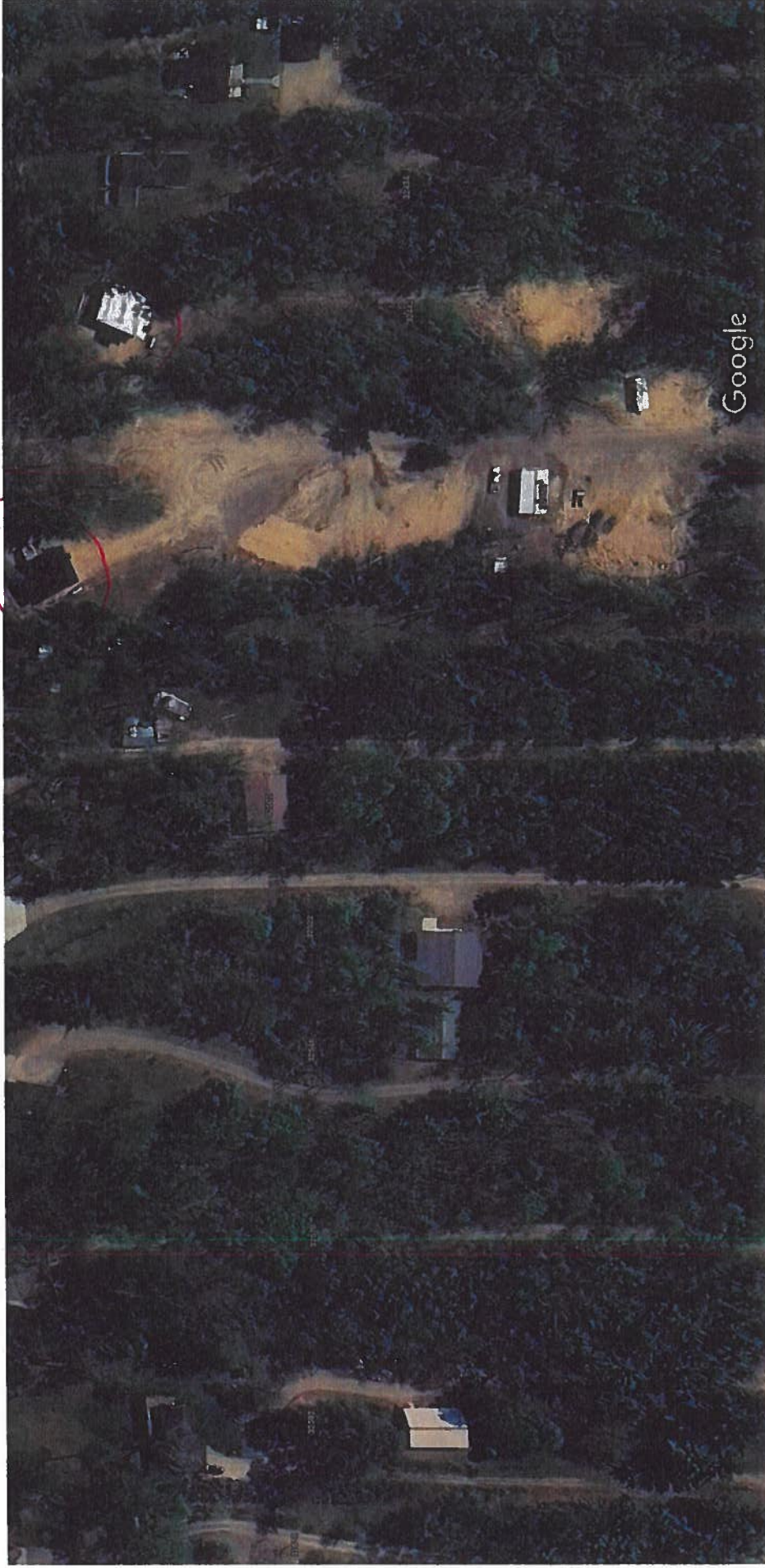
F. **Lake Backlot Development Objective** - Assess and develop backlot development standards with regard to environmental protection.

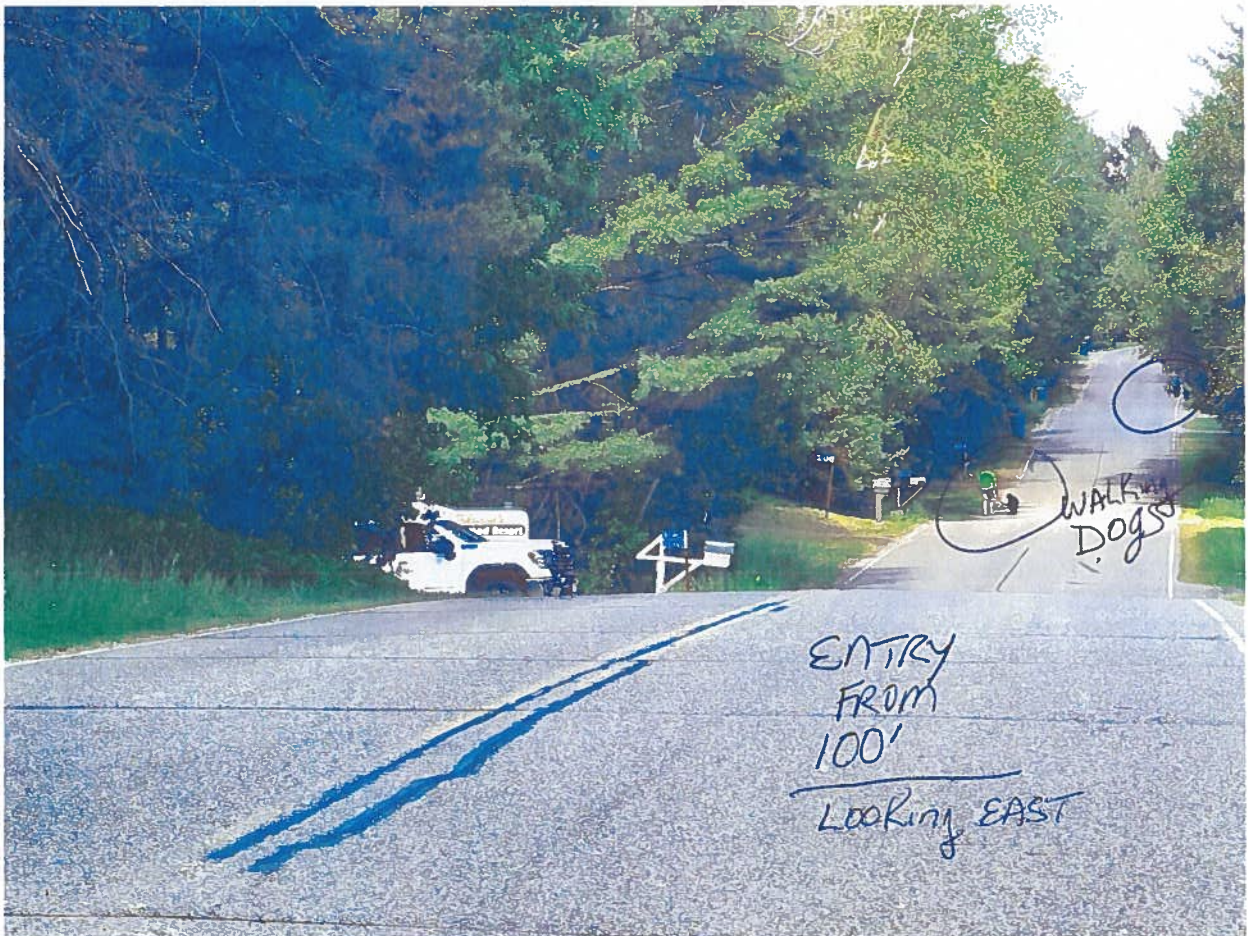
1. **Buffers** – Encourage large buffers between lakes and any allowed cluster developments, permanent restrictions on development in the buffer area, and require joint maintenance or bonding to ensure maintenance of septic system(s) within the buffer area.

Amy, thanks for sharing this and sorry I missed you. I am already in a meeting this morning. I did see this when I received the letter and the board is aware and we are discussing. We are only an advisory board but overall we are not for this project. Personally I am not a fan of this at all. Each year the activity on Pokegama increases, this will only add to that impact. I live on the Wendigo arm During most weekend days Wendigo is like a highway with tons of boat traffic. Thanks a ton! For bringing this to our attention!

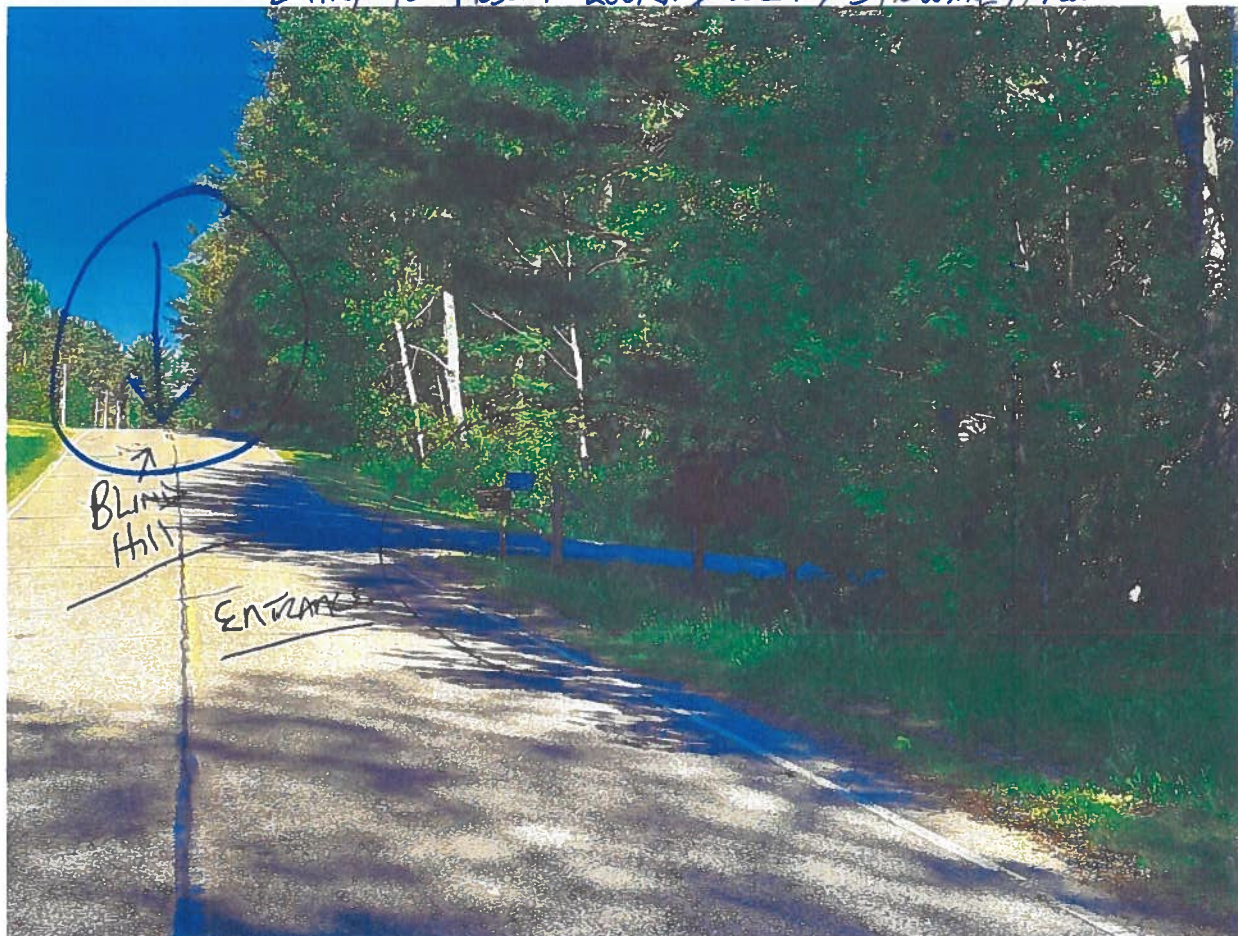
Text message from Andy Nintzel, VP of
GPLA, on Wed., June 5th @ 8:18am.

Aerial View showing cabins and residents have been removed, and new cabins have been started without a resort license!

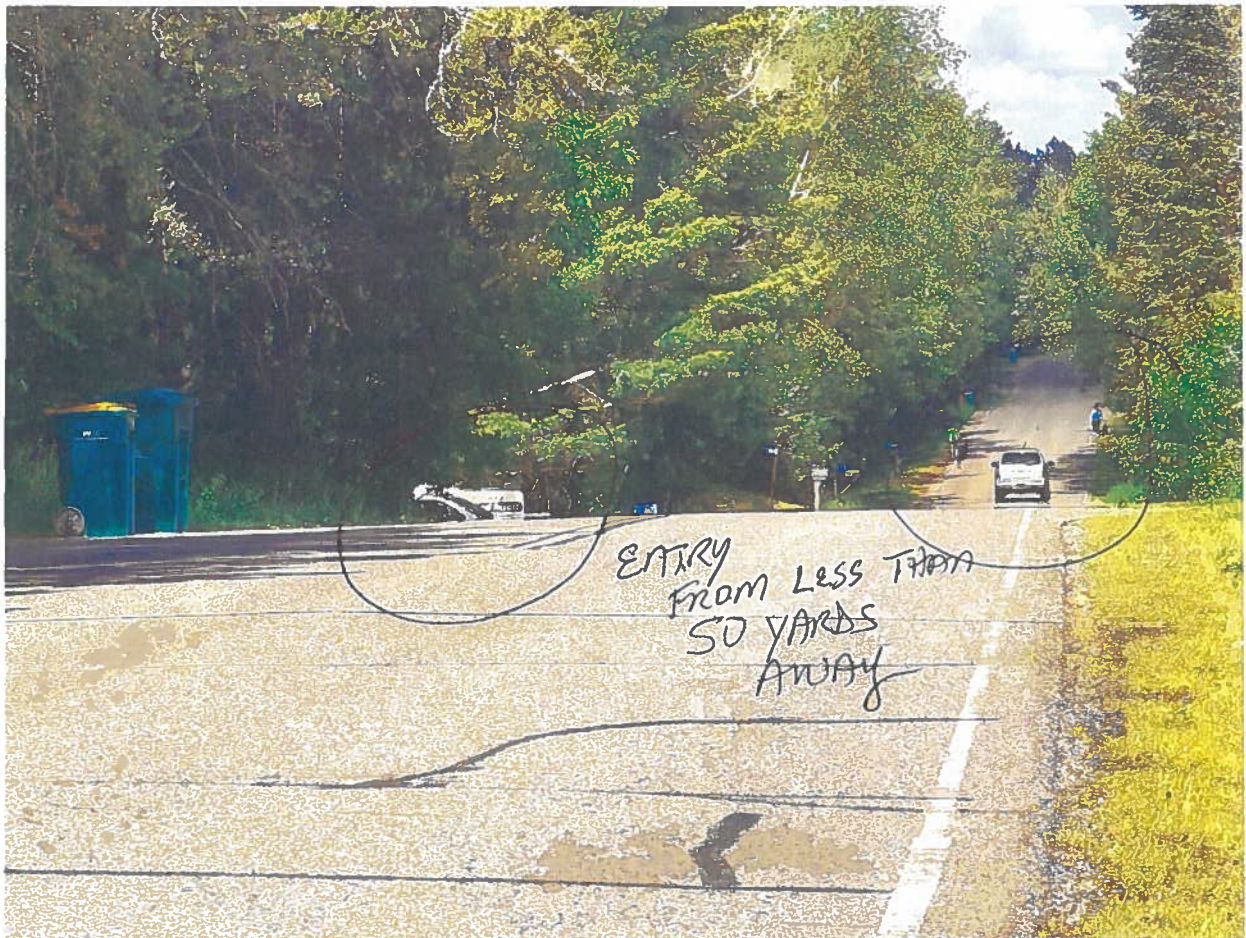




ENTRY TO RESORT, LOOKING WEST / SHOWING HILL



ENTRY LOOKING EAST - FOR VISIBILITY



CR Conditional Uses

Rec Commerce

722389

Section 9.3 Conditional Uses

The Planning Commission may consider approval of the following Conditional Uses in Recreational Commercial Zoning Districts:

- 9.3.1 Agriculture. All forms of agriculture, horticulture, and animal husbandry, including necessary farm structures and processing of agricultural products but excluding fur farms and commercial kennels, provided that the provisions of Section 3.6 are met;
- 9.3.2 Bait Sales;
- 9.3.3 Bars, Cocktail Lounges, Taverns, and Restaurants (Liquor Sales, On/Off);
- 9.3.4 Cafés and Restaurants (no alcoholic beverages) – licensed Resorts exempt;
- 9.3.5 Community Centers / Township Halls;
- 9.3.6 Convenience Stores;
- 9.3.7 Day Care Facilities II;
- 9.3.8 Fur Farms provided the minimum parcel size is five acres;
- 9.3.9 Group Homes II;
- 9.3.10 Gasoline. Bottled Gas Storage and Distribution;
- 9.3.11 Houses of Worship;
- 9.3.12 Kennels, Commercial. Such kennels provided the minimum parcel size is five acres;
- 9.3.13 Nursing Homes;
- 9.3.14 Professional Offices;
- 9.3.15 New Resorts as regulated by Section 15A.3;
- 9.3.16 Small Engine Repairs / Sales;
- 9.3.17 Storage Warehouses; and
- 9.3.18 Trailer, Manufactured Home, RV, and Camper Sales.

Section 9.4 Prohibited Uses

The following uses are prohibited in Recreational Commercial Zoning Districts:

- 9.4.1 Agriculture Implements, Distribution Display Repairs and Sales;
- 9.4.2 Contractor, Equipment and Material Storage;
- 9.4.3 Electric, Light and Power Company Yards;
- 9.4.4 Gasoline. Gasoline Bulk Storage, Tank Oil, and/or Service Stations;
- 9.4.5 Machine and Welding Shops;
- 9.4.6 Mining. Mineral extraction, mineral processing, metals production, mineral or metal storage, storage and stockpiling of mining and mineral processing waste materials and byproducts, storage of mining and processing equipment, and other activities associated therewith that meet the provisions of Section 3.13 and Article 13 and includes industries, facilities, and activities regulated by Minn. Stats. 93.44-93.51. Also, structures necessary for mining, mineral processing, metals production operations, ancillary facilities, and activities that meet the provisions of Section 3.13 and Article 13;
- 9.4.7 Recycling Centers – Auto, Appliance, and Junkyards that meet the provisions of Section 3.11;
- 9.4.8 Sanitary Landfills;
- 9.4.9 Sawmill / Lumber Yards; and
- 9.4.10 Target Shooting Facilities.

Section 9.5 Uses Not Listed

See Section 2.5.

From: Rich Libbey
Sent: Saturday, June 8, 2024 3:48 PM
To: dave.eckstein01@gmail.com
Cc: Rich Libbey
Subject: FW: Rezone request for 3 Lots on Pokegama Lake and theSouthwoodRoad

Sent from [Outlook](#) for Windows

From: [Rich Libbey](#)
Sent: Friday, June 7, 2024 4:16 PM
To: [Katie Benes](#)
Cc: [Rich Libbey](#)
Subject: Rezone request for 3 Lots on Pokegama Lake and the Southwood Road

Dear Planning Commission Members:

I urge the Board to reject this rezone application for 3 residential lots on the Wendigo Arm of Pokegama Lake from Rural Residential to Recreational Commercial as this request does not meet all 5 of the criterial necessary to approve this request.

The first of which is DOES IT CONFLICT WITH THE COMPREHENSIVE PLAN?

Section 1V.Sub E- Lakeshore Development Objective- MAINTAIN RESIDENTIAL ZONING- ENCOURAGE RETENTION OF EXISTING ZONING AND USES IN ESTABLISHED RESIDENTIAL AREAS. Page 23 of the Comprehensive plan.

I feel it definitely conflicts with this criterial for approval of this zoning change. Every lot on the Wendigo Arm is zoned Rural Residential except 2 lots out of many hundred. One is the Pickled Loon and the other is currently a residential home on a

left over rezone from 1992 when the resort was still in operation. Since then the resort has been decommissioned and is no longer in existence. This lot is not in commercial use and its use is residential.

I urge the members to vote NO on this question as this rezone would not be compatible with the existing residential zoning and use of basically all the lots on the Wendigo Arm of Pokegama Lake.

Question #2-THE PROPOSED ZONING SHALL NOT BE SPOT ZONING-

I feel this is spot zoning. The rezoning of this parcel would benefit the applicant to the detriment of the surrounding established residents and neighbors. An RV park would alter the character of this residential neighborhood and is not compatible in close proximity to homes. I believe neighbors will relay their concerns about this possible development.

A single family home on this property would be in harmony with the neighborhood where as a commercial development is not compatible.

Sincerely, Richard Libbey

18603 Hale Lake Drive

Grand Rapids, Mn 55744

C. **Expansion Objective** - Evaluate opportunities to expand the recreation system to meet needs not met by the current system.

1. **Recreation resource plan** - Use the County Recreation Resource Plan on all future recreation enhancements and continue to update the plan.
2. **New facilities** - Revise the facilities needs list and invest in the development of new facilities to meet identified needs, including public lakeshore access and public swimming beaches.
3. **Mine area recreation** - Support the recreational use of idle mine land and related lands where the use is safe and compatible with present and future mineral production. Support the Western Mesabi Mine Land Planning Boards plan.
- 4. **Campgrounds** - Support additional campground capacity where there is adequate infrastructure with limitations to protect natural resources.
5. **Motorized trails** - Develop designated motorized trails including the Aitkin and Itasca County ATV trail connection.
6. **Conservation and legacy programs** - Support local Conservation and Legacy programs that positively affect recreational users.
7. **Hunter walking trails** - Support and assist in development of additional seasonal grouse hunter walking trail opportunities.
8. **Enforcement** - Support adequate enforcement and education of trail regulations to minimize trespass on private lands and unauthorized motorized use of public trails.
9. **Non-motorized areas** - Direct further study of county lands as designated non-motorized areas.

D. **Trail System Objective** - Develop an integrated county-wide recreational trail system that connects residential areas, commercial areas, job centers and natural areas.

1. **Connection opportunities, public lands** - Review the parks and recreation plans of the County, cities, US Forest Service, DNR and commercial forest land for opportunities for connections.
2. **Connection opportunities, private lands** - Support the connection of new subdivisions and private recreational developments to the trail system where appropriate.
3. **Trail parking** - Encourage development of trail head parking areas.
4. **Trail easements** - Work to identify priority corridors and acquisition of permanent easements over existing and new trails where possible. Develop a plan to encourage private land owners to provide permanent easements for trails that cross their lands.
5. **Trail use standards** - Develop standards and mark trails to clarify use and property easements to prevent conflicts from various uses and with property rights.
6. **Trail coordination** - Closely coordinate with state and federal agencies during Off Highway Vehicle (OHV) trail planning to attempt to achieve consistent trail designations and postings across ownerships.

E. **Funding Objective** - Investigate and support equitable methods for funding the maintenance and expansion of the recreation system.

ARTICLE 9 RECREATIONAL COMMERCIAL ZONING DISTRICT

Section 9.1 Purpose

The purpose of the Recreational Commercial Zoning District is to protect and encourage the sound development of the recreational industry in Itasca County. To achieve the goal to develop an integrated green space and recreation system that provides diverse, developed and undeveloped, recreational opportunities for all residents and visitors while protecting unique scenic and natural areas as stated in the Itasca County Comprehensive Land Use Plan.

Section 9.2 Permitted Uses

In fostering recreational development, related commercial uses serving recreational needs are permitted.

- 9.2.1 Accessory Structures;
- 9.2.2 Antique and Gift Shops;
- 9.2.3 Bed and Breakfast Inns;
- 9.2.4 Cafés and Restaurants at licensed Resorts (no alcoholic beverages);
- 9.2.5 Day Care Facilities I;
- 9.2.6 Dwellings, Single and Multi-Family. Such dwellings are permitted provided that the dwelling unit parcel has frontage on a publicly owned and maintained road. If the parcel does not front on a publicly owned and maintained road, a dwelling is allowed provided the landowner signs a notice of limited public services prior to receiving a permit that is recorded with the Environmental Services Department with a copy to the applicable township;
- 9.2.7 Essential Services;
- 9.2.8 Existing Resort Expansion as regulated by Section 15A.4
- 9.2.9 Extractive Uses over one acre that meet the provisions of Section 3.13;
- 9.2.10 Forestry. All forms of forestry uses including processing, necessary structures, and construction of access roads to remove timber;
- 9.2.11 Foster Homes;
- 9.2.12 Group Homes I;
- 9.2.13 Home Occupations I and II that meet the provisions of Section 3.14;
- 9.2.14 Public Parks and Recreational Areas;
- 9.2.15 Temporary Borrow Areas that meet the provisions of Section 3.12; and
- 9.2.16 Towers that meet the provisions of Article 14.

Fire # _____

Date 11-3-92 No. 921358

REQUEST FOR AMENDMENT OF ZONING ORDINANCE AND/OR ZONING MAP
Itasca County, Minnesota

Property Owner James W. Miller Address 431 Southwood Rd, GR 55744
Agent BIRCH COVE RESORT Address _____
Location of Property 19-017-1304 - W 210' of Pt of Lot 4 lyg E of ling 1900' E of & para
with W Line of Lot 3, S. 17, 54-25 Harris #32, D#4
(Legal Description and Highway or Road Location)
Existing Zoning District Residential Proposed Zoning District Recreational Commercial

Reason for Proposed Amendment or Zone Change In 1968, applicants purchased above 3.43 acres in which existed Birch Cove Resort/Campground. Said use has been in continuance since that time, therefore, a rezone to recreational commercial would be suitable as this type of use is restricted in a residential zone. Applicants were unaware that the zone was residential as their tax statements indicated a property class of resort.

Attach to this form a map showing property location, all properties within 300', shapes and dimensions of existing and proposed buildings, all streets and roads, North direction, and any other information pertinent to this request.

Signature James W. Miller Date 10/14/92
Fee of \$/e _____ paid in full. Date 10/14/92 Received: nh
(zoning office)

Official Publication Notice of Planning Commission Hearing Date _____

Date of Public Hearing _____

Harris:
Town Board or

approval

Date 11/19/92

Chairman Larry Key
or
Co. Comm. J. J. J.

Unorganized Town

rejection

Reasons for rejection: _____

NOV 23 1992

Amendment of Zoning Ordinance/Map approved by the Planning Commission on 12/2/92
rejected (date)

in accordance with the following reasons: _____

Signed: John R. Payne
(Planning Commission Chairman)

Amendment of Zoning Ordinance/Map approved by Board of County Commissioners 12/22/92
rejected (date)

Signed: Matt Huni
(County Board Chairman)

Return all copies (3) to the ZONING OFFICE, COURTHOUSE, GRAND RAPIDS, MN 55744

Office of the Revisor of Statutes

Office of the Revisor of Statutes

2023 Minnesota Statutes

Authenticate  PDF

103F.227 SHORELAND DEVELOPMENT; EXISTING RESORTS.

Subdivision 1. **Applicability.** This section applies statewide and preempts local ordinances that are inconsistent with its terms. A county or municipality may by ordinance impose upon resorts reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, safety, and environment.

Subd. 2. **Resort defined.** For purposes of this section, "resort" means a shoreland commercial establishment, existing on or before August 1, 2007, that includes buildings, lodges, structures, dwelling units, camping or recreational vehicle sites, or enclosures, or any part thereof kept, used, maintained, or advertised as or held out to the public to be a place where sleeping accommodations are furnished to the public, primarily to persons seeking recreation, for periods of one day or longer, and having for rent three or more cabins, rooms, campsites, or enclosures. A shoreland commercial establishment must be primarily service oriented for transient lodging of guests. All cabins, rooms, dwelling units, camping or recreational vehicle sites, or enclosures must be included in the resort rental business. Resorts must not allow residential use of a dwelling unit or site, except dwellings used as residences for the service providers. To qualify as a resort under this section, a resort must be fully licensed and permitted under appropriate state and local regulations. The entire parcel of land must be controlled and managed by the licensee.

Subd. 3. **Maintenance and replacement.** (a) So long as the establishment continues to operate as a resort, a county or municipality must allow a resort owner to:

(1) maintain structures, including the replacement of aging or outdated components or systems of the structure, while not increasing the structure's footprint on the land; and

(2) replace structures damaged or lost to fire or natural disaster.

(b) Paragraph (a), clause (2), applies only when an application for a building permit is made within 180 days of the damage or loss.

Subd. 4. **Expansion.** A county or municipality must allow a resort owner to increase a structure footprint to minimally meet federal, state, or local dwelling standards or codes. To "minimally meet" the standards or codes means that the replacement structure does not add new architectural elements, such as more bedrooms, that did not exist in the original structure. Structural expansion under this subdivision must not result in a structure that is any larger than required to meet standards or codes or a structure or any portion that is any closer to the shoreline than prior to the expansion.

Subd. 5. **Change in ownership.** A change in ownership of a resort shall not be construed as a conversion to a different use so long as the new owner continues to use the property as a resort.

History: 2007 c 92 s 2

Official Publication of the State of Minnesota
Revisor of Statutes

Old Southwood Road Resort - Rezoning Proposal Opposition Statement

Plan for the property:

A proposal for rezoning three parcels along Southwood Road would add 40 campsites and 2 cabins. This proposal adds 42 temporary dwelling spaces to the neighborhood. Currently all zoned Rural Residential, two parcels adjacent to Pokegama Lake, one parcel opposite the lake but kiddie corner from the original Southwood Resort. The proposed rezoning would bring all into a Recreation Commercial Zone. The property owner stated they wanted this to be "commercial campground status" in the proposal. The properties in question are:

Parcel Number	Acreage	Zoning
19-017-1308	3.1	Rural Residential
19-017-1307	1.5	Rural Residential
19-017-4203	5.0	Rural Residential

Total = 9.6 acres

There are approximately 50 rural residences along Southwood Road. The plan supported by rezoning would almost double the number of dwelling spaces in the neighborhood. This would cause a substantial change to the neighborhood culture where residents use Southwood Road as transportation and pedestrian and bicycle recreation. This includes several families with young children just learning the rules of the road.

The following parts of this document outline further concerns and questions regarding the rezoning of the property in question.

Current zoning:

Article 7 RURAL RESIDENTIAL ZONING DISTRICT

Section 7.1 Purpose

The Rural Residential Zoning District is intended to provide a residential district that is predominantly shoreland and rural in character and allows activities that do not degrade the rural residential character. This zoning district shall be used to promote a high quality residential living environment.

The Southwood Road neighborhood substantially meets the qualities of a rural residential zone. Changing the zoning for one location in the middle of the neighborhood would substantially degrade the quality of life and rural character of the other remaining properties along this roadway.

When considering rezoning and the Guidelines for Rezoning, 20.3.4, the following questions must be answered:

1. Does this consist of spot zoning which discriminates in the favor of one parcel out of context with the surrounding parcels? It is clear that rezoning does discriminate in the favor of one property owner to the detriment of the neighborhood, and most significantly to the surrounding parcels.
2. Is there a clear public need or benefit beyond the benefit to the landowner? Any economic benefit to the taxbase of the county and township would be offset by lower property values of the surrounding residences. No other public need or benefit has been identified.

Specifically, here are the ways in which rezoning the property degrades the neighborhood and lakeshore of Pokegama Lake.

Traffic Impact:

1. 42-84 additional vehicles on Southwood Road during the months of April to October for 42 additional seasonal residences.
2. Additional vehicle traffic at the HWY 169, Southwood Road intersection. This is already a dangerous intersection with multiple access points to 169 in a short distance. It would likely add more direct traffic crossing Highway 169. This would all likely increase the risk of accidents.
3. Traffic increase from 42 additional spaces:
 - a. 1 vehicle
 - b. 1 camper - parked
 - c. 1 atv
 - d. 1 boat
4. Township road with no shoulders
 - a. Pedestrian use is limited to the existing roadway
 - b. Walking, biking, running daily
 - c. Cross traffic for the campground properties
 - d. Short sight lines to the West due to the large hill. This campground would be at the base of the hill.
5. Increased heavy vehicle traffic due to
 - a. Campers
 - b. Septic tank maintenance
 - c. Garbage disposal

Environmental Impact

1. Unregulated boat landing with temporary boats moving from lake to lake
 - a. Increased invasive species in Pokegama and surrounding waters
2. Shore impact buffer zone – is this 1000 ft? Timber harvesting within this buffer could increase the amount of erosion into the lake. Due to site topography any erosion on the lake side drains to the lake.

3. Increase in boat traffic on narrow Wendigo arm. Increased speeds increase the wave size which causes expedited shoreline erosion on the lake.
4. The septic system consists of 5 pressure beds and 9 septic tanks, all unsized at time of proposal. Will these be piped to campers or will there be a dump station, or both? The water table is near to surface, what will be the water quality impact on drinking water and Pokegama?
5. Only 2 wells are shown on the entire property. There is concern about heavy use and well drawdown before recharge rates can refill the aquifer.
6. Stormwater runoff from lakeside goes directly to water table or lake. Stormwater permits are required from MPCA for sites disturbing 1 or more acres.
7. Increased garbage from campers.

Residential Impact

1. Noise from additional people. Will quiet hours enforced or not?
2. Temporary people in the neighborhood leads to decreased accountability for individual actions.
3. ATV and foot traffic use of private property other than designated – a person can get to the Lauber farm through the south property line, from there they can easily get to the backside of many of the private residences on the non-lake side of Southwood Road.
4. There appears to be no plans for the property owner to live on site. An on-site property owner would provide Homesteaded Resort classification, which comparable sites in the area have established.

Comparable locations:

- Fishing Springs – 12 sites on 2.6 ac (+17.9 ac on opposite side) zoned rural residential, Class in Homesteaded resort.
- Sugar Bay Campground/Resort, 21812 Moose Point Rd – 10 sites on 3.6 ac zoned Recreation Commercial, Class is Homesteaded Resort, on a county road).

When considering rejecting this proposal of rezoning and taking into account the Guidelines for Rezoning, 20.3.4, the board must ask if disapproval will cause substantial hardship to the property owner. Disapproval does not cause substantial hardship to the property owner as evident in the following:

- The site was purchased with other plans in mind that meet the current zoning requirements. Those plans are still viable for the property.
- The market value for property has substantially increased since the original purchase. If facing substantial hardship, the property owner could choose to sell while maintaining the existing zoning.

The following questions should also be addressed before considering rezoning and a plan for a campground:

- Does this rezoning comply with the Itasca County Comprehensive Land Use Plan?
- What is the potential person capacity of this space? What does that mean for sewage and water use?
- Is this a controlled access lot where Section 5.6.2 applies? What impact does this have?
- Will visual screening be in place from the lake and roadways?
- What is the appropriate New Resort Development Density? 15A.3.4 for Shoreland areas?
- It appears that the Shoreland Overlay Zoning district applies and is 1000 ft perpendicular from the ordinary high-water level of the lake. Does the Shoreland Overlay apply to part of this property? What requirements will be imposed by this overlay zone?
- What are the reasons for denial or approval of the rezoning?

The Board must consider these points and questions before approval of rezoning the three parcels in support of the campground project. The Board should consider tabling of a vote if more time is needed for further consideration of the points laid out in this document and by the residents of Southwood Road.

*** COUNTY BOARD USE ***
GUIDELINES FOR AMENDMENTS TO THE ZONING MAP

Applicant: Jeff Peterson
Property Location: 32460 Southwood Road, Grand Rapids, MN 55744
Parcels: 19-017-1307, 19-017-1308, 19-017-4203

Present Zoning District: Rural Residential
Proposed Zoning District: Recreational Commercial

Amendments to the Zoning Map shall be recommended for approval to the County Board upon finding by the Planning Commission that all of the following conditions exist:

1. The proposed zoning does not substantially conflict with the Itasca County Comprehensive Land Use Plan. Why or Why not:

2. The proposed zoning shall not be spot zoning, which is zoning that discriminates in favor of one lot or parcel out of context with surrounding lots or parcels. Why or Why not:

3. The original zoning was inconsistent with the Comprehensive Land Use Plan; or an error was made in the Comprehensive Land Use Plan, which should now be corrected along with the zoning district; or substantial changes have occurred in the community, which should result in the Comprehensive Land Use Plan and the zoning being amended. Why or Why not:

4. A clear public need for and benefit from the proposed rezoning shall exist beyond any benefit or convenience to the landowner. Why or Why not:

Approval

Rejection

COUNTY BOARD SIGNATURE

Date

HARRIS TOWNSHIP'S "FACTS OF FINDING"

Criteria Necessary for Granting a Recommendation for a REZONE REQUEST

To make an affirmative recommendation of a Rezone Request to the Itasca County Planning Commission and Board of Adjustment, the Harris Town Board must identify all positive findings as specified:

REQUEST FROM: Jeff Peterson DATE 9/22/24

REQUEST FOR: Rezone of property

1. Are terms of the rezone consistent with the Harris Township Comprehensive Plan? Yes or No or N/A
Comments
** all Bd responses were "NO" (see draft minutes)*
2. Will this request be considered a spot rezone? Yes or No or N/A
Comments:
PC 6/12/2024
3. If granted, will the rezone maintain the essential character of the neighborhood? Yes or No or N/A
Comments:
4. Have environmental concerns or precautions been addressed? Yes or No or N/A
Comments:
5. Have boundary/property lines been found, correctly identified, and agreed upon by all property owners involved? Yes or No or N/A
Comments:
6. Will the site have sufficient vehicle access in and out of the property, and will there be adequate parking space (if applicable)? Yes or No or N/A
Comments:

Other Comments : _____

Based on the criteria above, the Harris Town Board will make the following recommendation to the Itasca County Planning Commission / Board of Adjustment regarding the Rezone Request:

☒ RECOMMEND AS PRESENTED/REQUESTED ☐ DO NOT RECOMMEND

RECOMMEND IF AMENDED AS FOLLOWS:

Motion by Supervisor Schack and seconded by Supervisor Davis to approve. Ayes - 5; Nays - 0

Signed, the Harris Township Board of Supervisors:

Note:

The Harris Town Board reserves the right to change or amend their recommendation, based on new information, up until the scheduled public hearing by the Itasca County Planning Commission / Board of Adjustment

Peggy Clayton Peggy Clayton, Chair
Mike Schack Mike Schack
Ryan Davies Ryan Davies
Dan Gilbert Dan Gilbert
Jim Kelley Jim Kelley

DATE: 9/22/24

Good evening, Commissioner Smith:

My name is John Angel, my address is 32412 Southwood Road. My wife Jessica was born and raised in Grand Rapids, and both sides of her family still call Grand Rapids home. We have a young son and a young daughter, and back in 2018 we purchased our home on Southwood Road – solidifying that we will keep deep roots in this community for ourselves and our two children for what will hopefully be generations to come. After 17 years of coming to Grand Rapids, I am proud to call Grand Rapids my home away from home.

Please know that my comments come from a place of deep respect for you and your position, as I myself have had the honor and privilege of sitting on two city commissions (for the City of Coon Rapids, and the City of Andover), and have also been in the public sector for nearly 18 years. I have worked closely with city administrators, city councils, mayors, county commissioners and school board members, so I fully understand the importance of your position and the delicate and often difficult decisions you are tasked with making.

I am respectfully requesting that you follow the recommendation of the Itasca County Planning and Zoning Commission and deny this rezoning application.

I have personally asked former colleagues to review this application, and all unanimously and without hesitation have identified this as clearly the creation and expansion of non-conforming and inconsistent zoning.

Southwood neighborhood has been established as a rural residential neighborhood. Of the three parcels in question, only one was ever utilized as what is being referred to as the “Old Southwood Resort.” All three parcels have been, and are currently, zoned rural residential. The decision of the Harris Township and Itasca County Planning Commission in 2000 to deny the rezoning of that one parcel (documents outlined in your agenda packet), show that the care and consideration for the fabric of this neighborhood is paramount for the public good.

Any decision other than a denial of this rezoning application will result in critical disruption caused by irregular, inconsistent, and non-confirming zoning within our Southwood neighborhood; and I fear that it will cause a ripple effect that will be felt by the property owners and voters of greater Itasca County.

When one weighs the wealth of critical safety concerns, the creation of irregular and inconsistent zoning, the lack of any pedestrian safety infrastructure on Southwood Road, and the overwhelming voices of my fellow Southwood neighbors - it becomes clear why the Itasca County Planning Commission recommended to deny.

Again, I am respectfully requesting that you follow the recommendation of the Itasca County Planning and Zoning Commission and deny this rezoning application.

Thank you,
John, Jessica, Alex and Lilly Angell

https://www.grandrapidsmn.com/news/southwood-road-neighbors-stand-together-opposed-to-rv-park/article_11ea1c4e-2a74-11ef-9e69-eb6b76321ee2.html

ARTICLE IV

EXISTING NON-CONFORMITIES AND LOTS OF RECORD

Sec. 4. 10 Non-Conforming Uses - All legally established nonconformities as of the date of this ordinance, or amendments thereto, may continue, but they will be managed according to applicable state statutes and other regulations of this community for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply:

Sec. 4. 11 - The use is not changed to another non-conforming use or reestablished if discontinued for a continuous twelve (12) month period. The County Assessor shall notify the Zoning Officer in writing of instances of non-conforming uses which have been discontinued for a continuous twelve (12) month period.

Sec. 4. 12 - No existing structure devoted to a non-conforming use shall be enlarged, extended, constructed, moved, or structurally altered except in changing the use of the structures to a use consistent with the provisions of this Ordinance.

Sec. 4. 13 - No junk yard may continue as a non-conforming use for more than three (3) years after the effective date of this Ordinance except that a junk yard may continue in a zone that permits, such as a conditional use, providing within that period, it is completely enclosed with a building, fence, screen planting or other device of such height as to screen completely the operations of the junk yard. Plans of such a building or device shall be approved by the County Planning Commission before it is erected or put into place. The Planning Commission may authorize a temporary extension of additional year upon special application for said extension.

Sec. 4. 20 Non-Conforming Structures - It is the intent of this ordinance to permit the continuance of any nonconforming structure existing at the date of adoption of this ordinance which does not comply with the provisions of this ordinance by reason of restriction on area, lot coverage, yards or other characteristics of the structure. It is also recognized that it is the intent of this ordinance not to encourage their continuation or expansion but to encourage, over time, compliance with the current requirements of this ordinance. Nonconforming structures shall be subject to the following:

Sec. 4. 21 - not be enlarged or altered in any way which increases its non-conformity

Sec. 4. 22 - requests for additions to non-conforming structures may be permitted provided all of the following standards are complied with:
 -the addition is not toward the already non-conforming setback and said setback is not less than 50';
 -the addition is not located within shore or bluff impact zones.
 -that any modification to an existing structure, or the addition of any structure does not exceed $\frac{1}{4}$ or 50% of the square footage of the original building as it exists on 4/1/95.

... makes the following findings of fact and decision:

APPLICATION AND ZONING INFORMATION:

1. The parcel measures 200' in width by approximately 700', containing 3+- acres, borders Pokedama Lake, General Development class, Southwood Road, and is located in Harris Township, Commissioner District #4.

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This property has been operated as a Resort since the 50's. The original zoning maps, established in 1969, zoned the property as residential. The resort consists of 4 cabins, ~~a mobile home~~ and ~~the~~ residence. Under the present zoning, a resort is a restricted use. Therefore, the resort can be maintained as is, however, the units could not be replaced. If rezoned, replacements and/or expansions would be allowed, however, because of density, variance/s may be required.

* CRITERIA:

3. Article VII, Section 7.41 of the Zoning Ordinance sets forth the guidelines for amendments to the Zoning Map:

- A. The proposed zoning shall be consistent with the comprehensive or land use plan adopted for the County;
- B. The proposed zoning shall not be spot zoning which is zoning to discriminate in favor of one lot or parcel out of harmony with surrounding lots or parcels and the comprehensive or land use plan, and without benefit to the community. *(It does not benefit our S.W. Rd. / Pokedama Lake Community)*
- C. A mistake has been made in the original zoning which was inconsistent with the comprehensive or land use plan; or an error was made in the comprehensive or land use plan which should not be corrected along with the zoning; or substantial changes have occurred in the community since the adoption of the comprehensive or land use plan, which should result in the plan/s and the zoning being amended.

- D. There shall exist a clear public need for and benefit from additional zoning of the type proposed, which shall be above and beyond any benefit or convenience to the land owner.

E. not p.

*All the benefit & convenience is to the land owner
so he can exploit our community for his own*

These are my ~~best~~ reactions to the public interest in these criteria.

Historically that would not be so! (we are a sea of...)

no evidence of that!

6. ITASCA COUNTY PLANNING COMMISSION/BOARD OF ADJUSTMENT

OCTOBER 4, 2000

9:00 A.M.

COUNTY BOARD ROOM

The regular meeting of the Itasca County Planning Commission/Board of Adjustment was held on Wednesday, October 4, 2000, at 9:00 a.m. in the County Board Room of the Courthouse with the following in attendance: MEMBERS: Byron Snowden III, John Dimich, Ben Puline and Dale Worth. ABSENT: Stan Hynek. EXOFFICIO: Don Dewey, Terry Greenside, Gregory Fordham and Jack Muhar. GUESTS: Dick Carlson, Elmer Smith, Jerry Wanken, Ray Sanders, Vern Witherill, Blake Hanson, Jim Rothstein, Rich Libbey, Mary Dorholt, Scott Seeley, Greg Anselmo, Jack Berg, Carol Bargeman, Susan Clos, Ronald Clos, Gene Tardy, Ken Truebenbach, Kevin Figgins, Richard Gailfus, Carol Spearman, Gail Houman, Frank Houman, Orlin and Mary McCollor, David Roth, and Tom Howard.

Chair Snowden III called the meeting to order at 9:00 and made a brief explanation of the meeting procedures (copies of the opening statement were available for the audience.

Additions to the agenda: Schedule public hearing on the Mississippi Headwater's Board amendments to the comp plan and to mention that John George has requested that his variance application be tabled until the November 1st meeting.

Minutes: A motion was made by Puline, seconded by Dimich and unanimously carried to approve the minutes of the September 6th meeting as sent.

A motion was made by Worth, seconded by Puline and unanimously carried to call back to the table the rezone application, from Residential to Recreational Commercial, submitted by Dick and Barbara Carlson - W 200' of Lot 4 lyg E of line 1400' E of and para to W line of Lot 3, S. 17, T54 R25. The hearing was continued at the last meeting in order for the notification process to be re-completed. Don Dewey entered into the record the application and zoning information. Dick Carlson was present and explained that they would like the opportunity to rebuild or replace the existing units at their resort. Elmer Smith, Jerry Wanken, Ray Sanders, Vern Witherill, Blake Hanson, Richard Libbey, area property owners/lake association representative, were present to voice their opposition to the rezone because of the future potential uses, density, safety/increased traffic on road, nuisance with jet skis, parties, snowmobiles-resort should die natural death; residential neighborhood, spot zoning, not a mistake in original zoning, public interest would not be best served by rezone and the property values may be affected. Rankin Ahlm, neighbor to an existing campground facility, was present and voiced his support of the neighbors. Mr. Smith also submitted a petition signed by 150 signatures opposing the rezone. Clarification was made concerning the correspondence received from Charlotte Carlson dated 8/8/00 in that she is actually opposed to the rezone. Correspondence dated 9/29/00 from Roger/Elizabeth Bruggemeyer was read into the record by Blake Hanson. Jim Rothstein and Mary Dorholt, Rothstein Realty, were present as representatives for Mr. Carlson and supported the rezone as it is un-American to not allow the resort to continue, they are not asking for any other uses and it is unfair to the Carlson's. Terry Greenside read into the record the definition of a

Public meeting

10/4/00

PCBoA

recreational commercial zone and reviewed the land use classification list. Harris Township has recommended approval of the rezone. The additional correspondence received from Jerry/Joyce McKnight and Larry/Patty Becker were made a part of the record. Chair Snowden III also mentioned that the statements made by the property owners, contained in the transcript, at the September meeting, were reviewed and are similar as those made today. After discussion, a motion was made by Worth, seconded by Puline and unanimously carried to close the public portion of the hearing. Discussion included that a variance to replace the existing cabins may not even be applied for because a resort is restricted in a residential zone. Mr. Dimich mentioned that he feels there is no evidence of a mistake, and the present zoning has been in existence since 1969, with no reasons to change it and would look at this as a nonconforming use that will end over time and revert back to the residential character of the neighborhood. A motion was then made by Worth to recommend, to the County Board of Commissioners, rejection of the rezone from Residential to Recreational Commercial, submitted by Richard and Barbara Carlson, because there is no evidence that an error has been made in the present zoning, therefore, there is no reason to overturn what the previous Board has done and this would be spot zoning. Mr. Dimich seconded the motion. Also, to include in the findings, for the record, this statement: Mr. Carlson or the new owners should be able to continue their business, also in case of disaster or tragedy, it should be noted and recorded that Mr. Carlson tried to change the zoning on this date and failed at the planning commission level and that the future Planning Commission Board/s should take this into consideration for variances or for rebuilding the resort. Motion carried unanimously. Mention was also made that the Planning Commission's recommendation will be forwarded to the County Board, for their official action on Tuesday, October 24th. Their meeting begins at 3:00 p.m. The Administrator's Office can be contacted for the time when the matter will be considered.

6
After closing the public portion of the meeting.

DECISION

Wulth

moved to recommend, to the County Board of Commissioners,

APPROVAL REJECTION of the rezone application from

Residential to Recreational Commercial because there is no evidence that an error has been made in the present zoning and this would be spot zoning.
submitted by Richard/Barbara Carlson

For properties described as W 200' of Lot 4 lvg E of line 1400' E of and Para to West line of Lot 3, S. 17, T54 R25

in accordance with the requirements set forth in the findings of fact, on the application and all other documents referenced in and made a part of this hearing.

Statement - attached to record. See #5

Dumich

SECONDED THE MOTION AND IT WAS DECLARED ADOPTED UPON THE FOLLOWING

VOTE: AYES: 4 NAYS: 0 absent Hynek

ADOPTED THIS 4 DAY OF October 2000.

ITASCA COUNTY PLANNING COMMISSION AND BOARD OF ADJUSTMENT

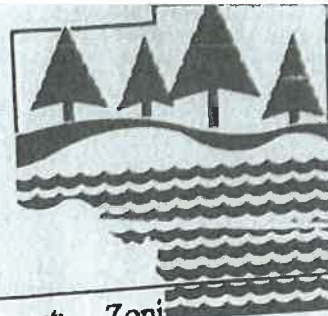
Byron Snowden III
CHAIRPERSON - Byron Snowden III

ATTEST:

Terry Greenside
TERRY GREENSIDE, I.C. ZONING OFFICER

ITASCA COUNTY

REQUEST FOR BOARD ACTION



Date:

RBA No.:

Requested Board Date:

10/24/00

Flexibility:

Item: Rezone from Residential to Recreational Commercial submitted by Richard/Barbara Carlson

Board Action Requested:

Accept the Planning Commission/Board of Adjustment's recommendation to deny the above rezone from Residential to Recreational Commercial - W 200' of Lot 4 lyg E of line 1400' E of and para to W line of Lot 3, S. 17, T54 R25 submitted by Richard/Barbara Carlson in accordance with the attached findings of fact

Background:

On October 4th, 2000 the Planning Commission unanimously recommended to deny the above rezone because there is no evidence that an error has been made in the present zoning and this would be spot zoning.

The property contains 3+- acres, borders Pokegama Lake and Southwood Road. The Carlson's have owned the property for 14 years and this property has been operated as a Resort since the 50's. The Carlson's have sold the property and a rezone would allow the variance process to replaced the existing units. Because the property is zoned residential, a resort is a restricted use, therefore is a non-conforming use, so no permit/s or variances would be able to be filed. The resort could be maintained as is.

Alternate Action:

Administrative/Public Works Division Recommendation:

Z-1

☐
☐
☐
☐
☐
☐

Consent Agenda

10/16/00

Regular Agenda

Refer to

Table until

Other

Supporting Documents:

X

Attached

None

**Complete file can be seen at the Zoning Office

Signature/Date: 10/11/00

Distribution/Date: 10/11/00
Attorney, B. Olson, Carlsons

Recommended for Consent Agenda:

☐ Yes

☐ No

Clerk of Board Comments:

Signature/Date:

Board Action:

Approved as Requested:

Denied:

Tabled:

Other:

Distribution / Filing Instructions:

ITASCA COUNTY BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
October 24, 2000

Pursuant to adjournment, the Itasca County Board of Commissioners met on Tuesday, October 24, 2000, in the Itasca County Boardroom with the following members present: Vice-Chairperson Mary Ives (District #4), and Commissioners Tom Saxhaug (District #2), Mark Mandich (District #5), Leo Trunt (District #3). Chairperson Robert Wilhelm (District #1) was absent.

Vice-Chairperson Ives called the meeting to order at 3:00 p.m.

MINUTES

Commissioner Saxhaug moved to approve the minutes of the October 10, 2000, County Board meeting. Commissioner Mandich seconded the motion. Motion carried: Ayes - Districts #2, #3, #4, #5; Nays - None; Absent - District #1.

CONSENT AGENDA

Commissioner Mandich moved to pull Consent Agenda Item #3 (Consulting Agreement with RSM McGladrey in regards to Itasca Medical Center), and approve the remaining Consent Agenda as delineated below. Commissioner Saxhaug seconded the motion. Motion carried with the following roll call vote: Ayes - Districts #2, #3, #4, #5; Nays - None; Absent - District #1.

1. Approve the October 2000 Commissioner Warrants.
[\$846,331.96]
2. Approve an Off-Sale Liquor License and a Tobacco License for Marion Louise Mason/Winnie One Stop, Inc.
4. Accept the minutes of the October 4, 2000, Co-op Session between the County Board and the Planning Commission/Board of Adjustment.
5. Approve the Policy on Appointment of Lead Workers in its entirety as a memorandum of understanding between the County Board and Local 1452.
6. Set 3:05 p.m., November 14, 2000, to hold a hearing in the County Board Room on the proposed vacation of excess T.H. 2 right of way which has been revoked to Itasca County by MnDOT pursuant to M.S. 163.11.
7. Set 4:00 p.m., November 14, 2000, to hold a hearing in the

Continuation of Oct. 24, 2000, County Board Meeting Minutes)

in. Commissioner Saxhaug seconded the motion. Motion carried: Ayes - Districts #2, #3, #4, #5; Nays - None; Absent - District #1.

Commissioner Saxhaug exited the meeting at 3:55 p.m.

REZONE

Commissioner Trunt moved to accept the Planning Commission/Board of Adjustment's recommendation to deny the rezone from Residential to Recreational Commercial for the W 200' of Lot 4 lyg E of line 1400' E of and para to W line of Lot 3, S. 17, T54, R25, submitted by Richard and Barbara Carlson in accordance with the findings of fact. Commissioner Mandich seconded the motion. Motion carried: Ayes - Districts #3, #4, #5; Nays - None; Absent - Districts #1, #2.

HIGHWAY EASEMENT ACROSS STATE LANDS

Commissioner Mandich moved to authorize the County Highway Department to acquire easement across State of Minnesota Lands for a proposed realignment of County Road 342 near Napoleon Lake. Commissioner Trunt seconded the motion. Motion carried: Ayes - Districts #3, #4, #5; Nays - None; Absent - Districts #1, #2.

TIMBER AUCTION

Commissioner Mandich moved to authorize publication of the Notice of Intermediate and Regular Oral Bid Timber Auction in the official newspaper of the County as provided by law and that the Land Commissioner offer such tracts of timber in the order in which they appear in said Notice of Sale. Such sale shall commence at 10:00 a.m. on Tuesday, November 21, 2000, at the Cohasset Community Center. Commissioner Trunt seconded the motion. Motion carried: Ayes - Districts #3, #4, #5; Nays - None; Absent - Districts #1, #2.

WATER SURFACE USE ORDINANCE #3

Commissioner Trunt moved to delay the submission of Water Surface Ordinance #3 (No Wake Zone for the inlet into Newburg Bay on the east side of MacKenzie Island on Turtle Lake) to the Minnesota Department of Natural Resources (DNR) for their review until May 1, 2001. Commissioner Mandich seconded the motion. Motion carried: Ayes - Districts #3, #4, #5; Nays - None; Absent - Districts #1, #2.

DISPATCH REMODELING

Commissioner Mandich moved to accept the low quote of \$14,520.00 from Ross Home Center for an elevated floor in the dispatch area with funding from Capital Projects. Commissioner Trunt seconded

7. **Manufactured housing** - Recognize manufactured housing as a viable option.
8. **Affordable housing** - Encourage affordable housing throughout the county.
9. **Multi-family housing** - Encourage the development of adequate multi-family housing within or adjacent to developed areas.

Section
4 Brt

E. **Lakeshore Development Objective** – Establish guidelines to encourage new shoreland development using practices that provide protection and sustainability of water quality and habitat for fish and wildlife.

1. **Protection of environmentally sensitive areas** – Require protection of environmentally sensitive areas and lakeshore bluffs within a development site. Develop standards for maximum square footage of impervious surfaces in relation to lot size. In sensitive areas enforce shoreland management standards and maximize the use of mitigations.
2. **Encourage good shoreland stewardship principles** – Encourage and support the maintenance and reclamation of lakeshore to its natural state. Educate the public about shoreland stewardship. Encourage conservation subdivisions, clustered developments and other similar development patterns.
3. **Lakeshore fragmentation** – Encourage retention of larger tracts; encourage protection with conservation easements and similar legal agreements.
4. **Buildable Area** - Develop minimum buildable area standards for lakeshore/riparian lots. Encourage preservation of wetlands.
5. **Structure integration and compatibility** - Consider standards for integrating new structures within existing shoreland and development that results in compatible bulk and design.
6. **Maintain residential zoning** – Encourage retention of existing zoning and uses especially in established residential neighborhoods.
7. **Sensitive lake areas** - Encourage the concept of identifying specific areas of any lake that may require a different set of development criteria, beyond the general classification criteria for that lake class, due to Federal and/or DNR designated water, land, or habitat issues. Encourage the establishment of riparian development criteria beyond the standard lot size regulations currently based on lake class.
8. **Riparian development practices** - Encourage conservation subdivisions, riparian buffers, limits on maximum impervious surface, multiple and special shoreland lake classifications, improved planned unit development standards, common open space and clustered or group docking.
9. **Riparian density standards** - Establish density standards that create or maintain open space, protect water quality and wildlife habitat, limit impervious surfaces, erosion and runoff and protect aquatic and shoreland native vegetation.
10. **Incentives** – Support tax or other incentives encouraging private lakeshore owners not to develop, subdivide, or plat undeveloped lakeshore or environmentally sensitive areas.

F. **Lake Backlot Development Objective** - Assess and develop backlot development standards with regard to environmental protection.

1. **Buffers** – Encourage large buffers between lakes and any allowed cluster developments, permanent restrictions on development in the buffer area, and require joint maintenance or bonding to ensure maintenance of septic system(s) within the buffer area.



Amy, thanks for sharing this and sorry I missed you. I am already in a meeting this morning. I did see this when I received the letter and the board is aware and we are discussing. We are only an advisory board but overall we are not for this project. Personally I am not a fan of this at all. Each year the activity on Pokegama increases, this will only add to that impact. I live on the Wendigo arm During most weekend days Wendigo is like a highway with tons of boat traffic. Thanks a ton! For bringing this to our attention!

Text message from Andy Nintzel, VP of
GPLA, on Wed., June 5th @ 8:18am.

From: Rich Libbey
Sent: Tuesday, June 18, 2024 2:53 AM
To: Rich Libbey
Subject: FW: rezone

Mr. Jeff Peterson's Request to Rezone Properties on Pokegama Lake and the Southwood Road-June 18, 2024

Dear Commissioners

I request you Deny this proposed rezone by Jeff Peterson from Rural Residential to Recreational Commercial.

It is in conflict with the goals set out in the Itasca County Comprehensive Plan and the Zoning Ordinance.

I would like to share some background information on the proposed rezone of property on the Southwood Road by Jeff Peterson.

The property is currently zoned Rural Residential and has never been zoned Recreational Commercial. It is located in a fully developed residential neighborhood of family homes.

Mr. Peterson purchased the property in 2021 and the resort license is expired and it is no longer a resort. The original resort was sold off as residential lots over the years.

The current proposal is to rezone from Rural Residential to allow a 40 unit RV site on the property however this is only the proposed use.

Rezoning to Commercial Recreational allows many other uses other than this and could be permitted as a conditional use if plans change....

Among these are Bars, Cocktail Lounges, Taverns and Restaurants [Liquor Sales, On/Off], Trailer, RV Manufactured Homes, Camper Sales, Restaurants, Convenience Stores, Gasoline, Bottled Gas Storage and Distribution and others uses listed in the Zoning Ordinance.

The question is are these appropriate in a residential zone?

This rezone goes against the Comprehensive Plan and the Zoning Ordinance.

Itasca County Zoning Ordinance-Page #58

Rural Residential Zoning District

Section 7.1 Purpose

The Rural Residential Zoning District is intended to provide a residential district that is predominately Shoreland and rural in character and allows activities that do not degrade the rural

residential character. This zoning district shall be used to promote a high quality residential living environment.

In addition the Itasca County Land Use Plan addresses this on Page #23.

Section 1V.Housing and Settlement Patterns Goal

E. LAKESHORE DEVELOPMENT OBJECTIVE

6. MAINTAIN RESIDENTIAL ZONING

ENCOURAGE RETENTION of EXISTING ZONING and USES ESPECIALLY IN ESTABLISHED RESIDENTIAL ZONES.

I hope you agree this rezone is not consistent with Either the Comprehensive Plan or the Itasca County Zoning Ordinance and urge you to Deny the proposed change from Rural Residential to Recreational Commercial.

Sincerely, Richard Libbey

18603 Hale Lake Drive

Grand Rapids, Minnesota



**ITASCA COUNTY
BOARD OF COMMISSIONERS**

Itasca County Courthouse
123 NE 4th Street
Grand Rapids, MN 55744

Tuesday, June 18, 2024

REQUEST FOR BOARD ACTION: RBA-2024-272

DEPARTMENT: Administrative Services

TIME REQUESTED: 15 Minutes

PRESENTER: Megan Christianson

AGENDA ITEM:

Itasca County Tourism Economic Impact Report

BOARD ACTION REQUESTED:

Receive an Itasca County Tourism Economic Impact Report.

BACKGROUND:

COUNTY ATTORNEY REVIEW: N/A

SUPPORTING DOCUMENTATION:

1. VGR Tourism Economic Impact June 2024
2. Tourism Economic Impact handouts

RESULT:	INFORMATIONAL - NO ACTION TAKEN
----------------	--

Tourism is **BIG** Business in Itasca County



VISIT
GRAND RAPIDS
IT'S IN MINNESOTA'S NATURE

Visit Grand Rapids, Inc.

- ❖ Destination Marketing Organization that markets and promotes the greater Grand Rapids, MN area to generate a positive economic impact through travel and tourism. Founded in May 1983
- ❖ Designated by the City of Grand Rapids to be the DMO for the greater Grand Rapids, MN area. Adopted the State Lodging Tax Statue 169.
- ❖ Funded through 3% lodging tax collected by 35 greater Grand Rapids, MN area short term lodging properties that are located within Itasca County (Hotels/Motels, Resorts, B&B's, Air BnB's & Vacation Rentals).
- ❖ City of Grand Rapids is our Tax Administrator. In 2025 the Mn Dept of Revenue will become the Tax Administator.
- ❖ A 501 (c) 6 non-profit organization that is overseen by a current 8-member Board of Directors. One seat to fill currently.
- ❖ Visit Grand Rapids has a contracted Executive Director: Megan Christianson (since 2012)



Visit Grand Rapids, Inc.

❖ 2024 Board of Directors

- ❖ Dan Tembreull (President) Nevaeh Properties
- ❖ Lewis Kellin (Past President) Hotel Rapids & Lake & Co Loft
- ❖ Grant Prokop (Vice President) Thousand Lakes Sporting Goods
- ❖ Sara Thompson, (Secretary/Treasurer) Itasca Land Department
- ❖ Kris Ives (Past President) Grand Hospitality
- ❖ Rhonda Lambrecht, Rising Eagle Resort
- ❖ Tim Ocborough, Sugar Lake Lodge
- ❖ Jeff Johns, MN Historical Society

Meet quarterly & 3rd quarter meeting is the Annual Strategic Planning.



Tourism & Hospitality Stats

TOURISM'S ECONOMIC IMPACT ON MINNESOTA



- **STATE OF MINNESOTA**

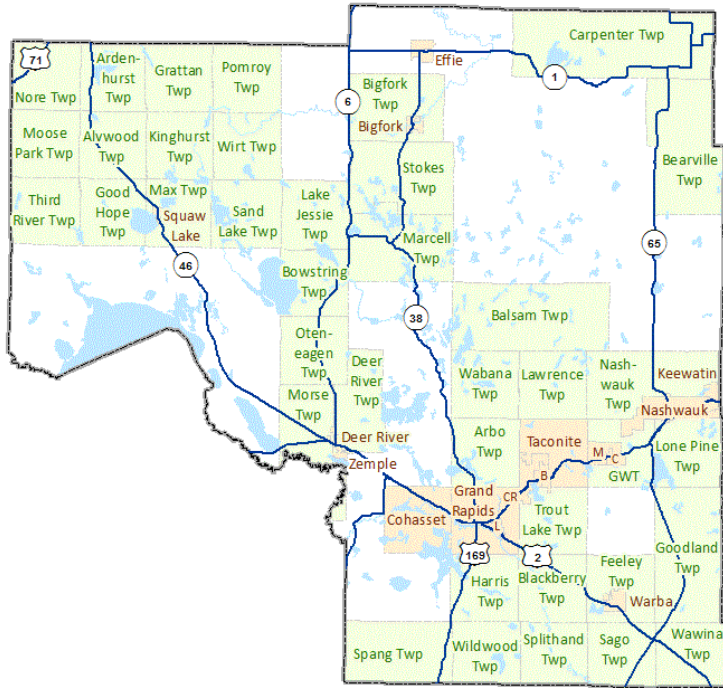
- \$22.8 billion in total state economic impact
- \$2.2 billion MN state and local taxes generated
- \$985 per household tax savings
- 172,000 tourism support jobs

m **EXPLORE**
MINNESOTA
industry.exploreminnesota.com

#ONLYINMNE

VISIT
GRAND RAPIDS
IT'S IN MINNESOTA'S NATURE

Tourism & Hospitality Stats



Economic Impact of Tourism in Itasca County

Year	Gross Sales	Jobs
2018	\$76,695.437	1,524
2019	\$79,946.569	1,501
2020	\$69,954.973	1,259
2021	\$94,196,313	1,437
2022	\$98,848,192	1,517

2023 Marketing Budget: \$275k

- **75% is Digital Marketing**
 - Google, PPC, Adwords, Streaming Video, Programmatic Digital, Responsive Digital, E-Blasts, Streaming Radio, GeoFence, Retargeting
- **10% is Traditional Marketing**
 - Primarily print through Explore MN Tourism Coops - Saves 40-60% rack rate
- **15% is Coops/Partnerships, Travel Influencers, Photo & Video Assets, Design**

Lodging Tax

- **2018: \$323,138.67**
- **2019: \$338,906.30**
- **2020: \$348,632.48**
- **2021: \$359,231.09**
- **2022: \$385,185.58**
- **2023: \$420,166.59**

- Lodging Tax collected by 35 lodging properties.
- There are approximately 200+ short-term lodging properties in Itasca County.
- Edge of the Wilderness Lodging Association collects lodging tax from 12 Resorts to market the Marcell, Bigfork and Effie area.
- Visit Grand Rapids competes against Tourism Bureaus with \$500k budgets (Bemidji, Iron Range Tourism Bureau, Brainerd & Lake of the Woods) and those with \$1M+ budgets (Cook County, Lake County, Duluth, Metro)

- Focus on shoulder seasons for traditional and 3rd party digital marketing budget.
- Spring (April-May).
- Late Fall/Early Winter (Mid-October-December).
- Find Collaborative/Partner Marketing Whenever Possible.
- Seek out New Marketing Technology to refine our target audience for best return on investment.

The Outdoor
MECCA of the **North**
Grand Rapids, MN



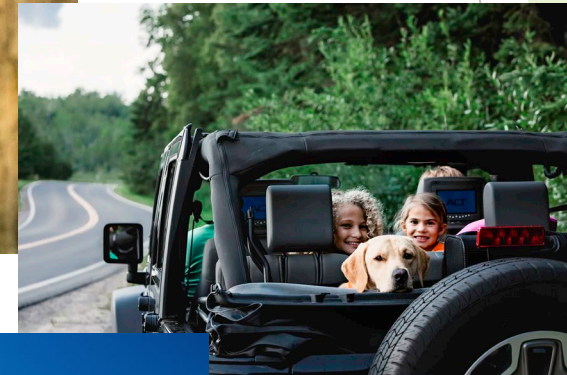
Spring & Summer 2023 Marketing Campaigns

SPRING

- ❖ The Outdoor Mecca of the North
LAKES TRAILS FRESH AIR
- ❖ Relax, Reconnect & Recharge

SUMMER

- ❖ Every Summer Has a Memory
- ❖ Make Memories in Grand Rapids
- ❖ Share Your Vacation Memory Sweepstakes
- ❖ The Outdoor Mecca of the North
- ❖ Summer Road Trip
- ❖ Live Music Festivals & Events
- ❖ Multi-Generational Family Summer Vacation



Fall & Winter 2023 Marketing Campaigns

FALL

- ❖ Embrace in Fall Art, Culture, History & Fall Leaves on the Great River Road
- ❖ Fall Events, Live Performances & Music
- ❖ The Outdoor Mecca of the North
- ❖ Hiking, Biking, Fishing, Hunting
- ❖ Relax, Reconnect & Recharge

WINTER

- ❖ Winter Wonderland
- ❖ The Winter Outdoor Mecca of the North
- ❖ Snowmobile, Cross Country Ski Trails
- ❖ Ice Fishing
- ❖ Snowshoe in Chippewa National Forest
- ❖ Fat Tire Bike at Tioga Recreation
- ❖ Live Performances, Live Music & Events



2024 Marketing Campaigns & Strategy

- **Continue With Theme:**
- **The Outdoor Mecca of the North**
- **Expand Collaborations/Partnerships**
- Thousand Grand Lakes of Minnesota, Ride the Range, Mesabi Trail, NE Minnesota Tourism, Avenue of the Pines Scenic Byway, Edge of the Wildernss Scenic Byway, Historic Mine Tour
- **Expand on Travel Influencers and Paid Media Partnerships**
- Gentleman Forager & Buffalo & Co
- **Continue To Focus On Shoulder Seasons**
- **Use Peak Summer Season as More Social Campaign**



GRAND RAPIDS AREA • MN • 218-326



RIDE THE RANGE

Questions?

Contact Information:

Megan Christianson

Executive Director

Visit Grand Rapids

Email: megan@visitgrandrapids.com

Phone: 218-259-0572

www.visitgrandrapids.com

Follow Us



TOURISM ECONOMIC IMPACT



STATE OF MINNESOTA

- \$22.8 billion in total state economic impact
- \$2.2 billion MN state and local taxes generated
- \$985 per household tax savings
- 172,000 tourism support jobs

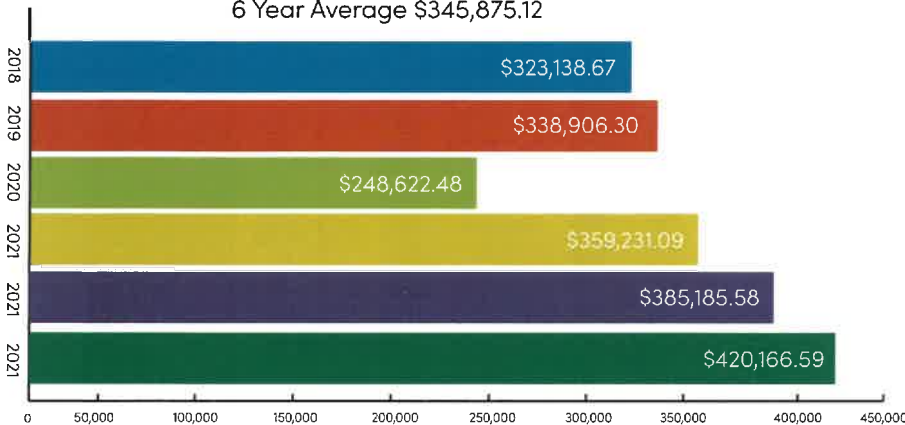


ITASCA COUNTY

- \$98,848,192 in total county economic impact
- \$6,246,194 MN state and local taxes generated
- 1,517 tourism support jobs

LODGING TAX COLLECTION

6 Year Average \$345,875.12

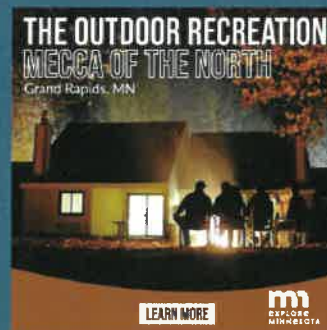


2023 BOARD OF DIRECTORS

Lewis Kellin (President) Hotel Rapids
Dan Tembruell (Vice President) Nevaeh Properties
Grant Prokop (Secretary/Treasurer) Thousand Grand Lakes of Sporting Goods
Kris Ives (Past President) Timberlake Lodge
Adam Lambrecht (Rising Eagle Resort)
Tim Oxborough (Sugar Lake Lodge)
Sara Thompson (Itasca County Land Department)
STAFF: Megan Christianson (Executive Director)

TRADITIONAL MEDIA MARKETING

Lake Time Magazine
 Midwest Living
 MN Monthly
 Minnesota OffRoad Magazine
 Minnesota Outdoors
 Minnesota Snowmobiler
 Rider Magazine
 Snowgoer Magazine
 Star Tribune



MISSION STATEMENT: To generate a positive economic impact through destination marketing, and tourism and hospitality advocacy in the greater Grand Rapids, Minnesota area.

*Data provided by Explore Minnesota Tourism and MN Department of Labor and Industry.



ANNUAL REPORT 2023

www.visitgrandrapids.com

2022 WEBSITE DATA *

New Users

222,723

Total Sessions

270,130

Avg. Page Views Per Session

3.02

Avg. Session Duration

1:31



Top 10 Pages

1. Things to Do
2. Home
3. Places to Stay
4. Event Directory
5. Winter Family Giveaway
6. Explore Outdoors
7. Events/Itasca Fair
8. Last Minute Opening
9. Shopping
10. Events/Riverfest

Top Paid Sessions

Google Search Ads	67,714
Star Tribune Winter	
Digital Display Ad	5,438
Google Display	4,609
Orange142 Retargeting	1,185
Star Tribune Emails	1,346
Orange142 Display	598
Orange142 Video	572
MN Monthly Eblast	539
Star Tribune Banner	515

Top 10 Cities

Chicago
NOT SET
Minneapolis
Grand Rapids
St. Paul
New York
Cohasset
Omaha
Duluth
Hibbing

Users By Device

72.8%
mobile

22.4%
desktop

PPC Clicks

102,855

PPC Impressions

7,481,367

Video Impressions

544,807

Video Clicks

247

2023 WEBSITE DATA

New Users

218,622

Total Sessions

272,345

Avg. Page Views Per Session

3.15

Avg. Session Duration

2:04



Top 10 Pages

1. Home
2. Places to Stay
3. Things to Do
4. Event Directory
5. Sweepstakes
6. Explore Outdoors
7. Newsletter
8. Spring Getaway Sweepstakes
9. Last Minute Openings
10. Monthly View Calendar

Top UTM/Paid Sessions

Google Search Ads	73,529
Google Display	25,245
Star Tribune Eblast	8,054
Star Tribune Social Clicks	3,053
MediaOne Search Ads	2,925
Star Tribune E-Blast	2,524
Star Tribune Geo-Fencing	1,492
MediaOne Sweepstakes	1,420
Star Tribune Retargeting	881
Star Trib Winter Digital Ads	828

Top 10 Cities

Chicago
Minneapolis
NOT SET
Grand Rapids
Dallas
Cohasset
St. Paul
Duluth
Hibbing
Ashburn

Users By Device

71.4%
mobile

23.8%
desktop

PPC Clicks

115,145

PPC Impressions

11,443,265

Video Impressions

1,023,668

Video Clicks

189

*Monthly SEO, and Paid PPC and Google Adwords by: Sandpieper Designs.

2022 LEISURE & HOSPITALITY INDUSTRY DATA

MINNESOTA TOTAL

- Gross Sales: **\$18.3 billion**
 - » Up 16.8% from 2021 and up 10.4% from 2019
- State Sales Tax: **\$1.2 billion**
- Employment: **255,000**
 - » Up 11.3% from 2021 and down 7.5% from 2019

NORTHWEST REGION

County	Gross Sales	State Sales Tax	Employment
Becker	\$94,435,627	\$6,162,740	1,719
Beltrami	\$135,643,623	\$8,213,480	2,218
Cass	\$160,845,486	\$9,915,712	1,955
Clay	\$101,135,396	\$6,567,476	1,978
Clearwater	\$8,359,497	\$555,943	176
Hubbard	\$48,644,552	\$3,230,193	827
Kittson	\$2,371,213	\$146,509	49
Lake of the Woods	\$53,909,782	\$2,738,749	522
Mahnomen	\$15,526,778	\$1,047,301	100
Marshall	\$5,780,294	\$416,833	104
Norman	\$3,543,671	\$258,969	64
Pennington	\$31,634,795	\$2,068,856	556
Polk	\$57,122,182	\$3,486,384	856
Red Lake	\$2,475,055	\$184,763	95
Roseau	\$29,530,867	\$1,808,021	430
Wilkin	\$3,415,621	\$261,627	73
Region Total	\$754,374,439	\$47,063,556	11,722

NORTHEAST REGION

County	Gross Sales	State Sales Tax	Employment
Carlton	\$72,311,470	\$4,653,269	1,051
Cook	\$88,339,150	\$5,879,347	810
Itasca	\$98,848,192	\$6,246,194	1,517
Kanabec	\$20,108,152	\$1,331,719	363
Koochiching	\$44,386,457	\$2,650,911	609
Lake	\$48,579,533	\$3,164,998	736
Pine	\$73,944,577	\$4,077,921	1,031
St Louis	\$660,252,310	\$43,361,090	10,757
Region Total	\$1,106,769,841	\$71,365,449	16,874

MINNEAPOLIS-ST. PAUL AREA

County	Gross Sales	State Sales Tax	Employment
Anoka	\$772,650,922	\$50,363,183	12,788
Carver	\$270,491,211	\$17,677,293	4,434
Chisago	\$92,631,765	\$6,198,917	1,652
Dakota	\$1,205,542,964	\$78,194,808	18,139
Hennepin	\$5,927,202,815	\$378,601,830	74,606
Isanti	\$54,604,028	\$3,711,575	1,054
Ramsey	\$2,574,178,630	\$164,967,270	27,822
Scott	\$512,902,197	\$28,903,137	6,739
Washington	\$740,238,961	\$48,420,525	11,747
Wright	\$249,345,814	\$17,081,480	4,966
Region Total	\$12,399,789,307	\$794,120,018	163,947

Notes: State total does not equal the sum of counties or regions because some data is withheld to avoid disclosure of individual businesses; and some state level data is for businesses located outside of Minnesota.

The Leisure and Hospitality industry consists of Accommodations; Food Services and Drinking Places; and Arts, Entertainment and Recreation.

Sources: Minnesota Department of Revenue and Minnesota Department of Employment and Economic Development Quarterly Census of Employment and Wages (QCEW)

SOUTHERN REGION			
County	Gross Sales	State Sales Tax	Employment
Big Stone	\$6,982,489	\$503,104	111
Blue Earth	\$242,051,872	\$15,544,668	4,328
Brown	\$46,486,192	\$3,088,523	1,100
Chippewa	\$20,519,760	\$1,401,252	345
Cottonwood	\$15,231,160	\$987,512	311
Dodge	\$14,063,064	\$932,927	431
Faribault	\$12,233,614	\$847,360	297
Fillmore	\$26,876,394	\$1,874,521	628
Freeborn	\$67,917,697	\$4,041,987	1,145
Goodhue	\$118,177,425	\$7,085,068	2,030
Houston	\$17,751,078	\$1,148,752	338
Jackson	\$12,419,939	\$848,564	254
Lac Qui Parle	\$6,196,964	\$431,794	103
Le Sueur	\$40,870,625	\$2,611,672	557
Lincoln	\$5,258,195	\$336,470	98
Lyon	\$67,699,217	\$4,459,742	1,052
Martin	\$48,630,591	\$3,094,537	859
Mower	\$65,584,246	\$4,319,471	1,245
Murray	\$7,991,869	\$553,286	153
Nicollet	\$48,339,907	\$3,320,961	917
Nobles	\$36,396,075	\$2,439,205	670
Olmsted	\$563,555,748	\$36,875,311	8,997
Pipestone	\$12,703,591	\$883,967	288
Redwood	\$26,438,602	\$1,825,698	354
Renville	\$11,545,796	\$812,129	228
Rice	\$146,165,032	\$8,485,467	2,397
Rock	\$13,593,320	\$940,668	223
Sibley	\$10,821,504	\$762,303	172

Steele	\$77,829,882	\$5,177,952	1,466
Swift	\$10,398,535	\$724,601	220
Traverse	\$1,990,135	\$134,193	35
Wabasha	\$33,354,523	\$2,250,287	635
Waseca	\$23,090,028	\$1,517,956	427
Watsonwan	\$10,068,078	\$685,845	227
Winona	\$113,201,306	\$7,063,481	2,504
Yellow Medicine	\$17,959,557	\$785,535	246
Region Total	\$2,000,394,010	\$128,796,769	35,391

CENTRAL REGION			
County	Gross Sales	State Sales Tax	Employment
Atkin	\$31,844,457	\$2,213,696	652
Benton	\$64,960,996	\$4,118,275	1,210
Crow Wing	\$328,931,620	\$19,993,440	4,433
Douglas	\$120,708,879	\$7,988,365	2,162
Grant	\$4,050,292	\$259,802	48
Kandiyohi	\$122,996,490	\$7,880,762	1,750
McLeod	\$54,871,890	\$3,709,962	1,244
Meeker	\$20,969,223	\$1,466,522	492
Millie Lacs	\$68,399,906	\$3,953,289	884
Morrison	\$58,462,162	\$3,981,291	1,082
Otter Tail	\$129,203,578	\$8,483,439	2,086
Pope	\$19,578,754	\$1,335,465	338
Shelburne	\$142,480,380	\$9,340,315	2,607
Stearns	\$392,013,960	\$25,802,497	6,688
Stevens	\$16,527,807	\$1,138,776	381
Todd	\$24,566,734	\$1,653,373	437
Wadena	\$24,715,375	\$1,402,608	392
Region Total	\$1,625,282,503	\$104,721,877	26,886

FY23 / CY22
MN TOURISM MATTERS



76.6 MILLION
 Total MN Visitors

EXPLORE **m** MINNESOTA

172,000
 TOURISM SUPPORTED
 JOBS

\$22.8 BILLION
 STATE ECONOMIC
 IMPACT

\$2.2 BILLION
 MN STATE & LOCAL
 TAXES GENERATED

1985 / HOUSEHOLD
 TAX SAVINGS

EXPLORE **m** MINNESOTA

exploreminnesota.com/bestof



With a total tax return on investment of \$25, the \$4 million spent on E.M.V. 2023 Spring/Summer marketing campaign generated \$1 billion in incremental visitor spend.
 Source: E.M.V. Advertising & Analytics Study

\$1 BILLION
 IN INCREMENTAL VISITOR SPEND

MINNESOTA
ACCOLADES
 2023-24

A FAR
 THE BEST HOMESTAY FROM THE NORTHWEST

A FAR
 THE BEST HOMESTAY FROM THE NORTHWEST

MONEY
 BEST PLACES TO VISIT IN 2023

MONEY
 BEST PLACES TO VISIT IN 2023

TRAVEL
 2023 TRAVEL AWARDS

TRAVEL
 2023 TRAVEL AWARDS

TRAVEL
 2023 TRAVEL AWARDS

TRAVEL
 2023 TRAVEL AWARDS

TRAVEL
 2023 TRAVEL AWARDS

TRAVEL
 2023 TRAVEL AWARDS

TRAVEL IS AN INTEGRAL PART OF MINNESOTA'S ECONOMY

Explore Minnesota (EM) is proud to share the FY 2023 / CY 2022 industry trends and health update with our stakeholders and partners.

Historically, EM has reported on MN Department of Revenue Leisure & Hospitality industry annual sales data. This year, we are quantifying the economic impact of the Minnesota visitor economy through a Tourism Economics model. In this report and associated one-pagers, you will find a mix of Leisure and Hospitality (L&H) industry and visitor economy findings.

LEISURE AND HOSPITALITY INDUSTRY

Leisure and Hospitality is a key component of Minnesota's visitor economy, however, not all L&H activity is from visitors who travel 50 miles or more. In 2022, statewide L&H sales surpassed pre-pandemic levels. The \$18.3 billion in 2022 sales is a 10.8% increase over 2021 and a 10.4% increase over 2019 sales.

See MN regional one-pagers for county-level L&H gross sales, sales taxes, and employment.

L&H Industry Gross Sales Trend
Amounts in \$ billions



Source: Minnesota Department of Revenue

VISITOR ECONOMY IMPACTS



Minnesota's visitor economy extends beyond the L&H industry. A comprehensive model has been developed to total the far-reaching impacts arising from visitor spending. Scan the QR code to see the full Tourism Economics The 2022 Minnesota Visitor Economy Report.

Business Sales Impacts

Minnesota's visitor spending returns to pre-pandemic levels as the rebound from the pandemic continued in 2022. Visitors to Minnesota spent \$13.1 billion in 2022, an increase of 19.3% that pushed spending to 99.7% of 2019 levels. This direct impact led to \$9.7 billion in indirect and induced impacts in sectors like finance, insurance, real estate, and business services. In total, Minnesota visitors generated over \$22.8 billion in business sales.

Economic Impacts 2022

Amounts in \$ billions



Source: Tourism Economics

Job Impacts

Direct visitor-supported employment grew 11.9% in 2022. Despite an increase of 13,000 jobs, employment still trails 2019 levels. Employment growth is lagging the ongoing recovery as businesses initially proceeded cautiously and face ongoing labor shortages.

Visitor activity sustained 121,000 jobs in 2022, with an additional 27,000 jobs supported from the indirect and induced impacts of visitor activity. The total jobs supported was 172,000 in 2022, accounting for approximately one of every 14 jobs in Minnesota.

Employment Impacts 2022

Amounts in number of jobs



Source: Tourism Economics

Fiscal (Tax) Impacts

Visitor spending generated \$3.8 billion in federal, state, and local government revenue in 2022.

State and local taxes alone tallied \$2.2 billion in 2022. Visitor activity directly contributed \$1.5 billion in state and local taxes, and another \$700 million in state revenue was generated by indirect and induced visitor activity.

Each household in Minnesota would need to be taxed an additional \$995 to replace the visitor-generated taxes received by state and local governments in 2022.

State and Local Tax Impacts 2022

Amounts in \$ billions



Source: Tourism Economics



**ITASCA COUNTY
BOARD OF COMMISSIONERS**

Itasca County Courthouse
123 NE 4th Street
Grand Rapids, MN 55744

Tuesday, June 18, 2024

REQUEST FOR BOARD ACTION: RBA-2024-282

DEPARTMENT: Administrative Services

TIME REQUESTED: < 5 Minutes

PRESENTER: Brett Skyles

AGENDA ITEM:

Declaration of Vacancy

BOARD ACTION REQUESTED:

Declare a vacancy in the elected County Attorney position.

BACKGROUND:

COUNTY ATTORNEY REVIEW: N/A

SUPPORTING DOCUMENTATION: None

RESULT:	APPROVED (5 TO 0)
MOVER:	Commissioner Casey Venema
SECONDER:	Commissioner Cory Smith
AYES:	Cory Smith, Terry Snyder, John Johnson, Burl Ives, Casey Venema



**ITASCA COUNTY
BOARD OF COMMISSIONERS**

Itasca County Courthouse
123 NE 4th Street
Grand Rapids, MN 55744

Tuesday, June 18, 2024

REQUEST FOR BOARD ACTION: RBA-2024-283

DEPARTMENT: Administrative Services

TIME REQUESTED: 15 Minutes

PRESENTER: Casey Venema

AGENDA ITEM:

Appointment to Fill Elected County Attorney Vacancy

BOARD ACTION REQUESTED:

Appoint Jacob Fauchald to fill the elected Itasca County Attorney vacancy pursuant to Minn. Stat. Sec. 375.08 upon giving the bond and taking the oath as required by law with such appointment to be effective June 25, 2024 at a salary of one hundred forty thousand dollars (\$140,000).

BACKGROUND:

COUNTY ATTORNEY REVIEW:

SUPPORTING DOCUMENTATION: None

RESULT:	APPROVED (5 TO 0)
MOVER:	Commissioner Cory Smith
SECONDER:	Commissioner Casey Venema
AYES:	Cory Smith, Terry Snyder, John Johnson, Burl Ives, Casey Venema