

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
Wednesday, May 19, 2021**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, May 19, 2021 at the Chisago County Government Center with the following Commissioners present: DuBose, Greene, Dunne, Montzka, Robinson. Also present: County Administrator Chase Burnham, Clerk of the Board Christina Vollrath and County Attorney Janet Reiter.

The Chair called the meeting to order and led the assembly in the Pledge of Allegiance.

Commissioner Montzka offered a motion to approve the amended agenda and move item 26 for discussion and vote after the Covid-19 Public Health Update. Motion seconded by Greene, the motion **passed** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson **OPPOSED:** None.

Covid-19 Update by Chisago County Public Health – Courtney Wehrenberg – read by Chase Burnham. 6:31 p.m. to 6:33 p.m.

On motion by Montzka, seconded by Dunne, the Board moved to allow in-person meetings and open all County governmental buildings to the public if the public chooses to not wear a mask if they are fully vaccinated. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

On motion by Montzka, seconded by Greene, the Board opened the Road and Bridge Committee of the Whole at 6:39 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson **OPPOSED:** None.

The Board was given updates on the current projects of the Public Works Department from County Engineer Joe Triplett from 6:39 p.m. to 6:56 p.m. ***No action was taken.***

On motion by Greene, seconded by Dunne, the Board moved items 1, 2, 4, and 29 to the consent agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson **OPPOSED:** None.

On motion by Montzka, seconded by Greene, the Board moved to close the Road and Bridge Committee of the Whole at 6:56 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson **OPPOSED:** None.

On motion by Montzka, seconded by Greene, the Board moved to approve the Consent Agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson **OPPOSED:** None.

- 1.) R&B Committee Recommendation – County Engineer’s Report
- 2.) R&B Committee Recommendation – RAISE Grant Support Letter – US Highway 8

RESOLUTION NO. 20/0519-1
2021 RAISE GRANT SUPPORT RESOLUTION

WHEREAS, The U.S. Department of Transportation released a Funding Opportunity to apply for \$1 billion in Fiscal Year (FY) 2021 discretionary grant funding through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grants; and

WHEREAS, Funds for the RAISE Transportation grants are to be awarded on a competitive basis for projects that will have a significant local or regional impact., and

WHEREAS, Funding provided under National Infrastructure Investments have supported capital projects which repair bridges or improve infrastructure to a state of good repair; projects that implement safety improvements to reduce fatalities and serious injuries, including improving grade crossings or providing shorter or more direct access to critical health services; projects that connect communities and people to jobs, services, and education; and, projects that anchor economic revitalization and job growth in communities, and

WHEREAS, TH 8 is a vital interregional corridor that serves a variety of transportation needs; and

WHEREAS, TH 8 has become increasingly strained due to high levels of daily commuters, large trucks and spikes in weekend recreational traffic; and

WHEREAS, TH 8 has significant safety, mobility and access issues; and

WHEREAS, the Chisago County Board of Commissioners supports this program and its Public Works Director in pursuing and applying for funds from this program for the following projects:

NOW, THEREFORE, BE IT RESOLVED, that the Chisago County Board of Commissioners does hereby support the application and pursuit of funds from the 2021 RAISE Transportation Grant Program for reconstruction of TH 8.

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- 3.) ~~R&B Committee Recommendation – Services Contract for I 35/CSAH 19 Interchange~~

- 4.) R&B Committee Recommendation – Variance Request – State Aid Rules for CSAH 19

RESOLUTION NO. 20/0519-2
RESOLUTION REQUESTING A VARIANCE FROM STANDARD FOR STATE AID OPERATION FOR PROJECT NO. S.A.P. 013-619-022

WHEREAS, Chisago County is preparing plans for CSAH 19 (Stacy Trail) between 1500 feet east of Ivywood Trail and CSAH 24 (Lofton Avenue); and

WHEREAS, Minnesota Rules for State Aid Operation 8820.9920 require a minimum 30-foot clear zone free of fixed objects; and

WHEREAS, the existing highway has a 66-foot highway easement with distribution and transmission overhead power poles located within the 30-foot clear zone throughout the corridor; and

WHEREAS, distribution and transmission power poles constitute as a fixed object; and

WHEREAS, the proposed project does not impact the power poles and the relocation would require additional easement and is cost prohibitive; and

WHEREAS, there is no history of run-off-the-road crashes to suggest relocating these power poles would significantly improve the safe operation of the roadway, and

WHEREAS, the proposed design widens the existing shoulders providing the motoring public with greater room for evasive action, recovery in case of lane departure, and driver comfort.

NOW, THEREFORE BE IT RESOLVED, that the County Board of Commissioners do hereby request a variance from the Minnesota Department of Transportation State Aid Operations Rules Chapter 8820.9920 (Minimum Design Standards; Rural and Suburban Undivided; New or Reconstruction Project) to allow the distribution and transmission power poles to remain in-place within the 30-foot clear zone, in lieu of relocation;

BE IT FURTHER RESOLVED, that County Board of Commissioners hereby indemnifies, saves and holds harmless the State of Minnesota and its agents and employees of and from claims, demands, actions, or causes of action arising out of or by reason of the granting of the variance. The County/City further agrees to defend at its sole cost and expense any action or proceeding commenced for the purpose of asserting any claim arising as a result of the granting this variance.

- 5.) Minutes from the May 5, 2021 Regular Meeting
6.) Payment of County’s Warrants and Miscellaneous Bills

- 7.) Renewal of Liquor, Wine, Club or 3.2% Licenses
 - 8.) License App. For 1 Day to 4 Day Temporary On-Sale Liquor License – Threshing Show
 - 9.) *** Applications for Abatements (reduction) of Property Taxes ***
 - 10.) Classification and Appraisal of Tax Forfeited Land pursuant to MN Statutes 282.01
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**RESOLUTION NO. 20/0519-3
CLASS AND APPRAISAL OF TAX FORFEITED PROPERTY**

WHEREAS, the tax parcels on the attached list have forfeited, to the State of Minnesota in trust for the respective taxing districts for nonpayment of real estate taxes;

WHEREAS, In order to be able to sell these parcels at tax sale the County Board of Commissioners need to classify and appraise the tax forfeited parcels pursuant to M.S. 282.01 Subdivision 1.

NOW, THEREFORE, BE IT RESOLVED

- 1. That the Chisago County Board of Commissioners approve the attached list of classification and appraisal of tax forfeited ready for sale and authorize the Chisago County Auditor-Treasurer to take the necessary steps to offer the parcels for sale pursuant to M.S. 282.01.
 - 2. That the Chisago County Auditor-Treasurer is directed to forward the parcels noted on the attached Classification and Appraisal to the Minnesota DNR pursuant to M.S. 282.01, subd. 3.
 - 3. That the Chisago County Auditor-Treasurer is directed to forward the parcels noted on the attached Classification and Appraisal to the appropriate city and township officials for approval pursuant to M.S. 282.01, subd. 1(h).
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- 11.) Snowmobile Maintenance and Grooming Applications
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**RESOLUTION NO. 20/0519-4
AUTHORIZING SPONSORSHIP OF SNOWMOBILE TRAILS
OPERATED BY THE NORTH BRANCH SNO-DRIFTERS**

BE IT RESOLVED, that the Chisago County Board of Commissioners act as the legal sponsor for an application for funding to the State of Minnesota Department of Natural Resources for maintenance and grooming of snowmobile trails managed by the North Branch Sno-Drifters.

BE IT FURTHER RESOLVED, that upon approval of its application by the state, the Chisago County Board of Commissioners may enter into an agreement with the State of Minnesota for the above referenced project and that it will comply with all applicable laws and regulations as stated in the agreement.

BE IT FURTHER RESOLVED, that the County Auditor is hereby authorized to serve as the fiscal agent for the above referenced project.

**RESOLUTION NO. 20/0519-5
AUTHORIZING SPONSORSHIP OF SNOWMOBILE TRAILS
OPERATED BY THE RUSH CITY SNO-BUGS**

BE IT RESOLVED, that the Chisago County Board of Commissioners act as the legal sponsor for an application for funding to the State of Minnesota Department of Natural Resources for maintenance and grooming of snowmobile trails managed by the Rush City Sno-Bugs.

BE IT FURTHER RESOLVED, that upon approval of its application by the state, the Chisago County Board of Commissioners may enter into an agreement with the State of Minnesota for the above referenced project and that it will comply with all applicable laws and regulations as stated in the agreement.

BE IT FURTHER RESOLVED, that the County Auditor is hereby authorized to serve as the fiscal agent for the above referenced project.

**RESOLUTION NO. 20/0519-6
AUTHORIZING SPONSORSHIP OF SNOWMOBILE TRAILS
OPERATED BY THE WILD RIVER SNOWMOBILE CLUB**

BE IT RESOLVED, that the Chisago County Board of Commissioners act as the legal sponsor for an application for funding to the State of Minnesota Department of Natural Resources for maintenance and grooming of snowmobile trails managed by the Wild River Snowmobile Club.

BE IT FURTHER RESOLVED, that upon approval of its application by the state, the Chisago County Board of Commissioners may enter into an agreement with the State of Minnesota for the above referenced project and that it will comply with all applicable laws and regulations as stated in the agreement.

BE IT FURTHER RESOLVED, that the County Auditor is hereby authorized to serve as the fiscal agent for the above referenced project.

- 12.) Advertisement for Vacancy on the Comfort Lake Forest Lake Watershed District
- 29.) *** Award & Approval of 2021 Retro-Reflective Pavement Markings Project ***

CITIZENS FORUM

TIME – 6:58 p.m.

END TIME – 7:28 p.m.

4 Letters, 0 emails, # of **SPEAKERS** – 10

Presentation – American Relief Plan – Doug Green, Baker Tilly – 7:28 p.m. to 7:57 p.m.

Presentation – North Woods and Waters of St. Croix Heritage Area – Martyr Harding – 7:59 p.m. to 8:14 p.m.

On motion by Montzka, seconded by Dunne, the Board moved to approve the resolution of support for the North Woods and Waters of St. Croix Heritage Area. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** Robinson.

RESOLUTION NO. 20/0519-7
RESOLUTION BY THE CHISAGO COUNTY COMMISSIONERS
SUPPORTING NORTH WOODS AND WATERS OF THE ST. CROIX
NATIONAL HERITAGE AREA

WHEREAS, the region defined by the St. Croix River and its tributaries meets the definition of a National Heritage Area: A place designated by Congress for its nationally distinctive landscape, with shared stories and traditions that contribute to our nation's diverse heritage; and

WHEREAS, more than 1,200 people throughout the region were engaged in a multi-year process to explore the feasibility of designation, and strong public support was expressed for the concept; and

WHEREAS, the feasibility study for North Woods and Waters of the St. Croix Heritage Area has met all ten National Park Service criteria for designation; and

WHEREAS, economic impact studies have shown that an NHA would help us build our regional economy using our natural, cultural, and historic heritage as a foundation; and

WHEREAS, an NHA would foster a sense of regional identity, brand the region for international tourism, and increase our region's competitiveness in seeking grants and attracting private investment; and

WHEREAS, a North Woods and Waters of the St. Croix National Heritage Area (NHA) would create opportunities for communities and residents to work together across traditional boundaries for mutual benefit; and

WHEREAS, an NHA would help residents and visitors better understand, appreciate, and experience the region's special stories and places; and

WHEREAS, NHAs are community-based efforts that are managed by the local leaders and residents that live in them; and

WHEREAS, NHAs are living, working landscapes that honor traditional uses and support continued economic activity in the region; and

WHEREAS, NHAs do not acquire regulatory authority over zoning or land use, and do not infringe upon private property rights; and

NOW THEREFORE BE IT RESOLVED that the Chisago County Board of Commissioners support Congressional designation of the North Woods and Waters of the St. Croix National Heritage Area.

Environmental Services Director Kurt Schneider presented the Board with the Director's Report and action items. *No action was taken.*

On motion by Greene, seconded by Robinson, the Board moved to approve the Rural Retail Tourism Gathering Venue Conditional Use Permit as requested by Brody Heggerston, Applicant for the property located at 16143 Furuby Road, PID# 02.00546.00, based on the narrative and site plan on record as provided by Applicant and based on the following Findings of Fact and Conditions as presented in Staff's report with the addition of Condition 14 concerning parking on Furuby Road:

1. This is a Conditional Use Permit for Rural Retail Tourism to establish and maintain a gathering venue to host activities on-site such as weddings, banquets and other gathering events.
2. This CUP shall allow year-round use of the property to host events.
3. Friday through Sunday event hours of operation shall be 9 AM to 11 PM and events held Monday through Thursday shall have hours of operation from 9 AM to 10 PM. *(Note: Staff inserted recommended weekday hours of operation. Planning Commission should discuss with Applicant if there shall be a limited number of occasional weekday events and/or hours of operation to be established under permit.)*
4. All gathering events that include music shall be conducted indoors and building doors and windows shall remain closed during music (low level acoustic music for wedding ceremonies shall constitute an exception.)
5. The maximum attendance at any given event shall be limited to 298 guests.
6. All parking shall be accommodated on-site, with supervised management of ingress and egress traffic to eliminate conflicts in traffic flow.
7. Submittal of structural integrity report for any change in occupancy for use of existing structures. All necessary building codes shall be adhered to (including any necessary retro-fitting of the existing buildings to accommodate the new occupancy, pursuant to review by qualified architect/engineer) and all required permits shall be obtained prior to occupancy.

8. The Permittee is required to obtain a driveway permit from County Highway and is subject to installation of a commercial access per the standards as deemed necessary by Chisago County Public Works.
9. All food preparation and/or sales at the site shall comply with all applicable Minnesota Department of Health regulations.
10. Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements.
11. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.
12. Minnesota Building Code, SSTS, and all other relevant codes shall be applicable to the project, all permits, and Certificates of Occupancy and Compliance shall be obtained prior to occupancy, and CUP approval shall be considered provisional until such time as these requirements are met.
13. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.
14. There shall be no parking of vehicles associated with this use on or along the adjacent Furuby Road.

The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

On motion by Robinson, seconded by Montzka, the Board moved to deny the application of Kathleen Green for a Conditional Use Permit to operate a private year round recreational campground for up to four (4) campsites on the .92-acre vacant Agricultural zoned parcel; PID# 03.01189.00; XXX Beach Lake Road, Hilding Beach Plat 2 property; PID# 03.01189.00. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

On motion by Robinson, seconded by Greene, the Board moved to adopt and incorporate into its decision to deny the application the following Findings:

- a. The Applicant has presented a land use in conflict with the purpose and goals of Chisago County's Zoning Ordinance and Comprehensive Plan which reference identifying and finding a balance between promotion of natural amenities and protecting the quality of the surrounding settings.
- b. The parcel is a legal nonconforming lot of record which does not meet present day dimensional requirements in the AG District which is a minimum lot size of five acres. Due to the substandard lot size, the parcel is not comparable to characteristics of the AG District and is more consistent in size and land use with the adjacent residential and shoreland parcels.

- c. The proposed land use does not meet the purpose of recreational camping areas for providing areas to be used for recreational camping which will not detract from surrounding land uses or natural resources and provide for the health and safety of the public using these areas.
- d. The Applicant has not provided sufficient detail to ensure caretaker responsibilities and monitoring of site conditions to ensure that campground operations will be supported in a safe and efficient manner.
- e. The Applicant has not demonstrated or provided mitigating steps on how site operations and layout of a recreational camping area will not adversely impact adjacent residential landowners. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

On motion by Greene, seconded by Dunne, the Board moved to approve the Meadowlark Estates Preliminary Plat located in Chisago Lake Township, at 15432 310th Street (PID #02.00726.00). The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

On motion by Greene, seconded by Montzka, the Board moved to accept the May 11th Budget and Finance Report, approve the department presentation schedule and approve the Baker Tilly Salary Survey. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** Robinson.

On motion by Greene, seconded by Dunne, the Board moved to approve the SHIP Grant Agreement – Williams Park Community Garden North Branch. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

On motion by Greene, seconded by Dunne, the Board moved to approve the County Fraud Prevention Investigation Agreement. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

On motion by Dunne, seconded by Montzka, the Board moved to approve the State of MN Federal Boating Safety Patrol Grant Contract. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

On motion by Greene, seconded by Dunne, the Board moved to approve the 2020 State of Minnesota Federal Boating Safety Supplemental Equipment Grant. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

On motion by Greene, seconded by Montzka, the Board moved to approve the 4 different out of state travel requests for training regarding human trafficking, chaplains, K9 training, and SRO training and accept the \$950.00 donation from HIM Inc. to offset the costs of the Chaplains travel costs. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

RESOLUTION NO: 21/0519-9
ACCEPTANCE OF DONATIONS BY CHISAGO COUNTY SHERIFFS OFFICE

WHEREAS, the Chisago County Board of Commissioners adopted Resolution No. 060419-3 on April 19, 2006 which established a policy regarding the acceptance of gifts by Chisago County; and

WHEREAS, the County has received a donation from a business or private individual in Chisago County and is requesting formal acceptance by the County Board of Commissioners;

NOW, THEREFORE, BE IT RESOLVED, that the Chisago County Board of Commissioners hereby accepts the following donations received by the Chisago County Sheriff's Office in 2021:

- HIM Inc. Home Improvement Ministries – \$950.00 for offset of Chaplains Out of State Travel Request

On motion by Greene, seconded by Robinson, the Board moved to authorize the creation of a new division of Enterprise Service Department titled Building and Grounds Maintenance, along with a new position titled Building and Grounds Manager, also change the title of Custodian, to Building and Grounds Technician. With the reporting structure as detailed in the attached Org. Chart. Authorize the HR Director to post and fill the Building and Grounds Manager position, INTERNAL posting only. The motion **failed** as follows: **IN FAVOR THEREOF**: Greene, Robinson. **OPPOSED**: DuBose, Dunne, Montzka.

On motion by Greene, seconded by Montzka, the Board moved to approve the authorization to add a replacement signature holder on the Social Welfare accounts. The motion **carried** as follows: **IN FAVOR THEREOF**: DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED**: None.

On motion by Greene, seconded by Dunne, the Board moved to approve the application to conduct excluded bingo for Immanuel Lutheran Church of Almelund on November 13, 2021. The motion **carried** as follows: **IN FAVOR THEREOF**: DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED**: None.

RESOLUTION NO. 21/0519-10
APPROVING THE SUBMISSION OF AN APPLICATION TO CONDUCT EXCLUDED BINGO FOR IMMANUEL LUTHERAN CHURCH OF ALMELUND

WHEREAS, the Chisago County Board of Commissioners has been presented with a request for lawful gambling within Chisago County; and

WHEREAS, the application was complete, included all necessary documentation, appears in accordance with County Policies and the facility owners are in good standing with the County;

BE IT RESOLVED that the Chisago County Board of Commissioners hereby approves and authorizes submission to the Minnesota Gambling Control Board an application to conduct a raffle at the Shafer Townhall located at 17656 303rd St., Taylors Falls, MN 55074.

County Administrator Burnham provided administrative updates. *No action was taken.*

Several Commissioners offered reports of their respective committee assignments. *No action was taken.*

On motion by Dunne, seconded by Greene, the Board adjourned the meeting at 8:55 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson **OPPOSED:** None.

Chris DuBose, Chair

Attest: _____
Christina Vollrath
Clerk of the Board