

**CHISAGO COUNTY  
BOARD OF COMMISSIONERS  
OFFICIAL PROCEEDINGS  
Wednesday, July 17, 2019**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, July 17, 2019 at the Chisago County Government Center with the following Commissioners present: DuBose, Greene, McMahon, Montzka, Robinson. Also present: Assistant County Attorney Aimee Cupelli, and County Administrator Bruce Messelt and Clerk of the Board Chase Burnham.

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

Commissioner DuBose offered a motion to approve the amended agenda. Motion seconded by McMahon and upon a vote being taken thereon, the motion **passed** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

The Chair opened the Road and Bridge Committee of the Whole at 6:30 p.m.

The Board was given updates on the following current projects of the Public Works Department from County Engineer Joe Triplett: Project Updates, MnDOT Construction Update, TH 8 Reconstruction Project. *No action was taken.*

On motion by McMahon, seconded by DuBose, the Board moved to accept the Highway Engineer's Report and items 2-3 to the Consent Agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

At 6:43 p.m., the Chair closed the Road and Bridge Committee of the Whole.

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

- 1.) Accept County Engineer's Report
- 2.) R&B Committee Recommendations: 2019 Pavement Marking Project
- 3.) R&B Committee Recommendations: Funding Resolution 2019 BUILD Grant Application

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**RESOLUTION NO. 19/0717-1  
APPROVING 2019 BUILD GRANT SUPPORT**

**WHEREAS**, The Consolidated Appropriations Act, 2019, appropriated \$900 million for National Infrastructure Investments through the Federal 2019 BUILD

Transportation Grant Program; and

**WHEREAS**, Funds for the FY2019 BUILD Transportation program 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 2019 BUILD Transportation Grant Program for reconstruction of TH 8.

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- 4.) Approve Minutes from July 3, 2019 Meeting
- 5.) Donation Acceptance – K-9 Unit, CCSO

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**RESOLUTION NO: 19/0717-2**  
**ACCEPTANCE OF DONATION BY CHISAGO COUNTY**

**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 private individual for the Chisago County Sheriff's Office K-9 Unit 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 donation received by the Chisago County

Sheriff's Office:

- \$100.00 for Chisago County Sheriff Office for the K-9 Unit
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On motion by DuBose, seconded by McMahan, the Board moved to approve the request of declaring July 21st – July 27th as Probation Officer Week at tonight's meeting for the Probation Department. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

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**RESOLUTION NO. 19/0717-3**  
***PROCLAMATION***  
**DECLARING JULY 21 – 27, 2019 AS**  
**PROBATION, PAROLE AND COMMUNITY SUPERVISION WEEK**  
**IN CHISAGO COUNTY**

**WHEREAS**, community corrections is an essential part of the justice system; and

**WHEREAS**, community corrections professionals uphold the law with dignity, while recognizing the right of the public to be safe-guarded from criminal activity; and

**WHEREAS**, community corrections professionals are responsible for supervising adult and juvenile offenders in the community; and

**WHEREAS**, community corrections professionals are trained professionals who provide services and referrals for offenders; and

**WHEREAS**, community corrections professionals work in partnership with community agencies and groups; and

**WHEREAS**, community corrections professionals promote prevention, intervention and advocacy; and

**WHEREAS**, community corrections professionals provide services, support, and protection and victims; and

**WHEREAS**, community corrections professionals advocate community and restorative justice; and

**NOW, THEREFORE, BE IT PROCLAIMED**, that the Chisago County Board of Commissioners, do hereby proclaim July 21-27, 2019 as Probation, Parole and Community Supervision Week in Chisago County and encourages all citizens to honor these community corrections professionals and to recognize their achievements.

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Tom Suppes, Risk Management Consultant, from MCIT, provided the Board of Commissioners with the 2019 MCIT Annual Report. *No action taken.*

At 7:10 p.m., the Chair opened Citizen Forum. 0 Citizen spoke; the Chair closed Citizen Forum at 7:10 p.m.

On motion by Montzka, seconded by McMahon, the Board moved to approve the payment of the County's Warrants and Miscellaneous Bills. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

On motion by McMahon, seconded by DuBose, the Board moved to approve the transfer from the tax forfeited land fund to the tax and penalty fund. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

On motion by DuBose, seconded by McMahon, the Board moved to approve the application for application for cancellation of forfeiture. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

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**RESOLUTION NO. 19/0717-4**  
**APPROVING THE CANCEL TAX FORFEITURE RESOLUTION**

**WHEREAS,** the Chisago County Auditor-Treasurer has made an application for cancellation of forfeiture for the certificate of forfeiture filled on July 3, 2019 for tax parcels 18.00024.63 through 18.00024.84 and 18.00024.86 through 18.00024.92, and

**WHEREAS,** it is in the best interest of the County to have the forfeiture certificate cancelled for said tax parcels and the property taxes reinstated and ownership returned to the rightful owner.

**NOW, THEREFORE, BE IT RESOLVED** That the Chisago County Board of Commissioners approve the cancellation of forfeiture application for the above noted tax parcels. The legal descriptions of the parcels are attached as Exhibit A.

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On motion by DuBose, seconded by Montzka, the Board moved to approve the License Applications for 1 Day to 4 Day Temporary On-Sale Liquor License for the Sno-Baron's Snowmobile Club's Hay Days Event. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

On motion by McMahon, seconded by DuBose, the Board moved to recess the Regular Meeting and convene the Chisago County Drainage Authority. The motion

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

On motion by DuBose, seconded by Montzka, the Board moved to establish that the Chisago County Drainage Authority determines that, pursuant to the October 3rd, 2018 direction of the Drainage Authority, repairs undertaken to the private culvert encroaching on County Ditch #7 and serving addresses 6541-6596 Pine Street N. in the City of North Branch shall be considered repairs to County Ditch #7, pursuant to M.S. §103E.701 Subd. 4(b) and following the procedures set out in M.S. §103E.705 Subd. 5. Be it further established that, subsequent to repairs having been undertaken, it has been determined that the culvert and benefitting driveway are of private ownership and that the Chisago County Drainage Authority does not accept this private culvert as part of the Ditch #7 Drainage System for future repairs or replacement, nor does it accept the private driveway as part of the Ditch #7 Drainage System for current or future repairs or replacement. Be it further established that the Chisago County Drainage Authority does not accept, prima facie, as its responsibility any other claims – current or future - for repairs or maintenance to private roadways or culverts along any of the Drainage Authority’s ditches or drainage systems. Lastly, be it further directed that the County Auditor be authorized to effect a Budget Amendment for \$5,408.00 to reflect the repayment from the Ditch #7 Fund to the appropriate County Highway account for the initial undertaking of this repair project. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Montzka, Robinson **OPPOSED:** Greene, McMahon.

On motion by McMahon, seconded by Montzka, the Board moved to close the Drainage Authority at 7:58 p.m. and reconvene the Regular Chisago County Board Meeting. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

Environmental Services and Zoning Director Kurt Schneider presented the Board with the following action items; Board of Adjustment and Appeals Update, Planning Commission Update, Construction and Permit Update, Park Board Information, Department Activity. *No action was taken.*

On motion by McMahon, seconded by Montzka, the Board moved to accept the Director’s Report. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

On motion by McMahon, seconded by DuBose, the Board moved to receive and acknowledge receipt of Tiller Corporation’s written request of July 12, 2019 for an extension of the Time Deadline For Agency Action on it application for an Interim Use Permit, as delineated in M.S. 15.99 and consistent with the Applicant’s statutory rights further delineated in Subdivision 3 (g), and to grant such extension through August 21, 2019, and also consistent with the Tiller request, Move to postpone consideration of and determination on the pending Interim Use Permit application to a date certain; that being the meeting scheduled for August 7, 2019 or the meeting scheduled for August 21, 2019, depending upon the progress of the meetings to be held between County staff and Tiller

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

On motion by Robinson, seconded by McMahon, the Board moved to approve the Brian and Juliann Wassman request for a Conditional Use Permit to operate a four (4) unit family campground Conditional Use Permit on their 14 acre Horseshoe Lake property in Section 23, T. 36, R. 22; PID# 03.00309.20; Findings and Conditions as recommended by the Planning Commission and/or as amended at tonight's meeting. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

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**RECOMMENDED CONDITIONS:**

1.
    1. There is to be no commercial recreational activity occurring.
    2. The site is limited to a maximum of four campsites and/or recreational campers/vehicles.
    3. The observance of quiet hours from 11 PM to 7 AM.
    4. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
    5. The permit holder must 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.
    6. The access roadway easement shall be reviewed by local fire department and improved and maintained to the extent necessary that provides adequate emergency access to site.
    7. If property is sold, the CUP does not transfer to the new owners and CUP would end. *(Subject to legal review and update at your meeting)*
    8. There shall be direct family member caretakers on the property at all times the campground is in use.
    9. No dumping of raw sewage and grey water shall occur on the property.
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On motion by Montzka, seconded by DuBose, the Board moved to approve Resolution 07/17/19-1 and authorize final preparation and submission of Sunrise Prairie Regional Trail Segment G Design and Construction; Swedish Immigrant Regional Trail Segment D Planning, Preliminary Design, and Preferred Route Designation; and Swedish Immigrant Regional Trail Segments B1/B2 & Highway 8 Corridor Planning, and Preferred Route Designation, State Legacy Grant Applications. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

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**RESOLUTION NO. 19/0717-5**

**AUTHORIZING SUBMISSION OF A GRANT REQUEST FOR THE SUNRISE PRAIRIE REGIONAL TRAIL – (SEGMENT H) CONSTRUCTION PROJECT**

**BE IT RESOLVED** that Chisago County hereafter the (APPLICANT) has the

legal public authority to sponsor a grant funding request associated with the Sunrise Prairie Regional Trail S.P.R.T. (Segment H to Harris, MN), which has been previously designated by the Greater Minnesota Regional Park and Trail Commission (COMMISSION) as a regional trail.

**BE IT FURTHER RESOLVED** that as we are fully aware of the information provided in the funding request, including any non-state match and other long-term commitments (as defined in the funding request), related master plan and any supporting information as submitted.

**BE IT RESOLVED** that, if selected for funding by the COMMISSION, Chisago County shall act as legal sponsor for the PROJECT contained in the Department of Natural Resources (DNR) Parks & Trails Legacy Grant Application (STATE'S GRANT APPLICATION) and that Kurt Schneider Environmental Services Director is hereby authorized to apply to the Department of Natural Resources for funding of this project on behalf of the applicant.

**BE IT FURTHER RESOLVED** that the APPLICANT has not incurred any development costs and has not entered into a written purchase agreement to acquire the property described in the funding request and therefore, also in the STATE'S GRANT APPLICATION.

**BE IT FURTHER RESOLVED** that the APPLICANT has or will acquire fee title or permanent easement over the land described in the funding request and therefore, also in the STATE'S GRANT APPLICATION for regional trail and has or will acquire fee title, perpetual easement or a minimum of a 20 year lease over the land described in the funding request and therefore, also in the STATE'S GRANT APPLICATION for regional trails.

**BE IT FURTHER RESOLVED** that, upon approval of its application by the state, the applicant may enter into an agreement with the State of Minnesota for the above-referenced project, and that the applicant certifies that it will comply with all applicable laws and regulations as stated in the grant contract including committing to maintain the trail for a period of no less than 20 years and providing a perpetual easement for recreational trail purposes on all lands acquired for trail use.

**NOW, THEREFORE BE IT RESOLVED** that KURT SCHNEIDER CHISASGO COUNTY ENVIRONMENTAL SERVICES DIRECTOR is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

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County Recorder Janet Converse provided the Board of Commissioners with the Mid-Year 2019 Report. *No action taken.*

On motion by McMahon, seconded by Montzka, the Board moved to accept the Recorder's Report and to approve the transfer of the first Pictometry installment from the

Compliance Fund into the Technology Fund to reimburse and fund the next two installments from the Compliance Fund when the invoices come due in 2020 and 2021. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

On motion by DuBose, seconded by McMahan, the Board moved to approve the Letter of Agreement between Chisago County and Hazelden Betty Ford Foundation for Chemical Dependency Treatment Services. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

On motion by McMahan, seconded by DuBose, the Board moved to approve the MIIC Data Use Agreement. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

On motion by Montzka, seconded by McMahan, the Board moved to approve the Out of State Travel Request to Salt Lake City, Utah for Social Worker/Case Manager Jocelyn Bruns. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

On motion by McMahan, seconded by Montzka, the Board moved to approve the County of Chisago State Health Improvement Grant Program – WEI Healthy Food Voucher agreement. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

On motion by Montzka, seconded by McMahan, the Board moved to accept the Human Resources Update from April 1, 2019 to June 30, 2019 and approve the recommended Personnel Actions. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

On motion by Montzka, seconded by McMahan, the Board moved to accept the resignation of County Administrator Bruce Messelt and appoint Assistant County Administrator Chase Burnham as the *Interim* County Administrator and Human Resources Director Renee Kirchner as the *Interim* Assistant County Administrator/Human Resources Director, with the accompanying increase in duties and responsibilities and requisite increase in compensation, while serving in this capacity. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

On motion by McMahan, seconded by Montzka, the Board moved to approve Chisago County applying for the MN DEED Demolition Loan program for funds to demolish the Old Jail building located at 111 N. Main St., Center City, MN 55012. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

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**RESOLUTION NO. 19/0717-7**  
**APPROVING MN DEED DEMOLITION LOAN APPLICATION**



**BE IT RESOLVED** that Chisago County act as the legal sponsor for project(s) contained in the Demolition Loan Program to be submitted on August 1, 2019 and that Chair Richard Greene is hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of Chisago County.

**BE IT FURTHER RESOLVED** that Chisago County has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration.

**BE IT FURTHER RESOLVED** that the sources and amounts of the loan repayment and security identified in the application are committed to the project identified and Chisago County has the authority to incur debt by resolution of the board or council authorizing issuance of a bond or note, payable to DEED to repay and secure the loan.

**BE IT FURTHER RESOLVED** that Chisago County has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

**BE IT FURTHER RESOLVED** that upon approval of its application by the state, Chisago County may enter into an agreement with the State of Minnesota for the above referenced project(s), and that Chisago County certifies that it will comply with all applicable laws and regulation as stated in all contract agreements.

**NOW, THEREFORE BE IT FINALLY RESOLVED** that the Chair is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

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On motion by DuBose, seconded by Montzka, the Board moved to authorize the Chisago County MICS Director to execute the agreements and PO's as required to complete these projects. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

On motion by Montzka, seconded by McMahan, the Board moved to approve the purchase of a 2020 Ford Interceptor Utility Vehicle. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

On motion by McMahan, seconded by DuBose, the Board moved to approve the 2019 Dodge Grand Caravan Enterprise Lease for the CCSO jail transport division. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

On motion by Robinson, seconded by McMahon, the Board moved to approve the Joint Powers Agreement between the State of Minnesota, acting through the Department of Corrections, and Chisago County, to allow the County Attorney's Office to obtain reimbursement for prosecution/investigation expenses resulting from activities involving inmates at MCF – Rush City. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

On motion by McMahon, seconded by DuBose, the Board moved to approve the Proposed Contract Amendment No. (1) to the 2012 Communication System SUBSCRIBER Agreement with the City of North Branch and/or direct County staff to, as agreed to [and/or modified] at tonight's Meeting. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

County Administrator provided the Board with an update regarding the Budget and Finance Committee Report.

On motion by McMahon, seconded by Montzka, the Board moved to approve the recommendations of the Budget and Finance Committee. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

On motion by McMahon, seconded by Montzka, the Board moved to approve the Taylors Falls School Foundation's resolution to conduct excluded bingo at their event on August 9th and 10th, 2019. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

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**RESOLUTION NO. 19/0717-6**  
**APPROVING THE SUBMISSION OF AN APPLICATION TO CONDUCT**  
**EXCLUDED BINGO FOR THE TAYLORS FALLS SCHOOL FOUNDATION**

**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 excluded bingo for the Taylors Falls School Foundation located at the Almelund Threshing Show, 17760 St. Croix Trail, Almelund, MN 55002.

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County Administrator Messelt provided the following updates: correspondence.  
*No action was taken.*

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

On motion by Robinson, seconded by Montzka, the Board adjourned the meeting at 9:14 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

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Richard Greene, Chair

Attest: \_\_\_\_\_  
Chase Burnham  
Clerk of the Board