

**CHISAGO COUNTY  
BOARD OF COMMISSIONERS  
OFFICIAL PROCEEDINGS  
Wednesday, July 18, 2018**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, July 18, 2018 at the Chisago County Government Center with the following Commissioners present: Greene, McMahon, Montzka, Robinson. Commissioner Walker appeared via Electronic Means pursuant to MN Stat. 13D.015. Also present: Assistant County Attorney Maureen Caturia, 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 Greene offered a motion to approve the amended agenda. Motion seconded by Montzka and upon a vote being taken thereon, the motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

The Chair opened the Road and Bridge Committee of the Whole at 6:31 p.m.

The Board was given updates on the following current projects of the Public Works Department from County Highway Engineer Joe Triplett; Design Updates, Construction Updates, Public Ditch System Update, 2019-2023 Draft TIP.

On motion by Greene, seconded by Montzka, the Board moved to accept the Engineers Report to the Consent Agenda and approve agenda items #2-3. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

The Chair closed the Road and Bridge Committee at 6:39 p.m.

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

- 1.) Accept County Engineer's Report
- 2.) Road and Bridge Recommendation: Prof. Cont. w/ KLJ Eng. for Right of Way Acquis.
- 3.) Road and Bridge Recommendation: 2019 Transportation Improvement Plan
- 4.) Approve Minutes from July 5, 2018 Meeting
- 5.) Authorize Payment of the County's Warrants and Miscellaneous Bills
- 6.) Authorization for County Auditor to Transfer Funds

- 7.) Application for County On-Sale Intoxicating Liquor License – Wild Mountain Winery
- 21.) Application for a Gambling Permit – Sno Barons Snowmobile Club

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**RESOLUTION NO. 18/0718-1**  
**APPROVING SUBMISSION OF AN EXEMPT PERMIT FOR GAMBLING FOR**  
**THE SNO BARONS SNOWMOBILE CLUB**

**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 application for an exempt permit for lawful gambling activity for the Sno Barons Snowmobile Club at the Sno Barons Hay Days, located at 38400 Oriole Ave., Sunrise, MN 55056.

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On motion by Greene, seconded by Montzka, the Board moved to accept the Auditor-Treasurer’s January-May 2018 Finance Report, as prepared for the Budget and Finance Committee, and permanently switch Commissioner Robinson as the alternate on the Labor Relations/Human Resources Committee to full-time member and Commissioner Walker to alternate member. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahan, Montzka, Robinson, Walker **OPPOSED:** None.

At 7:02 p.m. the Chair opened Citizen Forum. 3 Citizens spoke; the Chair closed Citizen Forum at 7:11 p.m.

County Administrator Bruce Messelt updated the Board on the activities of the Environmental Services Department; Board of Adjustment/Planning Commission updates, Construction Activity Update, Water Plan Policy Team Meeting Summary. *No action was taken.*

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

On motion by Montzka, seconded by Greene, the Board moved to extend the initial 60-day period for required action on this CUP application for up to an additional 60 days, so to allow for further review of the record and to make a decision on this application, as allowed under Minnesota State Statute 15.99 Subd. 3(f). The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahan, Montzka, Robinson, Walker **OPPOSED:**

None.

On motion by Montzka, seconded by Greene, the Board moved to approve the Kelly Tope request for a Conditional Use Permit to operate Rural Retail Tourism Farm Animal Sanctuary at 12812 347th St.(PID #02.00479.20 and 02.00486.00), Section 9, T. 34, R.20, with 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:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by Greene, seconded by Robinson, the Board moved to deny the Benjamin Bryan request for a Conditional Use Permit to operate a multifaceted Recreational Campground involving four primitive cabins; daily yoga lessons/classes; and four large scale events with tent camping for up to 100 tents and 2,000 day-guests, at 12460 375th St. (PID #09.00300.20 and #09.0031.00), Section 28 and 29, T. 35, R.20, with the presented Findings and the Reasons as recommended by the Planning Commission and/or as amended at tonight's meeting. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by Montzka, seconded by Greene, the Board moved to pass a resolution in support of a lodging tax for the Chisago Lakes area and call for a public hearing to implement the lodging tax for August 15<sup>th</sup> at 7:00 p.m. at the Chisago County Government Center. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

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**RESOLUTION NO. 18/0718-2**  
**A RESOLUTION OF CHISAGO COUNTY**  
**OF SUPPORTING THE CREATION OF A TOURISM BUREAU**  
**AND IMPOSING A LODGING TAX**

**WHEREAS,** Chisago County recognizes that tourism contributes significantly to the economy providing in 2016, according to Explore Minnesota, \$66,846,776 in gross sales in Chisago County; and

**WHEREAS,** in 2016, according to Explore Minnesota, the tourism industry provided 1,644 jobs in Chisago County; and

**WHEREAS,** the county also understands that promotion of the communities, events, and attractions is important to increasing tourism-based sales and jobs; and

**WHEREAS,** the county desires to create a Visitors Bureau jointly with other interested cities in the Chisago Lakes Area to promote the designated region within Chisago County; and

**WHEREAS,** a Board of Directors will be established to oversee the Visitors Bureau and the county will appoint a representative to the Board of Directors; and

**WHEREAS**, per Minnesota Statutes 469.190 a local lodging tax may be imposed up to three percent on certain lodging establishments to promote lodging and tourism in Chisago County; and

**WHEREAS**, according to Minnesota Statute 469.190 Subd.4. the county may impose a lodging tax within the unorganized territory if it determines by resolution that imposition of the tax is in the public interest; and

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Commissioners of Chisago County supports the creation of a Visitors Bureau and the institution of a lodging tax jointly with other supporting communities in Chisago County.

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On motion by Montzka, seconded by Greene, the Board moved to approve the attached Human Resources Fitness/Education Reimbursement policy. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by Montzka, seconded by Robinson, the Board moved to approve the County of Chisago State Health Improvement Program Grant Program Grant Agreement – Wyoming Elementary School - Teaching Healthy Eating. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by Robinson, seconded by Greene, the Board moved to authorize the Chisago County HR Director to give part time custodian Kurt Swenson a 2 step increase effective as of his anniversary date. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by Walker, seconded by Montzka, the Board moved to authorize final preparation and submission of State Legacy Grant applications, including approval of the attached Resolutions, for design and construction of the Sunrise Prairie Regional Trail Segment G and Planning for the Swedish Immigrant Regional Trail Segments B1/B2 and D. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

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**RESOLUTION NO. 18/0718-3**

**AUTHORIZING SUBMISSION OF A GRANT REQUEST FOR THE SUNRISE PRAIRIE REGIONAL TRAIL – (SEGMENT G) 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 G 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, DIRECTOR OF THE CHISASGO COUNTY ENVIRONMENTAL SERVICES DEPARTMENT, is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

**RESOLUTION NO. 18/0718-4  
AUTHORIZING SUBMISSION OF A GRANT REQUEST FOR THE  
SWEDISH IMMIGRANT REGIONAL TRAIL – (SEGMENTS B & D)  
PLANNING**

**BE IT RESOLVED** that Chisago County hereafter the (APPLICANT) has the legal public authority to sponsor a grant funding request associated with the Swedish Immigrant Regional Trail S.I.R.T. (Segments B & D for connections with Center City, Lindstrom, Chisago City and Wyoming), a route previously identified and 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 with Environmental Services, 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, if applicable, 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 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, DIRECTOR OF THE CHISASGO COUNTY ENVIRONMENTAL SERVICES DEPARTMENT, 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 Greene, seconded by Robinson, the Board moved to approve the proposed Amendment to the existing Professional/Technical Services Agreement with TKDA for an amount not to exceed \$46,000 for completion of the Chisago County 1989 Addition Program and Space Study with funding emanating from the already-approved \$24M Public Safety Center – Phase II budget, and authorize the County Board Chair, County Attorney, and County Administrator to prepare and execute said Amendment.

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

Clerk of the Board Burnham announced that the Board will be closing the meeting to hold a Closed Session permitted by the attorney-client privilege. Minn. Stat. §13D.05, Subd. 3. The Meeting will be closed to allow the County Board to discuss with legal counsel strategy related to two separate matters:

- A. Threatened litigation, *Jacobson v Duncan and Chisago County* and
- B. Pending litigation, *Shopko v. Chisago County*

On motion by Montzka, seconded by Greene and **carried unanimously** the Board closed the meeting and convened a closed session at 8:12 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

Following the closed session, the Chisago County Board of Commissioners reconvened the Meeting of the Whole. Pursuant to M.S. 13D.05, the following were present at the closed meeting: Chairperson Montzka, Commissioner Greene, Commissioner McMahon, Commissioner Robinson, Assistant County Attorney Caturia, Administrator Messelt, County Assessor Keefe, Deputy Assessor Peloquin and Clerk to the Board Chase Burnham.

On motion by Greene, seconded by Montzka, the Board moved to reconvene the meeting at 8:54 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

On motion by Montzka, seconded by Greene, the Board moved to proceed as discussed in closed session. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

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

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George McMahon, Chair

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