

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
Wednesday, April 06, 2016**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, April 06, 2016 in the Board Room of the Government Center with the following Commissioners present: Greene, McMahon, Montzka, Robinson, Walker. Also present: County Attorney Janet Reiter, County Administrator Bruce Messelt and *Interim* Clerk of the Board Danielle Riehle.

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

Commissioner McMahon offered a motion to approve the Agenda for the Board of Commissioners meeting. Motion seconded by Greene and upon a vote being taken thereon, the motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

Commissioner Greene offered a motion to recess for the Health and Human Services Committee of the Whole. Motion seconded by McMahon 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 Health and Human Services Committee of the Whole at 6:30 p.m.

Chair Robinson gave the gavel to Vice Chair Montzka.

Nancy Dahlin provided the Board with the following Chisago County Health and Human Services Updates: Support of Mental Health Services Development in Chisago County, MN Choices/Long Term Care Consultation, Children's Services, Veteran's Programming, and Preparedness. *No action was taken.*

On motion by Walker, seconded by McMahon, the Board moved items 1 – 7 to the Consent Agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

Vice Chair Montzka returned the gavel to Chair Robinson.

At 7:12 p.m. the Chair opened Citizen Forum. 15 Citizen spoke; the Chair closed Citizen Forum at 7:40 p.m.

On motion by Greene, seconded by McMahon, 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 Health and Human Services Directors Report
- 2.) HHS Committee Recommendation – Payment of County’s Warrants for HHS

Authorize Payment of County’s Warrants for HHS:

Prepared Check Date	Amount	Mail Date	Type of Payment
03/18/2016	\$137,884.42		County’s Warrants
03/18/2016	\$12,514.84	04/06/2016	Auditor’s Warrants
03/18/2016	-		County’s Warrants
03/18/2016	\$362.39	04/06/2016	Auditor’s Warrants
03/25/2016	\$44,530.16		County’s Warrants
03/25/2016	\$36,109.71	04/06/2016	Auditor’s Warrants

- 3.) HHS Committee Recommendation – Lakes Region EMS Facilities Public Health Meeting
- 4.) HHS Committee Recommendation – Lakes Region EMS Facilities 7E Meeting
- 5.) HHS Committee Recommendation – Thomas Allen Guardianship Contract
- 6.) HHS Committee Recommendation – First Amendment to Contract with R. Paul Post M.D.
- 7.) HHS Committee Recommendation – Resolution No. 16/0406-1 Proclaiming April 4th-10th, 2016 as National Public Health Week

RESOLUTION NO. 16/0406-01
APPROVING PROCLAMATION OF NATIONAL PUBLIC HEALTH WEEK

WHEREAS, public health service involves preventing disease and promoting good health within small communities or entire countries; and

WHEREAS, the Chisago County Department of Health and Human Services provides public health services to the residents and visitors of Chisago County; and

WHEREAS, the Chisago County Department of Health and Human Services educates and engages our citizens and community partners to foster a healthier community for ourselves and generations to come; and

WHEREAS, strong public health systems are critical for sustaining and improving community health; and

WHEREAS, a hallmark of Minnesota’s public health system is extensive and effective collaboration among a wide range of public, non-profit and private sector partners so as to promote health in all policies; and

WHEREAS, the Chisago County Department of Health and Human Services provides leadership for this system here in Chisago County; and

WHEREAS, Chisago County’s public health professionals and staff are the front line providers of these services, helping promote and protect the health of our residents and visitors; and

WHEREAS, Chisago County is committed to ensuring that our families are healthy from the start, and to pursuing and promoting collaborative efforts with individuals, communities, providers, and policy makers which will help the County’s next generation be healthier than the one before.

NOW, THEREFORE, the Chisago County Board of Commissioners do hereby proclaim the week of April 4th – 10th 2016, as **NATIONAL PUBLIC HEALTH WEEK** and call upon the citizens of Chisago County to learn of the value of public health and adopt preventive lifestyle habits in light of this year’s theme, “Healthiest Nation 2030.”

- 8.) Payment of County’s Warrants and Miscellaneous Bills
- 9.) Minutes from the March 16, 2016 Regular Meeting
- 10.) Repurchase of Tax Forfeited Parcels Pursuant to MN Stat. 282.41
- 11.) Sale of Two Parcels of Tax Forfeited Land to the City of Lindstrom

RESOLUTION NO. 16/0406-02
APPROVING PURCHASE BY THE CITY OF LINDSTROM OF TAX FORFEITED PARCELS

WHEREAS, The City of Lindstrom meets the requirements of M.S. 282.01, subdivision 1a, paragraph b, as a local government subdivision;

WHEREAS, the City of Lindstrom by resolution has requested to purchase tax forfeited parcels 15.00122.30 and 15.00122.40 at the appraised values pursuant to M.S. 282.01, subdivision 1a, paragraph b.

NOW, THEREFORE, BE IT RESOLVED That the Chisago County Board of Commissioners approve the purchase by the City of Lindstrom of tax forfeited parcel 15.00122.30 and 15.00122.40 for \$90,000 plus related fees and costs.

- 12.) Applications for Abatement – MN Stat. 375.192
- 13.) Application for Exempt Gambling Permit – Rotary Club of North Branch & Knights of Columbus

RESOLUTION NO. 16/0406-03

APPROVING SUBMISSION OF AN EXEMPT PERMIT FOR GAMBLING FOR THE ROTARY CLUB OF NORTH BRANCH

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 Rotary club of North Branch at Lent Township Hall at 33155 Hemingway Ave., Stacy, MN 55079.

RESOLUTION NO. 16/0406-04
APPROVING SUBMISSION OF AN EXEMPT PERMIT FOR GAMBLING FOR THE KNIGHTS OF COLUMBUS FATHER ALBERT SHANLEY COUNCIL

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 Knights of Columbus Father Albert Shanley Council at St. Joseph Church at 490 Branch St., Taylors Falls, MN 55084.

14.) Tobacco License Applications/County On-Sale Wine Licenses

On motion by McMahon, seconded by Montzka, the Board moved to deny the Sno-Barons Conditional Use Permit Amendment, as requested for 38740 Oriole Avenue, (PID # 09.00271.00, and 09.00269.00), based upon the findings and as presented herein and/or amended/modified as tonight's meeting. The motion **carried** as follows: **IN FAVOR THEREOF:** McMahon, Montzka, Walker **OPPOSED:** Robinson **ABSTAIN:** Greene.

FINDINGS FOR DENIAL OF THE SNO-BARONS CONDITIONAL USE PERMIT AMENDMENT:

1. Is the proposal consistent with the Comprehensive Plan and development policies of the County? No. The Chisago County Comprehensive Development Plan outlines a number of goals and policies which are meant to support and encourage agriculture. This commercial activity is of such a frequency, intensity, and scale that it will create an incompatible land use in the agricultural area. Specifically noted is:

Comprehensive Plan Agriculture Goal Section 6-8: Prevent incompatible land use in agricultural areas and encourage urban land uses in or near incorporated areas.

Policy:

1. Hobby and or small acreage farms should be encouraged and specialized farming provided opportunities.

Discussion on Comp Plan Section 6-8: Providing rural retail tourism and commercial recreation opportunity to small acreage farms is an opportunity intended to enhance the agricultural opportunities while staying compatible with the core agricultural land use of the area. The scale and impacts of the proposed commercial activity in this instance with a highly attended primary event “Hay Days” being expanded by 50% (from 2 days to 3 days) and the addition of 20 more calendar days throughout the year including 8600+ parking stall site areas, and what will be numerous unidentified other event site preparation and site clean-up and restoration days with commercial traffic to and from the Oriole Avenue access to the site creates an incompatible commercial environment in this agricultural neighborhood located miles away from the closest urban incorporated area or rural center

Economic Development Goal Section 7-8: Provide for a range of economic diversity and development opportunities in the County.

Policies:

4. Commercial and industrial growth shall be located where urban services are available.

Discussion on Comp Plan Section 7-8: The development plan calls out 8600+ parking stalls indicating a large scale commercial use of the land. This 50% expansion in the Hay Days event and 20 day commercial event use of the agricultural property, represents commercial growth that should be located where urban services are available. This is a large commercial enterprise not based in agriculture but located in an agricultural district.

Land Use/Growth Management Section 10-6: Plan for the orderly, efficient growth of commercial and industrial development in the County.

Policies:

2. Encourage limited commercial developments which do not need public sewer and water to locate in areas with adequate road service within rural village centers.
3. Allow for home occupations and limited rural businesses on homesteads in agricultural areas as well as small, community based retail in the county’s unincorporated rural village centers.

Discussion on Comprehensive Plan Section 10-8: The Growth Management of the Agricultural areas of the county are intended for agriculture and other resource uses, with limited other uses. The proposed 50% expansion of the Hay Days event and expansion of event usage of the site through 8600+ parking stalls, 20 added days of events, and the commercial level of activity involved in pre and post event preparations and clean-up creates an impactful commercial environment in this agriculturally zoned area. The commercial expansion of the use of the site is no longer small scale or limited with this proposal.

2. Will the use be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development

The presence and disturbance of excessive noise and glare does impacts adjacent land and homes. Increasing the duration of the Hay Days event and adding 20 more days of noise, traffic, light and glare producing activities on the site will multiply the known disturbances of hosting events on the property. The random nature of undefined events to occur on the site cannot be practically or strategically screened from view because it is not known what all events will be or where they will take place on the expansive property. Development surrounding the property will be deterred unless a commercial zoning designation is sought in which surrounding properties also take on a dominant commercial appearance and use.

3. Will the structure and site have an appearance that will have an adverse effect upon adjacent properties? Yes. This is not a single event purpose or proposal. The randomness of events and event types over the course of 20 days a year plus the countless days of pre and post event preparations, temporary structures and site changes, ongoing activities, will create a continual appearance of a commercial district that will adversely affect the use and enjoyment of adjacent rural agricultural properties.

5. Is the use in the opinion of the County reasonably related to the overall land use goals of the County and to the existing land use; and

6. Consistent with the purposes of the Zoning Ordinance/Zoning District in which the applicant intends to locate the proposed use?

No. The property is not commercially zoned, it is agriculturally zoned. Conditionally permitted commercial recreation and rural retail tourism activities are permitted, however, the scale of this proposal is not contemplated in the zoning ordinance or reasonably acceptable in a non-commercial area of the county. The idea of 8600+ parking stalls and a 140 acre commercial recreation event area contradicts the ordinances conditional allowance for “small scale” rural retail tourism. The scale and random variety of events, including as much as 20 days of intensive motorized and noise deriving activities in addition to a three day Hay Days event, causes too frequent and too onerous of a disruption to the surrounding agriculturally occupied and zoned properties. The frequency and scale of commercial recreation events requested are too broad and too extensive for an agriculturally zoned property. The level of commercial activity being

requested of the site is simply an excessive impact that cannot be adequately mitigated and should be placed in a true commercial district.

7. Will the use cause traffic hazard or congestion? Yes. There is no question that additional traffic congestion will occur during the additional requested 20 days of events and countless days of event preparations. Hay Days traffic and congestion impacts for 20,000+ participants alone will increase from two to three days. The site plan identifies 8600+ parking spaces with vehicles required to converge on the limited number of Oriole Avenue entrances to the site. Home and property owners on the traffic and site entrance route will be subjected to compounding levels of traffic. The frequency and repetition of traffic to and from the site to prepare for 20 days of events and set-up and tear down of event venues at the site will create an undue commercial atmosphere in this agricultural neighborhood. The principal agricultural designation of the property itself will be lost to that of a commercial event center venue that is not properly located near an urban center or rural village center.

8. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? Yes. The additional event frequency and the potential scale of events will exponentially multiply the already permitted single weekend Hay Days event beyond what is acceptable. The increased duration and frequency of noise and light glare into homes and properties from multiple events over the course of 20 additional days throughout the year will cross a reasonable threshold adversely affecting the rural agricultural area and inhabitants. Hearing testimony concerning excessive noise and glare of light into windows cannot be ignored. Beyond the 20 days of event activity, the site will be under routine preparations for the next event or clean-up from the preceding event. These kinds of site activities result in ongoing unsightliness and repetitive adverse impact such as the noise and glare to a non-commercial area. If the site were commercially zoned this type of ongoing activity would be expected and more justifiable. In an agriculturally zoned area the scale of the applicants loosely defined possible events using 8600+ on-site parking stalls and the frequency of events including event preparation and clean-up activities on the site is simply an excessive impact that cannot be adequately mitigated.

Commissioner Walker stepped out from the meeting.

On motion by Greene, seconded by McMahan, the Board moved to approve the MN Department of Public Safety 2016 In-Squad Computer Grant agreement and authorize the Chisago County M.I.C.S. Director to issue the required purchase orders for the procurement of this equipment. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahan, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

On motion by McMahan, seconded by Greene, the Board moved to approve and authorize the Chisago County M.I.C.S. Director to issue the required purchase orders for

procurement of this equipment for the in-squad computers. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

Commissioner Walker returned to the meeting.

On motion by Robinson, seconded by McMahon, the Board moved to approve and authorize the Chisago County M.I.C.S. Director to issue the required purchase orders for procurement of this equipment for the in-squad computers for North Branch P.D and to add a 5 gallon bucket of paint for Rush City to paint yellow on the curbs for safety. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSTAIN:** Walker.

On motion by McMahon, seconded by Greene, the Board moved to approve the Chisago County Emergency Manager to utilize a portion of the existing UASI Grant for the purchase of replacement in-squad computers and authorize the Chisago County M.I.C.S. Director to issue the required purchase orders for the procurement of this equipment. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by Greene, seconded by Walker, the Board moved to approve the proclamation of May 1 – May 7, 2016 as “Correctional Officers Week. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

RESOLUTION NO. 16/0406-05
APPROVING PROCLAMATION OF NATIONAL CORRECTIONAL OFFICERS
WEEK

WHEREAS, National Correctional Officers Week has been declared as the first full week in May; and

WHEREAS, Chisago County Correctional Officers are committed to ensuring public safety; and

WHEREAS, Chisago County Correctional Officers are charged with the care, custody and control of the community’s inmate and offender populations; and

WHEREAS, Correctional Officers play a vital role in the Criminal Justice system by supervising those incarcerated for violations of law including the most violent individuals; and

WHEREAS, the dedicated men and women who work as Correctional Officers put themselves at risk in order to keep safe the community;

NOW, THEREFORE, the Chisago County Board of Commissioners do hereby proclaim the week of May 1st – May 7th 2016 to be Correctional Officers Week in the County of Chisago, State of Minnesota, and call upon all citizens to recognize the valuable contributions of Correctional Officers and share in acknowledging the outstanding job these Officers perform on a daily basis.

Chair Robinson recessed the meeting for 15 minutes.

On motion by McMahon, seconded by Montzka, the Board moved to award S.P. 013-624-007 and approve the contracts and approve Cooperative Agreement with Chisago City. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

On motion by Greene, seconded by McMahon, the Board moved to award S.A.P. 013-599-011 and approve the contracts at tonight's meeting. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

On motion by Greene, seconded by McMahon, the Board moved to award C.P. 13-SC-16 and approve the contracts at tonight's meeting. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

On motion by Greene, seconded by McMahon, the Board moved to award 2016 Microsurfacing Project and approve the contracts at tonight's meeting. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

On motion by McMahon, seconded by Montzka, the Board moved to approve the Honeywell Contract as presented as a preventive and problem solving contract to upkeep the County Facilities HVAC/Boiler systems and to help diagnose and replace any mechanical failure. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

On motion by Greene, seconded by McMahon, the Board moved to approve the Honeywell Contract as a preventive and problem solving contract to upkeep the building automation and to help diagnose any mechanical failure. The motion **carried** as follows:

IN FAVOR THEREOF: Greene, McMahon, Montzka, Robinson **OPPOSED:** None
ABSENT: Walker.

Commissioner Walker returned from the recess.

On motion by McMahon, seconded by Montzka, the Board moved to award and authorize the execution of Contracts with the attached listing of Qualified Low Bidders, in the “Not-to-Exceed” amounts for Categories #1 through #19, Categories #21 through #23, and Categories #25 through #31; in the Bid amount – plus any approved Value Engineering additions – for Category #24; and to pursue and award procurement of Category #32 Items via open bid/quote and HVAC DDC Controls via RFP or qualified direct negotiation, consistent with the attached Project Budget; for construction of Phase II of the Public Safety Center (Jail and Law Enforcement Center), contingent upon final approval by the Board Chair, County Attorney and County Administrator/Clerk of the Board. Commissioner Walker moved to amend the motion as to postpone the awarding of contracts until potential funding from the legislature has been determined. Motion **died** for lack of a second. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** Walker.

On motion by McMahon, seconded by Greene, the Board moved to approve Resolution No. 16/0406 – 06 Establishing Procedures Relating to Compliance with Reimbursement Bond Regulations under the Internal Revenue Code for construction of Phase II of the Public Safety Center (Jail and Law Enforcement Center). The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** Walker.

RESOLUTION NO. 16/0406-06
DECLARING THE OFFICIAL INTENT OF CHISAGO COUNTY TO
REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF TAX-
EXEMPT
BONDS TO BE ISSUED BY THE COUNTY

WHEREAS, the Internal Revenue Service has issued Treas. Reg. § 1.150-2 (the “Reimbursement Regulations”) providing that proceeds of tax-exempt bonds used to reimburse prior expenditures will not be deemed spent unless certain requirements are met; and

WHEREAS, Chisago County, a county and political subdivision of the State of Minnesota (the “County”), expects to incur certain expenditures that may be financed temporarily from sources other than tax-exempt bonds and other obligations, and reimbursed from the proceeds of a tax-exempt bonds or other obligations;

WHEREAS, the County has determined to make this declaration of official intent (the “Declaration”) to reimburse certain costs from proceeds of tax-exempt bonds or other obligations in accordance with the Reimbursement Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY, MINNESOTA AS FOLLOWS:

1. The County has duly adopted a Capital Improvement Plan for the years 2015-2019 (the “CIP Plan”) for the County in accordance with Minnesota Statutes, Section 373.40, as amended (the “Act”). The CIP Plan identifies various capital improvements projects in the County that are proposed to be financed with the proceeds of general obligation indebtedness of the County issued under the provisions of the Act including the construction of a public safety facility (the “Project”).

2. The County reasonably expects to reimburse the expenditures made for certain costs of the Project from the proceeds of general obligation bonds of the County in an estimated maximum principal amount of \$20,000,000. All reimbursed expenditures will be capital expenditures, costs of issuance of the tax-exempt bonds or other obligations, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Reimbursement Regulations.

3. This Declaration has been made not later than 60 days after payment of any original expenditure to be subject to a reimbursement allocation with respect to the proceeds of tax-exempt bonds or other obligations, except for the following expenditures: (a) costs of issuance of bonds or other obligations; (b) costs in an amount not in excess of \$100,000 or 5 percent of the proceeds of an issue of bonds or other obligations; or (c) “preliminary expenditures” up to an amount not in excess of 20 percent of the aggregate issue price of the issue or issues that finance or are reasonably expected by the County to finance the project for which the preliminary expenditures were incurred. The term “preliminary expenditures” includes architectural, engineering, surveying, bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.

4. This Declaration is an expression of the reasonable expectations of the County based on the facts and circumstances known to the County as of the date hereof. The anticipated original expenditures for the Project and the principal amount of the tax-exempt bonds or other obligations described in paragraph 2 are consistent with the County’s budgetary and financial circumstances. No sources other than proceeds of tax-exempt bonds or other obligations to be issued by the County are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside pursuant to the County’s budget or financial policies to pay such Project expenditures.

5. This Declaration is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations.

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

Mike Robinson, Chair

Attest: _____
Danielle Riehle
Interim Clerk, County Board