

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
Wednesday, May 18, 2016**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, May 18, 2016 at the Chisago County Government Center with the following Commissioners present: Greene, McMahon, Montzka, Robinson, Walker. Also present: Assistant County Attorney Kristine Nelson Fuge, 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 McMahon offered a motion to approve the amended agenda. 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.

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 Highway Engineer Joe Triplett; Beaver Control Policy, CSAH 26 Reconstruction Project Encroachment Agreement, Mndot Detour Agreement, CLHS Pond Maintenance, and Project updates. *No action was taken.*

On motion by McMahon, seconded by Montzka, the Board moved the 1-6 to the Consent Agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

At 6:48 p.m. the Chair closed the Road and Bridge Committee of the Whole.

On motion by Walker, seconded by Greene, 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.) R&B Committee Recommendation: Encroachment Agreement Birkholz
- 3.) R&B Committee Recommendation: Beaver Control Program Adoption
- 4.) R&B Committee Recommendation: Detour Agreements with Mndot for TH 8 Project
- 5.) R&B Committee Recommendation: 2017-2021 Transportation Improvement Plan
- 6.) R&B Committee Recommendation: CLHS Pond Maintenance Proposal
- 7.) Approve Minutes from May 4, 2016 County Board Meeting
- 8.) Authorize Payment of the County's Warrants and Miscellaneous Bills

- 9.) Applications for Abatement – M.S. 375.192
- 10.) Applications for Retail Sales of Beer, Cigarettes, Renewal of Liquor Licenses
- 11.) Application for Exempt Gambling Permit – Pheasants Forever

RESOLUTION NO. 16/0518-2
APPROVING SUBMISSION OF AN EXEMPT PERMIT FOR GAMBLING FOR PHEASANTS FOREVER

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 Pheasants Forever at Lent Township Hall at 33155 Hemmingway Ave., Stacy, MN 55079.

- 12.) Terms and Date for the Public Sale of Tax Forfeited Land pursuant to M.S. 282.01

RESOLUTION NO. 16/0518-3
TERMS AND DATE FOR THE PUBLIC SALE OF TAX FORFEITED LAND

BE IT RESOLVED that the parcels of lands forfeited to the State for non-payment of taxes, appearing on the List of Tax Forfeited Land #2016-1 and 2016-2 filed with the County Auditor, which have been classified and appraised as provided by M.S. 282.01 shall be offered for sale by the County Auditor, said sale to commence at 10:00 A.M. on Monday, the 13th day of June 2016, in Room 172 of the Chisago County Government Center and the County Auditor is hereby directed to publish a notice of sale as provided by law.

BE IT FURTHER RESOLVED that the terms of the sale shall be as follows:

1. Full payment shall be made the day of the sale except for those parcels selling for over \$40,000 which can be purchased for 30% down with the balance due within 90 days of the sale plus interest of 5% on the unpaid balance.
2. No bid can be accepted for less than the appraised value.
3. All property will be sold as is with no guarantee as to title or marketability.
4. Any property subject to special assessments may have all or part of the assessment reinstated after the sale, by the municipality.

5. The following costs will be payable beyond the sale price, in addition to the 30% down, the date of the sale.

- A. State Deed Fee 25.00
 - B. Recording Fee 46.00
 - C. State Deed Tax .033% of the sale price
 - D. Assurance Fee 3% of the sale price
-

13.) Classification and Appraisal of Tax Forfeited Land pursuant to M.S. 282.01

**RESOLUTION NO. 16/0518-4
CLASSIFICATION AND APPRAISAL OF TAX FORFEITED LAND**

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 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 to take the necessary steps to offer the parcels for sale pursuant to M.S. 282.01.

14.) Accepting Donation for Project Lifesaver – American Legion Post 85

**RESOLUTION NO. 16/0518-5
ACCEPTANCE OF DONATION BY CHISAGO COUNTY
ON BEHALF OF PROJECT LIFESAVER**

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 Chisago County Sheriff’s Office for Project Lifesaver has received a donation from the American Legion Post 85 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 \$1025 from the American Legion Post 85 to be received by the Chisago County Sheriff’s Office.

The Honorable Suzanne Bollman swore Dennis Freed as the new County Treasurer.
No action was taken.

On motion by Greene, seconded by Montzka, the Board moved to approve by Resolution the appointment of Mr. Dennis Freed as Chisago County Treasurer, effective May 31st, 2016. The motion **carried** as follow: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

RESOLUTION NO. 16/0518-1
APPOINTMENT OF COUNTY TREASURER

WHEREAS, current County Treasurer Lee Olson has notified the County that he will be retiring May 31st, 2016 creating a vacant Treasurer position; and

WHEREAS, current County Treasurer Lee Olson's term is currently set to expire on the date of the County Annual Organizational Meeting in January 2019; and

WHEREAS, pursuant to Minnesota Statute 382.02 any appointment to fill a vacancy shall be for the balance of such entire term they are filling, and be made by the County Board; and

WHEREAS, the Chisago County Board of Commissioners has nominated Dennis Freed for the appointment of County Treasurer;

WHEREAS, it is necessary that this Resolution become effective May 31st, 2016 to provide for the usual, daily operation of the Chisago County Government.

NOW THEREFORE BE IT RESOLVED, by the Chisago County Board of Commissioners that Dennis Freed be appointed the County Treasurer effective May 31st, 2016 until the date of the County Annual Organizational Meeting in January 2019.

On motion by McMahon, seconded by Greene, the Board moved to accept the End-of-April 2016 Financial Report as presented tonight, to approve the combining of the Deputy Financial Manager position and new Chief Deputy Auditor/ Treasurer positions, and to direct the County Auditor/Treasurer and County Administrator to proceed with 2017 Budget preparations accordingly. The motion **carried** as follow: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by McMahon, seconded by Greene, the Board moved to approve the appointment of Dawn Boeckman as Chisago County Interim-Recorder, effective May 31st, 2016. The motion **carried** as follow: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by McMahon, seconded by Greene, the Board moved to approve by Resolution the appointment of Springsted as Municipal Advisor for Chisago County and direct the County Auditor/Treasurer and Administrator to prepare and execute a 3-year Professional Services Agreement with such, subject to County Attorney approval as to form. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

At 7:00 p.m. the Chair opened Citizen Forum. 0 Citizens spoke; the Chair closed Citizen Forum at 7:00 p.m.

Jeanne Waltz and Matt Howard from the Lakes Area Youth Service Bureau provided their annual report to the Board. *No action was taken.*

Aarron Reinert from the Lakes Area EMS provided his annual report to the Board. *No action was taken.*

Environmental Services and Zoning Director Kurt Schneider updated the Board on the activities of the Environmental Services Department; Board of Adjustment report. Planning Commission report, ABC Grant efforts, Construction activity in County, and Water Quality Monitoring. *No action was taken.*

On motion by Greene, seconded by McMahon, the Board moved to approve the Brian Breaw Interim Use Permit at 25540 Redwing Avenue, Shafer, MN 55074 (Franconia Township, PIDs #04.00271.10) with findings and conditions as recommended by the Planning Commission and/or as amended/modified at tonight's meeting. The motion **carried** as follows: **IN FAVOR THEREOF:** McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

RECOMMENDED FINDINGS:

1. Is the proposal consistent with the Comprehensive Plan and development policies of the County? Yes. One of the goals of the Chisago County Comprehensive Development Plan specifically encourages the development of home occupations. Section 6-2 of the County's Comprehensive Plan states in pertinent part that one purpose of the Agricultural Zone is to encourage and promote home occupations. Fledgling businesses are allowed to develop and hopefully flourish, and if desirable or applicable, eventually move to a commercial business zone, or industrial park when the business growth warrants it. Small scale home occupations which remain low-level are permitted to remain as home occupations, with performance standards. Additionally, in Section 7 (Economic Development) of the Comp Plan, the following goal is specifically identified: "Goal - Provide for a range of economic diversity and development opportunities in the County. ...Goal # 7 - Home occupations shall be continued to be allowed in all districts provided that performance standards are met. "
2. Will the use create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area? No. There will be no demand at all, let alone an excessive demand, made upon public facilities or amenities should this home business be allowed to continue
3. 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 proposed use is considered by Staff to be sufficiently compatible with the character of the

neighborhood so as to not cause any undue negative visual, or other, impacts. The existing structures have an attractive appearance, and do not differ substantially in aspect from the customary large accessory structures associated with rural residences in outlying Chisago County. The storage of the carts remains primarily behind the large pole barn, out of sight, with a small amount of overflow storage area north of the building. The immediate surrounding area has been developed into large tract residential lots, except for the remaining farm across the road, with no large, undeveloped parcels remaining available for further development. The property has an appearance that is consistent with similar rural residential properties, and other home occupations.

4. Will the structure and site have an appearance that will have an adverse effect upon adjacent properties? The structure is existing, and no addition buildings are planned. Storage of the carts is behind the building, and in a small area on the north side. As noted above, the property is heavily wooded on the periphery, and as such, there is little visible impact.

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 consistent with the purposes of the Zoning Ordinance/Zoning District in which the applicant intends to locate the proposed use? As discussed in Item #1 in this section, the County's Comprehensive Plan specifically includes goals and policies meant to encourage and support home occupations. The support of this goal is provided for in the Chisago County Zoning Ordinance, Section 5.06 D, Interim Uses, which specifically provides for home-based contracting businesses and other home occupations.

6. Will the use cause traffic hazard or congestion? No.

7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? No. Please refer to the discussion in Items #3 and 4 above.

RECOMMENDED CONDITIONS:

1. This is an Interim Use Permit to conduct a home-based contracting business.
2. The days and hours of operation shall be Monday through Saturday from 8:00 a.m. to 5:00 p.m. with the bulk of the maintenance and repair work performed between mid-November and May 1st annually.
3. There shall be no more than one additional employee outside of the family employed in the business.
4. There shall be no retail sales, no showroom or any other customer-associated business conducted on premise.
5. There shall be no influx of additional traffic, nor change in the appearance of the dwelling.

6. There shall be no storage of any goods or materials outdoors, with the exception of the carts awaiting maintenance and repair.
 7. The permit holder must notify the County annually that the activity permitted by the IUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.
 8. This IUP will terminate upon the sale of the property to anyone outside of the family.
-

On motion by Greene, seconded by McMahon, the Board moved to authorize County staff and the County Planning Commission to proceed with review and update to the Chisago County Comprehensive Plan. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by McMahon, seconded by Greene, the Board moved to approve the 2016 Aquatic Invasive Species Prevention Aid Program State of Minnesota Income Contract Providing up to 500 hours of Watercraft Inspections, subject to County Attorney Review as to Form. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by Walker, seconded by McMahon, the Board moved to approve the 2016 Scott Purington Family Fun Ice Cream Concession Agreement, subject to County Attorney Review as to Form. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by Greene, seconded by McMahon, the Board moved to approve the application for SSTS – Combined Application Base, Incentive, & Low Income Fix-up grants from the MPCA. 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 Minnesota Snowmobile Trail Assistance Programs. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by McMahon, seconded by Greene, the Board moved to approve the Minnesota Department of Health Community Health Board Grant Project Agreement Amendment PHEP BP5. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by McMahon, seconded by Greene, the Board moved to approve the maintenance and support contract for the Motorola NICE recording systems for ARMER and E-911. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by Walker, seconded by McMahon, the Board moved to approve the proposed 4 year Online Election Judges Training Course Agreement with DS Solutions Inc. and authorize the chairman to sign the agreement. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by McMahon, seconded by Greene, the Board moved to approve the proposed 4 year Election Services Agreement with SeaChange Print Innovations and authorize the chairman to sign the agreement. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by McMahon, seconded by Greene, the Board moved to approve the Teamsters Labor contract for the Corrections Officers/Telecommunicators Unit contract as negotiated for the term of one year commencing on January 1, 2015 and expiring on December 31, 2015. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

County Administrator Bruce Messelt provided the following Administrator updates: The Center City Building Renovation is expected to be completed by mid-June, Value Engineering for the Jail/LEC Project results are available and energy use preparation has begun, Legislative updates, Lee Olson's Retirement. ***No action was taken.***

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

Chair Robinson announced that the Board will be closing the meeting permitted by the attorney-client privilege to hold a Closed Meeting of the Board of Commissioners to discuss litigation strategy in the pending lawsuit in Court File 13-CV-14-809 (America's Roads, Rivers and Rails, LLC, Bluebyway, LLC, and St. Croix Scenic Byway, LLC vs. County of Chisago) and in the pending lawsuit in Midwest Monitoring and Surveillance Inc. vs. Chisago County pursuant to Minn. Stat. Sec. 13D.05, Subd. 3 (b). pursuant to Minn. Stat. Sec. 13D.05, Subd. 3 (b). On motion by McMahon, seconded by Greene and **carried unanimously** the Board closed the meeting and convened a closed session at 7:51 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

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 Robinson, Commissioner Greene, Commissioner Montzka, Commissioner Walker, Commissioner McMahon, Assistant County Attorney Fuge, and Clerk to the Board Chase Burnham.

Chair Robinson reconvened the meeting at 8:16 p.m.

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

On motion by Montzka, seconded by McMahon, the Board adjourned the meeting at 8:16 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

Mike Robinson, Chair

Attest: _____
Chase Burnham
Clerk of the Board