

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
Wednesday, June 15, 2016**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, June 15, 2016 at the Chisago County 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. Commissioner Walker appeared via statutorily authorized electronic means (M.S. § 13D.15).

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. 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 6:31 p.m.

The Board was given updates on the following current projects of the Public Works Department from County Administrator Bruce Messelt; CSAH 24 Reconstruction Project, CSASH 26 Reconstruction Project, 2016 Seal Coat Program, CSAH 36 Bridge Replacement Project, Franconia Bridge Project, Rushseba Bridge Project, CSAH 4 H.I.R. Project, Gravel Road Enhancement Project, 2016 Microsurface Project, and the CSAH 14 Overlay Project. *No action was taken.*

On motion by Greene, seconded by McMahon, the Board moved the 1- 2 to the Consent Agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

At 6:33 p.m. the Chair closed the Road and Bridge Committee of the Whole.

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 County Engineer's Report
- 2.) R&B Committee Recommendation: Award and Approve 2016 Striping Project
- 3.) Approve Minutes from June 1, 2016 County Board Meeting
- 4.) Authorize Payment of the County's Warrants and Miscellaneous Bills
- 5.) Applications for Abatement – M.S. 375.192
- 6.) Applications for Retail Sales of Beer, Cigarettes, Renewal of Liquor Licenses

7.) Application for Exempt Gambling Permit – Sno-Barons Snowmobile Club

RESOLUTION NO. 16/0615-1
APPROVING SUBMISSION OF AN EXEMPT PERMIT FOR GAMBLING FOR
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 Sno Baron’s Hay Days, located at 38400 Oriole Ave., Sunrise, MN 55056.

Environmental Services and Zoning Director Kurt Schneider updated the Board on the activities of the Environmental Services Department; Board of Adjustment update, Planning Commission update, Permit and Construction Activity, County Survey Program and Solid Waste Activity update.

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

On motion by Greene, seconded by Walker, the Board moved to approve the Theravada Dhamma Society of Minnesota Conditional Use Permit Amendment to adjust site development (building) plans to include several new buildings in a three phase development at 32500 Lofton Avenue., Sec.19, T.34, R.20, PIDs #02.00626.00 and with findings and conditions as recommended by the Planning Commission and/or as amended/modified at tonight’s meeting. The motion **carried** as follow: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

RECOMMENDED FINDINGS:

1. Is the proposal consistent with the Comprehensive Plan and development policies of the County? _The Chisago County Comprehensive Development Plan intends to allow for a wide variety of land uses in the Agricultural zone. Such uses include small scale business, tourism, retail, or similar uses which do not require highly developed infrastructure. The use of a property in the Agricultural zone as a gathering place for semi-monthly meetings of a maximum of 50 attendees, for a quiet meditation site, with occasional larger gatherings is completely compatible with that goal.

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. The use will remain contained on the subject property, and will not bring additional residential development or demand for services with it.

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; and 4. Will the structure and site have an appearance that will have an adverse effect upon adjacent properties?

The subject property is 23 acres in size, and as such could be considered to have its own buffer of open space around it. The property is fairly heavily forested on the south side, right up to the south side of the existing house and garage, which effectively provides a visual buffer for most of the residential properties in the immediate vicinity. To the north and west are open fields, a barn and corral, and across the main highway is Sunrise Lake. There will be some additional visual impact to the immediate area upon construction of the new buildings, particularly the stupa and the anticipated future archway/entrance gate leading to the stupa planned for Phase II. To that end, the planting of evergreen trees along the main access road has already been undertaken by the applicants. As regards the potential deterrence to future development, the properties in the immediate vicinity have already been developed to the fullest density possible (five and ten acre tracts) and no further development is anticipated in the surrounding area.

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?

Yes. Section 5.06 C (2) of the Chisago County Zoning Ordinance specifically provides for “churches, chapels, temples, synagogues, mosques” and associated or similar uses. It is clear that the proposed use is consistent with the intent of not only the Zoning Ordinance, but the Agricultural zone as well. It is often necessary to make note of the fact that there are a number of allowed uses in the County’s Agricultural Zone; single family residences and crop farming are not the sole land uses provided for in this Zoning District.

6. Will the use cause traffic hazard or congestion?

It is the determination of the County Engineer that the proposal will not cause traffic hazard or congestion.

7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness?

No. Please refer to the discussion in Items #IX. (IX. Possible Impacts to Neighboring Properties - The possible impacts to nearby properties were evaluated in the original Staff Report and were found to be negligible. At that time no additional structures or site improvement were proposed. There is no intensification of use or increase in activity level proposed with this amendment. This CUP amendment will allow several additional structures on the property, which will result in some visual impact to the immediate neighborhood and the traveling public. The most significant visual impact is likely to result from the future gate/archway and the stupa, which is

proposed to feature a golden spire. Since the applicant proposes no expansion of activities or level of intensity, number of congregants, larger gatherings or any other impactful changes to the originally approved CUP, there will be limited impact to neighboring properties.

RECOMMENDED CONDITIONS:

1. This is an amendment to the Conditional Use Permit issued to the Theravada Dhamma Society of Minnesota in July of 2013 for a gathering place for worship.

2. This CUP amendment will allow:

PHASE I:

- The conversion of the existing residence into a library
- The construction of a new single family residence to house the monks

PHASE II:

- The construction of a new gathering hall to serve the congregation
- The construction of a stupa
- The construction of a gated archway between the road and the stupa

PHASE III

- The construction of six non-residential meditation cottages

3. This CUP amendment shall not be construed to permit a significant expansion of the number of attendees, the frequency of gatherings, the size of the gatherings, or amount of traffic to and from the site.

4. Any expansion of use, including the number of attendees, the number of large gatherings, or other alteration in existing conditions shall be subject to Administrative review by the Department of Environmental Services and Chisago County Public Works, and may require an amendment to the Conditional Use Permit.

5. The permittee shall notify the Department prior to commencement of the next Phase of construction, and the Department will provide a status update to the Planning Commission.

6. All other use of the property shall conform with the relevant provisions of the Chisago County Zoning Ordinance.

7. 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.

8. All outdoor noise-producing activity and use of the PA system shall terminate at 10:00 p.m.

On motion by Greene, seconded by McMahan, the Board moved to approve the Unity Farm Cowles Farm Plat Planned Unit Development Amendment and Preliminary Plat Cowles Farm Plat 3 request of Lots 1,2,3,4,5,6,7 and 8, Block 1 Cowles Farm Plat 2.

Sec.2 – 3, T.33, R.19, as recommended by the Planning Commission and/or as amended/modified at tonight’s meeting. The motion **carried** as follow: **IN FAVOR THEREOF:** Greene, McMahan, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by Greene, seconded by McMahan, the Board moved to approve the Innovative Power Systems Conditional Use Permit to construct and operate a 4 Megawatt community solar garden at 16809 310th St., Sec.31, T.34, R.19, PIDs #08.00303.00 and 08.00312.00 with findings and conditions as recommended by the Planning Commission and/or as amended/modified at tonight’s meeting. The motion **carried** as follow: **IN FAVOR THEREOF:** Greene, McMahan, Montzka, Robinson, Walker **OPPOSED:** None.

Recommended Findings:

1. Is the proposal consistent with the Comprehensive Plan and development policies of the County? Yes. In November of 2014, Chisago County purposefully amended its Comprehensive Development Plan, and Zoning Ordinance to allow and encourage the land use in question. The Chisago County Comprehensive Development Plan specifically supports and encourages the development of renewable energy sources in Chisago County. Section 8 – Infrastructure, Energy Subsection, Page 8-14 in the Comp Plan states in pertinent part: *“Chisago County believes that it is in the public interest to encourage the use and development of renewable energy systems (including solar energy systems) that have a positive impact the development in energy conservation with limited adverse impact on nearby properties. As such, the County supports the use of solar collection systems and the development of solar energy farms.”*

Further, Section 7 “Economic Development” of the Chisago County Comprehensive Development Plan states in pertinent part on page 7-5: *“With the commercial/industrial tax base of Chisago County being only 5.33%, there is concern thatsteps must be taken to maintain a healthy balance to ensure an acceptable residential tax rate. Chisago County needs to analyze and develop an optimum goal for maintaining a healthy tax balance in tax base.....In any case it is evident an increase in the commercial/industrial development is necessary in Chisago County.”*

Staff would like to point out that the development of commercial tax base in the County generally occurs within the municipalities, due to the need of most commercial operations for municipal services, such as water, sewer, police, fire, emergency services and the like. Community solar gardens represent a rare category of commercial land use that will provide significant tax benefits to the County, (through both real estate taxes and production taxes) without any demand for additional services, extension of infrastructure or municipal services, or the need for mitigation of negative impacts to the environment. This falls within a tiny category of very rare beneficial land uses that Staff would characterize as a win/win.

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. This land use will be passive and inert, requiring no use of public facilities, or amenities, and no demand at all upon existing parks, school and/or streets, once construction is complete.

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; and 4. Will the structure and site have an appearance that will have an adverse effect upon adjacent properties? The property is sufficiently separated by distance and screening from adjacent development so as to not cause undue negative impact, or deter future development. The applicant has submitted a vegetative screening plan to augment the existing wooded buffer on the west side of the property. The Swedish Immigrant Trail is heavily wooded on the north side, which provides screening from the arrays.

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? The proposed land use is directly related to, in harmony with, and in furtherance of the overall land use goals of Chisago County, the County's Zoning Ordinance, and the Zoning district in which it is proposed to be situated. (Please refer to the above discussion in Item #1, in this section.)

6. Will the use cause traffic hazard or congestion? Though there will be a temporary increase in traffic levels on the County Road leading to Rainbow, and upon Rainbow Avenue during construction, no hazard is anticipated. The Chisago County Engineer has reviewed this proposal, and determined no public safety hazard or threat would result from approval of the proposed land use.

7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? No. The proposers have designed a plan for an effective visual buffer to screen the properties most likely to be affected by the installation. In addition to the plantings proposed to screen the fenced area, there are few residences situated in close proximity to the arrays, and the large farm property already provides a significant distance-buffer. There could be a little sound (if a tracking panels are used) from the permanent installation once construction is final. Solar panels are designed to capture sunlight, not reflect it, so glare will not be a consideration, particularly since the panels face south, away from the residences. The property will be professionally maintained, secured and inspected once it is constructed, and will not present an unsightly appearance.

Recommended Conditions:

1. This CUP is for the installation of a community solar garden on the subject property, in accordance with any and all applicable State rules and regulations, as they presently exist or as may be amended by the State of Minnesota.

2. The CUP shall allow the installation of a maximum of four one-megawatt, co-located solar gardens within the footprint legally described in the application.
3. Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.020, to ensure nighttime noise level standards will not be exceeded.
4. All landscaping and screening shall be installed as proposed by the permittee in their application.
5. The Permittee shall implement MPCA-recommended erosion and sediment control devices and implement best management practices in the maintenance of same. The permittee shall obtain an NPDES Permit, and provide the Department with the Storm Water Pollution Prevention Plan (SWPPP) submitted to the MPCA as part of the (NPDES) permit application. Those erosion and sedimentation control measures shall be installed or implemented prior to construction and maintained in accordance with the SWPPP.
6. Areas of bare ground at the facility shall be re-vegetated with an approved low-growing, pollinator-friendly seed mix. Care shall be used to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the Project during construction and maintenance. The Permittee shall minimize the number of trees to be removed and leave undisturbed, to the extent possible, existing low growing species.
7. Any activity conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.
8. The solar facility shall be designed to meet or exceed all relevant local and State Rules, Statutes, including State of Minnesota and National Electric Safety Codes. Permittee shall adhere to laws and rules as presently specified by the State of Minnesota or as may be amended and applicable in the future.
9. The Permittee shall follow MN DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.
10. The security fence surrounding the facility shall be constructed in a manner consistent with the fencing preferred by Chisago County, known as "deer fencing" or "agricultural fencing" and visual screening of the fence shall be planted as proposed in the application materials.
11. Permittee shall be responsible for on-site cleanup of all waste and scrap that is the product of construction, as well as dirt, mud and other debris infiltrating the public roadway as a result of on-site activity. Permittee shall be responsible for all maintenance of property during the life of the project, including disposal of trash, waste, and other

detritus, and shall maintain the project premises in an attractive and aesthetically pleasing manner.

12. Prior to application for a building permit, the Permittee shall provide a complete wetland delineation and report and pay the required wetland fee for on-site evaluation.

13. At the time of building permit application, the Permittee shall provide financial surety in the amount of \$25,000 per MW in favor of Chisago County, to guarantee compliance with the decommissioning plan, and site restoration upon project termination. Upon expiration/revocation of this permit or voluntary termination of the project, the permittee shall dismantle and remove from the site all solar panels, mounted steel posts and beams, inverters, transformers, overhead and underground cables and lines, foundations, and buildings. To the extent feasible, the Permittee shall restore the site's pre-project topography and topsoil quality in accordance with decommissioning and restoration plan on file, within 12 months of the project termination.

14. 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.

On motion by McMahon, seconded by Montzka, the Board moved to approve the amended By Laws of the Chisago Lakes Lake Improvement District. 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 CLIMB Theatre Master Contract Agreement, for services to be performed at the September 29, 2016, Chisago County Children's Water Festival. The motion **carried** as follow: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

County Administrator Bruce Messelt provided the Board with an update from the Budget and Finance Committee.

On motion by McMahon, seconded by Greene, the Board moved to accept the End-of-May 2016 Financial Report as presented; to approve the recommended \$8,000 matching expenditure from Contingency for LED light upgrades to the Chisago Lakes Area Library; to direct preparations to sell up to \$20M in Bank Qualified G.O. Jail Bonds for construction of Phase II of the Public Safety Center at least cost and no levy increase to the County and its taxpayers; to proceed with the sending of a letter of intent to the Office of the State Auditor (OSA) to seek non-OSA auditing services for the 2017 and 2018 Fiscal Years; and to direct the County Auditor/Treasurer and County Administrator to continue with 2017 Budget preparations accordingly. The motion **carried** as follows: **IN FAVOR THEREOF:** McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

At 6:59 p.m. the Chair opened Citizen Forum. 0 Citizens spoke; the Chair closed Citizen Forum at 6:59 p.m.

On motion by McMahon, seconded by Greene, the Board moved to approve the proposal from St. Paul Linoleum and Carpet for the reclamation of the old carpet and installation of carpet tile, base, and transitions for the amount for \$26,952.00. The motion **carried** as follow: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by McMahon, seconded by Montzka, the Board moved to approve the amendment to the purchase contract for software and license, and the maintenance contract with Vision Government Solutions Inc. to replace our existing CAMA system. The motion **carried** as follow: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by Walker, seconded by Greene, the Board moved to approve the JPA to allow for the County Attorney's Office to obtain reimbursement for prosecution/investigation expenses associated with MCF- Rush City inmates. 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 resolution and authorize the Clerk to the Board to complete the necessary paperwork required by the bank to authorize another signature. The motion **carried** as follow: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by Greene, seconded by McMahon, the Board moved to appoint Commissioners Walker and Montzka to the Chisago County Canvassing Board for both the 2016 Primary and General Elections to be held on August 9, 2016 and November 8, 2016 respectively pursuant to M.S. 204C.31. 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 contract with Evergreen Recycling for the general property cleanup of the County's Tax Forfeited properties. The motion **carried** as follow: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by Greene, seconded by McMahon, the Board moved to approve the processed Travel Request for Michelle Jacobson to attend the Criminal Intelligence and Analysis Processes, Protocols and Applications Conference from August 15-19 in Orlando, Florida. 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 proposed Federal Supplemental Boating Safety Patrol Grant, as presented at tonight's

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

On motion by Walker, seconded by McMahon, the Board moved to approve the Sheriff's Multi-Agency Law Enforcement Joint Powers Agreement to investigate and prosecute crimes against children through the use of computers and to dismantle organizations that do. The motion **carried** as follow: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson, Walker **OPPOSED:** None.

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

On motion by Greene, seconded by Montzka, the Board adjourned the meeting at 7:17 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 of the Board