

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
Wednesday, August 01, 2018**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, August 01, 2018 at the Chisago County Government Center with the following Commissioners present: Greene, McMahan, Montzka, Robinson. Commissioner Walker appeared via Electronic Means pursuant to MN Stat. 13D.015. Also present: County Attorney Janet Reiter, 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 agenda. Motion seconded by Montzka and upon a vote being taken thereon, the motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahan, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by Montzka, seconded by Robinson, the Board moved to recess the Board meeting to convene the Community Health Board. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahan, Montzka, Robinson, Walker **OPPOSED:** None.

The Chair opened the Community Health Board at 6:31 p.m. and gave the gavel to the Vice Chair.

Nancy Dahlin and Courtney Wehrenberg provided the Board with the following Community Health Board Report. *No action was taken.*

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

On motion by McMahan, seconded by Montzka, the Board moved items 2 – 5 to the Consent Agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahan, Montzka, Robinson, Walker **OPPOSED:** None.

On motion by McMahan, seconded by Montzka, the Board moved to close the Community Health Board. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahan, Montzka, Robinson, Walker **OPPOSED:** None.

At 7:00 p.m., the Vice Chair closed the Community Health Board and returned the gavel to Chair McMahan.

At 7:00 p.m., the Chair opened the Public Hearing for Summit Senior Living LLC. 0 Citizens spoke; the Chair closed the Public Hearing at 7:06 p.m.

On motion by Robinson, seconded by Montzka, the Board moved to approve the request for tax abatement for Summit Senior Living, LLC. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

**RESOLUTION NO. 18/0801-1
APPROVING TAX ABATEMENT ASSISTANCE FOR
SUMMIT SENIOR LIVING, LLC
IN THE CITY OF RUSH CITY, MN**

BE IT RESOLVED by the Board of Commissioners of Chisago County (the “County”) as follows:

1. Recitals.

1.1 Summit Senior Living, LLC, a Minnesota limited liability company, (the “Developer”) proposes to purchase and renovate Countryside Senior Apartments located at 740 West 14th Street, Rush City, MN currently owned by the Chisago County HRA-EDA. The current PID number for the site is 17.00655.02 herein (the “Property”).

1.2 The Developer proposes to purchase and renovate Countryside Senior Apartments and to build a new three story building with 33 units of assisted living and 16 units of memory care on the same property and adjacent property, which is currently owned by the City of Rush City. (“Project”).

1.3 The Developer has requested assistance from the County in the form of tax abatement as allowed by Minnesota Statutes Section 469.1813 (the “Statute”).

1.4 The County’s HRA/EDA (“Authority”) has recommended approval of the Developer’s tax abatement assistance request with certain specified contingencies.

2. Findings.

2.1 The Property is not located in a tax increment financing district.

2.2 The proposed tax abatement assistance relating to the Property and the Project upon the terms and subject to the conditions and contingencies set forth in this Resolution is in the best interest of the County and meets the criteria for granting such assistance in that:

- a. The Project will increase the tax base of the County.
- b. The Project will provide additional employment opportunities in the County.

c. The Project will help provide access to services for residents of the County.

2.3 Without the tax abatement assistance recommended for approval hereunder, it is unlikely that the Developer would be able maintain affordable independent 62+ senior living at Countryside Apartments within the reasonably foreseeable future.

2.4 The tax abatement assistance provided by the County hereunder does not constitute a Business Subsidy under Minnesota Statutes 116J.993, Subd. 3(1) as it is a housing project.

2.5 The granting of the tax abatement assistance set forth herein will not cause the County to be in violation of the limits set forth in Minnesota Statutes Sections 469.1813, Subd. 8.

3. Resolution.

3.1 The County hereby agrees that upon completion of the Project the County will provide the Developer tax abatement assistance in an amount equal to the increase in property taxes received by the County as a result of the construction of the Project commencing with the first increase in such taxes and continuing thereafter until the earlier of (i) fifteen (15) years from such first increase date or (ii) Developers receipt of \$195,000.00 in total County tax abatement subject to the conditions, contingencies and requirements described herein. The County tax abatement amount will further be limited in that it shall not exceed \$13,000.00 paid to the Developer in any given calendar year.

3.2 The tax abatement assistance recommended for approval hereunder is contingent upon and subject to the following:

a. The County's receipt and review of such documentation as shall be necessary to establish that the Developer will receive the tax abatement assistance amounts for use with respect to eligible costs relating to the Project. Such documentation may consist of, but not be limited to: invoices in support of such eligible costs.

b. The execution of a tax abatement and development agreement ("Tax Abatement and Development Agreement") between the City, the County and the Developer substantially setting forth the specific terms of the tax abatement assistance granted by the County and containing such terms and provisions as shall be appropriate in the determination of the County staff, officers and consultants to carry out the intent of this Resolution including without limitation, Developer's Agreement to: continue to offer affordable independent 62+ senior living at Countryside Senior Apartments with 20% of the units at 50% of the area median income as determined by HUD on an annual basis and rent increases for the existing residents in Countryside

Apartments will be limited to no more than 4% per year as long as the Developer collects Tax Abatement

3.3 The Chisago County Board Chair and Clerk to the Board are authorized and directed with the assistance of County staff and consultants, to execute the Abatement Agreement.

3.4 The Chisago County Board Chair and Clerk to the Board are hereby authorized and directed to take any and all such further actions consistent with this Resolution as shall be reasonably required to carry out the transactions contemplated by this Resolution.

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 **OPPOSED:** None **ABSENT:** Walker.

- 1.) HHS Committee Recommendation – Community Board Report
- 2.) HHS Committee Recommendation – Payment of County’s Warrants for HHS
- 3.) HHS Committee Recommendation – Child Abuse Prevention and Treatment Act (CAPTA) Acceptance of Grant Award
- 4.) HHS Committee Recommendation – SHIP Grant – The City of Lindstrom – Hydration Station
- 5.) HHS Committee Recommendation – Prof/Tech. Contract with Community Partnership with Youth & Families
- 6.) Payment of County’s Warrants and Miscellaneous Bills
- 7.) Minutes from the July 18, 2018 Regular Meeting

At 7:07 p.m., the Chair opened the Citizens Forum. 10 Citizens spoke; the Chair closed Citizens Forum at 7:30 p.m.

On motion by Robinson, seconded by Greene, the Board moved to approve the acquisition of new TASER Devices for the Chisago County Sheriff’s Department. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

On motion by Greene, seconded by Montzka, the Board moved to approve the bid from James Jorgenson for the auction of jail kitchen equipment located at 111 N. Main St. Center City MN 55012. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

On motion by Greene, seconded by Robinson, the Board moved to approve the purchase of a 2018 Jeep Grand Cherokee lease. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Robinson **OPPOSED:** Montzka **ABSENT:** Walker.

On motion by Greene, seconded by Robinson, the Board moved to approve the requested credit card limit increase for Deputy Mark Stovern at tonight's meeting. 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 approve the Grant application for Bulletproof vests. 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 moved to approve the Out of state travel for Probation Director Amy Chavez to attend the Traumatic Stress Management – Train the Trainer Program in Peoria, Arizona June 10-14th, 2018. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

On motion by Greene, 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:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

On motion by Robinson, seconded by Greene, the Board moved to authorize the Chisago County MICS Director to execute the documents as required to complete Household Hazardous Waste Facility project. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

On motion by Greene, seconded by Montzka, the Board moved to authorize the Chisago County MICS Director to execute the agreements and PO's as required to complete the 2018 Technology CIP Expenditures. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

On motion by Greene, seconded by Robinson, the Board moved to approve the final payment of \$9,619.83 for the CP 13-SIT-17 Swedish Immigrant Trail Surfacing Project. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

On motion by Greene, seconded by Robinson, the Board moved to approve the final payment of \$41,034.57 for the SAP 13-626-006 CSAH 26 Reconstruction Project. 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 award C.P. 13-74-17, SP 013-619-020, and SP 013-619-18 and approve the contracts at tonight's meeting. The motion **carried** as follows: The motion **carried** as follows: **IN FAVOR**

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

On motion by Robinson, seconded by Green, the Board moved to award professional services contract to Stonebrooke Engineering, Inc for the CSAH 39 Reconstruction Project 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 Robinson, the Board moved to approve the Beccah Risdall and Teri Meads request for a Conditional Use Permit to operate Rural Retail Tourism Gathering Venue at 11720 256th St. (PID #02.00272.00), Section 29, T. 33, R.20, with Findings and Conditions as recommended by the Planning Commission and the condition #16 clarifying text and/or as amended at tonight's meeting. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

RECOMMENDED CONDITIONS:

1. This is a Conditional Use Permit for to establish and maintain a gathering venue as a rural retail tourism business, and to host activities on-site, such as weddings, dances, gathering, and other social or corporate events, and to offer temporary rental of the residence on site.
2. This CUP shall allow year round use of the property to host events (primarily between April and October) with a maximum of eighty events annually.
3. Sunday through Thursday event hours of operation shall be 8:00 a.m. to 10:00 p.m.; Friday-Saturday event hours of operation shall be 8:00 a.m. to midnight
4. All gathering events that include music that could potentially cross property boundaries shall be conducted indoors, and building doors and windows shall remain closed during music (low level acoustic music for wedding ceremonies shall constitute an exception.)
5. The maximum attendance at any given event shall be limited to 300 guests.
6. Permittee shall establish and maintain a double, staggered row of evergreen or other non-deciduous tree plantings (minimum four foot height) along the road frontage east of the driveway to the east property line to provide additional vegetative screening/sound buffer from the residences across 256th Street to the south.
7. All parking shall be accommodated on-site, with supervised management of ingress and egress traffic to eliminate conflicts in traffic flow.

8. Permittee shall ensure that adequate parking/staging area is maintained to accommodate emergency vehicle/first responder traffic, as necessary.
9. All food preparation and/or sales at the site shall comply with all applicable Minnesota Department of Health regulations.
10. Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements.
11. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.
12. Minnesota Building Code, SSTS, and all other relevant codes shall be applicable to the project, all permits and Certificates of Occupancy and Compliance shall be obtained prior to occupancy, and CUP amendment approval shall be considered provisional until such time as these requirements are met.
13. Dust control along the relevant portion of 256th Street shall be provided by the permittees at their cost, via financial agreement with Chisago Lake Township.
14. A lighting plan shall be submitted to the Department prior to final CUP approval which identifies all existing and proposed on-site lighting, and specifies that all light shall be fully shielded and downward facing.
15. Overnight parking and/or camping on-site shall be prohibited.
16. The activities at the site shall be operated in accordance with the narrative description and operating plan on file with the CUP, as a condition of permit approval.
17. The permit holder shall 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 Montzka, seconded by Greene, the Board moved to approve the resolution initiating concurrent records reestablishment, redetermination process & appointing engineer for County Ditches 1, 2, 3, 5, 9, & 14 and initiating redetermination process & appointing engineer for County Ditches 4, 6, 7, 8 & 10. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

**RESOLUTION NO. 18/0801-2
STATE OF MINNESOTA**

**CHISAGO COUNTY BOARD OF COMMISSIONERS, DRAINAGE
AUTHORITY FOR CHISAGO COUNTY DITCHES 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 14**

**FINDINGS AND ORDER DIRECTING PROCEEDINGS TO REDETERMINE
BENEFITS FOR CHISAGO COUNTY DITCHES 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 14
(Statutes §103E.351) AND TO REESTABLISH AND CORRECT DRAINAGE
SYSTEM RECORD FOR CHISAGO COUNTY DITCH 1, 2, 3, 5, 9 & 14 (Statutes
§103E.101, subd. 4a)**

FINDINGS

1. The Chisago County Board of Commissioners is the Drainage Authority for Chisago County Ditches (CD) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, & 14.
2. Based upon a report of the Drainage Authority's staff and the Board's own investigation of the current roll of benefits from CDs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, & 14, the Drainage Authority finds that the original benefits determined for CDs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, & 14 do not reflect reasonable present day land values and that, with changes in land use, farming and drainage practices since the original determination of benefits, the benefited or damaged areas have changed.
3. The Drainage Authority also finds that a redetermination of benefits will require information regarding the as-constructed condition of CDs 1, 2, 3, 5, 9, & 14.
4. After thorough investigation of the drainage system record, the Drainage Authority finds that the records establishing the alignment, profile, and right-of-way of CDs 1, 2, 3, 5, 9, & 14 are incomplete or insufficient to properly inform the redetermination process.
5. Statutes section 103E.101, subd. 4a allows the Drainage Authority to initiate proceedings to reestablish records defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; or right-of-way of a drainage system as originally constructed or subsequently improved.

Therefore, the Drainage Authority makes the following:

ORDER

- A. The Drainage Authority shall follow the procedures of statutes section 103E.351 to redetermine benefits for CDs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, & 14.
- B. The Drainage Authority appoints the following viewers to conduct the redetermination of benefits:

Bryan Murphy, Viewer

Shantel Hecht, Viewer

Larry Murphy, Viewer
- C. The Auditor shall issue his order for a first meeting of the viewers at which meeting the viewers shall subscribe to an oath to faithfully perform their duties.

- D. The Drainage Authority directs the viewers, once qualified, to work with the engineer and to commence viewing as soon as practical upon receipt of the engineer's conclusions indicating the as-constructed efficiency of the drainage system.
- E. The Drainage Authority shall follow the procedures of statutes section 103E.101, subd. 4a to reestablish and correct the drainage system record for CDs 1, 2, 3, 5, 9, & 14 to reflect the functional alignment, dimension, grade and right-of-way of the system.
- F. The Drainage Authority appoints the engineering firm of Bolton and Menk, Inc. and Brent H. Johnson, P.E., to investigate and report findings defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, elevations; and right-of-way of the drainage system.
- G. The engineer is directed to assist the viewers in identifying properties receiving a hydrological benefit from CDs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, & 14 and in identifying properties responsible for increased sedimentation in downstream areas of the watershed or responsible for increased drainage system maintenance or increased drainage system capacity because the natural drainage on the properties has been altered or modified to accelerate the drainage of water from the property.
- H. Drainage Authority staff, upon receipt of the viewers' reports, shall prepare and mail owners' reports as required by statutes section 103E.323.
- I. Drainage Authority staff, upon completion of the engineer's investigation and report, and upon completion of the viewers' reports, shall set a date, time and location for an informational meeting on the redetermined benefits and reestablished and corrected drainage system records.
- J. Upon completion of the informational meeting, The Drainage Authority shall set a date, time and location for a combined hearing on the redetermination of benefits and reestablished and corrected drainage system records.
- K. Drainage Authority staff shall give notice of the combined hearing according to the requirement of the drainage code for the records reestablishment process (hearing by mail to the commissioner of natural resources, the executive director of the Board of Water and Soil Resources, and all property owners benefited or damaged by the drainage system and shall give additional notice either in a newspaper of general circulation in the drainage system area or by publication on Drainage Authority's website) and the requirements of the drainage code for the redetermination of benefits process (by publication, posting at least three weeks before the date of the final hearing at the front door of the courthouse, and mailing the commissioner, all property owners, and others affected by the proposed redetermination of benefits).
-

On motion by Robinson, seconded by Greene, the Board moved to appoint Paul Sandel, as a representative on Water Plan Policy Team. The motion **carried** as follows:

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

On motion by Greene, seconded by Robinson, the Board moved to approve the compliance of the 2018 Pay Equity Report to the State of Minnesota as required under MS. 471.991. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

On motion by Robinson, seconded by Greene, the Board moved to approve the Records Access Agreement between Chisago County Attorney's Office and Minnesota Department of Public Safety, Driver and Vehicle Services. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

County Administrator Messelt provided the following updates: The Chisago County Education Summit is August 16th, the Chisago County Canvassing Board is August 16th. *No action was taken.*

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

On motion by Greene, seconded by Robinson, the Board adjourned the meeting at 8:23 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, McMahon, Montzka, Robinson **OPPOSED:** None **ABSENT:** Walker.

George McMahon, Chair

Attest: _____
Chase Burnham
Clerk of the Board