COUNTY OF CHISAGO

BOARD OF COMMISSIONERS

Chisago County Government Center
313 North Main Street, Room 172
Center City, MN 55012-9663

Chase Burnham
County Administrator

Commissioners:
District 1
Chris DuBose
District 2
Rick Greene
District 3
Marlys Dunne
District 4
Ben Montzka
District 5
Mike Robinson

REGULAR MEETING – Wednesday, February 17, 2021
County Board Room, Room 172

6:30 p.m. **Convene; Pledge of Allegiance; Approve Agenda**

Road & Bridge Committee of the Whole:
Discussion

1.) County Engineer's Report — TAB 1

Items for Committee Review/Recommendation: (*discussed in detail as requested*)

2.) Prof. Services Contract for Design Services for Harris Public Works Facility Wash Bay — TAB 2
3.) Prof. Services Contract for Construction Testing Services for SP 013-630-017 — TAB 3
4.) Resolution of Sponsorship and Support for LRIP Project Funding for Local Agencies — TAB 4
5.) Final Contract Payment for CP 13-93-20 CR 93 Reconditioning Project — TAB 5

7:00 p.m. **Citizen's Forum**

"The Citizen's Forum is provided so you may make a comment, statement, question or proposal. You will be limited to three minutes and we ask that you conduct yourself in a professional, courteous manner, and refrain from the use of profanity. Failure to abide by this policy may result in the loss of your privilege to speak that night."

Board of Commissioners' Consent Agenda:

1.) R&B Committee Recommendation – County Engineer's Report — TAB 1
2.) R&B Committee Recommendation – Prof. Service Contract for Harris Facility Wash Bay — TAB 2
3.) R&B Committee Recommendation – Prof. Service Contract for Construction Testing — TAB 3
4.) R&B Committee Recommendation – Resolution of Sponsorship and Support for LRIP — TAB 4
5.) R&B Committee Recommendation – Final Contract Payment for CR 93 Reconditioning — TAB 5
6.) Minutes from the February 3, 2021 Regular Meeting — TAB 6
7.) Payment of County's Warrants and Miscellaneous Bills — TAB 7

Environmental Services/Zoning Report – Kurt Schneider, Director

8.) Director's Report — TAB 8
9.) Environmental Services Parks Division 2020 Annual Report — TAB 9
10.) Land Acquisition Grant - Checkerboard Park, Parks and Trails Council "Lutz" Property — TAB 10
11.) Household Hazardous Waste Facility – Recycling Yard Grant — TAB 11
12.) Bufalini, MN121819, LLC IUP 1MW Solar Garden – Sunrise Twp. — TAB 12
13.) Bufalini, MN121819, LLC IUP 1MW Community Solar Garden – Amador Twp. (Medin) — TAB 13
14.) Bufalini, MN121819, LLC IUP 1MW Comm. Solar Garden – Amador Twp. (Johnson) — TAB 14
15.) Garrett Mueller "Mueller Addition" Final Plat — TAB 15
16.) Lower St. Croix River Comprehensive Watershed Mgmt Plan – Work Plan 2021-2022 — TAB 16

Other Business of the County Board

17.) Bird Netting for NB HHS Building – Enterprise Services (2021 CIP Project) — TAB 17
18.) Test Equip. and Software for ARMER System – Enterprise Services (2021 CIP Project) — TAB 18
19.) Request to Hold a Public Hearing to Consider Tax Abatement – All Mac, Inc. — TAB 19

Discussion Items:

- Correspondence
- Administrator Updates
- Commissioner Committee Reports

CORR.

Adjourn Meeting of the Board of Commissioners

Citizen's Forum:

The Citizen's Forum is provided so individuals may make a comment, statement, question or proposal to the Chisago County Board of Commissioners. Comments, statements, questions or proposals shall be directed to the Board as a whole, and not to individual commissioners or the audience. Individuals are asked to conduct themselves in a professional, courteous manner, and refrain from the use of profanity. Failure to abide by this policy may result in the loss of your privilege to speak.

Due to the COVID-19 Pandemic and Governor Walz Executive Orders, the Chisago County Board of Commissioners have changed the way Citizen's Forum takes place at the Chisago County Board of Commissioner's meetings. Citizens may participate in the Board meetings in one of two ways:

1. Letters may be submitted to individual Commissioners or the County Administrator directly or through the 'Form Center' on the County Website. Letters will be accepted up until 2 hours before the Board meeting time. Commissioners may choose to read the letter before the Board and the public for up to 3 minutes. The letters will not become a part of the formal record, as is consistent with County precedent.

2. Due to the Board's desire to follow the CDC and MDH guidelines, strict social distancing is maintained in the Boardroom and County Government Center at all times. Due to social distancing requirements, the Board will limit the number of individuals in the County Boardroom to no more than 10. However, individuals wishing to participate in Citizen's Forum in-person may sign up via a sign-up sheet, and they will be asked to speak at the microphone for up to 3 minutes during the Citizen's Forum portion of the meeting. The microphone is positioned in the doorway of the County Boardroom so the Board may see and hear the presenter while maintaining social distancing.

Tab #1

CHISAGO COUNTY
DEPARTMENT OF PUBLIC WORKS
Mail: 313 North Main Street, Room 400
Center City, MN 55012-9863
Office: 31325 Oasis Road, Center City, MN 55012-9863
Phone (651) 213-8700
Fax (651) 213-8772

Joe Triplett, P.E.
Director | County Engineer

Ben Hobert, P.E.
Assistant County Engineer

Paul Gibson, L.S.
County Surveyor

Bruce Lind
Maintenance Superintendent

Ben Utech
Traffic Operations Manager

Barbara Shimmon
Finance | Office Manager

PUBLIC WORKS MEMORANDUM

TO: **Chisago County Board of Commissioners**

FROM: Joe Triplett, P.E.

DATE: **February 10, 2020**

RE: Public Works Director's Report

Project Update:

- CSAH 30 – TH 95 to CSAH 10 – Opened bids. Apparent low bidder is Shafer Contracting. We are now working through the Federal requirements with the Contractor to be able to award the project. I do have the testing contract with Braun Intertec for consideration at tonight's meeting.
- CSAH 4 – CSAH 7 to CSAH 2 – Opened bids. Apparent low bidder is Knife River. Will look to award at March 17th Road & Bridge meeting.
- CR 64/65 Reconditioning Project – Opened bids. Apparent low bidder is Valley Paving. Will look to award at March 17th Road & Bridge meeting.

Project Development Update:

- CSAH 26 between CSAH 37 and TH 8. Project kick off letters were sent out to residents along the corridor. I am currently working on a proposal with a right of way agent for acquisition services. Hope to have that for Board consideration at the March 17th Road & Bridge meeting.
- CSAH 17 extension between CSAH 14 and CSAH 30. Commissioner Dubois and I had a chance to discuss the project with Lent Town Board Chair Keller.

Local LRIP Projects for County Sponsorship

We have 4 townships looking to submit project applications for the Local Road Improvement Program (LRIP) funding. Public Works submitted 2 projects for funding out of this program. Counties, Cities and Townships all have their own pots of funding within the program, so we are not competing with these projects. Counties need to sponsor Townships projects as fiscal agents and a resolution from the County Board agreeing to sponsor and support the project is required with their applications. These are the projects:

- Chisago Lake: 250th St between CSAH 15 (Manning Trl) and CR 91 (Lofton Ave)
- Nessel: Clover Trail north of CSAH 7 (Rush Point Dr)
- Sunrise: River Road between SCAH 9 (Sunrise Rd) and Wilcox Rd
- Fish Lake:
  - North Pine Lake Rd between TH 95 and Skogman Lake Rd
  - Anchor Ave between CR 63 (Brunswick Rd) and CSAH 10 (Stark Rd)
  - Andee Ave between CSAH 10 (Stark Rd) and North Pine Lake Rd

TH 8 Funding & Public Engagement
We have received review comments from the Cities on the TH 8 project. We will be addressing those comments and pulling together the layout in the next few weeks. We are working toward engaging the public with the preliminary design. Because of COVID, this will likely be a virtual type of engagement. My goal is to have this pulled together and out to the public in March.

I am still working with Mndot on obtaining funding from the $25M Project Development fund. I expect to hear soon on if we were able to capture any funding from this source.

I am also continuing to work with Larkin Hoffman on federal funding. I am already starting to work on our BUILD grant application in anticipation of the grant opportunity being released this spring. We are also jacketing bills at the state level in the event of another bonding bill or some other sort of COVID stimulus funding. On a related note, I am also working on a funding bill for the CSAH 19 I-35 interchange in Stacy.

Public Works Facilities/Harris Shop Wash Bay
I had a chance to meet with architects from HCM and construction managers from Kraus-Anderson to scope out the Harris wash bay. Given the age of the building and lack of any sort of asbuilts, scoping out exactly what we need in order to retrofit a wash bay into the shop was difficult. We did end up getting to a proposal that was able to address the risk and I recommend approval so we can start on this and be able to construct this summer.

We also discussed our other facility needs. I will be gathering more information from them on estimated costs for these improvements. I will work through Chase and the Budget & Finance Committee on moving these sorts of projects forward. I anticipate the estimated costs to be in the $4M to $6M range.

I would welcome the opportunity to discuss our facilities with any of you at any time.

An Equal Opportunity Employer

Chisago County Request For Board Action

Meeting Date: February 17, 2021	***Item Number:*** 2
Title of Item for Consideration: Professional Services Contract for Design Services for Harris Public Works Facility Wash Bay	
Action Requested by: Joe Triplett, P.E.	***Department:*** Public Works
Previous Action on this Matter: Wash Bay approved in 2020 C.I.P.	
Background: Public Works requires assistance from HCM Architects for the design of the wash bay at the Harris Public Works Facility. ***Attachment(s):*** • Contract	
Action Requested/Recommended: The County Board is respectfully requested to approve Professional Services Contract for Design Services for Harris Public Works Facility Wash Bay. The following motion is suggested: ***"Move to approve the Professional Services Contract for Design Services for Harris Public Works Facility Wash Bay."***	
Implications of Action: Will allow Public Works to comply with all testing requirements for the project ***Budget/Financial Implications:*** Contract services will be paid from 03-320-6273 ***Legal/Policy Implications:*** The proposed activities are in general conformity with applicable state statutes and County authority and policies. The County Attorney has approved as to form.	

Administrator's Recommendation

Approve CLS	Deny _____	Other _____
Motion By:	Seconded by:	
To:		
Action on Motion:	Aye _____	Nay _____	Abstain _____

PROFESSIONAL/TECHNICAL SERVICES CONTRACT
BETWEEN
CHISAGO COUNTY AND HAGEN, CHRISTENSEN & MCILWAIN ARCHITECTS

THIS CONTRACT, and amendments and supplements thereto, is between the County of Chisago by and through the Chisago County Engineer, 313 North Main, Center City, MN 55102 (hereinafter "County"), and Hagen, Christensen & McIlwain Architects, located at 4201 Cedar Avenue South, Minneapolis, MN 55407, an independent contractor, not an employee of the County of Chisago (hereinafter CONTRACTOR).

WHEREAS, County, pursuant to Minnesota Statutes Chapter 373.01, is empowered to procure from time to time certain professional/technical services; and

WHEREAS, County is seeking to purchase professional/technical services for the design, architecture, engineering and construction administration needed for the renovation and expansion of the Harris Public Works Facility – Phase 1 Improvement Project, in Harris, Minnesota;

WHEREAS, the CONTRACTOR has submitted a professional services proposal to represent that it is duly qualified and willing to perform the services set forth in this contract.

NOW, THEREFORE, it is agreed:

I. **TERM OF CONTRACT**. This contract shall be effective on February 17, 2021, **or upon the date the final required signature is obtained by County, whichever occurs later,** and shall remain in effect until September 30, 2021, or until all obligations set forth in this contract have been satisfactorily fulfilled, whichever occurs first. **The CONTRACTOR understands that no work should begin under this contract until all required signatures have been obtained and the CONTRACTOR is notified to begin work by County's authorized representative.**

II. **DUTIES AND RESPONSIBILITIES OF COUNTY AND CONTRACTOR.**

The duties of the parties are set forth in the proposal document submitted by CONTRACTOR and agreed to and approved by the County. Said proposal document consists of the Proposal for Architectural and Engineering Design Services of CONTRACTOR and the Engineering Services Proposal of CONTRACTOR'S project team member, Emanuelson-Podas, attached and incorporated into said proposal. The proposal document is incorporated herein and attached hereto as **Attachment A.**

A. The County shall perform those duties and responsibilities required of the COUNTY as set forth and described in this contract and **Attachment A.**

B. CONTRACTOR shall perform those duties and responsibilities required of the CONTRACTOR as set forth and described in this contract and **Attachment A.**

III. **CONSIDERATION AND TERMS OF PAYMENT.**

A. Consideration for all services performed and goods or materials supplied by the CONTRACTOR pursuant to this contract and the **total obligation** of County for compensation and reimbursement to the CONTRACTOR shall not exceed Thirty-Eight Thousand and no/100 Dollars ($38,000), as set forth in Attachment A

B. Terms of Payment.

Payment shall be made by County promptly after the CONTRACTOR'S presentation of invoices for services performed and acceptance of such services by County's authorized representative. All services provided by the CONTRACTOR pursuant to this contract shall be performed to the satisfaction of County, as determined at the sole discretion of its authorized representative, and in accordance with all applicable federal, state and local laws, ordinances, rules and regulations. The CONTRACTOR shall not receive payment for work found by County to be defective, unsatisfactory or performed in violation of any applicable federal, state or local law, ordinance, rule or regulation. Invoices shall be presented by CONTRACTOR to Chisago County no later than 30 days following fulfilling the duties and testimony related to the pending matter. Payment shall be made within 35 days of receipt of the invoice.

IV. **AUTHORIZED REPRESENTATIVES**. All official notifications, including but not limited to, cancellation of this contract must be sent to the other party's authorized representative.

A. County's authorized representative for the purpose of administration of this contract is:

Name:	Mr. Joe Triplett, P.E., Director of Public Works/County Engineer
Address:	313 North Main Street, Center City, MN 55012
Telephone:	(651)213-8708
E-Mail:	JoeTriplett@chisagocounty.us

B. The CONTRACTOR'S authorized representative for the purpose of administration of this contract is:

Name:	Tim McIlwain, AIA
Company:	Hagen, Christensen & McIlwain Architects,
Address:	4201 Cedar Avenue South, Minneapolis, MN 55407
Telephone:	(612) 904-1332
E-Mail:	McIlwain@hcmarchitects.com
Fax:	

V. **CANCELLATION AND TERMINATION.**

A. This contract may be canceled by County at any time, with or without cause, upon thirty (30) days written notice to the CONTRACTOR. In the event of such a cancellation, the CONTRACTOR shall be entitled to payment, determined on a pro rata basis, for work or services satisfactorily performed.

B. The County may immediately terminate this Contract for cause due to any material breach or violation of the terms of the Contract. The CONTRACTOR shall be entitled for any pro rata share of the compensation for approved services rendered up to and prior the termination.

C. Termination for Insufficient Funding. County may immediately terminate this contract if it does not obtain funding from the Minnesota Legislature or other funding source, or if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the CONTRACTOR within a reasonable time of County receiving notice that sufficient funding is not available. County is not obligated to pay for any services that are provided after notice and effective date of termination. However, the CONTRACTOR will be entitled to payment, determined on a pro rata basis, for work or services satisfactorily performed to the extent that funds are available. County will not be assessed any penalty if the contract is terminated because of the decision of the Minnesota Legislature or other funding source not to appropriate funds.

A. Notice of Cancellation, termination, or material modification shall be provide by Certified U.S. Mail, facsimile or e-mail to the Authorized Representative.

VI. **AMENDMENTS**. Any amendments to this contract shall be in writing and shall be executed by the same parties who executed the original contract, or their successors in office.

VII. **COMPLIANCE WITH APPLICABLE LAWS.** The parties shall comply with all federal, state and local laws. The absence of an immediate or timely enforcement action by one party shall not be construed as a waiver of the requirement, nor shall it prohibit later enforcement or action to terminate the agreement by the non-offending party.

VIII. **LIABILITY**. The CONTRACTOR shall indemnify, save, and hold County, its representatives and employees harmless from any and all claims or causes of action, including all attorneys' fees incurred by County, arising from the negligent performance of this contract by the CONTRACTOR or CONTRACTOR'S agents or employees. This clause shall not be construed to bar any legal remedies the CONTRACTOR may have for County's failure to fulfill its obligations pursuant to this contract.

IX. **INSURANCE**.

A. *Workers' Compensation.* CONTRACTOR certifies that it is in compliance with Minn. Stat. §176.181, subd. 2, pertaining to workers' compensation insurance coverage. The CONTRACTOR's employees and agents will not be considered County employees. The CONTRACTOR certifies it is in compliance with Minnesota Statute §176.181, Subd. 2 pertaining to workers' compensation insurance coverage. The CONTRACTOR'S employees and agents will not be considered County employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees or agents and any claims made by any third party as a consequence of any act or omission on the part of these employees or agents are in no way County's obligation or responsibility.

B. *General Liability Insurance.* CONTRACTOR is required to maintain insurance protecting it from claims for damages for bodily injury, including sickness or disease, death, and for care and loss of services as well as from claims for property damage, including loss of use which may arise

from operations under the Contract whether the operations are by the CONTRACTOR or by a subcontractor or by anyone directly or indirectly employed by the CONTRACTOR under the contract. Insurance minimum limits are as follows:

$500,000 per claim; $1,500,000 per occurrence; $3,000,000 annual aggregate

C. The County must be listed as an additional insured and shall be sent a current certificate of insurance on an annual basis. The certificate must show that the County will receive thirty (30) calendar days' prior written notice in the event of cancellation, nonrenewal, or material change in the described policy.

D. *Professional Liability Insurance.* CONTRACTOR shall maintain and provide proof of professional liability insurance for individual(s) providing professional services under this contract in minimum coverage limits as recommended by CONTRACTOR but not less than $1,500,000 per claim/occurrence; and $5,000,000 annual aggregate.

E. *Auto Insurance.* CONTRACTOR shall maintain auto liability coverage for individual(s) providing clinical supervision under this Contract. A minimum liability amount of $1,500,000.00 on a Combined Single Limit basis shall be maintained and coverage shall include Any Auto, including Hired and Non-owned. CONTRACTOR agrees to include County as an additional insured.

F. Insurance coverage by the CONTRACTOR in amounts greater than tort liability limits set for municipal corporation , pursuant to Minn. Stat. §466 shall not constitute a waiver of the liability cap(s) available to the County.

X. **PUBLICITY**. Any publicity given to the program, publications, or services provided resulting from this contract, including, but not limited to, notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the CONTRACTOR or its employees individually or jointly with others, or any subcontractors shall identify County as the sponsoring agency and shall not be released prior to receiving the approval of County's authorized representative.

XI. **GOVERNMENT DATA PRACTICES ACT**. The CONTRACTOR and County must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by County in accordance with this contract, and as it applies to all data, created, collected, received, stored, used, maintained, or disseminated by the CONTRACTOR in accordance with this contract. The civil remedies of Minnesota Statute §13.08 apply to the release of the data referred to in this clause by either the CONTRACTOR or County.

In the event the CONTRACTOR receives a request to release the data referred to in this clause, the CONTRACTOR must immediately notify the County. The County will give the CONTRACTOR instructions concerning the release of the data to the requesting party before the data is released.

XII. **OWNERSHIP OF MATERIALS, CLIENT RECORDS, AND INTELLECTUAL PROPERTY RIGHTS**.

A. County shall own all rights, title and interest in all of the materials conceived or created by the CONTRACTOR, or its employees or subcontractors, either individually or jointly with others

and which arise out of the performance of this contract, created and paid for under this contract, including any inventions, reports, studies, designs, drawings, specifications, notes, documents, software and documentation, computer based training modules, electronically, magnetically or digitally recorded material, and other work in whatever form (hereinafter MATERIALS).

The CONTRACTOR hereby assigns to County all rights, title and interest to the MATERIALS. The CONTRACTOR shall, upon request of County, execute all papers and perform all other acts necessary to assist County to obtain and register copyrights, patents or other forms of protection provided by law for the MATERIALS. The MATERIALS created under this contract by the CONTRACTOR, its employees or subcontractors, individually or jointly with others, shall be considered "works made for hire" as defined by the United States Copyright Act. All of the MATERIALS, whether in paper, electronic, or other form, shall be remitted to County by the CONTRACTOR, its employees and any subcontractors, and the CONTRACTOR shall not copy, reproduce, allow or cause to have the MATERIALS copied, reproduced or used for any purpose other than performance of the CONTRACTOR'S obligations under this contract without the prior written consent of County's authorized representative.

B. The CONTRACTOR represents and warrants that MATERIALS produced or used under this contract do not and will not infringe upon any intellectual property rights of another, including, but not limited to, patents, copyrights, trade secrets, trade names, and service marks and names. The CONTRACTOR shall indemnify and defend, to the extent permitted by the Attorney General, County at the CONTRACTOR'S expense from any action or claim brought against County to the extent that it is based on a claim that all or part of the MATERIALS infringe upon the intellectual property rights of another. The CONTRACTOR shall be responsible for payment of any and all such claims, demands, obligations, liabilities, costs and damages, including, but not limited to, reasonable attorney fees arising out of this contract, amendments and supplements thereto, which are attributable to such claims or actions.

If such a claim or action arises, or in the CONTRACTOR'S or County's opinion is likely to arise, the CONTRACTOR shall, at County's discretion, either procure for County the right or license to continue using the MATERIALS at issue or replace or modify the allegedly infringing MATERIALS. This remedy shall be in addition to and shall not be exclusive to other remedies provided by law.

XIII. **ANTITRUST**. The CONTRACTOR hereby assigns to the County of Chisago any and all claims for overcharges as to goods or services provided in connection with this contract resulting from antitrust violations which arise under the antitrust laws of the United States or the antitrust laws of the State of Minnesota.

XIV. **JURISDICTION AND VENUE**. This contract, and amendments and supplements thereto, shall be governed by the laws of the State of Minnesota. Venue for all legal proceedings arising out of this contract, or breach thereof, shall be in the state or federal court with competent jurisdiction in Chisago County, Minnesota.

XV. **AUDITS**. The books, records, documents, and accounting procedures and practices of the CONTRACTOR relevant to this contract shall be subject to examination by County and the Legislative Auditor for a minimum of six (6) years from the end of the contract.

XVI. **SUBCONTRACTING AND ASSIGNMENT:**

A. CONTRACTOR shall not enter into any subcontract for performance of any services contemplated under this agreement, nor assign any interest in the agreement without the prior written approval of the County. Any assignment may be made subject to such conditions and provisions as the County may impose. If specifically authorized to subcontract under this Contract by the County, CONTRACTOR is responsible for the performance of all subcontractors and shall compensate said subcontractors pursuant to the requirements of Minnesota Statute § 471.425.

B. Consistent with the above, the County approves of CONTRACTOR's association with Emanuelson-Podas, as described and consistent with Engineering Services Proposal of Emanuelson-Podas as incorporated in Attachment A. CONTRACTOR agrees that CONTRACTOR shall remain responsible to County for work performed by Emanuelson-Podas and CONTRACTOR agrees that the interest, duties and responsibilities of CONTRACTOR are neither subcontracted nor assigned to Emanuelson-Podas in any manner. Further, CONTRACTOR agrees to indemnify and hold harmless the County with respect to any claim that Emanuelson-Podas may bring against the County or CONTRACTOR for work performed in relation to this contract.

XVII. **SURVIVAL OF TERMS**. The following clauses survive the expiration, cancellation or termination of this contract: VIII, Liability; X, Publicity; XI, Government Data Practices Act; XII, Ownership of Materials and Intellectual Property Rights; XIV, Jurisdiction and Venue; and XV, State Audits.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK

IN WITNESS WHEREOF, the parties have caused this contract to be duly executed intending to be bound thereby.

APPROVED:

1. **CONTRACTOR:** Hagen, Christensen & McIlwain Architects

CONTRACTOR certifies that the appropriate person(s) have executed the contract on behalf of CONTRACTOR as required by applicable articles, by-laws, resolutions, or ordinances.

Signed:
Title:
Date:

2. **COUNTY OF CHISAGO:**
APPROVED

Signed:
Title: Chair, County Board
Date:

Certified:

Signed:
Title: Clerk to the Board
Date:

Signed:
Title:
Date:

Reviewed as to Form:

JANET REITER, COUNTY ATTORNEY
Signed: Jeffrey B. Fuge
Name and Title: Jeffrey B. Fuge, Assistant County Attorney Date: 02/10/2021

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consulting engineers

7705 Bush Lake Road
Edina, MN 55439
952.930.0050 | epinc.com

ENGINEERING SERVICES PROPOSAL

January 22, 2021

Tim McIlwain
HCM Architects
4201 Cedar Avenue South
Minneapolis, MN 55407

RE: **Chisago County Public Works – Harris, MN**
Wash Bay Infill
MEP Engineering Services

Dear Tim:

We propose to provide the engineering scope of services as outlined in this agreement. The agreement covers scope of work through the Construction Document phase.

PROJECT DESCRIPTION:
The project consists of a infilling a new wash bay into the existing building

ENGINEERING SCOPE OF WORK

- Site visit by mechanical and electrical to document all existing systems relative to adding the wash bay.
- Construction Documents indicating demolition and new MEP plans
- Virtual meetings as needed to review plans

MEP System Assumptions

- Pressure washing system
  - Specified by mechanical
  - Provide a selection of a Hotsy pressure washing system
  - Coordinate all utility connections – vent, water, gas, power
  - Specify Hotsy system and accessories – wands, hoses, controls, etc
- Under Chassis Washing System
  - Specified by architect
  - Coordinate water, drain and power connections.
- HVAC:
  - Make-up air and exhaust system tied to fume detection in wash bay
  - Overhead radiant tubular heat for Harsh Environment
- Plumbing:

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- New trench drain with pit – tie into sanitary sewer and then into flammable waste trap (exist one)
- Provide domestic cold-water connection to Hotsy pressure washing system.
- Provide domestic cold water connection to InterClean under-chassis wash system.

- Electrical:
  - Power connection to new wash systems – Hotsy and InterClean
  - Service, panel and distribution as required per code.
  - New Interior lighting for Wash Bay with controls to meet energy code.
  - Low voltage systems rough-in. Owner's vendors to provide design and marked up sheet where rough-in and power is required. Systems include phone, data, security, door access.

Construction Administration

- Review shop drawing submittals
- Answer RFI's
- 1 site visit at substantial completion for final punchlist

ASSUMPTIONS

- Electronic plans will be provided to us in Revit format including the floor plan, reflected ceiling plan, sections, elevations, roof plans.
- Final background received no later than (5) five business days prior to issue of CD set.
- Structural progress plans received from Architect no later than (10) business days prior to issue of CD set for our coordination.

ADDITIONAL SERVICES (see rate schedule)

- Revisions to drawings after issue other than clarifications during bid time or response to code reviews.
- Revisions to drawings to implement "value engineering".
- Site visits above quantity listed above will be billed on an hourly basis.
- Design of alternate bids that result in additional work to be negotiated with architect/owner prior to work commencing.

EXCLUSIONS

- Security, Communications, or data cable distribution systems. Power, conduit and junction boxes to accommodate these systems provided by others will be included in the design. The system providers shall forward locations where power, conduit and junction boxes are required.
- Design of fire sprinkler system and fire alarm systems.
- Budget estimating and statements of probable cost.

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- Commissioning or acceptance testing.

PROPOSED FEE:

Construction Documents	$6,700
Construction Administration	$2,100
	$8,800

REIMBURSABLE EXPENSE:
Reimbursable expenses will be billed on a 1.0 x direct cost basis and could include plotting, deliveries and mileage.

BILLING AND PAYMENTS
We will invoice monthly for our services. Payments are due and payable 30 days from the date of our invoice or 15 days after architect has received payment.

Thank you for the opportunity to provide this proposal.

Sincerely,

Scott Vander Heiden
Mechanical Engineer, PE

ACCEPTED FOR
EMANUELSON-PODAS, INC

BY Scott A VanderHeiden
Scott Vander Heiden, Managing Partner

DATE January 22, 2021

ACCEPTED FOR
HCM ARCHITECTS

BY _____

DATE _____

Attachment A

HAGEN, CHRISTENSEN & MCILWAIN
ARCHITECTS

January 22. 2021

Mr. Joe Triplett, Director of Public Work / County Engineer
Chisago County Public Works
313 North Main Street, Room 400
Center City, MN 55012

Re: *Proposal for Architectural and Engineering Design Services*
Harris Public Works Facility - Phase 1 Improvements

Dear Joe:

Thank you for giving us this opportunity to provide you with a proposal for services for the Design, Construction Documents and Construction Administration services for the proposed Phase 1 Improvements to the Harris Public Works Facility. We understand that this proposal and work scope will be considered the basis for a Contract for Services for the above referenced Project.

These services are for the Phase 1 Improvements to the Harris Facility which include the general construction and MEP work required to renovate the SE corner of the existing Shop Building into a Vehicle / Equipment Wash Bay.

Our Project Design Team includes Emanuelson Podas for the M/E/P Engineering services. Due to the nature of the proposed Project, we do not anticipate the need for Civil Engineering or Structural Engineering design services.

We appreciate you giving us this opportunity to be of service to you. If you have questions regarding this proposal or would like additional information from us please call me.

Sincerely,

Tim McIlwain

Tim McILwain, AIA

A. Project Understanding & Scope of Services

Project Understanding

Our understanding is based on our site tour with you in December, 2020 and review of the Facility drawings that you have provided. We understand that Chisago County would like renovate the SE corner of the existing Shop Building into a Vehicle / Equipment Wash Bay and that this Project is part of a multi-phased effort to upgrade and expands this entire site and facility. This Project will require field verification and documentation to document existing conditions and Drawings and Specifications necessary to bid, permit and build-out the Project. It is our understanding that a General Contractor will be selected through the Sourcewell Contracting Program. We will work with that General Contractor throughout the design and construction process.

Project Scope of Services

The following is a detailed breakdown of the subsequent Project Phases and tasks:

Project Tasks:

Task 1 Field Verification. Base Building Layout and Systems Documentation
Task 2 Project Design
Task 4 Construction Documents
Task 5 Bid Phase
Task 6 Construction Administration
Task 7 Project Closeout

Task 1 Field Verification, Base Building Layout and Systems Documentation

Scope of Work:

- HCM & EP to visit the Facility and field verify, measure and document the existing conditions in the Shop Building plan and systems.
- Report to County staff on findings of existing conditions and any issues that could affect this Project.

Staff Involvement / Roles –	*Primary Responsibilities*
- Architectural	
Tim McILwain – Project Manager	*Overall Coord. /Budget/Quality Control*
Staff Architect	*Documentation*
EP Engineers	*Design/Documentation*

County Staff Responsibilities:

- Provide access to facility and information on existing systems, etc.
- Meet with the Design Team to review findings

Deliverables:

- Base Drawings of existing Conditions
- Report on existing conditions of concern

Task 2 Project Design

Scope of Work:

- Prepare overall design plans based on County input and the required systems
- Prepare finish plans, MEP systems plans and required interior elevations.
- Investigate all pertinent codes, safety regulations – meet with City Building Officials to confirm life safety and accessibility requirements.

Staff Involvement / Roles	*Primary Responsibilities*
- *Architectural*	
Tim McILwain – Project Manager	*Overall Coord. /Budget/Quality Control*
Staff Architect	*Documentation*
- *Mechanical (Emanuelson Podas Engineers)*	
Project Mechanical Engineer	*Mechanical Systems*
- *Electrical (Emanuelson Podas Engineers)*	
Project Electrical Engineer	*Electrical Systems*

County Staff Responsibilities:
- Meet with the Design Team (assume 2 meetings) – review minutes
- Confirm with the Design Team any preferred system/equipment specifications.
- Join in meeting with the City of Building officials (if needed)
- Review and approve the Design Package, with direction to proceed to next phase.

Deliverables:
- Design Package
- Project meeting minutes documentation of meetings and presentations.
- Understanding of local, state and federal jurisdiction requirements.
- Assist in developing a Project Construction Cost Estimate with selected GC.

Task 3 Construction Documents

Scope of Work:
- Develop the detailed drawings and short form specifications required for the permitting and bidding of the project.
- Present the final design to the County and governing agencies for their review and approval.
- Regular project meetings including a 90% final review meeting with County, Design Team and General Contractor.
- Ongoing review all options of project design/cost objectives.
- Assist in providing a final detailed project cost estimate.

Staff Involvement / Roles –	*Primary Responsibilities*
- *Architectural*	
Tim McILwain – Project Manager	*Overall Coord. /Budget/Quality Control*
Staff Architect	*Documentation*
- *Mechanical (Emanuelson Podas Engineers)*	
Project Mechanical Engineer	*Mechanical System's Documentation*
- *Electrical (Emanuelson Podas Engineers)*	
Project Electrical Engineer	*Electrical System's Documentation*

County Staff Responsibilities:
- Meet with the Design Team and Contractor for review and approval
- Attend 90% review meeting of construction documents
- Provide approval to proceed to Bidding and Construction Phases

Deliverables:

- Complete Construction Documents made up of detailed plans and specifications ready for bidding.

Task 4 Project Bidding

Scope of Work:
- Issue documents to General Contractor for bidding.
- Facilitate Prebid meeting with bidders
- Develop Addenda to the Construction Documents and answer all inquiries about the project as required for the competitive bidding of the project

Staff Involvement / Roles –	*Primary Responsibilities*
- *Architectural*	
Tim McILwain – Project Manager	*Overall Coord. /Budget/Quality Control*
Staff Architect	*Documentation*
- *Mechanical (Emanuelson Podas Engineers)*	
Project Mechanical Engineer	*Mechanical Systems*
- *Electrical (Emanuelson Podas Engineers)*	
Project Electrical Engineer	*Electrical Systems*

Deliverables:

- *Issuance of Addenda as required. responding to contractor questions.*

Task 5 Construction Administration Services

Scope of Work:

- Prepare detailed Coordination Schedule
- Conduct a pre-construction Coordination Meeting for each site with all bidders
- Facilitate project communication as point person.
- Attend weekly construction mtgs. - (5 meetings assumed)
- Review work for compliance w/ construction documents.
- Answer all contractor inquiries regarding the design intent of the documents
- Review shop drawings and product submittals
- Prepare all standard construction phase documentation.
- (1) Punch List Review and prepare document

County Staff Responsibilities:

- Payment of approved Applications for Payment
- Attendance at Construction Meetings
- Approval of required changes

Deliverables:

- Timely Submittal and Shop Drawing reviews
- Review of Pay Applications
- Issue Appropriate Change Orders
- Punch list Review & Document

Task 6 Project Closeout:

Scope of Work:

- Collect and review O&M Manuals from the vendors – send to County staff
- Prepare As-Built – Record Drawings of the Project.
- Close-out Review

County Staff Responsibilities:

- Provide all drawing and written documentation for the existing site and buildings.
- Meet with Design Team to close out the Project

Deliverables:

- Project Record Drawings (digital)
- CA Documentation (digital)
- Project Job File (digital)

B. Project Fees

The fees listed below are based on the anticipated hours of professional time per task multiplied by the hourly rates for each team member for architectural, interiors, mechanical, electrical and structural engineering design services. The fees will be billed on an hourly not to exceed basis.

Project Phases and Fees per Task

	Task 1	*Field Verification, Base Building Layout and Systems Documentation*	*$2,500*
	Task 2	*Design*	*$8,700*
	Task 3	*Construction Document Phase*	*$17,000*
	Task 4	*Bidding Phase*	*$1,000*
	Task 5	*Construction Administration*	*$6,500*
	Task 6	*Project Closeout*	*$1,500*
Total Fees			
	HCM	*Architectural / Team Leader*	*$28,400*
	EP	*M/E/P Engineering*	*$8,800*
	Professional Design Fees		***$37,200***
	Reimbursables		***$800***
	TOTAL		***$38,000***

Reimbursable expenses such as required mileage, prints, courier services, etc. will be billed at 1.0 times costs.

HCM Architects Billable Rates - 2021

HCM Architects P.A. currently employees the following personnel at the following rates:

Staff	Billable Rate
Principal Architect	$180.00 / hour
Associate Architect	$150.00 / hour
Architect	$140.00 / hour
Architectural Staff	$135.00 / hour
Student Intern	$125.00 / hour

Additional Services

The following are not included in the services and fees listed above and are to be considered additional services. These services can be provided on an hourly basis depending on staff level at your request.

- Civil Engineering – Site Utility Design Work
- Structural Engineering
- Building and Systems Commissioning
- Energy Modeling
- Additional CA meetings (5 assumed incl. Punch List)
- Acoustical Design
- Geotechnical Design
- Civil Design and Engineering

Chisago County Request For Board Action

Meeting Date: February 17, 2021	***Item Number:*** 3
Title of Item for Consideration: Professional Services Contract for Construction Testing Services for SP 013-630-017	
Action Requested by: Joe Triplett, P.E.	***Department:*** Public Works
Previous Action on this Matter:	
Background: Public Works requires assistance from Braun Intertec for construction testing services to comply with state and federal testing requirements for our CSAH 30 Reconstruction project between TH 95 in North Branch and CSAH 10 in Harris. ***Attachment(s):*** • Contract	
Action Requested/Recommended: The County Board is respectfully requested to approve the professional services contract for construction testing services for SP 013-630-017. The following motion is suggested: ***"Move to approve the professional services contract for construction testing services for SP 013-630-017."***	
Implications of Action: Will allow Public Works to comply with all testing requirements for the project ***Budget/Financial Implications:*** Contract services will be paid from 03-320-6273. ***Legal/Policy Implications:*** The proposed activities are in general conformity with applicable state statutes and County authority and policies. The County Attorney has approved as to form.	

Administrator's Recommendation

Approve CR	Deny _____	Other _____
Motion By:	Seconded by:	
To:		
Action on Motion:	Aye _____	Nay _____	Abstain _____

PROFESSIONAL &TECHNICAL SERVICES CONTRACT

THIS CONTRACT, and amendments and supplements thereto, is between the County of Chisago (hereinafter County), and Braun Intertec Corporation, 11001 Hampshire Avenue South., Minneapolis, MN 55438, an independent contractor, not an employee of the County of Chisago (hereinafter CONTRACTOR).

WHEREAS, County, pursuant to Minnesota Statutes Chapter 373.01, is empowered to procure from time to time certain professional/technical services, and

WHEREAS, County is in need of construction materials testing services for the County State-Aid Highway (CSAH) 30 Improvement Project in North Branch, Minnesota., and

WHEREAS, the CONTRACTOR has submitted a proposal for construction materials testing services and therein represents it is qualified, duly licensed and willing to perform the services set forth in this contract.

NOW, THEREFORE, it is agreed:

I. **TERM OF CONTRACT**. This contract shall be effective on February 18, 2021, or upon the date the final required signature is obtained by County, whichever occurs later, and shall remain in effect until September 1, 2022, or until all obligations set forth in this contract have been satisfactorily fulfilled, whichever occurs first. The CONTRACTOR understands that no work should begin under this contract until all required signatures have been obtained and the CONTRACTOR is notified to begin work by County's authorized representative.

II. **DUTIES and RESPONSIBILITIES OF COUNTY AND CONTRACTOR.**

A. The COUNTY shall perform those duties and responsibilities required of the COUNTY as set forth in the Braun Intertec Proposal QTB132050, which is attached hereto and incorporated herein as **Attachment A.**

B. CONTRACTOR shall perform those duties and responsibilities required of the CONTRACTOR as set forth and described in **Attachment A.**

III. **CONSIDERATION AND TERMS OF PAYMENT**.

A. Consideration for all services performed and goods or materials supplied by the CONTRACTOR pursuant to this contract shall not exceed Fifty-Seven Thousand, Three Hundred Sixty-Seven and no/100 Dollars ($57,367.00) pursuant to **Attachment A.**

B. Terms of Payment.

Payment shall be made by County promptly after the CONTRACTOR'S presentation of invoices for services performed and acceptance of such services by County's authorized representative. All services provided by the CONTRACTOR pursuant to this contract shall be performed to the satisfaction of County pursuant to the standard of care and to the extent compliance is not inconsistent with CONTRACTOR's professional practice requirements, and

in accordance with all applicable federal, state and local laws, ordinances, rules and regulations. The CONTRACTOR shall not receive payment for work found by County to be defective or performed in violation of any applicable federal, state or local law, ordinance, rule or regulation. Invoices shall be presented by CONTRACTOR within thirty (30) days of completion of the work.

IV. **AUTHORIZED REPRESENTATIVES**. All official notifications, including but not limited to, cancellation of this contract must be sent to the other party's authorized representative.

A. County's authorized representative for the purpose of administration of this contract is:

Name:	Joe Triplett, PE Public Works Director/County Engineer
Address:	31325 Oasis Rd., Rm 400, Center City, MN 55012
Telephone:	(651) 213-8708
E-Mail:	Joe.Triplett@chisagocounty.us
Fax:	(651) 213-8772

B. The CONTRACTOR'S authorized representative for the purpose of administration of this contract is:

Name:	John Rutherford
Company:	Braun Intertec Corporation
Address:	11001 Hampshire Avenue South, Minneapolis, MN 55438
Telephone:	(651) 487-7052
E-Mail:	jrutherford@brauninrertec.com
Fax:	

V. **CANCELLATION AND TERMINATION**.

A. This contract may be canceled by County at any time, with or without cause, upon thirty (30) days written notice to the CONTRACTOR. In the event of such a cancellation, the CONTRACTOR shall be entitled to payment, determined on a pro rata basis, for work or services satisfactorily performed.

B. Termination for Insufficient Funding. County may immediately terminate this contract if it does not obtain funding from the Minnesota Legislature or other funding source, or if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the CONTRACTOR within a reasonable time of County receiving notice that sufficient funding is not available. County is not obligated to pay for any services that are provided after notice and effective date of termination. However, the CONTRACTOR will be entitled to payment, determined on a pro rata basis, for work or services satisfactorily performed to the extent that funds are available. County will not be assessed any penalty if the contract is terminated because of the decision of the Minnesota Legislature or other funding source not to appropriate funds.

VI. **ASSIGNMENT**. The CONTRACTOR shall neither assign nor transfer any rights or obligations under this contract without the prior written consent of County.

VII. **LIABILITY**. The CONTRACTOR agrees to indemnify and hold County, its representatives and employees harmless from any and all claims or causes of action, including reasonable attorneys' fees incurred by County, in the performance of this contract by the CONTRACTOR. This clause shall not be construed to bar any legal remedies the CONTRACTOR may have for County's failure to fulfill its obligations pursuant to this contract but only to the extent such claims or causes of action are caused by the CONTRACTOR's negligent acts, errors, and omissions or any entity in which the CONTRACTOR is legally liable. CONTRACTOR has no obligation to indemnify, defend, or hold harmless the County from any claims or causes of action caused by the County's negligence or fault or the negligence or fault of others.

VIII. **INSURANCE**.

A. *Workers' Compensation.* Contractor certifies that it is in compliance with Minn. Stat. §176.181, subd. 2, pertaining to workers' compensation insurance coverage. The Contractor's employees and agents will not be considered County employees. The contractor certifies it is in compliance with Minnesota Statute §176.181, Subd. 2 pertaining to workers' compensation insurance coverage. The CONTRACTOR'S employees and agents will not be considered County employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees or agents and any claims made by any third party as a consequence of any act or omission on the part of these employees or agents are in no way County's obligation or responsibility.

B. *General Liability Insurance.* Contractor is required to maintain insurance protecting it from claims for damages for bodily injury, including sickness or disease, death, and for care and loss of services as well as from claims for property damage, including loss of use which may arise from operations under the Contract whether the operations are by the Contractor or by a subcontractor or by anyone directly or indirectly employed by the Contractor under the contract. Insurance minimum limits are as follows:

$500,000 per claim; $1,500,000 per occurrence; $3,000,000 annual aggregate

C. *Professional Liability Insurance (Errors and Omissions)* Contractor shall maintain professional liability insurance for the work of the professionals engaged in the professional services and work of this Contract. Said policies covering the errors and omissions of the professionals working under this Contract shall remain in effect for six (6) year following the completion of the work.

IX. **PUBLICITY**. Any publicity given to the program, publications, or services provided resulting from this contract, including, but not limited to, notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the CONTRACTOR or its employees individually or jointly with others, or any subcontractors shall identify County as the sponsoring agency and shall not be released prior to receiving the approval of County's authorized representative.

X. **MINNESOTA STATUTE §181.59**.

The Contractor will comply with the provisions of Minnesota Statute §181.59 which require:

Every contract for or on behalf of the State of Minnesota, or any county, city, town, township, school, school district, or any other district in the state, for materials, supplies, or construction shall contain provisions by which the contractor agrees: (1) that, in the hiring of common or skilled labor for the performance of any work under any contract, or any subcontract, no contractor, material supplier, or vendor, shall, by reason or race, creed, or color, discriminate against the person or persons who are citizens of the United States or resident aliens who are qualified and available to perform the work to which the employment relates; (2) that no contractor, material supplier, or vendor, shall, in any manner, discriminate against, or intimidate, or prevent the employment of any person or persons identified in clause (1) of this section, or on being hired, prevent, or conspire to prevent, the person or persons from the performance of work under any contract on account of race, creed, or color; (3) that a violation of this section is a misdemeanor; and (4) that this contract may be canceled or terminated by the state, county, city, town, school board, or any other person authorized to grant the contracts for employment, and all money due, or to become due under the contract, may be forfeited for a second or any subsequent violation of the terms or conditions of this contract.

XI. **GOVERNMENT DATA PRACTICES ACT**. The CONTRACTOR and County must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by County in accordance with this contract, and as it applies to all data, created, collected, received, stored, used, maintained, or disseminated by the CONTRACTOR in accordance with this contract. The civil remedies of Minnesota Statute §13.08 apply to the release of the data referred to in this clause by either the CONTRACTOR or County.

In the event the CONTRACTOR receives a request to release the data referred to in this clause, the CONTRACTOR must immediately notify County. County will give the CONTRACTOR instructions concerning the release of the data to the requesting party before the data is released.

XII. **OWNERSHIP OF MATERIALS AND INTELLECTUAL PROPERTY RIGHTS**.

A. County shall own all rights, title and interest in all of the materials created by the CONTRACTOR, or its employees or subcontractors, either individually or jointly with others and paid for in full by the County under this contract, including any inventions, reports, studies, designs, drawings, specifications, notes, documents, software and documentation, computer based training modules, electronically, magnetically or digitally recorded material, and other work in whatever form (hereinafter MATERIALS). Ownership and intellectual property rights does not apply to any MATERIALS previously owned or licensed to CONTRACTOR. Any such use or reuse, or any modification of MATERIALS by the County will be at the County or other's sole risk and without liability and legal exposure to CONTRACTOR.

The CONTRACTOR hereby assigns to County all rights, title and interest to the MATERIALS. The CONTRACTOR shall, upon request of County, execute all papers and perform all other acts necessary to assist County to obtain and register copyrights, patents or other forms of protection provided by law for the MATERIALS. The MATERIALS created under this contract by the CONTRACTOR, its employees or subcontractors, individually or jointly with others, shall be considered "works made for hire" as defined by the United States Copyright Act. All of the MATERIALS, whether in paper, electronic, or other form, shall be remitted to County by the CONTRACTOR, its employees and any subcontractors, and the CONTRACTOR shall not copy, reproduce, allow or cause to have the MATERIALS copied, reproduced or used for any purpose other than performance of the CONTRACTOR'S

obligations under this contract without the prior written consent of County's authorized representative.

B. The CONTRACTOR represents and warrants that MATERIALS produced or used under this contract do not and will not infringe upon any intellectual property rights of another, including, but not limited to, patents, copyrights, trade secrets, trade names, and service marks and names. The CONTRACTOR shall indemnify and defend, to the extent permitted by the Attorney General, County at the CONTRACTOR'S expense from any action or claim brought against County to the extent that it is based on a claim that all or part of the MATERIALS infringe upon the intellectual property rights of another. The CONTRACTOR shall be responsible for payment of any and all such claims, demands, obligations, liabilities, costs and damages, including, but not limited to, reasonable attorney fees arising out of this contract, amendments and supplements thereto, which are attributable to such claims or actions.

If such a claim or action arises, or in the CONTRACTOR'S or County's opinion is likely to arise, the CONTRACTOR shall, at County's discretion, either procure for County the right or license to continue using the MATERIALS at issue or replace or modify the allegedly infringing MATERIALS. This remedy shall be in addition to and shall not be exclusive to other remedies provided by law.

XIII. **ANTITRUST**. The CONTRACTOR hereby assigns to the County of Chisago any and all claims for overcharges as to goods or services provided in connection with this contract resulting from antitrust violations which arise under the antitrust laws of the United States or the antitrust laws of the State of Minnesota.

XIV. **JURISDICTION AND VENUE**. This contract, and amendments and supplements thereto, shall be governed by the laws of the State of Minnesota. Venue for all legal proceedings arising out of this contract, or breach thereof, shall be in the state or federal court with competent jurisdiction in Chisago County, Minnesota.

XV. **AMENDMENTS**. Any amendments to this contract shall be in writing and shall be executed by the same parties who executed the original contract, or their successors in office.

XVI. **STATE AUDITS**. The books, records, documents, and accounting procedures and practices of the CONTRACTOR relevant to this contract shall be subject to examination by County and the Legislative Auditor for a minimum of six (6) years from the end of the contract.

XVII. **SUBCONTRACTING AND ASSIGNMENT**: CONTRACTOR shall not enter into any subcontract for performance of any services contemplated under this agreement, nor assign any interest in the agreement without the prior written approval of the County. Any assignment may be made subject to such conditions and provisions as the County may impose. If specifically authorized by the County, CONTRACTOR is responsible for the performance of all subcontractors and shall compensate said subcontractors pursuant to the requirements of Minnesota Statute § 471.425.

XVIII. **SURVIVAL OF TERMS**. The following clauses survive the expiration, cancellation or termination of this contract: VII., Liability; IX., Publicity; XI., Government Data Practices Act; XII., Ownership Of Materials and Intellectual Property Rights; XIV., Jurisdiction and Venue; and XVI., State Audits.

IN WITNESS WHEREOF, the parties have caused this contract to be duly executed intending to be bound thereby.

APPROVED:

1. **CONTRACTOR - Braun Intertec Corporation**
   CONTRACTOR certifies that the appropriate person(s) have executed the contract on behalf of CONTRACTOR as required by applicable articles, by-laws, resolutions, or ordinances.

By:
Title:
Date:

2. **COUNTY OF CHISAGO**

APPROVED:

By:
Title: Chair, Chisago County Board of Commissioners
Date:

CERTIFIED:

By:
Title: Clerk to the Board
Date:

REVIEWED AND APPROVED AS TO FORM:

JANET REITER, COUNTY ATTORNEY, CHISAGO COUNTY
By: Jeffrey B. Fuge
Name and Title: Jeffrey B. Fuge, Assistant County Attorney
Date: 02/09/2021

BRAUN INTERTEC
The Science You Build On.

Braun Intertec Corporation
11001 Hampshire Avenue S
Minneapolis, MN 55438

Phone: 952.995.2000
Fax: 952.995.2020
Web: braunintertec.com

January 19, 2021

Proposal QTB132050

Mr. Kyle Ludwig, PE
Chisago County Public Works
313 North Main Street, Room 400
Center City, MN 55012

Re: Proposal for Construction Materials Testing Services
County State-Aid Highway 30 Improvement Project
S.P. 013-630-017, STPF 1321 (088)
North Branch, Minnesota

Dear Ludwig:

Braun Intertec Corporation is pleased to submit this proposal to provide construction materials testing services for County State-Aid Highway (CSAH) 30 Improvement Project in North Branch, Minnesota.

Since our inception in 1957, we have grown into one of the largest employee owned engineering firms in the nation. With more than 1,000 employee owners, retaining our firm gives you access to a diverse range of services and professionals you can consult with if the unforeseen occurs. The size of our company also allows us to respond quickly when schedule constraints occur.

Our Understanding of Project

We understand this project will include the construction of aggregate base placement, full depth reclamation, new concrete curb and gutter, sidewalk, and driveways along with new concrete pavement. Improvements to the water main utilities will also be part of this project.

This project is a Chisago County project with state funding. Projects that are constructed with state funding are required to perform Quality Control and Quality Assurance (QC/QA) testing in accordance with the Minnesota Department of Transportation's (MnDOT's) 2018 Standard Specifications for Construction and MnDOT's Schedule of Materials Control. This project is using MnDOT's 2019 State Aid for Local Transportation (SALT) Schedule of Materials Control. Personnel with MnDOT certifications must complete the monitoring and testing. Braun Intertec will perform the QA field testing and plant monitoring on the project as listed in our scope of services and as shown on our attached cost estimate table. The contractor will be responsible for performing all of the required QC testing and submitting all the documentation upon completion of the project. An audit of the project could be conducted upon completion. The audit may include reviewing tests and paperwork provided by your QC/QA representative.

Available Project Information

This proposal was prepared using the following documents and information.

- Project plans and specifications prepared by WSB & Associates, dated December 3, 2020 and November 6, 2020 respectively.
- Addendum number 1 dated January 13, 2021.
- Discussions with Jacob Boehmer from Chisago County regarding scope of work.

Braun Intertec Project Personnel

For this project, we will provide technicians that are MnDOT certified in each specialized field. For the proposed scope of services, our staff will have the following certifications:

- Aggregate Production
- Grading & Base I
- Concrete Field I
- Concrete Plant I
- MnDOT or ACI Strength Testing

Accredited Laboratory

In the 2019 SALT Schedule of Material Control, which is part of this project's testing requirements, MnDOT requires laboratories performing acceptance tests for payment to be accredited by the AASHTO Resource (formerly AASHTO Materials Reference Laboratory [AMRL]) for all test procedures performed.

Braun Intertec is one of the few independent testing companies that is accredited in the metro area. With Braun Intertec's Metro Material Laboratory typically operating 24 hours a day, laboratory test results are delivered in a timely manner.

Scope of Services

Testing services will be performed on an on-call, as-needed basis as requested and scheduled by you or your on-site project personnel. Based on our understanding of the project, we propose the following services.

Soil Related Services

- Perform nuclear gauge density tests on embankment, select granular and culvert backfill materials.
- Perform Dynamic Cone Penetrometer (DCP) tests on aggregate base material.
- Perform Full Depth Reclaim Dynamic Cone Penetrometer (DCP) tests on full depth reclaim (FDR) materials.

- Perform moisture content tests at time of compaction on backfill, embankment, select granular embankment, aggregate base, full depth reclamation, aggregate shouldering, and culvert backfill materials.
- Perform gradation tests on select granular embankment, full depth reclaim, aggregate base and shouldering materials.
- Perform laboratory standard Proctor tests on backfill and fill materials.
- Prepare the preliminary and final grading and base report along with assembling the random sampling locations report for the aggregate base and shouldering according to MnDOT Specifications.

Concrete Field Testing Related Services

- Sample and test the plastic concrete for slump, air content, temperature prior to placement. We assume that we will be able to appropriately dispose of excess concrete (and associated wash water) on site at no additional cost to us.
- Prepare 4-inch by 8-inch cylinders for compressive strength testing. A set of three cylinders will be tested at 28 days for each set cast. If field cure cylinders are requested, each additional cylinder will be charged at the unit price listed in our cost estimate.
- Laboratory compressive strength testing of cylinders.
- Develop the Weekly Concrete Reports for the Project Engineer's review and their submittal to MnDOT's Concrete Office.

Concrete Paving QA Plant Testing

- Submit samples of cement, fly ash and admixtures to MnDOT Materials Lab.
- Submit samples for alkali silica reactivity testing to MnDOT Materials Lab.
- Submit samples for coarse and fine aggregate gradation testing to Braun Intertec Materials Lab.
- Submit pre-production quality samples to MnDOT Materials Lab.
- Perform #200 wash testing on coarse aggregate at the concrete plant.
- Submit coarse and fine aggregate quality samples to MnDOT Materials Lab.
- The Incentive/Disincentive program will apply to this project for aggregate quality, well-graded aggregate and water-to-cement ratio testing.
- Complete concrete ingredient summary worksheet.
- Perform the agency concrete pavement plant monitoring and testing requirements, per MnDOT 2301 specification and the 2019 SALT Schedule of Materials Control.

Concrete Paving QA Field Testing

- Perform air content before and after placement and consolidation.
- Perform slump and concrete temperature.
- Determine probing, coring, texture and MIT-ScanT2 locations using MnDOT's workbook.
- Supply beam molds, curing and testing of flexural strength beams.
- Supply cylinder molds, curing and testing of compressive strength cylinders.
- Develop the Weekly Concrete Reports for the Project Engineer's review and their submittal to MnDOT's Concrete Office.

- Perform the agency concrete pavement field quality assurance testing requirements, as shown in MnDOT's 2019 SALT Schedule of Materials Control.

Reporting and Project Management

Test results will be issued weekly for the project as the various tasks are performed. If, at any time, there are failing tests which do not appear to be in accordance with the plans and specifications or MnDOT's Schedule of Materials Control, we will notify the engineer's representative and any others that we are directed to notify.

Before the final project closeout, we will issue a final report. The report will include the following:

- Braun Intertec technician roster for technicians that conducted testing on the project.
- Completed MnDOT Materials Certification Exceptions Summary for items tested by Braun Intertec.
- Completed Preliminary and Final Grading and Base Report.
- Moisture, Density, DCP, Proctor and Gradation tests.
- Concrete mix designs.
- Weekly concrete reports.
- Concrete compressive strength results.
- Concrete paving flexural strength test results.
- Concrete batch plant inspection field forms.
- Concrete pavement field testing reports for slump, air content and temperature.
- Concrete pavement contractor's gradation, moisture and #200 wash test results.
- Concrete pavement contractor's pavement texture, probing and coring test results.
- Concrete pavement contractor's copies of cement, fly-ash and admixture invoices.
- Completed concrete pavement ingredient summary worksheets.
- Completed test reports for samples sent to the MnDOT Materials Lab.
- Completed incentive/disincentive reports for aggregate quality, well-graded aggregate and water-to-cement ratio testing.
- Copies of concrete plant certifications.

Basis of Scope of Work

The costs associated with the proposed scope of services were estimated using the following assumptions. If the construction schedule is modified or the contractor completes the various phases of the project at different frequencies or durations than shown in this proposal, we may need to adjust the overall cost accordingly. The scope of work and number of trips required to perform these services are as shown in the attached table. Notable assumptions in developing our estimate include:

- We assume it will take seven trips to complete the nuclear density gauge testing on this project.
- We understand compaction testing on aggregate base and full depth reclamation will be performed using the Dynamic Cone Penetration (DCP) method; a minimum of three tests will be conducted each trip with eight trips assumed.
- We assume eighteen sets of concrete tests will be required to complete the project.
- We assume the rebar observations before concrete placements will be completed by the project representative's construction oversight manager.
- We assume two coarse aggregate and one fine aggregate in the ready mix concrete.
- We assume the ready mix concrete for this project will come out of one ready mix plant.
- We assume two coarse aggregates and one fine aggregate in the concrete paving concrete.
- We assume MnDOT Metro Inspections will perform concrete batch plant monitoring and testing for this project.
- We assume the concrete paving will be supplied from a MnDOT certified portable concrete plant.
- We assume MnDOT will calibrate and certify the portable concrete plant.
- We assume your full time on-site construction observer will observe the test rolling for this project.
- We assume the contractor will furnish all field office and laboratory facilities equipment for our personnel per MnDOT Specification 2301.3.B.3.a. Plant observations will be full-time observations as listed in the2019 SALT MnDOT Schedule of Materials Control.
- We assume the project engineer of record will review and approve the contractor's quality control submittals and test results.
- You, or others you may designate, will provide us with current and approved plans and specifications for the project. Modification to these plans must also be sent to us so we can review their incorporation into the work.
- We will require a minimum of 24 hours' notice for scheduling inspections for a specific time. Shorter than 24 hours' notice may impact our ability to perform the requested services, and the associated impacts will be the responsibility of others.

If the work is completed at different rates than described above, this proposal should be revised.

Cost and Invoicing

We will furnish the services described herein for an estimated fee of $57,367. **Our estimated costs are based on industry averages for construction production. Depending on the contractor's performance, our costs may be significantly reduced or slightly higher than estimated.** A tabulation showing our estimated hourly and/or unit rates associated with our proposed scope of services is also attached. The actual cost of our services will be based on the actual units or hours expended to meet the requirements of the project documents.

This cost estimate was developed with the understanding that the scope of services defined herein will be required and requested during our normal work hours of 6:00 a.m. to 4:00 p.m., Monday through Friday. Services that we are asked to provide to meet the project requirements or the contractor's construction schedule **outside** our normal business hours will be invoiced using an overtime rate factor.

The factor for services provided outside our normal work hours or on Saturday will be 1.25 times the listed hourly rate for the service provided. The factor for services provided on Sunday or legal holidays will be 1.5 times the listed hourly rate for the service provided. We have not included premiums for overtime in our cost estimate; however, we recommend that allowances and contingencies be made for overtime. You will be billed only for services provided on a time and materials basis.

Because our services are directly controlled by the schedule and performance of others, the actual cost may vary from our estimate. It is difficult to project all of the services and the quantity of services that may be required for any project. If services are required that are not discussed above, we will provide them at the rates shown in the attached table or, if not shown, at our current Schedule of Charges. We will invoice you on a monthly basis.

General Remarks

We will be happy to meet with you to discuss our proposed scope of services further and clarify the various scope components.

We appreciate the opportunity to present this proposal to you. After reviewing this proposal, **please sign and return one copy to our office as notification of acceptance and authorization to proceed.** If anything in this proposal is not consistent with your requirements, please let us know immediately. Braun Intertec will not release any written reports until we have received a signed agreement. Also, ordering services from Braun Intertec constitutes acceptance of the terms of this proposal.

The proposed fee is based on the scope of services described and the assumption that our services will be authorized within 30 days and that others will not delay us beyond our proposed schedule.

Our services will be provided under the terms of the Master Professional Services Agreement dated April 17, 2014.

To have questions answered or schedule a time to meet and discuss our approach to this project further, please contact John Rutherford at 651.487.7052 (jrutherford@braunintertec.com).

Sincerely,
BRAUN INTERTEC CORPORATION

John P. Rutherford
Project Manager

Andrew M. Valerius
Account Leader - Senior Project Manager

Charles M. Cadenhead, Jr., PE
Vice President, Principal Engineer

Attachments:
Cost Estimate Table

The proposal is accepted. We will reimburse you in accordance with this agreement, and you are authorized to proceed:

CHISAGO COUNTY PUBLIC WORKS

Authorizer's Firm

Authorizer's Signature

JOSEPH K TRIPLETT

Authorizer's Name (please print or type)

PUBLIC WORKS DIRECTOR

Authorizer's Title

1/26/21

Date

BRAUN INTERTEC

BRAUN INTERTEC
The Science You Build On.

Project Proposal

QTB132050

Chisago County - CSAH 30 Improvement Project SP 013-630-017

Client:

Chisago County
Kyle Ludwig
313 N Main St Rm 400
Center City, MN 55012
(651) 213-0451

Work Site Address:

County State Aid Highway 30 from Trunk Highway 95 to County State Aid Highway 10
North Branch, MN 55056

Service Description:

Construction Materials Testing
STPF 1321 (088)

	Description	Quantity	Units	Unit Price	Extension
Phase 1	MnDOT Testing				
Activity 1.1	Soil Testing				$10,344.00
207	Compaction Testing - Nuclear	21.00	Hour	82.00	$1,722.00
	Work Activity Detail — *Qty Units* — *Hrs/Unit* — *Extension*				
	Culverts — *2.00 Trips* — *3.00* — *6.00*				
	Common Embankment — *3.00 Trips* — *3.00* — *9.00*				
	Select Granular Borrow — *2.00 Trips* — *3.00* — *6.00*				
1308	Nuclear moisture-density meter charge, per hour	21.00	Each	24.00	$504.00
217	Compaction Testing - DCP	24.00	Hour	82.00	$1,968.00
	Work Activity Detail — *Qty Units* — *Hrs/Unit* — *Extension*				
	Full Depth Reclaimation — *6.00 Trips* — *3.00* — *18.00*				
	Aggregate Base — *2.00 Trips* — *3.00* — *6.00*				
209	Sample pick-up	20.00	Hour	82.00	$1,640.00
1318	Standard Proctor Test(ASTM D 698)	4.00	Each	185.00	$740.00
1162	Sieve analysis with 200 wash (ASTM C 136 and C 117), per sample	20.00	Each	136.00	$2,720.00
1530	Asphalt Content (ASTM D 2172/6307), per sample	1.00	Each	150.00	$150.00
1861	CMT Trip Charge	15.00	Each	60.00	$900.00
Activity 1.2	Concrete Testing				$39,068.00
261	Concrete Testing	80.00	Hour	82.00	$6,560.00
	Work Activity Detail — *Qty Units* — *Hrs/Unit* — *Extension*				
	Concrete Paving — *14.00 Trips* — *4.00* — *56.00*				
	Flatwork — *4.00 Trips* — *3.00* — *12.00*				
	Curb & Gutter — *4.00 Trips* — *3.00* — *12.00*				
215	Concrete Ready Mix Plant Monitoring	172.00	Hour	104.00	$17,888.00
	Work Activity Detail — *Qty Units* — *Hrs/Unit* — *Extension*				
	Pre-Production Sample — *1.00 Trip* — *4.00* — *4.00*				
	Concrete Paving — *14.00 Trips* — *12.00* — *168.00*				
278	Concrete Cylinder Pick up	10.00	Hour	82.00	$820.00
	Work Activity Detail — *Qty Units* — *Hrs/Unit* — *Extension*				
	Cylinder Pickup — *10.00 Trips* — *1.00* — *10.00*				
1364	Compressive strength of concrete cylinders (ASTM C 39), per specimen	80.00	Each	31.00	$2,480.00
	Work Activity Detail — *Qty Units* — *Hrs/Unit* — *Extension*				
	Concrete Paving — *14.00 Sets* — *4.00* — *56.00*				
	Flatwork — *4.00 Sets* — *3.00* — *12.00*				
	Curb & Gutter — *4.00 Sets* — *3.00* — *12.00*				
1367	Flexural strength of beams (ASTM C 78 and ASTM C 293), per specimen	14.00	Each	120.00	$1,680.00
1395	Mold rental (cubes and beams), per use	14.00	Each	50.00	$700.00
1162	Sieve analysis with 200 wash (ASTM C 136 and C 117), per sample	45.00	Each	136.00	$6,120.00
1861	CMT Trip Charge	47.00	Each	60.00	$2,820.00
Activity 1.3	Project Management				$7,955.00

226	Project Manager		30.00 Hour	160.00	$4,800.00
228	Senior Project Manager		3.00 Hour	185.00	$555.00
238	Project Assistant		15.00 Hour	82.00	$1,230.00
1230	MnDOT Final Report		1.00 Each	1,000.00	$1,000.00
128	Senior Engineer		2.00 Hour	185.00	$370.00
	Work Activity Detail	*Qty Units*	*Hrs/Unit*	*Extension*	
	Pavement Ride Review	*1.00 Each*	*2.00*	*2.00*	
				Phase 1 Total:	**$57,367.00**

Proposal Total:	**$57,367.00**

Chisago County Request For Board Action

Meeting Date: February 17, 2021	***Item Number:*** 4
Title of Item for Consideration: Resolution of Sponsorship and Support for Local Road Improvement Program Project Funding for Local Agencies	
Action Requested by: Joe Triplett, P.E.	***Department:*** Public Works
Previous Action on this Matter: None.	

Background: The 2020 Legislature included $75M in funding for the Local Road Improvement Program (LRIP) through the bonding bill. This funding is available to Counties, Cities and Townships. Several of our local agencies are submitting applications for their pots of funding. Part of this process is the County sponsorship of their project applications. The County has to act as the fiscal agent for townships and non-State Aid cities. We have applications from the Townships of Chisago Lake, Nessel, Lent and Sunrise.

Attachment(s):

- Resolutions
- Project Information

Action Requested/Recommended: The County Board is respectfully requested to approve the resolutions of sponsorship and support for local road improvement program project funding for local agencies. The following motion is suggested:

"Move to approve the resolutions of sponsorship and support for local road improvement program project funding for local agencies."

Implications of Action: Passage of resolution of support is required for project submittal. Without resolution, projects will not be considered.

Budget/Financial Implications: If successful, County will act as fiscal agent for local agency. There is not financial impact to County.

Legal/Policy Implications: The proposed activities are in general conformity with applicable state statutes and County authority and policies. The County Attorney has approved as to form.

Administrator's Recommendation

Approve CLS	Deny _____	Other _____
Motion By:	Seconded by:	
To:		
Action on Motion:	Aye _____	Nay _____	Abstain _____

Nessel Township
49205 Acacia Trail
Stanchfield, MN 55080
(320) 396-2702

Mr. Triplett,

Per your phone and email communications with Nessel Township board member Branden Mell, this letter shall serve as Nessel Township's request that your office and the County Board sponsor Nessel Township's application for a Local Road Improvement Program (LRIP) grant for the pavement of a portion of Clover Trail in Nessel Township. Nessel Township is requesting a resolution of support to be approved by the Chisago County Board.

The highlights of the proposed grant project are as follows:

1. Pavement upgrades on Clover Trail from the intersection of County Road 7 to the intersection of Clover Way, nominally 6,600 linear feet. (See attached map)

2. Installation of new asphalt pavement to nominally consist of a 2" base course and 1-1/2" to 2" of wear course placed over the existing gravel road surface.

3. Final engineering and project management to be provided by Short Elliot Hendrickson Engineering of St. Paul.

4. Final design effort and project bidding to be conducted post grant award during the second half of 2021.

5. Project implementation to take place during the construction season of 2022.

6. Estimated project construction cost of $555,000.00 based on the following engineering estimate:

		Unit	Qty	Estimate	Total
2021.501	MOBILIZATION	LS	1	$30,000.00	$30,000.00
2104.503	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	LF	75	$10.00	$750.00
2104.602	SALVAGE MAILBOX AND INSTALL SWINGARM STYLE ASSEMBLY	EA	14	$400.00	$5,600.00
2105.522	AGG BASE, CLASS 5 (CV) (FOR SHOULDERING)	CY	500	$60.00	$30,000.00
2112.501	SUBGRADE PREPARATION	RDST	66	$400.00	$26,400.00
2130.501	WATER	MGAL	6	$150.00	$900.00
2360.501	TYPE SP 9.5 WEARING COURSE MIXTURE (2,B) - 1-1/2"	TON	1869	$97.76	$182,713.44
2360.501	TYPE SP 12.5 WEARING COURSE MIXTURE (2,B) - 2"	TON	2728	$94.00	$256,432.00
2563.601	TRAFFIC CONTROL	LS	1	$7,500.00	$7,500.00
2574.525	TOPSOIL BORROW (LV)	CY	50	$75.00	$3,750.00
2582.503	4" SOLID LINE MULTI-COMPONENT	LF	13200	$0.50	$6,600.00
2582.503	4" DOUBLE SOLID LINE MULTI-COMPONENT	LF	3000	$0.75	$2,250.00
2582.503	4" BROKEN LINE MULTI-COMPONENT	LF	3600	$0.50	$1,800.00
					$554,695.44

7. Any incidental projects costs in excess of $555,000.00 would be paid by Nessel Township.

8. Online grant application to be completed by Nessel Township prior to the March 2021 deadline.

Please let us know if you have any questions or comments.

Thank you,

Kelli Storck
Nessel Township Clerk

Chisago County
Board of Commissioners

LOCAL ROAD IMPROVEMENT PROGRAM SPONSORSHIP OF NESSEL TOWNSHIP PROJECT

RESOLUTION NO. 21/0217-XX
LOCAL ROAD IMPROVEMENT PROGRAM
SPONSORSHIP OF NESSEL TOWNSHIP PROJECT

WHEREAS, The Local Road Improvement Program (LRIP) is established in Minnesota Statute 174.52: and

WHEREAS, the legislature provided $75,000,000 for LRIP in Laws of Minnesota, 5th Special Session, Chapter 3, Article 1, Section 16, Subdivision 2 with a cap of $1.25M for each project, and

WHEREAS, this funding is available for statewide solicitation to fund projects in the Routes of Regional Significance Account, the Rural Road Safety Account or the Trunk Highway Account, and

WHEREAS, Non-State Aid cities and townships must have a county sponsor, and

WHEREAS, Nessel Township has requested the county sponsorship by resolution number 02-2021 for its Clover Trail (CSAH 7 to Clover Way) project, and

WHEREAS, the Township and its Engineer shall prepare the grant agreement, develop and deliver State Aid plans for the project, advertise, bid and award the project, provide all construction services for the project and close out the project, and

WHEREAS, Nessel Township will ultimately be responsible for all costs not covered by such grant application, as well as other liabilities that may arise from such a project, and has agreed to maintain such improvements for the lifetime of the improvements, and

WHEREAS, Nessel Township does not intend to ask or require any participation, financial or otherwise from Chisago County other than the use of the County Engineer to act as the County's agent in dealing with matters related to the County acting as fiscal agent for this project, and

NOW, THEREFORE, BE IT RESOLVED: Chisago County will act as the sponsoring agency for the project for Nessel Township should an LRIP grant be awarded and acknowledges herewith that it is willing to be the project sponsor acting only as the fiscal agent on behalf of the Township so the funds can allocated to the contractor.

BOLTON & MENK
Real People. Real Solutions.

2035 County Road D East
Maplewood, MN 55109-5314

Ph: (651) 704-9970
Fax: (651) 704-9971
Bolton-Menk.com

February 10, 2021

Joe Triplett
County Engineer/Director, Chisago County Public Works
31325 Oasis Rd
Center City, MN 55012

Chisago County Board of Commissioners:

I am writing to request Chisago County sponsorship of Sunrise Township's Local Road Improvements Program (LRIP) application. The application is requesting funding for the reconstruction of River Road between Wilcox Road and Sunrise Road in Sunrise, Minnesota.

In 2020, the Minnesota Legislature provided $75 million in funding for LRIP through the bonding bill. The program makes funding of up to $1.25 million available to Counties, Cities, and Townships with eligible projects.

Sunrise Township has been investing in paving roadways within their jurisdiction and would like to pave River Road as well. River Road is home to two businesses, Sunrise River Tubing, Ice-Cream & Snack Shoppe and Stepp Manufacturing. Both of these businesses have previously asked the board to pave River Road in front of their businesses. We are expecting letters of support from both businesses.

Township resolution for support of this application is expected to pass on February 18, 2021.

Passage of a County Resolution of Support is required for project submittal. Without a resolution, this project will not be funded. If successful, LRIP funding will decrease the financial burden of this project for Sunrise Township.

Sincerely,

Bolton & Menk, Inc.

Cristina Mlejnek, PE
Township Engineer

Enclosure

Bolton & Menk is an equal opportunity employer

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Chisago County
Board of Commissioners

LOCAL ROAD IMPROVEMENT PROGRAM
SPONSORSHIP OF SUNRISE TOWNSHIP PROJECT

RESOLUTION NO. 21/0217-XX
LOCAL ROAD IMPROVEMENT PROGRAM
SPONSORSHIP OF SUNRISE TOWNSHIP PROJECT

WHEREAS, The Local Road Improvement Program (LRIP) is established in Minnesota Statute 174.52; and

WHEREAS, the legislature provided $75,000,000 for LRIP in Laws of Minnesota, 5th Special Session, Chapter 3, Article 1, Section 16, Subdivision 2 with a cap of $1.25M for each project, and

WHEREAS, this funding is available for statewide solicitation to fund projects in the Routes of Regional Significance Account, the Rural Road Safety Account or the Trunk Highway Account, and

WHEREAS, Non-State Aid cities and townships must have a county sponsor, and

WHEREAS, Sunrise Township has requested the county sponsorship by resolution number 2021-02-18-1 for its Mill St./River Rd (CSAH 9 to Wilcox Road) project, and

WHEREAS, the Township and its Engineer shall prepare the grant agreement, develop and deliver State Aid plans for the project, advertise, bid and award the project, provide all construction services for the project and close out the project, and

WHEREAS, Sunrise Township will ultimately be responsible for all costs not covered by such grant application, as well as other liabilities that may arise from such a project, and has agreed to maintain such improvements for the lifetime of the improvements, and

WHEREAS, Sunrise Township does not intend to ask or require any participation, financial or otherwise from Chisago County other than the use of the County Engineer to act as the County's agent in dealing with matters related to the County acting as fiscal agent for this project, and

NOW, THEREFORE, BE IT RESOLVED: Chisago County will act as the sponsoring agency for the project for Sunrise Township should an LRIP grant be awarded and acknowledges herewith that it is willing to be the project sponsor acting only as the fiscal agent on behalf of the Township so the funds can allocated to the contractor.

Chisago Lake TOWNSHIP

January 19, 2021

Joe Triplett
County Engineer
Public Works
31325 Oasis Road
Center City, MN 55012

Re: Sponsorship for 2020 Local Road Improvement Program (LRIP) 250th Street Improvements
Chisago Lake Township

Dear Mr. Triplett,

As part of the upcoming LRIP, Chisago Lake Township is interested in submitting a funding application for improvements on 250th Street between Kipling Avenue and Lofton Avenue. State funding through this program is available for construction letting in years 2021 through 2023. The project represents an opportunity to pave that portion of an existing gravel road that is heavily used between Manning Trail (CR 15) and Lofton Avenue (CR 91).

Based on the program requirements, the township is requesting the County be the sponsor on our application and project. The township will also need a resolution of support from the County to forward with the application. Based on discussions earlier this month, we understand you will work to get this request for sponsorship and a resolution of support on an upcoming County agenda in February 2021.

We would appreciate the sponsorship and resolution of support from Chisago County for this application and project. We acknowledge the township is responsible for costs associated with the project that are not eligible for LRIP funding. Please contact our Township Engineer, Dan Boyum, at 651-775-5098 or me at 651-257-0827 with questions.

Sincerely,

Sherry Stirling, Township Chair

Chisago County
Board of Commissioners

LOCAL ROAD IMPROVEMENT PROGRAM SPONSORSHIP OF CHISAGO LAKE TOWNSHIP PROJECT

RESOLUTION NO. 21/0217-XX
LOCAL ROAD IMPROVEMENT PROGRAM
SPONSORSHIP OF CHISAGO LAKE TOWNSHIP PROJECT

WHEREAS, The Local Road Improvement Program (LRIP) is established in Minnesota Statute 174.52; and

WHEREAS, the legislature provided $75,000,000 for LRIP in Laws of Minnesota, 5th Special Session, Chapter 3, Article 1, Section 16, Subdivision 2 with a cap of $1.25M for each project, and

WHEREAS, this funding is available for statewide solicitation to fund projects in the Routes of Regional Significance Account, the Rural Road Safety Account or the Trunk Highway Account, and

WHEREAS, Non-State Aid cities and townships must have a county sponsor, and

WHEREAS, Chisago Lake Township has requested the county sponsorship by resolution 2021-02-16 for its 250th Street (CSAH 15 to CR 91) project, and

WHEREAS, the Township and its Engineer shall prepare the grant agreement, develop and deliver State Aid plans for the project, advertise, bid and award the project, provide all construction services for the project and close out the project, and

WHEREAS, Chisago Lake Township will ultimately be responsible for all costs not covered by such grant application, as well as other liabilities that may arise from such a project, and has agreed to maintain such improvements for the lifetime of the improvements, and

WHEREAS, Chisago Lake Township does not intend to ask or require any participation, financial or otherwise from Chisago County other than the use of the County Engineer to act as the County's agent in dealing with matters related to the County acting as fiscal agent for this project, and

NOW, THEREFORE, BE IT RESOLVED: Chisago County will act as the sponsoring agency for the project for Chisago Lake Township should an LRIP grant be awarded and acknowledges herewith that it is willing to be the project sponsor acting only as the fiscal agent on behalf of the Township so the funds can allocated to the contractor.

Fish Lake Township
2170 Brunswick Road
Harris, MN 55032

January 26, 2021

Joe Triplett
County Engineer
Public Works
31325 Oasis Road
Center City, MN 55012

Re: Sponsorship for 2020 Local Road Improvement Program (LRIP) North Pine Lake Road, Anchor Avenue, Andee Avenue

Dear Mr. Triplett,

As part of the upcoming LRIP, Fish Lake Township is interested in submitting a funding application for improvements on North Pine Lake Road (North Pine Lake Road is a joint effort with North Branch and Cambridge Townships) Anchor Avenue and Andee Avenue.

State funding through this program is available for construction letting in years 2021 through 2023. The project represents an opportunity to improve North Pine Lake Road that serves as an alternative East-West transportation route parallel to Highway 95 between Cambridge and North Branch in Fish Lake Township; Anchor Avenue serving as an alternative North-South transportation route between County Road 63 and County Road 10, as well as to Highway 95; Andee Avenue serving as an alternative North-South transportation route between County Road 10 and Highway 95. These roads experience high traffic volume and are in need of more frequent routine gravel maintenance and are in need of safety improvements to address steep shoulder in-slopes as well as additional road work to establish a standard road width and road surfacing to improve vehicle safety.

Based on the program requirements, the township is requesting the County be the sponsor on our application and project. The township will also need a resolution of support from the County to forward with the applications. Based on discussions earlier this month, we understand you will work to get this request for sponsorship and a resolution of support on an upcoming County agenda in February 2021.

We would appreciate the sponsorship and resolution of support from Chisago County for our applications and projects. We acknowledge the township is responsible for costs associated with the project that are not eligible for LRIP funding. Please contact our Township Engineer, Jackie Thompson at 612-759-6054 or me at 612-232-9218 with questions.

Sincerely,

Bruce Fitzwater

Bruce Fitzwater
Township Chair

Chisago County
Board of Commissioners

LOCAL ROAD IMPROVEMENT PROGRAM
SPONSORSHIP OF FISH LAKE TOWNSHIP PROJECT

RESOLUTION NO. 21/0217-XX
LOCAL ROAD IMPROVEMENT PROGRAM
SPONSORSHIP OF FISH LAKE TOWNSHIP PROJECT

WHEREAS, The Local Road Improvement Program (LRIP) is established in Minnesota Statute 174.52; and

WHEREAS, the legislature provided $75,000,000 for LRIP in Laws of Minnesota, 5th Special Session, Chapter 3, Article 1, Section 16, Subdivision 2 with a cap of $1.25M for each project, and

WHEREAS, this funding is available for statewide solicitation to fund projects in the Routes of Regional Significance Account, the Rural Road Safety Account or the Trunk Highway Account, and

WHEREAS, Non-State Aid cities and townships must have a county sponsor, and

WHEREAS, Fish Lake Township has requested the county sponsorship by resolution number 2021-3 for the following projects:

- Andee Avenue (CSAH 10 to North Pine Lake Road)
- Anchor Avenue (CSAH 10 to CR 63)
- North Pine Lake Road (TH 95 to Skogman Lake Road)

WHEREAS, the Township and its Engineer shall prepare the grant agreement, develop and deliver State Aid plans for the project, advertise, bid and award the project, provide all construction services for the project and close out the project, and

WHEREAS, Fish Lake Township will ultimately be responsible for all costs not covered by such grant application, as well as other liabilities that may arise from such a project, and has agreed to maintain such improvements for the lifetime of the improvements, and

WHEREAS, Fish Lake Township does not intend to ask or require any participation, financial or otherwise from Chisago County other than the use of the County Engineer to act as the County's agent in dealing with matters related to the County acting as fiscal agent for this project, and

NOW, THEREFORE, BE IT RESOLVED: Chisago County will act as the sponsoring agency for the project for Fish Lake Township should an LRIP grant be awarded and acknowledges herewith that it is willing to be the project sponsor acting only as the fiscal agent on behalf of the Township so the funds can allocated to the contractor.

Chisago County Request For Board Action

Meeting Date: February 17, 2021	***Item Number:*** 5
Title of Item for Consideration: Final Contract Payment for CP 013-93-20 County Road 93 Reconditioning Project	
Action Requested by: Joe Triplett, P.E.	***Department:*** Chisago County Public Works
Previous Action on this Matter: Projects have been previously approved and awarded.	
Background: The final contract payment amount for the CP 013-93-20 County Road 93 Reconditioning is $0.00. The contract amount was $382,832.56 and the total work certified amount was $382,832.56. ***Attachment(s)***: • Final Contract Voucher – CP 013-93-20 County Road 93 Reconditioning Project (*available upon request*)	
Action Requested/Recommended: The County Board is respectfully requested to approve the Final Contract Payment for CP 013-93-20 County Road 93 Reconditioning. The following motion is suggested: ***"Move to approve the CP 013-93-20 County Road 93 Reconditioning Final payment."***	
Implications of Action: Board approval at tonight's meeting will allow the Public Works department to complete the CP 013-93-20 County Road 93 Reconditioning. ***Budget/Financial Implications***: None. ***Legal/Policy Implications***: The proposed action is in general conformity with normal and routine application of state statutes, and county authority and county policies.	

Administrator's Recommendation

Approve CLS	Deny _____	Other _____
Motion By:	Seconded by:	
To:		
Action on Motion:	Aye _____	Nay _____	Abstain _____

Tab #6

CHISAGO COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
Wednesday, February 03, 2021

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, February 03, 2021 at the Chisago County Government Center with the following Commissioners present: Greene, Dunne, Robinson. County Administrator Chase Burnham and Clerk of the Board Christina Vollrath. County Attorney Janet Reiter and Commissioner DuBose participated via video conference call.

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

Commissioner Robinson offered a motion to approve the agenda. Motion seconded by Dunne, the motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson **OPPOSED:** None. **ABSENT:** Montzka.

COVID-19 Update – Chisago County Public Health – Read by Chase Burnham from 6:32 p.m. to 6:38 p.m..

The Vice Chair opened the Health and Human Services Committee of the Whole at 6:38 p.m.

Health and Human Services Director Robert Benson provided the department updates. ***No action was taken.***

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

The Chair closed the Community Health Board and HHS Committee Board of the Whole at 6:50 p.m.

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

Board of Commissioners' Consent Agenda:

1.) HHS Committee Recommendation – Directors Update
2.) HHS Committee Recommendation – Payment of County's Warrants for HHS
3.) Payment of County's Warrants and Miscellaneous Bills
4.) Minutes from the January 20, 2021 Regular Meeting
5.) Application for Exempt Permit – Wild River Chapter MDHA

6.) Acceptance of a Donation – Members Cooperative Credit Union

On motion by Robinson, seconded by Dunne, the Board moved to approve the Chisago County Electronic Signature Policy. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson **OPPOSED:** None. **ABSENT:** Montzka.

On motion by DuBose, seconded by Dunne, the Board moved to approve the resolution of support for the Local Road Improvement Program Projects from the Chisago County Public Works Department. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson **OPPOSED:** None. **ABSENT:** Montzka.

On motion by Dunne, seconded by DuBose, the Board moved to approve the contract with Kimley Horn and Associates for final design services for the proposed roundabout project at the intersection of CSAH 23 & CSAH 24 in Chisago City. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson **OPPOSED:** None. **ABSENT:** Montzka.

County Administrator Chase Burnham provided administrator updates and correspondence. ***No action was taken.***

CITIZENS FORUM

TIME – 6:59 p.m.
END TIME – 7:00 p.m.
3 letters, 0 emails, # of **SPEAKERS** - 0

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

On motion by Robinson, seconded by Dunne, the Board adjourned the meeting at 7:03 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson **OPPOSED:** None. **ABSENT:** Montzka.

_____
Chris DuBose, Chair

Attest:_____
Christina Vollrath
Clerk of the Board

CHISAGO COUNTY
BOARD OF COMMISSIONERS
February 17, 2021

Item # 7

Payment of County's Warrants & Miscellaneous Bills

County Warrants = $527,018.99

Authorize Payment of County's Warrants for HHS:

Prepared Check Date	Amount	Mail Date	Type of Payment
2/5/2021	$102,566.60		Commissioner's Warrants
2/5/2021	$39,362.29	2/17/2021	Auditor's Warrants

Lake Area Bank: Derek Anklan: Sheriff: supplies: $118.00
Lake Area Bank: Jonathan Grey: Sheriff: supplies: $153.05
Lake Area Bank: Andrew Mahowald: Sheriff: supplies: $403.90
Lake Area Bank: Kyle Puelston: Sheriff: registration: $1,738.43
Lake Area Bank: Janet Reiter: Attorney: registration: $327.00
Lake Area Bank: Kurt Schneider: Environmental: registration: $349.99
Lake Area Bank: Barbara Shimmon: Public Works: registration: $250.00
Lake Area Bank: Joseph Triplett: Public Works: supplies: $65.00
Lake Area Bank: Ami Helmbrecht: HHS: supplies: $305.47
Lake Area Bank: Tracy Krona: HHS: supplies: $250.00

*****All Warrants/Bills Available with the Clerk of the Board*****

Tab #8

Chisago County Department of Environmental Services and Zoning
313 No. Main St. #243
Center City, MN 55012
651-213-8374 ~ kmschne@co.chisago.mn.us

Memo

To: Chisago County Board of Commissioners
From: Kurt Schneider, Director Environmental Services & Zoning
Date: February 10, 2021
Re: **February 17, 2021 Directors Report**

Enclosed within your packets are the following Department of Environmental Services and Zoning presentation/action item(s). Action items are further detailed in their corresponding Request for Board Action (RBA) reports. Please contact the Department if you have any questions or concerns or wish to view detailed Action Item hearing or file documents in advance of your February 17, 2021, Board meeting.

Action Items:

1. Directors Report
2. Environmental Services Parks Division 2020 Annual Report
3. Land Acquisition Grant - Checkerboard Park, Parks and Trails Council "Lutz" Property
4. Household Hazardous Waste Facility – Recycling Yard Grant
5. Bufalini, MN121819, LLC IUP 1MW Community Solar Garden – Sunrise Twp. (Johnson)
6. Bufalini, MN121819, LLC IUP 1MW Community Solar Garden – Amador Twp. (Medin)
7. Bufalini, MN121819, LLC IUP 1MW Community Solar Garden – Amador Twp. (Johnson)
8. Mueller Addition Final Plat
9. Lower St. Croix 1W1P Work Plan 2021 - 2022

Informational Item(s):

Board of Adjustment and Appeals:
The next regularly scheduled Board of Adjustment meeting is scheduled for February 25, 2021 at 7:00 pm. via remote attendance. Individuals wishing to observe the meeting or provide public hearing comment during the meeting may do so by telephone or electronic means. The Board will also meet on February 24, 2021, at 8:00 A.M. and depart separately from Public Works at 31325 Oasis Road, Center City, MN to conduct organized tours of the agenda item properties. Item(s) for consideration include:

1. **Thomas & Karen Jennissen** – Property at 611 507th Street W. Nessel Township: Sec.20. T.37. R.22. (PID #06.00371.00). Thomas and Karen Jennissen. Property Owners. are requesting a variance to build a detached accessory building that is taller than the existing dwelling and to be allowed more than the maximum square footage of accessory storage floor area in the RR1l Zoning District.

Planning Commission:
The regularly Planning Commission meeting is scheduled for Thursday. February 4. 2021. at 7:00 p.m. via remote attendance. Individuals wishing to observe the meeting or provide public hearing comment during the meeting may do so by telephone or electronic means. The Commission tour of Tuesday. February 2. 2020 has been cancelled. Items for consideration include:

1. **Tony Zerwas** - Property at 41275 Peterson Ave. Amador Township: Sec.1. T.35. R.20 (PID #01.00212.00). Bob Boyce. on behalf of Tony Zerwas - Property Owner. is seeking approval of a preliminary plat of four – five acre lots out of a 20 acre tract. **Previously tabled and 60 Day agency action deadline extended for further consideration by the Developer and Road Authority (Twp.).*

2. **Ordinance Amendment(s) Public Hearing** – Public hearing to receive input on proposed amendments to Zoning. Subdivision. and Subsurface Sewage Treatment Ordinance related to one acre buildable area requirements. mottled soils. changes to septic system criteria.

General Department Informational Item(s):
January construction & permit activity included 8 new home permits. Attached is a new monthly and YTD format report presenting comprehensive permit volume. types. and locations. thru the month of January 2021.

Staff is seeking updates to two recently obtained (2020) Ordinance Codification services quotes and establishing a small multi-department committee to assess and make recommendation on proceeding with ordinance review services. The codification process will result in a comprehensive codified County Code of Ordinances book that is free from internal conflicts and inconsistencies. conforms to the laws of MN, and is more accessible in print and online. This process will involve all county ordinances. not just the Zoning Ordinance. A vendor recommendation is anticipated in March with the full process of review likely to extend thru much of the calendar year.

Swedish Immigrant Regional Trail feasibility study work continues on the "Segment C" portion of the trail intended to find the most feasible routing thru the State Park into the City of Taylors Falls with the goal of reaching the local community center. Significant historical. cultural. and environmental review has been carried out to date involving central corridor route scenarios thru the park and most recently a northerly routing corridor also thru the park but traversing closer to County 37 and conceptually entering city right-of way and the Angel Hill neighborhood at Military Rd. All routes present unique challenges. the northerly route is however developing the least cultural and ecological constraints. The DNR has indicated support of the northerly routing as feasible and has discouraged further central corridor study. Staff has sought city official feedback on the northerly route scenarios and will also most likely be seeking hybrid electronic meeting/comment generated community feedback to inform the final feasibility report prior to expiration of the grant period in June.

Environmental Services Department – Permitting & Inspections Activity
January 2021

LOCATION	1. New Houses		2. Additions / Alterations Roofs/Decks /Wind. Foundations		3. Mechanical (gas conv. MH setup, mech/plumbing, woodstove, fireplace)		4. Accessory / pole bldg., garage, shed, pool, fence, sign		5.6 Commercial New and Additions / alteration / mechanical		7. Multi-family		8. Septic Systems		Septic Certifications	
	January	YTD	January	YTD	January	YTD	January	YTD	January	YTD	January	YTD	January	YTD	January	YTD
Amador	0	0	1	1	1	1	0	0	0	0	0	0	0	0	0	0
Center City	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0
Chisago City	4	4	4	4	5	5	0	0	0	0	0	0	0	0	2	2
Chisago Lake	1	1	7	7	1	1	0	0	0	0	0	0	0	0	4	4
Fish Lake	0	0	1	1	0	0	0	0	0	0	0	0	0	0	1	1
Franconia	0	0	0	0	1	1	1	1	1	1	0	0	0	0	0	0
Harris	0	0	1	1	1	1	0	0	0	0	0	0	0	0	0	0
Lindstrom	1	1	6	6	5	5	0	0	1	1	0	0	0	0	0	0
Nessel	0	0	3	3	1	1	1	1	0	0	0	0	1	1	0	0
Rush City	2	2	0	0	1	1	0	0	0	0	0	0	0	0	0	0
Rushseba	0	0	0	0	1	1	0	0	0	0	0	0	0	0	2	2
Shafer	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sunrise	0	0	1	1	0	0	0	0	0	0	0	0	0	0	1	1
TOTAL:	**8**	**8**	**24**	**24**	**17**	**17**	**2**	**2**	**3**	**3**	**0**	**0**	**1**	**1**	**10**	**10**

Year to Year Comparison	January	YTD	January	YTD	January	YTD	January	YTD	January	YTD	January	YTD	January	YTD	January	YTD
2020	3	3	16	16	26	26	1	1	2	2	0	0	1	1	9	9
2019	5	5	24	24	18	18	0	0	0	0	0	0	0	0	9	9
2018	6	6	6	6	8	8	1	1	0	0	0	0	1	1	3	3
2017	2	2	14	14	15	15	1	1	2	2	0	0	1	1	9	9

**All permit and construction data *excludes* activity that occurred in jurisdictions where Chisago County ESD does not perform contract inspection/permitting work (City of Shafer, Taylors Falls, Wyoming, Stacy, North Branch, Lent Twp).

Chisago County Request For Board Action

Meeting Date: February 17, 2021	***Item Number:*** 9
Title of Item for Consideration: Environmental Services Parks Division 2020 Annual Report	
Action Requested by: Kurt Schneider, Director	***Department:*** Environmental Services Dept. on behalf of the Chisago County Park Board
Previous Action on this Matter: None.	

Background: Parks and Trails Director Joe Tart has carried on and initiated a number of successful parks operations and grant pursuits for Chisago County in his short time with the County. Having started during the middle of the peak summer season of 2019, 2020 was his first full year.

Enclosed please find a 2020 Annual Report highlighting Parks activities for 2020. At the discretion of the Board, staff will be available at your meeting to present and discuss County Parks and the enclosed report.

Attachment(s):

- Annual Report

Action Requested/Recommended: It is respectfully requested that the Chisago County Board accept the 2020 Annual Report of the Chisago County Parks Department. The recommended motion is:

"Move to accept the 2020 Annual Report of Chisago County Parks and Trails Division of the Environmental Services Department."

Implications of Action: Parks Staff will be available at the meeting to review and take questions on the 2020 Annual Report.

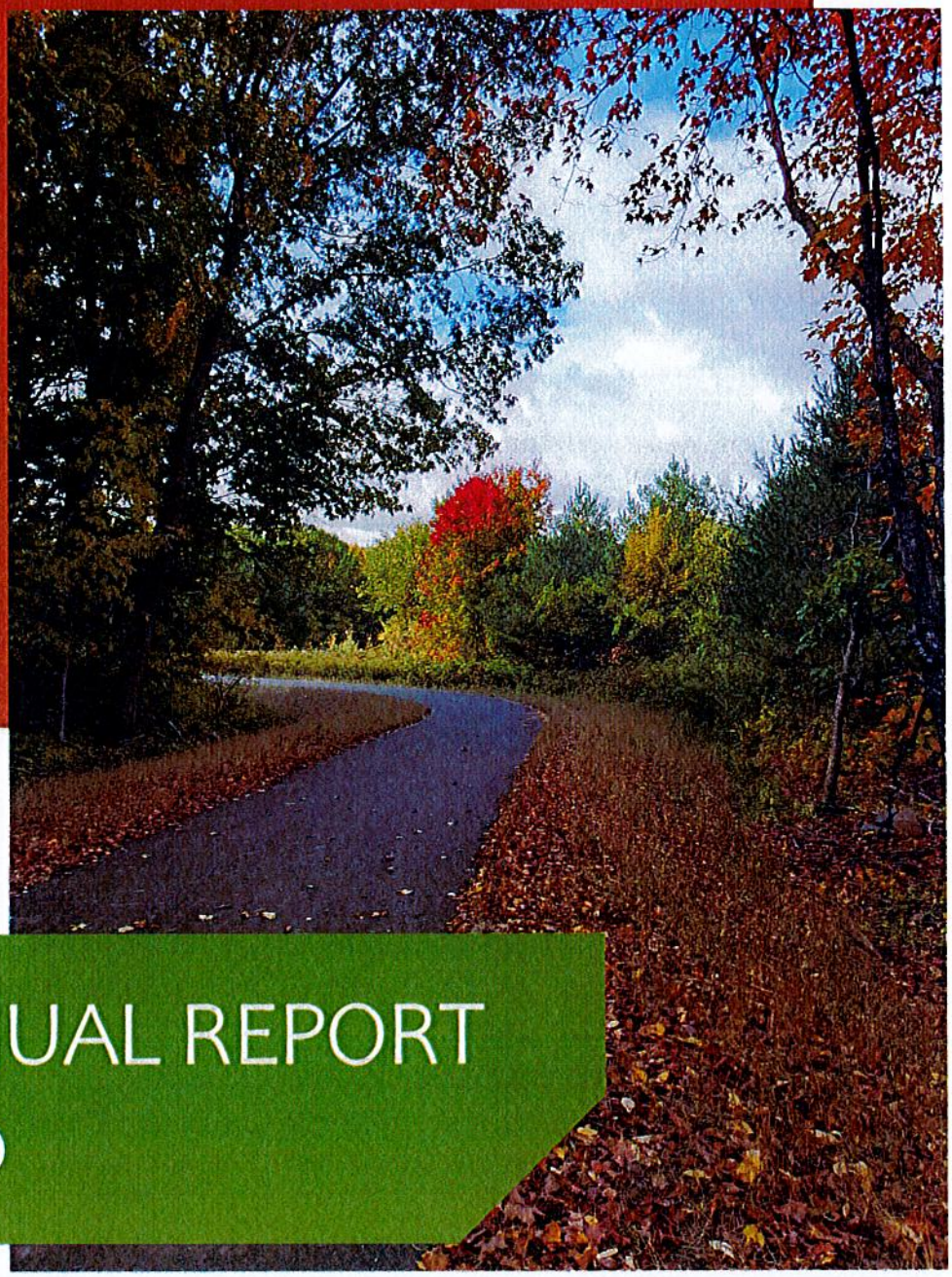
Budget/Financial Implications: None

Legal/Policy Implications: The proposed activities are in general conformity with applicable state statutes and County authority and policies.

Administrator's Recommendation

Approve CCJ	Deny _____	Other _____
Motion By:	Seconded by:	
To:		

Action on Motion:	Aye _____	Nay _____	Abstain _____



ANNUAL REPORT 2020

Chisago County Parks and Trails

CHISAGO COUNTY PARKS AND TRAILS DIVISION

Our Vision:

"A park and trail system focusing on diverse natural resources and the recreational needs of Chisago County residents and visitors."

Mission Statement:

"Protect the natural resources, balance the demand for recreation with the need for conservation, offer recreation opportunities that encourage healthy lifestyles and provide clean, safe and accessible places for leisure time activities."

Chisago County Parks Advisory Commission

Park Board Members	District	Term
Jolene Wille (Vice Chair-2020)	1	1/8/2019 - 01/02/2022
Daniel Kaiser (Chair-2020)	2	1/7/2020 - 12/31/2022
Gregg Carlson	3	1/4/2020 - 01/02/2023
Jill Sicheneder	4	1/7/2020 - 12/31/2022
Frank Storm	5	1/8/2019 - 01/02/2022
Mike Robinson (County Commissioner Liaison)	5	1/7/2019 - 12/31/2022

Chisago County Board of Commissioners

Commissioners	District	Term
Chris DuBose (Vice Chair-2020)	1	1/7/2019 - 12/31/2022
Rick Greene	2	1/3/2017 - 12/31/2020
George McMahon	3	1/3/2017 - 12/31/2020
Ben Montzka (Chair-2020)	4	1/7/2019 - 12/31/2022
Mike Robinson	5	1/7/2019 - 12/31/2022

Chisago County Parks and Recreation Staff

Name	Position
Joseph Tart	Parks Director
David Johnson	Parks Maintenance Lead
Diane Sander	Support Specialist

Chisago County Parks and Trails

Chisago County Parks system includes five parks, two regional trails and one park reserve that provide access to area rivers, lakes and natural areas. Enhancement, improvement and continued expansion of the park and trail systems will continue to be our main focus for residents and visitors.

Chisago County Park Acreage Distribution

Fish Lake Park, total acres	130
Area developed for active use (Approximate)	25
Checkerboard Park, total acres	70
Area developed for active use (Approximate)	7
Kost Dam Park, total acres	27
Area developed for active use (Approximate)	5.4
Ki-Chi-Saga Park, total acres	97
Area developed for active use (Approximate)	24

Dennis Frandsen Park, total acres 117
Area developed for active use (Approximate)..... 7

Sunrise Prairie Regional Trail, total acres 180
Area developed for active use (Approximate)..... 45
Total miles of maintained trails (Approximate)..... 15.3
Total Trailhead Rest Area acres (Approximate)..... 5.5

Swedish Immigrant Regional Trail, total acres 42
Area developed for active use (Approximate)..... 24
Total miles of maintained trails (Approximate)..... 6.7
Total Trailhead Rest Area acres (Approximate)..... .5

North Sunrise Park Reserve..... 150
Area developed for active use (Approximate)..... 0

Total area (tillable) of Park Reserve land rented to others (Approximate)..... 13

Chisago County Parks and Trails Summary	Totals
Total Develop Acres for Use	137.4
Total Develop Acres of Parks, Picnic and Rest Areas	74.4
Total Miles of Active Trails	22.0
Total Parks and Trail Acreage	813.0
Total Trailhead Rest Area Acreage	6.0

Ki-Chi-Saga Park

PERSONNEL

- In 2020 Chisago County Parks seasonal staff include a number of new hires along with returning employees for the Parks Maintenance, Park Rangers and Collection Attendant positions. Five of the eleven seasonal staff positions were filled with returning employees.

- Chisago County Sheriff Department helped assist and inform parks division as a point of contact for disturbances and vandalism on related park properties throughout the 2020 season.

- "Sentence-To-Serve" crew helped assist with weekly park and trail mowing duties throughout the summer season with an average crew size of one person.

Chisago County Shelter Reservations

Shelter Reservations- (2 year comparison)

Shelter Reservation Fees $60 for county residents and
$75 for non-county residents, per shelter on weekends and holidays.
Weekday Shelter Reservation Fees $35 per shelter, excluding holidays.

CHISAGO COUNTY PARKS SHELTERS	2019	2020	2020 Covid-19 Cancellations
Checkerboard Park	1	2	
Kost Park	1	3	
Dennis Frandsen Park	8	6	
Ki-Chi Saga Park Shelter #1 (Play Structure)	7	6	1
Ki-Chi Saga Park Shelter #2 (Soccer)	1	3	
Fish Lake Park Shelter #1 (Play Structure)	19	10	5
Fish Lake Park Shelter #2 (Lake)	16	11	5
TOTAL RESERVATIONS	**53**	**41**	**11**

Chisago County Fish Lake Parking Permits Sold

Parking permits are required Friday – Sunday from Memorial Day weekend through Labor Day weekend
Daily Permit/Vehicle: $3 Seasonal Permit/Vehicle: $20 Bus Permit/Vehicle: $15

2019		
Daily	**Season**	**½ Price Season**
3002	175	26

2020		
Daily	**Season**	**½ Price Season**
2920	268	42

PROGRAMS-SPECIAL EVENTS

Purpose

Chisago County Parks and Trails encourages environmental, educational and recreational programs throughout the Parks and Trails system. Many organizational groups, schools and associations play an active role to provide these services and opportunities to residents.

Special Events

Chisago County Parks and Trails hold several special events throughout each year. Below is a list of calendar events scheduled in 2020:

MS 150-Bike Ride

- Date: June, 2020
- Location: Sunrise Prairie Regional Trail (SPRT)
- Comments: Due to Covid-19 Pandemic this event was cancelled in 2020. Will be scheduled in 2021.

Chisago County 4-H Summer Showcase

- Date: July 13th and 15th, 2020
- Location: Ki-Chi-Saga County Park
- Comments: This event showcased Chisago County 4-H member's exhibitor's work on display throughout the year. In attendance were Chisago lakes 4-H members and guests.

Reebok Ragnar Minnesota Run

- Date: August 14 -15, 2020
- Location: Sunrise Prairie Regional Trail (SPRT)
- Comments: After careful consideration event organizers made a decision to cancel this event in the interest of public safety.

Chisago Lakes High School Cross Country Meet

- Date: September 3, 2020
- Location: Ki-Chi-Saga County Park
- Comments: High School Cross Country Meet with one other school.

ATV Training Class

- Date: September 12, 2020
- Location: Fish Lake County Park
- Comments: Youth ATV-Class held by Chisago County Sheriff's Department.

ATV Training Class

- Date: September 19, 2020
- Location: Ki-Chi-Saga County Park
- Comments: Youth ATV-Class held by Chisago County Sheriff's Department.

Chisago Lakes High School Cross Country Meet

- Date: September 22, 2020
- Location: Ki-Chi-Saga County Park
- Comments: High School Cross Country meet with two other schools.

Minnesota Kayak Fishing Association (MNKFA) Toothy Tournament

- Date: September 26, 2020
- Location: Dennis Frandsen County Park
- Comments: Kayak fishing tournament on east and west Rush Lake organized by MNKFA.

Swedish Immigrant Regional Trail (SIRT) Ribbon Cutting Event

- Date: October 10, 2020
- Location: Taylors Falls Trailhead
- Comments: This event was held at the new Trailhead location at Taylors Falls City Hall. Following the ribbon cutting many attendees enjoyed a beautiful autumn bike ride or walked along this scenic trail. Thank you to our fellow trail supporters and trail enthusiasts!

Sporting Events

Lakes Area Recreation Association (LARA) - Summer Baseball Season

- Dates: July - August, 2020
- Participants: 36 players
- Location: Ki-Chi-Saga County Park
- Comments: Traveling Baseball Season- 3 fields requested for user groups 9U, 10U and 11U teams.

St. Croix United Soccer League

- Dates: July - August, 2020
- Participants: 22 players
- Location: Ki-Chi-Saga County Park
- Comments: Soccer Club requested field 1 (Full-size, 11v11) for weekend games.

Lakes Area Recreation Association (LARA) - Flag Football Season

- Dates: September - October, 2020
- Participants: 100 players
- Location: Ki-Chi-Saga County Park
- Comments: Youth Flag Football Season- 5 fields requested for10 teams.

Lakes Area Recreation Association (LARA) - Fall Baseball Season

- Dates: September - October, 2020
- Participants: 22 players
- Location: Ki-Chi-Saga County Park
- Comments: Traveling Baseball Season- 2 fields requested for 11U teams.

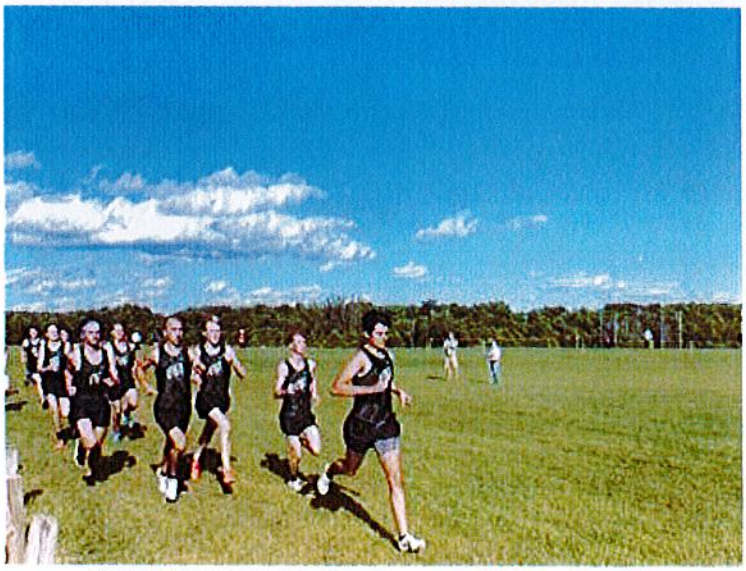


Photo by Coach Tyler Stettler via www.isd2144.org/Page/607
Ki-Chi-Saga County Park

OPERATIONS AND IMPROVEMENTS

Outside of our routine facility maintenance practices and administrative duties, the following are a few highlights:

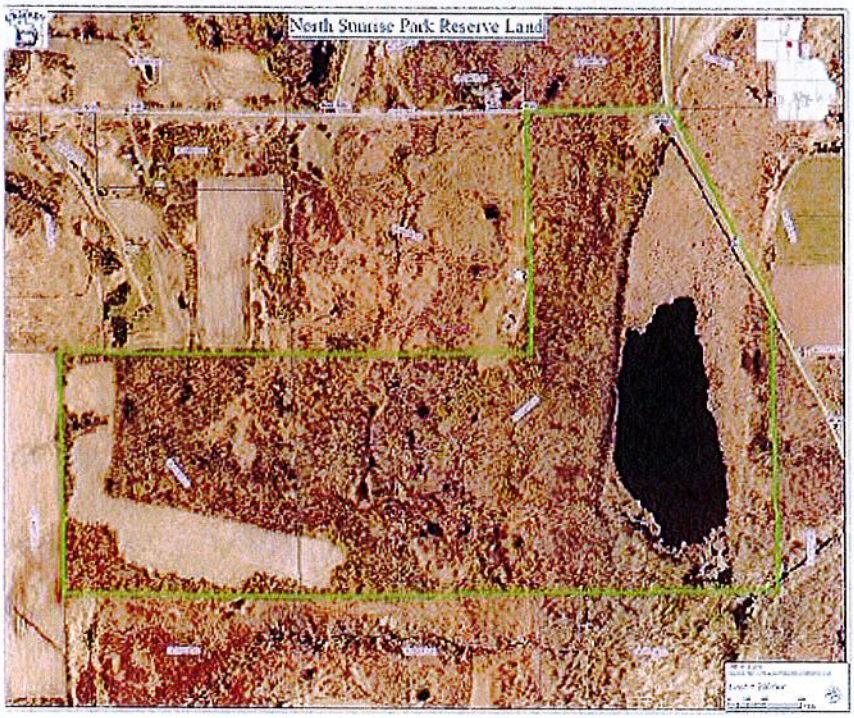
- Ki-Chi-Saga County Park
    1. During the summer of 2020, the baseball fields at the park were improved for better playability. Parks Department received many encouraging complements. The County Parks Division provided the materials and staffing to install new base anchors, pitching rubbers and Ag lime surfacing. Fencing was also inspected and repaired.
    2. Chisago County was able complete many maintenance practices throughout the year including seeding, weed control and fertilization with good results.
    3. Playground safety surfacing (certified engineered wood fiber) was also added in late 2019 to provide a safe surface to fall.
    4. A new larger garage door was installed at our storage building to allow easier access for larger equipment.
    5. Capital improvements for 2020 included additional gravel/grading of 890 tons of material as well as crack filling/fog sealing the entryway road into the park.
    6. Total of 12 acres of pollinator habitat areas managed and prepped/installed in 2019.

Reinvigorated Ballfields - Ki-Chi-Saga County Park

Additional gravel and grading to parking lots - Ki-Chi-Saga County Park

- North Sunrise Park Reserve

1. In 2020 we installed new signage and created public hunting packets that include: applications, approval letters, maps, and hunting passes at the154 acre County-owned Park Reserve that functions as a wildlife management area. During 2020 we had 10 hunters apply for either archery, shotgun or muzzleloader seasons for a variety species including small game, deer, waterfowl or turkey. If popularity of public hunting increases, future limits and lottery will be established to assure safety for hunters at North Sunrise Park Reserve.



- Fish Lake County Park

1. The 2020 summer season brought many individuals and families to the park to enjoy all of the amenities this park provides while adhering to Covid-19 social distancing protocols and guidelines.
2. Late summer we completed a number of capital improvements projects that made a significant impact. These projects included crack filling/fog sealing the pathways that wind throughout the park and the addition of gravel/grading in the parking lots with 765 tons of material used.
3. Lake water testing/monitoring resulting in 7 days of beach closure for 2020.
4. Closer of the "Fishermen's" restroom due to tank failure and water table infiltration.

Crack Filling/Fog Sealing Project - Fish Lake County Park

Crack Filling/Fog Sealing Project - Dennis Frandsen County Park

- Dennis Frandsen County Park

1. During the spring/summer of 2020 we saw a record number of individuals and families shore line fishing at this spacious park.
2. Total of 8 acres was prepared and seeded in partnership with the Chisago Soil and Water Conservation District (SWCD) Pollinator Grant Program.
3. Park maintenance staff completed parking lot and roadway debris, weed and shrub removal prior to the capital improvement plan to crack filling and fog sealing.

Emerging Pollinator Habitat Area - Dennis Frandsen County Park

- Kost County Park

1. In late summer Parks maintenance staff completed a shelter resurfacing project that included the removal of old stain and revitalizing the shelter with a new coat of stain.

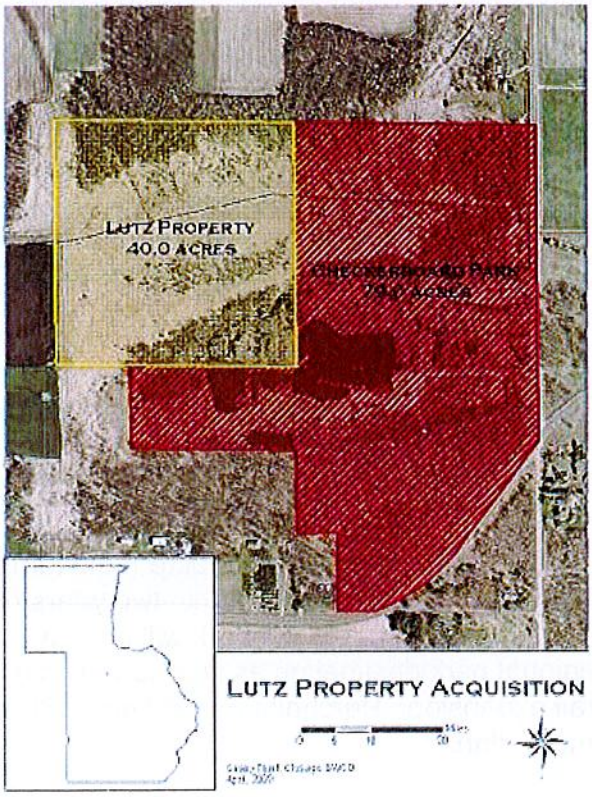
2. Intensive erosion and trail monitoring was conducted with ongoing public safety collaboration, removal of the illicit rope swing was ongoing in 2020.

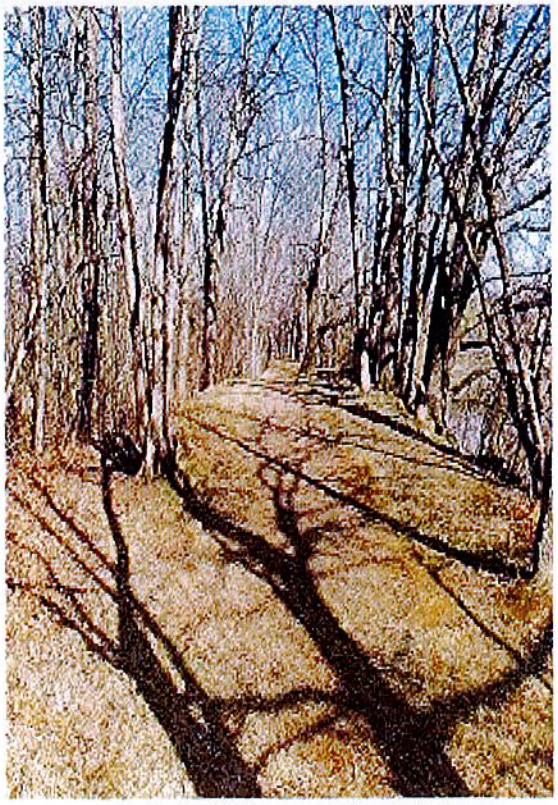
- Checkerboard County Park

1. Park maintenance staff removed the old playground equipment and graded surface to make space for are newly installed "Ollie's Nook" playground structure. This structure is designed for 2 to 5 year olds and includes: two decks, one climber, 3 slides, and play panels. Additional spring rockers have been ordered to complete the playground area. This will be comparable to the playground at Dennis Frandsen County Park.

2. During mid-summer Chisago County agreed to purchase a 40 acre (Lutz family) land parcel from the Parks and Trails Council of Minnesota within two years of the purchase closing date. This land parcel adjacent to the park will increase total park acreage for a possible regional park destination as well as providing adequate space for future hiking trail expansion. Purchase expenditure will be identified in 2022 Capital Improvement Plan.

New Playground - Checkerboard County Park





Trail - Checkerboard County Park

- Swedish Immigrant Regional Trail (SIRT)
    1. Completed the trail connection through Interstate State Park to the Trailhead at Taylors Falls.
    2. Initiated and "adopted" the full three segments of SIRT into our Adopt-a-Trail Program.

In 2020 we had a wonderful addition to the Swedish Immigrant Regional Trail and we personally would like to thank everyone who has made this possible and everyone that has been an integral part to get this trail built.

This Trail segment was constructed in just over 6 months, however it has been our vision for many years.

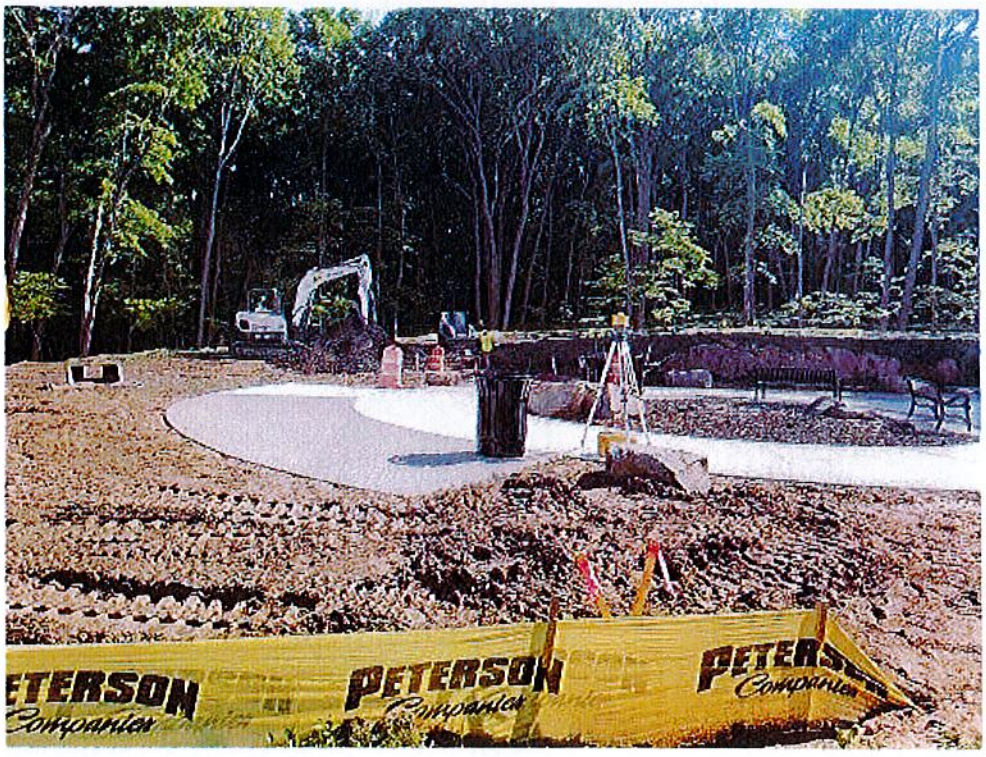
We truly *thank you* for your continued support and dedication to make this trail a reality! Our Regional Trail system is very important to our local communities while providing safe travels for all of our users.

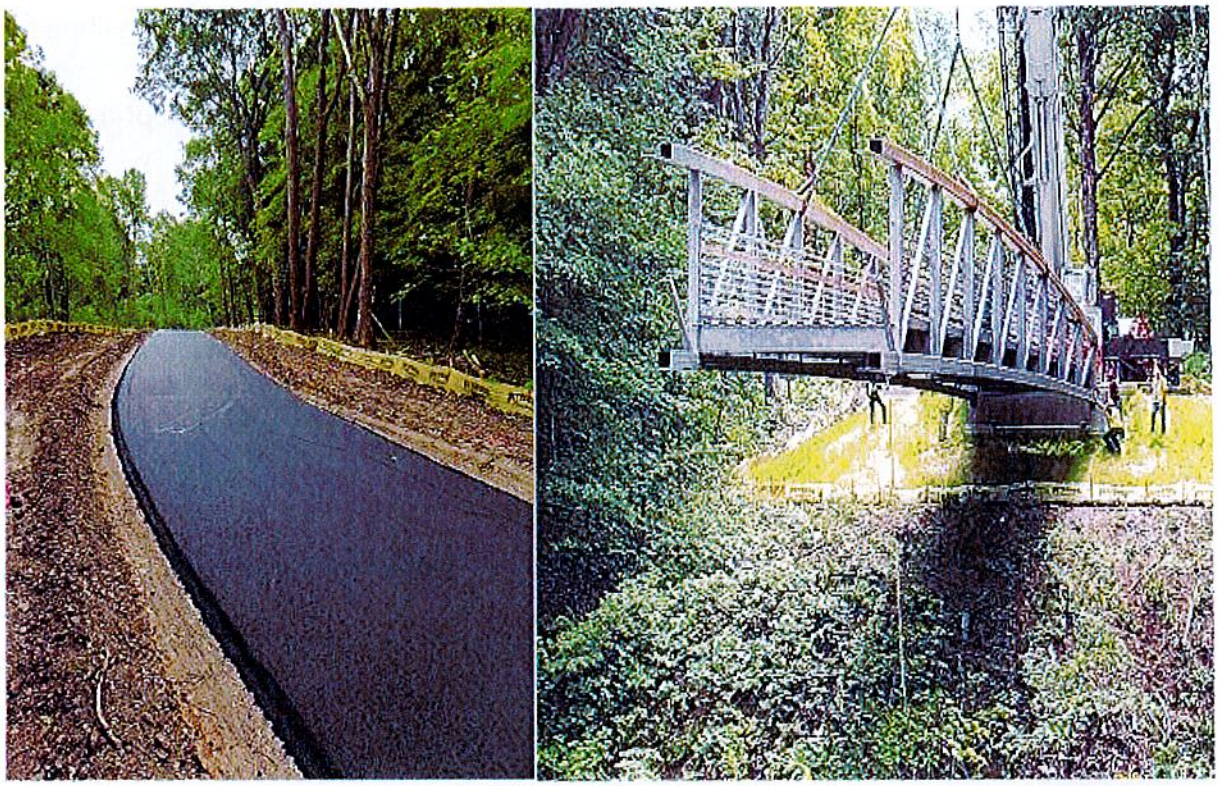
We will continue to build upon our vison to connect all Chisago County Cities along this great trail corridor.

We would also like to acknowledge the Legislative-Citizens Commission on MN Resources (LCCMR) and the Environmental and Natural Resources Trust Fund (ENRTF) for their recommendation and funding for this project.

ENVIRONMENT
AND NATURAL RESOURCES
TRUST FUND

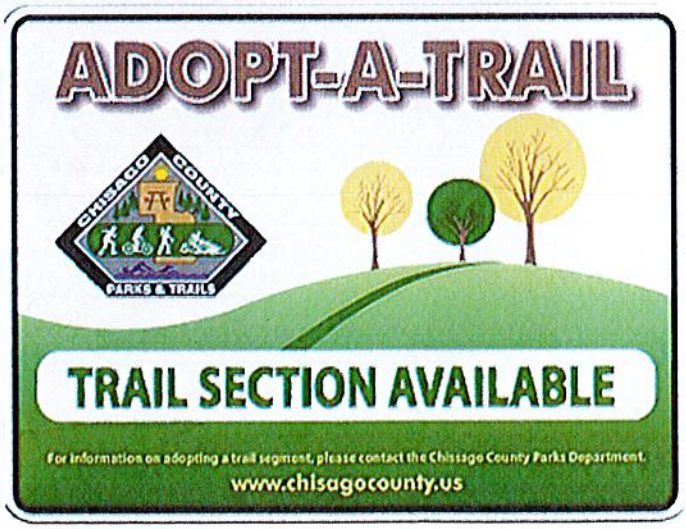
Trailhead Construction at Taylors Falls – Swedish Immigrant Regional Trail





Construction 2020 - Swedish Immigrant Regional Trail

- Sunrise Prairie Regional Trail (SPRT)
    1. In 2020 the Adopt-a-Trail program was implemented. The program includes 10 trail segments available for sponsorship along both of the Chisago County Regional Trails. To date the Swedish Immigrant Regional Trail sections have all been adopted; Chisago Lakes Rotary Club, Wildwood RV Park & Campground and Malkin Bike Shop. Currently there are a number of segments still available along the Sunrise Prairie Regional Trail.



2. Chisago County Regional Rail Authority approved and authorized the Right of Way Permit request to the City of Wyoming for a purposed trail spur from the Sunrise Prairie Regional Trail to a new Railroad Park in the City of Wyoming. The placement of the trail spur and bike repair station at this location is a wonderful addition for trail users.

City of Wyoming Trail Spur

3. We are proud to announce that the Greater Minnesota Regional Parks and Trails Commission (GMRPTC) has announced Legacy grant recommendations for the FY2022 funding cycle. The Chisago County Sunrise Prairie Regional Trail was included in the funding recommendation. The 2.6 mile trail connection will complete segment G, "Oak Grove" trail corridor from 410th street in North Branch to the City of Harris. Recommended grant award was $1,182,282 with a Chisago County local match pledge of 15% ($209,520) and Parks and Trails Foundation of $5000. Grant total is $1,396,802.

Administrative Tasks Completed in 2020

- Chisago County Park Reservation Policy
- Ki-Chi-Saga Park Operations and Standards Policy
- Tournament Application Form
- Letter of Agreement Form (Reservation and Field Maintenance)
- Special Use Permit Form
- Large Special Use Permit Form
- Initiated and Developed On-line Fillable Forms
- Adopt-a-Trail Program (Application, Condition Report, Renewal Application)
- Karl Oskar House - Updated Lindstrom Historical Society Lease Agreement
- Chisago County Regional Railroad Authority (CCRRA) - Right of Way Permit and Special Provisions Form
- CCRRA - Crossing Permit for Regional Trail Crossings
- North Sunrise Park Reserve Hunting Application
- Developed First Chisago County Parks Annual Report
- Athletic Field Preparedness Plan for Ki-Chi-Saga Park
- Ongoing Protocols related to the COVID-19 Pandemic
    - Updated COVID-19 Individual Equipment Postings
    - Updated COVID-19 Trail Postings
    - Updated COVID-19 Park Postings
    - Updated COVID-19 Shelter Reservations

FINANCIAL AND USAGE SUMMARIES

Credit Card Transactions

3 Year Comparison

Month	2020	2019	2018
January	$ 60.00	$ 135.00	$ 270.00
February	$ 135.00	$ -	$ 120.00
March	$ 195.00	$ -	$ 180.00
April	$ 75.00	$ 120.00	$ 255.00
May	$ 135.00	$ 245.00	$ 245.00
June	$ 265.00	$ 195.00	$ 405.00
July	$ 520.00	$ 410.00	$ 155.00
August	$ 225.00	$ 345.00	$ -
September	$ 165.00	$ 35.00	$ -
October	$ -	$ -	$ -
November	$ -	$ -	$ -
December	$ -	$ 120.00	$ -
TOTAL	**$ 1,775.00**	**$ 1,605.00**	**$ 1,630.00**
Total Number of Transactions	31	28	25

2020 Parks and Trails - Year End Parks Revenue

Shelters Rentals	$	1,940.00
Athletic Fees	$	660.00
Special Use Permits	$	70.00
Adopt-A-Trail	$	750.00
Property Lessees	$	371.00
Concessions Agreements	$	70.00
Fish Lake Collections	$	15,274.29
Camping	$	30.00
Actual Park Revenue	**$**	**19,165.29**

2020 Parks and Trails - Year End Budget

Account Name	2020 Budget	Budget Spent
Per Diem In Lieu of Salaries	$ 3,000.00	$ 1,850.00
Services and Charges	$ 4,800.00	$ 4,534.16
Publicity Subscriptions and Dues	$ 1,200.00	$ 275.00
Conferences, Training and Dues	$ 1,800.00	$ 700.00
Contract Services	$ 15,000.00	$ 14,710.47
Equipment Maintenance and Repair/Machinery & Equipment	$ 6,000.00	$ 5,977.97
Ground Maintenance	$ 20,000.00	$ 19,447.29
Mileage	$ 600.00	$ 529.86
Rental and Service Agreements	$ 4,000.00	$ 3,575.81
Machinery and Equipment Rental	$ 1,200.00	$ 617.50
Office Supplies	$ 800.00	$ 776.13
Repairs and Maintenance Supplies	$ 7,500.00	$ 7,410.74
Gas and oil	$ 13,200.00	$ 7,172.95
Truck Repairs		$ 8,639.30
Miscellaneous Expenses-Shelter Refunds		$ 720.00
Miscellaneous Revenue	$ (21,000.00)	$ (28,464.82)

Acquired Sheriff's Department Utility Task Vehicle (UTV)

2020 Parks and Trails - Capital Items

Item Class Code	Description	Purchase Cost	Date Purchased
MACH/EQUIPMENT TOOLS	2011 Polaris Ranger (Sheriff's Dept. UTV)	$ 5,500.00	5/1/2020
MACH/EQUIPMENT	2020 Toro Series 52" EFI	$ 9,380.74	9/8/2020
MACH/EQUIPMENT	2020 Toro Series 52" EFI	$ 9,380.74	9/8/2020
VEHICLES	2021 Chevrolet Silverado 2500HD, 4WD, Regular Cab	$ 30,799.09	11/19/2020

2020 Parks and Trails – Capital Items

Capital Improvement Plan	Description and Location	Purchase Cost	Date Completed
Capital Improvement	Gravel Resurfacing - Fish Lake Park North Parking Area	$ 9,179.11	9/25/2020
Capital Improvement	Gravel Resurfacing - Ki-Chi-Saga Park Parking Area	$ 12,957.62	9/23/2020
Capital Improvement	Crack Filling/Fog Sealing - Fish Lake Park Pathway	$ 1,735.00	9/20/2020
Capital Improvement	Crack Filling/Fog Sealing - Ki-Chi-Saga Entry Driveway	$ 2,000.00	9/30/2020
Capital Improvement	Crack Filling/Fog Sealing - Dennis Frandsen Park Road and Parking	$ 12,092.35	9/7/2020
	Total	**$ 93,024.65**	

Park Township Dedication Fund:

Chisago County Zoning Ordinance allows for a per lot cash fee as provided under Statue #394.25 Subd. 7. Starting in 2004 county policy has provided 75% of the funds collected to townships upon request to provide for park land acquisition and capital improvements within the parameters set forth by this statue. The remaining 25% is used by Chisago County Parks for trail connectivity. Several townships have used designated park funds over the past sixteen years for a variety of park improvements in their respective townships. Table lists current dedicated fund balance.

Chisago County Townships	Balance Available
Amador Township	$ 10,826.95
Chisago Lakes Township	$ 28,242.18
Fish Lake Township	$ 12,183.40
Franconia Township	$ 88,600.00
Lent Township	$ 0.50
Nessel Township	$ 22,800.00
Rushseba Township	$ 31,200.00
Shafer Township	$ 10,393.19
Sunrise Township	$ 19,200.00
Total	**$ 223,446.22**

Amador Township Request

Improvements outlined in the Amador Township park improvement plan include purchasing new playground equipment at Almelund Ball Park. The funding request of $8,426 will support approximately 31% of total project costs and will be provided from the Parks Capital fund to Amador Township. The balance of Amador Township dedicated park funds will be drawn down to $2,400.95 with the approved request.

Chisago County Request For Board Action

Meeting Date: February 17, 2021	***Item Number:*** 10
Title of Item for Consideration: Natural and Scenic Area Land Acquisition Grant - Checkerboard Park, Parks and Trails Council "Lutz" Property	
Action Requested by: Kurt Schneider, Director	***Department:*** Environmental Services Dept. on behalf of the Chisago County Park Board

Previous Action on this Matter: In May 2020, the Chisago County Board agreed to purchase the 40 acre Joan Lutz Property (Parcel #11.00234.00) from the Parks and Trail Council of Minnesota at an agreed upon sale/purchase price of $44,800 plus any additional third party costs. The purchase is required within two years of the acquisition closing date. Ref. Resolution No. 20/0506.

Background: The 40 acre Parks and Trails Council "Lutz" property is located immediately NE of Checkerboard Park. As depicted on the attached 2009 Lutz property Acquisition map, the property has been a parks acquisition site prospect for many years. The 2016 County Comprehensive Parks and Trails Plan supports this acquisition and in 2020 staff negotiated and received a letter of commitment from Ms. Lutz to sell the property to the County at the assessed value of $44,800 plus closing/third party costs.

To facilitate the Lutz property acquisition effort, staff approached and was successful in enlisting the aid of the Parks and Trails Council of Minnesota (PTCM) in a two year delayed county purchase plan. The PTCM has since acquired the property expecting county purchase no later than 2022. Over the course of the two year period, it is staffs objective to prioritize additional partnerships and/or grants to limit direct county financial commitment of the full acquisition cost estimated at $50,000. In the end, however, if other means are not obtained or identified the county has committed to acquire the property at full price from the PTCM via the 2022 county capital and/or operating budget.

Staff has identified a favorable grant opportunity that if successful would support 50% of the county purchase price of the PTCM "Lutz" property. Staff requests authorization to proceed with application to the DNR Natural and Scenic Area Grant Program accordingly. The required resolution to proceed is attached for County Board consideration.

Attachment(s):

- April 2009 Lutz property Acquisition map
- DNR Natural and Scenic Area Grant Program Resolution

Action Requested/Recommended: It is respectfully requested that the Chisago County Board approve the Attached DNR Natural and Scenic Area Grant Program Resolution and Authorize Staff Pursuit and Application to the DNR Natural and Scenic Area Grant Program for a 50/50 Land Acquisition Funding Grant. The recommended motion is:

"Move to approve DNR Natural and Scenic Area Grant Program Resolution No. _____ and Authorize Staff Pursuit and Application to the DNR Natural and Scenic Area Grant Program for a 50/50 Land Acquisition Funding Grant to Acquire the Checkerboard Park "Lutz" Property from the Parks and Trails Council of Minnesota"

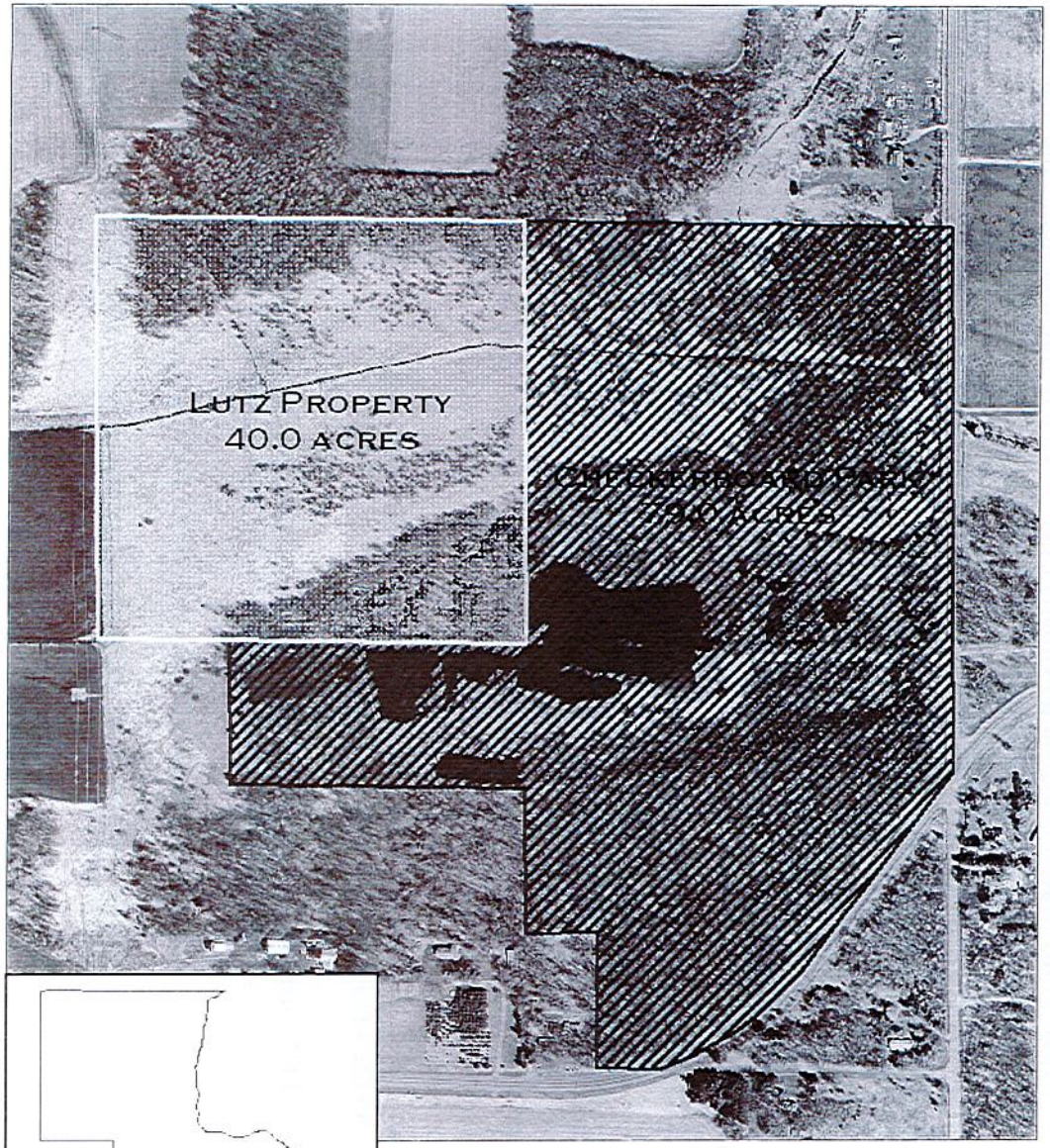
Implications of Action: Parks Staff would immediately proceed with the grant application preparation and apply for the grant by the March 31st, 2021 deadline.

Budget/Financial Implications: If the grant is recommended for funding by the Legislative Citizens Commission on Minnesota Resources (LCCMR), grant reimbursement will include up to 50 percent of the total eligible costs. The remaining portion and all third party costs will be Chisago County's commitment and may require capital funding. Chisago County is already financially committed to PTCM for the full acquisition amount no later than October of 2022.

Legal/Policy Implications: If authorized to proceed, the County Attorney's office may be sought out to aid in incidental Parks and Trails Council or other Grant Agreement and acquisition steps.

Administrator's Recommendation

Approve CS	Deny _____	Other _____
Motion By:	Seconded by:	
To:		
Action on Motion:	Aye _____	Nay _____	Abstain _____



LUTZ PROPERTY ACQUISITION

Miles
0 5 10 20

Casey Thiel, Chisago SWCD
April, 2009

Chisago County
Board of Commissioners

APPLICATION OF A GRANT FOR LAND ACQUISITION ADJACENT TO CHECKERBOARD PARK

RESOLUTION NO. 21/0217-XX
AUTHORIZING APPLICATION OF A GRANT FOR
LAND ACQUISITION ADJACENT TO CHECKERBOARD PARK

BE IT RESOLVED that Chisago County act as legal sponsor for the project contained in the Natural & Scenic Areas grant application to be submitted on March 31, 2021 and that Chisago County Parks Director is hereby authorized to apply to the Department of Natural Resources for funding of this project on behalf of Chisago County.

BE IT FURTHER RESOLVED that the applicant has read the Conflict of Interest Policy contained in the Natural and Scenic Areas Grant Program Manual and, upon discovery, certifies it will report to the State any actual, potential, or perceived individual or organizational conflicts of interest related to the application or grant award.

BE IT FURTHER RESOLVED that Chisago County has the legal authority to apply for financial assistance, and it has the financial capability to meet the match requirement (if any) and ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that Chisago County has not incurred any development costs and has not entered into a written purchase agreement to acquire the property described in the Cost Breakdown section on this application.

BE IT FURTHER RESOLVED that Chisago County has or will acquire fee title or permanent easement over the land described in the site plan included in the application.

BE IT FURTHER RESOLVED that, upon approval of its application by the state, Chisago County may enter into an agreement with the State of Minnesota for the above-referenced project, and that Chisago County certifies that it will comply with all applicable laws and regulations as stated in the grant agreement including dedicating the park property for uses consistent with the funding grant program into perpetuity.

NOW, THEREFORE BE IT RESOLVED that Chairman Chris DuBose is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

Chisago County Request For Board Action

Meeting Date: February 17. 2021	***Item Number:*** 11
Title of Item for Consideration: Household Hazardous Waste Facility – Recycling Yard Grant MPCA Environmental Assistant Grant Application: Greater MN Recycling and Composting State Fiscal Year 2021	
Action Requested by: Kurt Schneider	***Department:*** Environmental Services/Zoning, Solid Waste Division

Previous Action on this Matter: December 20. 2017 County Board authorized the Environmental Services Dept. to seek an architectural design service to create a site build out plan for the HHW Facility Expansion

August 1. 2018 County Board approved a contract with TKDA to create a site and building remodel plan for the Household Hazardous Waste Facility

June 19. 2019 County Board was updated on the Household Hazardous Waste Facility's – Capital Assistance Program (CAP) grant application to the MPCA, Governor and State Legislature; ultimately the 2020 legislative session budget did not include the Chisago County HHWF in their CAP funding.

July 7. 2020. with Board approval. the HHWF applied for a Minnesota Pollution Control Agency, Greater MN Recycling and Composting Grant. The County was notified they did not make the initial grant round. but were encouraged to reapply for the second round.

Background: As noted. the County Board has been supportive of recent efforts to address needed facility improvements at the HHW facility in North Branch. In 2019 efforts to secure a 50% matching Capital Assistance Grant in support of these improvements was authorized at a projected total project cost of $800,000. The request made it through MPCA vetting. into the Governor's Budget. and had supportive bills in both the House and Senate. but did not get placed into the final version of the combined bonding bill.

In light of the bonding bill status. the Department was encouraged to seek a MPCA Environmental Assistance Grant in the area of Greater Minnesota Recycling and Composting. With Board approval the application was made summer of 2020. The Department was notified that the application was not successful in the first grant round. but encouraged to apply for the second round with improvements to the application.

If successful. this grant will address one of the components of the planned HHW facility improvement plan by adding a gated rear yard drop-off Recycling Yard. The main goal of this MPCA grant program is to increase recycling in outstate counties: eligibility is up to $250,000 in funding. with a local 25% in-kind and/or financial match requirement. Staff is requesting approval to proceed with a maximum funding grant.

The need for a recycling yard was previously identified during the TKDA site-plan effort. and is made necessary by current general market and service provider conditions. Chisago County used to have private recycling centers located across the County. but due to buyouts. license

performance/enforcement actions. and poor recycle market conditions these options have been severely reduced or eliminated. A minimum of one such recycling drop off facility is statutorily mandated to exist within the County. A county operated drop-off site would serve to meet that mandate should the remaining privately operated facility(s) disband.

Like many jurisdictions. Chisago County has struggled to meet the ongoing State mandated 35% recycling goal/mandate. If successfully funded and incorporated into the ongoing general Solid Waste/Recycling operations. the proposed HHW facility Recycle Yard will further our recycle efforts: reinstate services county residents have come to expect: and help meet State recycling mandates.

***Attachment(s)*:**

- Authorizing Resolution
- Proposed HHW Facility Recycling Yard Site Plan (TKDA)
- Draft Grant Application

Action Requested/Recommended: The County Board is respectfully requested to Re-Authorize Staff to Proceed with Application to the Minnesota Pollution Control Agency for an Environmental Assistance - Greater Minnesota Recycling and Composting Grant. The Authorizing Resolution is attached and the following motion is suggested:

"Move to pass the Minnesota Pollution Control Agency Fiscal Year 2021 Grant Program Authorization Resolution No._____,

and Direct Staff to Finalize the Draft Application and Apply to the Environmental Assistance Greater Minnesota Recycling and Composting Grant Program for a Grant Award Not To Exceed $250,000 plus 25% Local Match and/or as amended at tonight's meeting."

Implications of Action: The recommended Board action will authorize staff to proceed in finalizing and submitting the draft grant application. If successful. this grant will allow for improvements at the HHW Facility site that will help the County to meet State mandated recycling goals. while working to maintain the recycling services residents have grown to expect.

***Budget/Financial Implications*:** The current total budget for the grant project is $310.883 which includes a 10% contingency and 4% escalation from the early 2019 financial estimates. The MPCA will match up to 75% of project costs or $248.456. which leaves the County's 25% match at $62.427. The County match will come out of the #14-392 HHW budget. based on the Waste Management Fund (not direct levy dollars). To afford some flexibility in finalizing the grant request project costs. staff is recommending authorization to proceed. if needed. with a full $250.000 grant request.

Once built the drop-off recycle yard will necessitate on-going operating expenses estimated at $1500 to $2000 per month for recycling collected. This added operations cost will need to come out of a readjusted #14-390 SCORE budget which is based on the dedicated Waste Management Fund (not direct levy dollars).

***Legal/Policy Implications*:** The proposed activities are in general conformity with applicable state statutes and County authority and policies. This grant will help the County meet State Mandates. If successful. the County will be required to enter into a grant agreement with the MPCA that will identify further general terms and conditions of the funding award.

If the grant is awarded by the Minnesota Pollution control Agency, the County Attorney will have to review the grant contract agreement.			
Administrator's Recommendation			
Approve CCS	Deny _____	Other _____	
Motion By:		Seconded by:	
To:			
Action on Motion:	Aye _____	Nay _____	Abstain _____

MINNESOTA POLLUTION CONTROL AGENCY
520 Lafayette Road North
St. Paul, MN 55155-4194

Recycling and composting grant application

Greater Minnesota (GM) Grant Progra

Doc Type: Grant Application

Instructions: Read the complete *Request for Proposal (RFP)* and other associated documents before submitting this application.

Check the Minnesota Pollution Control Agency (MPCA) Environmental Assistance (EA) Grant Program webpage at https://www.pca.state.mn.us/aboutmpca/environmental-assistance-grants for the most recent updates on questions and answers to this solicitation.

Applications are due no later than 2:00 p.m. Central Time on Tuesday, March 9, 2021.

Submit application (as Microsoft Word and Excel documents) to: grants-loans.pca@state.mn.us with the subject line, EA application.

1. Applicant information

Applicant: Chisago County

Address: 313 North Main Street

City: Center City State: MN Zip code: 55012

Mailing address *(if different)*: 39649 Grand Ave.

City: North Branch State: MN Zip code: 55056

Project contact: Lisa Thibodeau Title: Solid Waste Administrator

Email: lisa.thibodeau@chisagocounty.us Applicant's website: www.chisagocounty.us

Phone: (651) 213-8923 Fax: (651) 243-5286 MN House District: 32B

Grant requested: $ $250,000 + Total matching funds: $ = Total project cost: $

	Yes	No
1. Is applicant the sole source of matching funds for this project?	☒	☐
If no, is supporting documentation of secured matching funds attached?	☐	☐
2. Is applicant governed by a Board?	☒	☐
If yes, does this submittal include necessary board resolution(s)?	☒	☐
3. Has applicant ever received MPCA EA grant funding before?	☒	☐
4. Is applicant in compliance with Minnesota's tax and environmental regulatory requirements?	☒	☐

If no, explain:

Project title: Chisago County Recycling Yard

Brief project description (250 words):

PROJECT DESCRIPTION:

The Chisago County Household Hazardous Waste Facility (HHW) is centrally located within the County in the City of North Branch, and has been serving the residents of Chisago County since 2000. The County currently has 19,871 households with 54,197 residents. Use of the facility has grown exponentially over the years, and the decision was made to look at remodeling the facility to improve safety, efficiency, and capabilites. The County hired an architectural/engineering firm to complete a total site build out plan to realize improvements, and the resulting plan was broken into phases that could be completed together or independently.

One of the phases identified a need to add a self-service recycling yard to the site in order to fill a pending gap in county recycling needs and obligations. This yard would allow the county to: 1) create a permenant baseline for statutory recycling obligations; 2) create central access for residential recycling options; 3) address recycling contamination; 4) better use of tax payer dollars than the current subsidy system; and 5) educate residents on proper single sort recycling practices

The recycling yard would be located to the rear of the HHW Facility and would consist of a driveway around the back of the site

with a gravel recycling yard which would be fenced in and gated. The site would be a monitored self-serve drop-off area, open while staff was on site to monitor operation.

2. Project details (Provide clear and complete responses.)

2a. What is the need/purpose for this project:

Chisago County has struggled to meet the Statuatory mandated 35% recycling goal, and this project will enhance the County's capabilities towards meeting this mandate through more recycling options for County residents along with a clear and consise recycling education campaign, letting the residents know that recycling is still an integral part of the state's economy.

Even though Chisago County just outside of the metro, it is still a rural county, and services and resources are not as prevalent or as convenient as they are in the metro area. Per MN State Statute 115A.552, each county is responsible for offering their residents the opportunity to recycle. County policy has always been to not compete with the private sector, and so has implemented policies that have supported and relied on the private hauling sector to provide garbage and recycling services through an open hauling system. Until recently, locally based garbage haulers, who in addition to providing ordinance mandated residential curbside recycling services, have also provided curbside material drop off locations throughout the County. But - due to industry consolidation, market conditions and enforcement actions, all but one private option has disappeared, eliminating residential options and making it harder to recycle. East Central Sanitation out of Rush City in the north formerly offered free residential recycling drop off on Saturday mornings until they were bought out by Waste Management who then moved out of the county. Terry's Disposal in central North Branch offered Saturday morning recycling drop off at the main intersection of Hwy 95 & Co Rd 30 until they were subject to County enforcement clean-up actions which left the largest city in the County without a recycling drop off. SRC in southeast Wyoming has a public recycling drop-off yard but has instituted a $5 facility fee per drop-off creating a barrier to disadvantaged residents and has a location not easily accessible to other parts of the county. 115A.552 requires counties to have at least one drop off facility available to residents, if SRC were to close this yard - the county would be out of compliance with this mandate.

A no fee recycling yard at the centrally located Chisago HHW Facility would: create baseline availability for all residents into the future, would eliminate economic barriers to recycling, and be centrally located at a site that residents are already used to accessing for HHW services

2b. What assets and resources are available to implement this project, including project readiness:

1. County owns the <1 acre HHW site in the North Branch Industrial Park at 39649 Grand Ave. and the facility currently only uses the front 41% of the 41,000 sq. ft. site.

2. The county has, by ordinance, a solid waste management fund for the dollar match.

3. The County maintains full time Solid Waste Administrator staff available with an office at the site, who can manage the project.

4. The County commissioned TKDA consultants to develop an over-all HHW renovation plan; of which the reycling yard is the third of four phases, but would be implemented first with this award grant. Each phase has attached cost estimates.

2c. What anticipated operating and maintenance costs will be incurred by your project, and how will you address those:

Once the yard is built, there would be minimal maintenance needs such as plowing in the winter and lawncare in the summer for which County maintenance staff would absorb. Any repair costs would come out of the HHW budget. The major cost will be recycling charges for the collected single sort recycling and cardboard. The ball park costs for twice a month pulls/recycling tip costs for two containers: one 20 yard single sort and one 20 yard cardboard dumpster, are estimated at between $1500 - $2000 per month.

Specifically describe how you will address such operating and maintenance costs for the duration of the project, and how the project will be sustained after the conclusion of the grant:

The on-going operating costs to service the recycling yard will come out of a combination of the County Waste Management Fund which originates from a property tax line item and SCORE funding, these budgets will be re-adjusted to accommodate

the recycling pick-up costs. Chisago County currently offers contracted recyclers a recycling subsidy that was started back in the 1990's to offset costs of starting a curbside recycling route. The resources used for the subsidy would better serve tax payers for expanded curbside recycling drop off options at the HHW site.

2d. How will progress and success of this project be measured:

Success will initially be measured by the tonnage of clean single-sort and cardboard that is collected in the yard, by the absence of any contamination notices/extra-charges from the hauler servicing the site, and a growth in the public participation in the yard use. Over time, success will also be measured with the steady increase of the recycling rate overall in order to meet the State mandated 35% recycling rate.

2e. What are the potential barriers or challenges to successful implementation of this project, and how will they be addressed:

1. There may be issues re-adjusting budget line items in the County SCORE and Waste Management budgets in order to fund the yard. This will be addressed by analyzing current program funding and discussing with the County Board, and the community and local haulers at the County's bi-annual Solid Waste Advisory Committee, in order to come to and understanding on how best to serve the residents of the County.

2. There are concerns that too much staff time will be required in the yard in order to limit contamination. This will be addressed through the educational component of this grant, including concise signage and staff oversight at the yard, with the goal of educating residents on what can be recycled in order to minimize staff involvement.

3. Initially the site will only be open during regular part-time HHW hours so as to minimize single-sort recycling contamination through having staff on site to observe drop offs and answer questions. During the recent recycling crisis when local markets clamped down on contaminated loads due to Chinese market restrictions, Chisago haulers had problems with contamination at Twin City MRF's that threatened their businesses. A staffed site can observe drop offs and educate residents in order to reduce single sort contamination and produce a cleaner recycling stream. Residents are used to the limited hours at the HHWF, every non-holiday Monday as well as the morning of the last Saturday of the month, hours that are geared towards having some open hours available for most people. If they can't access during those hours they can set up an appointment for Tues-Fri. There are tentative plans to have more HHW hours in the near future and that would include expanding recycling yard hours.

2f. How will you share the results of your project:

2f. How will you share the results of your project:

Besides reporting on the grant to the MPCA, regular status reports will go to the County Board; press releases and stories will go out to local papers (County Press and County News Review); and results from the yard will be regularly featured in the County-wide Environmental Connections bi-annual newsletter as well as on the county website.

2g. How will this project utilize new or innovative strategies/technologies/methods/techniques:

This project is a "back to basics" project. Working with the contracted recycling hauler, the list of recyclable items would be clear-cut in order to reduce contamination: aluminum beverage, steel food cans, newsprint, magazines, office paper, #1 & #2 plastic containers, glass food/beverage containers and cardboard. When hiring a hauler to service the yard, methods of collection and technologies will be explored to consider more innovative techniques, for example smart dumpsters or compactors.

2h. Will this project provide a benefit to underserved communities and directly serve areas of concern, those communities with higher concentrations of low-income residents and/or people of color, including tribal communities? ☒ Yes ☐ No

If yes, identify the area and describe the communities and how the project will provide a benefit to or directly serve them (e.g., added inclusion, operational changes, implementation of program(s), educational materials in different languages):

The Recycling Yard project is meant to create a centrally located site in the County where all residents regardless of race, color, national origin, disability, or income, can access a free and centrally located curbside recycling drop off. The site is equally accessible from all parts of the county, located just off the main highways and interstate that run through the county. The location is already known to the public through the HHW drop offs. There will be no charge for residential drop off OCC & Single Sort recycling to eliminate any financial barrier to using the site. Access will at first be limited to HHW hours in order to reduce contamination, although residents who cannot get to the site during regular hours may make an appointment to access the site at another time.

Chisago County is 93.6% White, followed by Hispanics at 2.09% of the population. The most common race/ethnic population living below the poverty line in the county is White at 88.1% followed by Hispanic at 3.65%. This project will benefit communities with higher concentrations of low income residents, by offering a service that is not now available to them: a central location within the county that will take residentially generated cardboard and single sort recycling for free.

Although Chisago County does not cover any of the areas in the link below, that doesn't mean there are not areas of concern within Chisago County. There are a significant number of low-income residents in census tract 27025110301 located in the northern half of the City of North Branch, the largest city in the county that has a population of approximately 10,000. This tract was designated as an "Opportunity Zone" which uses tax incentives to attract business investment in order to transform the poorest areas of the U.S through new real estate and business development. Chisago County also

has 5-Affordable and 4-Subsidized rental properties located throughout the county: two are located in Rush City to the north, 3 are in centrally located North Branch, and there are 1 each in Wyoming in the southwest, in Chisago City and Lindstrom in south central, and Taylors Falls to the east. The county also contains 15 Affordable or Subsidized rental developments for seniors, 3 located in Rush City to the north, 1 in Harris to the northwest, 3 in central North Branch, 1 in Stacy, 4 in Wyoming to the southwest, 2 in Chisago City and 1 in Lindstrom in south central. The Affordable and Subsidized living is spread equally around the county and these apartment properties are located in all the cities across the area. In addition, the number of Cost Burdened Households in Chisago County (those who pay more than 30% of their income towards rent or mortgage) is 24% of all single family owner households and 48% of renter households. The Taylors Falls area has the highest proportion of cost burdened home owners at 26.7% and renters at 66.7 %. The Taylors Falls Elementary School has 32.8 % of their students on Free Or Reduced Price Lunches (FRPL), the Sunrise River Elementary in North Branch 32.3% of students on FRPL, and in the Rush City School District has 33.8% of students are on FRPL. The Rush City area in the northern half of the county has the lowest median household net worth ($150,000) and the highest proportion of homes valued under $100,000 (17.5%) within the county. Rush City is also considered a "Food Desert" by the US Dept. of Agriculture due to poverty rates and no area grocery stores. Therefore - there are areas of concern within Chisago County, mainly in the northern Rush City area where net worth, lower incomes, and high renter areas exist; in the eastern Taylors Falls area where many households are Cost Burdened on both mortgage and rent, and in centrally located North Branch which has the largest population of the county and the only designated low income census tract.

As stated earlier, the various private curbside recycling drop-offs in the county have all but disappeared due to various reasons with the only remaining one at SRC in the extreme southwest corner of the county that charges a $5 facility fee to recycle. The reason this was implemented was to discourage businesses from dropping off large quantities of recycling for free. But - the $5 per visit facility fee may be an impediment for lower income county residents. The extreme southwestern location of SRC may not make it easily accessible for all areas of the County, whereas a centrally located drop-off site in the largest city in the County would benefit more areas as it would be directly south of Rush City on County roads and Interstate-35, and directly east of Taylors Falls on Hwy-95.

The MPCA's criteria and interactive mapping tool are on the MPCA website at http://mpca.maps.arcgis.com/apps/MapSeries/index.html?appid=f5bf57c8dac24404b7f8ef1717f57d00. **Applicants of relevant projects are asked to evaluate and describe how the proposed project activities benefit these areas.**

3. Experience and qualifications

3a. Describe applicant's experience and qualifications related to implementing and completing proposed project:

Chisago County has built and been successfully operating the Chisago County Household Hazardous Waste Facility on the site for over 20 years. The County has had experience with the MPCA grant programs: the HHW was originally built with the assistance of the CAP Grant program, the County was awarded a Burn Barrel Grant from the MPCA, and has taken part in the MPCA GreenCorps intern program with the assistance of the East Central Solid Waste Commission. The Chisago County Environmental Services Department is currently in the process of building the Swedish Immigrant Trail, and just completed the 2-million dollar trailhead project in conjunction with the MN-DNR and the City of Taylors Falls. The County has been involved in many Capital Improvement construction projects and road projects, and has collaborated with many different agencies in order to complete these projects and grants successfully.

3b. Will anyone outside your organization be responsible for work performed? ☐ Yes ☒ No

If yes, provide name of organization(s) and contact information, experience, and qualifications related to proposed project. Describe the role of the outside organization(s) in the project:

4. Project workplan and budget (Complete project workplan and budget templates separately)

4a. Is project workplan document attached? ☒ Yes ☐ No
(Template can be found on the MPCA website at https://www.pca.state.mn.us/about-mpca/environmental-assistance-grants, and should be submitted in Microsoft Word.)

If no, explain:

4b. What is the educational component of proposed project?

The educational piece of the project is the key to the overall ultimate success of the project. Over the past several years, the County has be developing a "Don't wish-cycle! Recycle right!" campaign in consultation with locally licensed haulers, and education for yard drop-offs would be an extension of this campaign. A coordinated marketing campaign will be developed and launched before the opening of the yard, and be simple, concise, with consistant graphics and message across all elements of the campaign. It will include the following:

1) Signage will be developed for the recycling yard where items accepted. Pocket cards with acceptable/not acceptable will be handed out to residents who use both the HHWF and the yard.

2) Media – stories in the local paper and the semi-annual county newsletter, ads in the local paper, handouts/brochures for county buildings/displays.

3) Displays – a large tradeshow display will be created and make the rounds to the Government Center in Center City, County Fair in Rush City, the Chisago Lakes Home Show in Lindstrom, the Community Connections Expo in North Branch. A smaller table top display will make the rounds at the East Central Libraries which has locations in Wyoming and Rush City.

4) Schools – an attempt will be made to connect with local school districts to offer recycling education in whatever configuration will work for them (handouts, games, videos, show & tell), and will attend Early Childhood Family Education classes as guest speaker to offer recycling education. Will add recycling education into the Chisago County Children's Water Fest curriculum.

5) Haulers – work with Haulers to share recycling information/handouts/mailers, and to tackle multi family unit recycling.

4c. Is anticipated environmental outcomes table completed in the project workplan? ☒ Yes ☐ No
(Sample template can be found and completed in project workplan document.)

If no, explain:

4d. Is budget workbook attached? ☒ Yes ☐ No
(Template spreadsheet can be found on the MPCA website at https://www.pca.state.mn.us/about-mpca/environmentalassistance-grants, and should be submitted in Microsoft Excel.)

If no, explain:

5. Supporting and signature document

		Attached	Not applicable	Other
5a.	**Letter(s) of support:**	☐	☒	☐
	Comments:			
5b.	**Letter(s)/resolution(s) of matching funds:**	☐	☒	☐
	Comments:			
5c.	**Authorizing board resolution(s):**	☒	☐	☐
	Comments:			

If any of the above are answered "Not applicable," provide statement of why it does not apply:

Please use the following format and specific language for your Authorizing Resolution:

Minnesota Pollution Control Agency
Fiscal Year 2021 Grant Program
Authorization Resolution

WHEREAS, (name of your organization) has applied for a grant from the Minnesota Pollution Control Agency (MPCA), under its FY2021 Greater MN Recycling and Composting Grant Program; and

WHEREAS, if MPCA funding is received,

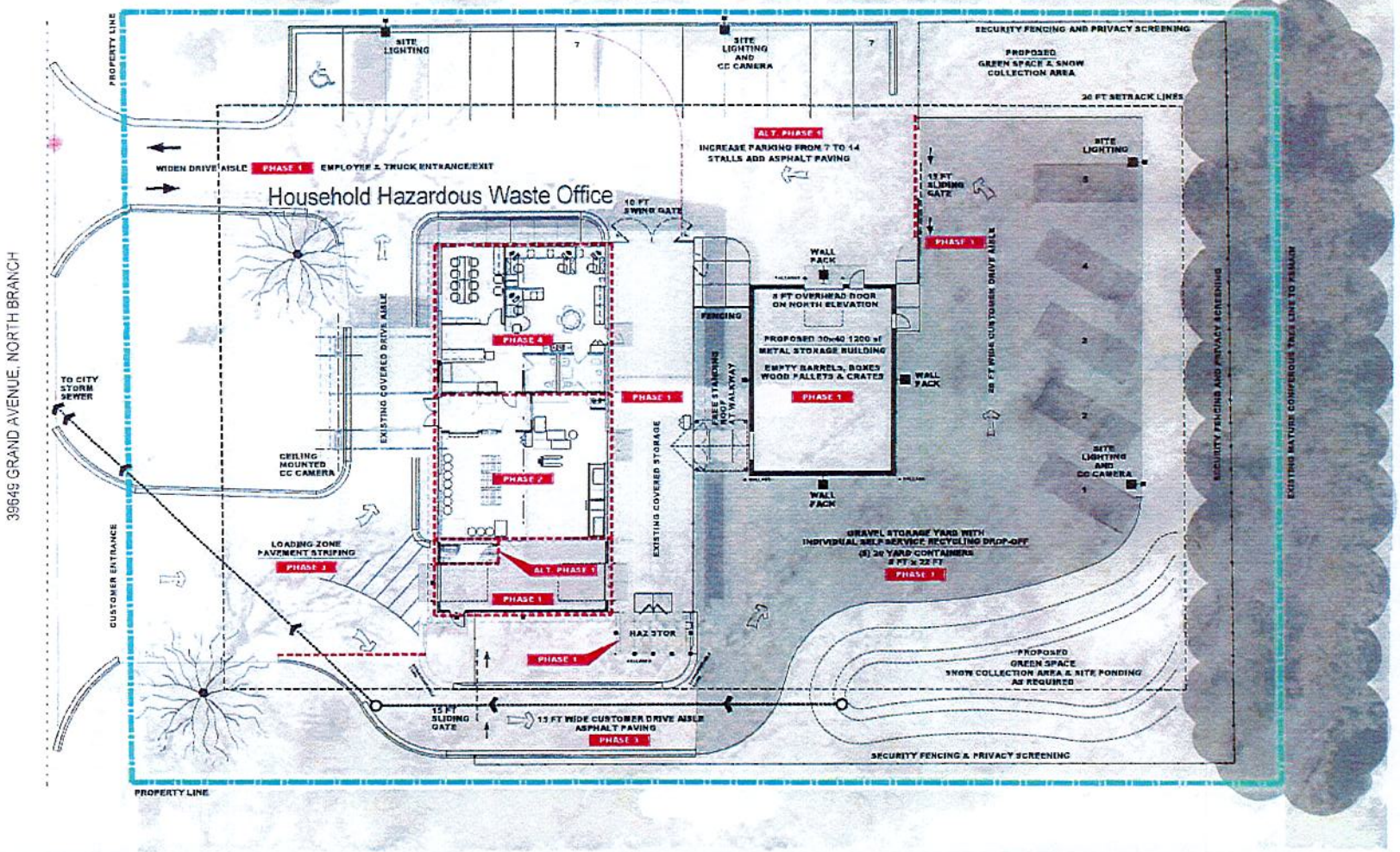
(name of your organization) is committed to implementing the proposed project as described in the grant application; and

WHEREAS, MPCA requires that (name of your organization) enter into a grant agreement with the MPCA that identifies the terms and conditions of the funding award;

BE IT RESOLVED THAT the (name of governing body) hereby agrees to enter into and sign a grant agreement with the MPCA to carry out the project specified therein and to comply with all of the terms, conditions, and matching provisions of the grant agreement and authorizes and directs (name of a position) to sign the grant agreement on its behalf.

(Print name of signing officer) *(Title)*

(Signature of an officer with your governing body) *(Date your governing body agreed to this resolution)*


Household Hazardous Waste Office
39649 GRAND AVENUE, NORTH BRANCH
PROPERTY LINE
SITE LIGHTING
SITE LIGHTING AND CC CAMERA
SECURITY FENCING AND PRIVACY SCREENING
PROPOSED GREEN SPACE & SNOW COLLECTION AREA
20 FT SETBACK LINES
WIDEN DRIVE AISLE
PHASE 1
EMPLOYEE & TRUCK ENTRANCE/EXIT
ALT. PHASE 1
INCREASE PARKING FROM 7 TO 14 STALLS ADD ASPHALT PAVING
10 FT SWING GATE
15 FT SLIDING GATE
WALL PACK
8 FT OVERHEAD DOOR ON NORTH ELEVATION
PROPOSED 30x40 1200 sf METAL STORAGE BUILDING
EMPTY BARRELS, BOXES WOOD PALLETS & CRATES
FENCING
FREE STANDING ROOF W/ WALKWAY
EXISTING COVERED DRIVE AISLE
EXISTING COVERED STORAGE
28 FT WIDE CUSTOMER DRIVE AISLE
TO CITY STORM SEWER
CEILING MOUNTED CC CAMERA
PHASE 4
PHASE 2
PHASE 3
LOADING ZONE PAVEMENT STRIPING
CUSTOMER ENTRANCE
HAZ STOR
GRAVEL STORAGE YARD WITH INDIVIDUAL SELF SERVICE RECYCLING DROP-OFF (8) 20 YARD CONTAINERS 8 FT x 22 FT
PROPOSED GREEN SPACE SNOW COLLECTION AREA & SITE PONDING AS REQUIRED
15 FT WIDE CUSTOMER DRIVE AISLE ASPHALT PAVING
SECURITY FENCING & PRIVACY SCREENING
EXISTING NATIVE CONIFEROUS TREE LINE TO REMAIN

Chisago County
Board of Commissioners

MINNESOTA POLLUTION CONTROL AGENCY
FISCAL YEAR 2021 GRANT PROGRAM
AUTHORIZATION RESOLUTION

RESOLUTION NO. 21/0217-XX
MINNESOTA POLLUTION CONTROL AGENCY
FISCAL YEAR 2021 GRANT PROGRAM
AUTHORIZATION RESOLUTION

WHEREAS, Chisago County has applied for a grant from the Minnesota Pollution Control Agency (MPCA), under its FY2021 Greater MN Recycling and Composting Grant Program; and

WHEREAS, if MPCA funding is received Chisago County is committed to implementing the proposed project as described in the grant applications; and

WHEREAS, MPCA requires that Chisago County enter into a grant agreement with the MPCA that identifies the terms and conditions of the funding award:

BE IT RESLOVED THAT the Chisago County Board hereby agrees to enter into and sign a grant agreement with the MPCA to carry out the project specified therein and to comply with all of the terms, conditions, and matching provisions of the grant agreement and authorizes and directs the County Board Chairperson to sign the grant agreement on its behalf.

Chisago County Request For Board Action

Meeting Date: February 17, 2021	***Item Number:*** 12
Title of Item for Consideration: Mike Bufalini, MN121819, LLC Interim Use Permit 1MW Community Solar Garden	
Action Requested by: Kurt Schneider, Director	***Department:*** Environmental Services/Zoning - on behalf of the Chisago County Planning Commission

Previous Action on this Matter: Chisago County Board approved this same/similar 1MW Solar Garden request in April 2019. Pursuant to Zoning Ordinance Section 8.04.1.G the 2019 issued IUP became null and void because it had not been utilized within twelve months of the date of approval. No construction or otherwise documented land use event related to utilization of the then titled Johnson CSG 2 IUP project had occurred. The County Attorney's Office advised that any application of Johnson CSG 2 would require a new IUP Application following the criteria of all amended solar development regulations presented in Ordinance No. 061720-1 as adopted in June 2020

Background: Mike Bufalini, MN121819, LLC, is requesting an Interim Use Permit to allow a 1MW Community Solar Garden on the 38.7 acre Keith Johnson owned property at the southwest corner of the intersection of County Road 9 and 11 in Sunrise Township: PID# 09.00303.10: Section 28, T.35, R.20. The property in question currently has land use approval for two solar arrays which have both been acted upon and/or built. This would be the third solar array on the parcel.

In June 2020 the County Board adopted new solar development regulations that, among other changes, require a 735 foot roadway setback on State and County Roads for successive projects on the same property. Solar development Performance Standards also note in Section 7.31.G.3 that *"Approved Interim Use Permits shall generally conform with the provisions specified for Solar Administrative Permits in Section F, but may be allowed some measure of flexibility on a case-by-case as determined to be appropriate, at the discretion of the Planning Commission and County Board."* The applicant is relying on the application of flexibility pursuant to Section 7.31G.3 in proposing a 135 ft. and 398 ft. setback from adjacent roadways rather than the new ordinance standard of 735 feet.

The Planning Commission received a staff report identifying the above Ordinance option to apply a reduced setback and after discussion the Planning Commission took no action to apply the reduced setback provision and concluded that the project failed to meet the 735 setback standard.

At their meeting of February 4, 2021, the Planning Commission conducted the requisite public hearing and recommended ***denial*** of the request (5-1 vote) with the finding that the required 735 foot setback was not met.

The Town Board reviewed the matter on January 21, 2021, and recommended denial.

Pursuant to Minnesota Statute, the 60-day agency action deadline is February 28, 2021. Among the options for the County Board at tonight's meeting are the following:

1. Concur with the recommendation of the Planning Commission and deny the requested IUP

with the finding(s) as presented by the Planning Commission and/or as amended, modified, or expanded upon in review of the record.

For background purposes, note that the County Board may Deny a IUP for legally justifiable reasons, but must state such reasons as part of the official record of decision (either as part of a motion to deny or as part of a failure of a motion to approve). Moreover, such action must be taken prior to the end of the initial 60-day period (or 120-day period if extended).

Additionally, State Statute directs (but does not mandate) that written reasons for denial be provided to the applicant prior to the end of the initial 60-day period (or 120-day period if extended) and be consistent with the reasons stated in the record at the time of denial. Typically, such written reasons are prepared and adopted by the body as part of its denial, or at the next scheduled meeting.

2. Consider and Approve the IUP, generally as suggested in modified form *(reduced setback allowance pursuant to Ordinance Section* 7.31G.3*)* by County ESD staff, with Conditions as presented in staffs report and/or as modified and approved by the County Board at tonight's meeting (to be codified as part of the formal IUP approval):

3. The County Board may extend the initial 60-day period (up to a total of 120 days), if, before the end of the initial 60-day period, it notifies the landowner in writing of its intent to take additional time to consider the application, the reasons for the extension, and anticipated length of the extension (Minn. Stat. 15.99, Subd. 3(c)).

   Sufficient time exists for the County Board to extend the initial 60-day period via written notification, if such is decision is formally taken at tonight's Meeting. Any motion to extend this time period should include, at a minimum, direction to staff to prepare a written notification of the County Board's action "to take up to an additional 60 days to further review the record and make a decision on this application."

***Attachment(s)*:**

- PowerPoint Presentation to the Planning Commission
- Staff Report to the Planning Commission
- Draft Planning Commission Minutes of February 4, 2021

Action Requested/Recommended: It is respectfully requested that the Chisago County Board affirmatively consider the February 4, 2021 Chisago County Planning Commission recommendation to deny the Mike Bufalini, MN121819, LLC, request for a 1 MW Solar Garden, with the Finding as recommended by the Commission, and/or as amended, modified, or expanded upon in review of the record. The suggested motion to deny this action is as follows:

"Move to Deny the Mike Bufalini, MN121819, LLC, request for an Interim Use Permit to construct and operate a 1 MW Solar Garden on the 38.7 acre Keith Johnson owned property at the southwest corner of the intersection of County Road 9 and 11 in Sunrise Township; PID# 09.00303.10; Section 28, T.35, R.20.; with the following Finding:

1. ***By application of Section 7.31 G.3 of the Solar Energy Systems Ordinance, the request as submitted does not meet the required 735 foot minimum setback standard from County Roads 9 and 11 as required pursuant to Section 7.31 F. 10 of the Solar Energy Systems Ordinance.***

and/or as amended, modified, or expanded upon in review of the record at tonight's meeting."

Implications of Action: Recommended Board action denies the requested Interim Use Permit and allows Board concurrence and/or modification of the finding(s) for denial upon review of the record. ***Budget/Financial Implications***: None. ***Legal/Policy Implications***: The County Attorney's Office has reviewed the recommended motion and finding. The recommended Board consideration and action(s) are in conformity with generally accepted practices, procedures and interpretations of applicable state statutes and County ordinances and policies.

Administrator's Recommendation			
Approve _____	Deny _____	Other _____	
Motion By:		Seconded by:	
To:			
Action on Motion:	Aye _____	Nay _____	Abstain _____

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
February 4, 2021 - *DRAFT*

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, February 4, 2021 in a synchronous e-meeting due to Declaration of Local Emergency.

Staff Present: Jessica Jagoe; Land Services Coordinator, Diane Sander; Land Services & Parks Specialist, and Kurt Schneider; Environmental Services Director.

Chair Johnson called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Board members was taken. Commission members present: Jim McCarthy, Shellene Johnson, Frank Storm, Dave Whitney, Jim Froberg, and Chip Yeager. Ex Officio: County Commissioner Chris DuBose. Absent: John Sutcliffe. A quorum was established with members present.

Coordinator Jagoe provided an overview of the electronic meeting format, review of muted microphones, speaking order, how to "raise hand", with the Chair leading and following meeting order/procedures.

APPROVAL OF AGENDA – Motion to approve the amended agenda with the addition of two public comments made by Frank Storm. Second by Jim McCarthy. Roll call vote was taken and motion carried unanimously.

APPROVAL OF MINUTES – Motion to approve the January 7, 2021 minutes by Jim Froberg. Second by Jim McCarthy. Chair Johnson suggested a correction to the minutes, "...a standard three to four bedroom house would require ~~a minimum 3,000 square feet~~ two sites of tested soils and puts emphasis on the outcome of two sites that can support a Type I septic system." Motion amended by Jim McCarthy to accept the correction. Second by Frank Storm. Roll call vote was taken and motion carried unanimously.

RECEIPT OF MATERIALS AND SUBMITTALS INTO THE RECORD - Motion that all applications, submittals, reports with attachments, and other materials were received into the record made by Chip Yeager. Second by Jim Froberg. Roll call vote was taken and motion carried unanimously. Meeting materials distributed in advance to the Planning Commission for their review included: Public Hearing Staff Reports with Attachments, one - Public Hearing Comment for Johnson PID#01.00401.10 and one – Public Hearing comment for Johnson PID#09.00303.10. Copies of all correspondence and meeting materials were made available for electronic distribution.

Public Hearing Items:
Robb Medin – Mike Bufalini of MN 121819 LLC, on behalf of owner, Robb Medin is seeking an Interim Use Permit (IUP) to construct and operate a one megawatt community solar garden on seven acres that is located within a ¼ mile of an existing solar array. This property is located east of Park Trail and south of St. Croix Trail/HWY95, Amador Township.

Coordinator Jagoe provided an overview of the MN 121819 LLC application on the Medin property. Parcel size is 20 acres, zoned Agricultural (AG), and in January 2019, Gordian Energy Systems (a.k.a. MN 121819, LLC) applied for an IUP but was deemed incomplete. The project configuration remains the same as the January 2019 submission. An amended Solar Energy Systems Ordinance 061720-1 was adopted in June 2020 and the IUP request shall follow this criteria. This is the first solar array on the parcel and complies with setbacks. The interconnection is proposed in SW corner of the project and be mounted at grade whenever possible. Above ground utility poles shall be limited to the fullest extent possible. The applicant is not proposing any additional screening and plans to utilize the existing trees along the property lines. The application indicated six foot tall fence, fence plan illustrates an eight foot tall fence with galvanized steel posts. Decommissioning Plan includes a $25,000 financial surety bond for a 25-35 year before decommissioning. A community meeting was held on December 9, 2020, with no comments submitted in advance and no attendees present. Amador

Township approved the IUP at their January 19, 2021 meeting. Technical Review was held January 13, 2021 and the County Engineer indicated project elements constructed should be kept to a minimum of 80 – 100 ft from centerline of County Roads. Chair Johnson asked each Planning Commission member for additional questions and comments.

Planning Commission discussed the screening on the south property line, if it ran the full length of the property line and if the trees were large enough to provide adequate coverage. Coordinator Jagoe stated the ordinance language does provide some flexibility by either providing a landscape plan or planting two rows of staggered trees. A landscape architect could determine if the existing trees could meet the screening requirement. Jim McCarthy proposed adding trees to fill in any gaps and relocating the inverter to the middle of the project area for noise reduction. Discussion followed on fencing and farming access. Chair Johnson supported relocating the inverter, adding the second row of trees and more natural non-reflective wooden poles for fencing. Mr. Bufalini was available to address questions and concerns from the Commission. Mr. Bufalini asked for clarification if additional screening be placed outside the fence line or along the existing tree line. Chair Johnson indicated additional trees be staggered with existing tree line. Coordinator Jagoe indicated previous applications have run along the project perimeter but the Planning Commission could discuss and recommend screening be added closer to the road. Mr. Bufalini reported the inverter/noise sounding equipment will be located in the middle of the array, furthest away from the neighbor. The inverter was not identified on the site plan. The site plan illustrated the location of the equipment pad, the main electrical or non-noise generating equipment. Discussion followed on the south property line screening. Frank Storm proposed filling in the gaps with trees to offset visibility instead of a full row of trees. Filling in the gaps will achieve the same visual affect. Jim McCarthy indicated that was his intent to use what was there and fill in the gaps.

Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Medin IUP. With no additional person wishing to speak, ***motion*** by Frank Storm to closed the public hearing. Second by Dave Whitney. Roll call vote was taken and motion carried unanimously. Chair Johnson asked each Planning Commission member for additional questions and comments. ***Motion*** by Dave Whitney to add clarifying language to condition twelve that landfills cannot be used for solar array disposal. Second by Frank Storm. Chip Yeager had no objection to the addition but indicated that each solar project will need to have that additional language. Discussion followed on recycling versus landfill and impact to project/decommission cost. Frank Storm indicated the additional language is making a change to the solar ordinance. Director Schneider reviewed the solar energy systems ordinance and solid waste ordinance with regards to disposal. Dave Whitney indicated he would like to add the clarifying language but could withdraw his motion. Jim Froberg questioned if it could be done if the language was not in the solar ordinance. Frank Storm withdrew his second. ***Motion*** by Jim McCarthy to recommend approval of an Interim Use Permit requested by Mike Bufalini, on behalf of MN121819, LLC, at XXX Park Trail – PID#01.00354.50 as presented in the Staff's report, site plan and narrative of record with modification to condition five to provide landscape plan or add additional planting of trees to achieve two rows of staggered trees to fill in gaps of existing tree line on west and south, and subject to the following **conditions**:

1. The location of solar array shall be approved with the setbacks as shown on site plan Sheet PV1 (Medin CSG 1) submitted.

2. Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded.

3. Permittee shall implement Minnesota Pollution Control Agency (MPCA) -recommended erosion and sediment control devices which are deemed by the Department to be applicable, obtain an NPDES Permit, and provide the Department with the Storm Water Pollution Prevention Plan (SWPPP).

4. Areas of bare ground at the facility shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project.

5. A Certified Landscape Plan or an updated Site/Landscape Plan showing additional plantings to be added to existing tree line to achieve two rows of staggered trees shall be submitted in association with the building permit application that is in accordance with Section 7.31.F.4.b.1. with respect to screening along the west and south sides of the project perimeter. Screening shall be established and maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril.

6. Maintenance of the screening shall be guaranteed by financial surety in an amount sufficient to guarantee that the planting height and 75% opacity screening goals are achieved by the end of year three shall be provided prior to building permit approval.

7. The maximum height of the solar panels shall be ten feet; perimeter fencing shall be of agricultural fencings a.k.a. "deer fence" design, with wooden posts, woven wire, no barbed wire, and constructed to be a minimum of eight feet tall.

8. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy.

9. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.

10. The Permittee shall follow MN DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.

11. Permittee shall maintain aesthetic appearance of the project property, including disposal of trash, waste and other detritus, for the life of the project.

12. The decommissioning disposal plan shall meet the requirements of the Chisago County Solid Waste Ordinance and applicable MPCA regulations at the time of decommissioning. All decommissioning and operational plans shall include a product stewardship element that requires the recycling and/or reuse of all solar panel racking, components, and materials upon their removal, replacement, or damage throughout the project life. The Permittee shall provide a decommissioning plan in association with the building permit application in accordance with these regulations. Failure of the permittee to properly decommission the site may result in the issuance of a citation and criminal charges, and/or County seizure of the financial surety and decommissioning of the site. Landfills cannot be used for solar array

13. Financial surety guaranteeing decommissioning in accordance with the plan shall be provided and maintained by the permittee in an amount equal to or greater than 125% of the developer's estimated decommissioning cost. The surety shall be provided in association with the building permit application; final building permit approval shall be conditioned upon receipt and approval of said surety. In the event that decommissioning costs exceed the amount of surety, adequate funds shall be collected from the developer, landowner, and/or assessed against the property.

14. The project shall include abatement measures (e.g. coniferous vegetation, fencing, enclosure, or other insulating treatments) to direct noise generated by the solar system invertors from existing residential structures located on adjoining properties. To the greatest extent practical, solar system noise generating invertors shall be situated away from existing residential structures located on adjoining properties.

15. The project shall be developed, and the facility operated in a manner consistent with the proposal elements identified in the application, except insofar as the elements of the proposal are superseded by the above conditions of approval.

16. The Permittee shall work with Xcel Energy to limit the use and quantity of above ground utility poles to the fullest extent possible.

17. The Interim Use Permit shall be valid for up to 35 years from the date of approval or earlier in the permit term if the solar project as determined by County Staff is deemed satisfactorily decommissioned.

18. Violations of these conditions of permit approval shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Second by Frank Storm. Roll call vote was taken and motion carried unanimously.

Keith Johnson – Mike Bufalini of MN 121819 LLC, on behalf of owner, Keith Johnson is seeking an Interim Use Permit (IUP) to construct and operate a one megawatt community solar garden on seven acres that is located within a ¼ mile of an existing solar array. This property is located east side of Oriole Avenue and south of 375th Street, Amador Township.

Coordinator Jagoe provided an overview of the MN 121819 LLC application on the Johnson property. Parcel size 65 acres, zoned AG, and in April 2019, Gordian Energy Systems (a.k.a. MN 121819, LLC) requested an IUP and was approved. In April 2020 the IUP became null and void because it had not been utilized within twelve months of the date of approval. An amended Solar Energy Systems Ordinance 061720-1 was adopted in June 2020 and the IUP request shall follow this criteria. The project configuration remains the same as the previous submission. This is the first solar array on the parcel and complies with setbacks. The interconnection is proposed in SW corner of the project shall be mounted at grade whenever possible. Above ground utility poles shall be limited to the fullest extent possible. The applicant is proposing two rows of six foot black hills spruce trees on the north, south and west sides of the project. Proposed screening is consistent with previous approvals for this site. The application indicated a six foot tall fence, fence plan illustrates an eight foot tall fence with galvanized steel posts. Decommissioning Plan includes a $25,000 financial surety bond for a 25-35 year before decommissioning. A community meeting was held on December 7, 2020 with one letter submitted in advance with several questions and concerns. Comments included: site address, screening and clean-up of damaged panels. Amador Township approved the IUP with no conditions at their January 19, 2021 meeting. Technical Review was held January 13, 2021 and County Wetland Specialist does not consider pylons (i.e. mount for solar panels) as an impact to wetlands. Mr. Bufalini was available to address questions and concerns from the Commission. Chair Johnson asked each Planning Commission member for additional questions and comments.

Chip Yeager inquired to the location of the seventeen inverters. Mr. Bufalini indicated it was more likely going to be eight inverters and described the location on the site plan. Mr. Bufalini indicated they were trying to avoid driving through the wetland. Jim McCarthy indicated installing the pylons were not a wetland violation but questioned what could be done in the wetland and not be considered a violation. Director Schneider provided a brief overview of exemption and wetland impacts/violations. Mr. Bufalini described MN 121819 LLC wetland review process and procedure. Chair Johnson questioned the distance on the south side of the array. Mr. Bufalini indicated the array has a minimum 20 foot distance around it and between rows to allow equipment in for maintenance and decommissioning. Discussion followed on setbacks and site plan references.

Submitted Public Correspondence:
Michelle Sprecher – 36715 Oriole Avenue, request the Planning Commission to consider both present and future impacts of another solar array so close to landowners that have already been affected by solar on two sides of their property. Issues that impact us immediately include: additional noise, non-desirable and less attractive view, this is a permanent building than yearly "farm crop" which does not fit into the landscape and tree plantings do not reach maturity quick enough to screen solar site. Solar panels are not inviting and not a cozy place to live amongst. We are the sole property owner that deals with the existing and proposed

array. Our property and barn screens parts of the array from the public driving by, but we see it every time we step out our door and hear the noise when we are on our patio. We are not against solar, but not happy being surrounded by it and impacted by the visibility and desirability. Future impacts and concerns that should be considered: keep landowners safe and our property not to experience a great impact with neighboring changes, runoff and leeching of heavy metals into our waterway and ground well water, cleanup of panels landing on our property and panel disposal. At this rate, Chisago County may have many small toxic areas to deal with in the future. Having larger more dense solar fields instead of many little ones could be better controlled and studied. Property owned by the installer are more likely to be held accountable while leases give companies the option to walk away with no responsibility. All the issues resulting from the expansion of solar arrays are on the Planning Commission. Be careful and think of our future, there are problems with all forms of energy. Our address is being used as the project address to receive deliveries for this project. We do not want our address associated with this project and should be associated with the property owners so that all protest or praise to the project can be directed to the property owner.

Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Johnson PID#01.00401.10 IUP. With no additional person wishing to speak, ***motion*** by Frank Storm to closed the public hearing. Second by Jim Froberg. Roll call vote was taken and motion carried unanimously. Chair Johnson asked each Planning Commission member for additional questions and comments. Jim Froberg clarified Oriole Avenue in that area is a Township Road instead of County Road. Jim McCarthy agreed that section went back to Amador Township. ***Motion*** by Frank Storm to recommend approval of an Interim Use Permit requested by Mike Bufalini, on behalf of MN121819, LLC, at XXX Oriole Avenue – PID#01.00401.10 as presented in the Staff's report, site plan and narrative of record and subject to the following **conditions**:

1. The location of solar array shall be approved with the setbacks as shown on site plan Sheet PV1 (Johnson CSG 1) submitted.
2. Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded.
3. Permittee shall implement Minnesota Pollution Control Agency (MPCA) -recommended erosion and sediment control devices which are deemed by the Department to be applicable, obtain an NPDES Permit, and provide the Department with the Storm Water Pollution Prevention Plan (SWPPP).
4. Areas of bare ground at the facility shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project.
5. Landscaping/screening shall consist of two rows of staggered six feet tall black hills spruce (or a similar species if recommended by landscape architect or certified arborist) planted 16 feet on center along the full length of the north, south, and west sides of the project perimeter. The Landscape Plan as shown shall be submitted in association with the building permit application in accordance with Section 7.31.F.4.b.1. Screening shall be established and maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril.
6. Maintenance of the screening shall be guaranteed by financial surety in an amount sufficient to guarantee that the planting height and 75% opacity screening goals are achieved by the end of year three shall be provided prior to building permit approval.
7. The maximum height of the solar panels shall be ten feet; perimeter fencing shall be of agricultural fencings a.k.a. "deer fence" design, with wooden posts, woven wire, no barbed wire, and constructed to be a minimum of eight feet tall.
8. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy.

9. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.

10. The Permittee shall follow MN DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.

11. Permittee shall maintain aesthetic appearance of the project property, including disposal of trash, waste, and other detritus, for the life of the project.

12. The decommissioning disposal plan shall meet the requirements of the Chisago County Solid Waste Ordinance and applicable MPCA regulations at the time of decommissioning. All decommissioning and operational plans shall include a product stewardship element that requires the recycling and/or reuse of all solar panel racking, components, and materials upon their removal, replacement, or damage throughout the project life. The Permittee shall provide a decommissioning plan in association with the building permit application in accordance with these regulations. Failure of the permittee to properly decommission the site may result in the issuance of a citation and criminal charges, and/or County seizure of the financial surety and decommissioning of the site.

13. Financial surety guaranteeing decommissioning in accordance with the plan shall be provided and maintained by the permittee in an amount equal to or greater than 125% of the developer's estimated decommissioning cost. The surety shall be provided in association with the building permit application; final building permit approval shall be conditioned upon receipt and approval of said surety. In the event that decommissioning costs exceed the amount of surety, adequate funds shall be collected from the developer, landowner, and/or assessed against the property.

14. The project shall include abatement measures (e.g. coniferous vegetation, fencing, enclosure, or other insulating treatments) to direct noise generated by the solar system invertors from existing residential structures located on adjoining properties. To the greatest extent practical, solar system noise generating invertors shall be situated away from existing residential structures located on adjoining properties.

15. The project shall be developed, and the facility operated in a manner consistent with the proposal elements identified in the application, except insofar as the elements of the proposal are superseded by the above conditions of approval.

16. The Permittee shall work with Xcel Energy to limit the use and quantity of above ground utility poles to the fullest extent possible.

17. The Interim Use Permit shall be valid for up to 35 years from the date of approval or earlier in the permit term if the solar project as determined by County Staff is deemed satisfactorily decommissioned.

18. Violations of these conditions of permit approval shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Second by Jim McCarthy. Roll call vote was taken and motion carried unanimously.

Keith Johnson – Mike Bufalini of MN 121819 LLC, on behalf of owner, Keith Johnson is seeking an Interim Use Permit (IUP) to construct and operate a one megawatt community solar garden on seven acres that is located within a ¼ mile of an existing solar array. This property is located southwest corner of the intersection of Oasis Road and 375th Street, Sunrise Township and this would be a third solar array on the property.

Coordinator Jagoe provided an overview of the MN 121819 LLC application on the Johnson property. Parcel size 38.7 acres, zoned AG, and the first solar array on the west property line along County Road 11 was issued an Administrative Permit in June 2017. In April 2019, Gordian Energy Systems (a.k.a. MN 121819, LLC) was

approved a second IUP solar array to be placed directly east of the existing array along County Road 11. The two arrays would be accessed via a shared driveway from the existing access point along County Road 11. The third solar array on this property was issued November 2019 and placed south of the existing arrays with access along Oasis Road. In April 2020, the second array became null and void because it had not been acted upon within twelve months of the issued date. The property as it exists today has land use approval for two solar arrays identified as projects #1 and #3 which have been acted upon and remain valid. The requested IUP project remains similar to what was previously approved in April 2019. Section 7.31.G.3 specifies that an IUP may be allowed some flexibility from Performance Standards in Section F on a case-by-case basis as determined to be appropriate, at the discretion of the Planning Commission and County Board. The applicant is seeking flexibility as it pertains to setbacks from the adopted June 2020 amended solar ordinance as part of this IUP application. The applicant is requesting consideration for reduced setbacks from County Road 11 and Oasis Road for the third solar array in light of the previous approvals that have been granted for this parcel. The minimum setback from the centerline of State and County Roads for any additional commercial solar energy system on the same parcel is 735 feet. The IUP application is seeking flexibility from the Planning Commission and County Board to allow a setback of 135 feet from centerline along 375th Street and 398 feet from centerline along Oasis Road. It was noted the previous version of the solar energy systems ordinance required a setback of 135 feet from centerline of County Roads. The applicant is proposing two rows of six foot black hills spruce trees on the north side and full length of the east side of the project. The application indicated a six foot tall fence, fence plan illustrates an eight foot tall fence with galvanized steel posts. Decommissioning Plan includes a $25,000 financial surety bond for a 25-35 year before decommissioning. The interconnection is proposed on the north side of the project. Existing utility poles will be used to the fullest extent possible and has not indicated a need for any new utility poles. A community meeting was held on December 8, 2020, with several questions and concerns. Comments included: existing vegetation and screening, ordinance requirements, and process/next steps. Sunrise Township recommended denial due to the IUP application does not meet the setback requirements and the proposed decommissioning financial surety is insufficient at their January 21, 2021 meeting. Technical Review was held January 13, 2021 and the County Engineer indicated project elements constructed should be kept to a minimum of 80 – 100 ft from centerline of County Roads. Chair Johnson asked each Planning Commission member for additional questions and comments. Mr. Bufalini was available to address questions and concerns from the Commission.

Chair Johnson stated she was confused how the County would approve without meeting setbacks and how staff has recommended approval. Coordinator Jagoe commented the request is seeking flexibility under the IUP ordinance as allowed case-by-case and consideration in Staff's recommendation was due to this project being previously approved in the same configuration and just not acted upon. Chair Johnson restated Sunrise Township recommended denial. Coordinator Jagoe confirmed the denial was due to setbacks and insufficient financial surety. Frank Storm questioned if Sunrise Township approved the original application from 2019. Dave Whitney expressed he was on the fence and Chip Yeager had the same sentiment but included he was not in favor of the 735 ft setback. Chair Johnson indicated she was leaning towards denial and reflected the same concerns as Sunrise Township. Mr. Bufalini indicated the township's denial was based on the county's ability to make the decision, not the township. Coordinator Jagoe read Sunrise Township denial and comments.

Submitted Public Correspondence:
Jeremy Meyer – 12544 375th Street, this project has several issues that will violate parts of the current ordinance. First concern, removal of existing vegetation. It is a priority to preserve existing vegetation so the removal of a well-established tree line would not be favorable. Second concern, is screening. Removal of the tree line would eliminate all screening from my residence with no proposal to any new screening. Third concern, is the 735 foot setback for additional projects on the same property. The setbacks proposed do not come close to meeting the ordinance setback and this is a perfect example of why that rule was added to the ordinance. I am not opposed to solar, but believe these projects need to be done in a more

discreet manner to be less offensive to neighboring properties and at minimum, meet the standards of the current ordinance.

Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Johnson #09.00303.10 IUP. With no additional person wishing to speak, ***motion*** by Frank Storm to closed the public hearing. Second by Dave Whitney. Roll call vote was taken and motion carried unanimously. Chair Johnson asked each Planning Commission member for additional questions and comments. Dave Whitney indicated he was leaning towards denial due to the project not meeting setbacks and stated the first application may have been approved but this is a new request. The proposed setbacks were too far out of line with the current ordinance setback. Jim McCarthy indicated this looks like a good application and is concentrating solar in one area. Jim McCarthy continued the 735 ft setback is not working correctly for this situation and the Planning Commission can either deny it and change the setback or deal with 735 ft setback. Frank Storm supported the approval and the need to change the 735 ft setback. ***Motion*** by Frank Storm to recommend approval of an Interim Use Permit requested by Mike Bufalini, on behalf of MN121819, LLC, 37304 Oasis Road – PID#09.00303.10 as presented in the site plan and narrative of record with the eighteen conditions as outlined in the Staff's report. Second by Chip Yeager. Roll call vote was taken. In Favor: Frank Storm and Jim Froberg. Opposed: Jim McCarthy, Chip Yeager, Dave Whitney, and Chair Johnson. The motion failed to approve the IUP. Chip Yeager indicated he'd deny the application because it did not meet the setbacks. ***Motion*** by Chip Yeager to recommend denial of an Interim Use Permit requested by Mike Bufalini, on behalf of MN121819, LLC, 37304 Oasis Road - PID#09.00303.10 as it is deemed to be inconsistent with zoning regulation and the following **Findings of Fact:**

1. The request as submitted does not meet the required 735 foot minimum setback from roadways pursuant to Section 7.31 F. 10 of the County Zoning Ordinance.

Second by Dave Whitney. Roll call vote was taken. In Favor: Jim McCarthy, Chip Yeager, Dave Whitney, Jim roberg and Chair Johnson. Opposed: Frank Storm. Motion to recommend denial passed. Chip Yeager stated this was a recommendation and will go before the County Board. Dave Whitney stated changing the solar ordinance would not take a lot of time or effort and the Planning Commission would feel better about approving IUPs similar to this situation. Chair Johnson indicated this would be a good topic of discussion at a special work session. Jim Froberg reported the Planning Commission had discussed the setback and County Board had changed it to 735 ft. Jim McCarthy stated the County Board can direct the Planning Commission to change it again. County Commissioner Chris DuBose indicated the Planning Commission reviewed setback changes of 735 feet and then determined it was too restrictive and County Board changed it to this setback for additional commercial solar arrays on the same parcel.

Old Business:

One Acre Buildable/Septic Ordinance Review & Update

Chair Johnson provided a brief overview of the list of questions regarding one acre buildable and septic as collected by the subcommittee of Chair Johnson, Dave Whitney and Jim McCarthy. Frank Storm suggested rearranging a few questions under different topic headings. Chair Johnson indicated it could be rearranged and discussed a timeline for moving forward and next steps. Director Schneider provided an overview of the distributed four draft Ordinances highlighting/striking language. Staff will need direction on: specified text insertions and/or changes to draft ordinance language for each ordinances, preferred public hearing or engagement, next steps for handling of discussion questions or other as determined by the Planning Commission. Commission discussion followed on having questions addressed by the list of experts and whether comments be provided in written or oral format. Deliberation followed on holding a public hearing on one acre buildable and septic and whether the topic questions are being addressed by experts during or after the public hearing. ***Motion*** by Dave Whitney to hold a public hearing to seek public comment on one acre buildable and septic as questions are being answered by list of experts. Subcommittee can work with

staff to compile information and responses. Second by Chip Yeager. Roll call vote was taken and motion carried unanimously. Director Schneider conveyed previous discussions held by the Planning Commission included types of septic systems allowed. He requested clarification of what the public hearing will encompass on one acre buildable and septic for the hearing notice. Director Schneider reviewed the public hearing notice procedure and distribution. Director Schneider suggested staff could develop a draft of the public hearing notice and the subcommittee could review, edit and approve prior to posting and distribution. Commission discussion continued on intention of public hearing which ranged from obtaining general feedback/comments to reviewing the stricken draft ordinances language. County Commissioner Chris DuBose added that a final ordinance language was not needed for the public hearing but to gather input. He concluded public hearing could be continued or another held if needed following feedback provided on one acre buildable and septic. Director Schneider indicated staff will develop a draft public notice with the intent to gather public input for changes in one acre buildable and septic ordinances. The subcommittee will review and provide feedback and staff will proceed with the posting process.

ADJOURNMENT: There being no further business, motion by Frank Storm and second by Jim Froberg to adjourn. Meeting was adjourned at 9:28 p.m.

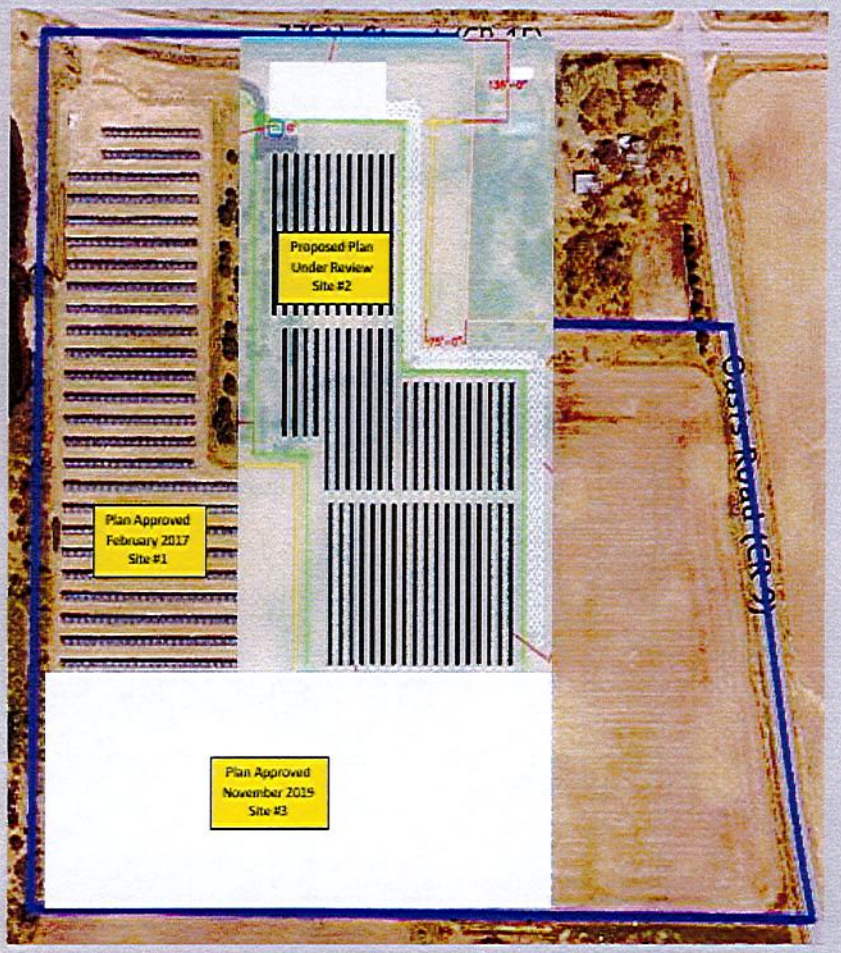
MN121819, LLC
Interim Use Permit

PID# 09.00303.10
37304 Oasis Road
Sunrise Township

Request Details

- Mike Bufalini – MN121819, LLC, Applicant
- Keith Johnson, Property Owner
- Zoning – AG, Agriculture
- IUP Term up to 35 years (per decommissioning plan)
- Parcel Size – 38.7 Acres
- Located SW Corner of County Road 9/Oasis Road and County Road 11/375th Street

Overview of Property

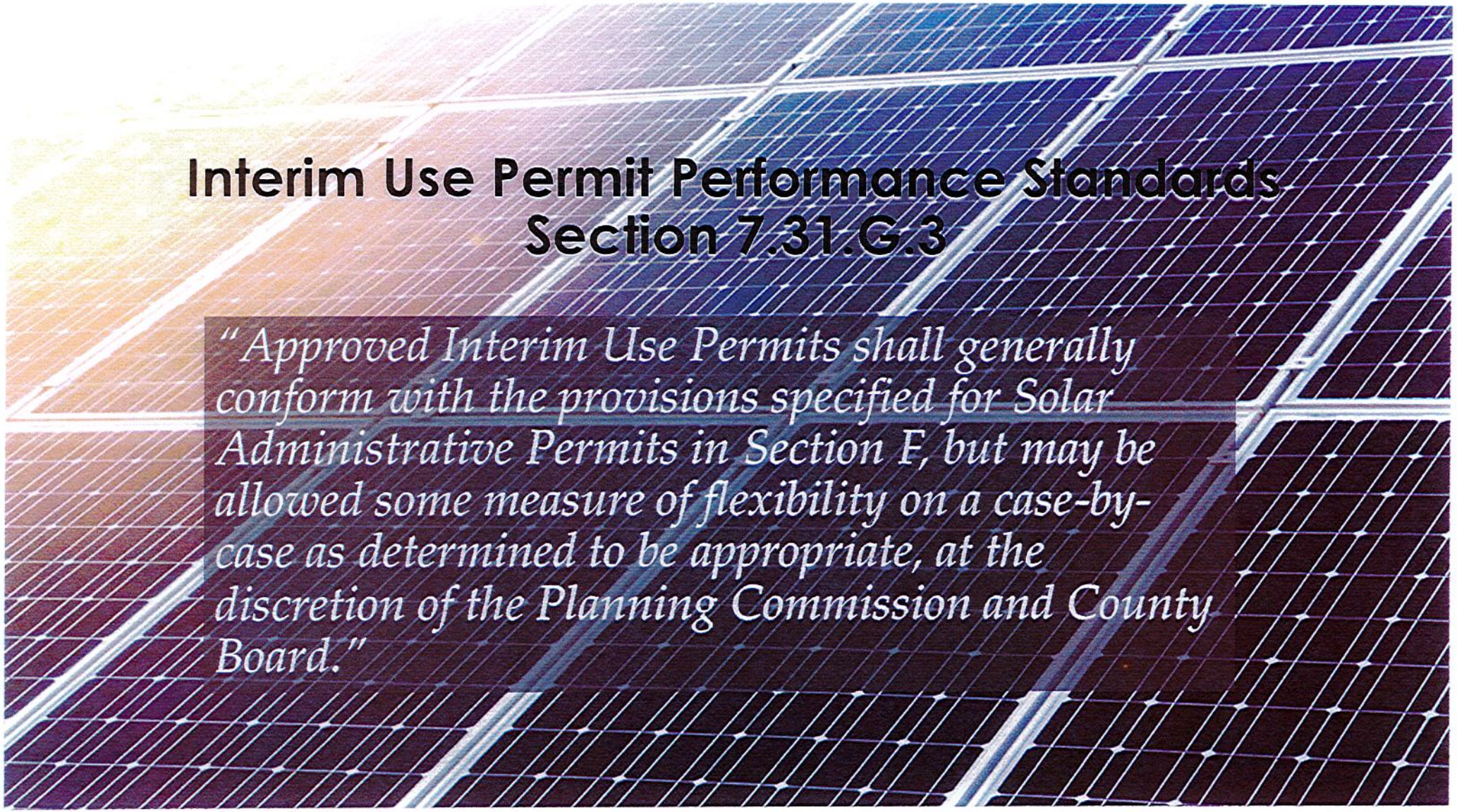


Background of Solar Permits Approved:

1st Administrative Permit issued June 2017
- Constructed (as shown on GIS)

2nd Interim Use Permit issued April 2019
- Null and Void April 2020 (permit was not acted upon)
- Said project of "New Application"

3rd Interim Use Permit issued November 2019
- Acted Upon – Building Permit issued

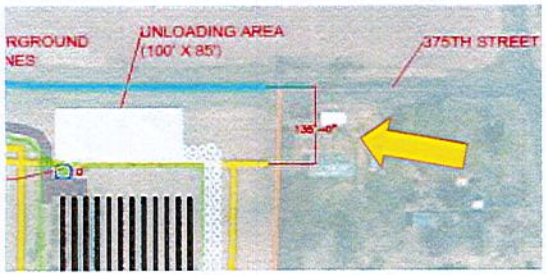


Interim Use Permit Performance Standards Section 7.31.G.3

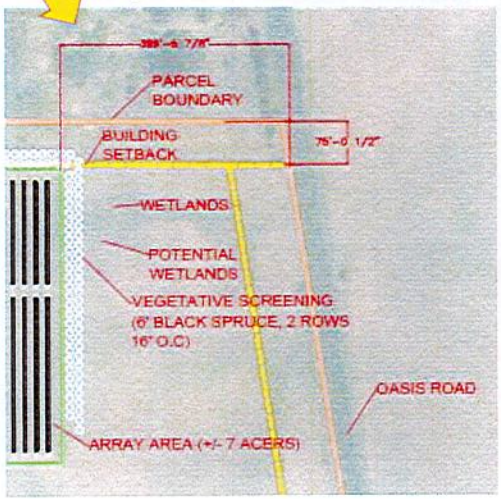
"Approved Interim Use Permits shall generally conform with the provisions specified for Solar Administrative Permits in Section F, but may be allowed some measure of flexibility on a case-by-case as determined to be appropriate, at the discretion of the Planning Commission and County Board."

Performance Standard Variation:

Cty Rd 11/375th Street



Cty Rd 9/Oasis Road

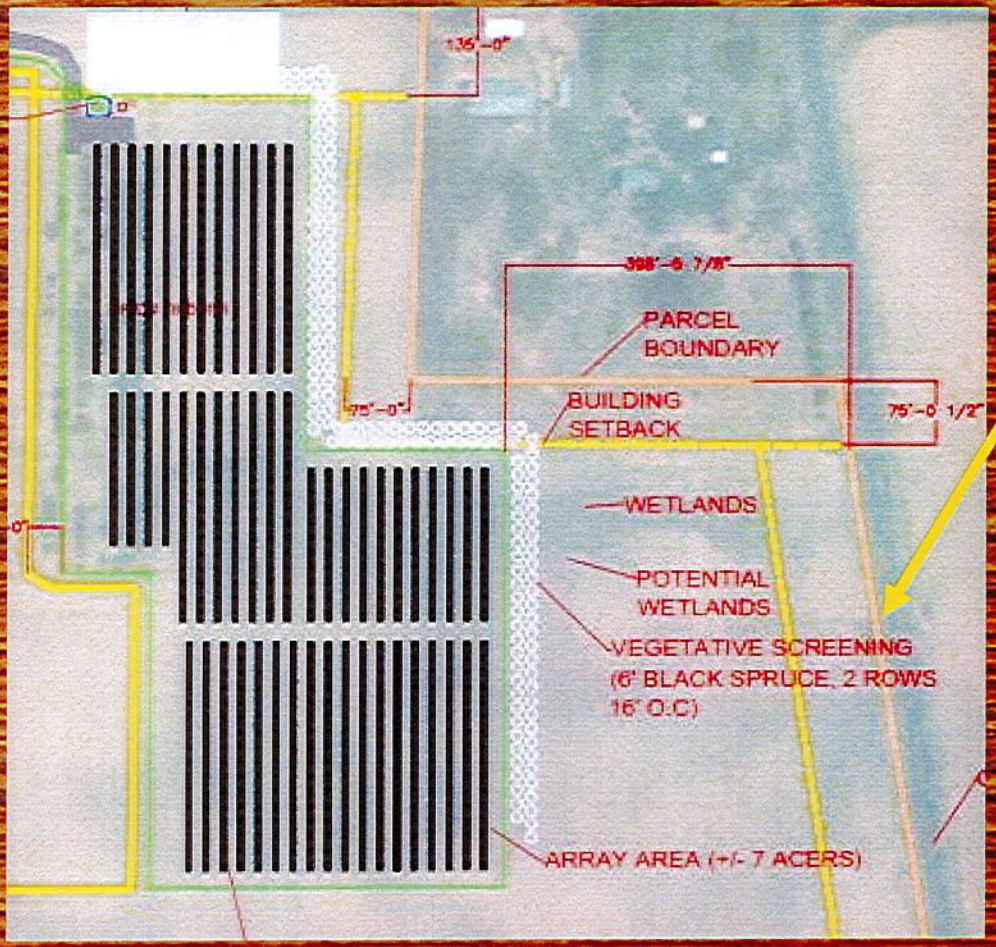


June 2020 Amended Solar Ordinance No. 061720-1 - Minimum setback from the centerline of State and County Roads for any **additional** commercial solar energy system on the same parcel is 735 feet

Proposed Setback

- 135 feet from centerline along 375th Street
- 398 feet from centerline along Oasis Road

Screening:



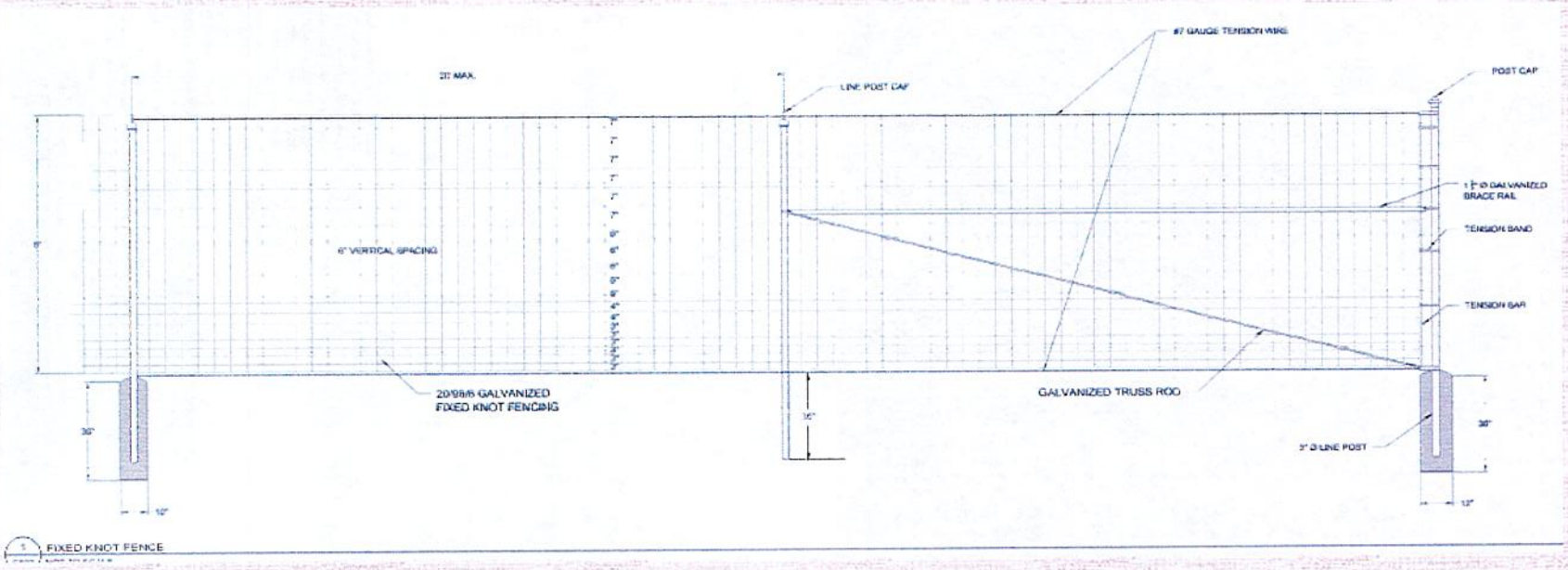
The June 2020 amended ordinance allows for planting in this manner in lieu of a certified performance based landscape plan.

*This IUP application has enhanced the landscaping by extending the plantings the full length of the project on the east side.

*April 2019 approval only had screening as visible from road frontages and not from dwelling.

Proposed Fencing:

- Narrative stated 6 feet tall
- Fence Plan shows 8 feet tall
- Galvanized Steel Posts



Recommended Condition

The maximum height of the solar panels shall be ten feet; perimeter fencing shall be of agricultural fencings a.k.a. "deer fence" design, with wooden posts, woven wire, no barbed wire, and constructed to be a minimum of eight feet tall.

Decommissioning Plan:

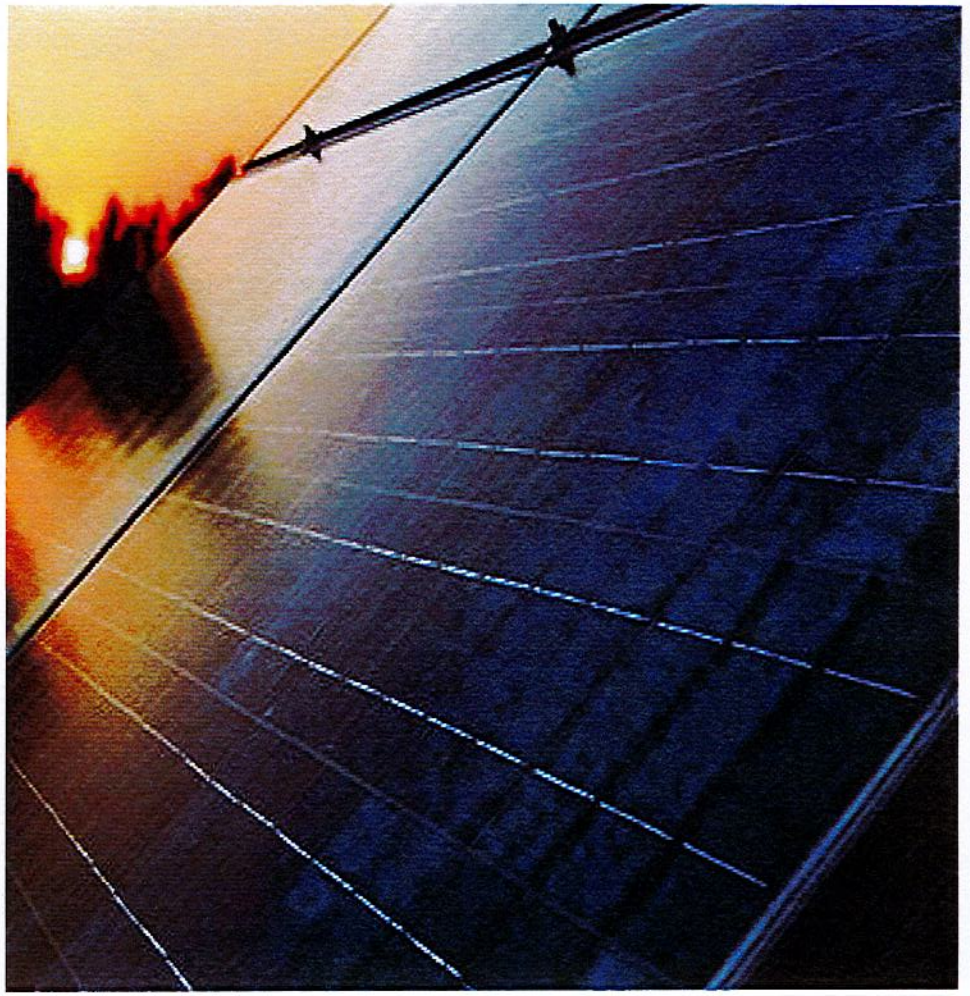
Seeking:

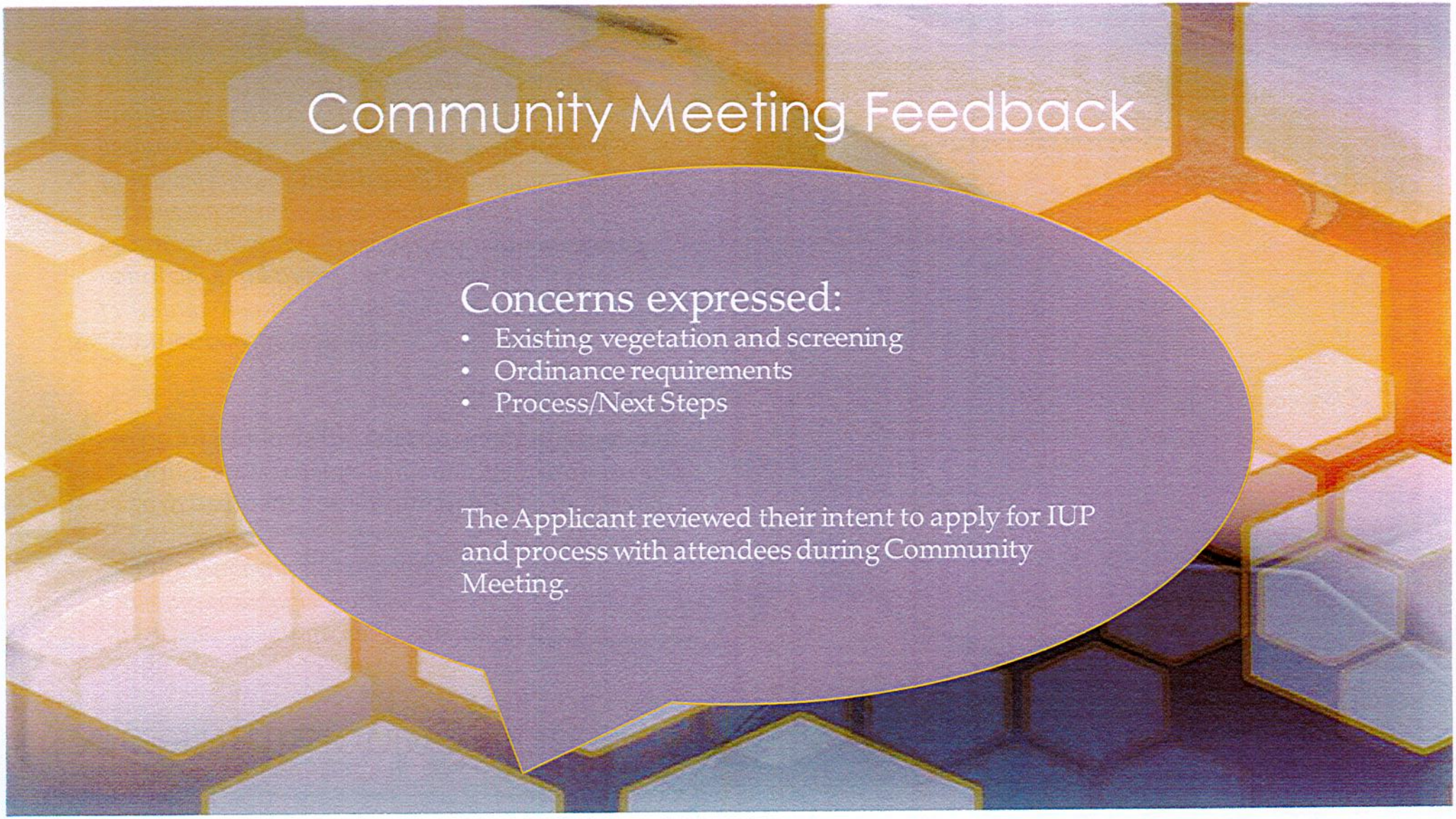
- *25-35 years before decommissioning or after 12 consecutive months nonuse*
- *$25,000 financial surety bond*

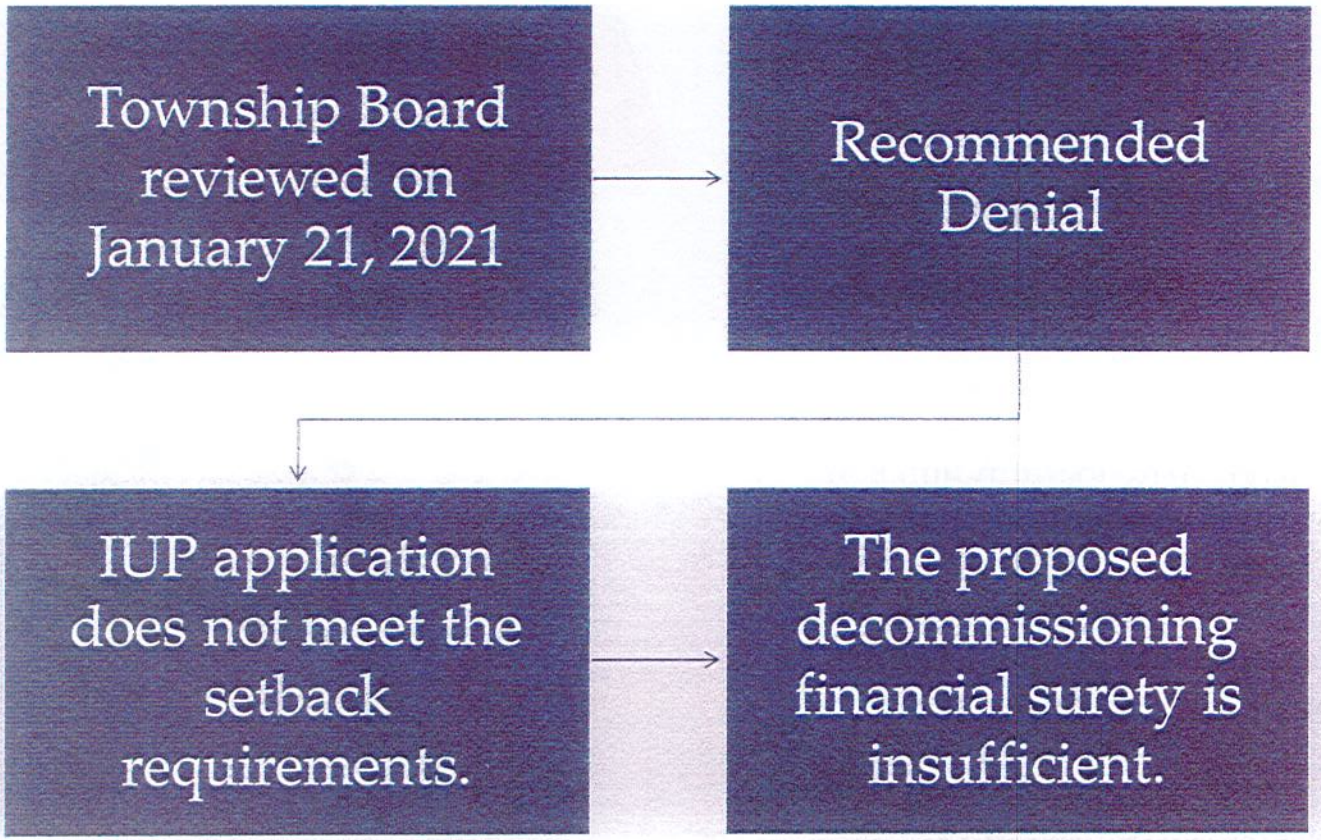
June 2020 ordinance amendment added language for product stewardship of elements during project life to be included as part of the decommissioning plan.

Recommended Conditions:

- *Decommissioning disposal plan shall meet the requirements of the Chisago County Solid Waste Ordinance and applicable MPCA regulations and include a product stewardship element.*
- *Financial surety guaranteeing decommissioning in accordance with the plan shall be provided and maintained by the permittee in an amount equal to or greater than 125% of the developer's estimated decommissioning cost.*




Community Meeting Feedback
Concerns expressed:
• Existing vegetation and screening
• Ordinance requirements
• Process/Next Steps
The Applicant reviewed their intent to apply for IUP and process with attendees during Community Meeting.


Township Board reviewed on January 21, 2021
Recommended Denial
IUP application does not meet the setback requirements.
The proposed decommissioning financial surety is insufficient.

Technical Review Panel met on January 13th

- County Wetland Specialist has verified that there are no wetland impacts with the proposed.
- County Engineer, indicated that project elements/permanent construction should be kept to a minimum of 80 to 100 feet from centerline of County Roads.
- No other comments then those which were previously identified within this report were discussed

Application Deemed Complete on December 30, 2020

60-Day Deadline will be February 28, 2021

Staff Recommendation

Barring any new or unknown evidence discovered after the completion of this report or during the course of the public hearing, staff has provided below the following recommended motion with conditions for your consideration:

Recommend **Approval** of an Interim Use Permit requested by Mike Bufalini, on behalf of MN121819, LLC, at 37304 Oasis Road – PID#09.00303.10 as presented in Staff's report based on the Finding of Fact that the proposal is consistent with the zoning regulations and Comprehensive Plan for Chisago County subject to the 18 conditions noted in report *or as modified by the Planning Commission if it is deemed additional conditions should be identified.*

Staff Report

TO: Chisago County Planning Commission

FROM: Jessica Jagoe, Land Services Coordinator

DATE: January 28, 2021

RE: MN121819, LLC, Interim Use Permit – PID#09.00303.10
Sunrise Township, 37304 Oasis Road

Action to Consider
The Applicant is seeking an Interim Use Permit (IUP) to construct and operate a one megawatt community solar garden on seven acres that is located within a ¼ mile of an existing solar array.

Property Background/Description
Mike Bufalini, on behalf of MN121819, LLC, is the Applicant of this request and Keith Johnson is the Property Owner. This request would be for a third solar array on said property. The parcel is 38.7 acres, zoned AG – Agriculture, and located in Sunrise Township. The parcel is located in the southwest corner of the intersection of County Road 9 and 11. The L-shaped parcel surrounds a five acre residential property at this intersection. The property features a constructed solar array situated on the west portion of the property along County Road 11 (approved by Administrative Permit). In April 2019, Gordian Energy Systems (a.k.a. MN121819, LLC) was approved an IUP for a second solar array to be placed directly east of the existing array which would also front along County Road 11. These two arrays would be accessed via a shared driveway from the existing access point along County Road 11. A third solar array on this parcel was approved by IUP in November 2019 to be placed south of the existing arrays with access along Oasis Road.

On April 17, 2020, in accordance with Zoning Ordinance Section 804.1.G the IUP for the second array issued to Gordian Energy Systems became null and void because it had not been utilized within twelve months of the date of approval. No construction or otherwise documented land use event related to utilization of the Johnson CSG 2 IUP project (driveway, fencing, etc.) had occurred.

> *G. Reapplication / Lapse of Interim Use Permit.*
>
> *Reapplication for the same or substantially same IUP shall not be accepted within six (6) months of denial by the Board. Any IUP approved but not utilized within twelve (12) months of the date of approval shall be null and void. The County Board may reissue a terminated Interim Use Permit*

upon receipt of proper reapplication and fee by the applicant, should a change in the circumstances which had triggered the termination warrant it.

Legal counsel advised Staff that Johnson CSG 2 Interim Use Permit was not eligible for reapplication as a denied application or a terminated IUP under Section 804-1 of the Zoning Ordinance because the permit is null and void. Legal counsel explained any application of Johnson CSG 2 would have to be a new IUP Application following the criteria of all amended solar development regulations presented in Ordinance No. 061720-1 as adopted in June 2020.

Based on the above, the property as it exists today has land use approval for two solar arrays which have both been acted upon (i.e. solar sites #1 and #3) and remain valid.

Site Plan/Proposal Analysis

The Applicant has applied for a new IUP application to construct a third solar array on this parcel similarly to that of which was previously approved. In review of the site plan submitted, the project configuration remains essentially the same as their April 2019 submission. The overall appearance of the site mirrors that of the November 2019 approval which granted three arrays on the subject parcel.

The Planning Commission will recall that the June 2020 amended solar energy systems ordinance included several revisions namely to the decommissioning, screening, and setbacks requirements. A section that remained unchanged was Interim Use Permit Performance Standards 731.G.3 which references that "Approved Interim Use Permits shall generally conform with the provisions specified for Solar Administrative Permits in Section F (provided below in report), but may be allowed some measure of flexibility on a case-by-case as determined to be appropriate, at the discretion of the Planning Commission and County Board." The Applicant is seeking that latitude as it pertains to setbacks from the June 2020 adopted ordinance as part of this IUP application. The Applicant is requesting consideration for reduced setbacks from County Road 11 and Oasis Road for the third solar array in light of the previous approvals that have been granted for this parcel.

The minimum setback for an Administrative Permit would be 75 feet from all non-right-of-way property lines or 275 feet from any dwelling whichever is greater. The application as submitted complies with these requirements. As amended in June 2020, the minimum setback from the centerline of State and County Roads for any additional commercial solar energy system on the same parcel is 735 feet. The IUP application is seeking flexibility from the Planning Commission and County Board to allow a setback of 135 feet from County Road 11 and 395+ feet from Oasis Road. It should be noted the previous version of the solar energy systems ordinance required a setback of 135 feet from centerline of County Roads.

In considering the reduced setbacks, Staff reviewed the November 2019 submittal and public hearing record. During this public hearing there was one comment entered into record regarding adding a second row of screening and location of inverters along Oasis Road. There were no other comments or feedback provided at either the Community Meeting or Public Hearing regarding aggregate impacts of solar array coverage on the site. Given the prior approval, Planning Staff feels flexibility on setbacks may be warranted and is viewed as consistent with

past approvals for this parcel. Our consideration is limited to this property as allowed on a case-by-case determination due to the null and void status of the previously issued April 2019 IUP permit. The Planning Commission in your review should provide comment and recommendation on setbacks as proposed.

The landscaping shown on site plan sheet PV1 is two rows of 6' tall black hills spruce trees planted 16' on center on the north (County Road 11) and east (neighboring residence/Oasis Road) sides of the project. This IUP application has enhanced the landscaping by extending the plantings the full length of the project on the east side (Note: previous approval only had screening as visible from road frontages and not from dwelling). The double row of staggered trees is consistent with previous approvals for this site. The June 2020 amended ordinance allows for planting in this manner in lieu of a certified performance based landscape plan. Staff's opinion would be that no earthen berm is necessary for screening on this site. The Planning Commission should discuss this recommendation and/or add other conditions as deemed necessary. No financial assurance was proposed in association with this IUP to guarantee longevity of vegetative screening. The narrative notes that seed with native pollinator friendly vegetation will be planted under the panels and in surrounding areas within the project site. The described Ground Cover as submitted was acceptable in Staff's review. Staff would recommend consistency with the Solar Administrative Permit standards for Ground Cover and Visual Screening/Landscape Plan.

In addition, the inverter and equipment pad are shown on the north side of the project. Conduit lines will be run underground to the existing Xcel Energy three phase power distribution lines. The Applicant has not indicated there will be a need for any new utility pole(s) along County Road 11. MN121819, LLC shall work with Xcel Energy to use the existing poles to the fullest extent possible.

Furthermore, an eight foot high agricultural fence with galvanized posts is proposed to enclose the project area. The fixed solar panels are to be mounted on steel and aluminum racking structures. The Applicant notes that the installation is generally 10 feet above grade, but will not exceed a maximum height of 20 feet above grade. The two other solar arrays for this site have a maximum of 10 feet above grade with a fence height at a minimum of eight feet tall. Staff would recommend as a condition of approval that the maximum height of the solar panels be 10 feet and fence height be increased to a minimum of eight feet tall with wooden posts as consistent with past approvals for this property.

MN121819, LLC has provided a written narrative describing the construction scope/site rules and staging. The construction schedule included in application has construction to begin April 2021 and completed by December 2021. In previous solar projects, Staff has viewed that during the middle of the construction timeframe traffic generated will be the most intensive impact with the full workforce on-site. Once construction is complete, there will be virtually no impact generated by this land use. Construction and routine maintenance should be limited to daytime hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise levels standards will not be exceeded.

The Decommissioning Plan indicates that decommissioning will occur approximately 25-35 years after the date the system becomes operational or in the event that the array is not used within 12 consecutive months. The June 2020 ordinance amendment added language for product stewardship of elements during project life to be included as part of the decommissioning plan. Staff has included this as a condition of approval to be added to decommissioning plan provided in association with the building permit application.

The Solar Ordinance 7.31.C.2.h states "the permittee shall provide an industry engineer's estimate of the eventual decommissioning cost, and shall post financial surety in an amount equal to or greater than 125% of the engineer's estimate cost, to ensure proper decommissioning." The Applicant is proposing a financial surety equal to $25,000 per megawatt. Staff recommends compliance with ordinance requirements which is consistent with previous approvals. Financial surety guaranteeing decommissioning would be an amount equal to or greater than 125% of the developer's current estimated decommissioning cost of $87,767.

A Community Meeting was held by the Applicant prior to submittal on December 8, 2020. The narrative notes that several questions and concerns were expressed by attendees. Those comments pertained to:

1) Existing vegetation and screening
2) Ordinance requirements
3) Process/Next Steps

MN121819, LLC has satisfied this requirement of the ordinance with their submittal documents for recap of community meeting.

Lastly, the Technical Review Panel met on January 13th. The County Wetland Specialist, Jeff Fertig, has verified that there are no wetland impacts with the proposed. Joe Triplett, County Engineer, indicated that project elements/permanent construction should be kept to a minimum of 80 to 100 feet from centerline of County Roads. No other comments then those which were previously identified within this report were discussed.

Staff Analysis

Below are several questions that staff has prepared to assist in our analysis of the proposal:

1. Is the proposal consistent with the Comprehensive Plan and development policies of the County? *Yes. The Chisago County Comprehensive Plan, recently adopted in 2017, specifically supports renewable energy, including solar energy installations, with specific mention made of the temporary use of agricultural land for "farming the sun".*

2. Will the use create and 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 upon parks, schools, streets, or public facilities, utilities, or amenities.*

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 have an appearance that will have an adverse effect upon adjacent properties?
The vegetative landscaping and screening requirements can be reasonably expected to greatly reduce any perceived negative impact from solar projects. To date, data shows no discernable negative impact to property values for homes situated near solar projects. Data collected by the Chisago County Assessor shows that in every instance, the properties sold for prices higher than their assessed value.

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. Chisago County supports the use of solar energy systems as allowed by Administrative or Interim Use Permit. In Section 7.31 of the Chisago County Zoning Ordinance, the purpose and intent is stated, excerpted here in pertinent part: "**Chisago County finds that it is in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts, but result in limited adverse impact on nearby properties. As such, the County supports the use of solar energy systems…. Consistent with the Chisago County Comprehensive Plan, it is the intent of the County with this Section to create standards for the reasonable capture and use, by households, businesses and property owners, of their solar energy resource, and to encourage the development and use of solar energy."***

6. Will the use cause traffic hazard or congestion? *There will be a limited time period during construction when there will be additional traffic to and from the site. Staff acknowledges once construction is complete, there will be little to no traffic at all to and from the site, apart from occasional site visits by the project owner/maintainer.*

7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? *Defer to staff comments above for construction noise. There might be a low-level noise periodically throughout the day as the panels rotate, but at the distances typically associated with these projects located in former farm fields, no undue negative impact would be expected from the sound of rotating panels. There is no glare associated with the panels, as they are designed to capture and absorb sunlight for its energy properties, not reflect it. However, with the introduction of vegetative buffer and screening requirements, the projects are required to meet 75% opacity by the end of the third operating year. No undue negative visual impact is expected to result from solar garden installations.*

60-Day Review
The application was deemed complete on December 30, 2020. The 60-day deadline will be February 28, 2021.

Township Recommendation

Township Board reviewed at their meeting on January 21, 2021 and has recommended denial due to the IUP application does not meet the setback requirements and the proposed decommissioning financial surety is insufficient.

Interim Use Permit Code Analysis

The following are applicable Sections of 7.31 Solar Energy Systems as required for Interim Use Permits which were used in Staff's review of the proposed project.

G. INTERIM USE PERMIT (IUP) REQUIREMENTS:

1. *Interim Use Permit: An Interim Use Permit (IUP) shall be required for a Commercial Solar Energy Systems which is situated, (or which is staged to be eventually situated) on a contiguous or aggregate site area footprint ten (10) acres or larger in size, whether commonly owned/controlled or otherwise. The site area footprint size shall be computed by a determination of the Zoning Administrator. Projects proposed for location within 1320 feet of an existing project shall be reviewed by the Zoning Administrator for a determination of aggregate impact, and may require the issuance of an Interim Use Permit, regardless of site area footprint.*

2. *Application for Interim Use Permit: An application for an IUP for a Commercial Solar Energy System shall be accompanied by the submittal requirements stipulated for Solar Administrative Permit applications, as listed in Section E (3) above. All such applications shall be processed in accordance with and meet all the requirements of Section 8.04-1 of the Chisago County Zoning Ordinance provisions governing Interim Use Permits.*

3. *Interim Use Permit Performance Standards: Approved Interim Use Permits shall generally conform with the provisions specified for Solar Administrative Permits in Section F above, but may be allowed some measure of flexibility on a case-by-case basis as determined to be appropriate, at the discretion of the Planning Commission and County Board.*

F. ADMINISTRATIVE SOLAR PERMIT PERFORMANCE STANDARDS

1. Noise – Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded. The following additional noise related site standards shall also be satisfied:

1) Placement of transformers, inverters, or other equipment generating ongoing vibration or noise must be done in such a manner that low level recurring ambient noise does not audibly cross property boundaries. Placement of equipment interior to the site, shielded by proposed solar panels, and or shielded by specifically placed noise and vibration deadening fence, landscape, berm, or other efforts, shall be required for all commercial solar sites in close proximity to existing developed homes or property boundaries.

2) The piling installation construction phase of every project generates repetitive audible noise and is extremely disruptive. Piling installation timelines and durations shall be identified in the application and consolidated into the shortest most confined time period possible. Installation of pilings shall take place only during permittee

identified daytime and weekday hours which may be further limited by permit conditions if in close proximity to existing residences. Piling installation shall cease on Sundays and be limited between the hours of 7 a.m. – 6 p.m. on Saturdays.

2. Site Sediment and Erosion Control – The Permittee shall implement those MPCA-recommended erosion and sediment control which are deemed by the Department to be applicable. If applicable, 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 determined to be necessary shall be installed or implemented prior to construction and maintained in accordance with the SWPPP.

3. Ground Cover - Areas of bare ground at each facility shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project.

4. Visual Screening and Landscape Plan

a. Preservation of Existing Screening: Existing forestation, foliage and native fauna within, near and surrounding the project area shall be preserved insofar as is practical. Preservation of existing vegetative screening may be credited toward meeting the screening requirements stipulated below, upon such determination by the Zoning Administrator. The permitee shall establish and maintain an approved landscaped vegetative visual-buffer on-site in the manner prescribed below so as to limit undue impact to potentially affected abutting nearby properties. The screening shall be maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril, and guaranteed by financial surety pursuant to subsection F (4) (b) (2) below.

b. Screening From Dwellings, Roadways Around Interior Perimeter Fencing: All commercial solar projects shall include the development, installation, and maintenance of a performance based landscape plan (wind row style plantings) placed outside the fenced perimeter and consisting of suitable native shrubbery and trees. Trees and/or shrubs shall be a minimum of six feet tall when planted, and shall reach project-affiliated fence height and leaf-on conditions 75% opacity screening by the end of year three of the project.

1). A site specific performance based landscape plan designed by Minnesota-licensed landscape architect or Minnesota- certified arborist shall be submitted verifying that the above-stipulated height and opacity goals will be achieved by the end of year three of the project, given normal growing conditions. In lieu of a landscape architect performance based landscape plan, the planting of two staggered rows of 6 foot tall coniferous trees coupled with site specific earthen berm construction may be proposed to meet the 75% opacity screening requirement.

2). Financial surety in an amount sufficient to guarantee that the planting heights and 75% opacity screening goals are achieved by the end of year three shall be provided prior to building permit approval.

3) Perimeter fence and landscape improvements shall be installed prior to all other above grade site improvements and confirmed compliant by county inspection.

c. New Vegetative Screening Location: All new, installed vegetative screening shall be established outside of the security fence, and shall maintain a minimum 20-foot setback from the parcel property lines.

5. Wetlands – All activities conducted within wetlands shall be carried out, regulated and or prohibited in accordance with the provisions of MN Chapter 8420.

6. Blanding's Turtle – The Permittee shall follow MN DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.

7. Security Fence Design – No chain link, or barbed wire fencing is permitted. The security fence surrounding the facility shall consist of agricultural fencing, also known as "deer fence" which is of woven wire composition.

8. Maintenance – Permittee shall be responsible for on-site cleanup of all waste and scrap that is the product of construction, as well as ongoing maintenance of project property, including disposal of trash, waste, and other detritus, for the life of the project. Such maintenance shall include sustaining and maintaining the visual screening buffer in an attractive and aesthetically pleasing manner.

9. Financial Surety/Site Restoration – Financial surety shall be provided and maintained by the permittee as required by this Ordinance.

10. Setbacks The required minimum setback from roadways and neighboring property lines for all project elements including structures, panels, racking systems, and security enclosure, are as follows:

- *75 feet from all non-right of way property lines or 275 feet from any dwelling whichever is greater.*
- *135 feet from the centerline of State and County Roads for the first commercial solar energy system on any single parcel and 735 feet from the centerline of State and County Roads for any additional commercial solar energy system on the same parcel.*
- *135 feet from centerline of all other public roads.*

11. Interconnection equipment - Interconnection equipment shall be mounted at grade whenever possible, as may be regulated by Minnesota and Xcel public utility regulations. Interconnection equipment that is effectively screened from view, and located a minimum of 600 feet from public rights of way and or neighboring residences shall be permitted an exception to this standard. In all cases, the use and quantity of above ground utility poles shall be limited to the fullest extent possible.

12. Revocation – Violations of the performance standards listed in this Ordinance, and/or the conditions of permit approval shall be cause for the Administrative Solar Site permit to be revoked, by decision of the Department. Upon permit revocation the site shall be decommissioned in accordance with the decommissioning plan. Failure of the permittee to decommission the site in accordance with the decommissioning plan may result in the issuance of a citation and criminal charges, and/or County seizure of the financial surety and decommissioning of the site. Decommissioning costs that exceed the amount of posted financial

surety shall be collected from the developer, landowner, or assessed against the property. A decision to revoke an Administrative Solar Site Permit may be appealed to the County Board of Adjustment within thirty (30) days of the date of the notification of revocation.

13. Future Land Use. The future land use and development plan(s) for the project host property shall be discussed in the project narrative and presented in a scalable site sketch plan. Practical use of the balance of the subject property must be reasonably identified and preserved. Navigable roadway and/or driveway access to the balance of any subject property use or future development sites must be demonstrated.

The Planning Commission as outlined in 8.04-1.C shall consider possible effects of the proposed Interim Use based upon (but not limited to) the following general factors and any other requirements set forth in this Ordinance or deemed otherwise relevant:

1. The Comprehensive Plan and development policies of the County;

2. Whether the use will create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

3. Whether the use will 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;

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

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

6. Whether the use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

7. Whether the use will cause traffic hazard or congestion; and

8. Whether existing nearby properties will be adversely affected by intrusion of noise, glare or general unsightliness.

Recommended Action to Consider

Following the review by the Technical Review Committee and Planning Staff, the proposed Interim Use Permit is determined to be consistent with the Zoning Ordinance and Comprehensive Plan for Chisago County. Barring any new or unknown evidence discovered after the completion of this report or during the course of the public hearing, staff has provided below the following recommended motion with conditions for your consideration –

- Recommend **Approval** of an Interim Use Permit requested by Mike Bufalini, on behalf of MN121819, LLC, at 37304 Oasis Road – PID#09.00303.10 as presented in Staff's report based on the Finding of Fact that the proposal is consistent with the zoning regulations and Comprehensive Plan for Chisago County subject to the following

conditions (*or as modified by the Planning Commission if it is deemed additional conditions should be identified*):

1. The location of solar array shall be approved with a 135 foot setback from County Road 11 and a 395± foot setback from Oasis Road as shown on site plan Sheet PV1 (Johnson CSG 2) submitted. Setbacks from non-right of way property lines shall maintain 75 feet.

2. Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded.

3. Permittee shall implement Minnesota Pollution Control Agency (MPCA) - recommended erosion and sediment control devices which are deemed by the Department to be applicable, obtain an NPDES Permit, and provide the Department with the Storm Water Pollution Prevention Plan (SWPPP).

4. Areas of bare ground at the facility shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project.

5. Landscaping/screening shall consist of two rows of staggered six feet tall black hills spruce (or a similar species if recommended by landscape architect or certified arborist) planted 16 feet on center along the full length of the east side of the project perimeter. The Landscape Plan as shown shall be submitted in association with the building permit application in accordance with Section 7.31.F.4.b.1. Screening shall be established and maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril.

6. Maintenance of the screening shall be guaranteed by financial surety in an amount sufficient to guarantee that the planting height and 75% opacity screening goals are achieved by the end of year three shall be provided prior to building permit approval.

7. The maximum height of the solar panels shall be ten feet; perimeter fencing shall be of agricultural fencings a.k.a. "deer fence" design, with wooden posts, woven wire, no barbed wire, and constructed to be a minimum of eight feet tall.

8. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy.

9. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.

10. The Permittee shall follow MN DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.

11. Permittee shall maintain aesthetic appearance of the project property, including disposal of trash, waste, and other detritus, for the life of the project.

12. The decommissioning disposal plan shall meet the requirements of the Chisago County Solid Waste Ordinance and applicable MPCA regulations at the time of decommissioning. All decommissioning and operational plans shall include a product stewardship element that requires the recycling and/or reuse of all solar panel racking, components, and materials upon their removal, replacement, or damage throughout the project life. The Permittee shall provide a decommissioning plan in association with the building permit application in accordance with these regulations. Failure of the permittee to properly decommission the site may result in the issuance of a citation and criminal charges, and or County seizure of the financial surety and decommissioning of the site.

13. Financial surety guaranteeing decommissioning in accordance with the plan shall be provided and maintained by the permittee in an amount equal to or greater than 125% of the developer's estimated decommissioning cost. The surety shall be provided in association with the building permit application; final building permit approval shall be conditioned upon receipt and approval of said surety. In the event that decommissioning costs exceed the amount of surety, adequate funds shall be collected from the developer, landowner, and or assessed against the property.

14. The project shall include abatement measures (e.g. coniferous vegetation, fencing, enclosure, or other insulating treatments) to direct noise generated by the solar system invertors from existing residential structures located on adjoining properties. To the greatest extent practical, solar system noise generating invertors shall be situated away from existing residential structures located on adjoining properties.

15. The project shall be developed, and the facility operated in a manner consistent with the proposal elements identified in the application, except insofar as the elements of the proposal are superseded by the above conditions of approval.

16. The Permittee shall work with Xcel Energy to limit the use and quantity of above ground utility poles to the fullest extent possible.

17. The Interim Use Permit shall be valid for up to 35 years from the date of approval or earlier in the permit term if the solar project as determined by County Staff is deemed satisfactorily decommissioned.

18. Violations of these conditions of permit approval shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Alternate Options

Alternatively, should the Planning Commission determine differently upon completion of the Public Hearing or upon discovery of any new or unknown factors of the proposal, staff has provided below other motions for your consideration:

1. "Move to table action and recommend to the County Board extending the review period for required action on this Interim Use Permit application for up to an additional 30 days, so to allow for further review of the record and to make a decision on this application, as allowed under Minnesota State Statute 15.99 Subd. 3(f)."

2. "Recommend Denial of the Interim Use Permit as it is deemed to be inconsistent with the zoning regulations and Comprehensive Plan for Chisago County (or other factors deemed appropriate by the Planning Commission and the following Findings of Fact *(note: the Commission will need to insert factor(s) for denial and findings in motion language)*:
    1.
    2.

CC: Mike Bufalini, Applicant
Keith Johnson, Property Owner
County File

Chisago County Request For Board Action

Meeting Date: February 17, 2021	***Item Number:*** 13
Title of Item for Consideration: Mike Bufalini, MN121819, LLC Interim Use Permit 1MW Community Solar Garden – Amador Township (Medin)	
Action Requested by: Kurt Schneider, Director	***Department:*** Environmental Services/Zoning - on behalf of the Chisago County Planning Commission
Previous Action on this Matter: None.	

Background: Mike Bufalini of Gordian Energy Systems is requesting an Interim Use Permit to construct a one-megawatt solar garden. The solar development is proposed to be located on approximately 7.9 acres of the existing 20 acre Robb Medin property, XXX Park Trail, in Amador Township, Sec. 25, T. 35, R 20, (PID #01.00354.50). Pursuant to solar ordinance regulations, an IUP is required because of the proximity of this solar development to an adjacent similarly sized solar project.

At their meeting of February 4, 2021, the Planning Commission conducted the requisite public hearing and recommended unanimous approval of the request with the attached staff report and recommended conditions.

The Town Board reviewed the matter on January 19, 2021, and recommended approval.

Pursuant to Minnesota Statute, the 60-day agency action deadline is February 28, 2021. Among the options for the County Board at tonight's meeting are the following:

- Approve the IUP, as recommended and with the Findings and Conditions as presented;
- Consider and Approve the IUP, generally as recommended by the Planning Commission and County ESD staff, but with modified Conditions determined and approved by the County Board at tonight's meeting (to be codified as part of the formal IUP approval);
- The County Board may extend the initial 60-day period (up to a total of 120 days), if, before the end of the initial 60-day period, it notifies the landowner in writing of its intent to take additional time to consider the application, the reasons for the extension, and anticipated length of the extension (Minn. Stat. 15.99, Subd. 3(c)).

  Sufficient time exists for the County Board to extend the initial 60-day period via written notification, if such is decision is formally taken at tonight's Meeting. Any motion to extend this time period should include, at a minimum, direction to staff to prepare a written notification of the County Board's action "to take up to an additional 60 days to further review the record and make a decision on this application."
- The County Board may Deny the IUP for legally justifiable reasons, but must state such reasons as part of the official record of decision (either as part of a motion to deny or as part of a failure of a motion to approve). Moreover, such action must be taken prior to the end of the initial 60-day period (or 120-day period if extended).

  Additionally, State Statute directs (but does not mandate) that written reasons for denial be provided to the applicant prior to the end of the initial 60-day period (or 120-day period if

extended) and be consistent with the reasons stated in the record at the time of denial. Typically, such written reasons are prepared and adopted by the body as part of its denial, or at the next scheduled meeting.

Attachment(s):

- Findings and Recommended Conditions
- PowerPoint Presentation to the Planning Commission
- Staff Report to the Planning Commission
- Draft Planning Commission Minutes of February 4, 2021

Action Requested/Recommended: It is respectfully requested that the Chisago County Board affirmatively consider the February 4, 2021 Chisago County Planning Commission recommendation to approve the Mike Bufalini, MN121819, LLC Interim Use Permit request to construct a one-megawatt solar garden with Findings as presented and Conditions as recommended by the Commission, or as may be amended. The suggested motion to approve this action is as follows:

"Move to approve the Mike Bufalini, MN121819, LLC Interim Use Permit to construct a one-megawatt solar garden in Amador Township, Sec. 25, T. 35, R 20, XXX Park Trail, (PID #01.00354.50) with Findings as presented and Conditions as recommended by the Planning Commission and/or as amended at tonight's meeting.

Implications of Action: Recommended Board action grants the requested Interim Use Permit and allows, subject to conditions.

Budget/Financial Implications: None.

Legal/Policy Implications: The recommended Board consideration and action(s) are in conformity with generally accepted practices, procedures and interpretations of applicable state statutes and County ordinances and policies. Conditions placed on the IUP must be satisfied and cannot be modified, removed, expanded, or revoked without due process.

Administrator's Recommendation

Approve _____	Deny _____	Other _____
Motion By:	Seconded by:	
To:		
Action on Motion:	Aye _____	Nay _____	Abstain _____

Planning Commission Recommendation of February 4, 2021
Interim Use Permit – Mike Bufalini, MN121819, LLC Interim Use Permit
Amador Township, Sec. 25, T. 35, R 20, XXX Park Trail (PID #01.00354.50)

RECOMMENDED FINDINGS (Staff Review):

1. **Is the proposal consistent with the Comprehensive Plan and development policies of the County?** *Yes. The Chisago County Comprehensive Plan, recently adopted in 2017, specifically supports renewable energy, including solar energy installations, with specific mention made of the temporary use of agricultural land for "farming the sun".*

2. **Will the use create and 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 upon parks, schools, streets, or public facilities, utilities, or amenities.*

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 have an appearance that will have an adverse effect upon adjacent properties?**
The vegetative landscaping and screening requirements can be reasonably expected to greatly reduce any perceived negative impact from solar projects. To date, data shows no discernable negative impact to property values for homes situated near solar projects. Data collected by the Chisago County Assessor shows that in every instance, the properties sold for prices higher than their assessed value.

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. Chisago County supports the use of solar energy systems as allowed by Administrative or Interim Use Permit. In Section 7.31 of the Chisago County Zoning Ordinance, the purpose and intent is stated, excerpted here in pertinent part: "**Chisago County finds that it is in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts, but result in limited adverse impact on nearby properties. As such, the County supports the use of solar energy systems…. Consistent with the Chisago County Comprehensive Plan, it is the intent of the County with this Section to create standards for the reasonable capture and use, by households, businesses and property owners, of their solar energy resource, and to encourage the development and use of solar energy.**"*

6. **Will the use cause traffic hazard or congestion?** *There will be a limited time period during construction when there will be additional traffic to and from the site. Staff acknowledges once construction is complete, there will be little to no traffic at all to and from the site, apart from occasional site visits by the project owner maintainer.*

7. **Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness?** *Defer to staff comments above for construction noise. There might be a low-level noise periodically throughout the day as the panels rotate, but at the distances typically associated with these projects located in former farm fields, no undue negative impact would be expected from*

the sound of rotating panels. There is no glare associated with the panels, as they are designed to capture and absorb sunlight for its energy properties, not reflect it. However, with the introduction of vegetative buffer and screening requirements, the projects are required to meet ~5% opacity by the end of the third operating year. No undue negative visual impact is expected to result from solar garden installations.

RECOMMENDED CONDITIONS:

1. The location of solar array shall be approved with the setbacks as shown on site plan Sheet PV1 (Medin CSG 1) submitted.

2. Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded.

3. Permittee shall implement Minnesota Pollution Control Agency (MPCA) -recommended erosion and sediment control devices which are deemed by the Department to be applicable, obtain an NPDES Permit, and provide the Department with the Storm Water Pollution Prevention Plan (SWPPP).

4. Areas of bare ground at the facility shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project.

5. A Landscape Plan shall be submitted in association with the building permit application that is in accordance with Section 7.31.F.4.b.1. with respect to screening along the west and south sides of the project perimeter. Said plan shall take into consideration and preserve existing perimeter trees and achieve the equivalent of a minimum of two rows of staggered trees by targeting and filling in the current west and south tree line gaps. Screening shall be established and maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril.

6. Maintenance of the screening shall be guaranteed by financial surety in an amount sufficient to guarantee that the planting height and 75% opacity screening goals are achieved by the end of year three shall be provided prior to building permit approval.

7. The maximum height of the solar panels shall be ten feet: perimeter fencing shall be of agricultural fencings a.k.a. "deer fence" design, with wooden posts, woven wire, no barbed wire, and constructed to be a minimum of eight feet tall.

8. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy.

9. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.

10. The Permittee shall follow MN DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.

11. Permittee shall maintain aesthetic appearance of the project property, including disposal of trash, waste, and other detritus, for the life of the project.

12. The decommissioning disposal plan shall meet the requirements of the Chisago County Solid Waste Ordinance and applicable MPCA regulations at the time of decommissioning. All decommissioning and operational plans shall include a product stewardship element that requires the recycling and/or reuse of all solar panel racking, components, and materials upon their removal, replacement, or damage throughout the project life. The Permittee shall provide a decommissioning plan in association with the building permit application in accordance with these regulations. Failure of the permittee to properly decommission the site may result in the issuance of a citation and criminal charges, and/or County seizure of the financial surety and decommissioning of the site.

13. Financial surety guaranteeing decommissioning in accordance with the plan shall be provided and maintained by the permittee in an amount equal to or greater than 125% of the developer's estimated decommissioning cost. The surety shall be provided in association with the building permit application; final building permit approval shall be conditioned upon receipt and approval of said surety. In the event that decommissioning costs exceed the amount of surety, adequate funds shall be collected from the developer, landowner, and/or assessed against the property.

14. The project shall include abatement measures (e.g. coniferous vegetation, fencing, enclosure, or other insulating treatments) to direct noise generated by the solar system invertors from existing residential structures located on adjoining properties. To the greatest extent practical, solar system noise generating invertors shall be situated away from existing residential structures located on adjoining properties.

15. The project shall be developed, and the facility operated in a manner consistent with the proposal elements identified in the application, except insofar as the elements of the proposal are superseded by the above conditions of approval.

16. The Permittee shall work with Xcel Energy to limit the use and quantity of above ground utility poles to the fullest extent possible.

17. The Interim Use Permit shall be valid for up to 35 years from the date of approval or earlier in the permit term if the solar project as determined by County Staff is deemed satisfactorily decommissioned.

18. Violations of these conditions of permit approval shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Staff Report

TO: Chisago County Planning Commission

FROM: Jessica Jagoe, Land Services Coordinator

DATE: January 28, 2021

RE: MN121819, LLC, Interim Use Permit – PID#01.00354.50
Amador Township, XXX Park Trail

Action to Consider
The Applicant is seeking an Interim Use Permit (IUP) to construct and operate a one megawatt community solar garden on seven acres that is located within a ¼ mile of an existing solar array.

Property Background/Description
Mike Bufalini, on behalf of MN121819, LLC, is the Applicant of this request and Robb Medin is the Property Owner. The parcel is 20 acres, zoned AG – Agriculture, and located in Amador Township. The parcel is located east of Park Trail and south of St. Croix Trail HWY 95. There are no structures on the property and the site is overall relatively flat. The area is generally larger tracts of land ranging from 10-40 acres. There are two tracts across the street on the west side of Park Trail whose dwellings are setback approximately 500 feet from the road. To the south, there are several detached accessory buildings on the north side with the dwelling situated approximately 300+ feet from the shared property line.

In January 2019, Gordian Energy Systems (a.k.a. MN121819, LLC) applied for an Interim Use Permit for a solar array on this parcel. That application was deemed incomplete due to required documents that were not included in the submission and the wrong permit form was completed. At that time, the project would not have required an IUP, but rather would have fallen under an Administrative Permit. A notice was sent to the Applicant on January 7, 2019 informing them of these details. Gordian Energy Systems did not resubmit the necessary paperwork. In the meantime, a different solar array has been approved administratively on another of Mr. Medin's properties two parcels south of this site. Therefore, due to the proximity to an existing array an IUP is necessary to construct a solar array on this parcel.

Site Plan/Proposal Analysis
The new IUP application shall follow the criteria of all amended solar development regulations presented in Ordinance No. 061720-1 as adopted in June 2020. In review of the site plan submitted, the project configuration remains the same as the January 2019 submission. The Planning Commission will recall that the June 2020 amended solar energy systems ordinance

included several revisions namely to the decommissioning, screening, and setbacks requirements. This is the first solar array on the parcel and as proposed complies with the following applicable setbacks:

> ***Setbacks*** *The required minimum setback from roadways and neighboring property lines for all project elements including structures, panels, racking systems, and security enclosure, are as follows:*
>
> - *75 feet from all non-right of way property lines or 275 feet from any dwelling whichever is greater.*
> - *135 feet from the centerline of State and County Roads for the first commercial solar energy system on any single parcel and 75 feet from the centerline of State and County Roads for any additional commercial solar energy system on the same parcel.*

There is a single row of existing trees sporadically spaced along Park Trail and that tree line extends along the south property line about 2 3's of the length of the property. There is a mature fuller buffering of trees along the north property line. The Applicant is not proposing any additional installation of screening as part of this proposal. The ordinance does specify that "Preservation of existing vegetative screening may be credited toward meeting the screening requirements stipulated below, upon such determination by the Zoning Administrator." Given the gaps between the existing vegetation along the west (road) and south sides of the property it is Staff's recommendation that additional screening be required on these sides of the project, but that no earthen berm is necessary on this site. Consistent with the ordinance, the Applicant shall be required to submit a landscape plan in association with the building permit application that is in accordance with Section 7.31.F.4.b.1. This condition allows the Applicant discretion to decide between submitting a certified landscape plan; or planting two staggered rows of 6 foot tall coniferous trees in order to achieve the required screening. The Planning Commission should discuss this recommendation and or add other conditions as deemed necessary. In addition, no financial assurance was proposed in association with this IUP to guarantee longevity of vegetative screening. The narrative notes that seed with native pollinator friendly vegetation will be planted under the panels and in surrounding areas within the project site. The narrative for Ground Cover as submitted was acceptable in Staff's review. Staff would recommend consistency with the Solar Administrative Permit standards for Ground Cover and Visual Screening/Landscape Plan.

In addition, the inverter and equipment pad are shown on the southwest side of project. The Applicant has shown three Xcel poles. Interconnection equipment shall be mounted at grade whenever possible; and the use and quantity of above ground utility poles shall be limited to the fullest extent possible. MN121819, LLC shall work with Xcel Energy to meet this standard as part of their Interconnection Agreement.

Furthermore, an eight foot high agricultural fence with galvanized posts is proposed to enclose the project area. The fixed solar panels are to be mounted on steel and aluminum racking structures. The Applicant notes that the installation is generally 10 feet above grade, but will not exceed a maximum height of 20 feet above grade. Staff would recommend as a condition of approval that the maximum height of the solar panels be 10 feet and fence height be increased to a minimum of eight feet tall with wooden posts as consistent with past approvals for this property.

MN121819, LLC has provided a written narrative describing the construction scope/site rules and staging. The construction schedule included in application has construction to begin April 2021 and completed by December 2021. In previous solar projects, Staff has viewed that during the middle of the construction timeframe traffic generated will be the most intensive impact with the full workforce on-site. Once construction is complete, there will be virtually no impact generated by this land use. Construction and routine maintenance should be limited to daytime hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise levels standards will not be exceeded.

The Decommissioning Plan indicates that decommissioning will occur approximately 25-35 years after the date the system becomes operational or in the event that the array is not used within 12 consecutive months. The June 2020 ordinance amendment added language for product stewardship of elements during project life to be included as part of the decommissioning plan. Staff has included this as a condition of approval to be added to decommissioning plan provided in association with the building permit application.

The Solar Ordinance 7.31.C.2.h states "the permittee shall provide an industry engineer's estimate of the eventual decommissioning cost, and shall post financial surety in an amount equal to or greater than 125% of the engineer's estimate cost, to ensure proper decommissioning." The Applicant is proposing a financial surety equal to $25,000 per megawatt. Staff recommends compliance with ordinance requirements which is consistent with previous approvals. Financial surety guaranteeing decommissioning would be an amount equal to or greater than 125% of the developer's current estimated decommissioning cost of $87,767.

A Community Meeting was held by the Applicant prior to submittal on December 9, 2020. The narrative notes there were no comments submitted in advance of the meeting or attendees present. MN121819, LLC has satisfied this requirement of the ordinance with their submittal documents for recap of community meeting.

Lastly, the Technical Review Panel met on January 13th. The County Wetland Specialist, Jeff Fertig, has verified that there are no wetland impacts with the proposed. Joe Triplett, County Engineer, indicated that project elements/permanent construction should be kept to a minimum of 80 to 100 feet from centerline of County Roads. No other comments then those which were previously identified within this report were discussed.

Staff Analysis

Below are several questions that staff has prepared to assist in our analysis of the proposal:

1. Is the proposal consistent with the Comprehensive Plan and development policies of the County? *Yes. The Chisago County Comprehensive Plan, recently adopted in 2017, specifically supports renewable energy, including solar energy installations, with specific mention made of the temporary use of agricultural land for "farming the sun".*

2. Will the use create and 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 upon parks, schools, streets, or public facilities, utilities, or amenities.

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 have an appearance that will have an adverse effect upon adjacent properties?
The vegetative landscaping and screening requirements can be reasonably expected to greatly reduce any perceived negative impact from solar projects. To date, data shows no discernable negative impact to property values for homes situated near solar projects. Data collected by the Chisago County Assessor shows that in every instance, the properties sold for prices higher than their assessed value.

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. Chisago County supports the use of solar energy systems as allowed by Administrative or Interim Use Permit. In Section 7.31 of the Chisago County Zoning Ordinance, the purpose and intent is stated, excerpted here in pertinent part: "**Chisago County finds that it is in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts, but result in limited adverse impact on nearby properties. As such, the County supports the use of solar energy systems…. Consistent with the Chisago County Comprehensive Plan, it is the intent of the County with this Section to create standards for the reasonable capture and use, by households, businesses and property owners, of their solar energy resource, and to encourage the development and use of solar energy."***

6. Will the use cause traffic hazard or congestion? *There will be a limited time period during construction when there will be additional traffic to and from the site. Staff acknowledges once construction is complete, there will be little to no traffic at all to and from the site, apart from occasional site visits by the project owner maintainer.*

7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? *Defer to staff comments above for construction noise. There might be a low-level noise periodically throughout the day as the panels rotate, but at the distances typically associated with these projects located in former farm fields, no undue negative impact would be expected from the sound of rotating panels. There is no glare associated with the panels, as they are designed to capture and absorb sunlight for its energy properties, not reflect it. However, with the introduction of vegetative buffer and screening requirements, the projects are required to meet 75% opacity by the end of the third operating year. No undue negative visual impact is expected to result from solar garden installations.*

60-Day Review
The application was deemed complete on December 30, 2020. The 60-day deadline will be February 28, 2021.

Township Recommendation
Township Board reviewed at their meeting on January 19, 2021 and has recommended approval with no conditions.

Interim Use Permit Code Analysis
The following are applicable Sections of 7.31 Solar Energy Systems as required for Interim Use Permits which were used in Staff's review of the proposed project.

G. INTERIM USE PERMIT (IUP) REQUIREMENTS:

1. *Interim Use Permit: An Interim Use Permit (IUP) shall be required for a Commercial Solar Energy Systems which is situated, (or which is staged to be eventually situated) on a contiguous or aggregate site area footprint ten (10) acres or larger in size, whether commonly owned/controlled or otherwise. The site area footprint size shall be computed by a determination of the Zoning Administrator. Projects proposed for location within 1320 feet of an existing project shall be reviewed by the Zoning Administrator for a determination of aggregate impact, and may require the issuance of an Interim Use Permit, regardless of site area footprint.*

2. *Application for Interim Use Permit: An application for an IUP for a Commercial Solar Energy System shall be accompanied by the submittal requirements stipulated for Solar Administrative Permit applications, as listed in Section E (3) above. All such applications shall be processed in accordance with and meet all the requirements of Section 8.04-1 of the Chisago County Zoning Ordinance provisions governing Interim Use Permits.*

3. *Interim Use Permit Performance Standards: Approved Interim Use Permits shall generally conform with the provisions specified for Solar Administrative Permits in Section F above, but may be allowed some measure of flexibility on a case-by-case basis as determined to be appropriate, at the discretion of the Planning Commission and County Board.*

F. ADMINISTRATIVE SOLAR PERMIT PERFORMANCE STANDARDS

1. Noise – Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded. The following additional noise related site standards shall also be satisfied:

1) Placement of transformers, inverters, or other equipment generating ongoing vibration or noise must be done in such a manner that low level recurring ambient noise does not audibly cross property boundaries. Placement of equipment interior to the site, shielded by proposed solar panels, and or shielded by specifically placed noise and vibration deadening fence, landscape, berm, or other efforts, shall be required for all commercial solar sites in close proximity to existing developed homes or property boundaries.

2) *The piling installation construction phase of every project generates repetitive audible noise and is extremely disruptive. Piling installation timelines and durations shall be identified in the application and consolidated into the shortest most confined time period possible. Installation of pilings shall take place only during permittee identified daytime and weekday hours which may be further limited by permit conditions if in close proximity to existing residences. Piling installation shall cease on Sundays and be limited between the hours of 7 a.m. – 6 p.m. on Saturdays.*

2. *Site Sediment and Erosion Control – The Permittee shall implement those MPCA-recommended erosion and sediment control which are deemed by the Department to be applicable. If applicable, 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 determined to be necessary shall be installed or implemented prior to construction and maintained in accordance with the SWPPP.*

3. *Ground Cover - Areas of bare ground at each facility shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project.*

4. *Visual Screening and Landscape Plan*

a. Preservation of Existing Screening: Existing forestation, foliage and native fauna within, near and surrounding the project area shall be preserved insofar as is practical. Preservation of existing vegetative screening may be credited toward meeting the screening requirements stipulated below, upon such determination by the Zoning Administrator. The permitee shall establish and maintain an approved landscaped vegetative visual-buffer on-site in the manner prescribed below so as to limit undue impact to potentially affected abutting/nearby properties. The screening shall be maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril, and guaranteed by financial surety pursuant to subsection F (4) (b) (2) below.

b. Screening From Dwellings, Roadways Around Interior Perimeter Fencing: All commercial solar projects shall include the development, installation, and maintenance of a performance based landscape plan (wind row style plantings) placed outside the fenced perimeter and consisting of suitable native shrubbery and trees. Trees and or shrubs shall be a minimum of six feet tall when planted, and shall reach project-affiliated fence height and leaf-on conditions 75% opacity screening by the end of year three of the project.

1). A site specific performance based landscape plan designed by Minnesota-licensed landscape architect or Minnesota- certified arborist shall be submitted verifying that the above-stipulated height and opacity goals will be achieved by the end of year three of the project, given normal growing conditions. In lieu of a landscape architect performance based landscape plan, the planting of two staggered rows of 6 foot tall coniferous trees coupled with site specific earthen berm construction may be proposed to meet the 75% opacity screening requirement.

2). Financial surety in an amount sufficient to guarantee that the planting heights and 75% opacity screening goals are achieved by the end of year three shall be provided prior to building permit approval.

3) Perimeter fence and landscape improvements shall be installed prior to all other above grade site improvements and confirmed compliant by county inspection.

c. New Vegetative Screening Location: All new, installed vegetative screening shall be established outside of the security fence, and shall maintain a minimum 20-foot setback from the parcel property lines.

5. Wetlands – All activities conducted within wetlands shall be carried out, regulated and or prohibited in accordance with the provisions of MN Chapter 8420.

6. Blanding's Turtle – The Permittee shall follow MN DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.

7. Security Fence Design – No chain link, or barbed wire fencing is permitted. The security fence surrounding the facility shall consist of agricultural fencing, also known as "deer fence" which is of woven wire composition.

8. Maintenance – Permittee shall be responsible for on-site cleanup of all waste and scrap that is the product of construction, as well as ongoing maintenance of project property, including disposal of trash, waste, and other detritus, for the life of the project. Such maintenance shall include sustaining and maintaining the visual screening buffer in an attractive and aesthetically pleasing manner.

9. Financial Surety/Site Restoration – Financial surety shall be provided and maintained by the permittee as required by this Ordinance.

10. Setbacks The required minimum setback from roadways and neighboring property lines for all project elements including structures, panels, racking systems, and security enclosure, are as follows:

- *75 feet from all non-right of way property lines or 275 feet from any dwelling whichever is greater.*
- *135 feet from the centerline of State and County Roads for the first commercial solar energy system on any single parcel and 735 feet from the centerline of State and County Roads for any additional commercial solar energy system on the same parcel.*
- *135 feet from centerline of all other public roads.*

11. Interconnection equipment - Interconnection equipment shall be mounted at grade whenever possible, as may be regulated by Minnesota and Xcel public utility regulations. Interconnection equipment that is effectively screened from view, and located a minimum of 600 feet from public rights of way and or neighboring residences shall be permitted an exception to this standard. In all cases, the use and quantity of above ground utility poles shall be limited to the fullest extent possible.

12. Revocation – Violations of the performance standards listed in this Ordinance, and or the conditions of permit approval shall be cause for the Administrative Solar Site permit to be revoked, by decision of the Department. Upon permit revocation the site shall be

decommissioned in accordance with the decommissioning plan. Failure of the permittee to decommission the site in accordance with the decommissioning plan may result in the issuance of a citation and criminal charges, and/or County seizure of the financial surety and decommissioning of the site. Decommissioning costs that exceed the amount of posted financial surety shall be collected from the developer, landowner, or assessed against the property. A decision to revoke an Administrative Solar Site Permit may be appealed to the County Board of Adjustment within thirty (30) days of the date of the notification of revocation.

13. Future Land Use. The future land use and development plan(s) for the project host property shall be discussed in the project narrative and presented in a scalable site sketch plan. Practical use of the balance of the subject property must be reasonably identified and preserved. Navigable roadway and/or driveway access to the balance of any subject property use or future development sites must be demonstrated.

The Planning Commission as outlined in 8.04-1.C shall consider possible effects of the proposed Interim Use based upon (but not limited to) the following general factors and any other requirements set forth in this Ordinance or deemed otherwise relevant:

1. The Comprehensive Plan and development policies of the County;

2. Whether the use will create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

3. Whether the use will 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;

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

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

6. Whether the use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

7. Whether the use will cause traffic hazard or congestion; and

8. Whether existing nearby properties will be adversely affected by intrusion of noise, glare or general unsightliness.

Recommended Action to Consider

Following the review by the Technical Review Committee and Planning Staff, the proposed Interim Use Permit is determined to be consistent with the Zoning Ordinance and Comprehensive Plan for Chisago County. Barring any new or unknown evidence discovered after the completion of this report or during the course of the public hearing, staff has provided below the following recommended motion with conditions for your consideration -

- Recommend **Approval** of an Interim Use Permit requested by Mike Bufalini, on behalf of MN121819, LLC, at XXX Park Trail – PID#01.00354.50 as presented in Staff's report based on the Finding of Fact that the proposal is consistent with the zoning regulations and Comprehensive Plan for Chisago County subject to the following conditions (*or as modified by the Planning Commission if it is deemed additional conditions should be identified*):

  1. The location of solar array shall be approved with the setbacks as shown on site plan Sheet PV1 (Medin CSG 1) submitted.

  2. Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded.

  3. Permittee shall implement Minnesota Pollution Control Agency (MPCA) - recommended erosion and sediment control devices which are deemed by the Department to be applicable, obtain an NPDES Permit, and provide the Department with the Storm Water Pollution Prevention Plan (SWPPP).

  4. Areas of bare ground at the facility shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project.

  5. A Landscape Plan shall be submitted in association with the building permit application that is in accordance with Section 7.31.F.4.b.1. with respect to screening along the west and south sides of the project perimeter. Screening shall be established and maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril.

  6. Maintenance of the screening shall be guaranteed by financial surety in an amount sufficient to guarantee that the planting height and 75% opacity screening goals are achieved by the end of year three shall be provided prior to building permit approval.

  7. The maximum height of the solar panels shall be ten feet; perimeter fencing shall be of agricultural fencings a.k.a. "deer fence" design, with wooden posts, woven wire, no barbed wire, and constructed to be a minimum of eight feet tall.

  8. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy.

  9. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.

  10. The Permittee shall follow MN DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.

11. Permittee shall maintain aesthetic appearance of the project property, including disposal of trash, waste, and other detritus, for the life of the project.

12. The decommissioning disposal plan shall meet the requirements of the Chisago County Solid Waste Ordinance and applicable MPCA regulations at the time of decommissioning. All decommissioning and operational plans shall include a product stewardship element that requires the recycling and/or reuse of all solar panel racking, components, and materials upon their removal, replacement, or damage throughout the project life. The Permittee shall provide a decommissioning plan in association with the building permit application in accordance with these regulations. Failure of the permittee to properly decommission the site may result in the issuance of a citation and criminal charges, and/or County seizure of the financial surety and decommissioning of the site.

13. Financial surety guaranteeing decommissioning in accordance with the plan shall be provided and maintained by the permittee in an amount equal to or greater than 125% of the developer's estimated decommissioning cost. The surety shall be provided in association with the building permit application; final building permit approval shall be conditioned upon receipt and approval of said surety. In the event that decommissioning costs exceed the amount of surety, adequate funds shall be collected from the developer, landowner, and or assessed against the property.

14. The project shall include abatement measures (e.g. coniferous vegetation, fencing, enclosure, or other insulating treatments) to direct noise generated by the solar system invertors from existing residential structures located on adjoining properties. To the greatest extent practical, solar system noise generating invertors shall be situated away from existing residential structures located on adjoining properties.

15. The project shall be developed, and the facility operated in a manner consistent with the proposal elements identified in the application, except insofar as the elements of the proposal are superseded by the above conditions of approval.

16. The Permittee shall work with Xcel Energy to limit the use and quantity of above ground utility poles to the fullest extent possible.

17. The Interim Use Permit shall be valid for up to 35 years from the date of approval or earlier in the permit term if the solar project as determined by County Staff is deemed satisfactorily decommissioned.

18. Violations of these conditions of permit approval shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Alternate Options

Alternatively, should the Planning Commission determine differently upon completion of the Public Hearing or upon discovery of any new or unknown factors of the proposal, staff has provided below other motions for your consideration:

1. "Move to table action and recommend to the County Board extending the review period for required action on this Interim Use Permit application for up to an additional 30 days, so to allow for further review of the record and to make a decision on this application, as allowed under Minnesota State Statute 15.99 Subd. 3(f)."

2. "Recommend Denial of the Interim Use Permit as it is deemed to be inconsistent with the zoning regulations and Comprehensive Plan for Chisago County (or other factors deemed appropriate by the Planning Commission and the following Findings of Fact *(note: the Commission will need to insert factor(s) for denial and findings in motion language)*:
    1.
    2.

CC: Mike Bufalini, Applicant
Robb Medin, Property Owner
County File

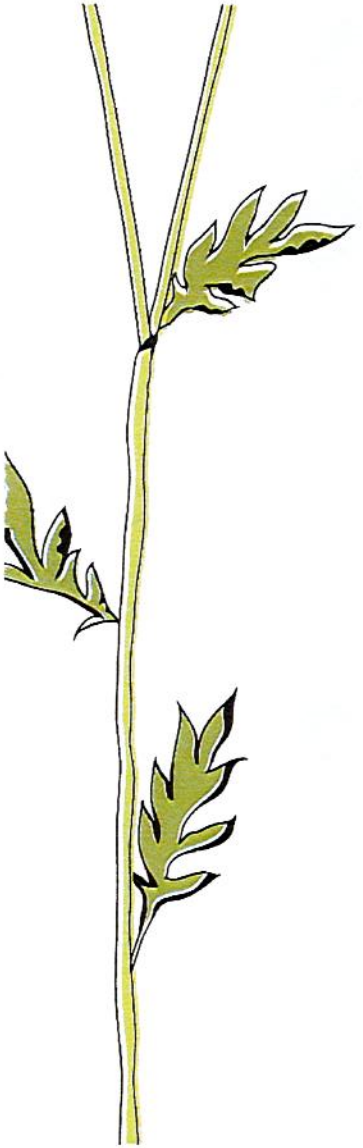
MN121819, LLC

Interim Use Permit

Parcel ID #01.00354.50

XXX Park Trial (E of Park Trl – S of HWY 95)

Amador Township



Project Analysis

Robb Medin – Property Owner

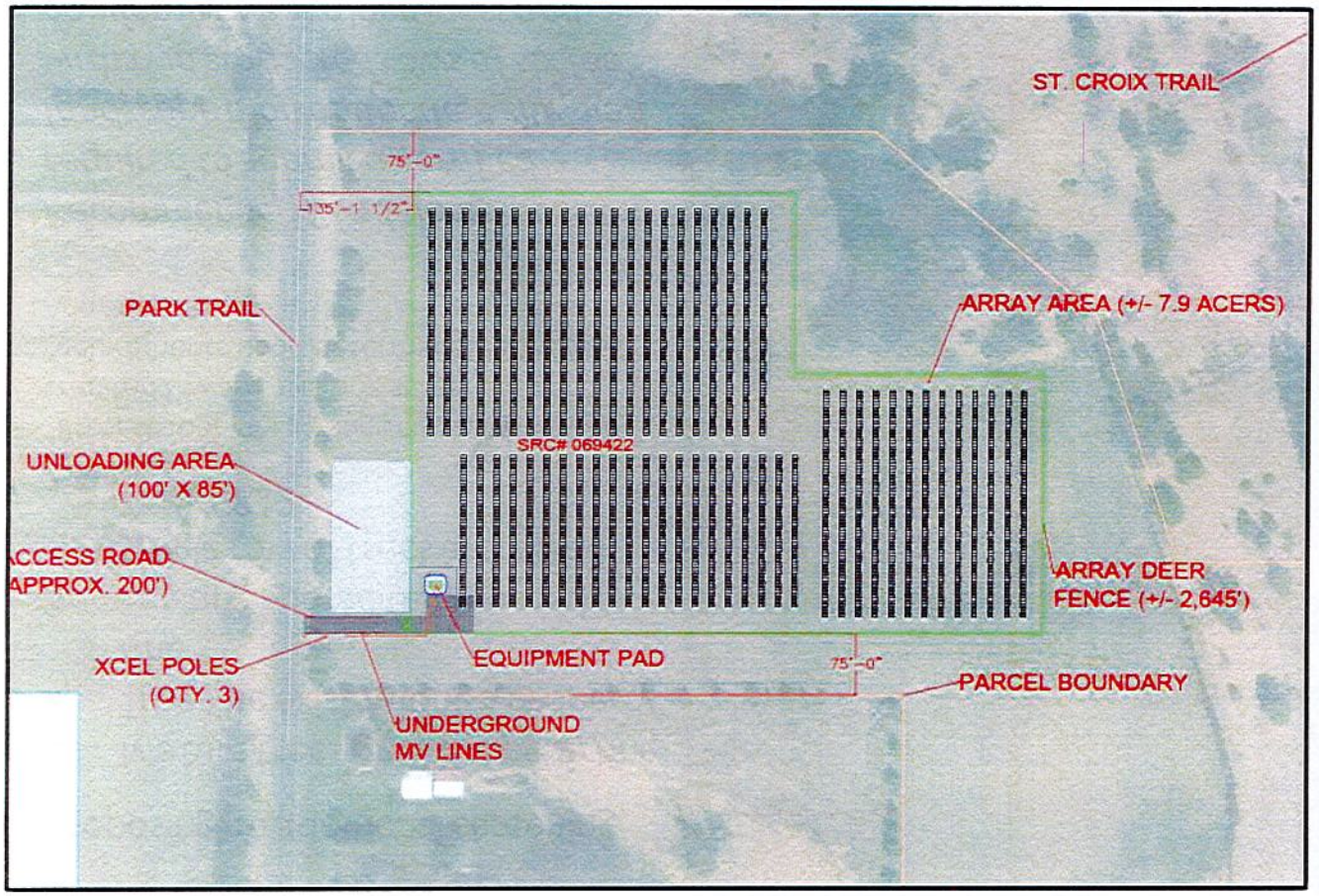
Cumulative site size – 20 acres

Zoned – AG, Agricultural

January 2019 - Gordian Energy Systems (a.k.a. MN121819, LLC) applied for IUP but was deemed incomplete:

* required materials were not included in submission
* wrong permit application s/b Administrative

Due to proximity to an existing array an IUP is necessary to construct solar array at this time.



1st solar array on this site

Applicable Setbacks:

- 75' from property lines
- 135' from County Road

Screening

Proposing no additional screening

1. Mature trees on N property line
2. Tree line exists along S property line
3. Existing sporadically spaced single row of trees along Park Trail/CR12

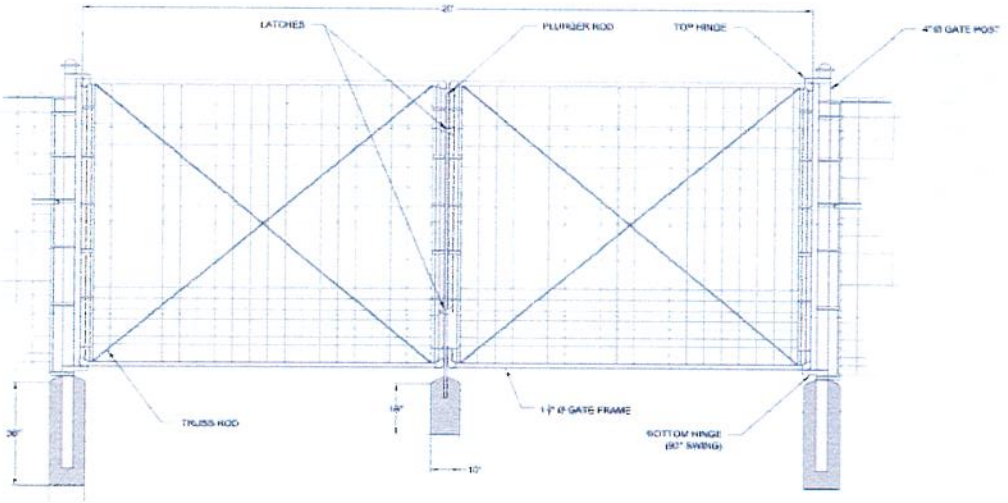
"Preservation of existing screening may be credited toward meeting screening requirements upon determination by Zoning Administrator"

Recommended Condition: Applicant required to submit a certified landscape plan or updated site plan with two staggered rows of six foot coniferous trees along west and south sides of project

Fencing

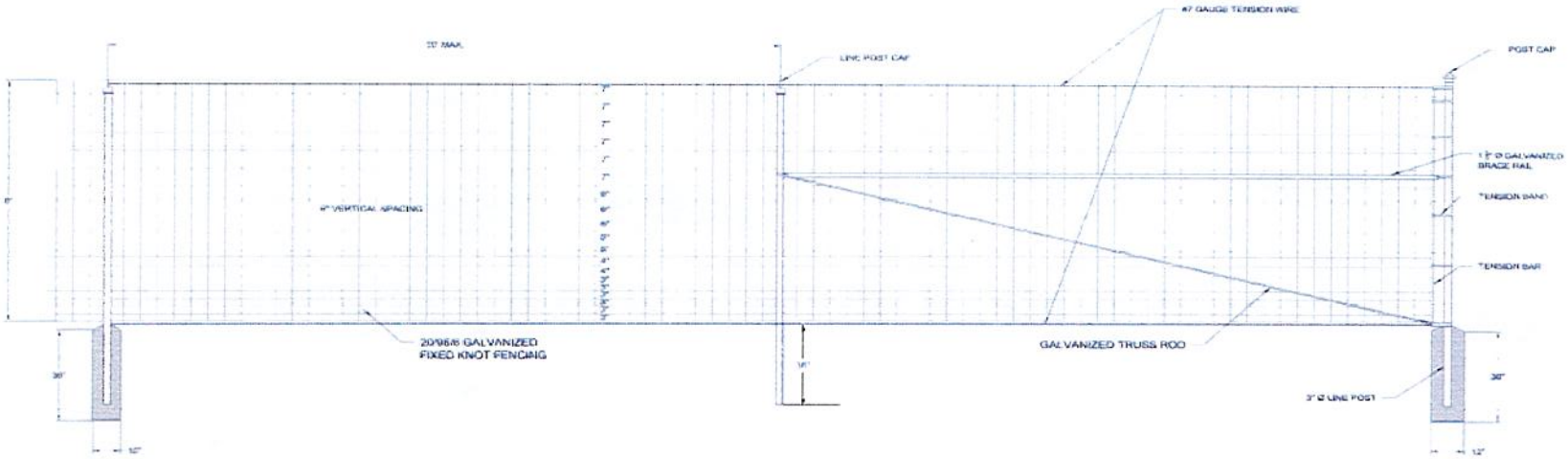
Proposed:

- Narrative stated 6 feet tall
- Fence Plan shows 8 feet tall
- Galvanized Steel Posts



Recommended Condition:

The maximum height of the solar panels shall be ten feet; perimeter fencing shall be of agricultural fencings a.k.a. "deer fence" design, with wooden posts, woven wire, no barbed wire, and constructed to be a minimum of eight feet tall.



Decommissioning Plan

Seeking:

- *25-35 years before decommissioning or after 12 consecutive months nonuse*
- *$25,000 financial surety bond*

June 2020 ordinance amendment added language for product stewardship of elements during project life to be included as part of the decommissioning plan.

Recommended Conditions:

- *Decommissioning disposal plan shall meet the requirements of the Chisago County Solid Waste Ordinance and applicable MPCA regulations and include a product stewardship element.*
- *Financial surety guaranteeing decommissioning in accordance with the plan shall be provided and maintained by the permittee in an amount equal to or greater than 125% of the developer's estimated decommissioning cost.*

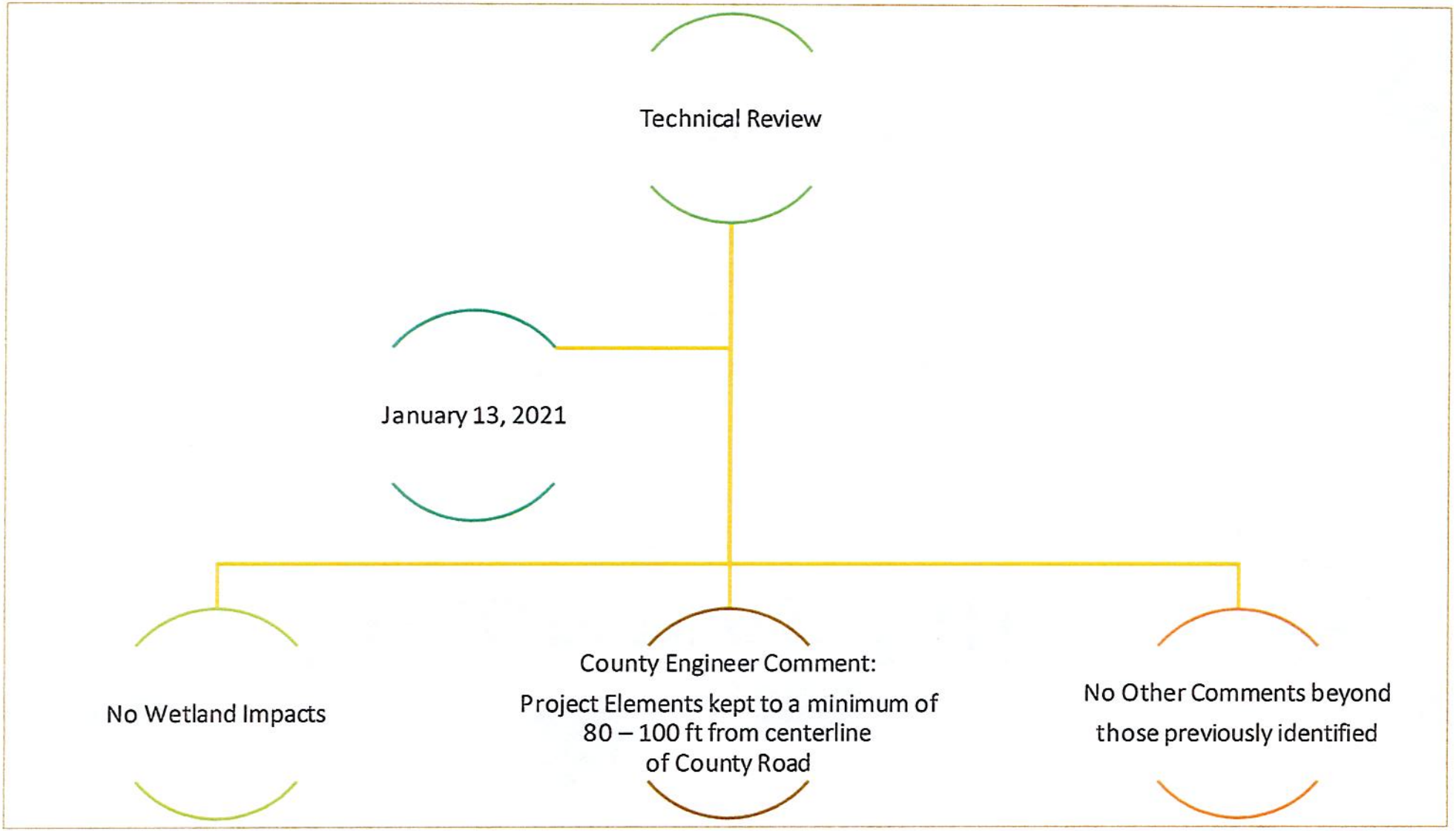
- Community Meeting December 9, 2020

- No attendees present or comments submitted

- Summary Report submitted with application

January 19, 2021

February 28, 2021


Technical Review
January 13, 2021
No Wetland Impacts
County Engineer Comment:
Project Elements kept to a minimum of
80 – 100 ft from centerline
of County Road
No Other Comments beyond
those previously identified

Recommendation

Barring any new or unknown evidence discovered after the completion of this report or during the course of the public hearing, staff has provided below the following recommended motion with conditions for your consideration:

Recommend **Approval** of an Interim Use Permit requested by Mike Bufalini, on behalf of MN121819, LLC, for Robb Medin property at PID#01.00354.50 at XXX Park Trail as presented in Staff's report subject to the 18 conditions noted in report *or as modified by the Planning Commission if it is deemed additional conditions should be identified.*

Chisago County Request For Board Action

Meeting Date: February 17, 2021	*Item Number:* 14
Title of Item for Consideration: Mike Bufalini. MN121819. LLC Interim Use Permit 1MW Community Solar Garden – Amador Township (Johnson)	
Action Requested by: Kurt Schneider. Director	*Department:* Environmental Services/Zoning - on behalf of the Chisago County Planning Commission

Previous Action on this Matter: Chisago County Board approved this same/similar 1MW Solar Garden request in April 2019. Pursuant to Zoning Ordinance Section 8.04.1.G the 2019 issued IUP became null and void because it had not been utilized within twelve months of the date of approval. No construction or otherwise documented land use event related to utilization of the site had occurred. The County Attorney's Office advises that any new proposal requires a new IUP Application following the criteria of all amended solar development regulations presented in Ordinance No. 061720-1 as adopted in June 2020

Background: Mike Bufalini of Gordian Energy Systems is requesting an Interim Use Permit to construct a one-megawatt solar garden. The solar development is proposed to be located on approximately seven acres of an existing 65 acre tract of Keith Johnson owned land in Amador Township, Sec. 35. T. 35. R 20. The site is generally located on the east side of Oriole Avenue and South of 375th Street at XXX Oriole Avenue (PID #01.00401.10). Pursuant to solar ordinance regulations. an IUP is required because of the proximity of this solar development to an adjacent similarly sized solar project.

At their meeting of February 4, 2021. the Planning Commission conducted the requisite public hearing and recommended unanimous approval of the request with the attached staff report and recommended conditions.

The Town Board reviewed the matter on January 21. 2021. and recommended approval.

Pursuant to Minnesota Statute. the 60-day agency action deadline is February 28. 2021. Among the options for the County Board at tonight's meeting are the following:

- Approve the IUP. as recommended and with the Findings and Conditions as presented:
- Consider and Approve the IUP. generally as recommended by the Planning Commission and County ESD staff. but with modified Conditions determined and approved by the County Board at tonight's meeting (to be codified as part of the formal IUP approval):
- The County Board may extend the initial 60-day period (up to a total of 120 days). if. before the end of the initial 60-day period. it notifies the landowner in writing of its intent to take additional time to consider the application. the reasons for the extension. and anticipated length of the extension (Minn. Stat. 15.99. Subd. 3(c)).

  Sufficient time exists for the County Board to extend the initial 60-day period via written notification. if such is decision is formally taken at tonight's Meeting. Any motion to extend this time period should include. at a minimum. direction to staff to prepare a written notification of the County Board's action "to take up to an additional 60 days to further review

the record and make a decision on this application."

- The County Board may Deny the IUP for legally justifiable reasons, but must state such reasons as part of the official record of decision (either as part of a motion to deny or as part of a failure of a motion to approve). Moreover, such action must be taken prior to the end of the initial 60-day period (or 120-day period if extended).

  Additionally, State Statute directs (but does not mandate) that written reasons for denial be provided to the applicant prior to the end of the initial 60-day period (or 120-day period if extended) and be consistent with the reasons stated in the record at the time of denial. Typically, such written reasons are prepared and adopted by the body as part of its denial, or at the next scheduled meeting.

***Attachment(s)*:**

- Findings and Recommended Conditions
- PowerPoint Presentation to the Planning Commission
- Staff Report to the Planning Commission
- Draft Planning Commission Minutes of February 4, 2021

Action Requested/Recommended: It is respectfully requested that the Chisago County Board affirmatively consider the February 4, 2021 Chisago County Planning Commission recommendation to approve the Mike Bufalini, MN121819, LLC Interim Use Permit request to construct a one-megawatt solar garden with Findings as presented and Conditions as recommended by the Commission, or as may be amended. The suggested motion to approve this action is as follows:

"Move to approve the Mike Bufalini, MN121819, LLC Interim Use Permit Interim Use Permit to construct a one-megawatt solar garden at in Amador Township, Sec. 35, T. 35, R 20, XXX Oriole Avenue, (PID #01.00401.10) with Findings as presented and Conditions as recommended by the Planning Commission and/or as amended at tonight's meeting.

Implications of Action: Recommended Board action grants the requested Interim Use Permit and allows, subject to conditions.

Budget/Financial Implications: None.

Legal/Policy Implications: The recommended Board consideration and action(s) are in conformity with generally accepted practices, procedures and interpretations of applicable state statutes and County ordinances and policies. Conditions placed on the IUP must be satisfied and cannot be modified, removed, expanded, or revoked without due process.

Administrator's Recommendation

Approve _____	Deny _____	Other _____
Motion By:	Seconded by:	
To:		
Action on Motion:	Aye _____	Nay _____	Abstain _____

Planning Commission Recommendation of February 4, 2021
Interim Use Permit – Mike Bufalini, MN121819, LLC Interim Use Permit
Amador Township, Sec. 35, T. 35, R 20, XXX Oriole Avenue (PID #01.00401.10)

RECOMMENDED FINDINGS (Staff Review):

1. **Is the proposal consistent with the Comprehensive Plan and development policies of the County?** *Yes. The Chisago County Comprehensive Plan, recently adopted in 2017, specifically supports renewable energy, including solar energy installations, with specific mention made of the temporary use of agricultural land for "farming the sun".*

2. **Will the use create and 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 upon parks, schools, streets, or public facilities, utilities, or amenities.*

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 have an appearance that will have an adverse effect upon adjacent properties?**
The vegetative landscaping and screening requirements can be reasonably expected to greatly reduce any perceived negative impact from solar projects. To date, data shows no discernable negative impact to property values for homes situated near solar projects. Data collected by the Chisago County Assessor shows that in every instance, the properties sold for prices higher than their assessed value.

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. Chisago County supports the use of solar energy systems as allowed by Administrative or Interim Use Permit. In Section 7.31 of the Chisago County Zoning Ordinance, the purpose and intent is stated, excerpted here in pertinent part: "**Chisago County finds that it is in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts, but result in limited adverse impact on nearby properties. As such, the County supports the use of solar energy systems…. Consistent with the Chisago County Comprehensive Plan, it is the intent of the County with this Section to create standards for the reasonable capture and use, by households, businesses and property owners, of their solar energy resource, and to encourage the development and use of solar energy."***

6. **Will the use cause traffic hazard or congestion?** *There will be a limited time period during construction when there will be additional traffic to and from the site. Staff acknowledges once construction is complete, there will be little to no traffic at all to and from the site, apart from occasional site visits by the project owner maintainer.*

7. **Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness?** *Defer to staff comments above for construction noise. There might be a low-level noise periodically throughout the day as the panels rotate, but at the distances typically associated with these projects located in former farm fields, no undue negative impact would be expected from*

the sound of rotating panels. There is no glare associated with the panels, as they are designed to capture and absorb sunlight for its energy properties, not reflect it. However, with the introduction of vegetative buffer and screening requirements, the projects are required to meet 75% opacity by the end of the third operating year. No undue negative visual impact is expected to result from solar garden installations.

RECOMMENDED CONDITIONS:

1. The location of solar array shall be approved with the setbacks as shown on site plan Sheet PV1 (Johnson CSG 1) submitted.

2. Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded.

3. Permittee shall implement Minnesota Pollution Control Agency (MPCA) -recommended erosion and sediment control devices which are deemed by the Department to be applicable, obtain an NPDES Permit, and provide the Department with the Storm Water Pollution Prevention Plan (SWPPP).

4. Areas of bare ground at the facility shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project.

5. Landscaping/screening shall consist of two rows of staggered six feet tall black hills spruce (or a similar species if recommended by landscape architect or certified arborist) planted 16 feet on center along the full length of the north, south, and west sides of the project perimeter. The Landscape Plan as shown shall be submitted in association with the building permit application in accordance with Section 7.31.F.4.b.1. Screening shall be established and maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril.

6. Maintenance of the screening shall be guaranteed by financial surety in an amount sufficient to guarantee that the planting height and 75% opacity screening goals are achieved by the end of year three shall be provided prior to building permit approval.

7. The maximum height of the solar panels shall be ten feet; perimeter fencing shall be of agricultural fencings a.k.a. "deer fence" design, with wooden posts, woven wire, no barbed wire, and constructed to be a minimum of eight feet tall.

8. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy.

9. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.

10. The Permittee shall follow MN DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.

11. Permittee shall maintain aesthetic appearance of the project property, including disposal of trash, waste, and other detritus, for the life of the project.

12. The decommissioning disposal plan shall meet the requirements of the Chisago County Solid Waste Ordinance and applicable MPCA regulations at the time of decommissioning. All decommissioning and operational plans shall include a product stewardship element that requires the recycling and/or reuse of all solar panel racking, components, and materials upon their removal, replacement, or damage throughout the project life. The Permittee shall provide a decommissioning plan in association with the building permit application in accordance with these regulations. Failure of the permittee to properly decommission the site may result in the issuance of a citation and criminal charges, and/or County seizure of the financial surety and decommissioning of the site.

13. Financial surety guaranteeing decommissioning in accordance with the plan shall be provided and maintained by the permittee in an amount equal to or greater than 125% of the developer's estimated decommissioning cost. The surety shall be provided in association with the building permit application; final building permit approval shall be conditioned upon receipt and approval of said surety. In the event that decommissioning costs exceed the amount of surety, adequate funds shall be collected from the developer, landowner, and/or assessed against the property.

14. The project shall include abatement measures (e.g. coniferous vegetation, fencing, enclosure, or other insulating treatments) to direct noise generated by the solar system invertors from existing residential structures located on adjoining properties. To the greatest extent practical, solar system noise generating invertors shall be situated away from existing residential structures located on adjoining properties.

15. The project shall be developed, and the facility operated in a manner consistent with the proposal elements identified in the application, except insofar as the elements of the proposal are superseded by the above conditions of approval.

16. The Permittee shall work with Xcel Energy to limit the use and quantity of above ground utility poles to the fullest extent possible.

17. The Interim Use Permit shall be valid for up to 35 years from the date of approval or earlier in the permit term if the solar project as determined by County Staff is deemed satisfactorily decommissioned.

18. Violations of these conditions of permit approval shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

MN121819, LLC
Interim Use Permit

PID# 01.00401.10

PROPERTY LOCATED AT XXX ORIOLE AVENUE

AMADOR TOWNSHIP

REQUEST DETAILS

Mike Bufalini – MN121819, LLC, Applicant

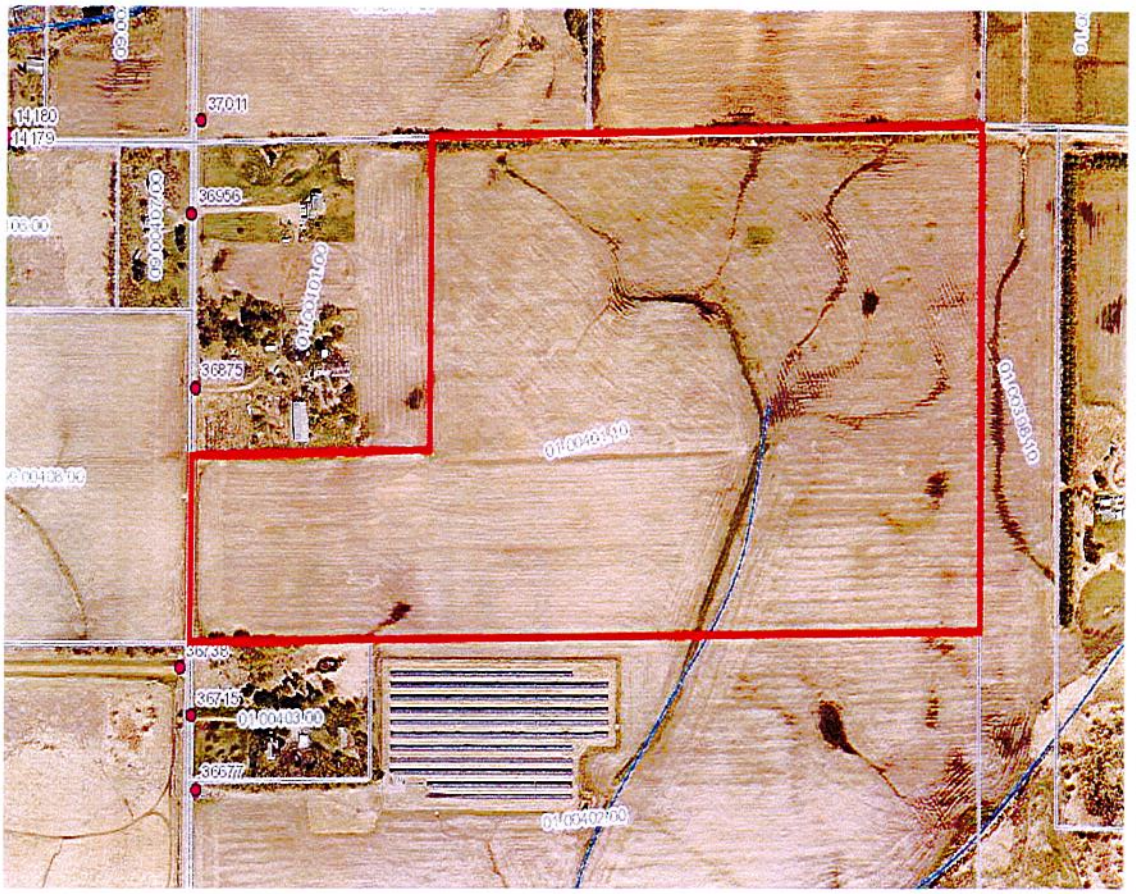
Keith Johnson – Property Owner

Zoning – Agriculture (AG)

IUP Term up to 35 years

Parcel Size – 65 acres

Location – E side of Oriole Ave & S of 375th Street



Solar Permit Background

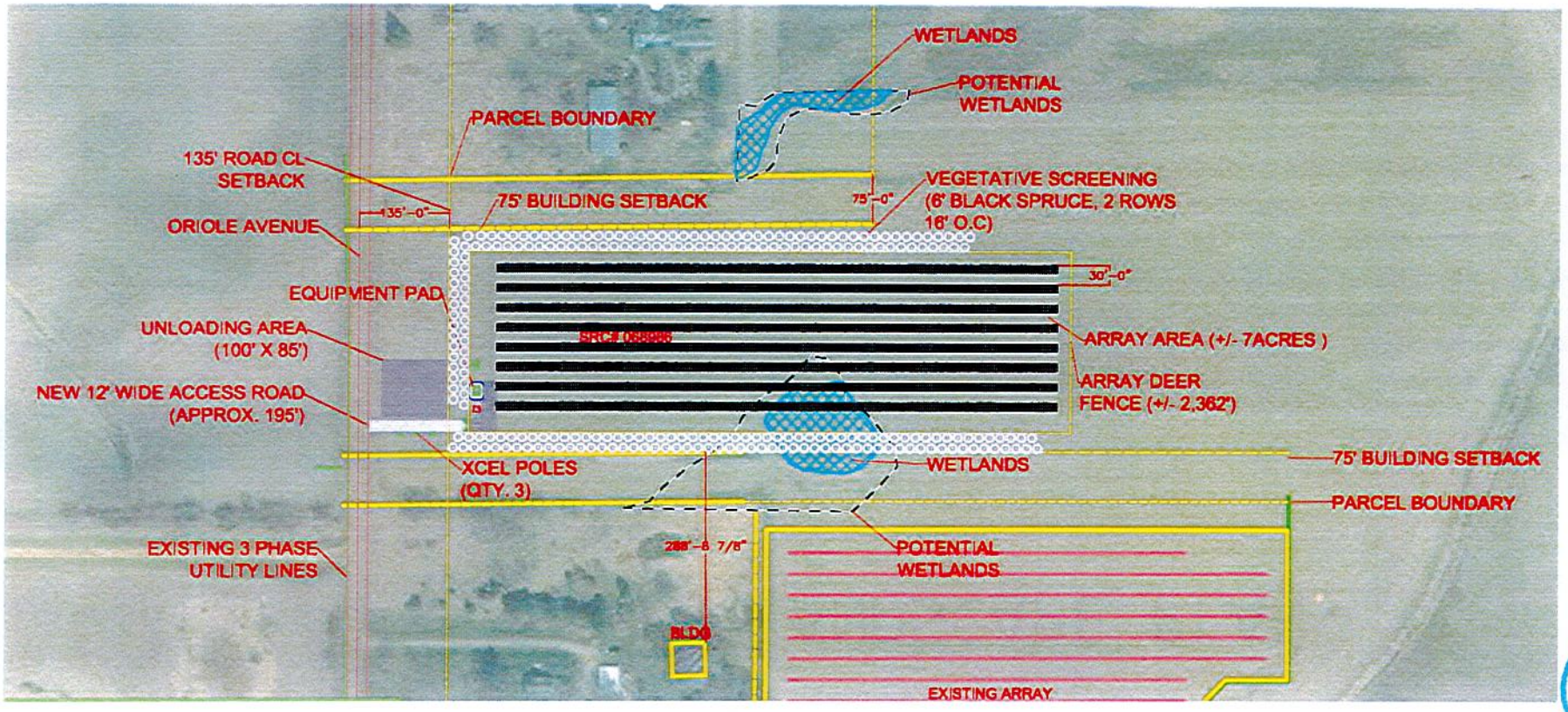
APRIL 2019 - APPROVED FOR IUP

APRIL 2020 - IUP BECAME NULL & VOID

- LEGAL COUNSEL INDICATED "NEW APPLICATION" REQUIRED
- TO FOLLOW AMENDED SOLAR ORDINANCE JUNE 2020

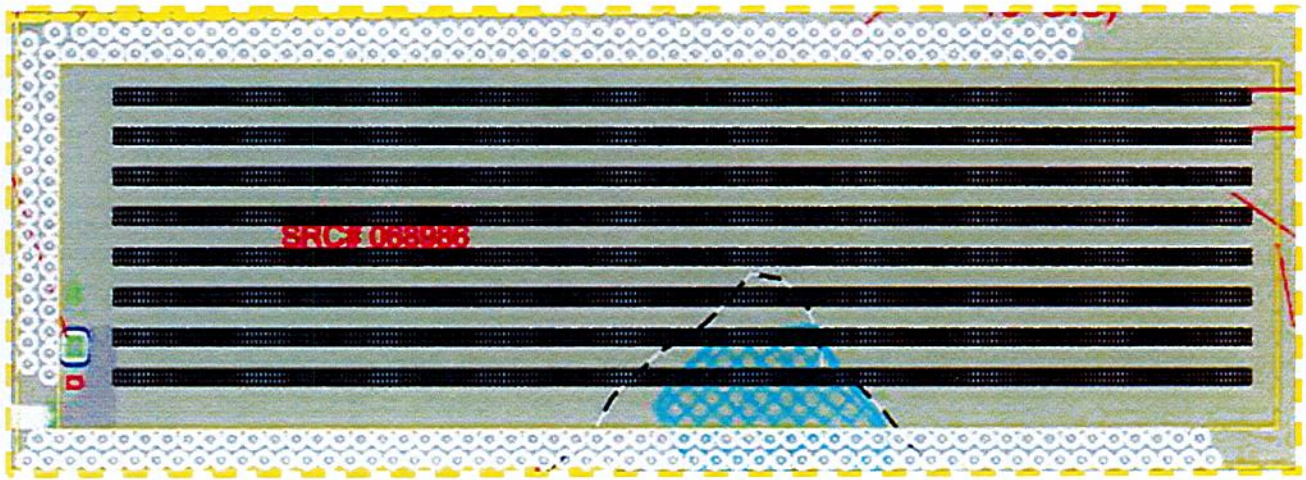
PROPOSAL OVERVIEW

- 1st solar array on site – setbacks comply



LANDSCAPE PLAN

Trees	
Black Hills Spruce	6 ft. Tall
2 Rows	North, South, West Sides
Spacing 16' on center	No financial assurance was proposed



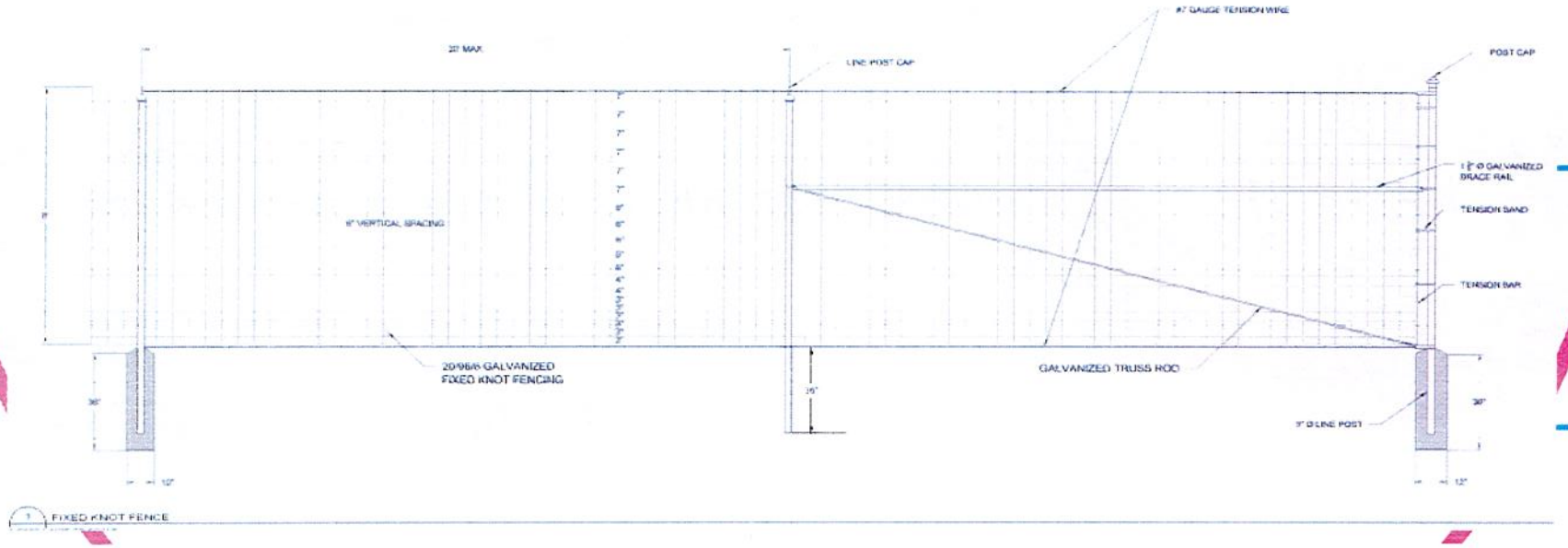
- Screening proposed is consistent with previous approvals for this site.
- June 2020 amended ordinance allows for planting in this manner in lieu of a certified performance based landscape plan.

Design for Fence

Narrative stated 6 feet tall
Fence Plan shows 8 feet tall
Galvanized Steel Posts

Recommended Condition

The maximum height of the solar panels shall be ten feet; perimeter fencing shall be of agricultural fencings a.k.a. "deer fence" design, with wooden posts, woven wire, no barbed wire, and constructed to be a minimum of eight feet tall.



DECOMMISSIONING PLAN

Seeking:

- *25-35 years before decommissioning or after 12 consecutive months nonuse*
- *$25,000 financial surety bond*

June 2020 ordinance amendment added language for product stewardship of elements during project life to be included as part of the decommissioning plan.

Recommended Conditions:

- *Decommissioning disposal plan shall meet the requirements of the Chisago County Solid Waste Ordinance and applicable MPCA regulations and include a product stewardship element.*
- *Financial surety guaranteeing decommissioning in accordance with the plan shall be provided and maintained by the permittee in an amount equal to or greater than 125% of the developer's estimated decommissioning cost.*

PROJECT REVIEW

RECOMMENDATION:

Barring any new or unknown evidence discovered after the completion of this report or during the course of the public hearing, staff has provided below the following recommended motion with conditions for your consideration:

Recommend **Approval** of an Interim Use Permit requested by Mike Bufalini, on behalf of MN121819, LLC, at XXX Oriole Avenue – PID#01.00401.10 as presented in Staff's report based on the Finding of Fact that the proposal is consistent with the zoning regulations and Comprehensive Plan for Chisago County subject to the 18 conditions noted in report *or as modified by the Planning Commission if it is deemed additional conditions should be identified*.

Staff Report

TO: Chisago County Planning Commission

FROM: Jessica Jagoe, Land Services Coordinator

DATE: January 28, 2021

RE: MN121819, LLC, Interim Use Permit – PID#01.00401.10
Amador Township, XXX Oriole Avenue

Action to Consider
The Applicant is seeking an Interim Use Permit (IUP) to construct and operate a one megawatt community solar garden on seven acres that is located within a ¼ mile of an existing solar array.

Property Background/Description
Mike Bufalini, on behalf of MN121819, LLC, is the Applicant of this request and Keith Johnson is the Property Owner. The parcel is 65 acres, zoned AG – Agriculture, and located in Amador Township. The parcel is located on the east side of Oriole Avenue and south of 375th Street. There are no structures on the property. The area is generally larger tracts of land ranging from 20-80 acres. There are two smaller residential tracts of land immediately adjacent. To the south, the residential dwelling is situated approximately 200+ feet inland from the shared property line. To the north, there are several detached accessory buildings within 40 +/- feet of the shared property line, but the dwelling is situated on the north side of the parcel approximately 600+ feet away from the subject parcel.

In April 2019, Gordian Energy Systems (a.k.a. MN121819, LLC) was approved an IUP for a solar array on this parcel due to the proximity to an existing array (parcel immediately south). On April 17, 2020, in accordance with Zoning Ordinance Section 804.1.G the IUP issued to Gordian Energy Systems became null and void because it had not been utilized within twelve months of the date of approval. No construction or otherwise documented land use event related to utilization of the Johnson CSG 2 IUP project (driveway, fencing, etc.) had occurred.

> *G. Reapplication / Lapse of Interim Use Permit.*
>
> *Reapplication for the same or substantially same IUP shall not be accepted within six (6) months of denial by the Board. Any IUP approved but not utilized within twelve (12) months of the date of approval shall be null and void. The County Board may reissue a terminated Interim Use Permit upon receipt of proper reapplication and fee by the applicant, should a change in the circumstances which had triggered the termination warrant it.*

Legal counsel advised Staff that Johnson CSG 1 Interim Use Permit was not eligible for reapplication as a denied application or a terminated IUP under Section 804-1 of the Zoning Ordinance because the permit is null and void. Legal counsel explained any application of Johnson CSG 1 would have to be a new IUP Application following the criteria of all amended solar development regulations presented in Ordinance No. 061720-1 as adopted in June 2020.

Site Plan/Proposal Analysis

The Applicant has applied for a new IUP application to construct a solar array on this parcel similarly to that of which was previously approved. In review of the site plan submitted, the project configuration remains the same as the April 2019 submission. The Planning Commission will recall that the June 2020 amended solar energy systems ordinance included several revisions namely to the decommissioning, screening, and setbacks requirements. This is the first solar array on the parcel and as proposed complies with the following applicable setbacks:

> ***Setbacks*** *The required minimum setback from roadways and neighboring property lines for all project elements including structures, panels, racking systems, and security enclosure, are as follows:*
>
> - *75 feet from all non-right of way property lines or 275 feet from any dwelling whichever is greater.*
> - *135 feet from the centerline of State and County Roads for the first commercial solar energy system on any single parcel and 735 feet from the centerline of State and County Roads for any additional commercial solar energy system on the same parcel.*

The landscaping shown on site plan sheet PV1 is two rows of 6' tall black hills spruce trees planted 16' on center on the north, south and west sides of the project. Screening extends almost the full length of the project on the north and south sides. The double row of staggered trees is consistent with previous approvals for this site. The June 2020 amended ordinance allows for planting in this manner in lieu of a certified performance based landscape plan. Staff's opinion would be that no earthen berm is necessary for screening on this site. The Planning Commission should discuss this recommendation and or add other conditions as deemed necessary. No financial assurance was proposed in association with this IUP to guarantee longevity of vegetative screening. The narrative notes that seed with native pollinator friendly vegetation will be planted under the panels and in surrounding areas within the project site. The described Ground Cover as submitted was acceptable in Staff's review. Staff would recommend consistency with the Solar Administrative Permit standards for Ground Cover and Visual Screening/Landscape Plan.

In addition, the inverter and equipment pad are shown on the southwest side of project. The Applicant has shown three Xcel poles. Interconnection equipment shall be mounted at grade whenever possible; and the use and quantity of above ground utility poles shall be limited to the fullest extent possible. MN121819, LLC shall work with Xcel Energy to meet this standard as part of their Interconnection Agreement.

Furthermore, an eight foot high agricultural fence with galvanized posts is proposed to enclose the project area. The fixed solar panels are to be mounted on steel and aluminum racking structures. The Applicant notes that the installation is generally 10 feet above grade, but will not

exceed a maximum height of 20 feet above grade. Staff would recommend as a condition of approval that the maximum height of the solar panels be 10 feet and fence height be increased to a minimum of eight feet tall with wooden posts as consistent with the past approval for this property.

MN121819, LLC has provided a written narrative describing the construction scope/site rules and staging. The construction schedule included in application has construction to begin April 2021 and completed by December 2021. In previous solar projects, Staff has viewed that during the middle of the construction timeframe traffic generated will be the most intensive impact with the full workforce on-site. Once construction is complete, there will be virtually no impact generated by this land use. Construction and routine maintenance should be limited to daytime hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise levels standards will not be exceeded.

The Decommissioning Plan indicates that decommissioning will occur approximately 25-35 years after the date the system becomes operational or in the event that the array is not used within 12 consecutive months. The June 2020 ordinance amendment added language for product stewardship of elements during project life to be included as part of the decommissioning plan. Staff has included this as a condition of approval to be added to decommissioning plan provided in association with the building permit application.

The Solar Ordinance 7.31.C.2.h states "the permittee shall provide an industry engineer's estimate of the eventual decommissioning cost, and shall post financial surety in an amount equal to or greater than 125% of the engineer's estimate cost, to ensure proper decommissioning." The Applicant is proposing a financial surety equal to $25,000 per megawatt. Staff recommends compliance with ordinance requirements which is consistent with previous approvals. Financial surety guaranteeing decommissioning would be an amount equal to or greater than 125% of the developer's current estimated decommissioning cost of $87,767.

A Community Meeting was held by the Applicant prior to submittal on December 7, 2020. The narrative notes that one letter was submitted in advance of the meeting with several questions and concerns. Those comments pertained to:

1) Site address
2) Screening
3) Clean-up of damage panels

MN121819, LLC has satisfied this requirement of the ordinance with their submittal documents for recap of community meeting.

Lastly, the Technical Review Panel met on January 13th and there were no additional identified comments or concerns beyond those previously identified. The Wetland Specialist, Jeff Fertig, indicated the Wetland Conservation Act does not consider pylons (i.e. mount for solar panels) as an impact to wetlands.

Staff Analysis

Below are several questions that staff has prepared to assist in our analysis of the proposal:

1. Is the proposal consistent with the Comprehensive Plan and development policies of the County? *Yes. The Chisago County Comprehensive Plan, recently adopted in 2017, specifically supports renewable energy, including solar energy installations, with specific mention made of the temporary use of agricultural land for "farming the sun".*

2. Will the use create and 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 upon parks, schools, streets, or public facilities, utilities, or amenities.*

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 have an appearance that will have an adverse effect upon adjacent properties?
The vegetative landscaping and screening requirements can be reasonably expected to greatly reduce any perceived negative impact from solar projects. To date, data shows no discernable negative impact to property values for homes situated near solar projects. Data collected by the Chisago County Assessor shows that in every instance, the properties sold for prices higher than their assessed value.

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. Chisago County supports the use of solar energy systems as allowed by Administrative or Interim Use Permit. In Section 7.31 of the Chisago County Zoning Ordinance, the purpose and intent is stated, excerpted here in pertinent part: "**Chisago County finds that it is in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts, but result in limited adverse impact on nearby properties. As such, the County supports the use of solar energy systems…. Consistent with the Chisago County Comprehensive Plan, it is the intent of the County with this Section to create standards for the reasonable capture and use, by households, businesses and property owners, of their solar energy resource, and to encourage the development and use of solar energy."***

6. Will the use cause traffic hazard or congestion? *There will be a limited time period during construction when there will be additional traffic to and from the site. Staff acknowledges once construction is complete, there will be little to no traffic at all to and from the site, apart from occasional site visits by the project owner/maintainer.*

7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? *Defer to staff comments above for construction noise. There might be a low-level noise periodically throughout the day as the panels rotate, but at the distances typically associated with these projects located in former farm fields, no undue negative impact would be expected from the sound of rotating panels. There is no glare*

associated with the panels, as they are designed to capture and absorb sunlight for its energy properties, not reflect it. However, with the introduction of vegetative buffer and screening requirements, the projects are required to meet 75% opacity by the end of the third operating year. No undue negative visual impact is expected to result from solar garden installations.

60-Day Review

The application was deemed complete on December 30, 2020. The 60-day deadline will be February 28, 2021.

Township Recommendation

Township Board reviewed at their meeting on January 19, 2021 and has recommended approval with no conditions.

Interim Use Permit Code Analysis

The following are applicable Sections of 7.31 Solar Energy Systems as required for Interim Use Permits which were used in Staff's review of the proposed project.

G. INTERIM USE PERMIT (IUP) REQUIREMENTS:

1. *Interim Use Permit: An Interim Use Permit (IUP) shall be required for a Commercial Solar Energy Systems which is situated, (or which is staged to be eventually situated) on a contiguous or aggregate site area footprint ten (10) acres or larger in size, whether commonly owned/controlled or otherwise. The site area footprint size shall be computed by a determination of the Zoning Administrator. Projects proposed for location within 1320 feet of an existing project shall be reviewed by the Zoning Administrator for a determination of aggregate impact, and may require the issuance of an Interim Use Permit, regardless of site area footprint.*

2. *Application for Interim Use Permit: An application for an IUP for a Commercial Solar Energy System shall be accompanied by the submittal requirements stipulated for Solar Administrative Permit applications, as listed in Section E (3) above. All such applications shall be processed in accordance with and meet all the requirements of Section 8.04-1 of the Chisago County Zoning Ordinance provisions governing Interim Use Permits.*

3. *Interim Use Permit Performance Standards: Approved Interim Use Permits shall generally conform with the provisions specified for Solar Administrative Permits in Section F above, but may be allowed some measure of flexibility on a case-by-case basis as determined to be appropriate, at the discretion of the Planning Commission and County Board.*

F. ADMINISTRATIVE SOLAR PERMIT PERFORMANCE STANDARDS

1. Noise – Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded. The following additional noise related site standards shall also be satisfied:

1) Placement of transformers, inverters, or other equipment generating ongoing vibration or noise must be done in such a manner that low level recurring ambient

noise does not audibly cross property boundaries. Placement of equipment interior to the site, shielded by proposed solar panels, and or shielded by specifically placed noise and vibration deadening fence, landscape, berm, or other efforts, shall be required for all commercial solar sites in close proximity to existing developed homes or property boundaries.

2) *The piling installation construction phase of every project generates repetitive audible noise and is extremely disruptive. Piling installation timelines and durations shall be identified in the application and consolidated into the shortest most confined time period possible. Installation of pilings shall take place only during permittee identified daytime and weekday hours which may be further limited by permit conditions if in close proximity to existing residences. Piling installation shall cease on Sundays and be limited between the hours of 7 a.m. – 6 p.m. on Saturdays.*

2. Site Sediment and Erosion Control – The Permittee shall implement those MPCA-recommended erosion and sediment control which are deemed by the Department to be applicable. If applicable, 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 determined to be necessary shall be installed or implemented prior to construction and maintained in accordance with the SWPPP.

3. Ground Cover - Areas of bare ground at each facility shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project.

4. Visual Screening and Landscape Plan

a. Preservation of Existing Screening: Existing forestation, foliage and native fauna within, near and surrounding the project area shall be preserved insofar as is practical. Preservation of existing vegetative screening may be credited toward meeting the screening requirements stipulated below, upon such determination by the Zoning Administrator. The permitee shall establish and maintain an approved landscaped vegetative visual-buffer on-site in the manner prescribed below so as to limit undue impact to potentially affected abutting nearby properties. The screening shall be maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril, and guaranteed by financial surety pursuant to subsection F (4) (b) (2) below.

b. Screening From Dwellings, Roadways Around Interior Perimeter Fencing: All commercial solar projects shall include the development, installation, and maintenance of a performance based landscape plan (wind row style plantings) placed outside the fenced perimeter and consisting of suitable native shrubbery and trees. Trees and/or shrubs shall be a minimum of six feet tall when planted, and shall reach project-affiliated fence height and leaf-on conditions 75% opacity screening by the end of year three of the project.

1). A site specific performance based landscape plan designed by Minnesota-licensed landscape architect or Minnesota- certified arborist shall be submitted verifying that the above-stipulated height and opacity goals will be achieved by the end of year three of the project, given normal growing conditions. In lieu of

a landscape architect performance based landscape plan, the planting of two staggered rows of 6 foot tall coniferous trees coupled with site specific earthen berm construction may be proposed to meet the 75% opacity screening requirement.

2). Financial surety in an amount sufficient to guarantee that the planting heights and 75% opacity screening goals are achieved by the end of year three shall be provided prior to building permit approval.

3) Perimeter fence and landscape improvements shall be installed prior to all other above grade site improvements and confirmed compliant by county inspection.

c. New Vegetative Screening Location: All new, installed vegetative screening shall be established outside of the security fence, and shall maintain a minimum 20-foot setback from the parcel property lines.

5. Wetlands – All activities conducted within wetlands shall be carried out, regulated and or prohibited in accordance with the provisions of MN Chapter 8420.

6. Blanding's Turtle – The Permittee shall follow MN DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.

7. Security Fence Design – No chain link, or barbed wire fencing is permitted. The security fence surrounding the facility shall consist of agricultural fencing, also known as "deer fence" which is of woven wire composition.

8. Maintenance – Permittee shall be responsible for on-site cleanup of all waste and scrap that is the product of construction, as well as ongoing maintenance of project property, including disposal of trash, waste, and other detritus, for the life of the project. Such maintenance shall include sustaining and maintaining the visual screening buffer in an attractive and aesthetically pleasing manner.

9. Financial Surety/Site Restoration – Financial surety shall be provided and maintained by the permittee as required by this Ordinance.

10. Setbacks The required minimum setback from roadways and neighboring property lines for all project elements including structures, panels, racking systems, and security enclosure, are as follows:

- *75 feet from all non-right of way property lines or 275 feet from any dwelling whichever is greater.*
- *135 feet from the centerline of State and County Roads for the first commercial solar energy system on any single parcel and 135 feet from the centerline of State and County Roads for any additional commercial solar energy system on the same parcel.*
- *135 feet from centerline of all other public roads.*

11. Interconnection equipment - Interconnection equipment shall be mounted at grade whenever possible, as may be regulated by Minnesota and Xcel public utility regulations. Interconnection equipment that is effectively screened from view, and located a minimum of 600 feet from public rights of way and or neighboring residences shall be permitted an exception to this standard. In

all cases, the use and quantity of above ground utility poles shall be limited to the fullest extent possible.

12. Revocation – Violations of the performance standards listed in this Ordinance, and or the conditions of permit approval shall be cause for the Administrative Solar Site permit to be revoked, by decision of the Department. Upon permit revocation the site shall be decommissioned in accordance with the decommissioning plan. Failure of the permittee to decommission the site in accordance with the decommissioning plan may result in the issuance of a citation and criminal charges, and/or County seizure of the financial surety and decommissioning of the site. Decommissioning costs that exceed the amount of posted financial surety shall be collected from the developer, landowner, or assessed against the property. A decision to revoke an Administrative Solar Site Permit may be appealed to the County Board of Adjustment within thirty (30) days of the date of the notification of revocation.

13. Future Land Use. The future land use and development plan(s) for the project host property shall be discussed in the project narrative and presented in a scalable site sketch plan. Practical use of the balance of the subject property must be reasonably identified and preserved. Navigable roadway and/or driveway access to the balance of any subject property use or future development sites must be demonstrated.

The Planning Commission as outlined in 8.04-1.C shall consider possible effects of the proposed Interim Use based upon (but not limited to) the following general factors and any other requirements set forth in this Ordinance or deemed otherwise relevant:

1. The Comprehensive Plan and development policies of the County;

2. Whether the use will create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

3. Whether the use will 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;

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

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

6. Whether the use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

7. Whether the use will cause traffic hazard or congestion; and

8. Whether existing nearby properties will be adversely affected by intrusion of noise, glare or general unsightliness.

Recommended Action to Consider

Following the review by the Technical Review Committee and Planning Staff, the proposed Interim Use Permit is determined to be consistent with the Zoning Ordinance and

Comprehensive Plan for Chisago County. Barring any new or unknown evidence discovered after the completion of this report or during the course of the public hearing, staff has provided below the following recommended motion with conditions for your consideration -

- Recommend **Approval** of an Interim Use Permit requested by Mike Bufalini, on behalf of MN121819, LLC, at XXX Oriole Avenue – PID#01.00401.10 as presented in Staff's report based on the Finding of Fact that the proposal is consistent with the zoning regulations and Comprehensive Plan for Chisago County subject to the following conditions (*or as modified by the Planning Commission if it is deemed additional conditions should be identified*):

  1. The location of solar array shall be approved with the setbacks as shown on site plan Sheet PV1 (Johnson CSG 1) submitted.

  2. Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded.

  3. Permittee shall implement Minnesota Pollution Control Agency (MPCA) - recommended erosion and sediment control devices which are deemed by the Department to be applicable, obtain an NPDES Permit, and provide the Department with the Storm Water Pollution Prevention Plan (SWPPP).

  4. Areas of bare ground at the facility shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project.

  5. Landscaping/screening shall consist of two rows of staggered six feet tall black hills spruce (or a similar species if recommended by landscape architect or certified arborist) planted 16 feet on center along the full length of the north, south, and west sides of the project perimeter. The Landscape Plan as shown shall be submitted in association with the building permit application in accordance with Section 7.31.F.4.b.1. Screening shall be established and maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril.

  6. Maintenance of the screening shall be guaranteed by financial surety in an amount sufficient to guarantee that the planting height and 75% opacity screening goals are achieved by the end of year three shall be provided prior to building permit approval.

  7. The maximum height of the solar panels shall be ten feet; perimeter fencing shall be of agricultural fencings a.k.a. "deer fence" design, with wooden posts, woven wire, no barbed wire, and constructed to be a minimum of eight feet tall.

  8. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy.

9. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.

10. The Permittee shall follow MN DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.

11. Permittee shall maintain aesthetic appearance of the project property, including disposal of trash, waste, and other detritus, for the life of the project.

12. The decommissioning disposal plan shall meet the requirements of the Chisago County Solid Waste Ordinance and applicable MPCA regulations at the time of decommissioning. All decommissioning and operational plans shall include a product stewardship element that requires the recycling and/or reuse of all solar panel racking, components, and materials upon their removal, replacement, or damage throughout the project life. The Permittee shall provide a decommissioning plan in association with the building permit application in accordance with these regulations. Failure of the permittee to properly decommission the site may result in the issuance of a citation and criminal charges, and or County seizure of the financial surety and decommissioning of the site.

13. Financial surety guaranteeing decommissioning in accordance with the plan shall be provided and maintained by the permittee in an amount equal to or greater than 125% of the developer's estimated decommissioning cost. The surety shall be provided in association with the building permit application; final building permit approval shall be conditioned upon receipt and approval of said surety. In the event that decommissioning costs exceed the amount of surety, adequate funds shall be collected from the developer, landowner, and or assessed against the property.

14. The project shall include abatement measures (e.g. coniferous vegetation, fencing, enclosure, or other insulating treatments) to direct noise generated by the solar system invertors from existing residential structures located on adjoining properties. To the greatest extent practical, solar system noise generating invertors shall be situated away from existing residential structures located on adjoining properties.

15. The project shall be developed, and the facility operated in a manner consistent with the proposal elements identified in the application, except insofar as the elements of the proposal are superseded by the above conditions of approval.

16. The Permittee shall work with Xcel Energy to limit the use and quantity of above ground utility poles to the fullest extent possible.

17. The Interim Use Permit shall be valid for up to 35 years from the date of approval or earlier in the permit term if the solar project as determined by County Staff is deemed satisfactorily decommissioned.

18. Violations of these conditions of permit approval shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Alternate Options

Alternatively, should the Planning Commission determine differently upon completion of the Public Hearing or upon discovery of any new or unknown factors of the proposal, staff has provided below other motions for your consideration:

1. "Move to table action and recommend to the County Board extending the review period for required action on this Interim Use Permit application for up to an additional 30 days, so to allow for further review of the record and to make a decision on this application, as allowed under Minnesota State Statute 15.99 Subd. 3(f)."

2. "Recommend Denial of the Interim Use Permit as it is deemed to be inconsistent with the zoning regulations and Comprehensive Plan for Chisago County (or other factors deemed appropriate by the Planning Commission and the following Findings of Fact *(note: the Commission will need to insert factor(s) for denial and findings in motion language)*:
    1.
    2.

CC: Mike Bufalini, Applicant
Keith Johnson, Property Owner
County File

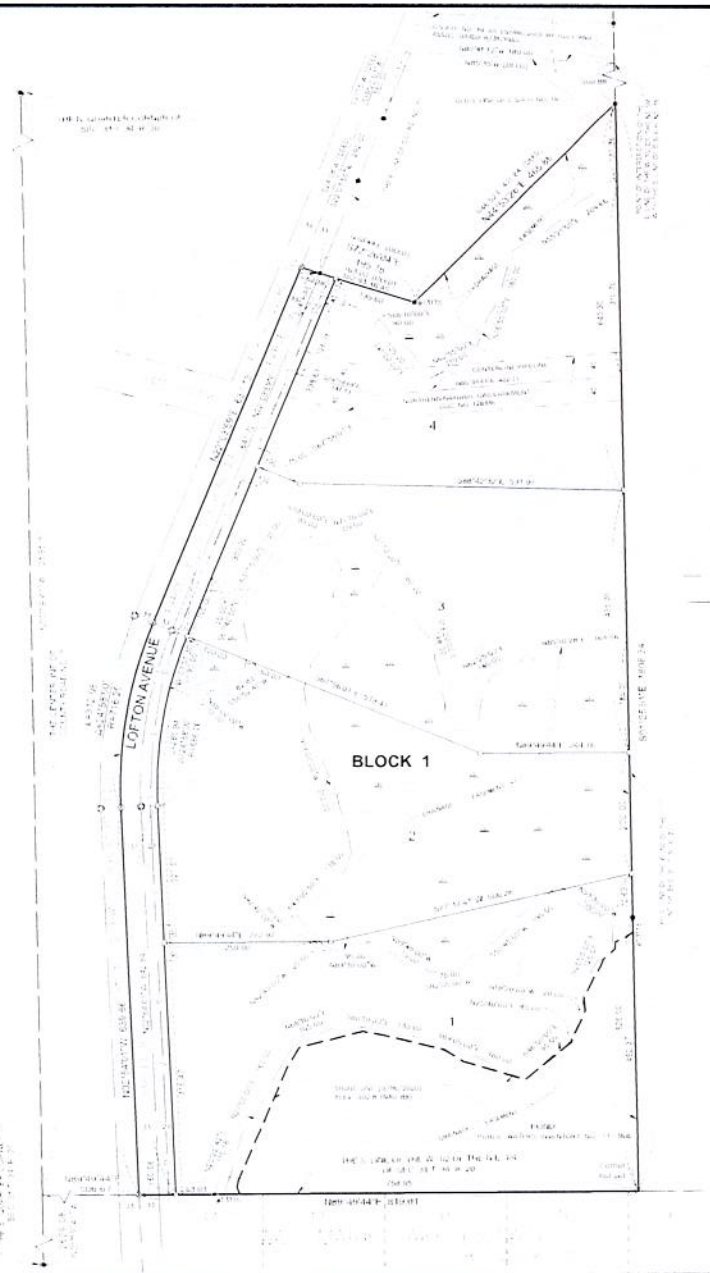
Chisago County Request For Board Action

Meeting Date: February 17, 2021	***Item Number:*** 15
Title of Item for Consideration: Garrett Mueller "Mueller Addition" Final Plat	
Action Requested by: Kurt Schneider, Director	***Department:*** Environmental Services on behalf of the Chisago County Planning Commission
Previous Action on this Matter: The Preliminary Plat of Mueller Addition was recommended for approval by the Planning Commission on December 3, 2020, and approved by the County Board on December 16, 2020.	
Background: Garrett Mueller requesting final plat approval of a four (4) lot subdivision to be known as "Mueller Addition". The subject property is located on a 27 acre property in Chisago Lake Township, 30615 Lofton Rd. Road, in Section 31, T. 34, R. 20, (PID #02.00848.00). Staff has reviewed the Final Plat and finds it to be consistent with the approved Preliminary Plat and recommends approval with the following conditions to be carried forward: 1. Silt fencing be installed around the building envelope and all delineated wetlands, particularly where sedimentation due to construction is likely to occur given close proximity to wetlands. 2. The Surveyor of said project shall locate and survey all delineated wetland areas. ***Attachment(s):*** • Mueller Addition Final Plat • Preliminary Plat Staff Report	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board consider approval of Mueller Addition final plat. The suggested motion to approve this action is as follows: ***"Move to Approve the Mueller Addition final plat located in Chisago Lake Township, XXXX Oasis Rd., in Section 4, T. 34, R. 20, PID #02.00848.00 with the following conditions:*** ***1) Silt fencing be installed around the building envelope and all delineated wetlands, particularly where sedimentation due to construction is likely to occur given close proximity to wetlands.*** ***2) The Surveyor of said project shall locate and survey all delineated wetland areas."***	
Implications of Action: Recommended Board action grants the requested Final Plat in Chisago Lake Township. ***Budget/Financial Implications:*** None. ***Legal/Policy Implications:*** The proposed activities are in general conformity with applicable state statutes and County authority and policies.	

Administrator's Recommendation			
Approve CDS	Deny _____	Other _____	
Motion By:		Seconded by:	
To:			
Action on Motion:	Aye _____	Nay _____	Abstain _____

OFFICIAL PLAT

MUELLER ADDITION



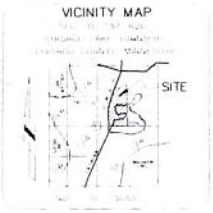
NORTH

0 100 200

Scale In Feet

LEGEND

VICINITY MAP



WIDSETH
ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS

Staff Report

TO: Chisago County Planning Commission

FROM: Jessica Jagoe, Land Services Coordinator

DATE: November 19, 2020

RE: Garrett Mueller, Preliminary Plat "Mueller Addition"
Chisago Lake Township, 30615 Lofton Avenue, PID# 02.00848.00

Action to Consider
The Applicant is seeking approval of a preliminary plat to be known as "Mueller Addition" to create four lots out of a 27 acre tract.

Property Background/Description
Garrett Mueller, Applicant, has a purchase agreement to buy the property at PID# 02.00848.00 in Chisago Lake Township. Mr. Mueller is seeking approval of the Preliminary plat to create four lots out of the 27 acre tract. The property is currently developed with a dwelling and one detached accessory structure.

The property is zoned RRII, Rural Residential II. The immediately surrounding area is also zoned RRII and transitions to AG, Agricultural heading north along Lofton Avenue. The property is situated between Mattson Lake, School Lake, and Wallmark Lake. However, the property is greater than 1,000 feet away from the waterbodies so the shoreland regulations would not apply.

The purpose of the RRII District is to provide a transition area between agricultural areas and higher density rural residential areas. The intent is to build single-family residential dwellings on three of the newly created parcels. Mr. Mueller will retain and build on Lot 1. Staff was told Lots 3 and 4 will be sold for development. Future house design plans for all three lots are unknown at this time. The existing dwelling and detached accessory building will remain on Lot

2 and the property will be sold after the platting process is complete.

Site Plan/Proposal Analysis

Staff has provided below a table that outlines the RRII dimensional requirements, plus I've shown the proposed dimensions for all four parcels in the preliminary plat:

	Lot Size	**Lot Width** *(as shown at front property line)**	**Lot Depth**
RRII Minimum Requirements	2 acres	200 feet	200 feet
Lot 1	7.91 acres	415 feet	758 south/778 north feet
Lot 2	6.09 acres	512 feet approx.	778 south/763 north feet
Lot 3	5.99 acres	303 feet	763 south/532 north feet
Lot 4	5.22 acres	338 feet	532 feet

**The lot width by definition is measured at the building setback line. The Subdivision Ordinance goes on to say in the Lot Requirements, Section 4.03 that "Each lot shall front upon a public street for the minimum lot width required, except as otherwise provided in this Ordinance."*

As proposed, all four parcels comply with the County lot dimensional requirements.

As part of the review process, the Plat Review Committee met on November 11th. The newly created parcels are not located in a flood plain and there are no severe slope conditions impacting the proposed development. There are no new roads as part of the proposal. The Public Works Director/County Engineer has reviewed the preliminary plat and has no issues with the proposed shared accesses.

The existing development of the parcel in its current configuration is considered to be legal non-conforming because the combined square footage of the attached and detached accessory buildings exceeds the total floor area allowed in RRII District. The accessory buildings predate the adoption of RRII District zoning controls for this parcel. Pursuant to State Statute and Zoning Code Section 4.03.I.1 it states "*A non-conformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion.*". As previously mentioned, the plan will be to sell Lot 2 with the development as it exists today. This would be allowed and can only be continued in the same manner as it exists today. The three newly created lots will be subject to the RRII District ordinance language in effect at the time of development.

Additionally, the County Wetland Specialist has verified the wetland boundaries as identified in the delineation performed by Jacobson Environmental, PLLC. Staff has verified that the area of Lot 1 in the SE corner of the property is not a Protected Waterbody identified by DNR. The County does not have a setback requirement from a wetland. The wetland delineation report was approved with the following conditions:

1) Silt fencing be installed around the building envelope and all delineated wetlands, particularly where sedimentation due to construction is likely to occur given close proximity to wetlands; and
2) The Surveyor of said project shall locate and survey all delineated wetland areas.

Lastly, County staff has found the soil verification to be accurate and satisfactory. There are no other mandatory environmental reviews required and no other concerns identified as part of that review.

60-Day Agency Action
The application was deemed complete on October 30, 2020. The 60-day deadline would be December 29, 2020.

Township Recommendation
Chisago Lake Township Board reviewed at their meeting on November 17, 2020, and has recommended Approval with no conditions.

Staff Findings and Recommended Action to Consider
Following the review by the Plat Review Committee and Planning Staff, the proposed preliminary plat is determined to be in compliance with the Zoning and Subdivision ordinances as well as consistent with the intent of the Comprehensive Plan for Chisago County. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, Staff has provided below the following recommended motion for your consideration:

- **Approval** of the Preliminary Plat "Mueller Addition" as requested by Garrett Mueller, 30615 Lofton Avenue, PID# 02.00848.00 for four residential lots as outlined in Staff's report and subject to the following conditions:
  - Silt fencing be installed around the building envelope and all delineated wetlands, particularly where sedimentation due to construction is likely to occur given close proximity to wetlands; and
  - The Surveyor of said project shall locate and survey all delineated wetland areas.

Alternate Options
Alternatively, should the Planning Commission determine differently upon completion of the Public Hearing and or upon discovery of any new or unknown evidence of compliance or concerns affecting the proposal, staff has provided below other motions for your consideration:

1. Recommend to the County Board *Move to Table Action* and extension of the initial 60-day period for required action on this Preliminary Plat application for up to an additional 30 days, so to allow for further review of the record and to make a decision on this application, as allowed under Minnesota State Statute 15.99 Subd. 3(f).

2. Recommend *Denial* of the Preliminary Plat for "Mueller Addition" as it is deemed to be inconsistent with the zoning regulations and Comprehensive Plan for Chisago County (or other factors deemed appropriate by the Planning Commission and the following

Findings of Fact *(note: the Commission will need to insert factor(s) for denial and findings in motion language)*:

1.
2.

CC: Garrett Mueller, Applicant
County File

Chisago County Request For Board Action

Meeting Date: February 17, 2020	***Item Number:*** 16
Title of Item for Consideration: Lower St. Croix River Comprehensive Watershed Management Plan – Work Plan 2021-2022	
Action Requested by: Kurt Schneider, Director	***Department:*** Environmental Services/Zoning – In Cooperation with Chisago SWCD

Previous Action on this Matter: On December 18, 2020, the Chisago County Board of Commissioners adopted Resolution No. 20/1118-2 to adopt the Lower St. Croix Comprehensive Watershed Management Plan (LSC CWMP) and enter into a Joint Powers Agreement for the Implementation of the LSC CWMP. The new plan replaces the former Chisago County Comprehensive Local Water Management Plan that was set to expire in September of 2023.

Also on December 18, 2020, the Chisago County Board of Commissioners appointed Commissioner Chris DuBose to serve as a representative to the Implementation Policy Committee for the LSC CWMP. Commissioner Mike Robinson is the alternative representative. The Chisago County Board also appointed Lance Peterson and Mike Mergens as representatives to the Implementation Policy Committee. Dawn White and Steve Paquay are their alternates, respectively.

The Implementation Policy Committee selected Commissioner DuBose to serve as the Vice-Chair for the Committee at their meeting on January 25, 2021.

Background: Since December of 2020, Chisago County staff and Board of Commissioner representatives have participated in Steering, Advisory and Policy Committee meetings to develop a Work Plan and Budget for the LSC CWMP Watershed Based Implementation Funding (WBIF). The Chisago Soil and Water Conservation District (SWCD) staff and Board of Supervisors have also participated in the Work Plan development process. The LSC CWMP will receive $1,264,531 in State WBIF grant funding to implement projects as identified in the Work Plan (attached) for years 2021-2022. The Board of Water and Soil Resources (BSWR) approval deadline for the initial annual Work Plan is March 31, 2021.

At the January 25, 2021 meeting, the LSC CWMP Implementation Policy Committee approved the final 2021-2022 Work Plan (attached) for Watershed Based Implementation Funding for review and approval by the governing boards. According the Joint Powers Agreement for the Implementation of the LSC CWMP, each governing body that is participating in the plan must approve the annual work plan for its implementation prior to submitting to BWSR for approval. The Work Plan must be submitted to BWSR by February 24, 2021 after review and/or approval by each governing body.

Attachment(s):

- Lower St. Croix Comprehensive Watershed Management Plan, Watershed Based Implementation Funding Work Plan
- Chisago County Board of Commissioners Resolution No. 20/1118-2, Resolution to Adopt the

Lower St. Croix Comprehensive Watershed Management Plan and Enter Into a Joint Powers Agreement for the Implementation of the Lower St. Croix Comprehensive Watershed Management Plan

- Joint Powers Agreement for the Implementation of the Lower St. Croix River Comprehensive Watershed Management Plan
- Board of Water and Soil Resources Board Decision #20-49. Order Approving Lower St. Croix Comprehensive Watershed Management Plan
- One Watershed, One Plan (1W1P) Lower St. Croix Watershed Fact Sheet

Action Requested/Recommended: The County Board is respectfully requested to approve. The following motion is suggested:

"Move to accept the recommendation by the Implementation Policy Committee and to approve the Lower St. Croix Comprehensive Watershed Management Plan, Watershed Based Implementation Funding Work Plan for 2021-2022."

Implications of Action: Recommended Board action will assist in implementing the Lower St. Croix Comprehensive Watershed Management Plan.

***Budget/Financial Implications*:** The LSC CWMP will receive $1.264.531 in State WBIF grant funding to implement projects as identified in the Work Plan (attached) for years 2021-2022.

***Legal/Policy Implications*:** The proposed activities are in general conformity with applicable state statutes and County authority and policies.

Administrator's Recommendation

Approve CLS	Deny _____	Other _____
Motion By:	Seconded by:	
To:		
Action on Motion:	Aye _____	Nay _____	Abstain _____

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of the review of the Comprehensive Watershed Management Plan for the Lower St. Croix River Watershed, pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801.	**ORDER APPROVING COMPREHENSIVE WATERSHED MANAGEMENT PLAN**

Whereas, the Policy Committee of the Lower St. Croix Watershed Implementation Partnership submitted a Comprehensive Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on August 6, 2020 pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801 and Board Resolution #16-17, and;

Whereas, the Board has completed its review of the Plan;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

1. **Partnership Establishment.** In March of 2018 the Lower St. Croix (LSC) Watershed Implementation Partnership (Partnership) was established through the adoption of a Memorandum of Agreement (MOA) between 15 local partners for the purposes of writing a Comprehensive Watershed Management Plan for the LSC Watershed. The Partnership includes: Chisago, Isanti, Pine, and Washington counties; the Anoka, Chisago, Isanti, Pine and Washington Soil and Water Conservation Districts (SWCD); the Brown's Creek, Carnelian-Marine-St. Croix, Comfort Lake-Forest Lake, and South Washington Watershed Districts (WD); and the Middle St. Croix and Sunrise River Watershed Management Organizations.

2. **Authority to Plan**. Minnesota Statutes, Sections 103B.101, Subdivision 14 allows the Board to adopt resolutions, policies or orders that allow a comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to Chapter 103B, 103C, or 103D to serve as substitutes for one another or be replaced with a comprehensive watershed management plan. Minnesota Statutes, Sections 103B.801 established the Comprehensive Watershed Management Planning Program; also known as One Watershed, One Plan (1W1P) Program. And, on March 23, 2016 Board Resolution #16-17 adopted Version 1.0 of the One Watershed, One Plan Operating Procedures and Plan Content Requirements policies.

3. **Nature of the Watershed.** The Lower St. Croix River Watershed planning boundary follows the boundary of the Lower St. Croix River Watershed (HUC 07030005) encompassing approximately 915 square miles lying primarily in the North Central Hardwood Forest Ecoregion. The watershed includes parts of Pine (78 sq. mi.), Chisago (433 sq. mi), Isanti (66 sq. mi), Anoka (57 sq. mi), and Washington Counties (280.0 sq. mi). Less than half of one percent of the watershed lies in Ramsey

County. There are 60 municipalities/townships located completely or partially within the boundaries of the watershed. Additionally, there are seven watershed management organizations in the watershed and the Chisago Lakes Lake Improvement District (CLLID). The watershed's surface waters are abundant with 127 lakes, over 1,000 miles of rivers, streams, and judicial/public ditches, and approximately 152,000 acres of wetlands. A regionally significant big river, the entire length of the St. Croix River is officially designated as a National Wild and Scenic Riverway by the federal government.

4. **Plan Development.** The development process was initiated with the Partners' January 24, 2018 notification of plan development and invitation to State Review Agencies and Metropolitan Council to submit any priority issues and plan expectations they had for the Lower St. Croix CWMP. To help identify issues facing natural resources across the watershed, the Partnership coordinated a robust stakeholder process. During the Lower St. Croix planning process, the Partners collected input from more than 730 stakeholders, including 440 farmers and 160 community leaders at cities, townships and community organizations. During the development of the Plan State agency representatives also attended and provided input at advisory committee meetings. As a result of those workshops, interviews, and surveys, several key themes emerged that were incorporated into the Plan.

   The Advisory Committee members also referred to the wealth of already completed groundwater and surface water studies including nine Total Maximum Daily Load studies (TMDLs), four Watershed Restoration and Protection Strategies (WRAPS), and the Lower St. Croix Groundwater Restoration and Protection Strategy (GRAPS) when identifying priority resources and concerns. Identified issues were ranked and prioritized into tiers A, B, and C for seven resource areas: groundwater, lakes, rivers and streams, wetlands, uplands, St. Croix River and Lake St. Croix, and social capacity.

   While the Plan is comprehensive in that it includes improvements and protection for a variety of natural resources across the watershed, it also incorporates detail in its prioritization and targeting actions and outcomes for specific waterbodies.

5. **Plan Review.** The Partnership held a 60-day review process that ended on June 3, 2020, and the required public hearing on June 29, 2020. The final draft of the updated Plan, a record of the public hearing, and copies of all written comments and a summary of the Partnerships response to each of those comments were submitted on August 6, 2020 to the state review agencies and the Metropolitan Council (MC) for final State review and approval pursuant to Board Resolution #16-17. The following state and MC review comments on the final draft Plan were received by BWSR:

   A. **Minnesota Environmental Quality Board (EQB):** Policy requires that EQB be notified of the final draft document. EQB confirmed receipt of the Plan and did not provide comments on the Plan.

   B. **Minnesota Department of Agriculture (MDA):** MDA expressed thanks for the opportunity to provide review and comment on the Plan. The MDA indicated they were satisfied with the responses to their 60-day review comments, did not have any additional comments and recommended approval of the Plan.

   C. **Minnesota Department of Health (MDH)** commended the LSC Partners for including drinking water as a priority concern and appreciated the opportunity to participate in the Advisory Committee. MDH stated that their input was well received during the Plan's development and that they had no further comments.

   D. **Minnesota Department of Natural Resources (DNR):** DNR comments stated that they are satisfied with the responses to issues raised during the 60-day review, has no additional

comments, and recommends that BWSR approve the plan. The DNR also thanked the Partnership for the opportunity to participate in the process and said they looked forward to working with the partners on implementation of the Plan.

E. **Minnesota Pollution Control Agency (MPCA):** The MPCA believed that their input was well received during the Plan development process and were committed to working with the LSC Partners as a supporting agency in the implementation of the Plan. The MPCA was satisfied with the responses to their 60-day review comments on the Plan, did not have any additional comments and recommended approval of the Plan.

F. **Metropolitan Council (MC):** During the final draft Plan review the MC mentioned they value the work that went into responding to the significant number of comments received from the Plan's stakeholders, and feels the Plan makes significant progress towards addressing the concerns raised. The MC had one review comment pertaining to the need to notify the MC if an amendment is needed and to add them to the list of commenting review agencies for a proposed Plan amendment. The MC said they were thankful for the opportunity to participate in the planning process and indicated that the Plan should move forward with approval.

G. **Board of Water and Soil Resources (BWSR):** During the 60-day review period BWSR staff submitted a total of 48 comments all of which were addressed in the response to comments. During the final draft Plan review BWSR Staff expressed thanks to the LSC partners, staff and especially their consultants for the excellent job they did in developing the plan and in soliciting and responding to the 60-day comments received from the Plan's stakeholders.

6. **Plan Summary and Highlights.** The highlights of the Plan include:
   - The LSC Policy Committee adopted a mission statement to help guide the work of the Plan development and a vision statement to help imagine the future condition of the watershed.
   - The Plan starts with Section I, a 12-page Executive Summary. It includes the required information, nicely summarizing the plan development process, resource concerns and issues, goals, measurable outputs, and implementation.
   - Section II – Identification and Prioritization of Resource Areas and Issues, lays out in detail the plan development process previously mentioned. It includes a summary of the efforts to gather agency and stakeholder input and prioritize resource areas and issues. Of particular note are the additional efforts to engage the agricultural community once it was realized that stakeholder group was not well represented in the feedback.
   - Section III – Establishment of Measurable Goals, Outputs, and Priority Locations presents in detail the goals and measurable outputs established to address the priority resource/location issues in a quantifiable manner. It also clarifies that the priority locations selected are those specific resources considered to be regionally significant, or types of resources or areas where work is needed most in order to realize change and "move the needle" toward improved or protected water resources. Table 3-1 lists by resource area, each goal and the issue it is addressing. The table also links each issue and goal to the related implementation actions for measurable outputs and priority locations identified in the implementation Table 5-1.
   - Section IV – Implementation Programs: In order to achieve the many goals in the LSC Plan, the implementation actions are broken out across a series of four work areas or programs. Three of the implementation programs relate to dominant land uses (agricultural lands, developed and developing lands, and ecosystem services), while the fourth refers to the background information, assessments, and ongoing data collection that is needed to further target and prioritize individual projects and to track progress toward achieving the goals. These four programs correspond to the four parts (A-D) of the implementation Table 5-1. The

implementation activities were grouped into five types: Implementation of Projects and Programs; Shared Services and Staff Capacity; Education, Engagement, and Social Capacity; Ordinances, Regulations, and Policy; and Data Collection, Analysis, and Planning. An icon was established for each activity type and it was used throughout the rest of the plan to help tie things together.

- Section V – Implementation Schedule: This section starts with a very useful tutorial on how to read/use the implementation Table 5-1. The rest of the section pertains to the Implementation Table 5-1 and supporting tables and figures. As previously mentioned, the implementation table is divided into four parts (A-D) one for each of the 4 program areas. In addition to identifying various implementation actions and associated biennial budgets Table 5-1 identifies the measurable output and associated priority location.
- Section VI – Funding Sources and Prioritizing Watershed Based Implementation Funds includes a description of the various funding sources available to the Partnership for implementation of the Plan. For Watershed Based-Implementation Funding (WBIF) in particular it identifies that these funds will be allocated across program areas with a distribution of approximately 70% towards "Implementation", 25% towards "Prioritization and Analysis" with 5% for "Administration" with expenditures based on the prioritization developed in the Plan.
- Section VII – Work Planning and Targeting: Implementation of this Plan is based on collaboration and coordination among the members of the LSC Partnership. This section describes how an annual work plan will be developed including deciding, who will do what, as well-as how and where to spend funds (esp. WBIFs) to accomplish the desired outcomes for the Plan. The annual work plan will target funds to get the right projects and programs in the right places, at the right time to capitalize on opportunities and maximize impact given cost benefit. Gate keeper questions are established which must be satisfied before any project is considered for funding. One of those questions is that a Subwatershed Analysis (or similar accepted analysis) must have been completed to prioritize and target where funded projects are installed. A Project Targeting and Scoring Matrix that will be used to help rank projects for implementation funding is provided in Appendix – C.
- Section VIII – Local Implementation Programs: This section identifies which of the local plans the LSC-CWMP is expected to substitute for.
- Section IX – Plan Administration and Collaboration identifies that the Plan will be implemented through a joint powers collaboration (JPC) agreement establishing the new Lower St. Croix Watershed Implementation Partnership. The JPC sets the ground rules for how the Partnership will be established and function during implementation of the Plan. The Partnership intends to review the effectiveness of the JPC structure after 18-months. If needed they will consider entering into a different implementation agreement. The section also covers annual work plan development as well as plan evaluation, reporting and future plan amendments.

7. **Central Region Committee.** On October 13, 2020, the Central Region Committee met to review and discuss the Plan. Those in attendance from the Board's committee were Jill Crafton, Joel Larson, Jayne Hager Dee, Andrea Date, Kathryn Kelly, Nicole Blasing, Steve Robertson, and Committee Chair Joe Collins. Board staff in attendance were Assistant Director for Regional Operations Kevin Bigalke, Clean Water Specialist Barb Peichel, Board Conservationist Melissa King, and Water Programs Coordinator Annie Felix-Gerth. Representatives from the Partnership presenting highlights of the Plan and Plan development process were Washington Conservation District Administrator Jay Riggs, Washington County Commissioner Fran Miron, and Chisago SWCD Administrator Craig Mell. Also present from the partnership were Comfort Lake - Forest Lake WD (CLFLWD) Board Manager Jackie Anderson, South Washington WD Administrator Matt Moore, and CLFLWD Administrator Mike

Kinney. Board regional staff provided their recommendation of Plan approval to the Committee. After discussion, the Committee's decision was to present a recommendation of approval of the Plan to the full Board.

8. This Plan will be in effect for a ten-year period until October 28, 2030.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Comprehensive Watershed Management Plan for the Lower St. Croix Watershed Implementation Partnership pursuant to Minnesota Statutes, Sections 103B.101, Subd. 14 and 103B.801 and Board Resolution #16-17.
3. The Lower St. Croix Comprehensive Watershed Management Plan attached to this Order states water and water-related problems within the planning area; priority resource issues and possible solutions thereto; goals, objectives, and actions of the Partnership; and an implementation program.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Section 103B.101, Subd. 14 and 103B.801 and Board Resolution #16-17.
5. The attached Plan, when adopted through local resolution by the members of the Partnership will serve as a substitute for the comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to Chapter 103B, 103C, or 103D, but only to the geographic area of the Plan and consistent with the One Watershed, One Plan Suggested Boundary Map.
6. With exception to #5 above, the attached Plan, when adopted through local resolution by the members of the Partnership within the Metropolitan area as defined in Minnesota Statutes Section 103B.205, Subd. 8 or a Metropolitan county as defined in Minnesota Statutes 473.121 Subd. 4 is not required to, but may, serve as a substitute for the comprehensive plan, local water management plan, watershed management plan, or county groundwater plan developed or amended, approved and adopted, according to Chapter 103B, 103C, or 103D for the geographic area of the Plan and consistent with the One Watershed, One Plan Suggested Boundary Map.

ORDER

The Board hereby approves the attached Comprehensive Watershed Management Plan of the Lower St. Croix Watershed Implementation Partnership, dated July 28, 2020.

Dated at St. Paul, Minnesota, this twenty-eighth of October 2020.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Gerald Van Amburg

BY: Gerald Van Amburg, Chair
Board of Water and Soil Resources

Lower St. Croix — Comprehensive Watershed Management Plan

On November 18, 2020, the Chisago County Board of Commissioners approved the new ten-year Lower St. Croix Comprehensive Watershed Management Plan and Chisago County Local Priorities Appendix! The new plan will replace the former Chisago County Local Water Management Plan that was set to expire in September of 2023.

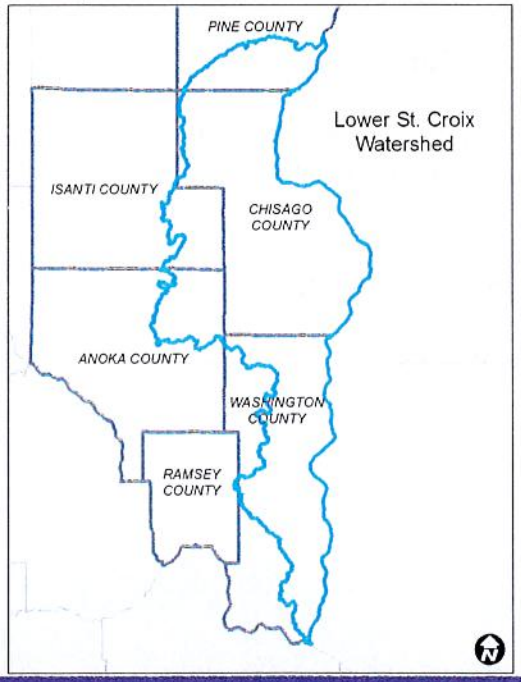
Since 2017, 16 local government partners worked together through a "One Watershed, One Plan" process to develop the plan to protect and restore important, or priority natural resources in the Lower St. Croix watershed over the next ten years.

Through the 1W1P process, the sixteen partners worked together to combine their own water plans to create one new plan based on the boundary of the Lower St. Croix watershed, as the flow of water does not follow a county or a city boundary line. Working together on projects benefits the entire watershed and saves money by maximizing staff efficiency. The new plan is also eligible to receive targeted state funds to complete projects.

The Lower St. Croix watershed includes parts of Chisago, Isanti, Anoka, Pine and Washington counties. The area has 127 lakes, 152,000 acres of wetlands and more than 1,000 miles of rivers, streams and ditches. The new plan seeks to improve the numerous lakes and streams, the St. Croix River, and the quality of groundwater in the watershed. It also strives to protect and restore upland and wetland habitat and provide technical assistance to landowners.

For more information on the Lower St. Croix 1W1P, visit www.LSC1w1p.org.

Map of Lower St. Croix Watershed



Partners:

- Anoka Soil and Water Conservation District
- Brown's Creek Watershed District
- Carnelian Marine St. Croix Watershed District
- Chisago County
- Chisago Lakes Lake Improvement District
- Chisago Soil & Water Conservation District
- Comfort Lake-Forest Lake Watershed District
- Isanti County
- Isanti Soil & Water Conservation District
- Middle St. Croix Watershed Management Organization
- Minnesota Board of Soil & Water Resources
- Pine County
- Pine Soil & Water Conservation District
- South Washington Watershed District
- Sunrise River Watershed Management Organization
- Washington County
- Washington Conservation District

JOINT POWERS AGREEMENT
FOR THE IMPLEMENTATION OF
THE LOWER ST. CROIX COMPREHENSIVE WATERSHED MANANGEMENT PLAN

Pursuant to Minnesota Statute Section 471.59, this Joint Powers Agreement is entered by and between the political subdivisions and local units of governmental units of the State of Minnesota and identified, as follows:

The Counties of Anoka, Chisago, Isanti, Pine, Ramsey and Washington each by and through its respective Board of Commissioners (collectively referred to as the Counties);

The Anoka, Chisago, Isanti, Pine and Washington Soil and Water Conservation Districts, each by and through its respective Board of Supervisors (collectively referred to as the SWCDs);

The Brown's Creek, Carnelian Marine St. Croix, Comfort Lake Forest Lake, South Washington and Valley Branch Watershed Districts, each by and through its respective Board of Managers (collectively referred to as the Watershed Districts); and

The Middle St. Croix, and Sunrise River Joint Powers Watershed Management Organizations, each by and through its respective governing board (collectively referred to as the Watershed Management Organizations).

Together, the above identified Counties, SWCD's, Watershed Districts and Watershed Management Organizations collectively formed the Lower St. Croix Watershed Implementation Partnership and for purposes of this Agreement, said political subdivisions and local units of government and those added in accordance with the terms of this Agreement are herein collectively referred to as "Parties" and individually, as "Party."

RECITALS

WHEREAS, pursuant Minnesota Statutes Section 103B.305, Subd. 5 and 103B.3363, each of the Parties to this agreement is a local unit of government having the responsibility and authority to separately or cooperatively, by joint agreement pursuant to Minnesota Statute Section 471.59, to prepare, develop, adopt, implement and administer a comprehensive local water management plan, as defined pursuant to Section 103B.3363, subd. 3, or a comprehensive watershed management plan, as a substitute thereof, and carry out implementation actions, programs and projects toward achievement of goals and objectives of such plans.

WHEREAS, pursuant to Minnesota Statute Sections 103B.101 and 103B.801, the Minnesota Board of Water and Soil Resources (BWSR) is authorized, amongst things, to coordinate the water and resource planning and implementation activities of counties, soil and water conservation districts, watershed districts and watershed management organizations and to administer and oversee the Minnesota Comprehensive Watershed Management Planning Program, known as the One Watershed, One Plan program; and

WHEREAS, each of the Parties exercises water management authority and responsibility within the Lower St. Croix River Watershed Management Area, a geographical area consisting of those portions of Anoka, Chisago, Isanti, Pine, Ramsey and Washington counties that drain into the St. Croix River watershed as depicted on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the Parties have previously entered into the Lower St. Croix Watershed Memorandum of Agreement for the purpose to collaboratively develop, as local government units, a coordinated comprehensive watershed management plan for the Lower St. Croix River planning boundary : and

WHEREAS, in accordance with BWSR policy, the Memorandum of Agreement for planning established a framework of consistency and cooperation through a governing structure having a Policy Committee and an Advisory Committee and provisions that the role and authority of the governing bodies of the Parties, the Policy Committee and Advisory Committee; and

WHEREAS, in accordance with BWSR policy adopted pursuant to Minnesota Statute Section 103B.801, the Parties have developed the Lower St. Croix Comprehensive Watershed Management Plan, hereinafter referred to as the "Plan" and it is the intent of the Parties that said Memorandum of Agreement shall remain in full force and effect and this Agreement shall not be construed as to modify or supplant the terms or provisions of the Memorandum of Agreement; and

WHEREAS, with matters that relate to coordination of water management authorities pursuant to Minnesota Statute Chapters 103B, 103C, and 103D and with public drainage systems pursuant to Minnesota Statute Chapter 103E, this Agreement does not change the rights or obligations of the public drainage system authorities; and

WHEREAS, this Agreement and the Lower St. Croix Comprehensive Watershed Management Plan does not replace or supplant local land use, planning, or zoning authority of the respective Parties and the Parties intend that this Agreement shall not be construed in that manner.

TERMS AND CONDITIONS

NOW THEREFORE, pursuant to Minnesota Statutes Section 471.59 and other relevant state law and in consideration of the mutual promises and benefits that the parties shall derive herefrom, all Parties hereby enter into this joint powers agreement and agree, as follows:

1. Purpose: This Agreement has the following purposes:

a. This Agreement establishes the terms and conditions, governing structure and processes by which the Parties will jointly and cooperatively continue the planning and the implementation of the Plan. Consistent with its terms and conditions, this Agreement authorizes the Parties to cooperatively exercise their common and similar power of local water planning and management notwithstanding the territorial limits within which they may otherwise exercise separately.

b. This Agreement does not establish a joint powers entity. Rather, this Agreement continues the collaborative governing structure established under the Memorandum of Agreement and redefines the role and authority of the governing bodies, the Policy Committee and Advisory Committee in the decision-making process as applicable for implementation of the plan. This Agreement provides criteria and a process to add additional local units of government as Parties to this Agreement.

c. This Agreement identifies the process of preparing, adopting and carrying out annual work plans that will serve as the mechanism essential for Plan implementation.

d. This Agreement provides for the designation and appointment of a Party or Parties or their representative to carry out the administrative responsibilities associated with the continued collaborative planning and implementation of the Plan and to perform all fiscal responsibilities associated Plan implementation.

2. Eligibility and Procedure to Become A Party

a. Qualifying Party: A county, SWCD, watershed district or watershed management organization located and authorized to carry out water planning and resource management responsibilities within the Lower St. Croix River Management Area is eligible to become a Party to this Agreement.

b. Initial Parties: A county, SWCD, watershed district or watershed management organization may be an initial Party through adoption of one or more resolutions by its respective governing board that indicates its intent to be a Party to this Agreement: that adopts and authorizes such local unit of government to enter into this Agreement; and that adopts and begins implementation of the Plan, or later amendments, within 60 days of State approval of the Plan, or within 45 days of executing this Agreement, whichever is later. Such local unit of government shall also give notice of plan adoption in accordance with provisions of Minnesota Statutes Chapters 103B and 103D. Any qualifying county, SWCD, watershed district or watershed management organization that desires to become a Party after expiration of the 60 day period for joining as an Initial Party will be eligible to become a Party as an Additional Party pursuant to Section 2.c., below

c. Adding Additional Parties: A qualifying local unit of government that desires to become a Party to this Agreement at any time later than 60-days following State approval of the Plan shall provide the Administrative Coordinator a formal statement that indicates its intent to become a Party to this Agreement and a certified copy of the resolution or motion adopted by its governing board that contains all of the following:

i. A declaration of intent to join as a Party to the Agreement;

ii. A statement that the local government unit is authorized to enter into and be bound by the terms and conditions of this Agreement; including but not limited to the bylaws, policies and procedures adopted by the Policy Committee; and

iii. A statement that the local government unit adopts the Plan.

Upon receipt of such certified documents, the Administrative Coordinator shall issue a signature page to the local government unit and instructions to execute and return the same along with the name and contact data of the representatives appointed by the local government unit to serve on the Policy Committee and the names and contact information of staff of the local government unit assigned to serve on the Advisory Committee. The local government unit will have all duties, rights and responsibilities as a Party to this Agreement upon filing with the Administrative Coordinator a copy of its authorized signature to this Agreement.

d. Procedure for Parties to Leave Membership of Agreement: Any Party desiring to leave the membership of this Agreement shall indicate its intent in writing to the Policy Committee in the form of an official board resolution. Notice must be made 90 days in advance of leaving. A Party that leaves the membership of the Agreement remains obligated to comply with the terms of any grants associated with the Agreement until the grant has ended.

3. Payments and Financial Responsibilities of the Parties

Each Party is financially responsible for its costs and expenses incurred in implementing the Plan or in carrying out related implementation activities, projects, and programs.

4. Term and Termination

a. Effective Date: This Agreement is effective upon signature of all initial Parties and will remain in effect until December 31, 2031, unless terminated consistent with terms of this Agreement or as otherwise provided under law.

b. Review: Commencing in the second year following the effective date of this Agreement and continuing each year thereafter, the Policy Committee will annually conduct a review of the adequacy and effectiveness of the joint and collaborative partnership provided by this Agreement and the governing structure of the Policy Committee. With the assistance of the Advisory Committee, the Policy Committee shall prepare a report on its findings and provide recommendations as appropriate to

governing boards of the Parties. The report and recommendations should be submitted to the governing boards at the time in which the Policy Committee provides its recommendation on the proposed annual work plan. Any recommendation of the Policy Committee to revise a term or condition of this Agreement will only become effective upon 2 3rds approval of the governing boards of the then present Parties.

e. Termination: This Agreement may be terminated by resolution adopted by the governing bodies of all of the then existing Parties. The parties acknowledge their respective and applicable obligations, if any, under MN Statutes Section 471.59, Subd. 5 after the agreement has been terminated or the purpose of the Agreement has been completed.

5. General Provisions

a. Compliance with Laws/Standards: The Parties agree to abide by all federal, state, and local laws; statutes, ordinances, rules and regulations now in effect or hereafter adopted pertaining to this Agreement.

b. Timeliness: The Parties agree to perform the obligations under this Agreement in a timely manner and inform each other about delays that may occur.

c. Liability and Insurance: Each Party shall be liable for the acts, errors and omissions of its respective officers, employees or agents and each Party shall carry liability insurance coverage of not less than $1.5 million per occurrence, the maximum liability for each Party as provided under Minnesota Statutes Section 466.04. The Parties may participate in a self-insurance pool to meet this requirement.

d. Indemnification: The provisions of the Municipal Tort Claims Act, Minnesota Statute Chapter 466 and other applicable laws govern liability of the Parties. To the full extent permitted by law, actions by the Parties, their respective officers, employees, and agents pursuant to this Agreement are intended to be and shall be construed as a "cooperative activity." It is the intent of the Parties that they shall be deemed a "single governmental unit" for the purpose of liability, as set forth in Minnesota Statutes Section 471.59, subd. 1a(a). For purposes of Minnesota Statutes Section 471.59, subd. 1a(a) it is the intent of each party that this Agreement does not create any liability or exposure of one party for the acts or omissions of any other party. If a Party is found responsible for any liability associated with the actions of the Lower St. Croix One Watershed, One Plan Policy Committee or implementation of the Comprehensive Watershed Management Plan, said Party agrees to indemnify and hold harmless any of the other non-liable parties of this Agreement for any defense costs and expenses associated with any such claim.

e. Employee Status: The respective employees and agents of each Party shall remain the employees of each individual respective Party.

f. Data Practices, Data Management and Record Retention: Notwithstanding Minn. Stat. 13.82, subd. 24 or any other provision of law the parties agree that for purposes of the Minnesota Government Data Practices Act and all other statutes and provision of law related to data practices, data management and records retention.

each party shall remain the exclusive responsible authority, as defined in Minn. Stat. 13.02, subd. 16, for its own data management, for responses to data requests and for all aspects of records retention for any and all data in any form that is collected, created, received, maintained or disseminated by the party agency. This section includes but is not limited to all data regardless of its classification as the term government data is defined in Min. Stat. 13.02, subd. 7.

g. Auditor Access and Review of Business Records: Pursuant to Minn. Stat. 16C.05 subd. 5 the parties agree that each party, the State Auditor or legislative Auditor, or any duly authorized representative at any time during normal business hours and as often as they deem reasonably necessary, shall have access to and the right to audit, excerpt and transcribe any books, documents, papers, records, etc. that are pertinent to the accounting practices and procedures of the parties and involve transactions relating to this Agreement. The parties agree to maintain and make available these business records for a period of at least 6 years from the date of the termination of this agreement.

6. Annual Work Plans:

a. Required Contents: Annual work plans will be developed that detail implementation of the Plan, minimally including projects and programs to be completed collaboratively and associated budgets. A fiscal agent and a responsible Party or Parties shall be identified for each project, program or implementation activity contained in the annual work plan. The responsible Party or Parties must provide any grant matching funds and accept responsibility for implementation and outcomes. The annual work plans may include a summary of projects, programs and implementation activities to be accomplished with state Watershed Based Implementation Funds, competitive state grants, local funds or others.

b. Process for Development and Adoption of Annual Work Plans.

The decision – making process in the development and adoption of annual work plans shall be as follows:

1. The Advisory Committee shall draft and prepare the proposed annual work plan ranking projects, programs and implementation activities utilizing the selection criteria contained in the Plan.

2. The Advisory Committee shall present the proposed annual work plan to the Policy Committee for discussion and revision as appropriate.

3. The Policy Committee shall vote to recommend a proposed annual work plan to the governing boards of the Parties for approval. A vote of 2/3rd of the members present of the Policy Committee is necessary to move a recommended annual work plan onto the governing boards.

4. The governing bodies of the Parties shall approve the annual work plan for its implementation. An annual work plan will be approved only through approval of 2/3rd of the governing bodies of then existing Parties.

7. Structure and Governance

To carry out the coordinated and collaborative planning, development and implementation of the Plan and development, adoption of annual work plans, the Parties will continue the Policy Committee and Advisory Committee, as established under the Memorandum of Agreement. The function and the authority of the governing boards of the Parties and the composition, function and authority of the Policy Committee and Advisory Committee are as follows:

a. Governing Boards of Parties

i. The governing boards are the elected or appointed officials of the respective Party to this Agreement.

ii. Responsibilities: The governing boards of the Parties have the responsibility to take approval action on matters required by the terms of this Agreement and on matters recommended by the Policy Committee. Matters on which governing boards must take formal action include, but are not limited to, as follows:

1. Designation of an elected or appointed member or members to serve on the Policy Committee and set the term of service of each member so designated.

2. Approval of Annual Work Plans;

3. Amendments to the provisions of the Plan; and

4. Adoption or approval of other matters necessary for Plan implementation.

iii. Authority: A governing board of a Party shall exercise its decision-making authority only by adoption of a formal resolution. Governing boards must act on Policy Committee recommendations within 60 days after the day in which the Policy Committee formally adopted such recommendation. The decisions of the various governing boards of the Parties will be deemed approved for purposes of this Agreement when 2/3^{rds} of the governing bodies have adopted formal action on the respective recommendation.

b. Policy Committee

i. Responsibilities: The Policy Committee has the responsibility to develop and make recommendations on those matters that require approval by the governing boards of the Parties, including, but not limited to, annual work plans, additional parties to this Agreement, revisions and modifications to this Agreement and amendments to the Plan. Each member of the Policy Committee member shall serve as a liaison to his or her respective governing board: keep such governing board informed on the implementation of the Plan; and ensure that the preferences and ideas of such governing board are communicated to the Policy Committee.

ii. Composition: The Policy Committee shall be composed of one representative from each Party to this Agreement, except that Chisago County shall have three representatives seated on the Policy Committee. Each party may

also have one alternate in the absence of the designated representative. With exception of Chisago County, representatives and alternates must be an elected or appointed member of that Party's governing board and selected by the Party's governing board. The Chisago County Board of Commissioners must appoint three representatives to the Policy Committee, with one representative and an alternative representative each being a Commissioner and the two other representatives and respective alternatives to the Policy Committee appointed by the Chisago County Board of Commissioners as it may determine as appropriate. The term of each representative is decided by the appointing governing board.

iii. Governance: The Policy Committee shall be governed pursuant to by-laws and rules of procedure as the Policy Committee may develop, adopt and revise from time to time. The Policy Committee may utilize bylaws adopted in the preparation and development of the Plan and may revise the same to be suitable for purposes of Plan implementation. Bylaws and rules of procedure shall comply with relevant statutory provisions and be in as much as possible consistent with the terms of this Agreement. In the event of conflict or ambiguity, the terms of this Agreement shall prevail.

iv. Rules of Procedure: At a minimum, the rules of procedure of the Policy Committee must provide that:

1. The Policy Committee will have at least twice-annual meetings and special meetings as necessary for implementation of the Plan.
2. The Chair or any four representatives may call special meetings giving not less than 72 hours written notice of the time, place and purpose of such a meeting delivered by mail or email to each Party.
3. All meetings of the Policy Committee will comply with statutes and rules requiring open and public meetings. The official posting location for meeting dates and locations shall be the Lower St. Croix One Watershed One Plan website.
4. The conduct of all meetings of the Policy Committee shall be generally guided by the most recent edition of Robert's Rules of Order.
5. A quorum for decision-making shall consist of at least 50% plus one of the representatives.
6. Each representative present shall have one vote. All decisions shall be approved by a supermajority vote of 2/3rds of those representatives present. All votes shall be made in person, and no representative may appoint a proxy for any question coming before any meeting for a vote.

c. Advisory Committee

i. Responsibilities: The Advisory Committee has the responsibility to assist and advise the Policy Committee and to prepare and develop matters necessary for Policy Committee recommendation, including, but not limited to, annual work plans, and proposed amendments to the Plan and this

Agreement.

ii. Composition: The Advisory Committee is composed of staff of the Parties to this Agreement. Each Party may assign up to two staff to serve on the Advisory Committee. On a vote of two-thirds of its members present, the Policy Committee may increase the number of members on the Advisory Committee.

8. Administrative Coordinator

a. The Parties shall designate a Party to serve as Administrative Coordinator. The Administrative Coordinator has the responsibility to perform the administrative and coordinative work necessary for Plan implementation that is not associated with a specific implantation activity, project or program. The responsibility of the Administrative Coordinator may include serving as fiscal agent to accept and carryout all responsibilities associated with grants, grant agreements and financial transactions that are part of and related to grant agreement and contract implementation. Alternatively, the Parties may designate a separate Party to carry out fiscal agent responsibilities. A Party designated to serve as Administrative Coordinator or fiscal agent may assign that function to its staff or contract for such services.

b. The Parties agree that until the first annual work plan is adopted that the Washington Conservation District and Chisago Soil and Water Conservation District will be jointly designated as Administrative Coordinator. The first annual work plan and each annual work plan thereafter shall identify the Party that is the designated Administrative Coordinator and, as appropriate, the fiscal agent, for purposes of implementing that respective annual work plan.

c. The governing board of the Administrative Coordinator and fiscal agent is authorized to make payments and to take other actions within a respective approved annual work plan.

d. The costs and expenses incurred by a Party in performing the function of Administrative Coordinator and fiscal agent may be paid with grant funds, including state Watershed Based Implementation Funds unless prohibited by State policy, grant contract or law. In the event that these funds are unavailable or insufficient, such costs and expenses remain the financial responsibility of such Party incurring the same unless the Parties otherwise agree through an approved annual work plan or separate action adopted by the governing boards of the then existing parties.

9. Miscellaneous

a. Counterparts: This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one and the same agreement. Any counterpart signature transmitted by facsimile or by sending a scanned copy by electronic mail or similar electronic transmission shall be deemed an original signature. This executed Agreement including all counterparts shall be filed with each party to this agreement with a notification of the Agreement's effective date.

b. Amendments Any changes, amendments, or modifications to this Agreement may only be made formal resolution adopted by all of the governing boards of the then existing Parties.

c. Savings Clause: In the event that any provision of this Agreement is determined by a court of law to be null and void, the remaining provisions of this Agreement shall continue in full force and effect.

10. Authorized Representatives

The following persons have been authorized as representatives to act as the primary contact for all matters concerning this agreement are:

Anoka County, County Administrator Rhonda Sivarajah or successor
Chisago County, County Administrator Chase Burnham or successor
Isanti County, County Administrator Julia Lines or successor
Pine County, County Administrator David Minke or successor
Ramsey County, County Board Chair Toni Carter or successor
Washington County, County Administrator Kevin Corbid or successor
Anoka Conservation District, District Manager Chris Lord or successor
Chisago SWCD, District Manager Craig Mell or successor
Isanti SWCD, District Manager Tiffany Determan or successor
Pine SWCD, District Manager Jill Carlier or successor
Washington Conservation District, District Manager Jay Riggs or successor
Brown's Creek Watershed District, District Administrator Karen Kill or successor
Carnelian Marine St. Croix Watershed District, District Administrator Mike Isensee or successor
Comfort Lake Forest Lake Watershed District, Administrator Mike Kinney or successor
South Washington Watershed District, Administrator Matt Moore or successor
Valley Branch Watershed District, President Jill Lucas or successor
Middle St. Croix WMO, Administrator Matt Downing or successor
Sunrise River WMO, Chair Dan Babineau or successor

(Signature Pages begin on next Page).

IN TESTIMONY WHEREOF the Parties have duly executed this agreement by their duly authorized officers. *(Repeat this page for each participant)*

PARTNER: Chisago County

APPROVED:

BY: Ben Mathis 11/18/2020
Board Chair Date

BY: 11/18/2020
Manager/Administrator Date

APPROVED AS TO FORM *(use if necessary)*

BY: Jennet Reit 11/25/2020
County Attorney Date

CHISAGO COUNTY
NOV 18 2020
BOARD APPROVED

COUNTY OF CHISAGO

BOARD OF COMMISSIONERS
Chisago County Government Center
313 North Main Street, Room 172
Center City, MN 55012-9663

Phone: 651-213-8830 FAX: 651-213-8876

Commissioners:
District 1
Chris DuBose
District 2
Rick Greene
District 3
George McMahon
District 4
Ben Montzka
District 5
Mike Robinson

Commissioner DuBose offered the following resolution and moved its adoption:

RESOLUTION NO: 20/1118-2
RESOLUTION TO ADOPT THE LOWER ST. CROIX COMPREHENSIVE WATERSHED MANAGEMENT PLAN
AND ENTER INTO A JOINT POWERS AGREEMENT FOR THE IMPLEMENTATION OF THE LOWER ST. CROIX COMPREHENSIVE WATERSHED MANAGEMENT PLAN

WHEREAS, the Chisago County entered into the Lower St. Croix Watershed Memorandum of Agreement as a collaborative partner with 14 other political subdivisions and watershed management organizations to develop a comprehensive watershed management plan for the Lower St. Croix Watershed and the collaborative submitted a draft Lower St. Croix Comprehensive Watershed Management Plan to the Minnesota Board of Soil and Water Resources (BSWR) for State approval.

WHEREAS, on October 28, 2020, BWSR ordered the approval of the Lower St. Croix Comprehensive Watershed Management Plan, requiring the governing boards of the partnering organizations to make additional authorizations and approvals to move forward the important work of implementing Lower St. Croix Comprehensive Watershed Management Plan.

NOW, THEREFORE, BE IT RESOLVED that the Chisago County Board of Commissioners hereby adopts the Lower St. Croix Comprehensive Watershed Management Plan and such plan shall replace the Chisago County Water Plan for Chisago County purposes for the area of Chisago County identified within the Lower St. Croix Comprehensive Watershed Management Plan.

BE IT FURTHER RESOLVED that the Chisago County Board of Commissioners authorizes the implementation of the Lower St. Croix Comprehensive Watershed Management Plan for the area of Chisago County identified within said plan and directs the Environmental Services Director to administer the implementation of such portion of the plan on behalf of Chisago County.

BE IT FURTHER RESOLVED that, on behalf the Chisago County, the Chisago County Board of Commissioners withdraws from the Lower St. Croix Watershed Memorandum of Agreement and directs the Environmental Services Director to take all steps necessary to terminate and wind down the rights and obligations of Chisago County, including, but not limited to, giving notice of withdrawal to the partner organizations within 30-days of this resolution.

BE IT FURTHER RESOLVED that, pursuant to Minnesota Statute Section 471.59, the Chisago County Board of Commissioners authorizes and agrees to enter into the Joint Powers Agreement, attached hereto and incorporated herein, for the collaborative implementation of the Lower St. Croix Comprehensive Watershed Management Plan.

CHISAGO COUNTY

NOV 16 2020

BOARD APPROVED

BE IT FURTHER RESOLVED that the Chisago County Board of Commissioners shall appoint three regular representatives and three alternate representatives to the Policy Committee as provided in the Joint Powers Agreement, as follows:

1. One regular representative and one alternative representative shall be selected from those Commissioners of the Chisago County Board of Commissioners and be appointed to a one year term with the initial term expiring January 1, 2022.

2. One at-large regular representative shall be the Chairperson of the Lakes Improvement District Board or other member serving on the Lakes Improvement District Board as designated by its Chairperson and one at-large alternate representative shall be appointed upon recommendation of the Chairperson of the Lakes Improvement District Board, and each such at-large regular representative and at-large alternate representative shall be appointed by the County Board of Commissioners to serve a two year term, except that the initial term shall expire January 1, 2023.

3. One at-large regular representative and one at-large alternate representative shall be selected by the County Administrator and appointed by the County Board of Commissioners to serve a two year term, with the initial term expiring January 1, 2022.

BE IT FURTHER RESOLVED that the Chisago County Board of Commissioners authorizes and directs the Environmental Services Director to carry-out all duties and obligations required of Chisago County under the Joint Powers Agreement, including, but not limited to, designating Environmental Services Department staff to serve on the Advisory Committee under the Joint Powers Agreement.

BE IT FURTHER RESOLVED that Chisago County Board of Commissioners agrees to and adopt the designations of the Chisago Soil and Water Conservation District (SWCD) and Washington Conservation District to serve jointly as Administrative Coordinator and carry out all functions required of the initial Administrative Coordinator under the Joint Powers Agreement.

Commissioner McMahon seconded the resolution and upon a vote being taken thereon, the following voted:

IN FAVOR THEREOF: DuBose, McMahon, Montzka, Robinson
OPPOSED: None
ABSENT: Greene

Whereupon the proclamation was declared duly **passed** and **adopted**.

Approved: November 18, 2020

Ben Montzka
Chair, County Board

Attest:
Christina Vollrath
Interim Clerk of the Board

Lower St. Croix 1W1P
Watershed Based Implementation Funding
Work Plan

Approved by Policy Committee on January 25, 2021

Grant Activities

BWSR requires a narrative for each Grant Activity and a summary of persons conducting the work and their qualifications. The Grant Activities as identified in the Grant Work Plan are detailed in the table below. Two tables follow the Grant Activity descriptions: a budget and a table of measurable outcomes and milestones.

Activity #	Grant Activity	eLINK Activity Category
1	Basin Ag Outreach Program	Project Development
2	Structural Ag BMP Implementation	Agricultural Practices
3	Shared Services Educator	Education/Information
4	Non-Structural Ag/Urban Implementation	Non-Structural Management Practices
5	Structural Urban BMP Implementation	Urban Stormwater Practices
6	Wetland Restoration Implementation	Wetland Restoration/Creation
7	Internal Analyses	Planning and Assessment
8	Targeting Analyses	Planning and Assessment
9	Technical/Engineering	Technical/Engineering Assistance
10	Administration/Coordination	Administration/Coordination

Activity 1: Basin Ag Outreach Program

eLINK Activity Category: Project Development

Grant: $200,000

Match: $0

Match Source(s): N/A

Lead Agency(ies): Washington Conservation District

Staff qualifications: TBD (new hire)

Priority areas: Agronomy outreach specialist will focus on priority areas described in Structural Ag BMP Implementation and Non-Structural Ag/Urban Implementation

CWMP Reference: Page 61

Activity Description: Agronomy outreach specialist. (A) Shared Services: Hire or contract with an agricultural conservationist/agronomist (one individual) for basin wide assistance with agronomy, outreach, and technical assistance to agricultural producers including conservation planning and nutrient management plans. [Approximately 80% of this position's time will be directly working with agricultural producers in the LSC Watershed to identify economical farming practices with water quality benefits to make them a routine part of farm operations. A target is to interact with operators of both large and small operations with a cumulative total of at least 3,000 acres. 20% of the position will be support of implementation of BMPs led by others.]

This would allow for 1 full time agronomy outreach specialist to work basin-wide. Staff will work basin-wide and may have more than one office space. The hiring process for this position (e.g., development of the position description, posting of the position announcement, participation on the candidate interview panel, etc.) will be coordinated among multiple LSC partners. LSC partners will ensure duties assigned to this new staff member will be in alignment with WBIF funding intent and requirements.

Activity 2: Structural Ag BMP Implementation

eLINK Activity Category: Agricultural Practices

Grant: $160,000

Match: $75,000

Match Source(s): Federal NRCS programs, local funds

Lead Agency(ies): Chisago SWCD (subcontracts with local partners for specific projects)

Priority areas: Tier 1: Rock Lake, Rock Creek, Sunrise River, St. Croix River tribs with direct discharge to the St. Croix River. Tier 3: lakes that drain to St. Croix tribs. Projects may also occur at other priority waters in the LSC CWMP.

CWMP Reference: Page 61

Activity Description: Provide cost share for installing or implementing structural agricultural best management practices (e.g. feedlot improvements, buffers, WASCOBs, diversions, lined waterways, grade stabilization structures, vegetative swales, etc.). NRCS or other BWSR approved standards will be followed for all practices installed. Projects to be chosen through targeting and prioritization process described in Section VII.B. The target phosphorus load reduction for this Activity is 300 lb/yr.

Activity 3: Basin Water Outreach Program

eLINK Activity Category: Education/Information

Grant: $125,000

Match: $4,800

Match Source: Parties to the LSC JPC

Lead Agency(ies): Washington Conservation District

Staff qualifications: Angie Hong, Emily Johnson, new hire

Priority areas: Basin-wide

Measurable outcomes/milestones: See table below

CWMP Reference: Page 65

Activity Description: Facilitate shared education and outreach program across basin to provide education; engage residents, businesses, and local officials; and promote and market programs and practices. [80% = develop, distribute and implement outreach programs that result in behavioral changes achieving water quality benefits; 10% = AIS prevention outreach and education; 10% = solicit willing landowners to install BMPs that are goals within this plan. [0.5 FTE to expand EMWREP basin wide; $50,000/yr or $100,000/2 yrs]. Outreach will specifically include MIDS promotion to communities. Outreach will also include preliminary work with LGUs to set shoreline "view corridors" to 25% of lot width or maximum 35' width and maximum vegetation clearing standards or adopt innovative shoreland standards to protect buffers, native ecosystems, and habitat corridors. This work will provide water quality benefits through the protection of shoreline and streambank buffers. LSC partners will ensure duties assigned to this new staff member will be in alignment with WBIF funding intent and requirements.

Activity 4: Non-Structural Ag/Urban BMP Implementation

eLINK Activity Category: Non-Structural Management Practices

Grant: $200,000

Match: $0

Match Source(s): Federal NRCS programs, local funds

Lead Agency(ies): Chisago SWCD (subcontracts with local partners for specific projects)

Priority areas:

- **Ag:** Tier 1: Rock Lake, Rock Creek, Sunrise River, St. Croix River tribs with direct discharge. Tier 3: lakes that drain to St. Croix tribs. Projects may also occur at other priority waters in the LSC CWMP.
- **Urban:** Rush City, Harris, North Branch, Taylors Falls, Marine on the St. Croix, Stillwater, and MSCWMO cities. Projects may also occur at other priority waters in the LSC CWMP.

CWMP Reference: Pages 61 and 65

Activity Description: Provide cost share for implementing non-structural *agricultural* best management practices (e.g., soil health BMPs, reduced tillage, cover crops, nutrient management planning, forage/biomass plantings). NRCS or other BWSR approved standards will be followed for all practices installed. Projects to be chosen through targeting and prioritization process described in Section VII.B of CWMP.

Provide cost share for implementing non-structural *urban* best management practices (e.g., enhanced street sweeping). BWSR approved standards will be followed for all practices implemented. Projects to be chosen through targeting and prioritization process described in Section VII.B of CWMP. Specific enhanced street sweeping targeting analyses will be performed for priority areas. CLFLWD's 2018 Forest Lake Enhanced Street Sweeping Study may be used as an example for these studies.

The target phosphorus load reduction for this Activity is 400 lb/yr.

Activity 5: Structural Urban BMP Implementation

eLINK Activity Category: Urban Stormwater Practices

Grant: $200,000

Match: $50,000

Match Source(s): Local funds

Lead Agency(ies): Chisago SWCD (subcontracts with local partners for specific projects)

Priority areas: St. Croix River direct drainage, Sunrise River watershed, Fish Lake, Big Carnelian, Big Marine, Forest Lake. Projects may also occur at other priority waters in the LSC CWMP.

CWMP Reference: Page 65

Activity Description: Provide cost share for implementing structural urban best management practices (e.g. vegetated swales, pervious pavement, gully stabilization, rain gardens, and other urban practices). BWSR approved standards will be followed for all practices installed. Projects to be chosen through targeting and prioritization process described in Section VII.B. The target phosphorus load reduction for this Activity is 200 lb/yr.

Activity 6: Wetland Restoration Implementation

eLINK Activity Category: Wetland Restoration/Creation

Grant: $39,531

Match: $0

Match Source(s): N/A

Lead Agency(ies): Chisago SWCD (subcontracts with local partners for specific projects)

Priority areas: Priority wetland restorations will result in measurable improvements to rivers/streams in Table 5-2 and/or lakes in Table 5-3 of the LSC CWMP. Areas of particular concern include the St. Croix River direct drainage area, Sunrise River corridor, Rock Creek corridor and subwatersheds identified in Figure 5-5 of the LSC CWMP.

CWMP Reference: Page 70

Activity Description: This Activity will involve implementation of wetland restoration project(s) as needed to achieve a phosphorus reduction of at least 15 pounds per year for target waterbodies. The primary purpose of the wetland restoration project(s) will be for the improvement of water quality in receiving lakes/streams. Secondary benefits of wetland restoration projects will be considered as well, such as floodplain storage and habitat creation/enhancement. Wetland restorations will not be used to mitigate wetland impacts. LSC Partners will ensure proposed wetland restorations are consistent with WBIF eligibility requirements. LSC Partners will target specific restorations through utilization of existing studies and targeting analyses (e.g., drained wetland inventories, diagnostic studies, subwatershed assessments), performance of additional modeling analyses using existing data from said studies, and completion of additional targeting analyses as necessary to fill data gaps. Work pertaining to targeting strategies is included as part of other grant Activities.

At this time, three LSC Partners have identified potential wetland restoration projects:

- Anoka County: Hesse Property in Oxford Township of Isanti Co lateral ditch plug. Anoka and Isanti SWCDs are working together on this project. It is currently at the concept phase. Cost estimate: $55,000. Planned non-State match is $0 so far, but USFWS is a possibility.
- Chisago County: Checkerboard Park Restoration. Cost estimate: $40,000 match to acquire the Lutz property.
- CLFLWD: The WJD-6 Wetland Restoration Project is located in the Washington Judicial Ditch 6 subwatershed draining to Forest Lake. This project may result in a phosphorus reduction of up to 96 lb/yr to the east basin of Forest Lake; Forest Lake is listed in table 5-3 of the CWMP. Cost estimate: $450,000

The target phosphorus load reduction for this Activity is 15 lb/yr.

Activity 7: Internal Analyses

eLINK Activity Category: Planning and Assessment

Grant: $50,000

Match: $0

Match Source: N/A

Lead Agency(ies): Chisago County

Staff Qualifications: Work is likely to be performed by an outside consultant which will be vetted for staff qualifications.

Activity Description: Calculate internal loading of phosphorus on 2 lakes estimated at $25,000 each. Two lakes will be awarded through the project evaluation process identified in the plan. The group will develop a timeline for evaluating internal load evaluation for lakes. Internal load evaluation should only occur after external loading is substantially addressed.

Potential projects identified include:

- Linwood Lake and Martin Lake Anoka. Both are priority A for internal loading analysis in LSC CWMP Table 5-4.
- Goose Lake Washington. Priority B for internal loading analysis in CWMP Table 5-4. Water monitoring indicates watershed loads are addressed. Internal load reduction is the last step to delisting from MPCA Impaired waters list.
- Priority "A" lakes with Rush (E & W) and Goose Lakes as our preferred top three.
- Several basins in VBWD will analyzed over the next 2 years. Priority A Basin listed in Table 5-4, Downs Lake will be studied.
- Wallmark, Pioneer and North Goose Lakes in Chisago all priority A

Activity 8: Targeting Analyses

eLINK Activity Category: Planning and Assessment

Grant: $150,000

Match: $0

Match Source: N/A

Lead Agency(ies): Washington Conservation District (subcontracts with local partners for each subwatershed project)

Staff Qualifications: This task will be completed by existing qualified staff members of LSC Partner organizations.

Activity Description: All requested waterbodies are listed in tables 5.2 and 5.3 Regionally Significant Lakes, Rivers and Streams for Pollutant Reductions (ballpark cost estimate)

- Linwood Lake Anoka County ($10,000)
- St. Croix Direct Washington County ($15,000)
- Desktop Analysis and Prioritized Catchments of the Sunrise River Watershed Chisago ($10,000)
- Rock Lake Pine and St. Croix Direct Pine County ($20,000)
- Capacity building and information exchange ($5,000)

Targeted Street Sweeping Analysis for the following Cities with direct discharge to waterbodies listed in table 5.2. The initial estimate is this task will require approximately $40,000 for the following communities:

- Rush City
- Taylors Falls
- Harris
- North Branch
- Marine on St. Croix
- Stillwater
- Bayport
- Lakeland
- Lake St. Croix Beach
- Afton

Activity 9: Technical/Engineering

eLINK Activity Category: Technical/Engineering Assistance

Grant: $40,000

Match: $0

Match Source: N/A

Lead Agency(ies): Chisago SWCD (subcontracts with local partners for specific projects)

Staff Qualifications: This task will be completed by existing qualified staff members of LSC Partner organizations.

Activity Description: This Activity will include technical site assessment, surveys, preliminary analysis and design, final design, construction supervision, installation, inspection, and completion of projects. Funds may be used to contract with a third-party consultant for technical/engineering assistance. Funding allocation will be prioritized in areas where there are not local funds to support design work.

Activity 10: Administration/Coordination

eLINK Activity Category: Administration/Coordination

Grant: $100,000

Match: $0

Match Source: N/A

Lead Agency(ies): Chisago SWCD, EMWREP, CLFLWD (see role assignments below)

Activity Description: This Activity will include the following tasks (performed by the organizations listed in parentheses):

- Program and work plan coordination (New hire – see Basin Ag Outreach Program Activity)
- Grant and progress reporting (Comfort Lake-Forest Lake Watershed District)
- Work plan activity subcommittee coordination – note that subcommittees will perform project ranking as described by the associated work plan Activities (East Metro Water Resources Education Program)
- Policy Committee coordination (East Metro Water Resources Education Program)
- Website upkeep (East Metro Water Resources Education Program and Comfort Lake-Forest Lake Watershed District)
- Fiscal agent administration and contract coordination (Chisago SWCD)

Budget

Activity #	Grant Activity	eLINK Activity Category	Grant Budget	Match Budget
1	Basin Ag Outreach Program	Project Development	$200,000	$0
2	Structural Ag BMP Implementation	Agricultural Practices	$160,000	$75,000
3	Shared Services Educator	Education/Information	$125,000	$4,800
4	Non-Structural Ag/Urban Implementation	Non-Structural Management Practices	$200,000	$0
5	Structural Urban BMP Implementation	Urban Stormwater Practices	$200,000	$50,000
6	Wetland Restoration Implementation	Wetland Restoration/Creation	$39,531	$0
7	Internal Analyses	Planning and Assessment	$50,000	$0
8	Targeting Analyses	Planning and Assessment	$150,000	$0
9	Technical/Engineering	Technical/Engineering Assistance	$40,000	$0
10	Administration/Coordination	Administration/Coordination	$100,000	$0
TOTAL			**$1,264,531**	**$129,800**

Measurable Outcomes/Outputs and Milestones

Activity #	Grant Activity	Overall Measurable Outcome/Output	Year 1 (2021) Milestones	Year 2 (2022) Milestones
1	Basin Ag Outreach Program	Output: Engage agricultural landowners (of both large and small operations) with a cumulative total of at least 3,000 acres of land to implement structural and nonstructural BMPs as outlined in other Activities	Agronomy outreach specialist hired	
2	Structural Ag BMP Implementation	Outcome: reduce phosphorus loading to target waterbodies by 300 lb/yr		Implement 20 best management practices, or enough to achieve a 300 lb/yr phosphorus reduction
3	Shared Services Educator	Output: 0.5 FTE	New education staff hired, develop basin-wide outreach	Implement basin-wide outreach plan

			plan for 2021-22	
4	Non-Structural Ag/Urban Implementation	Outcomes: reduce phosphorus loading to target waterbodies by 400 lb/yr		Implement 2,000 acres of non-structural best management practices, or enough to achieve a 400 lb/yr phosphorus reduction
5	Structural Urban BMP Implementation	Outcomes: reduce phosphorus loading to target waterbodies by 200 lb/yr		Implement 20 best management practices, or enough to achieve a 200 lb/yr phosphorus reduction
6	Wetland Restoration Implementation	Outcomes: reduce phosphorus loading to target waterbodies by 15 lb/yr		Wetland restoration(s) construction
7	Internal Analyses	Outputs: Complete 2 internal loading analyses		Complete 2 internal loading analyses
8	Targeting Analyses	Outputs: Complete the following analyses • Linwood Lake Anoka County • St. Croix Direct Washington County • Desktop Analysis and Prioritized Catchments of the Sunrise River Watershed Chisago • Rock Lake Pine and St. Croix Direct Pine County • Capacity building and information exchange • Enhanced street sweeping analyses for Rush City, Taylors Falls, Harris, North Branch, Marine on St. Croix, Stillwater, Bayport, Lakeland, Lake St. Croix Beach, and Afton		
9	Technical/ Engineering			

10	Administration/ Coordination	Complete eLINK annual reporting as required	Complete annual report	Complete annual report
	Sum of outcomes:	**915 lb/yr TP reduction**		

Implementation Category Budget Breakdown

The following text appears on page 16 of the Lower St. Croix Comprehensive Watershed Management Plan:

In general, WBIFs are expected to be allocated across program areas with a distribution similar to:

- 70% Implementation (approximately 25% shared services + 45% BMPs & restoration/protection activities)
- 25% Prioritization and Analysis
- 5% Administration

The following tables summarize how this work plan compares to the estimated percentages in the CWMP.

Activity #	Grant Activity	eLINK Activity Category	Grant Budget	Match Budget
1	Basin Ag Outreach Program	Project Development	$200,000	$0
2	Structural Ag BMP Implementation	Agricultural Practices	$160,000	$75,000
3	Shared Services Educator	Education/Information	$125,000	$4,800
4	Non-Structural Ag/Urban Implementation	Non-Structural Management Practices	$200,000	$0
5	Structural Urban BMP Implementation	Urban Stormwater Practices	$200,000	$50,000
6	Wetland Restoration Implementation	Wetland Restoration/Creation	$39,531	$0
7	Internal Analyses	Planning and Assessment	$50,000	$0
8	Targeting Analyses	Planning and Assessment	$150,000	$0
9	Technical/Engineering	Technical/Engineering Assistance	$40,000	$0
10	Administration/Coordination	Administration/Coordination	$100,000	$0
TOTAL			**$1,264,531**	**$129,800**

	LSC CWMP (Page 16)	Work Plan (Grant Funds)
Implementation - BMPs/Restoration Activities	45%	47%
Implementation - Shared Services	25%	29%
Prioritization & Analysis	25%	16%
Administration	5%	8%
	100%	100%

Chisago County Request For Board Action

Meeting Date: February 17, 2021	***Item Number:*** 17
Title of Item for Consideration: Bird Netting for NB HHS Building	
Action Requested by: Jon Eckel, Director	***Department:*** Enterprise Services
Previous Action on this Matter: Project was approved in the 2021 Facility CIP.	

Background: For many years there has been an ongoing issue with swallows (birds) building nests under the eves of the North Branch HHS building. This creates a very unsanitary issue, in addition to individuals getting "dive bombed" by the birds. The swallows are federally protected migratory birds, and the County is not allowed to destroy the nests. The best option is to make the nesting area difficult for the birds to build nests. The County has tried ultrasonic "bird chasing" devices, with no success.

Two (2) options have been deemed feasible, one uses a net screen and cables to block the area off, the other option is a new design that uses plastic pieces to make the area tough for the birds to land on. The screen seems to create the least bird friendly environment as the area is physically blocked off, however it is the most noticeable. The other option of plastic blocks looks the best, but does not physically block the area off, it just makes it difficult for the birds to build nests. The costs are $9,989.00 for the screens and $13,324.00 for the plastic blocks.

The 2021 CIP budgeted $16,000.00 for the project. At this time the Enterprise Services Director is recommending the netting option.

Attachment(s):

- Quote and power point from Vendor

Action Requested/Recommended: The County Board is respectfully requested to approve the bird netting option to prevent the swallows from building nests at the North Branch HHS building. The following motion is suggested:

"Move to authorize the D.E.S. Director to issue purchase orders for the bird screening at the NB HHS building for a total cost of $9,989.99."

Implications of Action: This will reduce or eliminate the issue of the birds building nests under the eves of the NB HHS building.

Budget/Financial Implications: $16,000 was budgeted for the project in the approved 2021 Facility CIP. The bird netting option costs $9,989.00.

Legal/Policy Implications: The proposed activities are in general conformity with applicable state statutes and County authority and policies.

Administrator's Recommendation			
Approve CAS	Deny _____	Other _____	
Motion By:		Seconded by:	
To:			
Action on Motion:	Aye _____	Nay _____	Abstain _____

Rentokil

Ehrlich | Western | Presto-X

Your Local Pest Control Experts

February 11, 2021

Chisago County HHS-North Branch
6133 402nd Street
North Branch, MN 55056

Re: Barn Swallow Recommendations

Dear Mr. Benolken,

Thank you for the courtesies extended to Rentokil/Presto-X Bird Division in giving us the opportunity to quote the Health and Human Services building and Garage regarding pest bird control.

As you are aware, these pest birds create unsanitary, unsightly and corrosive conditions. The uric and nitric acid contained in wet droppings quickly erode all building surfaces and tend to create additional maintenance concerns. When excreted on walkways and steps, droppings present slippery, unsafe conditions. In addition, numerous viral and fungal diseases are enhanced by the accumulation of droppings and ectoparasites and other insects which breed in the droppings can be easily transmitted to building occupants. Thousands of cases of salmonella poisoning are attributed to bird droppings every year and this should be priority #1. Sweeping of the dried droppings makes them airborne and when inhaled causes histoplasmosis a lung borne disease that can be fatal.

Evaluation- In order to exclude barn swallows for making mud nests under the canopy of the Health and Human Services building as well as garage building, an exclusion by means of bird slope or netting is recommended to exclude the opportunity for the bird to access the 90 degree angle of the wall and roofline. Barn Swallows seasonally go to the same location each year to use their existing nests from the prior year or build new nests near the same nest location. Barn Swallows are a protected bird, so exclusion for this type of bird is the only recommendation that will solve this type of reoccurring nesting issue.

Netting Specifications

- Manufactured from multi-strand polypropylene fiber with ultra-violet inhibitors
- Burst strength of 454 lbs
- Melting point of 160-170°C
- Light weight - 40gsm
- Lightest of all commercial fibers with a specific gravity of 0.85

- Excellent insulator rating for use in applications near electrical fittings
- Resistant to acids and alkalis; cannot be ingested by insects, moth larvae, silverfish, etc.; will not support growth of mildew; resistant to abrasion, ultra-violet light, depreciation caused by repeated flexing as occurs under windy conditions.
- 10 year manufacturer's warranty against faulty workmanship, materials, and holes made by target birds

Bird Exclusion Investment-

Option #1-The cost to provide professional installation of vertical ¾ **bird netting** with hardware (as depicted in the attached powerpoint) under the overhang of the Health and Human Service building and Garage will be $9,989.00 plus applicable tax.

Option #2-The cost to provide professional installation of **bird slope** (as depicted in the attached powerpoint) under the overhang of the Health and Human Service building and Garage will be $13,324.00 plus applicable tax.

AUTHORIZATION

The Rentokil/Presto-X Bird Division, will provide the following control service(s), as outlined in our proposal letter dated February 11, 2021. Please check the services you want performed / complete and return this authorization sheet to brian.fistler@jcehrlich.com.

_____**Option #1-**The cost to provide professional installation of vertical ¾ bird netting with hardware (as depicted in the attached powerpoint) under the overhang of the Health and Human Service Building and Garage will be $9,989.00 plus applicable tax.

_____**Option #2-**The cost to provide professional installation of bird slope (as depicted in the attached powerpoint) under the overhang of the Health and Human Service Building and Garage will be $13,324.00 plus applicable tax.

AUTHORIZATION: _____

PLEASE PRINT NAME _____

DATE: _____ P. O. #_____

Contact to schedule service: _____

Thank you for the opportunity to provide you with this quotation for pest bird control. Should you have any questions about the quote or if we can be of further help, you can reach me (847) 224-5437 brian.fistler@jcehrlich.com.

Brian Fistler

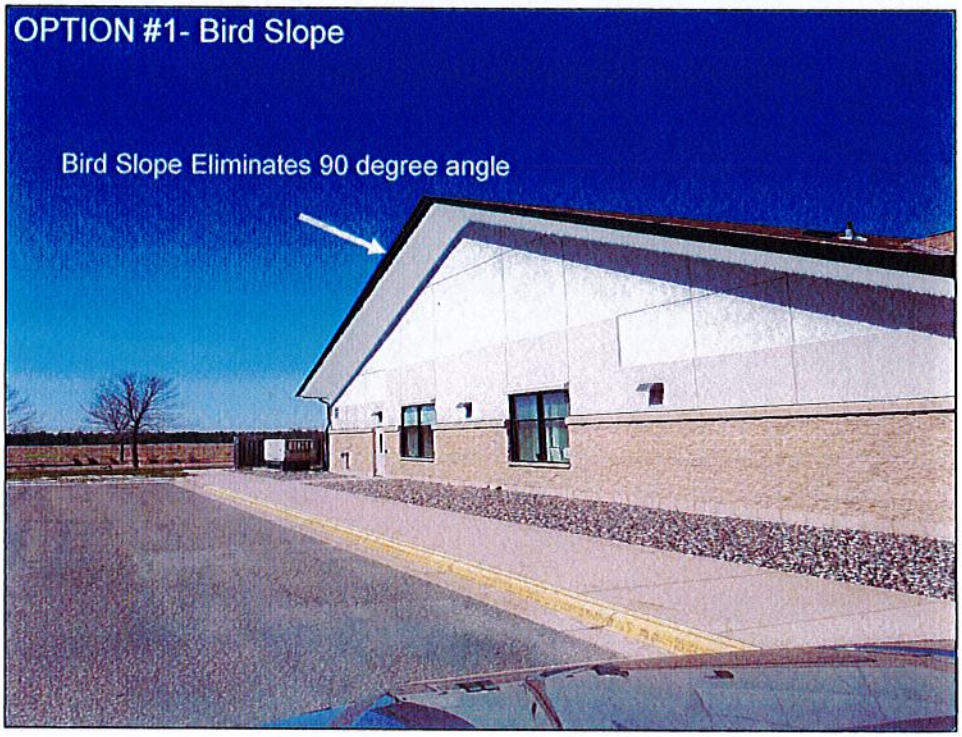
U.S. Central/Southeast Regional Bird Specialist

Rentokil
Ehrlich | Western | Presto-X
Your Local Pest Control Experts

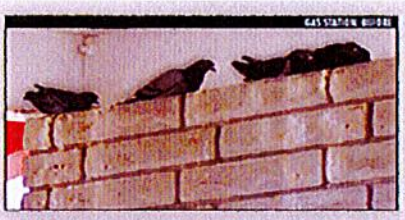
Chisago County HHS- North Branch
6133 402nd Street
North Branch, MN 55056

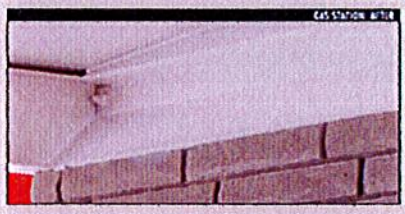
Rentokil
Ehrlich | Western | Presto-X
Your Local Pest Control Experts

OPTION #1- Bird Slope



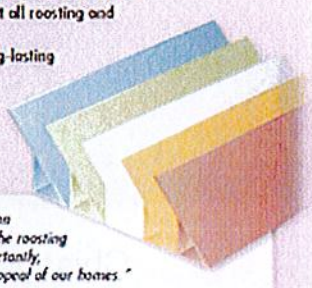
Bird Slope Option





A New Bird Control Barrier For Commercial And Residential Buildings

- Ideal for multi-story buildings, parking structures, warehouses, aviation hangars, and homes
- 100% effective against all roosting and nesting birds
- Easy to install and long-lasting protection
- Easily color-matched to structure
- Harmless to birds and environmentally safe

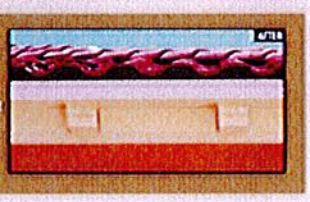


"Your product provided an effective shield against the roosting pigeons and, more importantly, it preserved the visual appeal of our homes."

Bird Slope

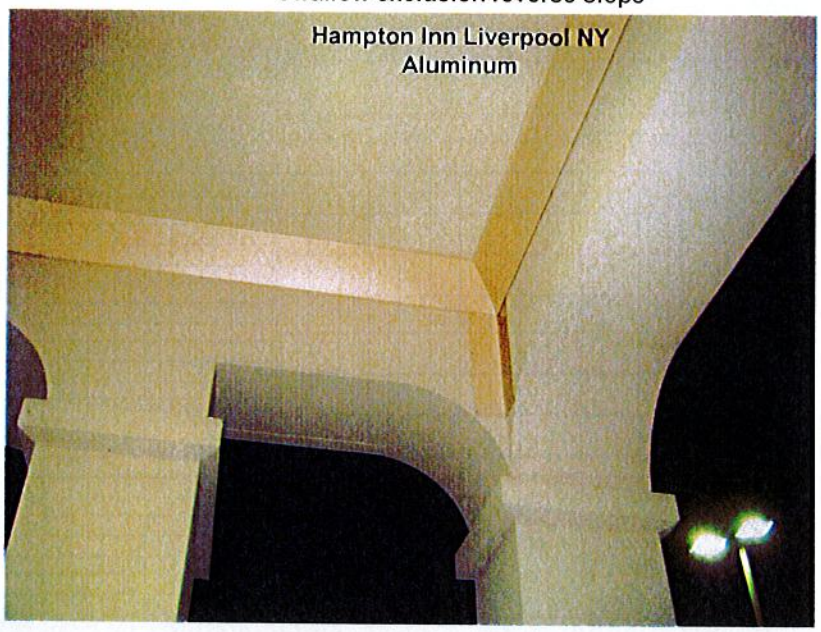
CLIFF SWALLOWS

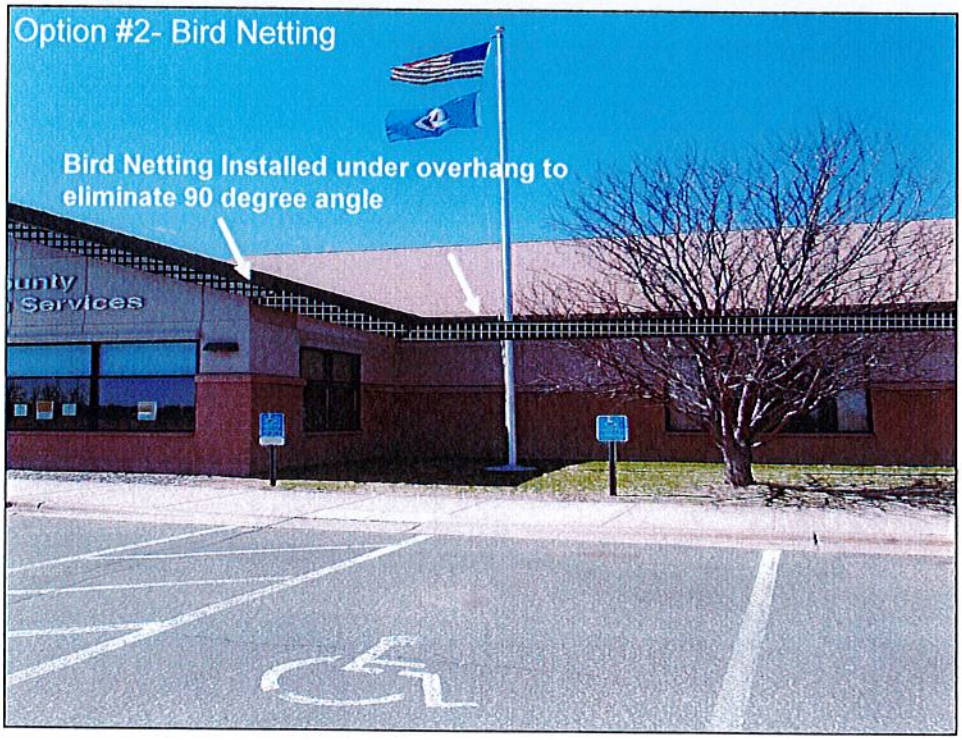
February 15 is the official start date of the annual Swallow migration. Cliff and Barn Swallows are federally protected species that can create messy and nasty under the eaves of homes and commercial buildings. Bird-Slide™ can be mounted upside down into the affected areas to block Swallow nesting and is virtually invisible when properly installed.

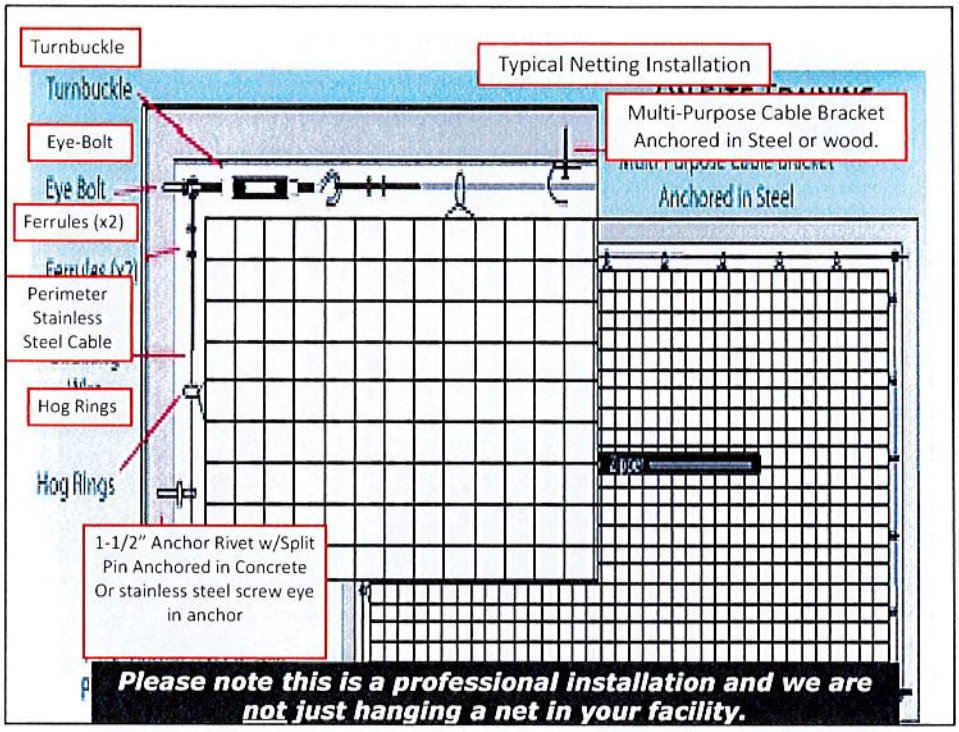


Similar bird slope project recently installed

Swallow exclusion reverse slope






Turnbuckle
Typical Netting Installation
Turnbuckle
Multi-Purpose Cable Bracket Anchored in Steel or wood.
Eye-Bolt
Eye Bolt
Anchored in Steel
Ferrules (x2)
Perimeter Stainless Steel Cable
Hog Rings
Hog Rings
1-1/2" Anchor Rivet w/Split Pin Anchored in Concrete Or stainless steel screw eye in anchor
Please note this is a professional installation and we are not just hanging a net in your facility.

Chisago County Request For Board Action

Meeting Date: February 17, 2021	***Item Number:*** 18
Title of Item for Consideration: Test Equipment and Software for ARMER System	
Action Requested by: Jon Eckel, Director	***Department:*** Enterprise Services
Previous Action on this Matter: Project was approved in the 2021 Technology CIP.	

Background: The ARMER system is a complex system that requires sophisticated test equipment and software to maintain it. The current equipment is over 10 years old and is not designed to do the current level of testing required to maintain the system.

The Anritsu test equipment has a total purchase price of $31,656.36. The Commasset software has a total cost of $14,615.00.

Attachment(s):

- Quotes

Action Requested/Recommended: The County Board is respectfully requested to approve the purchase of the Anritsu test equipment and Commasset software for the ARMER Radio System. The following motion is suggested:

"Move to authorize the DES Director to issue the necessary purchase orders and sign the required documents to purchase the Commasset software and Anritsu hardware."

Implications of Action: Needed to properly maintain the Chisago County ARMER system.

Budget/Financial Implications: Budgeted for in the Board approved 2021 Technology CIP. The total cost is $46,271.36 for the test equipment and software.

Legal/Policy Implications: The proposed activities are in general conformity with applicable state statutes and County authority and policies. The Anritsu test equipment is on GSA contract pricing.

Administrator's Recommendation

Approve CS	Deny _____	Other _____
Motion By:	Seconded by:	
To:		
Action on Motion:	Aye _____	Nay _____	Abstain _____

Anritsu envision : ensure

Customer	Customer Contact	Quote Number: Q10342
CHISAGO COUNTY 15140 PER ROAD CENTER CITY, MN 55012 UNITED STATES	Jake Thompson Phone: 612-322-2771 E-Mail: jake.thompson@chisagocounty.us	Quote Effective From: 1/27/2021 Quote Valid Through: 2/26/2021 Date Prepared: 1/27/2021 Payment Terms: NET 30 DAYS (upon approved credit) Currency USD Freight: DOM FOB Origin Order will ship UPS BLUE PP&A unless otherwise specified on Purchase Order Customer Reference

Anritsu Quote & Order Assistance	Anritsu Field Sales Contact
Elaine Petitclerc Phone: 1-800-ANRITSU (267-4878) **To Place an Order, Please Send PO to:** Anritsu Americas Sales Company 490 Jarvis Drive Morgan Hill, CA 95037 Fax: 408-201-1855 E-Mail: acus.orders@anritsu.com Please Reference Quote: Q10342	EIA - MIKE M Sales Rep: Bob Patrick Phone: 612-695-4055 E-Mail: bpatr26925@aol.com Anritsu Sales: MIKE MIKKELSEN Phone: 617-448-7807 E-Mail: mike.mikkelsen@anritsu.com

Important Information:

Discounted demonstration equipment is available for select models. This equipment is backed by the product's standard new equipment warranty. For availability and pricing, please contact the Anritsu Customer Support Center at 1-(800)-ANRITSU (267-4878).

All prices shown are Anritsu List Price before tax. Prices exclude any sales, value added or similar tax. To claim exemption from sales tax you must provide a valid Tax Exemption Certificate, referencing Anritsu Company as the vendor, together with your Purchase Order.

These commodities are subject to U.S. Department of Commerce Export Regulations. Diversion contrary to U.S. Law prohibited. This quotation is valid for end use in the U.S. only. All quotations are subject to end-use/user verification and approval.

This quotation is for solicitation purposes only and does not constitute an offer.

Preservation, packaging and packing in accordance with manufacturer's standard commercial practice, unless otherwise stated.

Anritsu envision : ensure

Quote Number: Q10342

Comments

Items quoted with sales discount.

Line	Qty	Product	Product Description	Standard Delivery Time (wks)	List Price	Net Disc%	Net Price	Extended Price
1.01	1	S412E	LMR MASTER, 500 KHZ - 1600 MHZ LAND MOBILE RADIO MODULATION ANALYZER AND SIGNAL GENERATOR, VECTOR NETWORK ANALYZER, SPECTRUM ANALYZER. SUPPLIED WITH 3 YEAR WARRANTY COVERAGE	2-4 ARO	14,370.00	8.00%	13,220.40	13,220.40
1.02	1	S412E-0031	OPTION 31, GPS RECEIVER (REQUIRES GPS ANTENNA, SOLD SEPARATELY)	2-4 ARO	480.00	8.00%	441.60	441.60
1.03	1	S412E-0431	OPTION 431, COVERAGE MAPPING (REQUIRES OPTION 31)	2-4 ARO	2,575.00	8.00%	2,369.00	2,369.00
1.04	1	S412E-0509	OPTION 509, AM/FM/PM ANALYZER WITH COVERAGE MAPPING (OPTIONS 31 AND 431 ARE REQUIRED FOR UTILIZATION OF COVERAGE MAPPING FEATURE)	2-4 ARO	670.00	8.00%	616.40	616.40
1.05	1	S412E-0521	OPTION 521, P25 AND P25 PHASE 2 ANALYZER	2-4 ARO	4,535.00	8.00%	4,172.20	4,172.20
1.06	1	S412E-0522	OPTION 522 P25 & P25 PHASE 2 COVERAGE (REQUIRES OPTIONS 31 AND 521)	2-4 ARO	1,930.00	8.00%	1,775.60	1,775.60
1.07	1	MA25200A	HIGH POWER TX/RX INPUT PROTECTION MODULE. SUPPLIED WITH 1 YEAR WARRANTY COVERAGE	2-4 ARO	1,545.00	8.00%	1,421.40	1,421.40
1.08	1	2000-1528-R	MAGNET MOUNT GPS ANTENNA (ACTIVE 3-5V) WITH SMA CONNECTOR AND 4.6 M (15 FT) EXTENSION CABLE (REQUIRED FOR UNITS WITH OPTION 31). SUPPLIED WITH 1 YEAR WARRANTY COVERAGE	2-4 ARO	75.00	8.00%	69.00	69.00
1.09	1	1091-27-R	ADAPTER, DC TO 18 GHZ, N(M)-SMA(F), 50 OHMS. SUPPLIED WITH 1 YEAR WARRANTYCOVERAGE.	4-6 ARO	128.00	8.00%	117.76	117.76
1.10	1	TOSLN50A-8	COAXIAL CALIBRATION KIT, TYPE N(M), DC TO 8 GHZ, 50 OHMS. SUPPLIED WITH 1 YEAR WARRANTY COVERAGE.	3-5 ARO	1,095.00	8.00%	1,007.40	1,007.40

Anritsu envision : ensure

Quote Number: Q10342

Line	Qty	Product	Product Description	Standard Delivery Time (wks)	List Price	Net Disc%	Net Price	Extended Price
1.11	1	SM/PL-1	PRECISION N(M) LOAD, 6.0 GHZ, 42DB. SUPPLIED WITH 1 YEAR WARRANTY COVERAGE	2-4 ARO	335.00	8.00%	308.20	308.20
1.12	2	15NNF50-1.5C	TEST PORT EXTENSION CABLE, ARMORED, 1.5 METERS, DC TO 6.0 GHZ, N(M) - N(F),50 OHMS. SUPPLIED WITH 90 DAY WARRANTY COVERAGE.	2-4 ARO	510.00	8.00%	469.20	938.40
1.13	1	760-243-R	TRANSIT CASE (RECOMMENDED CASE FOR ALL HANDHELD PRODUCTS). SUPPLIED WITH 90 DAY WARRANTY COVERAGE	2-4 ARO	620.00	8.00%	570.40	570.40
			SubTotal List Price USD			**29,378.00**		
			SubTotal Discount USD			**(2,350.24)**		
			SubTotal Extended Price USD			**27,027.76**		
2.01	1	S412E-ES513	5 YEAR EXTENDED SERVICE - RETURN TO ANRITSU REPAIR AND STANDARD CALIBRATION	Available	4,440.00	0.00%	4,440.00	4,440.00
			SubTotal List Price USD			**4,440.00**		
			SubTotal Extended Price USD			**4,440.00**		

Total List Price:		33,818.00
Total Discount:		2,350.24
Estimated Freight Charges		188.60
Total Extended Price:	USD	31,656.36

Anritsu envision : ensure

Quote Number: Q10342

ANRITSU EXTENDED SERVICE (ES) PROGRAM DESCRIPTION

Our Extended Service (ES) options allow customers to lock in maintenance cost savings at the time of equipment purchase for maximum benefit and to experience the peace of mind associated with buying support beyond the equipment's original warranty. Each option extends the benefits of factory warranties to provide 2, 3, or 5 years of service and delivers quality on-site or return to Anritsu Service Center repairs and calibrations.

Please call 1-800-ANRITSU (267-4878) for more information .

If you would like to receive an ISO17025 compliant Certificate of Calibration with your new unit, you will need to order Option 98. If you also need calibration data with the Certificate order Option 99 instead of Option 98.

On site repair and calibration support options are not available in all states. Please contact your local Sales Engineer to check availability in your area.

- ***Option ES210 Return to Anritsu Repair Only (no calibration)***

Option ES210 extends the repair portion of the product's factory warranty to 2 years. Your Anritsu Service Center provides all labor and material needed for repair. This option excludes calibration after repair and routine calibration/verification.

- ***Option ES310 Return to Anritsu Repair Only (no calibration)***

Option ES310 extends the repair portion of the product's factory warranty to 3 years. Your Anritsu Service Center provides all labor and material needed for repair. This option excludes calibration after repair and routine calibration/verification.

- ***Option ES312 Return to Anritsu Standard Calibration***

Option ES312 provides 3 years of return to Anritsu Service Center Z540 calibrations at factory-recommended intervals, enabling you to maintain equipment in compliance with ANSI/NCSL Z540-1-1994.

Included are the following:

- Pre-calibration test data for out of tolerance parameters
- a Certificate of Calibration which attests to compliance with ANSI/NCSL Z540-1-1994 and NIST traceability
- a calibration sticker indicating the date of calibration and the recommended recalibration date
- a free calibration after any repair performed by Anritsu

- ***Option ES313 Return to Anritsu Repair & Standard Calibration***

Option ES313 extends the repair portion of the product's factory warranty to 3 years and provides 3 years of return to Anritsu Service Center Z540 standard calibrations at factory-recommended intervals. Your Anritsu Service Center provides all labor and material needed for repair.

Included are the following:

- Pre-calibration test data for out of tolerance parameters
- a Certificate of Calibration which attests to compliance with ANSI/NCSL Z540-1-1994 and NIST traceability
- a calibration sticker indicating the date of calibration and the recommended recalibration date
- a free calibration after any repair performed by Anritsu

- ***Option ES315 Return to Anritsu Premium Calibration***

Option ES315 provides 3 years of return to Anritsu Service Center Z540 calibrations at factory-recommended intervals.

Included are the following:

- Pre-calibration test data for out of tolerance parameters
- a Certificate of Calibration which attests to compliance with ANSI/NCSL Z540-1-1994 and NIST traceability
- a calibration sticker indicating the date of calibration and the recommended recalibration date
- a free calibration after any repair performed by Anritsu

- ***Option ES316 Return to Anritsu Repair & Premium Calibration***

Option ES316 extends the repair portion of the product's factory warranty to 3 years and provides 3 years of return to Anritsu Service Center Z540 premium calibrations at factory-recommended intervals. Your Anritsu Service Center provides all labor and material needed for repair.

Included are the following:

- a Certificate of Calibration which attests to compliance with ANSI/NCSL Z540-1-1994 and NIST
- a full set of before and after adjustment test data
- a calibration sticker indicating the date of calibration and the recommended recalibration date
- a free calibration after any repair performed by Anritsu

- ***Option ES510 Return to Anritsu Repair Only (no calibration)***

Option ES510 extends the repair portion of the product's factory warranty to 5 years. Your Anritsu Service Center provides all labor and material needed for repair. This option excludes calibration after repair and routine calibration/verification.

- ***Option ES512 Return to Anritsu Standard Calibration***

Option ES512 provides 5 years of return to Anritsu Service Center Z540 calibrations at factory-recommended intervals, enabling you to maintain equipment in compliance with ANSI/NCSL Z540-1-1994.

Included are the following:

- Pre-calibration test data for out of tolerance parameters
- a Certificate of Calibration which attests to compliance with ANSI/NCSL Z540-1-1994 and NIST traceability
- a calibration sticker indicating the date of calibration and the recommended recalibration date
- a free calibration after any repair performed by Anritsu

- ***Option ES513 Return to Anritsu Repair & Standard Calibration***

Option ES513 extends the repair portion of the product's factory warranty to 5 years and provides 5 years of return to Anritsu Service Center Z540 standard calibrations at factory-recommended intervals. Your Anritsu Service Center provides all labor and material needed for repair.

Included are the following:

- Pre-calibration test data for out of tolerance parameters
- a Certificate of Calibration which attests to compliance with ANSI/NCSL Z540-1-1994 and NIST traceability
- a calibration sticker indicating the date of calibration and the recommended recalibration date
- a free calibration after any repair performed by Anritsu

- ***Option ES515 Return to Anritsu Premium Calibration***

Option ES515 provides 5 years of return to Anritsu Service Center Z540 calibrations at factory-recommended intervals.

Included are the following:

- a Certificate of Calibration which attests to compliance with ANSI/NCSL Z540-1-1994 and NIST traceability
- a full set of before and after adjustment test data
- a calibration sticker indicating the date of calibration and the recommended recalibration date
- a free calibration after any repair performed by Anritsu

- ***Option ES516 Return to Anritsu Repair & Premium Calibration***

Option ES516 extends the repair portion of the product's factory warranty to 5 years and provides 5 years of return to Anritsu Service Center Z540 premium calibrations at factory-recommended intervals. Your Anritsu Service Center provides all labor and material needed for repair.

Included are the following:

- a Certificate of Calibration which attests to compliance with ANSI/NCSL Z540-1-1994 and NIST traceability
- a full set of before and after adjustment test data
- a calibration sticker indicating the date of calibration and the recommended recalibration date
- a free calibration after any repair performed by Anritsu

TERMS AND CONDITIONS OF SALE

Quote Number: Q10342

1. Order of Precedence
   a. All orders are subject to written approval and acceptance by **Anritsu Company** ("Anritsu") at its home office in Morgan Hill, California, and are expressly conditioned upon the Terms and Conditions of Sale set forth herein.
   b. A Buyer's purchase order which may be set forth on a form purporting to expand, alter, or amend these terms and conditions is expressly rejected and does not and will not become a part of any resulting agreement between the Buyer and Anritsu unless expressly accepted in writing by an authorized signatory of Anritsu. Partial performance on the part of Anritsu and/or Buyer shall conclusively establish an agreement based only on the terms and conditions herein set forth.
2. Prices
   Unless otherwise stated, all prices are exclusive of insurance and all taxes including state and local use, sales, property (ad valorem) and similar taxes. When applicable, such taxes will appear as separate line items on our invoices.
3. Payment and Security Terms
   a. Should Buyer become delinquent in the payment of any sum due Anritsu, after ten (10) days from the date of written notice to Buyer, Anritsu shall not be obligated to continue performance under any agreement with Buyer.
   b. Buyer hereby grants and Anritsu reserves a purchase money security interest in each product purchased hereunder, and in any proceeds thereof, for the amount of its purchase price. Upon request by Anritsu, Buyer shall sign any document required to perfect such security interest. Payment in full of the purchase price of any product purchased hereunder shall release the security interest on that product.
4. Delivery
   We will make every reasonable effort to meet any estimated delivery date set forth on our quotation and confirmed in our acknowledgement to your order. However, Anritsu is not liable for any loss (consequential or otherwise) due to delay in performance or shipment hereunder because of any unforeseen circumstances or causes beyond our control.
5. Warranty
   a. All Anritsu Products come with a standard warranty against defects in materials and workmanship. Anritsu's obligation covers repairing, or at our option, replacing products which prove to be defective during the warranty period. For specific warranty information please visit www.anritsu.com. All products shall be returned with transport charges prepaid to Anritsu. Anritsu's obligation is limited to its original direct customer, or its distributor's original direct end use customer only; the warranty is not transferrable. Anritsu shall have no responsibility under this warranty concerning apparent defects, which have been caused by misuse, improper application or installation, neglect, unauthorized repair or negligence in use. Software licenses and support agreements are also non transferrable.
   b. THE WARRANTY SET FORTH ABOVE IS EXCLUSIVE AND NO OTHER WARRANTEE, WHETHER WRITTEN OR ORAL, IS EXPRESSED OR IMPLIED. ANRITSU SPECIFICALLY DISCLAIMS THE IMPLIED WARRANTY OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.
6. Limitation of remedies and Liabilities
   THE REMEDIES PROVIDED HEREIN ARE BUYER'S SOLE AND EXCLUSIVE REMEDIES, IN NO EVENT SHALL ANRITSU BE LIABLE FOR DIRECT, INDIRECT, SPECIAL, INCIDENTIAL, OF CONSEQUENTIL DAMAGES (INCLUDING LOSS OF PROFITS) WHETHER BASED ON CONTRACT, TORT OR ANY OTHER LEGAL THEORY.
7. Miscellaneous
   a. Cancellations
      (i) Orders for Non-Standard, Custom, or Build to order products may not be cancelled, or the Products returned by buyer. Anritsu will notify Buyer at the time of placement of the order that the order may not be cancelled, nor the Product returned absent material defect.
      (ii) Software License and Support Agreements are may be cancelled upon sixty (60) days advance written notice. Payments previously made are not refundable.
      (iii) Orders for Standard, Catalog Products, Commercial Off the Shelf (COTS) Products may be cancelled up to thirty (30) days prior to the scheduled shipping date with no fees or penalties. If Buyer requests cancellation within thirty (30) days of the scheduled shipping date, Anritsu reserves the right to charge a twenty five percent (25%) cancellation and re-stocking fee.
   b. Shipment Rescheduling. Buyer may reschedule shipment dates for Standard, Catalog Product, and COTS Products at no fee, for out to ninety (90) days, upon giving Anritsu not less than ten (10) days advance, written notice.
   c. Returns. Buyer may return a Product via a Return Materials Authorization ("RMA") within thirty (30) days of the date of invoice. Following evaluation and approval by Anritsu, a standard re-stocking fee of twenty five percent (25%) of the order value will be assessed. All returned Products must be in new and unused condition.
   d. Notices. Any required notices shall be given in writing at the address of each party set forth on the reverse side hereof, or at such other address as either party may substitute by written notice to the other party.
   e. Termination. Anritsu reserves the right, as well as any other remedy, to terminate this agreement or to suspend further deliveries under this agreement in the event Buyer does not comply with the terms of payment.
   f. Waiver. Any waiver on the part of Anritsu of any term and/or condition contained herein shall be a waiver as to such term or condition only and shall not be construed to be a waiver of any other provisions hereunder.
   g. Interest and Attorney's Fees. Should Anritsu be required to utilize the services of an attorney or resort to any legal proceedings to collect any amount due form Buyer, then Buyer shall be liable, in addition to interest at the maximum legal rate form the date such amount is due, for reasonable attorney's fees and/or court costs.
   h. Export. Buyer shall not export or re-export technical data of any goods or products supplied by Anritsu directly or through others, to the proscribed countries, or foreign nationals of those countries and/or denied parties, listed in Section 746, 764 and associated or successor sections of the U.S. Export Administration Regulations unless properly authorized by the U.S. government.
   i. Choice of Law. This agreement, and the rights of the parties hereunder, shall be interpreted and determined by the laws of the State of California, and all disputes shall be subjected to the jurisdiction of the courts with in the State of California.
   j. Service Contract Pricing. Service Contract purchases are paid in full up front, and service provided thereafter for the agreed upon period. No refunds will be paid regardless of circumstances in the event customer fails to utilize repair or maintenance services during the contracted period.

MCM Technology, LLC
3510 Vann Road, Suite 105
Birmingham, AL 35235
(205) 655-8949

This quote is intended exclusively for the Project and Licensee stated below

Proposed to:

Customer: Chisago County, MN
Quick Quote: Chisago County, MN_4
Contact: Jake Thompson
Email: Jake.Thompson@chisagocounty.us

License Key: LN44076-6748719

Proposal Date: 9/2/2020
Proposal Expiration: 3/1/2021
Channel Contact(s): -Unknown-
MCM Rep: AP
Quote #: Chisago County, MN_4_20200902

		Qty	Unit Price	Extended	Discount Price
Software Applications					
	Number of Months Quoted:	12			
Subscription Licensing					
4071-MO-CA-S	Commasset powered by Motiondeck (per user / per year)	1	$ 2,100.00	$ 2,100.00	$ 1,785.00
	Total Software Subscription Fees: *(Support & Maint Included in Subscription Fee)*			**$ 2,100.00**	**$ 1,785.00**
PROFESSIONAL SERVICE BUNDLES *					
4011-MO-CA-PSB-XS	Commasset Prof Svcs Installation Bundle	1	$ 12,500.00	$ 12,500.00	$ 10,625.00
	Total Professional Service Bundles:			**$ 12,500.00**	**$ 10,625.00**
	TOTAL YEAR-ONE COSTS:			**$ 14,600.00**	**$ 12,410.00**
4071-MO-CA-L-SM2	**** Year 2 Annual Subscription, Support & Maintenance (includes hosting fees)**			$ 2,205.00	$ 2,205.00

All Pricing is quoted in US Dollars. Taxes are not included in pricing, and would be additional, if applicable, and would be the obligation of the customer.

** Support & Maintenance (and/or subscription license, if applicable) shall be renewable annually for any number of 12 month terms. The annual renewal rate shall be determined based upon the prevailing rates at the time of the renewal. At no time shall the renewal rate increase more than 5% over the prior year's rate. The full year's renewal fees are prepaid and are due and payable at the time of the renewal. Support & Maintenance includes: technical support regarding software questions; guidance regarding operational interactions; release updates to existing modules; patches & fixes; and new enhancements.

Future years of this quote have an annual increase of 5.0%

* Professional Services Bundles inlcude any number of the "non-bundled" Professional Services listed above, including those necessary for the imlementation of the purchased Software Applications.

Chisago County Request For Board Action

Meeting Date: February 17, 2021	***Item Number:*** 19
Title of Item for Consideration: Request to Hold a Public Hearing to Consider an Economic Development Tax Abatement – All Mac, Inc	
Action Requested by: Nancy Hoffman, Executive Director	***Department:*** HRA-EDA
Previous Action on this Matter: None.	
Background: The Chisago County HRA-EDA met on January 26, 2021 and a reviewed a request from All Mac, Inc who is purchasing property in Stacy, MN. The site is located on the NE corner of I-35 and County Rd 19. They will be building a 60 x 80 building and improving the buildings currently at the site. Taxes generated on the new building will be $5000 per year and they are requesting 5 years of rebate for a total of $25,000. The HRA-EDA recommends that the County hold a public hearing to consider approval of the tax abatement for All Mac, Inc.	
Action Requested/Recommended: The County Board is respectfully requested to approve holding a public hearing to consider an Economic Development Tax Abatement for All Mac, Inc. to be held on April 21, 2021 at 7:00 p.m. The following motion is suggested: ***"Move to approve holding a public hearing to consider an Economic Development Tax Abatement for All Mac, Inc. to be held on April 21, 2021 at 7:00 p.m."***	
Implications of Action: The tax abatement will assist the business to locate in Chisago County. ***Budget/Financial Implications:*** Additional real estate taxes due to a new business in the County. ***Legal/Policy Implications:*** The proposed activities are in general conformity with applicable state statutes and County authority and policies. The County Attorney has approved as to form.	

Administrator's Recommendation

Approve _____	Deny _____	Other _____
Motion By:	Seconded by:	
To:		
Action on Motion:	Aye _____	Nay _____	Abstain _____

Corr.

Minnesota Inter-County Association

(651)222-8737 | www.MICA.org

MICA Weekly Legislative Update

Issue No. 6 February 8, 2021

BENTON · BLUE EARTH · CARVER · CHISAGO · CROW WING · DAKOTA · OLMSTED · OTTER TAIL · RICE · ST. LOUIS · SCOTT · SHERBURNE · STEARNS · WASHINGTON · WINONA

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Taxes & Fiscal Policy
Transportation
Health and Human Services
Corrections & Public Safety
Environment
Local Governance & Other
Human Resources & Pensions

LEADERSHIP & OVERALL

The Presidential Impeachment Trial begins this week in the U.S. Senate. The final shape of President Biden's proposed $1.9 trillion COVID rescue plan is, however, will have a much more direct impact on state budget decisions that could impact counties this session, along with of course, the ongoing vaccine roll-out and the uncertain path of virus mutations. The COVID rescue bill, depending on its timing, could significantly reshape the current state budget deficit conditions.

Last week, both houses of Congress approved a budget resolution setting procedures in motion that will allow for passage of the COVID rescue package with a simple majority in the Senate. The process makes it more likely the final package will include funding for state and local governments, which has been one of the more controversial aspects of the package. As initially proposed, and summarized here by NACO, the package calls for $350 billion for state and local governments – over twice the funds allocated through the CARES Coronavirus Relief Fund (CRF) last Summer—which sent nearly $2.2 billion to Minnesota state and local governments, not including direct assistance to schools, targeted funding for numerous programs administered by or through the state, higher education, and more.

Back home in Minnesota, policymakers are at odds over how to prepare and fund preparations for the upcoming trials related to the killing of George Floyd, as well as pandemic response and vaccine rollout. House and Senate committee hearings have largely moved pas general overviews and begun hearing the Governor's budget and individual bills.

BONDING / CAPITAL INVESTMENT— MATT MASSMAN (651-222-8737) LAST WEEK

LAST WEEK

On January 29, the House Capital Investment and Climate and Energy Finance and Policy Committees held a joint hearing to consider the impact of changing climate on infrastructure resiliency and costs. At the hearing, UMN researchers presented data showing average annual temperature changes have increased about 3 degrees for most of Minnesota, and explained changing temperatures, moisture, and weather over the past hundred plus years.

On Tuesday, the State Homeland Security and Emergency Management (HSEM) Office, Minnesota Pollution Control Agency (MPCA), Insurance Federal and others presented information on

trends in natural disasters, and related risk management, resiliency, and costs implications.

The Senate Capital Investment Committee met on Friday for an overview of state capital budget process and fiscal issues.

This Week

Tuesday (8:30 a.m.), the House Capital Investment Committee will meet and discuss Housing Infrastructure Bonds. On Thursday, the Committee will hear the funding needs of the Public Facilities Authority (PFA) and two bills:

HF99 (Hansen, R.-Dakota), to appropriate $15.5 million to the Board of Soil and Water Conservation (BWSR)) to purchase conservation easements through the Reinvest in Minnesota (RIM).
HF402 (Hansen, R.-Dakota) appropriating $20 million to the Metropolitan Council to make inflow and infiltration (sewer system) grants to cities in the metro area.

No Senate hearings are currently scheduled.

Taxes & Fiscal Policy — Matt Massman (651-222-8737)

Last Week

On Tuesday, Neel Kashkari, President of the Minneapolis Federal Reserve Bank, testified before to the Senate Finance Committee offering comments on federal stimulus and urging employers seeking to fill open positions to raise their pay. In both testimony and this article, Kashkari explained that while the official unemployment rate is 6.7%, he believes true unemployment stands at about 10%, but is disproportionately impacted certain segments of the economy.

Tuesday afternoon, the House Tax Committee received an overview of federal individual and corporate tax conformity provisions. At present, Minnesota has not taken action to conform to four federal tax laws: including related to the Paycheck Protection Program (PPP). In total, it would cost the state General Fund $775 million in FY 2022-23 to conform to all four laws, including $438 million just to conform to federal tax treatment for PPP forgivable loans, including allowing small businesses to both not claim PPP loans as revenue while continuing to deduct expenses for which they received the PPP loans.

The Wednesday Senate Property Tax Division heard a variety of public input on SF316 (Senjem), proposing a 0.25% class rate on the full value of all Class 4d property, including developers and housing advocates who support the bill, and from local governments concerned that the tax relief is paid for by shifting taxes on to other homeowners, renters, and businesses who may themselves be facing financial hardships. Several committee members suggested that the bill might be improved by incorporating expectations that the tax relief be passed along to the renters; it is not clear who or how this would be verified.

Among bill introductions included three proposals from Representative Quam (Olmsted), including:

- HF540 (Quam) creating business retention zones and allowing cities to reduce business property values in designated zones.
- HF541 (Quam) proposing to amend the Minnesota Constitution to allow owners of agricultural land, real property, or small business property to vote on levy or bond referendums jurisdictions where they own property.
- HF542 (Quam) creating a senior citizens' property tax credit to be administered and computed locally, and reimbursed by the state.

On Thursday, LMC, MICA and AMC coordinated testimony in support of SF216 (Rarick) providing

for a general law refund exemption for local government purchases of construction materials.

Several bills heard in Wednesday's House Property Tax Division generated discussion among committee members as to whether HF195 (Dettmer) proposal to move the deadlines for homestead occupancy and for applying for homestead status to December 31 would provide some counties enough time to administer applications; (currently December 15). Additionally, most committee members agreed a statewide funding solution for Soil and Water Conservation Districts is needed, but questioned whether HF180 (Sundin) proposal to deem the Carlton and Pine County SWCD as special taxing districts was the best approach.

This Week

Monday morning, the House Ways and Means Committee met (8:30 a.m.) is hearing several bills that address unfinished business from 2020 session, as well as HF445 (Mariani) creating the State Aid

- HF 30 (Hansen) appropriating Environment and Natural Resources Trust Fund monies, an unfinished item from 2020.
- HF91 (Hansen) providing for a dry cleaner environmental response and reimbursement account, and banning perchloroethylene.
- HF133 (Becker-Finn) the state lands bill also unfinished last session.

Tuesday afternoon, the House Tax Committee will begin hearing individual bills, including:

- HF474 (Hout) exempting fundraising sales of elementary or secondary school student organizations from the state sales tax
- HF46 (Marquart) the House Tax Chair's proposal to make the state tax system more transparent by creating a "taxpayer receipt" describing how tax revenues are spent.

On Thursday, the House Tax Committee (1:00 p.m.) will hear six separate bills providing a refund exemptions for the sales tax paid on construction materials for specific local projects, and highlighting the importance of enacting a general refund exemption for all such projects, which MICA has been advocating. The bills are:

- HF 574 (Howard) for a fire station in Bloomington; HF 438 (Swedzinski) for a school building in Marshall; HF 181 (Fischer) for a public safety facility in Maplewood; HF 216 (Heinrich) for a public works facility in Ramsey; HF 654 (Acomb) for a public safety facility purchase; and HF 495 (Akland) for a St. Peter fire station.

Senate Tax Committee will hear more individual bills for possible inclusion in an omnibus tax bill, including on Tuesday (8:30 a.m.):

- S.F. 413 (Bakk) establishing a veterans' income and corporate franchise tax credit
- S.F. 463 (Draheim) expanding the income tax credit for long-term care insurance
- S.F. 366 (Chamberlain) exempting fundraising sales of elementary or secondary school student organizations from the state sales tax

On Thursday, the Committee will hear more individual project requests related to the refund exemption for sales tax paid by local governments on construction materials, including:

- S.F. 477 (Tomassoni) for public facilities in Virginia; S.F. 88 (Wiklund) for a Bloomington fire station; and S.F. 541 (Frentz) for a St. Peter fire station

Wednesday morning (8:30 a.m.), the Senate Property Tax Division will hear SF749 (Weber), a bill that would allow cities to seek payment from other cities for assistance provided under mutual aid agreements; the State Auditor would certify unpaid amounts and the Commissioner of Revenue would be required to make the adjustments to city local government aid payments.

Senate Finance will hear Governor Walz' Budget Recommendations on Wednesday morning (8:30 a.m.).

On Wednesday afternoon (3:00 p.m.), the House Property Tax Division will hear Tax Chair Paul Marquart's bill (HF 496) requiring counties to create citizens' property tax advisory committee, provide all property taxpayers with budget information similar to the data and format provided to and eventually published by the State Auditor, and also to hold all county, city, and school truth-in-taxation hearings on the same night.

TRANSPORTATION — STEVE NOVAK (763-458-8232)

The House and Senate met on Monday and Thursday. There was no floor action on any transportation bills. The following is a sample of transportation bills introduced in the last week:

Senator Newman introduced S.F. No. 520, amending provisions relating to grants for local bridge replacement or rehabilitation projects; amending Minnesota Statutes 2020, section 174.50, subdivisions 6d, 7. Referred to the Committee on Transportation Finance and Policy.

Senator Newman introduced S.F. No. 583, prohibiting use of the highway user tax distribution fund or the trunk highway fund for specified purposes; appropriating money; amending Minnesota Statutes 2020, section 16E.15, subdivision 2; 161.11, subdivision 2; 161.167; and, 161;19; 161.20, subdivision 3; 161.465.

Senator Anderson introduced S.F. No. 559, exempting sewage septic tank trucks from certain vehicle weight limitations; amending Minnesota Statutes 2020, sections 169.829, by adding a subdivision; 169.87, subdivision 6.

Senator Howe introduced S.F. No. 625, modifying allocation of state general sales tax revenue related to motor vehicle repair and replacement parts; amending Minnesota Statutes 2020, section 297A.94. A.993, by adding a subdivision.

Koznick introduced H.F. No. 674, establishing reporting requirements for certain counties that impose the county transportation sales and use tax; requiring a report; amending Minnesota Statutes 2020, section 297A.993, by adding a subdivision.

Petersburg introduced H.F. No. 760, creating a grant program to fund improvements to township roads; appropriating money for a township road grant program; authorizing the sale and issuance of state bonds; proposing coding for new law in Minnesota Statutes, chapter 174.

Torkelson introduced H.F. No. 732, requiring the Department of Transportation to publish certain information about project selection; requiring the Department of Transportation to adopt certain project selection policies.

Last Week (Feb. 1-5)

The House and Senate met on Monday and Thursday. Minnesota county engineers held their weekly teleconference on Monday. Information was exchanged. Various strategies were discussed related to various transportation policy issues working their way through House and Senate committees. House and Senate transportation committees both met on Tuesday and Thursday. The following were the agendas for those meetings:

Transportation Finance and Policy
Tuesday, February 2
Chair: Rep. Frank Hornstein
Agenda:

- I-94 and the Rondo Neighborhood: Then and Now
  - Marvin Anderson, Board Chair, Reconnect Rondo
  - Keith Baker, Executive Director, Reconnect Rondo
  - Mayor Melvin Carter, City of St. Paul
  - Dr. Laalitha Surapaneni
  - Dr. Brian Muthyala

Transportation Finance and Policy
Tuesday, February 2
Chair: Senator Scott J. Newman
Agenda:

- S.F. 352 Dahms
  Agriculture special license plates establishment; appropriation
  - Ag License Plate_SF352_Dahms_2021
  - MFU Letter re Ag License Plate_21.2.1
  - Specialized agricultural license plate FAQ-21
  - scs0352a-1
- S.F. 255 Jasinski
  Online driver education program
  - SF255 Summary
  - Support to Testimony on Online DE Bill
  - www.anstse.infoResources%20PDF'sADTSEA%20Resolution%20-%20Support%20for%20NTDETAS
  - SF255-0 Completed FN
  - WE Van Tassel Testimony
  - scs0255a-2
- Metropolitan Council Transportation Overview

Transportation Finance and Policy
Thursday, February 4
Chair: Senator Scott J. Newman
Discussion on SF 173, an ID card for elections, will be limited to the jurisdiction of the Transportation Committee. If you wish to testify or submit written testimony on SF 173, please email pat.kaluza@senate.mn by 10:00am, Thursday February 4.
Agenda:

- Overview of Minnesota State Patrol
- S.F. 173 Newman
  Election voter registration photo ID requirement; voter identification care creation; provisional ballots establishment; appropriation

Transportation Finance and Policy
Thursday, February 4
Chair: Rep. Frank Hornstein
Agenda:

- Topics in Transportation Equity
  - Steve Belton, Twin Cities Urban League
  - Norma Miller, Twin Cities Urban League
  - Jamez Staples, Renewable Energy Partners
  - Saint Paul City Councilmember Mitra Jalali
  - Brooklyn Center Mayor Mike Elliott
  - Hennepin County Commissioner Angela Conley
  - Tawanna Black, Center for Economic Inclusion
  - Janiece Watts, Fresh Energy
  - Charles Frempong-Longdon, Sierra Club

- HF336 (Becker-Finn) Drivers' license suspension authority of commissioner of public safety modified, retroactive driver's license reinstatement provided, technical changes made, and report required.

Several legislative phone conversations occurred. Our MICA country engineers monthly meeting was held on Friday.

This Week (Feb. 8-12)

The House and Senate will meet on Monday and Thursday. Minnesota engineers will teleconference at 9 a.m. Monday.

The House and Senate transportation committees will meet on Tuesday and Thursday afternoon.

The Senate transportation agendas have not been published at this time. The following are the agendas for the House Transportation Committee:

Transportation Finance and Policy
Tuesday, February 9
Chair: Rep. Frank Hornstein
Agenda:

- Climate Impacts of Transportation
  - Paul Douglas, Founder, Senior Meteorologist, Praedictix
  - Frank Kohlasch, Climate Director, Minnesota Pollution Control Agency
  - Chris Clark, President, Xcel Energy Inc., Co-Chair – MnDOT Sustainable Transportation Advisory Council
  - Bree Halvorson, BlueGreen Alliance
  - Sam Rockwell, Executive Director, Move Minnesota

Transportation Finance and Policy
Thursday, February 11
Chair: Rep. Frank Hornstein
Agenda:

- HF29 (Hansen) - West Saint Paul; bridge on marked U.S. Highway 52 designated as Private Joseph Marthaler Memorial Bridge.
- HF482 (Petersburg) - Waseca County; Trunk Highway 13 portion designated as Corporal Caleb L. Erickson Memorial Highway.
- HF32 (Elkins) - Electric-assisted bicycle classification and regulation modified.
- HF271 (Elkins) - Shared mobility program user data classified as private.
- HF502 (Moller) - DWI offenders not required to take a specified examination as a condition of driver's license reinstatement.
- HF103 (Davnie) - Driver licensing requirements related to diabetes mellitus repealed.

Various legislative contacts are scheduled.

Health and Human Services – Nancy Silesky (612-747-7242)

Week in Review:

Metro Housing Bill Introduced: Representative Liz Reyer (DFL-Eagan) has introduced HF780, which would expand the Metro Housing Demonstration project, which provides housing and supports for people experiencing homelessness. The current statute limits the project to the metro counties of Anoka, Dakota, Ramsey, and Hennepin. This proposal would broaden the program by adding Carver, Scott, and Washington Counties, as well as increase the number of vouchers from 226 to 500.

Vaccine Update: Minnesota's statewide tally for people who have received at least one vaccine dose increased by 27,393 in the latest data release, for a total of 525,236 people. This represents about 9.2% of the state's population - up from 6.7% a week ago. In addition, 147,321 people have now completed the two-dose vaccine series, up from 105,361 last Saturday.

Minnesota's allocation for this coming week has increased. MDH indicated that we will receive 83,825 doses, which will be distributed as follows:

- 3,000 doses will go to tribal governments
- 7,000 doses will be allocated for those 65 years old and older
- 10,000 doses will go to educators
- 39,000 doses will go to health care facilities
- **14,000 will go to local public health partners**
- 4,000 will go to pharmacy partners
- 5,000 will go to DHS for group home settings.

Dr. Michael Osterholm Testimony: The House Health Finance and Policy Committee heard testimony from University of Minnesota epidemiologist and infectious disease expert, Dr. Michael Osterholm. He and other experts have great concern about the new variants of the COVID-19 virus, which has turned up in the United Kingdom, Portugal, Brazil, and South Africa, which are now seeing a new surge of cases followed by a devastating increase in hospitalizations and deaths.

Dr. Osterholm stated that there is a real possibility we will see a major surge of cases over the next 12-14 weeks and believes that it will be much more severe than what we have seen thus far. As an advisor of the Biden Administration's COVID response team, he is recommending that federal health officials re-examine vaccine data with an eye toward delaying the second dose so more people can quickly receive first shots, which will help address the vaccine shortage and potentially lessen the impacts of new, more infectious coronavirus variants.

Local Public Health: Both the Senate and House addressed public health issues last week:

The Senate Health and Human Services Committee heard an overview of the Local Public Health system from several leaders, including:

- Bonnie Brueshoff, Director, Dakota County Public Health
- Ben Klinger, Winona County Emergency Management
- Liz Auch, Director, Countryside Public Health (Big Stone, Chippewa, Lac qui Parle, Swift and Yellow Medicine Counties)
- Sarah Reese, Community Health Services Administrator for Polk-Norman- Mahnomen Counties and Public Health Director for Polk County

They illustrated the vast responsibilities and essential roles of Local Public Health agencies, including:

- Ensuring an adequate public health infrastructure
- Promoting healthy communities and healthy behaviors
- Preventing the spread of infectious disease

- Protecting against environmental health hazards
- Preparing for and responding to disasters and assisting communities in recovery
- Ensuring the quality and accessibility of health services

They highlighted their activities related to COVID-19, where they have been working tirelessly with key partners in responding to the pandemic and are playing an important role in the vaccine rollout. Along with schools, pharmacies, and other community partners, they have the ability to communicate timely and accurate information to residents. They also stressed the importance of telehealth technology in service delivery and stated that it will continue to be a significant tool to Local Public Health agencies going forward.

Local Public Heath Grant: Representative Dan Wolgamott (DFL-St. Cloud) is the sponsor of HF428, which would appropriate an additional $20 million in both FY22 and FY23 from the General Fund for Local Public Health grants. The current General Fund base for the grants is almost $21.67 million annually.

Graham Briggs, Olmsted County Public Health Director, testified in the House Health Finance and Policy Committee regarding the importance of the grants, stating that additional funding could help provide the resources and flexibility needed to improve the lives of Minnesotans through prevention-based, community-specific initiatives. The grants provide funding for community health boards across the state to perform a range of activities that include:

- Investigating and preventing the spread of infectious diseases
- Maintaining the state's public health infrastructure and ensuring access
- Promoting healthy behaviors and supporting preventative health initiatives
- Tracking and identifying local risk factors ranging from salmonella outbreaks to obesity
- Responding to environmental health hazards
- Preparing for and responding to natural disasters
- Addressing health concerns at the local level with targeted strategies

The bill was laid over for possible inclusion in an omnibus bill. There is no Senate companion as of this time.

Family First: The Senate Human Services Reform Finance and Policy Committee reviewed DHS efforts to come into compliance with the Federal Family First legislation. Matt Freeman and Cindy Slowiak testified regarding the county process for out-of-home placements, including voluntary residential treatment.

Rental Assistance: HF40, sponsored by Representative Michael Howard (DFL-Richfield), would create a permanent state rental-assistance program open to all households eligible for federal Section 8 vouchers. That would include all households with incomes at or below 50% of the area median in their county or geographic area. In the Twin Cities, families of four with incomes below $51,700 would qualify. The program would be operated by housing and redevelopment authorities with money passing through the Minnesota Housing Finance Agency.

Like the Section 8 program, the Minnesota program would require enrollees to pay up to 30% of their income to housing and utilities. State funds would cover the rest of their housing costs. According to testimony, more than 500,000 Minnesota households struggle to pay rent each month, with many stuck-on years-long waiting lists to receive Section 8 vouchers. Renters who have received vouchers said they help in stabilizing education and family life.

The bill was laid over by the House Housing Finance and Policy Committee. Its companion, SF333, is sponsored by Senator Kari Dziedzic (DFL-Minneapolis) and awaits action by the Senate Housing Finance and Policy Committee.

Emergency Shelter: The House Preventing Homelessness Division approved two bills that would provide a combined $42.5 million to shelters and service programs. HF21, sponsored by Representative Hodan Hassan (DFL-Minneapolis), would appropriate $25 million for emergency shelters, and HF42, sponsored by Representative Michael Howard, would appropriate $17.5 million for emergency service grants, housing support and isolation spaces for people experiencing homelessness who are suspected or confirmed to have COVID-19. Both bills were approved on 7-4 party-line votes and sent to the House Human Services Finance and Policy Committee.

The state has dedicated about $46 million for emergency-service grants and homelessness support during the pandemic - including $26.5 million from a bipartisan bill passed in March. Providers said the money has been crucial, but the need remains dire, especially during the ongoing uncertainty of the pandemic and spells of cold weather.

HF42 includes $9 million for emergency service grants; $4.3 million for isolation spaces; and $4.2 million for the Housing Support program, which helps pay housing costs for low-income seniors and adults with disabilities. Its companion bill (SF468), is sponsored by Senator Melissa Wiklund (DFL-Bloomington); it awaits action by the Senate Human Services Reform Finance and Policy Committee.

Some members commented that they would like to see language to allow for the recovery of state dollars if another federal COVID-19-relief bill is passed.

This Week's Legislative Hearings of Note:

Monday, February 8:
The House Health Finance and Policy Committee will review HF569 (Morrison; DFL-Minnetonka), which would provide funding for tobacco use prevention and cessation activities.

Tuesday, February 9:
The Senate Human Services Licensing Committee will review:

- SF254 (Koran); Licensed substance use disorder treatment providers alternative licensing inspections establishment.
- SF496 (Utke); COVID-19 executive orders human services programs background study requirements modifications waiver extension.

The House Early Childhood Finance and Policy Committee will hear DHS presentations on

childcare regulation and licensing and Child Care Assistance Program (CCAP) integrity measures.

The Senate Housing Finance and Policy Committee will hear an overview of Minnesota Housing Finance Agency (MHFA) federal funds.

The Senate Human Services Reform Finance and Policy Committee will review federal funds in the DHS budget.

Wednesday, February 10:
The House Behavioral Health Policy Division will receive an update from members of the Opiate Epidemic Response Advisory Council.

MDH will discuss the youth sports mask mandate in the Senate HHS Finance and Policy Committee.

DHS will provide an overview on Non-Emergency Medical Transportation (NEMT) and the Legacy Informational Technology in the House Human Services Finance and Policy Committee.

CORRECTIONS & PUBLIC SAFETY – CARLI STARK (612-414-1869)

Last Week

SAFE Account Bill
The House Public Safety and Criminal Justice Reform Finance and Policy Committee heard HF 445 (Mariani) which creates the State Aid for Emergencies (SAFE) Account. The SAFE account is a contingency account that would provide reimbursement for costs incurred during extraordinary situations in which local jurisdictions and the state must call for mutual aid. The bill would transfer $35 million from the General Fund in fiscal year 2021. The bill was prompted by preparations for the trial of former Minneapolis Police Department Officer Derek Chauvin, which may result in protests and civil unrest potentially requiring local aid and a national guard presence. Though the focus of the comments of committee members were related to Minneapolis, this bill may be important in the future if any public safety emergencies require mutual aid in smaller counties that have less budget flexibility for reimbursement.

Forfeiture Reform
A forfeiture reform bill was heard in the House during the 2019 session and faced a lot of opposition. Many stakeholders worked throughout the interim between the 2019 and 2020 session to come to an agreement on the bill, including participating in mediation. The stakeholder group includes the Minnesota County Attorneys Association, the Minnesota Peace and Police Officers Associations, the Minnesota Sheriffs Association, the ACLU of Minnesota, Mid-Minnesota Legal Aid, Americans for Prosperity, Justice Action Network, the Minnesota Association of Criminal Defense Lawyers, and the Minnesota Board of Public Defense. Though the bill was introduced and head in the House in late April 2020, it did not make it across the finish line.

This year the compromise bill is back as HF75 (Moller) and was heard and passed in both the House Judiciary and Civil Law Committee, and the House Public Safety and Criminal Justice Reform Finance and Policy committee. The legislation narrows the scope of what vehicles are subject to forfeiture, specifically those involved in felony DWI crimes. It allows a defendant to get their car back if they are participating in the Ignition Interlock program. There are further protections for innocent owners with enhanced due process procedures. Innocent owners can notify prosecutors of the ownership, which shifts the process from the courts to the county attorney's office. The notice of seizure has been updated to be more understandable. The bill clarifies towing and storage fees and reduces storage fees paid by a defendant in most cases. For controlled substance crimes, a threshold of $1500 was set with an exception for any amount that was used for the purpose of purchasing or

selling controlled substances. The funding structure that is currently in place for civil forfeiture is still in place and allows law enforcement and prosecutors to use those funds for routine tasks and as well as training, education, crime prevention, equipment, or capital expenses.

Safety in State Correctional Facilities

The Senate Judiciary and Public Safety Finance and Policy Committee heard an overview of the 2020 Safety in State Correctional Facilities report by the Office of the Legislative Auditor. The OLA found four significant findings: The Department of Corrections (DOC) does not keep sufficient data to adequately assess safety in the prisons; the DOC has severe staffing shortages within the facilities; within the DOC staff there is a workplace culture of harassment; and the DOC is lacking in outside oversight. A committee member pointed out that the DOC licenses local jails, but the DOC facilities are not subject to any outside licensing process. The OLA discussed the possibility of the DOC having its own licensing process, but with the separation between the different division within the department, or that a process of security audits and peer reviews be implemented. Though the DOC does keep data, it is incomplete and inconsistent. Commissioner Paul Schnell summarized the efforts that have been taken since the report came out and expressed a desire to fix the issues in the report. He mentioned that the DOC has the highest rate of sick leave usage and the highest number of harassment complaints within the state employment system.

House Public Safety Committee Continues Work on Law Enforcement Bills

The committee heard an unnumbered bill establishing a grant program and appropriating funds to reimburse law enforcement agencies for the cost of hiring a public safety and training consultant. Sheriff's Association representative discussed the Lexipol policy system and how this grant program could help more law enforcement officers implement standardized policies based on best practices.

The committee heard HF593 (Frazier) that directs the Peace Officer Standards and Training Board to revise police officer standards to prohibit peace officers from affiliating with, supporting, or advocating for white supremacist groups, causes, or ideologies. Testifiers spoke about trust issues between the community and law enforcement systems and data collected on that issue as well as FBI investigations that have discussed an increasing prevalence of white supremist organization members in law enforcement. The committee debated definitions included in amendments and the bill was ultimately passed along party lines to the general register.

HF640 (Gomez) requires local governments to establish law enforcement citizen oversight councils if the agency has least fifty sworn officers. The bill would affect approximately forty agencies throughout the state. A testifier from Communities United Against Police Brutality testified in support of the bill as a way to provide accountability for officers when complaints are made against them. The Minnesota Chiefs of Police Association testified with concerns about the bill stating that many of the provisions work well for larger jurisdictions and had concerns about provisions giving the councils subpoena powers. The Minnesota Sheriffs Association also testified against the bill citing concerns about limiting local decision-making. The bill was referred to the Judiciary and Civil Law Committee along party lines.

This Week

The SAFE account bill – HF 445 (Mariani) – is up again first thing Monday morning in the House Ways and Means Committee. Later in the day, the Senate Judiciary Committee will hear S.F. 304 (Senjem) requiring the POST Board to establish standards for the use of confidential informants.

The companion bill was heard in the House last week.

On Tuesday morning, the House Judiciary Committee will hear HF312 (Becker-Finn) requiring the counts to appoint counsel for in child protection proceedings for those parties than are deemed indigent under current statutes. The language is changed to require a stronger mandate to ensure counsel is appointed at every stage of the hearing. There is an appropriation to the Department of Human Services for grants to counties that have not already implemented a process to provide counsel in emergency protective care hearings. Additionally, there is an appropriation to assist counties with the implementation of title IV-E reimbursement.

The House Public Safety Committee will focus on "Criminal Justice Reform on the Road" on Tuesday afternoon and will hear two bills related to criminal and traffic surcharges, and driver's license suspensions based on failure to pay those types of fees. On Thursday, the hearing is titled "Mental Health Day" and will hear HF 28 (Youakim) – a bill to increase crime alert categories. Additionally, a bill from last year that requires courts to order neuropsychological examinations prior to criminal sentencing hearings where a history of stroke of traumatic brain injury is present will be heard. There is currently no appropriating for the bill to pay for the examinations.

On Wednesday, the Senate Judiciary and Public Safety Committee Senate will hear presentations on Minnesota's current pretrial release system for individuals charged with criminal offenses, including the court rules, statutes, and constitutional provisions governing release, as well as the oversight of third-party entities that post cash bail or bonds to secure the release of clients. There is no information posted related to the testifiers or any specific bills that may be heard.

On Friday, the House Public Safety Committee will have "First Responders Day." HF 499 (Marquart) is up for discussion and provides emergency management readiness grants directly to counties. This bill provides $3 million in grants to be distributed throughout counties, tribal nations, and cities of the first class.

General Government, Environment & Other – Matt Massman (651-222-8737)

Last Week

On Tuesday, the House Judiciary Finance and Civil Law Committee will approved and passed two bills onto their next committee HF403 (Her), a bill that would prohibit employers from inquiring about past pay, and HF75 (Moller) to reform forfeiture laws, as well as HF9 (Greenman) the House majority elections law reforms bill.

On Tuesday, the Senate State Government Finance and Elections approved two bills: SF8 (Rosen) would require that any federal funds received up to June 30, 2021, would require the direct appropriation by the legislature. SF411 (Kiffmeyer) would reduce state agency staff and budgets for certain posted positions not filled within 180 days.

This week

Tuesday morning, the House Judiciary Finance and Civil Law (8:30 a.m.) will hear several bills with impacts for county government:

- HF39 (Carlson) creating certain worker protections and rehire requirements for employees laid-off during the COVID pandemic.
- HF312 (Becker-Finn) requiring court appointed counsel for each parent, guardian, or custodian prior to the first hearing of any case where a child could be removed care of the parent, guardian or custodian.

Wednesday morning, the House Local Government Division (8:30 a.m.) will hold an informational hearing on the Governor's Blue Ribbon Committee on Metropolitan Councils Structure and Services.

On Wednesday afternoon House Labor, Industry, Veterans and Military Affairs Finance and Policy (3:00) will hear several bills, including HF7 (Olson-St. Louis County), requiring Earned Sick and Safe Time.

Environment

Last Week

The House Environment and Natural Resources Finance and Policy Committee approved HF151 (Hansen), providing for appropriations from the environment and natural resources trust fund, now being considered by House Ways and Means.

This Week

The House Climate Energy Finance and Policy Committee will focus on the energy ... with two hearings, including: on Tuesday (10:30 a.m.) on building efficiency, an on Thursday (10:30 a.m.) HF10.

On Tuesday (1:00 p.m.), the House Environment and Natural Resources Finance and Policy Committee will hear an overview of the Conservation Corps and HF151 (Hansen), providing for appropriations from the environment and natural resources trust fund. On Thursday (1:00 p.m.), the Committee will hear two bills authored by Representative Wazlawik; HF78 defining perfluorochemicals as a hazardous substance, and HF79 regulating food packaging chemical use.

The Senate Environment and Natural Resources Finance Committee meets on both Tuesday (10:30 a.m.) and Wednesday (10:30 a.m.). On Tuesday, the Committee will hear SF167 (Ingebrigtsen)—the dry cleaner environmental response fund legislation, as well as three other bills. On Thursday, the Committee will hear Governor Walz' budget recommendations for the Pollution Control Agency (MPCA), several of which impact counties.

On Tuesday and Thursday, the Senate Energy and Utilities Finance and Policy Committee, chaired by Dave Senjem (Olmsted), will continue informational hearings likely to shape the Senate's clean energy package, including a discussion trends in voter energy attitudes and carbon capture technology on Tuesday at 3:00 p.m. On Thursday, the Committee will hear SF421 (Weber), the natural gas innovation act, and SF227 (Rarick), the Energy Conservation and Optimization Act of 2021.

Hearing Schedules

Combined Legislative Meeting Calendar Upcoming 7 days

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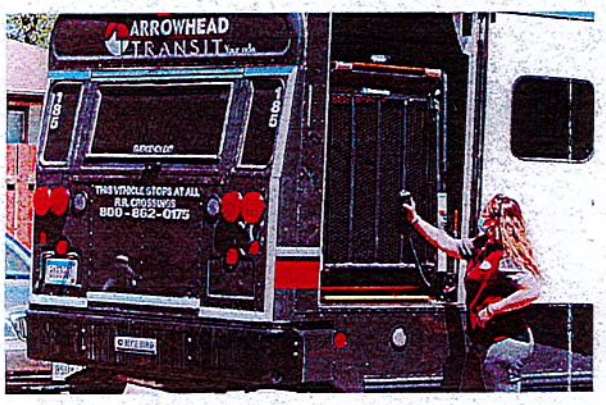
FAQS

Q: Who can ride the bus?
A: Anyone! Our services can accommodate many transportation needs, including getting to and from work, appointments and shopping. Our goal is to reduce the transportation barriers to find and retain employment, independent living, and simply getting you to where you need to go.

Q: How far in advance do I need to schedule my ride?
A: We ask that you call at least an hour in advance of when you need your ride. If you choose, you can set up a ride up to one month in advance, or you can set up a regular schedule of pick-ups.

Q: How should I wait for the bus?
A: Best: Be outside your door so your bus driver can see you when the bus arrives. Acceptable: Be at your window watching for your bus so you can be outside within 60 seconds of the arrival of your bus.

Q: Do you make provisions for people who have limited mobility?
A: Yes, all of our buses have a wheelchair lift and space for tying down either 3 or 5 wheelchairs. If you use a walker, you can either use the lift to get onto the bus, or our driver can assist you getting up the steps.



ABOUT US

Arrowhead Transit has been serving Minnesota's Arrowhead Region since 1974, and is the largest public rural transportation system in Minnesota.

Arrowhead Transit's bus service was originally created to provide low-cost transportation for low-income, disabled and elderly persons. We currently provide travelers and commuters alike with scheduled service, Dial-A-Ride and a Volunteer Driving Program.

Our drivers complete a comprehensive training program that includes defensive driving to customer service. Our drivers must maintain their commercial driver's license.

CONTACT US

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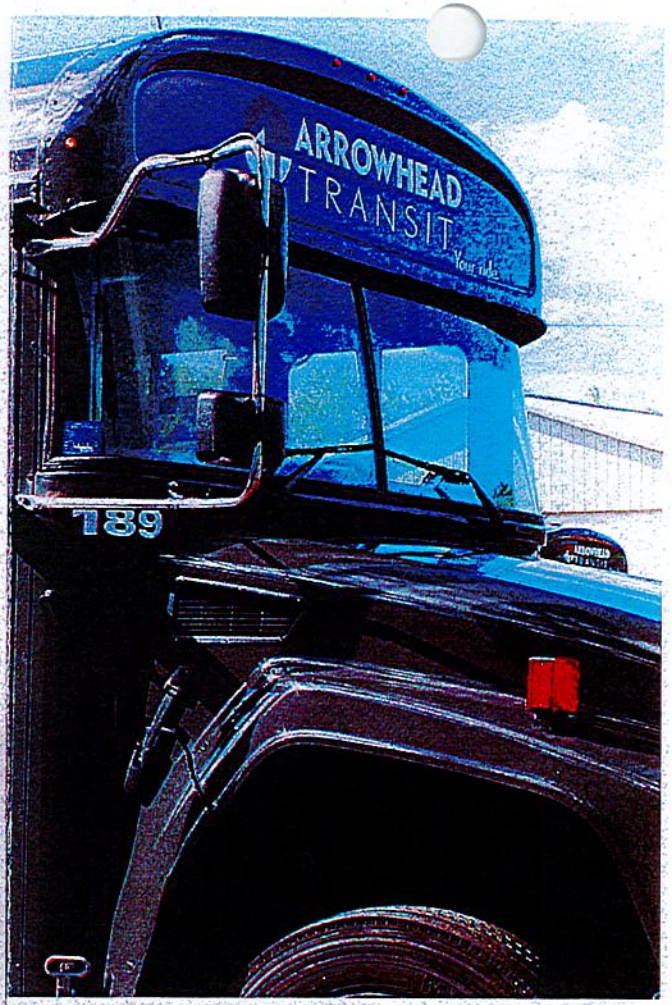


ARROWHEAD TRANSIT

Public Route Information

Chisago County

(800) 862-0175, option 13

www.arrowheadtransit.com

North Branch Dial-A-Ride

Dial-A-Ride services anyone living within the city of North Branch.

Fares: $1.25 one way,
$12.50 for a book of 10 tickets,
or $22.50 for an unlimited monthly pass

Monday through Friday:
8 a.m. to 5 p.m.

South Chisago County

$2.00 one way

Monday through Friday:
6 a.m. to 6 p.m.

Makes hourly stops in:
Center City
Lindstrom
Chisago City
Wyoming
Stacy

To Cambridge

$2.00 one way

Monday through Friday:
6:00 a.m. to 6:00 p.m.

Top of Hour: Cambridge
Bottom of Hour: North Branch

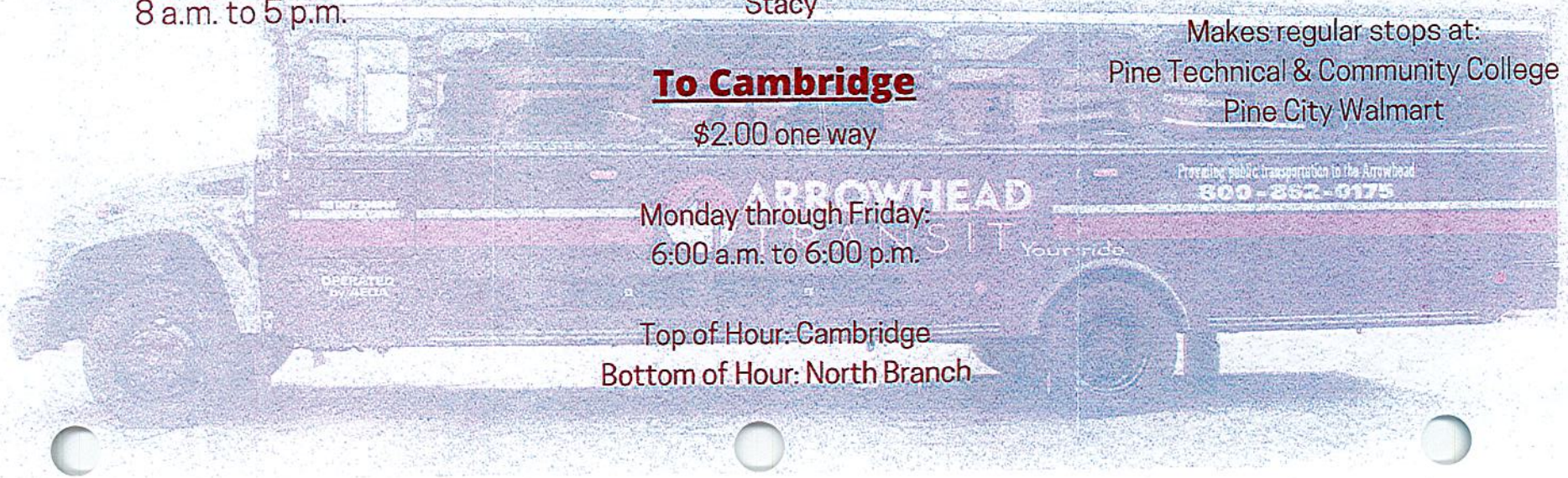
To Pine City

$2.00 one way

Monday through Friday:
6 a.m. to 6 p.m.

Makes hourly stops in:
North Branch
Harris
Rush City
Pine City

Makes regular stops at:
Pine Technical & Community College
Pine City Walmart



UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Chicago Regional Census Center
Chicago, IL 60604-2948

January 13, 2021

Dear Trusted 2020 Census Partner:

Thank you for your valuable partnership during this Decennial Census. With your support, the Region exceeded the National Self-Response Rate of 67% and had the highest self-response rate among all Regions, of 69.8%.

In collaboration with more than 50,550 partners, that collectively held nearly 64,750 events and made more than 70,450 commitments, you exhibited enormous dedication, creativity, and support in developing outreach and marketing activities that engaged, educated, and encouraged households to complete the 2020 Census, particularly in historically underserved communities.

Working alongside more than 2,015 Complete Count Committees, you and our many valuable partners hosted thousands of recruiting events to hire census workers that spoke the languages, understood the cultures, and lived within the communities they were tasked to count. Your efforts also ensured a successful Mobile Questionnaire Assistance (MQA) program across our Region, with more than 12,819 MQA events that assisted low-responding communities in completing their census questionnaires online and by phone.

Together, we ensured the Census had the most up-to-date address file, delivered paper questionnaires to rural areas, recruited workers during one of the lowest periods of unemployment, took on a global pandemic through unique virtual engagement, and engaged communities through Get Out the Count (GOTC) efforts that brought Census staff to historically undercounted neighborhoods.

Your valuable contributions will ensure critical planning over the next decade.

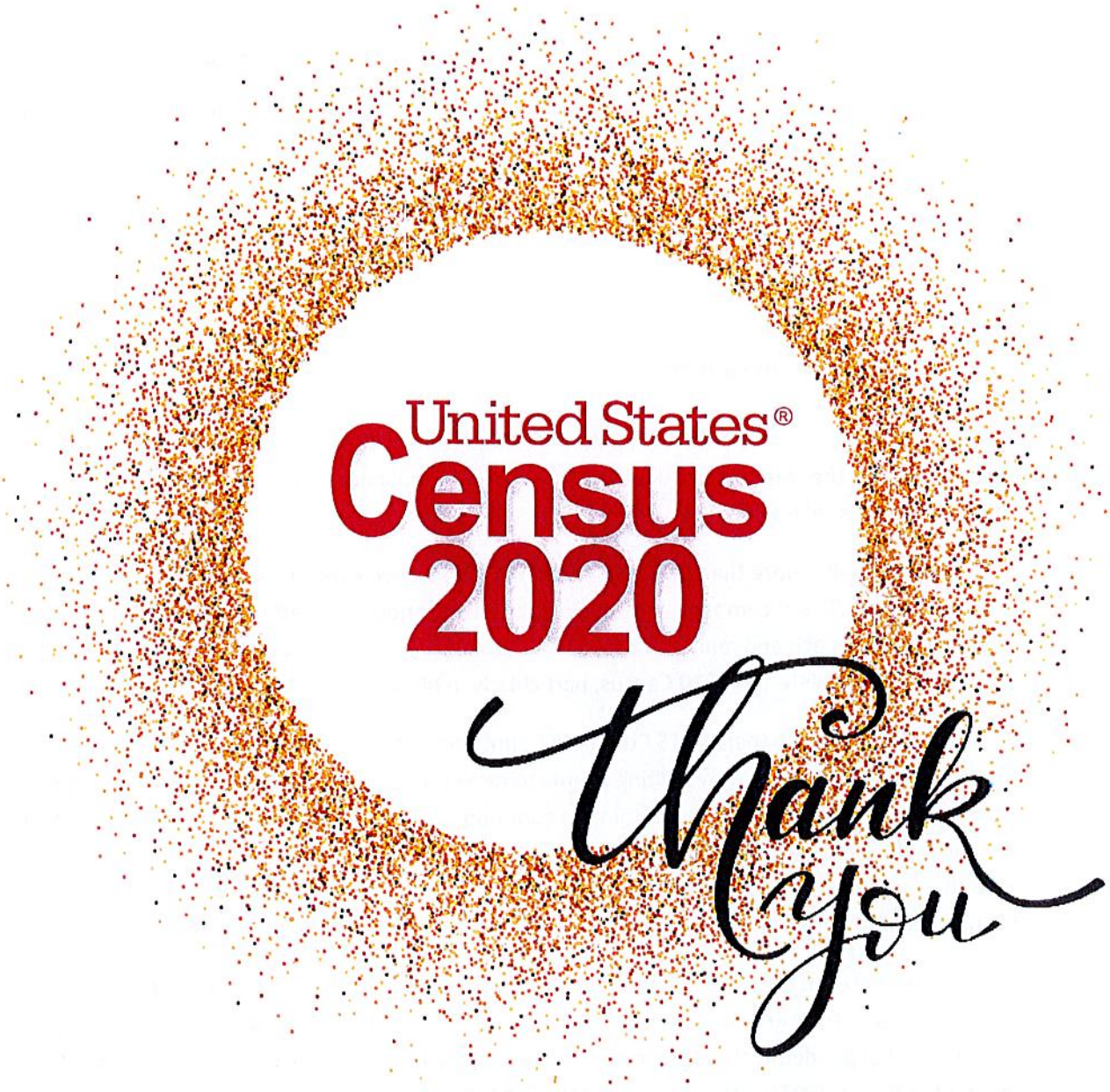
Thank you for Making It Count!

Sincerely,

Marilyn A. Sanders

Marilyn A. Sanders, Chicago Regional Director
U.S. Census Bureau

United States Census Bureau
census.gov



THE U.S. CENSUS BUREAU HEREBY RECOGNIZES

Chisago County

as an invaluable member of the 2020 Census Community Partnership and Engagement Program. We appreciate the efforts you made in making the Partnership Program a success and helping achieve a successful 2020 Census.

Dr. Steven D. Dillingham, Director
U.S. Census Bureau

City of Harris

Pride in our Community

January 26, 2021

Chisago County Board of Commissioners
Chisago County Government Center
313 North Main Street
Center City, MN 55012

RE: Harris request for cost sharing to pave Falcon Avenue

Dear Commissioners:

On November 30, 2020, I met with Joe Triplett, Mike Robinson and Diane Miller, who was Mayor of Harris at that time, to discuss cost sharing to pave Falcon Avenue (aka the Gun Club Road). Falcon Avenue is one of the roads that the County turned back to the City of Harris.

Our request will be for a 50% cost sharing to pave Falcon Avenue to the gun club entrance which is approximately 1.6 miles. Joe has estimated that 50% of the cost would equal approximately $200,000. While we are not in a position to pave this road at this time, we hope to be within the next few years through grants, assessments and our road budget funds.

We appreciate your consideration of this request. If you need additional information from us, please let us know.

We look forward to hearing from you soon.

Best Regards,

Randy Carlson
Mayor
City of Harris