

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
Wednesday, November 17, 2021**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, November 17, 2021 at the Chisago County Government Center with the following Commissioners present: DuBose, Greene, Dunne, Montzka, Robinson. Also present: County Administrator Chase Burnham, Clerk of the Board Christina Vollrath and County Attorney Janet Reiter.

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

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

On motion by Montzka, seconded by Dunne, the Board opened the Road and Bridge Committee of the Whole at 6:31 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson **OPPOSED:** None.

The Board was given updates on the current projects of the Public Works Department from County Engineer Joe Triplett. ***No action was taken.***

On motion by Greene, seconded by Montzka, the Board moved item 1 to the consent agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson **OPPOSED:** None.

On motion by Greene, seconded by Dunne, the Board moved to close the Road and Bridge Committee of the Whole at 6:38 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson **OPPOSED:** None.

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

- 1.) R&B Committee Recommendation – Final Contract Payment for CP MS-11-21
- 2.) Minutes from the November 3, 2021 Regular Meeting
- 3.) Payment of County's Warrants and Miscellaneous Bills

Per Minnesota Statutes 375.1, proceedings of the County Board including a list of itemized accounts, claims or demands must be published in the official newspaper. The itemized list of claims is available for public review on the County website at <https://www.chisagocounty.us/1197/Claims-Paid>. Claims less than \$2,000 are listed

as a total dollar amount and notes the number of claims included in the total.

4.) Authorization for County Auditor-Treasurer to Transfer Funds

FUND FROM	FUND TO	REASON	AMOUNT
Tax Forefeit Land (Fund 72)	Tax and Penalty (Fund 71)	Transfer of Tax Forfeited Land Sale Proceeds for Distribution	\$198,349.22

5.) Resolution to Sell or Dispose of Abandoned Personal Property at Tax Forfeited Property

RESOLUTION NO. 21/1117-X
RESOLUTION TO AUTHORIZE COUNTY AUDITOR-TREASURER TO
SELL OR DISPOSE OF ABANDONED PERSONAL PROPERTY FOUND ON
TAX FORFEITED REAL PROPERTIES

WHEREAS, in order to preserve tax forfeited property and to insure against claims or injuries to the people that maintain, repair or view the premises, there is a need for the County to inspect properties taken by tax forfeiture and to, as appropriate, seize and sell or dispose of abandoned personal property found on tax forfeited property in accordance with Minnesota law; and

WHEREAS, Minnesota Statutes Section 282.04, Subd 2, (d) authorizes the County Auditor-Treasurer to, upon approval of the County Board, take possession of personal property abandoned on tax forfeited property and to sell or otherwise dispose of such abandoned personal property; and

WHEREAS, Minnesota Statutes Section 282.04, Subd 2, also authorizes the County Auditor-Treasurer to enter into contracts with third parties, upon approval of the County Board, to assist in the inspection of tax forfeited properties and the seizure, removal and sale or disposition of abandoned personal property found on tax forfeited properties.

BE IT RESOLVED, pursuant to Minnesota Statutes Section 282.04, Sub. 2 (d), the Board of Commissioners of Chisago County (the "County") authorizes the County Auditor-Treasurer to:

1. Seize personal property found on tax forfeited properties during inspections and dispose of debris and garbage found on the premises during inspection;

2. Dispose of or sell such personal property not claimed after expiration of a 28-day notification to the former owner, tax payer or any occupants of the premises at the time of tax forfeiture.
3. Dispose of any personal property not claimed after expiration of a 28-day notification to the former owner, tax payer or any occupants of the premises that has been determined as non-salvageable.
4. Sell such abandoned personal property by public sale and to sell at private sale any personal property not sold at a public sale for which public notice has first been given.
5. Enter into contracts with third-party vendors to assist with the inspection of tax forfeited property and removal, disposal and/or sale of abandoned personal property.

BE IT FURTHER RESOLVED that the authorizations provided in this resolution shall be standing approvals until repealed by resolution of the County Board of Commissioners.

6.) Authorizing Issuance and Sale of General Obligation Refunding Bonds, Series 2021a

Environmental Services Director Kurt Schneider presented the Board with the Director's Report and action items. ***No action was taken.***

7 On motion by Montzka, seconded by Dunne, the Board moved to accept the Environmental Services/Zoning Director's Report. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

8 On motion by Greene, seconded by Robinson, the Board moved to approve Amador Hilltop Estates Preliminary Plat located in Amador Township at 1275 Peterson Avenue, in Section 01, T. 35, R. 20, (PID #01.00212.00) with the following conditions:

1. Prior to filing for Final Plat approval, a demolition permit application shall be submitted to Chisago County for removal of the dwelling closest to Peterson Avenue on Lot 4; and
2. A Road Authority Agreement shall be executed with Amador Township as a condition of Final Plat review and approval.

The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

9 On motion by Greene, seconded by Montzka, the Board moved to approve Resolution No. 11172021 – 1, A Resolution of the County Board of Commissioners of Chisago County, Minnesota, Approving the Preliminary Plat of Steward Hills Estates, located in Amador Township, at 15765 392nd Street (PID# 01.00254.00). The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

RESOLUTION NO. 21/1117-X
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO
COUNTY, MINNESOTA,
APPROVING THE PRELIMINARY PLAT OF STEWARD HILLS ESTATES
AS REQUESTED BY PAUL & JENNY STEWARD

WHEREAS, Paul & Jenny Steward, property owners and applicants, submitted an application dated received September 30, 2021 and considered complete on October 13, 2021 for the Preliminary Plat of Steward Hills Estates; and

WHEREAS, the subject site is located at 15765 392nd Street, Center City (Amador Township) and is located in the Agricultural (AG) District; and

WHEREAS, the subject site is described as (abbreviated legal description):

PID 01.00254.00

THE W 330.60 FT OF THE SW 1/4 OF THE SE 1/4 AND THE E 1/2 OF THE SE 1/4 OF THE SW 1/4 LYING N OF THE S 656.62 FT.

Section 13, Township 035, Range 020

Chisago County, MN

WHEREAS, notice was provided and on November 4, 2021 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant and/or property owner, and invited members of the public to comment; and

WHEREAS, the Planning Commission recommended approval of the Preliminary Plat with conditions, per Resolution No. PC2021-1101, at its November 4, 2021 meeting; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its November 17, 2021 meeting and determined that the Preliminary Plat of Steward Hills Estates to be consistent with the intent of the County's Zoning and Subdivision Ordinances.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Chisago County, Minnesota hereby approves the request for Preliminary Plat, subject to the following conditions:

1. The Preliminary Plat is approved per plat drawing dated signed September 30, 2021. Any deviation from the approved plat drawing shall require further review by the Planning Commission and approval by the County Board.
2. The applicant shall surrender the August 2012 Conditional Use Permit allowing a Commercial Dog Kennel at 15765 392nd Street (PID 01.00254.00) and reduce the number of dogs on site to three within 12 months of Final Plat approval.
3. Chisago County strongly recommends the use of silt fencing around all delineated wetlands, particularly where sedimentation due to construction is likely to occur.
4. Chisago County requires that surveyors locate and survey all delineated wetland areas. The Notice of Decision is not an approval for any wetland impacts. The applicant must address any impacts under separate cover. The Notice of Decision does not represent approval / concurrence by the US Corps of Engineers for this or any wetland delineation report, replacement plan or exemption request. Chisago County suggests contacting the project manager for this area for concurrence and / or approval.
5. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.

The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat, unless an extension of time if requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

10 On motion by Greene, seconded by Robinson, the Board moved to approve Resolution No. 11172021 – 2, A Resolution of the County Board of Commissioners of Chisago County, Minnesota, Approving the Keith Johnson - Johnson CSG 2, LLC Interim Use Permit to construct a one-megawatt solar garden in Sunrise Township, Sec. 28, T. 35, R 20, (PID #09.00303.10). The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

RESOLUTION NO. 21/1117-X
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO
COUNTY, MINNESOTA,
APPROVING AN INTERIM USE PERMIT TO ALLOW A COMMERCIAL
SOLAR ENERGY SYSTEM
AS REQUESTED BY JOHNSON CSG 2, LLC AND KEITH JOHNSON

WHEREAS, Johnson CSG 2, LLC, applicant, and Keith Johnson, property owner, submitted an application dated complete on September 1, 2021 for an Interim Use Permit to allow a Commercial Solar Energy System; and

WHEREAS, the subject site is generally located at the southwest intersection of County Road 9 and County Road 11 (Sunrise Township) and is located in the Agricultural (AG) District; and

WHEREAS, the subject site is described as (abbreviated legal description):

PID 09.00303.10

THAT PT OF SE 1/4 OF SW 1/4 LYG N'LY OF S 1200 FT THEREOF. THAT PT OF W 1/2 OF SE 1/4 OF SAID SEC 28 LYG N'LY OF S 1200 FT THEREOF & LYG W'LY OF OASIS ROAD

Section 28, Township 035, Range 020

Chisago County, MN

WHEREAS, notice was provided and on November 4, 2021 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant and/or property owner, and invited members of the public to comment; and

WHEREAS, the Planning Commission recommended approval of the Interim Use Permit with conditions, per Resolution No. PC2021-1102, at its November 4, 2021 meeting; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its November 17, 2021 meeting and has made the following findings per Zoning Ordinance Section 8.04-1 Interim Use Permits:

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 Chapter 7 of the Chisago County Comprehensive Plan states that the County has become a leader in the facilitation and use of solar energy in Minnesota. The County believes it is in the public interest to encourage the use and development of renewable energy systems, including solar energy systems, that have a positive impact on energy conservation with limited adverse impact on nearby properties. The Planning Commission finds that the proposed Commercial Solar Energy System is consistent with the Comprehensive Plan.

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #2 Being that the proposed Commercial Solar Energy System will not increase population and will not generate traffic, the County finds that the use will not create any demand on existing parks, schools, streets or other public facilities.

- Factor #3 The proposed 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;
- Finding #3 *The proposed Commercial Solar Energy System meets the County's established setback requirements in relation to developed properties immediately west, south and northeast. Further, the proposed use will be screened by existing solar arrays to the west and south and will be screened from property to the east and northeast by landscaping.*
- Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
- Finding #4 *The proposed Commercial Solar Energy System will be constructed in a similar manner as the existing solar arrays on the same property. There is no evidence to suggest that the appearance of the existing solar arrays have had an adverse effect upon adjacent properties; therefore, there's no evidence to suggest that the proposed use will have an adverse effect.*
- Factor #5 The proposed 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;
- Finding #5 *The existing use of the subject site is Commercial Solar Energy Systems; therefore, the proposed use is related and consistent with the existing use. Further, Section 7.31 of the Chisago County Zoning Ordinance states that it's in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts and the County supports the use of solar energy systems.*
- Factor #6 The proposed 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;
- Finding #6 *Section 7.31 of the Chisago County Zoning Ordinance states that it's in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts and the County supports the use of solar energy systems. Further, the Zoning Ordinance identifies Solar Energy Systems as an interim use in the Agricultural (AG) District.*
- Factor #7 The proposed use will not cause traffic hazard or congestion; and
- Finding #7 *The proposed Commercial Solar Energy System will not generate traffic, and will, therefore, not cause a traffic hazard or congestion on CR 9 or CR 11.*
- Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.
- Finding #8 *The proposed Commercial Solar Energy System will not create any noise, other than the acceptable noise created during the construction process,*

and will be consistent in every other manner with existing solar arrays within the County. The County finds that the proposed use will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Chisago County, Minnesota hereby approves the request for Interim Use Permit, subject to the following conditions:

1. The project shall be developed and the facility shall be operated in conformance with the proposal elements identified in the application, including the written narrative dated August 30, 2021 and site plan dated received September 29, 2021, except as specifically noted below. Any deviation from the approved project shall require further review by the Planning Commission and approval by the County Board.
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. The permittee shall implement MPCA-recommended erosion and sediment control devices which are deemed applicable by the Chisago County Department of Environmental Services. If applicable, the permittee shall obtain an NPDES Permit, and provide the Department of Environmental Services with the Storm Water Pollution Prevention Plan (SWPPP). 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.
4. Areas of bare ground underneath the panels and in surrounding areas shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project.
5. The applicant shall submit a signed / certified landscape plan provided by a Minnesota-licensed landscape engineer or Minnesota-certified arborist verifying that the proposed landscaping will achieve the required height and opacity goals by the end of the third year of the project. The landscaping plan shall include a minimum of three staggered rows of six-foot black spruce trees spaced at 16-foot on center, located outside of the fenced perimeter. The plan shall be submitted for approval prior to building permit.
6. The applicant shall provide a financial surety in an amount sufficient to guarantee that the planting heights and 75% opacity screening goals will be achieved by the end of the third year of the project. Financial surety shall be provided prior to building permit approval.

7. 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.
8. The permittee shall install security / perimeter fencing surrounding the facility. The fence shall be agricultural fencing, known as “deer fence” which is of woven wire composition. The fence shall be a minimum of 8’ in height and constructed with wooden posts.
9. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy and shall be confirmed by county inspection.
10. The permittee is responsible for on-site cleanup of all waste and scrap that is the product of construction, as well as ongoing maintenance of the project property, including disposal of trash, waste, and other detritus, for the life of the project.
11. The project shall be decommissioned in accordance with the approved decommissioning plan. 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. 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.
12. The permittee shall provide a financial surety guaranteeing decommissioning in accordance with the plan. The surety 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 at the time of building permit application and building permit approval shall be conditioned upon receipt and approval of said surety. The permittee shall also provide, at time of building permit application, a detailed estimate to support the estimated cost of decommissioning and corresponding financial surety amount.
13. At time of decommissioning the permittee shall recycle as much of the system’s materials as possible and limit disposal of said materials to the fullest extent possible.
14. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.
15. The permittee shall install silt fencing around all delineated wetlands during construction, particularly where sedimentation due to construction is likely to occur.
16. The permittee shall locate and survey all delineated wetland areas.
17. The permittee shall follow the Minnesota DNR’s recommendations for avoiding and minimizing impacts to Blanding’s turtle.

18. The project shall include abatement measures (e.g. coniferous vegetation, fencing, enclosure, or other insulating treatments) to direct noise generated by the solar energy system invertors away from existing residential structures located on adjacent properties.
19. Interconnection equipment shall be mounted at grade level whenever possible.
20. The permittee shall work with Xcel Energy to limit the use and quantity of above-ground utility poles to the fullest extent possible.
21. The Interim Use Permit shall be valid for up to 35 years from the date of County Board approval or earlier in the permit term if the solar project as determined by County Staff is deemed satisfactorily decommissioned.

Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board

11 On motion by Greene, seconded by Montzka, the Board moved to approve the 2022/26 Agreement between Chisago County and Isanti County for Household Hazardous Waste Collection. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

12 On motion by Robinson, seconded by Greene, the Board moved to approve the 2022-23 Professional Technical Services Contract with the Chisago Soil and Water Conservation District. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

13 On motion by Robinson, seconded by Greene, the Board moved to approve the agreement between Washington Conservation District and Chisago County, on behalf of the Chisago Lakes Lake Improvement District, for the 2022-24 East Metro Water Resource Education Program. Funding for the 2022 program is \$6,685.62. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

14 On motion by Robinson, seconded by Greene, the Board moved to approve the 2022 General Engineering and Administrative Services Agreement between Chisago County and Emmons & Olivier Resources, Inc. along with Carp Management and Aquatic Plant Point Intercept Surveys for the Chisago Lakes Lake Improvement District pending County Attorney review as to form. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

15 On motion by Greene, seconded by Montzka, the Board moved to accept the November 17th Budget and Finance Report, authorize the use of fund balance as an advance on the 2022 CPA funds for the loader for Public Works, transfer funds and close out the Jail Capital Projects fund, proceed with Honeywell as the Energy Savings Performance Contractor, approve proceeding with the Scanning Vault Document project

with Mid-America Conversion, not to exceed \$37,000, direct the County Administrator to seek an IT Assessment, and forward the 2022 Budget and Levy to the December 1st Chisago County Board of Commissioners. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

16 County Attorney Reiter and County Administrator Burnham discussed the current Opioid Settlement and provided an update as to where Chisago County currently stands. **No action taken.**

17 On motion by Montzka, seconded by Dunne, the Board moved to approve the Contract between Chisago County Health and Human Services and University of Wisconsin for the provision of clinical experiences for students in nursing. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

18 On motion by Montzka, seconded by Greene, the Board moved to approve the Children's Mental Health Screening Grant 2022. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

19 On motion by Greene, seconded by Dunne, the Board moved to approve the Children and Youth with Special Needs Grant 2022-2026. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

20 On motion by Montzka, seconded by Dunne, the Board moved to approve the TriMin System Service Agreement for 2022. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

21 On motion by Greene, seconded by Dunne, the Board moved to approve the SHIP Grant Agreement – Chisago Age Well Coalition. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

22 On motion by Montzka, seconded by Robinson, the Board moved to approve the purchase of the attached SSR Bison 200P UTV from East Central Sports for the Chisago County Sheriff's Office Reserve Unit. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

23 On motion by Montzka, seconded by Dunne, the Board moved to approve the purchase of the attached 2022 Skidoo MXZ850 from Olson Power and Equipment, INC. for the Chisago County Sheriff's Office. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

24 On motion by Greene, seconded by Dunne, the Board moved to approve the 2022-23 Professional Technical Services Contract with the Chisago Soil and Water Conservation District. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

25 On motion by Greene, seconded by Dunne, the Board moved to approve the 2022 Labor Contracts with the County's Teamster Bargaining Units as negotiated for the term of one year commencing on January 1, 2021 and expiring on December 31, 2021. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson. **OPPOSED:** None.

County Administrator Burnham provided administrative updates. ***No action was taken.***

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

On motion by Greene, seconded by Dunne , the Board adjourned the meeting at 7:46 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka, Robinson **OPPOSED:** None.

Chris DuBose, Chair

Attest: _____
Christina Vollrath
Clerk of the Board