COUNTY OF CHISAGO

BOARD OF COMMISSIONERS

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

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

REGULAR MEETING – Wednesday, August 18, 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

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.) Minutes from the August 4, 2021 Regular Meeting TAB 2
3.) Payment of County's Warrants and Miscellaneous Bills TAB 3
4.) Repurchase of Tax Forfeited Parcels pursuant to 282.241 TAB 4
5.) Application for Exempt Permit – East Central Friends of the NRA TAB 5
6.) License Applications for 1 Day to 4 Day Temporary On-Sale Liquor Licenses TAB 6

Environmental Services/Zoning Report – Kurt Schneider, Director

7.) Director's Report TAB 7
8.) Draft Ordinance Amendment – Accessory Structures and Uses TAB 8
9.) Peter and Donna Lindgren/IPS Solar IUP *Amendment* 1 MW Solar Garden – Shafer Twp TAB 9
10.) John /Katie Waldorf CUP – Rural Retail Tour, DIY Classroom Education/Retreat Center TAB 10
11.) Peter Jadoonath/Emily Nordquist CUP – Rural Retail Tourism Pottery Studio TAB 11
12.) Jason and Jaime Holmstrom "Diamond Acres" Final Plat TAB 12
13.) Agmt with CLIMB Theatre for Services Presenting at the 2021 Children's Water Festival TAB 13

Other Business of the County Board

14.) Report and Recommendations from the August 10th, 2021 B/F Meeting TAB 14
15.) Notice of Resignation of Ms. Amy Chavez, County Probation Director TAB 15
16.) Agreement for Medical Examiner Service – Dr. Quinn Strobl TAB 16
17.) Veterans Service Office Operational Enhancement Grant Program Grant Agreement TAB 17
18.) SHIP Grant Agreement – Women's Environmental Institute (WEI) TAB 18
19.) Funded Provisional Staffing Request – ARP Funds TAB 19

Discussion Items:

- Correspondence CORR.
- Administrator Updates
- Commissioner Committee Reports

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: **August 10, 2021**

RE: Public Works Director's Report

Construction Update:

- CSAH 30 – TH 95 to CSAH 10.
- CSAH 4 – CSAH 7 to CSAH 2.
- Pavement Maintenance Mill/Overlay Project.

Project Development Update:

- CSAH 26 between CSAH 37 and TH 8. Final design and R/W acquisition is ongoing.
- CSAH 23/CSAH 24 Roundabout. Working on final design and R/W.
- Continuing to work on prelim designs for CR 79, CR 86 and CSAH 6 projects.
- CSAH 17 Extension Project. Working on scoping out predesign contract.

CSAH 11 Rutting Repair

We opened bids for our CSAH 11 microsurfacing repair project on Monday. We will have the project award and approval for your consideration at the Sept 1st meeting. We moved this through as rapidly as we could so we could get this project done this year before snowfall.

Tab 2

CHISAGO COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
Wednesday, August 04, 2021

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, August 04, 2021 at the Chisago County Government Center with the following Commissioners present: DuBose, Greene, Dunne, Robinson, Montzka. County Administrator Chase Burnham, Clerk of the Board Christina Vollrath, and County Attorney Janet Reiter were present.

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

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

On motion by Greene, seconded by Montzka, the board moved to open the Health and Human Services Committee of the Whole at 6:31 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka **OPPOSED:** None.

Chair DuBose gave the gavel to Vice-Chair Greene.

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

On motion by DuBose, seconded by Montzka, the Board moved to add items 1-3 to the Consent Agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

On motion by DuBose, seconded by Montzka, the board moved to close the HHS Committee Board of the Whole at 6:42 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka **OPPOSED:** None.

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

Board of Commissioners' Consent Agenda:

1.) HHS Committee Recommendation – Director's Report
2.) HHS Committee Recommendation – Payment of County's Warrants for HHS
3.) HHS Committee Recommendation – SHIP Coordinator – Full Time Position
4.) Payment of County's Warrants and Miscellaneous Bills
5.) Minutes from the July 21, 2021 Regular Meeting

6.) Advertisement for Vacancy on the Chisago County Planning Commission – District 1

7.) Acceptance of Donations

8.) Terms and Date for the Public Sale of Tax Forfeited Land and Sale of Tax Forfeited Land to Adjacent Landowners pursuant to M.S. 282.01.

On motion by Robinson, seconded by Dunne, the Board moved to approve the agreement to provide School Resource Officer Services for Rush City School District for the 2021-2022 school year. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

On motion by Montzka, seconded by Dunne, the Board moved to approve the resolution for signing authority for Captain Andrew Mahowald and accept the Grant Contract Agreement. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

On motion by Greene, seconded by Robinson, the Board moved to approve the agreement with DS Solution for online election judge training and authorize Bridgitte Konrad, County Auditor-Treasurer to sign the Professional Services Agreement and administer the Agreement on behalf of the County. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

On motion by Greene, seconded by Dunne, the Board moved to authorize Negotiation and Preparation of a Professional and Technical Services Agreement with Hometown Planning, LLC for Services Relating to Zoning and Subdivision Ordinance Revisions and Authorize Preparation of Necessary 2021 Budget Adjustment in Support of Said Professional Services Agreement. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne. **OPPOSED:** Montzka, Robinson.

On motion by Greene, seconded by DuBose, the Board:
Option 2 – Soils Area Exemption

Motion 2 (a): "Move to Revise the Planning Commission Recommended Amendment to the SSTS Ordinance to include language providing for a reduction and exemption to percolation tested soils area and holding tank allowance.

Motion 2(b): "Move to Amend the SSTS Ordinance consistent with revision to the Planning Recommendation as made by prevision motion - Subsurface Sewage Treatment System Ordinance Amendment No. 072121-2 An Ordinance Amending Section 6 General Requirements; And Section 7 SSTS Standards; Of The Chisago County Subsurface Sewage Treatment System Ordinance No. 10-1 By Removing Buildable Soil Area Requirements And Reducing and Providing Exemption to Percolation Tested Soils Area And Holding Tank Allowance"
The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Robinson. **OPPOSED:** Dunne, Montzka.

On motion by Montzka, seconded by Greene, the Board moved to
Motion 1: Move to Authorize and approve transfer of $20,000 from LID reserves to Navigations Channels, North Center –North Lindstrom (618-6834) along with associated

budget adjustment request for the purpose of expending such sums for surveys and appraisals authorized by LID Board.
Motion 2: Motion to authorize expenditures in an amount not to exceed $20,000 by the LID for survey work and appraisals necessary to develop offers to acquire easements or property for improvement of the North Center-North Lindstrom channel.
The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

On motion by Montzka, seconded by Greene, the Board moved to authorize signatures and approve the Meadowlark Estates Final Plat located in Chisago Lake Township, at 15432 310th Street (PID #02.00726.00. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

On motion by Montzka, seconded by Greene, the Board moved to acknowledge and accept notification of retirement of Mr. John Keefe, Chisago County Assessor, and direct County staff to proceed in the development of transition/succession options for future Board consideration. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

On motion by Greene, seconded by Montzka, the Board moved to authorize the D.E.S Director to issue purchase orders for the replacement of the penthouse HVAC controller for a cost of $29,600.00. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

On motion by Greene, seconded by Dunne, the Board moved to approve paying the Public Health Nurses their compensation and vacation bank overages using ARP funds. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

On motion by Dunne, seconded by Greene, the Board moved to approve the Memorandum of Understanding for County Extension Services with the University of Minnesota from January 1, 2022 to December 31, 2024, subject to County Attorney approval. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

On motion by Greene, seconded by Dunne, the Board moved to approve Joint Powers Agreement for the Metropolitan Emergency Services Board (MESB). The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

On motion by Montzka, seconded by Greene, the Board moved to authorize the D.E.S. Director to issue purchase orders for (option 1) with funding coming from the county ARP funds for this project. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

On motion by Montzka, seconded by Greene, the Board moved to approve engaging with Hometown Fiber in a consulting agreement, which would be the first step in improving broadband internet service within Chisago County. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

CITIZENS FORUM

TIME – 7:51 p.m.
END TIME – 7:51 p.m.
0 letters, 0 emails, # of **SPEAKERS** = 0

County Administrator Chase Burnham provided administrator updates and correspondence. ***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 8:04 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka **OPPOSED:** None.

_____
Chris DuBose, Chair

Attest:_____
Christina Vollrath
Clerk of the Board

CHISAGO COUNTY
BOARD OF COMMISSIONERS
August 18, 2021

Item # 3

Payment of County's Warrants & Miscellaneous Bills

County Warrants = $632,394.89

Authorize Payment of County's Warrants for HHS:

Prepared Check Date	Amount	Mail Date	Type of Payment
8/6/2021	$40,981.07		Commissioner's Warrants
8/6/2021	$92,670.51	8/18/2021	Auditor's Warrants
8/9/2021	$55,308.18		Commissioner's Warrants
8/9/2021	$27,527.06	8/18/2021	Auditor's Warrants

Lake Area Bank; Derek Anklan; Sheriff; supplies; $118.00
Lake Area Bank; Amy Chavez; Probation; supplies; $32.20
Lake Area Bank; Janet Converse; Recorder; registration; $69.00
Lake Area Bank; Karen Gates; Human Resources; supplies; $740.85
Lake Area Bank; Jonathan Gray; Sheriff; conference; $164.00
Lake Area Bank; Jaime Kelly; Wellness Committee; supplies; $222.18
Lake Area Bank; Andrew Mahowald; Sheriff; supplies; $82.00
Lake Area Bank; Mary Melby; Wellness Committee; supplies; $126.97
Lake Area Bank; Kyle Puelston; Sheriff; registration, supplies; $2,015.20
Lake Area Bank; Janet Reiter; Attorney; conference; $552.44
Lake Area Bank; Kurt Schneider; Environmental Services; training; $606.20
Lake Area Bank; Barbara Shimmon; Public Works; registration; $79.50
Lake Area Bank; Joseph Triplett; Public Works; conference; $450.00
Lake Area Bank; Justin Wood; Sheriff; conference; $582.93
Lake Area Bank; Ami Helmbrecht; HHS; conference; $711.80
Lake Area Bank; Tracy Krona; HHS; travel for client; $1,411.71

SPECIAL PAYMENT OF PER DIEMS

- Claims Submitted Over 60 Days

Mike Mergens - $150.00 – IPC Watershed Mgmt
Dawn White - $100.00 – IPC Watershed Mgmt
John Sutcliffe - $629.36 – Board of Adjustment

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

Chisago County Request for Board Action

Meeting Date: August 18, 2021	***Item Number:*** 4
Title of Item for Consideration: Repurchase of Tax Forfeited Parcels pursuant to 282.241	
Action Requested by: Bridgitte Konrad, County Auditor-Treasurer	***Department:*** Auditor-Treasurer
Previous Action on this Matter: None	

Background: A Certificate of Forfeiture has been filed on tax parcels 21.00626.00 on June 2, 2021. The property is now owned by the State of Minnesota in trust for the respective taxing districts. M.S. 282.241 provides that the previous owner, the previous owner's heirs or a party who has the right to pay the taxes has the opportunity to apply to repurchase tax forfeited property prior to it being sold. As the heir to the now deceased owners (David & Betsy Williamson) of the property, Pamela Thomson is eligible to apply for repurchase. The requirement is that she pay the amount of outstanding tax, penalty, interest and costs as if it would not have forfeited.

Per M.S. 282.241 the County Board's approval is to be given only if at least one of the following conditions is true:

- The Board determine that undue hardship or injustice resulting from the tax forfeiture will be corrected by the repurchase.
- The Board determines the repurchase will serve the public interest.

Attachment(s):

- Application of Pamela L. Thomson, heir of now deceased property owner, at the time of forfeiture for repurchase of parcel 21.00626.00
- DRAFT resolution approving Repurchase

Action Requested/Recommended: The County Board is respectfully requested to approve the application for repurchase of above-noted parcel by Pamela Thomson. The following motion is recommended;

"Move to approve the application for repurchase of parcel 21.00626.00 by Pamela Thomson."

Implications of Action: Currently the parcel is off of the tax rolls. If the application is approved the collection of the outstanding tax will be sooner than if it went to sale and the property will be back on the tax rolls

Budget/Financial Implications: None

Legal/Policy Implications: The proposed application and approval meets the requirements of M.S. 282.241. 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 CBS	Deny _____	Other _____	
Motion By:		Seconded by:	
To:			
Action on Motion:	Aye _____	Nay _____	Abstain _____


263RD ST
263RD CT
KETTLE RIVER BLVD
4912
4928
4896
4944
4880
4960
4976
4977
4961
4915
4865
4861
4864
19

Chisago County
Board of Commissioners

REPURCHASE OF TAX FORFEITED PARCELS PURSUANT TO 282.241

RESOLUTION NO. 21/0818-X —
REPURCHASE OF TAX FORFEITED PARCELS PURSUANT TO 282.241

WHEREAS, Pamela Thomson, the heir of now deceased property owner (David & Betsy Williamson) at the time of forfeiture, has made and filed an application with the County Auditor-Treasurer for the repurchase of the hereinafter described parcel of tax forfeited land, in accordance with the provisions of Minnesota Statutes, Section 282.241, as amended, which land is situated in the County of Chisago, Minnesota, and described as follows, to-wit:
Parcel # 21.002626.00
Lot 1, Block 5, Sunrise West

WHEREAS, said applicant has set forth in her application that: taxes were unpaid because of family members with illnesses and personal issues,

WHEREAS, this Board is of the opinion that undue hardship resulted from the forfeiture and the repurchase will be in the best interest of the public and said applications should be granted for such reasons,

NOW THEREFORE BE IT RESOLVED, that the application of Pamela Thomson, for the repurchase of the above described parcel of tax forfeited land be granted and the County Auditor-Treasurer is hereby authorized and directed to permit such repurchase according to the provisions of Minnesota Statutes, Section 282.241, as amended.

Chisago County Request for Board Action

Meeting Date: August 18, 2021	***Item Number:*** 5
Title of Item for Consideration: Application for Exempt Permit – East Central Friends of the NRA	
Action Requested by: Chase Burnham, County Administrator	***Department:*** Administration
Previous Action on this Matter: None.	

Background: The current application is from the East Central Friends of the NRA, so that the applicants can conduct a lawful raffle on October 2, 2021. The East Central Friend of the NRA is a non-profit organization.

Attachments:

- LG220 Application for Exempt Permit – East Central Friends of the NRA
- Resolution

Action Requested/Recommended: It is respectfully requested that the Chisago County Board approve the East Central Friends of the NRA's application to Conduct a raffle at their event on October 2, 2021. The recommended motion is as follows:

"Move to approve the East Central Friends of the NRA's resolution to conduct a raffle at their event on October 2, 2021."

Implications of Action: Approving tonight's action would allow the East Central Friends of the NRA to raise money for its non-profit organization and its activities.

Budget/Financial Implications: None – Approving the permit has any budget/financial implications on Chisago County.

Legal/Policy Implications: The proposed activities appear to be in 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 _____

Chisago County
Board of Commissioners

EXEMPT PERMIT FOR GAMBLING

RESOLUTION NO. 21/0818-X
APPROVING THE SUBMISSION OF AN APPLICATION TO CONDUCT A RAFFLE FOR THE EAST CENTRAL FRIENDS OF THE NRA

WHEREAS, the Chisago County Board of Commissioners has been presented with a request for lawful gambling within Chisago County; and

WHEREAS, the application was complete, included all necessary documentation, appears in accordance with County Policies and the facility owners are in good standing with the County;

BE IT RESOLVED that the Chisago County Board of Commissioners hereby approves and authorizes submission to the Minnesota Gambling Control Board an application to conduct a raffle at the Lent Town Hall located at 33155 Hemingway Ave., Stacy, MN 55079.

Chisago County Request for Board Action

Meeting Date: August 18, 2021	***Item Number:*** 6
Title of Item for Consideration: License Applications for 1 Day to 4 Day Temporary On-Sale Liquor License – Franconia Sculpture Park – September 25, 2021 and Stacy Lions Club – Rib Fest/A-1 Tire Grand Opening – September 18, 2021	
Action Requested by: Bridgitte Konrad, County Auditor	***Department:*** Auditor's Office

Previous Action on this Matter: From time to time the Board of Commissioners is asked to approve individual application requests.

Background: The applications are for License Applications for 1 Day to 4 Day Temporary On-Sale Liquor License for the Franconia Sculpture Park for an event on September 25th, 2021 and the Stacy Lions Club Rib Fest/A-1 Tire Grand Opening event on September 18, 2021. They are recommended by the Sheriff's office and Attorney's office for approval. The following are County businesses/organizations are requesting approval;

1. Franconia Sculpture Park – September 25th, 2021
2. Stacy Lions Club – Rib Fest/A-1 Tire Grand Opening – September 18, 2021

Attachment(s):

- License Applications for 1 Day to 4 Day Temporary On-Sale Liquor License *(available with Clerk of the Board)*

Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve the License Applications for 1 Day to 4 Day Temporary On-Sale Liquor License for the Franconia Sculpture Park and for the Sno Baron's Snowmobile Clubs Hay Days. The suggested motion is as follows:

"Move to approve the License Applications for 1 Day to 4 Day Temporary On-Sale Liquor License for the Franconia Sculpture Park and for the Stacy Lions Club Rib Fest/A-1 Tire Grand Opening."

Implications of Action: By approving the applications, the organizations will be able to sell Liquor at their events planned for the specific dates.

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

Tab 7

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: August 11, 2021
Re: **August 18, 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 August 18, 2021, Board meeting.

Action Items:

1. Receive Directors Report
2. Planning Commission Accessory Bldg. Ordinance Discussion/Draft
3. Holmstrom - Diamond Acres Final Plat
4. Lindgren IPS Solar IUP Amendment
5. Waldorf Rural Retail Tourism DIY Classroom/B&B CUP
6. Jadoonath Rural Retail Tourism Pottery/Events CUP
7. Climb Theatre Water Festival Agreement

Informational Item(s):

Board of Adjustment and Appeals:
The next regularly scheduled Board of Adjustment meeting is scheduled for August 26, 2021 at 7:00 pm. at the Government Center. The Board will also meet on August 25, 2021, at 8:00 A.M. departing 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. Richard and Colleen Roloff at 1482 509th Street, Nessel Township; Sec. 22, T. 37, R. 22, (PID# 06.00466.00) are requesting a variance to replace an existing home and detached garage with a new house and attached garage closer to the road, side yard, and lake than the required setbacks; and replace a holding tank closer to the lake than the required setback.

2. Larry and Barb Emmerich at 50560 Bayside Avenue, Nessel Township; Sec. 21, T. 37, R. 22,

(PID# 06.00928.00 are requesting a variance to add onto an existing non-conforming garage closer to the road than the required setback and exceeding the impervious surface coverage in the RRI Zoning District.

Planning Commission:
The regularly Planning Commission meeting is scheduled for Thursday, September 2, 2021, at 7:00 p.m. . in the Lower Level of the Chisago County Government Center. The Commission will also meet on August 31, 2021, at 8:00 A.M. departing from Public Works at 31325 Oasis Road, Center City, MN to conduct organized tours of the agenda item properties Items for consideration include:

1. Rod and DeAnn Strenke at 15460 345th Street, Chisago Lake Township; Sec. 12, T. 34, R. 20, (PID# 02.00530.00). are seeking approval of a preliminary plat of four lots out of a 39.85 acre tract.

2. Kevin Haseltine at 42660/42654 Blackhawk Road, Fish Lake Township; Sec. 34, T. 36, R. 22, (PID# 03.00526.30 and 03.00526.40 is seeking approval of a preliminary plat of two lots out of a 39. acre tract.

3. Zoning Ordinance Review — Shooting Range Standards

General Department Informational Item(s):
Construction & permit activity continues at a brisk pace, Year-To-Date (YTD) revenue as of August 6th is 68% of projected in excess of $553,360. The July Year to Date permit activity data is provided as ***attached.***

The Department continues to fill in the gaps with staffing Land Services vacancy. The position posting has closed and applications are in review. Water Resources Staff are pushing the limits of FTE status whilst also trying to keep highest priority AIS, Water Festival, and 1W1P engagement satisfied. The FTE staffing adjustment proposed in budget discussions continues to be an extreme need to support programming yet this year and next.

The Planning commission appears close to forwarding general commercial shooting range ordinance provision recommendations. Discussion continues with a few members looking to tour area shooting range facilities and report observations at upcoming meeting(s).

In-person 2021 Water Festival planning is well underway and is intending to involve upwards of 700 5th grade students within the county. Public Health guidance has most recently been sought concerning proper in-person COVID protocols and practices anticipating the in-person event will proceed as scheduled on September 23rd. Online tools developed this Spring (2019 virtual water festival) remain available should circumstances change and event protocols require remote engagement of attendees.

Planning Consultant Bolton & Menk has been notified of their selection for Ordinance update services and a Professional Services Contract is being prepared/reviewed with the County Attorneys office but is not yet available for action at this meeting. Several members of the Planning Commission expressed gratitude to the Board for opting to proceed with Bolton & Menk noting they are a very capable firm.

July 2021 Building Report:

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	
	July	YTD	July	YTD	July	YTD	July	YTD	July	YTD	July	YTD	July	YTD	July	YTD
Amador	0	1	1	10	0	3	0	2	2	5	0	0	0	2	1	9
Center City	0	2	3	11	0	3	0	1	2	8	0	0	0	0	0	0
Chisago City	3	17	11	80	6	35	0	6	0	6	0	0	1	3	4	17
Chisago Lake	0	8	5	66	2	16	2	19	0	0	0	0	3	12	8	45
Fish Lake	0	6	1	10	1	5	0	5	0	0	0	0	1	5	1	25
Franconia	0	2	3	14	0	8	2	9	0	2	0	0	0	4	4	14
Harris	0	2	0	6	0	2	0	2	0	1	0	0	0	1	1	5
Lindstrom	0	7	7	59	4	25	1	5	0	4	0	1	0	0	0	0
Nessel	1	6	1	21	0	4	0	4	0	0	0	0	1	6	6	23
Rush City	0	13	0	17	0	3	0	2	0	1	0	0	0	0	0	0
Rushseba	0	2	1	7	0	1	1	2	0	0	0	0	1	2	1	10
Shafer	0	2	2	6	0	4	0	5	0	1	0	0	0	1	3	7
Sunrise	5	9	1	14	0	9	4	6	0	2	0	0	0	2	3	19
TOTAL:	**9**	**77**	**36**	**321**	**13**	**118**	**10**	**68**	**4**	**30**	**0**	**1**	**18**	**38**	**32**	**174**

Year to Year Comparison	July	YTD	July	YTD	July	YTD	July	YTD	July	YTD	July	YTD	July	YTD	July	YTD
2020	11	59	72	372	9	110	17	62	0	15	0	0	8	30	29	189
2019	15	93	72	367	17	122	19	63	3	26	0	0	12	39	23	138
2018	16	86	64	305	11	86	14	52	2	25	0	0	20	47	36	144
2017	15	86	52	335	18	104	14	64	0	13	0	1	13	31	23	150

Chisago County Request for Board Action

Meeting Date: August 18, 2021	***Item Number:*** 8
Title of Item for Consideration: Draft Ordinance Amendment – Accessory Structures and Uses	
Action Requested by: Kurt Schneider, Director	***Department:*** Environmental Services/Zoning - on behalf of the Chisago County Planning Commission

Previous Action on this Matter: On April 21, 2021 the County Board discussed and directed Chisago County Planning Commission review of the Chisago County Zoning Ordinance as it pertains to the use of accessory buildings in the agricultural zones.

Background: The Planning Commission began review of the accessory building provisions of the Zoning Ordinance as part of their meeting of May 6, 2021 and has carried on monthly review to August 5, 2021. The attached Draft ordinance amendment document has been generated thru discussion of the Commission. The Commission now requests formal direction from the County Board on proceeding.

No public hearing or formal Planning Commission action concerning the attached Draft document has occurred. It is advisable for the Board to entertain one of the following courses of action and direct the Planning Commission accordingly:

1. Direct the Commission to continue with implementation of the attached draft amendment and cause an October 7th Public Hearing to occur expecting formal recommendation from the Commission to be forthcoming;

2. Direct specified changes to the attached draft amendment and referral back to the Commission for further review and/or October 7th Public Hearing;

3. Direct other and/or no changes to the Accessory Building provisions or lay the matter over for future discussion.

Attachment(s):

- Draft Zoning Ordinance Amendment Section 4.08.1 Accessory Structures and Uses in (A), (AP), and (PAT) Districts; and Section 5.06 Agricultural District of Zoning Ordinance No. 08-03

Action Requested/Recommended: It is respectfully requested that the Chisago County Board review the attached Draft ordinance amendment document and direct the Planning Commission on proceeding. The suggested motion(s) to direct the Commission presented as follows:

"Move To Direct the Planning Commission To _____ Concerning the Attached Draft Zoning Ordinance No. 08-03Amendment To Section 4.08.1 Accessory Structures and Uses in (A), (AP), and (PAT) Districts; and Section 5.06 Agricultural District As Presented and/or Amended As Follows: _____"

Implications of Action: If so directed, direction to the Commission to proceed will necessitate formal public hearing to include notice to the public and direct notice to all cities and townships

within the county. Publication deadlines and requirements would necessitate at the earliest an October public hearing.

Budget/Financial Implications: With the exception of publication costs, there are no direct financial implications at this time.

Legal/Policy Implications: The working Draft ordinance has not yet been reviewed and approved as to form by the County Attorney's Office but does follow recent and generally accepted form/format at this time. Adoption of said ordinance would change local law and policy as pertains to accessory strucutres.

Administrator's Recommendation

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

Action on Motion:	Aye _____	Nay _____	Abstain _____

CHISAGO COUNTY
STATE OF MINNESOTA ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 4. GENERAL PROVISIONS; AND SECTION 5. ZONING DISTRICT PROVISIONS; OF THE CHISAGO COUNTY ZONING ORDINANCE NO. 08-3 BY AMENDING ACCESSORY STRUCTURES AND USES

Now therefore be it resolved that the Chisago County Board of Commissioners herby ordains that Section 4.08.1 Accessory Structures and Uses in (A), (AP), and (PAT) Districts; and Section 5.06 Agricultural District of Zoning Ordinance No. 08-03 is hereby amended as follows:

SECTION 4. GENERAL PROVISIONS

4.08.1 Accessory Structures and Uses in (A), (AP), and (PAT) Districts

A. No accessory building or structure other than a fence or a temporary construction office shall be permitted on any lot without a principal structure, except or unless:

1. a residential accessory structure is permitted provided a building permit for the principal structure (home) has been issued ~~and the foundation inspection has been completed and approved~~ and the associated principle use home is habitable (certificate of occupancy issued) within 3 years;

2. the structure constitutes a pre-existing accessory building that is/was subsequently split off or subdivided out, or the result of principal structure demolition from a parent parcel, and is maintained and kept in a safe usable

condition, may remain on any resulting conforming vacant lot of record prior to the construction of a principal structure;

3. on parcels 10 acres or larger in size, a *IUP ~~with defined 5 year max expiration term~~* ~~has~~ may be ~~been~~ issued to allow a singular accessory building to be constructed for personal storage/use only without the presence of a principal use structure and which no overnight or residential living quarters are allowed; or

4. the building qualifies as Agricultural buildings or uninhabited historical buildings as part of a use permitted under Section 5.06 B.7, Section 5.08 B.3 or Section 5.09 B.6. ~~constitute an exception~~.

B. Accessory buildings larger than one hundred twenty (120) square feet shall require a building permit. All accessory structures including those that do not require permits must adhere to setbacks.

C. The commercial storage of fish houses or similar recreational structures is prohibited. Personal storage of fish houses or similar recreational structures must meet all setbacks.

D. No detached accessory structure, garage, cellar, tent, trailer, or basement may be built, modified for use, or used, as a dwelling, except temporary manufactured homes as regulated in this Ordinance.

E. Detached accessory structures shall be only one story in height, or two stories with the second story consisting entirely of unfinished storage space.

F. No sanitary facilities are permitted within an accessory building prior to the construction of the principal structure unless authorized by issue of a ~~Conditional~~ Interim Use Permit.

G. Detached accessory structures shall not include plumbing or fixtures apart from a sink and/or water closet connected to a lawful compliant septic tank and/or system.

H. Temporary structures must be securely anchored and meet all required setbacks. Temporary structures that due to deterioration or damage no longer provide the use for which they were intended must be removed.

I. Setbacks from roadways for accessory structures on properties developed under a previous version of this ordinance may be less stringent from current requirements, but not less than the distance required of the primary structure under the provisions of this ordinance at the time of the original development, provided that there are no road projects planned which would conflict with the building site.

5.06 Agricultural District (A)

B. Permitted Uses.

15. Horse barns as a principal or accessory use, provided that the barn is not intended for use in a commercial equine operation and contains no residential living quarters ~~and/or sanitary facilities~~.

D. Interim Uses.

8. A singular accessory building for personal use & storage and without the presence of a principal structure pursuant to Section 4.08.1

Passed and approved this _____ day of _____, 2021, by the Chisago County Board of Commissioners.

_____

[name], Chairperson

ATTEST:

_____

Chase Burnham, County Administrator

Published in the _____ this day of _____, 2021.

Drafted by:
Chisago County Environmental Services Department
313 N. Main Street
Center City, MN 55012

Reviewed and approved as to form

*s/ Jeffrey B. Fuge*_____ [Insert Date]
Jeffrey B. Fuge
Assistant County Attorney.

Chisago County Request for Board Action

Meeting Date: August 18, 2021	***Item Number:*** 9
Title of Item for Consideration: Peter and Donna Lindgren/IPS Solar Interim Use Permit *Amendment* 1 MW Solar Garden – Shafer Township	
Action Requested by: Kurt Schneider, Director	***Department:*** Environmental Services/Zoning - on behalf of the Chisago County Planning Commission
Previous Action on this Matter: IPS Solar, on behalf of Peter and Donna Lindgren, was previously issued an Interim Use Permit on July 15, 2020 to construct a 1 MW Community Solar Garden at this same location. The IUP was deemed necessary given the proximity of the project within ¼ mile of another existing array.	

BACKGROUND: Evan Carlson of IPS Solar, on behalf of property owners Peter and Donna Lindgren, is requesting an Interim Use Permit *Amendment* to:

- Adjust solar panel construction from fixed to tracker style system.
- Adjust panel row(s) orientation from east/west to north/south.

The proposed site plan remains substantially the same as the already approved community solar garden IUP with no other changes proposed/requested.

At their meeting of August 5, 2021, the Planning Commission conducted the requisite public hearing and recommended unanimous approval of the request with the attached staff report and conditions as reviewed and adjusted to reflect the updated site plan and include condition 23, which has since been satisfied.

Pursuant to Minnesota Statute, the 60-day agency action deadline the application was deemed complete on June 30, 2021 and the 60 day deadline is August 29, 2021. Among the options for the County Board at tonight's meeting are the following:

1. Approve the IUP amendment, as recommended and with the Findings and Conditions as presented;
2. 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);
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)).
4. The County Board may Deny the IUP amendment request 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
- Presentation to the Planning Commission
- Staff Report to the Planning Commission
- Planning Commission Minutes (draft)

Action Requested/Recommended: It is respectfully requested that the Chisago County Board affirmatively consider the August 5, 2021 Chisago County Planning Commission recommendation to approve the IPS Solar Interim Use Permit Amendment 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 IPS Solar Interim Use Permit Amendment to construct a one-megawatt solar garden on Peter and Donna Lindgren property at the NE corner of County Roads 9 & 11, Sunrise Township, Sec. 28, T.35, R20 (PID #08.00269.00) 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 Amendment and allows site adjustment and tracker style solar panels as proposed, 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 August 5, 2021
Interim Use Permit Amendment – Lindgren/IPS Solar
NE Corner County Road 37 and Tern Ave, Shafer Township, Sec. 27, T.34, R19 (PID #08.00269.00).

RECOMMENDED FINDINGS (Staff Review/Analysis):

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?**
4. 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 **UPDATED 6/30/21 Plan depicting adjusted tracker design layout,** Sheet PV1 submitted upon satisfactory verification by IPS Solar that all project components shall be setback 135 feet from centerline of County Highway 37/310th Street.

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 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 and reflected on the landscape plan.

5. The maximum height of the solar panels shall be ten feet.

6. A perimeter fencing shall be of agricultural fencings a.k.a. "deer fence" design, with wooden posts and woven wire or fixed knot design that is constructed to be eight feet tall. No barbed wire or galvanized steel posts shall be allowed.

7. Prior to building permit approval, verification by a landscape architect or certified arborist shall be provided which verifies that the proposed screening plan should achieve 75% opacity by year three of the project, or the plan shall be revised to identify and implement alternative effective screening that will achieve that goal. 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. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy.

9. 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 and maintained for the life of the project shall be provided prior to building permit approval.

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

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

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

13. The project shall be decommissioned in accordance with the 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.

14. 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 as approved by county staff at the time of submissions. 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.

15. 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.

16. 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.

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. The installation of new utility poles shall be setback 30 feet from roadway.

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

20. A second row of screening either Black Hills Spruce or Dogwood that are at least four feet in height will be added along 310th Street and extend 100 feet along east side of project.

21. Interconnection equipment and utility poles will be relocated to SW corner of project.

22. The disposal of structures and/or foundations shall meet the requirements of the Chisago County Solid Waste Ordinance and applicable Minnesota Pollution Control Agency regulations at the time of decommissioning and shall include a product stewardship element that requires the recycling and/or reuse of all solar panel racking, components, and materials upon their removal, or damage throughout the project life.

23. **Applicant shall review and receive approval from the County Highway Engineer for the adjusted driveway access to County Road 37.**



NEW ENERGY EQUITY

NEW ENERGY EQUITY, LLC
2530 RIVA ROAD, SUITE 200
ANNAPOLIS, MD 21401
NEWENERGYEQUITY.COM
443-267-5012

PROJECT ADDRESS:
19998 310TH ST
SHAFER, MN 55074

LAT: 45.398574
LONG: -92.760106

SYSTEM SPECIFICATIONS	
SYSTEM SIZE: DC	1.501 MW
SYSTEM SIZE: AC	LIMITED TO 1.000 MW
DC/AC RATIO	1.501
AZIMUTH	180°
TILT	+/- 02°
MODULE COUNT	3300
MODULE TYPE	JINKO JKM456M-7RL3-TV
MODULE STC RATING	455 W
INVERTER COUNT	9
INVERTER TYPE	SMA SUNNY HIGHPOWER PEAK3 125-US
INVERTER POWER	125 kW
RACKING	TBD
MONITORING	ALSO ENERGY

DESIGN CRITERIA	
MIN/MAX TEMP	-29°C / 33°C
WIND SPEED (ASCE 7-10)	105 MPH
BUILDING CATEGORY	I
EXPOSURE CATEGORY	C
GROUND SNOW LOAD	25 PSF
BUILDING HEIGHT	0-0"

OTHER NOTES

CASE NUMBER 03647346

NO POSITION, DISTANCE, OR CLEARANCE ISSUES WITH OVERHEAD ELECTRIC SERVICE LINES OR OTHER UTILITIES IN RELATION TO THE PV PANELS.

24/ 7 UNESCORTED KEYLESS ACCESS PROVIDED FOR THE METERS AND AC DISCONNECT.

REVISIONS

#	DESCRIPTION	BY	DATE
0	ORIGINAL DESIGN	BK	1/27/2020
1	CUP COMMENTS	SPC	5/26/2020
2	TRACKER DESIGN	BK	11/2/2020
3	AREA M WETLANDS	SPC	2/9/2021
4	SITE PLAN UPDATE	JT	06/10/2021
5	SCREENING AND POLES	SPC	6/30/2021
6	EQUIPMENT PAD	SPC	8/5/2021
7			

DRAWN BY
ISHA REGE

PROJECT NAME
LINDGREN 1 CSG

DRAWING TITLE
SITE PLAN

SCALE[1]
1" = 60'
0 1" 2"

SHEET
PV1

DRAWING SHEETS AND CONTENTS NOT TO BE DISTRIBUTED WITHOUT EXPLICIT WRITTEN CONSENT FROM NEW ENERGY EQUITY LLC.

[1] DRAWING SCALE ACCURATE WHEN THIS PAGE IS PRINTED ON 24"x36" PAPER.

Staff Report

TO: Chisago County Planning Commission

FROM: Patty Perreault, Office Manager

DATE: July 29, 2021

RE: IPS Solar, Lindgren Interim Use Permit – PID#08.00269.00
Shafer Township, Teal Avenue & County Road 37

Action to Consider

The Applicant is seeking amendment of a one megawatt 8-acre community solar garden Interim Use Permit (IUP) to adjust the approved site plan by changing the solar panel construction from fixed tilt system to a tracker system.

Property Background/Description

Evan Carlson, IPS Solar, on behalf of Peter and Donna Lindgren was issued an Interim Use Permit to construct a 1 MW AC Photovoltaic Community Solar Garden on July 15th of 2020. A IUP was deemed necessary given the proximity of the project within ¼ mile of another existing array.

Site Plan/Proposal Analysis

The proposed site plan remains substantially the same as the already approved community solar garden IUP. Changes proposed include:

- Adjust solar panel construction from fixed to tracker style system.
- Adjust panel row(s) orientation from east/west to north/south.
- No other changes proposed/requested.

With the original approval, construction was to begin October 2020 with the project scheduled to be completed before July 2021. Contractor applied for amendment on June 30 and was directed to seek amendment of the IUP placing the 12-month activation timeline on hold (maintaining 16 days of eligibility to activate) until the IUP amendment application status is determined. Pending approval, construction is now slated for as soon as August of 2021 with completion by January of 2022.

The Technical Review Panel identified one comment for consideration. County Engineer recommends site plan adjustment to require property driveway access from Tern Avenue rather than County Road 37 as shown.

Original Staff Analysis – Please See Original 2019 Staff Report Attached

60-Day Review
The application was deemed complete on June 30, 2021. The 60-day deadline will be August 29, 2021.

Township Recommendation
Township Board reviewed at their meeting on July 8, 2021 and recommended approval with no conditions.

Interim Use Permit Code Analysis – See Original 2019 Staff Report Attached

Recommended Action to Consider
Following the review by the Technical Review Committee and Planning Staff, the proposed amended Interim Use Permit is determined to continue 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 amended Interim Use Permit requested by Evan Carlson, on behalf of IPS Solar, for Peter and Donna Lindgren property at PID#08.0069.00 as presented in Staff's report following review of the narrative of record and site plans as provided by the Applicant based on the Finding of Fact that the proposal remains consistent with the zoning regulations and Comprehensive Plan for Chisago County and subject to the original conditions listed below; with amendment to Condition 1 to reflect the new site layout; and addition of Condition 23 in satisfaction of updated County Engineer technical review comment. (*or as modified by the Planning Commission if it is deemed additional conditions should be identified*):

APPROVED IUP CONDITIONS: *(Condition 1 amended, Conditions 23 added in **BOLD**)*

1. The location of solar array shall be approved with the setbacks as shown on **UPDATED 6/30/21 Plan depicting adjusted tracker design layout,** Sheet PV1 submitted upon satisfactory verification by IPS Solar that all project components shall be setback 135 feet from centerline of County Highway 37/310th Street.

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 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 and reflected on the landscape plan.

5. The maximum height of the solar panels shall be ten feet.

6. A perimeter fencing shall be of agricultural fencings a.k.a. "deer fence" design, with wooden posts and woven wire or fixed knot design that is constructed to be eight feet tall. No barbed wire or galvanized steel posts shall be allowed.

7. Prior to building permit approval, verification by a landscape architect or certified arborist shall be provided which verifies that the proposed screening plan should achieve 75% opacity by year three of the project, or the plan shall be revised to identify and implement alternative effective screening that will achieve that goal. 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. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy.

9. 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 and maintained for the life of the project shall be provided prior to building permit approval.

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

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

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

13. The project shall be decommissioned in accordance with the 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.

14. 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 as approved by county staff at the time of submissions. 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.

15. 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.

16. 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.

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. The installation of new utility poles shall be setback 30 feet from roadway.

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

20. Two rows of Spruce along 310th Street side on the southern most 100 ft. of the western part of the project. 2nd row of spruce/dogwood along the remaining western side of the project. A second row of screening either Black Hills Spruce or Dogwood that are at least four feet in height will be added along 310th Street and extend 100 feet along east side of project.

21. Interconnection equipment and utility poles will be relocated to SW corner of project.

22. The disposal of structures and/or foundations shall meet the requirements of the Chisago County Solid Waste Ordinance and applicable Minnesota Pollution Control Agency regulations at the time of decommissioning and shall include a product stewardship element that requires the recycling and/or reuse of all solar panel racking, components, and materials upon their removal, or damage throughout the project life.

23. **Driveway access to the site shall be adjusted to require property driveway access from Tern Avenue rather than County Road 37.**

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 Amendment 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: IPS Solar, Applicant
Peter and Donna Lindgren, Property Owners
County File



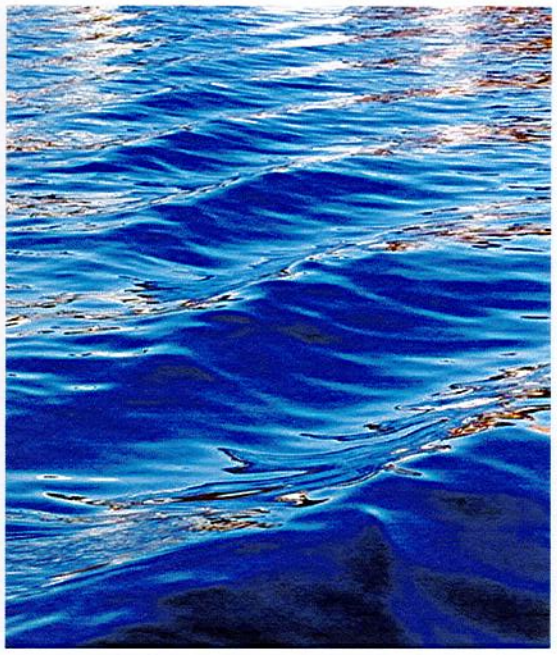
Innovative Power Systems (IPS) Solar

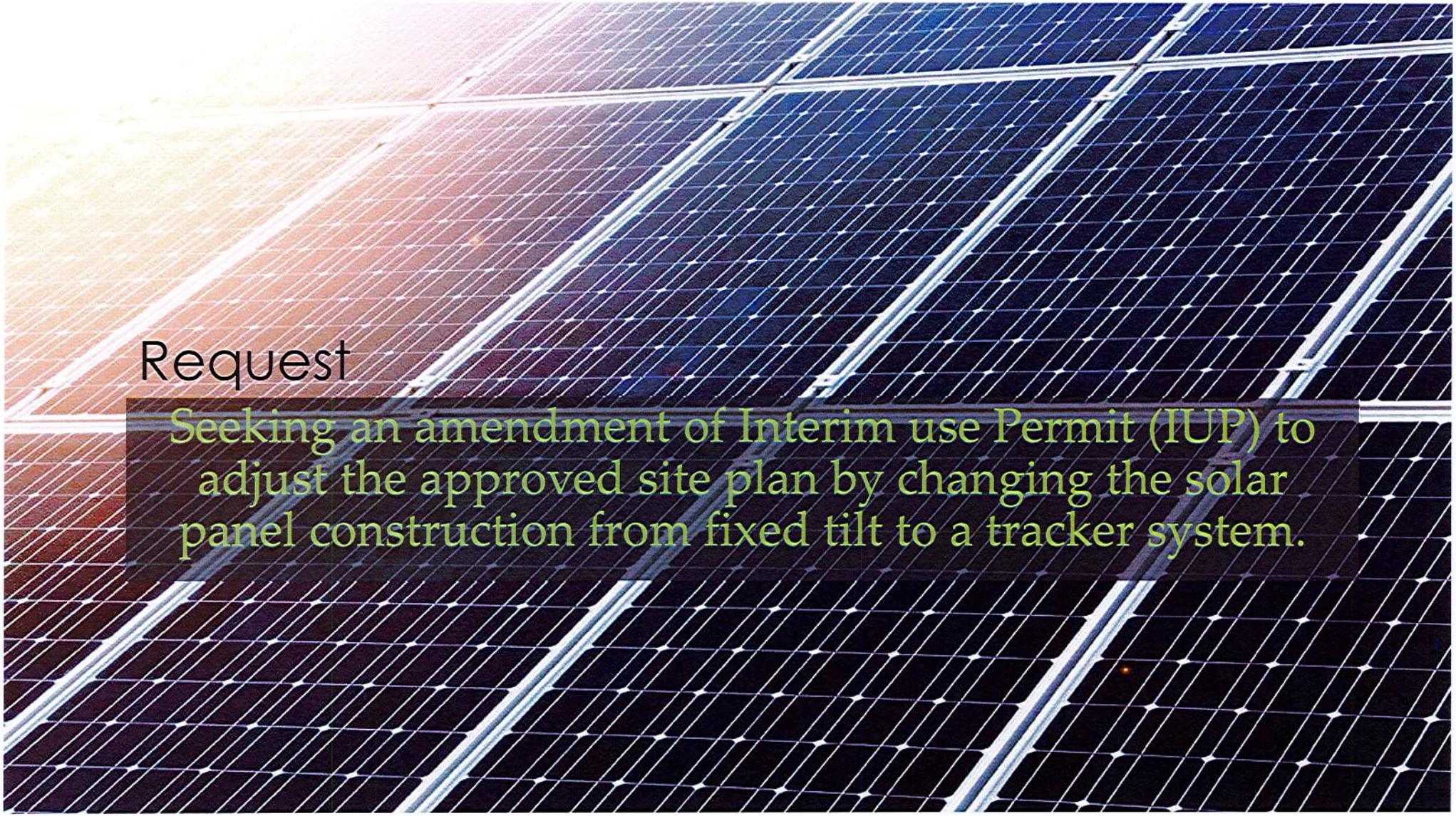
PID# 08.00269.00

Property located at intersection of Teal Ave & CR 37

Shafer Township







Request

Seeking an amendment of Interim use Permit (IUP) to adjust the approved site plan by changing the solar panel construction from fixed tilt to a tracker system.

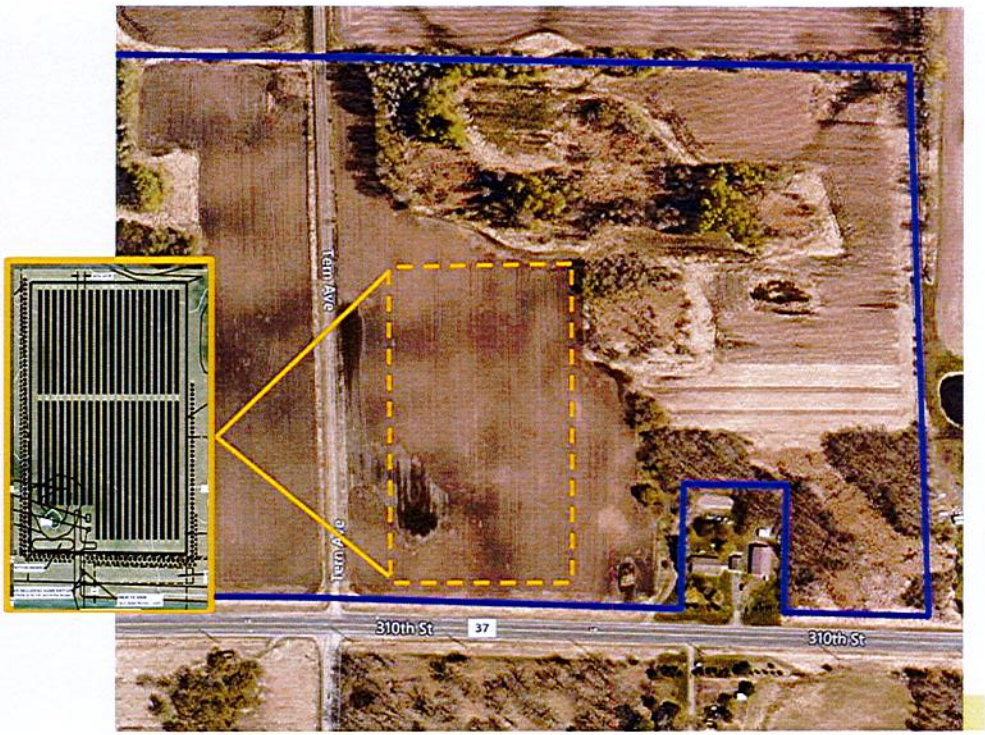
Overview of Property

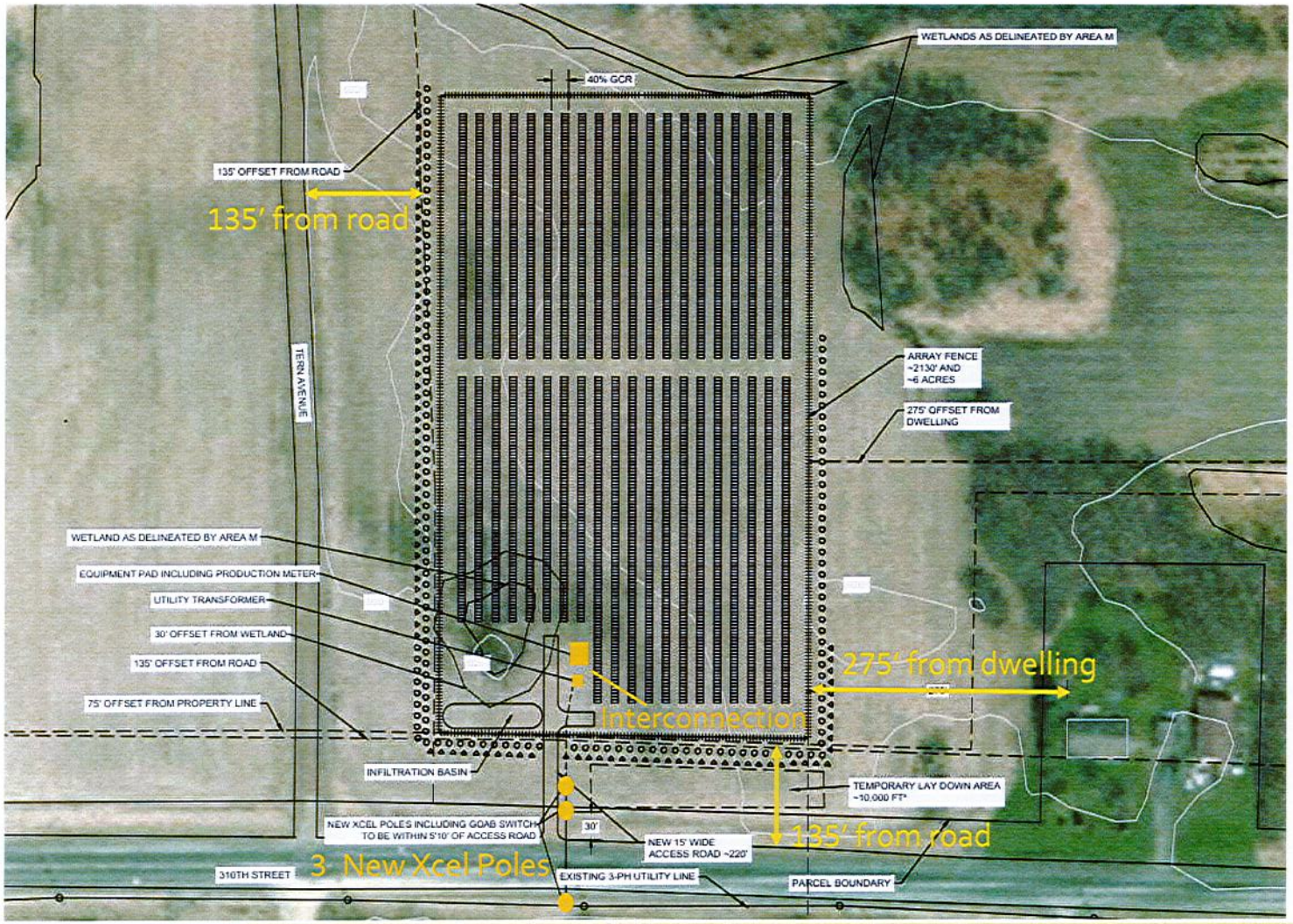
- Parcel size
  112 Acres
- Solar garden
  8 acres
- Zoned
  Agricultural

Existing – Approved July 15, 2020



Proposed - Site Plan



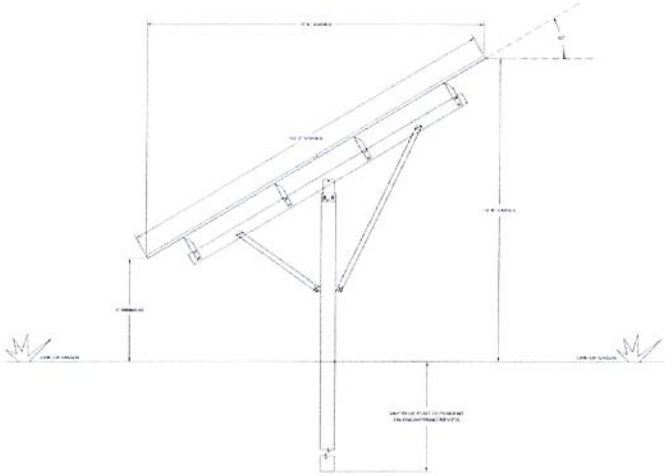


Setbacks & Construction

- County Engineer commented any new electrical poles shall be setback a minimum of 30 ft from roadway
- Interconnection located in SE corner of project
- Start August 2021
- Completed July 2022
- Traffic daily during construction phase

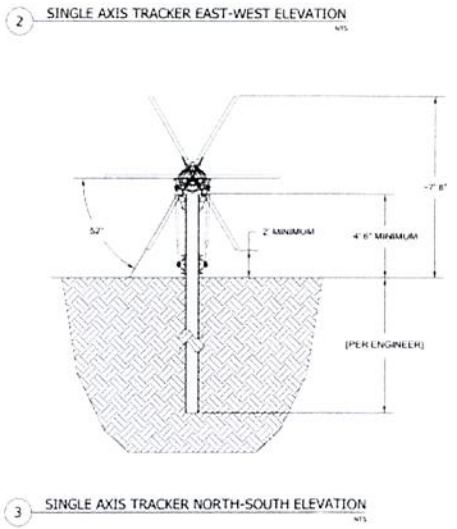
Design for Solar Panels

Existing – Approved July 15, 2020



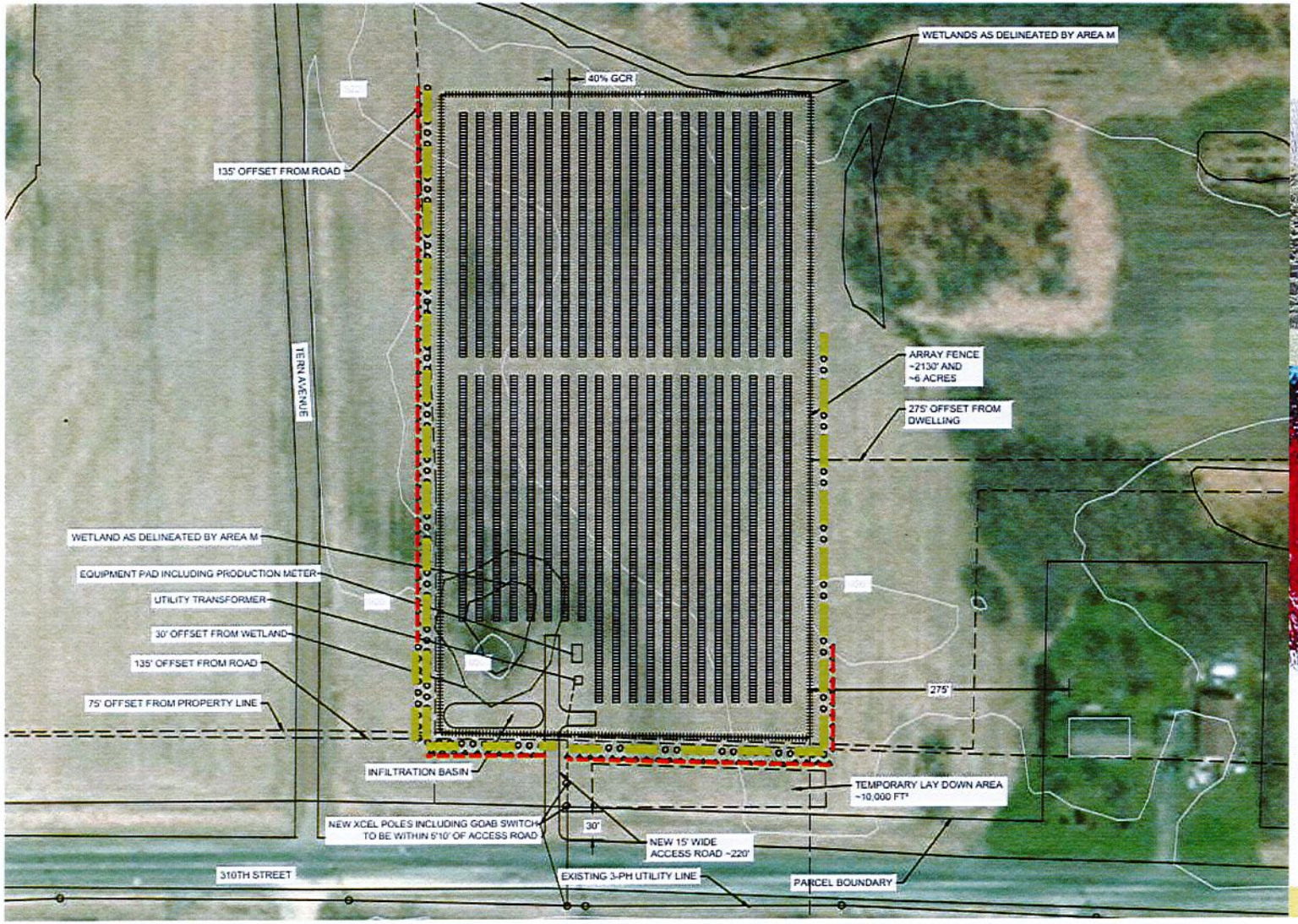
- Fixed tilt & Orientation was east to west

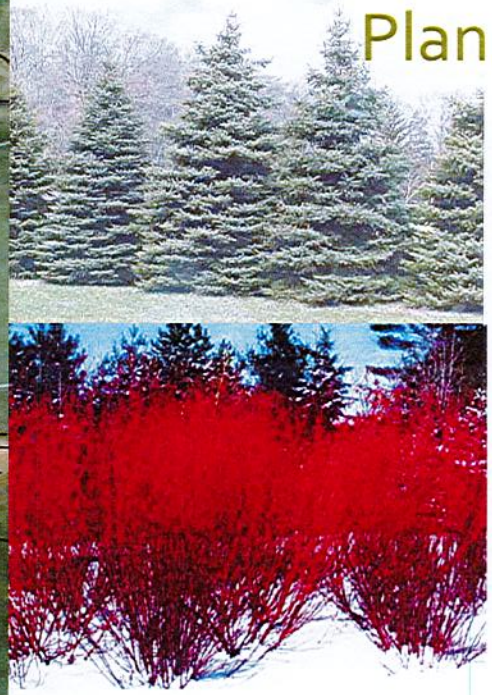
Proposed - Tracker



- Tracker system & Orientation was north to south

Landscaping Plan





Black Hills Spruce: Rows 1-2
Spacing: 12' o.c.

Dogwood Shrub: Row 1
Spacing: 12' o.c.

Application Review

- Technical Review Concerns
  - Setbacks of all project elements
  - Maximum height of panels
  - Specification of ground cover & financial assurance
  - Fence design
  - Visual Impacts with new electric poles & setbacks
  - Driveway access be adjusted to Tern Avenue rather than County Road 37

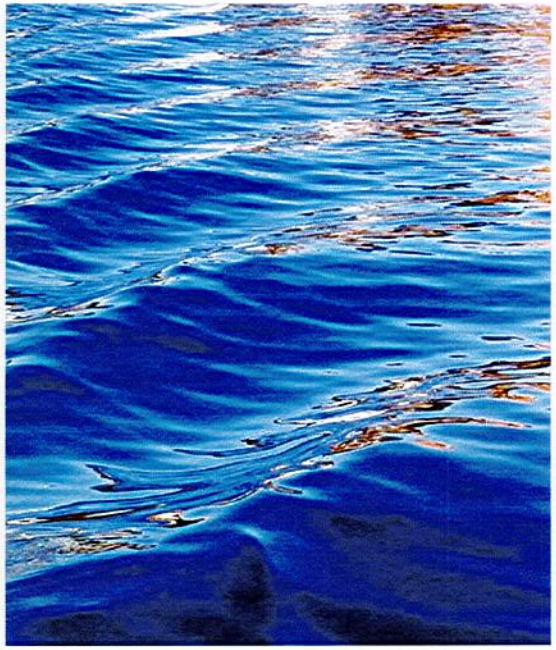




Staff Recommendation

Barring any new or unknown evidence discovered after the completion of this report or during the course of the public hearing –

Recommend Approval of an amended Interim Use Permit requested by Evan Carlson, on behalf of IPS Solar, for Peter and Donna Lindgren property at PID#08.0069.00 as presented in Staff's report following review of the narrative of record and site plans as provided by the Applicant based on the Finding of Fact that the proposal remains consistent with the zoning regulations and Comprehensive Plan for Chisago County and subject to the original conditions listed below; with amendment to Condition 1 to reflect the new site layout; and addition of 23 Conditions. *See Staff Report for list of conditions.*



CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
August 5, 2021 - DRAFT

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, August 5, 2021 at the Chisago County Government Center.

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

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: Shellene Johnson, Frank Storm, Dave Whitney, John Sutcliffe, and Chip Yeager. Ex Officio: County Commissioner Chris DuBose. Absent: Jim McCarthy. A quorum was established with members present.

APPROVAL OF AGENDA – ***Motion*** to approve the amended agenda with the addition of one public comment and Commissioner McCarthy's August 4, 2021 comments made by Chip Yeager. Second by Dave Whitney. The motion was approved 5 - 0 with a roll call vote. Ayes: Whitney, Yeager, Sutcliffe, Storm, and Johnson. Nays, none.

APPROVAL OF MINUTES – ***Motion*** to approve the July 1, 2021 minutes by Frank Storm. Second by Chip Yeager. The motion was approved 5 - 0 with a roll call vote. Ayes: Whitney, Yeager, Sutcliffe, Storm, and Johnson. Nays, none.

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 Dave Whitney. The motion was approved 5 - 0 with a roll call vote. Ayes: Whitney, Yeager, Sutcliffe, Storm, and Johnson. Nays, none.

Meeting materials distributed in advance to the Planning Commission for their review included: Public Hearing Staff Reports with Attachments, Staff Report July 29, 2021 with attachments and County Attorney Opinion, One - Public Hearing Comments for Jadoonath/Nordquist PID#08.00353.00, and Commissioner McCarthy August 4, 2021 Email with attachments. Copies of all correspondence and meeting materials were made available for electronic distribution and at the entrance of the meeting room.

Public Hearing Items:

Peter and Donna Lindgren – Tarila (TJ) Ozomoru and Evan Carlson of IPS Solar on behalf of Peter and Donna Lindgren, Property Owners, request an amendment to an Interim Use Permit (IUP) for a Community Solar Garden to allow for a tracker solar panel system rather than stationary fixed tilt system. This property is located west of Tern Avenue at the NE corner of the intersection at County Road (CR) 37 and Tern Avenue, at 19894 310th Street, Shafer Township.

Director Schneider presented background information on IPS Solar application on the Lindgren property. Parcel size 112 acres, solar garden encompasses eight acres, and is zoned Agricultural (AG). The IUP was approved in July 2020 with a fixed tilt system. Orientation of panels ran east to west, parallel to County Road 37. The proposed amendment would encompass the same area; however, panels will be orientated north to south, parallel to Tern Avenue. The interconnection is proposed in SW corner near a wetland and infiltration basin. Traffic will be daily during the construction phase and anticipated to be completed in July 2022. The screening plan proposal indicated one to two rows of six ft Black Hill Spruce trees with one row of Dogwood shrubs. Shafer Township approved the IUP amendment at their July 8, 2021 meeting. Technical Review was held July 14, 2021 with the County Engineer commenting the access should be adjusted to Tern Avenue rather than CR 37. Chair Johnson asked each Planning Commission member for additional questions and comments.

Mr. Ozomoru and Mr. Carlson were available to address questions and concerns from the Commission. Questions were raised about number of inverters for the tracker system, relocation of the access to the northwest corner of the property and amount of traffic generated beyond the construction phase. Mr. Carlson reviewed concerns with changing the access from CR 37 to Tern Avenue due to the wetlands present on the west/southwest corner of the project area. At the public hearing in July 2020, concerns were raised with the interconnection location near the southeast corner, near an adjacent neighbor's dwelling. Mr. Carlson indicated the proposed access location was as far away as possible from the dwelling without impacting the wetlands. Traffic will be heavy during construction, but once the project has been installed, minimal traffic will be present except for maintenance. Mr. Carlson indicated he would be interested in working with the County Engineer on access location for the project. Chair Johnson opened the public hearing and sought comment. No one was present to testify in the matter. With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing. Second by John Sutcliffe. The motion was approved 5 - 0 with a roll call vote. Ayes: Yeager, Storm, Sutcliffe, Whitney, and Johnson. Nays, none. Each board member was asked for additional questions and comments. Frank Storm commented the applicant could work on the access location with the County Engineer. ***Motion*** by Frank Storm to approve the amended Interim Use Permit requested by TJ Ozomoru, on behalf of IPS Solar, for Peter and Donna Lindgren property at PID# 08.00269.00 as presented in Staff's report following review of the narrative of record and site plans as provided by the Applicant, with an approved access location and site plan by the County Engineer, based on the Finding of Fact that the proposal is consistent with the zoning regulations and Comprehensive Plan for Chisago County and subject to the following conditions:

1. The location of solar array shall be approved with the setbacks as shown with County Highway Engineer approval of access, a Site Plan depicting adjusted tracker design layout, Sheet PV1 submitted upon satisfactory verification by IPS Solar that all project components shall be setback 135 feet from centerline of County Highway 37/310th Street and minimum setback of 30 feet for any new electrical poles form roadway.

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 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 and reflected on the landscape plan.

5. The maximum height of the solar panels shall be ten feet.

6. A perimeter fencing shall be of agricultural fencings a.k.a. "deer fence" design, with wooden posts and woven wire or fixed knot design that is constructed to be eight feet tall. No barbed wire or galvanized steel posts shall be allowed.

7. Prior to building permit approval, verification by a landscape architect or certified arborist shall be provided which verifies that the proposed screening plan should achieve 75% opacity by year three of the project, or the plan shall be revised to identify and implement alternative effective screening that will achieve that goal. 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. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy.

9. 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 and maintained for the life of the project shall be provided prior to building permit approval.

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

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

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

13. The project shall be decommissioned in accordance with the 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.

14. 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 as approved by county staff at the time of submissions. 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.

15. 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.

16. 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.

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. The installation of new utility poles shall be setback 30 feet from roadway.

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

20. Two rows of Spruce along 310th Street side on the southern most 100 ft. of the western part of the project. 2nd row of spruce/dogwood along the remaining western side of the project. A second row of screening either Black Hills Spruce or Dogwood that are at least four feet in height will be added along 310th Street and extend 100 feet along east side of project.

21. Interconnection equipment and utility poles will be relocated to SW corner of project.

22. The disposal of structures and/or foundations shall meet the requirements of the Chisago County Solid Waste Ordinance and applicable Minnesota Pollution Control Agency regulations at the time of decommissioning and shall include a product stewardship element that requires the recycling and/or reuse of all solar panel racking, components, and materials upon their removal, or damage throughout the project life.

~~23. Driveway access to the site shall be adjusted to require property driveway access from Tern Avenue rather than County Road 37.~~ Clerk's note, Planning Commission approved to remove this condition as long as the access location was approved by County Highway Engineer as noted in condition #1.

Second by John Sutcliffe. The motion was approved 5 - 0 with a roll call vote. Ayes: Yeager, Storm, Sutcliffe, Whitney, and Johnson. Nays, none.

John and Katie Waldorf - John and Katie Waldorf are requesting a Conditional Use Permit (CUP) to operate an educational retreat center within their home and an accessory structure as Rural Retail Tourism. This property is located at 41713 Lowden Avenue, Sunrise Township.

Director Schneider presented background information on Waldorf's application to allow them to offer a wide range of small-scale do-it yourself (DIY) classes, occasional events, and limited overnight lodging for students. The property is ten acres, zoned AG and heavily wooded. Business plan includes Mr. and Mrs. Waldorf teaching small (6 – 10) classes, typically on weekends for a duration of 2 – 16 hours depending on subject. Classes will be booked in advance and focus on education, recreation, entertainment and overall small-scale/low impact e.g. crafting, gardening, cooking/canning. Classes will primarily be held in the pole building with restrooms available for use in the home. Bedrooms are available for overnight stays for students, limited to six guests. Additional events have been requested to host retreats, reunions, or conferences. Events would be limited to 50 attendees, hours are 8 am – 10 pm, food would be catered, portable toilets will be provided with on-site parking. Sunrise Township recommended approval with no conditions at their July 15, 2021 meeting. Technical Review was held July 14, 2021 and found no potential impacts. Chair Johnson asked each Planning Commission member for additional questions and comments

Mr. and Mrs. Waldorf were available to address questions and concerns from the Commission. Discussion followed on overnight lodging and the possibility of limiting activities during the weekend. Mr. Waldorf explained students (i.e. primarily adults enrolled in classes, not high school students) who lived out of town would have the option to stay overnight, another amenity that would be offered. Mrs. Waldorf preferred not to be limited to certain days to provide scheduling flexibility. Discussion followed on limiting the number of events per year instead of classes and addressing on-site parking. Mr. Waldorf indicated the primary focus is the educational classes and not interested in hosting large events but looking for flexibility/options. Chair Johnson opened the public hearing and sought comment.

Guy Olson - 41777 Lowden Avenue – I enjoy the piece and quite of the community. I am worried about losing that with events of 50 people next door. Mr. Waldorf has had some classes, which have been good since they were not big classes. I have concerns with the large amount of people and traffic. I am not in favor of large events, but do support the small 6 – 10 student classes.

George Stahley – 41630 Lowden Avenue – I am the neighbor across road and have concerns with noise of woodworking classes from early to late at night. I have concerns with traffic for the larger events. I question who the students are and how do the students register for the classes. Chair Johnson allowed Mr. Waldorf to explain the students were typically middle-age women from the Twin Cities metro area and their website is under development. Mr. Waldorf explained he has been woodworking pretty much every weekend. Noise has not been an issue. Mr. Stahley ended with concerns on the large group size for events on a regular basis.

With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing. Second by John Sutcliffe. The motion was approved 5 - 0 with a roll call vote. Ayes: Yeager, Storm, Sutcliffe, Whitney, and Johnson. Nays, none. Each board member was asked for additional questions and comments. Discussion followed on limiting classes, removing events from the request, and reducing number of attendees and hours. Discussion continued on parking and the need for a parking plan. ***Motion*** by Frank Storm to table the Conditional Use Permit for Rural Retail Tourism at 41713 Lowden Avenue to obtain additional information on parking and events that have been requested with the following conditions. Second by Chip Yeager. Director Schneider summarized edits/clarification the Planning Commission had discussed to the conditions with <u>additions</u> and ~~edits~~:

1. This is a Conditional Use Permit for a Rural Retail Tourism business, to include the following activities:

a. Use of the accessory structures and outdoor spaces as class and gathering spaces
b. Use of the home as overnight lodging up to four guests and sanitation facilities for class attendees
c. Use of the structures and outdoor spaces for limited events

2. Hours and days of operation for classes shall be: ~~Four~~ Seven days a week, between the hours of 8:00 a.m. and 10 p.m.
3. Events shall be one day in nature and will be held to a maximum of 50 per year within the hours of 8:00 a.m. and 10:00 p.m. Possible reduction of 10:00 p.m.
4. The maximum number of attendees shall be ~~16~~ 10 for classes and 50 for events. If events are allowed; applicant will provide detailed scope of events with addressing noise and provide a parking plan.
5. Provision of food, beverage, and lodging, shall be in accordance with all applicable MN Department of Health and MN Department of Public Safety rules and regulations.
6. All applicable State ADA requirements shall be met.
7. Prior to occupancy of the existing structures in association with any class or event application of a building permit for a change of occupancy shall be made and any required modification shall be retrofitted as necessary, to meet all applicable building, plumbing and codes.
8. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.
9. The permit holder must notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.

The motion was approved 5 - 0 with a roll call vote. Ayes: Yeager, Storm, Sutcliffe, Whitney, and Johnson. Nays, none.

Peter Jadoonath and Emily Nordquist - Peter Jadoonath and Emily Nordquist are requesting a Conditional Use Permit (CUP) to operate a pottery studio home occupation as Rural Retail Tourism. This property is located at 30208 Tern Avenue, Shafer Township.

Director Schneider presented background information on Jadoonath/Nordquist application to allow them to operate a pottery studio and host two sale events per year. The property is 24 acres, zoned AG and located just north of the roundabout on HWY 8 and HWY 95. The applicant's request is to bring home occupation and their annual fall "Backyard Pottery Sale" into compliance and host an additional sale in the Spring. Business plan includes Mr. Jadoonath is the only employee. Hours vary day to day, typically Mr. Jadoonath works between 6 am – 10 pm. No noise or waste is generated, no sales room or regular hours for customers. Pottery is sold off-site except during the two proposed sales events in Spring and Fall. Fall event will be in conjunction with Franconia Sculpture Park annual event. It is a three-day event from 10 a.m. to 5 p.m. Approximately 200 attendee the event during the weekend. Spring event is on-site in designated parking areas. A horseshoe driveway provides a controlled entrance and exit to the property during sales events. A person will be directing and monitoring traffic and parking. For both sale events, guest potters from the region are invited to sell their wares. Shafer Township recommended approval with no conditions at their July 8, 2021 meeting. Technical Review was held July 14, 2021 and found request is consistent with Comprehensive Plan goals. Chair Johnson asked each Planning Commission member for additional questions and comments.

Ani Kasten on behalf of Peter Jadoonath and Emily Nordquist, Property Owners was present to address questions and concerns from the Commission. Ms. Kasten is a neighbor and has a similar CUP for a pottery studio. Chair Johnson opened the public hearing and sought comment.

Jeremy Smith - 30696 Tern Avenue - These events have been going on and there has been no problems. I fully endorse/support it.

Submitted Public Correspondence Prior to Meeting:

Amy Frischmon – Wildwood RV Park & Campground, We have no issue with the CUP that Peter Jadoonath & Emily Nordquist are requesting. In fact, we think it would be a welcome addition to our neighborhood.

With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing. Second by John Stutcliffe. The motion was approved 5 - 0 with a roll call vote. Ayes: Yeager, Storm, Sutcliffe, Whitney, and Johnson. Nays, none. Each board member was asked for additional questions and comments. Discussion was held on parking and on-site designated parking areas. Ms. Kasten indicated Mr. Jadoonath had cleared a large parking area and could accommodate 40 cars and still have two other areas for additional parking. Ms. Kasten has attended many similar pottery sales and has never encountered an issue with traffic and/or parking. ***Motion*** by Frank Storm to approve of a Conditional Use Permit for Rural Retail Tourism as requested at 30208 Tern Avenue, PID#08.00353.00, 30208 based on the narrative, site plan on record as provided by Applicant, based on the Findings of Fact as presented with the following conditions:

1. This CUP shall allow for seasonal rural retail tourism to offer two sales events annually to be held over a period of three days per event pursuant to the site plan and narrative provided on record.
2. Hours of operation for events shall be conducted on Friday through Sundays from 10 AM to 5 PM.
3. The maximum attendance at any given time with sales associated with the CUP shall be no more than 100 people
4. All parking shall be accommodated on-site in identified areas. A detailed parking plan layout and vehicles accommodated shall be provided for staff approval.
5. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.
6. The Permittees shall provide documentation from a certified architect or engineer of existing buildings for use in the business to verify structural standards due to occupancy changes as required under Zoning Ordinance Section 4.14.F. All remodeling or retro-fitting of the existing buildings shall be subject to relevant codes, permits, and inspection requirements.
7. The Applicants are required to contact the County Sanitarian and review water and septic uses that need to be addressed.
8. The Applicants shall provide documentation of contractual service and an updated site plan showing the number and location of porta potties to be provided. Outdoor restrooms should not be visible from Tern Avenue or adequate screening (i.e. plantings or fencing) may be required to sufficiently screen from road right-of-way.
9. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.

The motion was approved 5 - 0 with a roll call vote. Ayes: Yeager, Storm, Sutcliffe, Whitney, and Johnson. Nays, none.

Planning Commission discussed meeting procedure during the public hearing.

Old Business:

Accessory Structures

Director Schneider provided a brief overview of the draft language and concerns with commercial storage. Discussion was held on storage of fish houses. Discussion was held on having an accessory structure prior to a principal house and setting a limit of three to five years to have a principal house constructed. Consideration and concerns were discussed about accessory structures with or without a principal house. Concerns included people living an accessory structure instead of building the house or if plans/circumstances change with the property owner and not able to build a house. There was general support for allowing to keep a pre-existing accessory building without a house that had been subsequently split off or subdivided. Concerns were raised about the accessory building being kept in a safe usable condition. Director Schneider provided an overview of enforcement actions taken on violations. Planning Commission recommended edits to include a principal house needs to be habitable (certificate of occupancy issued) within three years; an Interim Use Permit may

be issued on parcel 10 acres or larger to allow a accessory building to be constructed for personal storage/use only without the principal house; and commercial storage of fish houses or similar recreational structure is prohibited. Director Schneider indicated the Planning Commission could forward the draft language to the County Board for their review and input. Depending on the County Board input it could move forward to a public hearing. ***Motion*** by Frank Storm to send the draft ordinance as it pertains to the use of accessory buildings in the agricultural zone to County Board for review. Second by Chip Yeager. The motion was approved 5 - 0 with a roll call vote. Ayes: Yeager, Storm, Sutcliffe, Whitney, and Johnson. Nays, none.

Commercial Shooting Ranges

Director Schneider provided an overview of the draft language, submitted comments provided by Commissioner McCarthy, and legal opinion. Discussion was held on noise and steady repeating volume of noise that can be produced from a commercial shooting range. Dave Whitney commented there are a few ranges close by and could tour. Frank Storm reported he would contact City of Wyoming. ***By consensus***, Chair Johnson, Frank Storm and Dave Whitney will conduct range tours, collect information and report back at next month's meeting. County Commissioner Dubose commented a CUP application would allow for review and the ability set conditions. Director Schneider recommended the same process as with Accessory Structures, following the September meeting to send the draft ordinance language to the County Board to seek input and direction. ***Motion*** by Frank Storm to place Commercial Shooting Ranges on the September agenda. Second by John Stutcliffe. The motion was approved 5 - 0 with a roll call vote. Ayes: Yeager, Storm, Sutcliffe, Whitney, and Johnson. Nays, none.

NEW BUSINESS:

Planning Commission Special Work Session Schedule

Director Schneider provided an update on the Request For Proposal (RFP) for a consultant/planner to assist with zoning work and ordinance development. Following review of the applications, now moving forward with a professional services agreement with Bolton & Menk. With that said, it was requested by staff to cancel special work sessions until the Land Services Coordinator position has been filled or the Consultant/Planner becomes available. ***Motion*** to cancel the August 19, 2021 Planning Commission Special Work Session by Frank Storm. Second by Dave Whitney. The motion was approved 5 - 0 with a roll call vote. Ayes: Yeager, Froberg, Storm, Sutcliffe, Whitney, McCarthy, and Johnson. Nays, none

Communications and Reports

County Commissioner DuBose provided a brief review of County Board items that included: Jim Froberg's retirement and advertising to fill his position, approvals of plats, John Keefe, County Assessor's retirement, text change to variance process in Home Site Area/Septic Provisions, and authorization of broadband. Discussion was held on the concern for lack of progress/action to the County Board on ordinance amendments and zoning applications.

ADJOURNMENT: There being no further business, motion by Frank Storm and second by Dave Whitney to adjourn. The motion was approved 5 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none. Meeting was adjourned at 9:55 p.m.

Chisago County Request for Board Action

Meeting Date: August 18, 2021	***Item Number:*** 10
Title of Item for Consideration: Jon and Katie Waldorf Conditional Use Permit – Rural Retail Tourism DIY Classroom Education/Retreat Center	
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: John and Katie Waldorf are requesting a Rural Retail Tourism Conditional Use Permit to allow the offering of a wide range of small-scale DIY classes, occasional events, and overnight bed and breakfast lodging for students and guests at their property at 41713 Lowden Avenue, Sunrise Township, PID#09.00048.00.

At their meeting of August 5, 2021, the Planning Commission conducted the requisite public hearing and recommended tabling/extending the initial 60-day consideration of the request voting 7-0. In review, the Commission expressed questions and the need for further information and review regarding:

- Parking plans/accommodations for the proposed 50 person attendee events;
- Details and specified nature of the 50 person events (indoor/outdoor, music or other event use details needed)
- Home bed and breakfast occupancy clarifications

Following the Planning Commission meeting, on August 8th, the applicant delivered the attached Email in response to the public hearing/Planning Commission issues and the attached Neighborhood letter to be shared at will with the Board and public at large. In email form, the applicants are noting the following stated issues and proposed solutions:

> **Events/Parking:**
> We propose to remove the stated "One day events limited to no more than 50 people" And restrict ourselves to the ability to hold classes seven days a week between the hours of 8 am and 10 pm with no more than 10 customers in attendance, normal B&B operations seven days a week, with 3 double occupancy rooms to rent. Removing the ability to be a venue for such large events also removes the concern over parking, as we previously demonstrated that we have adequate parking for customers taking a class.
>
> **Noise / Music:**
> We propose that we be governed by the same noise ordinances as we and our neighbors are currently governed by.
>
> **Number of classes per day:**
> We propose to restrict ourselves to no more than one class per day, regardless of length of class or number of attendees.

Pursuant to Minnesota Statute, the 60-day agency action deadline is August 30, 2021. Among the options for the County Board at tonight's meeting are the following:

1. Adopt the Recommendation of the Planning Commission and extend the time for acting on the application as allowed under Minnesota State Statute 15.99 Subd. 3(f). The County Board may consider extending the initial 60-day period (up to a total of 120 days), if, before the end of the initial 60-day period, it gives written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not

exceed 60 days unless approved by the applicant. 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."

2. Approve the CUP application, as outlined in the Staff Analysis and Report, with the Findings and Conditions as presented;

3. Approve the CUP request, generally as outlined in the Staff Analysis and Report, but with modified Conditions determined and approved by the County Board at tonight's meeting (to be codified as part of the formal CUP approval)

   ****Staff Notes the applicant has provided August 8, 2021 email communicating self-imposed removal of the 50 person event request, restriction of classes to maximum 10 customers per class and one class per day at seven days a week between the hours of 8 am and 10 pm, and B&B operations seven days a week with 3 double occupancy rooms to rent.**

4. The County Board may Deny the CUP request 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)*:**

- Applicant August 8, 2021 Email and accompanying Neighbor Letter of August 6, 2021
- Planning Commission Presentation
- Planning Commission Staff Report & Application Materials
- Planning Commission Minutes (draft)

Action Requested/Recommended: It is respectfully requested that the Chisago County Board affirmatively consider the August 5, 2021 Chisago County Planning Commission recommendation to extend consideration of the Waldorf Conditional Use Permit – Rural Retail Tourism DIY Classroom Education/Retreat Center application and to direct Staff to notify the applicant accordingly. The suggested motion to approve this action is as follows:

"Move to extend the time for acting on the Waldorf Rural Retail Tourism DIY Classroom Education/Retreat Center Conditional Use Permit application at 41713 Lowden Avenue, Sunrise Township, PID#09.00048.00. for a period not to exceed 60 days so as to allow further Planning Commission review on September 2, 2021, and County Board action as soon as September 15, 2021 but no later than October 20, 2021; and direct staff to issue written notification of the extension authorized by this motion and that such written notification state that the extension is made to allow for the applicant to provide the additional information as requested by the Planning Commission and to allow the Planning Commission to consider the application in that time frame with the additional information and make a recommendation to the County Board for determination.

Implications of Action: Recommended Board action of the Planning Commission delays consideration of the Conditional Use Permit amendment request until on or before October 20, 2021.

Alternatively, the County Board may elect to further discuss the clarifying information subsequently presented by the applicant and consider options 2,3, or 4 as determined at the meeting.

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 CUP 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 _____



Waldorf

Conditional Use Permit

PID# 09.00048.00

41713 Lowden Avenue

Sunrise Township

Request

Seeking a Conditional Use Permit (CUP) for Rural Retail Tourism to allow them to offer a wide range of small-scale DIY classes, occasional events, and limited overnight lodging for students.

Property Description

- 10 acres
- Zoned: Agriculture (AG)

Plan Details

» **Property Owners**: Mr. and Mrs. Waldorf would teach small (6 – 10 student) classes

» **Duration:** 2 – 16 hours, typically on weekends

» **Classes:** Booked in advance

» **Class Focus:** Education, recreation, entertainment and generally small-scale/low-impact

» **Class Topics:** Crafting, gardening, cooking

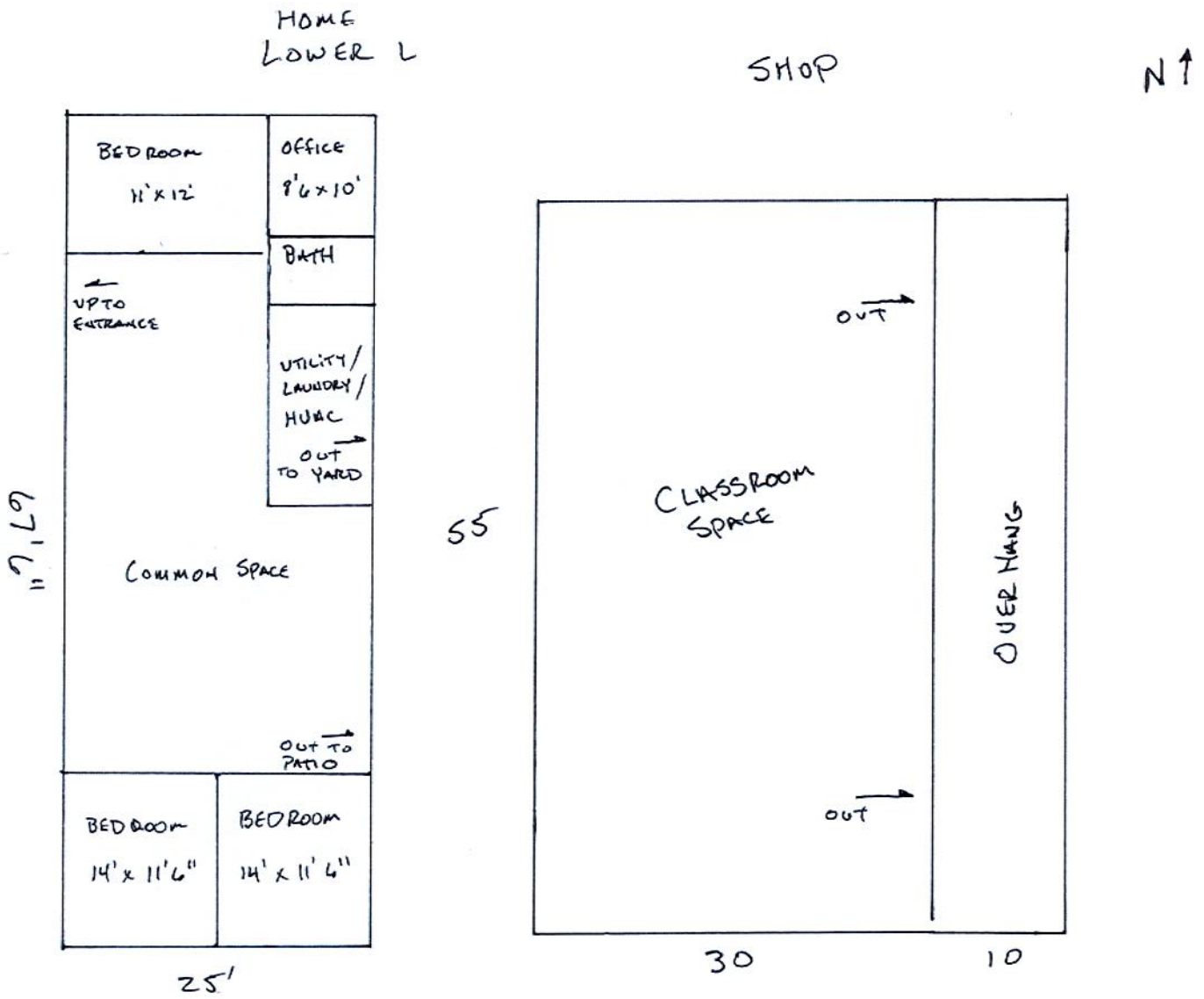
» **Location:** Primarily held in pole building with restrooms of the home available for use

» **Bedrooms**: 3 -4 in home available for overnight stays for students. Limited to 6 guests.



Additional Events

- Retreat, reunion or conference
- Limited to 50 attendees
- Hours: 8 am – 10 pm
- Food: Catered
- Portable toilets provided
- On-site parking





Review & Recommendations

Staff Review: July 14, 2021

Township Review: July 15, 2021

» *Approved with no conditions*

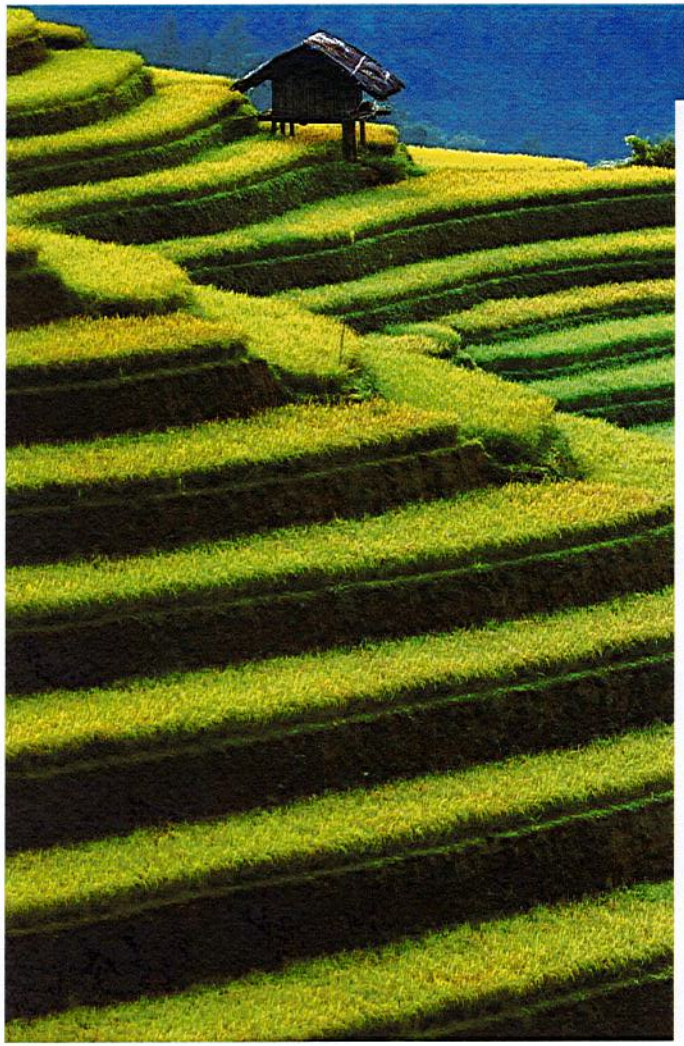
60-Day Deadline: August 30, 2021

Staff Recommendation

Barring any new or unknown evidence discovered after the completion of this report or during the course of the public hearing –

Recommend **Approval** of a Conditional Use Permit for Rural Retail Tourism as request by John and Katie Waldorf at 41713 Lowden Avenue PID#09.00048.00, based on the narrative and site plan on record as provided by Applicant (or as modified at tonight's hearing) and based on the Findings of Fact as presented in Staff's report and the following conditions nine conditons





Conditions

1. This is a Conditional Use Permit for a Rural Retail Tourism business, to include the following activities:
    a. Use of the accessory structures and outdoor spaces as class and gathering spaces
    b. Use of the home as overnight lodging and sanitation facilities for class attendees
    c. Use of the structures and outdoor spaces for limited events
2. Hours and days of operation for classes shall be: Four days a week, between the hours of 8:00 a.m. and 10 p.m.
3. Events shall be one day in nature and will be held to a maximum of XX per year within the hours of 8:00 a.m. and 10:00 p.m.
4. The maximum number of attendees shall be 16 for classes and 50 for events.
5. Provision of food, beverage, and lodging, shall be in accordance with all applicable MN Department of Health and MN Department of Public Safety rules and regulations.
6. All applicable State ADA requirements shall be met.
7. Prior to occupancy of the existing structures in association with any class or event application of a building permit for a change of occupancy shall be made and any required modification shall be retrofitted as necessary, to meet all applicable building, plumbing and codes.
8. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.
9. The permit holder must notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.

Staff Report

TO: Chisago County Planning Commission

FROM: Patty Perreault, Office Manager

DATE: July 29, 2021

RE: John and Katie Waldorf Conditional Use Permit – PID#09.00048.00
Sunrise Township, 41713 Lowden Avenue

Action to Consider

The Applicants are seeking a Conditional Use Permit (CUP) for Rural Retail Tourism to allow them to offer a wide range of small-scale DIY classes, occasional events, and limited overnight lodging for students at their property at 41713 Lowden Avenue.

Property Background/Description

John and Katie Waldorf, Property Owners, own 10 acres northwest of Sunrise on the east side of Lowden Avenue in Sunrise Township. The property is zoned AG, Agriculture, which allows Rural Retail Tourism as a Conditional Use in this District. Rural Retail Tourism is defined as "Rural retail tourism businesses which attract travelers or visitors to areas historically or traditionally used for agricultural purposes, which are generally small-scale, low-impact, and entertainment, recreation, and/or education-focused." The applicants propose that the two of them would teach small (six to ten student) classes 2 to 16 hour in duration, typically on weekends. Classes will cover a wide range of topics, from crafting to gardening, to cooking, and will be booked in advance. Although there will be no additional employees it is expected that outside vendors would be brought on site occasionally as instructors, entertainers, cleaners, caterers, or other service providers. Classes will primarily be held in the finished 30 x 55 pole building with the restrooms of the home available for use. Additionally, three of the four bedrooms in the home will be available for overnight stays of the students. The capacity therefore being six overnight guests at any given time. The applicants foresee holding an occasional retreat, reunion, or conference in the buildings and grounds of the property which would be limited to 50 attendees. This type of event would be held during the hours of 8 AM and 10 PM, and portable toilets would be provided and removed the next business day after the event. On site parking would be provided in the areas to the west of the home and workshop. Any food service would be catered.

Site Plan/Proposal Analysis

The ten acre parcel has a cluster of buildings being the four bedroom, two bath home, a two car garage, gazebo, woodshed, garden shed, and the fully finished 1650 square foot pole building with a 550 square foot overhang. The remainder of the property is flat with heavy oak, maple, and white pine coverage. There is a gravel drive which allows for parking of up to seven vehicles along with two concrete aprons abutting the shop. An additional grassy area to the west of the westerly apron may be used for temporary overflow parking.

The Technical Review Panel discussed the application and found no potential impacts and/or identifiable concerns of the proposal.

The septic system was found to be in compliance through a septic certification in July of 2021.

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? The Chisago County Comprehensive Plan outlines a number of goals and policies which are meant to support and encourage activity which will draw visitors to Chisago County. Within Chapter 6, Economic Development an identified goal is to "Provide for a range of economic diversity and development opportunities to maintain and strengthen the County's economy". Policy #3 for achieving states "Promote tourism and commercial recreation as expanding opportunities for employment and tax base".

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? It is staff's belief that the proposal will not create excessive demand on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.

3. Will the use be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development? The proposed use as requested for low impact classes on weekends, and an occasional small scale event in Staff's opinion are not likely to have a negative impact on future development. The CUP, if approved, would be specific to the number of days, number of events per year, and hours of operation. The Commission should discuss and identify the number of events allowed per year and review attendee (50) conditions as drafted. If the Applicant in the future would wish to expand the activity to allow for additional attendee numbers on a larger scale then an Amendment to the CUP would be necessary to ensure further review of this consideration.

4. Will the structure have an appearance that will have an adverse effect upon adjacent properties? The property and neighboring properties are wooded and well screened from each other.

5. Is the use in the opinion of the County reasonably related to the overall land use goals of the County and to the existing land use, and consistent with the purposes of the Zoning Ordinance/Zoning District in which the applicant intends to locate the proposed use? As previously stated, the proposed is a Rural Retail Tourism activity as allowed by Conditional Use Permit in the Agriculture District.

6. Will the use cause traffic hazard or congestion? Staff has concluded that the use as proposed is not likely to create additional traffic hazard or congestion.

7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? As presented it is apparent that the five neighboring homes are approximately 500 – 700 feet away with wooded buffer. Most activities will be held indoors, or small outdoor classes which will not generate any more noise than other residential uses common in a yard, or a family gathering. The proposed use would allow the use of the property as a gathering venue for small events, conferences, reunions, and other activities which may generate at least some level of additional noise. Such noise may take the shape of music, additional traffic to and from the site, crowd noises, cars starting, car doors slamming, and visitors talking and laughing outdoors. The substantial tree buffer will aid in keeping sound from traveling to the neighbors, but staff would suggest the commission place reasonable quiet time hours on the outdoor events.

The application was deemed complete on July 1, 2021. The 60-day deadline will be August 30, 2021.

Township Recommendation

Township Board reviewed at their meeting on July 15, 2021 and approved with no conditions.

Conditional Use Permit Analysis

The Planning Commission as outlined in 8.04.C shall consider possible effects of the proposed conditional 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. *The use shall 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;*

3. *The use shall 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. *The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties;*

5. *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. *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. *The use shall not cause traffic hazard or congestion; and*

8. *Existing nearby properties shall not be adversely affected by intrusion of noise, glare or general unsightliness.*

Staff Findings

In staff's review, the request as proposed is consistent with the County's Comprehensive Plan and the County Zoning Ordinance which allows for Rural Retail Tourism to be compatible with regulations.

Following the public hearing on this application, discussion should be held by the Planning Commission on the above observations (#1 through #7) as preliminary drafted by Staff, which items can be amended, deleted, or appended to, in order to serve as findings in favor of approval of the approved CUP. If new or previously unknown information is presented prior to or during the public hearing, that information should be also considered during deliberation on the above Staff observations. If the additional information received significantly alters the character of this application, or if the Planning Commission finds the proposal unacceptable or inappropriate, valid findings in support of an alternate decision should be drawn up.

Actions to Consider

Upon completion of the Public Hearing and upon discovery of any new or unknown factors of the proposal, staff has provided below alternate motions for your consideration:

- Recommend **Approval** of a Conditional Use Permit for Rural Retail Tourism as request by John and Katie Waldorf at 41713 Lowden Avenue PID#09.00048.00, based on the narrative and site plan on record as provided by Applicant (or as modified at tonight's hearing) and based on the Findings of Fact as presented in Staff's report and the following conditions –

1. This is a Conditional Use Permit for a Rural Retail Tourism business, to include the following activities:
   - Use of the accessory structures and outdoor spaces as class and gathering spaces
   - Use of the home as overnight lodging and sanitation facilities for class attendees
   - Use of the structures and outdoor spaces for limited events
2. Hours and days of operation for classes shall be: Four days a week, between the hours of 8:00 a.m. and 10 p.m.
3. Events shall be one day in nature and will be held to a maximum of **XX** per year within the hours of 8:00 a.m. and 10:00 p.m.

4. The maximum number of attendees shall be 16 for classes and 50 for events.
5. Provision of food, beverage, and lodging, shall be in accordance with all applicable MN Department of Health and MN Department of Public Safety rules and regulations.
6. All applicable State ADA requirements shall be met.
7. Prior to occupancy of the existing structures in association with any class or event application of a building permit for a change of occupancy shall be made and any required modification shall be retrofitted as necessary, to meet all applicable building, plumbing and codes.
8. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.
9. The permit holder must notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.

- Recommend to **table action** and extend the initial 60-day period for required action on this 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)."

- Recommend **Denial** of the Conditional Use Permit request for John and Katie Waldorf, 41713 Lowden Ave based on the Findings of Fact or other contributing factors deemed appropriate *(insert findings)*

  1)

CC: John and Katie Waldorf, Applicant
County File

Kurt M. Schneider

From:	john@thesunriseworkshop.com
Sent:	Sunday, August 8, 2021 6:07 PM
To:	Diane M. Sander
Cc:	Kurt M. Schneider; Patricia M. Perreault; 'Katie Waldorf'
Subject:	RE: Planning Commission - Request for Additional Information
Attachments:	Neighborhood letter 8-6-2021.pdf

This is an external email message!
This message originated from outside the Chisago County email system. Use caution when clicking hyperlinks, downloading pictures or opening attachments.

Hi Diane,
Thanks for reaching out to us so quickly, we were wondering what the next steps were. In retrospect, we wish we would have been afforded an opportunity to address these issues at the meeting, but we understand how cumbersome that could be if they didn't keep to a process. Nonetheless, we knew that evening what had to be done to alleviate the concerns of our neighbors, and hopefully the board as well. Attached is a letter that we delivered to each of the neighbors that presented concerns at Thursday's meeting. We feel that it also may be of interest to the board members and the public at large, feel free to distribute it at will.

From our recollection, below are the stated issues, and our proposed solutions.

Events/Parking:
We propose to remove the stated "One day evens limited to no more than 50 people" And restrict ourselves to the ability to hold classes seven days a week between the hours of 8 am and 10 pm with no more than 10 customers in attendance, normal B&B operations seven days a week, with 3 double occupancy rooms to rent. Removing the ability to be a venue for such large events also removes the concern over parking, as we previously demonstrated that we have adequate parking for customers taking a class.

Noise / Music:
We propose that we be governed by the same noise ordinances as we and our neighbors are currently governed by.

Number of classes per day:
We propose to restrict ourselves to no more than one class per day, regardless of length of class or number of attendees.

Because this is also our home, we respectfully reserve the right to hold non-business events, such as birthday parties, family gatherings, such as any rights our neighbors enjoy without contest or extra regulation.

We trust that these amendments will satisfy the concerns of both our neighbors and the board as well. We look forward to your questions, comments, and instruction as to what steps to follow next.

Respectfully,

John & Katie Waldorf
The Sunrise Workshop LLC
www.thesunriseworkshop.com
651-775-2999

From: Diane M. Sander <Diane.Sander@chisagocounty.us>
Sent: Friday, August 6, 2021 4:25 PM
To: 'john@thesunriseworkshop.com' <john@thesunriseworkshop.com>
Cc: Kurt M. Schneider <Kurt.Schneider@chisagocounty.us>; Patricia M. Perreault <Patricia.Perreault@chisagocounty.us>
Subject: Planning Commission - Request for Additional Information

This message was sent securely using Zix®

John and Katie,

Thank you for attending last night's Planning Commission meeting to discuss your application for rural retail tourism at 41713 Lowden Avenue. The Planning Commission tabled your request to find out more information on the scope and limits for additional events with 50 attendees. Please consider addressing the following concerns: on-site parking (map with parking layout), event located primary indoors/outdoors (if outdoors how does that correspond to parking layout), noise control if music is present, and hours up to 10 pm. The Planning Commission's recommendation of tabling will be considered at the August 18th County Board meeting. Once staff is provided with additional details of how the events will be handled and concerns addressed, we will review and follow up with a meeting and/or phone call to discuss the next steps of this process. Any questions, please feel free to contact us.

Diane Sander | Office Support Specialist
Environmental Services
313 N Main St
Suite 240
Center City, MN 55012
Diane.Sander@chisagocounty.us
Phone: 651-213-8376

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8/6/2021

From;

John & Katie Waldorf
41713 Lowden Ave
Harris, MN 55032

To; Neighbors concerned with the application for a conditional use permit at our home on Lowden avenue to operate a business consisting of a crafting school and Bed & Breakfast.

First and foremost, we understand that your concerns are completely justified and warranted.

In reflection from last evenings meeting, Katie and I realized that the only people who showed up to voice opposition, were those in proximity that we had not fostered a relationship with. In that we are remiss and apologize.

By this point you have formed an opinion of us, and our business idea, and voiced it, again, the legitimacy of that opinion is not questioned. We would, however, like to try to share with you, both our vision, and mission for our business to ease your concerns. Frankly, we wish we had done this before the meeting, you deserve it at the very least.

Long before we purchased our home on Lowden, Katie and I dreamed of having a place where people could come and learn. I spent 21 years in the Navy Construction forces, 7 of them as an instructor, training our finest. Before taking a job as an engineer at Rosenbauer in Wyoming, I taught engineering at Century College in White Bear Lake. Teaching has long been a passion of mine, and I continue to seize any opportunity I get to pass knowledge to others.

Our vision is a quiet place for small groups to gather in order to learn skills long forgotten. In the fast-paced world of today, many adults go no further than the frozen food section to prepare meals. They have never prepared garden fresh food, let alone tried to grow a garden. We may not be able to educate the whole of the public, but Katie can share what she knows with a few. The Navy and my older brother (a cabinet maker) taught me how to work with wood. To be able to take a resource growing by the side of the road, and transform it to a thing of beauty, not just with today's modern tools, but with the tools our great grandfathers used to create out of necessity. I taught myself to blacksmith because 14 years ago, my father, asked my brother and I to build his casket. I didn't like the hardware available for purchase, so I set out to teach myself how to create the hardware on my own.

With the onset of COVID-19, we like most people, remained at home and spent our time doing what we could to entertain ourselves. We worked on projects in the shop, spent time online talking with friends, and gained an extra 20 lbs eating. Through that experience, we realized that people were thirsting for something more than they could purchase online. People were tinkering. Our guess is that they wanted something real, something tangible, something unique. We looked at our collection of tools and

realized that we could offer something to those with a desire, but no means to create. From that realization, grew the concept for The Sunrise Workshop.

Before I talk about what our mission is, let me tell you what our mission is not; What we are not interested in, is late night parties that disturb the peace. We are not interested in being the newest vogue wedding spot for suburbanites. We are not interested in drawing crowds for any reason. When we included "events of no more than 50 people" in our application, it was much like an afterthought. It stemmed from an idea that our place would be a possible venue for a corporate workshop or a family or work reunion. If we gave the impression that we wanted throngs of people gathering until all hours, it was not our intent. That said, we are in communications with the county to amend our application to remove all for profit – business related events and restrict ourselves to the same privileges you may enjoy by hosting a family gathering, or a birthday party for a friend. If a private gathering could have the possibility of being heard beyond the bounds of normalcy, we will do our best to extend a neighborly curtesy of advanced communication. In our two years here, we've come to understand this to be common, such as with the private fireworks display this past July 4th on the corner of Olson and Lowden.

Our mission, is to use our home to create extra income by providing a benefit to the community. Over the last two years, we have set out to determine if our business model would work. We have invited groups of friends, at our own expense, to join us in our home and help "test" our theory and provide constructive feedback. February before last, we welcomed almost twenty members of my family, where we worked day and night for three days in the shop, to build a casket for my father who had passed. Last December, Katie held a class for making "spruce tip pots", attended by a total of eight. In April, we hosted three couples for a weekend long class constructing wind chimes and testing out our abilities in running a bed & breakfast. If you don't recall any of these events taking place, it's because part of our mission is to be as unobtrusive as possible. We know you love the peace and quiet of this area, we've come to love it too. It is not our intent, nor has it ever been, to disturb that in any way shape or form.

We have chosen a tagline for our business... "Crafting Handmade Memories". The foundation of our mission is the setting of this property, and the peacefulness of it's surroundings. It's purpose is to give people the opportunity to not only create something special, but hopefully connect with people too. It's not a factory to produce widgets, nor an "air b&b" available to groups looking to party. Our business model is one that requires prepaid booking and a signed statement of understanding, (Nathan Fuglestad, our lawyer, will write the statement, along with liability waivers, upon granting of the conditional use permit.) This is to ensure, to the best of our ability, that our home never becomes what you rightfully fear.

In closing, we hope we've explained what we failed to explain before. We hope we have alleviated your fears, and that you'll support us in this venture. We stand by our word and want you to know that our door is open to you at any time. Feel free to stop in for conversation, or better yet, if we are approved, stop by and take a class! We would love to have you not only as a neighbor, but a supporter as well.

Chisago County Request for Board Action

Meeting Date: August 18, 2021	***Item Number:*** 11
Title of Item for Consideration: Peter Jadoonath/Emily Nordquist Conditional Use Permit – Rural Retail Tourism Pottery Studio	
Action Requested by: Kurt Schneider, Director	***Department:*** Environmental Services and Zoning on behalf of the Chisago County Planning Commission.
Previous Action on this Matter: None.	

Background: Peter Jadoonath and Emily Nordquist are requesting a Conditional Use Permit for Rural Retail Tourism to operate a pottery studio and host two "backyard pottery" sales events per year at 30208 Tern Avenue, Shafer Township, (PID #08.00353.00).

At their meeting of August 5, 2021, the Planning Commission conducted the requisite public hearing and recommended approval of the request voting 6-0 with the attached recommended findings and conditions.

Pursuant to Minnesota Statute, the 60-day agency action deadline is August 30, 2021. Among the options for the County Board at tonight's meeting are the following:

- Approve the CUP, as recommended and with the Findings and Conditions prepared by the Planning Commission and carried forward by County ESD staff;
- Consider and Approve the CUP, 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 a 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 CUP 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.

Attachments:

- Planning Commission Recommended Findings and Conditions

- Planning Commission Presentation
- Planning Commission Staff Report & Hearing Packet
- Planning Commission Minutes (draft)

Action Requested/Recommended It is respectfully requested that the Board affirmatively consider the recommendation of the Planning Commission to approve the Peter Jadoonath and Emily Nordquist, Rural Retail Tourism Conditional Use Permit request to operate a pottery studio and host two "backyard pottery" sales events per year. at 30208 Tern Avenue, Shafer Township, (PID #08.00353.00). The following is the suggested language for the motion:

"Move to approve the Peter Jadoonath and Emily Nordquist request for a Rural Retail Tourism Conditional Use Permit to operate a pottery studio and host two "backyard pottery" sales events per year at 30208 Tern Avenue, Shafer Township, (PID #08.00353.00) with Findings 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 Conditional 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 CUP 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 August 5, 2021
Conditional Use Permit – Peter Jadoonath and Emily Nordquist – Rural Retail Tourism
30208 Tern Avenue, Shafer Township, (PID #08.00353.00)

RECOMMENDED FINDINGS:

1. **Is the proposal consistent with the Comprehensive Plan and development policies of the County?** *Yes. The Chisago County Comprehensive Plan has several references to the County's intention to continue to allow and be supportive of the establishment of agricultural education, recreational offerings, and rural retail tourism activities:*

    - *To protect 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 (p 4-6)*
    - *To encourage and support agricultural businesses that contribute to economic activity, employment, and tax base of Chisago County (p 5-18)*
    - *To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into Chisago County economy (p5-18)*
    - *To continue to allow agricultural activities and related agri-businesses in the AG zoning district (p6-22)*
    - *To promote natural amenities in the County as assets to economic development and business opportunity (p 6-22)*
    - *To acknowledge tourism's economic value and the contribution of this industry to both the diversity of the County economic base and the potential for growth (p 6-22)*
    - *To promote tourism and commercial recreation as expanding opportunities for employment and tax base (p 6-22)*

2. **Will the use create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?** *It is staff's belief that the proposal will not create excessive demand on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.*

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?**
Yes. The activities on the site will be only take place twice a year and attendance is spread out over 7 hours each of three days. The character of the property will remain agricultural and residential with the scale and types of activities requested and consistent with the neighboring properties and area.

4. **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. The Chisago County Zoning Ordinance allows rural retail tourism uses as Conditional Uses in the Ag zone. The purpose as outlined in Zoning Ordinance Section 4.15 for Rural Retail Tourism are as follows:*

    - *Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscape.;*

- *To recognize Chisago County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy.*
- *Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere;*
- *Provide opportunities for new economic growth through Rural Retail Tourism businesses.*
- *Assist the County's citizens in the transition from primarily agricultural land uses, to an expanded variety of rural business opportunities as active family farming continues to diminish in Chisago County.*

5. **Will the use cause traffic hazard or congestion?** *Staff reviewed the proposal and did not have concerns or objections to traffic levels, hazard or congestion as again, the customers are spread out over three days.*

6. **Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness?** *No, events will be small-scale during the day.*

RECOMMENDED CONDITIONS:

1. *This CUP shall allow for seasonal rural retail tourism to offer two sales events annually to be held over a period of three days per event pursuant to the site plan and narrative provided on record.*

2. *Hours of operation shall be conducted on Friday through Sundays from 10 AM to 5 PM.*

3. *The maximum attendance at any given time with sales associated with the CUP shall be no more than 100 people*

4. *All parking shall be accommodated on-site, a detail of parking plan layout and vehicles accommodated shall be provided for staff approval.*

5. *Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.*

6. *The Permittees shall provide documentation from a certified architect or engineer of existing buildings for use in the business to verify structural standards due to occupancy changes as required under Zoning Ordinance Section 4.14.F. All remodeling or retro-fitting of the existing buildings shall be subject to relevant codes, permits, and inspection requirements.*

7. *The Applicants are required to contact the County Sanitarian and review water and septic uses that need to be addressed.*

8. *The Applicants shall provide documentation of contractual service and an updated site plan showing the number and location of porta potties to be provided. Outdoor restrooms should not be visible from Tern Avenue or adequate screening (i.e. plantings or fencing) may be required to sufficiently screen from road right-of-way.*

9. *The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.*

Permit # 21-9320

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Recording Fee 46
Base Fee 525
Wetland or Septic Fees —
Plat Compliance Fee —
TOTAL FEE 571

Street Location 30208 Tern Avenue **Tax Parcel #** 08.353.00

Legal Description 34-34-19 **E-Mail Address** [redacted]

Owner: Peter Jadavnath Emily Nordquist **Day Phone** [redacted]

Address 30208 Tern Avenue Shafer, MN 55074

Applicant (if other than owner) _____ **Day Phone** ( )

Address _____

Type of Request:

Variance	☐	Preliminary Plat	☐
Administrative Appeal	☐	Administrative Permit	☐
Conditional Use Permit (or amendment to CUP)	☐	Ordinance Amendment	☐
Interim Use Permit (or amendment to IUP)	☒	Rezoning	☐

Applicable section of ordinance: _____

Description of request: Rural Retreat Tourism Home Occupation

If Variance Application, Brief Description of Practical Difficulty _____

Signature of Applicant **Date of Application**

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

7/1/21
Date Received at Front Counter

8/30/21
60 – Day Review

Date of Public Hearing: Thurs August 5th 2021

Questions? Contact Jessica Jagoe, Land Services Coordinator at 651-213-8379 or Jessica.jagoe@chisagocounty.us

TOWNSHIP PRESENTATION FORM

Street Location 30208 Tern Avenue Shafer MN 55074

Legal Description 34-34-19

Owner Name Peter Jadamuth Emily Nordquist **Day Phone:** [redacted]

Address: 30208 Tern Avenue Shafer, MN 55074

Applicant : _____ **Day Phone:** ( )
(if other than owner)

Address: _____

Type of Request:

Variance	☐	**Preliminary Plat**	☐
Administrative Appeal	☐	**Administrative Permit**	☐
Conditional Use Permit (or amendment to CUP)	☐	**Rezoning**	☐
Interim Use Permit	☒	**Ordinance Amendment**	☐

Description of Request: _____

Date of County Public Hearing: Thurs 8-5-21

Date of Township Presentation: Thurs 7-8-21

TOWNSHIP ACTION TAKEN

Approved ☐ **Denied** ☐

Reasons and Conditions: _____

Signature of Township Officers: _____

_____

_____

_____ _____
Signature of Applicant **Date**

SCHEDULE OF REQUIRED MEETINGS

Zoning Department will fill out this form for you at the time of your application

To the applicant:

It will be necessary for you to attend several meetings in conjunction with your application. The meetings will be held at the places and times listed below. Questions or conflicts contact Jessica Jagoe at 651-213-8379 or Jessica.jagoe@chisagocounty.us.

CUP-IUP / PRELIMINARY PLAT / VARIANCE TECHNICAL REVIEW COMMITTEE MEETING

(You only need attend this meeting if deemed necessary by Staff and noted in the space immediately below – If so, you will receive an itemized agenda prior to your meeting)

DATE: Wed. 7/14/21 **Time:** Will not attend

LOCATION: Small conference room, Department of Environmental Services, Room 243

TOWNSHIP BOARD MEETING

TOWNSHIP HALL LOCATION: Shafer Town Hall

DATE: 7/8/21 - Thurs **Time:** 7pm

~~BOARD OF ADJUSTMENT MEETING~~ OR PLANNING COMMISSION MEETING

DATE: Thurs. Aug. 5th **TIME:** 7pm

LOCATION: Meeting Rooms located in Lower Level of County Government Center, Center City, MN

COUNTY BOARD OF COMMISSIONERS

(Not applicable to Variance Applications and Appeals ~ PC applicants this is an optional meeting)

DATE: 7/13/21 **TIME:** 9:30

LOCATION: County Board Room, Room 172, Lower level of Government Center

Peter Jadoonath Pottery Narrative for IUP in Chisago County

30208 Tern Avenue, Shafer MN 55074

peter.jadoonathpottery.com

My name is Peter Jadoonath, my family and I live in Shafer just north of the Highway 8 and 95 roundabout. We moved here in 2014. My wife owns a salon in Scandia, and our children attend school at Taylors Falls Elementary. This year I'm coaching my daughter's softball team with L.A.R.A. We have made ourselves part of the community.

I've been a professional potter for 20 years, previous to living in Shafer, I spent 14 years working and living in St. Paul. We moved here for a variety of reasons, but a major component was moving to an arts rich and scenic region of Minnesota. When I first relocated my business to the pole barn at our home I inquired with Tara Guy about getting a Interim Use Permit. She said it wasn't complicated and directed me how to proceed. I did not follow through on it. I suppose I was intimidated and the cost was a hurdle. But as the years have gone by it has become important for me to be in good standing with the community and the county. Recently, I contacted Patricia Perreault, the Office Manager of Environmental services about my desire to get in good standing with the community and she has been helpful in directing me with my IUP application.

Here are the important details for your consideration of my IUP application. I am a one person place of business, I have no employees, and I make all of the pottery. I don't keep regular hours for customers. I do not have a sales room. Occasionally someone visits the workshop, but that happens once a month at most. I sell a majority of the pottery at in-person events throughout the state, and at galleries local and national. I work in the back half of our pole barn/garage. None of the work nor storage of materials happens outside. I do not get shipments with any regularity. Most of my supplies I pick up in Minneapolis at a supplier. Whenever I ship pots for online customers, I ship the packages with USPS, I drop the packages at the Lindstrom or Shafer Post Office. In summary, I have no consistent daily traffic coming and going from our home.

Regarding noise and disturbance, I work inside the pole barn and making pottery is not a noisy or disturbing process. We juggle all of our schedules at home so my work hours vary, but I still maintain working between the hours of 6 am and 10 pm.

As far as toxic waste is concerned. I do not have any waste beyond normal house waste. My materials I use to make the pottery are non toxic and nothing is actually waste, It all gets used to make the pots.

The final two items are the most important ones in my experience, events and parking.

I host one sale a year, it takes place in late September. I market it as "The Backyard Pottery Sale". I hosted this event when we lived in St. Paul and I continued the tradition here. It coincides with Franconia Sculpture Parks fall event as well. This year it takes place on September 17-19 from 10 am to 5 pm. I invite guest potters from the region to sell their pottery too. We average about 200 attendees over the weekend. I am always very concerned about safety and the overall systems in place for successfully hosting people at an event. I carry business insurance and I am a registered business with The Office of

Minnesota Secretary of State. Currently, I host only one event per year, but in the near future I would like to add an additional event in the spring.

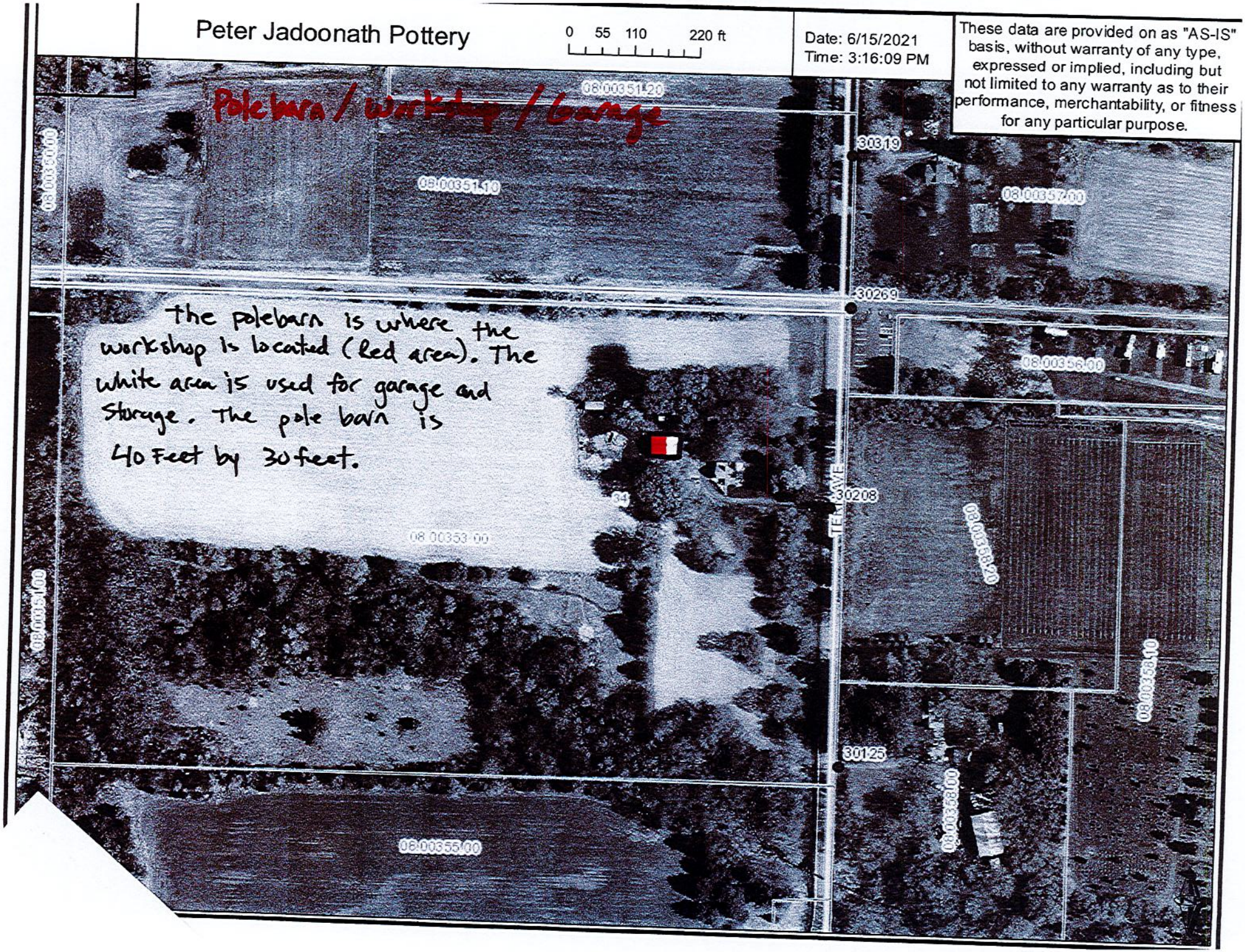
Parking for the event is my primary concern. I do not want people parking on Tern Avenue, and I do not want people parking in the parking lot across the street from us. This parking lot is designated for "The Swedish Immigrant Bike Trail". I have never had an issue with parking. I consider this due to the thought that I have put into it thus far. We allow people to park throughout the property on mowed grass areas. I have ample signage and I have one person who helps me all weekend directing traffic and monitoring this situation.

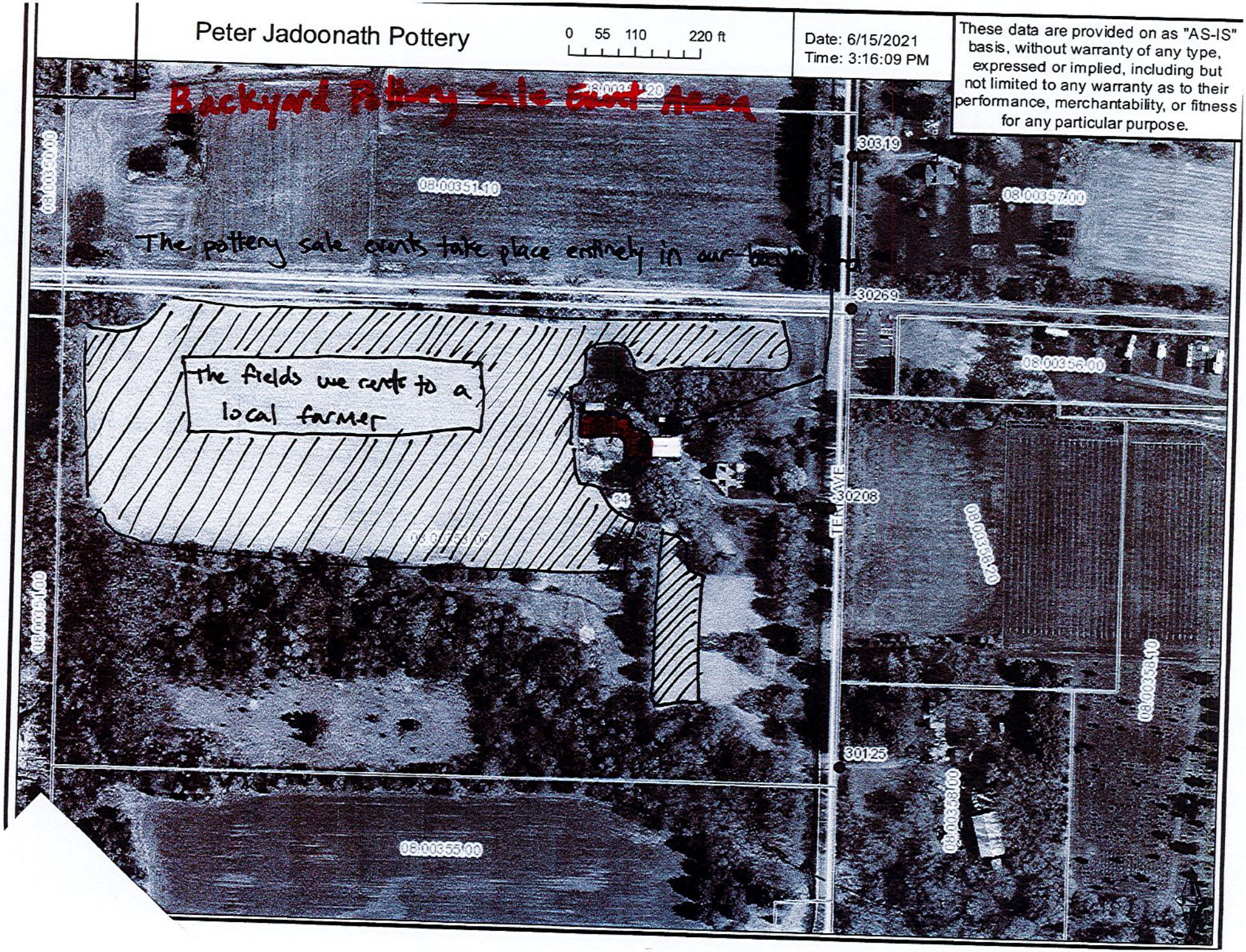
I have enclosed with the narrative and application a series of Chisago County maps of our property. I have highlighted in "red" the areas used for working, event space, parking, and driveway access. One visual difficulty with the images is the tree coverage. I have drawn on top of the trees to show the space used below them.

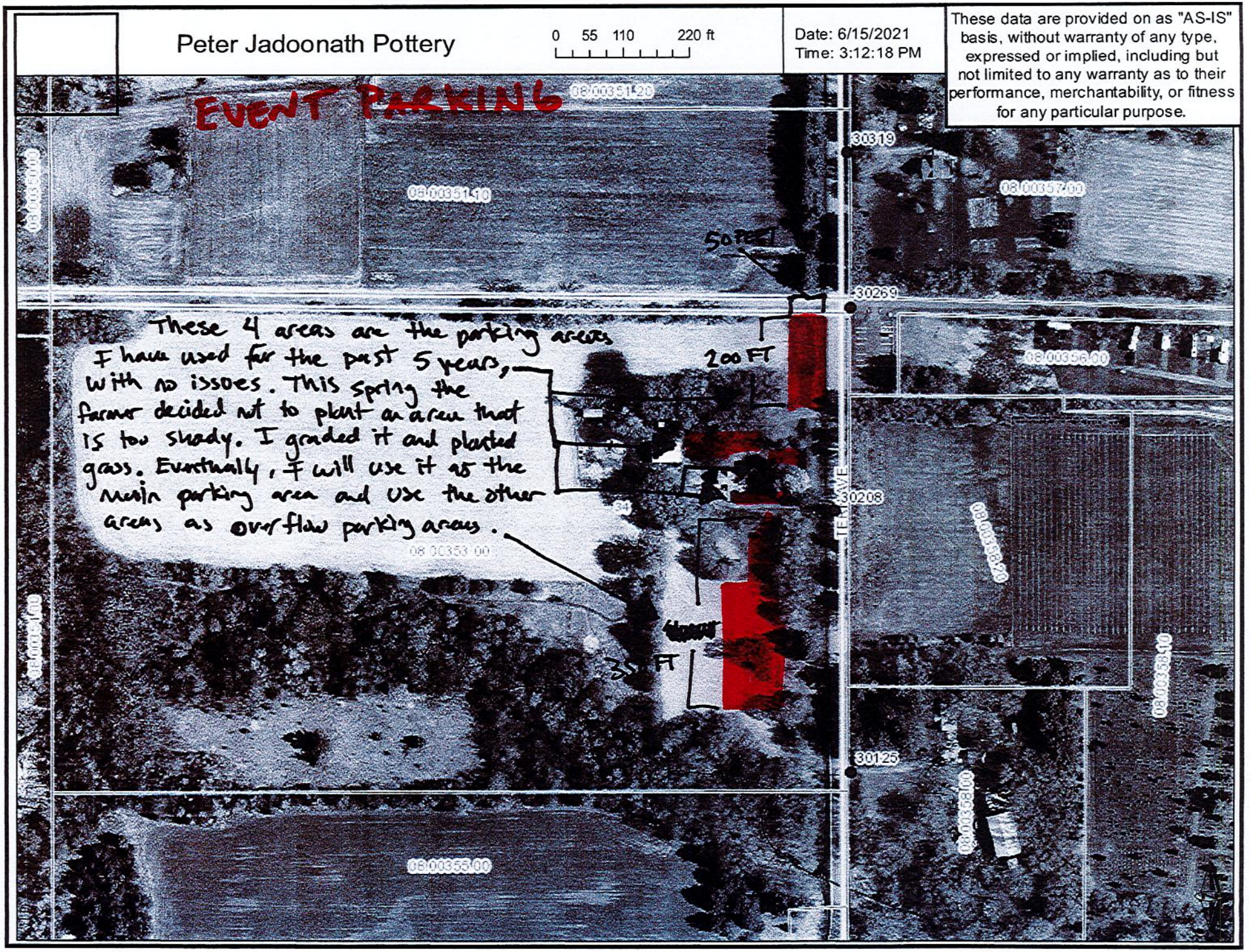
Thank you for your consideration.

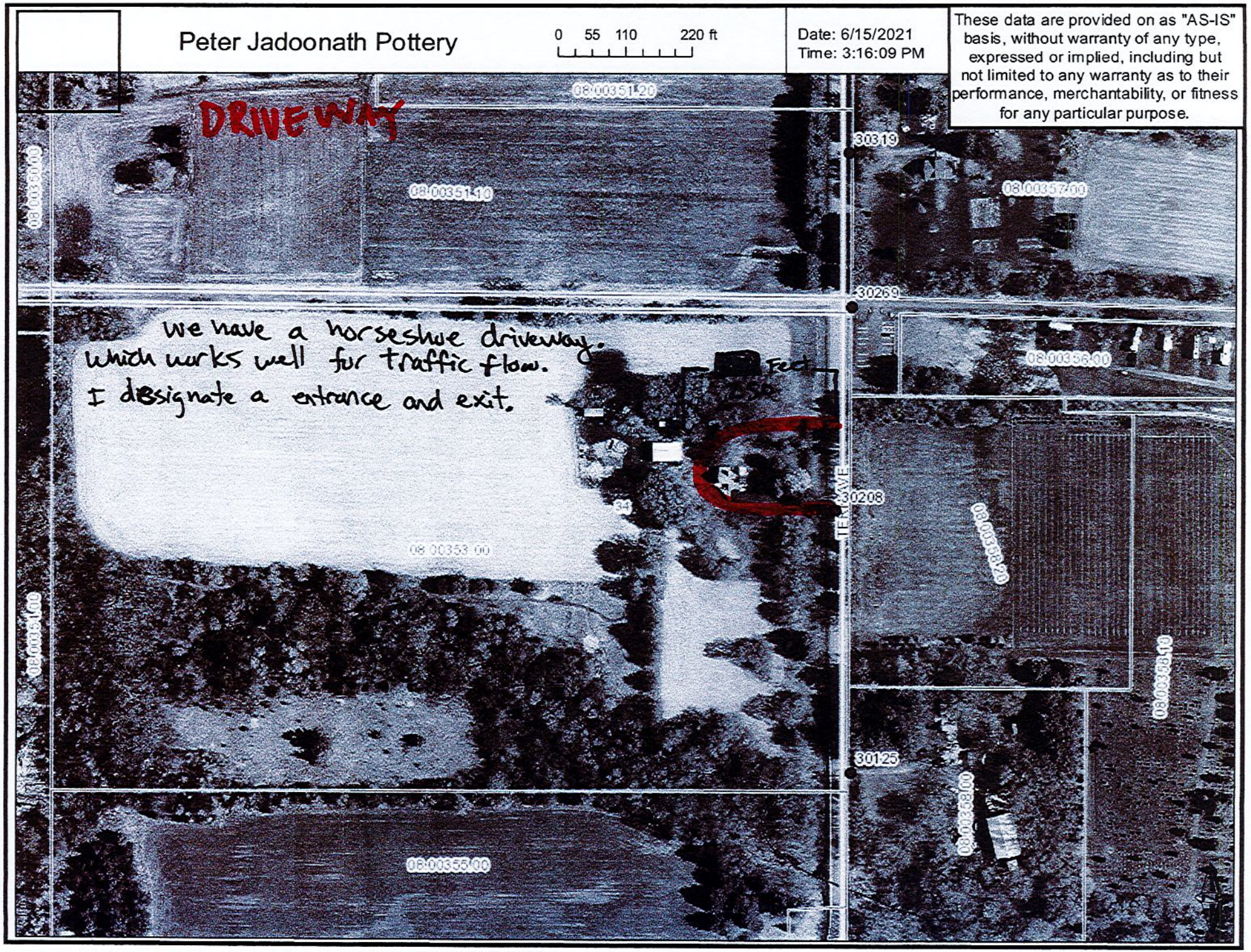
Respectfully,

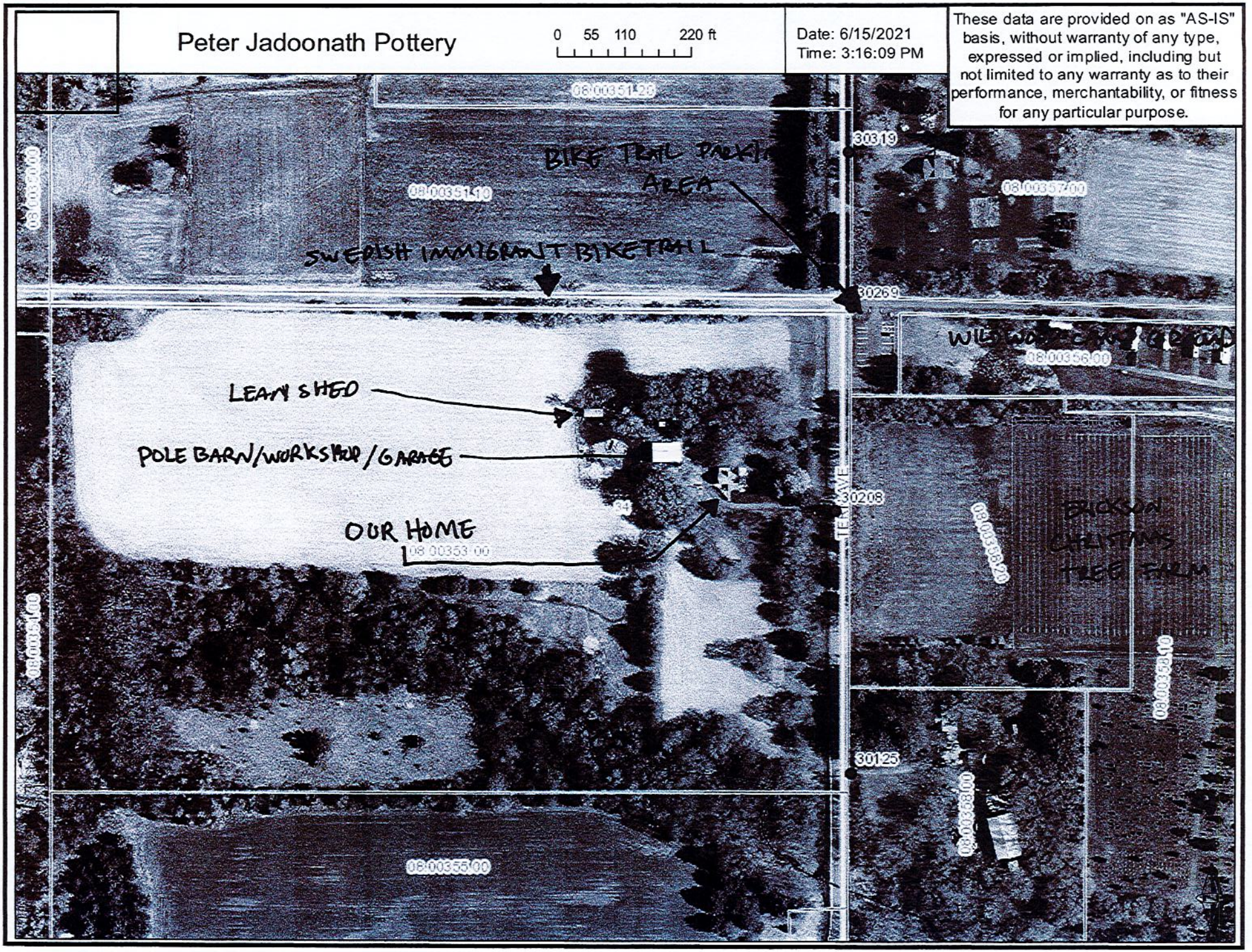
Peter Jadoonath


Peter Jadoonath Pottery
0 55 110 220 ft
Date: 6/15/2021
Time: 3:16:09 PM
These data are provided on as "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.
Polebarn / workshop / Garage
The polebarn is where the workshop is located (red area). The white area is used for garage and storage. The pole barn is 40 Feet by 30 feet.
30319
30269
30208
30125
TEMPLE AVE
08 00351 20
08 00351 10
08 00357 00
08 00356 00
08 00353 00
08 00355 00
08 00358 00


Peter Jadoonath Pottery
0 55 110 220 ft
Date: 6/15/2021
Time: 3:16:09 PM
These data are provided on as "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.
Backyard Pottery Sale Event Area
The pottery sale events take place entirely in our
the fields we rent to a local farmer
30319
30269
30208
30125
08.00351.10
08.00357.00
08.00356.00
08.00355.00
TERRACE AVE


Peter Jadoonath Pottery
0 55 110 220 ft
Date: 6/15/2021
Time: 3:12:18 PM
These data are provided on as "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.
EVENT PARKING
08 00351 20
08 00351 10
30319
08 00357 00
50 FEET
30269
200 FT
These 4 areas are the parking areas I have used for the past 5 years, with no issues. This spring the farmer decided not to plant an area that is too shady. I graded it and planted grass. Eventually, I will use it as the main parking area and use the other areas as overflow parking areas.
08 00356 00
34
TERRACE
30208
08 00353 00
35 FT
08 00356 10
30125
08 00355 00


Peter Jadoonath Pottery
0 55 110 220 ft
Date: 6/15/2021
Time: 3:16:09 PM
These data are provided on as "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.
DRIVEWAY
We have a horseshoe driveway. which works well for traffic flow. I designate a entrance and exit.
08 00351 20
08 00351 10
08 00353 00
08 00355 00
30319
30269
30208
30125
TEMPLE AVE


Peter Jadoonath Pottery
0 55 110 220 ft
Date: 6/15/2021
Time: 3:16:09 PM
These data are provided on as "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.
BIKE TRAIL PARKING AREA
SWEDISH IMMIGRANT BIKETRAIL
LEAN SHED
POLE BARN/WORKSHOP/GARAGE
OUR HOME
08 00353 00
08 00351 00
08 00351 10
08 00357 00
08 00356 00
08 00355 00
30319
30269
30208
30125
TEAL AVE



Conditional Use Permit

Rural Retail Tourism

PID# 08.00353.00

Shafer Township

30208 tern Avenue

Request

Requesting a Conditional Use Permit for Rural Retail Tourism to operate a pottery studio and host two sales events per year.



Property Description

- Parcel: 24 acres
- Zoned: Agricultural (AG)
- Location: North of roundabout of HWY 8 & 95

Applicant Request

Bring home occupation and their annual fall "Backyard Pottery Sale" into compliance and host additional sale in the Spring



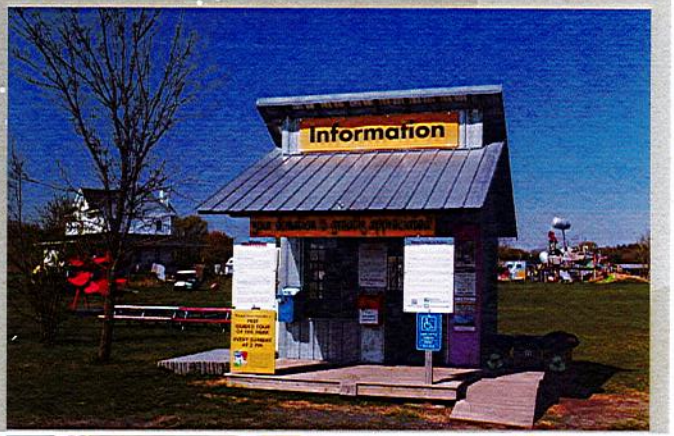


Proposal

- No employees except for Mr. Jadoonath
- Hours: Vary day to day; typically between 6 am – 10 pm
- No noise or waste is generated
- No sales room or regular hours for customers
- Pottery sold off-site
- Two Sale Events: Spring and Fall

Sales Events

- In conjunction with Franconia Sculpture Park Annual Fall Event
- 3 Days – 10 am to 5 pm
- ~200 attendees over weekend
- Guest potters from region invited to sell their work



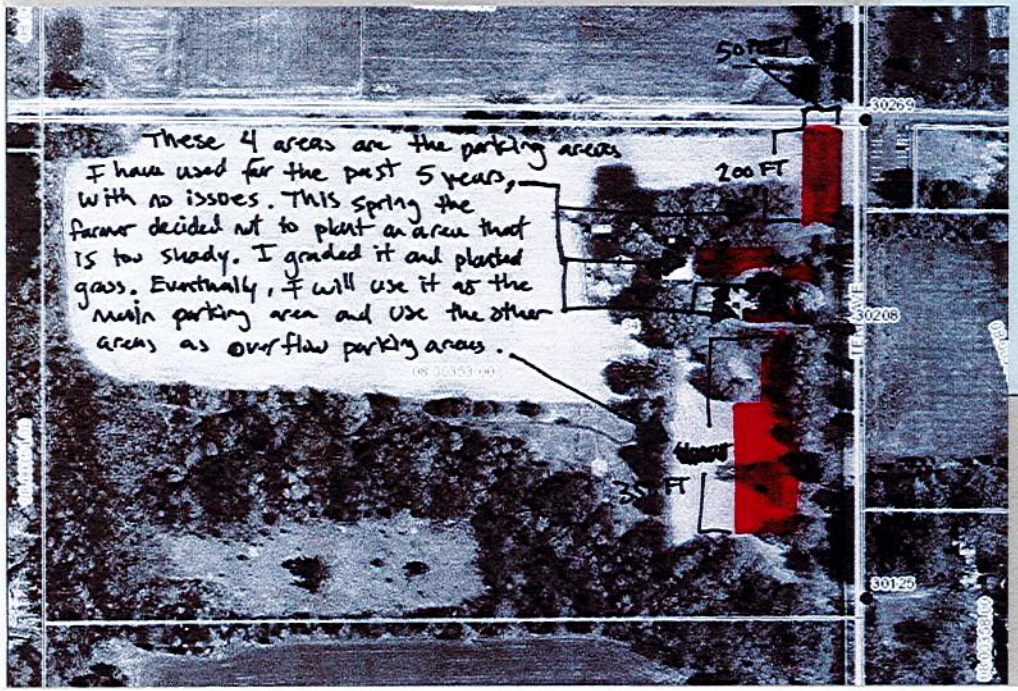
Spring Event

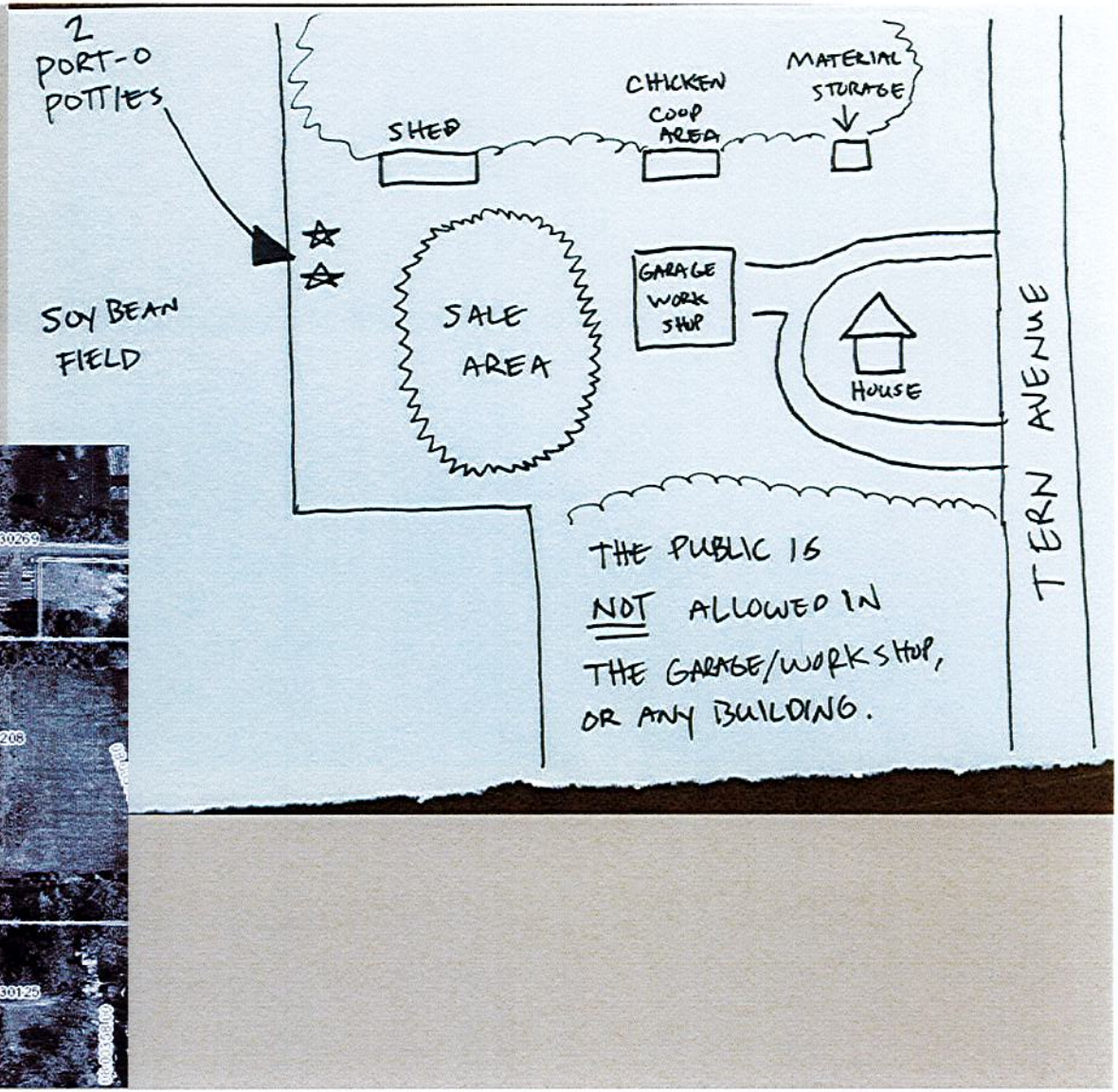
- Parking is on-site in designated parking areas
- Horseshoe driveway provides entrance and exit to Tern Avenue
- Person directing and monitoring traffic and parking
- Guest potters from region invited to sell their work





Site Plan & Parking





Review

July 8, 2021

Approval with no conditions

Township Review

August 30, 2021

60 – Day Deadline

Staff Review

July 14, 2021

Consistent with Comprehensive Plan goals

Compliance with Zoning Regulations

Staff Recommendation

Barring any new or unknown evidence discovered after the completion of this report or during the course of the public hearing –

Recommend **Approval** of a Conditional Use Permit for Rural Retail Tourism as requested by Peter Jadoonath and Emily Nordquist for the property located at PID#08.00353.00, 30208 Tern Avenue, based on the narrative and site plan on record as provided by Applicant (or as modified at tonight's hearing) and based on the Findings of Fact as presented in Staff's report and the following nine conditions:



Conditions

1. This CUP shall allow for seasonal rural retail tourism to offer two sales events annually to be held over a period of three days.
2. Hours of operation shall be conducted on Friday through Sundays from 10 AM to 5 PM.
3. The maximum attendance at any given time with sales associated with the CUP shall be no more than 100 people
4. All parking shall be accommodated on-site.
5. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.
6. The Permittees shall provide documentation from a certified architect or engineer of existing buildings for use in the business to verify structural standards due to occupancy changes as required under Zoning Ordinance Section 4.14.F. All remodeling or retro-fitting of the existing buildings shall be subject to relevant codes, permits, and inspection requirements.
7. The Applicants are required to contact the County Sanitarian and review water and septic uses that need to be addressed.
8. The Applicants shall provide documentation of contractual service and an updated site plan showing the number and location of porta potties to be provided. Outdoor restrooms should not be visible from Tern Avenue or adequate screening (i.e. plantings or fencing) may be required to sufficiently screen from road right-of-way.
9. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.

Staff Report

TO: Chisago County Planning Commission

FROM: Patty Perreault, Office Manager

DATE: July 29, 2021

RE: Peter Jadoonath/Emily Nordquist Conditional Use Permit – PID#08.00353.00
Shafer Township, 30208 Tern Avenue

Action to Consider
The Applicants are requesting a Conditional Use Permit for Rural Retail Tourism to operate his pottery studio and host two sales events per year.

Property Background/Description
Peter Jadoonath and Emily Nordquist, Applicants, have lived at the property since 2014, where Mr. Jadoonath has practiced his pottery in his pole building workshop.

The subject parcel is 24 acres located on Tern Avenue two tenths of a mile north of the roundabout of Hwy 8 and 95. The parcel is zoned AG, Agricultural. The area surrounding the subject parcel is also zoned AG with a mix of residential and active agricultural uses on tracts of land mainly 15+ acres in size.

The applicants contacted the zoning office in order to bring the home occupation and their annual fall 'Backyard Pottery Sale' into compliance and host an additional sale in the Spring.

Site Plan/Proposal Analysis
The property is developed with a house and a couple of detached accessory structures, including the 30 x 40 pole building where the workshop is located. The business proposal indicates that Mr. Jadoonath is the sole potter and has no employees. Although his hours vary on a day to day basis they typically fall between 6 a.m and 10 p.m. and no noise or waste is generated. There is no sales room or regular hours for customers. Pottery is sold at off-site in-person events and galleries. Pottery is also shipped through the local post office. There will be two sales events held annually (in the Spring and Fall) where guest potters from the region are invited to sell their work. The first sale is held in conjunction with the Franconia Sculpture Park's annual fall event, for three days from 10 a.m. to 5 p.m. each day with an average of 200 attendees over the weekend. The second event will replicate that in the spring. All parking is on-site in designated parking areas (see map for parking, working, and event space) and the horseshoe drive provides for an entrance and exit on to Tern Avenue, with someone directing and monitoring the traffic

and parking. The business is registered with the Secretary of State, and business insurance is held.

Lastly, the Technical Review Panel discussed the application and found no potential impacts and/or any identifiable concerns of the proposal.

The County Sanitarian has confirmed that the use of porta potties has been allowed when approved by the Department of Health. It was verified that none of the detached buildings have water hook-ups to provide indoor restrooms. Staff would request in consideration of the CUP to require as a condition of approval that the Applicants provide documentation of contractual service and an updated site plan showing the number and location of porta potties to be provided. Outdoor restrooms should not be visible from Tern Avenue or adequate screening (i.e. plantings or fencing) may be required to sufficiently screen from road right-of-way.

Documentation was not included as part of the CUP application for the Building Official to verify structural standards due to occupancy changes that may have occurred in the detached accessory building. Staff would request as a condition of approval to require said documentation from a certified architect or engineer in satisfaction of Zoning Ordinance Section 4.15.F if the workshop will be open to the public. Lastly as mentioned, the applicant has held sales in the fall. The Code Enforcement Officer noted that there have not been any previous complaints raised with events or activities to date.

Rural Retail Tourism Code Analysis

The Planning Commission as outlined in Zoning Ordinance Section 4.15 shall consider possible effects of the proposed land use based upon the following general factors and any other requirements set forth in this Ordinance or deemed otherwise relevant:

A. Purpose. In accordance with the stated goals of the Chisago County Comprehensive Development Plan, it is the purpose of this subdivision to:

- Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes.
- To recognize Chisago County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy.
- Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere.
- Provide opportunities for new economic growth through Rural Retail Tourism businesses.
- Assist the County's citizens in the transition from primarily agricultural land uses, to an expanded variety of rural business opportunities as active family farming continues to diminish in Chisago County.

B. Standards. Rural Retail Tourism Businesses shall meet the following standards:

1. Rural Retail Tourism businesses shall be located within the A or RVC Zoning Districts;

2. Rural Retail Tourism businesses shall require a Conditional Use Permit in accordance with Section 8.04 of this Ordinance;

3. Rural Retail Tourism businesses shall be shown to have a unique and demonstrable relationship with Chisago County or its region, and its history, culture, traditions, arts, crafts, lore, natural resources, or other features and amenities, in accordance with the above stated purposes.

C. Allowed Uses. Allowed Rural Retail Tourism businesses shall include things as farm or other historical heritage attractions, single family residential rental properties for retreats, crafting, weddings, receptions, bed & breakfasts; small-scale, low impact special events or music festivals, corn mazes, holiday celebrations and harvest festivals, country-craft/antique shops, unique local venues providing for the sale and serving of locally produced raw and/or value-added agricultural products, goods and services, and other reasonably related merchandise, and other uses determined by the Department to be similar in nature and scope.

D. The terms "small-scale" and "low-impact" shall be construed to refer to land uses which:

1. Do not create an excessive demand upon existing services or amenities;
2. Are screened or able to be screened adequately, or are sufficiently separated from adjacent development or land, to prevent undue negative impact to nearby properties;
3. Will not have an appearance that is inconsistent or incompatible with the surrounding area;
4. Will not cause traffic hazard or undue congestion;
5. Will not negatively impact the neighborhood by intrusion of noise, glare, odor, or other adverse effects.

Applications which are determined to be unable to meet the above criteria may be processed as a major commercial conditional use, provided the use is allowed in the relevant Zoning District.

E. All conditional uses for Rural Retail Tourism shall meet the applicable requirements of Section 8.

F. Code Compliance. An existing structure or SSTS which is subjected to a change in occupancy or GPD loading as a result of an approved CUP for a Rural Retail Tourism business shall be retrofitted and/or upgraded to conform to current code requirements. All existing buildings proposed for use in association with the business shall be certified by an architect or engineer to be in compliance with current structural standards for the new occupancy prior to any use of the structure.

Conditional Use Permit Analysis

The Planning Commission as outlined in Zoning Ordinance Section 8.04.C shall consider possible effects of the proposed conditional 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. *The use shall 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;*

3. *The use shall 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. *The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties;*

5. *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. *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. *The use shall not cause traffic hazard or congestion; and*

8. *Existing nearby properties shall not be adversely affected by intrusion of noise, glare or general unsightliness.*

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 has several references to the County's intention to continue to allow and be supportive of the establishment of agricultural education, recreational offerings, and rural retail tourism activities:*

    - *To protect 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 (p 4-6)*
    - *To encourage and support agricultural businesses that contribute to economic activity, employment, and tax base of Chisago County (p 5-18)*
    - *To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into Chisago County economy (p5-18)*

- *To continue to allow agricultural activities and related agri-businesses in the AG zoning district (p6-22)*
- *To promote natural amenities in the County as assets to economic development and business opportunity (p 6-22)*
- *To acknowledge tourism's economic value and the contribution of this industry to both the diversity of the County economic base and the potential for growth (p 6-22)*
- *To promote tourism and commercial recreation as expanding opportunities for employment and tax base (p 6-22)*

2. Will the use create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area? *It is staff's belief that the proposal will not create excessive demand on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.*

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? *Yes. The activities on the site will be only take place twice a year and attendance is spread out over 7 hours each of three days. The character of the property will remain agricultural and residential with the scale and types of activities requested and consistent with the neighboring properties and area.*

4. 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. The Chisago County Zoning Ordinance allows rural retail tourism uses as Conditional Uses in the Ag zone. The purpose as outlined in Zoning Ordinance Section 4.15 for Rural Retail Tourism are as follows:*

    - *Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscape.;*
    - *To recognize Chisago County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy.*
    - *Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere;*
    - *Provide opportunities for new economic growth through Rural Retail Tourism businesses.*
    - *Assist the County's citizens in the transition from primarily agricultural land uses, to an expanded variety of rural business opportunities as active family farming continues to diminish in Chisago County.*

5. Will the use cause traffic hazard or congestion? *Staff reviewed the proposal and did not have concerns or objections to traffic levels, hazard or congestion as again, the customers are spread out over three days.*

6. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? *No, events will be small-scale during the day.*

60-day Review
The application was deemed complete on July 1, 2021. The 60-day deadline will be August 30, 2021.

Township Recommendation
Township Board reviewed at their meeting on July 8, 2021 and recommended approval with no conditions.

Staff Findings
The Conditional Use Permit request for a pottery studio, associated sales event rural retail tourism uses as proposed is consistent with the County's Comprehensive Plan goals and intentions. Following the review of the Technical Review Committee and Planning Staff, the requested Conditional Use Permit as described is determined to be in compliance with Zoning regulations.

Upon close of the public hearing on this application, discussion should be held by the Planning Commission on the above observations (#1 through #6) as preliminary drafted by Staff, which items can be amended, deleted, or appended to, in order to serve as findings in favor of approval of the CUP. 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 for approval with conditions for your consideration:

Recommended Action to Consider

- Recommend **Approval** of a Conditional Use Permit for Rural Retail Tourism as requested by Peter Jadoonath and Emily Nordquist for the property located at PID#08.00353.00, 30208 Tern Avenue, based on the narrative and site plan on record as provided by Applicant (or as modified at tonight's hearing) and based on the Findings of Fact as presented in Staff's report and the following conditions:

    1. *This CUP shall allow for seasonal rural retail tourism to offer two sales events annually to be held over a period of three days.*

    2. *Hours of operation shall be conducted on Friday through Sundays from 10 AM to 5 PM.*

    3. *The maximum attendance at any given time with sales associated with the CUP shall be no more than 100 people*

    4. *All parking shall be accommodated on-site.*

    5. *Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.*

    6. *The Permittees shall provide documentation from a certified architect or engineer of existing buildings for use in the business to verify structural standards due to occupancy changes as required under Zoning Ordinance Section 4.14.F. All*

remodeling or retro-fitting of the existing buildings shall be subject to relevant codes, permits, and inspection requirements.

7. *The Applicants are required to contact the County Sanitarian and review water and septic uses that need to be addressed.*

8. *The Applicants shall provide documentation of contractual service and an updated site plan showing the number and location of porta potties to be provided. Outdoor restrooms should not be visible from Tern Avenue or adequate screening (i.e. plantings or fencing) may be required to sufficiently screen from road right-of-way.*

9. *The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.*

Alternate Options

- Recommend to **Table Action** and extend the initial 60-day period for required action on this Conditional 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)."

- Recommend **Denial** of the Conditional Use Permit request by Peter Jadoonath and Emily Nordquist for the property located at PID#08.00353.00, 30208 Tern Avenue based on the Findings of Fact or other contributing factors deemed appropriate *(insert findings)*

  1)

CC: Peter Jadoonath and Emily Nordquist, Applicants
County File

Chisago County Request for Board Action

Meeting Date: August 18, 2021	***Item Number:*** 12
Title of Item for Consideration: Jason and Jaime Holmstrom "Diamond Acres" Final Plat	
Action Requested by: Kurt Schneider, Director	***Department:*** Environmental Services on behalf of the Chisago County Planning Commission
Previous Action on this Matter: None.	

Background: Justin Buehring on behalf of property owners Jason and Jaime Holmstrom is requesting final plat approval of a one (1) lot subdivision to be known as "Diamond Acres". The subject property is located on a 41-acre property in Fish Lake Township, 42370 Diamond Avenue, in Section 36, T. 36, R. 22, (PID #03.00564.00).

The Planning Commission reviewed the Preliminary Plat at their meeting of December 3, 2020, and the Board subsequently approved the Preliminary Plat on December 16, 2020. Conditions of preliminary plat approval have been met and the Final Plat of Diamond Acres is recommended for approval.

Attachment(s):

- Diamond Acres Final Plat *(Available for signature at the meeting)*
- Diamond Acres Preliminary Plat Layout

Action Requested/Recommended: It is respectfully requested that the Chisago County Board affirmatively consider the approval of the Diamond Acres final plat. The suggested motion to approve this action is as follows:

"Move to authorize Signature and approve the Diamond Acres final plat located in Fish Lake Township, 42370 Diamond Avenue, in Section 36, T. 36, R. 22, (PID #03.00564.00)."

Implications of Action: Recommended Board action would grant the requested Final Plat in Fish Lake Township.

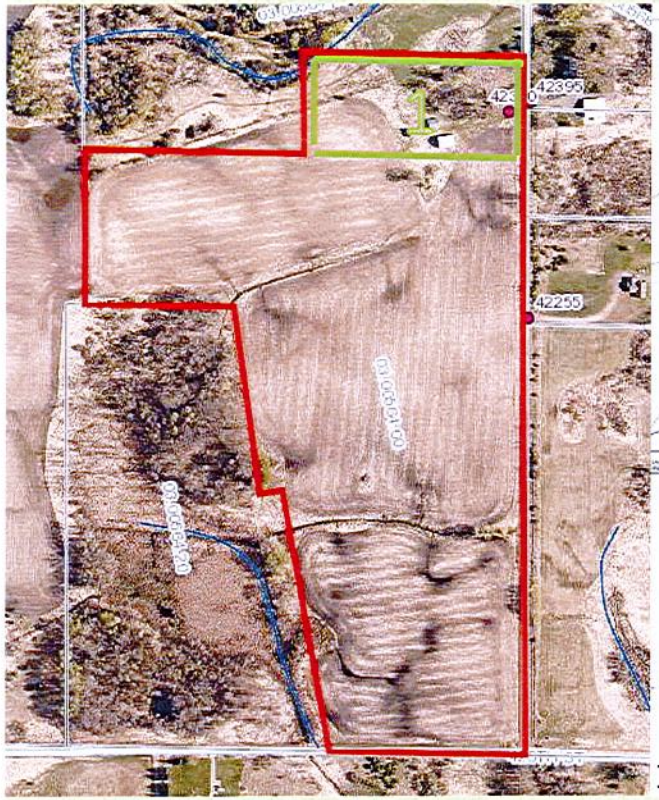
Budget/Financial Implications: None

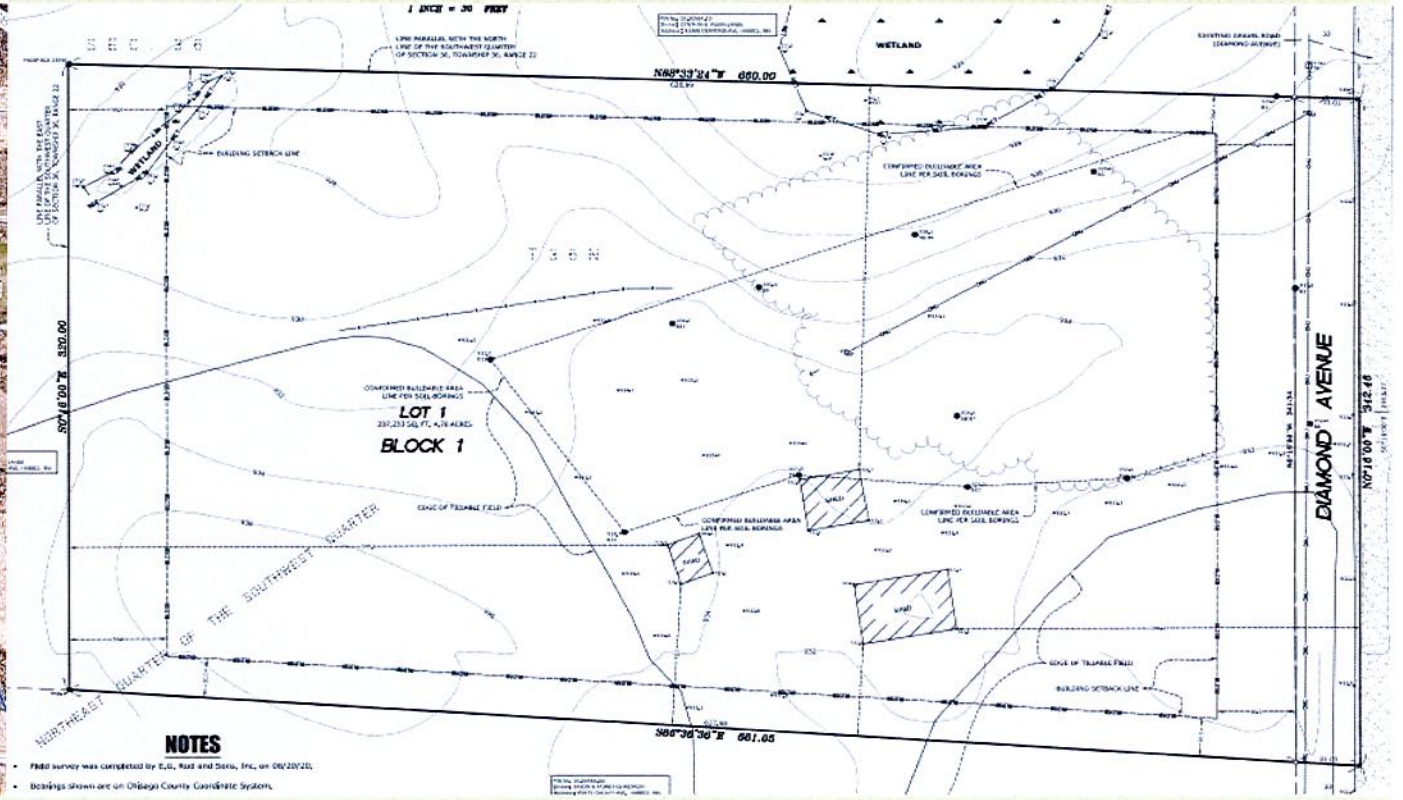
Legal/Policy Implications: The proposed activities are in general conformity with applicable state statutes and County authority and policies.

Administrator's Recommendation

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

Preliminary Plat Layout:





Chisago County Request for Board Action

Meeting Date: August 18, 2021	***Item Number:*** 13
Title of Item for Consideration: Agreement with CLIMB Theatre for Services Presenting at the 2021 Children's Water Festival	
Action Requested by: Kurt Schneider, Director	***Department:*** Environmental Services

Previous Action on this Matter: The County has been approving an annual contract with CLIMB to perform at the Festival for the past 12-years.

Background: CLIMB has taught sessions at the Children's Water Festival since 2009. CLIMB engages kids in interactive theatre learning sessions to understand the connection between what they do with their waste, and how those decisions can affect their health and the health of the local environment. It is a great way to reach most of the 5th graders in the county with a message about proper management of garbage, recycling and household hazardous waste and it's woven into the message about protecting surface and groundwater.

***Attachment(s)*:**

- CLIMB Theatre Contract Agreement and Addendum

Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve the Contract Agreement with CLIMB Theatre for services to present at the Chisago County Children's Water Festival, to be held on September 23, 2021. The suggested motion is as follows:

"Move to approve the CLIMB Theatre Contract Agreement, for services to be performed at the September 23, 2021, Chisago County Children's Water Festival."

Implications of Action: The Chisago County Children's Water Festival offers a unique opportunity to reach local elementary students to do fun and educational outreach about such things as conservation, water pollution, proper HHW disposal, don't burn your trash, etc., trying to show them that the actions they take in their own backyards can affect kids and family health and their local environmental health too.

Budget/Financial Implications: This agreement will cost $2000 which is budgeted out of the Solid Waste budget, and will come out of Waste Management Funds.

Legal/Policy Implications: The county is required by the Waste Management Act (MN Statute 115A) and the Chisago County/ECSWC Solid Waste Management Plan (Ch. 3 section 2) to do public education on waste reduction and proper waste management. Hiring CLIMB to reach every 5th grader in Chisago County public schools will help fulfill these requirements. The County Attorney's Office is in review of the Agreement with recommendation forthcoming.

Administrator's Recommendation

Approve CLS	Deny _____	Other _____

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

CLIMB THEATRE PARTNERSHIP AGREEMENT
6415 Carmen Ave E. • Inver Grove Heights • MN • 55076
651-453-9275 • www.climb.org

THIS AGREEMENT is between CLIMB Theatre Inc., a Minnesota not-for- profit corporation organized pursuant to Chapter 317 of the Minnesota Statutes THIS AGREEMENT is entered into and is effective as of the last date in the signature box below between CLIMB Theatre Inc., a Minnesota not-for- profit corporation organized pursuant to Chapter 317 of the Minnesota Statutes ("CLIMB") and **Chisago County, Center City** ("Partner Organization").

THE PURPOSE OF THIS AGREEMENT is to set out the terms and conditions whereby CLIMB will provide dramatic and educational programming for the Partner Organization at the times and locations set forth in this Agreement.

The terms and conditions of this Agreement are as follows:

1. **Programming** – CLIMB shall provide the programs as described in Appendix A, Programming, attached hereto and incorporated by reference. The parties agree that during the term of this Agreement, the terms and conditions of Appendix A may be subject to change. The parties agree that (i) Appendix A may be amended to account for any change, and (ii) email communication will be sufficient to document such mutual agreement to amend Appendix A.

2. **Payment** - Partner Organization shall pay to CLIMB **$2,000.00** no later than 30 business days after the "invoicing date". Partner Organization shall mail check to the CLIMB at its offices at 6415 Carmen Avenue E., Inver Grove Heights, MN, 55076, for services rendered.

3. **Ownership of Performance Rights** - The programming governed by this Agreement is the exclusive property of CLIMB or represent property duly licensed to CLIMB. Partner Organization agrees that it shall not reproduce the programming in any fashion or appropriate the content of the programming, or any portion thereof, for its own use. Further, the Partner Organization shall not photograph, film, videotape, or otherwise record or preserve the program(s),or portion thereof, without written permission from CLIMB. This does not preclude photographs for yearbook or other in-school use of photographs or coverage by local press, which is encouraged. Please notify CLIMB of any media coverage you intend to pursue. CLIMB shall retain all rights to program(s), including the exclusive right to record, photograph, broadcast, film, or publicize CLIMB's program(s) except as may be agreed upon by the parties.

4. **Digital Programming**.
   (a) If CLIMB is offering CLIMB's programming via a digital medium, CLIMB hereby grants to Partner Organization a nonexclusive right and license to access and use the digital programming identified in Appendix A (the "Digital Programming"). The rights in this section shall extend to Authorized Users (as defined below). Except as may be specifically authorized by CLIMB in this Agreement, Partner Organization may not (i)

copy or replicate the Digital Programming, (ii) alter, decompile, reverse engineer, disassemble, or create derivative works from the Digital Programming, or (iii) distribute the Digital Programming to any party, except to those users as authorized in Appendix A (each, an "Authorized User"). CLIMB owns all Digital Programming. Partner Organization shall not sell or license any part or portion of the Digital Programming.

(b) Partner Organization agrees that access to the Digital Programming is permitted only to those individuals identified as Authorized Users. Partner Organization shall not permit any individual or entity who is not identified as an Authorized User to access or use the Digital Programming. Partner Organization shall notify CLIMB immediately if Partner Organization becomes aware of any distribution, access or use of the Digital Programming by individual(s) or entity(s) that is not identified as an Authorized User. At CLIMB's discretion, CLIMB may permit access to the individual(s) and/or entity(s), and such access will be subject to an additional charge, as determined by CLIMB. If CLIMB permits access, then the individual(s) and/or entity(s) are considered Authorized Users.

5. **Cancellation** - In the event that the program(s) is(are) cancelled at the instigation of the Partner Organization, and are not due to a Force Majeure event, with less than four weeks' notice, Partner Organization will be assessed a $100.00 cancellation fee. Cancellation with less than two week notice, Partner Organization will be assessed a 50% cancellation fee.

6. **Force Majeure** - As the program(s) governed by this Agreement may be subject to interruption by the sickness, inclement weather, accident, act of God or legitimate unforeseeable circumstance, it is agreed that neither party shall be entitled to damages from the other in the event program(s) are interrupted or cancelled by such circumstances.

7. **Rescheduling** - In the event that weather or other conditions beyond either party's control force postponement of this program, the activity shall be rescheduled for a date mutually agreed to by both CLIMB and Partner Organization. Changes to the program's scheduled time, date, or content may be requested by the Partner Organization up to one week prior to the performance date listed below. Any change requests made within one week of performance will be accommodated at CLIMB's discretion and availability.

8. **Governing Law and Arbitration** - This Agreement is to be governed by the laws of the State of Minnesota, and any dispute relating to the interpretation of this Agreement arising from the terms hereof or performance hereunder by either party will be arbitrated under the auspices of the American Arbitration Association at its Minneapolis, MN office.

9. **Entire Agreement** - This Agreement contains the entire understanding of the parties hereto with respect to the subject forth above, the parties hereto have caused this Agreement to be executed by their duly authorized officers

as of the day and year first above written.

Signature: 		**Signature:**	
Name/Title:	Anton Jones/Artistic Director/CEO	**Name/Title:**	Lisa Thibodeau
Address:	6415 Carmen Ave E. Inver Grove Heights, MN 55076	**Address:**	313 North Main Street, Center City, MN, 55012
e-mail	anton@climb.org	**e-mail**	lisa.thibodeau@chisagocounty.us
Date	**7/20/2021**	**Date**	

APPENDIX A

CLIMB Theatre

CLIMB THEATRE PARTNERSHIP AGREEMENT
6415 Carmen Ave E. • Inver Grove Heights • MN • 55076
651-453-9275 • www.climb.org

PARTNER CONTACT INFO		
Chisago County, Center City		
37200 Wild Mountain Road, Taylors Falls, MN		
	MAIN CONTACT	**ALTERNATE CONTACT**
Name	Lisa Thibodeau	N/A
E-mail	lisa.thibodeau@chisagocounty.us	N/A
Phone	651-213-8923	N/A
Best Time to Contact	N/A	N/A

CLIMB STAFF CONTACT INFO	
NAME	Kristi Manning
E-mail	Kristi@climb.org
Phone	952-913-0368
Program ID	81783
Invoice ID	

Authorized Users [digital content]	Time/Length of Digital Service Availability
All students, teachers, and parents of students who attend the Chisago County Children's Water Festival will have access to the digital versions of CLIMB Theatre's Enivronmental Digital programming, accessible through a coupon code and password protected website.	Access to CLIMB Theatre's Digital Environmental Digital programming for one year. ***Unlimited access until June 2022***

PROGRAM INFORMATION

PROGRAM CONTENT

- CLIMB Theatre will bring our our three acting teams to offer our Environmental Water class "WaterWonder" that focuses on groundwater contamination and reducing to students attending the Chisago Children's Water Festival.
- Classes are 25-30 minutes in length.
- In our "WaterWonder" classes, students will learn to:
  - To define the 3 R's
  - To brainstorm ways to reduce the use of water
  - To help students understand the different ways in which water gets contaminated
  - To motivate students to properly dispose of hazardous waste and garbage

- To motivate students to take personal responsibility for the environment and the water sources in it
- Digital Options
  - If Chisago County chooses to host the Children's Water Festival online, CLIMB could be a part of that as a virtual station.
  - CLIMB can easily transform our "WaterWonder" classes to a live virtual format through Zoom, GoogleMeets, or WebEx.
  - CLIMB would need to know the format of a digital festival in advance to prepare the digital classes adequately.
- Cost - $2,000
  - This cost would be the same regardless of in-person or digital format.

ADDITIONAL NOTES

1. **INVOICING DATE: Thursday, September 23, 2021**

2. **COVID POLICY as it pertains to any In-Person Programming:** Organizations under agreement with CLIMB Theatre are agreeing to follow all Federal, State, and Local guidance in regards to the ongoing COVID-19 pandemic. Failure to do so will result in CLIMB Theatre terminating the agreement with all agreed upon payments owed and not refunded. CLIMB Theatre will follow all Federal, State, and Local guidance and organizations regulations, in regards to the ongoing COVID-19 pandemic; provided that they exceed regulations set by Federal, State and Local agencies and/or CLIMB Theatre's company policies.

ATTACHMENT A

CLIMB Theatre
Chisago County
Addendum, July 20th, 2021

Chisago County
313 North Main Street
Center City, MN 55012
Lisa Thibodeau, Chisago County Solid Waste Administrator

Independent Contractor
CLIMB staff, volunteers and/or employees shall for, all purposes under this Agreement, remain independent contractors and shall not be construed as employees of the Host Organization.

Insurance and Indemnification

CLIMB agrees it will defend, indemnify and hold harmless the Host Organization, its officers and employees against any and all liability, loss, cost, damages and expenses which the Host Organization, its officer or employees may hereafter sustain, incur or be required to pay, including attorneys fees, arising out of CLIMB's performance or failure to perform its obligations pursuant to this agreement. CLIMB further agrees that, in order to protect itself as well as the Host Organization under this agreement, CLIMB will at all times relating to this agreement, maintain general liability, property and auto insurance, and other such insurances as CLIMB deems necessary, for the acts and/or omissions of it Board, officers, employees and agents.

Entire Agreement
Not withstanding paragraph 8 of the standard agreement, the above additions are to be added to the set contract.

AS EVIDENCE OF THEIR ASSENT TO THE TERMS AND CONDITINS set forth above, the parties hereto have caused the Agreement to be executed by their duty authorized officers as of the day and the year above written

Chisago County Request for Board Action

Meeting Date: August 18, 2021	***Item Number:*** 14
Title of Item for Consideration: Report and Recommendations from the August 10, 2021 Meeting of the Budget and Finance Committee	
Action Requested by: Budget & Finance Committee	***Department:*** County Board of Commissioners

Previous Action on this Matter: From time to time, the County Board discusses issues of importance/interest to the Board and/or its Committees or individual members.

Background: Time has been set aside at tonight's meeting to review items discussed by the Budget & Finance Committee at its August 10th Budget and Finance Meeting. Of note are the following, items, along with any recommended Board actions:

FY 2022 Capital Improvement Plan: The B/F Committee received the 2022 Capital Improvement Plan requests from the departments. The Committee recommended approval of the County Administrator recommendations.

These are preliminary discussions, and nothing has been decided.

Action Requested/Recommended: It is respectfully requested that the Chisago County Board accept the August 10th Budget and Finance Report. Recommended Board Action, if any, may be undertaken via the above individual motions or via the following encompassing motion:

"Move to accept the August 10th Budget and Finance Report."

Implications of Action: County Board consideration and approval at tonight's meeting will allow the County to continue with its various financial planning and budgeting activities.

Budget/Financial Implications: Tonight's recommended actions may approve certain specific expenditures. Tonight's actions may also have implications for future county budgets.

Legal/Policy Implications: The proposed activities are in general conformity with applicable state statutes and County authority and policies. Specific legal actions/decisions are subject to final approval as to form by the County Attorney.

Administrator's Recommendation

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

Chisago County Request for Board Action

Meeting Date: August 18, 2021	***Item Number:*** 15
Title of Item for Consideration: Notice of Resignation of Ms. Amy Chavez, County Probation Director	
Action Requested by: Chase Burnham, County Administrator	***Department:*** Administration

Previous Action on this Matter: From time to time, the County Board discusses issues of importance/interest to the Board as they relate to the County's Department Directors, statutory employees, and/or organizational structure.

Background: Ms. Amy Chavez, County Probation Director, has announced her resignation, effective November 1st, 2021.

She has accepted a position in the Orange County Corrections department in Florida.

Pursuant to Minn. Stat. §244.19, agents and directors serve at the pleasure of the court except with respect to terms and conditions of employment. Compensation and benefits of county probation directors and agents are determined by the county, pursuant to Minn. Stat. §244.19.

Paul Patterson, the 10th Judicial District Administrator has confirmed with Judge Dowdal, the Chief Judge in Chisago County, that the county to post the position, screen the candidates, conduct the initial interviews and provide her and Paul the top 2-3 candidates for her and the other Judges to appoint the desired candidate. Paul would request the sooner the Judges can receive a date and time for interviews the better as their calendars are very busy.

Attachments:

- Resignation Letter
- MN Judicial Branch Policy Memo
- Job Description

Action Requested/Recommended: It is respectfully requested that the Chisago County Board acknowledge and accept the resignation of Ms. Amy Chavez, Chisago County Probation Director. The recommended Board Action is as follows:

"Move to acknowledge and accept the resignation of Ms. Amy Chavez, Chisago County Probation Director."

Implications of Action: County Board consideration and action at tonight's meeting will acknowledge and accept the resignation of Ms. Amy Chavez, Chisago County Probation Director.

Budget/Financial Implications: None.

Legal/Policy Implications: The proposed activities are in 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 _____

To: 8/8/2021

Chase Burnham – Chisago County Administrator
Karen Gates – Chisago County Human Resource Director
Paul Patterson – 10th District Administrator
Bridget Dowdal – 10th District Judge
Suzanne Bollman – 10th District Judge
Catherine Trevino - 10th District Judge

Dear Chisago County Administration,

Please accept this letter as a formal resignation from my position as the Chisago County Probation Director. I have accepted a position in the Orange County Corrections department in Florida.

I want to thank all of you for your support over the years. I am grateful for the valuable experience and opportunities I have gained during my time in Chisago County.

I will assist and do anything I can with the transition of hiring and training a new Probation Director.

Thank you again for the opportunity and I wish you all the best for the future.

Sincerely,



Amy Chavez

Minnesota Judicial Branch Policy

Policy Source:	Minnesota Judicial Council
Policy Number:	325
Category:	Human Resources
Title:	Judicial Procedures for County Probation Offices
Effective Date:	July 1, 2019
Revision Date(s):	
Supersedes:	

Judicial Procedures for County Probation Offices

I. POLICY STATEMENT

It is the policy of the Minnesota Judicial Branch that these Guidelines be followed in all counties which utilize the services of county probation agents, appointed pursuant to Minn. Stat. M.S. 244.19, commonly known as CPO (county probation office) counties.

II. DEFINITIONS

A. Appointment – The written designation by the court to a county probation director or agent position.
B. Court – The judges of the judicial district who appoint county probation officers, pursuant to Minn. Stat. §244.19.
C. Serve at the pleasure - Performs the duties and responsibilities of the position in a manner that is acceptable to the court.
D. Probation Director- The designated supervisor/manager of county probation offices and agents.

III. PROCESS AND PROCEDURES

A. Appointment, Recruitment and Selection
   1. The judges of the district may delegate the appointment authority to the judge(s) in the county where county probation is provided pursuant to Minn. Stat. §244.19.
   2. Pursuant to Minn. Stat. §244.19, the court is responsible for the appointment of county probation directors. The court shall collaborate with the county in the selection process of probation directors.
   3. The selection of probation agents, to be appointed by the court, is delegated to the director. The director shall follow the county hiring process in the hiring of probation agents.
   4. All county probation directors and agents are county employees.

B. Employment and Supervision
   1. Pursuant to Minn. Stat. §244.19, agents and directors serve at the pleasure of the court except with respect to terms and conditions of employment.
   2. Compensation and benefits of county probation directors and agents are determined by the county, pursuant to Minn. Stat. §244.19.
   3. The court's authority to set salaries, pursuant to Minn. Stat. §244.19, is delegated to the county.
   4. The county is responsible for performance evaluations of probation directors, in accordance with county policies and procedures, subject to fulfillment of expectations of service to the court.
   5. The probation director is responsible for performance evaluations of probation agents, in accordance with county policies and procedures, subject to fulfillment of expectations of service to the court.
   6. All other terms and conditions of employment for probation directors and agents, including discipline and discharge, are determined by the county.

C. Withdrawal of Appointment
   1. The court may withdraw the appointment of probation directors and agents if the court determines that the individual no longer serves at the pleasure of the court.
   2. County probation directors and agents serve at the pleasure of the court, and in all other aspects are county employees including discipline and discharge.

IV. IMPLEMENTATION AUTHORITY

Implementation of this policy shall be the responsibility of the Chief Judges of the Judicial Districts which utilize the services of county probation agents, appointed pursuant to Minn. Stat. §244.19. The Chief Judge shall enter an order delegating salary setting authority for probation directors and agents to the applicable county office. The Chief Judge shall enter an order delegating probation agent appointment for each county probation agent to the director.

V. EXECUTIVE LIMITATIONS

None.

POSITION DESCRIPTION

Revised 8/2021

Agency: **Chisago County Probation Department**
Title: **Director of Probation**

GENERAL DESCRIPTION:

Grade: 31
Pay Range: $36.72 - $49.68
FLSA Status: Exempt

The Probation Director serves at the pleasure of the Court and is a County employee.

POSITION PURPOSE:

This is a highly responsible supervisory, administrative and participatory director position working under the administrative direction of the Tenth Judicial District Court in cooperation with the Chisago County Board of Commissioners. This position oversees the providing of necessary juvenile and adult probation, pretrial, investigative and assessment services to the Chisago County District Court. Duties are performed according to various Minnesota Statutes, Minnesota Rules of Court Procedure, various regulations of the MN Department of Corrections and policies of Chisago County.

REPORTABILITY

Reports To: Three chambered Chisago County District Court Judges
Various 10th Judicial District Judges as may be assigned to Chisago County
Tenth Judicial District Administrator
The Chisago County Board of Commissioners
The Chisago County Administrator
The Minnesota Department of Corrections Commissioner

Supervises: 9 full time Probation Officers
2 full time Case Aides
1 full time Support Specialist
Interns
Total 13 employees

DIMENSIONS

Budget: 1. Develop and manage an annual budget for the Chisago County Probation Department. (2018 Budget: $1,067,852.00 Expenses.

$421,697 Revenue).

2. Manage/approve probation expenditures of Department of Health & Human Services juvenile out-of-home placement budget. (2018 Total Expenses $671,887.21).
3. Manage grants/special funds (total $89,797.00). FY 2018 Probation Caseload Reduction Funds ($64,797). FY 2018 R.E.A.M. Grant ($25,000).

Clientele: Three chambered District Court Judges; County Attorney's Office (10 attorneys); Public Defenders; Law Enforcement agencies (Sheriff and 3 City Police Departments); Court Administration; Chisago County Department of Human Services; Schools (18); DOC agents (6); DOC supervisor; and probationers.

PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS

I. Performs Administrative Duties for the Probation Department

Tasks

- Prepare, present, and administer the annual department budget.
- Develop, implement and annually review policies and procedures for the department.
- Oversee data practice and record retention procedures.
- Address and resolve department personnel issues.
- Identify needs and goals of the Court and department.
- Develop and implement new programs and secure funding to better meet those needs.
- Maintain effective communication with local Judges and the District Court Administrator.
- Serve as spokesperson for department with other departments and in the community.
- Hire, train and retain qualified staff.
- Approve and supervise college interns.
- Represent the department on the East Central Juvenile Center Advisory Board.
- Represent the department on the Court Services Tracking System (CSTS) Users Group.
- Represent the department at the monthly PICK Counties Court Liaison Meetings.
- Represent the department at the quarterly PICK District Corrections Meetings.
- Represent the department at the monthly Statewide Court Services/Probation Directors' Meetings.
- Maintain a Pre-Trial/Probation caseload of high risk/high profile cases and conflict cases.
- Supervise and coordinate the monthly low risk group report check ins for offenders, approximately120 Offenders.
- Supervise and coordinate the Driving With Care (DWC) program in Chisago County.
- Supervise and coordinate the truancy program in Chisago County.
- Attend court hearings as required.
- Available to staff, law enforcement, dispatch and jail staff 24 hours a day 7 days a week.
- Adheres to all applicable State, Federal and local statues and ordinances.
- Provides management and oversight for all activities within the department including planning and organizing services to the court through probation services, counseling, treatment or detention.

- Monitors and is responsible for all contracts and reports related to contracts and grants.
- Provides leadership in establishing a vision for the Chisago County Probation department.
- Provide safety training to Probation Department.
- Responsible for security of Chisago County Government Center after hours for probation groups.
- Direct and manage overall staffing patterns to ensure direction and problem solving.
- Administrator for all computer programs, including the BCA-TAC for the department, approximately nine programs.

Performance Indicators

- The annual budget is submitted to the Chisago County Board on time and with approval of the chambered judges.
- The District Court feels that the existing programs are addressing their needs.
- Open channels of communication maintained with the chambered judges.
- The department's needs are adequately addressed in budget proposal.
- Grant reports are completed on time and in the approved format.
- The department's hiring is done in accordance with county and state policies.
- No negative feedback has been received on cooperation with other departments.

Percentage of work time: 40% Priority: A

II. Coordinate Probation Department Functions with those of other Chisago County Departments

Tasks

- Attend and participate in scheduled Management Advisory Team meetings.
- Schedule and participate in monthly Chambered Judges meetings.
- Represent the department on special county advisory committees.
- Represent the department at scheduled Criminal Justice Committee meetings.
- Coordinate probation services with those of the Department of Health and Human Services, County Attorney, Sheriff's Office, and Court Administration.
- Participate on the Chisago County Children's Services Collaborative.
- Attend and participate in the CPO (County Probation Officers) Directors group.
- Attend and participate on the Chisago County Inter-agency committee, addressing domestic and sexual abuse in Chisago County, MN.
- Coordinates the Criminal Justice Operations Committee in Chisago County.
- Attend and participate on the Children's Mental Health Committee.
- Attend and participate on the CJI, (Children's Justice Initiative) Committee.
- Represent Chisago County by being involved in state and local corrections committee.

Performance Indicators

- Regular attendance at scheduled meetings with other agencies.
- Participation on advisory or special ad-hoc committees.
- Meet as needed with the Chisago County Board liaison.
- Receive less than two instances of negative feedback in cooperation with other departments or agencies.

Percentage of work time: 15% Priority: A

III. Supervise Chisago County Probation Staff

Tasks

- Review and approve all court reports and sentencing recommendations made by the probation staff.
- Assign cases to staff according to department policies.
- Regularly review staff files to ensure that supervision standards are being met.
- Coordinate staff work schedules.
- Review and approve department time sheets.
- Approve staff training requests/develop in-service training opportunities.
- Resolve disagreements between staff and their clients.
- Discipline staff as necessary.
- Staff cases with assigned probation officers as needed.
- Formally evaluate employee performance on a yearly basis and develop an individual career plan for employees.
- Maintain adequate copies of resource materials for staff research.
- Hold monthly general staff meetings.
- Hold division staff meetings as needed.
- Evaluates programs and staff develops strategic plans and operates department within budget guidelines.
- Manage and oversee all probation services to include, but not limited to, investigations, assessments, evaluations, bail studies and pre-trial monitoring.
- Conduct office contacts with offenders.
- Conduct field contacts with offenders in the community.
- Responsible for covering caseloads and office.

- **Performance Indicators**
- Department staff are available to meet the needs of the court.
- Performance evaluations on staff are completed yearly and according to policy.
- Department staff are receiving their required hours of approved training.
- Complaints about staff are adequately addressed.
- Staff discipline is conducted within department/county/district court policies.
- Regular participation in case consultations with staff.
- Department staff are supervising cases according to department supervision standards.

Percentage of work time: 35% Priority: A

IV. Increase Personal Job Performance and Knowledge

Tasks

A. Develop better job efficiency and expand pertinent knowledge.
B. Maintain an awareness of current correctional and supervisory issues.

Performance Indicators

- Attend a minimum of 40 hours of appropriate training annually.
- Maintain membership in appropriate local, state, and national corrections organizations.
- Review professional literature on management as well as on current correctional issues.

Percentage of work time: 10% Priority: B

NATURE AND SCOPE

V. Required Knowledge, Skills and Abilities

- Minimum of a B.A. degree in Criminal Justice or a related field. A Master's degree is preferred.
- Current minimum DOC Classification of Career Agent with several years of supervisory experience.
- Possess extensive familiarity with Minnesota statutes and Rules of Juvenile Court and Criminal Court procedures.
- Possess knowledge and ability to manage a county public service department.
- Possess knowledge and ability to effectively supervise staff and aid in their development.
- Possess knowledge and ability to develop and/or locate programs and grants, which meet the needs of the court and the community.
- Possess extensive knowledge of probation casework procedures and professional standards.
- Possess an awareness of current Evidence Based Practices in the corrections area and the skills to implement them in the department.
- Ability to express self well, both verbally and in writing.
- Ability to establish and maintain effective work relationships with other county department heads and chambered judges.
- Ability to effectively communicate the department's position on various issues.
- Ability to function efficiently on various inter-departmental and county committees.
- Ability to gather information required for various data requests.
- Ability to perform duties with a minimum of supervision within the framework of state statutes and county policies.
- Knowledge of the state regulatory framework that affects probation services and the juvenile secured residential facility.
- Comprehensive knowledge of the operating rules and procedures in the judicial sector.
- Skill in developing written presentations, making oral presentations, listening, interpersonal relations mediation and negotiation.
- Demonstrated skills in analyzing, preparing and managing a budget to achieve mission and vision.
- Ability to build and maintain positive working relationships with others.
- A valid drivers license.

TOOLS AND EQUIPMENT USED:

Computer, copier, phone, fax, automobile, other miscellaneous equipment relative to position.

PHYSICAL DEMANDS:
The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to sit, reach with hands and arms; stand; walk; talk or hear and use hands to finger, handle, feel or operate objects. The employee is occasionally required to climb or balance, stoop, kneel or crouch.

The employee is required to conduct field contacts in the community. This would be in offender's homes, place of employment, schools and in the community. The employee must be able to control an individual, with possible force and use handcuffs.

The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, peripheral vision and the ability to adjust focus.

WORK ENVIRONMENT:
The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee regularly works in an office setting.

The noise level in the work environment is usually moderately quiet.

The employee is required to conduct field contacts in the community. This would be in offender's homes, place of employment, schools and in the community.

Some travel is required.

Court attendance.

Community meetings.

EDUCATION:

Master's degree in a relevant field and six years of progressively responsible experience in corrections, or a closely related human services field, at least three years of the years of experience must have been at a supervisory or administrative level in a human services field.
OR

Bachelor's degree in a relevant field and eight years of progressively responsible experience in corrections, or a closely related human service field, at least five years of experience must have been at a supervisory or administrative level in a human service field.

GENERAL STATEMENT:

Applicants for appointment to this position will be required to submit a formal application and may be subject to rating of education and experience, oral interview and/or reference check. Job related tests may be required of any applicant.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of those specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

This position description accurately reflects my current employment.

_____

Employee Signature Date

This position description accurately reflects the employee's current job.

_____

Chambered Judge(s)/District Administrator Signatures Date

Chisago County Request for Board Action

Meeting Date: August 18, 2021	***Item Number:*** 16
Title of Item for Consideration: Agreement for Medical Examiner Service – Dr. Quinn Strobl	
Action Requested by: Chase Burnham, County Administrator	***Department:*** County Administration
Previous Action on this Matter: Dr. Quinn Strobl has been the Medical Examiner for more than 10 years.	

Background: The Agreement for Medical Examiner Service with Dr. Quinn Strobl and Anoka County which shall commence on January 1, 2022 and terminate on December 31, 2023.

Dr. Quinn Strobl, and the staff of Anoka, are to provide Medical Examiner services ("Services") as set forth in Minn. Stat. §390.005 and §§390.31-.35 as part of her duties for Chisago County.

The total cost for 2022 would be $138,459. This amount is based upon a per-capita rate of $2.46 and a population figure of 56,284.

Attachment(s):

- Agreement for Medical Examiner Service – Dr. Quinn Strobl *(subject to County Attorney Approval)*

Action Requested/Recommended: It is respectfully requested that the Chisago County Board approve the Agreement for Medical Examiner Service with Dr. Quinn Strobl and Anoka County which shall commence on January 1, 2022, and terminate on December 31, 2023, subject to County Attorney approval. The suggested motion to approve this action is as follows:

"Move to approve the Agreement for Medical Examiner Service with Dr. Quinn Strobl and Anoka County which shall commence on January 1, 2022, and terminate on December 31, 2023, subject to County Attorney approval."

Implications of Action: By approving the Agreement for Medical Examiner Service with Dr. Quinn Strobl and Anoka County this Agreement shall commence on January 1, 2022, and terminate on December 31, 2023, and it will continue Medical Examiner Service as required by Minn. Stat. §390.005 and §§390.31-.35.

Budget/Financial Implications: The total cost for 2022 would be $138,459. This amount is based upon a per-capita rate of $2.46 and a population figure of 56,284.

Legal/Policy Implications: The proposed activities are in compliance with all applicable state and federal regulations and County policies & procedures. The Contract is subject to County Attorney approval.

Administrator's Recommendation

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

Agreement for Medical Examiner Services

This AGREEMENT FOR MEDICAL EXAMINER SERVICES is entered into by and between the County of Anoka, Minnesota, 2100 Third Avenue, Anoka, Minnesota, 55303 (hereinafter "Anoka") and the County of Chisago, 313 N. Main Street, Center City, Minnesota, (hereinafter "Chisago"), and does state as follows:

WITNESSETH:

WHEREAS, Anoka has appointed, Dr. Quinn Strobl, a doctor of medicine licensed to practice medicine in the state of Minnesota and who is a forensic pathologist certified by the American Board of Pathology, as Chief Medical Examiner for Anoka County pursuant to Minn. Stat. § 390.33; and

WHEREAS, Dr. Quinn Strobl, and the staff of Anoka, are to provide Medical Examiner services ("Services") as set forth in Minn. Stat. §390.005 and §§390.31-.35 as part of her duties; and

WHEREAS, Anoka represents that Dr. Quinn Strobl and her staff are qualified to provide the Services; and

WHEREAS, Anoka is willing to extend the use of these Services to other counties upon terms and conditions which are agreed to between Anoka and other counties; and

WHEREAS, Chisago is willing to contract with Anoka for the provision of those Services to Chisago upon the terms and conditions as set forth herein.

THEREFORE, IT IS MUTUALLY AGREED:

1. TERM.

   a. This Agreement shall commence on January 1, 2022, and terminate on December 31, 2023.
   b. This Agreement will automatically renew for two successive two year terms beginning January 1, 2024 and January 1, 2026, unless it is terminated as provided herein

2. SERVICES.

   Anoka will provide the Services as set forth in Attachment A hereto, such attachment being incorporated into and made a part of this Agreement.

3. COMPENSATION.

a. Chisago shall pay Anoka County, as compensation for autopsy services provided during the initial term of this Agreement the amount of $138,459 to be billed and paid in the monthly amount of $11,538.25. This amount is based upon a per-capita rate of $2.46 and a population figure of 56,284. Compensation for renewal of this Agreement may be increased or decreased according to the rate established for all other counties currently working with Anoka County pursuant to a per-capita contract.

b. Midwest Medical Examiners, which is a Division of Anoka County, uses a rolling two year population average for determining "per capita" base rates for Medical Examiner Service agreements. The population numbers are published by the Metropolitan Council. All per capita counties are charged the same base rate with adjustments being made each year for budgeted costs and population average changes.

c. It is understood that the above rates are based on the usual and customary Coroner's duties for a county the size of Chisago. If a catastrophic event occurs that requires significantly more than the normal medical examiner services, Chisago shall reimburse Anoka for the actual cost of additional expenses incurred in performing the duties herein. Catastrophic event shall be defined as one where multiple deaths (5 or more) occur from a single event. If the parties dispute the amount of additional expenses, they hereby agree to (1) use mediation to resolve their difference, and if that fails, (2) to submit to binding arbitration in accordance with the practices and terms of the American Arbitration Association. Mediators and Arbitrators shall be picked by agreement, or failing that, each party shall choose one, who shall then meet and choose the actual arbitrator or mediator. Each party shall pay one-half the cost of the entire process.

4. AUDITS, REPORTS, RECORDS, DISCLOSURES, AND MONITORING.

Anoka will:

a. Maintain program and statistical records.
b. Develop and maintain a record-keeping system to log informational or referral requests.
c. Submit an annual report within ninety (90) days after the end of each year to Chisago.
d. Allow Chisago, the State Auditor or legislative authority, or any of their duly authorized representatives at any time during normal business hours, and as often as they may deem reasonably necessary, access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., and accounting procedures and practices of Anoka which are relevant to this Agreement, pursuant to Minn. Stat. §16C.05, subd. 5.

5. STANDARDS AND LICENSES

a. Anoka represents that it will provide Services only with those personnel who are properly licensed by the State of Minnesota (or other regulatory authority). Chisago will pay only for Services provided pursuant to such licensing requirements.
b. Anoka shall comply with all applicable federal and state statutes and regulations as well as local ordinances now in effect or hereafter adopted.
c. Failure to meet the requirements of items a. and b. above may be cause for termination of this Agreement as set forth in 6. TERMINATION below.

6. TERMINATION.

a. Without Cause.
Either party may terminate this Agreement at any time without cause by providing the other party with a three (3) month written Notice of Termination sent to the party's address as first written above. If notices are delivered by mail, they shall be effective two (2) days after mailing. In the event this Agreement is terminated, all obligations to provide Services shall cease at the end of the notice period.
b. Termination for Breach.
Either party may terminate this Agreement if the other party is in breach of a material obligation under this Agreement and has not cured the breach within fifteen (15) days of written notice specifying the breach. Consent to extend the cure period shall not be unreasonably withheld, so long as the breaching party has commenced cure during the fifteen day notice period and pursues cure of the breach in good faith.
c. Effect of Termination.
Termination of this Agreement shall not limit either party from pursuing any other remedies available to it, including injunctive relief, nor shall termination relieve Chisago of its obligation to pay all charges that accrued prior to such termination. The parties' rights and obligations under this Agreement shall survive termination of this Agreement.
d. Automatically:
This Agreement will automatically terminate December 31, 2027.

7. DATA PRACTICES.

Anoka County is required to comply with the provisions of the Minnesota government data practices act, Minn. Stat. Ch. 13, in collecting creating, receiving, maintaining, disseminating, or using data for any purpose in the course of its performance of this Agreement. Minnesota law governs any data requests as it relates to records created by the Midwest Medical Examiner's Office. If requested by Chisago County, the Midwest Medical Examiner's Office will provide notice to Chisago County of any requests for data. In the event a question of law arises, Chisago County's legal counsel will be responsible for the final decision.

The parties both agree to abide by applicable statutes, rules, and regulations related to data privacy and as they may be amended.

8. NON-DISCRIMINATION.

The parties agree as follows:

a. In accordance with both parties' Affirmative Action Policy and the County Commissioner's policies against discrimination, no person shall illegally be excluded from full-time employment rights in, be denied the benefits of, or be otherwise subjected to discrimination in the program which is the subject of this Agreement on the basis of race, creed, color, sex, sexual orientation, marital status, public assistance status, age, disability, or national origin.
b. Both parties hereto agree to comply with the provisions of Executive Order No. 11246, (in revised order) entitled "Equal Employment Opportunity," as supplemented in the Department of Labor Regulations (41 CFR, Part 60) and as amended by Executive Order 11375 and all other applicable state and federal regulations.
c. Both parties also agree to comply with all affirmative action or equal employment opportunity requirements imposed upon each county by any other federal or state law, rule or regulation. Chisago further agrees to furnish all information or reports that may be required by the above cited Executive Order, Department of Labor regulations or any other state or federal agency.
d. This Agreement may be canceled or terminated by either party for a second or any subsequent violation of the terms or conditions of this subdivision.

9. INDEMNIFICATION.

a. Anoka does hereby agree that it will defend, indemnify, and hold harmless Chisago against any and all liability, loss, damages, costs, and expenses which Chisago may hereafter sustain, incur, or be required to pay:
   (1) by reason of any person suffering bodily or personal injury, death, or property loss or damage while participating in the Services to be furnished under this Agreement, or while on premises owned, leased, or operated by Anoka, or while being transported to or from said premises in any vehicle owned, operated, leased, chartered, or otherwise contracted for by Anoka or any officer, agent, or employee thereof; or
   (2) by reason of any person causing injury to, or damage to, the property of another person during any time when Anoka or any officer, agent, or employee thereof has undertaken or is furnishing the Services called for under this Agreement; or
   (3) by reason of any negligent act or omission of Anoka, its agents, officers, or employees which causes bodily injury, death, personal injury, property loss, or damage to another during the performance of Services under this Agreement.

b. This duty to defend, indemnify and hold harmless by Anoka shall exclude any and all negligent or intentional acts of Chisago, its employees, servants or agents. Accordingly, Chisago agrees to defend, indemnify and hold Anoka harmless from any and all claims of any nature made against it by any person which results from the negligent acts of Chisago, its employees, servants or agents.

10. INDEPENDENT CONTRACTOR.

It is agreed that nothing herein contained is intended or should be construed in any manner as creating or establishing the relationship of copartners between the parties hereto or as constituting Anoka or its employees as the agent, representative, or employee of Chisago for any purpose or in any manner whatsoever.

11. MODIFICATIONS

Any material alterations, modifications or variations of the terms of this Agreement, shall be valid and enforceable only when they have been reduced to writing as an amendment and signed by the parties.

12. MERGER

It is understood and agreed that the entire agreement of the parties is contained here and that this contract supersedes all oral agreements and negotiations between the parties relating to this subject matter. All items referred to in this contract are incorporated or attached and deemed to be part of the contract.

The parties have entered into this Agreement as of the date of the final signature below.

County of Anoka, Minnesota

By: _____
Rhonda Sivarajah
County Administrator

Date: _____

County of Chisago, Minnesota

By: _____
Chris DuBose, Chair
Chisago Co. Board of Commissioners

Date: _____

Attest:

By: _____
Chase Burnham
Chisago County Administrator

Date: _____

Approved as to form and execution:

_____
Nancy Norman Sommer
Assistant County Attorney

Date: _____

Approved as to form and execution:

_____
Janet Reiter
Chisago County Attorney

Date: _____

Attachment A

Services to be Provided

1. Death scene investigations performed by trained investigators (employees) with 40 to 45 minute response time. This response time is subject to extraordinary circumstances beyond the investigators' control including, without limitation, inclement weather, natural disaster or physical barriers such as road inaccessibility. In such case, a good faith effort will be made to arrive as soon as practicable.

2. Reliable and issue-focused forensic autopsy services on a timely basis.

3. Autopsies performed by forensic pathologist.

4. Compliance with Joint Commission on Accreditation of Hospitals Organization, College of American Pathology, National Association of Medical Examiner guidelines for autopsy procedures. *Accreditation by the National Association of Medical Examiners.*

5. Assistance in special techniques for positive identification.

6. Toxicology performed by an accredited forensic toxicology laboratory.

7. Record maintenance of photographs, toxicology and basic radiographs.

8. Weekday, weekend and holiday coverage.

9. Timely communication with family, including notification of legal next of kin, and notification to identified attending physician.

10. Taking possession of the decedent's personal property found on or near the body and releasing it pursuant to Minn. Stat. § 390.225, subd. 3.

11. Notifying next of kin when an autopsy is performed; sending a personalized letter to family to accompany the autopsy report on non-criminal cases.

12. Court appearance for grand juries and trials (no additional charge).

13. Faxed or emailed copies of provisional diagnosis and summary to law enforcement and county attorney per guidelines determined within county.

14. Transportation from the death scene to the morgue.

15. Educational services including:

    A. An initial training session on death investigation (approximately 20 to 24 hours).
    B. Annual in-service for death investigators and law enforcement or as needed.

16. Record hospice deaths.

17. Facilitate tissue donation.

18. Participate in multi-agency debriefing or emotional/complex cases.

19. Mass disaster preparedness.

20. Annual statistical review with county commissioners/boards.

21. Medical Examiner's summaries to agencies.

22. Report environmental drowning(s) to Department of Natural Resources.

23. Report all infant deaths to SIDS center for grief counseling.

24. Participate in child mortality review.

25. Provide death investigator training to referral counties.

26. Provide statistical information to MN Department of Health and State of MN.

27. Cremation approvals.

Chisago County Request for Board Action

Meeting Date: August 18, 2021	***Item Number:*** 17
Title of Item for Consideration: Veterans Service Office Operational Enhancement Grant Program Grant Agreement	
Action Requested by: Bryan Brown, Veteran's Service Officer	***Department:*** Health and Human Services
Previous Action on this Matter: Approval of a Grant Contract for $12,500 through June 30, 2021.	

Background: The Chisago County Veteran's Services Office receives a grant from the Minnesota Department of Veterans Affairs. The grant amount of $12,500 is based on the Veteran population of 4,221 in Chisago County. While no local funding match is required, County Board approval via resolution is requested to accept the grant. The purpose of the grant is to:

- provide outreach to county veterans
- assist in reintegration of combat veterans into society
- collaborate with social services, educational institutions and other community organizations to enhance services offered to veterans
- reduce homelessness among veterans, and
- enhance operations of the County Veterans Services Office

Unlike previous years, MDVA has changed the policy and does NOT allow funds to be used for salaries. Historically Chisago County has used $4,820.18 for assistance with salaries. This amount will need to be paid back in 2021 and budgeted for 2022.

Attachment(s):

- Resolution

Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve the County Veterans Service Office Operational Enhancement Grant Program Grant Agreement. The suggested motion is as follows:

"Move to approve the County Veterans Service Office Operational Enhancement Grant Program Resolution."

Implications of Action: Board approval at tonight's meeting will authorize the County to accept the Veterans Service Office Enhancement Grant Program funds.

Budget/Financial Implications: Allows for the use of grant money from the Minnesota Department of Veterans Affairs.

Legal/Policy Implications: The proposed activities are in compliance with all applicable state and federal regulations and County policies and procedures. The County Attorney has approved as to form.

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

RESOLUTION OF CHISAGO COUNTY
COUNTY VETERANS SERVICE OFFICE OPERATIONAL ENHANCEMENT GRANT PROGRAM

BE IT RESOLVED by Chisago County that the County enter into the attached **Grant Agreement** with the Minnesota Department of Veterans Affairs (MDVA) to conduct the following Program: **County Veterans Service Office Operational Enhancement Grant Program.** The grant must be used to provide outreach to the county's veterans; to assist in the reintegration of combat veterans into society; to collaborate with other social service agencies, educational institutions, and other community organizations for the purposes of enhancing services offered to veterans; to reduce homelessness among veterans; and to enhance the operations of the county veterans service office, as specified in as specified in Minnesota Statutes 197.608 and Minnesota Laws 2021, 1st Special Session, Chapter12, Article 1, Section 37, Subdivision 2. This Grant should not be used to supplant or replace other funding.

BE IT FURTHER RESOLVED by ***Chisago County*** that ***Bryan Brown,*** the ***County Veterans Service Officer,*** be authorized to execute the attached Grant Contract for the above-mentioned Program on behalf of the County.

WHEREUPON the above resolution was adopted at ***a regular meeting of the County Board Chair*** this ***eighteenth day of August 2021***.

Board Chair — ***August 18, 2021***
Authorized Signature and Title — *Date*

STATE OF MINNESOTA

CHISAGO COUNTY

I, ***Chase Burnham*** do hereby certify that I am the custodian of the minutes of all proceedings had and held by the ***County Board*** of said ***Chisago County***, that I have compared the above resolution with the original passed and adopted by the ***County Board*** of said ***Chisago County*** at a ***regular*** meeting thereof held on the ***Third Wednesday*** the 18th day of ***August 2021*** at ***6:30 pm*** that the above constitutes a true and correct copy thereof, that the same has not been amended or rescinded and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto placed my hand and signature this ***third Wednesday of August 2021*** and have hereunto affixed the seal of the County.

County Administrator
Authorized Signature and Title

Chisago County Request for Board Action

Meeting Date: August 18, 2021	***Item Number:*** 18
Title of Item for Consideration: SHIP Grant Agreement – Women's Environmental Institute (WEI)	
Action Requested by: Robert Benson, Director	***Department:*** Health &Human Services
Previous Action on this Matter: None.	

Background: : Chisago County Health & Human Services has been awarded funding from the Minnesota Department of Health to work with communities, schools, healthcare and worksites to promote policy, system and environmental changes with a focus on improving nutrition, increasing physical activity and decreasing tobacco use and exposure.

Grants will be awarded to various approved grant applicants to assist them in these efforts. Grantees are required to provide a minimum of 10% in-kind matching funds toward the completion of their project as a condition of grant acceptance.

***Attachment(s)*:**

- SHIP Grant Agreement and Application – Women's Environmental Institute (WEI).

Action Requested/Recommended: It is respectfully requested to approve the SHIP Grant Agreement – Women's Environmental Institute (WEI.). The suggested motion is as follows:

"Move to approve the Ship Grant Agreement – Women's Environmental Institute (WEI)."

Implications of Action: Approval of this SHIP grant agreement will allow Women's Environmental Institute to expand the access of food in the clinics of Chisago County for patients that may be facing food insecurity, to pay fees to the local food market place, and to expand on locally grown healthy food.

***Budget/Financial Implications*:** State grant funding, Statewide Health Improvement Funds (SHIP)

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

County of Chisago
State Health Improvement Program Grant Program
Grant Agreement

This Grant Agreement is between Chisago County Community Health Board, 313 No. Main Street, Center City, MN 55012 ("County") and Women's Environmental Institute (WEI) P.O. Box 128, North Branch, MN 55056 ("Grantee").

Recitals

WHEREAS, the County administers the local implementation of the State of Minnesota State Health Improvement Program ("SHIP") and is empowered to enter into this Grant Agreement; and

WHEREAS, Women's Environmental Institute applied to County for a SHIP Grant in order to expand the access of food in the clinics of Chisago County for patients that may be facing food insecurity, to pay fees to the local food market place, and to expand on locally grown healthy food; and

WHEREAS, after reviewing the full proposal and all supplemental documentation submitted by the Grantee, it was found that the application satisfied the requirements of Minn. Stat. § 145.986 and 16B.98; and

WHEREAS, the Grantee has been approved for a Grant in an amount not to exceed Three Thousand Dollars ($3,000.00); and

WHEREAS, the Grantee represents that it is duly qualified and agrees to perform all services described in this Grant Agreement to the satisfaction of the County.

NOW THEREFORE, the County and Women's Environmental Institute enter into this Grant Agreement (Agreement) and agree as follows:

1. **TERMS OF AGREEMENT.**
   1.1. **Effective Date**: August 19, 2021 or the date the County obtains all required signatures, **whichever is later**. The Grantee must not begin work under this Agreement until the Agreement is fully executed and the Grantee has been notified by the County's Authorized Representative to begin work.
   1.2. ***Expiration Date*:** October 31, 2021, or until all obligations have been satisfactorily fulfilled, whichever occurs first.
   1.3. ***Survival of Terms*:** The following Parts shall survive the expiration or cancellation of this Agreement: Governing Law, Jurisdiction, and Venue; Publicity and Endorsement; State Audits; Indemnification; Government Data Practices and Intellectual Property; and Data Disclosure.

2. **GRANTEE'S DUTIES.**
   Grantee, who is not a County employee, is obligated and expressly agrees to undertake and complete the Project as described in Grantee's Application and supplements and correspondence related thereto (on file at the County and incorporated into this Agreement by reference) and in accordance with the requirements of this Agreement. Grantee shall make no changes in the tasks or schedules set forth without the written consent of the County, as provided in Paragraph 12, Amendments, of this Agreement, as applicable.

3. **TIME**
The Grantee must comply with all the time requirements described in this Agreement. In the performance of this Agreement, time is of the essence.

4. **AUTHORIZED REPRESENTATIVES**
For purposes of administering this Agreement, the County's Authorized Representative is:

Name: Courtney Wehrenberg
Title: Community Health Services Administrator
Address: 6133 402nd St., North Branch, MN 55056
Phone: 651-213-5215
Fax: 651-213-5401
Email: Courtney.Wehrenberg@chisagocounty.us

and the Grantee's Authorized Representative is:

Name: Jacquelyn Zita, WEI Director of Operations
Address: PO BOX 128, NORTH BRANCH, MN 55056
Phone: 612-282-8844
Email: jz@w-e-i.org

To the extent possible, communication between the parties shall be made through the authorized representatives. The parties may substitute authorized representatives, as necessary, by written notification to each other.

5. **ASSIGNMENT, WAIVER, AND AGREEMENT COMPLETE**
   5.1. ***Assignment.*** The Grantee may neither assign nor transfer any rights or obligations under this Agreement without the prior consent of the County and a fully executed Assignment Agreement, executed and approved by the same parties, or their successors in office, who approved and executed this Agreement.
   5.2. ***Waiver.*** If the County fails to enforce any provision of this Agreement, that failure does not waive the provision or the right to enforce it.
   5.3. ***Agreement Complete.*** This Agreement contains all negotiations and agreements between the County and the Grantee. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

6. **CHANGES IN OWNERSHIP AND CONTROL**
This Agreement shall be binding on the County, its successors and assigns, and on the Grantee, its successors and assigns. In the event that the Grantee becomes aware that there will be a change in its ownership or control, the Grantee shall promptly notify the County's Authorized Representative, in writing, of the change.

7. **AUTHORITY TO CONTRACT**
Grantee is NOT authorized to enter into agreements needed to complete the work specified in this Agreement without the prior written consent of County, which shall not be withheld unreasonably.

8. **PROJECT FUNDING AND DISBURSEMENTS**
   8.1. ***Total Obligation.*** The total obligation of the County for all compensation to the Grantee under this Agreement will not exceed **Three Thousand dollars ($3,000.00)**.
   8.2. ***Condition of Payment.*** All services provided by the Grantee under this Agreement must be performed to the County's satisfaction, as determined at the sole discretion of the County Authorized Representative.
   8.3. ***Disbursements*** shall not be construed as a waiver by the County of any authority it may have to remedy Grantee's noncompliance with this Agreement.
   8.4. ***Grantee Commitment of Financing.*** Grantee shall provide in-kind matching funds necessary for the completion of the Project of not less than ten percent (10%) of the total grant disbursement.

9. **USE OF GRANT FUNDS**
   Grantee shall use Grant funds solely for eligible costs as identified in Grantee's Application and as incurred within the term of this Agreement.

10. **COMPLIANCE WITH THE LAW**
    The Grantee shall conduct the Project in compliance with all applicable provisions of federal, state, and local laws and obtain all federal, state and local permits, licenses and authorizations necessary to implement and operate the Project.

11. **REPORTING REQUIREMENTS**

All reporting must be provided to the County's Authorized Representative.

11.1. ***Upon project completion***, grantee agrees to submit a short written success story with photo that outlines how the funds supported the efforts of their project.

11.2. ***Treatment of Data.*** All data (information) related to this Project and Agreement that is maintained by the County is public unless the Minnesota Data Practices Act, Minn. Stat. Ch.13, or other applicable state or federal law provides otherwise. Grantee shall use its best efforts to provide all information required to be submitted to County in a form which can be released as public information. Grantee shall use its best efforts to prepare reports and other information without disclosing trade secret or sales information. If Grantee determines that it must disclose trade secret or sales information and Grantee wishes to keep that information from being subject to disclosure under the law, Grantee shall do the following:

1. In its report, Grantee shall segregate all information Grantee believes to not be subject to disclosure under the law from all other information.
2. Grantee shall submit a written request for the information to be treated as not subject to disclosure under the law, citing the reasons for such treatment. Grantee shall submit the request to the County at the same time it submits the report containing the information in question.

The County shall not consider a request to treat data as not subject to disclosure under the law unless it is made in accordance with the above two requirements. If a request is made in accordance with the above requirements, the County shall promptly determine whether the information qualifies for nonpublic or private data treatment. If the County determines that the information may be treated as nonpublic or private data, the County shall use its best efforts to treat the information accordingly.

12. **AMENDMENTS**

Any amendments to this Agreement must be in writing and will not be effective until it has been approved and executed by the same parties, or their successors in office, who approved and executed the original Agreement.

13. **FAILURE TO COMPLY**

13.1. ***Suspension or Termination.*** Failure of Grantee to comply with the terms and conditions of this Agreement shall constitute default under the terms of this Agreement unless the County agrees to an amendment under Part 12. Upon default, the County may immediately suspend or terminate the Agreement. Upon receipt of written notice of suspension or termination, Grantee shall immediately cease any expenditure of Grant funds and immediately cease incurring any expenditure for which Grant funds would be requested. Grantee shall return, upon demand, all unspent Grant funds disbursed by the County.

13.2. ***Repayment of Funds.*** If the County finds that the default is based on a serious breach of the terms and conditions of this Agreement such as substantial nonperformance of the Project, fraud, theft of funds, or gross negligence in the use of funds, the Grantee shall repay, upon demand, the Grant in full. Upon termination, the Grantee shall summarize in a written report the work completed prior to termination. In addition to termination, the County reserves the right to exercise all other available remedies.

13.3. ***Notice of Default.*** In the event of default, the County shall send a written notice to Grantee describing Grantee's failure to comply with the terms and conditions of this Agreement. At the County's election, Grantee may be provided an opportunity to correct the default of not less than seven (7) nor more than thirty (30) days. If no response is received by the County within the applicable time period or, if Grantee shall fail to satisfactorily correct the default, the County may immediately terminate the Agreement.

13.4. ***Response to Notice of Default.*** The County may agree to amend the terms and conditions of this Agreement if the Grantee submits a written response supported by documentation that establishes that an amendment is justified.

14. **TERMINATION**

The County may immediately terminate this Agreement if it does not obtain funding from the Minnesota Legislature, or other funding sources, or if funding cannot be continued at a level sufficient to allow for the payments provided herein. Termination must be by written notice to the Grantee. The County is not obligated to pay for any costs of the Project that are incurred after the notice and effective date of termination. The County will not be assessed any penalty if the Agreement is terminated because of the decision of the Minnesota Legislature, or other funding sources, to not appropriate funds. The County must provide the Grantee notice of the lack of funding within a reasonable time of the County's receiving that notice.

15. **WORKERS' COMPENSATION**

The Grantee certifies that it is in compliance with Minn. Stat. § 176.181, Subd. 2, pertaining to workers' compensation insurance coverage. The Grantee'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 and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the County's obligation or responsibility.

16. **PUBLICITY AND ENDORSEMENT**

Any publicity regarding the subject matter of this Agreement must identify the Minnesota Department of Health and the County as a funding source and must not be released without prior written approval from the County's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Grantee individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this Agreement. The Grantee must not claim that the Minnesota Department of Health and the County endorses its products or services.

17. **HUMAN RIGHTS, EQUAL EMPLOYMENT OPPORTUNITY, AFFIRMATIVE ACTION**

The Grantee, in the conduct of the Project, shall comply with all applicable state and federal laws relating to nondiscrimination, affirmative action, and equal opportunity, now or hereafter enacted and any amendments thereto, including, but not limited to, Minnesota Statutes Ch. 363 (the Minnesota Human Rights Act), Minn. Stat. § 181.59 (applicable to Agreements for materials, supplies, and construction for or on behalf of the State), and the Americans with Disabilities Act of 1990 (P.L. 100-336).

18. **LIABILITY**

The Grantee must indemnify, save, and hold the County, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by the County, arising from the performance of this Grant Agreement by the Grantee or the Grantee's agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the County's failure to fulfill its obligations under this Grant Agreement.

19. **INSURANCE**

21.1 Grantee is required to maintain general liability and automobile (if a vehicle is used in performing the duties under the contract) insurance minimum limits in the amount of $1,000,000 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 Grantee or by a subcontractor or by anyone directly or indirectly employed by the Grantee under the Contract.

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

20. **GOVERNMENT DATA PRACTICES AND INTELLECTUAL PROPERTY**

20.1. ***Government Data Practices***. The Grantee agrees to comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the County in accordance with this Agreement and as it applies to all data created, collected, received, stored, used, maintained or disseminated by Grantee in accordance with this Agreement. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this Part by either the Grantee or the County. In the event the Grantee receives a request to release the data referred to in this Part, the Grantee must immediately notify the County. The County will give the Grantee instructions concerning the release of the data to the requesting party before the data is released.

20.2. ***Intellectual Property.***

20.2.1. Grantee shall own all rights, title and interest in all of the materials conceived or created by the Grantee, 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).

20.2.2. Grantee 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 Grantee shall indemnify and defend, to the extent permitted by the Attorney General, County at the Grantee'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 Grantee 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.

21. **ANTITRUST**

The Grantee hereby assigns to the County 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.

22. **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.

23. **STATE AUDITS**

The books, records, documents, and accounting procedures and practices of the Grantee 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. In addition, the Grantee shall permit representatives of the County to visit the site of the Project during regular business hours to review the status of the Project and verify expenditures made under this Agreement.

24. **SUBCONTRACTING**

Grantee shall not enter into any subcontract for performance of any services contemplated under this agreement. If specifically authorized by the County, Grantee is responsible for the performance of all subcontractors and shall compensate said subcontractors pursuant to the requirements of Minnesota Statute § 471.425.

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

APPROVED:

1. **GRANTEE**

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

By:
Title: Jacquelyn Zita, WEI Director of Operations
Date:

2. **COUNTY OF CHISAGO**

APPROVED:

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

CERTIFIED:

By:
Title: Chase Burnham, County Administrator
Date:

By:
Title: Robert Benson, Director, Chisago County Health & Human Services
Date:

AS TO FORM:

By:
Title: Janet Reiter, Chisago County Attorney
Date:

Chisago County Request for Board Action

Meeting Date: August 18, 2021	***Item Number:*** 19
Title of Item for Consideration: Funded Provisional Staffing Request – ARP Funds	
Action Requested by: County Attorney Janet Reiter	***Department:*** Attorney's Office
Previous Action on this Matter: There has been no previous action on this request, however, there has been discussion at the Board level regarding the American Rescue Plan Act (ARP) and the direct aid provided to local government to assist in the recovery from the effects of COVID.	

Background: The Chisago County Attorney's Office is seeking the authorization to use ARP funding to hire temporary staff to assist in addressing the looming and growing backlog of criminal court cases in the judicial system created by the COVID-19 pandemic. The Minnesota Judicial Branch has identified thousands of Serious Felony and Gross Misdemeanor cases filed either prior to March 2020 or since the beginning of the pandemic, which remain open and in need of resolution. In Chisago County there over 250 "Major Criminal" cases specifically identified as part of that COVID-related backlog.

As of this writing, the County Attorney's Office is facing a significant backlog of criminal cases requiring review and preparation, scheduling of hearing dates, coordinating of witnesses and preparation of evidence. A significant number of the open adult prosecution cases are awaiting scheduling for the next court event, and the vast majority are waiting for a trial setting. The Chisago County Court Administrator has provided a report of nearly 770 open criminal files requiring processing and scheduling of court dates. Because criminal cases continue to be charged at a "normal" rate but are not being disposed of as efficiently as before the pandemic, the backlog continues to grow. This Office is poised to respond but we recognize this will be a very long, arduous process. The Office observes a "normal" influx of cases (petty misdemeanors through serious felony), averaging a total of 2000-2500 each year. The Minnesota Judicial Branch has set an aggressive timeline to significantly reduce or eliminate the COVID-19 case backlog.

Paid Law Clerk Position: As attorneys spend more time in trial or preparing for trial, the addition of a law clerk position to assist with arraignments, virtual or in person preliminary (perfunctory) hearings, probation violation hearings and lower-level misdemeanors and traffic matters will allow attorneys the opportunity to focus on charging new cases, attending hearings for major criminal cases, and preparing for settlement and/or trial. A paid law clerk position would attract dedicated staff to handle these matters.

Media Services Technician: As staff work quickly to prepare cases for trial or resolution to address the COVID case back-log, support staff are asked to tackle a large number of critical tasks. Legal assistant staff play a large role in case preparation and work closely with the trial attorney. This includes but is not limited to collecting, logging, and preparing evidence for disclosure. Working with the audio, video and other technical evidence is increasingly common but also extraordinarily complex. Additional support staff in the form of a media services technician take some of this tedious, yet critically important work off the plates of legal assistants. In light of the greater presence of video, audio and other technical discovery in many of the Major Criminal cases, the Media Services Technician will be crucial in assisting the County Attorney's Office address the COVID-related case backlog.

Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve the staffing request for the Chisago County Attorney's Office for a media services technician and paid law clerk using ARP funding. The suggested motion is as follows:

"Move to approve the staffing request for the Chisago County Attorney's Office for a media services technician and paid law clerk using ARP funding."

Implications of Action: If approved, the County Attorney will use ARP funding to hire temporary staff to assist in addressing the looming and growing backlog of criminal court cases in the judicial system created by the COVID-19 pandemic.

Budget /Financial Implications: The Chisago County Attorney's Office will utilize funding for two positions utilizing ARP funds that will help to process cases that have been "backlogged" as a result of the impact of COVID-19 pandemic.

Legal Implications: The authorization to use ARP funds will allow for non-levy funding to the County Attorney's Office positions and will allow the County Attorney's Office to meet the demands of the Minnesota Judicial Branch and the community.

Administrator's Recommendation

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

Action on Motion:	Aye _____	Nay _____	Abstain _____

POSITION TITLE: Law Clerk

DEPARTMENT: COUNTY ATTORNEY

POSITION STATUS: Part Time/Provisional

REPORTS TO: County Attorney

JOB LOCATION: Chisago County Government Center

POSITION OBJECTIVE:

The law clerk will assist attorneys in all areas of legal work of the Chisago County Attorney's Office. This position's responsibilities include legal research and writing. Depending on experience, the law clerk may also make court appearances on behalf of the State. Previous law clerks have written appellate briefs, district court memoranda, represented the State in arraignment hearings, conducted court trials for traffic offenses, and participated in child protection court hearings. Exact duties of the current law clerk position will depend upon experience and availability.

SUPERVISION RECEIVED:

The employee is under general supervision of the County Attorney.

SUPERVISION EXERCISED:

No direct supervisory duties are exercised.

QUALIFICATIONS & REQUIREMENTS:

1. **Education and Experience:**

Candidates will have successfully completed their first year of law school and be in satisfactory standing at an accredited Juris Doctor Program. A qualified candidate will also have excellent legal research and writing skills, and verbal communication skills. This person should be a self-starter and should be able to work both independently and/or under the close supervision of assistant county attorneys. The candidate should also be eligible to practice as a certified student attorney.

2. **Special Requirements, Knowledge and Skills:**

a) Working knowledge of business English, spelling, and grammar.
b) Working knowledge of legal terminology, spelling, and grammar.
c) Knowledge of the proper format for legal documents and legal filings.
d) Knowledge of Minnesota courts and the applicable procedures.

e) High level of interpersonal skills.
f) Ability to maintain strict confidentiality and maintain rules of the Minnesota Data Practices Act.
g) Ability to work effectively and cooperatively with all staff and personnel within the County Attorney's Office, other departments and the community.
h) Ability to work under pressure and to quickly adapt to changes in work demands.
i) Ability to effectively and professionally communicate, both verbally and in written format, with a variety of internal and external contacts.

COMMITMENT/HOURS:

A minimum of ten (15) hours of in-office time per week is desired. Additional research and writing may be completed off-site.

PHYSICAL DEMANDS:
While employed in this job, the employee may be required to sit at a desk or equivalent for an extended period of time.

Employee must be able to occasionally lift up to 25 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

Physical demands described are representative of those that must be met by an employee to successfully perform the essential functions for the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

WORK ENVIRONMENT:
The environment is typical of an office environment and involves an individual work space of a cubicle or office.

The noise level is moderate. Frequent exposure to angry, frustrated, and emotional individuals with periodic exposure to threatening and potentially violent individuals may occur. Periodic exposure to graphic and/or sensitive materials.

Daily engagement, contact, and professional interaction with law enforcement, outside legal counsel, court staff, and probationary staff is required.

GENERAL STATEMENT:
Applicants for this position will be required to submit a formal application and may be subject to rating of education, experience, oral interview, back ground check, and/or reference check. Job related tests may be required of any applicant.
The duties listed above are intended only as an illustration of the various types of work that may be performed. The omission or specific statements of duties does not include any additional duties from the position.

This job description does not constitute an employment agreement between the

employer and the employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

EMPLOYMENT CATEGORY:

Grade: **XXX**