



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, July 21, 2021 County Board Room, Room 172

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

Road & Bridge Committee of the Whole:

Discussion

1.) County Engineer's Report TAB 1

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

2.) Variance Request from State Aid Rules for CSAH 19 Project TAB 2

3.) TH 8 Reconstruction LRIP grant funding for Local System Final Design Activities TAB 3

4.) Acq. by Eminent Domain for CSAH 26 Recon. & CSAH 23/24 Roundabout Projects TAB 4

7:00 p.m. Citizen's Forum

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

Board of Commissioners' Consent Agenda:

1.) R&B Committee Recommendation – County Engineer's Report TAB 1

2.) R&B Committee Recommendation – Variance Request for CSAH 19 Project TAB 2

3.) R&B Committee Recommendation – TH 8 Reconstruction LRIP Grant for Final Design TAB 3

4.) R&B Committee Recommendation – Eminent Domain Resolutions CSAH 23/24/26 TAB 4

5.) Minutes from the July 7, 2021 Regular Meeting TAB 5

6.) Payment of County's Warrants and Miscellaneous Bills TAB 6

7.) Application for Temporary Liquor Licenses – Franconia Sculpture Park and Hay Days TAB 7

Environmental Services/Zoning Report – Kurt Schneider, Director

8.) Director's Report TAB 8

9.) SCORE Agreement FY 22-25 TAB 9

10.) Johnny & Brittany Mold Preliminary Plat "Dogwood Addition" TAB 10

11.) Ordinance Amend. Recommendation(s) – Home Site Area / 1 Acre Buildable Ordinances TAB 11

Other Business of the County Board

12.) Report and Recommendations from the July 13th, 2021 B/F Meeting TAB 12

13.) Out of State Travel Request – National APCO Conf. San Antonio, TX – Enterprise Serv. TAB 13

14.) Out of State Travel Requests – ProPhoenix Conference TAB 14

15.) Out of State Travel Request – Monthly Client Visit to Connecticut - HHS TAB 15

16.) Raise Credit Limit for HHS Office Records Manager – Tracy Krona TAB 16

17.) Proclamation – County Staff Appreciation Day – July 27th, 2021 TAB 17

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.





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 Shimmom
Finance | Office Manager

PUBLIC WORKS MEMORANDUM

TO: Chisago County Board of Commissioners
FROM: Joe Triplett, P.E.
DATE: July 13, 2021
RE: Public Works Director's Report

Construction Update:

- CSAH 30 – TH 95 to CSAH 10. Concrete paving started on July 13th
- CSAH 4 – CSAH 7 to CSAH 2. Work expected to begin in August.
- 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.

Eminent Domain Resolutions

I have included resolutions authorizing the use of eminent domain, should it be necessary, to acquire right of way and/or easements for next year's CSAH 26 Reconstruction and CSAH 23/24 Roundabout projects. While we usually end up settling with landowners, we sometimes need to go the eminent domain route. Things are progressing nicely; however, we still need to make sure we keep the projects on track for delivery and these resolutions will allow for just that.

TH 8 Update

I submitted the \$25M federal RAISE grant on July 9th. We received almost 30 letters of support ranging from our state and federal elected officials to the President of Hazelden Betty Ford. Announcements for the grant are expected in November.

We are moving into final design for the local system. As such, we need to approve the LRIP agreement and resolution that will allow us to access the General Obligation bond funding awarded to the county in the 2018 session to pay for the engineering work. I have included the agreement and resolution for consideration. The engineering for the Highway 8 part will be funded from a different account and we will need to execute a Joint Powers Agreement for access to those funds. That is currently being written at Mndot.

Variance Resolution for CSAH 19

Back in May, the Board passed a resolution to support our efforts to seek a variance from State Aid to allow for the utility poles to remain in place instead of costly relocations. We were indeed successful in obtaining the variance; however, the Variance Board wanted another resolution stating we were not going to acquire right of way for this project. I have included that resolution for your consideration. With the passage of this resolution, we will be able to deliver this project next season.

Chisago County Request for Board Action

Meeting Date: July 21, 2021	Item Number: 2	
Title of Item for Consideration: Variance Request from State Aid Rules for CSAH 19 Project		
Action Requested by: Joe Triplett, P.E.	Department: Public Works	
Previous Action on this Matter: The County Board of Commissioners approved the resolution for the variance at the May 19, 2021 meeting.		
Background: Public Works has requested and received a variance from the State Aid rules pertaining to fixed objects in the 'clear zone.' The State also needs a resolution relating to the right of way for the project. Additional right of way is not required for construction of this project and the resolution states that. Attachment(s): Resolution		
Action Requested/Recommended: The County Board is respectfully requested to approve the variance request from State Aid Rules for the CSAH 19 Project via resolution. The following motion is suggested: <i>"Move to approve the variance request from State Aid Rules for the CSAH 19 Project via resolution."</i>		
Implications of Action: Approval of the resolution will allow Public Works to pursue variance from State Aid rules for the CSAH 19 project. Budget/Financial Implications: None. Legal/Policy Implications: The proposed activities are in general conformity with applicable state statutes and County authority and policies. The County Attorney has approved as to form.		
Administrator's Recommendation		
Approve	Deny _____	Other _____
Motion By:		Seconded by:
To:		
Action on Motion:	Aye _____	Nay _____
Abstain _____		

**Chisago County
Board of Commissioners**

**Resolution requesting a variance from standard for
State Aid Operation for Project No. S.A.P. 013-619-022**

**RESOLUTION NO. 21/0721-X
RESOLUTION REQUESTING A VARIANCE FROM STANDARD FOR STATE AID
OPERATION FOR PROJECT NO. S.A.P. 013-619-022**

WHEREAS, Chisago County is preparing plans for CSAH 19 (Stacy Trail) between 1500 feet east of Ivywood Trail and CSAH 24 (Lofton Avenue); and

WHEREAS, Minnesota Rules for State Aid Operation 8820.2500 require governing body to acquire control of additional widths of right of way as may be necessary to properly maintain ditch section, drainage structure and the clear zone; and

WHEREAS, the existing highway has a 66-foot highway easement; and

WHEREAS, acquisition of additional right of way for the proposed improvements is not needed; and

WHEREAS, the existing right of way allows for all maintenance activities; and

WHEREAS, the proposed design fits within the existing right of way.

NOW, THEREFORE BE IT RESOLVED, that the County Board of Commissioners do hereby request a variance from the Minnesota Department of Transportation State Aid Operations Rules Chapter 8820.255 (subp. 3 Right of Way) to allow County to construct and maintain highway with the existing right of way width in lieu of acquiring control of additional right of way;

BE IT FURTHER RESOLVED, that County Board of Commissioners hereby indemnifies, saves and holds harmless the State of Minnesota and its agents and employees of and from claims, demands, actions, or causes of action arising out of or by reason of the granting of the variance. The County/City further agrees to defend at its sole cost and expense any action or proceeding commenced for the purpose of asserting any claim arising as a result of the granting this variance.

Chisago County Request for Board Action

Meeting Date: July 21, 2021	Item Number: 3
Title of Item for Consideration: TH 8 Reconstruction LRIP grant funding for Local System Final Design Activities	
Action Requested by: Joe Triplett, P.E.	Department: Chisago County Public Works
Previous Action on this Matter: Award of design services contract to SRF Consulting at July 7 th , 2021, meeting.	
Background: Chisago County was awarded \$3M in funding from the Minnesota Legislature's 2018 session to help the County fund the design of the TH 8 Reconstruction project. This funding (General Obligation Bonds) will come in the form of a grant from the Local Road Improvement Program (LRIP). This final design phase for the local system will be funded from this source. The LRIP grant will cover the contract amount in full. For the County to accept the grant funding, Agreement No. 1047720 must be executed, and the associated resolution passed. Attachment(s): - Grant Agreement No. 1047720 - Grant Resolution	
Action Requested/Recommended: The County Board is respectfully requested to accept the LRIP Grant by executing Agreement 1047720 and approving the associated resolution. The following motion is suggested: <i>"Move to execute Agreement 1047720 and approve Resolution at tonight's meeting for final design activities for TH 8 Reconstruction LRIP."</i>	
Implications of Action: Board approval at tonight's meeting will allow County to access grant funding. Budget/Financial Implications: The project is funded with Local Road Improvement Program (LRIP) funds. Legal/Policy Implications: The proposed activities are in general conformity with applicable state statutes and County authority and policies. The County Attorney has approved as to form.	
Administrator's Recommendation	
Approve	Deny _____
Other _____	
Motion By:	Seconded by:
To:	
Action on Motion:	Aye _____ Nay _____ Abstain _____

LOCAL ROAD IMPROVEMENT PROGRAM (LRIP) ' '
GRANT AGREEMENT

This Agreement between the Minnesota Department of Transportation ("MnDOT") and the Grantee named below is made pursuant to Minnesota Statutes Section 174.52 and pursuant to Minn. Laws 2018, Chapter 214- H.F. 4425. The provisions in that section and the Exhibits attached hereto and incorporated by reference constitute this Agreement and the persons signing below agree to fully comply with all of the requirements of this Agreement. This Agreement will be effective on the date State obtains all required signatures under Minnesota Statutes §16C.05, subdivision 2.

1. Public Entity (Grantee) name, address and contact person:

Chisago County Public Works
313 N. Main Street
Room 400
Center City, MN 55012
Contact: Joe Triplett, P.E.

2. Project(s):

Name of Project & Project Number (See Exhibit C for location)	Amount of LRIP Funds	Amount of Required Matching Funds	Completion Date
TH 8 Reconstruction	\$1,062,250.00		December 31, 2023
S.A.P. 013-596-009	\$1,574,350.00		

3. Total Amount of LRIP Grant for all projects under this Agreement: \$1,062,250.00
4. The following Exhibits for each project are attached and incorporated by reference as part of this Agreement:

Exhibit A	Completed Sources and Uses of Funds Schedule
Exhibit B	Project Completion Schedule
Exhibit C	Bond Financed Property Certification
Exhibit D	Grant Application
Exhibit E	Grantee Resolution Approving Grant Agreement
Exhibit F	General Terms and Conditions

5. Additional requirements, if any:
6. Any modification of this Agreement must be in writing and signed by both parties.

(The remaining portion of this page was intentionally left blank.)

PUBLIC ENTITY (GRANTEE)

By: _____
Chris T. DuBose, Chairperson
Chisago County Board of Commissioners
Date: _____

By: _____
Christina L. Vollrath
Clerk to the Chisago County Board of
Commissioners
Date: _____

Approved as to form:
JANET REITER
CHISAGO COUNTY ATTORNEY

By:  _____
Jeffrey B. Fuge, Assistant County Attorney
Dated: July 13, 2021

DEPARTMENT OF TRANSPORTATION
Approval and Certifying Encumbrance

By: _____
Title: State Aid Programs Engineer
Date: _____

Office of Financial Management, Grant Unit

By: _____
Agency Grant Supervisor
Date: _____

OFFICE OF CONTRACT MANAGEMENT

By: _____
Contract Administrator
Date: _____

EXHIBIT A

SOURCES AND USES OF FUNDS SCHEDULE

SOURCES OF FUNDS		USES OF FUNDS	
Entity Supplying Funds	Amount	Expenses	Amount
State Funds:		Items Paid for with LRIP	
LRIP Grant	\$1,062,250.00	Grant Funds:	
		Final design Activities, et al	\$2,636,600.00
Other:			\$
TH Project Development	\$1,574,350.00		\$
Funds from 2020 5 th SS			\$
	\$		\$
	\$		\$
Subtotal	\$2,636,600.00	Subtotal	\$2,636,600.00
Public Entity Funds:		Items paid for with Non-	
Matching Funds	\$0	LRIP Grant Funds:	
			\$
			\$
	\$		\$
	\$		\$
Subtotal	\$0	Subtotal	\$0
TOTAL FUNDS	\$2,636,600.00	TOTAL PROJECT COSTS	\$2,636,600.00

EXHIBIT B

PROJECT COMPLETION SCHEDULE

(Provide for enough time to final the project through the MnDOT state aid pay request process.)

EA EAW Approval	December 31, 2021
Negative Declaration/FONSI	February 28, 2022
Final Payment Close-Out	December 31, 2023

EXHIBIT C

BOND FINANCED PROPERTY CERTIFICATION

**State of Minnesota
General Obligation Bond Financed Property**

The undersigned states that it has a fee simple, leasehold and or easement interest in the real property located in the County of Chisago, State of Minnesota that is generally described or illustrated graphically in **Attachment 1** attached hereto and all improvements thereon (the "Restricted Property") and acknowledges that the Restricted Property is or may become State bond-financed property. To the extent that the Restricted Property is or becomes State bond-financed property, the undersigned acknowledges that:

- A. The Restricted Property is State bond-financed property under Minn. Stat. Sec. 16A.695, is subject to the requirements imposed by that statute, and cannot be sold, mortgaged, encumbered or otherwise disposed of without the approval of the Commissioner of Minnesota Management and Budget; and
- B. The Restricted Property is subject to the provisions of the Local Road Improvement Program Grant Agreement between the Minnesota Department of Transportation and the undersigned dated _____, 2021; and
- C. The Restricted Property shall continue to be deemed State bond-financed property for 37.5 years or until the Restricted Property is sold with the written approval of the Commissioner of Minnesota Management and Budget.

Date: _____, 2021 _____

PUBLIC ENTITY

County of Chisago, a political subdivision of the
State of Minnesota

By: _____
Chris T. Dubose, Chairperson, County Board of
Commissioners

By: _____
Christina L. Vollrath, Clerk to the Chisago
County Board of Commissioners

Attachment 1 to Exhibit C

GENERAL DESCRIPTION OF RESTRICTED PROPERTY

(Insert a narrative or graphic description of the Restricted Property for the project. It need not be a legal description if a legal description is unavailable.)

TH 8 (Lake Blvd) from I-35 to Karmel Avenue and associated local frontage and backage roads and trail

EXHIBIT D

GRANT APPLICATION

Attach the grant application for the project

MnDOT Agreement No. 1047720
SAP No. 013-596-009

EXHIBIT E

GRANTEE RESOLUTION APPROVING GRANT AGREEMENT

EXHIBIT F
GENERAL TERMS AND CONDITIONS FOR
LOCAL ROAD IMPROVEMENT PROGRAM (LRIP) GRANTS

Article I
DEFINITIONS

Section 1.01 **Defined Terms.** The following terms shall have the meanings set out respectively after each such term (the meanings to be equally applicable to both the singular and plural forms of the terms defined) unless the context specifically indicates otherwise:

"Advance(s)" - means an advance made or to be made by MnDOT to the Public Entity and disbursed in accordance with the provisions contained in Article VI hereof.

"Agreement" - means the Local Road Improvement Program Grant Agreement between the Public Entity and the Minnesota Department of Transportation to which this Exhibit is attached.

"Certification" - means the certification, in the form attached as **Exhibit C**, in which the Public Entity acknowledges that its interest in the Real Property is bond financed property within the meaning of Minn. Stat. Sec. 16A.695 and is subject to certain restrictions imposed thereby.

"Code" - means the Internal Revenue Code of 1986, as amended, and all treasury regulations, revenue procedures and revenue rulings issued pursuant thereto.

"Commissioner" - means the Commissioner of Minnesota Management & Budget.

"Commissioner's Order" - means the "Fourth Order Amending Order of the Commissioner of Minnesota Management & Budget Relating to Use and Sale of State Bond Financed Property" dated July 30, 2012, as it may be amended or supplemented.

"Completion Date" - means the projected date for completion of the Project as indicated in the Agreement.

"Construction Contract Documents" - means the document or documents, in form and substance acceptable to MnDOT, including but not limited to any construction plans and specifications and any exhibits, amendments, change orders, modifications thereof or supplements thereto, which collectively form the contract between the Public Entity and the Contractor(s) for the completion of the Construction Items on or before the Completion Date for either a fixed price or a guaranteed maximum price.

"Construction Items" - means the work to be performed under the Construction Contract Documents.

"Contractor" - means any person engaged to work on or to furnish materials and supplies for the Construction Items including, if applicable, a general contractor.

"Draw Requisition" - means a draw requisition that the Public Entity, or its designee, submits to MnDOT when an Advance is requested, as referred to in Section 4.02.

"G.O. Bonds" - means the state general obligation bonds issued under the authority granted in Article XI, Sec. 5(a) of the Minnesota Constitution, the proceeds of which are used to fund the LRIP Grant, and any bonds issued to refund or replace such bonds.

"Grant Application" - means the grant application that the Public Entity submitted to MnDOT which is attached as **Exhibit D**.

"LRIP Grant" - means a grant from MnDOT to the Public Entity under the LRIP in the amount specified in the Agreement, as such amount may be modified under the provisions hereof.

"LRIP" - means the Local Road Improvement Program pursuant to Minn. Stat. Sec. 174.52 and rules relating thereto.

"MnDOT" - means the Minnesota Department of Transportation.

"Outstanding Balance of the LRIP Grant" - means the portion of the LRIP Grant that has been disbursed to the Public Entity minus any amounts returned to the Commissioner.

"Project" - means the Project identified in the Agreement to be totally or partially funded with a LRIP grant.

"Public Entity" - means the grantee of the LRIP Grant and identified as the Public Entity in the Agreement.

"Real Property" - means the real property identified in the Agreement on which the Project is located.

Article II GRANT

Section 2.01 Grant of Monies. MnDOT shall make the LRIP Grant to the Public Entity, and disburse the proceeds in accordance with the terms and conditions herein.

Section 2.02 Public Ownership. The Public Entity acknowledges and agrees that the LRIP Grant is being funded with the proceeds of G.O. Bonds, and as a result all of the Real Property must be owned by one or more public entities. The Public Entity represents and warrants to MnDOT that it has one or more of the following ownership interests in the Real Property: (i) fee simple ownership, (ii) an easement that is for a term that extends beyond the date that is 37.5 years from the Agreement effective date, or such shorter term as authorized by statute, and which cannot be modified or terminated early without the prior written consent of MnDOT and the Commissioner; and/or (iii) a prescriptive easement for a term that extends beyond the date that is 37.5 years from the Agreement effective date.

Section 2.03 Use of Grant Proceeds. The Public Entity shall use the LRIP Grant solely to reimburse itself for expenditures it has already made, or will make, to pay the costs of one of the following applicable activities: (i) preliminary, final construction and engineering and administration (ii) constructing or reconstructing city streets, county highways, or town roads with statewide or regional significance that have not been fully funded through other state, federal, or local funding sources; or (iii) capital improvement projects on county state-aid highways that are intended primarily to reduce traffic crashes, deaths, injuries, and property damage. The Public Entity shall not use the LRIP Grant for any other purpose, including but not limited to, any work to be done on a state trunk highway or within a trunk highway easement.

Section 2.04 Operation of the Real Property. The Real Property must be used by the Public Entity in conjunction with or for the operation of a county highway, county state-aid highway, town road, or city street and for other uses customarily associated therewith, such as trails and utility corridors, and for no other purposes or uses. The Public Entity shall have no intention on the effective date of the Agreement to use the Real Property as a trunk highway or any part of a trunk highway. The Public Entity must annually determine that the Real Property is being used for the purposes specified in this Section and, upon written request by either MnDOT or the Commissioner, shall supply a notarized statement to that effect.

Section 2.05 Sale or Lease of Real Property. The Public Entity shall not (i) sell or transfer any part of its ownership interest in the Real Property, or (ii) lease out or enter into any contract that would allow another entity to use or operate the Real Property without the written consent of both MnDOT and the Commissioner. The sale or transfer of any part of the Public Entity's ownership interest in the Real Property, or any lease or contract that would allow another entity to use or operate the Real Property, must comply with the requirements imposed by Minn. Stat. Sec. 16A.695 and the Commissioner's Order regarding such sale or lease.

Section 2.06 Public Entity's Representations and Warranties. The Public Entity represents and warrants to MnDOT that:

- A. It has legal authority to execute, deliver and perform the Agreement and all documents referred to therein, and it has taken all actions necessary to its execution and delivery of such documents.
- B. It has the ability and a plan to fund the operation of the Real Property for the purposes specified in Section 2.04, and will include in its annual budget all funds necessary for the operation of the Real Property for such purposes.
- C. The Agreement and all other documents referred to therein are the legal, valid and binding obligations of the Public Entity enforceable against the Public Entity in accordance with their respective terms.
- D. It will comply with all of the provisions of Minn. Stat. Sec. 16A.695, the Commissioner's Order and the LRIP. It has legal authority to use the G.O. Grant for the purpose or purposes described in this Agreement.
- E. All of the information it has submitted or will submit to MnDOT or the Commissioner relating to the LRIP Grant or the disbursement of the LRIP Grant is and will be true and correct.
- F. It is not in violation of any provisions of its charter or of the laws of the State of Minnesota, and there are no actions or proceedings pending, or to its knowledge threatened, before any judicial body or governmental authority against or affecting it relating to the Real Property, or its ownership interest therein, and it is not in default with respect to any order, writ, injunction, decree, or demand of any court or any governmental authority which would impair its ability to enter into the Agreement or any document referred to herein, or to perform any of the acts required of it in such documents.
- G. Neither the execution and delivery of the Agreement or any document referred to herein nor compliance with any of the provisions or requirements of any of such documents is prevented by, is a breach of, or will result in a breach of, any provision of any agreement or document to which it is now a party or by which it is bound.

- H. The contemplated use of the Real Property will not violate any applicable zoning or use statute, ordinance, building code, rule or regulation, or any covenant or agreement of record relating thereto.
- I. The Project will be completed and the Real Property will be operated in full compliance with all applicable laws, rules, ordinances, and regulations of any federal, state, or local political subdivision having jurisdiction over the Project and the Real Property.
- J. All applicable licenses, permits and bonds required for the performance and completion of the Project and for the operation of the Real Property as specified in Section 2.04 have been, or will be, obtained.
- K. It reasonably expects to possess its ownership interest in the Real Property described in Section 2.02 for at least 37.5 years, and it does not expect to sell such ownership interest.
- L. It does not expect to lease out or enter into any contract that would allow another entity to use or operate the Real Property.
- M. It will supply whatever funds are needed in addition to the LRIP Grant to complete and fully pay for the Project.
- N. The Construction Items will be completed substantially in accordance with the Construction Contract Documents by the Completion Date and all such items will be situated entirely on the Real Property.
- O. It will require the Contractor or Contractors to comply with all rules, regulations, ordinances, and laws bearing on its performance under the Construction Contract Documents.
- P. It shall furnish such satisfactory evidence regarding the representations and warranties described herein as may be required and requested by either MnDOT or the Commissioner.
- Q. It has made no material false statement or misstatement of fact in connection with its receipt of the G.O. Grant, and all the information it has submitted or will submit to the State Entity or Commissioner of MMB relating to the G.O. Grant or the disbursement of any of the G.O. Grant is and will be true and correct.

Section 2.07 Event(s) of Default. The following events shall, unless waived in writing by MnDOT and the Commissioner, constitute an Event of Default under the Agreement upon either MnDOT or the Commissioner giving the Public Entity 30 days' written notice of such event and the Public Entity's failure to cure such event during such 30-day time period for those Events of Default that can be cured within 30 days or within whatever time period is needed to cure those Events of Default that cannot be cured within 30 days as long as the Public Entity is using its best efforts to cure and is making reasonable progress in curing such Events of Default; however, in no event shall the time period to cure any Event of Default exceed six (6) months unless otherwise consented to, in writing, by MnDOT and the Commissioner.

- A. If any representation, covenant, or warranty made by the Public Entity herein or in any other document furnished pursuant to the Agreement, or to induce MnDOT to disburse the LRIP Grant, shall prove to have been untrue or incorrect in any material respect or materially misleading as of the time such representation, covenant, or warranty was made.

- B. If the Public Entity fails to fully comply with any provision, covenant, or warranty contained herein.
- C. If the Public Entity fails to fully comply with any provision, covenant or warranty contained in Minn. Stat. Sec. 16A.695, the Commissioner's Order, or Minn. Stat. Sec. 174.52 and all rules related thereto.
- D. If the Public Entity fails to use the proceeds of the LRIP Grant for the purposes set forth in Section 2.03, the Grant Application, and in accordance with the LRIP.
- E. If the Public Entity fails to operate the Real Property for the purposes specified in Section 2.04.
- F. If the Public Entity fails to complete the Project by the Completion Date.
- G. If the Public Entity sells or transfers any portion of its ownership interest in the Real Property without first obtaining the written consent of both MnDOT and the Commissioner.
- H. If the Public Entity fails to provide any additional funds needed to fully pay for the Project.
- I. If the Public Entity fails to supply the funds needed to operate the Real Property in the manner specified in Section 2.04.

Notwithstanding the foregoing, any of the above events that cannot be cured shall, unless waived in writing by MnDOT and the Commissioner, constitute an Event of Default under the Agreement immediately upon either MnDOT or the Commissioner giving the Public Entity written notice of such event.

Section 2.08 Remedies. Upon the occurrence of an Event of Default and at any time thereafter until such Event of Default is cured to the satisfaction of MnDOT, MnDOT or the Commissioner may enforce any or all of the following remedies.

- A. MnDOT may refrain from disbursing the LRIP Grant; provided, however, MnDOT may make such disbursements after the occurrence of an Event of Default without waiving its rights and remedies hereunder.
- B. If the Event of Default involves a sale of the Public Entity's interest in the Real Property in violation of Minn. Stat. Sec. 16A.695 or the Commissioner's Order, the Commissioner, as a third party beneficiary of the Agreement, may require that the Public Entity pay the amounts that would have been paid if there had been compliance with such provisions. For other Events of Default, the Commissioner may require that the Outstanding Balance of the LRIP Grant be returned to it.
- C. Either MnDOT or the Commissioner, as a third party beneficiary of the Agreement, may enforce any additional remedies it may have in law or equity.

The rights and remedies specified herein are cumulative and not exclusive of any rights or remedies that MnDOT or the Commissioner would otherwise possess.

If the Public Entity does not repay the amounts required to be paid under this Section or under any other provision contained herein within 30 days of demand by the Commissioner, or any amount ordered by a court of competent jurisdiction within 30 days of entry of judgment against the Public Entity and in favor

of MnDOT and or the Commissioner, then such amount may, unless precluded by law, be offset against any aids or other monies that the Public Entity is entitled to receive from the State of Minnesota.

Section 2.09 Notification of Event of Default. The Public Entity shall furnish to MnDOT and the Commissioner, as soon as possible and in any event within seven (7) days after it has obtained knowledge of the occurrence of each Event of Default, a statement setting forth details of each Event of Default and the action which the Public Entity proposes to take with respect thereto.

Section 2.10 Effect of Event of Default. The Agreement shall survive Events of Default and remain in full force and effect, even upon full disbursement of the LRIP Grant, and shall only be terminated under the circumstances set forth in Section 2.11.

Section 2.11 Termination of Agreement and Modification of LRIP Grant.

A. If the Project is not started within five (5) years after the effective date of the Agreement or the LRIP Grant has not been disbursed within four (4) years after the date the Project was started, MnDOT's obligation to fund the LRIP Grant shall terminate. In such event, (i) if none of the LRIP Grant has been disbursed by such date, MnDOT shall have no obligation to fund the LRIP Grant and the Agreement will terminate, and (ii) if some but not all of the LRIP Grant has been disbursed by such date, MnDOT shall have no further obligation to provide any additional funding for the LRIP Grant and the Agreement shall remain in force but shall be modified to reflect the amount of the LRIP Grant that was actually disbursed and the Public Entity is still obligated to complete the Project by the Completion Date.

B. The Agreement shall terminate upon the Public Entity's sale of its interest in the Real Property and transmittal of the required portion of the proceeds of the sale to the Commissioner in compliance with Minn. Stat. Sec. 16A.695 and the Commissioner's Order, or upon the termination of the Public Entity's ownership interest in the Real Property if such ownership interest is an easement.

Section 2.12 Excess Funds. If the full amount of the G.O. Grant and any matching funds referred to in Section 5.13 are not needed to complete the Project, then, unless language in the G.O. Bonding Legislation indicates otherwise, the G.O. Grant shall be reduced by the amount not needed.

Article III

**COMPLIANCE WITH MINNESOTA STATUTE, SEC. 16A.695
AND THE COMMISSIONER'S ORDER**

Section 3.01 State Bond Financed Property. The Public Entity acknowledges that its interest in the Real Property is, or when acquired by it will be, "state bond financed property", as such term is used in Minn. Stat. Sec. 16A.695 and the Commissioner's Order and, therefore, the provisions contained in such statute and order apply, or will apply, to its interest in the Real Property, even if the LRIP Grant will only pay for a portion of the Project.

Section 3.02 Preservation of Tax Exempt Status. In order to preserve the tax-exempt status of the G.O. Bonds, the Public Entity agrees as follows:

A. It will not use the Real Property or use or invest the LRIP Grant or any other sums treated as "bond proceeds" under Section 148 of the Code (including "investment proceeds," "invested sinking funds" and "replacement proceeds") in such a manner as to cause the G.O. Bonds to be classified as "arbitrage bonds" under Code Section 148.

- B. It will deposit and hold the LRIP Grant in a segregated non-interest-bearing account until such funds are used for payments for the Project.
- C. It will, upon written request, provide the Commissioner all information required to satisfy the informational requirements set forth in the Code, including Sections 103 and 148, with respect to the G.O. Bonds.
- D. It will, upon the occurrence of any act or omission by the Public Entity that could cause the interest on the G.O. Bonds to no longer be tax exempt and upon direction from the Commissioner, take such actions and furnish such documents as the Commissioner determines to be necessary to ensure that the interest to be paid on the G.O. Bonds is exempt from federal taxation, which such action may include: (i) compliance with proceedings intended to classify the G.O. Bonds as a "qualified bond" within the meaning of Code Section 141(e), or (ii) changing the nature of the use of the Real Property so that none of the net proceeds of the G.O. Bonds will be deemed to be used, directly or indirectly, in an "unrelated trade or business" or for any "private business use" within the meaning of Code Sections 141(b) and 145(a).
- E. It will not otherwise use any of the LRIP Grant or take, permit or cause to be taken, or omit to take, any action that would adversely affect the exemption from federal income taxation of the interest on the G.O. Bonds, and if it should take, permit or cause to be taken, or omit to take, as appropriate, any such action, it shall take all lawful actions necessary to correct such actions or omissions promptly upon obtaining knowledge thereof.

Section 3.03 Changes to G.O. Compliance Legislation or the Commissioner's Order. If Minn. Stat. Sec. 16A.695 or the Commissioner's Order is amended in a manner that reduces any requirement imposed against the Public Entity, or if the Public Entity's interest in the Real Property becomes exempted from Minn. Stat. Sec. 16A.695 and the Commissioner's Order, then upon written request by the Public Entity, MnDOT shall execute an amendment to the Agreement to implement such amendment or exempt the Public Entity's interest in the Real Property from Minn. Stat. Sec. 16A.695 and the Commissioner's Order.

Article IV DISBURSEMENT OF GRANT PROCEEDS

Section 4.01 The Advances. MnDOT agrees, on the terms and subject to the conditions set forth herein, to make Advances of the LRIP Grant to the Public Entity from time to time in an aggregate total amount not to exceed the amount of the LRIP Grant. If the amount of LRIP Grant that MnDOT cumulatively disburses hereunder to the Public Entity is less than the amount of the LRIP Grant delineated in Section 1.01, then MnDOT and the Public Entity shall enter into and execute whatever documents MnDOT may request in order to amend or modify this Agreement to reduce the amount of the LRIP Grant to the amount actually disbursed. Provided, however, in accordance with the provisions contained in Section 2.11, MnDOT's obligation to make Advances shall terminate as of the dates specified in Section 2.11 even if the entire LRIP Grant has not been disbursed by such dates.

Advances shall only be for expenses that (i) are for those items of a capital nature delineated in Source and Use of Funds that is attached as **Exhibit A**, (ii) accrued no earlier than the effective date of the legislation that appropriated the funds that are used to fund the LRIP Grant, or (iii) have otherwise been consented to, in writing, by the Commissioner.

It is the intent of the parties hereto that the rate of disbursement of the Advances shall not exceed the rate of completion of the Project or the rate of disbursement of the matching funds required, if any, under Section

5.13. Therefore, the cumulative amount of all Advances disbursed by the State Entity at any point in time shall not exceed the portion of the Project that has been completed and the percentage of the matching funds required, if any, under Section 5.13 that have been disbursed as of such point in time. This requirement is expressed by way of the following two formulas:

Formula #1:

$$\text{Cumulative Advances} \leq (\text{Program Grant}) \times (\text{percentage of matching funds, if any, required under Section 5.13 that have been disbursed})$$

Formula #2:

$$\text{Cumulative Advances} \leq (\text{Program Grant}) \times (\text{percentage of Project completed})$$

Section 4.02 Draw Requisitions. Whenever the Public Entity desires a disbursement of a portion of the LRIP Grant the Public Entity shall submit to MnDOT a Draw Requisition duly executed on behalf of the Public Entity or its designee. Each Draw Requisition with respect to construction items shall be limited to amounts equal to: (i) the total value of the classes of the work by percentage of completion as approved by the Public Entity and MnDOT, plus (ii) the value of materials and equipment not incorporated in the Project but delivered and suitably stored on or off the Real Property in a manner acceptable to MnDOT, less (iii) any applicable retainage, and less (iv) all prior Advances.

Notwithstanding anything herein to the contrary, no Advances for materials stored on or off the Real Property will be made by MnDOT unless the Public Entity shall advise MnDOT, in writing, of its intention to so store materials prior to their delivery and MnDOT has not objected thereto.

At the time of submission of each Draw Requisition, other than the final Draw Requisition, the Public Entity shall submit to MnDOT such supporting evidence as may be requested by MnDOT to substantiate all payments which are to be made out of the relevant Draw Requisition or to substantiate all payments then made with respect to the Project.

The final Draw Requisition shall not be submitted before completion of the Project, including any correction of material defects in workmanship or materials (other than the completion of punch list items). At the time of submission of the final Draw Requisition the Public Entity shall submit to MnDOT: (i) such supporting evidence as may be requested by MnDOT to substantiate all payments which are to be made out of the final Draw Requisition or to substantiate all payments then made with respect to the Project, and (ii) satisfactory evidence that all work requiring inspection by municipal or other governmental authorities having jurisdiction has been duly inspected and approved by such authorities and that all requisite certificates and other approvals have been issued.

If on the date an Advance is desired the Public Entity has complied with all requirements of this Agreement and MnDOT approves the relevant Draw Requisition, then MnDOT shall disburse the amount of the requested Advance to the Public Entity.

Section 4.03 Additional Funds. If MnDOT shall at any time in good faith determine that the sum of the undisbursed amount of the LRIP Grant plus the amount of all other funds committed to the Project is less than the amount required to pay all costs and expenses of any kind which reasonably may be anticipated in connection with the Project, then MnDOT may send written notice thereof to the Public Entity specifying the amount which must be supplied in order to provide sufficient funds to complete the Project. The Public Entity agrees that it will, within 10 calendar days of receipt of any such notice, supply or have some other entity supply the amount of funds specified in MnDOT's notice.

Section 4.04 Condition Precedent to Any Advance. The obligation of MnDOT to make any Advance hereunder (including the initial Advance) shall be subject to the following conditions precedent:

- A. MnDOT shall have received a Draw Requisition for such Advance specifying the amount of funds being requested, which such amount when added to all prior requests for an Advance shall not exceed the amount of the LRIP Grant set forth in Section 1.01.
- B. No Event of Default under this Agreement or event which would constitute an Event of Default but for the requirement that notice be given or that a period of grace or time elapse shall have occurred and be continuing.
- C. No determination shall have been made by MnDOT that the amount of funds committed to the Project is less than the amount required to pay all costs and expenses of any kind that may reasonably be anticipated in connection with the Project, or if such a determination has been made and notice thereof sent to the Public Entity under Section 4.03, then the Public Entity has supplied, or has caused some other entity to supply, the necessary funds in accordance with such section or has provided evidence acceptable to MnDOT that sufficient funds are available.
- D. The State Entity shall have received evidence, in form and substance acceptable to the State Entity, that the Public Entity has sufficient funds to fully and completely pay for the Project and all other expenses that may occur in conjunction therewith.
- E. The Public Entity has supplied to the State Entity all other items that the State Entity may reasonably require

Section 4.05 Processing and Disbursement of Advances. The Public Entity acknowledges and agrees as follows:

- A. Advances are not made prior to completion of work performed on the Project.
- B. All Advances are processed on a reimbursement basis.
- C. The Public Entity must first document expenditures to obtain an Advance.
- D. Reimbursement requests are made on a partial payment basis or when the Project is completed.
- E. All payments are made following the "Delegated Contract Process or State Aid Payment Request" as requested and approved by the appropriate district state aid engineer.

Section 4.06 Construction Inspections. The Public Entity shall be responsible for making its own inspections and observations regarding the completion of the Project, and shall determine to its own satisfaction that all work done or materials supplied have been properly done or supplied in accordance with all contracts that the Public Entity has entered into regarding the completion of the Project.

Article V MISCELLANEOUS

Section 5.01 Insurance. If the Public Entity elects to maintain general comprehensive liability insurance regarding the Real Property, then the Public Entity shall have MnDOT named as an additional named insured therein.

Section 5.02 Condemnation. If, after the Public Entity has acquired the ownership interest set forth in Section 2.02, all or any portion of the Real Property is condemned to an extent that the Public Entity can no longer comply with Section 2.04, then the Public Entity shall, at its sole option, either: (i) use the condemnation proceeds to acquire an interest in additional real property needed for the Public Entity to continue to comply with Section 2.04 and to provide whatever additional funds that may be needed for such purposes, or (ii) submit a request to MnDOT and the Commissioner to allow it to sell the remaining portion of its interest in the Real Property. Any condemnation proceeds which are not used to acquire an interest in additional real property shall be applied in accordance with Minn. Stat. Sec. 16A.695 and the Commissioner's Order as if the Public Entity's interest in the Real Property had been sold. If the Public Entity elects to sell its interest in the portion of the Real Property that remains after the condemnation, such sale must occur within a reasonable time period after the date the condemnation occurred and the cumulative sum of the condemnation and sale proceeds applied in accordance with Minn. Stat. Sec. 16A.695 and the Commissioner's Order.

If MnDOT receives any condemnation proceeds referred to herein, MnDOT agrees to or pay over to the Public Entity all of such condemnation proceeds so that the Public Entity can comply with the requirements of this Section.

Section 5.03 Use, Maintenance, Repair and Alterations. The Public Entity shall not, without the written consent of MnDOT and the Commissioner, (i) permit or allow the use of any of the Real Property for any purpose other than the purposes specified in Section 2.04, (ii) substantially alter any of the Real Property except such alterations as may be required by laws, ordinances or regulations, or such other alterations as may improve the Real Property by increasing its value or which improve its ability to be used for the purposes set forth in Section 2.04, (iii) take any action which would unduly impair or depreciate the value of the Real Property, (iv) abandon the Real Property, or (v) commit or permit any act to be done in or on the Real Property in violation of any law, ordinance or regulation.

If the Public Entity fails to maintain the Real Property in accordance with this Section, MnDOT may perform whatever acts and expend whatever funds necessary to so maintain the Real Property, and the Public Entity irrevocably authorizes MnDOT to enter upon the Real Property to perform such acts as may be necessary to so maintain the Real Property. Any actions taken or funds expended by MnDOT shall be at its sole discretion, and nothing contained herein shall require MnDOT to take any action or incur any expense and MnDOT shall not be responsible, or liable to the Public Entity or any other entity, for any such acts that are performed in good faith and not in a negligent manner. Any funds expended by MnDOT pursuant to this Section shall be due and payable on demand by MnDOT and will bear interest from the date of payment by MnDOT at a rate equal to the lesser of the maximum interest rate allowed by law or 18% per year based upon a 365-day year.

Section 5.04 Recordkeeping and Reporting. The Public Entity shall maintain books and records pertaining to Project costs and expenses needed to comply with the requirements contained herein, Minn. Stat. Sec. 16A.695, the Commissioner's Order, and Minn. Stat. Sec. 174.52 and all rules related thereto, and upon request shall allow MnDOT, its auditors, the Legislative Auditor for the State of Minnesota, or the State Auditor for the State of Minnesota, to inspect, audit, copy, or abstract all of such items. The Public Entity shall use generally accepted accounting principles in the maintenance of such items, and shall retain all of such books and records for a period of six years after the date that the Project is fully completed and placed into operation.

Section 5.05 Inspections by MnDOT. The Public Entity shall allow MnDOT to inspect the Real Property upon reasonable request by MnDOT and without interfering with the normal use of the Real Property.

Section 5.06 Liability. The Public Entity and MnDOT agree that each will be responsible for its own acts and the results thereof to the extent authorized by law, and neither shall be responsible for the acts of the other party and the results thereof. The liability of MnDOT and the Commissioner is governed by the provisions of Minn. Stat. Sec. 3.736. If the Public Entity is a "municipality" as that term is used in Minn. Stat. Chapter 466, then the liability of the Public Entity is governed by the provisions of Chapter 466. The Public Entity's liability hereunder shall not be limited to the extent of insurance carried by or provided by the Public Entity, or subject to any exclusion from coverage in any insurance policy.

Section 5.07 Relationship of the Parties. Nothing contained in the Agreement is to be construed as establishing a relationship of co-partners or joint venture among the Public Entity, MnDOT, or the Commissioner, nor shall the Public Entity be considered to be an agent, representative, or employee of MnDOT, the Commissioner, or the State of Minnesota in the performance of the Agreement or the Project.

No employee of the Public Entity or other person engaging in the performance of the Agreement or the Project shall be deemed have any contractual relationship with MnDOT, the Commissioner, or the State of Minnesota and shall not be considered an employee of any of those entities. Any claims that may arise on behalf of said employees or other persons out of employment or alleged employment, including claims under the Workers' Compensation Act of the State of Minnesota, claims of discrimination against the Public Entity or its officers, agents, contractors, or employees shall in no way be the responsibility of MnDOT, the Commissioner, or the State of Minnesota. Such employees or other persons shall not require nor be entitled to any compensation, rights or benefits of any kind whatsoever from MnDOT, the Commissioner, or the State of Minnesota, including tenure rights, medical and hospital care, sick and vacation leave, disability benefits, severance pay and retirement benefits.

Section 5.08 Notices. In addition to any notice required under applicable law to be given in another manner, any notices required hereunder must be in writing and personally served or sent by prepaid, registered, or certified mail (return receipt requested), to the address of the party specified below or to such different address as may in the future be specified by a party by written notice to the others:

To the Public Entity: At the address indicated on the first page of the Agreement.

To MnDOT at: Minnesota Department of Transportation
Office of State Aid
395 John Ireland Blvd., MS 500
Saint Paul, MN 55155
Attention: Patti Loken, State Aid Programs Engineer

To the Commissioner at: Minnesota Management & Budget
400 Centennial Office Bldg.
658 Cedar St.
St. Paul, MN 55155
Attention: Commissioner

Section 5.09 Assignment or Modification. Neither the Public Entity nor MnDOT may assign any of its rights or obligations under the Agreement without the prior written consent of the other party.

Section 5.10 Waiver. Neither the failure by the Public Entity, MnDOT, or the Commissioner, as a third party beneficiary of the Agreement, in one or more instances to insist upon the complete observance or performance of any provision hereof, nor the failure of the Public Entity, MnDOT, or the Commissioner to exercise any right or remedy conferred hereunder or afforded by law shall be construed as waiving any

breach of such provision or the right to exercise such right or remedy thereafter. In addition, no delay by any of the Public Entity, MnDOT, or the Commissioner in exercising any right or remedy hereunder shall operate as a waiver thereof, nor shall any single or partial exercise of any right or remedy preclude other or further exercise thereof or the exercise of any other right or remedy.

Section 5.11 Choice of Law and Venue. All matters relating to the validity, interpretation, performance, or enforcement of the Agreement shall be determined in accordance with the laws of the State of Minnesota. All legal actions arising from any provision of the Agreement shall be initiated and venued in the State of Minnesota District Court located in St. Paul, Minnesota.

Section 5.12 Severability. If any provision of the Agreement is finally judged by any court to be invalid, then the remaining provisions shall remain in full force and effect and they shall be interpreted, performed, and enforced as if the invalid provision did not appear herein.

Section 5.13 Matching Funds. Any matching funds as shown on Page I of the Grant Agreement that are required to be obtained and supplied by the Public Entity must either be in the form of (i) cash monies, (ii) legally binding commitments for money, or (iii) equivalent funds or contributions, including equity, which have been or will be used to pay for the Project. The Public Entity shall supply to MnDOT whatever documentation MnDOT may request to substantiate the availability and source of any matching funds.

Section 5.14 Sources and Uses of Funds. The Public Entity represents to MnDOT and the Commissioner that the Sources and Uses of Funds Schedule attached as **Exhibit A** accurately shows the total cost of the Project and all of the funds that are available for the completion of the Project. The Public Entity will supply any other information and documentation that MnDOT or the Commissioner may request to support or explain any of the information contained in the Sources and Uses of Funds Schedule. If any of the funds shown in the Sources and Uses of Funds Schedule have conditions precedent to the release of such funds, the Public Entity must provide to MnDOT a detailed description of such conditions and what is being done to satisfy such conditions.

Section 5.15 Project Completion Schedule. The Public Entity represents to MnDOT and the Commissioner that the Project Completion Schedule attached as **Exhibit B** correctly and accurately sets forth the projected schedule for the completion of the Project.

Section 5.16 Third-Party Beneficiary. The Governmental Program will benefit the State of Minnesota and the provisions and requirements contained herein are for the benefit of both the State Entity and the State of Minnesota. Therefore, the State of Minnesota, by and through its Commissioner of MMB, is and shall be a third-party beneficiary of this Agreement.

Section 5.17 Public Entity Tasks. Any tasks that the Agreement imposes upon the Public Entity may be performed by such other entity as the Public Entity may select or designate, provided that the failure of such other entity to perform said tasks shall be deemed to be a failure to perform by the Public Entity.

Section 5.18 Data Practices. The Public Entity agrees with respect to any data that it possesses regarding the G.O. Grant or the Project to comply with all of the provisions and restrictions contained in the Minnesota Government Data Practices Act contained in Minnesota Statutes Chapter 13, as such may subsequently be amended or replaced from time to time.

Section 5.19 Non-Discrimination. The Public Entity agrees to not engage in discriminatory employment practices regarding the Project and it shall fully comply with all of the provisions contained in

Minnesota Statutes Chapters 363A and 181, as such may subsequently be amended or replaced from time to time.

Section 5.20 Worker's Compensation. The Public Entity agrees to comply with all of the provisions relating to worker's compensation contained in Minn. Stat. Secs. 176.181 subd. 2 and 176.182, as they may be amended or replaced from time to time with respect to the Project.

Section 5.21 Antitrust Claims. The Public Entity hereby assigns to MnDOT and the Commissioner of MMB all claims it may have for over charges as to goods or services provided with respect to the Project that arise under the antitrust laws of the State of Minnesota or of the United States of America.

Section 5.22 Prevailing Wages. The Public Entity agrees to comply with all of the applicable provisions contained in Minnesota Statutes Chapter 177, and specifically those provisions contained in Minn. Stat. §. 177.41 through 177.435 as they may be amended or replaced from time to time with respect to the Project. By agreeing to this provision, the Public Entity is not acknowledging or agreeing that the cited provisions apply to the Project.

Section 5.23 Entire Agreement. The Agreement and all of the exhibits attached thereto embody the entire agreement between the Public Entity and MnDOT, and there are no other agreements, either oral or written, between the Public Entity and MnDOT on the subject matter hereof.

Section 5.24 E-Verification. The Public Entity agrees and acknowledges that it is aware of Minn.Stat. § 16C.075 regarding e-verification of employment of all newly hired employees to confirm that such employees are legally entitled to work in the United States, and that it will, if and when applicable, fully comply with such order.

**Chisago County
Board of Commissioners**

**Exhibit E for Grant Agreement to State Transportation
Fund (Local Road Improvement Program) Grant Terms
and Conditions SAP 013-596-009**

**RESOLUTION NO. 21/0721-X
EXHIBIT E FOR GRANT AGREEMENT TO STATE TRANSPORTATION FUND
(LOCAL ROAD IMPROVEMENT PROGRAM)
GRANT TERMS AND CONDITIONS
SAP 013-596-009**

WHEREAS, Chisago County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for Local Road Improvement and

WHEREAS, the Commissioner of Transportation has given notice that funding for this project is available: and

WHEREAS, the amount of the grant has been determined to be \$ 1,062,250.00 by reason of the lowest responsible bid:

NOW THEREFORE, be it resolved that Chisago County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.52 and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the bridge but not required. The proper county officers are authorized to execute a grant agreement and any amendments thereto with the Commissioner of Transportation concerning the above-referenced grant.

Chisago County Request for Board Action

Meeting Date: July 21, 2021	Item Number: 4
Title of Item for Consideration: Authorizing Acquisitions by Eminent Domain for CSAH 26 Reconstruction & CSAH 23/24 Roundabout Projects	
Action Requested by: Joe Triplett, P.E.	Department: Public Works Department
Previous Action on this Matter: None.	
Background: As a part of the County's CSAH 26 reconstruction and CSAH 23/24 Roundabout projects, the County has to acquire the right of way needed to construct and maintain the highways. In order to keep the project on schedule, the County may need to exercise the right of eminent domain. The County will continue to negotiate and work with the property owners throughout the process to reach mutually agreed to settlements. Attachment(s): Resolutions	
Action Requested/Recommended: The County Board is respectfully requested to authorize the use of eminent domain for CSAH 26 parcel acquisition. The following motion is suggested; <i>"move to authorize the use of eminent domain for CSAH 26 parcel acquisition."</i>	
Implications of Action: Board approval at tonight's meeting will authorize the County to acquire parcels for CSAH 26 Reconstruction and CSAH 23/24 Roundabout projects by eminent domain. Budget/Financial Implications: N.one 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 _____

**Chisago County
Board of Commissioners**

**AUTHORIZING THE ACQUISITIONS OF SAID LAND
ON CHISAGO COUNTY STATE AID HIGHWAY 23 AND
CHISAGO COUNTY STATE AID HIGHWAY 24 BY
EMINENT DOMAIN**

**RESOLUTION NO. 21/0721-X
AUTHORIZING THE ACQUISITIONS OF SAID LAND
ON CHISAGO COUNTY STATE AID HIGHWAY 23 AND CHISAGO COUNTY
STATE AID HIGHWAY 24 BY EMINENT DOMAIN**

WHEREAS, Chisago County proposes to improve the intersection of Chisago State Aid Highway 23 (AKA Lofton Avenue and Chisago Boulevard) and Chisago County State Aid Highway 24 (AKA Old Towne Road); and

WHEREAS, the improvement consists of realigning and reconstructing said roadway as herein determined necessary to provide for the safety of the traveling public, and

WHEREAS, temporary and permanent highway easements over certain lands are required to provide for said realignment and reconstruction, and

WHEREAS, Chisago County has authority to acquire right-of-way for said Highway by eminent domain pursuant to Minn. Stat. § 163.02, subd. 2; and

WHEREAS, Chisago County has the right to acquire the right-of-way prior to the filing of an award by the court appointed commissioners, pursuant to Minn. Stat. § 117.41 and § 117.42; and

WHEREAS, the following persons own or have an interest in a portion of said lands required for right-of-way for Chisago State Aid Highway 23 (AKA Lofton Avenue and Chisago Boulevard) and Chisago County State Aid Highway 24 (AKA Old Towne Road) as identified on Exhibit A, attached hereto and incorporated by reference

WHEREAS, Chisago County has been unable to successfully negotiate the acquisition of the required highway easements to date;

WHEREAS, throughout the eminent domain proceedings, Chisago County shall continue to negotiate the acquisition of the required easements until an award is made by the court-appointed commissioners, and

NOW THEREFORE BE IT RESOLVED, that the Chisago County Board of Commissioners hereby authorizes the acquisition of said land by eminent domain and to take title and possession of that land prior to the filing of an award by the court-appointed commissioners, pursuant to Minn Stat. § 63.02, subd. 2; § 117.011; and § 117.042 and

BE IT FURTHER RESOLVED that the Chisago County Attorney is requested to file the necessary Petition therefore, and to prosecute such action to a successful conclusion or until it is abandoned, dismissed, or terminated by the County or the Court

**Chisago County
Board of Commissioners**

**AUTHORIZING THE ACQUISITIONS OF SAID LAND
ON CHISAGO COUNTY STATE AID HIGHWAY 26 BY
EMINENT DOMAIN**

**RESOLUTION NO. 21/0721-X
AUTHORIZING THE ACQUISITIONS OF SAID LAND ON CHISAGO COUNTY
STATE AID HIGHWAY 26 BY EMINENT DOMAIN**

WHEREAS, Chisago County proposes to improve Chisago County State Aid Highway 26 as identified in Right of Way Plat #111 recorded as document number 646711 with the Chisago County Recorder's Office; and

WHEREAS, the improvement consists of realigning and reconstructing said roadway as herein determined necessary to provide for the safety of the traveling public and

WHEREAS, temporary and permanent highway easements over certain lands are required to provide for said realignment and reconstruction; and

WHEREAS, Chisago County has authority to acquire right-of-way for said Highway by eminent domain pursuant to Minn. Stat. §167.02, subd. 2; and

WHEREAS, Chisago County has the right to acquire the right-of-way prior to the filing of an award by the court appointed commissioners, pursuant to Minn. Stat. §117.41 and §117.42; and

WHEREAS, the following persons own or have an interest in a portion of said lands required for right-of-way for CSAH 26 as set forth in Right of Way Plat #111 recorded as document number 646711 with the Chisago County Recorder's Office as identified on Exhibit A, attached hereto and incorporated by reference

WHEREAS, Chisago County has been unable to successfully negotiate the acquisition of the required highway easements to date;

WHEREAS, throughout the eminent domain proceedings, Chisago County shall continue to negotiate the acquisition of the required easements until an award is made by the court-appointed commissioners; and

NOW THEREFORE BE IT RESOLVED, that the Chisago County Board of Commissioners hereby authorizes the acquisition of said land by eminent domain and to take

title and possession of that land prior to the filing of an award by the court-appointed commissioners, pursuant to Minn Stat. : 63.02, subd. 2; § 117.01; and § 117.042, and

BE IT FURTHER RESOLVED that the Chisago County Attorney is requested to file the necessary Petition therefore, and to prosecute such action to a successful conclusion or until it is abandoned, dismissed or terminated by the County or the Court.

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
UNOFFICIAL PROCEEDINGS
Wednesday, July 07, 2021**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, July 07, 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 Montzka. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka **OPPOSED:** None.

COVID-19 Update Presented by HHS Director Robert Benson – 6:31 p.m. to 6:35 p.m.

On motion by Dunne, seconded by Greene, the board moved to open the Health and Human Services Committee of the Whole at 6:35 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 Dunne, the Board moved to add items 1-6 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 Dunne, the board moved to close the HHS Committee Board of the Whole at 6:44 p.m. 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 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 – Out of State Travel Requests - Connecticut

- 4.) HHS Committee Recommendation – SHIP Grant Agreement – Wyoming Elementary
- 5.) HHS Committee Recommendation – SHIP Grant Agreement – City of Wyoming
- 6.) HHS Committee Recommendation – LiveStories Agreement – 2-year Subscription
- 7.) Payment of County's Warrants and Miscellaneous Bills
- 8.) Minutes from the June 16, 2021 Regular Meeting
- 9.) Application to Conduct Off-Site Gambling – Stacy Lions Club
- 10.) Renewal of Liquor, Wine, Club or 3.2% Licenses
- 11.) New Lease for Postage Meter Equipment – Auditor/Treasurer's Office and Sheriff's Office

Presentation – State Legislative Updates

MICA – Matt Massman, Nancy Silesky, Steve Novak, Paul Nasvik

CITIZENS FORUM

TIME – 7:31 p.m.

END TIME – 7:31 p.m.

0 letters, 0 emails, # of **SPEAKERS** = 0

On motion by Greene, seconded by Dunne, the Board moved to approve the County Veterans Service Office Operational Enhancement Grant Program Grant Agreement. 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 amended Professional/Technical Services Contract between Chisago County and Chisago Soil and Water Conservation District for the Cooperative Weed Management Area Grant and Authorize Signature and Approve the Chisago County Cooperative Weed Management Area Management Plan 2021 as presented. 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 the Final Design Contract for the Local Road System Component of the TH 3 Reconstruction Project with SRF Consulting. 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 the proposed Agreement with Pictometry for aerial imagery, utilizing the Recorder Compliance Fund for this expenditure. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

On motion by Montzka, seconded by Robinson, the Board moved to approve Out of State Travel for National Tactical Officer's Association Conference for employees. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

Discussion for County-wide ARP “Collaboration” Meeting – Tentative Schedule for Monday, August 16 – 6:30 p.m.

On motion by Montzka, seconded by Dunne, the Board moved to approve the resolution rescinding the public health emergency declaration. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

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 Robinson, seconded by Montzka, the Board adjourned the meeting at 8:18 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
July 21, 2021**

Item # 6

Payment of County's Warrants & Miscellaneous Bills

County Warrants = \$1,284,502.10

Authorize Payment of County's Warrants for HHS:

<u>Prepared Check Date</u>	<u>Amount</u>	<u>Mail Date</u>	<u>Type of Payment</u>
7/9/2021	\$500.00		Commissioner's Warrants
7/9/2021		7/21/2021	Auditor's Warrants
7/9/2021	\$55,308.18		Commissioner's Warrants
7/9/2021	\$27,527.06	7/21/2021	Auditor's Warrants
7/16/2021			Commissioner's Warrants
7/16/2021	\$240.00	7/21/2021	Auditor's Warrants

Lake Area Bank; Derek Anklan; Sheriff; supplies; \$616.00
Lake Area Bank; Matt Beckman; Sheriff; training; \$334.50
Lake Area Bank; Ward Brown; Maintenance; supplies; \$87.00
Lake Area Bank; Amy Chavez; Probation; training; \$534.37
Lake Area Bank; Karen Gates; Human Resources; supplies; \$10.68
Lake Area Bank; Jaime Kelly; Wellness Committee; supplies; \$148.49
Lake Area Bank; Andrew Mahowald; Sheriff; supplies; \$795.00
Lake Area Bank; James Mott; Sheriff; supplies; \$82.25
Lake Area Bank; Kyle Puelston; Sheriff; registration, supplies; \$1,482.64
Lake Area Bank; Janet Reiter; Attorney; registration; \$327.00
Lake Area Bank; Kurt Schneider; Environmental Services; training; \$322.00
Lake Area Bank; Scott Sellman; Emergency Management; supplies; \$439.12
Lake Area Bank; Joseph Tart; Parks; supplies; \$172.73
Lake Area Bank; Joseph Triplett; Public Works; conference; \$352.96
Lake Area Bank; Justin Wood; Sheriff; conference; \$141.90
Lake Area Bank; Tracy Krona; HHS; travel for client; \$2,568.99

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

Chisago County Request For Board Action

Meeting Date: July 21, 2021	Item Number: 7
Title of Item for Consideration: License Applications for 1 Day to 4 Day Temporary On-Sale Liquor License – Franconia Sculpture Park – August 14, 2021 and Sno Baron’s Snowmobile Club – Hay Days – September 10 – 12, 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 August 14 th , 2021 and the Sno Baron’s Snowmobile Club Hay Days event September 10 – 12, 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 – August 14, 2021 2. Sno Baron’s Snowmobile Club – Hay Days – September 10 – 12, 2021	
Attachment(s): • License Applications for 1 Day to 4 Day Temporary On-Sale Liquor License <i>(available with Clerk of the Board)</i>	
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: <i>“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 Sno Baron’s Snowmobile Clubs Hay Days.”</i>	
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 _____



**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: July 14, 2021
Re: July 21, 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 July 21, 2021, Board meeting.

Action Items:

1. Receive Directors Report
2. SCORE Agreement FY 22-25
3. Dogwood Addition Preliminary Plat
4. Buildable Area Ordinance Amendment(s)

Informational Item(s):

Board of Adjustment and Appeals:

The next regularly scheduled Board of Adjustment meeting is scheduled for July 29, 2021 at 7:00 pm. at the Government Center. The Board will also meet on July 28, 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. David Pederson – 46680 Beach Road, Fish Lake Township; Hilding Beach Lot 6, Blk 1; (PID# 03.01157.00). Mr. Pederson is requesting a variance to construct a fence along the side yard greater than six feet in height and closer to the road than the required setbacks.
2. Michael and Anna Ashley – 10800 Green Lake Trail, Chisago Lake Township; Sec. 19, T. 33, R. 20, (PID# 02.00159.00). Mr. and Mrs. Ashley are requesting a variance to replace an existing home and detached garage with a new house, portico, rear addition, and attached garage on the same foundation, closer to the road than the required setback. Alternatively, they seek to replace the garage with a larger attached garage and add a portico on home closer to the road than the required setback.

3. Robert and Katherine Robins – 12200 Mentzer Trail, Chisago Lake Township; Sec. 5, T. 33, R. 20, (PID# 02.01647.00 & 02.01645.00). Mr. and Mrs. Robins are requesting a variance to remove and replace a nonconforming cabin on the same foundation adding five feet in elevation with an upper story and a 6.6 x 14 foot addition, exceeding the maximum impervious area, closer to the road and lake than the required setbacks, and to replace garage in the same location.

Planning Commission:

The regularly Planning Commission meeting is scheduled for Thursday, August 5, 2021, at 7:00 p.m. , in the Lower Level of the Chisago County Government Center. The Commission will also meet on August 3, 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. Peter and Donna Lindgren - Property at 19894 310th Street, Shafer Township; Sec. 27, T. 34, R. 19, (PID# 08.00269.00). Tarila Ozomoru of IPS Solar on behalf of Peter and Donna Lindgren, Property Owners, is requesting an amendment to an Interim Use Permit for a Community Solar Garden to allow for a tracker solar panel system rather than stationary.
2. John and Katie Waldorf - Property at 41713 Lowden Avenue, Sunrise Township; Sec. 5, T. 35, R. 20, (PID# 09.00048.00). John and Katie Waldorf are requesting a Conditional Use Permit to operate an educational retreat center within their home and an accessory structure as Rural Retail Tourism.
3. Peter Jadoonath and Emily Nordquist - Property at 30208 Tern Avenue, Shafer Township, Sec. 34, T. 34, R. 19, (PID# 08.00353.00). Peter Jadoonath and Emily Nordquist are requesting a Conditional Use Permit to operate a pottery studio home occupation as Rural Retail Tourism.
4. Zoning Ordinance Review –Accessory Structures and Uses Review
5. 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 July 9th is 58% of projected in excess of \$472,000. The June Year to Date permit activity data is provided as *attached*.

Staff has received three (3) RFP responses for professional services for zoning and subdivision ordinance revision work. A review committee is being established and is proceeding to conduct evaluation/interview with each of the three respondents in hopes of presenting a recommendation and cost/budget impact proposal to the County Board in August.

The recent conclusion of the Legislative Session has resulted in the successful funding of previously authorize Sunrise Prairie Regional Trail construction grant award to construct a northerly trail extension from North Branch to the City of Harris. Plans identify a modest trail head on city lands next to the current Sheriffs building on Hwy. 61. The trail will be designed and constructed to run along the east side of Hwy. 61. The grant award is \$1,396,803 and includes the previously pledged local (county) match of \$209,520.

June 2021 Building Report:

LOCATION	1. New Houses		2. Additions / Alterations Roofs/Docks /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	
	June	YTD	June	YTD	June	YTD	June	YTD	June	YTD	June	YTD	June	YTD	June	YTD
Amador	0	1	2	9	1	3	0	2	0	3	0	0	1	1	3	8
Center City	1	2	0	8	0	3	0	1	1	6	0	0	0	0	0	0
Chicago City	3	14	10	69	3	29	0	6	2	6	0	0	1	2	4	13
Chicago Lake	0	8	5	61	1	14	3	17	0	0	0	0	3	9	10	37
Fish Lake	2	6	3	9	0	4	2	5	0	0	0	0	1	4	5	24
Franconia	1	2	2	11	1	8	1	7	0	2	0	0	3	4	3	10
Harris	0	2	0	6	0	2	0	2	0	1	0	0	0	1	1	4
Lindstrom	1	7	10	52	2	21	1	4	0	4	1	1	0	0	0	0
Nessel	1	5	3	20	2	4	0	4	0	0	0	0	1	5	3	17
Rush City	2	13	1	17	0	3	0	2	1	1	0	0	0	0	0	0
Rushseba	0	2	2	6	0	1	0	1	0	0	0	0	0	1	1	9
Shafer	0	2	1	4	0	4	0	5	0	1	0	0	0	1	1	4
Sunrise	1	4	2	13	2	9	0	2	0	2	0	0	0	2	2	16
TOTAL:	12	68	41	285	12	105	7	58	4	26	1	1	10	30	33	142
Year to Year Comparison	June	YTD	June	YTD	June	YTD	June	YTD	June	YTD	June	YTD	June	YTD	June	YTD
2020	12	48	107	300	21	101	19	45	7	15	0	0	10	22	41	160
2019	22	78	66	295	15	105	17	44	6	23	0	0	20	27	22	115
2018	17	70	67	141	16	75	11	38	6	23	0	0	18	27	28	108
2017	16	71	73	283	17	86	11	50	3	13	0	1	7	18	30	127

Chisago County Request for Board Action

Meeting Date: July 21, 2021	Item Number: 9
Title of Item for Consideration: SCORE Grant Agreement FY22-26	
Action Requested by: Kurt Schneider, Director	Department: Environmental Services/Zoning – Solid Waste Division
Previous Action on this Matter: The State of Minnesota is now requiring counties to sign a grant agreement in order to receive SCORE funding, which they did not do before last year (2021), which was the first year that Chisago County signed the agreement.	
Background: MN Governor Perpich created the Governor's Select Committee On Recycling and the Environment (SCORE) in 1988, in order to recommend a set of solutions to the problems of solid waste and litter reduction in Minnesota and ways to promote recycling. In 1989, the Legislature adopted legislation based on recommendations made by the SCORE Committee, which created a mechanism to help counties fund waste reduction, reuse, and recycling, as the counties are responsible per statute to manage waste. Among other things, SCORE statutes authorize state grants for recycling, managing problem materials, educating the public, and other related activities. Each county is required to provide matching funds of at least 25 percent of its SCORE grant and adhere to the requirements included in State Statute 115A.557 (<i>Attached</i>). Up until recently, the SCORE money was appropriated directly to counties, but starting in 2021 the state is requiring a signed agreement in order to receive the funds. This year's agreement has been extended to a 5-year term. The annual SCORE awards with this agreement are anticipated to be similar in amount to most recent prior years as follows: SCORE funds received in CY 2020 * \$ 160,672.00 SCORE funds received in CY 2019 * \$ 158,190.00 SCORE funds received in CY 2018 * \$ 155,800.00 SCORE funds received in CY 2017 * \$ 158,126.00 SCORE funds received in CY 2016 * \$ 158,469.00	
Attachment(s): • SCORE Grant Agreement FY22-26 • MN State Statutes 115A.557	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve the SCORE grant Agreement. The suggested motion is as follows: <i>“Move to approve and authorize the signature of the SCORE Grant Agreement FY 22-26 with the State of Minnesota.”</i>	

Implications of Action: Signing the Agreement, along with completing the corresponding requirements found in MN State Statute 115A.557, will enable Chisago County to continue to receive SCORE monies (acquired by the State through a tax on garbage and disbursed based on county population), which for 2020 amounted to \$160,546 for Chisago County. As noted, a 25% match is required.

Budget/Financial Implications: State SCORE funds make up a significant portion (24%) of the revenue for the Solid Waste (14-390) and HHW (14-392) budget. As noted, a 25% match from solid waste funds is required.

Legal/Policy Implications: The grant contract, once approved by the County Board, will be circulated electronically by the MPCA via DocuSign for signature by the County Board Chairperson with attestation by the Clerk. The instruction of the County Attorney's Office for retention purposes is to affix to the electronically signed document a copy of the signature page of the contract as to form. This Agreement is compliant with all Chisago County policies, as well as all Local, State, and Federal laws.

Administrator's Recommendation

Approve



Deny _____

Other _____

Motion By:

Seconded by:

To:

Action on Motion:

Aye _____

Nay _____

Abstain _____

SCORE GRANT AGREEMENT FY22-26

State of Minnesota
Doc Type: Contract/Grant Reference

SWIFT Contract Number:
AI:
Activity ID: PRO20210

A. COVERSHEET WITH SIGNATURES

1. County ("Grantee")	
Name	
2. County ("Grantee") Authorized Representative (SCORE Contact)	
Name	
Address	
City, State, Zip code	
Phone Number	
Email	

3. MPCA ("State") Authorized Representative	
Name	Cathy Latham or successor
Address	520 Lafayette Road North
City, State, ZIP	St. Paul, MN 55155
Phone	651-757-2466
Email	Cathy.latham@state.mn.us

4. County ("Grantee") Signature	
SIGNATURE OF OFFICIAL WITH AUTHORITY TO SIGN:	
NAME _____	
SIGNED _____	DATE: _____
I certify I have read the Grant agreement and will comply with all provisions including additional state, local, federal regulations and policies governing the funding that apply to my organization.	

B. GRANT AGREEMENT

1. Term of Grant Agreement

A. Effective date:

July 1, 2021, or the date the State obtains all required signatures, whichever is later.

B. Expiration date:

June 30, 2026, or until all obligations have been satisfactorily fulfilled, whichever occurs first.

C. Survival of Terms.

The following clauses survive the expiration or cancellation of this Grant agreement: Liability; State Audits; Government Data Practices and Intellectual Property; Publicity and Endorsement; Governing Law, Jurisdiction, and Venue; and Data Disclosure.

2. Grantee's Duties

The Grantee will carry out all duties under this agreement in accordance with Minn. Stat. § 115A.557.

3. Time

The Grantee must comply with all the time requirements described in this grant agreement. In the performance of this grant agreement, time is of the essence.

4. Conditions of Payment

All services provided by the Grantee under this grant agreement must be performed in accordance with Minn. Stat. § 115A.557 to the State's satisfaction, as determined by the State's Authorized Representative and in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations. The Grantee will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal, state, or local law.

5. Terms of Payment

Payment amounts will be distributed according to Minn. Stat. § 115A.557, Subd.1.

6. Assignment Amendments, Waiver, and Grant agreement Complete

A. Assignment

The Grantee shall neither assign nor transfer any rights or obligations under this grant agreement without the prior written consent of the State, approved by the same parties who executed and approved this grant agreement, or their successors in office.

B. Amendments

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

C. Waiver

If the State fails to enforce any provision of this grant agreement, that failure does not waive the provision or the State's right to enforce it.

D. Grant Agreement Complete

This grant agreement contains all negotiations and agreements between the State and the Grantee. No other understanding regarding this grant agreement, whether written or oral, may be used to bind either party.

7. Liability

Each party will be responsible for its own acts and behavior and the results thereof.

8. State Audits

Under Minn. Stat. § 16B.98, Subd.8, the Grantee's books, records, documents, and accounting procedures and practices of the Grantee or other party relevant to this grant agreement or transaction are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this grant agreement, receipt and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later.

9. Government Data Practices and Intellectual Property Rights

A. Government Data Practices

The Grantee and State must comply with the Minnesota Government Data Practices Act, [Minn. Stat. Ch. 13](#), as it applies to all data provided by the State under this grant agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee under this grant agreement. The civil remedies of [Minn. Stat. §13.08](#) apply to the release of the data referred to in this clause by either the Grantee or the State. If the Grantee receives a request to release the data referred to in this Clause, the Grantee must immediately notify the State. The State will give the Grantee instructions concerning the release of the data to the requesting party before the data is released. The Grantee's response to the request shall comply with applicable law.

B. Intellectual Property Rights

(a) Intellectual property rights. All rights, title, and interest in all of the intellectual property rights, including copyrights, patents, trade secrets, trademarks, and service marks in the Works and Documents created and paid for under this Grant shall be jointly owned by the Grantee and the State. Works means all inventions, improvements, discoveries (whether or not patentable), databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, and disks conceived, reduced to practice, created or originated by the Grantee, its employees, agents, and Contractors, either individually or jointly with others in the performance of this grant agreement. Works include "Documents." Documents are the originals of any databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, disks, or other materials, whether in tangible or electronic forms, prepared by the Grantee, its employees, agents, or subcontractors, in the performance of this grant agreement. The ownership interests of the State and the Grantee in the Works and Documents shall equal the ratio of each party's contributions to the total costs described in the budget of this grant agreement, except that the State's ownership interests in the Works and Documents shall not be less than fifty percent (50%). The party's ownership interest in the Works and Documents shall not be reduced by any royalties or revenues received from the sale of the products or the licensing or other activities arising from the use of the Works and Documents. Each party hereto shall, at the request of the other, execute all papers and perform all other acts necessary to transfer or record the appropriate ownership interests in the Works and Documents.

(b) Obligations.

(1) **Notification.** Whenever any invention, improvement, or discovery (whether or not patentable) is made or conceived for the first time or actually or constructively

reduced to practice by the Grantee, including its employees and subcontractors, in the performance of this grant agreement, the Grantee shall immediately give the State's Authorized Representative written notice thereof, and must promptly furnish the Authorized Representative with complete information and/or disclosure therein.

- (2) **Representation.** The Grantee must perform all acts, and take all steps necessary to ensure that all intellectual property rights in the Works and Documents are the joint property of the State and Grantee, and that neither Grantee nor its employees, agents, or subcontractors retain any interest in and to the Works and Documents. The Grantee represents and warrants that the Works and Documents do not and will not infringe upon any intellectual property rights of other persons or entities. Notwithstanding Clause Liability, the Grantee shall indemnify, defend, to the extent permitted by the Attorney General, and hold harmless the State, at the Grantee's expense, from any action or claim brought against the State to the extent that it is based on a claim that all or part of the Works or Documents infringe upon the intellectual property rights of others. The Grantee will be responsible for payment of any and all such claims, demands, obligations, liabilities, costs, and damages, including, but not limited to, attorney fees. If such a claim or action arises or in Grantee's or the State's opinion is likely to arise, the Grantee must, at the State's discretion, either procure for the State the right or license to use the intellectual property rights at issue or replace or modify the allegedly infringing Works or Documents as necessary and appropriate to obviate the infringement claim. This remedy of the State will be in addition to and not exclusive of other remedies provided by law.
- (3) **License.** The State hereby grants a limited, no-fee, noncommercial license to the Grantee to enable the Grantee's employees engaged in research and scholarly pursuits to make, have made, reproduce, modify, distribute, perform, and otherwise use the Works, including Documents, for research activities or to publish in scholarly or professional journals, provided that any existing or future intellectual property rights in the Works or Documents (including patents, licenses, trade or service marks, trade secrets, or copyrights) are not prejudiced or infringed upon, that the Minnesota Data Practices Act is complied with, and that individual rights to privacy are not violated. The Grantee shall indemnify and hold harmless the State for any claim or action based on the Grantee's use of the Works or Documents under the provisions of Clause 10.2(b)(2). Said license is subject to the State's publicity and acknowledgement requirements set forth in this grant agreement. The Grantee may reproduce and retain a copy of the Documents for research and academic use. The Grantee is responsible for security of the Grantee's copy of the Documents. A copy of any articles, materials or documents produced by the Grantee's employees, in any form, using or derived from the subject matter of this license, shall be promptly delivered without cost to the State.

10. 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 State 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 State's obligation or responsibility.

11. Publicity and Endorsement

A. Publicity

Any publicity regarding the subject matter of this grant agreement must identify the State as the sponsoring agency and must use the MPCA logo and language provided by the State'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 grant agreement. All projects primarily funded by state grant appropriations must publicly credit the State of Minnesota, including on the grantee's website when practicable.

B. Endorsement

The Grantee must not claim that the State endorses its products or services.

12. Governing Law, Jurisdiction, and Venue

Minnesota law, without regard to its choice-of-law provisions, governs this grant agreement. Venue for all legal proceedings out of this Grant agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

13. Termination

A. Termination by the State

The State may immediately terminate this grant agreement with or without cause, upon 30 days' written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.

B. Termination for Cause

The State may immediately terminate this grant agreement if the State finds that there has been a failure to comply with the provisions of this grant agreement, that reasonable progress has not been made or that the purposes for which the funds were granted have not been or will not be fulfilled. The State may take action to protect the interests of the State of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.

C. Termination for Insufficient Funding

The State may immediately terminate this grant agreement if:

- (a)** It does not obtain funding from the Minnesota Legislature
- (b)** Or, if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the Grantee. The State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if the contract is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. The State must provide the Grantee notice of the lack of funding within a reasonable time of the State's receiving that notice.

14. Data Disclosure

Under [Minn. Stat. § 270C.65](#), Subd. 3, and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Grantee to file state tax returns and pay delinquent state tax liabilities, if any.

15. Availability of Records

In the event a monitoring visit(s) is required by the State, the Grantee shall cooperate with the State and shall comply with the State's request for documentation and other information, before, during and/or after the visit(s).

Reviewed and Approved as to Form:

JANET REITER CHISAGO COUNTY ATTORNEY

By: 
Jeffrey B. Fuge, Assistant County Attorney
Date: June 18, 2021

Instructional Note from County Attorney's Office:

The original of this grant contract, once approved by the County Board, will be circulated electronically by the MPCA via DocuSign for signature by the County Board Chairperson with attestation by the Clerk. The instruction of the County Attorney's Office for retention purposes is to affix to the electronically signed document a copy of this page of this document that contains signature as to form.

115A.557 COUNTY WASTE REDUCTION AND RECYCLING FUNDING.

Subdivision 1. Distribution; formula. Any funds appropriated to the commissioner for the purpose of distribution to counties under this section must be distributed each fiscal year by the commissioner based on population, except a county may not receive less than \$55,000 in a fiscal year. If the amount available for distribution under this section is less or more than the amount available in fiscal year 2001, the minimum county payment under this section is reduced or increased proportionately. For purposes of this subdivision, "population" has the definition given in section 477A.011, subdivision 3. A county that participates in a multicounty district that manages solid waste and that has responsibility for recycling programs as authorized in section 115A.552, must pass through to the district's funds received by the county in excess of the minimum county payment under this section in proportion to the population of the county served by that district.

Subd. 2. Permissible expenditures. (a) A county receiving money distributed by the commissioner under this section may use the money only for the development and implementation of programs to:

- (1) reduce the amount of solid waste generated;
- (2) recycle the maximum amount of solid waste technically feasible;
- (3) create and support markets for recycled products;
- (4) remove problem materials from the solid waste stream and develop proper disposal options for them;
- (5) inform and educate all sectors of the public about proper solid waste management procedures;
- (6) provide technical assistance to public and private entities to ensure proper solid waste management;
- (7) provide educational, technical, and financial assistance for litter prevention;
- (8) process mixed municipal solid waste generated in the county at a resource recovery facility located in Minnesota;
- (9) compost source-separated compostable materials, including the provision of receptacles for residential composting;
- (10) prevent food waste or collect and transport food donated to humans or to be fed to animals; and
- (11) process source-separated compostable materials that are to be used to produce class I or class II compost, as defined in Minnesota Rules, part 7035.2836, after being processed in an anaerobic digester, but not to construct buildings or acquire equipment.

(b) Beginning in fiscal year 2015 and continuing thereafter, of any money distributed by the commissioner under this section to a metropolitan county, as defined in section 473.121, subdivision 4, that exceeds the amount the county was eligible to receive under this section in fiscal year 2014: (1) at least 50 percent must be expended on activities in paragraph (a), clauses (9) to (11); and (2) the remainder must be expended on activities in paragraph (a), clauses (1) to (7) and (9) to (11), that advance the county toward achieving its recycling goal under section 115A.551.

Subd. 3. Eligibility. (a) To be eligible to receive money distributed by the commissioner under this section, a county shall within one year of October 4, 1989:

- (1) create a separate account in its general fund to credit the money; and

(2) set up accounting procedures to ensure that money in the separate account is spent only for the purposes in subdivision 2.

(b) In each following year, each county shall also:

(1) have in place an approved solid waste management plan or master plan including a recycling implementation strategy under section 115A.551, subdivision 7, and a household hazardous waste management plan under section 115A.96, subdivision 6, by the dates specified in those provisions;

(2) submit a report by April 1 of each year to the commissioner, which may be submitted electronically and must be posted on the agency's website, detailing for the previous calendar year:

(i) how the money was spent including, but not limited to, specific recycling and composting activities undertaken to increase the county's proportion of solid waste recycled in order to achieve its recycling goal established in section 115A.551; specific information on the number of employees performing SCORE planning, oversight, and administration; the percentage of those employees' total work time allocated to SCORE planning, oversight, and administration; the specific duties and responsibilities of those employees; and the amount of staff salary for these SCORE duties and responsibilities of the employees; and

(ii) the resulting gains achieved in solid waste management practices; and

(3) provide evidence to the commissioner that local revenue equal to 25 percent of the money sought for distribution under this section will be spent for the purposes in subdivision 2.

(c) The commissioner shall withhold all or part of the funds to be distributed to a county under this section if the county fails to comply with this subdivision and subdivision 2.

Subd. 4. Report. The commissioner shall report on how the money was spent and the resulting statewide improvements in solid waste management to the senate and house of representatives committees having jurisdiction over ways and means, finance, environment and natural resources, and environment and natural resources finance. The report shall be included in the report required under section 115A.411.

History: 1Sp1989 c 1 art 19 s 1; 1991 c 337 s 26; 1992 c 593 art 1 s 17,54; 1994 c 585 s 13; 1994 c 639 art 5 s 3; 1995 c 247 art 1 s 19,20; 1996 c 470 s 27; 2000 c 490 art 10 s 1; 1Sp2001 c 2 s 125; 2002 c 374 art 6 s 2; 2004 c 284 art 2 s 11; 1Sp2005 c 1 art 2 s 161; 2009 c 37 art 1 s 42; 2012 c 272 s 69; 2014 c 312 art 13 s 28,29; 1Sp2015 c 4 art 4 s 109

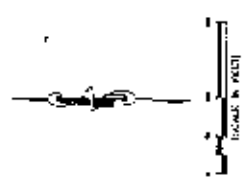
Chisago County Request for Board Action

Meeting Date: July 21, 2021	Item Number: 10
Title of Item for Consideration: Johnny & Brittany Mold Preliminary Plat "Dogwood Addition"	
Action Requested by: Kurt Schneider, Director	Department: Environmental Services on behalf of the Chisago County Planning Commission
Previous Action on this Matter: None	
Background: Johnny and Brittany Mold own the property at 49150 Dogwood Avenue and are seeking approval of a preliminary plat of their existing 15-acre tract into two lots to be known as Dogwood Addition. The subject property is in Nessel Township, 49150 Dogwood Avenue (PID #06.00553.00). At their meeting of July 1, 2021, 2021, the Planning Commission conducted the requisite public hearing and unanimously recommended approval of the request. The Nessel Township Board reviewed this request at their meeting of June 8, 2021, and recommended approval with no conditions. The 60-day review deadline is July 26, 2021. Attachment(s): - Dogwood Addition Preliminary Plat - 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 July 1, 2021, recommendation of the Chisago County Planning Commission to approve the Dogwood Addition preliminary plat. The suggested motion to approve this action is as follows: <i>"Move to Approve the Dogwood Addition Preliminary Plat located in Nessel Township, at 49150 Dogwood Avenue (PID #06.00553.00)."</i>	
Implications of Action: Recommended Board action would grant the requested Preliminary Plat in Nessel Township. Once prepared and reviewed, final plat approval will be requested of the Board. 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 _____

Preliminary Plat of DOGWOOD ADDITION

COUNTY OF CHICAGO
MENARD TOWNSHIP
SEC. 25, T. 37, R. 22



LEGEND
 1. All lots are subject to the provisions of the Chicago City Code, Chapter 42, Article 1, Section 1-1, which provides that all lots shall be used for the purposes specified in the City Code.

NOTES
 1. The lots are subject to the provisions of the Chicago City Code, Chapter 42, Article 1, Section 1-1, which provides that all lots shall be used for the purposes specified in the City Code.

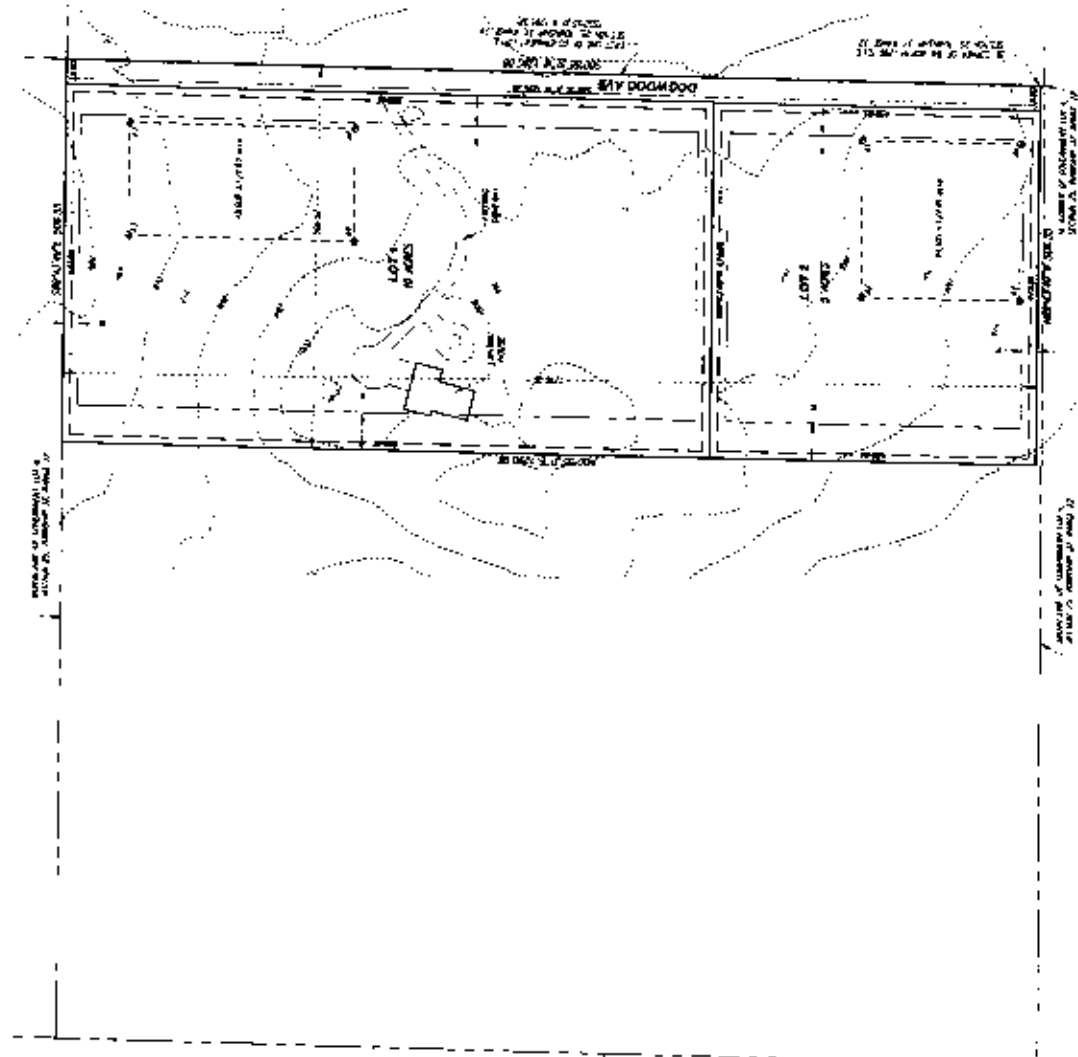
PROVISIONS OF CHICAGO CITY CODE
 The lots are subject to the provisions of the Chicago City Code, Chapter 42, Article 1, Section 1-1, which provides that all lots shall be used for the purposes specified in the City Code.

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LOT AREAS
 Lot 1 - 1000 square feet (approx. 1/4 acre)
 Lot 2 - 1000 square feet (approx. 1/4 acre)

LEGEND
 1. All lots are subject to the provisions of the Chicago City Code, Chapter 42, Article 1, Section 1-1, which provides that all lots shall be used for the purposes specified in the City Code.

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THESE LOTS ARE SUBJECT TO THE PROVISIONS OF THE CHICAGO CITY CODE, CHAPTER 42, ARTICLE 1, SECTION 1-1, WHICH PROVIDES THAT ALL LOTS SHALL BE USED FOR THE PURPOSES SPECIFIED IN THE CITY CODE.

SECTION 25, T. 37, R. 22
 CHICAGO COUNTY
 TWO SEALS



CHICAGO CITY CODE, CHAPTER 42, ARTICLE 1, SECTION 1-1

PROVISIONS OF CHICAGO CITY CODE

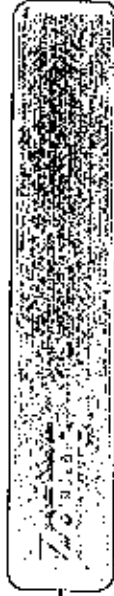
**MOLD
PRELIMINARY PLAT
"DOGWOOD ADDITION"**

**PARCEL ID#06.00553.00
NESSEL TOWNSHIP
49150 DOGWOOD AVENUE**

**Applicants:
Johnny & Brittany Mold**



SITE DETAILS



- AG - Agriculture

Overall Lot Size

- 15 acres

Subdivision

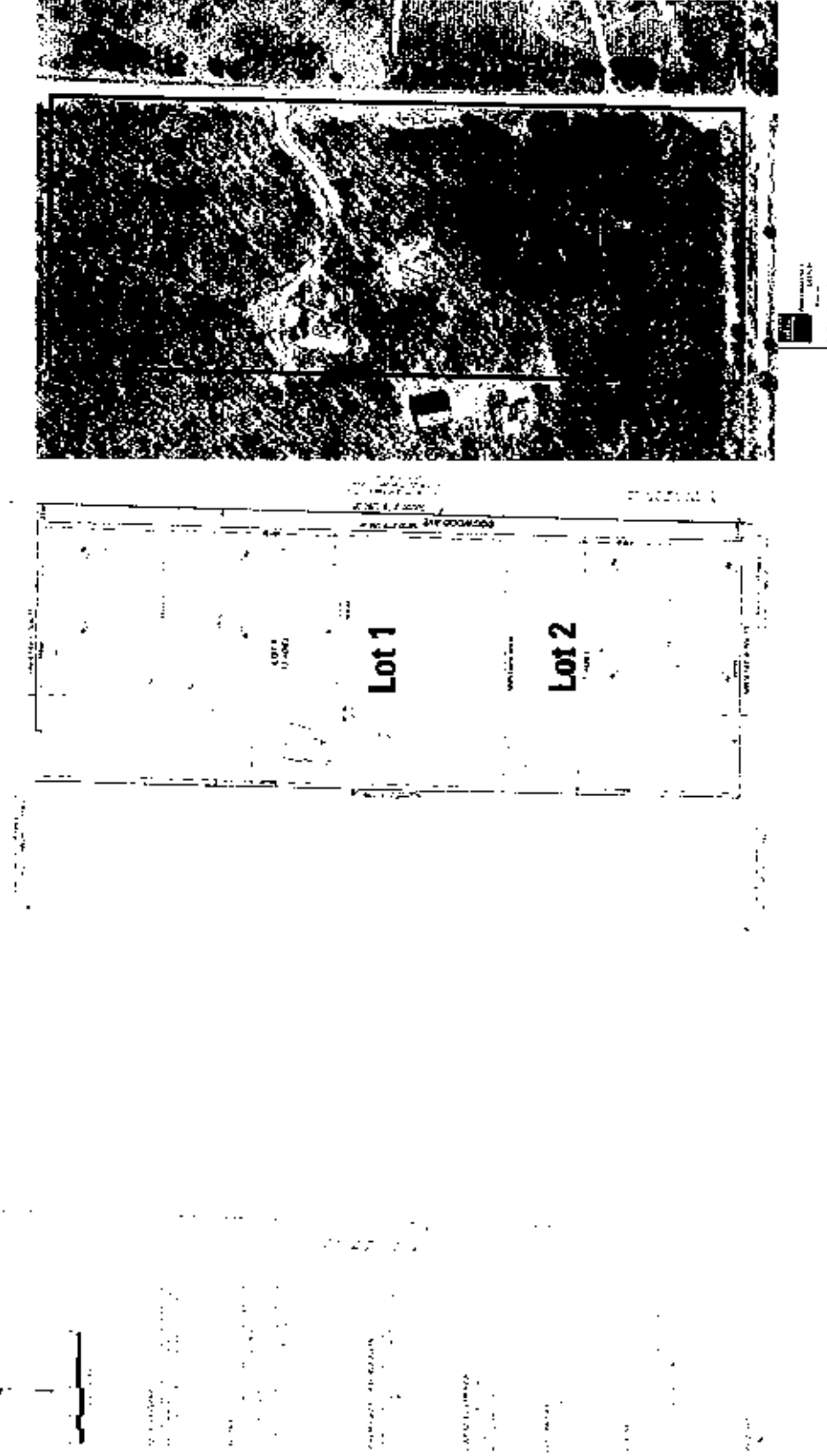
- Lot 1 – 10 acres (with dwelling)
- Lot 2 – 5 acres



SITE PLAN

COMMISSIONER OF
LANDS AND FOREST
REGISTRATION

Preliminary Plat of
DOGWOOD ADDITION



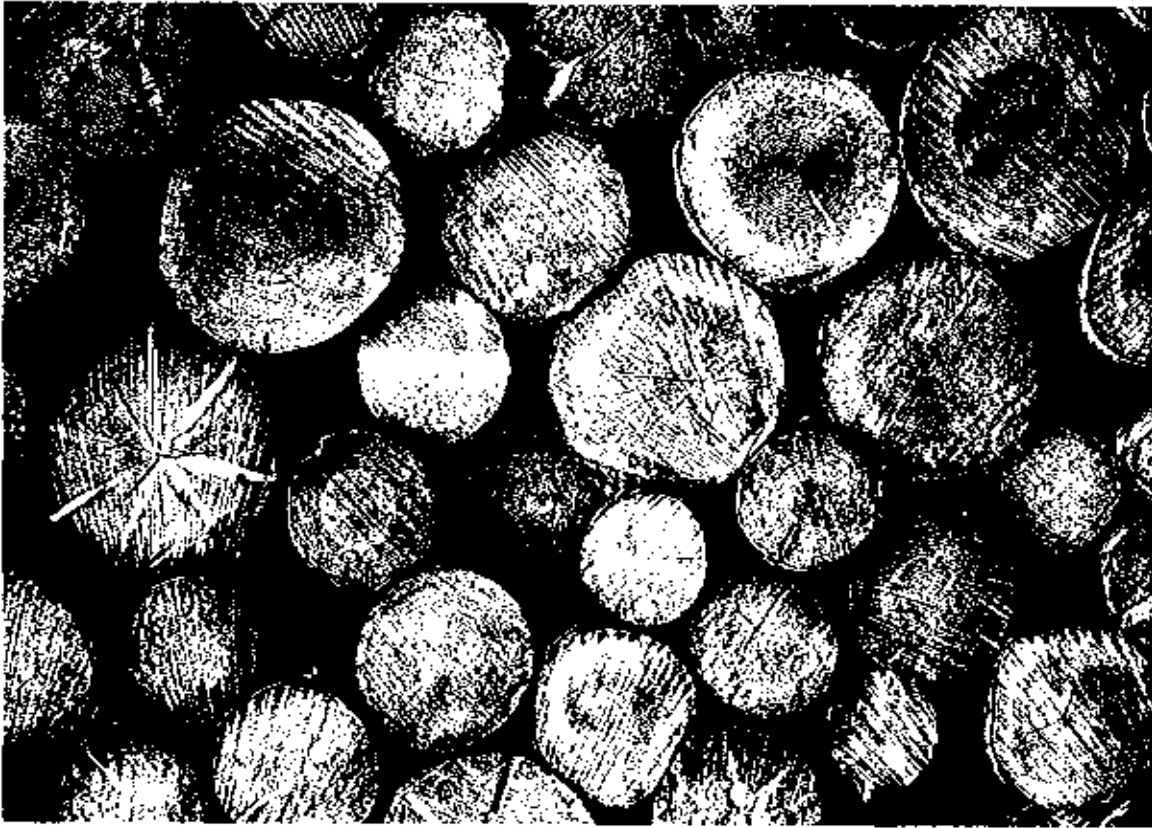
Proposed 2019-2020

	Lot Size	Lot Width	Lot Depth
AG Requirements	5 acres	300 feet	300 feet
Lot 1	10 acres	860 feet	473 feet
Lot 2	5 acres	430 feet	473 feet

The building is located in the
 Section Requirements Section
 for the minimum
 this Ordinance.

REVIEW & RECOMMENDATION

 Vessel Township Board	June 8, 2021 Approved with no conditions	Plat Review Committee	June 9, 2021 No concerns identified Parcels are not located in flood plain No severe slope conditions No wetlands exist Soils verified and accurate	60 – Day Deadline	July 26, 2021 Application deemed compete on May 27, 2021
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STAFF RECOMMENDATION

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

Approval of the Preliminary Plat "Dogwood Addition" as requested by Johnny and Brittany Mold – Property Owners, 49150 Dogwood Avenue, PID# 06.00553.00 for two residential lots as outlined in Staff's report with no conditions.



Staff Report

TO: Chisago County Planning Commission

FROM: Patty Perreault, Office Manager

DATE: June 15, 2021

RE: Johnny and Brittany Mold; Preliminary Plat "Dogwood Addition"
Nessel Township, Sec.25, T.37, R22 at 49150 Dogwood Ave. PID# 06.00553.00

Action to Consider

The Applicants are seeking approval of a preliminary plat, to be known as "Dogwood Addition", to subdivide a 15 acre tract into a five acre, and ten acre lot.

Property Background/Description

Mr. & Mrs. Mold own the property at 49150 Dogwood Ave and are seeking approval of a Preliminary Plat to create a new five acre and ten acre lot. The larger 10 acre parcel will retain the existing home and garage.

The property is zoned AG, Agricultural and is approximately 500 feet from a Natural Environment lake. Although other parcels exist between it and the protected waterbody the Shoreland Overlay District extends 1000 feet and therefore includes this parcel.



Site Plan/Proposal Analysis

The table below outlines the Agricultural dimensional requirements as well as the proposed dimensions for both parcels in the preliminary plat:

	Lot Size	Lot Width*	Lot Depth
AG Requirements	5 acres	300 feet	300 feet

Lot 1	10 acres	860 feet	473 feet
Lot 2	5 acres	430 feet	473 feet

**The lot width by definition is measured at the building setback line. The Subdivision Ordinance goes on to say in the Lot Requirements, Section 4.03 that "Each lot shall front upon a public street for the minimum lot width required, except as otherwise provided in this Ordinance."*

As proposed, both parcels comply with the County lot dimensional requirements.

As part of the review process, the Plat Review Committee met on June 9, 2021. The newly created parcels are not located in a flood plain and there are no severe slope conditions impacting the proposed development. There are no new roads as part of the proposal.

Additionally, the County Wetland Specialist has concurred with the wetland delineation performed by Jacobson Environmental, PLLC that no wetlands exist on the property.

Lastly, County staff has found the soil verification to be accurate and satisfactory. There are no other mandatory environmental reviews required and no other concerns identified as part of that review.

60-Day Agency Action

The application was deemed complete on May 27, 2021. The 60-day deadline would be July 26, 2021.

Township Recommendation

The Nessel Township Board reviewed the request at their meeting on June 8, 2021 and recommended approval with no conditions.

Staff Findings and Recommended Action to Consider

Following the review by the Plat Review Committee and Planning Staff, the proposed preliminary plat is determined to be in compliance with the Zoning and Subdivision ordinances as well as consistent with the intent of the Comprehensive Plan for Chisago County. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, Staff has provided below the following recommended motion for your consideration:

- **Approval** of the Preliminary Plat "Dogwood Addition" as requested by Johnny and Brittany Mold for two residential lots as outlined in Staff's report with no conditions.

Alternate Options

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

1. Recommend to the County Board *Move to Table Action* and extension of the initial 60-day period for required action on this Preliminary Plat application for up to an additional

30 days, so to allow for further review of the record and to make a decision on this application, as allowed under Minnesota State Statute 15.99 Subd. 3(f).

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

CC: Johnny and Brittany Mold, Applicant
County File

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
July 1, 2021 - **DRAFT**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, July 1, 2021 at the Chisago County Government Center.

Staff Present: Kurt Schneider; Environmental Services Director and Patty Perreault; Office Manager.

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

APPROVAL OF AGENDA – Motion to approve the agenda made by Frank Storm, second by John Sutcliffe. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Whitney, Sutcliffe, Storm, Froberg, Yeager, and Johnson. Nays, none.

APPROVAL OF MINUTES – Motion to approve the June 3, 2021 minutes by Jim Froberg, second by Dave Whitney. The motion was approved 7 - 0 with a roll call vote. Ayes: Yeager, Froberg, Storm, Sutcliffe, Whitney, McCarthy, 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 Frank Storm, second by Jim Froberg. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Whitney, Sutcliffe, Storm, Froberg, Yeager, and Johnson. Nays, none.

Meeting materials distributed in advance to the Planning Commission for their review included: Public Hearing Staff Reports with Attachments for Mold PID#06.00553.00. Staff Memo June 23, 2021 Public Hearing Draft Ordinance(s) Buildable Area Concept(s). Copies of all correspondence and meeting materials were made available for electronic distribution.

Public Hearing Items:

Johnny and Brittany Mold

Director Schneider presented background information on Mold's preliminary plat application for "Dogwood Addition". The parcel size is 15 acres, zoned Agricultural (AG), with proposed subdivision for a total of two lots. Lot 1 is ten acres with an existing dwelling and Lot 2 is five acres. Each lot meets the AG lot size, width and depth requirements. Technical Review was held on June 9, 2021 and no concerns were identified. Parcels are not located in the floodplain, no severe slope conditions, with no wetlands on the plat. Soils were verified and found accurate. There are no new roads as part of the proposal. Nessel Township Board recommended approval with no conditions at their June 8, 2021 meeting. Mr. and Mrs. Mold were present to address questions and concerns. Chair Johnson asked each Planning Commission member and Mr. Mold for additional questions and comments.

With no additional person wishing to speak, **motion** by John Sutcliffe to close the public hearing, second by Chuck Yeager, and carried unanimously. Each Planning Commission member was asked for additional questions and comments. **Motion** by Frank Storm to approve Preliminary Plat "Dogwood Addition" as requested by Johnny and Brittany Mold – Property Owners, 49150 Dogwood Avenue, PID# 06.00553.00 for two residential lots as outlined in the Staff's report, site plan, and narrative of record. Second by Jim Froberg.

The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Whitney, Sutcliffe, Storm, Froberg, Yeager, and Johnson. Nays, none.

Old Business:

Zoning Ordinance Review & Update

- One Acre Buildable & Septic

Draft Ordinance Amendment

Director Schneider provided a timeline of past action on the proposed language to remove and amend the one acre buildable requirement for a home site area alternative which began in November of 2020 with a draft presented in December, additional questions in January, a subcommittee in February, public hearing in March, continued work in April and May, and concepts reviewed and further modified in June. He pointed out that these amendments include changes to four ordinances, which are under review by the County Attorney's office, and while form and format have been approved, the review period remains open. The draft was presented:

Proposed Amendments to Zoning, Subdivision, Shoreland Management, and Subsurface Sewage Treatment Ordinances *SUMMARIZED* as follows:

1. **Remove and amend language in reference to parcels requiring minimum buildable area "one acre buildable"**
 - Removes current 1 foot to redoximorphic "mottled" soils specification totaling 43,560 sq. ft. (1 acre)
2. **Introduce a new Home Site Area definition and incorporate Home Site Area General Provisions and Home Site Area Specific Provisions**
 - Replace/Require 21,500 – 30,000 sq. ft. contiguous soils meeting desirable construction/soils/100-year flood contour and/or anticipated water level criteria
 - Requires survey / elevation and area study to implement
 - One work group proposal allows incorporation of Fill to create Home Site area; one proposal directs no Fill allowed requiring lot(s) in their natural state.
3. **Reduce the required Type 1 septic system area**
 - Reduce required area from 10,000 sq. ft. to 8,000 sq. ft. (two system sites @ 4,000 sq. ft. each)
 - Maintains natural 1 ft. separation to redoximorphic "mottled" soils State of MN requirement
4. **Allow Type 2 septic systems (holding tanks) for some uses; and**
 - Existing lots of record in support of accessory bldg. washrooms
 - Homes less than 1,000 sq. ft. & homes/cabins occupied less than 6 months per year
5. **Identify home construction soils correction/footing standards for unsuitable soils or water**
 - Presence of suitable soils required; outlines geotechnical engineer drainage system elements/foundation protection measures

Discussion followed regarding requiring a 30,000 square foot area vs. 21,500 square feet. Reducing septic area from 10,000 to 8,000 square feet, and footing or water corrections and engineering. **Motion** by Jim Froberg, second by Jim McCarthy to open the public hearing. The motion was approved 7 – 0 with a roll call vote. Ayes: Whitney, McCarthy, Yeager, Johnson, Sutcliffe, Storm, and Froberg. Nays: none.

Vince Charles, Sunrise Homes, spoke about his concern of a more restrictive requirement by changing from one acre buildable to the proposed Home Site Area and the elevation/flood plain requirement. He was against the 21,500 contiguous site and yard option and the proposed use of fill for creating buildable area. Joe

Charles of JC Homes, spoke and was also against the elevation requirement explaining that footings in the county are routinely placed within four feet of the water table, and this requirement would all but eliminate basements and split entry homes. Isanti County, which also has clay soils, he stated requires one foot above for the lowest floor or an engineered draitile system. They both spoke to the fact that the water table is seasonal meaning findings on digging a basement would vary greatly between April and August, and what the perceived highest water table would be besides mottled soil. Frank Storm made a *motion*, Chuck Yeager seconded to close the public hearing. Dave Whitney made a *motion* that the Chisago County Planning Commission recommend to the County Board the removal of the one acre buildable requirement and replace it with a Home Site Area including new septic system regulations which were drafted and distributed by county staff on June 18, 2021 – included in the motion is the amending language entitled Final HOME SITE AREA Ordinance changes to staff language which he emailed to staff and planning commission members on June 30, 2021 at 10:24 a.m. with 21,500 square feet, with fill allowed.

INSERT Of Commissioner Whitney's draft chages from email of 6/30/21-

DOCUMENT KEY:

- Staff Language of June 18, 2021
- New Language
- Deleted Staff Language of June 18, 2021

SECTION 4. GENERAL PROVISION

4.06 Yard Regulation

C. Home Site Area Standards

The following shall be required of all lots and parcels at time of subdivision and/or time of principal structure (home) construction permitting:

1. A land area measuring a minimum of 21,500 square feet which may be identified in its natural state or modified with clean fill and identified with soil boring and survey elevation study as determined by the County to support the following:
 - a. Contiguous 10,000 square foot principle building pad site that is:
 - i. A minimum of 2 feet above the 100 year flood contour and
 - ii. Two (2) feet above the highest anticipated water level and
 - iii. Meet the Building Requirements in Section 4.07
 - iv. 1 foot above highest encountered redoximorphic "mottled" soil elevation; or
 - v. A Minimum of 4 feet above highest anticipated water level as determined by piezometer data and soils report prepared by a civil geo-technical engineer.

4.07 Building Requirements

D. Soils Corrections Footing Stability

The following is highly recommended in the construction of principal residence including occupied homes/cabins prior to the digging of the lower level and/or footings:

1. A deep soil boring extending 2' below footings to analyze soil and water conditions within the Home Site Area or a piezometer report to determine that the water table is 2' or more below the footings and lower floor.

Jim Froberg seconded it. Roll Call, Ayes: Whitney, Sutcliffe, Johnson, Froberg. Naves: McCarthy, Yeager, Storm. Dave Whitney then explained due to issues that were raised during public comment, he'd suggest

minimum above 2 feet above 100 year flood and above highest water table and then the building requirements in 4.07. He would like to see instead of a requirement, that the county would highly recommend deep soil boring prior to digging the basement to analyze soil and water conditions. Jim McCarthy commented he would like to see a graduated approach based on the size of the parcel, perhaps 30,000 square feet for 5 acres or greater, and 21,500 square feet for smaller Rural Residential parcels. He wanted to clarify that the reason for the contiguous area was to allow for septic, yard and house instead of many small areas that meet the soil criteria. Chuck Yeager pointed out that requirement is split into two as the house/septic is key for the stringent requirements, with less stringent for yard. Dave Whitney then wanted to amend to clarify instead of two feet above footing, lower level – delete footings and just put lower level. Jim McCarthy asked to amend for AG and PAT to have a 30,000 square foot area, and smaller 21,500 for RR subdivisions. Dave Whitney said he would like a vote for those that don't feel comfortable accepting it. Chuck Yeager moved for a vote for Jim McCarthy's friendly amendment, second by Frank Storm. Roll Call vote: Ayes: McCarthy, Yeager, Storm. Nays: Whitney, Sutcliffe, Froberg, Johnson. Frank Storm stated he had issues with the language regarding modified clean fill, what the definition of that was, and what was or wasn't allowed by the PCA, especially in wetland or lowland areas. He wondered what comments were made by the County Engineer or Building Official regarding allowing this. Lastly, he was concerned whether or not staff would now make revisions based on tonight's discussion and bring back a final draft in August for review.

- **Accessory Structures**

Director Schneider presented the draft amendment to the ordinance to allow for the construction of an accessory structure to be built on vacant land prior to the construction of the principal house with a Conditional or Interim Use Permit with a defined expiration term for parcels of a certain size, for personal storage in the A, AP, and PAT Districts. Discussion followed regarding the IUP requirement and term limits as well as parcel size. Jim Froberg being for saving the structure moved to approve with an IUP for a term of three years, John Sutcliffe seconded. Frank Storm suggested a friendly amendment that the structure must be maintained in a usable condition or removed, Dave Whitney made motion for amendment, Jim McCarthy seconded it, and the motion was carried unanimously. Chuck Yeager moved to amend to remove 'on parcels x acres or greater in size', accepted and seconded by Jim McCarthy, carried unanimously. Director Schneider suggested reviewing "C. Commercial storage of recreational structures is prohibited. Personal storage of recreational structures must meet setbacks." There was some discussion of this section and whether or not it related to letting someone store their recreational vehicles in ones own accessory structure, and if this was a commercial use. (Clerk's note – this section of the ordinance was added to address the storage of recreational structures such as a fish house – to prevent a commercial outdoor storage yard of them, and so a personal off season fish house was not stored next to a property line, road, or lake during the summer). **Motion** by Frank Storm for staff to review the definition of commercial as it relates to this section, develop new language to allow for an accessory structure to remain after demolition of a house; and to bring back a draft of the ordinance with discussed changes at the next meeting, second by Jim McCarthy, passed unanimously.

- **Commercial Shooting Ranges**

Director Schneider discussed the ordinance that was presented to the Planning Commission and the new language proposed based on the comments from that meeting. Jim McCarthy brought up the noise issue and the fact that no outdoor shooting range would meet the state standard, with that and the fact that an outdoor range would not give neighbors a reasonable use of their property he would not support this as a change to the ordinance. Many members had mixed feelings about the use of rifles outdoors as they relate to noise. Jim McCarthy made a **motion** to develop an indoor range ordinance, Jim Froberg seconded it. After further discussion on the size of the property that would be

required, including Frank Storm pointing out the distances needed to site in a rifle, Jim Froberg removed his second if the motion was to exclude outdoor ranges. Dave Whitney seconded it if meant at this point they don't do both, as they can't make it work. Jim McCarthy clarified that his ***motion*** was to produce an indoor range ordinance to look at, a conditional use for indoor use. Dave Whitney seconded it. Ayes: Whitney, McCarthy, Yeager, Sutcliffe, Storm; Nays: Froberg, Johnson. John Sutcliffe made a ***motion*** to table this discussion until next month for shooting ranges, Storm seconded it and it carried unanimously.

Communications and Reports

County Commissioner DuBose provided a brief review of County Board items that included steps taken recently regarding broadband internet service.

Motion by Frank Storm to cancel the Planning Commission's July 15, 2021 Special Work Session, second by John Sutcliffe. The motion was approved 7 - 0 with a roll call vote. Ayes: Yeager, Froberg, Storm, Sutcliffe, Whitney, McCarthy, and Johnson. Nays, none.

ADJOURNMENT: There being no further business, ***motion*** by Jim Froberg and second by John Sutcliffe to adjourn. The motion was approved 7 - 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: July 21, 2021	Item Number: 11
Title of Item for Consideration: Ordinance Amendment Recommendation(s) – Home Site Area / 1 Acre Buildable Ordinances	
Action Requested by: Kurt Schneider, Director	Department: Environmental Services/Zoning - on behalf of the Chisago County Planning Commission
Previous Action on this Matter: On November 16, 2020 the County Board authorized the Chisago County Planning Commission carryout review of the Chisago County Zoning Ordinance Buildable Area Provisions and Subsurface Sewage Treatment Ordinance SSTS type provisions and present said review in the form of ordinance recommendations or other reports if so determined.	
Background: The Planning Commission began review of the “Buildable Area” provisions of the Zoning, Subdivision, Septic and Shoreland ordinances as part of their meeting of November 5, 2020 and has carried on monthly review to July 1, 2021. The attached Overview – Ordinance Amendments Hearing; Public Hearing; and Next Steps public hearing presentation slides provide summary of the Commissions progression of activities which concluded at their most recent July 1, 2021, public hearing. The Planning Commission process has culminated in multiple Ordinance Amendment recommendations as attached. At their meeting of July 1, 2021, the Commission recommended on a 4-3 vote to approve the attached ordinance amendments to the Zoning, Subdivision, SSTS, and Shoreland ordinances. Proposed Amendments are broadly summarized as follows: 1. Remove and amend language in reference to parcels requiring minimum buildable area “one acre buildable” • Removes current 1 foot to redoximorphic “mottled” soils specification totaling 43,560 sq. ft. (1 acre) standard for all building site / lot requirements. 2. Introduce a new Home Site Area definition and incorporate Home Site Area General Provisions and Home Site Area Specific Provisions • Require 21,500 contiguous soils meeting desirable construction/soils/100-year flood contour and/or anticipated water level criteria on all lots. • Allows incorporation of Fill to create Home Site area within a given property. 3. Reduce the required Type 1 septic system area • Reduces required natural lot area for septic from 10,000 sq. ft. to 8,000 sq. ft. (two system sites @ 4,000 sq. ft. each) • Maintains standard that said lot area must be in its natural state (no fill) and present minimum 1 ft. separation to redoximorphic “mottled” soils per State of MN requirement 4. Allow Type 2 septic systems (holding tanks) for some uses; and	

- Existing lots of record in support of accessory bldg. washrooms
 - Homes less than 1,000 sq. ft. & homes/cabins occupied less than 6 months per year
5. **Identify recommended home construction soils correction/footing standards for unsuitable soils or water**
- Recommends deep soil boring for principal residence; presence of suitable soils required; outlines geotechnical engineer drainage system elements/foundation protection measures

Attached are four (4) draft Ordinance Amendment documents approved as to form by the County Attorney's office and as reviewed and recommended by the Planning Commission for County Board consideration.

Attachment(s):

- Ordinance Amendment Public Hearing and Next Steps presentation slides (summary slides)
- Draft Zoning Ordinance Amendment Ord. No. 072121-1
- Draft SSTS Ordinance Amendment Ord. No. 072121-2
- Draft Subdivision Ordinance Amendment Ord. No. 072121-3
- Draft Shoreland Management Ordinance Amendment Ord. No. 072121-4

Action Requested/Recommended: It is respectfully requested that the Chisago County Board review the request of the Planning Commission to adopt each of the four (4) Ordinance Amendments as presented. The suggested motion(s) to approve these actions are presented as four (4) separate actions as follows:

Motion 1

"Move to Approve and Authorize Publication of Zoning Ordinance Amendment No. 072121-1 An Ordinance Amending Section 3. Definitions; Section 4 General Provisions; Section 5. Zoning District Provisions; Section 6. Special Management Overlay Districts; And Section 7. Performance Standards; Of The Chisago County Zoning Ordinance No. 08-3 By Amending And Removing Buildable Area Requirements And Adding Home Site Area Definition And Standards"

Motion 2

"Move to Approve and Authorize Publication of 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 Percolation Tested Soils Area And Holding Tank Allowance"

Motion 3

"Move To Approve And Authorize Publication Of Subdivision Ordinance Amendment No. 072121-3 An Ordinance Amending Section 1 General Provisions Of The Chisago County Subdivision Ordinance By Removing Buildable Area Requirements And Adding Home Site Area Requirements"

Motion 4

"Move To Approve And Authorize Publication Of Shoreland Ordinance Amendment No. 072121-4 An Ordinance Amending Section 7 Subdivision / Platting Provisions Of The Chisago County"

Shoreland Management Ordinance By Allowing Holding Tank Provisions

Implications of Action: Recommended Board action approves changes to four separate ordinances and has the net result of changing buildable area, subdivision and septic system policies of the County as so outlined.

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

Legal/Policy Implications: The Draft Ordinances have each been reviewed and approved as to form by the County Attorney's Office. Aside from form, the County Attorney's Office is of the opinion that the proposed language found at Section 4.07 D. 1. a. of Zoning Ordinance Amendment 072121-1 is likely unenforceable given its discretionary language. Additionally, the County Attorney's office has not compared language found in the entirety of Section 4.07 D. 2 against relevant provisions of the Building Code. Nonetheless, the County Attorney's Office is of the opinion that where such a conflict does arise then the provisions of the Building Code would, to the extent that such provisions apply, supersede application of Section 4.7. Said in another way, should application of Section 4.7 be more restrictive than a similar provision of the Building Code, the Section 4.7 would be applicable.

Administrator's Recommendation

Approve CB

Deny _____

Other _____

Motion By:

Seconded by:

To:

Action on Motion:

Aye _____

Nay _____

Abstain _____



Planning Commission

Buildable Area Process Overview

Overview – Ordinance Amendments Hearing

Discussion on Zoning Ordinance pertaining to One Acre Buildable, Septic, Subdivision and Shoreland Ordinances

November 5, 2020

November 16, 2020

December 3, 2020

January 7, 2021

Chair Johnson's
Recommendation to Replace
One Acre Buildable & Mottled
Soil Ordinance Requirements

County Board of Commissioners
Approved:

Planning Commission

Planning Commission

1. Remove One Acre Buildable
2. Follow State Septic System Construction Standards
3. Allow Type 1, 3, and 4
4. Allow holding tanks
5. Hold public hearing in November or as soon as possible

"Authorize the Chicago County Planning Commission Carryout Review of the Chicago County Zoning Ordinance Buildable Area Provisions and Subsurface Sewage Treatment Ordinance SSTS Type Provisions and Present Said Review in the Form of Ordinance Recommendations or Other Reports if so Determined."

To have **staff draft changes** to the affected ordinances based on Chair Johnson's memo, schedule a public hearing for February 2021. Solicit public and professional comments in February.

To have staff and a subcommittee **collect Planning Commission questions** on the septic and One Acre Buildable ordinances for the February Planning Commission meeting.



Overview Continued...

Discussion on Zoning Ordinance pertaining to One Acre Buildable, Septic, Subdivision and Shoreland Ordinances

February 4, 2021

March 4, 2021

April 1, 2021

May 6, 2021

June 3, 2021

Planning Commission

Planning Commission

Planning Commission

Planning Commission

Planning Commission

To hold a public hearing to seek public comment on one acre buildable and septic as questions are being answered by list of experts.

Subcommittee can work with staff to compile information and responses and hearing notice.

Public Hearing to seek public feedback pertaining to One Acre Buildable and Septic system types.

Motion to remove One Acre Buildable from all ordinances and create a new buildable site requirement.

Motion to rescind the removal of One Acre Buildable – defeated for lack of an affirmative vote. *Legal opinion on April 8, 2021.

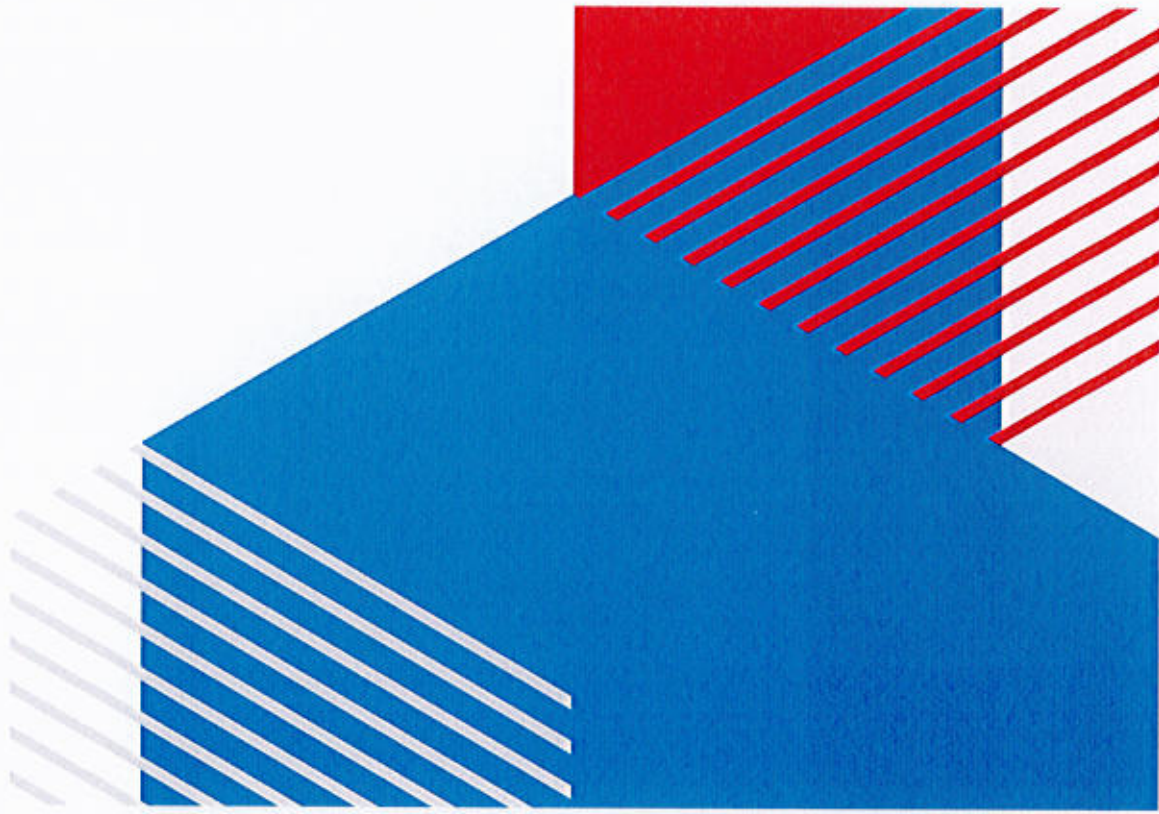
Working Group has been meeting and discussing new buildable site requirements and has not reached consensus.

Full Commission **Review of Working Group Concepts** from members Dave Whitney and Jim McCarthy.

Directed staff to draft Ordinance(s) - Moved to schedule **Public Hearing for July 1, 2021**

Established Working Group to develop new buildable site requirement





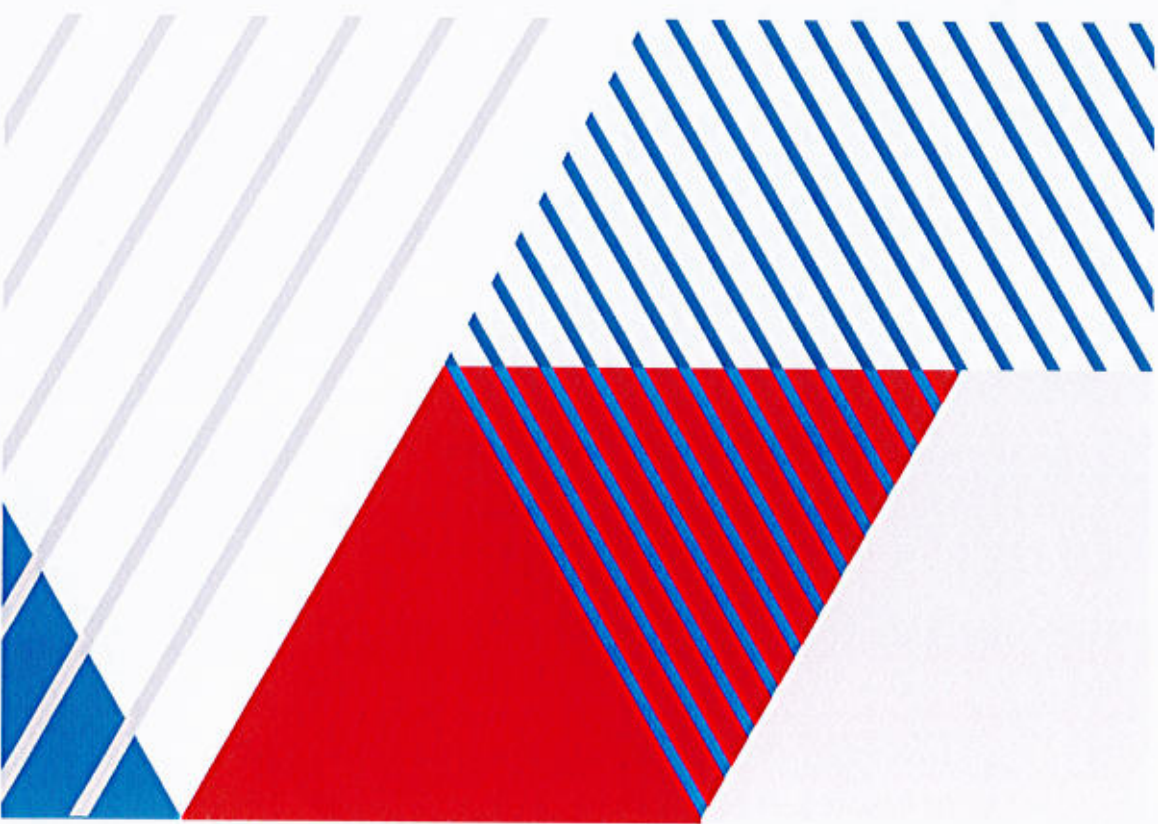
Public Hearing – July 1, 2021

Proposed Amendments to Zoning, Subdivision, Shoreland Management, and Subsurface Sewage Treatment Ordinances *SUMMARIZED* as follows:

- 1. Remove and amend language in reference to parcels requiring minimum buildable area "one acre buildable"**
 - Removes current 1 foot to redoximorphic "mottled" soils specification totaling 43,560 sq. ft. (1 acre)
- 2. Introduce a new Home Site Area definition and incorporate Home Site Area General Provisions and Home Site Area Specific Provisions**
 - Replace/Require 21,500 – 30,000 sq. ft. contiguous soils meeting desirable construction/soils/100-year flood contour and/or anticipated water level criteria
 - Requires survey / elevation and area study to implement
 - One work group proposal allows incorporation of Fill to create Home Site area; one proposal directs no Fill allowed requiring lot(s) in their natural state.
- 3. Reduce the required Type 1 septic system area**
 - Reduce required area from 10,000 sq. ft. to 8,000 sq. ft. (two system sites @ 4,000 sq. ft. each)
 - Maintains natural 1 ft. separation to redoximorphic "mottled" soils State of MN requirement
- 4. Allow Type 2 septic systems (holding tanks) for some uses; and**
 - Existing lots of record in support of accessory bldg. washrooms
 - Homes less than 1,000 sq. ft. & homes/cabins occupied less than 6 months per year
- 5. Identify home construction soils correction/footing standards for unsuitable soils or water**
 - Presence of suitable soils required; outlines geotechnical engineer drainage system elements/foundation protection measures

Next Steps

1. Conduct Public Hearing
2. Commission Deliberation
3. Commission Recommendation
4. County Board Receives Recommendation



**CHISAGO COUNTY
STATE OF MINNESOTA ORDINANCE NO. 072121-1**

AN ORDINANCE AMENDING SECTION 3. DEFINITIONS; SECTION 4 GENERAL PROVISIONS; SECTION 5. ZONING DISTRICT PROVISIONS; SECTION 6. SPECIAL MANAGEMENT OVERLAY DISTRICTS; AND SECTION 7. PERFORMANCE STANDARDS; OF THE CHISAGO COUNTY ZONING ORDINANCE NO. 08-3 BY AMENDING AND REMOVING BUILDABLE AREA REQUIREMENTS AND ADDING HOME SITE AREA DEFINITION AND STANDARDS AS FOLLOWS.

SECTION 3. DEFINITIONS

Buildable Area

An area of land excluding slopes greater than eighteen percent (18%), surface waters, wetlands or flood plains ~~and where the depth to mottled soils is at least one (1) foot.~~

Home Site Area

A minimum contiguous area of land required on each newly created lot intended to provide suitable building pad, home location, garage, and yard area and which may or may not also include an additional or separately identified area of undisturbed soils measuring 12" to redoximorphic features deemed suitable for a Type 1 Septic System.

SECTION 4. GENERAL PROVISIONS

4.06 Yard Regulation

C. Home Site Area Standards.

The following shall be required of all lots and parcels at time of subdivision and/or time of principal structure (home) construction permitting:

1. A land area measuring a minimum of 21,500 square feet which may be identified in its natural state or modified with clean fill and identified with soil boring and survey elevation study as determined by the County to support the following:

- a. Contiguous 10,000 square foot principal building pad site that is:
 - i. A minimum of 2 feet above the 100-year flood contour; and
 - ii. Two (2) feet above the highest anticipated water level and
 - iii. Meet the Building Requirements in Section 4.07
- b. 11,500 square foot yard site:
 - i. Above the 100 year flood contour
 - ii. A minimum of 5,000 sq. ft. shall be contiguous with the principal building pad site.
2. Designated Subsurface Sewage Treatment System areas may be located within the identified building pad or yard site area(s) or documented elsewhere on the property and designed and constructed in accordance with the Chisago County Subsurface Sewage Treatment Ordinance.

4.07 Building Requirements

D. Soils Corrections Footing Stability

1. The following is highly recommended in the construction of principal residence including occupied homes/cabins prior to the digging of the lower level and/or footings:
 - a. A deep soil boring extending 2 feet below footings to analyze soil and water conditions within the Home Site Area or Piezometer report to determine that the water table is 2 feet or more below the footings and lower floor.
2. The following shall be required in the construction of principal residences including occupied homes/cabins.
 - a. Footing construction shall require the presence of suitable soils as determined by the County Building Official in accordance with the State Building Code. Soils deemed unsuitable shall be removed and replaced with properly composed and compacted soils at the direction of the Building Official or upon certification and approval of footing, foundation, and lower level construction plans by a licensed/certified geotechnical engineer.
 - b. In the event water is encountered at the time of footing or foundation construction, a geotechnical engineer must present a groundwater drainage system and/or water diversion plan suitable to secure the long-term stability of the foundation and keep the structure moisture free. Said plan shall be required and implemented at the direction of the County Building Official.

SECTION 5 ZONING DISTRICT PROVISIONS

5.07 Agricultural Preservation District (AP)

C. Permitted Uses.

1. Agricultural uses and accessory structures.
2. A maximum density of one single family dwelling per forty (40) acres. ~~with a minimum buildable lot area of one (1) acre, containing a minimum Home Site Area as prescribed in Section 4.06.~~
3. Home occupations in accordance with Section 4.04

5.13 Rural Transit Center

B. Permitted Uses.

1. Single family dwellings and accessory structures subject to the following provisions:
 - a. Dwelling sites shall not exceed a maximum density of eight (8) residential lots per forty (40) acres.
 - b. Each parcel shall contain a minimum Home Site Area as prescribed in Section 4.06. ~~buildable area of one (1) acre.~~
 - c. The lot upon which the dwelling is located shall have frontage on a public road, or access approved as part of a conservation subdivision or planned unit development.
 - d. A dwelling located on a parcel meeting the conditions of Section 4.10 F. of the Lent Township Zoning Ordinance may be permitted access via a private road easement access strip which is a minimum of two (2) rods in width.
 - e. An parcel less than five (5) acres in size will be subject to the requirements of Section 7.19 of the Lent Township Zoning Ordinance.

5.15 Dimensional Standards

ZONING DISTRICT							
	AP	A	RR-II	RR-I	UR	RVC	PAT
Minimum Lot Area ¹	40 acres	5 acres	2 acres	1 acre	20,000 SF	1 acre	20 acres
Minimum <u>Home Site Area</u> ~~Buildable Area~~	~~1-acre~~ <u>21,500 SF</u>	~~1-acre~~ <u>21,500 SF</u>	~~1-acre~~ <u>21,500 SF</u>	~~1-acre~~ <u>21,500 SF</u>	~~20,000 SF~~ <u>20,000 SF**</u>	~~1-acre~~ <u>21,500 SF</u>	~~1-acre~~ <u>21,500 SF</u>

Minimum Lot Width ¹	300'	300'	200'	200'	100'	200'	300'
Minimum Lot Depth ¹	300'	300'	200'	200'	150'	200'	300'
**Required Yard Area reduced to correspond with minimum lot area.							
Minimum Setbacks from Centerline of:							
-County Roads	135'	135'	135'	135'	135'	-	135'
-C.S.A.H. and State Highways	135'	135'	135'	135'	135'	-	135'
Minimum Setbacks Measured from Right of Way:							
County and C.S.A.H.						0	
-Township Roads	40'	40'	40'	40'	40'	0	40'
-Highway 8	150'	150'	150'	150'	150'	150'	150'
Minimum Side Yard Setbacks:						10'	
Ag structures	40'	40'	40'	-	-	-	40'
Dwelling and Att'd. Garage	40'	20'	10'	10'	10'	-	20'
Detached Non-Ag Accessory Structures -	40'	20'	5'	5'	5'	-	20'
Minimum Rear Yard Setbacks	50'	50'	25'	25'	25'	30'	30'
Maximum Height of Non -Ag Structures	35'	35'	35'	35'	35'	35'	35'

¹ Lot size and dimensions may be reduced in all districts except PA1 in accordance with Sections 7.18 and/or 7.19.

SECTION 6. SPECIAL MANAGEMENT OVERLAY DISTRICTS

6.09 Sunrise Lake Overlay (SLO)

D. Conditional Uses.

Uses allowed by Conditional Use Permit shall be limited to the following:

1. In-home haircutting and hair care services in accordance with Section 4.04.
2. Bed and breakfast inns, subject to the following requirements:
 - a. Structures have been determined by the County Board to be of historical or architectural significance.
 - b. The inn is operated as an accessory use consistent with the performance standards in Section 4.04 D.
 - c. The inn contains no more than four guest quarters.

- d. Meal service is limited to guests and is limited to either breakfast or brunch.
- E. Lot size.
The minimum lot size shall be five (5) acres with a minimum ~~buildable area of one (1) acre~~ Home Site Area as prescribed in Section 4.06 (See also Section 6.10).

SECTION 7 PERFORMANCE STANDARDS

7.18 Subdivision and Clustering Option

- B. Density and Lot Requirements.
The density of development shall not exceed one (1.5) homes per five (5) acres of gross land area unless the subdivision is served by community utility systems. Land used to determine maximum building eligibility must be contiguous and under single control. Any lot without a community pretreatment sewer system and community water supply system shall have a minimum Home Site Area as prescribed in Section 4.06 ~~one (1) acre buildable area~~. Any lot less than five (5) acres in size shall meet the requirements of one of the clustering options listed in 7.18D or 7.18E.
- C. Development Density Calculation.
In any Standard Clustering Option subdivision, the maximum density shall be determined by creating a conventional five-acre lot layout concept for the land to be subdivided. The conceptual layout shall be prepared by the subdivider and shall be consistent with the minimum lot area, lot dimension, and street frontage and minimum Home Site Area as prescribed in Section 4.06 ~~buildable area~~ requirement of this Ordinance. The Zoning Administrator shall determine the total number of buildable lots for the area to be subdivided on the basis of the conceptual layout and requirements of this Ordinance. The total number of residential lots eligible under the Standard Clustering Option shall be based upon this determination. The number based upon this determination will also be utilized to calculate the density within a Clustering Option with Community Utility Systems (7.18 E.)
- D. Standard Clustering Option.
The five (5) acre minimum lot size requirement in the (A) District may be reduced to one (1) acre, subject to the following conditions:
 - 1. The minimum Home Site Area as prescribed in Section 4.06 ~~buildable area is one (1) acre~~.
 - 2. The minimum lot width is two hundred (200) feet.
 - 3. A covenant, deed restriction or development contract is recorded against the subdivided property and all property included in the development density calculation to verify the building eligibility of all land involved in the subdivision or density calculation. The principal tool for protecting open space areas shall be a conservation easement. The conservation

easement shall be recorded against the open space as reviewed and approved by the Planning Commission and County Board.

4. A conservation easement is provided as required by Subdivision D3
5. Private road easements may be approved to provide access to a single parcel which has no public street frontage and meets all other requirements of this Ordinance. Such easements must be a minimum of two (2) rods in width.
6. The total number of lots in the clustered subdivision is consistent with the criteria established in Section 7.18C.
7. Private communal utility systems may be considered by the County in lieu of private individual systems.

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

Review and approval as to form:

JANET REITER
CHISAGO COUNTY ATTORNEY

By: 

Jeffrey B. Fuge, Assistant County Attorney
Dated: July 14, 2021

**CHISAGO COUNTY
STATE OF MINNESOTA ORDINANCE 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 PERCOLATION
TESTED SOILS AREA AND HOLDING TANK ALLOWANCE AS FOLLOWS.**

SECTION

6 GENERAL REQUIREMENTS

6.02 Minimum Soil Test Area Requirements

D. All lots created after July 16, 1997 shall require ~~one acre of buildable soil (as defined by the Chisago County Zoning Ordinance) to be identified on each lot, in addition to 10,000~~ 8,000 square feet of percolation tested soils, which are suitable for a Type I SSTS and reserved as one 4,000 sq. ft. contiguous area primary and one 4,000 sq. ft. contiguous area secondary SSTS installation site. The Type I septic system soils areas shall be the preferred SSTS installation location on each lot. If a Type I system is not chosen to be installed a Type 3 or 4 SSTS designed and certified by a licensed MPCA designer may be proposed and permitted.

E. At any time that new construction is proposed on property previously undeveloped for residential purposes, site conditions and soils capable of supporting a Type I SSTS shall be proven to exist. Existing lots of record may be allowed Type 2 SSTS (holding tanks) in support of accessory building wash rooms/bathrooms only (no living or sleeping quarters), homes less than 1,000 sq. ft., and homes/cabins occupied less than 6 months per year if deemed compliant with underlying zoning as determined by the County and guaranteed pumping and monitoring and 6 month occupancy agreements are filed and kept current with the County.

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

Review and approval as to form:

JANET REITER
CHISAGO COUNTY ATTORNEY


By: _____

Jeffrey B. Fuge, Assistant County Attorney
Dated: July 14, 2021

**CHISAGO COUNTY
STATE OF MINNESOTA ORDINANCE NO. 072121-3**

**AN ORDINANCE AMENDING SECTION 1 GENERAL PROVISIONS OF THE
CHISAGO COUNTY SUBDIVISION ORDINANCE BY REMOVING BUILDABLE
AREA REQUIREMENTS AND ADDING HOME SITE AREA REQUIREMENTS AS
FOLLOWS.**

SECTION 1 - GENERAL PROVISIONS

1.06 Platting Required

No parcel of land shall be permitted to be conveyed by metes and bounds description after June 1, 1999, except in accordance with the circumstances and provisions described below:

- A. The parcel is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet in any dimension, and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in are or 500 feet in width;
- B. The parcel is created by "minor subdivision" which shall be defined as the separation of a single parcel of land separated from an original parent parcel, when the following circumstances exist:
 - 1. The new parcel is not less than five acres in size, with a minimum width of 300 feet fronting on a public road;
 - 2. The minor subdivision is for the purpose of separating a residence and accessory buildings from the balance of the larger parcel, provided that:
 - a. The residence and buildings existed upon the date of enactment of this ordinance June 1, 1999.)
 - b. The minor subdivision results in no substandard yard and/or

structure setback, other substandard dimensional element, or any new nonconformity;

3. The resulting remainder parcel is not less than 20 acres in size, and/or 500 feet in width;
4. A minimum Home Site Area as prescribed in the Chisago County Zoning Ordinance ~~of one acre of buildable land~~ is identified on the property or demonstrated viable thru the importing of clean fill exist-or on the newly created residential parcel;
5. The new parcel is surveyed and legally described by a Minnesota –licensed land surveyor;
6. The certificate of survey and legal description are presented to the Department of Environmental Services for zoning approval;
7. The certificate of survey and legal description are recorded at the office of the Chisago County Recorder.

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

Review and approval as to form:

JANET REITER
CHISAGO COUNTY ATTORNEY

By: 

Jeffrey B. Fuge, Assistant County Attorney
Dated: July 14, 2021

**CHISAGO COUNTY
STATE OF MINNESOTA ORDINANCE NO. 072121-4**

**AN ORDINANCE AMENDING SECTION 7 SUBDIVISION / PLATTING PROVISIONS
OF THE CHISAGO COUNTY SHORELAND MANAGEMENT ORDINANCE BY
ALLOWING HOLDING TANK PROVISIONS AS FOLLOWS.**

SECTION

7.0 SUBDIVISION / PLATTING PROVISIONS

7.2 Consistency with Other Controls.

Subdivisions must conform to all official controls of the County. A subdivision will not be approved where later variances from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with Sections 5.2 and 6.0 can be provided for every lot. Each lot shall meet the minimum lot size requirements of Section 5.1, including at least a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved. Existing lots of record may be allowed Type 2 SSTS (holding tanks) in support of accessory building wash rooms/bathrooms only (no living or sleeping quarters), homes less than 1,000 sq. ft., and homes/cabins occupied less than 6 months per year if deemed compliant with underlying zoning as determined by the County and guaranteed pumping and monitoring and 6 month occupancy agreements are filed and kept current with the County.

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

Review and approval as to form:

JANET REITER
CHISAGO COUNTY ATTORNEY

By: 

Jeffrey B. Fuge, Assistant County Attorney
Dated: July 14, 2021

Chisago County Request for Board Action

Meeting Date: July 21, 2021	Item Number: 12
Title of Item for Consideration: Report and Recommendations from the July 13, 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 July 13th Budget and Finance Meeting. Of note are the following, items, along with any recommended Board actions: FY 2022 Department Operating Budget Presentations: The B/F Committee received the 2022 Operating Budget proposals from the following departments: Recorder, Assessor, Environmental Services, HHS, Sheriff, and the County's partners (ECRLB, U of MN Extension, etc.). These are preliminary discussions, and nothing has been decided. Additional 2022 budget workshops can be added for supplemental discussion. Capital Improvement Plan requests will need an additional meeting time.	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board accept the July 13th Budget and Finance Report. Recommended Board Action, if any, may be undertaken via the above individual motions or via the following encompassing motion: <i>"Move to accept the July 13th Budget and Finance Report."</i>	
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	Deny _____
Other _____	
Motion By:	Seconded by:
To:	

Action on Motion:	Aye _____	Nay _____	Abstain _____
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Chisago County Request for Board Action

Meeting Date: July 21, 2021	Item Number: 13
Title of Item for Consideration: Out of State Travel Request – Jake Thompson, Emergency Communications Manager, San Antonio, TX	
Action Requested by: Jon Eckel	Department: D.E.S.
Previous Action on this Matter: N/A	
Background: Due to the complexity of the ARMER system and the need to keep current on training and technology, it is requested that Jake Thompson, Emergency Communications Manager, attend the National APCO conference and the Motorola trunked user group meetings. The training is happening in San Antonio, TX from August 14-21, 2021. This training is budgeted. Attachment(s): Out of State Travel Request form	
Action Requested/Recommended: The County Board is respectfully requested to approve. The following motion is suggested: <i>“Move to authorize out of state travel for Emergency Communications Manager Jake Thompson to attend the National APCO conference and the Motorola Trunked User Group meetings in San Antonio, Texas, August 14-21st.”</i>	
Implications of Action: The ARMER radio system is a complex system that requires ongoing training and the understanding of current and future technology paths as it relates to the ARMER system. This training will better prepare staff to support the needs of the Chisago County public safety users. Budget/Financial Implications: In the ARMER budget. Legal/Policy Implications: The proposed activities are in general conformity with applicable state statutes and County authority and policies.	
Administrator's Recommendation	
Approve <u>CLS</u>	Deny _____
Other _____	
Motion By:	Seconded by:
To:	
Action on Motion:	Aye _____
	Nay _____
	Abstain _____

Chisago County Out-of-State Travel Request

Date Submitted	5/24/2021		
Employee Name	Jake Thompson		
Department	Enterprise Services		
Destination	<u>San Antonio, TX</u>		
Purpose of Travel	National APCO Conference & National Motorola Trunked User Group Meeting		
Departure Date	8/14/2021		
Return Date	8/21/2021		
Total Travel Expenses	\$1,688.00		
Supervisor Name (PRINT)	Jon Eckel		
Supervisor's Signature			
County Board Signature		Date Approved	7-12-2020
		Date Approved	

Anticipated Expenses

Type of Expense	Description of Expense	Daily Expenses (Except Airfare)	# of Days	Total Expenses
Airfare		\$400.00		\$400.00
Ground Transportation			1	\$0.00
Conference/Registration Fees		\$420.00	1	\$420.00
Lodging		\$124.00	7	\$868.00
Meals			1	\$0.00
Mileage			1	\$0.00
Grand Total				\$1,688.00

Chisago County Request for Board Action

Meeting Date: July 21, 2021	Item Number: 14
Title of Item for Consideration: Out of State Travel Approval – Pro Phoenix Conference	
Action Requested by: Sheriff Brandon Thyen	Department: Chisago County Sheriff's Office
Previous Action on this Matter: The County Board has previously heard these requests for staff to attend this training in year's past.	
Background: ProPhoenix is the Records Management and Computer Aided Dispatch program that the Chisago County Sheriff's utilizes. This is used by all licensed and non-licensed staff on a daily basis. This conference discusses new features, future progress and planning and provides training to the administrative leaders with our agency at this conference.	
Attachment(s): Out-of-State Travel Requests for 5 CCSO Staff	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approval. The suggested motion is as follows: <i>"Move to approve the out-of-state travel requests for the Pro Phoenix Conference in Wisconsin Dells, WI."</i>	
Implications of Action: This training and conference is an offering that is very beneficial for the ongoing usage of this system, which affects all facets of the Sheriff's Office including patrol, investigations, records, jail staff, and dispatch.	
Budget/Financial Implications: Early registration lessens the registration fee and there is a conference rate for the lodging. The fees associated with attending are budgeted expenses.	
Legal/Policy Implications: The proposed activities are in compliance with all applicable County policies and procedures.	
Administrator's Recommendation	
Approve	Deny _____
Other _____	
Motion By: _____	Seconded by: _____
To: _____	
Action on Motion:	Aye _____ Nay _____ Abstain _____

Chisago County Out-of-State Travel Request

Date Submitted
Employee Name
Department

7/12/2021

Chisago County Sheriff's Office

Destination

1305 Kalahan Drive, Wisconsin Dells, WI 53965

Purpose of Travel

Pro Phoenix Conference

Departure Date
Return Date

9/27/2021
9/30/2021

Total Travel Expenses

\$841.00

Supervisor Name (PRINT)

Brandon Thyen

Supervisor's Signature

[Signature]

County Board Signature

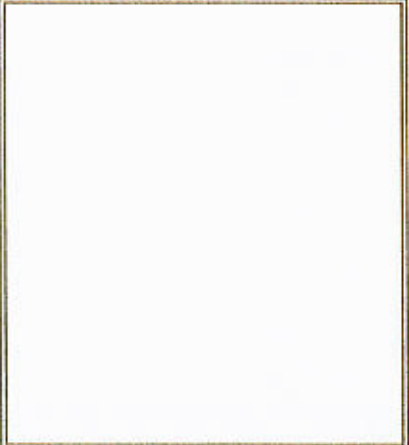
Date Approved

Date Approved

Anticipated Expenses

Type of Expense	Daily Expenses (Except Airfare)	# of Days	Total Expenses
Airfare		1	\$0.00
Ground Transportation		1	\$0.00
Conference/Registration Fees	\$595.00	1	\$595.00
Lodging	\$246.00	1	\$246.00
Meals		1	\$0.00
Mileage		1	\$0.00
Grand Total			\$841.00

Chisago County Out-of-State Travel Request

Date Submitted	7.12.2021	
Employee Name	[Redacted]	
Department	Sheriff's Office	
Destination	1305 Kalahari Drive, Wisconsin Dells, WI 53965	
Purpose of Travel	Training - ProPhoenix Conference	
Departure Date	9/24/2021	
Return Date	9/30/2021	
Total Travel Expenses	\$841.00	
Supervisor Name (PRINT)	Brandon Thye	
Supervisor's Signature		
County Board Signature		
	Date Approved	
	Date Approved	

Anticipated Expenses

Type of Expense	Description of Expense	Daily Expenses (Except Airfare)	# of Days	Total Expenses
Airfare		\$0.00		\$0.00
Ground Transportation		\$0.00	1	\$0.00
Conference/Registration Fees		\$595.00	1	\$595.00
Lodging		\$246.00	1	\$246.00
Meals		\$0.00	1	\$0.00
Mileage		\$0.00	1	\$0.00
Grand Total				\$841.00

Chisago County Out-of-State Travel Request

Date Submitted	7-12-2021	
Employee Name	[Redacted]	
Department	Sheriff's Office	
Destination	1305 Kalahari Drive, Wisconsin Dells, WI 53965	
Purpose of Travel	Training - ProPhoenix Conference	
Departure Date	9/24/2021	
Return Date	9/30/2021	
Total Travel Expenses	\$841.00	
Supervisor Name (PRINT)	Brandon Thyen	
Supervisor's Signature		Date Approved
County Board Signature		Date Approved

Anticipated Expenses

Type of Expense	Description of Expense	Daily Expenses (Except Airfare)	# of Days	Total Expenses
Airfare		\$0.00		\$0.00
Ground Transportation		\$0.00	1	\$0.00
Conference/Registration Fees		\$595.00	1	\$595.00
Lodging		\$246.00	1	\$246.00
Meals		\$0.00	1	\$0.00
Mileage		\$0.00	1	\$0.00
Grand Total				\$841.00

Chisago County Out-of-State Travel Request

Date Submitted

7/14/2021

Employee Name

Chisago County Sheriff's Office

Department

Emergency Communications Division

Destination

2021 ProPhoenix User's Conference

Wisconsin Dells, WI

Purpose of Travel

Department Software training

Departure Date

9/27/2021

Return Date

9/30/2021

Total Travel Expenses

\$1,434.88

Supervisor Name (PRINT)

Chief Deputy Justin Wood

Supervisor's Signature



County Board Signature

Date Approved

Date Approved

Anticipated Expenses

Type of Expense	Description of Expense	Daily Expenses (Except Airfare)	# of Days	Total Expenses
Airfare				\$0.00
Ground Transportation			1	\$0.00
Conference/Registration Fees	Conference registration fee	\$595.00	1	\$595.00
Lodging	Lodging for Alicia Stovern and Heidi Weidner	\$670.13	1	\$670.13
Meals			1	\$0.00
Mileage	485 miles roundtrip x .35 per mile	\$169.75	1	\$169.75
Grand Total				\$1,434.88

Chisago County Out-of-State Travel Request

Date Submitted	7/9/2021	
Employee Name	[REDACTED]	
Department	Chisago County Sheriff's Office	
Destination	Wisconsin Dells	
Purpose of Travel	ProPhoenix Conference	
Departure Date	9/27/2021	
Return Date	9/30/2021	
Total Travel Expenses		\$595.00
Supervisor Name (PRINT)	Jon Eckel	
Supervisor's Signature		Date Approved 7-12-2021
County Board Signature		Date Approved

Anticipated Expenses			
Type of Expense	Description of Expense	Daily Expenses (Except Airfare)	# of Days
Airfare			
Ground Transportation			1
Conference/Registration Fees			1
Lodging			1
Meals			1
Mileage			1
Grand Total			
			\$595.00

Chisago County Request for Board Action

Meeting Date: July 21, 2021	Item Number: 15
Title of Item for Consideration: Out of State Travel Request – Monthly Client Visit to Connecticut	
Action Requested by: Robert Benson, Director	Department: Health & Human Services
Previous Action on this Matter: Prior requests have been approved to see clients in residential placements.	
Background: Chisago County has custody of a client that will need to be visited at a specialized residential treatment center in Connecticut. Health & Human Services is requesting approval of \$816.76 in travel expenses for Michelle Schopper (Aging and Disabilities), Michelle Schopper will visit the client on August 25th – August 27th, 2021. Attachment(s): Out of State Travel Request Form – Michelle Schopper	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve the Out-of-State Travel Request for Michelle Schopper to travel to Connecticut to provide services to a client that is residing in a specialized facility there. The suggested motion is as follows: <i>“Move to approve the Out-of-State Travel Request for Michelle Schopper to travel to Connecticut to provide Child protective services to a client that is residing in a specialized facility.”</i>	
Implications of Action: By visiting this client, we are fulfilling our mandated obligation of ensuring safety and well-being for clients who are receiving social services. Budget/Financial Implications: Budgeted levy dollars. 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 _____

Chisago County Out-of-State Travel Request

Date Submitted	6/30/2021	
Employee Name	Michelle Schopper	
Department	Health and Human Services	
Destination	<u>Hartford, CT</u>	
Purpose of Travel	Visit individual in residential Treatment	
Departure Date	8/25/2021	
Return Date	8/27/2021	
Total Travel Expenses		\$816.76
Supervisor Name (PRINT)	Jolene Thorsen	
Supervisor's Signature		Date Approved 8/30/21
County Board Signature		Date Approved

Anticipated Expenses

Type of Expense	Description of Expense	Daily Expenses (Except Airfare)	# of Days	Total Expenses
Airport Parking	Parking	\$72.00		\$72.00
Ground Transportation	Rental Car	\$136.28	2	\$272.56
Conference/Registration Fees	N/A			\$0.00
Lodging	Hotel room	\$159.85	2	\$319.70
Meals	Meals Per Diem CT	\$152.50	1	\$152.50
Mileage			1	\$0.00
Grand Total				\$816.76

Chisago County Request for Board Action

Meeting Date: July 21, 2021	Item Number: 16
Title of Item for Consideration: Raise Credit Limit for HHS Office Records Manager – Tracy Krona	
Action Requested by: Robert Benson, Director	Department: Health and Human Services
Previous Action on this Matter: None.	
Background: The current limit on the card is \$3,000. The card is used for all department purchases for the Health and Human Services Department. The current limit does not allow adequate funds to purchase all items needed, the lower limit forces the department to wait. Increasing the limit will help Health and Human Services become more efficient. Attachment(s): Request for Credit Card Limit Increase Form	
Action Requested/Recommended: The County Board is respectfully requested to approve a credit limit increase for Office and Records Manager Tracy Krona's card to \$5,000 for Department's supplies and out of state travel for client visits. The following motion is suggested: <i>"Move to approve the requested credit card limit increase at tonight's meeting."</i>	
Implications of Action: Board approval at tonight's meeting will allow the County Auditor Office to request credit card limit. 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 <u>CLB</u>	Deny _____
Other _____	
Motion By:	Seconded by:
To:	
Action on Motion:	Aye _____
	Nay _____
	Abstain _____

COUNTY OF CHISAGO
REQUEST FOR COUNTY CREDIT CARD LIMIT INCREASE

TO: COUNTY AUDITOR

FROM: Robert Benson
Name (Dept Head)
Health & Human Services
Department

RE: Request for County Issued Credit Card Limit Increase
(Place an X in the applicable box)

Current Limit \$ 3,000.00

Requested Limit \$ 5,000.00

Department Head Portion:

I request the following employee be considered for the limit increase amount above:

Employee Full Name (print): Tracy Krona

Title & Department: Office and Records Manager

Reason of Request:

Due to increased business conducted over the internet we are finding that we must use the credit more often, resulting in us reaching our limit too early and too often. In addition we having to fund out of state travel causing us to reach our limit quicker.

The Department Head may recommend an account limit for an employee however, the County Board of Commissioners will establish all account limits.

Tracy Krona
Signature of Employee

7/13/2021
Date

[Signature]
Signature of Department Head

7-13-2021
Date

*** PLEASE RETURN TO AUDITOR'S OFFICE ***

County Auditor Portion:

Received request on

7/13/2021
Date

Amy Lombardo
Chisago County Auditor
deputy

7/13/2021
Date

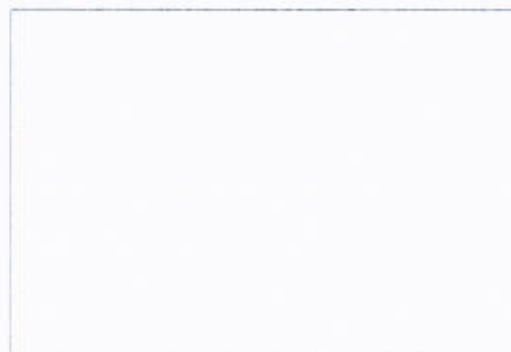
Presented to the Chisago County Board on

Date

Action taken by Chisago County Board on

Date

- ☐ Approved as requested
☐ Denied
☐ Other



Board Approval Stamp

Chisago County Request for Board Action

Meeting Date: July 21, 2021	Item Number: 17
Title of Item for Consideration: Proclamation of July 27 th , 2021 at County Staff Appreciation Day	
Action Requested by: Chase Burnham, County Administrator	Department: County Administration
Previous Action on this Matter: None.	
Background: Besides regular duties, county staff were called upon and accepted new and challenging responsibilities during the pandemic, such as expediting the distribution of thousands of dollars in economic recovery appropriations, empowering the survival of our local business community; successfully managing a deluge of mail-in ballots in an unprecedented federal election; and, retooling local public health education outreach to flatten the curve. The work of county staff over the past year and a half have kept the doors of the county open and our community safer, healthier, and productive throughout months of unprecedented global transition. It is requested that the Chisago County Board of Commissioners, proclaim July 27, 2021 as County Staff Appreciation Day and extend our thanks to the staff of our county and express deep gratitude for their commitment to excellence in public service during the COVID-19 pandemic. Attachment(s): Proclamation	
Action Requested/Recommended: It is respectfully requested by County Administrator Chase Burnham that the Chisago County Board of Commissioners proclaim July 27th, 2021 as "County Staff Appreciation Day in Chisago County." The suggested action is as follows: <i>"Move to approve the attached Proclamation, proclaiming July 27th, 2021 as "County Staff Appreciation Day in Chisago County."</i>	
Implications of Action: By approving the proclamation, July 27th, 2021 will be County Staff Appreciation Day in Chisago County. Budget/Financial Implications: None. Legal/Policy Implications: The proposed activities are in compliance with all applicable state and federal regulations and County policies & procedures.	
Administrator's Recommendation	
Approve	Deny _____
Other _____	
Motion By:	Seconded by:
To:	
Action on Motion:	Aye _____
	Nay _____
	Abstain _____

Chisago County Board of Commissioners

Proclamation of County Staff Appreciation Day

RESOLUTION NO. 21/0721-X PROCLAMATION OF COUNTY STAFF APPRECIATION DAY

WHEREAS, county staff serve as the cornerstone of this community, dedicating their time, skills, and expertise for the benefit of their neighbors; and

WHEREAS, county staff went beyond expectations, taking on personal risks, to continue delivering essential services to the citizens of our county during the COVID-19 pandemic; and

WHEREAS, in addition to their regular duties, many county staff were called upon and accepted new and challenging responsibilities during the pandemic such as expediting the distribution of thousands of dollars in economic recovery appropriations, empowering the survival of our local business community; successfully managing a deluge of mail-in ballots in an unprecedented federal election; and, retooling local public health education outreach to flatten the curve; and

WHEREAS, although the state has turned the corner on the COVID-19 pandemic, county staff continue their exemplary work, assisting with recovery through vaccination roll outs and preparing for the American Rescue Plan's multi-year recovery effort; and

WHEREAS, the work of county staff over the past year and a half have kept the doors of the county open and our community safer, healthier, and productive throughout months of unprecedented global transition; and

WHEREAS, President Sve and the Board of the Association of Minnesota Counties requested the Office of Governor Walz and Lt. Governor Flanagan to proclaim July 27, 2021 as County Staff Appreciation Day and their request was granted;

NOW, THEREFORE, we, the Chisago County Board of Commissioners, proclaim July 27, 2021 as County Staff Appreciation Day and extend our thanks to the staff of our county and express deep gratitude for their commitment to excellence in public service during the COVID-19 pandemic.

Chisago County chief deputy gives shoeless veteran his boots

By Ben Chaffee Published 1 day ago | Heartwarming News | FOX 9

RUSH CITY, Minn. (FOX 9) - A Chisago County Sheriff's Office deputy is being recognized for a random act of kindness.

What began as a routine check ended with one man receiving a gift he never saw coming.

In May, a Chisago County Sheriff's deputy responded to a call to check on a man near a gas station in Rush City. The deputy's body camera captured the encounter and this week, the office released some of the footage on their Facebook page.

In the video, the man, who identifies himself as a military veteran, says that he's headed to Iowa en route to Wyoming on foot with no shoes.

"My boots gave up on me last night," the man said in the video.

Later, Chief Deputy Justin Wood arrives.

"They were just having a conversation, but as I walked up I just noticed that he was wearing a pair of boot liners," Chief Deputy Wood told FOX 9.

That's when Wood decided to act. The chief deputy went to his trunk and grabbed a pair of his new tactical boots in size 11 - a near-perfect fit.

"They're 11, they might be a little big, but you can wear socks with them," said Wood in the video.

"Veterans serve our nation, they give the ultimate sacrifice." Chief Deputy Wood told FOX 9. "They're a special group of people. We've got to take care of them, and so this was one small way to do that."

It was a small gesture that's leaving a big impact even months later. Chief Deputy Wood has been with the Chisago County Sheriff's Office for more than 15 years. He says that he's still getting used to all the attention.

"I'd actually forgotten about this incident," said Wood. "Much to my surprise, it was posted to social media. So I was not anticipating any of this."

"We've had a tough run here, it's a tough go right now for us and we recognize that the public needs us more than ever," Wood added. "And we've never claimed to be perfect, but we want to have every positive interaction that we can with the public and try to do as much good as we can while we're out there."

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2021 END OF SESSION REPORTS

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PHONE: 651-222-8737 MAIL@MICA.ORG



Minnesota Inter-County Association

(651)222-8737 | www.mica.org

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2021 LEGISLATIVE SESSION REPORT

OVERVIEW OF FY2022-23 STATE BUDGET ACTIONS

\$52.2 Billion FY2022-23 (two-year) State General Fund Budget

\$2.3 Billion for new uses focus on COVID Recovery & Equity; Budget includes increased funding for Counties

Minnesota lawmakers completed adoption of a \$52.2 billion biennial budget on June 30, just hours before some parts of state government were set to temporarily shut down. Chapter 14, 1st Special Session of 2021, the Omnibus Tax Bill, was the final bill to pass in the early morning hours of July 1. The House then adjourned the 1st Special Session sine die, while the Senate continued in session to consider gubernatorial appointments. Governor Walz signed all the bills into law.

The enacted \$52.2 billion budget for FY2022-23 reflects a **3.4% increase over projected spending under prior law**, and a 9.4% increase over the FY2020-21 biennium. In addition to a projected surplus of \$1.672 billion (*February Forecast*), the budget uses \$692 million of one-time federal funds in FY2022-23, and another \$550,000 million in FY2023-24 to achieve budget balance.

General Fund Changes -- in millions	<u>FY2022-23</u>	<u>FY2024-25</u>
Beginning Balance--Feb. Forecast	\$ 3,829,503	\$ 4,109,016
Current Revenues--prior law	\$ 50,936,737	\$ 54,306,938
Tax Revenue Changes	\$ (746,310)	\$ (150,450)
Total Current Resources--Enacted	\$ 54,019,930	\$ 58,265,504
Projected Spending -- Prior Law	\$ 50,657,224	\$ 53,441,890
Net Spending Changes	\$ 1,581,698	\$ 1,173,609
Total Spending--Enacted	\$ 52,238,922	\$ 54,615,499
Use of Federal Funds	\$ (691,733)	\$ (550,000)
Budget Reserves & Cash Flow--prior Law	\$ 2,436,650	\$ 2,595,353
Change in Reserves	\$ (100,000)	\$ (100,000)
Change in Carry-forward	\$ 7,800	\$ 1,644,075
Estimated Budgetary Balance	\$ 128,291	\$ 60,577

The budget changes compared to the prior law base funding are largely focused on pandemic recovery for individuals, businesses, and the economy, including \$746 million in tax cuts and \$1.562 billion of new spending for FY2022-23. Within that context, there is increased funding for broadband, county aids, health and human service programs, roads and bridges, community corrections, environmental programs and more.

STATE BUDGET OVERVIEW

The largest amounts for new spending were allocated for E-12 education (\$554 million), health and human services (\$283 million), transportation and transit (\$220 million), and business relief and workforce (\$130 million). Beyond these amounts, an additional \$250 million has been set-aside for Frontline Worker Pay. And, county governments will also benefit from various non-general fund changes, including for environmental, transportation, and health and human service programs.

	<u>FY2022-</u>	<u>FY2024-</u>
Budgetary Balance--Feb	\$ 1,672,36	\$ 2,378,71
Tax Revenue	\$ (746,310	\$ (150,450
<u>New</u>		
K-12	\$ 554,20	\$ 668,95
Higher	\$ 100,00	\$ 100,00
Health & Human	\$ 283,10	\$ 100,00
Jobs and Economic	\$ 130,40	\$ 17,00
Commerce &	\$ 16,83	\$ 8,56
Ag & Rural	\$ 10,00	\$ 10,00
Housin	\$ 10,00	\$ 12,00
Environmen	\$ 35,09	\$ 15,61
State Government, Veterans,	\$ 66,94	\$ 74,15
Transportatio	\$ 220,40	\$ 24,66
Judiciary and Public	\$ 101,12	\$ 124,96
Tax Aids &	\$ 74,39	\$ 54,56
Debt Service & Capital	\$ (20,912	\$ (36,865
Cancellation		
Other	\$ 11	\$ -
Total New Net	\$ 1,581,69	\$ 1,173,60
Use of Federal	\$ (691,733	\$ (550,000
Change in Budget	\$ (100,000	\$ (100,000
Change in Carry-	\$ 7,80	\$ 1,644,07
Estimated Ending	\$ 128,29	\$ 60,57

The biggest exception to the overall good news for counties, was the failure to approve a bonding bill. Although even-year bonding bills tend to be smaller, Minnesota still faces significant infrastructure challenges at both the state and local levels. Resumption of the historical pattern of passing major bonding bills in even-years, followed by smaller bills in biennial budget sessions is essential to addressing the growing backlog of public infrastructure needs while also maintaining steady flow of projects for private providers.

STATE BUDGET OVERVIEW

Structurally Balanced – Healthy State Budget

For FY 2024-25, projected current spending (\$54.6 billion) slightly exceed projected current revenues (\$54.2 billion), not counting inflation or one-time federal funds. As such, there is some risk of longer-term budget instability, especially if there is a sustained growth in inflation pressures. On the other hand, the budget maintains a healthy Budget Reserve. Further, recent state revenue collections have exceeded projected collections by over \$2.0 billion, suggesting the 2022 session may begin with more positive budget news. And, the state has yet to appropriate roughly \$1.2 billion of the \$2.8 billion of ARP State Fiscal Recovery Funds.

Budget Agreements Reached Despite Major, Ongoing Policy Differences

The budget decisions, however, do not fully capture the depth of the political and policy differences that influenced 2021 deliberations. Most significantly, the ongoing COVID pandemic meant the unprecedented challenge of conducting all legislative business remotely up until the final weeks of June (1st Special Session) when the State Capitol reopened for the first time in over one year. Continuation of the COVID Peacetime Emergency and executive actions became a major point of contention, along with differences over the need for police reforms, racial and economic equity, and energy and climate policy.

With Minnesota being the only state legislature with split party control in a highly polarized national political context, each side proposed substantially different policy changes not supported by the other side. Ultimately, there was bi-partisan agreement to end the COVID Peacetime Emergency but no significant changes to election laws, clean car making authority, or expansion of earned sick time or paid family and medical leave. There were some changes to policing practices, although far fewer than proposed. Similarly, the House proposed more aggressive changes related to climate and energy policy, environmental response and regulations, permanent transportation financing increases, and upper income and corporate tax increases that did not get traction with the Senate majority.

Summarized in greater detail below are the budget and policy actions most relevant to counties, with emphasis on MICA member county priorities. Overall, key successes for member counties include:

- Continued funding for County Program Aid, and increased funding for other county aids
- Extension of COVID era health and human services waivers
- County hold-harmless for repayment of IMD billing errors
- Increased funding for county and local road and bridge projects
- Increased funding for community corrections and county probation officer reimbursement
- Increased funding for SCORE grants, landfill post-closure care, and AIS as well as increased ground water protections and funding for replacing non-compliant rural septic systems.

The Legislature reconvenes in regular session January 30, 2022, with a Special Session likely in September.



2021 LEGISLATIVE SESSION REPORT

TAX AND FISCAL POLICY

INTRODUCTION

The House and Senate took two different approaches to state tax policy in 2021. The House proposed roughly a billion of tax relief offset by a similar amount of tax increases on corporations, capital gains, and higher income households. The Senate proposed largely one-time reductions related to federal tax conformity (*also in House bill*). [Chapter 14](#), the enacted Omnibus Tax Bill, reduces state tax revenue by \$746 million for FY2022-23, and increases state aids and refunds by \$74.4 million, with much of that being allocated to counties. \$670 million, or 90 percent, of the revenue reduction is due to federal tax conformity, such as for PPP loan forgiveness and 2020 unemployment benefits.

CHAPTER 14, 1ST SS OF 2021, OMNIBUS TAX BILL

Aids & Credits (Article 7)

\$20 Million Homeless Prevention Aid, Status Quo for County Program Aid (CPA)

- \$20 million is appropriated for youth **Homeless Prevention Aid** to counties beginning in CY2023 (*one year delayed from original House proposal*) and going through CY2028. Roughly 5% of the funds are allocated to ensure a 'floor' amount for each county, with the remaining funds annually distributed based on each counties' share of the number of students experiencing homelessness over the previous three years. Broad allowable uses are outlined in [Article 7, Section 3](#).
- \$29.3 million for **grants to 13 counties** to pay property tax refunds due from counties and underlying taxing districts resulting from Enbridge Energy's successful challenge of its 2012-2018 state assessed liquid pipeline valuations. The Revenue Department is directed to review the assessment process.
- Other changes include:
 - \$5.0 million one-time to hold-harmless city LGA amounts for Pay 2022 compared to 2021; work groups are expected to review LGA and CPA formulas during legislative interim.

- Higher PILT payments—equal to 1.5 percent of appraised value—for certain existing and new lands within Lake Vermillion-Soudan Underground Mine State Park

Property Tax Law Changes (Article 6)

New Levy Authorities, Lower Business Property Tax

- Authorizes the creation of Fire Protection districts with levy authority (Section 1).
- Authorizes voluntary energy improvement districts (Sections 15 – 16)
- Delays the filing deadline for disabled veterans homestead and homestead applications to December 31 (Sections 4, 5, and 8).
- Section 7 modifies the 4d low-income housing classification by freezing the 1st tier break at \$100,000 value for 2022 and 2023, allowing an annual inflation adjustment thereafter; current law class rates are maintained. Section 19 requires a 4d affordable housing study.

Truth-in-Taxation Notice & Hearings Changes

Chapter 14 contains one of the TnT-notification and public hearing changes originally proposed by the House Tax Chair Paul Marquart, with a delayed implementation. Beginning with taxes payable 2023:

TAX AND FISCAL POLICY

- County auditors must prepare a separate supplemental budget information document (see Article 6, section 12) containing the same information, in the same format as reported to MDE for the school district and to the State Auditor for the City or County of the taxpayer receiving the notice.

As enacted, Chapter 14:

- Does not require a preliminary public hearing prior to setting a preliminary proposed maximum levy.
- Does not establish a single *Property Taxpayers Day* with all county, city, and school district hearings on the same night.

Lower Property Taxes for Businesses, Veterans

- \$20.1 million annually to lower State General Tax for businesses by increase MV exclusion to \$150,000 from \$100,000 beginning with taxes payable 2023 (Section 9 and 10)
- \$4.7 million annually to increase Homeowner and Renter property tax refunds for veterans by excluding veteran disability compensation when calculating household income for those programs (section 14).

Tax Increment Financing Law Changes (Article 9)

- Allows cities to temporarily redirect unobligated tax increment for development projects involving construction and the expectation of job creation, to make equity investments as necessary to make such construction happen.
- Authorizes spending tax increment outside a district to assist with owner-occupied housing.

Construction Materials Sales Tax (Article 4)

Exempts Materials Purchased for Construction of Public Safety Facilities from Sales Tax

Provides an upfront, prospective refund exemption for sales tax paid on the purchase of construction materials for public safety facilities, as well as retroactive exemptions for similar local projects in six cities. Counties will continue to pay significant amounts in state sales tax on materials purchase for road and bridge and general construction materials.

Local Option Sales Tax (Article 8)

Expands LOST Authority—14 Cities and 3 Counties

Consistent with the trend of declining general purpose aid levels and increased local sales taxes, Chapter 14 authorizes/expands local sales tax authority for 14 cities (Cloquet, Edina, Fergus Falls, Grand Rapids, Hermantown, Litchfield, Little Falls, Maple Grove, Moorhead, Oakdale, St. Cloud, St. Peter, Staples, Wadena, Waite Park, and Warren) and three counties (Carlton, Itasca, and Mille Lacs).

State Tax Law/Revenue Changes (Article 1)

Full Federal Tax Conformity PPP Loans, 2020 Unemployment Benefits & More

The focus of the final tax agreement (Chapter 14) federal conformity of COVID related provisions, as well as selected state policy priorities, including:

- full federal tax conformity for PPP loan forgiveness and unemployment benefits up to \$10,200 in 2020
- Establishes a **volunteer driver income tax subtraction** for the difference between the value of allowable mileage reimbursement paid to the driver and the value of the federal deduction (section 8)
- Establishes a Film Production Tax Credit (sections 9 and 14)
- Creates and Minnesota Housing Infrastructure Tax Credit (sections 13, 15) and Tax Credit Contribution Account (section 16)
- Clarifies section 179 expensing (section 17)

Miscellaneous Provisions, Article 11

Miscellaneous Tax and Unrelated End-of-Session Negotiations

As the last bill to pass in special session, Chapter 14 contained a variety of late compromises. Selected provisions from Article 11 includes:

- A prohibition on sitting members of the legislature accepting employment as a lobbyist.
- Creation of a Tax Expenditure Review Commission to review each state tax expenditure at least once every ten years, with an annual report to legislature reflecting the previous year's results.

TAX AND FISCAL POLICY

- Appropriates up to \$3.0 million annually through 2036 for an Oriented Strand Board (OSB) Production Incentive.
- Amends Solid Waste Management Tax (SWMT) to align the calculation of the tax on construction debris from 'self-haulers' with the parallel calculation for commercial generators (section 19)
- Amends the definition of "other iron bearing material" in excludes that material from the calculation of supplemental state aid to taconite production areas (sections 20-23)
- **Establishes background check requirements (fingerprinting) for state, county, contract employees and others who access federal tax information as part of their work (section 24)**
- Section 36 continued selected COVID Public Health Disaster Response actions that had been previously part of Governor Executive Orders under the Peacetime Emergency, including:
 - Allowing the Commissioners of Public Health or Human Services to declare a public health disaster, extending no later than the end of the federal public health emergency
 - Flexibility to reassign state employees related to pandemic response actions through August 1
 - certain actions to facilitate the recovery of unemployment insurance through August 1
 - continuation of certain COVID testing and vaccination response actions.
- Section 38 creates the **Frontline Worker Pay Working Group** charged with recommending – by September 6 - how to allocate \$250 million of State Fiscal Recovery Funds
- Appropriates \$6.2 million for project development of land bridge over I-94 in St. Paul

State Bonding

No Bonding Bill; \$24 Million for Targeted Community Capital Projects

Chapter 14, sections 10 & 37, provide \$24 million for a Targeted Community Capital Project Grant Program, equitably divided between Greater Minnesota and the Metro area. The competitive capital grants are to be awarded by DEED to non-profits **or government entities (counties)** that provide, increase, or expand services to underserved communities or economically disadvantaged groups. Priority is for applicants who do not have a history of receiving state capital grants, among other criteria. The maximum grant is \$1.5M and may require a local match.

Business COVID Relief & Recovery (Chapter 10, 1st SS of 2021)

\$150M for COVID Relief Grants and Business (Re)Development

Chapter 10--the Omnibus Jobs, Workforce, and Economic Growth—provides \$150 million of one-time funding for additional covid business relief and recovery, to be administered through two programs. While the counties will not receive funds for local grants, these state programs will minimize demands for county ARP funds by providing a key statewide approach for impacted businesses.

- **\$80 million for Mainstreet Economic Revitalization Loan Program** intended to address the greatest economic development and redevelopment needs that have arisen since March 15, 2020.
 - Provides up to 80% loan guarantees for up to 15 years, with a non-state match at 200 percent of the grant amount.
 - Loan guarantees limited to \$2 million and 15 years.
- **\$70 million for Mainstreet COVID-19 Relief Grant Program**, ½ for Minnesota Initiative Funds to serve areas outside of the seven-county metro area, and ½ administered through DEED partner organizations within the metro. Grants are limited to \$750,000 or 30% of the project costs, and 15 years.

TAX AND FISCAL POLICY

State Broadband Grant Funding (Chapter 10)

\$70 Million – Federal ARP Capital Projects

[Chapter 10](#) requires the DEED Commissioner to apply—by September 30—to the U.S. Treasury requesting \$70 million of Minnesota’s \$179 million ARP Capital Projects allocation. If granted, \$35 million in each FY2022 and FY2023 is for the State Broadband Grant Program. The Commissioner may

temporarily modify program standards to the degree necessary to comply with U.S Treasury standards, such as higher internet upload/download speeds (100/100 or 100/20 rather than 25/3). Chapter 3, the Agriculture and Rural Finance bill provided \$350,000 annually for essential State Office of Broadband base funding.

What Did Not Happen?

The list of actions not taken includes a variety of MICA platform items, as well as issues that emerged during session that impact counties, including:

- No state tax revenue increases
- No changes, increases/decreases in County Program Aid. A technical change appropriates a set-aside for public defender costs directly to the Public Defender rather than MMB does not impact county CPA allocations.
- No funding for counties to administer COVID business relief grants
- No increases to Deputy Registrar Fees, although an independent study is expected to capture an estimate of increases work and costs due to MNDRIVE



2021 LEGISLATIVE SESSION REPORT

HEALTH AND HUMAN SERVICES

INTRODUCTION

Minnesota lawmakers completed a new \$52 billion two-year budget on Wednesday, June 30, with just hours to spare before parts of state government were set to temporarily shut down. Governor Tim Walz wasted no time, quickly signing the remaining budget bills into law before midnight on July 1.

Nearly \$800 million in federal COVID-19 relief dollars will be spent in the next four years on health and human services. Altogether, the health and human services spending will grow to just shy of \$14 billion in the two-year budget cycle that started July 1, including a mix of both state general fund money and federal funding.

BILLS PASSED IN THE SPECIAL SESSION

Chapter 7, 1st SS of 2021

Health and Human Services

The Health and Human Services bill passed both floors on Saturday, June 26. The Senate bill, authored by Senator Michelle Benson (R-Ham Lake), passed the Senate on a 62-4 vote. The bill was immediately sent to the House where the bill, authored by Representative Tina Liebling (DFL-Rochester), passed the House floor on a vote of 69-56. Governor Walz signed the bill into law on June 29 as [SS Chapter 7 \(Summary, Spreadsheet\)](#)

County Priorities

IMD Accounting Error: The agreement includes \$8.328 million (FY21) to reimburse counties for the county share of DHS errors related to substance use disorder services within institutions of mental disease (IMDs). (Article 16, Section 24)

Codification of waivers: The four initiatives in the county waiver bill, championed by Senator Carla Nelson and Representative Dan Wolgamott ([SF1324/HF1822](#)), are now law and permanently extended:

- **Targeted case management:** Allows for MA coverage of various forms of case management to be delivered through telehealth (children's, mental health services, chemical dependency services and SUD services). Other changes

include removing the three visits per enrollee per week limit, expanding the provider types eligible to provide telehealth, and making MA coverage consistent in most areas with private sector coverage. Audio-only coverage is still prohibited in the language of this statute but is covered for MA through an expansion of the DHS waivers in a later section through July 1, 2023. (Article 16, Section 11)

- **Allows for MnCHOICES reassessments to be provided through interactive video or telephone if specified requirements are met.** These requirements include if the person's legal representative and the lead agency case manager both agree there is no change in the person's condition. The person, or the person's legal representative can refuse remote assessment any time. If, at any point, a lead agency determines that a face-to-face reassessment is necessary or if there is a need for a change in services, the lead agency shall schedule a face-to-face assessment. (Article 16, Sections 17-19)

HEALTH AND HUMAN SERVICES

- **Modifies housing support absent days** by allowing an additional 74 days per incident, not to exceed a total of 92 days in a calendar year when the resident is admitted into a behavioral health facility, hospital, or nursing facility. Counties may apply for an exception through DHS. (Article 13, Sections 57-58)
- **Eliminating face-to-face orientation for Minnesota Family Investment Program (MFIP) and allow agencies to accept MFIP applications over the phone:** Completing applications over the phone means major time savings for residents, as well as savings in transportation time and cost. Allowing counties to be able to offer orientation remotely would align these with other economic assistance programs - such as SNAP. Counties are still required to receive a signed written application within 30 days of clients submitting their application remotely and still requires that interviews be conducted. **This provision was included in the HHS Policy bill (Chapter 30) passed on May 17 (see above).**

Adult Mental Health Initiative (AMHI) grants: AMHIs will receive an additional \$3.5 million (FY22-23); \$1.75 million (FY24) in funding. The final deal also directs DHS to provide a report to the legislature to reform the funding formula for adult mental health initiatives by February 1, 2022, and prior to implementation of the new formula. The section notes that DHS must consult with stakeholders including AMHIs, counties, tribal nations, mental health providers, and individuals with lived experiences and include their feedback in the report. (Article 11, Section 33)

Family First implementation updates to individual treatment plans, residential treatment service reviews, and discharge planning. These sections are effective September 30, 2021. Expires July 1, 2022. \$1.331 million (FY22-23) and \$2.156 million (FY24-25) is allocated for implementation purposes.

The state, counties, tribes, and stakeholders have worked tirelessly to develop an implementation framework for this federal legislation, recognizing that it is an opportunity to move toward a more equitable delivery of child welfare services in Minnesota. Counties have been engaged in the planning work and believe it is critical to continue so that we can build out our prevention services infrastructure and kinship network in the right way. This investment recognizes some of the anticipated lost federal reimbursements to counties.

Case management reform: Minnesota's human services case management framework has been subject to federal scrutiny, and stakeholders have worked for several years to develop a better structure for uniform billing. This language allows for a uniform statewide rate methodology for counties that contract with third party vendors to perform case management services. While this isn't the end of case management reform work, counties believe it is an important and timely step forward.

County Cost Shift

County Cost Shift: Unfortunately, counties did pick up one cost shift related to direct care and treatment:

- **County Share for Child and Adolescent Behavioral Health Hospital (CABHH):** 100% when the facility determines that it is clinically appropriate for the client to be discharged. This brings the CABHH facility county cost share in alignment with all of the other Direct Care and Treatment (DCT) services. Cost to counties ("savings to state") \$2.458 million per biennium. Counties have expressed concerns for the last several years about cost shifts related to DCT services. Despite lack of evidence that the cost shifts in other DCT areas are producing better outcomes for individuals, we are disappointed to see this cost shift as it fails to recognize the shortcomings in the continuum of care available that makes efficient discharge from DCT facilities to alternative settings challenging.

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- In the same article, section 2 requires the commissioner to assess the extent to which state operated DCT function as safety net services and report to the Legislature. \$277,000 (FY22-23). This provision comes from legislative concerns of how DCT aligns with existing continuum of care.
- In the same article, section 2 requires the commissioner to assess the extent to which state operated DCT function as safety net services and report to the Legislature. This provision comes from legislative concerns of how DCT aligns with existing continuum of care. \$277,000 (FY22-23).

Other Permanent Waivers:

Article 1: DHS Health Care Programs: Section 71 (p. 112-113): Adds the following DHS waivers (required to comply with federal law) to the list of waivers that will remain in effect after the peacetime emergency ends. They will remain in effect until federal requirements change, or until a state plan amendment is approved, whichever is later. The intention is that these waivers will be made permanent.

- CV15: allowing telephone or video visits for waiver programs
- CV24: allowing telephone or video use for targeted case management visits
- CV30: expanding telemedicine in health care, mental health, and substance use disorder settings
- CV42: implementation of federal changes to SNAP
- CV43: expanding remote home and community-based waiver services
- CV44: allowing remote delivery of adult day services
- CV109: providing a 15% increase for Minnesota Food Assistance Program and MFIP maximum food benefits

Section 72 (p. 113): Allows for **all waivers that have not been otherwise extended to remain in effect for no more than 60 days after the peacetime emergency ends.**

Section 73 (p. 114): **Allows for CV23 (modifying background study requirements) and any consequent amendments to remain in effect for 365 days after the peacetime emergency ends.**

Article 6: Telehealth: This article expands on services that can be delivered via telehealth:

- Section 1 (p. 182): Establishes requirements for the coverage of services that may be delivered via telehealth for private sector health plans. These changes include expanding providers who can provide telehealth, continued audio-only coverage through July 1, 2023, expanding parity requirements, and setting requirements for equipment and telehealth monitoring services.
- Section 6 (p. 191): Makes changes in chapter 245G to permit an assessment for SUD to be delivered via telehealth.
- Sections 7-8 (p. 191-195): Clarifies that chemical use assessments and chemical dependency services may be conducted through telehealth.
- Section 9 (p. 195): Makes changes to the definition of interactive video when used for relocation targeted case management.
- Section 10 (p. 195-199): Removes the requirement for a psychiatric provider, as part of an ACT team, from needing to obtain approval from the commissioner when providing services by telehealth.
- Section 11 (p. 199-202): Changes to coverage of telehealth services for public health care programs. Medical assistance coverage requirements are modified for services delivered through telehealth (including health care services, mental health services, chemical dependency services and SUD services). Major changes include removing the three visits per enrollee per week limit, expanding the provider

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types eligible to provide telehealth, and making MA coverage consistent in most areas with private sector coverage. Audio-only coverage is still prohibited in the language of this statute but is covered for MA through an expansion of the DHS waivers in a later section through July 1, 2023.

- Section 12 (p. 202-203): Expands MA coverage to telemonitoring services.
- Section 13 (p. 203-205): Modifies medication therapy management services to include services delivered through telehealth.
- Section 14 (p. 205-208): Clarifies that mental health case management services may be provided either in person or through interactive video.
- Section 15 (p. 208-209): Clarifies conditions under which face-to-face contact requirements for targeted case management services may be met through interactive video.
- Section 16 (p. 210): Clarifies that mental health services may be provided through telehealth.
- Sections 17-19 (p. 210-218): Allows for MnCHOICES reassessments to be provided through interactive video or telephone if specified requirements are met. These requirements include if the person's legal representative and the lead agency case manager both agree there is no change in the person's condition. The person, or the person's legal representative can refuse remote assessment any time. If, at any point, a lead agency determines that a face-to-face reassessment is necessary or if there is a need for a change in services, the lead agency shall schedule a face-to-face assessment. (Article 16, Sections 17-19.)
- Sections 20-21 (p. 219-222): Allows for payments for targeted case management when requirements are met for adults and child welfare using interactive video.
- Section 23 (p. 225-227): Clarifies that travel time is only allowed to be billed for early intensive developmental and behavioral

intervention benefits for individuals with autism when providing in-person services.

- Section 24 (p. 227): Permits remote assessments for community-based service waivers for persons with disabilities.
- Section 25 (p. 228): Allows for remote assessments in determining elderly waiver eligibility.
- Section 26 (p. 228): This has the effect of allowing audio-only telehealth services to continue under MA and MinnesotaCare through June 30, 2023. CV16 (Children's Health Insurance Program, MA and MinnesotaCare), CV21 (school linked mental health services and intermediate school district mental health services).
- Section 27 (p. 228-230): Requires MDH, DHS and Commerce to study the impact of telehealth payment methodologies and delivery expansion on the coverage and provision of services delivered through telehealth. Requires the commissioners to present preliminary reports to the legislature by January 15, 2023 (which must include recommendations on whether audio-only communication should continue to be allowed), and final reports by January 15, 2024. This is for both the private and public sectors. \$2.3 million (FY22-23), \$498,000 for (FY24).

Article 7: Economic Supports:

Section 27 (p. 244): **Extends two waivers through December 31, 2021** (unless federal approval is not received): Executive Orders 20-42, 21-03, and 21-15 that ensures emergency economic relief payments do not prevent eligibility for human services programs; and CV04 that modifies the interview requirements for recertifications of cash assistance eligibility.

Child Care Assistance (Article 8)

Section 1 (p. 246-247): Provides for the temporary reprioritization of childcare assistance under the basic sliding fee (BSF) program (from June 1, 2021, through May 31, 2024).

HEALTH AND HUMAN SERVICES

Section 2 (p. 247-248): Modifies the allocation component of BSF state and federal funds so that up to one-half of funds can be allocated in proportion to the county's most recent 12 months of reported waiting list (changed from up to one-fourth of funds based on 6 months of waiting list). This section is effective January 1, 2022; calendar year 2022 shall be a phase-in year for the allocation formula.

Child Protection (Articles 9 and 10)

Article 9, section 5 (p. 266-268): **Directs the court to appoint counsel to represent a parent, guardian or custodian prior to the first hearing on a child in need of protection or services petition.** The section also removes some of the requirements setting up qualifications for the appointment of counsel. This is effective January 1, 2023. \$1.3 million (FY22-23); \$1.3 million (FY24-25). Of that, roughly \$1 million each biennium is for children's services grants to counties.

Article 10, section 3 (p. 271-273): **Establishes a legislative task force on child protection.** The task force will:

- Review the efforts being made to implement the recommendations of the Governor's Task Force on the Protection of Children
- Expand efforts into related areas of the child welfare system
- Work with the commissioner of DHS and community partners to establish and evaluate child protection grants to address disparities in child welfare
- Review and recommend alternatives to law enforcement responding to a maltreatment report, and to evaluate when another person should remove a child from the home
- Evaluate mandatory reporting statutes and consider modifications of reporting for youth programs, and introduce legislation by February 15, 2022
- Evaluate the cross section of educational neglect and child protection
-

- Identify areas within the child protection system that need to be addressed by the legislature.

The committee will be made up of 12 members, 6 from the House and 6 from the Senate. The task force shall have oversight of DHS and the tribes to implement laws related to child protection, but also the Departments of Education, Housing, Corrections and Public Safety. The task force must report to the legislature and governor by February 1, 2024. The task force sunsets on December 31, 2024. The report must contain information on the progress of implementation of changes to the child protection system and needed legislative changes.

Appointments will be made by July 15, 2021; the task force shall convene its first meeting by August 15, 2021.

Rate Increases for Direct Care Professionals

- Sections 44-47 (p. 367-370): Provides for a 5% rate increase for ICF/DDs and modifies the rates and procedures related to variable rates and services during the day. \$4.6 million (FY22-23); \$6.6 million (FY24-25).
- Sections 48, 55 (p. 370-375, 386-391): Establishes a PCA/CFSS rate framework and service rate increase. The PCA service rate increase is funded at \$67.6 million (FY22-23); \$103.9 million (FY24-25). The CFSS rate framework is funded at \$30.4 million (FY22-23); \$39.6 million (FY24-25).
- Section 74 (p. 406; Spreadsheet, line 445): Provides a 5% rate increase for certain home care services. \$6.8 million (FY22-23); \$9.8 million (FY24-25).

MnCHOICES

Article 6, sections 17-19 (p. 210-218): Allows for MnCHOICES reassessments to be provided through interactive video or telephone if specified requirements are met. These requirements include if the person's legal representative and the lead agency case manager both agree there is no change in the person's condition. The person, or the

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person's legal representative can refuse remote assessment any time. If, at any point, a lead agency determines that a face-to-face reassessment is necessary or if there is a need for a change in services, the lead agency shall schedule a face-to-face assessment.

Article 17, section 7 (p. 488): \$2.9 million (FY22-23); \$1.2 million (FY24) to DHS to review lead agency policies and business practices to identify efficiencies in long-term care consultation services (MnCHOICES). DHS will develop a guide documenting the process for determining MA eligibility and authorization of long-term services and supports. \$2.1 million (FY22-23); \$789,000 (FY24).

Adult Mobile Crisis Services

Article 17, section 11 (p.491): \$16.4 million (FY22-23); \$4.1 million (FY24) in additional capacity for grants for adult mobile crisis services. **Language indicates that beginning April 1, 2024, counties may fund and continue activities under this section.**

Children's Mental Health

Article 17, section 12 (p. 491): \$5 million (FY22-23); \$1.9 million (FY24) to create a children's mental health transition and support team to facilitate transition back to the community of children from psychiatric residential treatment facilities (PRTF) and child and adolescent behavioral health hospitals (CABHH). **Language indicates that beginning April 1, 2024, counties may fund and continue activities under this section.**

Full Bill Summary: For a breakdown by article and section, see attached summary of the 500-page bill.

Chapter 2, 1st SS of 2021

Higher Education

The Higher Education budget bill, sponsored by Representative Connie Bernardy (DFL-New Brighton) and Senator David Tomasonni (I-Hibbing), was signed into law on June 24 as [SS Chapter 2 \(Summary, Spreadsheet\)](#)

Article 2: Higher Education Provisions

Sections 3 and 8 (136A.121, subd. 2, 136A.125, subd. 2) **amends the state grant program and child care grant program**, respectively, entitling students who are providing care to a spouse, child, or parent with a serious health condition that substantially limits the student's ability to complete the term to an additional semester of eligibility. Section 8 also simplifies child care grant eligibility criteria.

Section 7 (136A.1241) establishes the **Fostering Independence Higher Education Grants Program**, which provides a last dollar foster grant for postsecondary education to individuals who are currently or were formerly in foster care.

Section 9 (136A.125, subd. 4) **simplifies the child care grant formula and increases the maximum child care award from \$3,000 to \$6,500 for each eligible child per academic year.** Makes applicants with an expected family contribution (EFC) at or below the qualifying EFC for the Pell grant eligible for the maximum award and prorates the award up to 200% of the EFC Pell threshold.

Section 36 (136F.20, subd. 4) requires the Board of Trustees to implement a **mental health awareness program at each college and university by fall of 2022.** Requires the board to make grants to colleges and universities to establish a peer support pilot program.

Chapter 4, 1st SS of 2021

Commerce, Climate and Energy

The Commerce, Climate and Energy budget bill, sponsored by Representative Zack Stephenson (DFL-Coon Rapids) and Senator Gary Dahms (R-Redwood Falls), was signed into law on June 26 as [Chapter 4. \(Summary, Spreadsheet\)](#)

The bill contains language **clarifying that the use of a private passenger vehicle when used by a volunteer driver is not an automobile for hire or compensation.** (Article 6, section 12)

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Chapter 8, 1st SS of 2021

Housing/Eviction Moratorium

The \$125.6 million omnibus Housing Finance and Policy budget bill contains just \$10 million in new general fund spending, but it also contains provisions that address short- and long-term needs. Sponsored by Representative Alice Hausman (DFL-St. Paul) and Senator Rich Draheim (R-Mountain Lake), Governor Walz signed the bill into law on June 28 as [Chapter 8. \(Summary, Spreadsheet\)](#)

The agreement calls for the issuance of \$100 million in housing infrastructure bonds to boost efforts across a range of housing and strengthens local efforts to address housing needs. A portion of the funds will be directed to single-family homes and manufactured home park acquisition and improvement.

New general fund spending includes:

- \$3.25 million for workforce homeownership program
- \$2.8 million for the housing challenge program
- \$1.75 million for manufactured home park infrastructure grants
- \$1 million into the home ownership assistance fund
- \$1 million to establish a local housing trust fund

Eviction Moratorium: The bill ends the Governor's executive orders that prevent evictions and lease terminations during the COVID-19 Peacetime Emergency and provides an off-ramp to provide protections to tenants and landlords.

- A landlord cannot terminate or fail to renew a lease within 105 days of enactment, except in cases where the tenant is endangering others, engaging in certain criminal activities, materially violating the lease or when the tenant requests the termination of the lease.
- A landlord cannot file an eviction within 105 days unless the tenant is a danger to others, there is significant property damage, or they engage in criminal activity.

- Evictions will be allowed 15 days after enactment for situations where a tenant materially violates the lease.
- A landlord is required to provide a notice to a tenant 15 days before filing an eviction if the eviction is for nonpayment of rent during the 105 days following enactment of a law.
- If a tenant has not paid rent and refuses to apply for the COVID-19 rental assistance program, a landlord can proceed on an eviction.
- Prohibits an eviction for nonpayment of rent against a tenant who has a pending application or rental assistance from the federal COVID-19 emergency rental assistance funding.
 - The tenant should provide the proof of pending application and any information on the delay of the application to the landlord and to the court if an eviction is filed.

The off-ramp is intended to drive Minnesotans to [RentHelpMN.org](#) or to call 211 to apply for nearly \$700 million in rental assistance that was passed by Congress. It will help Minnesotans who have fallen behind on their rent catch up and will help to ensure that landlords are made whole.

Chapter 10, 1st SS of 2021

Jobs and Economic Growth

The Jobs and Economic Growth budget bill, sponsored by Senator Eric Pratt (R-Big Lake) and Representative Mohamud Noor (DFL-Minneapolis), was signed into law by Governor Walz on June 30 as [Chapter 10. \(Summary, Spreadsheet\)](#)

Key components:

- **Job training incentive program:** Creates a job training incentive program, as part of the job training grants, which provides up to \$200,000 to employers in greater Minnesota for training and education for new jobs the commissioner approves, with a preference for programs serving disadvantaged people or areas. Reimburses employer education and training program costs of up to \$10,000 per job and an additional \$1,000 for employees with disabilities.

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- **Childcare:** allocates \$2,500,000 each year for grants to local communities to increase the number of quality child care providers to support economic development. This appropriation is available through June 30, 2023. 50% of grant funds must go to communities located outside the seven-county metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2. In fiscal year 2024 and beyond, the base amount is \$1,500,000.
- **Appropriates dollars for workforce development throughout the State.**
- **Employment support services for individuals with mental illness:** \$2,555,000 each year is for grants to programs that provide employment support services to persons with mental illness.

Chapter 12, 1st SS of 2021

State Government, Veterans and Military Affairs

The State Government, Veterans and Military Affairs budget bill, sponsored by Senator Mary Kiffmeyer (R-Big Lake) and Representative Mike Nelson (DFL-Brooklyn Park), was signed into law by Governor Walz on June 30 as [Chapter 12](#). ([Summary](#), [Spreadsheet](#))

- **Removed Governor's emergency powers,** effective July 1.
- **Veterans Restorative Justice:** Creates an alternative-sentencing option for veterans with service-connected trauma, substance abuse or mental health conditions who commit certain crimes.
- Allows the commissioner to establish a veterans stable housing initiative to provide resources and support to homeless veterans.
- Renames the first Saturday in October from "Veterans Suicide Awareness Day" to "Veterans Suicide Prevention and Awareness Day" to raise awareness and promote prevention of suicides by veterans.

- The **Market Bucks program**, which matches Supplemental Nutrition Assistance Program (SNAP) spending dollar-for-dollar (up to \$10) at participating farmers markets, is funded at \$650,000 for the biennium. The program helps low-income residents to make more purchases at farmers' markets.

Chapter 14, 1st SS of 2021

Taxes

Omnibus Tax Bill: The agreed upon tax bill, sponsored by Representative Paul Marquart (DFL-Dilworth) and Senator Carla Nelson (R-Rochester), provides nearly \$1 billion in tax relief over the next four years, focusing on businesses that received federal payroll loans and workers who collected unemployment checks during the COVID-19 pandemic. The Department of Revenue estimates 560,000 Minnesotans who received federal COVID-19 aid over the past year will get tax relief under the bill. Governor Walz signed the bill into law on July 1 as [Chapter 14](#). ([Summary](#))

HHS Items of interest:

- **Volunteer Drivers:** The bill establishes a state subtraction for payments from charitable contributions to volunteer drivers.
- **Preventing Homelessness:** The final agreement appropriates \$20 million to local governments to help prevent student homelessness in communities across the state.
- **"Heroes" bonuses:** The plan establishes a "Frontline Worker Grant Program" working group, tasked with making recommendations regarding a \$250 million fund for bonuses for essential pandemic workers, especially long-term-care employees. That fund is derived from federal ARP money and will be governed by rules crafted by the working group of lawmakers and Governor's appointees that is to report back to lawmakers by Labor Day. The decision as to which employees are eligible and the amounts of the bonuses must be approved by the Legislature before the money can be

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distributed. As a result, the Legislature will return for a special session in September.

- **Expanding the working family credit** to 19- and 20-year-olds.
- **Housing tax credit** for family and multi-unit developments for low- and middle-income residents.

Chapter 13, 1st SS of 2021

E-12

The E-12 budget bill, sponsored by Representative Jim Davnie (DFL-Minneapolis) and Senator Roger Chamberlain (R-Lino Lakes), was signed into law by Governor Walz on June 30 as [Chapter 13](#).

[\(Summary, Spreadsheet\)](#)

Article 5, section 2: Report on behavioral health services reimbursement: Directs the commissioners of education and human services to consult with stakeholders to find strategies to **streamline access and reimbursement for behavioral health services for children** with an individualized education program or an individualized family service plan who are enrolled in Medical Assistance.

Article 6, section 1: **Mental health education:** Requires a district or charter school providing instruction on preventing suicide or self-harm to use the resources provided by the commissioner or other evidence-based instruction.

BILLS PASSED DURING REGULAR SESSION

Chapter 30, 2021 Regular Session

Policy-Only Health and Human Services

On May 17, the last day of the regular legislative session, both bodies passed the policy-only language from the omnibus Health and Human Services bill. The bill was signed into law by Governor Tim Walz on May 25 as

[Chapter 30. Summary](#)

Two county waiver provisions were passed as part of the bill:

- **Eliminating face-to-face orientation** for Minnesota Family Investment Program (MFIP) and allow agencies to accept MFIP applications over the phone: Completing applications over the phone means major time savings for residents, as well as savings in transportation time and cost. Allowing counties to be able to offer orientation remotely would align these with other economic assistance programs - such as SNAP. Counties are still required to receive a signed written application within 30 days of clients submitting their application remotely and still requires that interviews be conducted. **This was one of the waivers carried in the county-priority bill**

carried by Senator Carla Nelson (R-Rochester) and Representative Dan Wolgamott (DFL-St. Cloud).

- **Child Maltreatment Face-to-Face Investigations:**

Allows for face-to-face contact in response to a report alleging sexual abuse or substantial child endangerment to be postponed for up to five calendar days, if the child is residing in a location that is confirmed to restrict contact with the alleged offender, or the local welfare agency is pursuing a court order for the child's caregiver to produce the child for questioning. **This initiative was led by Sherburne County. It was carried by Representative Wolgamott and Senator Michelle Benson (R-Ham Lake).**

Other adopted policy of note:

- **MFIP Reports:** Allows County agencies to obtain information by phone or written communication to complete MFIP household report forms, rather than returning an incomplete form.
- **Substance Use Licensing/County Assessment of Need:** Repeals administrative rules requiring an assessment of need for a new chemical

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dependency treatment or rehabilitation program and requiring a county board to submit a statement to the commissioner regarding the need for the new program. Replaces it with a requirement for the applicant to notify the county human services director in writing of its intent to open a new program at least 60 days before submitting a licensure application. The notification must include:

- a description of the proposed treatment program; and
- a description of the target population to be served by the treatment program.
- County human services directors may submit a written statement to DHS regarding the county's support of or opposition to the opening of the new treatment program. DHS shall consider the county's written statement when determining whether to issue a license for the treatment program.

County human services directors may submit a written statement to DHS regarding the county's support of or opposition to the opening of the new treatment program. DHS shall consider the county's written statement when determining whether to issue a license for the treatment program.

- **Grants for home visiting programs for pregnant woman and families with young children.**
- **Nurse-Family Partnership Programs:** MDH shall award expansion grants to community health board and tribal nations to expand existing nurse-family partnership programs. Must be used to start up, expand, or sustain nurse-family partnership programs in the county, reservation, or region to serve families in accordance with the Nurse-Family Partnership Service Office nurse-family partnership model. Priority is given to enrolled providers who accept Medical Assistance.
- **Medical Cannabis:** Commissioner may adopt or amend rules to implement the addition of dried

raw cannabis as an allowable form of medical cannabis.

- **Social and Medical History/Out of Home Placement:** Responsible social service agencies must complete each child's social and medical history. Must work with each child's birth family, foster family, medical and treatment providers, and school to ensure that the information is up to date.
- **Social and Medical History/Adoption:** The agency must submit the child's social and medical history to DHS at the time that the agency submits the child's adoption placement agreement.
- **Notice of Termination of Social Services:** Before case management services will end for a youth who is at least 18 years of age and under 23 years of age, the responsible social services agency shall give the youth written notice that the services shall terminate. The notice must include information about the right to appeal the termination of case management services.
- **Residential program certifications for compliance with the Family First Prevention Services Act:** Adds section establishing certification requirements for children's residential facilities or child foster residence settings to receive federal Title IV-E funding; outlines the types of facilities and program certifications, certification requirements, trauma-informed care requirements, monitoring and inspection processes, decertification processes, and variances.
- **Child Protection:**
 - makes changes related to Family First Prevention Services Act implementation
 - modifies provisions related to child safety and permanency and adoption requirements and procedures
 - exempts health care professionals from reporting prenatal substance use, in specified circumstances
 - provides for parent notification of contested case hearings

HEALTH AND HUMAN SERVICES

- modifies child support guidelines and other child support provisions
- removes interest charging requirements for child support judgments
- **Sex Trafficking and Sexual Exploitation Training:** All child protection social workers and social services staff who have responsibility for child protective duties shall complete training implemented by DHS regarding sex trafficking and sexual exploitation of children and youth.
- **Temporary suspension of a person's CADI waiver** for up to 121 days if they are receiving inpatient or residential treatment.
- **Governor's Council on an Age-Friendly Minnesota:** Continues Governor Walz's Executive Order 19-38. The Council shall (1) work to advance age-friendly policies; and (2) coordinate state, local, and private partners' collaborative work on emergency preparedness, with a focus on older adults, communities, and persons in zip codes most impacted by the COVID-19 pandemic. The Council is extended and will expire October 1, 2022. **Note that this date was later extended to June 30, 2024, in the HHS Special Session bill (SS Chapter #7). See below.**
- **Mental Health Uniform Service Standards:** Moves various statutes and rules related to mental health service standards into a new chapter 245I; updates, aligns, and streamlines definitions and standards for providing a range of mental health services.
- **Crisis Response:** Modifies provisions related to crisis response services for adults and children by unifying service, eligibility, provider, and staff requirements, adding

clinical trainees, adding language to include family members and other third parties, and aligning definitions and other provisions with the mental health uniform service standards established in chapter 245I.

- Policy updates for Certified Community Behavioral Health Clinics (CCBHCs).

Chapter 17, 2021 Regular Session

Pregnant and Postpartum Female Inmates Placement in Community-Based Programs

HF1403/SF1315, authored by Senator Mary Kiffmeyer (R-Big Lake) and Representative Jamie Becker-Finn (DFL-Roseville), was signed into law by Governor Walz on May 13 as [Chapter 17](#).

The bill authorizes the Commissioner of Corrections to conditionally release:

- for up to one year, an inmate who is postpartum and gave birth within eight months of the date of commitment; and
- for the duration of the pregnancy and up to one year postpartum, an inmate who is pregnant.

The inmate may be conditionally released to community-based programming that provides prenatal or postnatal care, as well as parenting skills, employment, educational, chemical dependency or mental health services. The commissioner must develop policy and criteria to implement this section.

By April 1 of each year, the commissioner must report to the Legislature on the number of inmates released and the duration of the release under this section for the prior calendar year.

HEALTH AND HUMAN SERVICES

What Did Not Happen?

- **Metro Housing Demo:** An initiative brought forward by MICA to increase the number of housing units as part of the Metro Housing Demo did not make it to the finish line. This proposal would have strategically expanded the program to address increased mental health and substance use disorder supports by adding units and expanding to Carver, Scott and Washington counties. [SF1468/HF780](#) (Draheim/Reyer) was carried into conference committee by the House but ultimately did not survive final negotiations.
- **Telepresence Task Force:** Although language that would have established a task force on creating a person-centered telepresence strategy was included in both [SF1160](#) (Rosen) and the Senate omnibus HHS budget bill, unfortunately the measure was not included in the final agreement.
- **SUD Reform:** Unfortunately, a county priority to allow counties to conduct peer recovery supports and create an MA-billable service for substance use disorder pretreatment coordination unfortunately did not cross the finish line this year. [SF1821/HF2115](#) (Utke/Frederick) was modified to address DHS concerns as it moved through the committee process. We were successful in getting the Senate to include the language as part of its omnibus bill heading into conference committee. Ultimately, however, the provision was not included as part of the final deal.
- **Three cost shifts averted:** Three adult services proposals that counties weighed in on during the regular session did not advance. As part of its omnibus bill, the Senate supported several modifications that would (1) cap disability waiver allocations ([Article 14, Section 71](#)), (2) freeze MnCHOICES assessments at 2019 levels ([Article 14, Section 14](#)), and (3) impose a county cost share on placements of disabled individuals 18-27 years of age in certain settings ([Article 14, Section 20](#)). These proposals would have resulted in significant cost shifts to counties. Legislators stated their goals were to drive down costs; move individuals into more productive, individualized settings; and push counties to toward these placement options. While these proposals did not move forward, legislation addressing informed choice and new standards for informed decision-making passed (See Article 13).
- **Nonemergency Medical Transportation (NEMT):** One of the recommendations of the Blue-Ribbon Commission on Health and Human Services proposed implementation of a uniform NEMT program. This would have returned NEMT to a single administrator to coordinate the transportation system. Before 2009, the State managed all components of NEMT services; this proposal would have returned the responsibility to the State.

Adjournment:

Governor Walz will call the Legislature back into special session in September to address a plan for the distribution of bonuses for essential workers.

The 2022 Legislature convenes on Monday, January 31, 2022.



2021 LEGISLATIVE SESSION REPORT

PUBLIC HEALTH

INTRODUCTION

Minnesota lawmakers completed a new \$52 billion two-year budget on Wednesday, June 30, with just hours to spare before parts of state government were set to temporarily shut down. Governor Tim Walz wasted no time, quickly signing the remaining budget bills into law before midnight on July 1.

Nearly \$800 million in federal COVID-19 relief dollars will be spent in the next four years on health and human services. Altogether, the health and human services spending will grow to just shy of \$14 billion in the two-year budget cycle that started July 1, representing a mix of both state general fund money and federal funding.

BILLS PASSED IN THE SPECIAL SESSION

Chapter 7, 1st SS of 2021

Health and Human Services

The Health and Human Services bill passed both floors on Saturday, June 26. The Senate bill, authored by Senator Michelle Benson (R-Ham Lake), passed the Senate on a 62-4 vote. The bill was immediately sent to the House where the bill, authored by Representative Tina Liebling (DFL-Rochester), passed the House floor on a vote of 69-56. Governor Walz signed the bill into law on June 29 as [SS Chapter 7. \(Summary, Spreadsheet\)](#)

The Legislature made a number of much needed public health investments, including an approximate 30% increase to the Local Public Health grant, which has not seen an increase in many years.

MDH Appropriations:

- **Transfer to Public Health Response Account; \$300,000 (FY22). (Line 1510)**
- **Asbestos Licensing Fee Adjustment; savings of \$620,000 (FY22-23); savings of \$620,00 (FY24-25). (Line 1533)**
- **Radioactive Materials Unit Fee Adjustment; savings of \$664,000 (FY22-23); savings of \$664,000 (FY24-25). (Line 1537)**

- **Medical Cannabis Program Operation; \$105,000 (FY22-23); \$36,000 (FY24-25). (Line 1546)**
- **Medical Cannabis-Dried Raw Cannabis; savings of \$8.9 million (FY22-23); savings of \$10.1 million (FY24-25). (Line 1550)**
- **Home Visiting Grants Increase; \$3 million (FY22-23); \$1.5 million (FY24). (Line 1573)**
- **Supporting Healthy Babies Grants; \$558,000 (FY22-23). (Line 1639)**
- **Dignity in Pregnancy and Childbirth; \$1.1 million (FY22-23); \$796,000 (FY24-25). (Line 1644)**
- **New Local Public Health Funding Distribution Framework; \$15 million (FY22-23); \$15 million (FY24-25). (Line 1658)**
- **Increase Funding for Local Public Health Grants; \$15 million (FY22-23); \$15 million (FY24-25). (Line 1663)**
- **Tobacco and Vaping Prevention; \$8 million (FY22-23); \$8 million (FY24-25). (Line 1670)**

Miscellaneous DHS Appropriations:

- **Sections 3, 14, 16 (p. 5-6, 22-24, 25-26): Establishes an MA enhanced asthma benefit. \$866,000 (FY22-23); \$1.9 million (FY24-25).**

PUBLIC HEALTH

- Sections 4, 5, 6, 31 (p. 7-12, 40): Extends MA postpartum coverage to 12 months with some revised costs (from current 60 days). \$4.7 million (FY22-23); \$10.4 million (FY24-25).

Bill Language:

Article 3: Health Department:

- Section 10 (p. 132): Expanding sources of data the commissioner may use to derive health risk limits for substances degrading groundwater.
- Sections 11, 46 (p. 133-134, 170): Vivian Act: requiring the commissioner of health to make available information about congenital CMV (human herpesvirus cytomegalovirus); requiring the commissioner to establish an outreach program to provide education about and raise awareness of CMV; requiring review of congenital CMV for inclusion in the newborn screening program and increasing the per-specimen fee if included. DHS Budget: \$61,000 (FY22-23); \$146,000 (FY24-25). MDH Budget: \$491,000 (FY22-23); savings of \$512,000 (FY24-25).
- Section 20 (p. 142): Increasing the per-specimen fee for testing under the newborn screening program. DHS Budget: \$127,000 (FY22-23); \$142,000 (FY24-24). MDH Budget: savings of \$2.2 million (FY22-23); savings of \$2 million (FY24-25).
- Section 21 (p. 142-144): The dignity in pregnancy and childbirth act that directs hospitals to develop a curriculum for employees regarding antiracism and implicit bias. \$699,000 (FY22-23). \$520,000 (FY22-23) to the Wilder Foundation for community training and education.
- Sections 22-24, 43 (p. 144-147, 168): Alcohol and drug counselors added to the health professional education loan forgiveness program, effective July 1, 2025. Temporarily adds certain providers serving public program enrollees.
- Sections 25-29, 40 (p. 148-151, 165-166): Issuance of certified birth records and state identification cards to homeless youth and fee waiver. \$104,000 (FY22-23).
- Section 30 (p. 151-156): Modifies hospital moratorium to allow for additional safety net beds for Regions Hospital and Prairie Care.
- Section 31 (p. 156-158): Requiring notice and public hearing before closure of a hospital or hospital campus, relocation of services, or cessation in offering certain services.
- Sections 32-35, 41 (p. 158-162, 166-177): Modifying requirements for lead risk assessments, including expanding settings where lead risk assessments must be conducted and blood lead levels at which lead risk assessments must be conducted; and allowing an assessing agency to order additional lead hazard reduction and remediation activities. \$2.8 million (FY22-23); \$2.6 million (FY24-25).
- Sections 37-39 (p. 163-165): Changes to provisions governing access to data for maternal mortality studies; clarifying the data classification of certain data held by the commissioner for these studies; and authorizing the commissioner to convene a Maternal Mortality Review Committee to conduct maternal death study reviews. \$1.1 million (FY22-23); \$796,000 (FY24-25) for anti-racism curriculum, maternal mortality reviews and midwife/doula initiatives.
- Section 44 (p. 168-169): Continuing education for certain social workers, marriage and family therapists, psychologists and clinical counselors. Must be from communities of color or underrepresented communities and work for community health providers that serve at least 25% public program enrollees.
- Section 45 (p. 169): Requiring the commissioner of health to distribute public health infrastructure funds to community health boards and tribal governments for projects to build public health capacity, pilot new models for providing public health services, or improve the state's public health system.

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- Subd. 6. Recommendations on changes to organization and funding of public health system. By February 1, 2023, the commissioner shall develop and provide to the chairs and ranking minority members of the legislative committees with jurisdiction over public health recommendations on changes to the organization and funding of Minnesota's public health system.
- Public Health Infrastructure Funds. \$6,000,000 in fiscal year 2022 and \$6,000,000 in fiscal year 2023 are from the general fund for public health infrastructure funds to distribute to community health boards and Tribal governments to support their ability to meet national public health standards.
- Public Health System Assessment and Oversight. \$1,500,000 in fiscal year 2022 and \$1,500,000 in fiscal year 2023 are from the general fund for the commissioner to assess the capacity of the public health system to meet national public health standards and oversee public health system improvement efforts.

Article 6: Telehealth:

- Expands on services that can be delivered via telehealth.

Article 8: Child Care Assistance:

Section 11 (p. 260-261): Outlines legislative direction on the spending of federal fund and child care and development block grants (CCDBG) in FY22 with allocations available until June 30, 2025:

- \$1.5 million from federal fund to community-based organizations that work with family, friend, and neighbor caregivers to promote health development, social-emotional learning, early literacy, and school readiness. The grants shall be allocated with an emphasis on caregivers serving children from low-income families, families of color, tribal communities, or families with limited English language proficiency.

- \$13.5 million from federal fund and \$9 million from CCDBG for child care improvement grants financing programs.
- \$1.5 million from federal fund and \$1.5 million from CCDBG for workforce development grants to organizations operating child care resource and referral programs to promote careers in child care. A report on this spending and its effects on the child care workforce is due by January 1, 2024.
- \$3 million from the federal fund for child care business training.
- Allocations from CCDBG for the aforementioned reprioritization, child care assistance increases, and BSF child care:
 - \$33.444 million (FY22)
 - \$66.398 million (FY23)
 - \$81.755 million (FY24)
 - \$57.737 million (FY25)

Article 14: Miscellaneous:

Section 19 (p. 434-435): Family Supports and Improvement Program: DHS shall collaborate with the children's cabinet to engage with the Departments of Education, Health and other relevant state agencies, counties and Tribal agencies, child care providers, early childhood education providers, school administrators, parents of families who qualify for or are receiving state or county assistance, and other service providers working with those families to develop recommendations for implementing a family-focused voluntary information sharing program intended to improve the effectiveness of public assistance programs and the delivery of services to families, including the child care assistance program, MFIP, SNAP, early learning scholarships, MA, and home visiting programs. \$150,000 in FY22 to develop recommendations for implementing a family supports and improvement program.

Article 16: Appropriations:

- \$25.91 million (FY22-23); \$20.3 million (FY24-25) for homelessness grants and projects (Spreadsheet; lines 642-657).

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- \$12 million each biennium for emergency shelter grants
- \$10 million (FY22-23); \$5 million (FY24-25) for Community Living infrastructure grants; Article 17, section 5 (p. 488)
- \$12 million each biennium for emergency shelter grants
- \$10 million (FY22-23); \$5 million (FY24-25) for Community Living infrastructure grants; Article 17, section 5 (p. 488)
- Expand Grants for Integrated Care for High-Risk Pregnant Women; \$1.6 million (FY22-23); \$706,000 (FY24-25). (Spreadsheet, lines 1144-1149)

Redesign Outreach Activities for Child and Teen Checkup Program: Unfortunately, the final package includes the Administration's proposal related to early and periodic screening, diagnosis, and treatment services, otherwise known as Child and Teen Checkup (C&TC). This change shifts responsibility for outreach of 50% of children on Medical Assistance (MA) or Medicare to Integrated Health Partnerships (IHPs).

The State books savings of \$2.4 million (FY22-23); savings of \$3.2 million (FY24-25). (Spreadsheet, lines 1124-1126)

Full Bill Summary: For a breakdown by article and section, see attached summary of the 500-page bill.

Chapter 6, 1st SS of 2021

Environment and Natural Resources

Environment and Natural Resources: The omnibus Environment and Natural Resources budget bill, sponsored by Senators Bill Ingebrigtsen (R-Alexandria) and Carrie Ruud (R-Breezy Point) and Representative Rick Hansen (DFL-South St. Paul), was signed into law by Governor Walz on June 29 as [SS Chapter 6. \(Summary, Spreadsheet\)](#)

Section 105 of the bill includes a ban of perfluoroalkyl and polyfluoroalkyl substances, known as "PFAS," in food packaging anywhere in the state. Effective January 1, 2025.

Chapter 5, 1st SS of 2021

Transportation

The Transportation budget bill, sponsored by Representative Frank Hornstein (DFL-Minneapolis) and Senator Carla Nelson (R-Rochester), was signed into law by Governor Walz on June 26 as [SS Chapter 5. \(Summary, Spreadsheet\)](#)

Article 1: Appropriation for **Safe Routes to School grant program**; \$5 million one-time funding in FY22.

Chapter 14, 1st SS of 2021

Taxes

Omnibus Tax Bill: The agreed upon tax bill, sponsored by Representative Paul Marquart (DFL-Dilworth) and Senator Carla Nelson (R-Rochester), provides nearly \$1 billion in tax relief over the next four years, focusing on businesses that received federal payroll loans and workers who collected unemployment checks during the COVID-19 pandemic. The Department of Revenue estimates 560,000 Minnesotans who received federal COVID-19 aid over the past year will get tax relief under the bill. Governor Walz signed the bill into law on July 1 as [Chapter 14.](#)

Summary

- **Preventing Homelessness:** The final agreement appropriates \$20 million to local governments to help prevent student homelessness in communities across the state.
- **"Heroes" bonuses:** The plan establishes a "Frontline Worker Grant Program" working group, tasked with making recommendations regarding a \$250 million fund for bonuses for essential pandemic workers, especially long-term-care employees. That fund is derived from federal ARP money and will be governed by rules crafted by the working group of lawmakers and Governor's appointees that is to report back to lawmakers by Labor Day. The decision as to which employees are eligible and the amounts of the bonuses must be approved by the Legislature before the money can be distributed. As a result, the Legislature will return for a special session in September.



2021 LEGISLATIVE SESSION REPORT

PUBLIC HEALTH

BILLS PASSED DURING REGULAR SESSION

Chapter 30, 2021 Regular Session

Health and Human Services

On May 17, the end of the regular legislative session, both bodies passed the policy-only language from the omnibus Health and Human Services bill. The bill was signed into law by Governor Tim Walz on May 25 as [Chapter 30](#):

[Summary](#)

Public Health Items of Interest:

- **Grants for home visiting programs for pregnant woman and families with young children.**
- **Nurse-Family Partnership Programs:** MDH shall award expansion grants to community health board and tribal nations to expand existing nurse-family partnership programs. Must be used to start up, expand, or sustain nurse-family partnership programs in the county, reservation, or region to serve families in accordance with the Nurse-Family Partnership Service Office nurse-family partnership model. Priority given to enrolled providers who accept Medical Assistance.
- **Medical Cannabis:** Commissioner may adopt or amend rules to implement the addition of dried raw cannabis as an allowable form of medical cannabis.
- **Sex Trafficking and Sexual Exploitation Training:** All child protection social workers and social services staff who have responsibility for child protective duties shall complete training implemented by DHS regarding sex trafficking and sexual exploitation of children and youth.

Chapter 4, 2021 Regular Session

Authorizes Dentist Administration of COVID-19 Vaccinations

SF475/HF789, authored by Senator Rich Draheim (R-Madison Lake) and Representative Mike Freiberg (DFL-Golden Valley), was signed into law by Governor Walz on March 3 as [Chapter 4](#).

Minnesota Statutes, section 150A.055, provides that dentists have the authority to administer influenza vaccines. Chapter 4 broadens the authority to include COVID-19 vaccinations. The authority to administer COVID-19 vaccines expires on June 1, 2021.

Chapter 8, 2021 Regular Session

COVID-19 Vaccination Administration Medical Reimbursement Rate Increase and Appropriation

HF1438/SF1156, authored by Representative Tina Liebling (DFL-Rochester) and Senator Michelle Benson (R-Ham Lake), was signed into law by Governor Walz on March 26 as [Chapter 8](#).

Increase in MA reimbursement rate for COVID-19 vaccination administration:

Sets the MA reimbursement rate for administering the COVID-19 vaccination at the Medicare rate for health care professionals who administer a COVID-19 vaccine approved by the Food and Drug Administration, including through emergency use authorization, to MA enrollees.

States that the section expires the last day of the first quarter that begins at least one year after the last day of the federal public health emergency. Provides that the section is effective April 1, 2021, or upon federal approval, whichever is later.

PUBLIC HEALTH

Chapter 17, 2021 Regular Session

Pregnant and Postpartum Female Inmates Placement in Community-Based Programs

HF1403/SF1315, authored by Senator Mary Kiffmeyer (R-Big Lake) and Representative Jamie Becker-Finn (DFL-Roseville), was signed into law by Governor Walz on May 13 as [Chapter 17](#).

The bill authorizes the Commissioner of Corrections to conditionally release:

- for up to one year, an inmate who is postpartum and gave birth within eight months of the date of commitment; and

- for the duration of the pregnancy and up to one year postpartum, an inmate who is pregnant.

The inmate may be conditionally released to community-based programming that provides prenatal or postnatal care, as well as parenting skills, employment, educational, chemical dependency or mental health services. The commissioner must develop policy and criteria to implement this section.

By April 1 of each year, the commissioner must report to the Legislature on the number of inmates released and the duration of the release under this section for the prior calendar year.

What Did Not Happen?

No SHIP Reduction: At one point, the Senate proposed a reduction to the SHIP grant program. That proposal was dropped from the final HHS budget bill.

Recreational Cannabis: [HF600](#), authored by House DFL Majority Leader (DFL-Golden Valley), passed the floor on a vote of [72-61](#). Despite 13 hearings in the House, there was no appetite for the Senate to address it this year. Under the proposal, legal limitations would have been placed on the use, possession, and transportation of cannabis and cannabis products and civil penalties for violations would be established. The bill would have allowed a person aged 21 or older to possess:

- 2 ounces or less of cannabis in a public place
- 10 pounds or less of cannabis in a person's residence
- 8 grams or less of adult-use cannabis concentrate
- edible products infused with a total of 800 mg or less of tetrahydrocannabinol (THC)
- up to eight cannabis plants, of which four or fewer may be mature, flowering plants

A Cannabis Management Board with nine members appointed by the Governor would have been created to oversee and regulate the production and sale of adult-use cannabis, adult-use cannabis products, and medical cannabis. The board would have issued 10 different types of licenses for various sectors of the cannabis industry in Minnesota. It would have also established an Office of Social Equity to promote development, stability, and safety in communities that have experienced a disproportionate, negative impact from cannabis prohibition. Local units of government could not have prohibited establishment of a licensed cannabis business, but could have established reasonable restrictions on the time, place, and manner of retail cannabis operations, such as prohibiting a cannabis business "within 1,000 feet of a school, day care, nursing home, union headquarters, house of worship, or the Capitol or Capitol grounds."

Adjournment:

Governor Walz will call the Legislature back into special session in September to address a plan for the distribution of bonuses for essential workers.

The 2022 Legislature convenes on Monday, January 31, 2022.



2021 LEGISLATIVE SESSION REPORT

TRANSPORTATION

INTRODUCTION

The legislature did not pass a transportation budget bill within the regular legislative session. Special session negotiations were principally held between transportation chairs, Senator Scott Newman and Representative Frank Hornstein, who worked hard to reach agreement on [Chapter 5, 1st SS of 2021](#). Chapter 5 allocates a \$200 million budget target for FY 2022-23, reflecting a largely one-time funding increase to various statewide priorities spanning all modes of transportation. MICA counties will benefit from substantial trunk highway bond and general fund appropriations dedicated to specific projects. The bill does not include language proposed by the Governor, and later adopted by the Senate, that would have shifted responsibility for funding transit guideway capital maintenance and other guideway costs to counties, and no change to distribution of leased motor vehicle sales tax revenues.

Chapter 5, 1st Special Session, 2021

\$200 Million Increase FY2022-23

Increased Funding for County/Local Roads & Bridges & Transit

- \$14 million one-time for the Local Bridge Replacement Program (available until FY2025)
- \$5.5 million one-time for the Local Road Improvement Program (available until FY2025)
- \$12 million one-time for town roads available until FY2023.
- \$18 million one-time for small city streets one time appropriation available till FY2023.
- \$57.5 million one-time for arterial Bus Rapid Transit projects, including but not limited to predesign, design, engineering, environmental analysis and mitigation, right-of-way acquisition, construction, and acquisition of rolling stock (available until FY2025)
- An additional \$5 million to CSAH in each biennium (from MnDOT/DPS HUTD changes)
- \$2.598 million in each year of the biennium for costs to reopen all driver's license exam locations that were closed in 2020 due to COVID.
- \$2.229 Million in FY2022 and \$155,000 in FY2023 for costs of a pilot project for same-day issuance of drivers' licenses and state identification cards.

General Fund Appropriations for Designated Projects

Funding for MICA County Projects

Once again, the process for selecting projects and whether to 'ear-mark' funding was a major difference in negotiations, with the Senate preferring to name certain projects and the Department of Transportation and House opposed to that approach. In the end, a letter from the Commissioner in combination with language in [Chapter 5](#) identifies various priority projects, including:

- **Chisago County** – \$8 million for US Highway 8, 2 to 4 lane expansions with the project led by Chisago County. If all funding is secured and project development work is completed, construction is anticipated to start in FY2025.
- **Scott County** – US Highway 169, Trunk Highway 282 & County State Aid Highway 9 in Scott County design \$2.5 million. If all funding is secured and project development work is completed, construction is anticipated to start in FY2025.
- **Washington County** – \$3.5 million for bridge over I-694 to be led by Washington County. If all funding is secured and project development work is completed, construction is anticipated to start in FY2023.

TRANSPORTATION

- **Sherburne County** – \$3.03 million for local street and utility reconstruction projects.
- **Carver County** – \$1.5 million for a TH 41 roundabout in Chanhassen led by Carver County. If all funding is secured and project development work is completed, the earliest anticipated start of construction is 2025.
- **Dakota County** – \$1.4 million for an I-35 study.
- **Trunk Highways** \$2.5 million to study intersection changes at TH's 3, 77 and 55.
- **Stearns County** – \$1 million to study a US Highway 10 project in St. Cloud.
- **Rice County** – \$500,000 to study an I-35 & CSAH 9 intersection project.
- **Anoka County** – \$7 million for 99th Avenue and TH 65 in Blaine. If all funding is secured and project development work is completed, construction is anticipated to start in FY2024.

Trunk Highway Bond Projects

Includes Funding for Several MICA County Projects

- **Carver County** – \$25 million to upgrade a two-lane trunk highway in Carver County to four lanes for a section that connects to four-lane segments at both ends. The earliest anticipated start of construction is FY 2024 or 2025.
- **Wright County** – \$27 million for I-94 Westbound in Albertville. The earliest anticipated start of construction is FY 2023 (assuming design-build).
- **Ramsey/Anoka County** – \$31 million for Ramsey Gateway/US Highway 10 to be led by Anoka County. The earliest anticipated start of construction is December 2023 for prep/minor construction (tree clearing, etc.), with 2024/2025 targeted for major construction.
- **Wadena County** – \$30 million for US Highway 10 in Wadena County led by MnDOT. The earliest anticipated start of construction is FY 2025 or later.

Policy Changes

Local Bridge Project Grant Cap; Deputy Registrar Fee Study

- **Maximum Bridge Grant Fix:** Caps local bridge grant amounts at \$7 million.
- **Residency Requirement:** removes the state residency requirement for county engineers
- **Self Service Vehicle Registration:** Motor Vehicle registration can be purchased using self-service registration kiosks. Kiosks will be implemented and administered between the commissioner, deputy registrars, and the vendor. Deputy registrars retain the transaction fees from kiosks they administer.
- **Deputy Registrar Fee Modification Report:** Requires a report by February 1 of 2022 to include recommendations on whether driver's license agent and deputy registrar fees should be modified.
- **Deputy Registrar Fee Increase Review:** Requires that the independent review examine the increase in work for deputy registrars and driver's license agents since implementation of MnDRIVE, including whether a permanent fee increase is warranted.
- **Federal Funds Reporting:** Metro transit replacement service providers must report all expenditures of federal funds to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation finance and policy by February 15, 2022, and annually thereafter until all federal funds are expended. The report must include the total amount of each expenditure, the purpose of each expenditure, and any additional information necessary to properly document each expenditure.
- **DOT Project Selection Study:** By January 15, 2022, the commissioner of transportation must report to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation finance and policy on ways to include meaningful legislative input into the project selection process.

TRANSPORTATION

- **Post COVID Public Transport Study:** the commissioner of transportation must arrange for a study by the UMN Center for Transportation Studies to examine public transportation, focusing on transit service, Northstar Commuter Rail, commuter-oriented transit service by the Met Council. The analysis and projections are due by February 1, 2023.
- **Metro Mobility--Forecasted Funding:** Beginning with the November 2024 forecast, the commissioner of management and budget must incorporate a state obligation from the general fund for the annual net costs to Met Council to implement the special transportation service (Metro Mobility) within the seven-county Metro Area.
- **Special Transportation Fares:** Met Council must establish fares for special transportation

services in accordance with federal law. The council must use all fares collected for special transportation services exclusively for purposes related to special transportation services (Metro Mobility) in the Metro Area.

Other Funding Provisions

Safe Routes to Schools, Passenger Rail, & Airports

- \$10 million one-time for design and construction to provide for a second daily Amtrak train to from Minneapolis and St. Paul to Chicago, available until FY2025.
- \$5.5 million one-time in FY2022 for Safe Routes to Schools.
- \$5.5M – funding for improvements and expansions of satellite airports.

What Did Not Happen?

- No new Comprehensive Transportation Funding Package that Increases Constitutionally Dedicated Funding for Roads & Bridges.
- No changes to the distribution of leased motor vehicle sales tax revenues.
- No capital bonding bill was passed.
- No base funding for the Local Road Wetland Replacement program was established.



2021 LEGISLATIVE SESSION REPORT

CORRECTIONS AND PUBLIC SAFETY

INTRODUCTION

From the start of the 2021 legislative session in January, it was clear that the House and Senate Judiciary and Public Safety Committees were doing things differently and may have trouble coming to an agreement. The Senate committee started with informational hearings, while the House committee started hearing reform bills (mostly related to law enforcement) early in the session. In the background, the state was still experiencing civil unrest related to the trial of Derek Chauvin, and other use of deadly force encounters with law enforcement during the legislative session. As the first session ended without agreement, it was clear that public safety was going to play a big part in the negotiations during the special session and could be the determining factor as to whether there was a state government shutdown. In the end, an agreement was reached just days before the deadline for the budget bills and the omnibus was passed on June 29, 2021. For anyone that frequents the Capitol, it was clear that both sides gave up a lot of policy positions in order to avoid a shutdown.

Chapter 11, 1st Special Session of 2021

Omnibus Public Safety Bill

County Probation System Funding and Workgroup
[Chapter 11](#) includes increases in pass through funding for county-run probation systems. The Community Corrections Act subsidy will include an additional \$2.44 million this biennium and the County Probation Officer reimbursement will include an additional \$202,000. The increase is not ongoing and requires a working group report to be presented to the legislature by December 15, 2021. The working group report must include a proposal for sustainable funding of the state's community supervision delivery systems, plans for future Tribal government supervisions, defined statewide service standards that align with current best practices, and other related supervision recommendations and findings. The working group is established by the Commissioner of Corrections but is running parallel to the Justice Reinvestment Initiative project started by the Council of State Governments towards the end of the regular session. The Council of State Governments will collect data to help develop the working group's recommendations.

Neuropsychological Examination Included in Pre-Sentence Investigation

During the 2020 session, a bill was proposed that required judges to order a neuropsychological examination prior to sentencing in cases where a traumatic brain injury, stroke, or fetal alcohol syndrome are present. The fiscal note showed a cost to counties of approximately \$8 million. The bill was also discussed during the 2021 regular session, but no funding was anticipated, and the bill did not pass as introduced. The omnibus bill has a provision requiring state court administration to conduct a feasibility study with recommendations on whether the law should be changed to require these examinations and, if so, the situations and conditions under which the examinations should be required, including how to pay for the additional cost.

Emergency Communications

911 Telecommunicator Working Group: Establishes a working group to define 911 telecommunicator; recommend training and continuing education requirements for certification of 911 telecommunicators; recommends standards for certification of 911 telecommunicators; and recommends funding options for mandated 911 telecommunicator training.

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Emergency Response Services - Travis's Law: Requires 911 operators to refer calls involving mental health crises to mental health crisis teams, where available.

Law Enforcement and Criminal Justice Policy Changes

Body Cameras: The omnibus bill includes significant investments in technology for body camera purchase and maintenance for not only state agents, but also \$500,000 each year for grants to local law enforcement agencies for the purchase and maintenance of portable recording systems.

Misconduct Report to the POST Board: Local chief law enforcement officers are now required to report more information related to alleged misconduct by peace officers to the POST Board, including data the is defined as private data.

Confidential Informant Model Policy: Matthew's Law: Requires the POST Board to create a comprehensive model policy for the use of confidential informants and learning objectives related to the policy.

No Knock Warrant Policies: One of the important reform policies for House DFL creates a process for review and approval of no-knock warrants, as well as a prohibition of their use in drug possession cases.

U-VISA Certification Procedures: Requires certifying law enforcement officers to respond to requests for certification forms related to U-Visas within a certain amount of time. U-visas are a special kind of visa for immigrants that are victims of crime and assist law enforcement in their investigations through reporting the crime and giving statements/being available for law enforcement. Law enforcement officials must submit a form attesting to the fact that the victim was cooperative in the investigative effort.

Law Enforcement Private Data Expansion: Classifies the personal telephone numbers, home address, and e-mail address of law enforcement as private data.

Innovation in Community Safety Grants: Awards grants to organizations in targeted areas that address violence and promote community healing and recovery.

Sign and Release Warrants: Creates a new kind of warrant that is intended to decrease high stress traffic stops. If the sign and release warrant is issued, a policy officer would ask the person to sign a citation affirming they understand the need to appear in court and then release them on the scene, hopefully with the knowledge of their next court date.

Dissemination of Personal Information About Law Enforcement: Creates a misdemeanor for revealing personal information about a police officer if it poses an imminent and serious threat to the officer's safety or a gross misdemeanor if the officer "suffers great bodily harm or death as a result of the violation."

Safety in Facilities Bill – Hardel Sherrell Act: Requires the Department of Corrections to make changes to safety standards in licensed facilities. The changes include; updating mental health assessments, screening, medication administration, and discharge planning; sharing relevant inmate health information with medical personnel; prohibiting certain conduct, such as chokeholds; and developing policies to examine circumstances surrounding the death of an individual in custody of the facility. The bill was prompted by the Star Tribune's "Cruel and Unusual" series and the 50 deaths of incarcerated individuals since 2015.

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Other Provisions

Criminal Sexual Conduct Taskforce Recommendations: Recommendations from the Criminal Sexual Conduct Working Group have been adopted and passed into the law in this bill. Among the changes is a provision closing a loophole related to mental impairment and voluntary intoxication in sexual assault cases. That provision was heard in response to a Minnesota Supreme Court case that overturned a conviction based on current law that says an intoxicated person is not considered "mentally incapacitated" and unable to consent to a sexual act unless the intoxicating substance was administered to the person without that person's agreement. Under current law, that is true even if the individual was intoxicated to the point where they could not give reasoned consent.

Taskforce on Missing and Murdered African American Women: Establishes a Task Force on Missing and Murdered African American Women "to advise the commissioner of public safety and report to the legislature on recommendations to reduce and end violence against African American women and girls in Minnesota."

Office of Murdered and Missing Indigenous Relatives: Establishes an office under the Department of Public Safety dedicated to preventing and ending the targeting of Indigenous women, children, and two-spirited people with the Minnesota Office of Justice Programs.

Hometown Heroes Assistance Program: Creates a grant program to assist firefighters who are subject to very high rates of cancer, cardiac issues, and emotional trauma. The grants are for critical care, but the program also creates a statewide Employee Assistance Program for firefighters in Minnesota.

Civil Asset Forfeiture Reform: Compromise provision coming from a attempt to overhaul the forfeiture process in 2019 and earlier. The provisions narrow the scope of what vehicles are subject to forfeiture, specifically those involved in

felony DWI crimes. It allows a defendant to get their car back if they are participating in the Ignition Interlock program. There are further protections for innocent owners with enhanced due process procedures. Innocent owners can notify prosecutors of the ownership, which shifts the process from the courts to the county attorney's office. The notice of seizure has been updated to be more understandable. The bill clarifies towing and storage fees and reduces storage fees paid by a defendant in most cases. For controlled substance crimes, a threshold of \$1500 was set with an exception for any amount that was used for the purpose of purchasing or selling controlled substances. The funding structure that is currently in place for civil forfeiture is still in place and allows law enforcement and prosecutors to use those funds for routine tasks and as well as training, education, crime prevention, equipment, or capital expenses.

Public Safety Funding

Judicial Branch: The Judicial Branch saw increases of 2.5% to salaries for Supreme Court Justices, Appellate Court Judges, and District Court judges bringing the total appropriation for compensation increases to approximately \$7.260 million. The Legislature also agree to funds a new judgeship in the 5th Judicial District which is located in south-western Minnesota. Other notable items include a \$200,000 appropriation for an increase in pay for certified and uncertified court interpreters, as well as \$500,000 for courthouse security grants to local governments for improving security infrastructure in courthouses (and requiring a 50% local match for grant funds).

Department of Public Safety: DPS received an operating adjustment of 2% in the first year and 2.5% in the second for a total of \$3.7 million and \$3.9 million, respectively. Specific funding items include: \$250,000 each year for two school safety specialists in the school safety center; \$400,000 for survivor support and prevention grants; \$250,000 each year for an antitrafficking investigation coordinator and to implement strategies to combat

CORRECTIONS

sex trafficking; \$400,000 each year for innovation in community safety grants; \$1 million for additional Violent Crime Enforcement Teams; and funding for the establishment of the Office of Missing and Murdered Indigenous Relatives, Hometown Heroes Assistance Program, and task force on Missing and Murdered African American Women.

Peace Officers Standards and Training Board: The POST Board received approximately \$2.95 million each year to reimburse local units of governments for training of peace officers. Additionally, there was a continuation of the \$6 million per year (ending in 2025) in training assistance that has been named the Philando Castile Memorial Training Fund.

Department of Corrections: The DOC received an operating adjustment of \$6.6 million in the first year and \$13.2 in the second year, which includes a 2.8% increase for compensation. Other proposal funded in the budget include the Healthy Start Act, Community Corrections Act subsidy increases, County Probation Officer reimbursement increases, and additional support services for those transitioning out of prison into the community.

Public Defender: The Public Defender's Office received an increase of \$5.13 million in FY 22 and \$10.08 million in FY 23 to maintain operations.

Disaster Assistance Contingency Account: \$30 million will be transferred into the DACA if the balance of the general fund exceeds the closing balance projected at the end of the first special session of 2021.

BILLS PASSED DURING REGULAR SESSION

Chapter 6

Uniform Recognition and Enforcement of Canadian Orders for Protection Act

[Chapter 6](#) allows Minnesota to enforce protection orders issued in Canada while the protected person is in Minnesota. Minnesota already enforces other state orders, as well as federal and tribal government orders. Likewise, Manitoba, Saskatchewan, British Columbia, and Quebec recognize and enforce Minnesota orders for protection. The bill was signed by the Governor on March 23, 2021.

Chapter 13

Appropriations for Costs Related to Civil Unrest

The beginning of the regular session was rife with debate related to law enforcement costs for responses to protests. Part of the impetus for the debates was the looming trial of former Minneapolis Police Officer Derek Chauvin who was found guilty of the murder of George Floyd partway through the legislative session. The Governor requested appropriations early in session when the trial dates

were set with an expectation of protests and other unrest. It wasn't until later in session that [Chapter 13](#) was passed and signed giving the state some of the money requested by the Governor. It appropriates \$1.5 million in fiscal year (FY) 2021 for public safety assistance related to civil unrest and aid from other states, and \$6.3 million for state trooper and Department of Natural Resources conservation officer expenses also related to civil unrest. It was signed by the Governor on April 27, 2021.

Chapter 17

Healthy Start Act

[Chapter 17](#) ([HF1403/SF1315](#)) passed off the floor of both bodies with overwhelming support and was signed into law by the Governor on May 14, 2021. The bill allows conditional release for incarcerated pregnant women and new mothers. Conditional release will be to halfway houses that have monitoring and security systems already in place. Testifiers in committee stated that of the 278 pregnant women sentenced to serve time in

CORRECTIONS

Minnesota between 2013 and 2020, 77% were in prison for technical violations of supervision, and 84% had non-violent offenses. Just over half of those women were released within six months of giving birth. This plan would provide more options to allow for connection and bonding between mother and child within the first year, which has the potential to reduce harm to the child for a circumstance for which they had no control.

Chapter 20

Disclosure of Predatory Offender Status to Hospice Providers

One of a small number of bills that were signed into law during the regular session is a somewhat short and simple bill that requires notice to hospice providers of a person's status under the predatory offender registry. [Chapter 20](#) was signed by the Governor on May 25, 2021.

Chapter 24

DOC Issued Identification Cards and Homelessness Mitigation Services

[Chapter 24](#) started as a bill to provide identification cards to individuals released from prison as a secondary form of ID for applications, employment forms, and social security cards. It became a law that has the potential to provide many released inmates with additional services they need to succeed in the community. For example, it requires that the DOC provide an updated list of medications, a prescription for necessary non-narcotic medications, and a 30-day supply of non-narcotic medications. A simple thing like refilling a prescription may be very difficult for recently released individuals as all public health benefits end while in prison. They would need to apply for benefits (where ID might be necessary), find a primary care provider, have an exam, and get a prescription, and then have the money to fill the prescription. By eliminating some steps, the individual will likely not run out of medication which makes them more likely to stay in the community without issue. There are similar provisions related to job searching, housing, and other support services. The bill was signed into law by the Governor on May 25, 2021.

What Did Not Happen?

- No direct Emergency Management Readiness grant appropriations for counties
- The 911 telecommunications fee was not maintained at the 95-cent level – it was reduced to 80 cents
- The Department of Correction's Minnesota Rehabilitation and Reinvestment Act which would have created an earned compliance credit for early release
- No changes to qualified immunity and indemnification of law enforcement
- A bill to limit probation revocation in limited circumstances involving minor violations that do not involve the commission of a new crime
- No regulation of charitable bail organizations



2021 LEGISLATIVE SESSION REPORT

GENERAL GOVERNANCE

FINAL AGREEMENT – ENDS COVID PEACETIME EMERGENCY JULY 1ST

Legislative Appropriation of \$2.8 Billion Federal American Rescue Plan Funding

Final negotiations on the State Government Omnibus Budget Bill, [Chapter 12, 1st SS of 2021](#) (SF2), included a House-Senate agreement to terminate the peacetime emergency declared by [Executive Order 20-01](#), on March 13, 2020, effective July 1, 2021, at 11:59 p.m.

Throughout the final days and hours of Special Session, amendments to various bills volleyed back and forth and the Senate, House and Governor sought agreement on an end to EO 20-01. The Governor sought inclusion of specific exceptions for vaccine distribution and testing, draw-down of federal food stamp funds, and continued flexibility to temporarily reassignment state workforce through August 1. The Senate majority sought a retroactive \$1000 cap on fines for violations of peacetime emergency executive orders. Ultimately, [Chapter 12, Article 2, section 23](#), the Omnibus State Government budget bill, signed into law on June 30, ended the Peacetime Emergency declared under EO20-01 effective midnight July 1.

[Chapter 14, Article 11, section 36](#), the Omnibus Tax Bill, passed the next day, and signed by Governor Walz on July 1, included language sought by the Governor maintained certain executive order provisions through August 1. No permanent changes were made to Minn. Stats. Chapter 12 emergency powers, meaning the Governor maintains authority to declare a new peacetime emergency for COVID or other purposes allowed by that law.

ARP - \$2.8 Billion State Fiscal Stabilization Funds (SFSF)

Control over federal COVID spending was also a major point of contention between the Senate and Governor since the start of pandemic. While longstanding law statutorily appropriates most federal funds subject only to an advisory review by a panel of legislators, or by direct appropriation during a regular session, the significant sums of federal CARES and ARP federal funds were viewed differently by legislators. [Chapter 12, article 5](#), puts in law the essence of the [May 17 Global Agreement](#), including:

- Appropriates **\$425 million** (of the \$2.8 billion) for a new COVID Flexible Response Account, to be used by the Administration to fund necessary COVID response actions, subject to review by a panel of legislators. A related **\$75 million** for 2021 summer school programs was directly appropriated (a combined \$500 million).
- Transfers **\$1.183 billion**, which was determined to qualify as 'revenue loss' under federal guidance, to the General Fund for government services. These funds were effectively combined with the forecast surplus and incorporated into budget bill targets and appropriations.
- Suspends the current law on federal funds spending authority relative to the remaining **\$1.150 billion** of SFSF's until June 15, 2022, effectively ensuring the legislature has an opportunity to directly appropriate those funds in a subsequent legislative session.

FRONT-LINE WORKER PAYMENTS: As summarized in Tax and Fiscal Policy, [Chapter 14, Article 11, section 38, 1st SS 2021](#), sets-aside \$250 million of the remaining SFRF's for compensating front-line workers, including long-term care workers. A nine-member working group is directed to bring forward, by September 6, 2021, recommendations for allocating those funds.

GENERAL GOVERNANCE

LABOR LAW CHANGES—CHAPTER 10, 1ST SS 2021

Pregnancy & New Mother Accommodations

Amends current law to require employers to provide reasonable paid break times for new mothers to express breast milk during the twelve months following the birth of a child; the employee shall use already available paid break times if possible. Additionally, employers with 15 or more employees must grant employee accommodation requests for health conditions related to pregnancy or childbirth, unless the employer shows it would be an undue hardship. Undue hardship cannot be claimed, and medical advice cannot be required, for certain accommodation requests: more frequent restroom, food, or water breaks, or limits on lifting over 20 pounds. The law is effective January 1, 2022. ([Chapter 10, 1st SS 2021, article 3, section 3](#)).

CHAPTER 12 - ELECTIONS LAW & FUNDING

Dropbox Security, Increased Funding, Other

[Chapter 12, 1st SS 2021](#) (SF2):

- establishes absentee balloting box security standards, including that each drop box must be continually recorded, as well as publication of locations and other requirements. (See [Article 4, section 5](#))
 - \$750,000 each year for voting equipment grants to local governments
 - \$1.0 million each year for local governments to implement new absentee ballot box election security provisions.
- allows unspent 2019 HAVA appropriations to be spent until March 23, 2027
- establishes February 15th of each year as a deadline for county auditors to report certain data related to post-election sampling ([Article 4, section 2](#))
- clarifies training requirements for the absentee ballot board ([section 6](#))
- revises requirements when precinct boundary changes occur ([section 7](#))

- establishes manual recount standards for constitutional amendments, requiring a recount if 'yes' votes are within ¼ of one percent of all ballots cast.

In addition, [Chapter 31, Article 3](#) (regular session):

- clarified filing requirements related to filling vacancies for state and federal offices

Various Other Chapter 12 Provisions

- \$207,000 annually set-aside for County Program Aid to pay for completion of local impact notes will now be transferred to the legislative budget office (LBO) rather than MMB
- The Legislative Auditor is requested to complete a review of Minnesota's COVID-19 response
- Provides significant increased funding for State Veteran Home staffing, establish a veterans stable housing initiative, and establishes a diversion sentencing option for veterans with certain service-connected conditions ("Military Veterans Restorative Justice Act")

2021 REGULAR SESSION ACTIONS

Various General Governance Changes

- [Chapter 1](#) extended the waiver of the in-person application requirement for marriage licenses to May 31, 2021. The legislation was retroactive to January 1, 2021.
- [Chapter 12](#) adopted the Worker's Compensation Advisory Council (WCAC)'s policy recommendations, including: amending the definition of minimum weekly compensation to be the lesser of 20% of the maximum compensation rate (instead of \$130 a week) or the employees' actual weekly wage; providing a penalty for billing an injured worker for treatment in violation of the workers' compensation law; and extending the presumption that a COVID-19 diagnosis for front-line employees is work-related from May 1, 2021, to December 31, 2022.

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- [Chapter 13](#) appropriated \$1.5 million in FY2021 for public safety assistance costs under mutual aid agreements related to civil unrest, and \$6.3 million for similar state trooper and DNR conservation officer expenses. This action was effectively in lieu of creating a SAFE Account proposed by the Governor.
- [Chapter 14](#) amended the Open Meeting Law, allowing a member of a public body to attend a meeting from a private location more than three times in calendar year 2021, provides for recording votes and interactive technology, and for meetings during certain emergencies.
- [Chapter 18](#) extended sunset of the temporary exception for certain filings of mortgages and deeds of trust to June 30th, 2022. This section is effective retroactively from December 30, 2020.
- [Chapter 22](#), the Omnibus Retirement Bill, extended the allowable time during which a member can pay to purchase service credit for a period of military service to a minimum of three years after the service member's discharge from the military. County employers pay the past interest on both the employee and employer portion of repayments, meaning county employers may pay somewhat higher interest amounts. Chapter 22 also establishes a working group study transferring 911 telecommunication PSAP workers from PERA-General to PERA-Correction, including MICA representation. The study is due by March 1, 2022.
- [Chapter 24](#) provides identification cards for released inmates requiring that certain information, assistance, services, and medications be provided to inmates upon release from prison.

WHAT DIDN'T HAPPEN

- No state mandate that employers provide a minimum level of Earned Sick and Safe Time (ESST)
- No creation of a state Paid Family and Medical Leave insurance program
- No adjustments to wage theft law notification or other requirements
- No changes to Metropolitan Council/Governance structure
- No change to or repeal of Minn. Stats. section 43A.17, subdivision 9 (local compensation limit)
- No major elections law changes, including no voter ID or provisional ballots as proposed by the Senate, and no automatic voter registration or restoration of felon voting rights as proposed by the House



2021 LEGISLATIVE SESSION REPORT

ENVIRONMENT

INTRODUCTION

Budget and policy provisions with implications for the environmental work of counties were spread across several omnibus bills passed during the 1st Special Session of 2021, including: [Chapter 3](#) (Agricultural & Rural Finance), [Chapter 1](#) (Legacy Finance), [Chapter 6](#) (Environment & Natural Resources), and [Chapter 4](#) (Commerce, Energy & Climate). In addition, Chapter 23, passed during Regular Session, adopted a MICA supported priority to continue operation of St. Paul Co-gen facility, a critical outlet for EAB and other tree waste across many MICA counties.

Environment Policy and Budget Summary

Solid Waste & Landfills—Chapter 6

Increased Funding for SCORE Grants & Landfill Post-Closure Care

- Increases SCORE block grants to counties by \$700,000 annually, for a total of \$18.45 million annually beginning in FY2022
- Transitions the appropriation for Metropolitan Landfill Abatement and Grants to a direct appropriation but maintains the funding level at \$2.719 million annually
- Appropriates \$100,000 annually, beginning in FY2022, to begin restoring \$13.905 million previously transferred out of the Metropolitan Landfill Contingency Action Trust (MLCAT)
- Appropriates up to \$4.5 million annually from the Closed Landfill Investment Fund (CLIF), and up to \$9.0 million additional if the commissioner determines there is an emergency, and the annual appropriation will be insufficient. MPCA is required to report to the legislature if emergency money is used; the appropriations sunset on June 30, 2025. MPCA may acquire interests in a solid waste disposal property if related to closure or post-closure care. (Article 2, sections 97 – 98)
- Requires the commissioner of the PCA to amend rules to require reports to the agency from solid waste facilities to be due by March 1 for the previous calendar year (Article 2, section 131).

- Amends requirements for the animal lot permits processed by counties to prohibit MPCA from imposing requirements related to pastures owned or used by the feedlot operator other than those under a manure management plan or requiring implementation of a nitrogen best management practices. The new language is effective August 31, 2021, unless the EPA disapproves (Article 2, sections 99, 133)

Groundwater Protection & Regulation Chapter 3 and Chapter 6

Increased funding to replace rural septic systems

- [Chapter 3 \(Ag & Rural Finance Budget Bill\)](#) appropriates \$1.437 million each year in FY2022-23, and \$1.425 million each year thereafter, for the AgBMP Loan Program operated by the Department of Agriculture. Uses for AgBMP funds are broad but include supporting county efforts to replace non-compliant septic systems to protect groundwater resources. The appropriation rider encourages the Commissioner to look at using one-third of the funds for septic systems.
- Chapter 6 appropriates \$1.4 million one-time to the Board and Water and Soil Resources (BWSR), in FY2022, to make grants to “rural landowners” (as defined for the AgBMP program) to replace failing septic systems.

2019 Drafting Error Corrected

[Chapter 6, Article 2, section 109](#), amends language passed in Chapter 4, 1st SS of 2019, that was intended to suspend MS\$ stormwater permit requirements for certain areas in townships until MPCA amended Rule 7090.1010, but inadvertently, potentially applied the rule to counties.

Strengthens regulation of Minnesota groundwater resources; Prohibits Bulk Transport & Sale

- Expands the prohibition on issuing new water-use permits appropriating water from the Mt. Simon-Hinckley aquifer from only metropolitan counties to all locations and prohibits the DNR from issuing new water-use permits appropriating more than 1,000,000 gallons per year for the bulk transport or sale of water to a location more than 50 miles away (Article 2, sections 81-82).
- Appropriates \$600,000 for MPCA to develop and implement an initiative to reduce sources of “forever chemicals” (PFAS), in cooperation with the Commissioner of Health and an advisory group that includes MICA.
- Prohibits the manufacture and sale of a food package containing PFAS (Article 2, section 105)
- Provides an additional year for the EQB to submit a report on the funding necessary to secure section 404 assumption (Article 2, section 108)

Amends regulation of water quality and storage

- Requires BWSR to establish a program to provide financial assistance to local units of government to control water volume and rates in order to protect infrastructure, improve water quality, and mitigate climate change, with priority given to the Minnesota River Basin and Lower Mississippi River Basin (Article 2, section 80)

- Allows BWSR to provide financial assistance to cover the costs of water storage projects and other water quality practices consistent with certain approved water management plans; acquire conservation easements necessary to implement a project or practice under the program.
- Requires BWSR to enter into agreements with local units of government receiving financial assistance that specify the terms for state and local cooperation, financial arrangements for construction, and assurances for the maintenance of any structures.
- Requires a matching contribution and allows the match to be adjusted if federal funds are available for the project.
- Requires a local unit of government applying for assistance under the program to provide a copy of a resolution or other documentation of the local unit of government’s support for the project and specifies the requirements for the resolution/documentation. Also requires the local unit of government to evaluate the benefits expected upon completion of the project and submit them to BWSR prior to the final project design.
- Requires the DNR to notify local units of government when establishing an ordinary high-water level. Appeal of order establishing ordinary high-water level. Allows a local unit of government to petition for a review of an ordinary high-water level. Requires the DNR to review the petition within 90 days and issue a final order. Allows the commissioner to extend the period by 90 days by providing written notice (Article 2, sections 83-84)
- The maximum amount of compensation a soil and water conservation district (SWCD) supervisor can receive per day is also increased from \$75 per day to \$125 per day (Article 2, section 79).

ENVIRONMENT

Invasive Species—Chapter 6

Increases funding for control of Aquatic Invasive Species (AIS)

- A one-time increase of \$850,000 for AIS prevention grants to lake associations and local governments
- \$500,000 annually for the AIS Research Center at the University of Minnesota.

Parks & Trails—Chapter 6

Increased Funding for State Parks and Metro Regional Parks

Increased funding for Metropolitan Regional Parks by \$850,000 each year, to \$7.45 million annually, from the Natural Resources Fund, while maintaining a General Fund base appropriation of \$2.45 million annually

Chapter 6 also allows the DNR to assess a monitoring fee on applicants leasing state land for a recreational trail or facility to cover the reasonable costs of monitoring the construction of the trail or facility and preparing the terms and conditions. DNR is required to provide applicants an estimate of the fee before requiring it to be submitted and refund any unobligated amount upon completion of the trail or facility (Article 2, section 47).

Other Environment Policy Changes

Chronic Wasting Disease Response and Other Actions

Allows the DNR to inspect farmed white-tailed deer by clarifying that the DNR and the Board of Animal Health (BAH) possess concurrent authority to regulate farmed white-tailed deer under certain statutes governing farmed Cervidae (section 17). In addition, the prohibition on the importation of Cervidae carcasses (e.g., deer, elk, and moose) is expanded. Under current law, a person cannot import a hunter-harvested Cervidae carcass unless it has been processed to meet certain requirements to ensure it has been cleaned of all brain tissue and the spinal column (e.g. cut and wrapped meat,

finished taxidermy mounts, or quartered without the spinal column or head attached). This new law expands the provision to all Cervidae carcasses, not just hunter-harvested ones and became effective the day following final enactment

Other Policies of Potential Local Interest

Allows the DNR to use the expedited rulemaking process when adopting changes to the placement and boundaries of land use districts in the Mississippi River Corridor Critical Area (MRCCA). (Section 18)

Exempts local units of government within the Mississippi River Corridor Critical Area (MRCCA) from requirements applicable in critical areas generally that require them to send regulations and plans to the Environmental Quality Board in lieu of new requirements applicable in the MRCCA established in the next section (Article 6, section 100).

Makes the DNR responsible for local government plan and regulation reviews and approvals affecting land in the MRCCA and the Metropolitan Council responsible for duties required of regional development commissions for other critical areas. Establishes a 60-day timeframe when reviews must be completed. Requires the DNR to either conditionally approve the plan/regulations or return them for modification. Requires the local unit of government to revise and resubmit the plan/regulation within 60 days. Allows the local unit of government or Metropolitan Council to request a meeting which can extend the deadline. States that only plans and regulations receiving approval have the effect of law. Establishes conditions for approving the plans/regulations and requires a local unit of government to enforce the approved plan/regulation when they take effect. (Section 101)

ENVIRONMENT

Chapter 6 – LCCMR Appropriations Agreement Reached for 2021 and 2022 Appropriations

In 2020, the legislature was unable to reach agreement on Environmental Trust Fund appropriations recommended by the LCCMR and supported by the Lottery-in-lieu sales tax. Those differences were resolved in 2021, as well as allocating 2022 proceeds.

2021 LCCMR funding highlights include:

- \$3,457,000 in fiscal year 2021 for water resources projects (Subd 4)
- \$10,425,000 for invasive species projects (Subd. 6)
- \$573,000 for air quality and renewable energy projects (Subd. 7)
- \$4,337,000 for projects for protection, restoration, and enhancement methods (Subd 8)
- \$29,901,000 for land acquisition, habitat, and recreation (Subd 9)
- \$1,095,000 in an emerging issues account for wastewater renewable energy demonstration grants (Subd 10).

2022 LCCMR funding highlights include:

Subd. 4. Water resources. Provides a total appropriation for water resources projects of \$4,771,000 in fiscal year 2022. Subd. 5. Environmental education. Provides a total appropriation for environmental education projects of \$2,687,000 in fiscal year 2022. Subd. 6. Aquatic and terrestrial invasive species. Provides a total appropriation for invasive species projects of \$6,148,000 in fiscal year 2022. Subd. 7. Air quality, climate change, and renewable energy. Provides a total appropriation for air quality, climate change, and renewable energy projects of \$6,205,000 in fiscal year 2022. Subd. 8. Methods to protect, restore, and enhance land, water, and habitat. Provides a total appropriation for projects for

protection, restoration, and enhancement methods of \$6,429,000 in fiscal year 2022. Subd. 10. Administrative and emerging issues. Provides a total appropriation of \$2,120,000 in fiscal year 2022 for administrative expenses of the LCCMR, contract administration expenses of the Department of Natural Resources (DNR), a dedicated funding website, and an emerging issues account.

In addition, Chapter 6 provides a one-year extension for projects expiring June 30, 2021, if the recipient notifies the LCCMR and modifies the applicable work plan. Provides an immediate effective date for the subdivision.

Climate & Energy (Chapter 4) Minnesota Energy Transition Plan

The House and Senate took different approaches to energy and climate policy changes, with the House proposing a more aggressive approach of achieving a 100% Clean Energy Standard by 2050. The Senate did not go along with that approach. However, the two sides agreed to a process for energy transition (Article 8, sections 6-8) that includes:

- Establishment of an Energy Transition Office at DEED to help address economic dislocations for impacted workers at retiring energy production facilities
- Establishes an Energy Transition Advisory Committee and requires it to submit an Energy Transition Plan to the Governor and legislature by July 1, 2022.

In addition, Chapter 4:

- Appropriates \$100,000 from the General Fund to advance a solar installation pilot project on the Anoka-Ramsey Closed Landfill site and establishes an account in the remediation fund in which revenues from lease payments from a lessor of a portion of closed landfill site managed by the Pollution Control Agency on which the lessor has installed a solar energy generating system are to be deposited.

ENVIRONMENT

- Appropriates significant amounts from the General Fund and RDF for renewable energy related projects, including \$8 million for Solar on Schools outside of Xcel territory while Xcel is expected to spending \$8 million on schools within its territory, and \$5M for state agency Energy Conservation Improvement Revolving Loan Account.
- Creates an efficient technology accelerator program (Article 8, section 17)

Natural Gas Utility Innovation Plans

Authorizes a natural gas utility to file a plan with the PUC to obtain innovative resources that displace conventional natural gas, including renewable natural gas, power-to-hydrogen, power-to-ammonia, carbon dioxide capture, strategic electrification, and others. Programs must be cost-effective and reduce greenhouse gas emissions. Plans have a term of five years. Sets caps on annual plan costs. The initial innovation plan must include programs to provide audits to small- and medium-sized businesses, target industrial facilities that cannot easily electrify, conduct deep energy retrofits and install cold-climate electric air-source heat pumps in residences, and expand district

heating systems. In the absence of plan, a utility may deliver innovative resources to customers who elect to consume them under a commission-approved green tariff program and may recover costs for those resources that are up to five percent higher than the cost of conventional natural gas. (Section 20)

Section 21 establishes a lifecycle greenhouse gas emissions accounting framework providing for a cost benefit test for innovative resources. The PUC is required to develop frameworks that natural gas utilities operating under an approved natural gas innovation plan must use to calculate greenhouse gas emissions intensities of individual innovative resources and to measure their cost-effectiveness.

Chapter 23 – 2021 Regular Session

Authorizes PUC Extension of Co-gen Facility for EAB Waste

[Chapter 23](#) authorized the PUC to approve a temporary extension of a Power Purchase Agreement between Xcel and Evergreen Energy to continue operation of the St. Paul Co-gen facility, which has been an essential outlet for disposal of tree waste, and particularly EAB waste, in the greater Twin Cities region.

What Did Not Happen?

While counties continue to support even greater funding for solid waste recycling programs, post-closure care of closed-landfills, invasive species control, and resist policy changes that restrain those efforts.

- No changes to existing MPCA “clean car” rule-making authority.
- No mandatory mortgage and deed transaction fee dedicated to SWCD’s.
- No prohibition or limits on Waste-to-Energy facilities for disposal of solid waste as an alternative to landfilling.

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