



Chase Burnham
County Administrator

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, April 21, 2021 County Board Room, Room 172

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

*****COVID-19 Update – Chisago County Public Health*****

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.) County Engineer Reappointment Resolution TAB 2
- 3.) Detour Agreement with Mndot for Use of County Highways TAB 3
- 4.) Award & Approval of 2021 Seal Coat Project – Allied Blacktop Company TAB 4
- 5.) Award & Approval of 2021 Pavement Maintenance Project – Knife River TAB 5
- 6.) Assistant County Engineer Signing for County Engineer Resolution TAB 6

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 – County Engineer Reappointment Resolution TAB 2
- 3.) R&B Committee Recommendation – Mndot Detour Agreement TAB 3
- 4.) R&B Committee Recommendation – 2021 Seal Coat Project – Allied Blacktop Co. TAB 4
- 5.) R&B Committee Recommendation – 2021 Pavement Maintenance Project – Knife River TAB 5
- 6.) R&B Committee Recommendation – Assistant County Engineer Signing Resolution TAB 6
- 7.) Minutes from the April 7, 2021 Regular Meeting TAB 7
- 8.) Payment of County's Warrants and Miscellaneous Bills TAB 8
- 9.) Authorization for County Auditor-Treasurer Annual Carryover of Dedicated E911 Funds TAB 9
- 10.) Applications for Abatements (reduction) of Property Taxes TAB 10
- 11.) 2021 Tobacco License Renewals TAB 11
- 12.) Application for an Exempt Permit – Almelund Threshing Company TAB 12

Ditch Authority

- 13.) Discharge Permit into Public Ditch #5 TAB 13
- 14.) Auth. to Begin Re-establishment and Re-determination of Public Ditches 5, 9, and 14 TAB 14

Public Hearing

- 15.) Economic Development Tax Abatement – All Mac, Inc. TAB 15

Minnesota Legislative Update

- MN Senator Mark Koran

Environmental Services/Zoning Report – Kurt Schneider, Director

16.) Director's Report	TAB 16
17.) 2020 Water Resources Programs and Annual Reports Presentation	TAB 17
18.) Lake Improvement District (LID) Invasive Phragmites Roadside Treatment	TAB 18
19.) Concrete Surfacing at Ki-Chi-Saga Park	TAB 19
20.) Lyn Regenauer Interim Use Permit – Residential Kennel	TAB 20
21.) Glen and Kris Carlson CUP – Farmaste Animal Sanctuary & Rural Retail Tourism Act.	TAB 21
22.) Spindler and Lom CUP – Rural Retail Tourism Evergreen Oasis Farm and Market	TAB 22
23.) Wild Mountain Winery Conditional Use Permit Amendment – Recreational Camping	TAB 23
24.) IPS Solar Zoning Ord. Text Amend. – Zoning Ord. Sec. 8.04.1.G Reappli./Lapse of IUP	TAB 24
25.) Discussion of Buildings and Building Use in Agricultural Zones	TAB 25

Other Business of the County Board

26.) Report and Recommendations from the April 13 th , 2021 B/F Meeting	TAB 26
27.) COVID-19 Vaccination Implementation Grant Agreement	TAB 27

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

TAB #1

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 Shimon
Finance | Office Manager

PUBLIC WORKS MEMORANDUM

TO: Chisago County Board of Commissioners
FROM: Joe Triplett, P.E.
DATE: April 13, 2020
RE: Public Works Director's Report

Project Update:

- CSAH 30 – TH 95 to CSAH 10. Preconstruction conference was held last week. Contractor looking to begin construction on April 26th.
- CSAH 4 – CSAH 7 to CSAH 2. County forces have begun culvert replacement work.
- CR 64/65 Reconditioning Project. County forces working on subgrade correction and culvert work.
- 2021 Pavement Maintenance Project. Bid on March 30 with the apparent low bidder being Knife River Corp. Contract up for Board consideration at tonight's meeting.
- 2021 Seal Coat Project. Bid on March 30 with the apparent low bidder being Allied Blacktop. Contract up for Board consideration at tonight's meeting.

Project Development Update:

- CSAH 26 between CSAH 37 and TH 8. Starting the right of way acquisition process.
- CSAH 23/CSAH 24 Roundabout. Working final design and beginning right of way acquisition process.

Mndot TH 95 Detour Agreement

Mndot crews will be doing some work on TH 95 between TH 8 and TH 97 (in Washington County). They will need to detour traffic onto our CSAH 25 and CR 86 for about 5 days. The agreement is to receive compensation from Mndot for the use of our highway. I recommend approval and execution of it.

TH 8 Update

Our virtual public engagement event went live on the morning of April 12th. Folks can go to our website to review materials and provide feedback on preliminary designs. We will be using this information to finish our preliminary layout that we will submit to Mndot. The site will be up until April 29th.

A few notes on the funding front. While the project did not make it into the House bonding bill, it did make it into the Senate version at \$10M. I am also working with our federal lobbyist to submit a "Community Funded Request" (earmark) for \$500k. This specific funding source must be spent in the federal fiscal year. The thought is to use these funds for right of way, should we be successful. We are also going to request \$20M in the Surface Re-Authorization Act and go after \$25M in the BUILD grant program.

Assistant Engineer Document Signing

From time to time, I am not available to be able to sign off on certain documents. In order to provide for the most flexibility and to keep things always moving forward, I am requesting that the Assistant Engineer be authorized to sign for me when I am unable to do so.

County Road 6 Project

As a part of our proposed CSAH 6 project in 2023, we will need to turn a portion of the existing road back to Nessel Township. I had an opportunity to visit with a couple of the Town Board members about the project and what we will need to do. They were receptive to the project and working together on the turnback process. I will work on a letter to layout the process and schedule in the coming weeks. I will be sure to copy the Board on this correspondence.

G:\Admin\PW Director\County Board-Committees\Road & Bridge\2021\PW Director Report for 4-21-21.doc



COUNTY OF CHISAGO

BOARD OF COMMISSIONERS

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313 North Main Street, Suite 160A
Center City, MN 55012-9663

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District 4
Ben Montzka
District 5
Mike Robinson

April 21st, 2021

The Honorable Pete Stauber
461 Cannon House Office Building
Washington, DC 20515

Dear Congressman Stauber,

We write to request your strong consideration of Chisago County's request for funding through the Surface Re-Authorization Act. If awarded, the funding would be used to complete the US Highway 8 Reconstruction Project. This critical project expands eight miles of US Highway 8 between Interstate 35 and Karmel Avenue in the cities of Wyoming, Chisago City, and Forest Lake, Minnesota.

The corridor is part of the National Highway System and is vital to the local and regional economy. It connects the region to the Twin Cities metropolitan area, Wisconsin and beyond. The project will enhance system performance, improve corridor safety for motorists and pedestrians, and support local/regional economic and community development.

Funding will address critical capacity, access and safety issues along the eight-mile segment of US Highway 8 that the Highway 8 Corridor Study identified. Currently, over 22,000 vehicles a day utilize the two-lane highway. This not only causes safety and congestion issues; it severely restricts economic development along the corridor. Additionally, the corridor lacks any sort of bicycle and pedestrian facilities. This project will construct approximately 6.5 miles of the Swedish Immigrant Regional Trail that will connect into the Hardwood Creek and Sunrise Prairie Regional Trails.

In addition to local vehicle traffic, the highway is used for a variety of economically significant activities. These include commercial freight, agricultural traffic, and commuter traffic to and from the Minneapolis-St. Paul metropolitan area. There is also significant traffic on weekends, and throughout the vacation season, as travelers move between Minneapolis-St. Paul and Northwest Wisconsin.

This project will greatly benefit the highway network and meet the priority objectives of the DOT's funding programs by emphasizing highway safety, local and regional economic competitiveness and vitality, and addressing rural challenges.

In addition to the County's full support for this request and project, several state, local, public and private coalition members also have signed on to this letter of support.

For the reasons above, I urge your full consideration of the Chisago County's request for the US Highway 8 Reconstruction Project. If you have any questions or need additional information, please contact Joe Triplett, Chisago County Public Works Director | County Engineer directly at 651-213-8708.

Sincerely,

Chris Dubose
Chair – Chisago County Board of Commissioners

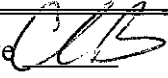
Chisago County Request for Board Action

Meeting Date: April 21, 2021	Item Number: 2
Title of Item for Consideration: Reappointment of County Highway Engineer	
Action Requested by: Chase Burnham, County Administrator, pursuant to Minn. Stat. 163.07	Department: County Board of Commissioners/ County Administration
Previous Action on this Matter: Pursuant to Minn. Stat. 163.07, the County Board of Commissioners must reappoint the County Highway Engineer every 4 years, or take action pursuant to statute to replace the current County Highway Engineer. - Mr. Joe Triplett was last reappointed as County Highway Engineer effective May 1st, 2013. The current appointment of Mr. Joe Triplett as County Highway Engineer expires on April 30th, 2017. - County Engineer Triplett was last reappointed on April 19th, 2017. The current appointment ends on April 30th, 2021.	
Background: Pursuant to Minn. Stat. 163.07, the County Board of Commissioners must reappoint the County Highway Engineer every 4 years, or take action pursuant to statute to replace the current County Highway Engineer. The current appointment of Mr. Joe Triplett as County Highway Engineer expires on April 30th, 2021. Mr. Triplett has served the County exceedingly well in this position. As such, it is recommended that the County Board reappoint Mr. Joe Triplett to the position of County Highway Engineer, effective May 1st, 2021 (through April 30th, 2025). Attachment(s): Draft Resolution for Reappointment	
Action Requested/Recommended: The County Board is respectfully requested to affirmately consider reappointing Mr. Joe Triplett as County Highway Engineer. The following motion is suggested: <i>“Move to approve by Resolution the reappointment of Mr. Joe Triplett as County Highway Engineer, effective May 1st, 2021.”</i>	
Implications of Action: Board approval at tonight’s meeting will facilitate the reappointment of Mr. Joe Triplett to another four-year term as County Highway Engineer, running May 1st, 2021 through April 30th, 2025. Budget/Financial Implications: All necessary monies are included in the approved 2021 Budget to support reappointment of Mr. Triplett as County Highway Engineer.	

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

RESOLUTION NO. 21/0421- REAPPOINTING JOE TRIPLETT AS CHISAGO COUNTY HIGHWAY ENGINEER

WHEREAS, Minnesota Statute 163.07 provides for each County Board of the State of Minnesota to fill the office of County Highway Engineer by appointment for a term of four years; and

WHEREAS, Chisago County Highway Engineer Joe Triplett has performed well the duties and responsibilities of his office during the past four year term; and

WHEREAS, the citizens of Chisago County will be well served by the continued oversight of the incumbent Highway Engineer;

NOW, THEREFORE, BE IT RESOLVED, that the Chisago County Board of Commissioners hereby reappoints Joe Triplett as the County Highway Engineer for a four year term effective May 1, 2021 through April 30, 2025.

Chisago County Request For Board Action

Meeting Date: April 21, 2021	Item Number: 3
Title of Item for Consideration: Detour Agreement with Mndot for use of County Highways	
Action Requested by: Joe Triplett, P.E.	Department: Chisago County Public Works
Previous Action on this Matter: None.	
Background: As a part of a Mndot's TH 95 project this summer, there is a need to detour traffic and use Chisago County highways. As part of this detour, Mndot has a standard agreement and compensation formula to compensate us for the use of our highways. This detour will use our CSAH 25 & CR 86. They are anticipating a single closure of 5 days. Attachment(s): - Agreement No. 10465111 - Resolution	
Action Requested/Recommended: The County Board is respectfully requested to pass the resolution and approve the agreement so Mndot can use the County Highways. The following motion is suggested: <i>“Move to pass the Resolution and approve the Agreement at tonight’s meeting so Mndot can use the County Highways.”</i>	
Implications of Action: Board approval at tonight’s meeting will allow for Mndot to utilize our highways for a detour route and to compensate us for their use. 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 _____

**STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
And
CHISAGO COUNTY
DETOUR AGREEMENT
For Trunk Highway No. 95 Detour**

State Project Number (S.P.):	<u>8210-114</u>	Original Amount Encumbered
Trunk Highway Number (T.H.):	<u>95=095</u>	<u>\$626.37</u>
State Project Number (S.P.):	<u>1305-28</u>	
Trunk Highway Number (T.H.):	<u>95=095</u>	

This Agreement is between the State of Minnesota, acting through its Commissioner of Transportation ("State") and Chisago County acting through its Board of Commissioners ("County").

Recitals

1. The State is about to perform pipe lining, pipe replacement, grading, and bituminous paving construction upon, along, and adjacent to Trunk Highway No. 95 from 0.55 miles north of County State Aid Highway (C.S.A.H.) No. 26 to 0.52 miles north of Trunk Highway 97 under State Project No. 8210-114 (T.H. 95=095); and
2. The State requires a detour to carry T.H. 95 traffic on County State Aid Highway No. 25 and County Road (C.R.) 86 during the construction; and
3. The State is willing to reimburse the County for the road life consumed by the detour as hereinafter set forth; and
4. Minnesota Statutes § 471.59, subdivision 10, § 161.25, and § 161.20, subdivision 2(b), authorize the parties to enter into this Agreement.

Agreement

1. Term of Agreement

- 1.1. Effective Date.** This Agreement will be effective on the date the State obtains all signatures required by Minnesota Statutes § 16C.05, subdivision 2.
- 1.2. Expiration Date.** This Agreement will expire when the State removes all detour signs, returns the temporary Trunk Highway detour to the County, and pays for the detour compensation.

2. Agreement Between the Parties

2.1. Detour.

- A. Location.** The State will establish the T.H. 95 detour route on the following County roads as detailed in the project plans or Special Provisions:
C.S.A.H. 25 and C.R. 86 for a total distance of 3.3 miles.
- B. Modification of the Detour Route.** The State may modify the detour route or may add additional roadways to the official detour during construction. The State will request concurrence from the

County for changes to the detour route. If such change increases the States total payment amount over the maximum obligation in Article 3.2, the Agreement will be amended.

- C. Axle Loads and Over-Dimension Loads.** The County will permit 9-ton axle loads on the detour route.
 - D. Traffic Control Devices.** The State may install, maintain, and remove any traffic control devices it considers necessary to properly control the detoured traffic. The State may paint roadway markings, such as the centerline, edge lines, and necessary messages.
 - E. Detour Maintenance.** The State will perform any necessary bituminous patching and ordinary maintenance on the roadway or shoulder of the County roads used for the detour, at no cost or expense to the County. Bituminous patching is defined as any work, including continuous full width overlays, less than 100 feet in length. All State expenditures beyond those required for bituminous patching and ordinary maintenance will be credited against the road life consumed reimbursement due the County.
 - F. Duration.** The State will provide the County with advance notice identifying the dates the State intends to place and remove the detour signing.
- 2.2. Basis of State Cost (Road Life Consumed).** The State will reimburse the County for the road life consumed by the detour using the following methods, as set forth in the Detour Management Study Final Report dated January 1991, and updated by MnDOT's Policy on Cost Participation for Cooperative Construction Projects and Maintenance Responsibilities between MnDOT and Local Units of Government.
- A.** The "Gas Tax Method" formula, multiplies the Combined Tax Factor per mile times the Average Daily Traffic ("ADT") count of vehicles diverted from the Trunk Highway times the county road length in miles times the duration of the detour in days to determine the State's cost for the road life consumed by the detour. If an ADT changes, the parties will amend the Agreement.
 - B.** The County may, at its option, perform an "Equivalent Overlay Method" analysis. A State-approved firm, at no cost or expense to the State, must perform the testing and analysis. The County will keep records and accounts to verify any claim it might bring against the State for additional costs using the "Equivalent Overlay Method".

3. Payment

- 3.1. For Road Life Consumed.** **\$626.37** is the State's estimated cost for the road life consumed by the detour based on the data below:

<u>Roadway</u>	<u>Tax Factor</u>	<u>ADT</u>	<u>Road Length (Miles)</u>	<u>Duration (Days)</u>	<u>Cost</u>
C.S.A.H. 25	0.00513	7,400	1.0	5	\$189.81
County Road 86	0.00513	7,400	2.3	5	\$436.56
Road Life Consumed Amount:					<u>\$626.37</u>

The State's total payment for the road life consumed by the detour is equal to the amount computed by using the "Gas Tax Method" formula plus any amount determined by using the "Equivalent Overlay Method" analysis that is in excess of twice the "Gas Tax Method" amount.

- 3.2. Maximum Obligation.** **\$2,000.00** is the maximum obligation of the State under this Agreement and must not be exceeded unless the maximum obligation is increased by execution of an amendment to this Agreement.

3.3. Conditions of Payment. The State will pay the County the State's total road life consumed payment amount after performing the following conditions.

- A. Execution of this Agreement and the County's receipt of the executed Agreement.
- B. State's encumbrance of the State's total payment amount.
- C. State's removal of all detour signs.
- D. State notifies the County of the removal of the detour signs, and the number of days the detour was in effect.
- E. State's receipt of a written request from the County for payment.

4. Release of Road Restoration Obligations

By accepting the State's road life consumed payment plan and total payment amount, the County releases the State of its obligation, under Minnesota Statutes § 161.25, to restore the county roads used as a T.H. 95 detour to as good of condition as they were before designation as temporary trunk highways.

5. Authorized Representatives

Each party's Authorized Representative is responsible for administering this Agreement and is authorized to give and receive any notice or demand required or permitted by this Agreement.

5.1. The State's Authorized Representative will be:

Name, Title: Greg Kern, MnDOT Metropolitan District Traffic Engineering (or successor)
Address: 1500 County Road B2 West, Roseville, MN 55113
Telephone: (651) 234-7877
E-Mail: gregory.kern@state.mn.us

5.2. The County's Authorized Representative will be:

Name, Title: Joe K. Triplett, Public Works Director (or successor)
Address: Chisago County Public Works, 313 N. Main Street, Room 400, Center City, MN 55012
Telephone: (651) 213-8708
E-Mail: jktripl@co.chisago.mn.us

6. Assignment; Amendments; Waiver; Contract Complete

- 6.1. Assignment.** No party may assign or transfer any rights or obligations under this Agreement without the prior consent of the other party and a written assignment agreement, executed and approved by the same parties who executed and approved this Agreement, or their successors in office.
- 6.2. Amendments.** Any amendment to this 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 Agreement, or their successors in office.
- 6.3. Waiver.** If a party fails to enforce any provision of this Agreement, that failure does not waive the provision or the party's right to subsequently enforce it.
- 6.4. Contract Complete.** This Agreement contains all prior negotiations and agreements between the State and the County. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

7. Liability

The County and State will be responsible for their own acts and omissions, to the extent authorized by law. Minnesota Statutes § 3.736 governs the State's liability. Minnesota Statutes, Chapter 466 governs the liability of the County.

8. State Audits

Under Minnesota Statutes § 16C.05, subdivision 5, the County's books, records, documents, and accounting procedures and practices relevant to this Agreement are subject to examination by the State and the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Agreement.

9. Government Data Practices

The County and State must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by the State under this Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the County under this Agreement. The civil remedies of Minnesota Statutes § 13.08 apply to the release of the data referred to in this clause by either the County or the State.

10. Governing Law; Jurisdiction; Venue

Minnesota law governs the validity, interpretation, and enforcement of this Agreement. Venue for all legal proceedings arising out of this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

11. Termination; Suspension

11.1. By Mutual Agreement. This Agreement may be terminated by mutual agreement of the parties or by the State for insufficient funding as described below.

11.2. Termination for Insufficient Funding. The State may immediately terminate this Agreement if it does not obtain funding from the Minnesota Legislature, or other funding source; or if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the County. The State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the County 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 this Agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds.

11.3. Suspension. In the event of a total or partial government shutdown, the State may suspend this Agreement and all work, activities, performance, and payments authorized through this Agreement. Any work performed during a period of suspension will be considered unauthorized work and will be undertaken at the risk of non-payment.

12. Force Majeure

No party will be responsible to the other for a failure to perform under this Agreement (or a delay in performance), if such failure or delay is due to a force majeure event. A force majeure event is an event beyond a party's reasonable control, including but not limited to, unusually severe weather, fire, floods, other acts of God, labor disputes, acts of war or terrorism, or public health emergencies.

[The remainder of this page has been intentionally left blank]

STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minnesota Statutes § 16A.15 and 16C.05.

Signed: _____

Date: _____

SWIFT Purchase Order: 3000579911

CHISAGO COUNTY

The undersigned certify that they have lawfully executed this contract on behalf of the Governmental Unit as required by applicable charter provisions, resolutions, or ordinances.

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

DEPARTMENT OF TRANSPORTATION

Approved:

By: _____
(District Engineer)

Date: _____

COMMISSIONER OF ADMINISTRATION

By: _____
(With Delegated Authority)

Date: _____

Reviewed and Approved as to Form:

JANET REITER, CHISAGO COUNTY ATTORNEY

By: Jeffrey B. Fudge
Jeffrey B. Fudge
Assistant County Attorney
Dated: 04/09/2021

INCLUDE COPY OF THE RESOLUTION APPROVING THE AGREEMENT AND AUTHORIZING ITS EXECUTION.

Chisago County Board of Commissioners

RESOLUTION NO. 21/0421- DETOUR AGREEMENT WITH MNDOT FOR USE OF COUNTY HIGHWAYS

BE IT RESOLVED that Chisago County enter into MnDOT Agreement No. 1046511 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County for the use of County State Aid Highway (C.S.A.H.) No. 25 and County Road 86 as detour routes during the construction to be performed upon, along and adjacent to Trunk Highway (T.H.) No. 95 from 0.55 miles north of CSAH 26 to 0.52 miles north of TH 97 under State Project No. 8210-114 (T.H. 95 = 095).

Chisago County Request for Board Action

Meeting Date: April 21, 2021	Item Number: 4
Title of Item for Consideration: Award & Approval of 2021 Seal Coat Project – Allied Blacktop Company	
Action Requested by: Joe Triplett, P.E.	Department: Public Works
Previous Action on this Matter: None.	
Background: The County has bid out the annual 2021 Seal Coat Project. The County received 4 bids ranging from the low bid of \$557,908.50 to the high bid of \$683,318.71. Engineer Estimate was \$778,763.60. Allied Blacktop Company of Maple Grove, MN, is the apparent low bidder. The County Engineer recommends award and approval of project. Attachment(s): Contracts	
Action Requested/Recommended: The County Board is respectfully requested to approve awarding the 2021 Seal Coat Project to Allied Blacktop Company. The following motion is suggested: <i>“Move to approve & award 2021 Seal Coat project to Allied Blacktop Company.”</i>	
Implications of Action: Award and approval of this contract will allow the County to move forward and construct. Budget/Financial Implications: Project is funded from 03-330-6510. 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 _____
Motion By: _____ Seconded by: _____	
To: _____	
Action on Motion:	Aye _____ Nay _____ Abstain _____

Project Contract for 2021 Seal Coat Project

This Agreement entered into this ____ day of _____ 20____,

Between the County:

County of Chisago, a body politic and corporate, by and through Chisago County Public Works,
313 North Main Street, Rm 400, Center City, Minnesota,
with Public Works offices located at 31325 Oasis Rd., Center City, MN 55012

and the Contractor:

Allied Blacktop Company, a Minnesota Corporation,
10503 89th Avenue N., Maple Grove, Minnesota 55369

The Project: 2021 Seal Coat Project
C.P. 13-SC-21

Engineer: Joe Triplett, P.E.
Director | County Engineer
Chisago County Public Works

The County and the Contractor agree as set forth below:

ARTICLE I – THE CONTRACT DOCUMENTS.

1.1 The Contract Documents, in order of priority, consist of:

- (A) This Contract;
- (B) The Instructions to Bidders;
- (C) The Bid/Proposal Form;
- (D) The General Conditions of the Contract;
- (E) Project Manual;
- (H) Drawings, Schemes and Designs and Specifications;
- (I) All Modifications issued after execution of this Contract;
- (J) Bonds and Insurance;
- (K) The Contractor's final proposal.

1.2 The Contract Documents form the Contract, and all are as fully a part of the Contract as if attached to this Contract and repeated herein.

1.3 The Contractor understands that all references to "Bidder" in documents attached now refer to the Contractor.

ARTICLE II – THE WORK

2.1 The Contractor shall perform all the Work required by the Contract Documents for the 2021 Seal Coat Project (C.P. 13-SC-21), all in conformance with the Contract Documents as listed in Article I.

ARTICLE III – TIME OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

3.1 The Work to be performed under this Contract shall be commenced immediately upon receipt of the fully executed Contract.

3.2 Upon execution of the Contract, Contractor shall provide performance bonds, labor and materials bonds, and certificates of insurance as required by the Contract Documents.

3.3 Construction operations shall not commence prior to Contract Approval, Notice to Proceed and Engineer approved progress schedule.

Chisago County Project Contract

2021 Seal Coat Project – CP 13-SC-21 Allied Blacktop Company April 2021

3.4 Contractor must complete all Work, including striping and final cleanup, to meet the requirements of MnDOT 1516.2, "Project Acceptance," under this Contract before June 30, 2021. Striping for individual segments shall be completed within 5 calendar days after the completion of the Seal Coat operation for that segment, or as directed by the Engineer.

3.5 Contractor must complete all Work to meet the requirements of MnDOT 1516.3, "Completion of the Work," under this Contract within 90 calendar days of receipt of the Semi-Final Estimate in accordance with MnDOT 1908.2.

3.6 Working hours will be from 7:00 a.m. to 7:00 p.m., Monday through Friday, and from 8:00 a.m. to 5:00 p.m. on Saturdays. No work will be allowed on Sundays. Requests for expansion of working hours must be approved by the Engineer. The Contractor shall structure the proposed project schedule based on the stated working hours.

3.7 No work on the CSAH 30 segment from Alger Avenue to the Chisago County line shall occur between June 10, 2021 thru June 13, 2021. If the work on this segment is started before this restricted period, it shall be fully completed (fully swept and striped) prior to the restricted period.

ARTICLE IV – CONTRACT SUM

4.1 The Owner shall pay the Contractor in current funds for the performance of the work, subject to additions and deductions by Change Orders, as may be issued, as provided in the Contract Documents, the Contract sum of the Base Bid: Five hundred fifty-seven thousand nine hundred eight dollars and fifty cents (\$557,908.50).

ARTICLE V – PROGRESS PAYMENTS

5.1 Based upon Applications for Payment submitted to the County by the Contractor and certificates for Payment issued by the County, the County shall make progress payments on account of the Contract Sum to the Contractor as provided in the Contract Documents for the period ending the last day of the month as follows:

- (A) Not later than thirty (30) days following the end of the period required to review and approve the Application for Payment ninety-five percent (95%) of the portion of the Contract Sum properly allocable to labor, material and equipment incorporated in the Work for the period covered by the application for Payment, less the aggregate of previous payments made by the County; and
- (B) Upon Substantial Completion of the entire Work, a sum sufficient to increase the total payments to ninety-five percent (95%) of the Contract Sum, less such amounts as the Engineer shall determine for all incomplete Work and unsettled claims as proved in the Contract Document.
- (C) Progress payments shall not be made for materials or equipment not incorporated in the Work.

ARTICLE VI – FINAL PAYMENT

6.1 Final Payment, constituting the entire unpaid balance of the Contract Sum, shall be paid by the County to the Contractor when the Work has been completed, the Contract fully performed and a final Certificate for Payment has been issued by the Engineer, accompanied by Contractors' Consent of Surety, and when Contractor has complied with all other requirements of the Contract Documents for final payment.

ARTICLE VII – TERMINATION

7.1 Termination for Insufficient Funding. County may immediately terminate this Contract if it does not obtain funding from the Minnesota Legislature or other funding source, or if funding cannot be continued at

a level sufficient to allow for the payment of the services covered here. Termination must be by written or faxed notice to the Contractor within a reasonable time of County receiving notice that sufficient funding is not available. County is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Contractor will be entitled to payment, determined on a pro rata basis, for work or services satisfactorily performed to the extent that funds are available. County will not be assessed any penalty if the Contract is terminated because of the decision of the Minnesota Legislature or other funding source not to appropriate funds.

7.2 If at any time the county determines that the performance of the work under this Contract is being unnecessarily delayed, that the Contractor is violating any of the conditions of this contract, or that it is executing the same in bad faith or otherwise not in accordance with terms of said Contract; or if the work is not substantially completed within the time named for its completion or within the time to which such completion date may be extended; then the County may serve written notice upon the Contractor and its surety if a performance bond has been executed of the county's intention to terminate this Contract. Unless within one week after the serving of such notice a satisfactory arrangement is made for continuance, this Contract shall terminate.

7.3 Unavoidable Delay. The Contractor shall not be held responsible for damages caused by delay or failure to perform hereunder, when such delay or failure is due to Fires, Strikes, Acts of God, Legal acts of the Public authorities or delays or defaults caused by public carriers, or acts or demands of the Government in time of war or national emergency.

ARTICLE VIII - INSURANCE

8.1 The requisite insurance must be maintained for the duration of this Contract. A Certificate of Insurance for each policy must be on file with the County prior to commencement of any work under this contract. Each certificate must include a 30-day notice of cancellation, nonrenewal, or material change to all named and additional insureds.

8.2 The County reserves the right to rescind any Contract not in compliance with these requirements and retains all rights thereafter to pursue any legal remedies against Contractor. All insurance policies shall be open to inspection by the County, and copies of policies shall be submitted to the county upon written request. All subcontractors shall provide evidence of similar coverage.

8.3 General Liability Insurance. The Contractor shall maintain General Liability Insurance in the amount of \$500,000 for claims for wrongful death and each person for other claims; \$1,500,000 for any number of claims arising out of a single occurrence; and no less than \$3,000,000 aggregate.

8.4 Business Automobile Liability Insurances. The Contractor shall maintain automobile liability insurance coverage in minimum amounts of at least \$500,000 per claim for wrongful death and each person for other claims; \$1,500,000 on a combined single limit basis; and not less than \$3,000,000 aggregate.

8.5 Chisago County shall be named as an additional insured for all insurance coverages.

8.6 The Contractor shall comply with all Workers' Compensation requirements as mandated by Minnesota Law. The County reserves the right to rescind any contract not in compliance with these requirements and retains all rights thereafter, to pursue any legal remedies against the Contractor.

8.7 In the event the Contractor or any subcontractor maintain liability coverage in excess of the Minnesota Tort limits, pursuant to Minn. Stat. 466, such coverage shall not constitute a waiver of the limits available to the County.

ARTICLE IX - INDEMNIFICATION

9.1 Except as may be caused by the sole negligence of the County or its employees, Contractor shall indemnify and save harmless the County, its employees, and its agents from all claims actions, demands and judgments of any kind arising in whole or in part from any act or omission of Contractor, its subcontractors, and their agents or employees, incidental to the performance of the contract and from all expenses in connection with such claims, actions, demands and judgments, irrespective of whether it is alleged, claimed or provide in connection with such actor omission that negligence of the County or its representatives caused or contributed thereto.

9.2 Contractor agrees, that in order to protect itself and the County under the indemnity provisions set forth above, it will at all times during the term of this Agreement keep in force policies if insurance indicated in Article VIII.

This provision is not intended to create any cause of action in favor of any third party against the Contractor or the count or to enlarge in any way the Contractor's liability but it is intended solely to provide for indemnification of the County form liability for damages.

ARTICLE X - SUBCONTRACTOR AND ASSIGNMENT

10.1 Prohibition of Assignment. The Contract shall not be assigned by the Contractor without the written consent of the County.

10. The Contractor shall be responsible for the performance of all subcontractors. The Contractor is responsible for the prompt payment of any subcontractor performing work under this Contract and shall strictly comply with Minn. Stat. 471.425.

ARTICLE XI - NOTICES

11.1 Notices, communications, all official notices or questions arising under this Contract shall be directed to:

The County:
Joe Triplett, Chisago County Engineer
31325 Oasis Rd.
Center City, MN 55012
(651)213-8700 (office)
(651)213-8772 (fax)
jkttripl@co.chisago.mn.us

The Contractor:
Peter Capistrant
Allied Blacktop Company
10503 89th Ave N
Maple Grove, MN 55369
(763) 425-0575
pete@alliedblacktopmn.com

ARTICLE XII – AUDITS, REPORTS, RECORDS, DISCLOSURES, AND MONITORING

12.1 The Contractor agrees that the County, the State Auditor or legislative authority, or any of their duly authorized representative at any time during normal business hours and as often as they may deem reasonably necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc. and accounting procedure and practices of the Contract which are relevant to the Contract pursuant to Minn. Stat. 16C.05, subd. 5.

ARTICLE XIII - AFFIRMATIVE ACTION REQUIREMENTS

13.1 County intends to carry out its responsibility for requiring affirmative action by its Contractors.

- (A) Covered Contracts and Contractors. If the Contract exceeds One Hundred Thousand and 00/100 Dollars (\$100,000.00) and the Contractor employed more than forty (40) full-time employees on a single working day during the previous twelve (12) months in Minnesota or in the state where it has its principle place of business, then the Contractor must comply with the requirements of Minnesota Statute §363A.36 and Minnesota R. Parts 5000.3400-5000.3600. A Contractor covered by Minnesota Statute §363A.36 because it employed more than forty (40) full-time employees in another state and the Contractor does not have a Certificate of Compliance, said Contactor must certify that it is in compliance with federal affirmative action requirements.
- (B) Minnesota Statute §363A.36. Minnesota Statute §363A.36 requires Contractor to have an affirmative action plan for the employment of minority persons, women, and qualified disabled individuals approved by the Minnesota Commissioner of Human Rights (hereinafter COMMISSIONER) as indicated by a certificate of compliance. The law addresses suspension or revocation of a certificate of compliance and contract consequences in that event. A contract awarded without a certificate of compliance may be voided.

(C) Minnesota R. 5000.3400-5000.3600.

1. General. Minnesota R. 5000.3400-5000.3600 implement Minnesota Statute §363A.36. These rules include, but are not limited to: Criteria for contents, approval, and implementation of affirmative action plans; procedures for issuing certificates of compliance and criteria for determining a contractor's compliance status; procedures for addressing deficiencies, sanctions, and notice and hearing; annual compliance reports; procedures for compliance review; and contract consequences for non-compliance. The specific criteria for approval or rejection of an affirmative action plan are contained in various provisions of Minnesota R. 5000.3400-5000.3600, including, but not limited to, parts 5000.3420-5000.3500 and 5000.3552-5000.3559.
2. Disabled Workers. The Contractor must comply with the following affirmative action requirements for disabled workers.
 - (a) The Contractor must not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled persons without discrimination based upon their physical or mental disability in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
 - (b) The Contractor agrees to comply with the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.
 - (c) In the event of the Contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with Minnesota Statute §363A.36, and the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.
 - (d) The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Commissioner of the Minnesota Department of Human Rights. Such notices must state the Contractor's obligation under the law to take affirmative action to employ and advance in employment qualified disabled employees and applicants for employment, and the rights of applicants and employees.
 - (e) The Contractor must notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the Contractor is bound by the terms of Minnesota Statute §363A.36 of the Minnesota Human Rights Act and is committed to take affirmative action to employ and advance in employment physically and mentally disabled persons.
3. Consequences. The consequences for the Contractor's failure to implement its affirmative action plan or make a good faith effort to do so include, but are not limited to, suspension or revocation of a certificate of compliance by the COMMISSIONER, refusal by the COMMISSIONER to approve subsequent plans, and termination of all or part of this contract by the COMMISSIONER or County.
4. Certification. The Contractor hereby certifies it is in compliance with the requirements of Minnesota Statute §363A.36 and Minnesota R. 5000.3400-5000.3600 and is aware of the consequences for noncompliance

ARTICLE XIII – MISCELLANEOUS PROVISIONS

13.1 Terms used in the Contract which are defined in the Conditions of the Contract shall have the meanings designated in those Conditions.

13.2 Waiver. Any waiver by either Party of any provision of this Contract shall not imply a subsequent waiver of that or any other provision.

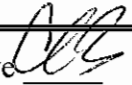
13.3 Modifications. Any alterations, additions, deletions or waivers of the provisions of this Contract shall be valid only when reduced to writing and duly signed by the parties hereto.

13.4 Severability. The provisions of this Contract shall be deemed severable. If any part of this Contract is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Contract unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire contract with respect to either party.

13.4 All claims or litigation under this Contract shall be filed and heard in a court of competent jurisdiction in Chisago County, the State of Minnesota.

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Chisago County Request for Board Action

Meeting Date: April 21, 2021	Item Number: 5
Title of Item for Consideration: Award & Approval of 2021 Pavement Maintenance Project – Knife River	
Action Requested by: Joe Triplett, P.E.	Department: Public Works
Previous Action on this Matter: None.	
Background: The County has bid out the annual 2021 Pavement Maintenance Project. The County received 3 bids ranging from the low bid of \$1,614,340.70 to the high bid of \$1,756,946.90. The Engineer Estimate was \$1,739,584.00. Knife River of St. Cloud, MN, is the apparent low bidder. The County Engineer recommends award and approval of project. Attachment(s): Contracts	
Action Requested/Recommended: The County Board is respectfully requested to approve and award the annual 2021 Pavement Maintenance Project to Knife River. The following motion is suggested: <i>“Move to approve and award the annual 2021 Pavement Maintenance Project to Knife River.”</i>	
Implications of Action: Award and approval of this contract will allow the County to move forward and construct. Budget/Financial Implications: Project is funded from 03-325-6604. 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 _____

Project Contract for 2021 Pavement Maintenance Project

This Agreement entered into this ____ day of _____ 20____,

Between the County:

County of Chisago, a body politic and corporate, by and through Chisago County Public Works,
313 North Main Street, Rm 400, Center City, Minnesota,
with Public Works offices located at 31325 Oasis Rd., Center City, MN 55012

and the Contractor:

Knife River Corporation, a Minnesota Corporation,
4787 Shadow Wood Dr. NE, Sauk Rapids, Minnesota 56379

The Project: 2021 Pavement Maintenance Project
CP 13-MP-21

Engineer: Joe Triplett, P.E.
Director | County Engineer
Chisago County Public Works

The County and the Contractor agree as set forth below:

ARTICLE I – THE CONTRACT DOCUMENTS.

1.1 The Contract Documents, in order of priority, consist of:

- (A) This Contract;
- (B) The Instructions to Bidders;
- (C) The Bid/Proposal Form;
- (D) The General Conditions of the Contract;
- (E) Project Manual;
- (H) Drawings, Schemes and Designs and Specifications;
- (I) All Modifications issued after execution of this Contract;
- (J) Bonds and Insurance;
- (K) The Contractor's final proposal.

1.2 The Contract Documents form the Contract, and all are as fully a part of the Contract as if attached to this Contract and repeated herein.

1.3 The Contractor understands that all references to "Bidder" in documents attached now refer to the Contractor.

ARTICLE II – THE WORK

2.1 The Contractor shall perform all the Work required by the Contract Documents for the 2021 Pavement Maintenance Project (CP 13-MP-21), all in conformance with the Contract Documents as listed in Article I.

ARTICLE III – TIME OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

3.1 The Work to be performed under this Contract shall be commenced immediately upon receipt of the fully executed Contract.

3.2 Upon execution of the Contract, Contractor shall provide performance bonds, labor and materials bonds, and certificates of insurance as required by the Contract Documents.

3.3 Construction operations shall not commence prior to Contract Approval, Notice to Proceed and Engineer approved progress schedule.

3.4 This Contract allows for a flexible starting date to occur after June 21, 2021. However, the Contractor may not start construction operations prior to Contract Approval, Notice to Proceed, and Engineer approved construction schedule. **The Contractor must notify the Engineer, in writing, at least two (2) weeks prior to the selected date. The Contractor shall submit to the Engineer, in writing, their construction schedule prior to the preconstruction meeting.**

3.5 Contractor must complete all Work to meet the requirements of MnDOT 1516.2, "Project Acceptance," under this Contract in no more than 20 Working Days.

3.6 Contractor must complete all Work to meet the requirements of MnDOT 1516.2, "Project Acceptance," under this Contract before August 27, 2021.

3.7 Contractor must complete all Work to meet the requirements of MnDOT 1516.3, "Completion of the Work," under this Contract within 90 calendar days of receipt of the Semi-Final Estimate in accordance with MnDOT 1908.2.

3.8 The Contractor must not perform work that will restrict or interfere with traffic between 12:00 noon on the day before and 9:00 A.M. on the day after any consecutive combination of a Saturday, Sunday, and legal holiday. The Contractor may request exceptions to this requirement. Exceptions must be approved in writing by the Engineer.

(A) If the Contractor chooses not to work at all on the day before the holiday period, then the Department will not assess working day charges.

(B) If the Contractor chooses to work before 12:00 noon on the day before the holiday period (or later than 12:00 noon if approved by the Engineer), then the Department will assess working day charges only for the actual hours worked.

3.9 The Department will base working day charges on a 10 hour working day.

3.10 The Department based Contract Time (Completion Date) on an anticipated 5 day work week, Monday through Friday.

ARTICLE IV – CONTRACT SUM

4.1 The Owner shall pay the Contractor in current funds for the performance of the work, subject to additions and deductions by Change Orders, as may be issued, as provided in the Contract Documents, the Contract sum of the Base Bid: One million six hundred fourteen thousand three hundred forty dollars and seventy cents (\$1,614,340.70).

ARTICLE V – PROGRESS PAYMENTS

5.1 Based upon Applications for Payment submitted to the County by the Contractor and certificates for Payment issued by the County, the County shall make progress payments on account of the Contract Sum to the Contractor as provided in the Contract Documents for the period ending the last day of the month as follows:

- (A) Not later than thirty (30) days following the end of the period required to review and approve the Application for Payment ninety-five percent (95%) of the portion of the Contract Sum properly allocable to labor, material and equipment incorporated in the Work for the period covered by the application for Payment, less the aggregate of previous payments made by the County; and

- (B) Upon Substantial Completion of the entire Work, a sum sufficient to increase the total payments to ninety-five percent (95%) of the Contract Sum, less such amounts as the Engineer shall determine for all incomplete Work and unsettled claims as proved in the Contract Document.
- (C) Progress payments shall not be made for materials or equipment not incorporated in the Work.

ARTICLE VI – FINAL PAYMENT

6.1 Final Payment, constituting the entire unpaid balance of the Contract Sum, shall be paid by the County to the Contractor when the Work has been completed, the Contract fully performed and a final Certificate for Payment has been issued by the Engineer, accompanied by Contractors' Consent of Surety, and when Contractor has complied with all other requirements of the Contract Documents for final payment.

ARTICLE VII – TERMINATION

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

7.2 If at any time the county determines that the performance of the work under this Contract is being unnecessarily delayed, that the Contractor is violating any of the conditions of this contract, or that it is executing the same in bad faith or otherwise not in accordance with terms of said Contract; or if the work is not substantially completed within the time named for its completion or within the time to which such completion date may be extended; then the County may serve written notice upon the Contractor and its surety if a performance bond has been executed of the county's intention to terminate this Contract. Unless within one week after the serving of such notice a satisfactory arrangement is made for continuance, this Contract shall terminate.

7.3 Unavoidable Delay. The Contractor shall not be held responsible for damages caused by delay or failure to perform hereunder, when such delay or failure is due to Fires, Strikes, Acts of God, Legal acts of the Public authorities or delays or defaults caused by public carriers, or acts or demands of the Government in time of war or national emergency.

ARTICLE VIII - INSURANCE

8.1 The requisite insurance must be maintained for the duration of this Contract. A Certificate of Insurance for each policy must be on file with the County prior to commencement of any work under this contract. Each certificate must include a 30-day notice of cancellation, nonrenewal, or material change to all named and additional insureds.

8.2 The County reserves the right to rescind any Contract not in compliance with these requirements and retains all rights thereafter to pursue any legal remedies against Contractor. All insurance policies shall be open to inspection by the County, and copies of policies shall be submitted to the county upon written request. All subcontractors shall provide evidence of similar coverage.

8.3 General Liability Insurance. The Contractor shall maintain General Liability Insurance in the amount of \$500,000 for claims for wrongful death and each person for other claims; \$1,500,000 for any number of claims arising out of a single occurrence; and no less than \$3,000,000 aggregate.

8.4. Business Automobile Liability Insurances. The Contractor shall maintain automobile liability insurance coverage in minimum amounts of at least \$500,000 per claim for wrongful death and each person for other claims; \$1,500,000 on a combined single limit basis; and not less than \$3,000,000 aggregate.

8.5 Chisago County shall be named as an additional insured for all insurance coverages.

8.6 The Contractor shall comply with all Workers' Compensation requirements as mandated by Minnesota Law. The County reserves the right to rescind any contract not in compliance with these requirements and retains all rights thereafter, to pursue any legal remedies against the Contractor.

8.7 In the event the Contractor or any subcontractor maintain liability coverage in excess of the Minnesota Tort limits, pursuant to Minn. Stat. 466, such coverage shall not constitute a waiver of the limits available to the County.

ARTICLE IX - INDEMNIFICATION

9.1 Except as may be caused by the sole negligence of the County or its employees, Contractor shall indemnify and save harmless the County, its employees, and its agents from all claims actions, demands and judgments of any kind arising in whole or in part from any act or omission of Contractor, its subcontractors, and their agents or employees, incidental to the performance of the contract and from all expenses in connection with such claims, actions, demands and judgments, irrespective of whether it is alleged, claimed or provide in connection with such actor omission that negligence of the County or its representatives caused or contributed thereto.

9.2 Contractor agrees, that in order to protect itself and the County under the indemnity provisions set forth above, it will at all times during the term of this Agreement keep in force policies if insurance indicated in Article VIII.

This provision is not intended to create any cause of action in favor of any third party against the Contractor or the count or to enlarge in any way the Contractor's liability but it is intended solely to provide for indemnification of the County form liability for damages.

ARTICLE X - SUBCONTRACTOR AND ASSIGNMENT

10.1 Prohibition of Assignment. The Contract shall not be assigned by the Contractor without the written consent of the County.

10. The Contractor shall be responsible for the performance of all subcontractors. The Contractor is responsible for the prompt payment of any subcontractor performing work under this Contract and shall strictly comply with Minn. Stat. 471.425.

ARTICLE XI - NOTICES

11.1 Notices, communications, all official notices or questions arising under this Contract shall be directed to:

The County:
Joe Triplett, Chisago County Engineer
31325 Oasis Rd.
Center City, MN 55012
(651)213-8700 (office)
(651)213-8772 (fax)
joe.triplett@chisagocounty.us

The Contractor:
John Quade
Knife River Corp.
4787 Shadow Wood Dr. NE
Sauk Rapids, MN 56379
(320) 251-9472
krcmn.subquotes@kniferiver.com

ARTICLE XII – AUDITS, REPORTS, RECORDS, DISCLOSURES, AND MONITORING

12.1 The Contractor agrees that the County, the State Auditor or legislative authority, or any of their duly authorized representative at any time during normal business hours and as often as they may deem reasonably necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc. and accounting procedure and practices of the Contract which are relevant to the Contract pursuant to Minn. Stat. 16C.05, subd. 5.

ARTICLE XIII - AFFIRMATIVE ACTION REQUIREMENTS

13.1 County intends to carry out its responsibility for requiring affirmative action by its Contractors.

- (A) Covered Contracts and Contractors. If the Contract exceeds One Hundred Thousand and 00/100 Dollars (\$100,000.00) and the Contractor employed more than forty (40) full-time employees on a single working day during the previous twelve (12) months in Minnesota or in the state where it has its principle place of business, then the Contractor must comply with the requirements of Minnesota Statute §363A.36 and Minnesota R. Parts 5000.3400-5000.3600. A Contractor covered by Minnesota Statute §363A.36 because it employed more than forty (40) full-time employees in another state and the Contractor does not have a Certificate of Compliance, said Contractor must certify that it is in compliance with federal affirmative action requirements.
- (B) Minnesota Statute §363A.36. Minnesota Statute §363A.36 requires Contractor to have an affirmative action plan for the employment of minority persons, women, and qualified disabled individuals approved by the Minnesota Commissioner of Human Rights (hereinafter COMMISSIONER) as indicated by a certificate of compliance. The law addresses suspension or revocation of a certificate of compliance and contract consequences in that event. A contract awarded without a certificate of compliance may be voided.
- (C) Minnesota R. 5000.3400-5000.3600.
 - 1. General. Minnesota R. 5000.3400-5000.3600 implement Minnesota Statute §363A.36. These rules include, but are not limited to: Criteria for contents, approval, and implementation of affirmative action plans; procedures for issuing certificates of compliance and criteria for determining a contractor's compliance status; procedures for addressing deficiencies, sanctions, and notice and hearing; annual compliance reports; procedures for compliance review; and contract consequences for non-compliance. The specific criteria for approval or rejection of an affirmative action plan are contained in various provisions of Minnesota R. 5000.3400-5000.3600, including, but not limited to, parts 5000.3420-5000.3500 and 5000.3552-5000.3559.
 - 2. Disabled Workers. The Contractor must comply with the following affirmative action requirements for disabled workers.
 - (a) The Contractor must not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled persons without discrimination based upon their physical or mental disability in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
 - (b) The Contractor agrees to comply with the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.
 - (c) In the event of the Contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with Minnesota Statute §363A.36, and the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.
 - (d) The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Commissioner of the Minnesota Department of Human Rights. Such notices must state the Contractor's obligation under the law to take affirmative action to employ and advance in employment qualified disabled employees and applicants for employment, and the rights of applicants and employees.

- (e) The Contractor must notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the Contractor is bound by the terms of Minnesota Statute §363A.36 of the Minnesota Human Rights Act and is committed to take affirmative action to employ and advance in employment physically and mentally disabled persons.
- 3. Consequences. The consequences for the Contractor's failure to implement its affirmative action plan or make a good faith effort to do so include, but are not limited to, suspension or revocation of a certificate of compliance by the COMMISSIONER, refusal by the COMMISSIONER to approve subsequent plans, and termination of all or part of this contract by the COMMISSIONER or County.
- 4. Certification. The Contractor hereby certifies it is in compliance with the requirements of Minnesota Statute §363A.36 and Minnesota R. 5000.3400-5000.3600 and is aware of the consequences for noncompliance

ARTICLE XIII – MISCELLANEOUS PROVISIONS

13.1 Terms used in the Contract which are defined in the Conditions of the Contract shall have the meanings designated in those Conditions.

13.2 Waiver. Any waiver by either Party of any provision of this Contract shall not imply a subsequent waiver of that or any other provision.

13.3 Modifications. Any alterations, additions, deletions or waivers of the provisions of this Contract shall be valid only when reduced to writing and duly signed by the parties hereto.

13.4 Severability. The provisions of this Contract shall be deemed severable. If any part of this Contract is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Contract unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire contract with respect to either party.

13.4 All claims or litigation under this Contract shall be filed and heard in a court of competent jurisdiction in Chisago County, the State of Minnesota.

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Chisago County Request for Board Action

Meeting Date: April 21, 2021	Item Number: 6
Title of Item for Consideration: Assistant County Engineer Signing for County Engineer	
Action Requested by: Joe Triplett, P.E.	Department: Chisago County Public Works
Previous Action on this Matter: None.	
Background: There are documents that require the County Engineer's signature. From time to time, the County Engineer is not available to sign said documents. It is requested by the County Engineer to authorize the Assistant County Engineer to be able to sign documents so as to keep business moving forward. This is in keeping with our past Department practice. Attachment(s): • Resolution	
Action Requested/Recommended: The County Board is respectfully requested to authorize the Assistant County Engineer to be able to sign documents in the County Engineer's absence. The following motion is suggested: <i>"Move to authorize the Assistant County Engineer to be able to sign documents in the County Engineer's absence at tonight's meeting."</i>	
Implications of Action: Board approval at tonight's meeting will authorize the Assistant County Engineer to be able to sign documents in the County Engineer's absence. 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 Board of Commissioners

RESOLUTION NO. 21/0421- ASSISTANT COUNTY ENGINEER TO SIGN FOR COUNTY ENGINEER

WHEREAS, it is necessary to have the County Engineer, Joe Triplett, sign documents as the County Engineer, during the course of his work duties; and

WHEREAS, the County Engineer is sometimes unavailable to sign the documents; and

WHEREAS, the Assistant County Engineer, Ben Hobert, is a registered Professional Engineer and is able to sign documents as such.

NOW, THEREFORE, BE IT RESOLVED, that the Chisago County Board of Commissioners hereby authorizes Ben Hobert, the Assistant County Engineer, to sign for Joe Triplett, the County Engineer, during those times when the County Engineer is unavailable.

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

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, April 07, 2021 at the Chisago County Government Center with the following Commissioners present: DuBose, Greene, Dunne, Robinson, Montzka. County Administrator Chase Burnham and Clerk of the Board Christina Vollrath were present. County Attorney Janet Reiter participated via video conference call.

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

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

COVID-19 Update Presented by Courtney Wehrenberg in Public Health— 6:31 p.m. to 6:44 p.m.

On motion by Greene, seconded by Montzka, the board moved to open the Health and Human Services Committee of the Whole at 6:44 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 Robinson, 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 6:53 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka **OPPOSED:** None.

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

Board of Commissioners' Consent Agenda:

- 1.) HHS Committee Recommendation – Director's Report
- 2.) HHS Committee Recommendation – Payment of County's Warrants for HHS
- 3.) HHS Committee Recommendation – SHIP Grant Agmts – Wyoming Elementary
- 4.) HHS Committee Recommendation – SHIP Grant Agmts – Forest Lake Area Schools
- 5.) HHS Committee Recommendation – SHIP Grant Agmts – RC High and RC Gardens
- 6.) HHS Committee Recommendation – Kanter Consulting LLC
- 7.) Payment of County's Warrants and Miscellaneous Bills
- 8.) Minutes from the March 17, 2021 Regular Meeting
- 9.) Applications for Abatements (reduction) of Property Taxes
- 10.) Temporary Liquor License Request – St. Croix River Association

CITIZENS FORUM

TIME – 6:55 p.m.

END TIME – 6:56 p.m.

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

HRA-EDA Housing Trust Fund Presentation from 6:57 p.m. to 7:29 p.m.

The Chair opened the Public Hearing for HRA-EDA at 7:29 p.m.; no speakers; closed at 7:29 p.m.

On motion by Montzka, seconded by Greene, the Board moved to adopt the Chisago County Affordable Housing Trust Fund as recommended by the Chisago County HRA-EDA. 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 accept the 2020 Probation Annual Report. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka **OPPOSED:** None.

On motion by Montzka, seconded by Dunne, the Board moved to approve applying for the REAM and Caseload Workload grants through the Department of Corrections. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka **OPPOSED:** None.

On motion by Greene, seconded by Dunne, the Board moved to approve the Probation Department to apply for a yearly grant through the collaborative to assist with supervising truancy in the County. 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 proclaim July 18th – July 24th, 2021 as Probation Week in Chisago County. 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 Joint Powers Agreement between the County Attorney's Office, Sheriff's Office, and Court Services for access to the CJDN Communications Network; and the Courts Amendment. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka **OPPOSED:** None.

On motion by Greene, seconded by Montzka, the Board moved to approve the Professional Services Contract with American Engineering Testing Inc. for engineering services. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka **OPPOSED:** None.

On motion by Greene, seconded by Montzka, the Board moved to approve the Right-of-Way plat for CSAH 26 re-alignment resolution between State Highway No. 8 and CSAH No. 37. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka **OPPOSED:** None.

On motion by Robinson, seconded by Greene, the Board moved to approve Reimbursement Agreement for County Road 68 Improvements. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka **OPPOSED:** None.

On motion by Montzka, seconded by Dunne, the Board moved to approve convening the Chisago County Ditch Authority at the April 21st meeting. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka **OPPOSED:** None.

On motion by Greene, seconded by Montzka, the Board moved to authorize the D.E.S. Director to issue purchase orders for HVAC reheat project at the Center City PW building for a total cost of \$96,644.00, this includes authorizing the Auditors Department to transfer \$36,000.00 from the county building capital fund for this project. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka **OPPOSED:** None.

On motion by Montzka, seconded by Greene, the Board moved to authorize the Enterprise Services Director to issue purchase orders for the Probation interview room sound deadening project with Mann Brothers Solutions. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka **OPPOSED:** None.

On motion by Robinson, seconded by Dunne, the Board moved to accept the 2021 Emergency Management Performance Grant. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka **OPPOSED:** None.

On motion by Greene, seconded by Dunne, the Board moved to approve the acceptance of the DECN/MESB T-CPR sub-grant in the amount of \$686.00. 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 Greene, seconded by Dunne, the Board adjourned the meeting at 8:01 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
April 21, 2021**

Item # 8

Payment of County's Warrants & Miscellaneous Bills

County Warrants = \$338,206.90

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>
4/9/2021	-		Commissioner's Warrants
4/9/2021	\$100.00	4/21/2021	Auditor's Warrants
4/16/2021	\$86,840.71		Commissioner's Warrants
4/16/2021	\$48,384.48	4/21/2021	Auditor's Warrants

Lake Area Bank; Derek Ankla; Sheriff; supplies; \$172.12
Lake Area Bank; Jon Eckel; Enterprise; software; \$1,260.00
Lake Area Bank; Jonathan Gray; Sheriff; supplies; \$576.96
Lake Area Bank; John Keefe; Assessor; training; \$255.00
Lake Area Bank; Jamie Kelley; Wellness; supplies; \$265.00
Lake Area Bank; Andrew Mahowald; supplies; \$98.10
Lake Area Bank; Kyle Puelston; Sheriff; registration; \$260.98
Lake Area Bank; Janet Reiter; Attorney; training; \$504.00
Lake Area Bank; Kurt Schneider; Environmental; registration; \$477.96
Lake Area Bank; Barbara Shimmon; Public Works; registration; \$460.00
Lake Area Bank; Joseph Tart; Parks; supplies; \$714.95
Lake Area Bank; Joseph Triplett; Public Works; training; \$200.00
Lake Area Bank; Dennis Wilton; Enterprise; supplies; \$119.95
Lake Area Bank; Polly Zais; Sheriff; supplies; \$419.70
Lake Area Bank; Tracy Krona; HHS; supplies; \$1,000.00

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

Chisago County Request for Board Action

Meeting Date: April 21, 2021	Item Number: 9
Title of Item for Consideration: Authorization for County Auditor-Treasurer Annual Carryover of Dedicated E911 Funds	
Action Requested by: Bridgitte Konrad, County Auditor-Treasurer	Department: Auditor-Treasurer
Previous Action on this Matter: None.	
Background: Governmental Accounting Standards give the County Auditor-Treasurer authority to designate the restricted and assigned dedicated funds for the County Balance Sheet. However, in order to easily track these funds a budget adjustment to the current budget needs to be made and for transparency purposes the Board should approve this adjustment that outline the carryover amounts for the E911 from the 2020 budget into the 2021 budget. Attachment(s): Transfer Requests	
Action Requested/Recommended: The County Board is respectfully requested to approve the transfers and budget adjustments from the 2020 E911 budget to the 2021 budget. The following motion is suggested; “Move to approve the transfer and budget adjustment from the 2020 E911 budget to the 2021 budget.”	
Implications of Action: If the transfers and budget adjustments are approved, the County’s financial reporting requirements will be adhered to. 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 Request for Board Action

Meeting Date: April 21, 2021	Item Number: 10
Title of Item for Consideration: Applications for Abatements (reduction) of Property Taxes	
Action Requested by: Bridgitte Konrad, County Auditor/Treasurer	Department: Auditor/Treasurer
Previous Action on this Matter: From time to time the Board of Commissioners is asked to address individual Abatement requests.	
Background: The applications are for the abatement (reduction) of property tax for tax payable in 2021. They are recommended by the Assessor's office and Auditor's office for approval. The reductions meet the County's policy for such actions. The following parcels are requesting abatement; • Roger Wood – 08.00064.10, 13.10012.20 • Tony Erickson – 03.01314.00 • John Sandberg – 01.00154.10 • Linda Wagner – 05.00234.10 • Deborah Block – 06.00988.00 • Jesse Williams – 15.00505.30 • Corey Dahlen – 15.00638.40 • Kate Muraugh – 20.00242.00 • Evelyn Law – 15.00406.28	
Attachment(s): • Applications for Abatement (<i>available with Clerk of the Board</i>)	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve the applications of abatement of taxes for the tax parcels. The suggested motion is as follows: <i>“Move to approve the applications of abatement of taxes for the following tax parcels; 08.00064.10, 13.10012.20, 03.01314.00, 01.00154.10, 05.00234.10, 06.00988.00, 15.00505.30, 15.00638.40, 20.00242.00 and 15.00406.28.”</i>	
Implications of Action: By approving the applications, the property owners will be paying the appropriate property tax in 2021.	
Budget/Financial Implications: Minimal impact on the County finances and budget.	
Legal/Policy Implications: The proposed activities are in general conformity with applicable state statutes and County authority and policies.	

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

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
April 21, 2021**

TAB # 11

***2021 Tobacco License Renewals
License Period – May 1, 2021 to April 30, 2022***

- Stacy Tobacco LLC/Sacred Grounds Tobacco & E-Cig – City of Stacy
- Rush Point Store – Nessel Township
- Rod's Country Corner – Amador Township
- DRK Inc/Full Moon Bar & Restaurant – Fish Lake Township
- Karmon Inc/Emily Jo's Mini Mart – City of Shafer
- Flickabirds Inc – Nessel Township
- NKA/Station on 17 – Lent Township
- Kwik Trip Inc/Store 213 – City of Stacy
- DG Retail LLC/Dollar General Store 15569 – City of Stacy
- Casey's Retail Company/Store 3594 – City of Stacy

*******All Applications with the Clerk of the Board*******

Chisago County Request For Board Action

Meeting Date: April 21, 2021	Item Number: 12
Title of Item for Consideration: Application for Exempt Permit – Almelund Threshing Company	
Action Requested by: Chase Burnham, County Administrator	Department: Administration
Previous Action on this Matter: Applied for same permit March 4, 2020.	
Background: The current application is from the Almelund Threshing Company, so that the applicants can conduct a lawful raffle on August 15, 2021. The Almelund Threshing Company is a non-profit organization. Attachments: - LG220 Application for Exempt Permit – Almelund Threshing Company - Resolution	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board approve the Almelund Threshing Company's application to Conduct a raffle at their event on August 15, 2021. The recommended motion is as follows; <i>“Move to approve the Almelund Threshing Company’s resolution to conduct a raffle at their event on August 15, 2021.”</i>	
Implications of Action: Approving tonight's action would allow the Almelund Threshing Company to raise money for its non-profit organization and its activities. Budget/Financial Implications: None – Approving the permit has any budget/financial implications on Chisago County. Legal/Policy Implications: The proposed activities appear to be in conformity with applicable state statutes and County authority and policies.	
Administrator's Recommendation	
Approve	Deny _____
Other _____	
Motion By:	Seconded by:
To:	
Action on Motion:	Aye _____
	Nay _____
	Abstain _____

LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.

Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: ALMELUND THRESHING COMPANY Previous Gambling Permit Number: _____
 Minnesota Tax ID Number, if any: _____ Federal Employer ID Number (FEIN), if any: _____
 Mailing Address: 17760 ST CROIX TRAIL
 City: TAYLORS FALLS State: MN Zip: 55084 County: CHISAGO
 Name of Chief Executive Officer (CEO): BRUCE NELSON
 CEO Daytime Phone: _____
 Email permit to (if other than the CEO): _____ (address unless otherwise indicated below)

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

☐ Fraternal ☐ Religious ☐ Veterans ☒ Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

- ☐ **A current calendar year Certificate of Good Standing**
 Don't have a copy? Obtain this certificate from:
 MN Secretary of State, Business Services Division
 60 Empire Drive, Suite 100
 St. Paul, MN 55103
 Secretary of State website, phone numbers:
www.sos.state.mn.us
 651-296-2803, or toll free 1-877-551-6767
- ☒ **IRS income tax exemption (501(c)) letter in your organization's name**
 Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.
- ☐ **IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**
 If your organization falls under a parent organization, attach copies of both of the following:
 1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling; and
 2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): ALMELUND THRESHING COMPANY
 Physical Address (do not use P.O. box): 17760 ST CROIX TRAIL, SHAFER TOWNSHIP
 Check one:
☐ City: _____ Zip: _____ County: _____
☒ Township: SHAFER Zip: 55084 County: CHISAGO
 Date(s) of activity (for raffles, indicate the date of the drawing): August 13th to August 15th, 2021

Check each type of gambling activity that your organization will conduct:

☐ Bingo ☐ Paddlewheels ☐ Pull-Tabs ☐ Tipboards ☒ Raffle

Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under the **List of Licensees** tab, or call 651-539-1900.

LG220 Application for Exempt Permit

11/17
Page 2 of 2

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

CITY APPROVAL for a gambling premises located within city limits

- ☐ The application is acknowledged with no waiting period.
- ☐ The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).
- ☐ The application is denied.

Print City Name: _____

Signature of City Personnel: _____

Title: _____ Date: _____

**The city or county must sign before
submitting application to the
Gambling Control Board.**

COUNTY APPROVAL for a gambling premises located in a township

- ☐ The application is acknowledged with no waiting period.
- ☐ The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.
- ☐ The application is denied.

Print County Name: _____

Signature of County Personnel: _____

Title: _____ Date: _____

TOWNSHIP (if required by the county)

On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)

Print Township Name: SHAFER TOWNSHIP

Signature of Township Officer: Fairlie Schaefer

Title: Township Clerk Date: 4-8-11

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: _____ Date: _____
(Signature must be CEO's signature; designee may not sign)

Print Name: _____

REQUIREMENTS

Complete a separate application for:

- all gambling conducted on two or more consecutive days; or
- all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

Financial report to be completed within 30 days after the gambling activity is done:

A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

MAIL APPLICATION AND ATTACHMENTS

Mail application with:

- _____ a copy of your proof of nonprofit status; and
- _____ application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**. Make check payable to **State of Minnesota**.

To: Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Questions?

Call the Licensing Section of the Gambling Control Board at 651-539-1900.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the

application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Depart-

ment of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

This form will be made available in alternative format (i.e. large print, braille) upon request.

An equal opportunity employer

Chisago County Board of Commissioners

RESOLUTION NO. 21/0421- APPROVING THE SUBMISSION OF AN APPLICATION TO CONDUCT A RAFFLE FOR ALMELUND THRESHING COMPANY

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

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

BE IT RESOLVED that the Chisago County Board of Commissioners hereby approves and authorizes submission to the Minnesota Gambling Control Board an application to conduct a raffle at the Almelund Threshing Company located at 17760 St. Croix Trail, Shafer, MN 55084.

Chisago County Request for Drainage Authority Action

Meeting Date: April 21, 2021	Item Number: 13
Title of Item for Consideration: Drainage Authority – Discharge Permit into Public Ditch #5	
Action Requested by: Joe Triplett, P.E.	Department: Public Works
Previous Action on this Matter: None.	
Background: Forest Lake Contracting is requesting approval to temporarily discharge dewatering into Ditch #5. The contractor has been removing sand from site under Lent Township approval. Engineering analysis was performed and found that this operation would not adversely affect the ditch. County Engineer recommends approval. Attachment(s): - Permit Application - Technical Memo	
Action Requested/Recommended: The Drainage Authority/County Board is respectfully requested to approve the permit application for discharge into Public Ditch #5. The following motion is suggested: <i>“Move to approve the permit application for discharge into Public Ditch #5.”</i>	
Implications of Action: Approval will allow the Contractor to temporarily discharge dewatering into Public Ditch #5. 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 [Signature]	Deny _____
Other _____	
Motion By:	Seconded by:
To:	
Action on Motion:	Aye _____ Nay _____ Abstain _____



**APPLICATION AND PERMIT FOR REPAIR,
CLEANING OR MAINTENANCE
ON CHISAGO COUNTY PUBLIC DITCH**

CHISAGO COUNTY PUBLIC WORKS DEPARTMENT

Mailing Address: 313 North Main Street, Room 400

Center City, MN 55012

Office Address: 31325 Oasis Road

Center City, MN 55012

Main: (651) 213-8700 Fax: (651) 213-8772

Email: Scott.Johnson@chisagocounty.us Phone: (651) 213-8705

Joe Triplett, P.E.
Director | County Engineer

Ben Hobert, P.E.
Assistant County Engineer

Paul Gibson, L.S.
County Surveyor

Bruce Lind
Maintenance Superintendent

Ben Utech
Traffic Operations Manager

Barbara Shimmon
Finance | Office Manager

APPLICANT INFORMATION

Applicant Name: <u>Forest Lake Contracting, Inc.</u>	Telephone Number: <u>651 464-4500</u>
Address: <u>14777 Lake Drive Forest Lake MN 55025</u>	
Email Address: <u>bob@forestlakecontracting.com</u>	

PROPOSED PROJECT LOCATION

County Ditch #: <u>5</u>	Township #: <u>34</u>	Range #: <u>21</u>
Section(s): <u>8</u>	Quarter Section(s): <u>SE</u>	Government Lot:

TYPE OF WORK PROPOSED (check appropriate boxes):

☐ Excavate	☒ Install	☐ Maintenance	☐ Channel	☐ Culvert (Size & Type): _____
☐ Fill	☐ Construct	☐ Repair	☐ Dike	☐ Drain Tile (Size & Type): _____
☐ Drain	☐ Remove	☐ Clean	☐ Clean	☒ Erosion Control - <u>Rip Rap</u>
☒ Other, describe: <u>Temp. Discharge Groundwater</u>			☐ Other, describe: _____	

ATTACH ALL NECESSARY REPORTS, MAPS, DRAWINGS, PHOTOS, OTHER DATA, ETC. TO SUPPORT PERMIT APPLICATION

Description of Work to be Performed: <u>Discharge 1,800 gpm maximum water from a dewatering operation. Rip rap will be installed on ditch bank for energy dissipation and erosion control.</u>
Does This Work Impact Any Wetlands? ☐ Yes ☒ No
Reason Work is Necessary: <u>To excavate sand below ground-water table from the Olson CUP sand mining project 1/2 mile south of County Ditch #5. This is a temporary discharge.</u>
I hereby make application for a permit to proceed with the proposal described above and have attached all supporting maps, plans, and other information submitted with this application. The information submitted and statements made concerning this application are true and correct to the best of my knowledge. Obtaining a permit from the County Public Ditch Managers does not relieve the applicant from the responsibility of obtaining any other additional authorization or permits as required by law.
Applicant Name: <u>Forest Lake Contracting, Inc. Robert D. Vollhaber</u>
Applicant Email Address: <u>bob@forestlakecontracting.com</u>
Applicant Signature: <u>Robert D. Vollhaber</u>
Date: <u>4/1/2021</u>

FOR OFFICE USE ONLY

Permit Approved By: _____	Date: _____
---------------------------	-------------

Permit Copies To: ☐ Applicant ☐ County Engineer
☐ Other: _____

Untitled Map

Write a description for your map.

Legend

 Feature 5

discharge point

County Ditch #5

Property Owner: Kerry & Annette Olson

34430 Forest Blvd

Google Earth

© 2021 Google

400 ft





Real People. Real Solutions.

2035 County Road D East
Maplewood, MN 55109-5314

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

March 24, 2021

Joe Triplett, P.E.
Chisago County Public Works Director/County Engineer
313 N. Main St. – Room 400
Center City, MN 55012

RE: Proposed Dewatering Discharge to Public Ditch 5
Chisago County
Project No.: 0L1.124133

Dear Mr. Triplett,

Forest Lake Contracting, Inc. is proposing to dewater a portion of their site and discharge 1,800 gallons per minute (gpm) to Public Ditch #5. The goal of this analysis was to investigate and identify potential impacts to Public Ditch #5 that may arise from the proposed dewatering work. The narrative below includes a description of the study methods, data, assumptions, results, and recommendations.

I. Background

Forest Lake Contracting, Inc. is proposing to dewater a portion of their site and discharge 1,800 gallons per minute (gpm) to Public Ditch #5. Figure 1 is an aerial view of the site showing the dewatering location, discharge location, Public Ditch #5, and the roads surrounding the site.



Figure 1: Site Map (not to scale)

II. Hydrologic and Hydraulic Modeling Data

A. Hydrology

The United States Geological Survey (USGS) StreamStats program was used to compute peak flows within Public Ditch #5 for the 1.5, 2, 5, and 10-year frequency events in the study reach. Approximately 2.6 square miles of drainage area contributes flow to the proposed dewatering location. Table 1 contains the StreamStats peak flow data for the above listed frequency events.

Table 1: Streamstats Hydrology Summary

StreamStats Hydrology	
Frequency Event	Flow (cfs)
1.5-year	14.7
2-year	19.0
5-year	31.1
10-year	40.6

B. Hydraulics

A steady state HEC-RAS hydraulic model was created to analyze approximately 1,500 feet of Public Ditch #5. The modeling extents contained the upstream proposed dewatering discharge location, the culvert crossing underneath Forest Boulevard, and continued approximately 650 feet downstream. Figure 2 is an aerial view of the study reach included in the HEC-RAS model.

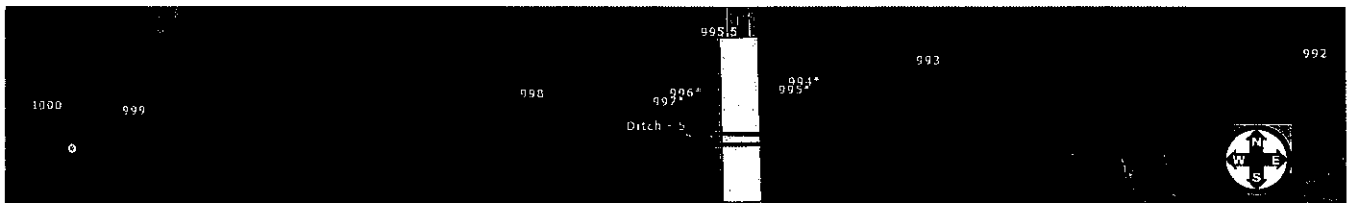


Figure 2: HEC-RAS Modeling Extents (not to scale)

Information from the following report: “Reestablishment of Records Public Ditch 5” dated 09/20/2019 was used to help build the HEC-RAS model. The existing ditch profile, surveyed cross sections, and culvert information for the Forest Boulevard culvert crossing were used. Cross sections 999, 998, 993, and 992 were previously surveyed and those geometries were built into the model. Cross sections 1000, 997, 996, 995, and 994 were interpolated based on the surrounding surveyed cross sections of 999, 998 and 993. Chisago County LiDAR data was also used to define the geometry of the cross sections that were not previously surveyed.

The Forest Boulevard culvert crossing contains 2 lines of 36-inch diameter culvert, 1 corrugated metal pipe (CMP) and 1 reinforced concrete pipe (RCP). The RCP culvert was placed in the ditch bottom with an invert elevation of 893.01 feet, NAVD88 and the CMP culvert was placed 4.8 feet higher with an invert elevation of 897.81 feet, NAVD88. Figure 3 is an upstream cross sectional view of the culvert configurations.

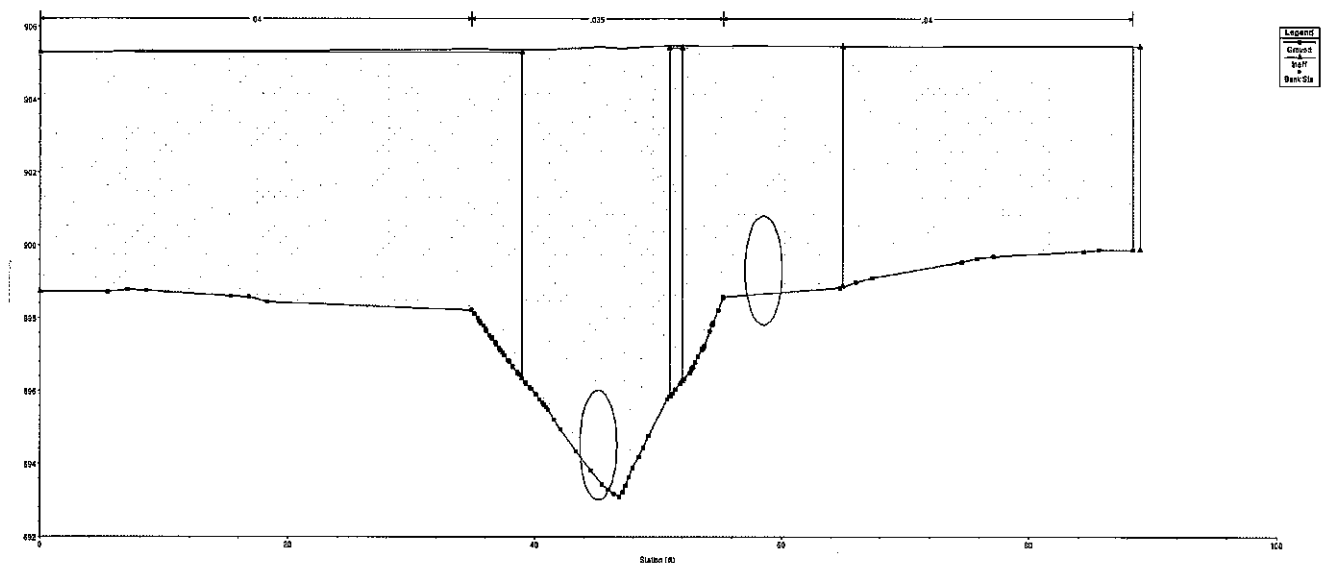


Figure 3: Culvert Configurations from HEC-RAS

Once the model was built, flows from StreamStats were populated into the model and rating tables were created to assess the impact of the proposed dewatering.

III. Results

Three different cross section locations were analyzed to assess the impact of the proposed dewatering. Table 2 contains results comparing the existing conditions to the existing + dewatering conditions flows and water surface elevations. Figures 4, 5, and 6 are the rating curves that were created for cross sections 999, 996, and 994.

Table 2: HEC-RAS Summary Table

Chisago County Public Ditch #5 - Dewatering Analysis Summary Table								
XS ID	Description	Flood Event	Existing		Existing + Dewatering		Flow Change (cfs)	WSEL Change (ft)
			Flow (cfs)	WSEL (ft)	Flow (cfs)	WSEL (ft)		
999	Point of Discharge	1.5-year	14.7	896.60	18.7	896.83	4.0	0.23
		2-year	19.0	896.85	23.0	897.09	4.0	0.24
		5-year	31.1	897.63	35.1	897.92	4.0	0.29
		10-year	40.6	898.32	44.6	898.57	4.0	0.25
996	Upstream of Forest Blvd	1.5-year	14.7	896.28	18.7	896.56	4.0	0.28
		2-year	19.0	896.58	23.0	896.86	4.0	0.28
		5-year	31.1	897.47	35.1	897.79	4.0	0.32
		10-year	40.6	898.21	44.6	898.48	4.0	0.27
994	Downstream of Forest Blvd	1.5-year	14.7	896.13	18.7	896.32	4.0	0.19
		2-year	19.0	896.33	23.0	896.49	4.0	0.16
		5-year	31.1	896.79	35.1	896.92	4.0	0.13
		10-year	40.6	897.08	44.6	897.20	4.0	0.12
All elevation numbers are reported in ft, NAVD88								

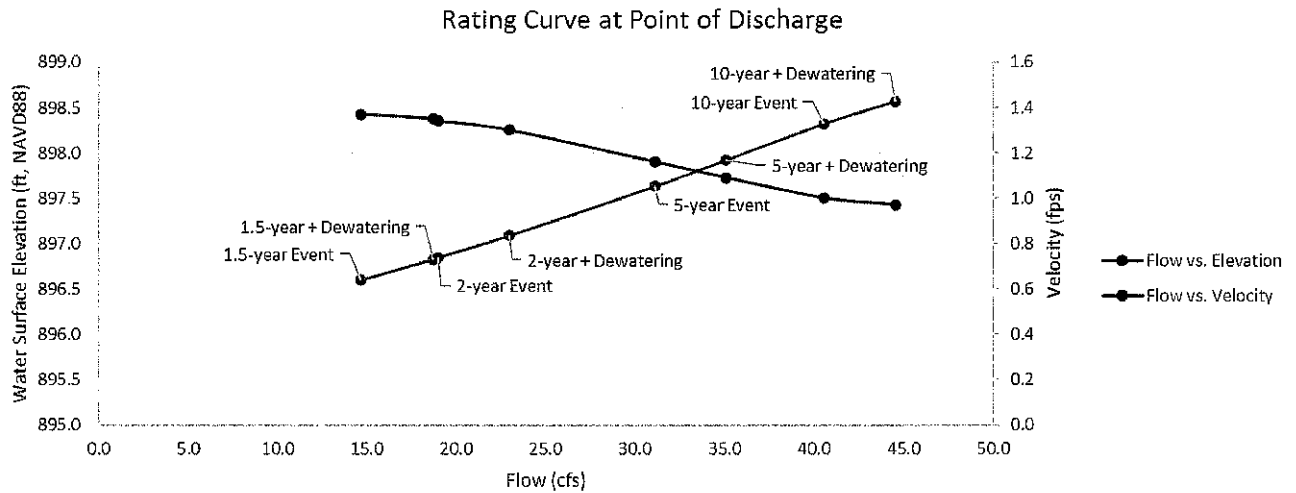


Figure 4: Rating Curve for XS 999 (minimum value, 895.0, on WSEL Y-axis set to approximate channel bottom)

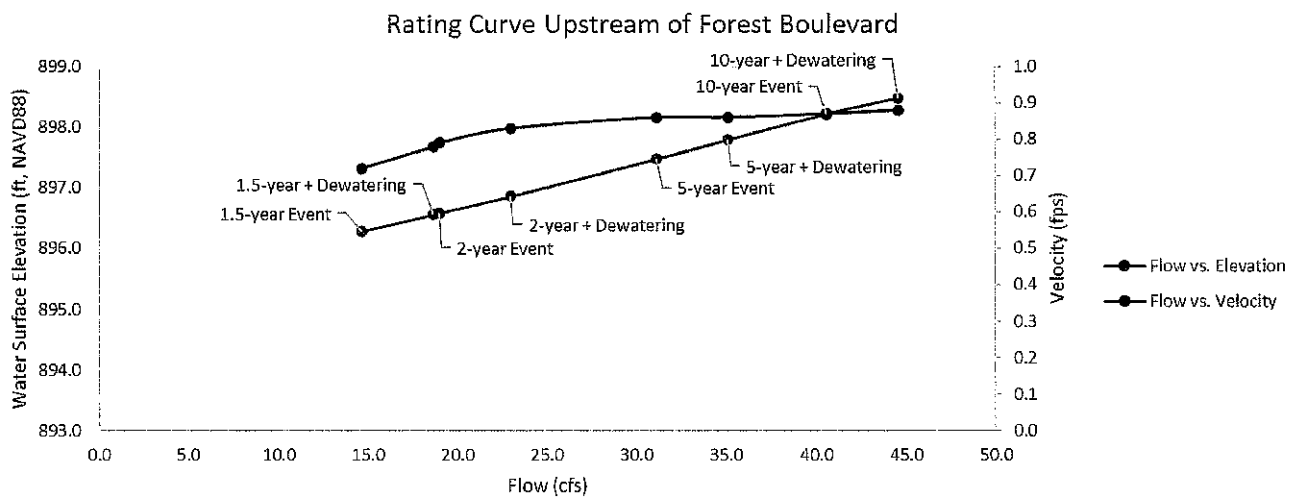


Figure 5: Rating Curve for XS 996 (minimum value, 893.0, on WSEL Y-axis set to approximate channel bottom)

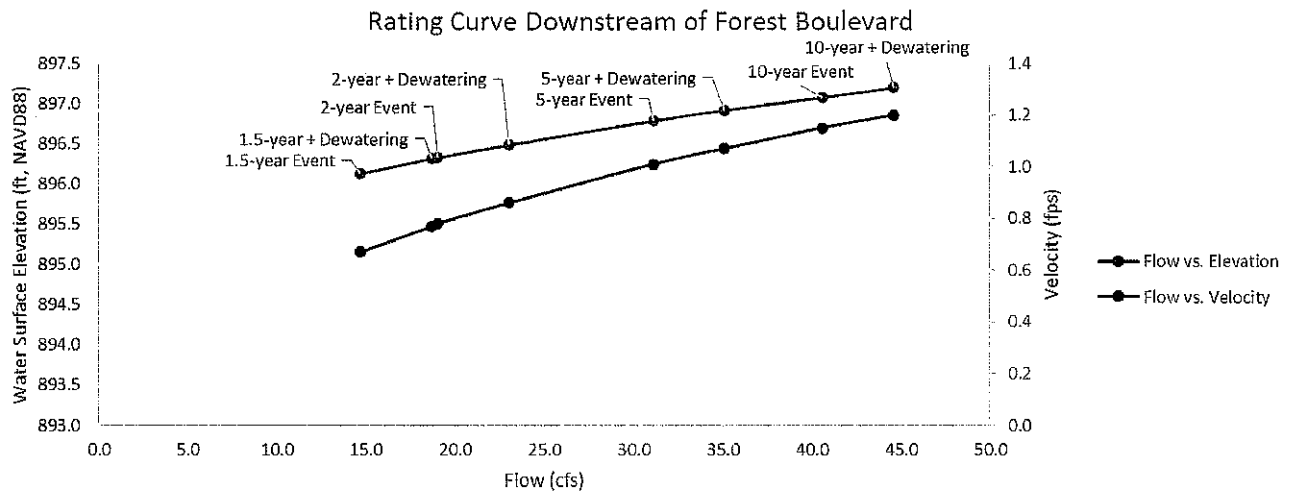


Figure 6: Rating Curve for XS 994 (minimum value, 893.0, on WSEL Y-axis set to approximate channel bottom)

IV. Conclusions and Recommendations

During the 10-year event, the water surface elevation is high enough within the ditch that the flow starts to overtop the channel banks upstream of the Forest Boulevard culvert crossing. The elevated 36-inch CMP culvert starts to convey flow during the 10-year event. We recommend that the contractor periodically conduct a visual check of the water surface elevations at the Forest Boulevard culvert crossing. If water levels at the Forest Boulevard culvert crossing exceed 897.81 feet in elevation and flow is observed in the high-flow 36-inch CMP culvert, pumping should cease until water levels recede below elevation 897.81 feet.

For all other flood frequencies below the 10-year event and when the elevated 36-inch CMP culvert is not conveying flow; the 1,800 gpm proposed dewatering flow causes, on average, a 0.23 foot increase in the water surface elevation of Public Ditch #5; within the study reach. Based off of our modeling and the assumptions listed above, Public Ditch #5 will convey the additional 1,800 gpm flow within the ditch section at water surface elevations and velocities that are not expected to cause flooding or erosion problems, and therefore appear to be reasonable and acceptable.

We also recommend that the contractor place adequate erosion control measures at the outlet of their discharge pipe to prevent erosion and downstream sedimentation.

If you have any questions, please contact me at your convenience by phone at 612-834-2909 or email at brent.johnson@bolton-menk.com.

Sincerely,

Bolton & Menk, Inc.

Brent H. Johnson, P.E.
Water Resources Project Manager

Chisago County Request for Board Action

Meeting Date: April 21, 2021	Item Number: 14
Title of Item for Consideration: Authorization to Begin Records Reestablishment, Redetermination Process for County Ditches 5, 9, & 14	
Action Requested by: Chase Burnham, County Administrator	Department: County Administration
Previous Action on this Matter: November of 2016 – adopted Public Drainage System Inventory and Report. August 1, 2018, the Board of Commissioners began initiating the reestablishment and redetermination process of the Public Ditch system. On December 4th, 2019, the public hearing was held for the redetermination and reestablishment of County Ditches 1, 2, and 3.	
Background: In order to bring the Public Ditch System up to date, it was inventoried and assessed in 2016. To accomplish these efforts per Minnesota Statute 103E, the Drainage Authority must initiate these actions by ordering the redetermination process, appointing ditch viewers and a ditch engineer for all 11 ditches and reestablishing the records for the 6 ditches (1, 2, 3, 5, 9 & 14).	
Attachment(s): • Resolution	
Action Requested/Recommended: The County Board is respectfully requested to approve the resolution initiating concurrent records reestablishment, redetermination process & appointing engineer for County Ditches 5, 9, & 14 and initiating redetermination process. The following motion is suggested; <i>“Move to approve the resolution initiating concurrent records reestablishment, redetermination process & appointing engineer for County Ditches 5, 9, & 14 and initiating redetermination process.”</i>	
Implications of Action: Board approval at tonight’s meeting will authorize the County to undertake the Public Ditch System update process.	
Budget/Financial Implications: The Public Ditch System will fund these activities. However, until all costs can be assessed against the benefiting property owners, a loan from the general fund will be required.	
Legal/Policy Implications: The proposed activities appear to be in conformity with applicable state statutes and County authority and policies.	

Administrator's Recommendation

Approve <u>COG</u>	Deny _____	Other _____
Motion By:		Seconded by:
To:		
Action on Motion:	Aye _____	Nay _____
		Abstain _____



Bruce Messelt
County Administrator

COUNTY OF CHISAGO

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

Phone: 651-213-8830 FAX: 651-213-8876

Commissioners:

District 1
Lora Walker
District 2
Rick Greene
District 3
George McMahon
District 4
Ben Montzka
District 5
Mike Robinson

Commissioner Montzka offered the following resolution and moved its adoption:

RESOLUTION NO. 18/0801-2 STATE OF MINNESOTA

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

FINDINGS

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

Therefore, the Drainage Authority makes the following:

ORDER

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

B. The Drainage Authority appoints the following viewers to conduct the redetermination of benefits:

Bryan Murphy, Viewer

Shantel Hecht, Viewer

Larry Murphy, Viewer

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

D. The Drainage Authority directs the viewers, once qualified, to work with the engineer and to commence viewing as soon as practical upon receipt of the engineer's conclusions indicating the as-constructed efficiency of the drainage system.

E. The Drainage Authority shall follow the procedures of statutes section 103E.101, subd. 4a to reestablish and correct the drainage system record for CDs 1, 2, 3, 5, 9, & 14 to reflect the functional alignment, dimension, grade and right-of-way of the system.

F. The Drainage Authority appoints the engineering firm of Bolton and Menk, Inc. and Brent H. Johnson, P.E., to investigate and report findings defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, elevations; and right-of-way of the drainage system.

G. The engineer is directed to assist the viewers in identifying properties receiving a hydrological benefit from CDs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, & 14 and in identifying properties responsible for increased sedimentation in downstream areas of the watershed or responsible for increased drainage system maintenance or increased drainage system capacity because the natural drainage on the properties has been altered or modified to accelerate the drainage of water from the property.

H. Drainage Authority staff, upon receipt of the viewers' reports, shall prepare and mail owners' reports as required by statutes section 103E.323.

I. Drainage Authority staff, upon completion of the engineer's investigation and report, and upon completion of the viewers' reports, shall set a date, time and location for an informational meeting on the redetermined benefits and reestablished and corrected drainage system records.

J. Upon completion of the informational meeting, The Drainage Authority shall set a date, time and location for a combined hearing on the redetermination of benefits and reestablished and corrected drainage system records.

K. Drainage Authority staff shall give notice of the combined hearing according to the requirement of the drainage code for the records reestablishment process (hearing by mail to the commissioner of natural resources, the executive director of the Board of Water and Soil Resources, and all property owners benefited or damaged by the drainage system and shall give additional notice either in a newspaper of general circulation in the drainage system area or by publication on Drainage Authority's website) and the requirements of the drainage code for the redetermination of benefits process (by publication, posting at least three weeks before the date of the final hearing at the front door of the courthouse, and mailing the commissioner, all property owners, and others affected by the proposed redetermination of benefits).

Commissioner Greene seconded the resolution and upon a vote being taken thereon, the following voted:

IN FAVOR THEREOF: Greene, McMahon, Montzka, Robinson

OPPOSED: None
ABSENT: Walker

Whereupon the resolution was declared duly **passed** and **adopted**.

Approved: August 1, 2018

Attest: 
Chase Burnham
Clerk of the Board


George McMahon
Chair, County Board



Chisago County Request For Board Action

Meeting Date: April 21, 2021	Item Number: 15
Title of Item for Consideration: Public Hearing for an Economic Development Tax Abatement – All Mac, Inc	
Action Requested by: Nancy Hoffman, Executive Director	Department: HRA-EDA
Previous Action on this Matter: The County Board called for a public hearing for a Tax Abatement for All Mac, Inc at the February 17 th , 2021 Board meeting.	
Background: The Chisago County HRA met on January 26, 2021 and reviewed a request from All Mac, Inc. to consider a Tax Abatement request for assistance to purchase property in Stacy and erect a 60 x 80 building and improving the existing buildings currently at the site. New taxes generated will be \$5,000 per year and the company is requesting 5 years of tax abatement for a total of \$25,000. Attachment(s): - Tax Abatement Request Summary - Resolution	
Action Requested/Recommended: The County Board is respectfully requested to consideration approval of a tax abatement for All Mac, Inc. and to pass the resolution. The following motion is suggested: <i>“Move to approve the tax abatement request for All Mac, Inc as presented and pass Resolution _____.”</i>	
Implications of Action: Recommended Board action would support the request of the HRA/EDA to consider tax abatement for All Mac. Budget/Financial Implications: None. The tax abatement is from the new taxes generated due to the new building. The request will not apply to school or state property tax. 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 _____

To: Chisago County Board of Commissioners
From: Nancy Hoffman, HRA-EDA Executive Director
Subject: All MacTax Abatement Request
Date: April 21, 2021 Public Hearing

Tax Abatement Request Summary – All Mac Incorporated

Business Background:

All Mac has been in business since 2004 and it is primarily a trailer repair business. The business is owned by Shawn and Michele McClane. They also provide and would like to grow in other complimentary areas such as DOT inspections, some manufacturing, winterization of trailers and U-Haul truck and trailer rental. They are currently in East Bethel but have outgrown their facility.

Proposed Development:

The site that they are seeking to purchase is know as the Old BP site on the corner of Interstate 35 and County Road 19. The site was formerly a gas station carwash site that never was able to run due to issues with access. The property went into tax forfeit and was purchased approximately one year ago.

The applicant is looking to purchase the property and construct a 60 X 80 shop. They will also remodel the gas station into a retail space for trailer parts, U-Haul operations and office space. The car wash will be used for additional shop space and storage.

Currently the property is valued by the Chisago County Assessor at \$266,600. He estimates the value with the new building and rehab of existing buildings to be valued at \$700,000.

Abatement Request Information:

Use of Abatement: Land purchase, new building, site improvements.

Tax Impact:

Currently the property is generating taxes of \$2,882 for the county and \$1,494 for the city. According to the Chisago County Assessor's office, there will be additional taxes of \$5,000 per year for the county and \$2,500 for the city.

Annual Increase in Taxes

Chisago County Increase in Taxes	\$5,000
City of Stacy Increase in Taxes	\$2,500

Amount of Abatement Requested: \$37,500

City of Stacy Portion – up to \$12,500 not to exceed five year.

Chisago County Portion – up to \$25,000 not to exceed five years.

Job Impact:

Jobs Retained: 2 FT @ \$27.00 per hour with benefits.

Jobs Created: 2 FT @ average \$25 per hour with benefits.

Approval Criteria for Business Subsidy:

- Increase or preserve tax base (must provide at least one other benefit)
- Create or retain jobs (retention considered only when job loss is imminent)
- Help develop or renew blighted areas.

Tax Abatement priorities can be given for:

- projects that create living wage jobs of at least \$12 per hour plus benefits. (\$24 - \$27)
- project complies with applicable Comprehensive Plan and Zoning Ordinance

Project Schedule:

The Stacy City Council held a public hearing and approved the project on April 13, 2021.

Action Requested:

To Consider approval of Tax Abatement for All Mac, inc.

CHISAGO COUNTY
BOARD OF COMMISSIONERS
NOTICE OF PUBLIC HEARING
ON PROPOSED TAX ABATEMENT

The Chisago County Board of Commissioners will conduct a public hearing at **7:00 pm on Wednesday, April 21, 2021** in the Board Room of the Chisago County Government Center, 313 North Main Street, in the City of Center City, MN for purpose of receiving written or oral comments on the proposed tax abatement request of All Mac for a tax abatement to finance costs relating to a 4,800 sq. ft. building and site improvements in an amount not to exceed a total of \$25,000 for period of not more than five (5) years. Current Tax Parcel number is: 19.00184.38 located at: 5580 Stacy Trail, Stacy MN. Said hearing is being held pursuant to M.S. 469.1812 to 469.1815.

All persons interested may appear and be heard at the time and place as set forth above or may file written comments with the Clerk of County Board prior to the date of hearing at the County Administration Office at 651-213-8877.

By Order of the
Chisago County
Board of Commissioners

Chris DuBose
Chair

Chase Burnham
Clerk, County Board



**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: April 15, 2021
Re: **April 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 March 17, 2021, Board meeting.

Action Items:

1. Receive Directors Report
2. 2020 Water Resources Programs and Annual Reports Presentation
3. Chisago Lakes Lake Improvement District Invasive Phragmites Roadside Treatment
4. Concrete Surfacing ant Ki-Chi-Saga Park
5. Lyn Regenauer Interim Use Permit – Residential Kennel
6. Glen and Kris Carlson CUP – Farmaste Animal Sanctuary & Rural Retail Tourism
7. Spindler and Lom CUP – Rural Retail Tourism Evergreen Oasis Farm and ?Market
8. Wild Mountain Properties, LLC CUP Amendment– Recreational/Seasonal Campground
9. Innovative Power Systems – Zoning Ordinance Section 8-04-1.G Text Amendment

Informational Item(s):

Board of Adjustment and Appeals:

The next regularly scheduled Board of Adjustment meeting is scheduled for April 29, 2021 at 7:00 pm. via remote attendance. Individuals wishing to observe the meeting or provide public hearing comment during the meeting may do so by telephone or electronic means. The Board will also meet on April 28, 2021, at 8:00 A.M. and depart separately from Public Works at 31325 Oasis Road, Center City, MN to conduct organized tours of the agenda item properties. Item(s) for consideration include:

1. James and Sherry Goodpaster – 27890 Nathan Lane, Chisago Lake Township; Sec. 9, T. 33, R. 20, (PID# 02.01677.00). James and Sherry Goodpaster are requesting a variance to expand an existing non-conforming structure by replacing the roof with a pitched design, and adding a covered front porch and detached garage closer to the road than the required setback

Planning Commission:

The regularly Planning Commission meeting is scheduled for Thursday, May 6, 2021, at 7:00 p.m. via remote attendance. Individuals wishing to observe the meeting or provide public hearing comment during the meeting may do so by telephone or electronic means. The Commission will also meet on May 4, 2021, at 8:00 A.M. and depart separately from Public Works at 31325 Oasis Road, Center City, MN to conduct organized tours of the agenda item properties. Items for consideration include:

1. Kathleen Green is requesting a Conditional Use Permit for Recreational Camping to allow up to four private campsites on their property. The property is located east of Beach Road and north of 466th Street, Fish Lake Township; Sec.10, T.36, R.22 (PID #03.01189.00).
2. Monte and Vicki Canfield - Property at 15432 310th Street, located north of County Road 37, Chisago Lake Township; Sec.25, T.34, R.20, (PID #02.00726.00). Kelly Jordan, on behalf of Property Owners, Monte and Vicki Canfield, is seeking approval of a preliminary plat of three lots out of a 36 acre tract.
3. Craig and Debra Heggerston - Property at 16143 Furuby Road, Chisago Lake Township; Sec.13, T.34, R.20, (PID #02.00546.00). Brody Heggerston, on behalf of Property Owners, Craig and Debra Heggerston, is seeking a Conditional Use Permit for Rural Retail Tourism to allow a gathering venue for events and weddings.
4. Continued Business - Tony Zerwas Property at 41275 Peterson Ave, Amador Township; Sec.1, T.35, R.20 (PID #01.00212.00). Bob Boyce, on behalf of Tony Zerwas - Property Owner, is seeking approval of a preliminary plat of four – five acre lots out of a 20 acre tract. **Previously tabled and 60 Day agency action deadline extended; Applicant has submitted a 60 day extension thru May 27th.*

General Department Informational Item(s):

February construction & permit activity including Year-To-Date (YTD) information is provided as attached. General construction and land use permit revenues as of April 9th are \$159,587 or 19% of projected for the year. An updated permit count/location summary is pending and will be provided at your meeting.

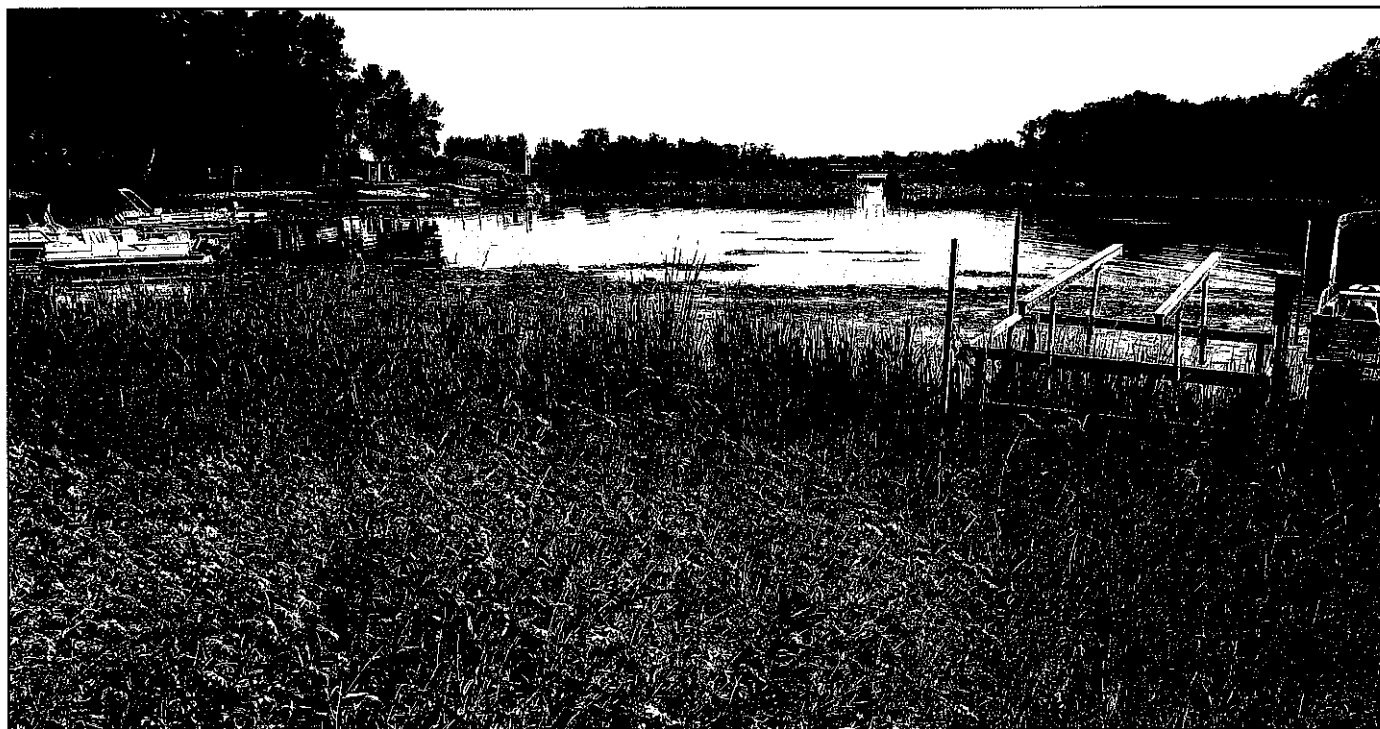
“Chisago Lakes Delisted” a great highlight article of Chisago County water resources efforts and results has just been posted to the State BWSR web site and is attached in print form. This is a great article highlighting several local agencies (SWCD, NRCS) and the counties water resources activities! Publication and media release are occurring via BWSR this week and you may see this information elsewhere in broader media coverage.

Solid Waste Administrator Thibodeau and the County Attorney’s office are engaged in ECSWC work related to Chronic Wasting Disease and Deer Carcass handling at the jointly owned Mora Landfill. Concerns have been expressed by the host county at accepting deer carcasses across county lines. Review of Host Agreement and JPA agreements among other elements of the discussion are under way.

Along with tonight’s requested approval of Ki-Chi-Saga park improvements, County Parks is actively in process of authorizing re-roof and repair to a number of park shelters, obtaining capital improvement authorized parks benches/equipment; working with the North Branch High School National Honor Society on new garbage can painting service/volunteer project; meeting with Chisago Lakes Rotary and lakes area cities; and hiring seasonal staff for the early spring needs of the parks and trails. Recent wind storms have also necessitated Parks Director and staff weekend work on downed trees and blocked trails.

“ All the other lakes where we have water quality trend data are also improving. That’s exciting. It’s not just one or two lakes. ”

— Jerry Spetzman, Chisago Lakes LID administrator



Chisago lakes delisted

With North Center and South Center lakes removed from the impaired waters list, Chisago SWCD, NRCS staff continue to work with landowners, community partners to advance positive water quality trends emerging throughout the 20-lake chain



The SWCD has leveraged more than \$1.7 million in Clean Water Funds, including a targeted watershed demonstration program grant, to fund conservation projects affecting the chain of lakes.

CHISAGO COUNTY — When the Minnesota Pollution Control Agency removed North Center and South Center lakes from the impaired waters list this spring, Chisago Soil & Water Conservation District staff celebrated a continuation — not a conclusion — of targeted watershed work.

North Center and South Center were two of nine lakes in the 20-lake chain added to the impaired waters list in 2008. Removal requires meeting water quality standards for five consecutive years.



Top: Nancy Moe-Mergens and Mike Mergens worked with Chisago SWCD on a lakeshore restoration on North Center Lake. **Photo Credit:** Nancy Moe-Mergens **Above:** “It was a fabulous program,” Pat Eichten said of working with the SWCD and NRCS to install erosion control projects including this grassed waterway. **Photo Credit:** Chisago SWCD

In Chisago County, the accomplishment reflects hundreds of conservation practices implemented

over 10-plus years, stretching from lakeshore lawns to farm fields. Landowners’ work with

MEETING STANDARDS:

From 2013-19, phosphorus levels and Secchi disk readings in North Center and South Center lakes consistently met water quality standards for aquatic recreation. Chlorophyll-a conditions have improved but did not meet the standard. Under Minnesota’s two-part water-quality standard, phosphorus levels must be at or below a certain level. Either Secchi disk readings, which measure clarity, or chlorophyll-a readings must meet the standard.

“We’re there to help. What we call a resource concern they call a problem. When they have to work around a gully or have a hillside that washes out, we’re there to help.”

— Shane Hultman, Chisago SWCD



DEDICATED

NRCS FUNDS:

MRBI: An initiative of the USDA’s Natural Resources Conservation Service, the Mississippi River Basin Initiative centers on practices that improve water quality, restore wetlands, enhance wildlife habitat and sustain agricultural profitability in the Mississippi River basin. Water quality concerns, mostly related to nutrient-loading, prompted NRCS to make the Mississippi River a priority. “The big goal is to try to limit the hypoxic zone in the Gulf of Mexico. They’re starting at the top of the watershed and working their way down,” said Shane Hultman, Chisago SWCD resource conservationist.

SECOND MRBI

AWARD: The Chisago SWCD in 2021 received a \$425,000 MRBI award, which brought dedicated funding to the Goose Creek Watershed, which includes Goose Lake, Rush Lake and Rush Creek. It drains to the St. Croix River, a Mississippi River tributary.



Thiel

the SWCD and its partners has led to improving water quality trends throughout the Chisago Lakes Chain of Lakes.

“All the other lakes where we have water quality trend data are also improving. That’s exciting. It’s not just one or two lakes,” said Jerry Spetzman, Chisago Lakes Lake Improvement District (LID) administrator. “A lot of the projects happening on North and South Center are also happening on the entire chain of lakes.”

Phosphorus and chlorophyll-a levels are generally decreasing throughout the chain. Phosphorus feeds the algae that can turn lakes green. Chlorophyll-a indicates the presence of algae. Secchi disk readings, a measure of water clarity, are generally improving.

A targeted watershed demonstration grant from the Minnesota Board of Water and Soil Resources brought five years of dedicated Clean Water Funds to the Chisago Lakes Chain of Lakes starting in 2015. Work accomplished through that grant reduced phosphorus by an estimated 690 pounds a year. One pound of phosphorus can create 500 pounds of algae.

The SWCD has leveraged more than \$1.7 million in Clean Water Funds, including the targeted watershed



Spetzman

MPCA DELISTING: The Minnesota Pollution Control Agency’s responses to the 2020 draft impaired waters list public notice comments includes, starting on Page 5, specifics about North Center and South Center lakes.

demonstration program grant, to gain additional dollars for conservation projects affecting the chain of lakes. It secured a Mississippi River Basin Initiative award — dedicated funding from the USDA’s Natural Resources Conservation Service that provided about \$125,000 in assistance. The LID has contributed \$40,000 annually. The St. Croix River Association contributed \$50,000 total. Water quality work gained enthusiastic support from the cities of Lindstrom and Center City.

By the time it wrapped up in 2020, the targeted watershed grant had funded projects involving 43 landowners. Leveraged local, state and federal funds can cover up to 100% of costs. In exchange, landowners agree to a 10-year contract to maintain the practice.

SWCD and NRCS staff have continued the watershed-based approach. It starts by identifying pollution hotspots, and then working with willing landowners to implement conservation practices. From earthen



Mell

structures that curb field erosion to rain gardens that filter runoff, conservation practices implemented throughout the chain of lakes ultimately benefit the St. Croix River downstream.

“It’s like a watershed success story. It’s great for North and South Center, but it’s also great for the entire watershed,” Spetzman said.

Chisago SWCD Administrator Craig Mell handles the contracts. SWCD water resources specialist Casey Thiel summarizes data collected through the LID’s water quality monitoring program, and works with urban and lakeshore property owners. SWCD resource conservationist Shane Hultman works with agricultural producers. Throughout the watershed, they’ve become recognized as a resource.

“We’re being seen more — and differently than the people who help farmers. Going back 10 years, that’s what the SWCD was. There wasn’t a direct connection to lake water quality,” Thiel said.

The SWCD has applied the targeted approach throughout the county. Staff is assigned to designated watersheds.

“This is the way that we do business. We use that model and it works. We prove every day that it works. From the assessments to applying for the

grants to following up with monitoring to doing more assessments— that whole process. It works,” Thiel said.

Mell said it can take years to get a commitment from an ag producer. “They need to see it working elsewhere. They need to hear from their farming peers that it works,” Mell said.

Dedicated funding makes it easier to align projects with producers once they’re ready to proceed.

Spetzman summarized the Chisago Lakes Chain of Lakes effort:

“It’s all of us. It’s everyone who lives in the watershed, even people who don’t live on (one of the 20 lakes). ... It’s all of us together.”

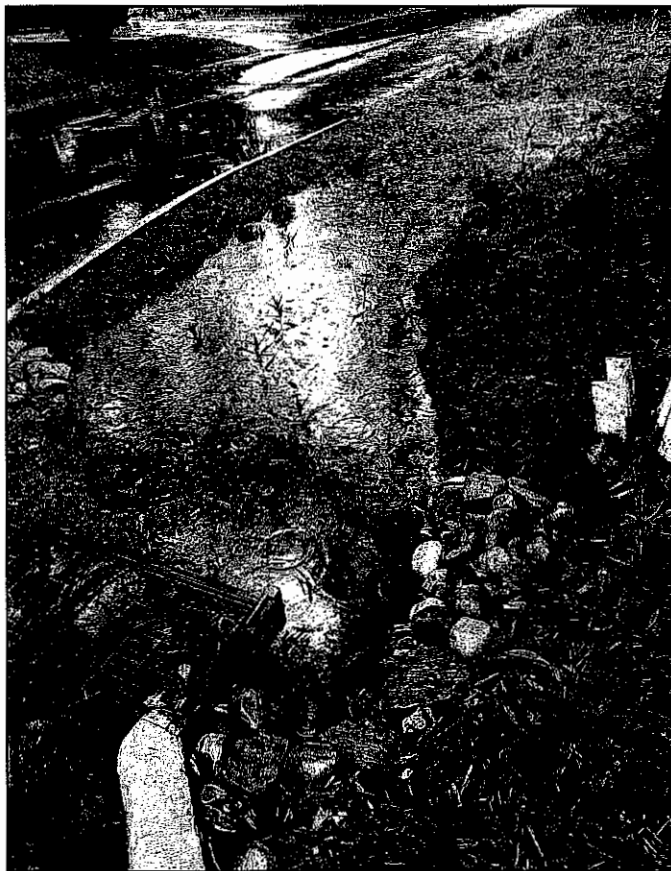
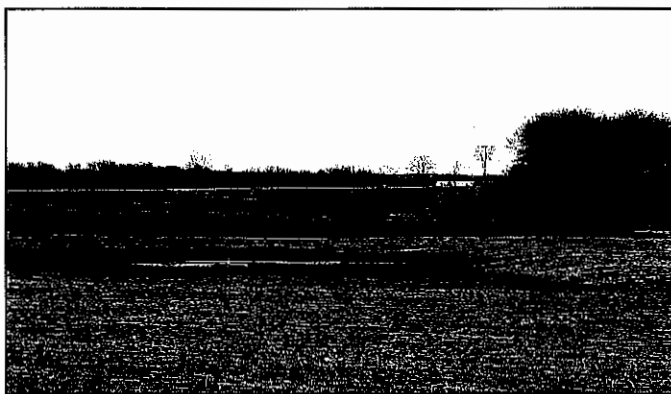
An Immediate Fix

Pat Eichten’s first experience working with NRCS and the SWCD on a conservation project “eliminated the problem instantly,” he said, and worked so well that he pursued two more projects on rented land.

Targeted MRBI funding, combined with local and state dollars, reimbursed all three 100%.

Together, Eichten and SWCD staff identified resource concerns.

The first project — a water and sediment control basin (WASCOB) and a grassed waterway— diverted runoff from the steel roofs of a dairy barn and two pole sheds, and eliminated a 7-foot gully that split his Franconia Township field. Subsequent work installed grassed waterways and culverts. All three projects slow runoff and allow sediment and the pollutants it carries to settle out.



Top: The cover crop Byron Dahlheimer planted in his Chisago County field was greening up by mid-April. Last fall he rented a no-till drill from the Chisago SWCD. **Photo Credit:** Chisago SWCD **Above:** The rain garden installed on a strip of Aaron Hanson’s Lindstrom yard allows sediment and the pollutants it carries to settle out before flowing to South Lindstrom Lake. **Photo Credit:** Aaron Hanson

Together, the three projects cost about \$40,000.

“I don’t know if we would have pursued it without the funding. Even with a 50% cost-share you would have tried to maybe plant the field differently, or implement your own grass runways,” Eichten said. “We probably wouldn’t have done it at

all. It’s a great service if you can get this done without bankrupting the farmers at the same time.”

Eichten started farming full time after high school. He took over from his parents in 1993, and in 2003 got out of dairy and took an off-farm job as a rural mail carrier. He raises corn, soybeans

“ I try to push it because I know it’s a great program.”

— Pat Eichten,
Chisago County farmer

and some hay on 250 to 300 acres. Eichten said he wanted to keep the land in ag production — or at least in family ownership and untouched by developers — for as long as possible.

Helping farmers continue to farm, and farm successfully, is Hultman’s big-picture goal for the county.

The WASCOBs are the most popular, easiest and fastest-acting of the erosion control options available to farmers through the MRBI.

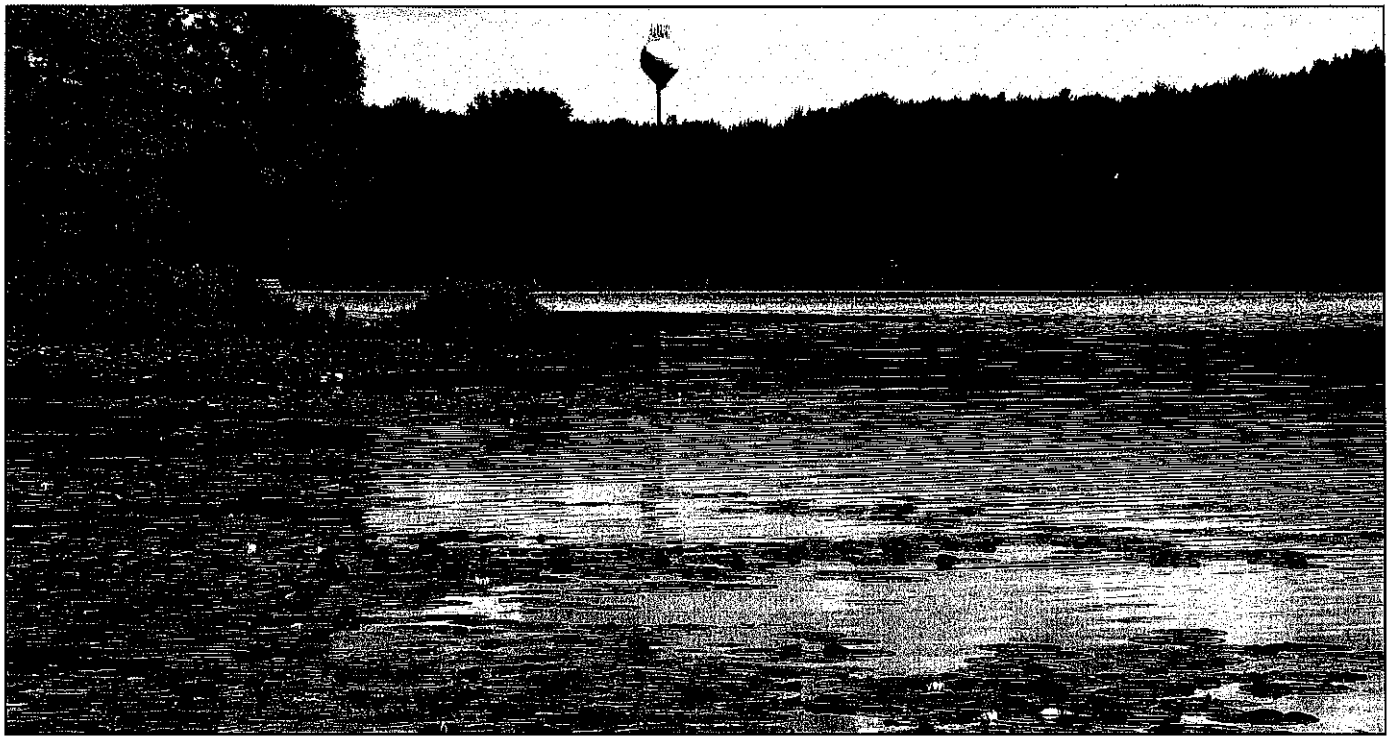
“They work extremely well,” said Hultman, who surveys and designs projects.

Eichten said he doesn’t worry about gully-washers anymore. The WASCOB has filled with water 5 feet deep and drained by the end of the day without damaging the field.

“I always tell them the programs are there; it never hurts to ask,” Eichten said, describing how he told other farmers about the SWCD. “I try to push it because I know it’s a great program.”

With MRBI dedicated funding, the possibility that landowners would receive NRCS Environmental Quality Incentives Program (EQIP) funding for projects within targeted watersheds was nearly certain. A WASCOB project might lead a farmer to consider other practices such as cover crops or no-till.

“We get the field repaired for them first,” Hultman said.



White water lilies bloom in South Center Lake off the shore of Loren's Park in Center City. The Chisago Lakes Chain of Lakes surrounds three cities. Most of Lindstrom's 3.5 square miles, for example, lie within the shoreland district. **Photo Credit:** Ann Wessel, BWSR

"You start with the problem, the resource concern, then you move into ... getting them into the soil health movement."

Cover Crop Trial

Byron Dahlheimer is trying cover crops for the first time.

With a rented no-till drill from Chisago SWCD, last fall he seeded a rye cover crop into 40 acres of harvested soybean fields. The 200-acre corn and soybean farm he runs with his brother and two sons lies across the road from North Center Lake. Dahlheimer previously installed two water and sediment control basins with Clean Water Fund and MRBI assistance.

Chisago SWCD funding will reimburse part of his cover crop seed cost. He described how he would determine success:

"First if it helps the soil, and then return on investment — if it's going to pay off to do it.

“ Because of our proximity to the lakes, all the land we farm drains right into the lake system. So we try to be careful what we do, or try to make it better. ”

— Byron Dahlheimer, Chisago County farmer

That may take a while to find out. That may take several years."

Dahlheimer said he had been thinking of trying cover crops on his lighter soils — something he'd seen work well in states farther south — when a neighbor mentioned the sign-up available through the Chisago SWCD.

"I was looking for a way to help the soil a little bit, put some green down," Dahlheimer said.

If cover crops work for the operation, he plans to buy his own drill. This spring, he'll plant no-till corn into the 40 acres, which he described as gently rolling.

"Because of our proximity

to the lakes, all the land we farm drains right into the lake system," Dahlheimer said. "So we try to be careful what we do, or try to make it better."

Like Dahlheimer, many landowners start with a WASCOB. Once the initial problem is fixed and they become familiar with staff, they may consider trying something new.

"The greatest asset is when you have somebody that's really happy about a project and they tell everybody else about it," Hultman said.

Lakeshore Restoration

Nancy Moe-Mergens and Mike Mergens were among the first to sign up for a lakeshore restoration

project through the SWCD. They had a problem with non-native grass, and wanted to filter runoff from the North Center Lake property where they built a house 20 years ago.

"Both of our lakes are runoff lakes. We don't have a spring or river that feeds (them). Whatever is on your property — it goes into the lake," Moe-Mergens said.

"The biggest objection that people have is they want a beach for the kids, which they can have. But they can also have a partial area to catch the runoff and filter the water from the property," Moe-Mergens said.

Shoreline restorations started to catch on when the 600-some property owners on North Center and South Center lakes began to see the results, Moe-Mergens said. She's past president of the 120-member Center Lakes Association, which

is launching a stewardship campaign.

Mergens is the current LID chairman.

"It justifies all the work that the LID and the Chisago Soil and Water have done," Moe-Mergens said of the delisting. And it might prompt more lakeshore residents to make shoreline changes that help to improve water quality.

Over the past few years, Mergens said he hadn't seen the once-common late-summer algae blooms.

"The resale value on a clear lake and protected shoreline is much higher than a lake that has a lot of algae in it. It's a win-win. If you take good care of the lake, it will take good care of you," Moe-Mergens said.

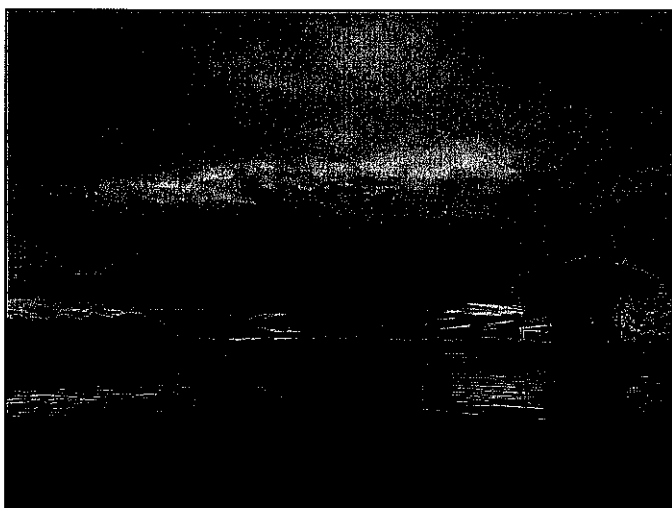
The lakes also take care of the chain of lakes' communities, which lie within an hour of the Twin Cities tourists and cabin owners.

"It brings revenue to the area, which helps our local businesses," Mergens said. "It's important to have good water quality to keep those people coming into the area."

Rain Garden

Aaron Hanson spent part of his childhood on North Center Lake. He returned to the area three years ago. In one season, he established a rain garden and pollinator habitat on a 10-by-40-foot strip of his Lindstrom yard.

Runoff from nearly three-quarters of the city block



North Center Lake, seen here, and South Center Lake's delisting from the state's impaired waters list is the result of 10-plus years of targeted conservation work. That momentum continues with ongoing work — and dedicated funding.

Photo Credit: Joleen Rein

Chisago SWCD's Expanding Role

ST. CROIX RIVER-RELATED:

Since 2015, the SWCD has received \$925,500 in Clean Water Fund grants related to curbing St. Croix River gully erosion via targeted, prioritized erosion control projects along the river and its tributaries.

ONE WATERSHED, ONE

PLAN: SWCD staff will serve as the fiscal agent for the Lower St. Croix River One Watershed, One Plan, which received \$1.62 million in dedicated Clean Water Funds from BWSR. Implementation will begin in 2021. Fifteen local government partners

developed the plan, which prioritized conservation efforts for the next 10 years.

MAINTENANCE: Seasonal employees hired through an SWCD partnership with the LID maintain projects on public property. They weed, remove sediment and monitor publicly owned water quality projects for needed repairs. Those projects include vegetated swales, rain gardens, lakeshore buffers and stormwater pond enhancements. Urban projects are inspected every year; ag projects every two years.

flows to a stormwater drain there. An alley separates the site from lakeshore lots on South Lindstrom Lake.

An energy program specialist with the University of Minnesota's Institute for the Environment, Hanson knew the benefits of

pollinator-friendly habitat. He wanted to plant native species. Until he walked the property with Thiel, he hadn't considered a rain garden.

"If I was left to my own devices, I would not have been able to do the rain

“The resale value on a clear lake and protected shoreline is much higher than a lake that has a lot of algae in it. It's a win-win. If you take good care of the lake, it will take good care of you.”

— Nancy Moe-Mergens, Center Lakes Association

garden part of it. I would have slowly but surely converted the grass into pollinator habitat,” Hanson said. The project was reimbursed 100% by Clean Water Funds and LID funds. “The Clean Water Funds allowed me to do all of the things all at once. Of course, it's something I would have wanted to do, but that's an investment in my property that would not have taken priority.”

A contractor installed the 8-by-30-foot rain garden two years ago. It fills when it rains, and then slowly drains. The flower species chosen provide spring-through-fall nectar sources.

“I think a lot of these environmentally friendly technologies can also be beautiful,” Hanson said, adding that inspiring others to consider planting pollinator habitat was one motivation to maintain the strip.

“(The SWCD) made it really easy and fun to contribute to a healthier lake,” Hanson said.



BWSR

The Minnesota Board of Water and Soil Resources' mission is to improve and protect the state's water and soil resources by working in partnership with local organizations and private landowners.
Website: www.bwsr.state.mn.us

Chisago County Request for Board Action

Meeting Date: April 21, 2021	Item Number: 17
Title of Item for Consideration: 2020 Water Resources Programs and Annual Reports Presentation	
Action Requested by: Kurt Schneider, Director	Department: Environmental Services/Zoning
Previous Action on this Matter: Each year, Chisago County Water Resources staff compile information and data collected to develop annual reports for the county's water resources programs. These programs include the Chisago Lakes Lake Improvement District (LID), Lake Water Quality Monitoring, Aquatic Invasive Species Prevention, and Chisago County Water Resources. Each spring, Water Resources staff provide a presentation to the County Board on the annual reports and water resources projects and programs. In 2020, staff were not able to provide a presentation due to COVID-19. However, on October 21, 2020, staff provided a brief summary of highlights of the 2019 programs and distributed hard copies of the reports to the County Board. County water resources staff collaborate with many partners to achieve the water quality goals of the LID and Chisago County. These partners include: area citizens, Chisago County, Chisago Lakes Lake Improvement District, Chisago Soil and Water Conservation District, Comfort Lake-Forest Lake Watershed District, Lower St. Croix Comprehensive Watershed Management Plan Partners, St. Croix River Association (SCRA), Minnesota Department of Natural Resources (DNR), National Park Service, Area Lake Associations (Center Lakes, Chisago-Lindstrom, Green Lake, Goose Lake Landowners and Rush Lake Improvement).	
Background: Highlights from the 2020 programs are as follows: <u>Chisago Lakes Lake Improvement District (LID)</u> In 2019, the channel between North Center and North Lindstrom Lakes was open to navigation for the first time in fifteen years. A LID Subcommittee reviewed options to improve navigation between the channel. In 2020, the LID hired a company to remove cattails and bogs located within the channel. The LID partnered with lake associations to install temporary barriers to prevent carp from spawning between Lake Ellen and Little Green Lakes and between Chisago and Kroon Lakes. <u>Lake Water Quality Monitoring</u> Water Resources staff monitor 22 sites and volunteers monitor 9 sites in lakes located throughout Chisago County. Staff and volunteers monitor for chlorophyll, nitrogen and phosphorus levels, along with color, invasive plants, physical condition, recreational suitability, temperature and transparency. Trends show that water quality of the lakes are improving each year. Testing for conductivity in 2020 show that county lakes do not exceed State Water Quality Standards for chloride. <u>Aquatic Invasive Species (AIS) Prevention</u> The Chisago County (AIS) Program consists of watercraft inspections, enforcement, education and outreach, regional coordination, and early detection. In 2020, 12 seasonal Watercraft Inspectors inspected 19,458 watercraft and completed 60 decontaminations of watercraft. Due to COVID-19, AIS outreach events and education to residents and students were severely limited in 2020. The	

county received a No Child Left Inside Grant from the DNR for AIS programming partnering with the SCRA. 59 volunteers participated in Zebra Mussel Watch and placed monitoring plates at their docks. The county surveyed 21 lakes and rivers for AIS. Zero new infestations for zebra mussels or spiny waterfleas in 2020!

Chisago County Water Resources

The Chisago County Board approved the new 10-year Comprehensive Watershed Management Plan and County Appendix for the Lower St. Croix Watershed. The County cancelled the in-person Annual Children's Water Festival scheduled for September 17 at Wild Mountain and will hold a Virtual Festival on May 20, 2021 for over 700 - 5th grade students to learn about water resources. The county partnered with the SCRA to identify and map roadside population of invasive phragmites in Fish Lake and Nessel Township. One unreported population was found near West Rush Lake. The county has a Water Resources Facebook page for residents to learn more about water quality projects, activities and programs. Like us at Chisago County Water Resources!

Attachment(s):

- 2020 Water Resources Annual Reports Presentation

Action Requested/Recommended: The County Board is respectfully requested to accept the 2020 Water Resources Programs and Annual Reports Presentation. The following motion/s is suggested:

"Move to accept the 2020 Water Resources Programs and Annual Reports Presentation."

Implications of Action: None at this time.

Budget/Financial Implications: None at this time.

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:

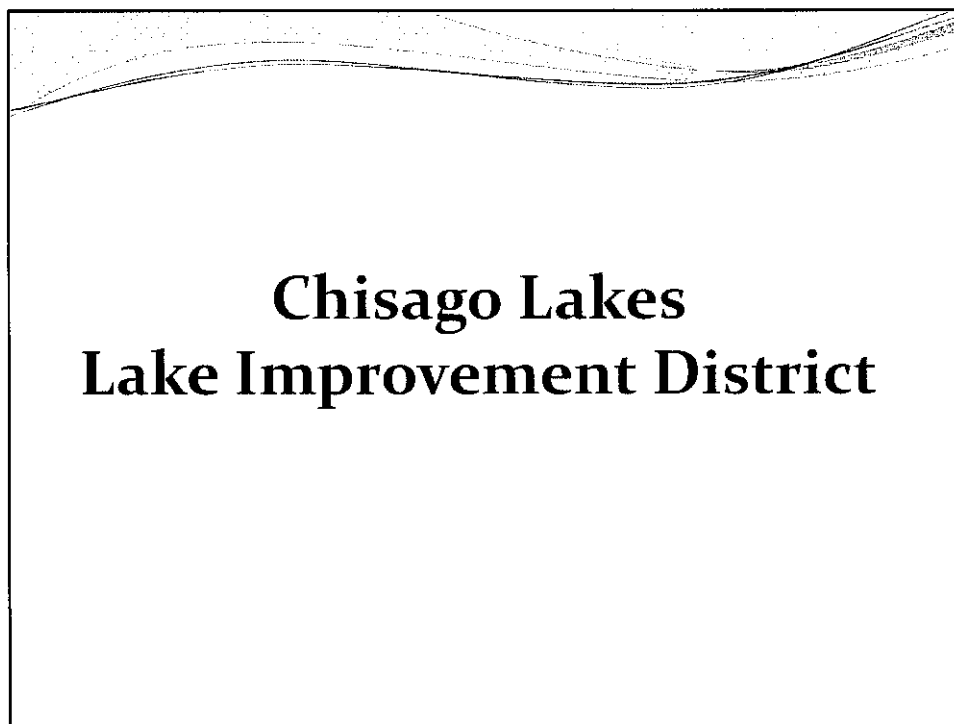
Aye _____

Nay _____

Abstain _____



1

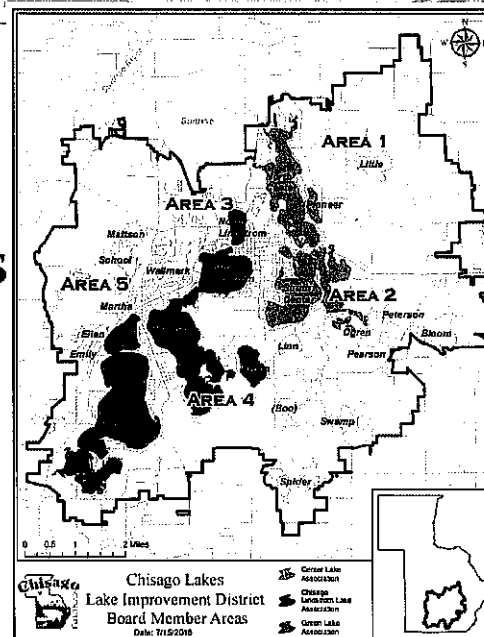


2

Mission:
**Restore, preserve, protect and
enhance the water resources
of the Chisago Lakes Chain
of Lakes Watershed**

3

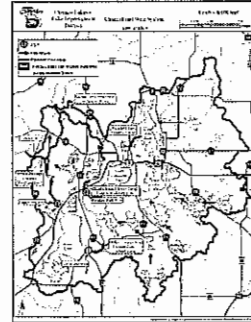
**Board
Member Areas
&
Lake
Associations**



4

Channel & Weir Operation High Water

- ⦿ Approved Operation & Maintenance Plan
 - Infrastructure, maintenance and operating rules
- ⦿ Weekly inspections during times of high water
- ⦿ System well maintained and functioning properly



5

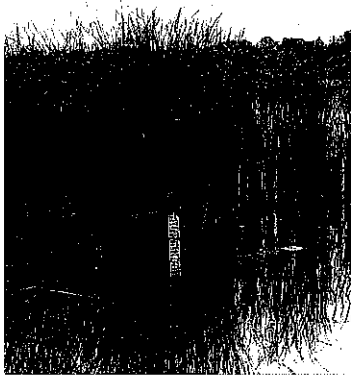
North Center – North Lindstrom Channel Maintenance

- ⦿ Channel open to navigation
- ⦿ 2019 first time in many years
- ⦿ Bog removal project

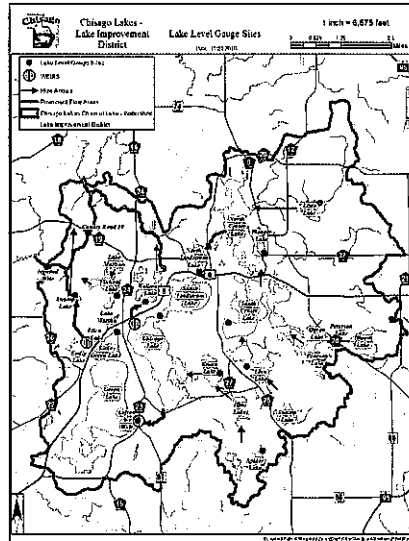


6

Lake Level Monitoring



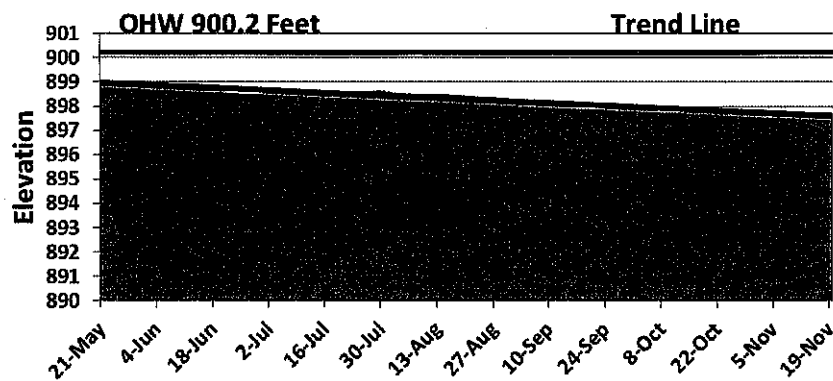
- 15 lake gauges monitored weekly during open water season



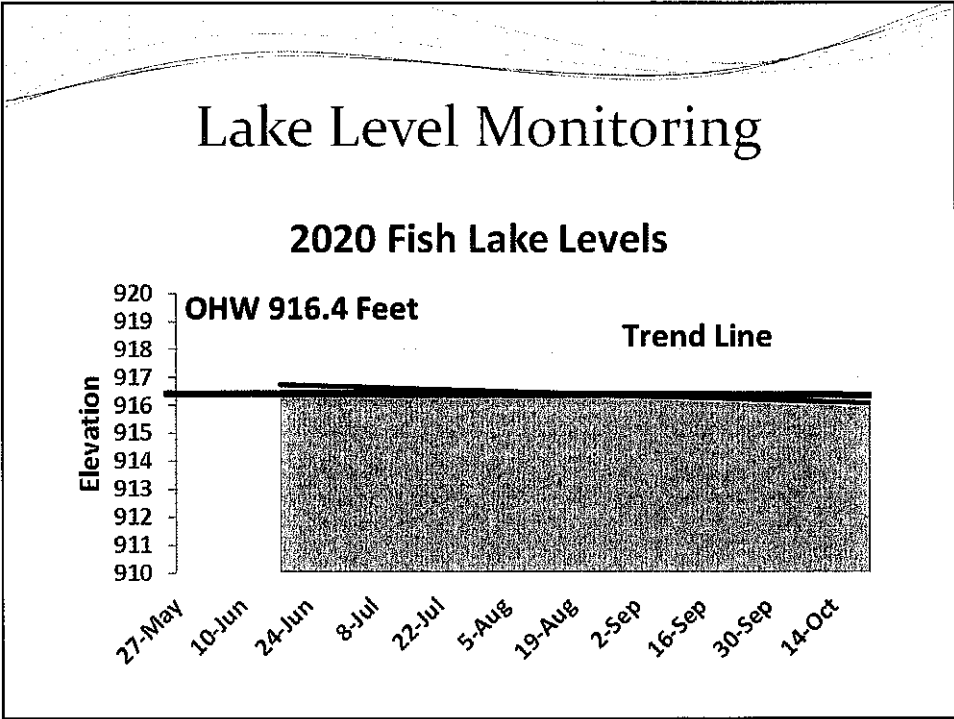
7

Lake Level Monitoring

2020 North & South Center Lake Levels



8



9

Slow-No-Wake Ordinance

- Approved in 2015
- Temporarily restricts boat speeds within 300 feet of shore during high water for lakes that exceed OHW
- Permanently restricts boat speeds in many channels
- Fish, Little, School and Wallmark under restrictions in 2020
- Restrictions are posted on the Chisago County website at www.chisagocounty.civicplus.com/347/Lake-Levels

Slow-No-Wake Ordinance Restrictions (temporarily restricts boat speeds within 300 feet of shore during high water conditions)

LAKE	DATE	NOTES
School	November 20	Slow-No-Wake restrictions in effect.
Wallmark	November 20	Slow-No-Wake restrictions in effect

10

Public Outreach and Awareness

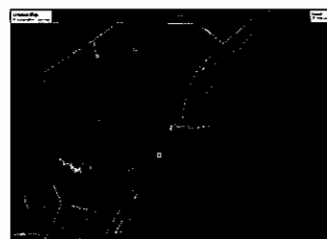
- ◉ Partnership with Lake Associations
- ◉ Community Events:
 - ◉ Chisago Lakes Home & Business Expo
- ◉ Due to the COVID 19 pandemic, LID outreach events and education to residents and students were severely limited in 2020.



11

Lake Ellen & Kroon Lakes Carp Barriers

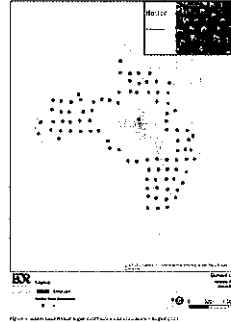
- ◉ Temporary carp barriers installed
 - Between Lake Ellen and Little Green Lakes
 - Between Chisago and Kroon Lakes
- ◉ Carp spawn in larger lakes where eggs are vulnerable to sunfish predation



12

Aquatic Plant Point-Intercept Surveys

- Methodology
 - Frequency of occurrence
 - Track trends over time
 - Compare areas within lakes
- Florisitic Quality Index

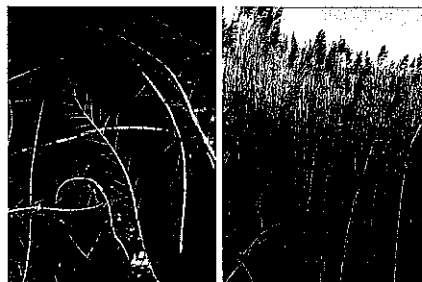


- Lakes Surveyed in 2020
 - Little Horseshoe
 - Mandall
 - Pioneer
 - Rabour
 - School

13

Aquatic Invasive Species Treatment

- Curly-leaf Pondweed
- Eurasian Watermilfoil
- Invasive Phragmites
- Improve navigation
- Funding allocated based on littoral zone
- Lakes Treated
 - Chisago, Green, Little Green, North Center, South Center, South Lindstrom



14

Invasive Phragmites Survey & Control

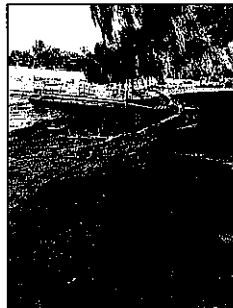
- ◉ Semi-Aquatic invasive perennial grass
- ◉ Area Lake Associations have taken the lead
- ◉ Lakeshore and roadside populations identified & mapped
- ◉ Control
 - Herbicide treatment (fall)
 - Cut & burn (early winter)



15

Stormwater Best Management Practices

- ◉ Lawns to Legumes
Demonstration Neighborhood
 - Pollinator Shoreline Buffers



16

Stormwater Best Management Practices

- ◉ Maloney Property
 - Agricultural BMPs



17

Stormwater Best Management Practices

- ◉ Pine View Shores
 - City of Lindström
 - Rain Garden



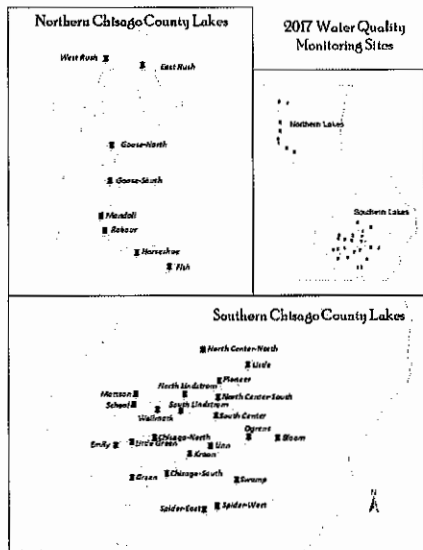
18

Chisago County Water Quality Monitoring Lakes

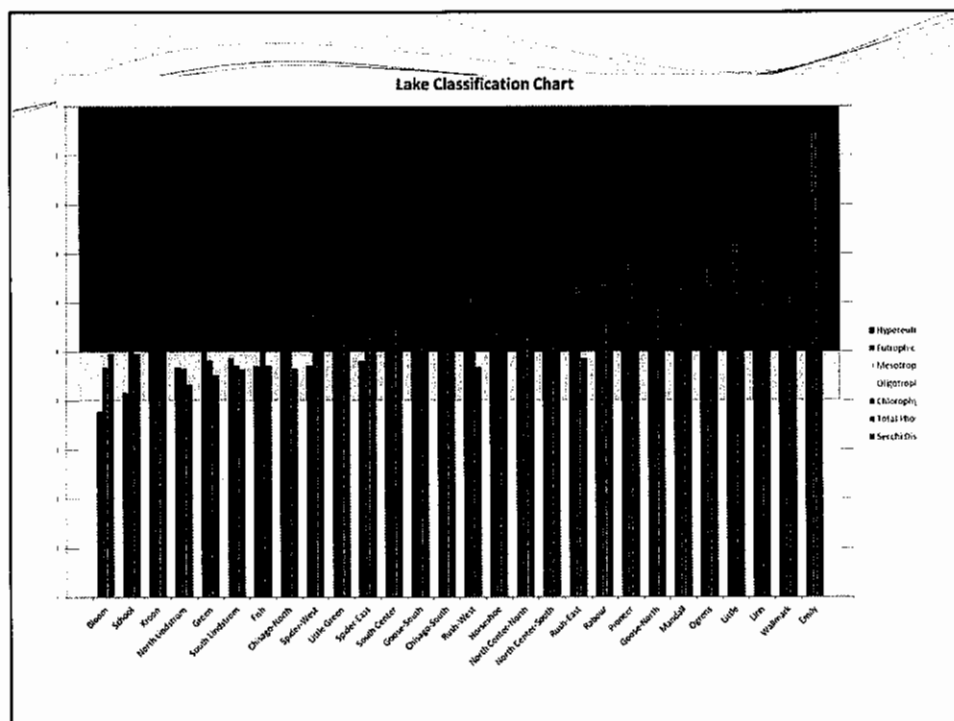
19

Water Quality Monitoring

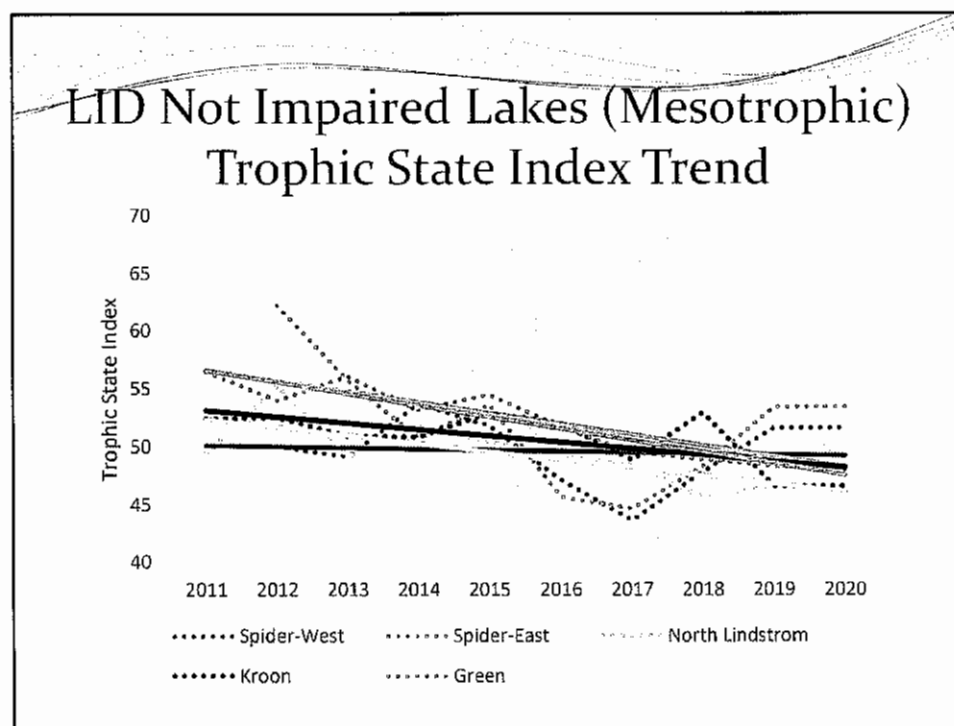
- 22 Staff sites
- 7 Volunteers at 7 sites
 - Greg Anklan, Lisa Bardon, David Gerty, Daniel Lee, Scott Mower, Scott Thelen & Tina Walkowiak
- Once per month
 - May – September
- Chlorophyll, Color, Invasive Plants, Nitrogen, Phosphorus, Physical Condition, Recreational Suitability, Temperature & Transparency



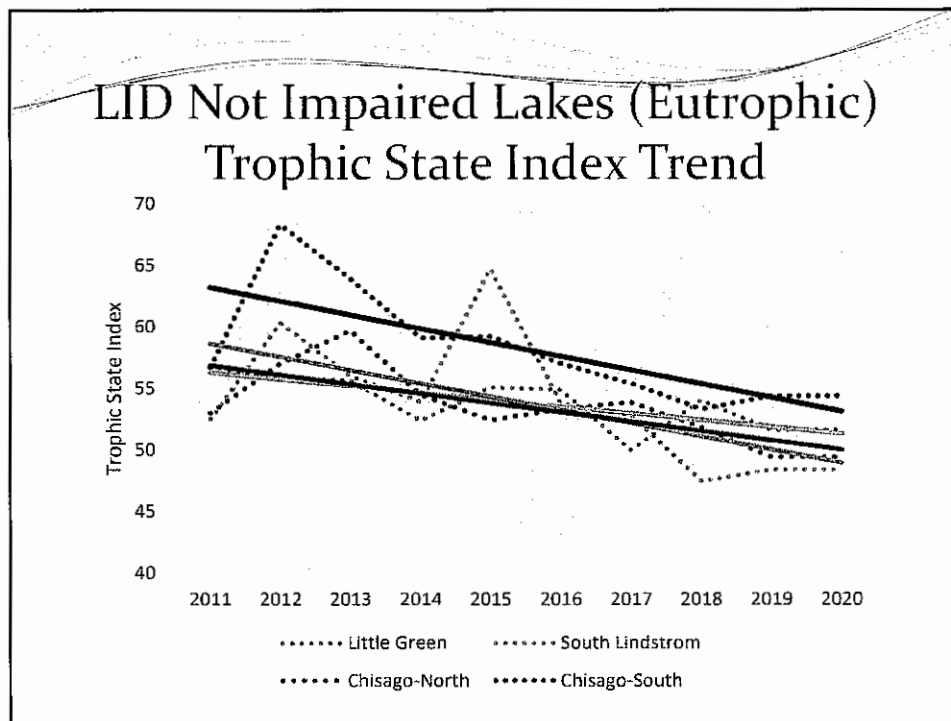
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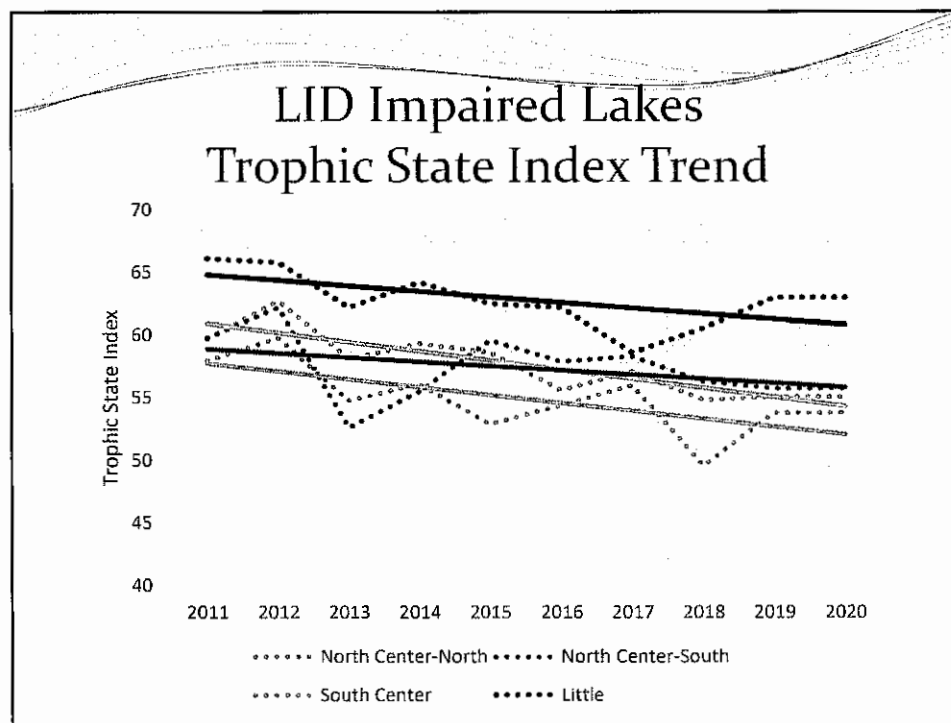
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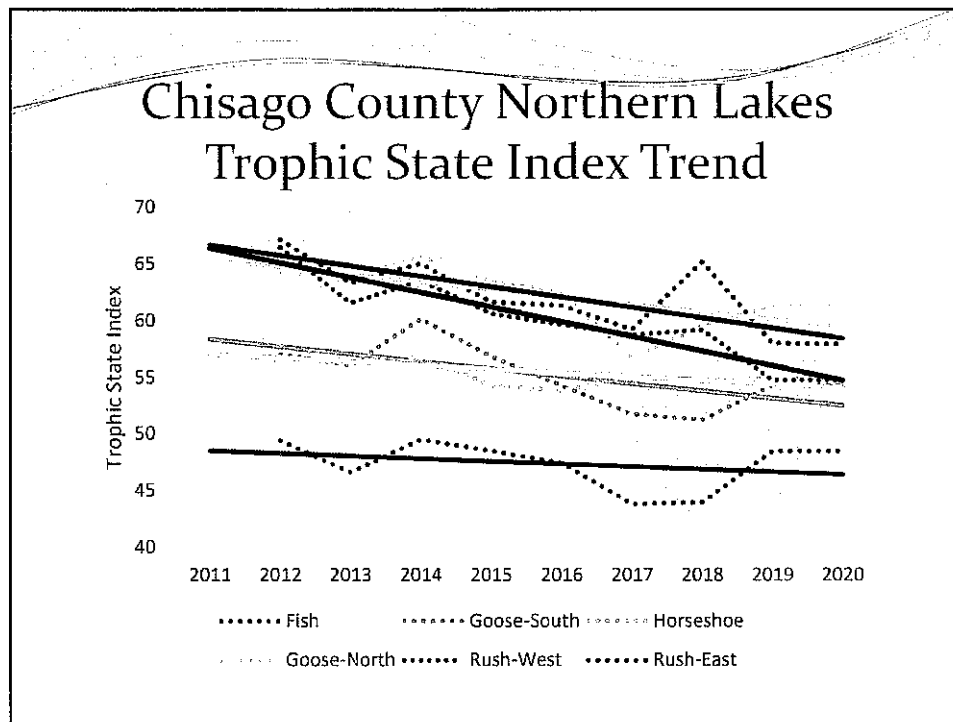
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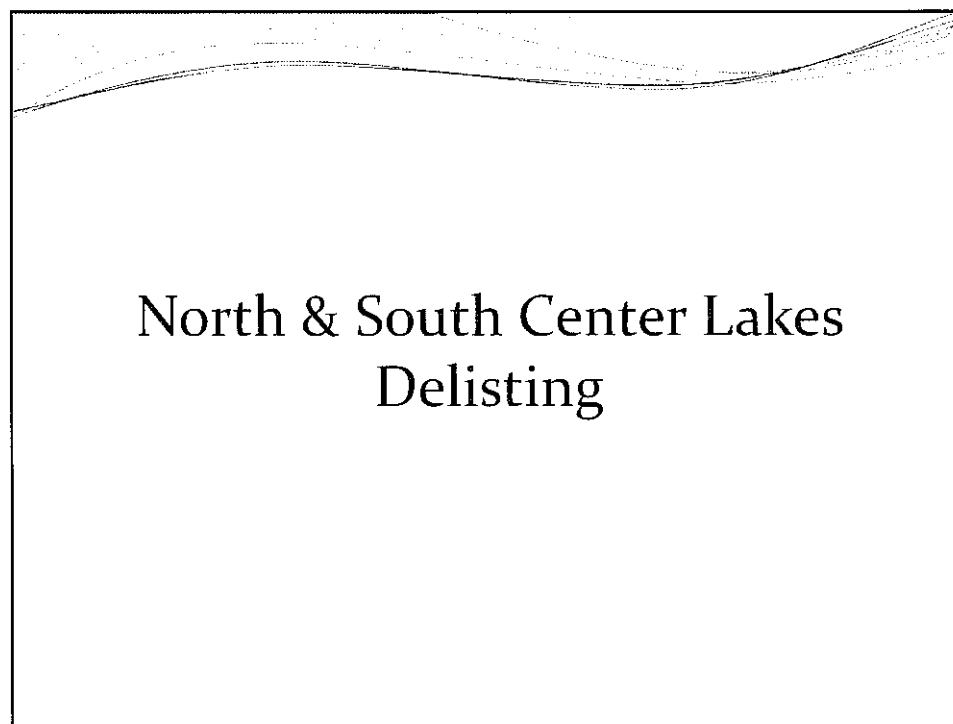
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24



25



26

Water Quality Monitoring

◦ Conductivity/Chloride

- Test Results Low
- Lakes monitored do not exceed State Water Quality Standards

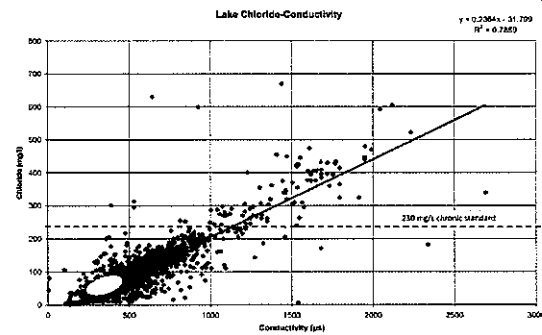
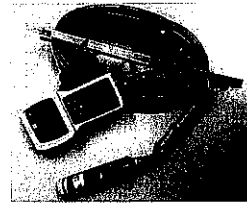


Figure 2.5. Chloride-conductivity relationship for all sampled lakes in the TCMA at all depths for all seasons.

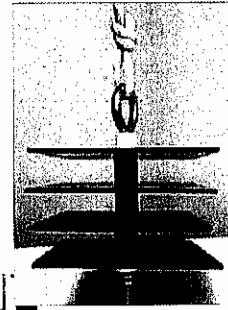
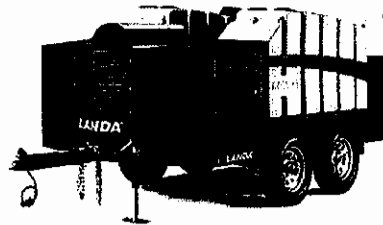
27

Chisago County Aquatic Invasive Species Prevention

28

AIS Prevention, Early Detection, Rapid Response

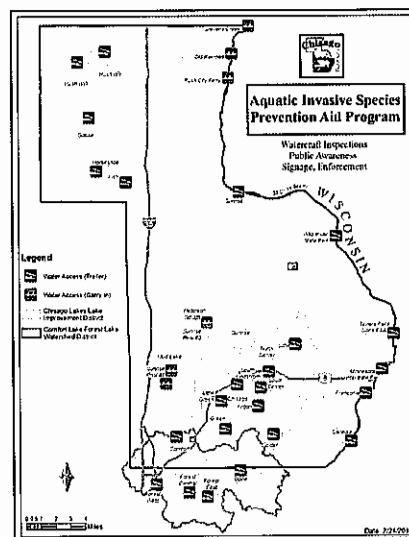
- Inspection and prevention most important



29

Aquatic Invasive Species Prevention

- Watercraft Inspections
 - Chisago & Northern Washington Counties
 - 24 Accesses

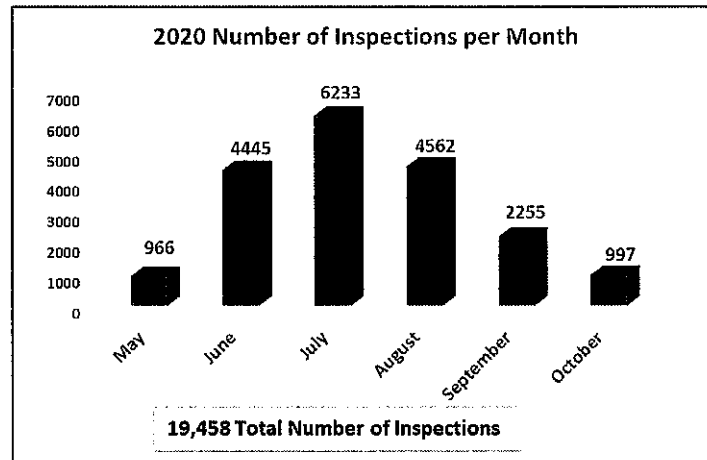


30

Aquatic Invasive Species Prevention

Watercraft Inspections

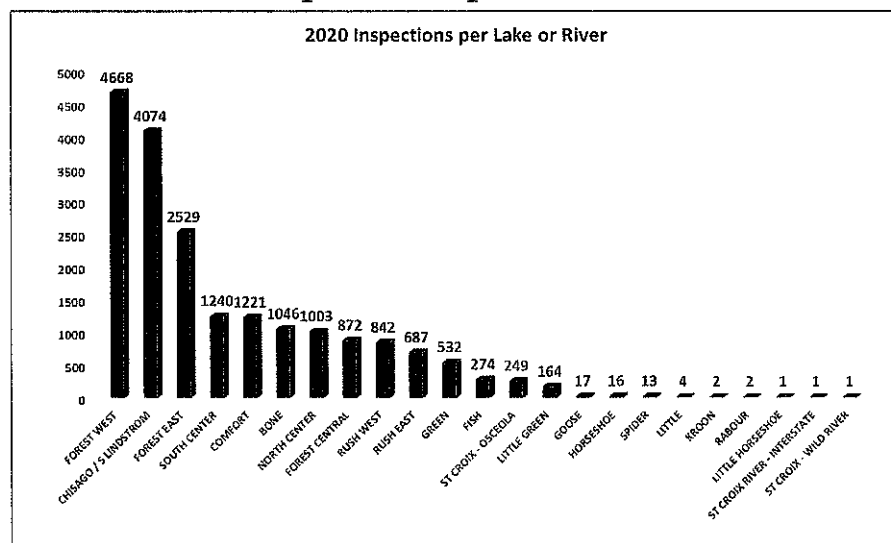
• 19,458 Inspections



31

Aquatic Invasive Species Prevention

Watercraft Inspections per Lake or River

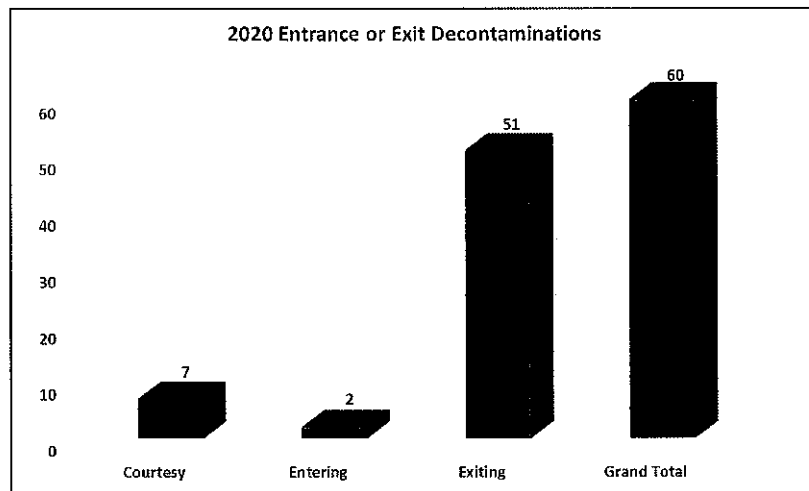


32

Aquatic Invasive Species Prevention

Watercraft Decontaminations

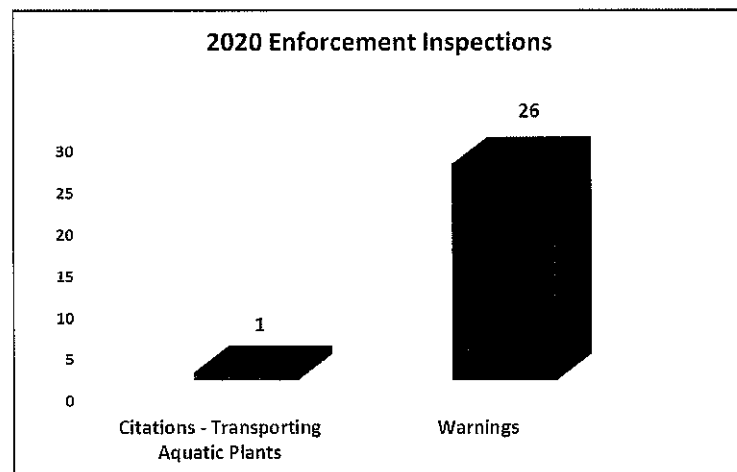
• 60 Total



33

Aquatic Invasive Species Prevention

Enforcement Inspections



34

Aquatic Invasive Species Prevention

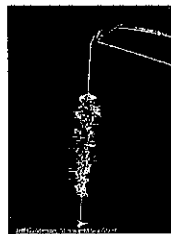
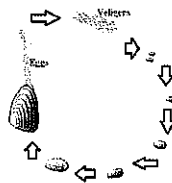
- AIS Outreach:
 - 3 AIS events
 - 48 residents reached
 - 42 children educated
 - Handouts at boat launches and bait shops
- MN DNR - No Child Left Inside Grant for AIS programming
 - St. Croix River Association online Rivers Are Alive AIS education
- Due to the COVID 19 pandemic, AIS outreach events and education to residents and students were severely limited in 2020.



35

Zebra Mussel Veliger & Spiny Water Flea Monitoring

- Zebra Mussels
 - Microscopic, free living larvae
 - Form shells
- Spiny Waterfleas
 - Eat native fish food source
 - Form clumps on fishing line
- Lakes & rivers monitored
 - Comfort, Fish, Horseshoe, Kroon, Little, Little Green, North Center, North Goose, Rush, South Lindstrom, Spider, Sunrise River at Kost Dam, St. Croix Interstate Park



36

Zebra Mussel Watch Program

- ◉ 59 volunteers installed monitoring plates on their docks
- ◉ Lakes monitored:
 - Chisago, Fish, Green, Kroon, Little Green, Mandall, North & South Center, North & South Goose, North & South Lindstrom, Rabour, and East and West Rush Lakes.
- ◉ Volunteers observed no zebra mussels



Zebra mussel on sampling plate.
Photo credit: MCWD

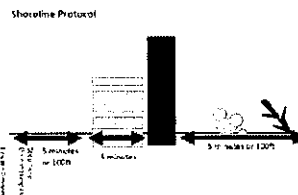
37

Water Access Monitoring Program

- ◉ Monitored for new AIS infestations at public water accesses
- ◉ Seasonal AIS Specialist and Watercraft Inspectors
- ◉ Followed shoreline protocol
- ◉ Monitored 16 lakes
 - Chisago/South Lindstrom, Comfort, Fish, Goose, Green, Horseshoe, Kroon, Little, Little Horseshoe, N & S Center, Rabour, Spider, E & W Rush Lakes
- ◉ No new observations of AIS



Two-Sided Rake Used to Sample for Aquatic Plants

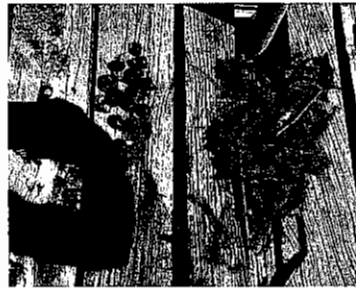


38

Starry Trek

• August 15, 2020:

- St. Croix River Association, Minnesota Aquatic Invasive Species Research Center, U of M Extension
- Invasive algae found in MN in 2015
- 13 volunteers searched 11 lakes for starry stonewort and other invasive species
- Volunteers did not find starry stonewort
- Volunteers found Chinese Mystery Snails in Fish Lake



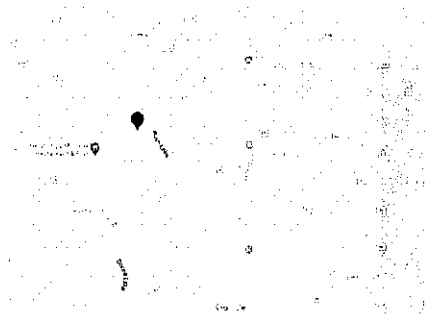
39

Chisago County Water Resources

40

Invasive Phragmites Survey

- Partnership with St. Croix River Association
- Roadside populations identified & mapped
- Fish Lake and Nessel Township
- Only one unreported population of invasive phragmites found near West Rush Lake.

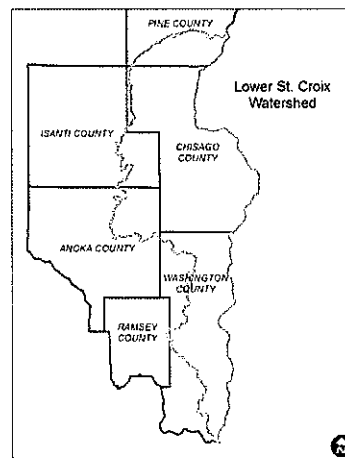


Pictured Above: Phragmites australis point located near Rush Lake in Nessel Township

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One Watershed One Plan (1WiP)

- January 18, 2017 Chisago County Board resolution
- Local Government Units develop a new watershed based management plan
- Basin-wide priorities and goals
- Public input workshops and surveys to identify priority water-related issues
- Committees met in 2019 & 2020 to develop comprehensive watershed plan
- November 18, 2020 Chisago County Board approved new 10-year Comprehensive Watershed Management Plan & Chisago County Appendix



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Chisago County Water Resources Facebook Page

- @ChisagoCountyWaterResources
- What is happening in lakes and rivers
- Upcoming water related activities, recent projects and programs in the LID and in Chisago County
- How to protect water quality in Chisago County



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Thank you

Copies of the report are
available at:

[http://www.chisagocounty.us/
364/Annual-Reports](http://www.chisagocounty.us/364/Annual-Reports)



We look forward to
working with you
in 2021!

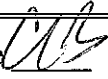
44

Chisago County Request For Board Action

Meeting Date: April 21, 2021	Item Number: 18
Title of Item for Consideration: Lake Improvement (LID) District Invasive Phragmites Roadside Treatment	
Action Requested by: Kurt Schneider Director	Department: Environmental Services/Zoning - on behalf of the LID
Previous Action on this Matter: In 2019, the LID provided funding to the St. Croix River Association to conduct a full roadside survey of Invasive Phragmites throughout the LID. Several previously unidentified sites were located and mapped.	
Background: Invasive phragmites has been spreading throughout the LID. Invasive phragmites is a semi-aquatic, tall, aggressively growing perennial grass that can take over large areas of wetland and shoreline, push out native vegetation, and reduce habitat quality for wildlife. The LID plans to hire a contractor to treat roadside populations of Invasive Phragmites this September. On Monday, April 5, the LID Board passed a motion respectfully requesting that the County Board approve a request to transfer \$5,000 from reserves to cover the cost of the treatments. Attachment(s): - Map 2019 LID Inventoried Invasive Phragmites Locations 2021 Budget Adjustment Form – LID Invasive Phragmites Roadside Treatment	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board affirmatively consider approving the transfer of \$5,000 from LID reserves along with associated budget adjustment request. The suggested motion to approve this action is as follows: <i>“Move to Approve transfer of \$5,000 from LID reserves along with associated budget adjustment request.</i>”	
Implications of Action: The requested Board action would authorize \$5,000 to be transferred from LID reserves to cover the cost of roadside treatment of Invasive Phragmites. Budget/Financial Implications: The approved 2021 LID budget did not include funding for roadside treatment of Invasive Phragmites. Invasive Phragmites spreads rapidly. The LID board is respectfully requesting that \$5,000 be transferred from LID reserves to Goal 8 Aquatic Invasive Species – roadside treatment of Invasive Phragmites (618-6840). Use of LID reserve funds is consistent with the policy to maintain approximately 50% reserve carryover of the LID budget, according to recommendations of the State of Minnesota Office of the State Auditor “Fund Balances for Local Government – Office of the State Auditor Statement of Position. No county levy funds are requested. Legal/Policy Implications: The proposed activity is in conformity with applicable state statutes and County authority and policies.	

Administrator's Recommendation

Approve



Deny _____

Other _____

Motion By:

Seconded by:

To:

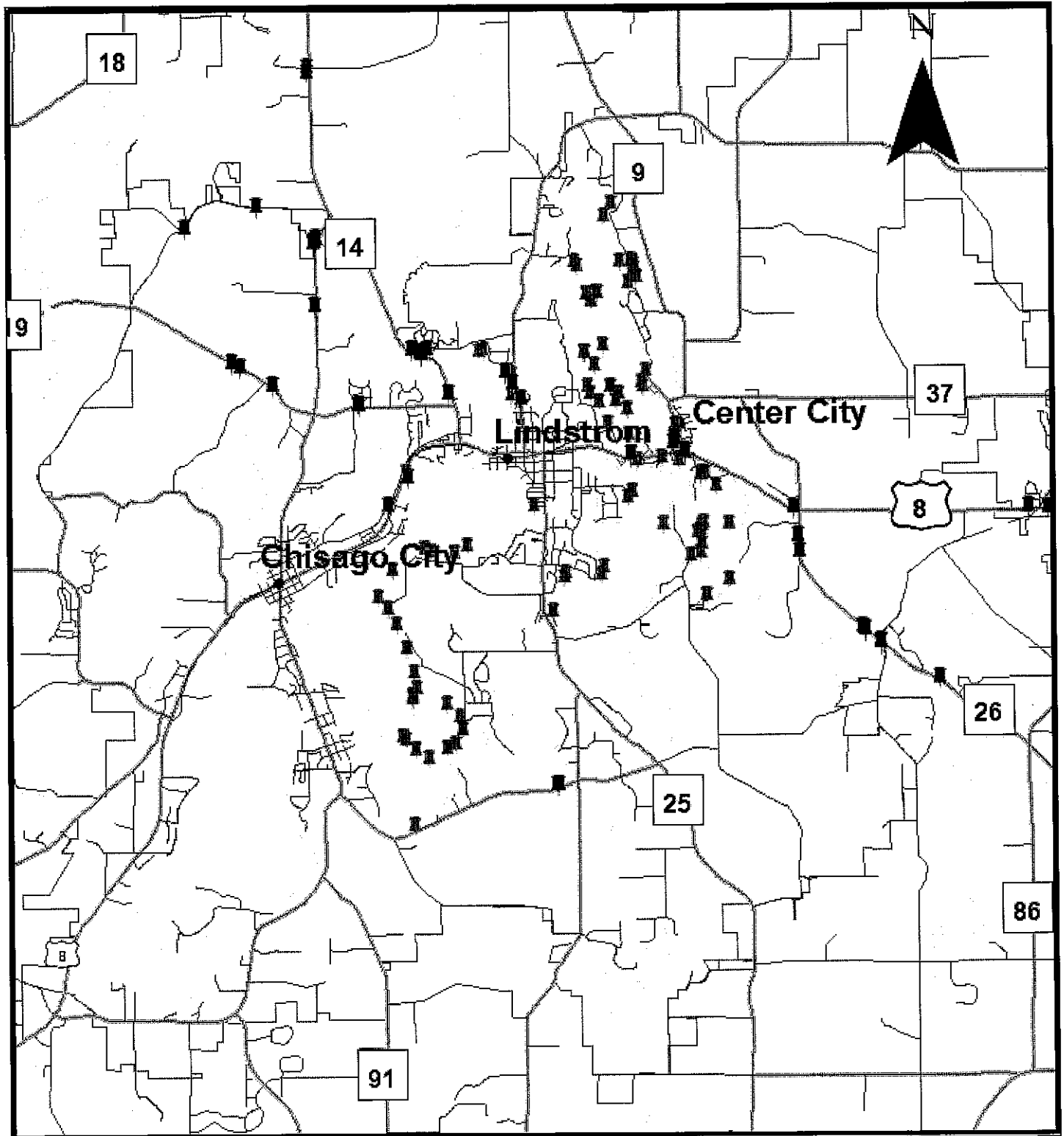
Action on Motion:

Aye _____

Nay _____

Abstain _____

Chisago Lakes Lake Improvement District Inventoried Phragmites Identified



- Recorded Phrag 2019
- Previously recorded Phrag
- Lakeside Phrag

— Major Surveyed Roads

□ LID2019

— Minor Roads

0 2.25 4.5 9 Miles



Budget Adjustment Request 2021

Department Name: Environmental Services
Chisago Lakes Lake Improvement District

Department Head: Kurt Schneider

Reason and description of the proposed change to the Budget:

The approved 2021 LID budget did not include funding for roadside treatment of Invasive Phragmites. The LID Board is respectfully requesting \$5,000 be transferred from reserves to Aquatic Invasive Species (618-6840) to cover the cost of the treatment program. No county levy funds are requested.

Is this proposed budget change a net expenditure to the county?

Yes/No

No

If yes, can other expenditures be cut from this department to offset this net expenditure?

If a net expenditure, can this change be deferred until next budget year?

Auditor-Treasurer's comments:

2021 Budget Adjustment

Account Description	Account #					Additional \$ Amounts	
	Fund	Dept	Program	Service	Object	Revenue	Expenditure
Aquatic Invasive Species, Invasive Phragmites roadside treatment		618	6840				
Reserves		618				5,000	
Total Revenue & (Expenditures)						\$5,000	\$0
Net Revenue/ (Expenditure) change vs. 2021 Budget							\$5,000

County Administrator approval

YES	No
-----	----

 Date

dd/mo/yr

Board approval

YES	No
-----	----

 Date

dd/mo/yr

After the above approvals have been received, the Auditor-Treasurer's department will forward a copy of this document along with a copy of the "revised" 2021 Budget schedule to the department head requesting the change.

Chisago County Request for Board Action

Meeting Date: April 21, 2021	Item Number: 19
Title of Item for Consideration: Concrete Surfacing at Ki-Chi-Saga Park	
Action Requested by: Kurt Schneider, Director	Department: Environmental Services/Zoning - Parks Division
Previous Action on this Matter: The approved 2021 CIP plan budgeted \$13,000 towards additional concrete surface improvements for 6 ballfield dugouts.	
Background: Staff solicited and obtained a competitive quote for the earth work preparation and pouring for 6 suitable concrete ballfield dugout slabs for improvements to Ki-Chi-Saga Park. Severson Construction Company submitted the attached and the only competitive and acceptable quote. Staff highlights the attached and recommends proceeding with a total of 6- (8'x28') concrete slabs for player bench placement on fields 1-3 at Ki-Chi Saga Park at a total materials, hauling cost and labor of \$13,440.00 Pursuant to County Purchasing policy County Board approval is required. Quotes were solicited and will be retained in accordance with the Chisago County Purchasing Policy. As a time sensitive improvement, after pursuing multiple quotes to local contractors, only one contractor met the timeline to submitted a suitable quote. Attachments: - March 8, 2021 Craig Severson Construction, LLC. Proposal - Site map for locations	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve the Craig Severson Construction for Parks Department proposal presented by Craig Severson Construction, LLC. The suggested motion to approve is: <i>“Move to approve the preparation and installation of concrete slabs For Parks Department Proposal from Craig Severson Construction, LLC, at a total estimated cost of \$13,440.00 not to exceed \$13,440.00 as a budgeted CIP expense”</i>	
Implications of Action: Approval will cause immediate earth work preparation, and concrete pouring for ballfield improvement activity. Budget/Financial Implications: The approved 2021 CIP plan budgeted \$13,000 towards concrete surface improvements in the park. 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 _____

Craig Severson Construction, LLC

8399 RONDEAU LAKE DRIVE WEST
 LINO LAKES, MINNESOTA 55025
 651-464-4170

Proposal

Proposal Submitted To: <i>Environmental Services</i>		Date: <i>3-08-21</i>
Street Address: <i>313 N. Main St. Suite 240</i>	Phone: <i>651 213 8960</i>	Cell Phone: <i>612 322 2285</i>
City, State and Zip Code: <i>Center City, Mn. 55012</i>	Job Location: <i>Kieki Saga County Park</i>	

We hereby submit specifications and estimates for:

1) 6-4" Concrete Slabs for bench Placement
 Labor & material \$13,440⁰⁰

2) 3- Concrete Slabs @ 10'x14'
 Labor & material \$5,880⁰⁰

Alternate Concrete

A) 45'x5' East Picnic Pavilion Shelter
 Labor & material \$4,200⁰⁰

B) 70'x5' West Picnic Shelter \$5,250⁰⁰

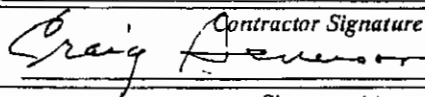
C) Prep. for and install 4" Concrete Slab on
 South West Side of Small Bldg (Restroom)
 approx. 5'x20'
 Labor + material \$1,500⁰⁰

We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

Payment to be made as follows: _____ Dollars (\$ _____)

Acceptance of Proposal -
 The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

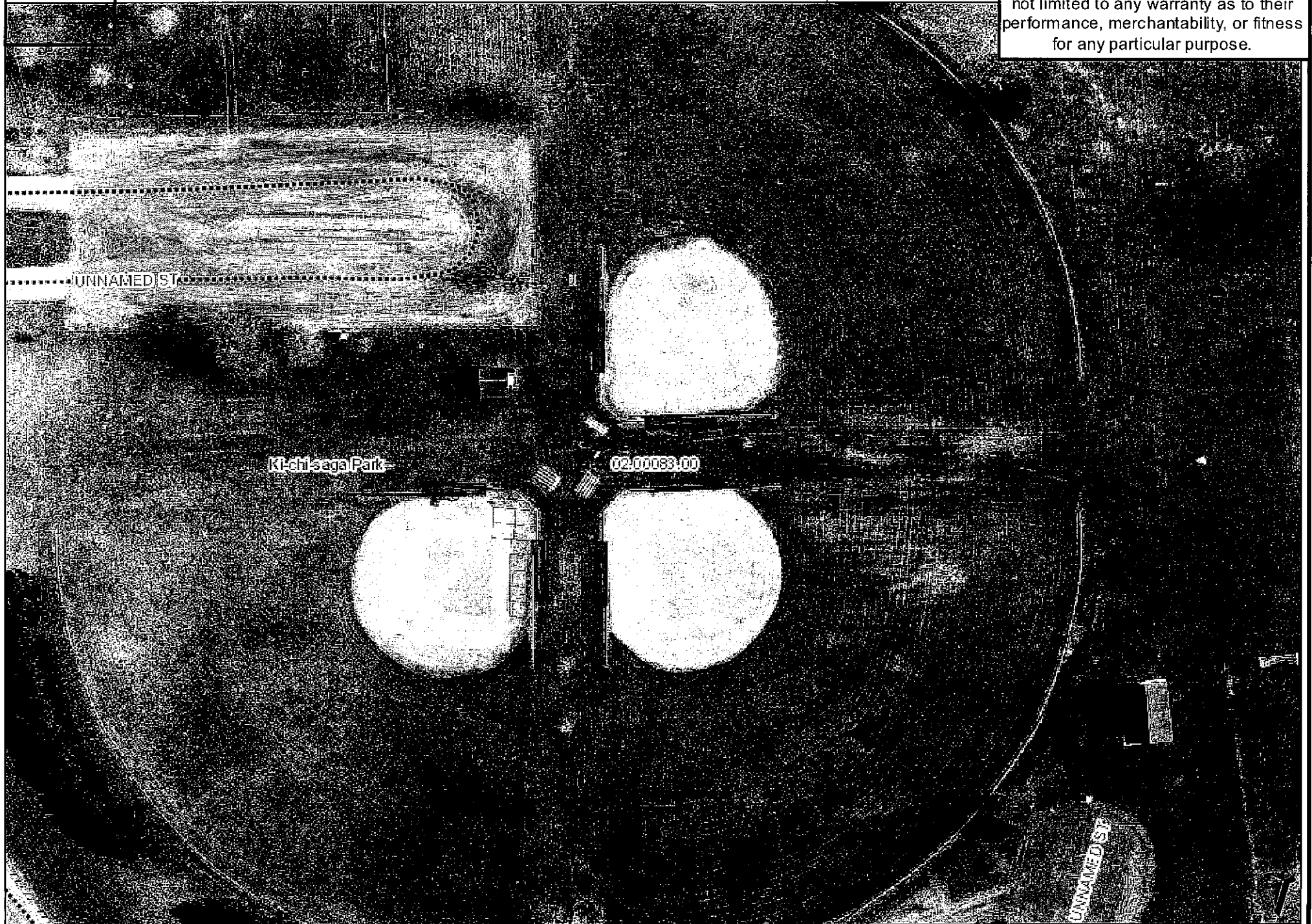
 Contractor Signature
Signature(s)

Ki Chi Saga Park-Concrete Dugout Slabs



Date: 4/13/2021
Time: 5:30:55 PM

These data are provided on as "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.



Chisago County Request for Board Action

Meeting Date: April 21, 2020	Item Number: 20
Title of Item for Consideration: Lyn Regenauer Interim Use Permit – Residential Kennel.	
Action Requested by: Kurt Schneider, Director	Department: Environmental Services/Zoning - on behalf of the Chisago County Planning Commission
Previous Action on this Matter: None.	
Lyn Regenauer is requesting an Interim Use Permit to operate a residential kennel that would allow for the keeping of up to ten domestic animals. The kennel is proposed on a four-acre property at 14545 310th Street, Chisago Lake Township (PID #02.00941.00). At their meeting of April 1, 2021, the Planning Commission conducted the requisite public hearing and recommended approval of the request voting 7-0 with the attached recommended findings and conditions. Pursuant to Minnesota Statute, the 60-day agency action deadline is April 18, 2021. Among the options for the County Board at tonight's meeting are the following: 1. Approve the IUP, as recommended and with the Findings and Conditions prepared by the Planning Commission and carried forward by County ESD staff; 2. Consider and Approve the IUP, generally as recommended by the Planning Commission and County ESD staff, but with modified Conditions determined and approved by the County Board at tonight's meeting (to be codified as part of the formal IUP approval); 3. The County Board may extend the initial 60-day period (up to a total of 120 days), if, before the end of the initial 60-day period, it notifies the landowner in writing of its intent to take additional time to consider the application, the reasons for the extension, and anticipated length of the extension (Minn. Stat. 15.99, Subd. 3(c)). Sufficient time exists for the County Board to extend the initial 60-day period via written notification, if such a decision is formally taken at tonight's Meeting. Any motion to extend this time period should include, at a minimum, direction to staff to prepare a written notification of the County Board's action "to take up to an additional 60 days to further review the record and make a decision on this application." 4. The County Board may Deny the IUP for legally justifiable reasons, but must state such reasons as part of the official record of decision (either as part of a motion to deny or as part of a failure of a motion to approve). Moreover, such action must be taken prior to the end of the initial 60-day period (or 120-day period if extended). Additionally, State Statute directs (but does not mandate) that written reasons for denial be provided to the applicant prior to the end of the initial 60-day period (or 120-day period if extended) and be consistent with the reasons stated in the record at the time of denial. Typically, such written reasons are prepared and adopted by the body as part of its denial, or at the next scheduled meeting.	
Attachment(s): • Planning Commission Recommended Findings and Conditions	

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

Action Requested/Recommended: It is respectfully requested that the Chisago County Board affirmatively consider the April 1, 2021, Chisago County Planning Commission recommendation to approve the Lyn Regenauer request for an Interim Use Permit with the Findings and Conditions as recommended by the Commission, or as may be amended. The suggested motion to approve this action is as follows:

“Move to approve the Lyn Regenauer request for an Interim Use Permit to operate a residential kennel at 14545 310th Street, Chisago Lakes Township, (PID #02.00941.00), with Findings and Conditions as recommended by the Planning Commission and/or as amended at tonight’s meeting.

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

Budget/Financial Implications: None.

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

Administrator’s Recommendation

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

**Planning Commission Recommendation of April 1, 2021
Interim Use Permit – Lyn Regenauer Residential Kennel
14545 310th Street in Chisago Lake Township, (PID #02.00941.00)**

RECOMMENDED FINDINGS:

- 1. Is the proposal consistent with the Comprehensive Plan and development policies of the County?** The Chisago County Comprehensive Plan provides for a number of varied land uses in the Agricultural Zone, including the establishment of animal-keeping facilities, such as farms with livestock and poultry, and commercial and residential animal kennels.
- 2. Will the use create and excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?** The use will be fully contained on the subject property. It is staff's belief that the proposal will not create any demand on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.
- 3. Will the use be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development?** There are larger tracts of land to the SE of the subject parcel that may choose to further subdivide, but Staff does not foresee the proposed use as described being a deterrent to future development. The dogs are for domestic purposes and will primarily be kept indoors. There will be dogs outdoors occasionally for exercise, but it was stated this would not be for an extended period of time. No additional screening was proposed. The appearance of the property with the proposed residential kennel in Staff's opinion will not change the character of the area.
- 4. Will the structure have an appearance that will have an adverse effect upon adjacent properties?** The enclosed run area and outdoor kennel area exist today with no known history of complaints. Staff does not believe there will be a negative impact to nearby properties as a result of issuance of the IUP as proposed.
- 5. Is the use in the opinion of the County reasonably related to the overall land use goals of the County and to the existing land use, and consistent with the purposes of the Zoning Ordinance/Zoning District in which the applicant intends to locate the proposed use?** Yes. The County's Comprehensive Plan intends to provide for a wide variety of land uses in the Ag zone. The Chisago County Zoning Ordinance specifically provides for animal kennels, both residential and commercial, as Interim Uses. By specifically listing kennels as an allowed use, the County indicates its clear intent to allow them in the Ag zoning district.
- 6. Will the use cause traffic hazard or congestion?** No. The Applicant is not requesting any commercial activity. No increase in traffic, hazard, or congestion will result from operation of this residential kennel.
- 7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness?** No. The homeowner currently has three dogs on the property and there is no history of complaints. Staff does not believe the residential kennel use for up to 10 domestic animals will be any more impactful or noticeable than what exists today

from a noise or visual standpoint. The property features an attractive and well maintained house and garage, lawn, and manicured landscaping that is consistent with the surrounding neighborhood.

RECOMMENDED CONDITIONS:

1. This permit is an Interim Use Permit to maintain a residential kennel at the described property in accordance with the conditions herein specified.
2. Domestic animals will be housed indoors, apart from occasionally outdoor activity in which dogs will be confined to designated fenced kennel area and outdoor run.
3. All dog waste must be disposed of in a legal and appropriate manner so as to avoid undue odor or other impact.
4. Permittee shall control the barking of dogs during exercise periods to avoid undue negative impact to nearby properties.
5. There shall be no retail activity, showroom, pet store sales or other commercial activity conducted as part of the interim use permit.
6. There shall be no more than ten domestic animals kept at the property at any one time.
7. Permittee shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards.
8. The permit holder must notify the County annually that the activity permitted by the IUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.
9. This IUP will terminate upon sale of property to any person outside the family.

REGENAUER

INTERIM USE PERMIT

RESIDENTIAL KENNEL

PID# 02.00941.00

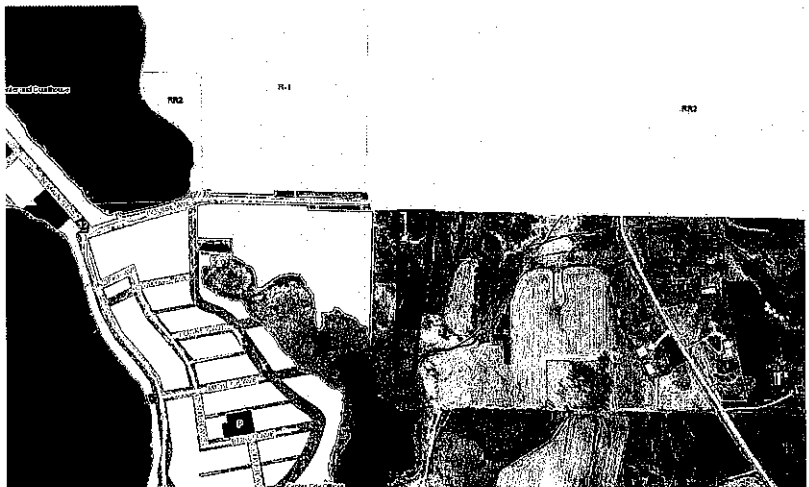
PROPERTY CHARACTERISTICS:

Property Owner: Lyn Regenauer

Zoned: Agriculture (AG)

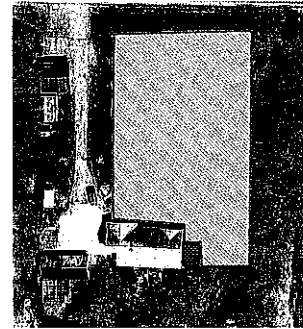
Lot Size: 4 acres

Location: Approximately ¼ mile
east of city limits of Center City



PROPOSAL REQUEST

- REQUEST A RESIDENTIAL KENNEL RY UP TO TEN POUND TO 40 POUNDS
- DOG(S) OF PURPOSE: HUNT
- PRIMARILY INDOORS. OUTSIDE DOGS WILL HAVE CHAIN WIRE IN FRONT FOR RUN AREA
- ENCLOSED WITH 6 FT MESH FENCING



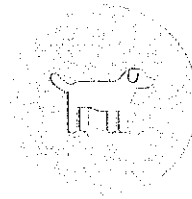
- ADDITIONAL 350 SQ. FT NEXT TO HOUSE
- ENCLOSED WITH 6FT HIGH CHAIN LINK KENNEL PANELS



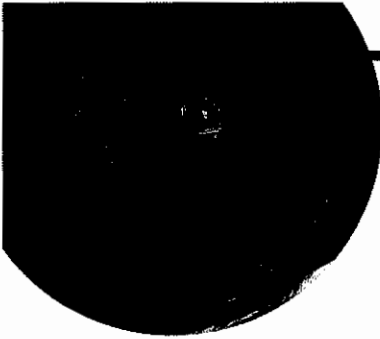
PROJECT REVIEW

CHISAGO LAKE TOWNSHIP
MARCH 16, 2021
APPROVED WITH NO CONDITIONS
COMMENTS MADE: NO COMPLAINTS TO DATE &
READDRESS IF COMPLAINTS ARE RECEIVED.

TECHNICAL REVIEW
MARCH 10, 2021
NO IDENTIFIED CONCERNS OR IMPACTS.
CODE ENFORCEMENT OFFICER AND SHERIFF'S
DEPARTMENT INDICATED NO COMPLAINTS
RECEIVED TO DATE WITH CURRENT ANIMALS.



60 - DAY
DEADLINE: APRIL 18, 2021
WAIVER: MAY 18, 2021
APPLICATION COMPLETE
FEBRUARY 17, 2021



RECOMMENDATION:

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

Recommend **Approval** of an Interim Use Permit for a Residential Kennel as requested by Lyn Regenauer at 14545 310th Street based on the narrative and site plan on record as provided by Applicant (or as modified at tonight's hearing) and based on the Findings of Fact as presented in Staff's report and the following conditions:

1. This permit is an Interim Use Permit to maintain a residential kennel at the described property in accordance with the conditions herein specified.
2. Domestic animals will be housed indoors, apart from occasionally outdoor activity in which dogs will be confined to designated fenced kennel area and outdoor run.
3. All dog waste must be disposed of in a legal and appropriate manner so as to avoid undue odor or other impact.
4. Permittee shall control the barking of dogs during exercise periods to avoid undue negative impact to nearby properties.
5. There shall be no retail activity, showroom, pet store sales or other commercial activity conducted as part of the interim use permit.
6. There shall be no more than ten domestic animals kept at the property at any one time.
7. Permittee shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards.
8. The permit holder must notify the County annually that the activity permitted by the IUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.
9. This IUP will terminate upon sale of property to any person outside the family.



Staff Report

TO: Chisago County Planning Commission

FROM: Jessica Jagoe, Land Services Coordinator

DATE: March 25, 2021

RE: Regenauer Interim Use Permit, PID #02.00941.00
Chisago Lake Township, 14545 – 310th Street

Action to Consider

The Applicant is requesting a Interim Use Permit to operate a Residential Kennel for the keeping of up to ten domestic animals.

Property Background/Description

Lyn Regenauer is the Owner of 14545 – 310th Street which is a 4-acre parcel located on the south side of 310th Street. The property is currently developed with a house and several detached accessory buildings. This parcel is situated about ¼ mile east of the city limits of Center City and is west of Pleasant Valley Road. The zoning of the parcel is AG, Agriculture, which allows a Residential Kennel as an Interim Use. There is a stretch of parcels on the north side of 310th Street that are zoned RRII, Rural Residential II. However, the area immediately adjacent to the subject parcel also falls under the AG zoning district. Most of the adjacent land is used for residential purposes with some active agricultural activity occurring along Pleasant Valley Road. Parcels in the immediate area range in size from four (4) to 20 acres.



Proposal Analysis

The Applicant is seeking approval for a residential kennel that would allow for the keeping of up to ten domestic animals. It was stated in the narrative that there will typically be no more than six dogs. These dogs would be for domestic purposes only. The Applicant has stated that there will be no commercial activity (i.e. boarding, grooming, daycare, breeding, training) available as part of this application. The dogs would be kept primarily indoors. However, when outside the dogs have a 0.60 of an acre area located in front of the home in the NE corner of the property designated as their run area. The run area is enclosed with five-foot-tall mesh fencing. In addition, there is a 350 square foot area located next to the SE corner of the house to be used as an outdoor kennel area for the dogs. This enclosure has six-foot-tall chain link kennel panels.

Interim Use Permit Analysis

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

1. *The Comprehensive Plan and development policies of the County;*
2. *Whether the use will create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;*
3. *Whether the use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;*
4. *Whether the structure and site will have an appearance that will have an adverse effect upon adjacent properties;*
5. *Whether the use in the opinion of the County is reasonably related to the overall land use goals of the County and to the existing land use;*
6. *Whether the use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;*
7. *Whether the use will cause traffic hazard or congestion; and*
8. *Whether existing nearby properties will be adversely affected by intrusion of noise, glare or general unsightliness.*

Staff Analysis

The following analysis was completed of the proposal based upon the consistency with the criteria outlined in the Zoning Ordinance:

1. Is the proposal consistent with the Comprehensive Plan and development policies of the County? *The Chisago County Comprehensive Plan provides for a number of varied land uses in the Agricultural Zone, including the establishment of animal-keeping facilities, such as farms with livestock and poultry, and commercial and residential animal kennels.*
2. Will the use create and excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area? *The use will be fully contained on the subject property. It is staff's belief that the proposal will not create any demand on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.*
3. Will the use be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development? *There are larger tracts of land to the SE of the subject parcel that may choose to further subdivide, but Staff does not foresee the proposed use as described being a deterrent to future development. The dogs are for domestic purposes and will primarily be kept indoors. There will be dogs outdoors occasionally for exercise, but it was stated this would not be for an extended period of time. No additional screening was proposed. The appearance of the property with the proposed residential kennel in Staff's opinion will not change the character of the area.*
4. Will the structure have an appearance that will have an adverse effect upon adjacent properties? *The enclosed run area and outdoor kennel area exist today with no known*

history of complaints. Staff does not believe there will be a negative impact to nearby properties as a result of issuance of the IUP as proposed.

5. Is the use in the opinion of the County reasonably related to the overall land use goals of the County and to the existing land use, and consistent with the purposes of the Zoning Ordinance/Zoning District in which the applicant intends to locate the proposed use?
Yes. The County's Comprehensive Plan intends to provide for a wide variety of land uses in the Ag zone. The Chisago County Zoning Ordinance specifically provides for animal kennels, both residential and commercial, as Interim Uses. By specifically listing kennels as an allowed use, the County indicates its clear intent to allow them in the Ag zoning district.
6. Will the use cause traffic hazard or congestion? *No. The Applicant is not requesting any commercial activity. No increase in traffic, hazard, or congestion will result from operation of this residential kennel.*
7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? *No. The homeowner currently has three dogs on the property and there is no history of complaints. Staff does not believe the residential kennel use for up to 10 domestic animals will be any more impactful or noticeable than what exists today from a noise or visual standpoint. The property features an attractive and well-maintained house and garage, lawn, and manicured landscaping that is consistent with the surrounding neighborhood.*

60-day Review

The application was deemed complete on February 17, 2021. The 60-day deadline will be April 18, 2021. The Applicant has included as part of their application a 60-day waiver extending review period to May 18, 2021.

Township Recommendation

Township Board reviewed at their meeting on March 16, 2021 and has recommended Approval with no conditions. Township commented that to date there have been no complaints and CUP to be readdressed if there were to be complaints.

Staff Findings and Action to Consider

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

- Recommend **Approval** of an Interim Use Permit for a Residential Kennel as requested by Lyn Regenauer at 14545 310th Street based on the narrative and site plan on record as provided by Applicant (or as modified at tonight's hearing) and based on the Findings of Fact as presented in Staff's report and the following conditions:
 1. This permit is an Interim Use Permit to maintain a residential kennel at the described property in accordance with the conditions herein specified.

2. Domestic animals will be housed indoors, apart from occasionally outdoor activity in which dogs will be confined to designated fenced kennel area and outdoor run.
3. All dog waste must be disposed of in a legal and appropriate manner so as to avoid undue odor or other impact.
4. Permittee shall control the barking of dogs during exercise periods to avoid undue negative impact to nearby properties.
5. There shall be no retail activity, showroom, pet store sales or other commercial activity conducted as part of the interim use permit.
6. There shall be no more than ten domestic animals kept at the property at any one time.
7. Permittee shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards.
8. The permit holder must notify the County annually that the activity permitted by the IUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.
9. This IUP will terminate upon sale of property.

Alternate Options

- Move to **table action** and extend the initial 60-day period for required action on this Interim Use Permit application for up to an additional 30 days, so to allow for further review of the record and to make a decision on this application, as allowed under Minnesota State Statute 15.99 Subd. 3(f).”
- Recommend **Denial** of the Interim Use Permit request for Lyn Regenauer at 14545 310th Street based on the Findings of Fact or other contributing factors deemed appropriate (*insert findings*)

1)

CC: Lyn Regenauer, Applicant
County File

60 Day Deadline:

Recording Fee 525.00
Base Fee 46.00

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Permit # 21-137

Wetland or Septic Fees _____

Plat Compliance Fee _____

TOTAL FEE 571.00

Street Location 14545 310th St Center City Tax Parcel # 02.00941.00

Legal Description pt GL3 S35 T34 R20 E-Mail Address: _____

Owner: Lyn Regenauer Day Phone _____

Address 14545 310th St

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

Address S 35, T 34, R 20

Type of Request: Variance ☐ Preliminary Plat ☐

Administrative Appeal ☐ Administrative Permit ☐

Conditional Use Permit ☒ Ordinance Amendment ☐
(or amendment to CUP)

Interim Use Permit ☐ Rezoning ☐
(or amendment to IUP)

Applicable section of ordinance: 5.06 C 7

Description of request: CUP for residential kennel

See attached

If Variance Application, Brief
Description of Practical
Difficulty _____

L. Regenauer 17 Feb 2021
Signature of Applicant Date of Application

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

4/18/21
60 Day Deadline
(If Application is
Complete)

Date of Public
Hearing: April 1, 2021

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

TOWNSHIP PRESENTATION FORM

Street Location 14545 310th St Center City

Legal Description Pt GL3 S35 T34 R20

Owner Name Lyn Regenauer Day Phone: ()

Address: 14545 310th St Center City

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

Address : _____

Type of Request: Variance ☐ Preliminary Plat ☐

Administrative Appeal ☐ Administrative Permit ☐

Conditional Use Permit ☒ Rezoning ☐
(or amendment to CUP)

Interim Use Permit ☐ Ordinance Amendment ☐

Description of Request: CUP for a residential kennel

See attached

Date of County Public Hearing: _____

Date of Township Presentation: _____

TOWNSHIP ACTION TAKEN

Approved ☒ Denied ☐

Reasons and Conditions: has been no complaints to date

CUP to be readdressed if there are complaints

Signature of Township Officers: _____

[Signature]
[Signature]
[Signature]

[Signature]
Signature of Applicant

17 Feb 2021
Date

SCHEDULE OF REQUIRED MEETINGS

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

Application for a CUP
Residential Kennel
Lyn Regenauer
14545 310th St

Requesting a CUP for a residential kennel in an agriculturally zoned area, for up to ten domestic animals.

The area that is in the NE corner of the property, bounded by white and red lines, is fenced in with 5 foot tall mesh (2x4 spaces) fencing used as an area for dogs to run. The small square next to the SE corner of the house is a separate area with 6' tall chain link kennel panels.



I am anticipating that there will be six dogs that will mainly be kept kenneled in the house. One of which is a standard poodle that is 12 years old. Average life of a standard is 12. Another will be leaving when its owner graduates from college next year.

Two of the dogs are small and will usually be in the small area next to the house when allowed out. The other 4 ranging in weight from 40 to 55 pounds will have use of the larger area.

Lyn Regenauer – Aerial Photo

Property at 14545 310th Street, Chisago Lake Township;
Sec. 35, T. 34, R. 20, (PID #02.00941.00). Lyn Regenauer,
Property Owner, is requesting a Conditional Use Permit to
operate a Residential Kennel for the keeping of up to ten
dogs.

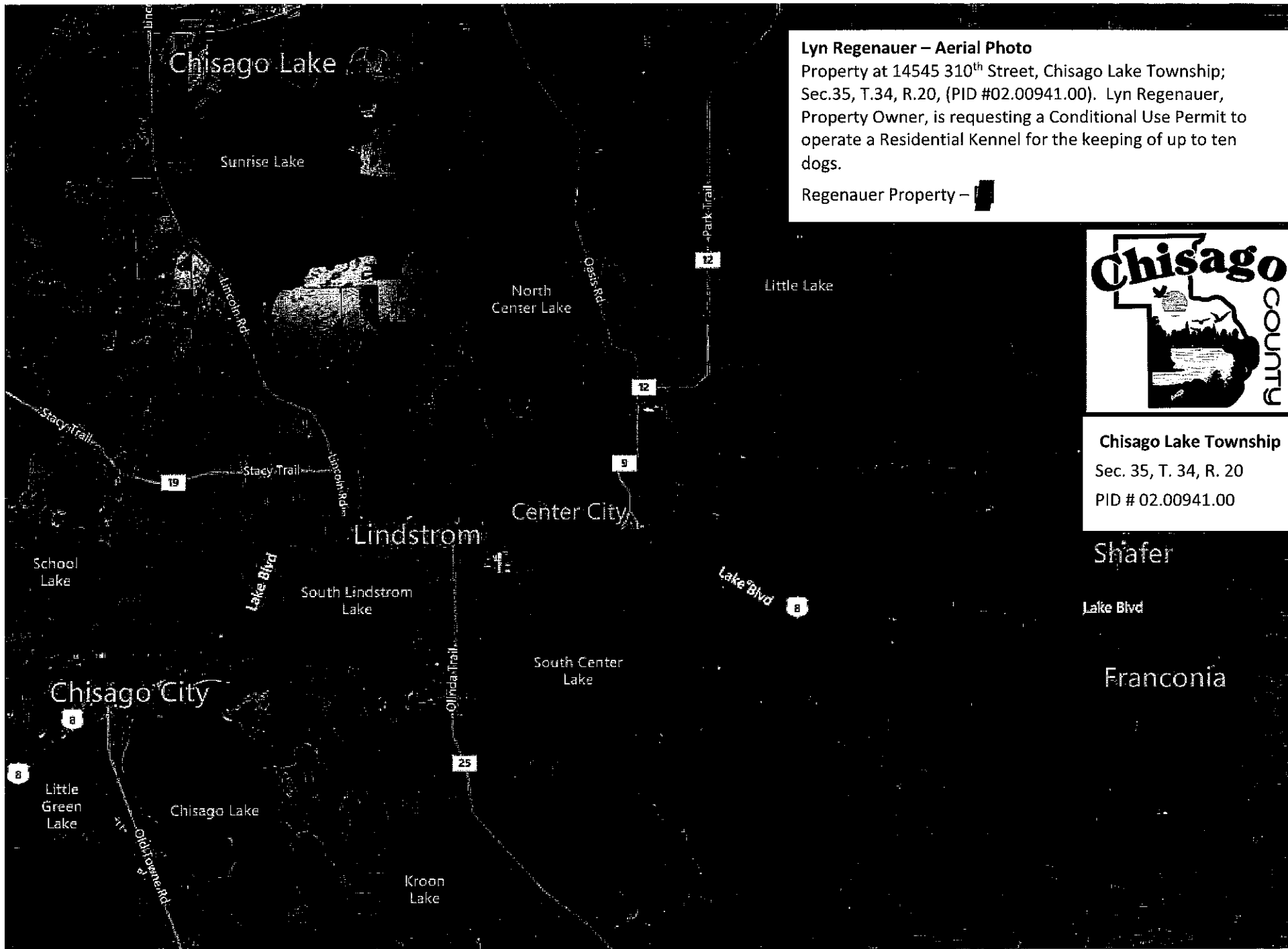
Regenauer Property – 



Chisago Lake Township
Sec. 35, T. 34, R. 20
PID # 02.00941.00

Chisago Lake Lutheran Church Park

Chisago Lake Lutheran Church Park



Lyn Regenauer – Aerial Photo

Property at 14545 310th Street, Chisago Lake Township; Sec.35, T.34, R.20, (PID #02.00941.00). Lyn Regenauer, Property Owner, is requesting a Conditional Use Permit to operate a Residential Kennel for the keeping of up to ten dogs.

Regenauer Property – 



Chisago Lake Township

Sec. 35, T. 34, R. 20

PID # 02.00941.00

Shafer

Lake Blvd

Franconia

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
April 1, 2021 - DRAFT

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, April 1, 2021 in a synchronous e-meeting due to Declaration of Local Emergency.

Staff Present: Jessica Jagoe; Land Services Coordinator and Diane Sander; Land Services & Parks Specialist.

Chair Johnson called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Board members was taken. Commission members present: 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.

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

APPROVAL OF AGENDA – Motion to approve the amended agenda with the addition of seven public comments made by Frank Storm. Second by Dave Whitney. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none.

APPROVAL OF MINUTES – Frank Storm recommended additions to the March 4, 2021 minutes. Additions included:

Page 1: Chair stated questions will be addressed at end of public hearing.

Page 2: Chair was questioned if public hearing had ended and is the Planning Commission in discussion? Public hearing continued.

Page 4: *Clarification – County Board only authorized review of ordinance, not removing One Acre Buildable. Chair Johnson noted acceptance of inserted clarification.

Motion to approve the amended March 4, 2021 minutes by Frank Storm. Second by Chip Yeager. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none.

Motion to approve the Special Work Session March 18, 2021 minutes by Frank Storm. Second by Dave Whitney. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe 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 Dave Whitney. Second by Jim Froberg. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none.

Meeting materials distributed in advance to the Planning Commission for their review included: Staff Reports, and four - Public Hearing Comments for Carlson/Farmaste Animal Sanctuary Inc PID #02.00383.00 and three – Public Hearing Comments for Wild Mountain Properties, LLC PID#01.00096.00. Copies of all correspondence and meeting materials were made available for electronic distribution.

Public Hearing Items:

Innovative Power Systems (IPS Solar) –Evan Carlson of IPS Solar, is seeking a text amendment to the Zoning Ordinance Section 8-04-1.G – Reapplication/Lapse of Interim Use Permit to add ordinance language that would broaden what type of activity is deemed utilization of an Interim use Permit. Coordinator Jagoe provided an overview of Mr. Carlson’s request to insert language within this section that would allow for a paid and signed interconnection agreement with the utility company to be considered utilization of a permit.

IPS Solar has been the Developer for several solar gardens in the county. Once an Interim Use Permit is approved, they can begin working with the electric company to finalize and secure the interconnection agreement. IPS Solar does not proceed any further until the interconnection agreement has been signed; however, this process is taking longer than anticipated. In some instances, the delay has resulted in the permit becoming null and void because it had not been utilized within twelve months of the date of approval. Mr. Carlson was present to address questions and concerns from the Planning Commission. He stated this was a matter of interpretation and defining "utilize" in the ordinance. The County has seen solar projects not "utilized" within one year which resulted in the need to reapply. Mr. Carlson indicated this is a burden on staff and solar developers when more time is needed to finalize the interconnection agreement. Mr. Carlson indicated he has no control on how fast the electrical company processes the interconnection agreement and is trying to avoid repetition of reapplying for the same projects. Chair Johnson opened the public hearing. Coordinator Jagoe reported the text amendment notice was published and sent to Townships and Cities for comments and she did not receive any comments prior to the public hearing. Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Carlson Text amendment. With no additional person wishing to speak, **motion** by Frank Storm to close the public hearing. Second by Chip Yeager. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none.

Chair Johnson asked each Planning Commission member for additional questions and comments. Frank Storm, Dave Whitney, Jim McCarthy and Chip Yeager supported staff's prepared ordinance amendment language. Jim McCarthy reported Sunrise Township would support a six month extension. Chip Yeager suggested the following edit, "...at least thirty (30) days before the original IUP becomes null and void, ~~status of the original IUP.~~ **Motion** by Frank Storm to approve to the County Board the Text Amendment for Zoning Ordinance Section 8.04.1.G-Reapplication/Lapse of Interim Use Permit with adjusted and more broadly implemented ordinance language as drafted by Staff based on the Findings of Fact that staff recommended ordinance language is determined to be consistent with the Zoning Ordinance purpose and intent for Chisago County. Second by John Sutcliffe. Planning Commission discussed if the motion included Chip Yeager's edit and with edit would it require an additional public hearing. Coordinator Jagoe reported the notice provided both Mr. Carlson's and Staff versions of the draft ordinance. Discussion continued on the procedure for the current motion and how to handle Mr. Carlson's draft ordinance. Frank Storm **withdrew the motion**. John Sutcliffe withdrew the second the motion. **Motion** by Jim McCarthy to deny the Text Amendment as requested by Evan Carlson for Zoning Ordinance Section 8.04.1.G-Reapplication/Lapse of Interim Use Permit based on the Findings of Fact:

1. The application as presented by the applicant does not align with the purpose and intent of the Zoning Ordinance.
2. The Applicant has requested insertion of ordinance language that does not pertain to utilization or action of land use and as written is deemed to be inconsistent with zoning ordinance. Interconnection agreements or other 3rd party non-land use based agreements or contracts should not be inserted into the zoning ordinance.

Second by Jim Froberg. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none. **Motion** by Frank Storm to approve to the County Board the Text Amendment for Zoning Ordinance Section 8.04.1.G-Reapplication/Lapse of Interim Use Permit as drafted by Staff with modification to wording as suggested by Chip Yeager based on the Findings of Fact that staff recommended ordinance language is determined to be consistent with the Zoning Ordinance purpose and intent for Chisago County.

G. Reapplication/Lapse of Interim Use Permit.

Reapplication for the same or substantially same IUP shall not be accepted within six (6) months of denial by the Board. Any IUP approved but not utilized within twelve (12) months of the date of approval shall be null

and void, unless a petition for an extension of time in which to utilize the use that has been approved by the County Board. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the original IUP becomes null and void. The request for an extension shall state facts showing a good faith attempt to utilize the use permitted in the Interim Use Permit. Such petition shall be presented to the County Board for a decision. An extension may only be granted one time and not to exceed six (6) months beyond the original IUP date. The County Board may reissue a terminated Interim Use Permit upon receipt of proper reapplication and fee by the applicant, should a change in the circumstances which had triggered the termination warrant it.

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

Lyn Regenauer - Property at 14545 310th Street, Chisago Lake Township; Sec.35, T.34, R.20, (PID#02.00941.00). Lyn Regenauer, Property Owner, is requesting an Interim Use Permit (IUP) to operate a Residential Kennel for the keeping of up to ten domestic animals. Coordinator Jagoe provided an overview of Regenauer's property. The property size is four acres and approximately ¼ mile east of Center City limits and zoned Agriculture (AG). The request is to operate a residential kennel for up to ten animals for domestic purposes only. The property has .6 acre run area, enclosed with five ft fencing. There is an additional 350 sq ft outdoor kennel, enclosed with six ft high chain link panels. Chisago Lake Township approved the IUP at their March 16, 2021 meeting. Township noted no complaints had been made and would readdress if complaints are received. Technical Review was held March 10, 2021 with no identified concerns or impacts. Code Enforcement Officer and Sheriff's Department indicated no complaints had been received to date with current animals. Chair Johnson asked each Planning Commission member for additional questions and comments. Ms. Regenauer was present to address concerns and questions from the Planning Commission.

Ms. Regenauer indicated her intention was not to reach the ten domestic animals limit and for her family to stay on the property. Chair Johnson opened the public hearing. Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Regenauer IUP at PID#02.00941.00. With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing. Second by Jim McCarthy. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none. Chair Johnson asked each Planning Commission member for additional questions and comments. ***Motion*** by Jim Froberg to approve an Interim Use Permit for a Residential Kennel at 14545 310th Street (PID#02.00941.00) based on the staff report, narrative, site plan and Findings of Fact with the following conditions:

1. This permit is an Interim Use Permit to maintain a residential kennel at the described property in accordance with the conditions herein specified.
2. Domestic animals will be housed indoors, apart from occasionally outdoor activity in which dogs will be confined to designated fenced kennel area and outdoor run.
3. All dog waste must be disposed of in a legal and appropriate manner so as to avoid undue odor or other impact.
4. Permittee shall control the barking of dogs during exercise periods to avoid undue negative impact to nearby properties.
5. There shall be no retail activity, showroom, pet store sales or other commercial activity conducted as part of the interim use permit.
6. There shall be no more than ten domestic animals kept at the property at any one time.
7. Permittee shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards.
8. The permit holder must notify the County annually that the activity permitted by the IUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.
9. This IUP will terminate upon sale of property to any person outside the family.

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

Gerald and Lynn Rhoads – Property at 34133 Oasis Road, Chisago Lake Township; Sec.10, T.34, R.20, (PID#02.00503.20). Brooke Spindler and Tim Lom, on behalf of Gerald and Deborah Rhoads the property owners, are requesting a Conditional Use Permit (CUP) for Rural Retail Tourism to establish and operate small-scale events and sale of agricultural products. Coordinator Jagoe provided an overview of Spindler/Lom CUP request. Applicants are in the process of purchasing the property and plan to continue residential and agricultural uses on the property. The ten acre parcel is zoned AG with house and detached accessory buildings and barn. The business proposal includes: Farm Events, Farm market, U-Pick Flowers and Farm Stand. The 2021 season will run May through November; Friday and Saturday from 9 AM to 6 PM. Pre-scheduled events will be conducted outside of hours of operation. Technical Review was held on March 10, 2021 with County Highway Director indicated may be required to install a commercial entrance if deemed necessary. County Sanitarian confirmed porta potties are allowed when approved by Minnesota Department of Health (MDH). Building Official commented structural plans from a certified architect or engineer will be needed for changes in building occupancy of detached accessory buildings. Code Enforcement Officer indicated no complaints have been raised to date with events or activities. Chisago Lake Township recommended approval with no condition on March 16, 2021. Township noted existing driveway/parking area can accommodate up to six cars. Brooke Spindler and Tim Lom were present to address concerns and questions from the Planning Commission. Ms. Spindler indicated she had a shop in town, closed it to relocate the shop to the farm site. Frank Storm inquired to handicap accessibility in the barn and more details on the music events. Coordinator Jagoe indicated any renovations to the barn due to change in occupancy would be held to building code standards. Chair Johnson had lost internet connection and Vice Chair Yeager continued the meeting. With no more additional questions Vice Chair Yeager opened the public hearing. Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Rhoads CUP application at PID#02.00503.20. With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing. Second by Jim Froberg. The motion was approved 6 - 0 - 1 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Sutcliffe and Yeager. Nays, none. Absent, Johnson. Vice Chair Yeager asked each Planning Commission member for additional questions and comments.

Frank Storm inquired if the applicants knew how many special events they would like to have. Jim McCarthy, Jim Froberg, and Frank Storm did not support music events and recommended removing it from the list of conditions. ***Motion*** by Frank Storm to recommend approval to the County Board for approval of a Conditional Use Permit for Rural Retail Tourism as requested by Brooke Spindler and Tim Lom for the property located at PID#02.00503.20, at 34133 Oasis Road, based on staff report, narrative, site plan and Findings of Fact with the following conditions:

1. This CUP shall allow for seasonal rural retail tourism to offer and host animal oriented educational and recreational classes, small scale events, farm market, and associated activities with the following elements:
Farm Stand and Market: For sale of agricultural products, merchandise, antiques and goods.
Yoga and DIY classes
U-pick flowers
Special Events (see Condition #3)
2. Seasonal hours of operation shall be conducted May through November on Friday and Saturday's from 9 AM to 6 PM.
3. The permit shall allow for two special events annually between June and September to be held on a Sunday from 10 AM – 2 PM; and between July and September for Farm Market on Tuesdays from 5 PM – 7 PM. These events are allowed outside of the normal business hours of operation.

4. The maximum attendance at any given time with activities, events, and classes associated with the CUP shall be no more than 100 people.
5. All parking shall be accommodated on-site.
6. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.
7. The Permittees are required to obtain a driveway permit from County Highway and is subject to driveway installation standards as deemed necessary by Chisago County Public Works.
8. The Permittees shall provide documentation from a certified architect or engineer of existing buildings for use in the business to verify structural standards due to occupancy changes as required under Zoning Ordinance Section 4.14.F. All remodeling or retro-fitting of the existing buildings shall be subject to relevant codes, permits, and inspection requirements.
9. Minnesota Building Code/ SSTS, and all other relevant codes shall be applicable to the project, all permits and Certificates of Occupancy and Compliance shall be obtained prior to occupancy, and CUP approval shall be considered provisional until such time as these requirements are met.
10. The Applicants shall provide documentation of contractual service and an updated site plan showing the number and location of porta potties to be provided. Outdoor restrooms should not be visible from Oasis Road or adequate screening (i.e. plantings or fencing) may be required to sufficiently screen from road right-of-way.
11. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.

Second by Jim Froberg. Dave Whitney inquired about the condition that included music and suggested a modification to music being limited to indoors. The applicants could keep the condition instead of removing it. Discussion followed on the proposed modification and concluded with removing condition. The motion was approved 6 - 0 - 1 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Sutcliffe and Yeager. Nays, none. Abstain, Johnson due to lost internet connection through discussion.

Glenn and Krisa Carlson – Property at xxx Oasis Road, located on the west side of Oasis Road between 355th and 360th Street, Chisago Lake Township; Sec.4, T.34, R.20, (PID #02.00383.00). Farmaste Animal Sanctuary, INC, on behalf of Glenn and Krisa Carlson – Property Owners, is requesting a Conditional Use Permit (CUP) to operate an animal oriented educational facility and offer rural tourism activities including a gathering venue.

Coordinator Jagoe provided an overview of the CUP request on the Carlson property. Carlson's have a purchase agreement with Farmaste Animal Sanctuary for a 30 acre parcel, zoned AG and surrounding parcels are mainly 20 or larger acre tracts. Currently, Farmaste is operating at 12812 347th Street in Chisago Lake Township with a CUP issued in 2018 to operate a farm animal sanctuary and host small scale social gatherings with fourteen conditions. Farmaste does not own the property and are relocating to a new location and will continue operating in the same manner. The business proposal included: gatherings, classes and annual event. Hours of operation will be May thru October, 90 – minute tours/animal visits, Tours held on Tuesday at 9 am and Saturday at 11 am and 3 pm with a maximum of eight special events, limited to up to 100 guests. The applicants made a request to modify conditions #2 and #4. Technical Review was held on March 10, 2021 with County Highway Director indicated further analysis of trip generation/traffic counts do not require a turn lane; however, a commercial access will need to be established. Chisago Lake Township recommended approval with no condition on March 16, 2021. Township indicated Farmaste will need to be relocated from current property by November 1, 2021.

Elizabeth Showalter and Kelly Tope were present to address questions and concerns. Ms. Showalter requested to allow for after school programs. Farmaste has a great relationship with current neighbors.

Chair Johnson lost internet connection and Vice Chair Yeager asked if the Planning Commission had questions for the applicants. Frank Storm asked for the overall setup of Farmaste at XXX Oasis Road. Ms. Showalter briefly provided overview of the operation, volunteers and layout of property with the intent to have a dwelling on the property to provide security for property and animals. Currently, security cameras and volunteers are used during evening hours. Dave Whitney inquired to number of animals and why people visit Farmaste. Farmaste replied there are 22 animals which have either been surrendered, had difficult birth or law enforcement involvement where an animal has been relinquished. Farmaste was started to help children with depression/anxiety, get away from electronics and share time and space with farm animals. Frank Storm inquired about parking and timeline of moving animals to the new location. Ms. Showalter outlined parking and indicated late summer would be realistic for moving the animals. Vice Chair Yeager opened the public hearing and noted comments submitted in advance of the meeting. Coordinator Jagoe asked Vice Chair Yeager how to handle the submitted correspondence. Vice Chair Yeager asked for the correspondence to be read.

Submitted Public Correspondence:

Maddie Lindahl – My family's dairy farm that has run for decades is less than a mile away. I would like some transparency about how the Farmaste Animal Sanctuary acquires their rescue animals. What does a typical "rescue" operation look like? What is their relationship with farmers who do take care of animals? We may have to put numbers down in books for our cows because it is a business, but that does not diminish the worth every cow has to us. I wonder if the leaders of Farmaste understand this, and also whether they will communicate this in the events they plan to host. Their mission as stated, is to "help farmed animals become someone, not something." To the farmers whose health, financial stability, and purpose rely on animals being both, the implications of this statement go beyond allowing a few animals to live on pasture. I would like to gain a better understanding of how this organization will portray their neighbors.

Amanda Cook – Resident of Amador Township and long time Chisago County agriculture supporter. I would like to offer my opinion as a lifelong animal lover, agriculturalist and educating the public about the humane and responsible animal care and the value of agriculture in our society. I have devoted my life to both caring for animals, and teaching others of their value. I grew up on my grandma's sheep farm in Lindstrom, have taken seedstock from that very farm, and continuing the 46 year tradition of raising sheep. Through this experience I have gained fellowship from the many multi-generational farm families in the county as a Chisago County 4-H member and volunteer, High school agriculture teacher, County Fairboard, and Farm Bureau Board member. Agriculture is a cloth that weaves the members of our county together and has a strong and rich history in this area: from the homesteaders of the 19th century, to dairies, creameries, and hemp of the 20th century, to the modern and efficient agricultural era of today. The first issue, I believe this would be detrimental to the work Chisago County Farm Families are doing; as Farmaste's education is focused on anti-agricultural missions, such as the cancellation of animals as agriculture. They state on their website that their purpose is to rescue animals from farm situations. Their founder Kelly Tope has been identified as being, "acutely aware of the cruelty placed on farm animals" and wishes to "push back against the societal belief that farm animals were products instead of living beings". Whether or not that is the belief of a person, there are many residents of Chisago County which depend on animal agriculture for their livelihood, and every single resident is dependent on animal products or by products. Additionally, the vast majority of farmers are in fact raising their animal products following guidance by the Minnesota Foundation for Responsible Animal Care and employ veterinarians to ensure optimal welfare for their animals. To allow an organization to openly disparage responsible farmers in their educational venue, while employing the very same animal care techniques is at best deceitful. The second issue, is the purpose behind *to operate an animal oriented educational facility and offer rural tourism activities including a gathering venue*". It is my interpretation that this means there will be animals used to create a tourist attraction with entertainment value. The idea of Farmaste being permitted to operate a facility which stands to gain from the exploitation of animals is

extremely hypocritical and contradicts the purpose of their collective mission. This is no different than the animal exploitation exhibited in the circus, petting zoos, and livestock shows so vehemently opposed by many animal-rights activists. While I understand and empathize with the idea behind the organization, I believe Rural Chisago County is not the place for such a facility, with many animal agriculture-based enterprises currently operating within a few miles of Farmaste.

Jennie Gentz – xxx Oasis Road, I am moving into the area to escape the hustle bustle. After doing my own research and reaching out to people who have independent knowledge of this organization, my hesitation has turned into acceptance. This new neighbor of mine is already an established organization in our community with a good rapport. My understanding is that they have high standards of care and maintenance for both the animals and grounds as a whole. I would welcome Farmaste to become my neighbor.

Isabelle Lindahl – Our area is deeply embedded in a rich history of agriculture. My concern is that Farmaste would be a detriment to the farming community that resides within our county. The proposed location for this application is less than one mile away from Lindahl Farms LLC, a multi-generational dairy farm that is rooted in producing milk while holding animal welfare in the highest regard. Farmaste's mission is "to help farmed animals become someone, not something". As such, they are a farmed animal sanctuary that places emphasis on educating about cruelty on farm animals. I believe everyone deserves the right to their dietary choices, whether it be veganism or consuming animal products. However, I am concerned the animal-oriented educational facility will be a threat to the viability of the agricultural community that has been present in Chisago County for centuries, and for those farming facilities that hold animal welfare in the highest regard.

Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Carlson/Farmaste Animal Sanctuary, INC CUP at PID#02.00383.00. With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing. Second by Jim Froberg. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none. Chair Johnson asked each Planning Commission member for additional questions and comments. Jim McCarthy questioned when the old CUP would be terminated? Coordinator Jagoe indicated the CUP stays with the property and could continue within the CUP conditions. The owner could also surrender the CUP to the County Board. Frank Storm commented this operation has been going on for years and people should go visit it. ***Motion*** by Jim McCarthy to recommend approval of a Conditional Use Permit as requested by Farmaste Animal Sanctuary for the property located at XXX Oasis Road, PID#02.00383.00, based on staff report, narrative, site plan and Findings of Fact with the following conditions:

1. This permit is a Conditional Use Permit for animal-oriented education and Rural Retail Tourism to:
 - Operate a sanctuary for retired animals
 - Host periodic events as fundraisers and/or community entertainment gatherings
 - Offer agricultural and farm animal education and classes
 - Offer overnight temporary camping for one annual weekend event, with a maximum of twenty tents
2. This CUP shall allow seasonal use of the property as an educational/gathering venue from April through November, with the following elements:
 - Regular ongoing activity: 90 minute farm tours/animal visits –
 - Tuesdays at 11:00 a.m.
 - Saturdays at 11:00 and 3:00 p.m.
 - Friday at 7:00 p.m.
 - A maximum of eight special events annually between April and November.
 - Up to two (2) afternoon, evening, or weekend activities/events to the regularly scheduled tours with fewer than 50 people per year that would not count towards the eight (8) special events.

3. Gathering events that include music or other sound that could potentially cross property boundaries shall be limited to four annually, and all such events shall conclude by 10:00 p.m.
4. The event maximum shall be limited to 200 guests with a maximum of 100 people at a time in attendance during any given event.
5. All parking shall be accommodated on-site.
6. Permittee shall ensure that adequate parking/staging area is maintained to accommodate emergency vehicle/first responder traffic.
7. Any new/altered access to the venue shall be approved by Chisago County Public Works prior to construction.
8. Permittee shall trim and manage brush/ vegetation along the County Road to maintain visibility at the entrance.
9. All food preparation and/or sales at the site, as well as any temporary camping event shall comply with all applicable Minnesota Department of Health regulations.
10. Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements.
11. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.
12. Minnesota Building Code/ SSTS, and all other relevant codes shall be applicable to the project, all permits and Certificates of Occupancy and Compliance shall be obtained prior to occupancy, and CUP approval shall be considered provisional until such time as these requirements are met.
13. The Permittee shall submit to the Department a copy of the operating rules for the farm; the activities at the site shall be operated in accordance with the narrative description and operating rules on file with the CUP, as a condition of permit approval.
14. The Permittee is required to obtain a driveway permit from County Highway and are subject to driveway installation standards as deemed necessary by Chisago County Public Works.
15. Screening shall be installed along Oasis Road as presented by the Applicant. A final Landscape Plan shall be provided to County Staff showing location/distances to property lines and type of plantings for review and approval prior to installation. Plantings may not be located in the right-of-way.
16. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.

Second by Jim Froberg. Chair Johnson lost internet connection. Vice Chair Yeager inquired if the Planning Commission wanted to expand condition #2 since the applicants had asked for a third tour date. Does the commission want to discuss with the applicant on dates/time since they are only allowed one tour date with no specifications. Ms. Showalter indicated she would like Friday at 7 pm and tours would be limited. Conditions were reread with addition of tour dates to condition #2 and removal of right turn lane in condition #14. Both Jim McCarthy and Jim Froberg accepted the addition/change in conditions #2 and #14. Vice Chair Yeager conducted a roll call vote. The motion was approved 6 - 0 - 1 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Sutcliffe and Yeager. Nays, none. Absent, Johnson.

Frank Storm suggested a ten-minute break prior to hearing next application. Chair Johnson, Chip Yeager and Jim McCarthy indicated to keep moving along. Frank Storm indicated he might step away from the meeting for a minute.

Wild Mountain Properties, LLC - Property at 16906 Wild Mountain Road, Amador Township; Sec.19, T.35, R.19, (PID #01.00096.00). Andrew Olson and Mark Olson, of Wild Mountain Properties, LLC, are requesting an

amendment to an existing Conditional Use Permit to add Recreational Camping to operate a seasonal campground. Coordinator Jagoe provided an overview of the Wild Mountain Properties LLC application for the 16906 Wild Mountain Road property. Parcel size 15 acres, zoned AG, with a dwelling, detached garage, 3,130 sq. ft winery building and tasting room with two additional storage sheds. The winery received a CUP in 2010 and received a CUP amendment in 2018 for Rural Retail Tourism. Activities include: weddings, dances, gatherings, and other social or corporate activities, and microbrewery with associated tastings and activities up to 300 guests. The new building identified in the 2018 CUP amendment has not been constructed. Applicants have stated microbrewery will not be acted upon as a land use. The campground proposal identified 13 campsites (11 single tent sites with no more than four persons and 2 large tent sites with no more than 12 people) with a max occupancy is 68 campers. Sites are natural/rustic campsites for a tent or hammock with fire ring. Sites are not for recreational vehicles, campers or trailer and accessed by gravel walking paths. Parking has been designated in three areas. Reservations will only be Friday thru Sunday, May 1st thru October 31st. The winery processing room will be reconfigured and expanded since winery and campers will be utilizing same restrooms. Two security gates will be added so campers could not access the winery after operation hours.

Technical Review was held on March 10, 2021 and County Sanitarian indicated following spring thaw a verification of septic compliance for a commercial campground will need to be completed. The applicants had a licensed septic designer prepared the septic improvements. The applicants are requesting consideration to not to have the required building and site plans be prepared by an engineer, architect, or land surveyor. These proposed project elements are far less than the \$30,000 threshold and the bulk of the project costs for septic have met the requirement. County Sheriff's Department inquired if campers would be allowed alcoholic beverages onto the property and noted regulations on State Parks does not allow alcohol to be brought in as a comparable campground setting. The microbrewery and wedding venue activities should require a security presence. Land Services Coordinator indicated a CUP for recreational camping is consistent with County's Comprehensive Plan. Concerns noted: site capacity and functionality with multiple land uses, application materials for review are for a campground only and does not address other land uses on property. A comprehensive narrative and description would be necessary to review cumulative site impacts with multiple activities and functionality of property/site as a whole. Amador Township reviewed the proposal on March 16, 2021 and recommended approval with no conditions.

Andrew Olson and Mark Olson were present to address questions and concerns from the Planning Commission. Andrew Olson indicated the 2018 CUP was to allow us to do weddings and larger events, it is not our intent to do larger events anymore but will continue operation for the winery. The winery never allows outside alcohol on the property. John Sutcliffe inquired about storm shelters on the property for campers/guests and how will people be notified. Mr. Olson indicated the processing room/rest rooms and cold storage could all be used and could hold 80 people. Our intention is to have a staff person on the property and have a sound device or use a cart to notify each camper. Frank Storm questioned the primitive camping and if kids were allowed or not. Mr. Olson reported the campground was intended to have kids. Discussion followed on handicap accessibility. It was indicated all buildings are handicap accessible. Carts will be available for use and wheelchairs could access any part of our site. Dave Whitney asked how this application will impact the neighbors on the west boundary and if dogs would be allowed. Andrew Olson indicated dogs is something they have not addressed, but most likely would not allow. Dave Whitney asked Mr. Olson if it would be acceptable for a condition that would list dogs are not allowed. Andrew Olson indicated they could allow dogs at other locations instead of west boundary, after a moment of consideration, it would be in conflict under their current operation since they do allow dogs. We would allow campers on the north or east boundary to have dogs. Dave Whitney had concerns with loose dogs and barking. Dave Whitney questioned accessibility to firewood or are campers responsible for bringing their own? His concern was neighbors on the west boundary side and having campers cross the property line and gather wood from the neighbors. Mark Olson commented a yellow rope with eight signs hanging from the

rope was hung on the property line to notify people they were not allowed to cross the property line. Campers will need to buy firewood from the winery. Dave Whitney asked how they would handle parties, music and noise along the west boundary. Andrew Olson indicated an onsite staff person would address that problem. Campers will also need to sign an agreement prior to occupying the campsite to help minimize issues and list quiet hours. These types of campsites are small and not conducive of large gatherings. Dave Whitney asked if the applicants have submitted rules for the campground and how would they respond to a fire by fire extinguishers or fire department? Andrew Olson indicated rules have not been provided since Mark Olson had conducted local campground visits to help determine the best rules for their campground. They have not drafted the rules yet for review. Andrew Olson indicated there are multiple paths to the winery and buildings that have a permanent water supply. Mark Olson reviewed their relationship with Almelund Fire Department and noted they removed trees for easier truck access and will have multiple fire extinguishers available along the trail. Jim McCarthy indicated he would like to see information in writing and treat this campground similar to other campgrounds, such as Wildwood Campground. The Planning Commission had requested a privacy fence and quiet hours. Frank Storm had questions on parking and if laundry/showers were going to be available. Andrew Olson reviewed the parking and indicated they did not plan on making any changes. They do not have plans to bring in recreational vehicles and sanitation was not required. Second road access and viable campground business was discussed. Chip Yeager questioned how State Rules interpret the 400 ft to a building and noticed a few of the campsites are close to 400 in a straight line, but by path it might be more than 400 ft.

Chair Johnson opened the public hearing and noted comments submitted in advance of the meeting. Coordinator Jagoe asked Chair Johnson how to handle the submitted correspondence. Chair Johnson asked for the correspondence to be read.

Submitted Public Correspondence:

Adam Flett and Jillian Chmiel– 17145 Wild Mountain Road, After reviewing permit, considering potential impacts, checking state and local ordinances, regulations and laws, we are generally not in favor of allowing camping and granting a conditional use permit. We purchased our property nearest to proposed group camping site #8, with hopes of living in a quieter area and hope to see our area stay relatively free from additional impacts from human activity nearby. We appreciate the neighborly amenity as is, though this expansion gives us pause in considering our long-term plans to live on our site. We are concerned about noise in particular, both from additional hours of having up to 68 additional people on site during hours of operation that currently do not permit patrons of the winery to stay. In particular, we are worried about noise from illegal fireworks, late night socializing/partying and traffic. This permit will lead to additional sites in the future or extending to weekday nights as well. Potential impacts on local wildlife, fires spreading from campsites and strain on ground water from increased use are a concern. Should the permit be granted, we request the following: Established quiet hours that are well enforced, preferably before the 10 pm -7am state noise nuisance laws; ban use of illegal fireworks and firmly enforce and suggest fewer campsites or no group campsites, which tend to be the loudest. We understand the desire to expand operations, though worry about impacts on our enjoyment of our soon-to-be home. There are plenty of camping sites within a few miles of this property for their patrons to utilize before, during and after visiting the Winery.

Jeff and Quinette Cook – 16975 Wild Mountain Road, We are opposed to the addition of seasonal campgrounds. Adding campsites to the winery is like dropping a small community in the middle of our rural neighborhood. We purchased this property because of its idyllic setting. We are concerned about increased traffic, noise and roadside litter. Should the winery expand camping beyond weekend hours, we believe these problems would only be magnified. We understand that campgrounds are a popular trend and one that Wild Mountain Winery would like to offer, we don't believe that it is in the best interest of those nearby.

Tyler Massey – 16822 Wild Mountain Road, I would like to appeal the camping permit. We live next door to this property and would like to point out Wild Mountain Winery are violating the following: First, campgrounds must be located in areas free of poison ivy or other noxious weeds; Second, all campsites have been made and trees have been cut down prior to this permit being issued; Third, Wild Mountain Winery has spray painted all the trees orange boarding the property line which are on our side of the property line; Fourth, would like to require a certificate of survey if the permit is passed since the property line is not clearly defined at the sole cost of the applicant to establish the property line. We have tried to speak with the neighbors about eliminating two campsites that are straight behind our house and we are concerned with safety and safety of our animals. We already deal with excessive noise from loud music, pick up garbage in our front yard and have people wonder onto our property. These two campsites are within about 40 yards of our house, visible from our bedroom and daughter's bedroom. We are concerned about a potential fire, control of noise and devalue of our property. If the permit is passed, can there be a requirement of a fence installed. A couple of years ago, a complete stranger broke into our house, this individual was intoxicated and on drugs and passed out on the living room floor. This was a tragic experience for us and now have a family to watch out for.

Coordinator Jagoe identified members from the public on audio and asked if they would like to speak on the Wild Mountain Properties, LLC amendment to an existing CUP at PID#01.00096.00. With no additional person wishing to speak, **motion** by Jim Froberg to close the public hearing. Second by Chip Yeager. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none. Mark Olson clarified the comment on the person breaking into the house did not happen in the property adjacent to the winery. Dave Whitney indicated this was not a motion; however, he indicated the Planning Commission should table the request until the applicants could address concerns and questions from our discussion. The applicants should address the following: campground rules, handle dogs, how to handle noise, handle music until someone tells campers to shut it off, location of fire extinguishers. The Planning Commission should be able to review prior to making a recommendation. Frank Storm agreed with Dave Whitney's comment and would like to see if possible, the CUP be completely rewritten and would support to table the request. Frank Storm indicated he would like to review what Wild Mountain Properties, LLC is actually doing and remove all the other items they are not. Jim McCarthy suggested a privacy fence on west side since the Planning Commission receives a lot of CUP applications with intense use. Jim McCarthy noted the County Board should review setbacks and different things to aid in more control like the campsites on the property line. Jim McCarthy noted the rewrite of the seasonal campground ordinance with relation to a neighbor's house being 100 ft away. Chip Yeager agreed with Frank Storm in favor of tabling since there are a lot of edits to the CUP and the Planning Commission does not have time to work out all the conditions.

Motion by Dave Whitney to table Wild Mountain Properties, LLC amendment to an existing CUP requesting the Applicants rewrite the application narrative explaining previously granted CUP's for the winery & gathering venue land uses and clarifying or removing unnecessary conditions that the Commission is being asked to consider and what land uses will go away and stay, and provide additional detail on campground rules, campground operational plan, alcohol, parking & traffic flow, noise control, fencing, and fire/safety protocols and measures taken. Planning Commission would review an updated/rewritten CUP draft. Second by Chip Yeager. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none. Coordinator Jagoe indicated the County Board will review the table recommendation on April 21 and will continue to work with applicants. Dave Whitney questioned if County Board tables the application, should the Commission submit recommendations. Coordinator Jagoe indicated she did make notes, but Planning Commission could provide comments to make sure it is complete during the next review cycle.

Coordinator Jagoe indicated Michele Holmberg's application would qualify as a minor home occupation and could be completed administratively. Tony Zerwas/Bob Boyce preliminary plat was not ready for April meeting and waiver will move to May meeting.

Old Business:

Zoning Ordinance Review & Update

Chair Johnson reported the working group has met and discussed various options. The group has had three meetings with another meeting scheduled. The working group has a lot of information to review and our goal is to have recommendations for the May meeting agenda. Frank Storm stated that at the March 4, 2021 Planning Commission meeting, Jim McCarthy and I needed more time for discussion on the submitted public comments. **Motion** by Frank Storm to rescind to remove One Acre Buildable in Dave Whitney's March 4, 2021 motion. Second by Jim McCarthy. Frank Storm noted numerous comments were received and, in his opinion, if comments by contractors, realtors, and farmers who benefited were removed, majority of the comments supported leaving One Acre Buildable. Frank Storm indicated his motion would allow for proper discussion on all the information the Planning Commission had received. Dave Whitney disagreed with the motion since the working group will provide an alternative, which the Planning Commission would review and deny if needed. Dave Whitney commented the Planning Commission should not vote in favor of the motion. Chair Johnson agreed with Dave Whitney and would not support the motion. County Commissioner DuBose was called on for comment by Chair Johnson but had internet connection troubles. Chair Johnson repeated Frank Storm's motion to rescind Dave Whitney's March 4, 2021 motion. Jim McCarthy indicated the working group was a separate motion at the meeting and supported the working group. Jim McCarthy indicated surrounding communities did not have their comments read into record and usually the Planning Commission has read comments out loud for the record. Jim McCarthy indicated this is respectful to the commenters. Jim Froberg questioned why the Planning Commission was relying on City comments when the County works with the Townships. Chair Johnson asked Frank Storm to clarify his motion. Frank Storm stated his motion was to rescind Dave Whitney's March 4, 2021 motion to remove One Acre Buildable. Discussion followed on Shafer Township's comment and Chip Yeager called the question. The motion resulted in 3 - 3 - 1 with a roll call vote. Ayes: McCarthy, Storm and Yeager. Nays, Whitney, Froberg and Johnson. Abstain, Sutcliffe. Frank Storm stated the motion had passed. John Sutcliffe indicated he abstained and added comment that he would not benefit one way or the other with ordinance language. *Assistant County Attorney Jeffrey Fuge provided a legal opinion on April 8, 2021 that the motion to rescind was defeated for lack of an affirmative vote of a majority of members present.

Request for Consulting Resources

Chair Johnson noted limited staff time and was considering looking for outside resources to complete the organizing/updating of zoning ordinance. There is a financial cost for this resource and would like to see support to the County Board to see if any allocations would be available. **Motion** by Chair Johnson to recommend to the County Board to authorize staff to submit request for proposals (RFPs) to assist with organizing our zoning ordinance. Second by Chip Yeager. Dave Whitney and Chip Yeager agree the current ordinance format is hard to use. Frank Storm indicated the cost could range from \$30,000-\$50,000 and would take at least three months. Jim McCarthy thought the cost might start at \$50,000 and be higher. The motion was approved 7 - 0 with a roll call vote. Ayes: McCarthy, Storm, Whitney, Froberg, Yeager, Sutcliffe and Johnson. Nays, none. Roll call vote was taken and carried unanimously.

Communications and Reports

County Commissioner DuBose reported he had poor connection throughout the meeting and had nothing to report at this time.

ADJOURNMENT: There being no further business, motion by Frank Storm and second by Jim Froberg 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 10:08 p.m.

Chisago County Request For Board Action

Meeting Date: April 21, 2021	Item Number: 21
Title of Item for Consideration: Glen and Kris Carlson Conditional Use Permit – Farmaste Animal Sanctuary & Rural Retail Tourism Activities	
Action Requested by: Kurt Schneider, Director	Department: Environmental Services and Zoning on behalf of the Chisago County Planning Commission.
Previous Action on this Matter: None.	
Background: Glen and Kris Carlson own the 30 acre parcel at XXXX Oasis Road/360th St., Chisago Lake Township, (PID #02.00383.00) and are requesting a Conditional Use Permit to locate/relocate Farmaste Animal Sanctuary currently located at 12812 347th Street to this new location. They are requesting a Conditional Use Permit to operate an animal oriented educational facility and offer rural tourism activities including a gathering venue. At their meeting of April 1, 2021, the Planning Commission conducted the requisite public hearing and recommended approval of the request voting 6-0-1 with the attached recommended findings and conditions. Pursuant to Minnesota Statute, the 60-day agency action deadline is April 30, 2021. Among the options for the County Board at tonight's meeting are the following: - Approve the CUP, as recommended and with the Findings and Conditions prepared by the Planning Commission and carried forward by County ESD staff; - Consider and Approve the CUP, generally as recommended by the Planning Commission and County ESD staff, but with modified Conditions determined and approved by the County Board at tonight's meeting (to be codified as part of the formal IUP approval); - The County Board may extend the initial 60-day period (up to a total of 120 days), if, before the end of the initial 60-day period, it notifies the landowner in writing of its intent to take additional time to consider the application, the reasons for the extension, and anticipated length of the extension (Minn. Stat. 15.99, Subd. 3(c)). Sufficient time exists for the County Board to extend the initial 60-day period via written notification, if such a decision is formally taken at tonight's Meeting. Any motion to extend this time period should include, at a minimum, direction to staff to prepare a written notification of the County Board's action "to take up to an additional 60 days to further review the record and make a decision on this application." - The County Board may Deny the CUP for legally justifiable reasons, but must state such reasons as part of the official record of decision (either as part of a motion to deny or as part of a failure of a motion to approve). Moreover, such action must be taken prior to the end of the initial 60-day period (or 120-day period if extended). Additionally, State Statute directs (but does not mandate) that written reasons for denial be provided to the applicant prior to the end of the initial 60-day period (or 120-day period if extended) and be consistent with the reasons stated in the record at the time of denial. Typically, such written reasons are prepared and adopted by the body as part of its denial, or at the next scheduled meeting.	

Attachments:

- Planning Commission Recommended Findings and Conditions
- Planning Commission Presentation
- Planning Commission Staff Report & Hearing Packet
- Planning Commission Minutes (draft)

Action Requested/Recommended It is respectfully requested that the Board affirmatively consider the recommendation of the Planning Commission to approve the Glen and Kris Carlson Conditional Use Permit request to establish and operate an animal oriented educational facility and offer rural retail tourism activities and gathering venue. The following is the suggested language for the motion:

“Move to approve the Glen and Kris Carlson request for a Conditional Use Permit to establish and operate an animal oriented educational facility and offer rural retail tourism activities and gathering venue activities to be known as “Farmaste” at XXXXX Oasis Road, Chisago Lakes Township, (PID #02.00383.00), with Findings and Conditions as recommended by the Planning Commission and/or as amended at tonight’s meeting.”

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

Budget/Financial Implications: None.

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

Administrator’s Recommendation

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

Planning Commission Recommendation of April 1, 2021
Conditional Use Permit – Glen and Kris Carlson – “Farmaste” Animal Oriented Facility
XXXXX Oasis Road, Chisago Lakes Township, (PID #02.00383.00)

RECOMMENDED FINDINGS:

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

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

2. Will the use create and excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area? Along with the condition as recommended by the County Highway Director it is staff’s belief that the proposal will not create any demand on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.

3. Will the use be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development?

Yes. The activities on the site will be low-level in impact and will take place on the interior of the property. Smaller, low-key gatherings of 10-50 people will be the average size of crowd and the operators have indicated their plans to limit nighttime noise or other disturbances. The Applicant has shown on the site plan that a landscaped buffer will be installed along Oasis Road. No details were included in the application on species of plantings or exact location from front property line. The Planning Commission should discuss if there are specific plantings and/or additional screening that may be needed as a buffer to adjacent properties. Planning staff would recommend as a condition of approval that a final landscape plan be provided to County Staff for approval prior to installation. Any landscaping to be installed along Oasis Road shall be subject to review and approval of County Highway Director. Plantings may not be located in the right-of-way.

4. Is the use in the opinion of the County reasonably related to the overall land use goals of the County and to the existing land use, and consistent with the purposes of the Zoning Ordinance/Zoning District in which the applicant intends to locate the proposed use? Yes. The Chisago County Zoning Ordinance allows livestock and agriculture as Permitted Uses in the Ag zone, and specifically provides for agricultural education, animal

shelters/sanctuaries and rural retail tourism uses as Conditional Uses in the Ag zone. The purpose as outlined in Zoning Ordinance Section 4.15 for Rural Retail Tourism are as follows:

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

5. Will the use cause traffic hazard or congestion? Similarly to condition #2 above. The County Highway Director has reviewed the proposal and noted the improvements necessary to safely accommodate traffic needs. He did not note that traffic levels, hazard or congestion are matters of concern with this application.

6. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? No. The proposal is generally agricultural in nature. featuring farm animals and educating visitors on livestock husbandry. Based upon the representations made by the Applicant, an important part of their operation is to provide a quiet, stress-free environment for their animals, and noise, glare, heavy traffic or other high level impacts would be counterproductive to their mission and intent.

RECOMMENDED CONDITIONS:

1. This permit is a Conditional Use Permit for animal-oriented education and Rural Retail Tourism to:

- Operate a sanctuary for retired animals
- Host periodic events as fundraisers and/or community entertainment gatherings
- Offer agricultural and farm animal education and classes
- Offer overnight temporary camping for one annual weekend event, with a maximum of twenty tents

2. This CUP shall allow seasonal use of the property as an educational/gathering venue from April through November, with the following elements:

- Regular ongoing activity: 90 minute farm tours/animal visits –
Tuesdays at 11:00 a.m.
Saturdays at 11:00 a.m. and 3:00 p.m.
Fridays at 7 p.m.
- A maximum of eight special events annually between April and November. Up to two (2) afternoon, evening, or weekend activities/events to the regularly scheduled tours with fewer than 50 people per year that would not count towards the eight (8) special events.

3. Gathering events that include music or other sound that could potentially cross property boundaries shall be limited to four annually, and all such events shall conclude

by 10:00 p.m.

4. The event maximum shall be limited to 200 guests with a maximum of 100 people at a time in attendance during any given event.

5. All parking shall be accommodated on-site.

6. Permittee shall ensure that adequate parking/staging area is maintained to accommodate emergency vehicle/first responder traffic.

7. Any new/altered access to the venue shall be approved by Chisago County Public Works prior to construction.

8. Permittee shall trim and manage brush/ vegetation along the County Road to maintain visibility at the entrance.

9. All food preparation and/or sales at the site, as well as any temporary camping event shall comply with all applicable Minnesota Department of Health regulations.

10. Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements.

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

12. Minnesota Building Code/ SSTS, and all other relevant codes shall be applicable to the project, all permits and Certificates of Occupancy and Compliance shall be obtained prior to occupancy, and CUP approval shall be considered provisional until such time as these requirements are met.

13. The Permittee shall submit to the Department a copy of the operating rules for the farm; the activities at the site shall be operated in accordance with the narrative description and operating rules on file with the CUP, as a condition of permit approval.

14. The Permittee is required to obtain a driveway permit form the County Highway and are subject to driveway installation standards as deemed necessary by Chisago County Public Works.

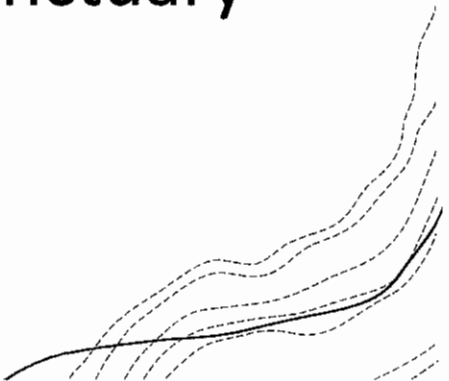
15. Screening shall be installed along Oasis Road as presented by the Applicant. A final Landscape Plan shall be provided to County Staff showing location/distances to property lines and type of plantings for review and approval prior to installation. Plantings may not be located in the right-of-way.

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



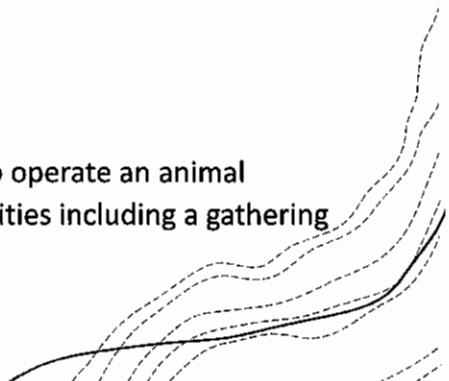
Farmaste Animal Sanctuary

Conditional Use Permit
Chisago Lake Township
Oasis Road and 360th Street
PID# 02.00383.00



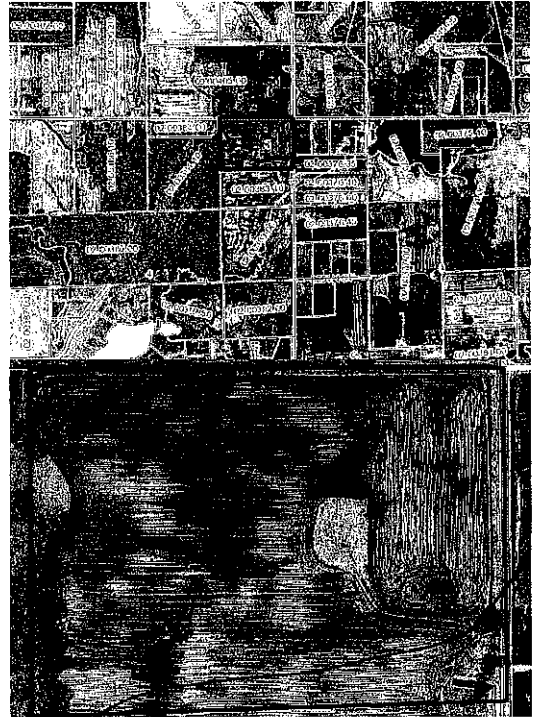
Request:

Applicant is requesting a Conditional Use Permit (CUP) to operate an animal oriented educational facility and offer rural tourism activities including a gathering venue.



Property Description

- + Glen and Kris Carlson own the 30 acre parcel.
- + Purchase agreement with Farmsaste Animal Sanctuary
- + Located SW corner of Oasis Road and 360th Street
- + Originally 80 acres and subdivided last year – Oasis North Plat; northern most parcel is the 30 acre/purchase agreement
- + Zoned Agricultural (AG)
- + Surrounding parcels are zoned AG and mainly surrounded by 20+ acre tracts.



Currently Operating at

- 12812 347th Street in Chisago Lake Township

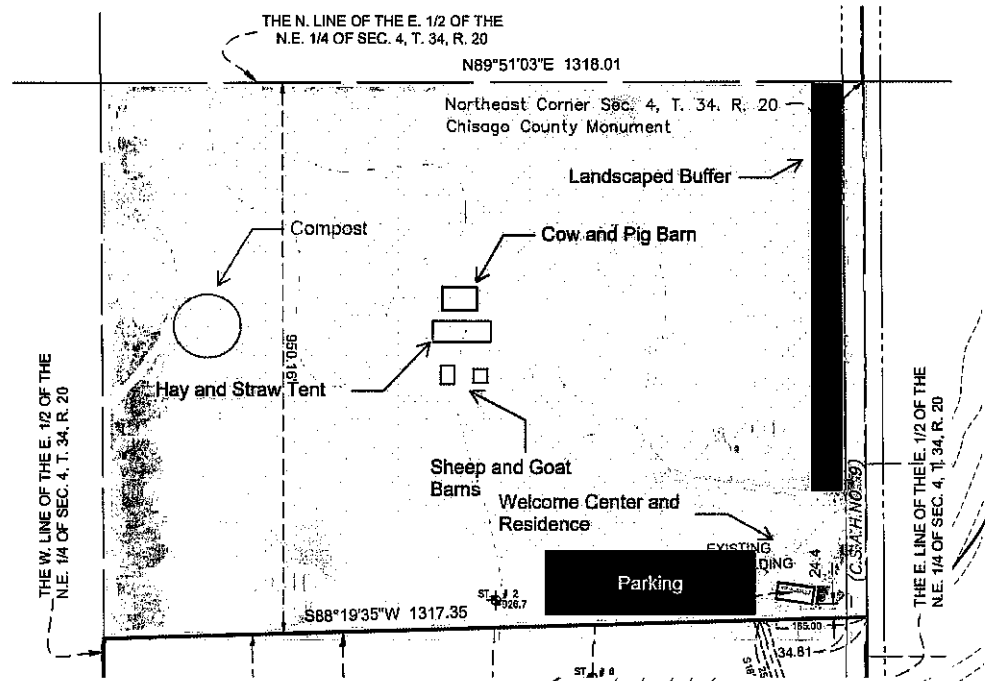
CUP was issued in July 2018

- To operate a farm animal sanctuary and host small-scale social gatherings
- 14 conditions with CUP

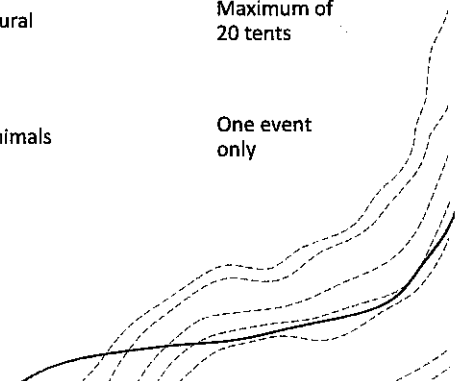
Applicant's do not own this property

- Stay nearby and continue operating in same manner





Saturdays
11:00 am & 3:00 pm



Applicant Requested Modified Conditions

#2 - This CUP shall allow seasonal use of the property as an educational/gathering venue...

#4 - The maximum attendance at any given event shall be limited to 100 guests

#2 – Current

☐

☐ May - October

☐ 90 – Minute farm tours/animal visits

☐ Tours held on Tuesday 9 am & Saturday 11 am & 3 pm

☐ Maximum of eight special events

#2 – Request

☐

☐ April - November

☐ Add a third day per week for Tours

☐ Up to two afternoon, evening, or weekend tours; less than 50 people/year

☐ Additional tours would not count towards eight special events

#4 – Current

☐

☐ Limited to 100 guests

#4 – Request

☐

☐ Allow up to 200 guests

☐ No more than 100 people at a time in attendance

Review & Recommendations

• March 10, 2021

• County Highway Director

• Adequate right-of-way on east side

• Left turn lane not required at this time

• Right turn lane and commercial entrance is needed

• Further analysis of trip generation/traffic counts – Turn lane is not required. Applicant will work with County Highway to establish commercial access.

• Sheriff's Office & Code Enforcement Officer

• No previous identified complaints at current site

Technical Review

Chicago Lake Township

• March 16, 2021

• Approval with no conditions

• Need to be relocated from current property by November 1, 2021

• Application complete on March 1, 2021

• April 30, 2021

60 – Day Deadline

Motion to Consider

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

Recommend **Approval** of a Conditional Use Permit as requested by Farmaste Animal Sanctuary for the property located at XXX Oasis Road, PID#02.00383.00, based on the narrative and site plan on record as provided by Applicant (or as modified at tonight's hearing) and based on the Findings of Fact as presented in Staff's report and the following conditions:

1. This permit is a Conditional Use Permit for animal-oriented education and Rural Retail Tourism to:
 - Operate a sanctuary for retired animals
 - Host periodic events as fundraisers and/or community entertainment gatherings
 - Offer agricultural and farm animal education and classes
 - Offer overnight temporary camping for one annual weekend event, with a maximum of twenty tents
2. This CUP shall allow seasonal use of the property as an educational/gathering venue from April through November, with the following elements:
 - Regular ongoing activity: 90 minute farm tours/animal visits –
Tuesdays at 11:00 a.m.
Saturdays at 11:00 and 3:00 p.m.
Third Tour Day per Week (Note: Insertion of reference to specific day and time.)
 - A maximum of eight special events annually between April and November.
 - Up to two (2) afternoon, evening, or weekend activities/events to the regularly scheduled tours with fewer than 50 people per year that would not count towards the eight (8) special events.
3. Gathering events that include music or other sound that could potentially cross property boundaries shall be limited to four annually, and all such events shall conclude by 10:00 p.m.
4. The event maximum shall be limited to 200 guests with a maximum of 100 people at a time in attendance during any given event.

Recommendation with Conditions

5. All parking shall be accommodated on-site.
6. Permittee shall ensure that adequate parking/staging area is maintained to accommodate emergency vehicle/first responder traffic.
7. Any new/alterd access to the venue shall be approved by Chisago County Public Works prior to construction.
8. Permittee shall trim and manage brush/ vegetation along the County Road to maintain visibility at the entrance.
9. All food preparation and/or sales at the site, as well as any temporary camping event shall comply with all applicable Minnesota Department of Health regulations.
10. Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements.
11. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.
12. Minnesota Building Code/ SSTs, and all other relevant codes shall be applicable to the project, all permits and Certificates of Occupancy and Compliance shall be obtained prior to occupancy, and CUP approval shall be considered provisional until such time as these requirements are met.
13. The Permittee shall submit to the Department a copy of the operating rules for the farm; the activities at the site shall be operated in accordance with the narrative description and operating rules on file with the CUP, as a condition of permit approval.
14. ~~The Permittee is required to construct a right turn lane along Oasis Road and a commercial entrance through proper permits and subject to requirements and regulations as requested by the County Highway Director.~~ The Permittee is required to obtain a driveway permit from County Highway and are subject to driveway installation standards as deemed necessary by Chisago County Public Works.
15. Screening shall be installed along Oasis Road as presented by the Applicant. A final Landscape Plan shall be provided to County Staff showing location/distances to property lines and type of plantings for review and approval prior to installation. Plantings may not be located in the right-of-way.
16. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.



Staff Report

TO: Chisago County Planning Commission

FROM: Jessica Jagoe, Land Services Coordinator

DATE: March 22, 2021

RE: Farmaste Animal Sanctuary, Conditional Use Permit
PID #02.00383.00
Chisago Lake Township, Oasis Road and 360th Street

Action to Consider

The Applicant is requesting a Conditional Use Permit to operate an animal oriented educational facility and offer rural tourism activities including a gathering venue.

Property Background/Description

Glen and Kris Carlson own the 30 acre parcel located at SW corner of Oasis Road and 360th Street. The Planning Commission may recall this parcel was originally 80 acres and was subdivided last year. The north ½ of the original parcel was subdivided into two lots (30 acre and 20 acre tracts) via metes and bounds description as allowed under the Subdivision Ordinance. The south ½ of the property was platted to create four - 10 acre lots known as Oasis North. The Carlson's have listed all of the properties for sale and have a purchase agreement with Farmaste Animal Sanctuary, Applicant, for the 30 acre northern most parcel.

The subject parcel is zoned AG, Agricultural. The surrounding parcels are also zoned AG with a mix of residential and active agricultural uses. Across the street on the east side of Oasis Road there are a handful of five to ten acre parcels. However, the subject parcel is mainly surrounded by 20+ acre tracts.

Farmaste Animal Sanctuary is currently operating in Chisago County at 12812 - 347th Street in Chisago Lake Township. A CUP was issued in July 2018 to operate a farm animal sanctuary and host small-scale social gatherings at this location (same operation as requested CUP). The Applicant's do not own this property and have indicated circumstances have changed since opening which has led to their need to relocate. They have a desire to stay nearby their current location and would be purchasing this site from the Carlson's.

Site Plan/Proposal Analysis

The property has one existing building located on the SE corner of the site. The business proposal indicates that Farmaste Animal Sanctuary will rehabilitate this building, move two barns from their current location to this site, and build an animal barn, a poly structure for hay

and straw storage, and a caretaker residence. It is noted that most of the operational elements and conditions of the existing permit will remain the same. In review of the CUP application, Planning Staff identified that this site does not have a dwelling associated with the property, whereas the Applicants current location does. In follow-up discussions with the Applicant, they have stated that the proposed caretaker residence would be for a volunteer/employee to stay on the property to attend to emergencies if they come up or be able to provide frequent care for young or sick animals. It would not be for outside groups. Further discussion should occur amongst the Planning Commission as to whether a condition should be included to establish parameters for the caretaker portion of this request. The Applicant's current CUP at their other side does not list a condition specific to the caretaker activity. The following are the 14 conditions as outlined in the 2018 CUP with the Applicant's requested changes identified in red italic font:

1. *This permit is a Conditional Use Permit to:*
 - *Operate a sanctuary for retired animals*
 - *Host periodic events as fundraisers and/or community entertainment gatherings*
 - *Offer agricultural and farm animal education and classes*
 - *Offer overnight temporary camping for one annual weekend event, with a maximum of twenty tents*
2. *This CUP shall allow seasonal use of the property as an educational/gathering venue from May through October, with the following elements:*
 - Regular ongoing activity: 90 minute farm tours/animal visits –*
 - Tuesdays at 11:00 a.m.*
 - Saturdays at 11:00 and 3:00 p.m.*
 - A maximum of eight special events annually between May and October*
 - *Applicant is requesting April through November to allow for extended season as weather permits and to increase to a third tour day per week (Note: No specification provided on preference for day of week. Planning Commission should discuss preference for allowing a general or specific third day.)*
 - *Applicant is requesting up to two (2) afternoon, evening, or weekend activities/events to the regularly scheduled tours with fewer than 50 people per year that would not count towards the eight (8) special events.*
3. *Gathering events that include music or other sound that could potentially cross property boundaries shall be limited to four annually, and all such events shall conclude by 10:00 p.m.*
4. *The maximum attendance at any given event shall be limited to 100 guests.*
 - *Applicant is requesting the event maximum be allowed up to 200 people with no more than 100 people at a time in attendance.*
5. *All parking shall be accommodated on-site.*
6. *Permittee shall ensure that adequate parking/staging area is maintained to accommodate emergency vehicle/first responder traffic.*

- 7. Any new/alterd access to the venue shall be approved by Chisago County Public Works prior to construction.*
- 8. Permittee shall trim and manage brush/ vegetation along the County Road to maintain visibility at the entrance.*
- 9. All food preparation and/or sales at the site, as well as any temporary camping event shall comply with all applicable Minnesota Department of Health regulations.*
- 10. Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements.*
- 11. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.*
- 12. Minnesota Building Code/ SSTS, and all other relevant codes shall be applicable to the project, all permits and Certificates of Occupancy and Compliance shall be obtained prior to occupancy, and CUP amendment approval shall be considered provisional until such time as these requirements are met.*
- 13. The permittee shall submit to the Department a copy of the operating rules for the farm; the activities at the site shall be operated in accordance with the narrative description and operating rules on file with the CUP, as a condition of permit approval.*
- 14. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.*

Lastly, the Technical Review Panel met on March 10th. The County Highway Director has stated that based on the narrative as requested there is adequate right-of-way on the east side of the highway, so a left turn lane would not be required at this time. The Applicant would, however, need to construct a right turn lane and a commercial entrance. Staff would request consideration from the Planning Commission to include the comments of the County Highway Director as a recommended condition of approval. Additionally, the Chisago County Sheriff's Office and Code Enforcement Officer are members of the Technical Review Panel. They were notified of the application and asked to review for concerns or conflicts. Neither party identified previous complaints that have been raised with events, tours, or activities held to date by Farmaste at their current site.

Conditional Use Permit Analysis

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

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

2. *The use shall not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;*
3. *The use shall be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;*
4. *The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties;*
5. *The use in the opinion of the County is reasonably related to the overall land use goals of the County and to the existing land use;*
6. *The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;*
7. *The use shall not cause traffic hazard or congestion; and*
8. *Existing nearby properties shall not be adversely affected by intrusion of noise, glare or general unsightliness.*

Staff Analysis

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

1. Is the proposal consistent with the Comprehensive Plan and development policies of the County? *Yes. The Chisago County Comprehensive Plan has several references to the County's intention to continue to allow and be supportive of the establishment of animal-keeping facilities, agricultural education, and rural tourism activities:*
 - *To encourage and support agricultural businesses that contribute to economic activity, employment, and tax base of Chisago County (p 5-18)*
 - *To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into Chisago County economy (p5-18)*
 - *To continue to allow agricultural activities and related agri-businesses in the AG zoning district (p6-22)*
 - *To promote natural amenities in the County as assets to economic development and business opportunity (p 6-22)*
 - *To acknowledge tourism's economic value and the contribution of this industry to both the diversity of the County economic base and the potential for growth (p 6-22)*
 - *To promote tourism and commercial recreation as expanding opportunities for employment and tax base (p 6-22)*

2. Will the use create and excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area? *Along with the condition as recommended by the County Highway Director it is staff's belief that the proposal will not create any demand on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.*

3. Will the use be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development? *Yes. The activities on the site will be low-level in impact and will take place on the interior of the property. Smaller, low-key gatherings of 10-50 people will be the average size of crowd and the operators have indicated their plans to limit nighttime noise or other disturbances. The Applicant has shown on the site plan that a landscaped buffer will be installed along Oasis Road. No details were included in the application on species of plantings or exact location from front property line. The Planning Commission should discuss if there are specific plantings and/or additional screening that may be needed as a buffer to adjacent properties. Planning staff would recommend as a condition of approval that a final landscape plan be provided to County Staff for approval prior to installation. Any landscaping to be installed along Oasis Road shall be subject to review and approval of County Highway Director. Plantings may not be located in the right-of-way.*

4. Is the use in the opinion of the County reasonably related to the overall land use goals of the County and to the existing land use, and consistent with the purposes of the Zoning Ordinance/Zoning District in which the applicant intends to locate the proposed use? *Yes. The Chisago County Zoning Ordinance allows livestock and agriculture as Permitted Uses in the Ag zone, and specifically provides for agricultural education, animal shelters/sanctuaries and rural retail tourism uses as Conditional Uses in the Ag zone. The purpose as outlined in Zoning Ordinance Section 4.15 for Rural Retail Tourism are as follows:*
 - *Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscape.;*
 - *To recognize Chisago County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy.*
 - *Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere;*
 - *Provide opportunities for new economic growth through Rural Retail Tourism businesses.*
 - *Assist the County's citizens in the transition from primarily agricultural land uses, to an expanded variety of rural business opportunities as active family farming continues to diminish in Chisago County.*

5. Will the use cause traffic hazard or congestion? *Similarly to condition #2 above. The County Highway Director has reviewed the proposal and noted the improvements necessary to safely accommodate traffic needs. He did not note that traffic levels, hazard or congestion are matters of concern with this application.*

6. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? *No. The proposal is generally agricultural in nature, featuring farm animals and educating visitors on livestock husbandry. Based upon the representations made by the Applicant, an important part of their operation is to provide a quiet, stress-free environment for their animals, and noise, glare, heavy traffic or other high level impacts would be counterproductive to their mission and intent.*

60-day Review

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

Township Recommendation

Township Board reviewed at their meeting on March 16, 2021 and has recommended Approval with no conditions. Township commented on Applicant's need to be off current location by November 1, 2021 and have a purchase agreement to close on this property in June 2021.

Staff Findings

The Conditional Use Permit request for agricultural education, animal shelter/sanctuary and rural retail tourism uses as proposed is consistent with the Zoning Ordinance and the County's Comprehensive Plan goals and intentions. Following the review of the Technical Review Committee and Planning Staff, the requested Conditional Use Permit as described is determined to be in compliance with Zoning regulations.

Upon close of the public hearing on this application, discussion should be held by the Planning Commission on the above observations (#1 through #6) as preliminary drafted by Staff, which items can be amended, deleted, or appended to, in order to serve as findings in favor of approval of the CUP. Barring any new or unknown evidence discovered after the completion of this report or during the course of the public hearing, staff has provided below the following recommended motion with conditions for your consideration:

Recommended Action to Consider

- Recommend **Approval** of a Conditional Use Permit as requested by Farmaste Animal Sanctuary for the property located at XXX Oasis Road, PID#02.00383.00, based on the narrative and site plan on record as provided by Applicant (or as modified at tonight's hearing) and based on the Findings of Fact as presented in Staff's report and the following conditions:
 1. *This permit is a Conditional Use Permit for animal-oriented education and Rural Retail Tourism to:*
 - *Operate a sanctuary for retired animals*
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7. *Any new/alterd access to the venue shall be approved by Chisago County Public Works prior to construction.*
8. *Permittee shall trim and manage brush/vegetation along the County Road to maintain visibility at the entrance.*
9. *All food preparation and/or sales at the site, as well as any temporary camping event shall comply with all applicable Minnesota Department of Health regulations.*
10. *Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements.*
11. *Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.*
12. *Minnesota Building Code/ SSTs, and all other relevant codes shall be applicable to the project, all permits and Certificates of Occupancy and Compliance shall be obtained prior to occupancy, and CUP approval shall be considered provisional until such time as these requirements are met.*

13. The Permittee shall submit to the Department a copy of the operating rules for the farm; the activities at the site shall be operated in accordance with the narrative description and operating rules on file with the CUP, as a condition of permit approval.

14. The Permittee is required to construct a right turn lane along Oasis Road and a commercial entrance through proper permits and subject to requirements and regulations as requested by the County Highway Director.

15. Screening shall be installed along Oasis Road as presented by the Applicant. A final Landscape Plan shall be provided to County Staff showing location/distances to property lines and type of plantings for review and approval prior to installation. Plantings may not be located in the right-of-way.

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

Alternate Options

- Move to **table action** and extend the initial 60-day period for required action on this Conditional Use Permit application for up to an additional 30 days, so to allow for further review of the record and to make a decision on this application, as allowed under Minnesota State Statute 15.99 Subd. 3(f)."
- Recommend **Denial** of the Conditional Use Permit request for Farmaste Animal Sanctuary located at PID 02.00383.00 based on the Findings of Fact or other contributing factors deemed appropriate (*insert findings*)

1)

CC: Farmaste Animal Sanctuary, Applicant
County File

60 Day Deadline:

Recording Fee 46.00
Base Fee 525.00

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Permit # 21-208

Wetland or Septic Fees _____

Plat Compliance Fee _____

TOTAL FEE 571.00

Street Location Oasis Road and 360th Tax Parcel # 02.00383.00

Legal Description The east half of the northeast quarter of Section 4, except the north 661.5 feet of the south 1985 ft thereof, subject to easement E-Mail Address: _____

Owner: Glen and Krisa Carlson Day _____

Address 34965 Oasis Road, Lindstrom MN 55045

Applicant (if other than owner) Farmaste Animal Sanctuary Elizabeth Showalter Day Phone () 612-437-7048

Address 231 Satellite Lane NE, Fridley, MN 55432

S4, T34, R20

Type of Request: Variance ☐

Preliminary Plat ☐

Administrative Appeal ☐

Administrative Permit ☐

Conditional Use Permit ☒
(or amendment to CUP)

Ordinance Amendment ☐

Interim Use Permit ☐
(or amendment to IUP)

Rezoning ☐

Applicable section of ordinance: 14.5 of the Zoning Ordinance

Description of request: Conditional use permit to allow a nonprofit animal sanctuary for farm animals with tours and other events

If Variance Application, Brief
Description of Practical
Difficulty

Kelly Tapp 3/1/21
EJ 3/1/2021

Signature of Applicant

Date of Application

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

4/30/21
60 Day Deadline
(If Application is
Complete)

*Received
at county on
3/1/21*

Date of Public
Hearing:

Thurs 4-1-21

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

TOWNSHIP PRESENTATION FORM

Street Location Oasis Road and 360th
Legal Description The east half of the northeast quarter of Section 4, except the north 661.5 feet of the south 1985 ft thereof; subject to easement
Owner Name Glen and Krisa Carlson Day Phone: _____
Address: 34965 Oasis Road, Lindstrom MN 55045
Applicant: Farmaste Animal Sanctuary
Elizabeth Showalter Day Phone: (_____) _____
(if other than owner)
Address: 231 Satellite Lane NE, Fridley, MN 55432

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

Description of Request: Conditional use permit to allow a nonprofit animal sanctuary for farm animals with tours and other events

Date of County Public Hearing: Thurs 4-1-21
Date of Township Presentation: Tues 3-16-21

TOWNSHIP ACTION TAKEN

Approved ☒ Denied ☐

Reasons and Conditions: need to be off current location by Nov 1, 2021
have purchase agreement on 28 acres to close in June 2021

Signature of Township Officers:

[Signature]
[Signature]
[Signature]

[Signature]

Signature of Applicant

3/11/21
Date

SCHEDULE OF REQUIRED MEETINGS

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

AUTHORIZATION TO PURSUE APPLICATION

Submittal of this form is only necessary if the applicant is NOT the landowner

I, the undersigned, being the property owner of record as noted
on the accompanying PLANNING ADMINISTRATIVE FORM
do hereby authorize Farmaste Animal Sanctuary, INC, the applicant for
this planning proposal, to pursue this zoning application on my property,
as legally described on the attached application.

Glenn Carlson

Print Owner's Name

Authentisign

Glenn Carlson

03/01/2021

3/1/2021 10:43:33 AM CST

Owner's Signature

Date



Farmaste Animal Sanctuary has been open to the public at a location in Chisago Lakes Township for the past three years. During that time we have become a valued member of the community and been home to 25 rescued farm animals. Unfortunately, the circumstances of our current location changed and we now need to relocate. We have thankfully located a property on Oasis Road, at 360th, and are looking to receive a conditional use permit to move to that location.

Farmaste Animal Sanctuary

Farmaste Animal Sanctuary, a registered federal 501(c)(3) nonprofit organization, provides a permanent home to abandoned, unwanted, neglected, and abused farm animals, such as cattle, pigs, sheep, and goats. We currently have one part time animal care staff member and a group of volunteers responsible for the care of our residents. Farmaste Animal Sanctuary is Minnesota's only Global Federation of Animal Sanctuary (GFAS) verified sanctuary for farm animals; GFAS verification was granted after an external board determined that Farmaste meets the highest standards for animal care & facilities and non-profit management. Our work has been covered by KARE 11, Fox 9 and KSTP as well as pieces in the Isanti-Chisago County Star and St. Paul Pioneer Press. We are primarily funded by small donations, many of whom reside in Chisago County.

A typical day at the sanctuary starts with two volunteers, or a volunteer and staff person arriving around 8:00 AM and feeding residents, cleaning stalls, and opening barns to let the residents out to graze. During the day a volunteer or two may check on resident health, perform building and fence maintenance, or take care of other tasks. Around sunset two volunteers will arrive to feed residents, clean stalls, and close barns for the smaller animals that cannot stay out overnight. Volunteers do a thorough cleaning on Saturdays which may have up to 10 volunteers in attendance. Most of our volunteers live in the Chisago Lakes region, although some reside further away.

In 2019, the last year with a typical summer schedule, we held:

1. Three regularly scheduled tours, approximately 90 minutes in duration, per week on Saturday afternoon and Tuesday morning with 5-20 people in attendance for each tour
2. Four evening events with 20-30 people in attendance

3. Three volunteer workdays 20-30 people in attendance
4. Welcomed 15 different day camp and school groups for educational tours and volunteer opportunities for groups ranging from 15-20 each
5. One four hour long kickoff event to the tour season with approximately 100 people in attendance overall, with about 50 people in attendance at any one time.

We anticipate a condensed schedule for 2021 with the pending move taking up most of the summer, and then moving back to a regular schedule in 2022, although we do hope to continue to grow by holding more tours and events. Our highest priority is the wellbeing and comfort of our animal residents, so we will always have tours and events limited in attendance and frequency.

We had planned to launch a pilot teen wellness program in 2020, but due to the COVID-19 pandemic, we had to hold off until 2021. Our founder has seen firsthand the impact that the sanctuary has had on her daughter's mental health and seeks to provide that opportunity to more teens in the area.

To fund our move we have launched a capital campaign which has raised over \$90,000 to date. We also have received pre-approval from a local bank to fund land acquisition and building construction.

Proposed Plans

We are hoping to rehabilitate an old barn located on the property, move two existing barns from our current location, and construct one new animal barn, a poly structure for hay and straw storage, and a caretaker residence.

From: Elizabeth Showalter
Sent: Tuesday, March 2, 2021 10:03 PM
To: Jessica L. Jagoe <Jessica.Jagoe@chisagocounty.us>
Subject: Farmaste CUP

This is an external email message!

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

Hi Jessica,

I believe that Kelly talked to you when she dropped off the application for the CUP for Farmaste. I wanted to follow up and see if we can have a few of the conditions modified to allow for our plans for the next couple of years of growth.

1. Change the section indicating the tour days and time to a maximum of three regularly scheduled tours per week April-November.
 1. This isn't much of a change, we just want the flexibility to change the tour times and occasionally weather allows for the tour season to begin early or extend later.
2. Change the event maximum to 200 people with no more than 100 at a time.
 1. We are thinking since this property is on a busier road larger events would be less disruptive to neighbors.
3. Allow for up to 2 afternoon, evening, or weekend activities/events in addition to the regularly scheduled tours with fewer than 50 people year round (that would not count towards the 8 special events)
 1. We are hoping to build a visitor center on the property which would allow for small events year round, such as a winter fundraiser. We also want to make sure that whatever language is in the CUP that an afterschool program for teens one day a week would be accommodated. So we would expect that if the teen program is successful that could meet once a week and then maybe have another weekend or evening event one a month or so.

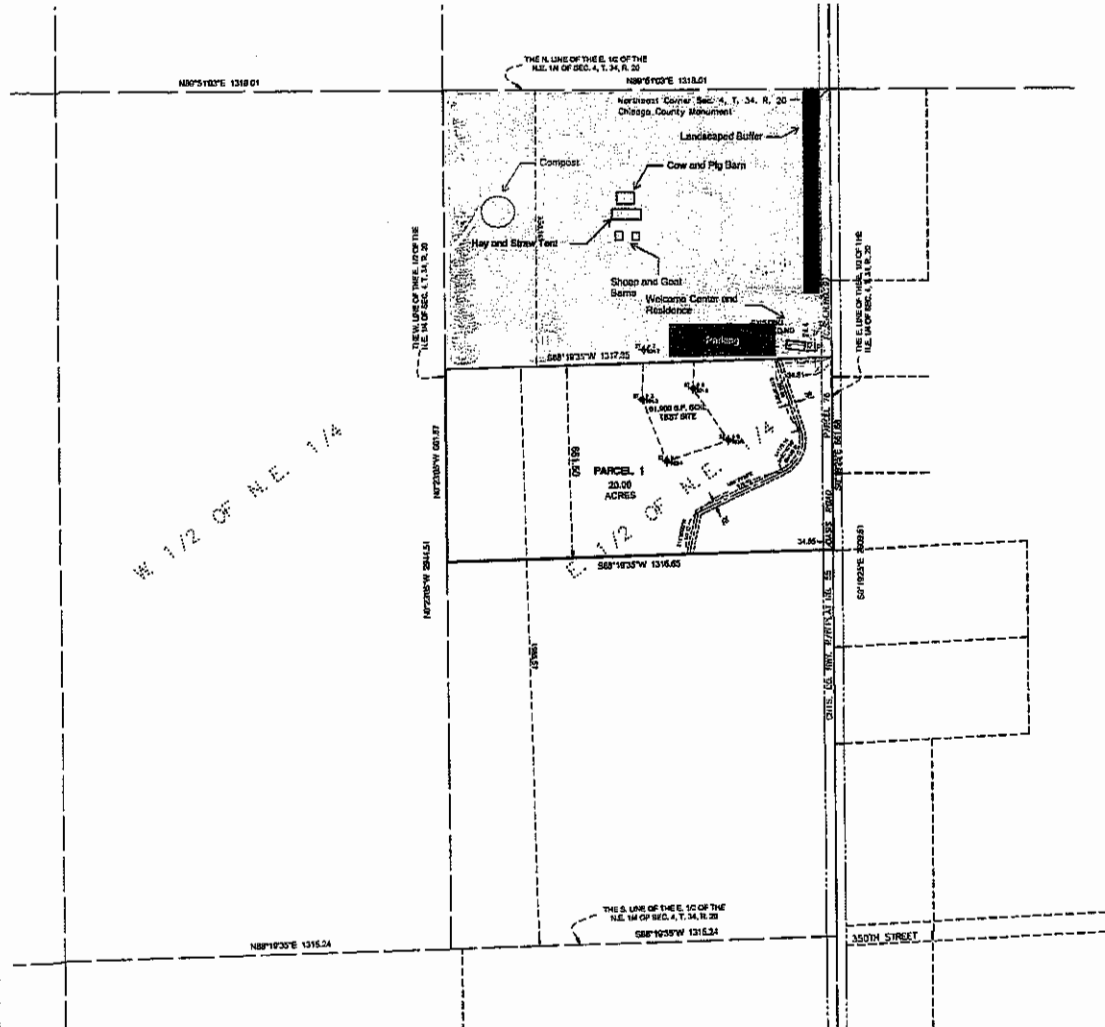
If you have concerns about any of these or think that the commissioners would be opposed we can certainly still operate as our CUP at our current location is written, but these modified conditions would allow us to grow and include some additional programming.

Also, I wanted to check and see when the public notices would be sent out, if it is 10 days before the Planning Commission or County Board.

Thanks and please let me know if you have any questions.

Elizabeth Showalter

SKETCH AND DESCRIPTION



EXISTING DESCRIPTION

(Part of Sub Chute Deed A-001385)

The East Half of the Northeast Quarter of Section 4, Township 34, Range 20, Chicago County, Minnesota.

DESCRIPTION

PARCEL 1

The north 89.51 feet of the south 1985.57 feet of the East Half of the Northeast Quarter of Section 4, Township 34, Range 20, Chicago County, Minnesota.

Subject to Parcel No. 70, CHICAGO COUNTY HIGHWAY RIGHT-OF-WAY PLAT NO. 55, and any other easements of record.

Subject to a 20 foot wide easement for ingress and egress purposes over and across that part of the north 89.51 feet of the south 1985.57 feet of the East Half of the Northeast Quarter of Section 4, Township 34, Range 20, Chicago County, Minnesota, the centerline of which is described as follows: Commencing at the northeast corner of said north 89.51 feet of the south 1985.57 feet of the East Half of the Northeast Quarter, thence South 82 degrees 10 minutes 55 seconds West, 100.00 feet to the north line of said north 89.51 feet of the south 1985.57 feet of the East Half of the Northeast Quarter, 125.00 feet to the point of beginning of the centerline to be described; thence South 18 degrees 20 minutes 00 seconds East, 255.00 feet; thence easterly and southeasterly 173.14 feet along a segmented curve composed in the northeast, said curve having a radius of 120.00 feet and a central angle of 53 degrees 47 minutes 00 seconds; thence South 94 degrees 20 minutes 00 seconds West, 220.00 feet; thence South 11 degrees 50 minutes 00 seconds West, 147.12 feet to the south line of said north 89.51 feet of the south 1985.57 feet of the East Half of the Northeast Quarter and said centerline there terminating.

SURVEY NOTES:

1. The orientation of this bearing system is based on the Chicago County Coordinate System MAD 85.
2. Existing Parcel has no assigned address, Parcel ID 00.000000.00.

LEGEND

1/4 600, BOUND BY HARBOR EDC CONSULTING INC., TOWN. (SEE DEDICATORY FOR DETAILS)



DISCLAIMER

THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A TITLE CURATIVE OR VENDOR THERE MAY BE TITLED OR OTHER LIMITING FACTORS NOT SHOWN ON THIS SURVEY WHICH AFFECT THE SURVEY PROPERTY.

DATE	September 2023	DATE		AMENDMENTS	BY	PREPARED FOR: GLEN CARLSON
SCALE	AS SHOWN					
DRAWN BY:	Chris Reiche					
CHECKED BY:	KJ					
FILE NUMBER:	2023-10751					

WIDSETH
ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS

Carlson / Farmaste Animal Sanctuary – Aerial Photo

Property at xxx Oasis Road, located on the west side of Oasis Road between 355th and 360th Street, Chisago Lake Township; Sec.4, T.34, R.20, (PID #02.00383.00). Farmaste Animal Sanctuary, INC, on behalf of Glenn and Krisa Carlson – Property Owners, is requesting a Conditional Use Permit to operate an animal oriented educational facility and offer rural tourism activities including a gathering venue.

Carlson / Farmaste Property – ☐



Chisago Lake Township

Sec. 4, T. 34, R. 20

PID # 02.00383.00



Carlson / Farmaste Animal Sanctuary – Aerial Photo

Property at xxx Oasis Road, located on the west side of Oasis Road between 355th and 360th Street, Chisago Lake Township; Sec.4, T.34, R.20, (PID #02.00383.00). Farmaste Animal Sanctuary, INC, on behalf of Glenn and Krisa Carlson – Property Owners, is requesting a Conditional Use Permit to operate an animal oriented educational facility and offer rural tourism activities including a gathering venue.

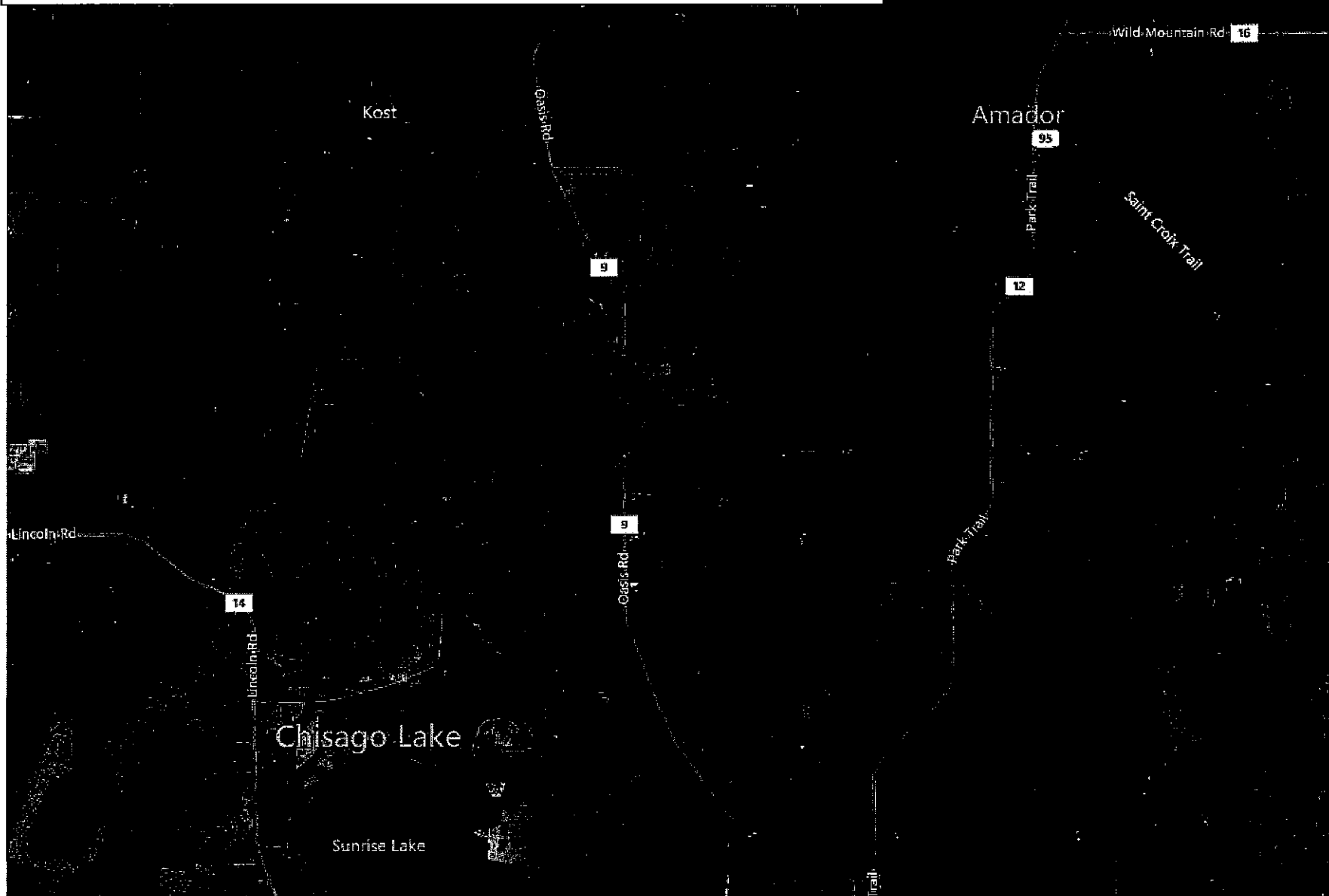
Carlson / Farmaste Property – 



Chisago Lake Township

Sec. 4, T. 34, R. 20

PID # 02.00383.00



Chisago County Request for Board Action

Meeting Date: April 21, 2021	Item Number: 22
Title of Item for Consideration: Spindler and Lom Conditional Use Permit – Rural Retail Tourism Evergreen Oasis Farm and Market	
Action Requested by: Kurt Schneider, Director	Department: Environmental Services and Zoning on behalf of the Chisago County Planning Commission.
Previous Action on this Matter: None.	
Background: Brook Spindler and Tim Lom, are in the process of purchasing the Gerald and Lynn Rhoads property at 34133 Oasis Road, Chisago Lake Township, (PID #02.00503.20) and plan to continue the residential and agricultural uses of the property. They are requesting a Conditional Use Permit to establish and operate small-scale events and sale of agricultural products with expanded services to include animal oriented educational and recreational classes and other rural retail tourism activities. At their meeting of April 1, 2021, the Planning Commission conducted the requisite public hearing and recommended approval of the request voting 6-0-1 with the attached recommended findings and conditions. Pursuant to Minnesota Statute, the 60-day agency action deadline is April 26, 2021. Among the options for the County Board at tonight's meeting are the following: - Approve the CUP, as recommended and with the Findings and Conditions prepared by the Planning Commission and carried forward by County ESD staff; - Consider and Approve the CUP, generally as recommended by the Planning Commission and County ESD staff, but with modified Conditions determined and approved by the County Board at tonight's meeting (to be codified as part of the formal IUP approval); - The County Board may extend the initial 60-day period (up to a total of 120 days), if, before the end of the initial 60-day period, it notifies the landowner in writing of its intent to take additional time to consider the application, the reasons for the extension, and anticipated length of the extension (Minn. Stat. 15.99, Subd. 3(c)). Sufficient time exists for the County Board to extend the initial 60-day period via written notification, if such a decision is formally taken at tonight's Meeting. Any motion to extend this time period should include, at a minimum, direction to staff to prepare a written notification of the County Board's action "to take up to an additional 60 days to further review the record and make a decision on this application." - The County Board may Deny the CUP for legally justifiable reasons, but must state such reasons as part of the official record of decision (either as part of a motion to deny or as part of a failure of a motion to approve). Moreover, such action must be taken prior to the end of the initial 60-day period (or 120-day period if extended). Additionally, State Statute directs (but does not mandate) that written reasons for denial be provided to the applicant prior to the end of the initial 60-day period (or 120-day period if extended) and be consistent with the reasons stated in the record at the time of denial. Typically, such written reasons are prepared and adopted by the body as part of its denial, or at the next scheduled meeting.	

Attachments:

- Planning Commission Recommended Findings and Conditions
- Planning Commission Presentation
- Planning Commission Staff Report & Hearing Packet
- Planning Commission Minutes (draft)

Action Requested/Recommended It is respectfully requested that the Board affirmatively consider the recommendation of the Planning Commission to approve the Brook Spindler and Tim Lom, Conditional Use Permit request to establish and operate small-scale events and sale of agricultural products with expanded services to include animal oriented educational and recreational classes and other rural retail tourism activities. The following is the suggested language for the motion:

“Move to approve the Brook Spindler and Tim Lom request for a Conditional Use Permit to establish and operate small-scale events and sale of agricultural products with expanded services to include animal oriented educational and recreational classes and other rural retail tourism activities at 34133 Oasis Road, Chisago Lakes Township, (PID #02.00503.20), with Findings and Conditions as recommended by the Planning Commission and/or as amended at tonight’s meeting.”

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

Budget/Financial Implications: None.

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

Administrator’s RecommendationApprove 

Deny _____

Other _____

Motion By: _____

Seconded by: _____

To: _____

Action on Motion:

Aye _____

Nay _____

Abstain _____

**Planning Commission Recommendation of April 1, 2021
Conditional Use Permit – Spindler and Lom – Rural Retail Tourism
34133 Oasis Road, Chisago Lakes Township, (PID #02.00503.20)**

RECOMMENDED FINDINGS:

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

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

2. Will the use create and excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area? Along with the condition as recommended by the County Highway Director it is staff's belief that the proposal will not create any demand on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.

3. Will the use be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development?

Yes. The activities on the site will be very low-level in impact and many of the uses will take place inside the existing buildings. Smaller, low-key events and classes with fewer than 10 visitors/attendees are described for most activities. The character of the property will remain agricultural and residential with the scale and types of activities requested and consistent with the neighboring properties and area.

4. Is the use in the opinion of the County reasonably related to the overall land use goals of the County and to the existing land use, and consistent with the purposes of the Zoning Ordinance/Zoning District in which the applicant intends to locate the proposed use? Yes.

The Chisago County Zoning Ordinance allows livestock and agriculture as Permitted Uses in the Ag zone, and specifically provides for agricultural education and rural retail tourism uses as Conditional Uses in the Ag zone. The purpose as outlined in Zoning Ordinance Section 4.15 for Rural Retail Tourism are as follows:

- Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscape.;
- To recognize Chisago County's scenic features, exceptional rural ambience, historic

sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy.

- Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere;
- Provide opportunities for new economic growth through Rural Retail Tourism businesses.
- Assist the County's citizens in the transition from primarily agricultural land uses, to an expanded variety of rural business opportunities as active family farming continues to diminish in Chisago County.

5. Will the use cause traffic hazard or congestion? Similarly to condition #2 above. The County Highway Director has reviewed the proposal and did not have concerns or objections to traffic levels, hazard or congestion with this application.

6. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? No. The proposal is generally agricultural in nature and featuring farm animals raised on the property. Activities and events will be small-scale during the day.

RECOMMENDED CONDITIONS:

1. This CUP shall allow for seasonal rural retail tourism to offer and host animal oriented educational and recreational classes, small scale events, farm market, and associated activities with the following elements:

- Farm Stand and Market for sale of agricultural products, merchandise, antiques, and goods
- Yoga and DIY classes
- U-pick flowers
- Special Events (see Condition #3)

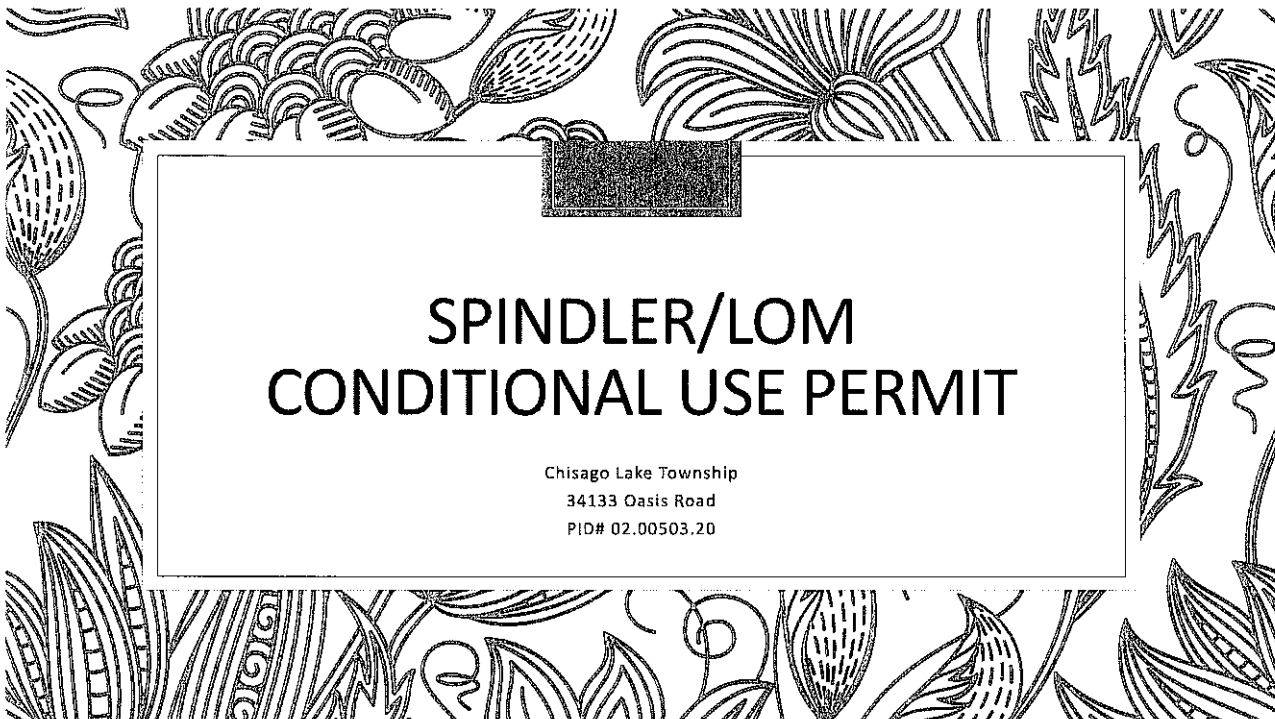
2. Seasonal hours of operation shall be conducted May through November on Friday and Saturday's from 9 AM to 6 PM.

3. The permit shall allow for two special events annually between June and September to be held on a Sunday from 10 AM – 2 PM; and between July and September for Farm Market on Tuesdays from 5 PM – 7 PM. These events are allowed outside of the normal business hours of operation.

4. The maximum attendance at any given time with activities, events, and classes associated with the CUP shall be no more than 100 people.

6. All parking shall be accommodated on-site.

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



SPINDLER/LOM CONDITIONAL USE PERMIT

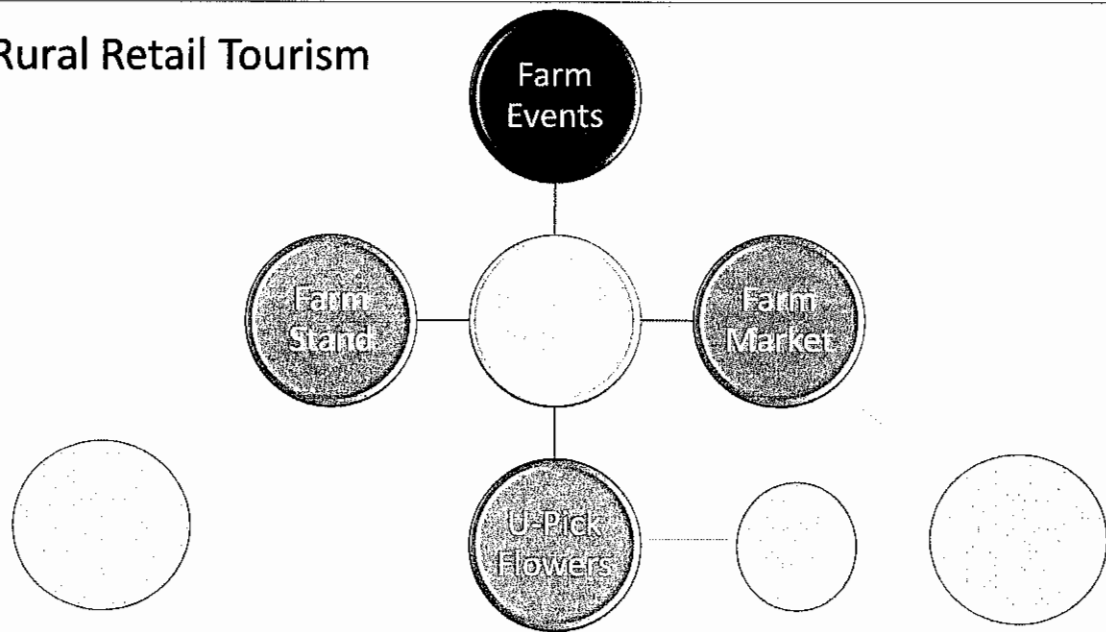
Chisago Lake Township
34133 Oasis Road
PID# 02.00503.20



Property Description

- Brooke Spindler and Tim Lom are in the process of purchasing property.
- Plans to continue residential and agricultural uses on property.
- 10 acres
- Zoned – Agricultural (AG)
- House with couple of detached accessory buildings and barn.

Rural Retail Tourism



SITE
LAYOUT

Occasional Farm Events

Farm Yard Market

- 1 – 3 guests/cars at a time
- Allowed throughout day

Pre-Scheduled Events

- 5 – 10 guests
- Pre-scheduled
- Maximum allowed
 - Yoga
 - DIY Classes
 - U-Pick Flowers

Large Farm Events

- Few per season
- Pre-scheduled
- 8 – 10 households at a time
- Allowed throughout day

Hours of Operation

2021 Season

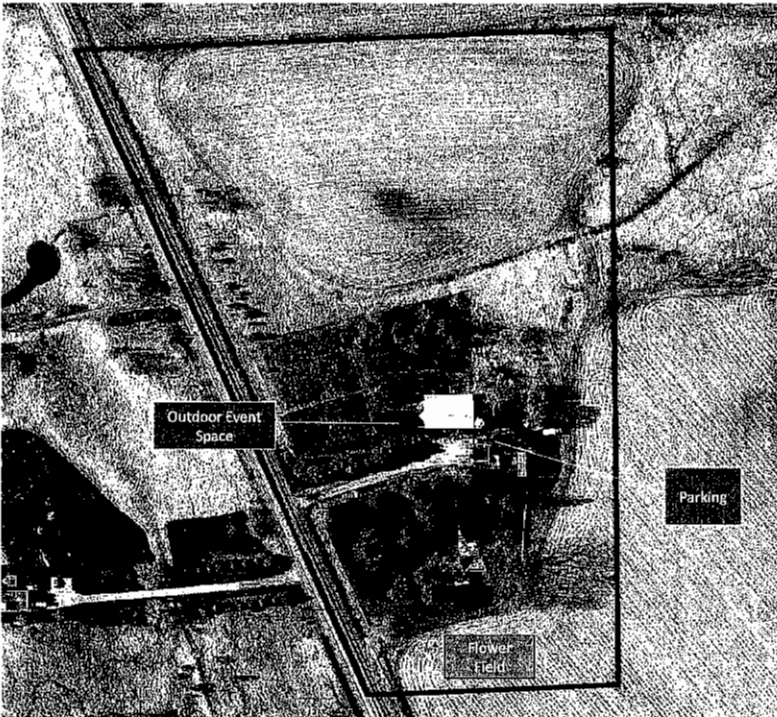
May – November
Friday & Saturday
9 AM – 6 PM

Occasional Events

Hours & Days:
Outside of Hours of
Operation
Pre-Scheduled

Future Plans

Open five days per
week



Potential Impacts & Comments

County Highway Director

- Does not meet turn lane threshold
- May be required to install commercial driveway/entrance if deemed necessary

County Sanitarian

- Confirmed porta potties are allowed when approved by MDH.
- Detached buildings do not have water hook-ups
- Screening: Plantings or fencing may be required
- Documentation of contractual services

Building Official

- Changes in building occupancy in detached accessory buildings
- Structural Plans from Certified Architect or Engineer
- Documentation in satisfaction of Section 4.15.F

Code Enforcement Officer

- No complaints raised with events or activities to date

Review & Recommendations



TECHNICAL REVIEW
MARCH 10, 2021
NO ADDITIONAL



CHISAGO LAKE TOWNSHIP
MARCH 16, 2021
APPROVED WITH NO CONDITIONS
EXISTING DRIVEWAY/PARKING
ACCOMMODATE SIX CARS



APPLICATION COMPLETE
FEBRUARY 26, 2021

60-DAY DEADLINE
APRIL 26, 2021

Recommendation:

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

Recommend Approval of a Conditional Use Permit for Rural Retail Tourism as requested by Brooke Spindler and Tim Lom for the property located at PID#02.00503.20, 34133 Oasis Road, based on the narrative and site plan on record as provided by Applicant (or as modified at tonight's hearing) and based on the Findings of Fact as presented in Staff's report and the following conditions:

1. This CUP shall allow for seasonal rural retail tourism to offer and host animal oriented educational and recreational classes, small scale events, farm market, and associated activities with the following elements:

Farm Stand and Market for sale of agricultural products, merchandise, antiques, and goods
Yoga and DIY classes
U-pick flowers
Special Events (see Condition #3)

2. Seasonal hours of operation shall be conducted May through November on Friday and Saturday's from 9 AM to 6 PM.

3. The permit shall allow for a maximum of XX special events annually between May and November. These events are allowed outside of the normal business hours of operation. *(Note: Planning Commission should discuss with Applicants number of occasional events per season, days, and hours to be established under permit.)*

4. Gathering events that include music or other sound that could potentially cross property boundaries, and all such events shall conclude by XX PM. *(Note: Planning Commission should discuss with Applicants in relation to Condition #3 above.)*

5. The maximum attendance at any given time with activities, events, and classes associated with the CUP shall be no more than 100 people. *(Note: Maximum number was not stated in application. Condition as stated aligns with comments of County Highway Director for traffic counts. Planning Commission may modify based on discussion with Applicants.)*

6. All parking shall be accommodated on-site.

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

8. The Permittees are required to obtain a driveway permit from County Highway and is subject to driveway installation standards as deemed necessary by Chisago County Public Works.

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

10. Minnesota Building Code/ SSTS, and all other relevant codes shall be applicable to the project, all permits and Certificates of Occupancy and Compliance shall be obtained prior to occupancy, and CUP approval shall be considered provisional until such time as these requirements are met.

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

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



Staff Report

TO: Chisago County Planning Commission

FROM: Jessica Jagoe, Land Services Coordinator

DATE: March 22, 2021

RE: Spindler and Lom, Conditional Use Permit
PID #02.00503.20
Chisago Lake Township, 34133 Oasis Road

Action to Consider

The Applicants are requesting a Conditional Use Permit for Rural Retail Tourism to establish and operate small-scale events and sale of agricultural products.

Property Background/Description

Brooke Spindler and Tim Lom, Applicants, are in the process of purchasing the property at 34133 Oasis Road from Gerald and Deborah Rhoads, Property Owners. The Applicants plan to continue the residential and agricultural uses of the property. In addition, they are looking to expand their services to offer animal oriented educational and recreational classes, plus other rural retail tourism activities. The business will be known as Evergreen Oasis Farm and Market.

The subject parcel is 10 acres located on the east side of Oasis Road/County Road 9 approximately ½ mile north of Furuby Road/County Road 20. The parcel is zoned AG, Agricultural. The area surrounding the subject parcel is also zoned AG with a mix of residential and active agricultural uses on tracts of land mainly 15+ acres in size.

Last summer, County staff had visited the property upon noticing signage that had been installed. At that time, the Applicants were informed of the zoning regulations for permitted and conditional uses as allowed in the AG District. They are applying for a CUP to continue expanding their agricultural operations to include sale of local and antique products and offer small-scale classes and events.

Site Plan/Proposal Analysis

The property is developed with a house, couple detached accessory buildings, and a barn. The business proposal indicates that there will be events and activities which are described by four categories: Farm Stand, Farm Market, Farm Events, and U-Pick Flowers. The agricultural produce and products will be a mixture of goods from their farm and other locally produced agricultural products and related merchandise. They are proposing seasonal hours of operation from May through November on Friday and Saturday from 9 AM to 6 PM. There will also be

occasional farm events in which the hours and days may not align with normal hours of operation. No additional detail was provided as to the specifics (i.e. number of events, days, times) for the “occasional farm events”. It was noted in the narrative that they may look to open five days a week in the future. At that time, a CUP amendment would be necessary to review site suitability and traffic with any expansion of hours of operation or services. Trash service will be covered with existing service and the Applicants have stated that they will continue to contract for seasonal porta potties.

In review for the potential traffic impacts, the Applicants have provided the following supplemental information:

- *Yoga, DIY classes & U-pick flowers: 5 to 10 guests. These will be prescheduled events with a maximum head count allowed.*
- *Farm yard market: 1 to 3ish guests/cars at a time throughout the day.*
- *Larger events (a few per season): 8 to 10 households at a time throughout the day.*

Access to the site for activities and events will occur from the existing driveway off Oasis Road. There are two areas for parking shown on the site plan located adjacent to the barn. Most of the sale of goods, merchandise, and antiques will be conducted from the detached buildings and barn. The grass/yard area identified for “outdoor event space” is located between the front of the barn and west side of the farm animal enclosure. The U-pick Flower Field will be established on the southern edge of the property behind the house.

Lastly, the Technical Review Panel met on March 10th and discussed the potential impacts and/or any identifiable concerns of the proposal. The County Highway Director has stated that based on the narrative of the proposed land use(s) that these activities will not meet the 100 trip/day threshold that would require turn lane construction. The Applicants will be subject to a driveway permit through County Highway and may be required to install a commercial driveway/entrance if deemed necessary upon further review of site plan and permit.

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

Documentation was not included as part of the CUP application for the Building Official to verify structural standards due to occupancy changes that will occur in the detached accessory buildings as proposed. Staff would request as a condition of approval to require said documentation from a certified architect or engineer in satisfaction of Zoning Ordinance Section 4.15.F. Lastly as previously mentioned, some of the farm activities were occurring this past summer/fall. The Code Enforcement Officer noted that there have not been any previous complaints raised with events or activities held to date.

Rural Retail Tourism Code Analysis

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

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

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

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

1. Rural Retail Tourism businesses shall be located within the A or RVC Zoning Districts;
2. Rural Retail Tourism businesses shall require a Conditional Use Permit in accordance with Section 8.04 of this Ordinance;
3. Rural Retail Tourism businesses shall be shown to have a unique and demonstrable relationship with Chisago County or its region, and its history, culture, traditions, arts, crafts, lore, natural resources, or other features and amenities, in accordance with the above stated purposes.

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

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

1. Do not create an excessive demand upon existing services or amenities;

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

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

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

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

Conditional Use Permit Analysis

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

1. *The Comprehensive Plan and development policies of the County;*
2. *The use shall not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;*
3. *The use shall be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;*
4. *The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties;*
5. *The use in the opinion of the County is reasonably related to the overall land use goals of the County and to the existing land use;*

6. *The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;*
7. *The use shall not cause traffic hazard or congestion; and*
8. *Existing nearby properties shall not be adversely affected by intrusion of noise, glare or general unsightliness.*

Staff Analysis

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

1. Is the proposal consistent with the Comprehensive Plan and development policies of the County? *Yes. The Chisago County Comprehensive Plan has several references to the County's intention to continue to allow and be supportive of the establishment of agricultural education, recreational offerings, and rural retail tourism activities:*
 - *To protect natural resources, balance the demand for recreation with the need for conservation, offer recreation opportunities that encourage healthy lifestyles and provide clean, safe and accessible places for leisure time activities (p 4-6)*
 - *To encourage and support agricultural businesses that contribute to economic activity, employment, and tax base of Chisago County (p 5-18)*
 - *To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into Chisago County economy (p5-18)*
 - *To continue to allow agricultural activities and related agri-businesses in the AG zoning district (p6-22)*
 - *To promote natural amenities in the County as assets to economic development and business opportunity (p 6-22)*
 - *To acknowledge tourism's economic value and the contribution of this industry to both the diversity of the County economic base and the potential for growth (p 6-22)*
 - *To promote tourism and commercial recreation as expanding opportunities for employment and tax base (p 6-22)*
2. Will the use create and excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area? *Along with the condition as recommended by the County Highway Director it is staff's belief that the proposal will not create any demand on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.*
3. Will the use be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development? *Yes. The activities on the site will be very low-level in impact and many of the uses will take place inside the existing buildings. Smaller, low-key events and classes with fewer than 10 visitors/attendees are described for most activities. The character of the property will remain agricultural and residential with the scale and types of activities requested and consistent with the neighboring properties and area.*

4. Is the use in the opinion of the County reasonably related to the overall land use goals of the County and to the existing land use, and consistent with the purposes of the Zoning Ordinance/Zoning District in which the applicant intends to locate the proposed use? *Yes. The Chisago County Zoning Ordinance allows livestock and agriculture as Permitted Uses in the Ag zone, and specifically provides for agricultural education and rural retail tourism uses as Conditional Uses in the Ag zone. The purpose as outlined in Zoning Ordinance Section 4.15 for Rural Retail Tourism are as follows:*
- *Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscape.;*
 - *To recognize Chisago County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy.*
 - *Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere;*
 - *Provide opportunities for new economic growth through Rural Retail Tourism businesses.*
 - *Assist the County's citizens in the transition from primarily agricultural land uses, to an expanded variety of rural business opportunities as active family farming continues to diminish in Chisago County.*
5. Will the use cause traffic hazard or congestion? *Similarly to condition #2 above. The County Highway Director has reviewed the proposal and did not have concerns or objections to traffic levels, hazard or congestion with this application.*
6. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? *No. The proposal is generally agricultural in nature and featuring farm animals raised on the property. Activities and events will be small-scale during the day.*

60-day Review

The application was deemed complete on February 26, 2021. The 60-day deadline will be April 26, 2021.

Township Recommendation

Township Board reviewed at their meeting March 16, 2021 and has recommended Approval with no conditions. Township commented that existing driveway/parking would accommodate six cars.

Staff Findings

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

Upon close of the public hearing on this application, discussion should be held by the Planning Commission on the above observations (#1 through #6) as preliminary drafted by Staff, which

items can be amended, deleted, or appended to, in order to serve as findings in favor of approval of the CUP. Barring any new or unknown evidence discovered after the completion of this report or during the course of the public hearing, staff has provided below the following recommended motion with conditions for your consideration:

Recommended Action to Consider

- Recommend **Approval** of a Conditional Use Permit for Rural Retail Tourism as requested by Brooke Spindler and Tim Lom for the property located at PID#02.00503.20, 34133 Oasis Road, based on the narrative and site plan on record as provided by Applicant (or as modified at tonight's hearing) and based on the Findings of Fact as presented in Staff's report and the following conditions:
 1. *This CUP shall allow for seasonal rural retail tourism to offer and host animal oriented educational and recreational classes, small scale events, farm market, and associated activities with the following elements:*
 - *Farm Stand and Market for sale of agricultural products, merchandise, antiques, and goods*
 - *Yoga and DIY classes*
 - *U-pick flowers*
 - *Special Events (see Condition #3)*
 2. *Seasonal hours of operation shall be conducted May through November on Friday and Saturday's from 9 AM to 6 PM.*
 3. *The permit shall allow for a maximum of XX special events annually between May and November. These events are allowed outside of the normal business hours of operation. (Note: Planning Commission should discuss with Applicants number of occasional events per season, days, and hours to be established under permit.)*
 4. *Gathering events that include music or other sound that could potentially cross property boundaries, and all such events shall conclude by XX PM. (Note: Planning Commission should discuss with Applicants in relation to Condition #3 above.)*
 5. *The maximum attendance at any given time with activities, events, and classes associated with the CUP shall be no more than 100 people. (Note: Maximum number was not stated in application. Condition as stated aligns with comments of County Highway Director for traffic counts. Planning Commission may modify based on discussion with Applicants.)*
 6. *All parking shall be accommodated on-site.*
 7. *Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.*

8. *The Permittees are required to obtain a driveway permit from County Highway and is subject to driveway installation standards as deemed necessary by Chisago County Public Works.*
9. *The Permittees shall provide documentation from a certified architect or engineer of existing buildings for use in the business to verify structural standards due to occupancy changes as required under Zoning Ordinance Section 4.14.F. All remodeling or retro-fitting of the existing buildings shall be subject to relevant codes, permits, and inspection requirements.*
10. *Minnesota Building Code/ SSTS, and all other relevant codes shall be applicable to the project, all permits and Certificates of Occupancy and Compliance shall be obtained prior to occupancy, and CUP approval shall be considered provisional until such time as these requirements are met.*
11. *The Applicants shall provide documentation of contractual service and an updated site plan showing the number and location of porta potties to be provided. Outdoor restrooms should not be visible from Oasis Road or adequate screening (i.e. plantings or fencing) may be required to sufficiently screen from road right-of-way.*
12. *The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.*

Alternate Options

- Move to **Table Action** and extend the initial 60-day period for required action on this Conditional Use Permit application for up to an additional 30 days, so to allow for further review of the record and to make a decision on this application, as allowed under Minnesota State Statute 15.99 Subd. 3(f).”
- Recommend **Denial** of the Conditional Use Permit request by Brooke Spindler and Tim Lom for the property located at PID 02.00503.20, 34133 Oasis Road based on the Findings of Fact or other contributing factors deemed appropriate (*insert findings*)

1)

CC: Brooke Spindler and Tim Lom, Applicants
County File

Permit #

21-198

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Recording Fee 46.00

Base Fee 525.00

Wetland or Septic Fees _____

Plat Compliance Fee _____

TOTAL FEE 571.00

Street Location _____ Tax Parcel # 02.00503 20

Legal Description _____ E-Mail Address: _____

Owner: Brooke Spindler + Tim Lum Day Phone _____

Address 34133 Oasis rd. Center City, mn. 55012

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

Address S10, T34, R20

Type of Request:

Variance ☐

Preliminary Plat ☐

Administrative Appeal ☐

Administrative Permit ☐

Conditional Use Permit ☒
(or amendment to CUP)

Ordinance Amendment ☐

Interim Use Permit ☐
(or amendment to IUP)

Rezoning ☐

Applicable section of ordinance: _____

Description of request: On farm agritourism destination:

farm stand, farm market, u-pick flowers, farm classes ect

If Variance Application, Brief

Description of Practical

Difficulty _____

BSpindler
Signature of Applicant

2/26/21
Date of Application

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

2/26/21
Date Received at
Front Counter

4/27/21
60 - Day Review

Date of Public
Hearing:

Thurs 4-1-21

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

TOWNSHIP PRESENTATION FORM

Street Location _____

Legal Description _____

Owner Name Brooke Spindler + Tim Lom Day Phone: _____

Address: 34133 Oasis rd. Center City, mn. 55012

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

Address
:

Type of Request:

Variance ☐

Preliminary Plat ☐

Administrative Appeal ☐

Administrative Permit ☐

Conditional Use Permit ☒
(or amendment to CUP)

Rezoning ☐

Interim Use Permit ☐

Ordinance Amendment ☐

Description of Request: On farm agritourism destination:

Farm stand, Farm market, U-pick flowers, Farm classes ect.

Date of County Public Hearing: Thurs 4-1-21

Date of Township Presentation: Tues 3-16-21

TOWNSHIP ACTION TAKEN

Approved ☒

Denied ☐

Reasons and Conditions: existing driveway/parking would accomodate
6 cars

Signature of Township Officers:

Murray Stutz
Wendy L. Reed
Wendy L. Reed

B Spindler
Signature of Applicant

2/26/21
Date

SCHEDULE OF REQUIRED MEETINGS



CHISAGO COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES

AUTHORIZATION TO PURSUE APPLICATION

Submittal of this form is only necessary if the applicant NOT able to attend meetings/hearing.

I, the undersigned, being the property owner of record as noted on the accompanying

PLANNING ADMINISTRATIVE FORM do hereby authorize Brooke Spindler + Tim Lam

to represent me in my absence in pursuit of this zoning application on my property, as legally described on the attached application.

Deborah Rhoads

Print Owner's Name

Deborah Rhoads

Owner's Signature

Date



Evergreen Oasis Farm & Market

Located @ 34133 Oasis rd. Center city, Mn.

An up and coming agritourism destination in the heart of Chisago county, providing outdoor fun & entertainment to our community.

Proposed current and future events & activities provided at the farm:

Farm stand: Offering fresh flowers, produce & eggs

Farm Market: Farm yard merchandise, antiques, home made goods ect.

Occasional misc farm events: DIY classes, goat/alpaca yoga, national alpaca days ect.

U-pick flower field: Currently ¼ acre flower field open for U-pick events.
Looking to expand in the future.

Facilities:

Restrooms:

Currently renting porta potty's through Jimmy's out of North Branch.

We will be looking into seasonal contracted rentals.

Parking:

Parking is currently taking place in or near the driveway. In the future we will work with the city to try and obtain a field access permit to allow for a permeant parking area for events.

We do not foresee any issues with traffic flow on highway 9 being impacted.

Trash services:

At this point there is no need for additional trash service through our provider, Town & Country.

Liabilities:

Current liability is held through State Farm in the amount of \$2m

Hours of operation:

Main hours of operation during the 2021 season (May thru November)

Fridays & Saturdays 9am to 6pm

Occasional misc farm event hours & days may not align with normal hours of operation

In the future we are looking to be open 5 days per week.

Additional Future plans:

We will stay in contact with the city/county as needed to obtain any additional approvals, permits ect.

Flow
Plan

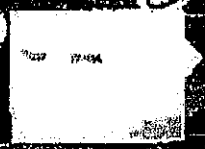
34128

34133

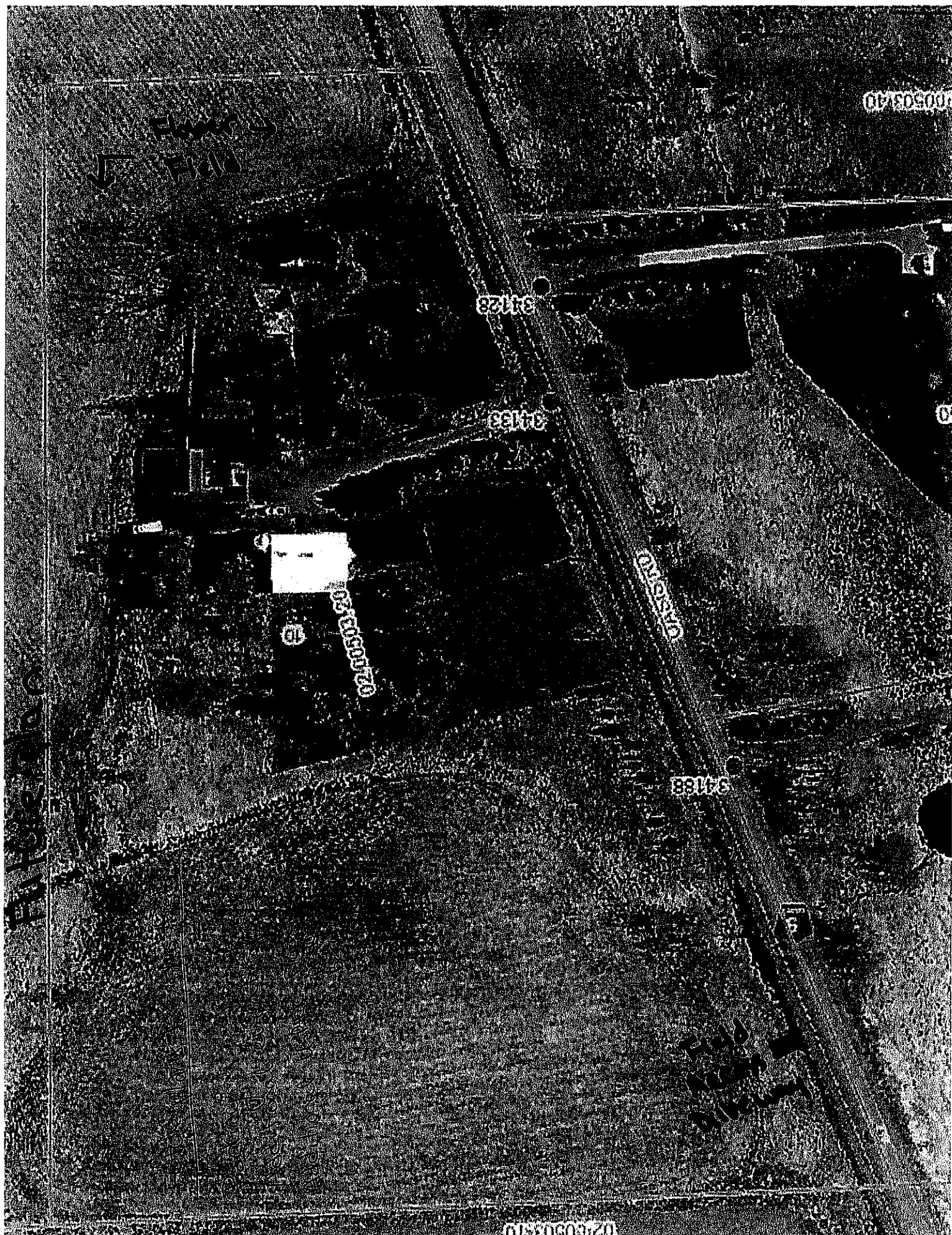
02100300120

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Current Plan



8818





Gerald and Deborah Rhoads – Aerial Photo
Property at 34133 Oasis Road, Chisago Lake Township; Sec.10, T.34, R.20, (PID #02.00503.20). Brooke Spindler and Tim Lom, on behalf of Gerald and Deborah Rhoads – Property Owners, are requesting a Conditional Use Permit for Rural Retail Tourism to establish and operate small-scale events and sale of agricultural products.

Rhoads Property – 



Chisago Lake Township
Sec. 10, T. 34, R. 20
PID # 02.00503.20

Gerald and Deborah Rhoads – Aerial Photo

Property at 34133 Oasis Road, Chisago Lake Township; Sec.10, T.34, R.20, (PID #02.00503.20). Brooke Spindler and Tim Lom, on behalf of Gerald and Deborah Rhoads – Property Owners, are requesting a Conditional Use Permit for Rural Retail Tourism to establish and operate small-scale events and sale of agricultural products.

Rhoads Property – 



Chisago Lake Township

Sec. 10, T. 34, R. 20

PID # 02.00503.20



Chisago County Request for Board Action

Meeting Date: April 21, 2021	Item Number: 23
Title of Item for Consideration: Wild Mountain Winery Conditional Use Permit Amendment – Recreational Camping	
Action Requested by: Kurt Schneider, Director	Department: Environmental Services/Zoning - on behalf of the Chisago County Planning Commission
Previous Action on this Matter: In 2010, the property was approved for a CUP to operate a winery known as Wild Mountain Winery; and in 2018 an amendment was approved to allow for a gathering venue and microbrewery. The previously identified microbrewery use and a new building outlined within the 2018 amendment have not been acted upon or constructed to date.	
Background: Andrew and Mark Olson of Wild Mountain Properties, LLC are requesting Amendment to an existing Conditional Use Permit to add Recreational Camping to operate a seasonal campground to 16906 Wild Mountain Road, Amador Township, PID#01.00096.00. At their meeting of April 1, 2021, the Planning Commission conducted the requisite public hearing and recommended tabling/extending consideration of the request voting 7-0. In review, the Commission expressed a need to better outline campground use as it relates to previously approved winery & gathering venue land uses and permit conditions. The Planning Commission requested the applicant to provide additional detail on campground rules, campground operational plan, alcohol, parking & traffic flow, noise control, fencing, and fire/safety protocols and measures taken. Following the Planning Commission meeting, the applicant sent two emails to the Environmental Services to provide additional information. In the email sent on April 9, 2021, the applicant forwarded a copy of its Campground Policy Rules and Regulations. In the email sent of April 13, 2021, the applicant provided a clarification on the pending application as follows: <i>“To the Chisago county zoning department, we just want to clarify a couple of issues that have been brought to our attention. We are requesting that our 2018 CUP amendment to our 2010 CUP be revised, or partially removed. We did not go through with the construction of the event center or microbrewery. We don't intend to build that in the future. So please remove that building and language for the building in the new requested amendment to the CUP. We don't intend on having large events in the future, just one wedding planned this fall for 100 people. We would like to keep our current limiting number of guests to 300 people. The formula that Ms. Jagoe entered into the staff report is acceptable to us. This states that for example, if we had 68 people camping, we then could only host an event of no more than 232 people. 300-68 = 232. We have no issues with that limitation continuing on with this new CUP amendment request. Please let me know if you have any questions or would like to discuss this with us. Thank you, Andy and Mark Olson.”</i> Both emails and the Campground Rules and Regulations are attached to this Request for Board Action. Pursuant to Minnesota Statute, the 60-day agency action deadline is April 30, 2021. Among the options for the County Board at tonight's meeting are the following: 1. Adopt the Recommendation of the Planning Commission and extend the time for acting on the application. The County Board may consider extending the initial 60-day period (up to a total of 120 days), if, before the end of the initial 60-day period, it gives written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant. Any motion to extend this time period should include, at a minimum, direction to staff to prepare a	

written notification of the County Board's action "to take up to an additional 60 days to further review the record and make a decision on this application."

2. Approve the CUP amendment, as outlined in the Staff Analysis and Report, with the Findings and Conditions as presented;
3. Approve the CUP amendment request, generally as outlined in the Staff Analysis and Report, but with modified Conditions determined and approved by the County Board at tonight's meeting (to be codified as part of the formal CUP approval);
4. The County Board may Deny the CUP amendment request for legally justifiable reasons, but must state such reasons as part of the official record of decision (either as part of a motion to deny or as part of a failure of a motion to approve). Moreover, such action must be taken prior to the end of the initial 60-day period (or 120-day period if extended).

Additionally, State Statute directs (but does not mandate) that written reasons for denial be provided to the applicant prior to the end of the initial 60-day period (or 120-day period if extended) and be consistent with the reasons stated in the record at the time of denial.

Typically, such written reasons are prepared and adopted by the body as part of its denial, or at the next scheduled meeting.

Attachment(s):

- Applicant Email Providing Clarification(s) 4.13.2021
- Applicant Email of Campground Policies 4.9.2021
- Planning Commission Presentation
- Planning Commission Staff Report & Hearing Packet
- Planning Commission Minutes (draft)

Action Requested/Recommended: It is respectfully requested that the Chisago County Board affirmatively consider the April 1, 2020 Chisago County Planning Commission recommendation to extend consideration of the Wild Mountain Winery Conditional Use Permit Recreational Camping Amendment application and to direct Staff to notify the applicant accordingly. The suggested motion to approve this action is as follows:

"Move to extend the time for acting on the Wild Mountain Winery Conditional Use Permit Amendment Recreational Camping application at 16906 Wild Mountain Road, Amador Township, PID#01.00096.00 for a period not to exceed 60 days so as to allow further Planning Commission review on May 6, 2021, and County Board action on May 19, 2021; and direct staff to issue written notification of the extension authorized by this motion and that such written notification state that the extension is made to allow for the applicant to provide the additional information as requested by the Planning Commission and to allow the Planning Commission to consider the application in that time frame with the additional information and make a recommendation to the County Board for determination.

Implications of Action: Recommended Board action of the Planning Commission delays consideration of the Conditional Use Permit amendment request until on or before May 19, 2021.

Alternatively, the County Board may elect to further discuss the clarifying information presented by the applicant and approve or deny the request with adjusted findings and/or conditions as determined at the meeting.

Budget/Financial Implications: None.

Legal/Policy Implications: The recommended Board consideration and action(s) are in conformity with generally accepted practices, procedures and interpretations of applicable state statutes and

County ordinances and policies. Conditions placed on the CUP must be satisfied and cannot be modified, removed, expanded, or revoked without due process.

Administrator's Recommendation

Approve

CK

Deny

Other

Motion By:

Seconded by:

To:

Action on Motion:

Aye

Nay

Abstain

Planning Commission Recommendation of March 4, 2020
Conditional Use Permit – Matt Crescenzo Major Home Occupation
Section 35, T. 33, R. 20; PID# 04.00438.00

ANALYSIS & FINDING(S):

ANALYSIS:

1. Is the proposal consistent with the Comprehensive Plan and development policies of the County? *The Chisago County Comprehensive Plan has several references to the County's intention to continue to allow and be supportive of home occupations. Specifically within the Agricultural Element (Page 5-2) it states "The purpose of the agricultural element is to encourage long-term commercial agriculture and prevent the premature conversion of agricultural land to non-farm uses. In addition to traditional agricultural uses, it is the intent of Chisago County to allow low density single family residences, agri-business, commercial recreation, rural retail tourism, mineral extraction, home occupations, public uses, recreation and conservation land uses in the agricultural and rural areas of the County." Also under the Economic Development Element (Page 6-22) the Comp Plan includes the following language: "Home occupations shall be continued to be allowed in all districts provided that performance standards are met." Staff has found the proposed Major Home Occupation to be consistent with the Comprehensive Plan and development policies of the County within the parameters as set forth in the newly adopted performance standards of Section 4.04.C of the Chisago County Zoning Ordinance.*
2. Will the use create and excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area? *It would be staff's belief that the proposal will not create any demand on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.*
3. Will the use be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development? *The additional business activity would extend away from the road off the back side of the existing building. As previously noted in the report, Staff believes a row of trees should be added for a portion of the distance along the north side of the new building/south side of the access driveway to reduce visibility and increase screening along that stretch where it appears trees were removed, significantly damaged, or died due to construction activity. The accessory building as constructed (i.e. height, location, size) is allowed in the AG District. Therefore, without the proposed home occupation the site could remain as is. Given, the Applicant is seeking approval for a Major Home Occupation to be conducted entirely within these two accessory structures it is Staff's opinion that he should be required to make screening improvements similarly to a conditional or commercial use standard to help mitigate the visual impacts to the neighboring parcels.*
4. Will the structure have an appearance that will have an adverse effect upon adjacent properties? *The new structure matches in design and materials that of the existing pole building. Both are consistent with the appearance of other detached accessory buildings in the AG District. See comments in #3 with regards to visual buffer for the properties to the north and directly east.*
5. Is the use in the opinion of the County reasonably related to the overall land use goals of the County and to the existing land use, and consistent with the purposes of the Zoning Ordinance/Zoning District in which the applicant intends to locate the proposed use? *As previously stated, the proposed is a Major Home Occupation activity as allowed by Conditional Use Permit in the Agriculture District.*

6. Will the use cause traffic hazard or congestion? *Staff has concluded that the Major Home Occupation use as proposed is not likely to create additional traffic hazard or congestion. Per the Applicant, the "scope of business as it pertains to deliveries will not be changing or increasing from the current operations".*

7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? *To date, the County has not received a complaint on the existing CUP Home Occupation with regards to noise, glare, or unsightliness. The Applicant states there will be no noise or other objectionable activity that would result from the CUP Amendment.*

AND FINDING:

The home occupation as proposed is consistent with the County's Comprehensive Plan goals and intentions within the Economic Development Element of the plan. Following the review of the Technical Review Committee and Planning Staff, the expanded home occupation as described is determined to be in compliance with the Zoning Code purpose and intent for a Major Home Occupation.

RECOMMENDED CONDITIONS:

1. This is a Conditional Use Permit for a Major Home Occupation to operate a machine shop and a classroom for machining in accordance with Section 4.04.C of the Chisago County Zoning Ordinance.
2. The days and hours of the operation are Monday through Saturday from 7 AM to 7 PM year round.
3. There shall be no more than two educational classes held a month from 5 PM to 7 PM.
4. The educational class size shall not exceed 10 participants/students at any one time.
5. There can be no showroom, nor retail customer traffic to the site.
6. All work, except loading and unloading of material, must be conducted within the two detached accessory structures.
7. The use must conform with the relevant criteria of Section 4.04.C of the Chisago County Zoning Ordinance as follows:
 - a. Only those persons residing in the home and up to eight employees may be employed in the home occupation.
 - b. Signage can consist of no more than one (1) single or double-faced sign with a minimum area of sixteen (16) square feet per side in the AG District.
 - c. No outdoor display or storage of goods or materials is permitted.
 - d. The home occupation is permitted one company flatbed truck and one flatbed trailer to be stored in the designated area as identified on the site plan as "employee parking".
 - e. The business cannot generate sewage of a nature or type that cannot be treated by a standard on-site sewage system or hazardous wastes without an approved plan for off-site disposal.
8. Verification and approval by the Building Official that the construction work that is commencing falls within the project scope for which the building permit was issued. The Applicant shall be required to amend the building permit to include any work that the Building Official determines to be beyond the building plan approved. Construction must be completed in a manner compliant with the State Building Code, and issuance of a Certificate of Occupancy on the second accessory building specifying allowed occupancy of the home occupation use as described herein.
9. Screening fence to be installed along the north and west side of the dumpster as required for ordinance section 4.04.C.4 and 4.04.C.6.

10. The permit holder must notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.
11. The County will required documentation from a license septic designer stating the existing septic system is sized for the business with the number of employees and students/participants as approved.
12. Removal of storage containers shall be completed prior to issuance of the Certificate of Occupancy on 2nd accessory structure.



Wild Vines Campground Policies:

- We want all our guests to have a great time at Wild Vines Campground! While having fun please show respect for others and our natural environment by keeping in mind the following policies:
- All reservations require a VALID Credit Card and will be charged one nightly rate at the time of reservation or check in.
- There is a \$5 non-refundable processing fee for all advance reservations.
- Reservations must be completed online or by calling the camp office at 763-297-1322.
- Online reservations will automatically be cancelled if payment is not completed.
- We reserve the right to change your site location based on size of unit and availability.
- Walk-in reservations welcome - sites available on a first-come basis.
- Cancellations with less than 72 hour notice will also result in one night charge for EACH site reserved.
- Please call 763-297-1322 to cancel a reservation.
- All guests and visitors must register at the camp office prior to entering
- All vehicles must display a valid car pass - available at the office.
- Absolutely no refunds on sites after check-in.
- Check-out time by 11:00 a.m. - please contact the office if you need to check out later.
- Please respect the privacy of other campers.
- Loud or unruly groups will be asked to leave with No Refund.
- Alcohol is allowed; however, no alcohol can be brought onto property. Any alcoholic beverage must be purchased from the winery. Any consumption of alcohol by those not of legal drinking age will be reported to the local sheriff's department.
- For your protection and security, campground staff patrol the campground. Please call the office immediately if there are any problems at 763-297-1322. Office staff is available for twenty-four hours. In case of an emergency notify the office or call 911.
- PETS ARE PERMITTED if kept on a leash. Please clean up pet waste and never leave pets unattended. *Barking dogs after 10:00 p.m. violates the campground rules.*
- Fires are permitted only in the provided fire rings. Do not throw glass, cans, or trash in the fire pits or woods. Please show respect to the environment.
- Moving fire rings will result in a \$50.00 fine. Please extinguish fires when retiring for the night or when leaving your campsite. All fires must be out by 12:00 AM. Use water to extinguish fires. Fire extinguishers for emergencies are located at each campsite trail entrance in a wood box. Discharging a fire extinguisher for non-emergency will result in a replacement fee.
- Do not bring your own firewood. Only approved wood is allowed. Wood available in the camp store and other pre approved locations.

- A fine of \$200.00 will be enforced for any cutting of trees or destruction of property. Collecting firewood and deadfall is prohibited. Firewood and fire starters are available at the camp office.
- Radios or other music devices are not permitted.
- Please deposit garbage and recyclables in the receptacles and ensure lids are closed. A campsite left with garbage, burned garbage, or left in general disarray or damages, will result in a minimum of \$25 fine. If damage occurs, a fine will be assessed to repair the damage.
- Personal vehicle use will be prohibited from 10 pm to 7 am except for emergencies. Please notify the office if you must leave during that time. Daily guests must leave by 9:30 pm. Quiet hours are enforced 11 pm to 7 am. Please have fun and show respect for others.
- No more than 4 people per individual site, and 12 people per group site.
- Must be at least 18 years old to camp without adult supervision
- No ATV / Motorbikes
- No Fireworks – No Firearms
- Hammocks are permitted only with approved hammock straps.
- No more than 2 tents per site
- We reserve the right to evict anyone not abiding by these guidelines without a refund.
- Generators of any kind are not allowed.
- Leaving the campground through any property boundary other than the main entrance is strictly prohibited. Crossing marked boundaries or entering private property can result in termination of agreement and eviction from the campground. No refunds will be given.

Any infractions of these policies or damages of Wild Vines Campground or Wild Mountain Winery Property will result in a minimum of a \$25.00 charge per infraction or cost of repair or replacement of damaged property.

To minimize your chance of encountering raccoons, bears, skunks or other wildlife, please:

- Keep coolers and food in your vehicle at night and anytime you are away from your site.
- Take garbage to secured receptacles daily.
- Always keep your campsite clean.
- Questions? Ask at the campground office.

Wild Vines Campground

Date: _____

Campsite No: _____

Number of occupants: _____

Printed name: _____

By signing this contract, you agree to abide by all the above rules of the campground.

Signature _____

WILD MOUNTAIN PROPERTIES, LLC

Conditional Use Permit Amendment

16906 Wild Mountain Road

Amador Township

PID# 01.00096.00



Mark Olson and Andrew Olson -

Requesting an amendment to an existing Conditional Use Permit to add
Recreational Camping to operate a seasonal campground.

PROPERTY DESCRIPTION

Size: 15 acre tract

Zoned: Agricultural (AG)

Features: Dwelling (Owner's parents), detached garage, 3,130 sq. ft winery building and tasting room, two additional storage sheds

Vineyards: North of buildings and along SE property line

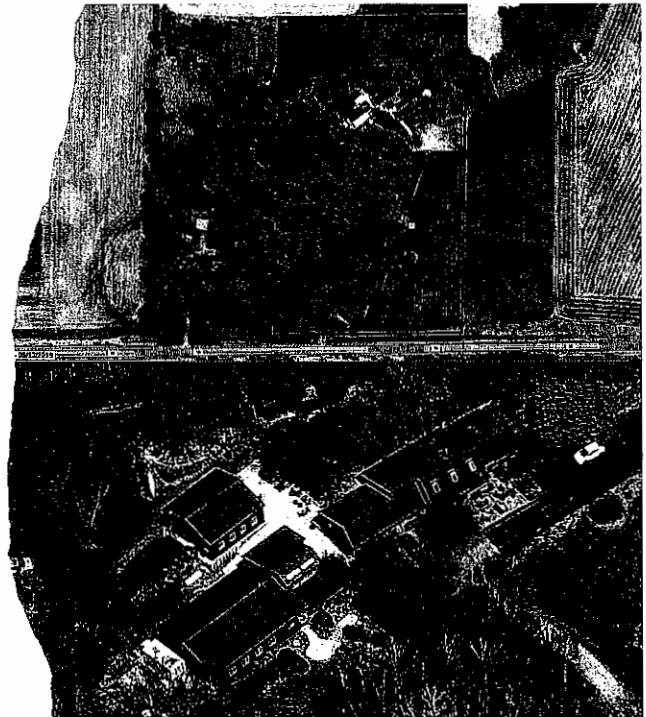
Woods: ~ 6.5 acres is heavily wooded with steep slopes

Current Land Uses: Winery (2010 CUP) and Rural Retail Tourism (2018 CUP Amendment)

**Activities such as: weddings, dances, gatherings, and other social or corporate activities, and a microbrewery, with associated tastings and activities up to 300 guests*

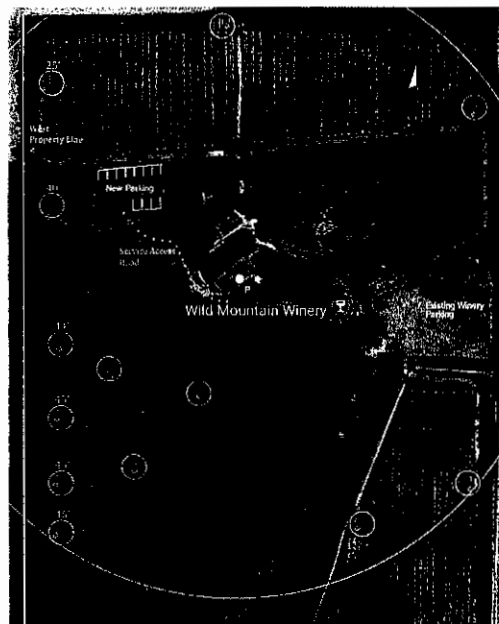
**New Building: 2018 CUP Amendment has not been constructed*

**Applicants have stated microbrewery will not be acted upon as a land use*



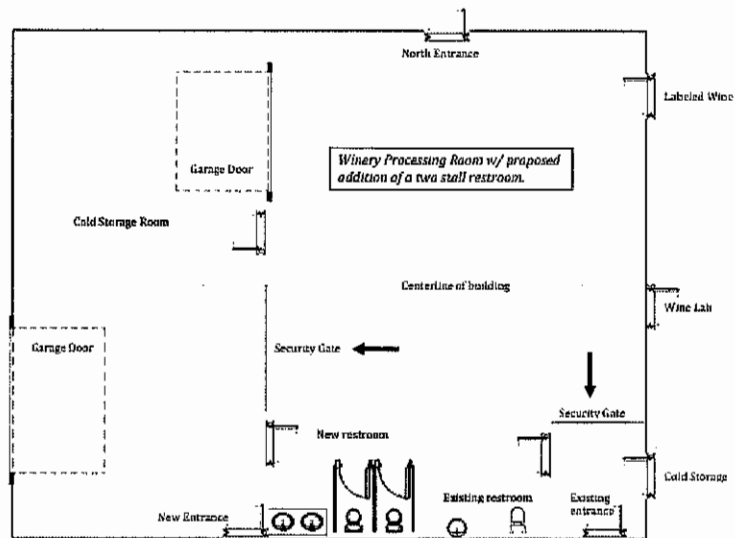
CAMPGROUND PROPOSAL

- Primitive camping: tent or hammock
- Sites are not for recreational vehicles, campers or trailers
- 13 campsites ~
 - 11 single tent, no more than 4 persons
 - 2 large sites, no more than 12 people
 - Max occupancy 68 campers
- Site Features: gravel walking paths, natural/rustic campsites, and fire ring
- Distance from west property line >25'
- Parking: 3 designated areas
- Reservations: Weekends only
 - Friday – Sunday
 - May 1st – October 31st



INTERIOR FLOOR PLAN

- Expand and reconfigure restrooms
- Winery and campers utilizing same restrooms
- Add two security gates
- Camper's accesses in evening after winery operation hours



Technical Review – March 10, 2021

County Sanitarian

- Spring thaw – submit design for verification of compliance for a commercial campground
- Septic improvements were prepared by licensed septic designer
- Applicants requesting consideration to not require the building and site plans be prepared by an engineer, architect, or land surveyor
- Those elements are far less than the \$30,000 threshold and the bulk of the project costs for septic have met this requirement

County Sheriff's Department

- Inquired if campers would be allowed to bring alcoholic beverages onto property
- State Parks do not allow alcohol which would be a comparable campground setting
- Microbrewery and wedding venue activities should require security presence.

Land Services Coordinator

- CUP for recreational camping is consistent with County's Comprehensive Plan
- Concerns with site capacity and functionality with multiple land uses
- Application as presented is complete for review of campground as single land use
- Comprehensive narrative and description would be necessary to review cumulative site impacts with multiple activities and functionality of site as a whole



OTHER REVIEWS

Application

Complete on March 1, 2021

60 –Day Deadline

April 30, 2021

Township Review on March 16,
2021 – Recommended Approval
with no conditions

MOTIONS TO CONSIDER:

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

Recommend **Approval** of a Conditional Use Permit Amendment for Recreational Camping to operate a seasonal campground as requested by Andrew Olson and Mark Olson, of Wild Mountain Properties, LLC for the property at 16906 Wild Mountain Road, PID #01.00096.00 based on the narrative and site plan on record as provided by Applicant (or as modified at tonight's hearing) and based on the Findings of Fact that the application is consistent with Chisago County's Zoning Ordinance and Comprehensive Plan as presented in Staff's report and the following conditions *(or as added, amended, or deleted)*:

1. This permit will amend the existing Conditional Use Permit for Wild Mountain Winery (issued in 2010 and as amended in 2018) to allow additionally recreational camping in conjunction with winery and rural retail tourism activities on-site, such as weddings, dances, gathering, and other social or corporate activities with associated tastings and activities. *(Note: Microbrewery has been removed from listing of approved land uses based on information as stated by Applicants.)*
2. This CUP shall allow year round use of the property as a gathering venue with gathering events allowed Friday through Sunday from 12:00 p.m. to 11:00 p.m.
3. All gathering events that include music that could potentially cross property boundaries shall be conducted indoors, and building doors shall remain closed during music.
4. The maximum attendance at any given event shall be limited to 232 guests. *(Note: Maximum number of attendees at events was reduced from 2018 amendment to address potential capacity of campground – 300-68 = 232.)*
5. All parking shall be accommodated on-site, with supervised management of ingress and egress traffic to eliminate conflicts in traffic flow.

6. Future construction of a gathering venue building that eliminates existing parking shall require submittal of a proof of parking plan that demonstrates replacement of parking in satisfaction of maximum number of occupants prior to commencement of building construction. Parking plan must be approved by Environmental Services Zoning Staff.
7. Permittee shall ensure that adequate parking/staging area is maintained to accommodate emergency vehicle/first responder traffic.
8. Any new access to the venue shall be approved by Chisago County Public Works prior to construction.
9. All food preparation and/or sales at the site shall comply with all applicable Minnesota Department of Health regulations.
10. Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements.
11. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.
12. Minnesota Building Code, SSTS, and all other relevant codes shall be applicable to the project, all permits and Certificates of Occupancy and Compliance shall be obtained prior to occupancy, and CUP amendment approval shall be considered provisional until such time as these requirements are met.
13. The site is limited to a maximum of 13 campsites that are comprised of 11 single tent sites and two (2) group sites.
14. Recreational Camping shall be primitive sites that would allow for tents only. No recreational vehicles, campers, or trailers shall be allowed.
15. Seasonal camping is allowed from May 1st to October 31st with reservations limited to Friday through Sunday.
16. Campsites along the north and east property lines shall not be located closer than 20 feet to the property line.
17. The observance of quiet hours from 11 PM to 7 AM.
18. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
19. The permit holder must notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.

Move to **Table Action** and extend the initial 60-day period for required action on this Conditional Use Permit Amendment application for up to an additional 30 days, so to allow for further review of the record and to make a decision on this application, as allowed under Minnesota State Statute 15.99 Subd. 3(f)."

Recommend **Denial** of the Conditional Use Permit Amendment for Recreational Camping to operate a seasonal campground as requested by Andrew Olson and Mark Olson, of Wild Mountain Properties, LLC for the property at 16906 Wild Mountain Road, PID #01.00096.00 based on the Findings of Fact or other contributing factors deemed appropriate (*insert additional findings and/or amend*)

1. The Applicants have not provided the level of detail in the application that would be sufficient to satisfactorily review the cumulative site impacts with multiple land use activities as proposed.
2. The application as submitted by the Applicants did not provide enough detail on site land uses/activities or layout that would be necessary in order to properly access site functionality, adequate spacing/layout/parking, and scope of operations between the multiple land uses in order to ensure intensification of land uses can be supported on-site in a safe and efficient manner.
3. The Applicants have not demonstrated or provided mitigating steps on how site operations and layout will not adversely impact adjacent landowners between the cumulative land use activities which include winery, gathering venue events, and recreational camping as proposed.



Staff Report

TO: Chisago County Planning Commission

FROM: Jessica Jagoe, Land Services Coordinator

DATE: March 24, 2021

RE: Wild Mountain Winery, Conditional Use Permit Amendment
PID #01.00096.00
Amador Township, 16906 Wild Mountain Road

Action to Consider

The Applicants are requesting an amendment to an existing Conditional Use Permit to add Recreational Camping to operate a seasonal campground.

Property Background/Description

Andrew Olson and Mark Olson, of Wild Mountain Properties, LLC, are requesting an amendment to an existing Conditional Use Permit to add Recreational Camping to operate a seasonal campground for the property at 16906 Wild Mountain Road. In 2010, the property was approved for a CUP to operate a winery known as Wild Mountain Winery; and in 2018 an amendment was approved to allow for a gathering venue and microbrewery.

The property is a 15 acre tract of land located on County Road 16/Wild Mountain Road in Amador Township, approximately 1¼ mile northeast of Almelund and a mile south of Wild River State Park. The parcel is zoned AG, Agricultural. The area surrounding the subject parcel is also zoned AG with a mix of residential and active agricultural uses on tracts of land mainly 10+ acres in size. The property features a house (residence of Owner's parents) and detached garage, the existing 3130 square foot winery building and tasting room, and two additional storage sheds to the north behind the house. A new building which was part of the 2018 amendment has not been constructed. This building would have been located to the east of the existing buildings in what is currently being used for winery parking. The house and main building are approximately 850 feet north of the road. There is a two-acre vineyard north of the buildings, along the north property line and a similarly sized vineyard south of the buildings extending down to the road. The balance of the property (approximately 6½ acres) is heavily wooded. The topography of the property is extreme, with significant slopes between the road and the buildings. Between the road and the buildings there is a rise in elevation of approximately 50 feet. The access driveway curves up along the easterly edge of the woods, and features the same steep slopes and heavy forestation.

Site Plan/Proposal Analysis

The Applicants have indicated the campground will be for primitive camping in which each campsite will be provide an area for a tent or hammock. These sites are not for recreational vehicles, mobile campers, or trailers. Reservations will be taken for campsite use on weekends only (Friday through Sunday) from May 1st to October 31st. Throughout the winery grounds there will be 13 campsites located on the north 2/3's of the property setback approximately 400 feet from the road. There will be 11 single tent sites to accommodate no more than four (4) persons per site and two (2) large sites for up to four (4) tents and no more than 12 people per site. The campground as outlined would accommodate a maximum of 68 occupants at full capacity. The single tent sites have a 30' radius cleared for campers and the larger sites are a 60' x 100' area. Campsites are accessible via 4" gravel walking paths. These paths are large enough for a golf cart to access each site for groundskeeping purposes, but are not intended for vehicle use. There are three existing parking areas on the property that will be shared between approved land uses and employees. There are no new structures proposed as part of this application. The Applicants will be adding an addition onto the existing winery building to expand and reconfigure bathrooms to accommodate winery and camper uses. All customers will utilize the same restroom spaces. The interior floor plan shows that two security gates will be added so that campers have access to the restroom area during the evening when the winery portion building is not open.

As previously mentioned, this property was approved a CUP Amendment in April 2018 to operate a gathering venue and microbrewery in addition to the winery operations. The following were the conditions of that amendment:

- 1. This permit will amend the existing Conditional Use Permit for Wild Mountain Winery (issued in 2010) to allow additional rural retail tourism activities on-site, such as weddings, dances, gathering, and other social or corporate activities, and a microbrewery, with associated tastings and activities.*
- 2. This CUP shall allow year round use of the property as a gathering venue with gathering events allowed Friday through Sunday from 12:00 p.m. to 11:00 p.m.*
- 3. All gathering events that include music that could potentially cross property boundaries shall be conducted indoors, and building doors shall remain closed during music.*
- 4. The maximum attendance at any given event shall be limited to 300 guests.*
- 5. All parking shall be accommodated on-site, with supervised management of ingress and egress traffic to eliminate conflicts in traffic flow.*
- 6. Permittee shall ensure that adequate parking/staging area is maintained to accommodate emergency vehicle/first responder traffic.*
- 7. Any new access to the venue shall be approved by Chisago County Public Works prior to construction.*
- 8. All food preparation and/or sales at the site shall comply with all applicable Minnesota Department of Health regulations.*
- 9. Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements.*
- 10. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.*
- 11. Minnesota Building Code, SSTS, and all other relevant codes shall be applicable to the project, all permits and Certificates of Occupancy and Compliance shall be obtained prior to occupancy, and CUP amendment approval shall be considered provisional until such time as these requirements are met.*

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

The Applicants have stated for economic reasons they decided not to move forward with construction of the building and no longer have plans of pursuing the microbrewery portion of that amendment. The location of the building for the weddings, dances, gatherings, etc. was proposed in the area identified on the site plan in this CUP amendment application as “existing winery parking”. The 2018 amendment stated that the CUP would allow year round use of the property as a gathering venue with events allowed Friday through Sunday for up to 300 guests at any given event. The Applicants have not clearly stated whether or not the gathering venue type activities are being offered or will be offered in the future.

As the Planning Commission is aware, an amendment application is to be processed in the same manner as a new CUP application and the Planning Commission and County Board have latitude to consider a revision to the existing CUP conditions. Planning Staff have met with the Applicant to garner as much information as possible. Staff has communicated to the Applicants that the application needs to articulate a clear understanding of what are all of land uses that will be occurring and how would those land uses function on the property harmoniously. The Applicants have stated that there are no changes to the current operations and that the addition of a campground will be a compliment to the winery and is targeted towards their clientele. The layout of the site will essentially remain unchanged, but they have shifted how parking areas are to be utilized between campers and other customers.

The campgrounds will accommodate up to 68 people between the 13 campsites. The campgrounds will be geared towards adults and not indented to be family sites with children. Therefore, it could be estimated that there could be up to a maximum of 30-34 cars per weekend for camping purposes (i.e. 68 people/2 adults/couple per car). The Applicants have provided a site plan that may be sufficient for winery and campgrounds parking needs, but it is unclear how traffic patterns and parking will be accommodated on-site along with potential gathering venue events for up to 300 people. Planning Staff has made the Applicants aware of our concerns over parking and functionality of site. We would request further discussion amongst the Commission as to whether or not the site can safely and cohesively support the number of multiple land uses and/or people as proposed at maximum occupancy levels.

Recreational Camping Areas Code Analysis

The Planning Commission as outlined in Zoning Ordinance Section 7.21 shall consider possible effects of the proposed land use based upon the following general factors and any other requirements set forth in this Ordinance or deemed otherwise relevant (*staff comments inserted in italic font*):

- A. Purpose.
The purpose of this section is to provide for areas to be used for recreational camping which will not detract from surrounding land uses or natural resources, and provide for the health and safety of the public using these areas.
- B. License Required.

No person, corporation, partnership, firm or other entity shall operate a recreational camping area unless a valid license issued by the Minnesota Department of Health for the current year has been obtained and is in the possession of the operator and posted in a conspicuous place in the office of the recreational camping area.

The Applicants have been in contact with the Department of Health and are aware of the licensing requirement.

C. Conditional Use Permit Required.

A conditional use permit shall be required for the construction or operation of a recreational camping area. Recreational camping areas shall be restricted to the (A), (AP), (PAT), and (RRI/RRII) districts. All conditional uses shall be subject to the requirements of this Section and Section 8.04.

Each conditional use application shall include the submission of a site plan drawn to scale. When construction costs exceed \$30,000, plans must be prepared by a registered engineer, architect, or land surveyor. The site plan shall include the following:

1. The full name and address of the applicant or applicants; or names and addresses of the partners, if the applicant is a partnership; or the names and addresses of the officers, if the applicant is a corporation; and the name and address of the project developer.
2. A legal description of the site, lot, field, or tract of land upon which it is proposed to operate and maintain a recreational camping area.
3. The proposed and existing sanitary facilities on and about said site, lot, field, or tract of land and the proposed construction or alteration of sanitary facilities including toilets, urinals, sinks, wash basins, slop sinks, showers, drains, and laundry facilities; source of water supply; and sewage, garbage and waste removal. A detailed description of maintenance procedures, grounds supervision and method of fire protection shall also be submitted.
4. The proposed method of lighting the structures and site, lot field, or tract of land upon which said recreational camping area is to be located.
5. Road construction plans and specifications, including the location and size of all streets abutting the site and all driveways from such streets to the recreational camping area.
6. Location, size, and characteristics of each campsite.

7. Designation of the calendar months of the year which applicant will operate said recreational camping area and details as to whether all of the area will be developed at once or whether it will be developed a portion at a time.
8. Plans and drawings for new construction or alteration, including buildings, water systems, wells, plumbing and sewage disposal systems, surface drainage, electrical service, and gas service.

The Applicants have included as part of the application an estimate for septic improvements that will be necessary in order to accommodate a commercial campground as required by code. The estimated cost for the septic upgrades will be \$130,000 and then the Owners will be performing the work themselves on the addition and interior remodeling so that is estimated to cost \$4,000. When the cost of construction exceeds \$30,000 as stated above, the application must include plans prepared by registered engineer, architect, or land surveyor. The information provided for the septic improvements was prepared by a licensed septic designer. However, the site plan and building floor plans were prepared by the Applicant. They are requesting Planning Commission consideration to not require the building and site plans be prepared by an engineer, architect, or land surveyor since the portion of the total project costs associated with these elements is far less than the \$30,000 threshold and the bulk of the project costs has met this requirement.

D. Camping Area Spacing Requirements.

Vehicle and structure spacing requirements shall be consistent with the Minnesota Rules.

The Applicants will be subject to setback and campsite spacing as required by the Department of Health. It should be noted that these are primitive campsites for tenting purposes and there are no vehicles or structures proposed as part of this application. The campsites are staggered throughout the winery property, but in no instance shall the sites be further than 400 feet from the building due to Dept. of Health requirements for sanitary facilities. The single tent sites will have a 30' radius cleared for each and the larger sites will be a 60' x 100' area.

The site plan included in the application was created with use of Google Maps and does not show the parcel boundaries. The Applicants have stated with use of a GPS device they were able to map out the distances from property lines within a few feet of accuracy. The campsite setbacks were noted in the narrative for those sites along the west property line which range from 25 to 45 feet. Campsite distance from the north and east property lines were not provided. The Applicants have stated that this information was not necessary for the other locations given there are no immediately adjacent residences. Staff would suggest Planning Commission consideration to either obtain the setback location of the campsites along the north and east boundary or set a distance as deemed

necessary. While these are not campsites for recreational vehicles there is still an impact to adjacent properties as uses encroach near and/or possibly onto shared property lines as campers look to set up and/or walk around their campsites. Staff feels it would be reasonable to administer a spacing requirement consistent with the intent for the Dept. of Health requirement for campgrounds.

- E. All utilities shall be underground and there shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.

No additional utilities are proposed as part of this application for the campground purposes. Along the gravel pathways, the Applicants will install solar lighting as subtle illumination for the walkways. There is exterior building lighting on the winery buildings and no changes are proposed to existing building or parking area lighting as part of this application.

- F. Water Supply, Sewage Disposal, and Toilet, Bathing, Laundry Facilities, and Lighting. The water supply system, sewage disposal, and toilet, bathing, laundry facilities, and lighting shall be consistent with the Minnesota Rules.

Included in the application was the preliminary septic design and cost estimate for sanitary facility improvements that would be required for the campground use. The Applicants have been working with the Dept. of Health and have stated they will meet all applicable requirements for restroom and water supply. The application does not specify beyond bathroom (i.e. sink and toilet) that there any other laundry or bathing facilities. The campsites are available for weekend use only so the duration of time the campers are staying on the property is limited. In addition, this style of camping is intended to create a primitive rustic experience.

- G. Plumbing.
All systems of plumbing shall be installed in accordance with the Minnesota Board of Health regulations and the provisions of the Minnesota Plumbing Code.

Same as above. Applicants understand and agree to these conditions

- H. Garbage and Refuse - Handling and Disposal.
Garbage and refuse handling and disposal shall be consistent with the Minnesota Rules and the Chisago County Solid Waste Ordinance.

A trash receptacle will be located within the two group sites. The single sites will have access to garbage receptacles placed throughout the campgrounds at a 1:4 ratio. The Applicants understand and agree that trash removal will be handled in accordance with applicable rules and regulations

- I. Caretaker/Operator Duties.
A responsible adult attendant or caretaker shall be in charge of every recreational camping area at all times and the duty of said attendant or caretaker shall be to

maintain the park, its facilities, and records; and to keep the facilities and the equipment in a clean, orderly and sanitary condition.

It was stated that an attendant or caretaker will be in charge of the camping areas at all times. No additional detail was provided as to the specifics of when this person is available or how they are available (i.e. on-site or by phone).

Lastly, the Technical Review Panel met on March 10th and discussed the potential impacts and/or any identifiable concerns of the proposal. The County Sanitarian has deemed the septic proposal in the application to be sufficient for the time being. Once the ground thaws, the Applicants will be required to submit a design permit for verification of compliance with septic regulations for a commercial campground. The Chisago County Sheriff's Deputy in attendance had inquired as to whether or not campers would be allowed to bring other alcoholic beverages onto the property. The Deputy noted that this is not a campground for recreational vehicle as are typical of other CUP's in the County. He stated that State Parks do not allow alcohol to be brought in which may be a more comparable land use to the described application. In addition, the Deputy noted that if the microbrewery and/or wedding/gathering venue were to be operated that the Sheriff's Department would request a condition to require security presence at these gathering events and in combination with the land uses to be considered.

Conditional Use Permit Analysis

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

1. *The Comprehensive Plan and development policies of the County;*
2. *The use shall not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;*
3. *The use shall be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;*
4. *The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties;*
5. *The use in the opinion of the County is reasonably related to the overall land use goals of the County and to the existing land use;*
6. *The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;*

7. *The use shall not cause traffic hazard or congestion; and*
8. *Existing nearby properties shall not be adversely affected by intrusion of noise, glare or general unsightliness.*

Staff Analysis

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

1. Is the proposal consistent with the Comprehensive Plan and development policies of the County? *Yes. The Chisago County Comprehensive Plan has several references to the County's intention to continue to allow and be supportive of this type of land use:*
 - *To identify and protect the quality of visitors experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings and prime areas of flora study and wildlife viewing and public opens spaces to low-impact recreation (p 2-43)*
 - *To develop in such a manner as to cause the least disturbance to woodland ecosystems (p 2-43)*
 - *To protect natural resources, balance the demand for recreation with the need for conservation, offer recreation opportunities that encourage healthy lifestyles and provide clean, safe and accessible places for leisure time activities (p 4-6)*
 - *To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into the Chisago County economy (p 5-18)*
 - *To promote natural amenities in the County as assets to economic development and business opportunity (p 6-22)*
 - *To acknowledge tourism's economic value and the contribution of this industry to both the diversity of the County economic base and the potential for growth (p 6-22)*
 - *To promote tourism and commercial recreation as expanding opportunities for employment and tax base (p 6-22)*
2. Will the use create and excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area? *It is staff's belief that the CUP amendment as proposal will not create any demand on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.*
3. Will the use be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development? *Given the heavy forestation on the subject property, the large size of most of the neighboring parcels and the relative lack of development in the immediate area, the property is sufficiently separated by distance and screening from adjacent development, so as to not cause undue negative impact, nor deter future development. All but one campsite on the west property line (site #12 – NW corner of property) are located within the forestation which offers screening from neighboring properties.*

4. Is the use in the opinion of the County reasonably related to the overall land use goals of the County and to the existing land use, and consistent with the purposes of the Zoning Ordinance/Zoning District in which the applicant intends to locate the proposed use? *Yes. The Chisago County Zoning Ordinance allows Rural Retail Tourism and Commercial Recreation as Conditional Uses in the Ag zone. In addition, Section 4.15 and 7.21 of the Chisago County Zoning Ordinance specifically encourages the development of rural retail tourism and commercial recreation opportunities, with the following specific goals:*
- *Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes.*
 - *To recognize Chisago County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy.*
 - *Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere.*
 - *Provide opportunities for new economic growth through Rural Retail Tourism businesses.*
 - *Assist the County's citizens in the transition from primarily agricultural land uses, to an expanded variety of rural business opportunities as active family farming continues to diminish in Chisago County.*
 - *The purpose is to provide for areas to be used for recreational camping which will not detract from surrounding land uses or natural resources, and provide for the health and safety of the public using these areas.*
5. Will the use cause traffic hazard or congestion? *Similarly to condition #2 above. It is anticipated that there will be an increase in traffic on the road as guests arrive and depart from their campground reservations. The County Highway Director has reviewed the proposal and did not request any additional roadway improvements (i.e. turn lanes). He did not note that traffic levels, hazard or congestion are matters of concern with this application.*
6. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? *Of these adverse impacts, Staff believes noise may be a factor to nearby properties with the multiple land uses as proposed. The closest of which is the 9½ acre property directly west of the subject parcel, which features a house, garage and accessory structure. This property is the most likely to experience any impacts that may be generated by the intensification of use at the winery property. Most of the proposed campsites along the west side of the property are located within the heavy forestation. The Applicants have indicated that the intent is to have wooded campsites so only nuisance vegetation was removed. The nearest residential property is heavily forested, like the winery property, which will provide a visual and sound buffer. County staff does acknowledge that multiple campsites could generate more noise. On commercial campgrounds it may be typical to find campground rules which stipulate some restrictions for evening activities. As a condition of this CUP, County staff suggests observance of quiet hours from 11:00 p.m. to 7 a.m. to be included should the Planning Commission recommend approval.*

60-day Review

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

Township Recommendation

Township Board reviewed at their meeting March 16, 2021 and has recommended Approval with no conditions.

Staff Findings

The conditional use permit amendment request for recreational camping is consistent with the County's Comprehensive Plan goals and intentions which identifies offering recreation opportunities that encourage healthy lifestyles and provide clean, safe and accessible places for leisure time activities. Additionally, Recreational Camping Areas are a conditional use allowed in the AG zoning district and the proposed is determined to be a reasonable use within our performance standards. However, staff has concerns with site capacity and functionality with the multiple land uses as approved and proposed. A comprehensive narrative and discussion with the Applicant of all of the land uses would help in the Commission's full analysis of the application. The Applicants have provide the level of detail that would be necessary for review of a commercial campground, but there is also a winery and gathering venue/events that may also be operating at the same time. Therefore, Staff is hesitant to render an affirmative recommendation of this application based on the cumulative site impacts with multiple activities and the limited detail provided for scope of site operations and functionality as a whole.

Upon close of the public hearing on this application, further discussion should occur amongst the Commission as to whether further intensification of the site is suitable with the information as presented and in consideration on the above observations (#1 through #6) and site plan/proposal analysis as drafted by Staff. If new or previously unknown information is presented prior to or during the public hearing, that information should be also considered during deliberation on the above Staff observations. If the additional information received significantly alters the character of this application, or if the Planning Commission finds the proposal unacceptable or inappropriate, valid findings in support of an alternate decision should be drawn up.

Recommended Actions to Consider

Barring any new or unknown evidence discovered after the completion of this report or during the course of the public hearing, staff has provided draft actions to consider below which can be amended, deleted, or appended to, in order to serve as findings in review of the application.

- Recommend **Approval** of a Conditional Use Permit Amendment for Recreational Camping to operate a seasonal campground as requested by Andrew Olson and Mark Olson, of Wild Mountain Properties, LLC for the property at 16906 Wild Mountain Road, PID #01.00096.00 based on the narrative and site plan on record as provided by Applicant (or as modified at tonight's hearing) and based on the Findings of Fact that the application is consistent with

Chisago County's Zoning Ordinance and Comprehensive Plan as presented in Staff's report and the following conditions:

1. This permit will amend the existing Conditional Use Permit for Wild Mountain Winery (issued in 2010 and as amended in 2018) to allow additionally recreational camping in conjunction with winery and rural retail tourism activities on-site, such as weddings, dances, gathering, and other social or corporate activities with associated tastings and activities. *(Note: Microbrewery has been removed from listing of approved land uses based on information as stated by Applicants.)*
2. This CUP shall allow year round use of the property as a gathering venue with gathering events allowed Friday through Sunday from 12:00 p.m. to 11:00 p.m.
3. All gathering events that include music that could potentially cross property boundaries shall be conducted indoors, and building doors shall remain closed during music.
4. The maximum attendance at any given event shall be limited to 232 guests. *(Note: Maximum number of attendees at events was reduced from 2018 amendment to address potential capacity of campground – $300 - 68 = 232$.)*
5. All parking shall be accommodated on-site, with supervised management of ingress and egress traffic to eliminate conflicts in traffic flow.
6. Future construction of a gathering venue building that eliminates existing parking shall require submittal of a proof of parking plan that demonstrates replacement of parking in satisfaction of maximum number of occupants prior to commencement of building construction. Parking plan must be approved by Environmental Services Zoning Staff.
7. Permittee shall ensure that adequate parking/staging area is maintained to accommodate emergency vehicle/first responder traffic.
8. Any new access to the venue shall be approved by Chisago County Public Works prior to construction.
9. All food preparation and/or sales at the site shall comply with all applicable Minnesota Department of Health regulations.
10. Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements.
11. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.
12. Minnesota Building Code, SSTS, and all other relevant codes shall be applicable to the project, all permits and Certificates of Occupancy and Compliance shall be obtained prior to occupancy, and CUP amendment approval shall be considered provisional until such time as these requirements are met.
13. The site is limited to a maximum of 13 campsites that are comprised of 11 single tent sites and two (2) group sites.
14. Recreational Camping shall be primitive sites that would allow for tents only. No recreational vehicles, campers, or trailers shall be allowed.
15. Seasonal camping is allowed from May 1st to October 31st with reservations limited to Friday through Sunday.
16. Campsites along the north and east property lines shall not be located closer than 20 feet to the property line.
17. The observance of quiet hours from 11 PM to 7 AM.

18. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

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

- Move to **Table Action** and extend the initial 60-day period for required action on this Conditional Use Permit Amendment application for up to an additional 30 days, so to allow for further review of the record and to make a decision on this application, as allowed under Minnesota State Statute 15.99 Subd. 3(f)."
- Recommend **Denial** of the Conditional Use Permit Amendment for Recreational Camping to operate a seasonal campground as requested by Andrew Olson and Mark Olson, of Wild Mountain Properties, LLC for the property at 16906 Wild Mountain Road, PID #01.00096.00 based on the Findings of Fact or other contributing factors deemed appropriate (*insert additional findings and/or amend*)
 - 1) The Applicants have not provided the level of detail in the application that would be sufficient to satisfactorily review the cumulative site impacts with multiple land use activities as proposed.
 - 2) The application as submitted by the Applicants did not provide enough detail on site land uses/activities or layout that would be necessary in order to properly access site functionality, adequate spacing/layout/parking, and scope of operations between the multiple land uses in order to ensure intensification of land uses can be supported on-site in a safe and efficient manner.
 - 3) The Applicants have not demonstrated or provided mitigating steps on how site operations and layout will not adversely impact adjacent landowners between the cumulative land use activities which include winery, gathering venue events, and recreational camping as proposed.

CC: Andrew Olson and Mark Olson, Applicants
County File

Permit #

21-72

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Recording Fee 46.00

Base Fee 1700.00

525.00

Wetland or Septic Fees _____

Plat Compliance Fee _____

TOTAL FEE 571.00

Street Location 16906 Wild Mountain Road, Taylors Falls Tax Parcel # 01.00096.00

Legal Description PID# 01.00096.00 E-Mail Address: _____

Owner: Andrew Olson Day Phone _____

Address 16906 Wild Mountain Road, Taylors Falls, MN 55084 319, 135, K17

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

Address _____

Type of Request: Variance ☐ Preliminary Plat ☐

Administrative Appeal ☐ Administrative Permit ☐

Conditional Use Permit ☒ Ordinance Amendment ☐
(or amendment to CUP)

Interim Use Permit ☐ Rezoning ☐
(or amendment to IUP)

Applicable section of ordinance: 7.21 recreational camping area

Description of request: CUP for a primitive camping area on site (7.21 recreational camping area)

If Variance Application, Brief
Description of Practical
Difficulty _____

Andrew Olson

3/1/2021

Signature of Applicant

Date of Application

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

Resubmitted 3/1/21 1/20/21 - Application materials
Date Received at Front Counter 1/27/21
Received Application Payment.

60 - Day Review

Date of Public
Hearing:

April 1, 2021

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

TOWNSHIP PRESENTATION FORM

Street Location 16906 Wild Mountain Road, Taylors Falls (Wild Mountain Winery)

Legal Description PID# 01.00096.00

Owner Name Andrew Olson Day Phone: _____

Address: 16906 Wild Mountain Road, Taylors Falls, MN 55084

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

Address : _____

Type of Request: Variance ☐ Preliminary Plat ☐

Administrative Appeal ☐ Administrative Permit ☐

Conditional Use Permit ☒ Rezoning ☐
(or amendment to CUP)

Interim Use Permit ☐ Ordinance Amendment ☐

Description of Request: CUP for a primitive camping area on site (7.21 recreational camping area)

Date of County Public Hearing: April 1, 2021

Date of Township Presentation: March 16, 2021

TOWNSHIP ACTION TAKEN

Approved ☒ Denied ☐

Reasons and Conditions: _____

Signature of Township Officers: _____

Peter J. [Signature]
[Signature]
[Signature]

See Dated

Signature on Planning Admin Form

Signature of Applicant

Date

SCHEDULE OF REQUIRED MEETINGS

Wild Mountain Winery
16906 Wild Mountain Road
Taylors Falls, MN 55084
Andy@WildMountainWinery.com
Mark@WildMountainWinery.com



Jessica Jagoe
Department of Environmental Services and Zoning
Chisago County
313 No. Main Street
Center City, MN 55012-9663
RE: Conditional Use Permit for Wild Vines Campground; Rural Retail Tourism Use

Dear Ms. Jagoe,
This letter is requesting that the conditional use for the referenced project be placed on the Planning Commission Public Hearing and meeting agenda for consideration. The project purpose is to create a new recreational, primitive camping area on our property for the year 2021. The campground will be seasonally operated from May 1st, 2021 to October 31st, 2021, and annually from May 1st to October 31st thereafter.

The following is a list of related attachments and information:

1. Attached is our CUP Application.
2. Attached is a site plan drawn to scale.
3. Attached is a drawing of the proposed change to winery (bathroom)

Thank you for your consideration,

Andrew Olson

A handwritten signature in black ink, appearing to read "Andrew Olson", written over a horizontal line.

25'

West
Property Line
<

40'

New Parking

Service Access
Road >

P

Wild Mountain Winery



Existing Winery
Parking

44'

45'

45'

45'

Narrative for Conditional Use Permit Application

Proposed Application for Wild Mountain Winery in Chisago County PID#01.00096.00

Introduction - This narrative is to serve as supplementary information related to conditional use permit application to Wild Mountain Winery for the addition of a primitive campground on current property. Andrew & Mark Olson are applying and are co-owners. Wild Mountain Winery is beginning its 11th year of operation as a winery in August, and 31st year of grape farming.

Camping is spiking in popularity. Its appeal casts a wide net, is multi-generational and crosses a deep economic band. Primitive Camping requires the camper to provide nearly all of his or her own amenities and food. In most sites, only a fire ring and occasional bench are provided. Primitive campsites are not for recreational vehicles, mobile campers or trailers. They are tent and hammock sites and have little impact on existing environment, woods or grounds. By definition, they are intended to have little to no impact on surrounding environment. Most sites do not provide restrooms or water and are often in the deep woods.

Due to the success of the winery and growth in our tourist customer base, the winery has added several outdoor patios and seating areas within the vineyards. This application is proposing the addition of 13 primitive campsites within the wooded area and vineyards. With the growth the wine business and interest in events, the winery is seeking to license and construct this campground for the 2021 summer season.

**** A commercial grade Garmin GPS device was used in the locating of points on this reference map. The device is considered accurate to (≥ 3 meters horizontal) with an 8' peak. For measurements from property line, a fiberglass measuring tape was used. Google maps was also used to determine approximate radius's and to confirm plots on map using the GPS coordinates.**

- A) Legal Description
- B) Property Structures and Dimensions
- C) Driveways and access roads
- D) Proposed Structures
- E) Proposed Structures for septic system
- F) Property Lines and distances from structures
- G) Sanitary Facilities
- H) Lighting Plan
- I) Camping spacing and dimensions
- J) Parking
- K) Signage
- L) Garbage
- M) Hours of operation and Caretaker

A) Legal Description

Property Address - 16906 Wild Mountain Road, Taylors Falls, Mn 55040.

Property ID Number 01.00096.00.

Description - Acres: 15.50 Section 19 Township 035 Range 019 W1/2 of SE . EX strip 50 FT Wide Lying N & To C/L of CSAH #16 Also EX S 1089 FT of W1/2 of SE1/4, and EX the S 1089FT of the E 300 FT of the W1/2 OF The SE . of 19/35/19 and that PT of said W . of SE . Lying N or the S 1089 FT thereof.

B) Known Structures on the property:

Using the white dot, above the Google Winery Name, as a reference point, it is located on the winery building (40'x50") and is also where measurements were taking for the 400' radius for restrooms.

The building immediately north and slightly west of this is the tasting room (30'x30')

The building attached to the winery is a two-story structure and houses the laboratory and bottle shop for the winery. Dimensions are not known. The structure to the east of all other buildings is a residence.

C) Driveways and Access Roads.

No new road additions or driveways. An existing service access entrance to crush pad and propane tank currently runs along the west side of the winery and in a north direction up to vineyard. It is indicated by the dotted line on the map. It is more than 12' in width, and has been used for employee parking the past 4 years. We have added a 4"crushed rock walking path through the wooded area. This is the walking access to primitive campsites and not intended for vehicle use. It is wide enough for our tractor and golf cart access to all the sites. (See Item J for additional information)

D) Proposed Structures

There are no new structures being constructed, but an addition of a women's restroom in the winery and adjacent to our current restroom is being built. It does not exceed 4K and will not require a detailed plan. Restroom and plumbing changes will be done with licensed plumber and per MN Statute (4630.0700 PLUMBING.) All systems of plumbing in mobile home parks and recreational camping areas shall be installed in accordance with the rules of the commissioner of health and the provisions of chapter 4714, the Minnesota Plumbing Code.

E) Proposed Structures for Septic

The current gray water and septic tank are located under the "T" in mountain to the south of the winery on the map. The new proposed septic tank and drain field are located approximately under the second "N" in the word mountain. This is likely to change, as it is possible to reduce our expense for new septic by 30K to move to a flat location. The current proposal and estimate from Bluhm Construction Inc. is over 30K and will have an "engineered" plan provided. The final plan for this will require core sampling, which cannot take place until frost is out of the ground. The proposed changes to the current restrooms and plumbing will not exceed \$4000 and will not require a detailed plan.

F) Property Lines and Distances

Property lines and distances from structures are indicated in Yellow text and above the campsites located along the west boundary. The property line itself in white and marked on the map. The property line was determined from two existing survey marked points on the north west corner and along the road on the southern boarder. Using GPS it was possible to identify a line (heading) between the two points to mark a physical boundary. This line and markings are likely accurate to within a few feet. No camp location or site is located within 20' of any property line. All points the map were physically measured and are as follows: Site # 44', #3 45', #5 45", #6 45", #12 25', #13 40'

** Regulations for locating "camp sites" adjacent to property lines are primarily in reference to recreational vehicles or campers. That guidance indicates that there must be 10' from property line. We

are trying to be respectful of our neighbors and therefore are not locating any site along the west border closer than 40 feet. Considering the dense wooded area between property line and campsites, it is unlikely the campsites will be visible to the homeowners to our west. The northwest vineyard site #12 is adjacent to an open field and will likely be moved to the east once a row of vines is cleared.

G) Sanitary Facilities

The sanitary facilities to be used are located under the white dot on the winery building. A 400' radius has been added from this point around the entire site to indicate that we are locating all sites within this minimum 400' distance in accordance with Minnesota statute 4630.0900 TOILET, BATHING, AND LAUNDRY FACILITIES.

. We currently have a men's restroom that meets MDH requirements and are adding a women's restroom with double stall, double sink to meet those same requirements. Sites measured from Google and GPS coordinate's to the restrooms and water supply are as follows:

Site #

1. 263'	2. 232'	3. 314'
4. 295'	5. 362'	6. 398'
7. 169'	8. 398'	9. 395'
10. 350'	11. 311'	12. 360'
13. 267'		

*Should be noted that we have received approval to add a portable restroom closer to the east parking lot and this will shorten the distance for furthest campsite locations. We have also used a potable water line to the lower vineyard, but it is currently not being used. Possible water supply for future considerations.

H) Lighting Plan

A lighting plan is required for "Mobile Home parks" but is not required for this type of campground, but we have made plans to install solar lighting along the walking path of the wooded area. To minimize light pollution and a negative impact to the primitive camping experience, we will likely use an "in ground" lighting source. There are currently lights for illuminating the crush pad on the west of the winery, so the access road will be illuminated.

I) Camping Spacing and Description

All campsites are a minimum of 30' radius and intended for a single tent and no more than 4 persons. Logically, there are no defined boundary's in the wooded campsites. They are a cleared area of "nuisance" vegetation such as thorns and any poisonous plants or ivy. The two larger sites (#8 & #11) will accommodate a larger group of campers up to 4 tents and no more than 12 people. These larger sites are in the previous locations of our wedding ceremony site (upper) and our wedding reception site (lower) and can accommodate up to 200 seated persons in that space.

** An individual campsite will consist of an approved metal fire ring and cleared area for tent or hammock. They will also have designated trash receptacles identified for each site. The larger group sites will consist of a single fire ring with larger open grass for tenting. The approximate grass area for these is 60'x 100'. A trash receptacle will be located within the group site.

J) Parking

The parking changes are not physical changes, but instead a change in how we use this space. Currently the upper parking area labeled "new parking" on the map is for staff parking. It will accommodate up to 12 vehicles. Parking area is flat and is grass. Parking will be marked with numbered signs and a record of

occupant kept in the office for the camp. The parking area in front of and to the south of the winery is used for general parking. We will allocate these spaces for Campers as part of the new plan.

** Parking and traffic flow have evolved over the years as our business has grown. The main parking lot utilizes an "Out" road during busy times and patrons exit along the current road on the opposite side of the tree line. This does not change access to county road. This "exit" eases traffic passing on the main road and offers a smooth flow during increased occupancy. No modifications will be made for campers as the use will be the same as currently operated.

K) Signage

We are planning minimal signage or changes in signage. To maintain the primitive campsite, there will be a sign marking the trail entrances and small markers for individual sites. Camp maps will be utilized as an alternative to signage. Traffic flow signage was added in the fall of 2020 and will be continually updated to maintain traffic patterns and designated parking.

L) Garbage

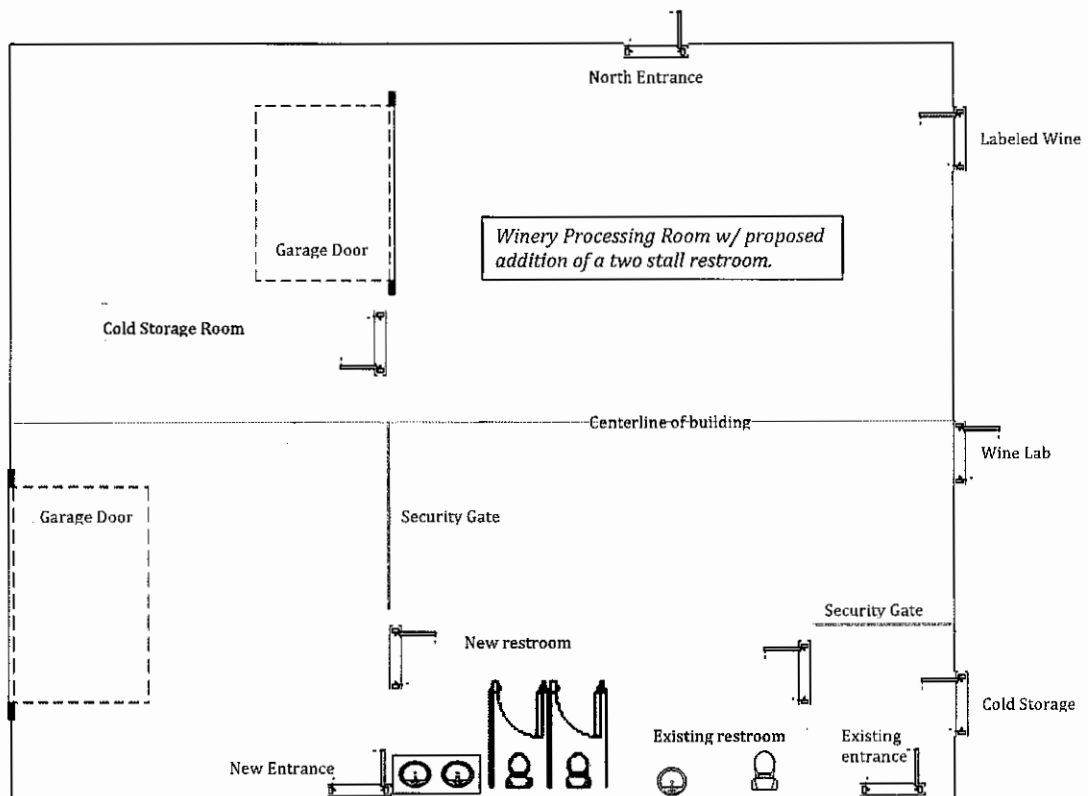
Garbage and waste removal will follow the requirements set forth by the state health department. Pest and weather-proof garbage receptacles will be provided at a quantity of 1 for every 4 campsites per Minnesota statute 4630.1100 HANDLING AND DISPOSAL OF GARBAGE AND REFUSE.

M) Hours of Operation /Caretaker

A responsible attendant or caretaker shall be in charge of recreational camping area at all times and the duty of said attendant or caretaker shall be to maintain the park, its facilities, and equipment in a clean, orderly, and sanitary condition. The caretaker or attendant shall be the owner or operator of the park or camping area, or that person's appointed representative. (4630.0300 CARETAKER.)

Hours of campground operation will be in close connection to that of the winery. Camping reservations can be taken during the week or weekend by phone, in person, or by website, and a schedule of operators will be created to accommodate any guests. Initially, the campground will be available Friday, Saturday and Sunday with possible expansion based on demand and staffing.

Winery floor plan with bathroom addition



**AT SEPTIC INSPECTIONS & DESIGN INC.
49861 GOVERNMENT RD
RUSH CITY MN 55069
320-980-0235**

Date: 1/19/2021

Address: 16906 Wild Mountain Winery

PID #: 01.00096.00

The above property is looking at putting in a new system for 2400 gallons per day. The system will have to accommodate about 25 campsites with no sewer hookups, no dump station, and a central shower and toilet facility. It will also be capable of accommodating 300 customers. All numbers used are from chapter 7080.

The campsites are figured at 50 gallons per day per site.

The customers are figured at 3.8 gallons per customer per day.

There will need to be 7,200 gallons in tankage.

There will be a mound with about 24" Clean Sand under the rock bed. The mound will lay along the hillside south of the existing building.

There will also be an Eco pod 250 installed to control the waste strengths.

The system will have to be figured out when the snow and frost are gone. When there is adequate sunny light to do the borings.

The property has holding tanks at the current time.

The tanks are pumped once a month and 1500 gallons are taken out each time the pump comes out.

The system will have to meet all set back.

Amy Thompson

320-980-0235

Proposal



MPCA # 313

CONTRACTOR # BC179412

**BLACKTOPPING
BLACKTOP REPAIR
ROAD CONSTRUCTION
DRIVEWAY CONSTRUCTION**

**32635 NORTH LAKES TRAIL
P.O.BOX 708
LINDSTROM,MN. 55045
(651) 257-2877**

**EXCAVATION
SEPTIC SYSTEMS
SEWER & WATER
MATERIALS HAULING**

PROPOSAL SUBMITTED TO:		Mark Olson		HOME PHONE:	CELL:
STREET:		16906 Wild Mt. Rd.		WORK PHONE:	FAX:
CITY, STATE AND ZIP CODE:		Taylors Falls, MN. 55084		NEAREST INTERSECTING STREET:	
ESTIMATOR:	Kirk	DATE:	February 25, 2021	JOB #	GOPHER STATE TICKET #

We hereby submit specifications and estimates for:

FOR BUDGETING PURPOSES ONLY- NO DESIGN

SEPTIC SYSTEM: For 2400 gal. flow with pre-treatment incorporating winery and campground facilities. **\$130,610.00**

Subtract \$35,000 if pre-treatment is removed

TOTAL: \$130,610.00

We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

dollars **\$130,610.00**

Payment to be made as follows: Net 30 days, interest accrues on unpaid balances @ 8% per annum.

Our Employees are fully covered by Workmans Compensation Insurance.

* NOTE: This proposal may be withdrawn by us if not accepted within 30 days.

Authorized Signature:

Kirk D. Blum, P.E.

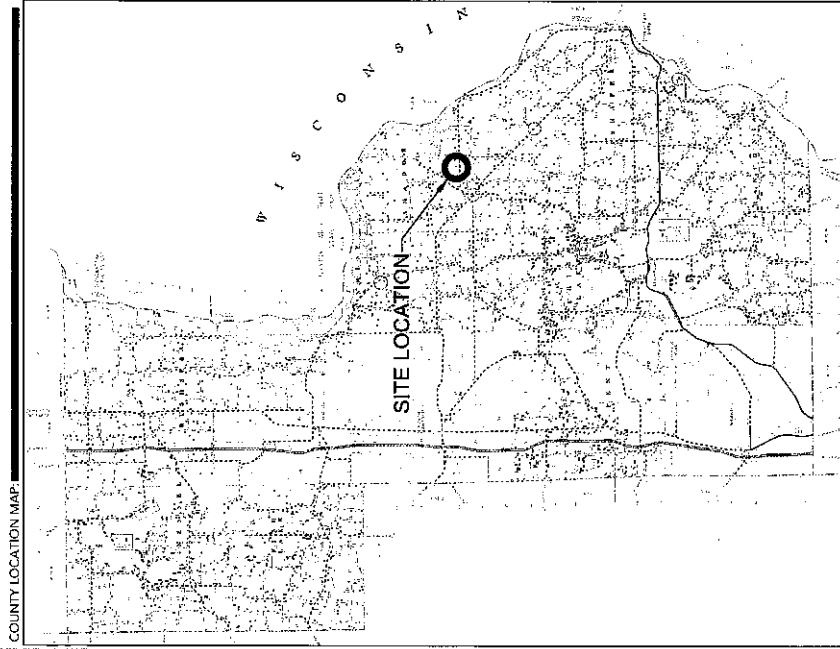
Acceptance of Proposal -

The above specifications and conditions are satisfactory and are hereby accepted.
You are authorized to do the work as specified. I agree to pay you as outlined above.

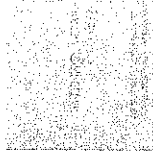
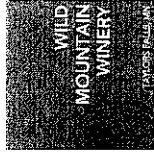
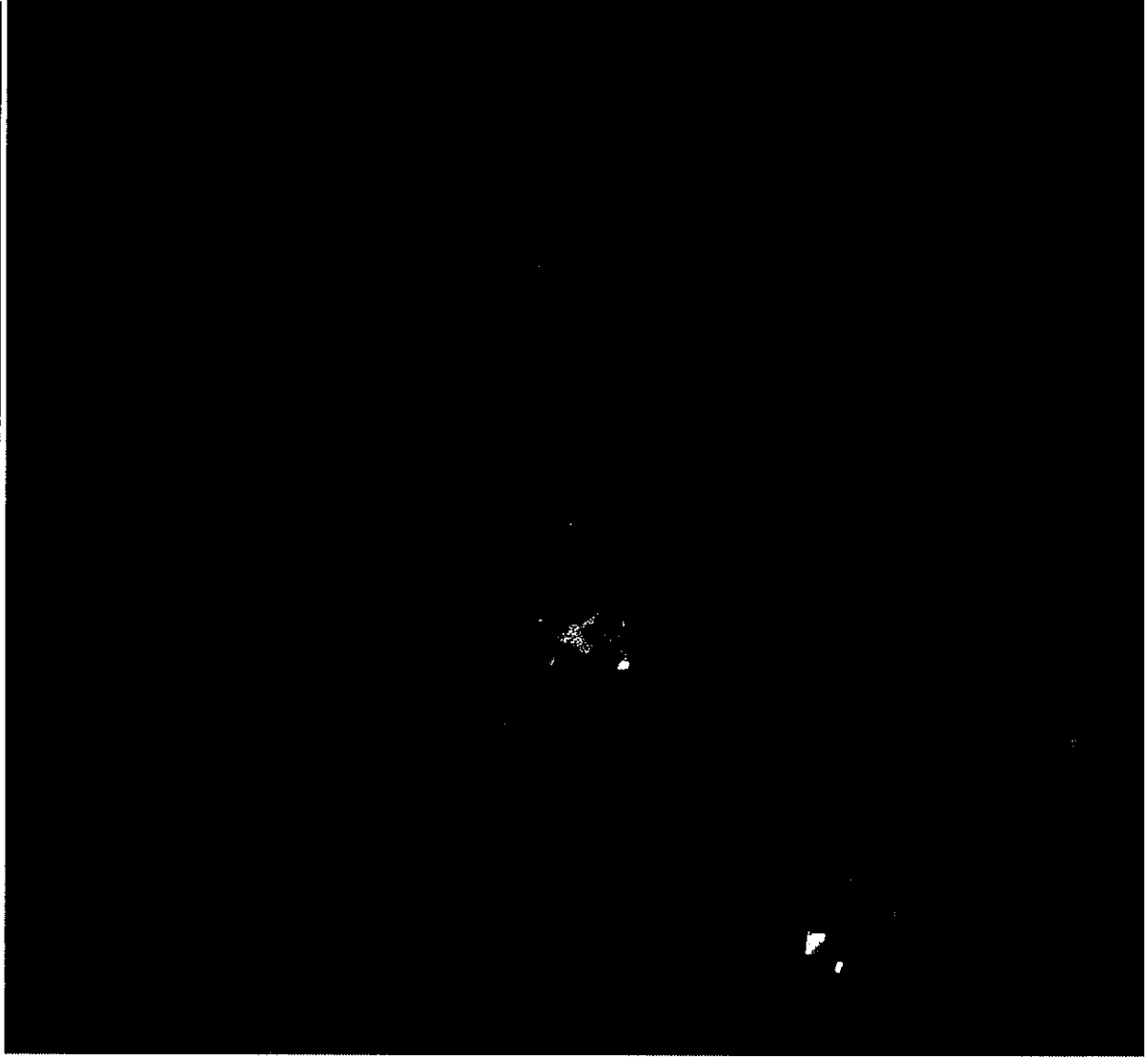
Date: _____

Signature: _____ Signature: _____

2018 CUP Amendment Site Plan



SURROUNDING USES MAP:



LOUCKS
 PLANNING
 CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE
 ENVIRONMENTAL
 7200 Highway 101, Suite 200
 Maple Grove, MN 55127
 www.loucks.com

CUP SUBMITTAL
 09-02-18
 CUP SUBMITTAL

QUALITY CONTROL
 Project No. 1253
 Project Lead
 Designer
 Checker
 Reviewer

SHEET INDEX
 C-1-1 EXISTING CONDITIONS
 C-2-1 SITE PLAN
 C-3-1 GRADING PLAN
 C-4-1 SOILS ANALYSIS
 C-5-1 SURROUNDING USES

SURROUNDING USES
C5-1



Wild Mountain Properties, LLC - Aerial Photo

Property at 16906 Wild Mountain Road, Amador Township; Sec.19, T.35, R.19, (PID #01.00096.00). Andrew Olson and Mark Olson, of Wild Mountain Properties, LLC, are requesting an amendment to an existing Conditional Use Permit to add recreational camping to operate a seasonal campground.

Wild Mountain Properties, LLC Property - ☐

Amador Township

Sec. 19, T. 35, R. 19

PID # 01.00096.00



Property at 16906 Wild Mountain Road, Amador Township; Sec.19, T.35, R.19, (PID #01.00096.00). Andrew Olson and Mark Olson, of Wild Mountain Properties, LLC, are requesting an amendment to an existing Conditional Use Permit to add recreational camping to operate a seasonal campground.

PID # 01.00096.00



Chisago County Request for Board Action

Meeting Date: April 21, 2020	Item Number: 24
Title of Item for Consideration: Evan Carlson IPS Solar Zoning Ordinance Text Amendment – Zoning Ordinance Section 8.04.1.G Reapplication/Lapse of Interim Use Permit	
Action Requested by: Kurt Schneider, Director	Department: Environmental Services/Zoning - on behalf of the Chisago County Planning Commission
Previous Action on this Matter: None.	
Evan Carlson, Applicant with IPS Solar, is seeking a text amendment to the Zoning Ordinance. The Ordinance provision in question is Section 8.04.1.G – Reapplication /Lapse of Interim Use Permit. The proposed amendment language is attached as drafted and presented by Mr. Carlson. At their meeting of April 1, 2021, the Planning Commission conducted the requisite public hearing(s) and recommended denial of the amendment text presented by Mr. Carlson voting 7-0. In follow-up to the recommendation of denial, the Commission recommended, voting 7-0, that the County Board approve alternative text amendment language as presented by Staff and further modified by the Commission as attached. Applicant Carlson expressed support for the adjusted ordinance language as presented by staff and now recommended by the Commission. Pursuant to Minnesota Statute, the 60-day agency action deadline is April 27, 2021. Among the options for the County Board at tonight’s meeting action must be taken on the Evan Carlson request (recommended denial) and action may be taken on the adjusted text Commission recommendation. Actions to consider include the following: 1. Deny the Evan Carlson IPS Solar Zoning Ordinance Text Amendment, as recommended by the Planning Commission and carried forward by County ESD staff; 2. Approve the adjusted Planning Commission recommended Zoning Text Amendment language as presented. 3. The County Board may extend the initial Evan Carlson IPS Solar application 60-day period (up to a total of 120 days), if, before the end of the initial 60-day period, it notifies the applicant in writing of its intent to take additional time to consider the application, the reasons for the extension, and anticipated length of the extension (Minn. Stat. 15.99, Subd. 3(c)). Sufficient time exists for the County Board to extend the initial 60-day period via written notification, if such a decision is formally taken at tonight’s Meeting. Any motion to extend this time period should include, at a minimum, direction to staff to prepare a written notification of the County Board’s action “to take up to an additional 60 days to further review the record and make a decision on this application.” 4. The County Board may Deny both the Applicant recommended Zoning Text Amendment request and/or the Planning Commission recommended Zoning Text Amendment Request of Section 8.04.1.G Reapplication/Lapse of Interim Use Permit as not being consistent or meeting the intent of the Zoning Ordinance.	

Attachment(s):

- Applicant Requested Ordinance Amendment
- Planning Commission Recommended Ordinance Amendment
- Planning Commission Presentation
- Planning Commission Staff Report & Hearing Packet
- Planning Commission Minutes (draft)

Action Requested/Recommended: It is respectfully requested that the Chisago County Board affirmatively consider the April 1, 2021, Chisago County Planning Commission recommendation(s) to (1) Deny the Evan Carlson IPS Solar requested text amendment to Zoning Ordinance Section 8.04.1.G – *Reapplication /Lapse of Interim Use Permit*; and (2) Approve the Planning Commission recommended text amendment to Zoning Ordinance Section 8.04.1.G – *Reapplication /Lapse of Interim Use Permit*. The suggested motion(s) to approve these actions are as follows:

“Move to deny the requested Evan Carlson IPS Solar Zoning Ordinance Text Amendment to Zoning Ordinance Section 8.04.1.G – Reapplication /Lapse of Interim Use Permit finding that the text as proposed is not consistent with the purpose and intent of the Zoning Ordinance.”

AND

“Move to Approve the recommended Planning Commission Text Amendment to Zoning Ordinance Section 8.04.1.G - Reapplication /Lapse of Interim Use Permit and Authorizing Full Execution, Publication, Recording, and Numbering, Upon County Attorney Review as to Form.”

Implications of Action: Recommended Board action denies the applicants Zoning Text Amendment request but is accompanied with an alternative recommendation for approval of Zoning Text language resulting in a more universal but similar effect as that which was proposed.

Budget/Financial Implications: None.

Legal/Policy Implications: The recommended Board consideration and action(s) are in conformity with generally accepted practices, procedures and interpretations of applicable state statutes and County ordinances and policies. As presented and if so adopted, Ordinance Execution will occur upon County Attorney review as to form.

Administrator's RecommendationApprove 

Deny _____

Other _____

Motion By:

Seconded by:

To:

Action on Motion:

Aye _____

Nay _____

Abstain _____

CHISAGO COUNTY
STATE OF MINNESOTA ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 8, ADMINISTRATIVE AND
ENFORCEMENT PROVISIONS OF THE CHISAGO COUNTY CODE, KNOWN AS
THE ZONING ORDINANCE, BY PROVIDING FOR AMENDMENTS TO 8.04.1
INTERIM USE PERMITS.**

SECTION 1. The County Board of Commissioners of Chisago County hereby amends Section 8, known as Administrative and Enforcement Provisions, to modify Section 8.04.1.G, Reapplication/Lapse of Conditional Use Permit, by adding ordinance language as follows:

G. Reapplication/Lapse of Interim Use Permit.

Reapplication for the same or substantially same IUP shall not be accepted within six (6) months of denial by the Board. Any IUP approved but not utilized within twelve (12) months of the date of approval shall be null and void. Applications under Section 7.31 of the ordinance which have paid and signed interconnection agreements with the electric utility are utilized. The County Board may reissue a terminated Interim Use Permit upon receipt of proper reapplication and fee by the applicant, should a change in the circumstances which had triggered the termination warrant it.

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

[name], Chairperson

ATTEST:

Chase Burnham, County Administrator

Published on the ____ this day of _____, 2021.

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

Requested Text Amendment Ordinance Language as drafted by Applicant

CHISAGO COUNTY
STATE OF MINNESOTA ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 8, ADMINISTRATIVE AND
ENFORCEMENT PROVISIONS OF THE CHISAGO COUNTY CODE, KNOWN AS
THE ZONING ORDINANCE, BY PROVIDING FOR AMENDMENTS TO 8.04.1
INTERIM USE PERMITS.**

SECTION 1. The County Board of Commissioners of Chisago County hereby amends Section 8, known as Administrative and Enforcement Provisions, to modify Section 8.04.1.G, Reapplication/Lapse of Conditional Use Permit, by adding ordinance language including Planning Commission recommended wording as follows:

G. Reapplication/Lapse of Interim Use Permit.

Reapplication for the same or substantially same IUP shall not be accepted within six (6) months of denial by the Board. Any IUP approved but not utilized within twelve (12) months of the date of approval shall be null and void, unless a petition for an extension of time in which to utilize the use that has been approved by the County Board. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the original IUP becomes null and void status of the original IUP. The request for an extension shall state facts showing a good faith attempt to utilize the use permitted in the Interim Use Permit. Such petition shall be presented to the County Board for a decision. An extension may only be granted one time and not to exceed six (6) months beyond the original IUP date. The County Board may reissue a terminated Interim Use Permit upon receipt of proper reapplication and fee by the applicant, should a change in the circumstances which had triggered the termination warrant it.

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

[name], Chairperson

ATTEST:

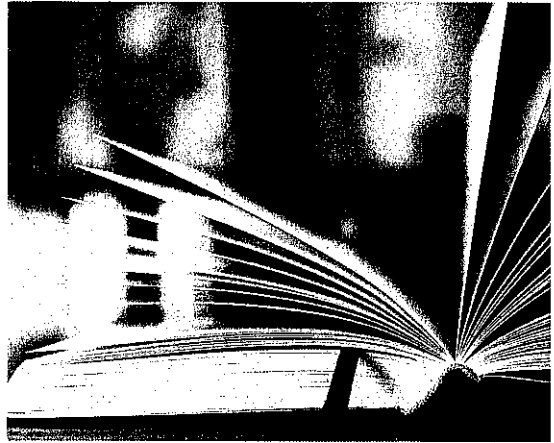
Chase Burnham, County Administrator

Published on the _____ this day of _____, 2021.

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

Alternate Ordinance Amendment Language as prepared by Environmental Services Staff

CARLSON TEXT AMENDMENT



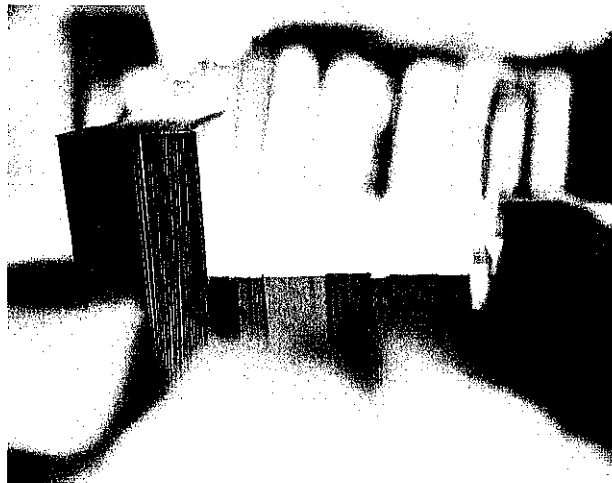
Application Review

Applicant –

- Evan Carlson, IPS Solar

Request –

- Seeking a Text Amendment to Zoning Ordinance Section 8.04.1.G – Reapplication/Lapse of Interim Use Permit to add ordinance language that would broaden what type of activity is deemed utilization of an Interim use Permit.



Zoning Ordinance Section 8.04.01.G

Current Language:

G. Reapplication/Lapse of Interim Use Permit.

Reapplication for the same or substantially same IUP shall not be accepted within six (6) months of denial by the Board. Any IUP approved but not utilized within twelve (12) months of the date of approval shall be null and void. The County Board may reissue a terminated Interim Use Permit upon receipt of proper reapplication and fee by the applicant, should a change in the circumstances which had triggered the termination warrant it.

Applicant Requested Text Amendment

G. Reapplication/Lapse of Interim Use Permit.

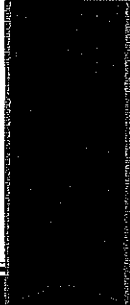
Reapplication for the same or substantially same IUP shall not be accepted within six (6) months of denial by the Board. Any IUP approved but not utilized within twelve (12) months of the date of approval shall be null and void. Applications under Section 7.31 of the ordinance which have paid and signed interconnection agreements with the electric utility are utilized. The County Board may reissue a terminated Interim Use Permit upon receipt of proper reapplication and fee by the applicant, should a change in the circumstances which had triggered the termination warrant it.

Definition: “an ordinance relating to, and regulating the use of land, the location, size, use, and height of buildings...”

Draft Staff Alternate Text Amendment

G. Reapplication/Lapse of Interim Use Permit.

Reapplication for the same or substantially same IUP shall not be accepted within six (6) months of denial by the Board. Any IUP approved but not utilized within twelve (12) months of the date of approval shall be null and void, unless a petition for an extension of time in which to utilize the use that has been approved by the County Board. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before null and void status of the original IUP. The request for an extension shall state facts showing a good faith attempt to utilize the use permitted in the Interim Use Permit. Such petition shall be presented to the County Board for a decision. An extension may only be granted one time and not to exceed six (6) months beyond the original IUP date. The County Board may reissue a terminated Interim Use Permit upon receipt of proper reapplication and fee by the applicant, should a change in the circumstances which had triggered the termination warrant it.



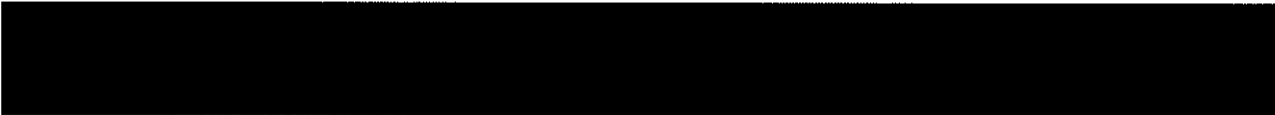
60 – DAY DEADLINE – APRIL 17, 2021

Applicant has included as part of the submission a 60-day waiver extending review period to April 27, 2021



MOTIONS TO CONSIDER

BARRING ANY NEW OR UNKNOWN EVIDENCE DISCOVERED AFTER THE COMPLETION OF THIS REPORT OR DURING THE COURSE OF THE PUBLIC HEARING, STAFF HAS PROVIDED BELOW THE FOLLOWING RECOMMENDED MOTIONS:

- Recommend **Denial** of the Text Amendment as requested by Evan Carlson for Zoning Ordinance Section 8.04.1.G – Reapplication/Lapse of Interim Use Permit based on the Findings of Fact *(amend or insert findings as necessary)*
 1. The application as presented by the Applicant does not align with the purpose and intent of the Zoning Ordinance.
 2. The Applicant has requested insertion of ordinance language that does not pertain to utilization or action of land use and as written is deemed to be inconsistent with the zoning ordinance. Interconnection agreements or other 3rd party non-land use based agreements or contracts should not be inserted into the zoning ordinance.
 - Recommend **Approval** of a Text Amendment for Zoning Ordinance Section 8.04.1.G – Reapplication/Lapse of Interim Use Permit with adjusted and more broadly implemented ordinance language as drafted by Staff *(or as modified at tonight's hearing)* based on the Findings of Fact that the Staff recommended ordinance language is determined to be consistent with the Zoning Ordinance purpose and intent for Chisago County.
- 



Staff Report

TO: Chisago County Planning Commission

FROM: Jessica Jagoe, Land Services Coordinator

DATE: March 25, 2021

RE: Carlson Text Amendment –
Section 8.04.1.G – Reapplication/Lapse of Interim Use Permit

Action to Consider

The Applicant is seeking a text amendment to the Zoning Ordinance Section 8.04.1.G – Reapplication/Lapse of Interim Use Permit to add ordinance language that would broaden what type of activity is deemed utilization of an Interim use Permit.

Proposal Analysis

Evan Carlson, Applicant with IPS Solar, is seeking a text amendment to the Zoning Ordinance Section 8.04.1.G – Reapplication/Lapse of Interim Use Permit. The current ordinance reads as follows:

*G. Reapplication/Lapse of Interim Use Permit.
Reapplication for the same or substantially same IUP shall not be accepted within six (6) months of denial by the Board. Any IUP approved but not utilized within twelve (12) months of the date of approval shall be null and void. The County Board may reissue a terminated Interim Use Permit upon receipt of proper reapplication and fee by the applicant, should a change in the circumstances which had triggered the termination warrant it.*

Mr. Carlson is requesting Planning Commission consideration to insert language within this section that would allow for “a paid and signed interconnection agreement with the utility company” to be considered *utilization* of a permit. The Zoning Ordinance (ordinance #08-3) on page 1 provides the definition as “an ordinance relating to, and regulating the use of land, the location, size, use, and height of buildings...”. Therefore, in applying the term “utilization” as it pertains to Administrative Permits, Conditional Use Permits, and Interim Use Permits the zoning consideration is whether or not the land use has been acted upon.

IPS Solar has been the Developer for several solar gardens in the County. Once an Interim Use Permit is approved, the Developer will begin working with the electric company to finalize and secure the interconnection agreement. The Applicant has indicated that they do not proceed any further on a project until they have a signed agreement. It has been stated that this process with

the electric company is taking longer and in some instances has resulted in solar projects coming close to the one year timeline for utilization. As a result, Mr. Carlson has proposed language that would secure the IUP as being acted upon with the signed agreement and having no action on the land use. In consideration of the requested text amendment, Planning Staff feels there are several steps that could be taken by a Developer in the early stages of a project prior to construction of structural elements that would satisfy utilization of the land use such as: applying for a driveway or building permit, installation of fencing, planting of landscaping, or basic site preparation. The ordinance language is not requiring completion of the approved land use, but rather the start of (i.e. acting on).

It should be noted that a requirement for utilization of a permit within a specific period is not uncommon language in zoning ordinances. In addition, Planning Staff has also reviewed other ordinance examples where the CUP or IUP language provides for a one time extension of the permit before becoming null and void. As drafted by the Applicant, the text amendment language would create another form of utilization applicable specifically to Section 7.31 Solar Energy Systems and not all types of conditional or interim land uses. Therefore, Planning Staff has taken the liberty of preparing an alternate version of an ordinance amendment to Section 8.04.1.G that would provide for an extension clause should the Planning Commission be amenable to consideration of a broader less targeted request. The alternate language would still require utilization of the land use, but it provides for an opportunity to extend the timeline due to extenuating circumstances. It would be Planning Staff's recommendation to continue to tailor the zoning ordinance language towards the purpose of relating to, and regulating the use of land and not outside circumstances or 3rd party agreements.

60-day Review

The application was deemed complete on February 16, 2021. The 60-day deadline will be April 17, 2021. The Applicant has included as part of their submission a 60-day waiver extending the review period to April 27, 2021.

Staff Findings

Barring any new or unknown pertinent information discovered after the completion of this report or during the course of the public hearing, Planning Staff finds the request for a text amendment to be reasonable in premise, but requires adjustment and recommends further discussion amongst the Planning Commission in consideration of consistency with the intent and purpose of the zoning ordinance.

Barring any new or unknown evidence discovered after the completion of this report or during the course of the public hearing, staff has provided below the following two recommended motions for your consideration based on the draft ordinances as presented:

- Recommend **Denial** of the Text Amendment as requested by Evan Carlson for Zoning Ordinance Section 8.04.1.G – Reapplication/Lapse of Interim Use Permit based on the Findings of Fact (*amend or insert findings as necessary*)
 1. The application as presented by the Applicant does not align with the purpose and intent of the Zoning Ordinance.

2. The Applicant has requested insertion of ordinance language that does not pertain to utilization or action of land use and as written is deemed to be inconsistent with the zoning ordinance. Interconnection agreements or other 3rd party non-land use based agreements or contracts should not be inserted into the zoning ordinance.
- Recommend **Approval** of a Text Amendment for Zoning Ordinance Section 8.04.1.G – Reapplication/Lapse of Interim Use Permit with adjusted and more broadly implemented ordinance language as drafted by Staff *(or as modified at tonight's hearing)* based on the Findings of Fact that the Staff recommended ordinance language is determined to be consistent with the Zoning Ordinance purpose and intent for Chisago County.

Alternate Motions to Consider:

- Move to **Table Action** and extend the initial 60-day period for required action on this Text Amendment application for up to an additional 30 days, so to allow for further review of the record and to make a decision on this application, as allowed under Minnesota State Statute 15.99 Subd. 3(f)."
- Recommend **Approval** of a Text Amendment as requested by Evan Carlson for Zoning Ordinance Section 8.04.1.G – Reapplication/Lapse of Interim Use Permit with the language as prepared by the Applicant based on the Findings of Fact or other contributing factors deemed appropriate *(insert findings)*

1.

CC: Evan Carlson, Applicant
County File

Chisago County Request for Board Action

Meeting Date: April 21, 2021	Item Number: 25
Title of Item for Consideration: Discussion of Buildings and Building Use in Agricultural Zones	
Action Requested by: Chair Chris DuBose	Department: Board of Commissioners
Previous Action on this Matter: None.	
Background: At this time, the County restricts buildings within agricultural zones to buildings that only have an agricultural purpose. Chair DuBose would like to discuss the current zoning agricultural zoning restrictions. Zoning Ordinance Sections 4.08.1 and 5.06 pertain to the use/allowance of an accessory building in the AG District. A Land owner must obtain a "Farm Use Only" site permit and is allowed to construction a building strictly for AG Farm use (Section 5.06.B.1 and 4.08.1.A apply). Large disclaimer is on the permit and use of the structure (or more specifically scenarios of improper use of the structure) is typically discussed when site permit is issued. In addition, the property must have an AG tax classification through the Assessor's Office for land use. However, Land owner, or second or third land owner, forgets or ignores the "Farm Use Only" and begins using the building for some other purpose. Zoning violations/conflicts can evolve such as: Living in a pole barn that does not meet zoning ordinance standards (building code?; architectural standards; <u>no septic system</u> or proper health/safety elements, etc.), Some sort of mini storage or other "commercial" activity takes hold. Attachment(s): • Chisago County Zoning Ordinance – 4.08.1 Accessory Structures and Uses in (A), (AP), and (PAT) Districts	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners discuss the current Chisago County's Zoning Ordinance and the use of buildings in the County's Agricultural Zones. It is recommended that if the Board of Commissioners want to change or address the current zoning ordinance, the Board be specific in their directions to staff and/or the Planning Commission.	
Implications of Action: None at this time.	
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 <u>COS</u>	Deny _____	Other _____	
Motion By:		Seconded by:	
To:			
Action on Motion:	Aye _____	Nay _____	Abstain _____

Chisago County Zoning Ordinance

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

- A. No accessory building or structure other than a fence or a temporary construction office shall be permitted on any lot without a principal structure, except a residential accessory structure provided a building permit for the principal structure has been issued and the foundation inspection has been completed and approved. Agricultural buildings or uninhabited historical buildings as part of a use permitted under Section 5.06 B.7, Section 5.08 B.3 or Section 5.09 B.6 constitute an exception.
- B. Accessory buildings larger than one hundred twenty (120) square feet shall require a building permit. All accessory structures including those that do not require permits must adhere to setbacks.
- C. The commercial storage of recreational structures is prohibited. Personal storage of recreational structures must meet all setbacks.
- D. No detached accessory structure, garage, cellar, tent, trailer, or basement may be built, modified for use, or used, as a dwelling, except temporary manufactured homes as regulated in this Ordinance.
- E. Detached accessory structures shall be only one story in height, or two stories with the second story consisting entirely of unfinished storage space.
- F. No sanitary facilities are permitted within an accessory building prior to the construction of the principal structure.
- G. Detached accessory structures shall not include plumbing or fixtures apart from a sink and/or water closet.
- H. Temporary structures must be securely anchored and meet all required setbacks. Temporary structures that due to deterioration or damage no longer provide the use for which they were intended must be removed.
- I. Setbacks from roadways for accessory structures on properties developed under a previous version of this ordinance may be less stringent from current requirements, but not less than the distance required of the primary structure under the provisions of this ordinance at the time of the original development, provided that there are no road projects planned which would conflict with the building site.

5.06 Agricultural District (A)

A. Purpose. The (A) District is intended to provide areas to be utilized for agriculture and agriculture related uses and low density residential areas.

B. Permitted Uses.

1. Agriculture uses

2. Farm structures which are accessory to agriculture uses.
3. Sump type livestock and/or poultry manure storage systems or other systems of manure storage that are of like and similar nature that prevent feed lot runoff provided they meet the standards for feed lots adopted by the Minnesota Pollution Control Agency.
4. Farm drainage systems, flood control and watershed structures and erosion control devices meeting all county, state and Soil Conservation Service minimum standards.
5. Greenhouse or nursery.
6. Forestry and sod farming.
7. Wildlife areas, forest preserves, public parks for passive recreation owned or operated by a government agency or nonprofit organization, and other open space uses.

-
8. Temporary or seasonal roadside stands for sale of agricultural products raised in part on the premises upon which the stand is located - not to exceed one stand per farm.

9. Home occupations in accordance with Section 4.04.

10. One single family dwelling per lot.

11. Horse keeping.
12. Essential services in accordance with Section 4.05.
13. Daycare and residential facilities as defined in Minnesota Statutes.
14. Livestock feed and poultry lots subject to the requirements of the Minnesota Pollution Control Agency regulations.
15. Horse barns as a principal or accessory use, provided that the barn is not intended for use in a commercial equine operation, and contains no residential living quarters and/or sanitary facilities.

C. Conditional Uses.

1. All residential subdivisions, except as provided in Section 6.05Q.
2. Churches, chapels, temples, synagogues, mosques, and cemeteries, and associated accessory structures.
3. Local government administration and service buildings.
4. Community sewage treatment facilities.
5. Commercial recreation areas that are similar to public recreation areas including private campgrounds, golf courses, swimming pools, resorts, and crafting uses such as quilting and scrapbooking. Restaurants and/or liquor establishments when clearly incidental and associated with the primary commercial recreation use.
6. Agriculture oriented businesses such as grain and feed sales, sawmills, implement sales, implement repair and the processing and packaging of agricultural products, excluding the custom processing or slaughter of animals.
7. Veterinary clinics and non-profit animal shelters.
8. Commercial grain storage and/or drying.
9. Solid waste facilities.
10. Regional pipelines, power transmission lines and towers over fifty (50) feet in height.
11. Bed and breakfast establishments, as a principal use or accessory use, in structures determined by the Zoning Administrator to be of historical or architectural significance.
12. Commercial wireless telecommunication services, including towers and antennae, which meet the requirements of Section 7.28, provided that towers and antennae do not exceed one hundred ninety-nine (199) feet.
13. Agriculturally and animal-oriented educational facilities.
14. Supervised living facilities, as defined by Minnesota Statutes, of not more than 14 residents.

15. Shelter facilities for battered persons operated by a non-profit organization.
16. Public parks for active recreation owned or operated by a government agency or nonprofit organization and other open space uses including museums or other buildings of historical significance as determined by the Zoning Administrator.
17. Retail sales of live bait and tackle with frontage on General Development Lakes.
18. Sculpture parks with production and educational facilities.
19. Cabinet /Woodworking Shops.
20. Wind Towers pursuant to Section 7.30.
21. Rural Retail Tourism Uses

D. Interim Uses

1. Commercial and Residential Kennels
2. Light construction equipment storage areas associated with a legal home occupation.
3. Extraction of minerals, sand, gravel, rock, or any material from the earth and asphalt processing operations in accordance with Section 7.27.
4. Home occupations in accordance with Section 4.04
5. Personal use airstrips.
6. Contracting businesses owned and operated by persons residing at the property.
7. Temporary Farm Employee Housing.

Chisago County Request for Board Action

Meeting Date: April 21, 2021	Item Number: 26
Title of Item for Consideration: Report and Recommendations from the April 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 April 13th Budget and Finance Meeting. Of note are the following, items, along with any recommended Board actions: <u>FY 2022 Budget Process Schedule:</u> The B/F Committee received the recommended 2022 Budget Process Schedule from County Administrator Chase Burnham to discuss the 2022 Budget, including the 2022 CIP and 2022 TIP and funding of the projects. The Schedule, by consensus, was approved. <u>'Old' Probation – HHS Child Protection/'Soft' Interview:</u> The B/F Committee received and discussed the proposed creation of a child visitation room and 'soft' interview space in the 'old' probation office. The Committee, by consensus, approved this idea and recommended determining costs associated with the change. <u>Zoning Ordinance Review:</u> The B/F Committee discussed the Planning Commissions request, through Planning Commission Liaison Commissioner DuBose, to seek proposals for the complete review of the County's Zoning Ordinance. The Committee, by consensus, approved this idea and recommended determining costs associated with the service. Attachment(s): • Wheelage Tax and Local Option Sales Tax Totals to Date • FY 2022 Budget Process Schedule	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board accept the April 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 April 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:

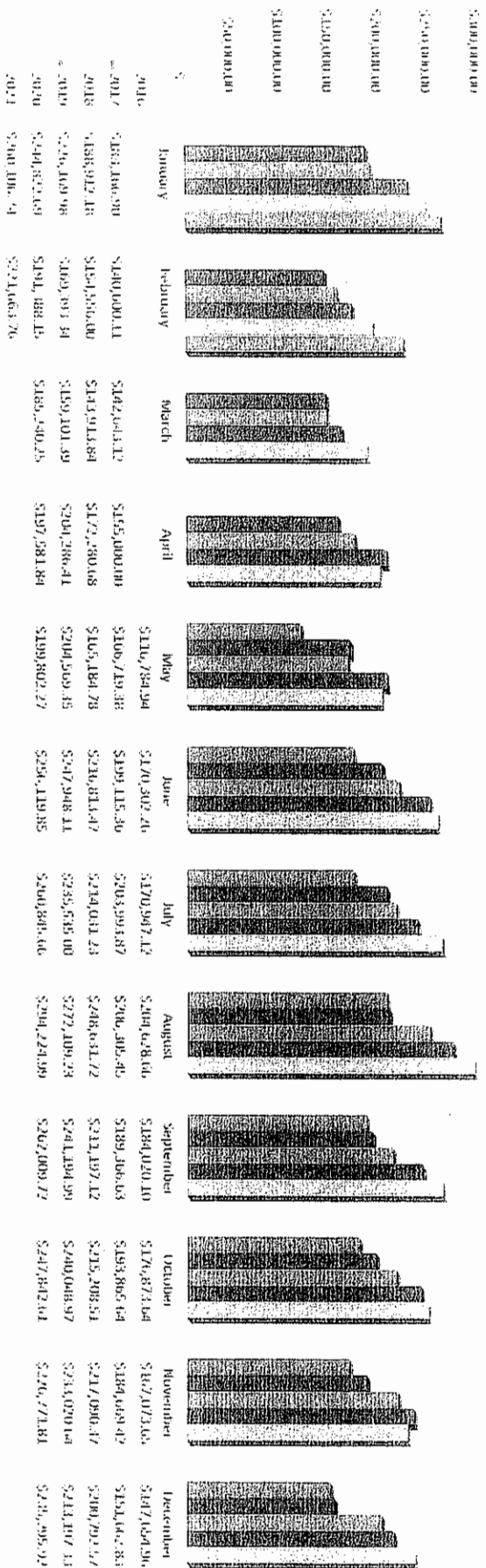
Action on Motion:

Aye _____

Nay _____

Abstain _____

Sale Tax - By Month
Average Annual Collection \$2,478,560
2021 Budget \$2,200,000
Total Collection Through Feb. 2021 \$481,771

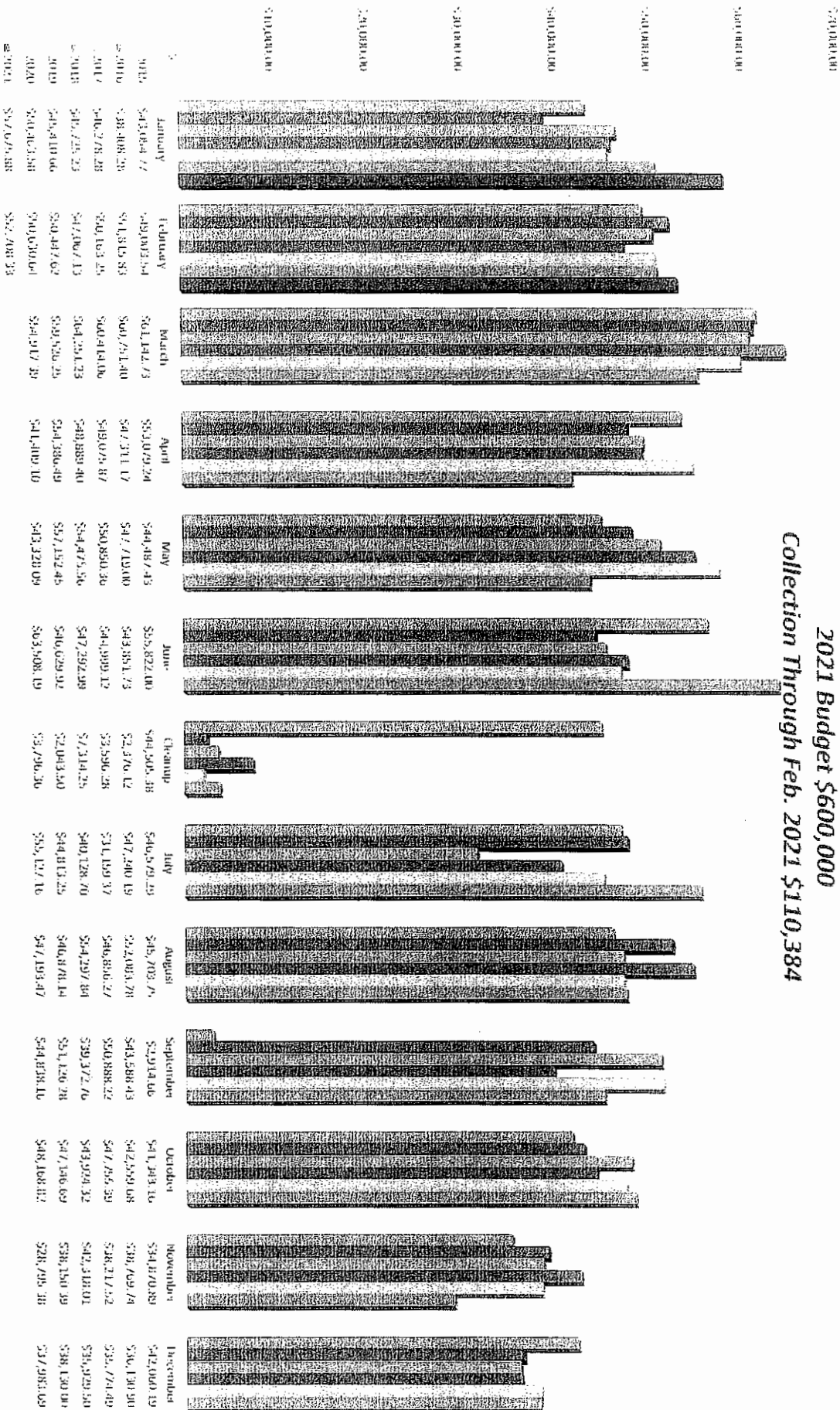


Wheelage Tax

Average Annual Collection \$558,902

2021 Budget \$600,000

Collection Through Feb. 2021 \$110,384



FY 2022 Budget Process Schedule (as of April 7, 2021)

April 13 th	Budget Process, Schedule & Financial Assumptions - Preview	Budget & Finance Committee
April 21 st	Management Meetings to discuss upcoming Budget process	Administration/Management Team
May 11 th	Budget Process, Schedule & Financial Assumptions - Review	Budget & Finance Committee
May 18 th	Management Team Meeting to review Budget preparation and Instructions to Department Heads (OpenGov Refresher) - Staffing Review/Preview	Administration/Management Team
May 19 th – July 12 th	Meetings with Department Directors to review Draft Budgets	Admin & Auditor-Treasurer - Departments
July 12 th	FY 2022 Budgets DUE to County Admin.	Department Directors
July 13 th	Update to Budget & Finance Committee	Budget & Finance Committee
July 20 th	Management Team Meeting to review FY 2022 Budget	Administration/MAT
August 4 th	County Administrator presents Draft FY 2022 Budget to County Board - Brief Department Presentations to Board, <i>if desired</i>	County Board, Administration & Departments
August 10 th	Budget & Finance Committee Meeting to continue Draft FY 2022 Budget Review - Brief Department Presentations to Board, <i>if desired</i>	Budget & Finance Committee - Admin & Departments
September 1 st	County Board considers Preliminary Levy, <i>if desired</i> - Must be adopted by end of September	County Board
September 7 th	Budget & Finance Committee Meeting to continue Draft FY 2022 Budget Review, <i>if needed</i>	County Board
September 15 th	County Board ADOPTS Preliminary Levy, <i>if needed</i> - Must be adopted by end of September (MN Stat. 275.065)	County Board

December 1 st	Budget Information Meeting held (TNT) and adoption of final FY 2022 Budget (operating and capital) and Levy, <i>if desired</i> - Must be adopted by December 27th, 2021 (MN Stat. 275.065)	County Board
December 15 th	Final FY 2022 Budget (operating and capital) and Levy adopted, <i>if needed</i> - Must be adopted by December 27th, 2021	County Board

Chisago County Request for Board Action

Meeting Date: April 21, 2021	Item Number: 27
Title of Item for Consideration: COVID-19 Vaccination Implementation Grant Agreement	
Action Requested by: Robert Benson, Director	Department: Health and Human Services
Previous Action on this Matter: None.	
Background: The Department of Health and Human Services, Centers for Disease Control and Prevention has allocated \$418,227.00 of funding to meet obligations that are intended to combat the Corona Virus Disease (COVID-19) Disaster. It is also intended for Immunization and Vaccines for Children of Chisago County. Attachment(s): COVID-19 Vaccination Implementation Grant Agreement	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve the COVID-19 Vaccination Implementation Grant Agreement. The suggested motion is as follows: <i>“Move to approve the COVID-19 Vaccination Implementation Grant Agreement.”</i>	
Implications of Action: Acceptance of this Grant award will ensure that the funds and equipment are available to deliver the immunization and vaccines for children in Chisago County.	
Budget/Financial Implications: Federal Funding.	
Legal/Policy Implications: The proposed activities are in compliance with all applicable state and federal regulations and County policies & procedures. 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 _____

Minnesota Department of Health

Grant Award Cover Sheet

You have received a grant award from the Minnesota Department of Health (MDH). Information about the grant award, including funding details, are included below. Contact your MDH Grant Manager if you have questions about this cover sheet.

ATTACHMENT: Grant Project Agreement

CONTACT FOR MDH: DeeAnn Finley, 651-201-4551, deeann.finley@state.mn.us

Grantee SWIFT Information	Grant Agreement Information	Funding Information
Name of MDH Grantee: Chisago County Community Health Board	Grant Agreement/Project Agreement Number: 191887 PO: 3000083643	Total Grant Funds (all funding sources): \$418,227.00
Grantee SWIFT Vendor Number: 0000197284	Period of Performance Start Date: 4/01/2021	Total State Grant Funds: \$0.00
SWIFT Vendor Location Code: 001	Period of Performance End Date: 12/31/2021	Total Federal Grant Funds: \$418,227.00

Notice to Grantee about Federal Funds

You have received a sub-award of federal financial assistance from MDH. Information about the award is being shared with you per 2 CFR 200.331. Please keep a copy of this cover sheet with the grant project agreement.

Grantee Data Universal Numbering System (DUNS) Name and Number	DUNS Name: Chisago, County of DUNS Number: 103919879
Grantee's Approved Indirect Cost Rate for the Grant	10%
Is the Award for Research and Development?	☐ Yes ☒ No
Project Description	COVID-19 response and vaccine implementation. Epidemiology and Laboratory Capacity for Infectious Diseases (ELC) & Immunization and Vaccines for Children

Name of Federal Awarding Agency	Department of Health and Human Services, Centers for Disease Control and Prevention
CFDA Name and Number (Catalog of Federal Domestic Assistance)	CFDA Name: Immunization Cooperative Agreements CFDA Number: 93.268
Federal Award Identification Number (FAIN)/ Grantor's Pass-through Number	NH23IP922628
Federal Award Date (Date MDH received federal grant)	01/15/2021
Total Amount of Federal Award Received by MDH	\$50,958,885.00

Name of Federal Awarding Agency	Department of Health and Human Services, Centers for Disease Control and Prevention
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CFDA Name and Number <i>(Catalog of Federal Domestic Assistance)</i>	CFDA Name: Epidemiology and Laboratory Capacity for Infectious Diseases (ELC) CFDA Number: 93.323
Federal Award Identification Number <i>(FAIN)/ Grantor's Pass-through Number</i>	NU50CK000508
Federal Award Date <i>(Date MDH received federal grant)</i>	01/13/2021
Total Amount of Federal Award Received by MDH	\$324,608,098.00

**Minnesota Department of Health
Community Health Board Grant Project Agreement**

This Grant Project Agreement, and amendments and supplements, is between the State of Minnesota, acting through its Commissioner of Health ("STATE") and Chisago County Community Health Board, an independent organization, not an employee of the State of Minnesota, address 313 N. Main St., Rm 239, Center City MN 55021("GRANTEE").

1. Under Minnesota Statutes 144.0742, the STATE is empowered to enter into a contractual agreement for the provision of statutorily prescribed public health services;
2. The STATE and the GRANTEE have entered into Master Grant Contract number 12-700-00064 ("Master Grant Contract") effective January 1, 2020 or subsequent Master Grant Contracts and amendments and supplements thereto;
3. The GRANTEE represents that it is duly qualified and willing to perform the duties described in this grant project agreement to the satisfaction of the STATE. Pursuant to Minnesota Statutes Section 16B.98, subdivision 1, the GRANTEE agrees to minimize administrative costs as a condition of this grant.

NOW, THEREFORE, it is agreed:

1. ***Incorporation of Master Grant Contract.*** All terms and conditions of the Master Grant Contract are hereby incorporated by reference into this grant project agreement.

2. ***Term of Agreement.***

2.1 *Effective date.* This grant project agreement shall be effective on April 1, 2021, notwithstanding Minn. Stat. §16B.98, Subd. 5, the Grantee can submit by quarterly invoice expenditures which can be reimbursed back to April 1, 2021, as of the effective date of this grant contract agreement pursuant to Minn. Stat. §3.3005, Subd. 4 and 5, and Minn. Stat. §12.36. Per Minn. Stat. §16B.98, Subd. 7, no payments will be made to the Grantee until this grant contract agreement is fully executed.

2.2 *Expiration date.* December 31, 2021, or until all obligations have been fulfilled to the satisfaction of the STATE, whichever occurs first, except for the requirements specified in this grant project agreement with completion dates which extend beyond the termination date specified in this sentence.

3. ***Grantee's Duties and Responsibilities.*** The GRANTEE shall: complete the duties set forth in Exhibit A, which is attached and incorporated in this grant project agreement.

4. ***Consideration and Payment.***

4.1 *Consideration.* The STATE will pay for all services performed by the GRANTEE under this grant project agreement as follows:

(a) *Compensation.* The GRANTEE will be paid compensation not to exceed the amount listed in the cover letter for each funding award and according to considerations addressed in Exhibit A, which is attached and incorporated into this agreement.

(b) *Total Obligation.* The total obligation of the STATE for all compensation and reimbursements to the GRANTEE under this grant project agreement will not exceed the amount specified in the Grantee's award letter as defined above.

4.2 Terms of Payment.

(a) *Invoices.* The State will promptly pay the GRANTEE after the GRANTEE presents an itemized invoice for the services actually performed and the State's Authorized Representative accepts the invoiced services. Invoices must be submitted in a timely fashion and according to the following schedule: Quarterly.

(b) *Federal Funds.* Payments under this grant project agreement will be made from federal funds obtained by the STATE through CFDA numbers 93.268 and 93.323, Sections 317, 317 (k)(2) of the Public Health Services Act and PHS 301(a), 307, 317 and [42 U.S.C. 214, 2421, & 247b], including public law and all amendments. The Notice of Grant Award (NGA) numbers are 6-NH23IP922628-02-04 and 6 NU50CK000508-02-05

5. **Conditions of Payment.** All services provided by GRANTEE pursuant to this grant project agreement must be performed to the satisfaction of the STATE, as determined in the sole discretion of its Authorized Representative. Further, all services provided by the GRANTEE must be in accord with all applicable federal, state, and local laws, ordinances, rules and regulations.

6. **Ownership of Equipment.** Disposition of all equipment purchased under this grant project agreement shall be in accordance with Code of Federal Regulations, Title 45, Part 74, Subpart C or, for Notice of Grant Awards issued on or after December 26, 2014, in accordance with Code of Federal Regulations, Title 2, Subpart A, Chapter II, Part 200. For all equipment having a current per unit fair market value of \$5,000 or more, the STATE shall have the right to require transfer of the equipment, including title, to the Federal Government or to an eligible non-Federal party named by the STATE. This right will normally be exercised by the STATE only if the project or program for which the equipment was acquired is transferred from one grantee to another.

7. Authorized Representatives.

7.1 *STATE's Authorized Representative.* The STATE's Authorized Representative for purposes of administering this grant project agreement is DeeAnn Finley, Planning Director State, P.O. Box 64975 St. Paul, MN 55164, 651-201-4551, deeann.finley@state.mn.us, or their successor, and has the responsibility to monitor the GRANTEE's performance and the final authority to accept the services provided under this grant project agreement. If the services are satisfactory, the STATE's Authorized Representative will certify acceptance on each invoice submitted for payment.

7.2 *GRANTEE's Authorized Representative.* The GRANTEE's Authorized Representative is Courtney Wehrenberg, CHS Administrator, 6133 402nd Street North Branch, MN 55056, 651-213-5217, Courtney.Wehrenberg@chisagocounty.us or their successor. The GRANTEE's Authorized Representative has full authority to represent the GRANTEE in fulfillment of the terms, conditions, and requirements of this agreement. If the GRANTEE selects a new Authorized Representative at any time during this grant project agreement, the GRANTEE must immediately notify the STATE.

8. Termination.

8.1 *Termination by the STATE.* The STATE or GRANTEE may cancel this grant project agreement at any time, with or without cause, upon thirty (30) days written notice to the other party.

8.2 *Termination for Cause.* If the GRANTEE fails to comply with the provisions of this grant project agreement, the State may terminate this grant project agreement without prejudice to the right of the STATE to recover any money previously paid. The termination shall be effective five business days after the STATE mails, by certified mail, return receipt requested, written notice of termination to the GRANTEE at its last known address.

8.3 Termination for Insufficient Funding. The STATE may immediately terminate this grant project agreement if it does not obtain funding from the Minnesota legislature or other funding source; or if funding cannot be continued at a level sufficient to allow for the payment of the work scope covered in this grant project agreement. Termination must be by written (e-mail, facsimile or letter) notice to the GRANTEE. The STATE is not obligated to pay for any work performed after notice and effective date of the 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 this grant project agreement 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 receiving notice of the same.

9. Clerical Error

Notwithstanding the Master Grant Contract Agreement, MDH reserves the right to unilaterally fix clerical errors contained in the Grant Contract Agreement without executing an amendment. Grantee will be informed of errors that have been fixed pursuant to this paragraph.

APPROVED:

1. State Encumbrance Verification

*Individual certifies that funds have been encumbered
as required by Minn. Stat. §§ 16A.15 and 16C.05.*

Signed: J.P. Marquis Digitally signed by J.P. Marquis
Date: 2021.04.07 12:16:34
08:00

Date: 4/7/21

SWIFT Contract/PO No(s). 191887/3000083643

2. GRANTEE

*The Grantee certifies that the appropriate persons(s) have
executed the project agreement on behalf of the Grantee as
required by applicable articles, bylaws, resolutions, or
ordinances.*

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

By: *Justin Roete*

Title: *Chisago County Attorney*

Date: *4/14/2021*

Distribution:

- MDH (Original fully executed Grant Project Agreement)
- Grantee
- State Authorized Representative

3. STATE AGENCY

*Project Agreement approval and certification that STATE
funds have been encumbered as required by Minn. Stat.
§§ 16A.15 and 16C.05.*

By: _____

Title: _____

Date: _____

Exhibit A:

Pandemic response and vaccination implementation is a combined state and local responsibility that requires close collaboration between public health, health care, external agencies, and community partners. The overall purpose of this grant is the rapid administration of COVID-19 vaccination.

COVID-19 Response

- Implement activities as needed to prevent and respond to COVID 19 in the jurisdiction. This could include, but is not limited to, non-vaccine related activities such as testing, essential services and other resources necessary for COVID-19 response efforts.

COVID-19 Vaccination Implementation and Distribution

- Administer COVID-19 vaccine as rapidly as possible (preferably within one week of receipt) to prioritized groups, based on jurisdictional priorities and CDC and MDH guidance. Funds can be used to support:
 - a. Staff salary and fringe benefits as needed to complete grant duties and support vaccination clinics.
 - b. Increased staffing by contracting with or hiring additional staff to work with rural communities of color, and/or communities of high social vulnerability.
 - c. Subcontracts for vaccine administration. This includes, but is not limited to, subcontracting for community vaccinators. Grantees will be asked to provide the name of the subcontractor, amount of subcontract and period of performance.
 - d. Purchase of supplies and equipment necessary to support vaccine administration. Procurement of a single piece of equipment over \$5,000 or higher (including retrofitting or leasing of a vehicle) requires prior approval from the State's Authorized Representative.
 - e. Costs associated with vaccine clinics (open and closed PODs). This may include, but is not limited to:
 - i. Rental of space and or equipment
 - ii. Security and or traffic management
 - iii. Necessary translation services (through staff with language competency or subcontracts with community organizations/individuals)
 - iv. Support for community engagement to ensure populations of focus are targeted and served
 - v. Support for software/reporting
 - f. Costs associated with expanded vaccine clinic hours – including evening, overnight, weekends – to increase throughput. This may include but is not limited to staff overtime costs and other additional costs noted in (e).
 - g. Purchases to transport and store vaccines in the field and to increase the efficiency and safety of vaccinating (vaccine transportation coolers, ancillary supplies, etc.).
 - h. Purchase and maintenance of a vaccination scheduling or other IT solution.

Promote Vaccine Confidence and Increase Vaccination Uptake

- Work with local partners (local and regional health care, long term care facilities, community vaccinators, community organizations, pharmacists, etc.) to assure vaccination of priority groups.
- When setting up vaccination sites, the Grantee should address the following considerations:

- a. Clinic hours that are accessible to a broad range of community members, including evening and weekend hours
 - b. Accessibility considerations (e.g. ADA compliant locations, transportation options, accessible by public transportation)
 - c. At or near community locations where individual currently receive services/activities (e.g. faith-based, housing complex, food shelves, jobs centers, community gathering locations)
 - d. Mechanism for distributing vaccine and vaccine location information in multiple languages
- When possible, plan clinics and identify locations in partnership with focus communities and in non-traditional settings to support vaccination in underserved communities.
- Used funds to support local education campaigns and approaches to adapting MDH and CDC materials to community audiences, including a focus on racial and ethnic minority groups and/or communities with high social vulnerability.
- Use funds to promote vaccine confidence by developing local messages, based on MDH and CDC guidance, especially among underserved populations in their communities.
- Use funds to address vaccine misinformation to increase vaccine uptake, including racial and ethnic minority groups in their communities.

Reporting Requirements

- Complete and submit reports as required by MDH. This may include, but not be limited to:
 - a. Weekly updates on vaccine administration and progress. This may include information on vaccination of focused populations.
 - b. Weekly updates on vaccine need and local vaccine supply (doses on hand).
 - c. Reports on vaccine clinic operations successes and challenges.
 - d. Changes/increases in staffing.
 - e. Report in MIIC or other reporting software as required.
 - f. Quarterly financial reporting/invoicing as required.



**Friday April 30, 2021
2:30 PM**

Natural Spaces Domes
37955 Bridge Rd
North Branch, MN



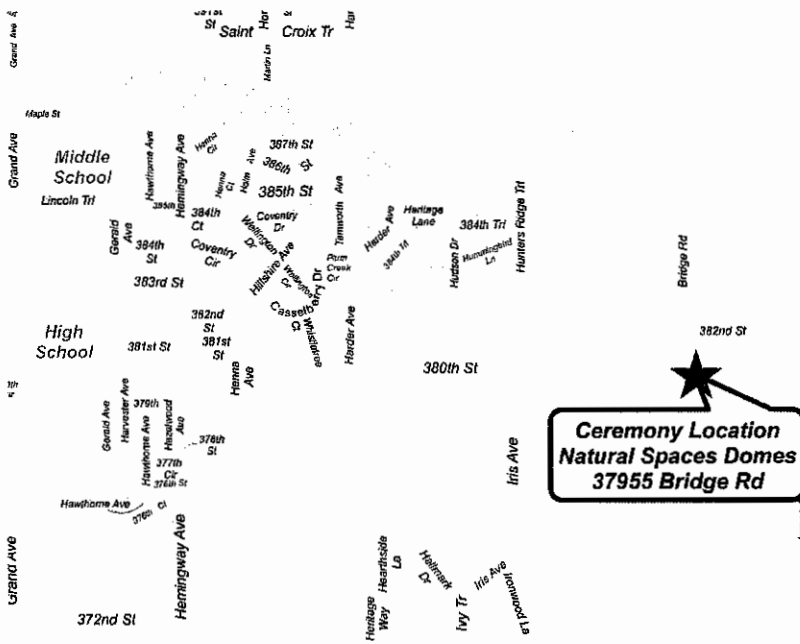
FIXED WIRELESS NETWORK HIGH SPEED INTERNET CEREMONY

Join the City of North Branch to
celebrate the completion of the
Fixed Wireless Network High Speed
Internet Project!

The ceremony will be located at
Natural Spaces Domes
37955 Bridge Rd North Branch, MN
at 2:30 PM on Friday April 30, 2021.

Follow signs at beginning of driveway.

For more info, contact North Branch
City Hall at 651-674-8113





Minnesota Inter-County Association

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

MICA Weekly Legislative Update

Issue No. 14

April 5, 2021

BENTON • BLUE EARTH • CARVER • CHISAGO • CROW WING • DAKOTA • OLMSTED • OTTER TAIL • RICE • ST. LOUIS • SCOTT • SHERBURNE • STEARNS • WASHINGTON • WINONA

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Health & Human Services
Corrections & Public Safety
General Government & Other
Environment

Leadership and Overall

Last Tuesday, the legislature officially returned from its 10-day Spring recess at Noon and by the end of the week:

- Fifteen Senate budget committees had each revealed, held public hearing, and approved an omnibus budget bill for the committee's jurisdiction. Three of omnibus budget bills, higher education, commerce, and energy and utilities, were also heard by the full Finance Committee and referred to the Senate floor with a recommendation to pass. The remaining omnibus budget bills are expected to be considered by Senate Finance this week. The Senate Tax Committee has not yet revealed its omnibus tax bill recommendations.
- In the House, seventeen committees with budget jurisdiction similarly approved omnibus budget recommendations; one committee had previously made its recommendations. The House Tax Committee held four days of hearings, approving an omnibus tax bill, and the tax provisions contained in the omnibus transportation and education finance bills. All those bills have now been referred to House Ways and Means for consideration this week.

This week, all attention will be on the House Ways and Means and Senate Finance committees as they are scheduled to meet nearly every day during the week to consider omnibus bills. In addition, the House Capital Investment committee will take up a 2021 House Bonding bill. As summarized in Tax & Fiscal section below, the House Ways and Means and Senate Finance committees will also do some combining of bills to align omnibus bills with those from the other body in preparation for conference committees.

The Senate Tax Committee may also reveal what tax provisions it is proposing beyond the federal tax conformity the Senate has already approved. The timeline for Senate action on a Capital Investment (bonding) bill is unclear. Unlike other committees, Senate Finance, tax, and Capital Investment, and House Ways & Means, Taxes, and Capital Investment are not subject to committee deadlines.

Importantly, neither the House or Senate have yet made formal proposals for how to use the nearly \$2.5 billion of American Rescue Plan Funds anticipated, although several budget bills did add language encouraging state general fund appropriations be restored or supplemental by ARP funds if determined to be eligible.

American Jobs Plan Highlights

The Biden administration unveiled an American Jobs Plan last week. The plan proposes roughly \$2.7 trillion over the next 8 years, along with proposing to pay for most of that spending with over \$2 billion in increased corporate tax collections over ten years. Key infrastructure investment provisions include:

- \$650 billion for investments in clean drinking water (\$111B), Broadband (\$100B), electrical (\$100B), affordable and sustainable housing (\$213B), and public schools (\$137B).
- \$621 billion for transportation infrastructure (\$115B for highways, bridges, and roads; \$85B for transit; \$80B for passenger freight; \$174B for electric vehicles; and funding for airports, waterways, resilience, transportation inequities and other efforts).
- \$300 billion for manufacturing and small business.
- \$180 billion for research and development.
- \$100 for workforce development.
- \$400 billion for home and community-based care for the elderly and disabled.

Within the context of rather broad consensus that there is a need for significant public infrastructure investment, business groups are objecting to tax proposals and objections are also being raised that some portions of the package, primarily child-care and elder care portions are not traditional public infrastructure and should not be included in the package. The Administration's response is that those challenges, day care for families and aging parents and dependents, is critical working Americans and the how the economy functions. The Biden Administration is also said to be planning a second economic package for April to include a major expansion of health insurance coverage, child-care subsidies, free access to community college and other proposals. The new national focus has the potential to reshape state and local public infrastructure financing decisions related to transportation, schools, broadband, and pretty much all other areas.

Bonding and Capital Investment – Matt Massman (651-222-8737)

Last Week

House Capital Investment held hearings on nearly a dozen bills in the final bill hearing pushes prior to posting Chair Lee's recommended 2021 bonding bill on Sunday evening as the, DE1 Amendment to HF337. Of direct relevance to counties, Thursday's agenda included a hearing on:

- HF2320 (Lee) – requiring the Commissioner of MMB to evaluate jail capital improvement requests for the legislature based on established criteria and requires the Commissioner of Corrections to study group and report to the legislature on county jail capacity needs, capacity drivers, regional facility opportunities and more. The Corrections Commissioner is to consult various county officials, and MICA has requested the list be amended to include county boards and/or administrators and human

service directors in counties that have implemented or are considering co-response models for certain emergency calls.

This Week

On Monday (1:00 p.m.), the House Capital Investment will hold a walk-through of the 2021 bonding bill recommendations (spreadsheet and bill) and then meet to hear testimony on Wednesday, and mark-up (consider amendments) and approve the bill on Thursday.

The DE1 Amendment proposes over \$1 billion for bonding, including:

- \$500 million in General Obligation (GO) bonds, the vast majority of which is for higher education and state agency asset preservation projects.
- \$500 million appropriation bonds, consisting primarily of \$300 million for Minneapolis and St.

Paul redevelopment, \$150 million for housing infrastructure bonds, and \$50 million for shelters.

- \$30 million General Fund primarily for Capitol security that cannot be funded with GO-bonds, and 'equity article' consisting of capital project grants to entities that will not be publicly owned so they also are not eligible for GO bonds.

For MICA priorities, the bill includes \$10 million for local road improvement grants, \$30 million for local

bridge replacement program, and \$8 million for safe routes to schools. Also of interest, the bill funds \$11.5 million for regional parks, including \$4 million designated for pedestrian safety projects within the Mississippi National River and Recreation Area.

The bill also contains project specific funding for multiple MICA member counties. Article 4, section 42 of the bill includes county jail merger and capacity utilization and trend study requirement heard by the committee last week ([HF2320](#)).

Tax and Fiscal Policy – Matt Massman (651-222-8737)

Last Week

House Tax Bill (HF991 – Marquart)

The House Omnibus Tax Bill changes to tax law and aids and credits, approved by the Tax Committee on Thursday and referred to Ways & Means on a 12-8 party line vote, roughs out at net zero budget Impact for FY2022-23, and increases revenues by \$457.3 million for FY2024-25.

Key Individual & Corporate Income Tax Provisions

- Federal Conformity: income exclusion for up to \$350,000 of forgiven Paycheck Protection Program (PPP) loans, anticipated cover the full PPP loan amount for over 90 percent of Minnesota businesses. Conformity is also made to most other federal changes, except for three that would have increased state revenues. \$241 million revenue loss in FY2022-23.
- A temporary (tax year 2020) subtraction for up \$10,200 of unemployment benefits. \$259.7M revenue loss in FY22.
- Establishes a new 5th tier individual income tax bracket @11.15% marginal rate (applies to \$500,000 and above for married filers, \$250,000 single, \$400,000 HH). \$563.6 million new revenue in FY2022-23.
- Taxes previously deferred foreign income and income attributable to domestic production activities of cooperatives investment. About \$454 million new revenue in FY 2022-23.
- Establishes a film credit (\$20 million revenue loss)
- Enhances the state Working Family Credit (\$59 million revenue loss).
- Extends the agricultural asset credit for beginning farmers (\$12.3 million revenue loss).
- Reduces the state general tax by \$20 million per year by increasing the business property value exempt from tax from \$100,000 to \$150,000.

The bill also reduces the state budget reserve by \$150 million and provides \$100.7 million in FY2022-23, and another \$158.7 million in the tails by capping the Stadium Reserve at \$100 million.

Highlights of provisions impacting counties:

- No increase or decrease to **County Program Aid**
- \$25 million appropriated each year for the next six years for the creation of a new **Homeless Prevention Aid** to Counties.

- Distribution would be based on the rolling three-year average of each county's percentage share of students experiencing homelessness throughout the course of a school year, as reported by the Education Department.
- \$70 million one-time for additional **county relief grants**. The only change in program parameters from December 2020 funding is the limitation to businesses and non-profits closed by EO 20-99, rather than those impacted by any COVID executive order.
 - \$2M is dedicated to Lake of the Woods NW Angle, and \$4.75M to Hennepin County for remediation grants related to 2020 civil unrest

Sales tax on construction materials – special legislation providing a refund exemption for 12 separate local projects plus a permanent general law exemption for all “public safety facilities.” Jails are/were already exemption. As such, only limited benefits for counties under this approach.

Other House Tax Bill Provisions of Interest:

- Appropriates \$15 million annually from the mortgage registry and deed tax revenues for a workforce and affordable housing development program.
- Spends about \$32 million per year to increase both Homeowner and Renter property tax refunds, and also allows taxpayers using ITIN to file for either refund program, as well as for property homestead status.
- Creates a Tobacco Use Prevention and Cessation Account and appropriates \$15 million to the Commissioner of Health to encourage reduced teen smoking and vaping.

Other Omnibus Bills with Tax Implications

On Friday, the House Tax Committee also approved House Omnibus Education bills which included school levy programs, and the House Omnibus Transportation bill – also summarized below—but including:

- Indexing the current 28.5 **gas tax** is inflated annually by the National Highway Construction Index
 - Amounts to about a 1.2 cent increase per year, or about \$157 million per year by FY2025.
 - The new rate would be determined by April 1 each year and implemented October 1.
 - The funds are dedicated by the Constitution to roads and bridges, with a portion distributed to counties/CSAH.
- Adjusting the **Registration Tax (Tab Fees)** depreciation schedule – to slow the depreciation rate and thus tax higher vehicle value in the first five years of vehicle life—generating about \$40 million of new revenue annually once fully implemented.
 - The funds are Constitutionally dedicated to roads and bridges and goes to the HUTDF with a portion to CSAF formula.
- Increasing the **Motor Vehicle Sales Rate from 6.5% to 6.875%** (to match the current law general sales tax rate. The change generates about \$32 million annually when fully implemented; 60% goes to HUTDF and 40% to transit.
- Imposing a **0.5% Metro Area Sales Tax**. When fully implemented, the tax would raise roughly \$270 million per year; all revenues would go to Metropolitan Council for transit. Tax would be effective January 1, 2022.

Sales tax on auto parts – maintains dedication of \$145.6 million annually transportation but a new allocation would phase-in to provide more funds for small cities (5,000 and under), towns, and greater MN transit.

The only tax related provision on the Senate Transportation bill is the dedication of 60% (rather than a flat \$145.6 million), of the sales tax revenue from auto parts to transportation purposes.

On Tuesday this week, the Senate Tax Committee will continue hearing individual tax bills, as well as the Senate omnibus transportation and education bills.

Broadband – House

House Industrial Education and Econ Development Finance had previously forwarded recommended approval of HF9 (Ecklund) providing \$60 million each year in FY2022 and FY2023, however, the adopted House budget targets only allow for:

- \$50 million to be amended into an omnibus budget bill in Ways & Means Committee.

Broadband -- Senate

The Senate Ag and Rural Development Finance approved (SF958)

- \$30 million in FY2022 and \$10 million in FY2023 from the state General Fund ... \$10 million of the amount in 2022 must be used only for 'unserved' areas.
- An additional \$30 million in FY2022 and \$50 million in FY2023, if federal funds are available to Minnesota for purposes of broadband.

In theory, the Senate is appropriating \$60 million each year, with \$10M required to be used for only 'unserved' areas.

This Week

The Senate Finance Committee will take up omnibus budget bills on the following schedule:

Tuesday at 8:30 a.m. -- 1200 MSB Hybrid

- SF958 (Westrom) Agriculture and Rural Development omnibus bill
- SF1098 (Pratt) Jobs and Economic Growth omnibus bill
- SF970 (Limmer) Judiciary Public Safety omnibus bill

Wednesday at 8:30 a.m. -- 1200 MSB Hybrid

- SF959 (Ingebrigtsen) Environment and Natural Resources omnibus bill
- SF969 (Draheim) Housing omnibus bill
- SF971 (Ruud) Legacy Finance bill

Thursday at 8:30 am -- 1200 MSB Hybrid

- SF1159 (Newman) Transportation omnibus bill
- SF1831 State Government and Elections omnibus bill
- SF485 (Lang) Vets and Military omnibus bill
 - State Gov and Vets will be combined in Finance.

The House Ways and Means Committee will take up omnibus bills on the following schedule:

Monday at 9:30 a.m. (remote hearing)

- HF1077 (Hausman) – Housing omnibus bill
- HF1079 (Lillie) Legacy omnibus bill
- HF752 (Ecklund) Veterans and Military Affairs omnibus bill
- HF1952 (Nelson, M.) State Government and Elections omnibus
 - NOTE: The language of HF752 will be added to HF1952 during the hearing
- HF993 (Bernardy) – Higher Education omnibus bill

Tuesday at 9:00 a.m. (remote hearing)

- HF1670 (Ecklund) – Labor and Industry omnibus
- HF1342 (Noor) – Workforce and Business Development omnibus
 - NOTE: The language from HF1670 will be added to HF1342 during the hearing

- HF14 (Ecklund) Broadband grant program deposit transfer
 - HF1524 (Sundin) Agriculture omnibus
 - NOTE: The language from HF14 will be added to HF1524 during the hearing
 - HF1684 (Hornstein) – Transportation omnibus
 - HF1076 (Hansen, R.) Environment and Natural Resources omnibus
 - HF2110 (Long) Climate and Energy omnibus
 - HF1031 (Stephenson) Commerce omnibus
 - NOTE: The language of HF2110 will be added to HF1031 during the hearing
 - HF2230 (Pinto) – Early Childhood omnibus
 - HF1065 (Davnie) – E12 Education omnibus
 - NOTE: The language from Articles 4 and 5 of HF2230 will be added to HF1065 during the hearing. HF2230 will then be laid over for additional consideration.
- Wednesday** at 9:00 a.m. (remote hearing)

Transportation – Steve Novak (763-458-8232)

The House and Senate met on Monday, Wednesday, and Thursday. There were no votes taken on transportation bills. The transportation highlight of the week was the hearing and testimony related to the House and Senate transportation budget bills. Both bills passed in their respective House and Senate transportation finance committees on partisan votes. The House bill also passed through the Tax Committee.

The two bills are very different from each other. The following is a brief description of the House and Senate transportation budget bills.

HOUSE

- \$400M in Trunk Highway Bonds.
- Indexing of fuel tax to National Highway Construction Index.
- Increase in registration tax rate and change in depreciation schedule.
- Increase in MVST to general tax rate- 6.875%.
- 12 Cent increase in Metro Sales Tax for Transit.
- Redirects some of the sales tax revenue from auto parts to Small Cities, Townships and Greater MN Transit.
- Redirects part of the electric vehicle fee revenue to electric vehicle infrastructure.
- Requirement for MnDOT and DPS to develop a plan for an automated speed enforcement pilot in work zones.
- Clarification of \$7 million grant limit for major bridges.
- Sets VMT reduction goal of 20% by 2050.
- Authorizes Metro Transit to issue administrative citations for fare evasion; requires annual safety report.

Net new resources for roads:

\$207.5M in FY22-23 and \$394.4M in FY24-25

Net new resources for transportation:

\$408.2M in FY22-23 and \$602.5M in FY24-25.

SENATE

- Changes dedication of sales tax on auto parts to 60% of total revenue collected and dedicates 3% each to cities and townships.
- Increases electric vehicle fee.
- Replaces some expenditures from trunk highway fund and HUTDF with general fund dollars.

- Provides \$30M general fund cash for local bridges and \$22M for local roads.
- Clarification of \$7 million grant limit for major bridges.
- Cuts base funding for Metropolitan Area Transit.
- Adds requirements for project selection process.
- Spends \$122M in trunk highway funds and \$84 million in general fund dollars on a list MnDOT projects.
- Increases general fund spending on transportation by \$225M in FY22-23 and \$107.5M in FY24-25.

The bills need to pass by the respective Tax and Finance committees and then pass by the full House and Senate.

When conferees are appointed, we will let you know and provide information on how to contact legislators.

Legislators have a little over a month to finish before the end of the regular session.

The following is a sample of transportation bills introduced in the last week:

- Wolgamott introduced H.F. No. 2460, relating to highways; amending requirements and appropriating money for the local bridge replacement program; authorizing the sale and issuance of state bonds; amending Minnesota Statutes 2020, section 174.50, subdivision 7.
- Koznick introduced H.F. No. 2470 relating to public finance; requiring contingent termination of Northstar Commuter Rail and reallocation of certain funds; providing for certain redevelopment; appropriating money.
- Senator Pappas introduced S.F. No. 2365 relating to transportation; appropriating money for a passenger rail feasibility study in southern Minnesota.
- Senator Pratt introduced S.F. No. 2375 relating to transit; requiring the Department of Transportation to administer the replacement service provider program; amending the allocation of motor vehicle sales tax revenue; amending Minnesota Statutes 2020, sections 16A.88, subdivisions 1a, 2; 297B.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 174; repealing Minnesota Statutes 1010, section 473.388, subdivisions 1, 2, 3, 4, 4a, 5, 7.

Last Week

The House and Senate met on Monday, Wednesday and Thursday. The House and Senate Transportation Committees both focused on their budget bills.

The House Transportation Committee met on Tuesday, Wednesday and Thursday and the Senate committee met on Tuesday and Thursday. Both committees passed out their budget bills. In addition, the House Tax Committee heard and passed the House transportation budget bill on Friday.

The following were the agendas for these meetings:

Tuesday, April 6, 2021

Transportation Finance and Policy

Chair: Rep. Frank Hornstein

Agenda:

1:00 – 2:30PM; recess at 2:30PM and reconvene from 5:00 – 6:30PM

- HF2142 (Petersburg) Highway funding provided, tax revenue distribution from motor vehicle repair and replacement parts adjusted, bonds issued, and money appropriated.
- HF1684 (Hornstein) Omnibus Transportation Finance and Policy Bill.
- The delete everything (DE) amendment for HF1684, the Omnibus Transportation Finance and Policy Bill, will be posted on or before Monday, April 5th.
- Walkthrough of the DE amendment and member discussion will take place on Tuesday, April 6th, from 1:00 2:30PM. The committee will recess at 2:30PM and reconvene from 5:00 – 6:30PM to continue discussion.

Tuesday, April 6, 2021

Committee on Transportation Finance and Policy

Chair: Senator Scott J. Newman

SF 1159 will serve as the vehicle for the Transportation Omnibus Bill. We will walk through the DE and take public testimony on the 6th. Testimony will be limited in time, as such written testimony is preferred. To testify or submit written testimony, email pat.kaluza@senate.mn by 5:00 PM on Monday, April 5th. The A-5 is the DE to SF 1159, the A-6 and A-7 amendments are authors amendments and will be incorporated into the DE when action is taken on Thursday the 8th. This committee hearing will be conducted entirely remotely pursuant to Temporary Senate Rule 12.1(b) and will be facilitated solely through Zoom. The hearing may be viewed at https://www.senate.mn/media/media_coming_up.html.

Agenda:

- S.F. 1159(Newman) Transportation miscellaneous provisions technical changes to remove certain obsolete dates authorization.

Thursday, April 8, 2021

Transportation Finance and Policy

Chair: Rep. Frank Hornstein

Agenda:

1:00 - 5:30PM

- HF1684 (Hornstein) Omnibus Transportation Finance and Policy Bill.
- The DE amendment for HF1684, the Omnibus Transportation Finance and Policy Bill, will be posted on Monday, April 5th.
- Amendments are due on Wednesday, April 7th by 1:00PM.
- The committee will meet on Thursday, April 8th from 1:00 – 5:30PM to complete markup and passage.

Thursday, April 8, 2021

Committee on Transportation Finance and Policy

Chair: Senator Scott J. Newman

Location: Livestream YouTube

SF 1159 will serve as the vehicle for the Transportation Omnibus Bill. This hearing will include committee action on the bill. No additional public testimony will be taken during this hearing, as testimony was taken on Tuesday, April 6th. This committee hearing will be conducted entirely remotely pursuant to Temporary Senate Rule 12.1(b) and will be facilitated solely through Zoom. The hearing may be viewed at https://www.senate.mn/media/media_coming_up.html.

Agenda:

- S.F. 1159(Newman) Transportation miscellaneous provisions technical changes to remove certain obsolete dates authorization.

This Week

The House and Senate are expected to meet on Monday, Tuesday, Wednesday, and Thursday. Minnesota engineers will teleconference at 9 a.m. Monday. The House and Senate transportation committees are not scheduled to meet. The House Transportation budget bill will likely be heard in the Ways & Means Committee. Certain budget bills will likely begin to be debated on the floor on Wednesday.

In summary, the House and Senate transportation budget bills are very different from each other, but both have funding opportunities.

Negotiations in conference committees will provide the opportunity to combine the best of both bills which could create significant new money for roads, bridges, and transit. If the two sides remain polarized the results will be disappointing for Minnesota transportation.

The Legislature returned from its 10-day Easter/Passover break on Tuesday, April 6, and hit the ground running. The various finance committees were tasked with processing all budget bills, comprised of literally thousands of pages, by Friday, which represented the third committee deadline. Those bills are now poised to be heard in the full Finance and Ways and Means Committees next week. After that, expect long floor sessions for the next couple of weeks as the end of the regular legislative session gets closer and closer to its constitutional adjournment deadline (Monday, May 17).

Health and Human Services Bills

Senate Human Services Reform Finance and Policy:

Sponsored by Senator Jim Abeler (R-Anoka), SF383 was approved on Thursday. **Sherburne County Commissioner Lisa Fobbe and Otter Tail County Human Services Director Deb Sjostrom testified on behalf of MICA, AMC and MACSSA regarding county priorities:**

Waiver Extensions:

- **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.
- **Allowing for certain exceptions to the absence policy in housing supports:** Allowing this flexibility is critical to protect those individuals who need extended medical treatment or hospitalization from losing housing. There are times when people have had to choose between retaining their housing or seeking medical care or treatment services. This flexibility has allowed people to not have to make this difficult choice and to actively engage their healthcare without worrying about their housing.

Family First Prevention Services Act (FFPSA): FFPSA is an opportunity to move toward a more equitable delivery of child welfare services in Minnesota. The implementation of FFPSA has significant systemic implications, including significant new financial costs incurred by counties, tribes, and providers: \$5.3 million (FY22-23); \$6.156 million (FY24-25)

- **Includes anticipated loss of Federal IV-E reimbursement funding for counties; \$4 million (FY22-23); \$4 million (FY24-25).**

Mental Health Uniform Service Standards: Counties support the state's goal of creating a system of mental health that is unified, accountable, and comprehensive - one that promotes the recovery and resiliency of Minnesotans who have mental illnesses. \$498K (FY22-23); \$431K (FY24-25).

Items of Concern:

- The Senate bill **does NOT include the county's priority of holding counties harmless from the accounting error relating to Institutions of Mental Disease (IMDs)**. Senator Abeler did indicate that this issue is being discussed at the leadership level.
- **Cost Shift:** The Senate bill contains a county cost shift relating to Community Behavioral Health Hospitals (CBHHs). **The proposal would shift 100% of the cost of care for adults and children at CBHHs who are**

clinically appropriate for discharge. This will result in a \$2.46 million cost shift to counties for each of the next two biennia. Counties have long expressed concerns about the trend that has occurred with Direct Care and Treatment (DCT) costs being shifted to counties for General Fund purposes. The stated goals of these cost shifts have been to encourage counties to place patients in less-restrictive settings as soon as possible. The problem with these proposals is that they fail to recognize that our system of care is not robust enough to have adequate placements for individuals exiting these acute care facilities. Almost all of the dollars that counties now pay into the system are sent to the General Fund – rather than being reinvested in our mental health system.

- **MnCHOICES:** The Senate proposal would **modify reimbursement for long-term care consultation services by reimbursing counties a percentage of the non-federal share equal** to the value of the county's prorated share for services provided during fiscal year 2019. Counties have fundamental concerns about moving forward with such sweeping change that could affect the finances of service delivery when the MnCHOICES Revision is scheduled to be rolled out later this year. While counties agree with the importance of developing efficiencies and streamlining administrative functions, what counties cannot control is the significant growth in the need for services, which is ultimately the largest cost driver. We also have concerns with provisions in the bill that impose financial penalties on assessment costs for case management outcomes related to informed choice. We believe that by creating this financial linkage between case management and assessment practices, our counties will be conflicted on how best to manage both service areas.
- **Waiver Growth Limits:** Counties have concerns regarding the proposed CADI and DD waiver freezes. Counties are seeing increased utilization of these waivers and are very concerned that this type of policy could result in waiting lists for individuals in need of these services; **-\$64.5 million (FY22-23); -\$123 million (FY24-25).**

Miscellaneous:

- ICWA Training; \$2 million (FY22-23); \$2 million (FY24-25).
- Community Action Additional Funding; \$2 million (FY22-23); \$2 million (FY24-25).
- **Court Appointed Counsel in Child Protection Cases; \$1.3 million (FY22-23); \$1.3 million (FY24-25).**
- **\$1 million per biennium for grants to counties.**
- MFIP Consolidated Funding; \$5.7 million (FY22-23); \$10 million (FY24-25).
- Home Health Services Rate Modifications; \$4.5 million (FY22-23); \$15.7 million (FY24-25).
- Rate Increase for Home Care Providers/Commissioner Determines Rate; \$10 million (FY22-23); \$10 million (FY24-25).
- Intensive Rehabilitation Mental Health Services Modifications; \$1.26 million (FY22-23); \$2.3 million (FY24-25).
- Customized Living Quality Improvement Grants/Additional Funding; \$1.168 million (FY22-23); \$1.172 million (FY24-25).
- Housing Support Rate Modifications; \$5.9 million (FY22-23); \$14.174 million (FY24-25).
- **Housing Support Bed Moratorium Exception/Olmsted and Blue Earth Counties; \$1.27 million (FY22-23); \$1.33 million (FY24-25).**
- PCA Service Rate Increase; \$76.89 million (FY22-23); \$125.7 million (FY24-24).
- HCBS Retainer Payments; \$61 million (FY22).
- Enhanced Rates for PCA Recipients 10+ hours/day and Temporary Rates for Parent and Spouse Providing PCA Services; \$1.2 million (FY22-23); \$1.9 million (FY24-24).
- Enhanced FMAP for HCBS; **-\$228.3 million (FY22).**

- Statewide Parent-to-Parent Program for Families with a Child with a Disability; \$250K (FY22-23); \$250K (FY24-25).
- Self-Advocacy Grants for People with Developmental Disabilities; \$496K (FY22-23); \$496K (FY24-25).
- Grants for Child Care Providers to Serve Children with Disabilities; \$525K (FY22-23).
- Limit Customized Living Units within Rate Formula Based on Acuity; -\$2.33 million (FY22-23); -\$7.6 million (FY24-25).
- ICF-DD Rate Modifications; \$4.64 million (FY22-23); \$6.6 million (FY24-25).
- Eliminate Parental Fees (TEFRA) for MA; \$17.2 million (FY22-23); \$22 million (FY24-25).
- Elderly Waiver Increase + Customized Living Rate Floor; \$21 million (FY22-23); \$24.57 million (FY24-25).

The following amendments were added to Senator Abeler's omnibus bill:

Abeler A-19: Senator Abeler proposes additional county cost shifts:

- Beginning July 1, 2021, **10% county funds for the costs of placements of individuals between the age of 18 and 27 living in ICF-DD facilities.**
- Beginning July 1, 2021, **10% county funds for the cost of newly-authorized residential support services for individuals between the age of 18 and 27 for community-residential services; corporate foster care services; and customized living services or 24-hour customized living services provided in settings serving four or fewer people in a single-family home.**

In explaining the amendment, Senator Abeler stated that its purpose is to "incent" counties to proactively offer individuals more independent living choices.

"Informed Choice:" Requires DHS to ensure that individuals have access to an informed decision-making process at least annually by:

- Updating informed choice protocols to reflect the informed choice decision-making process.
- Developing a survey designed for individuals accessing HCBS to assess their experience with informed choice decision-making process.
- Creating an option for persons to file incident reports regarding an individual's access to and the quality of informed choice and informed decision making.
- Updating training tools for lead agencies and provider staff.
- Mandating informed choice training for lead agency staff who support individuals accessing HCBS.

Abeler A-29: Out of the Federal American Rescue Plan (ARP) Dollars:

- \$10 million (FY22) for emergency assistance grants to counties to provide emergency assistance grants to families with children. Must be available for rent or mortgage payments; utility bills; food; clothing needed for work or school; public transportation and vehicle repairs; and school-related equipment needs.
- **\$4.327 million to counties for emergency assistance/MFIP consolidated fund.**
- Children's mental health grants for emerging mood disorders programs; \$800K (FY22-23); \$800K (FY24-25).
- Children's mental health grants for first episode of psychosis programs; \$1.6 million (FY22); \$1.5 million (FY23); \$222K (FY24).
- **Adult mental health initiative grants; \$4.7 million (FY22-23); \$4.7 million (FY24-25).**
- School-linked substance abuse grants; \$5 million (FY22-23); \$5 million (FY24-25).
- Grants to be awarded according to recommendations of the Opioid Epidemic Response Advisory Council; \$7 million (FY22-23).
- Recovery community organization infrastructure grants; \$4 million (FY22-23).

- **Legislative Task Force/Human Services Background Study Eligibility:** 26 members, including two county social service administrators, one from the metropolitan area, one from outside the metropolitan area; \$234K (FY22-23).
- **Report on Participation in Early Childhood Programs by Children in Foster Care:** DHS to report on the participation in early care and education programs by children under age 6 who have experienced foster care. DHS to consult with the Commissioners of Health, Education, Management and Budget, county social service and public health agencies, and school districts.

Nelson A25: Child Care Programs: Out of the Federal American Rescue Plan (ARP) Dollars:

- \$4 million (FY23) and \$4 million (FY24) for the family child care one-stop assistance network.
- \$1 million (FY23) and \$1 million (FY24) for the family child care license applicant orientation training.
- \$50K (FY22) for modifications to the family child care provider “frequently asked questions.”
- \$4.5 million (FY22) and \$4.5 million (FY23) for the child care and development block grant allocation/**Jerry Relph Family Supports and Improvement Plan:**

Child care and development block grant allocation for grants to counties to coordinate a 2-year voluntary information-sharing program between county agencies, child care providers, early childhood education providers, and parents of families who qualify for or are currently receiving child care assistance, to communicate the needs and circumstances of the participating families and children that prohibit, complicate or otherwise limit access to or the effectiveness of the child care assistance program (CCAP) and to evaluate the outcomes of other assistance programs for which the families are eligible. Grant amounts will be awarded to counties on a per capita based on the number of children enrolled in the CCAP program.

- \$73 million (FY22) and \$73 million (FY23) for the child care and development block grant to be transferred to the Commissioner of Education for the early learning scholarship program.
- \$14.574 million (FY22), \$14.574 million (FY23), and \$14.574 million (FY24) for the basic sliding fee child care assistance program.
- \$252 million (FY22) for the Child Care Stabilization Fund for the public health support funds for child care programs.

Franzen A23: Out of the Federal American Rescue Plan (ARP) Dollars:

- \$750K (FY22) and \$750K (FY23) for the Child Care and Development Block Grant for grants to nonprofit organization to provide economically-challenged individuals the job skills training, career counseling, and job replacement assistance necessary to begin a career path in child care.

Housley A20: Out of the Federal American Rescue Plan (ARP) Dollars:

- Affordable High Quality Child Care and Early Education for All Families Working Group: up to \$500K (FY22) and up to \$500K (FY23).

Benson A15: Child Maltreatment Face-to-Face Investigations:

- **Would allow up to five calendar days for face-to-face contact with a child or caregiver if the child is residing in a location confirmed to restrict contact with the alleged offender.** 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 an interview.

Hoffman A28:

- **Substance Use Licensing/County Assessment of Need:** Repeals administrative rules requiring an assessment of need for a new chemical 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 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;
 - a description of the target population to be served by the treatment program; and
 - a copy of the program's abuse prevention plan.

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.

Benson A5:

- DHS, in coordination with Senate Counsel, House Research and the Revisor, shall **prepare legislation for the 2022 legislative session to enact as statutes the Adult Mental Health Services grants.**

In her closing comments, Senate DFL Lead Melissa Wiklund (DFL-Bloomington) expressed a number of concerns with provisions included in the bill, including MnCHOICES, the waiver caps, Direct Care & Treatment, and the DHS Operating Budget.

The bill now goes to the Senate Finance Committee, where it will be combined with the Health and Human Services Omnibus bill (Benson).

Senate Health and Human Services Finance and Policy:

Sponsored by Senator Michelle Benson (R-Ham Lake), SF2360 was approved on Friday. **Sherburne County Health and Human Services Director Amanda Larson testified on behalf of MICA, AMC and MACSSA on county priorities:**

- **Significant increase to the Local Public Health Grant (\$30 million per biennium).** This grant is the state's main investment in our local public health system. It is the most flexible form of funding of public health activities - giving local leaders control to put dollars where they are needed most.
- The Senate **did NOT include onerous changes related to early and periodic screening, diagnosis, and treatment services, otherwise known as Child and Teen Checkup (C&TC).** Both the Administration and the House recommend changes that would shift responsibility for outreach of 50% of children on MA or Medicare to Integrated Health Partnerships (IHPs). Counties believe that such a proposal would have negative impacts on our clients and residents and would also likely result in staff layoffs in our local public health departments.
- **Counties' substance use disorder reform initiative was added by amendment on Friday.** This proposal would allow counties to provide and bill for pretreatment coordination services and conduct peer recovery supports. Many individuals come in contact with counties in the course of seeking other public assistance; it is important for counties to be able to provide some assessment and pretreatment coordination so as to not turn away individuals when they are seeking treatment, knowing that they may

not be able to readily access a provider in many parts of the state. Best practices reflect that if an individual is in a time and space to seek treatment, that is the time to act.

- **Counties also support the inclusion of various prevention-related provisions:**
 - **expansion of MA postpartum coverage to six months; \$6.3 million (FY22-23); \$17.3 million (FY24-25).**
 - **MA adult dental coverage for nonsurgical treatment for periodontal disease; \$2.09 million (FY22-23); \$4.43 million (FY24-25).**

County Concerns:

- **The proposal reduces the Statewide Health Improvement Partnership (SHIP) by \$20 million per biennium.** Although there is a net increase between the two grants (LPH grant and SHIP grant), Ms. Larson did point out the importance of SHIP to counties' efforts to reduce health care costs and chronic disease across the state.
- **Family Home Visiting:** Counties expressed concern about the one-time reduction of \$800K for family home visiting grants. This crucial funding could be used to expand home visiting programs to reach more families in need. These programs are an essential piece of our work to ensure new parents and babies get a healthy start.

Other Miscellaneous:

- **MA Managed Care Capitation Payment Delay; -\$193.7 million (FY22-23); -\$20.36 million (FY24-25).**

The bill now goes to the Senate Finance Committee, where it will be combined with the Human Services Reform Omnibus bill (Abeler).

House Human Services Finance and Policy:

Sponsored by Representative Jennifer Schultz (DFL-Duluth), HF2127 was approved on an 11-7 party-line vote. A joint target between the health and human services bills is \$346.51 million above current base in General Fund spending, including nearly \$191.6 million in human services spending.

Sherburne County Commissioner Lisa Fobbe and St. Louis County Public Health and Human Services Director Linnea Mirsch testified on behalf of MICA, AMC and MACSSA regarding county priorities:

- **Metro Housing Demo:** increases the capacity of the Metro Demonstration Program from 226 to 500 households and allows households in Carver, Scott and Washington Counties to participate; **\$3.09 million (FY22-23); \$9.2 million (FY24-25).**
- **Codification of waiver relating to absence policy in housing supports.**
- **Repayment of county dollars:** \$8.33 million to reimburse counties for the statewide county share of costs for which federal funds were claimed but were not eligible for federal funding for **substance use disorder services provided in IMDs** for claims paid between January 1, 2014, and June 30, 2019; \$8.3 million.
- **Adult Mental Health Initiative (AMHI) grants:** The committee recommends a one-time funding increase for AMHI grants; **\$1 million (FY22-23).** AMHI dollars have been crucial, particularly during the pandemic to allow counties and regions across the state to uniquely respond to their community needs. This

flexibility has helped counties and our partners hold together a fragile and fractured system while continuing to innovate. Increased funding, albeit one-time, will help us fill the gaps in our system that we all know have grown larger during the pandemic.

- **Family First Prevention Services Act (FFPSA);** \$1.33 million (FY22-23); \$2.156 million (FY24-25) to implement the Families First Prevention Services Act.
- **Mental Health Uniform Service Standards; \$498K (FY22-23); \$431K (FY24-25).**
- **Economic assistance cash program uniformity;** includes proposal to change MFIP and General Assistance reporting to allow for individuals to receive six months of uninterrupted benefits rather than burdensome monthly reporting that disproportionately impacts clients whose work hours fluctuate month to month. In addition to providing some stability for individuals already experiencing crisis, this proposal also cuts down on county workload by aligning these programs with federal SNAP and MN Housing Assistance programs; \$1.94 million (FY-22-23); \$79.97 million (FY24-25).

County Concerns: Like the Senate and the Administration, **the committee includes the 100% cost shift** for the care of adults and children at Community Behavioral Health Hospitals (CBHHs) who are clinically appropriate for discharge. This will result in a \$2.46 million cost shift to counties for each of the next two biennia.

Other funding in the bill includes:

- \$16.39 million for DHS operating adjustments.
- Homelessness package that includes emergency shelter, emergency services grants and long-term homelessness support services; \$25 million (FY22-23); \$25 million (FY24-25).
- SEIU PCA Union Contract; \$68.3 million (FY-22-23); \$104.9 million (FY24-25).
- MFIP cost of living increase; \$13.61 (FY22-23); \$38.5 million (FY24-25).
- Child Foster Care Background Studies; \$468K (FY22-23); \$166K (FY24-25).
- Case Management Redesign Initial Reform; \$612K (FY22-23).
- Waiver Reimagine Phase II; \$1.73 million (FY22-23); \$7.09 million (FY24-25).
- Residential Treatment & Children's Mental Health; \$6 million (FY22-23); \$6 million (FY24-25).
- Direct Care and Treatment operating adjustments; \$49.8 million (FY22-23); \$57.3 million (FY24-24).
- Leech Lake Band of Ojibwe and White Earth Band of Chippewa to repay overpayments for medication-assisted treatment services between fiscal year 2014 and fiscal year 2019; \$28.87 million (FY22).
- **\$25 million for a homelessness package that includes emergency shelter, emergency services grants and long-term homelessness support services.**
- 5% rate increase for culturally specific or culturally responsive and disability responsive substance use disorder treatment providers; \$2.6 million (FY22-23); \$1.27 million (FY24-25).
- ICWA training; \$2 million (FY22-23); \$2.1 million (FY24-25).
- SNAP Error Rate; \$1.44 million (FY-22-23); \$1.27 million (FY24-25).
- Recovery Community Organizations Grants; \$1.06 million (FY-22-23).
- Temporary compensation for PCA services provided by a parent or spouse; \$349K (FY22).

Child Protection:

- require an owner, administrator, or employee who is 18 years of age or older of a public or private youth recreation program or other organization that provides services or activities requiring face-to-face contact with and supervision of children to report known or suspected maltreatment within the preceding three years.
- prenatal care providers would be exempt from the mandatory reporting of women who use a controlled substance during pregnancy.

- a maltreated child's parent, legal custodian or guardian would be required to be informed of, and could participate in, a contested case hearing in which a licensee or proposed licensee may appeal a licensing sanction or denial of a license.
- all child protection workers would need to complete training on sex trafficking and sexual exploitation of children and youth.
- sex trafficking would be added to various child protection statutes and maltreatment reporting and a non-caregiver sex trafficking assessment would be added to the possible agency responses to a report of child maltreatment.

Other Policy Proposals. The bill looks at changes to behavioral health, direct care and treatment, disability services and continuing care and community supports, including:

- making changes related to compliance with the federal Family First Prevention Services Act in sections governing child placement in qualified residential treatment programs.
- streamlining definitions and standards for providing a range of mental health services.
- modifying provisions related to crisis response services for adults and children.
- allowing for child psychiatric residential treatment direct referrals.
- **allowing county agencies to obtain information by phone or written communication to complete MFIP household report forms, rather than returning an incomplete form.**
- DHS required to study oversight of and propose recommendations for increasing access to sober housing programs.

Amendments added:

- Requiring DHS to report to the Legislature on runaway and homeless youth.
- **Postponing for up to five calendar days face-to-face contact between officials and a child and primary caregiver in response to a report of sexual abuse or child endangerment if the child is in a safe location.**
- Clarifying duties of regional quality councils that support efforts and initiatives that drive overall systems and social change to promote inclusion of people who have disabilities in the state of Minnesota
- Continuing the Governor's Council on Age-Friendly Minnesota until October 1, 2022.
- NAMI/Aspire language that aims to help children with severe mental health issues voluntarily access residential treatment without causing unnecessary delays and distress to their families.
- Amending the definition of "child in need of protection or services" to include children who commit a juvenile petty offense or delinquent act before becoming 13 years old, up from 10.
- **Substance Use Licensing/County Assessment of Need: repealing administrative rules requiring an assessment of need for a new chemical dependency treatment or rehabilitation program (county letter of need) by replacing it with a 60-day notice.**
- Allowing sober housing programs that are not members of the Minnesota Association of Sober Homes to participate in a state review of sober home policies.

The bill now goes to the House Ways and Means Committee, where it will be combined with the Health (Liebling) and Early Childhood Omnibus bills (Pinto).

House Early Childhood Finance and Policy:

Sponsored by Representative Dave Pinto (DFL-St. Paul), HF2230 seeks to address dual crises in the areas of early care and learning. The first is that families struggle to find affordable care, due in part to the industry's challenged economic model. Second, children who are racially and ethnically diverse or from low-income families consistently face opportunity and access gaps to quality early care and learning. With an influx of nearly \$550 million from the federal government, and a \$50 million budget target in state General Fund dollars, Pinto said now is the time to significantly address both problems.

Investments in child care assistance and scholarships: The largest investment would appropriate \$312.4 million in federal dollars during the 22-23 biennium for monthly grants to child care and early learning providers to support the stability of the sector. It would require that providers direct 75% of grant funds to employees or other individuals providing care and education services.

The Child Care Assistance Program (CCAP) reimbursement rates could see a sizeable increase with a \$258.6 million appropriation in federal funding for the upcoming biennium. Currently, rates are set at the 25th percentile of the 2018 child care provider rate survey. The proposal indicates that, dependent on federal funds and consistent with federal law, reimbursement rates cannot be less than the 50th percentile of the most recent survey. The funding would also be used to reprioritize the Basic Sliding Fee (BSF) waitlist.

Early learning scholarships would receive the largest state appropriation, at \$36.5 million. In conjunction with the funding, the bill would modify recipient age requirements and lift the cap on the amount of money the Department of Education can designate to Pathway II scholarships. These scholarships are awarded to families through a certain provider, as opposed to Pathway I scholarships that are awarded directly to the child and are portable from one provider to another.

Other notable state appropriations:

- \$6.6 million for the Tribal Early Learning Package.
- \$3 million for kindergarten readiness assessments.
- \$1.3 million for child care center regulation modernization.
- \$1.2 million for the ParentChild+ program.
- \$1.1 million for family child care regulation modernization.
- \$1 million for TEACH grants.

Other notable appropriations that would be made with federal funds:

- \$5 million for child care improvement grants.
- \$1.65 million to evaluate the state's child care quality rating system, Parent Aware.
- \$1.5 million for the evaluation of the use of federal funds on early care and learning programs.
- \$500,000 for grants for child care for children with disabilities.

Family Child Care Task Force recommendations: Several policy recommendations from the recently released [Family Child Care Task Force report](#) are included in the bill. The 2019 Legislature established the task force and directed it to study and make recommendations in eight areas related to family child care licensing, provider support and the Parent Aware program.

The bill includes measures that would require DHS to develop a proposal for a one-stop regional assistance network to assist individuals with matters relating to starting or sustaining a licensed family child care program. It would also require the Department to develop an optional orientation training for newly licensed family child care providers.

Other policy provisions:

- modifies the circumstances under which a family receiving child care assistance is assessed an overpayment for absent days.
- creates an ombudsperson position to assist family child care providers.
- require that an individual providing instruction in a school-based early education program meet the state's teacher licensure requirements that apply to K-12 teachers.
- prohibits children in publicly-funded preschools or kindergartens from using an individual-use screen without engagement from a teacher or other student. Children who have an individual education program would not be subject to the prohibition.
- sets a state goal that all families have access to affordable, high-quality early care and education for children from birth up to age 5 and creates a task force to establish and develop strategies to meet that goal.

The bill now goes to the House Ways and Means Committee, where it will be combined with the Human Services (Schultz) and Health (Liebling).

Other Miscellaneous:

SF743 (Nelson; R-Rochester) would **dedicate \$15 million in existing cigarette tax revenues to a tobacco use prevention and cessation fund**, which is created in the bill, effective July 1, 2021. The fund must be used for:

- Tobacco use prevention and cessation projects as outlined in the statutory duties of the commissioner of health, such as:
 - assisting other entities in undertaking community programs for the promotion of nonsmoking;
 - collecting and disseminating information and materials about smoking prevention;
 - evaluating nonsmoking programs; and
 - conducting surveys in school-based populations regarding epidemiology of smoking behavior.
- Conducting a long-term coordinated public information program promoting nonsmoking and include background survey research and evaluation;
- Development of health promotion and education materials about tobacco use prevention and cessation;
- Tobacco use prevention activities; and
- Statewide tobacco cessation services.

The commissioner must prioritize preventing youth use of tobacco and electronic delivery devices, promote racial health and equity, and use evidence-based strategies or those based on promising practices.

The Senate Tax Committee laid the bill over for possible inclusion in the committee's omnibus tax bill.

The provision is included in the House omnibus tax bill (HF991), authored by Chair Paul Marquart (DFL-Dilworth).

This Week

Monday:

Senate Floor Session:

- **SF524** (Housley) Wedding barns
- **SF1470 (Draheim) Eviction moratorium off ramp**
- **HF820** (Jasinski) Various Open Meeting Law provisions

House Ways and Means:

- **HF1077** (Hausman); **Housing Omnibus (PENDING REFERRAL)**
- **HF1079** (Lillie) Legacy Finance Omnibus (PENDING REFERRAL)
- **HF752** (Ecklund) Veterans and Military Affairs Omnibus

- HF1952 (Nelson, M.) State Government Omnibus (*PENDING REFERRAL*)
NOTE: The language of HF752 (Ecklund) will be added to HF1952 during the hearing
- HF993 (Bernardy) Higher Education Omnibus (*PENDING REFERRAL*)

House Environment and Natural Resources Finance and Policy

- HF600 (Winkler) Legalization of Adult-Use Cannabis

Tuesday:

Senate Finance:

- SF958 (Westrom) Omnibus agriculture and broadband finance bill.
SF1098 (Pratt) Omnibus workforce and business development finance and policy bill.
SF970 (Limmer) Omnibus judiciary and public safety policy and finance bill.

Senate Floor Session:

- SF1315 (Kiffmeyer) Pregnant inmate supports
- SF1284 (Housley) Checking account requirements

House Ways and Means:

- HF1670 (Ecklund) Labor and Industry Omnibus (*PENDING REFERRAL*)
- HF1342 (Noor) Workforce and Business Development Omnibus (*PENDING REFERRAL*)
NOTE: The language of HF1670 (Ecklund) will be added to HF1342 during the hearing
- HF14 (Ecklund) Broadband grant program deposit transfer
- HF1524 (Sundin) Agriculture Omnibus (*PENDING REFERRAL*)
NOTE: The language of HF14 (Ecklund) will be added to HF1524 during the hearing
- HF1684 (Hornstein) Transportation Omnibus (*PENDING REFERRAL*)

- HF1076 (Hansen, R.) Environment and Natural Resources Omnibus (*PENDING REFERRAL*)

Wednesday:

Senate Finance:

- SF959 (Ingebrigtsen) Omnibus environment and natural resources policy and finance bill.
SF969 (Draheim) Omnibus housing policy and finance bill.
SF971(Ruud) Omnibus Legacy Finance Bill.

House Ways and Means:

- HF2110 (Long) Climate and Energy Omnibus (*PENDING REFERRAL*)
- HF1031 (Stephenson) Commerce Omnibus (*PENDING REFERRAL*)
NOTE: The language of HF2110 will be added to HF1031 during the hearing
- HF2230 (Pinto) **Early Childhood Omnibus** (*PENDING REFERRAL*)
- HF1065 (Davnie) E12 Education finance Omnibus (*PENDING REFERRAL*)
NOTE: The language of Articles 4 and 5 in HF2230 will be added to HF1065 during the hearing

House Judiciary:

- HF600 (Winkler): Legalization of Adult-Use Cannabis

Thursday:

Senate Finance:

- SF1159 (Newman) Omnibus transportation policy and finance bill.
- SF485 (Lang) Omnibus veterans and military affairs appropriations bill.
- SF1831 (Kiffmeyer) Omnibus state government policy and finance bill.
NOTE: State Government and Veterans Affairs will be combined in Finance.

House and Senate Hear Judiciary and Public Safety Omnibus Bills

In both the House and Senate, committees met for long hours to hear an overview of their respective omnibus bills, take public testimony, and review/adopt amendments to the large bills. MICA's county supervision funding increase is included in both the House and Senate bills. Though the Senate proposal is preferred due to the ongoing nature of the funding, it is a good sign that both bodies included the funding in their first drafts. AMC, MICA, MACPO, and MACCAC composed a joint letter of support of the funding for the Senate and House.

County highlights are listed below. For a detailed summary of the omnibus bill amendments as proposed at the beginning of the week, please see the House Public Safety Summary, the Senate Judiciary and Public Safety Summary and the House Judiciary Summary.

County Priority Items:

HOUSE – H.F. 1078*, H.F. 1030*

- \$1.220 million for CCA subsidy in both FY22/23 with no ongoing funding.
- 101,000 for CPO reimbursement in both FY22/23 with no ongoing funding.
- Removal of reduction of 911 Telecommunications Service Fee (added by amendment)

SENATE – S.F. 970*

- \$1.250 million for the CCA subsidy in both FY22/23, ongoing funding
- \$350,000 for the CPO reimbursement in both FY22/23, ongoing funding

*Please note that many bills have not yet been updated with the delete-everything amendments with the omnibus language. If any of the bills say, "as introduced," the website has not yet been updated with the most recent version of the bill.

Other Items of Note for Counties:

HOUSE

- \$3 million – emergency management readiness grants to counties
- Public Safety Answering Points – \$27,328,000 in FY22 and \$28,011,000 in FY23. This is an increase in the distribution of the funds in the 911 telecommunications service fee account.
- Probation working group to evaluate funding system and supervision levels
- 911 Telecommunicator Workgroup
- Neuropsychological Exam bill – no funding

SENATE

- Public Safety Answering Points – \$27,328,000 in FY22 and \$28,011,000 in FY23. This is an increase in the distribution of the funds in the 911 telecommunications service fee account.
- Feasibility study on neuropsychological exams for defendants with traumatic brain injuries, fetal alcohol syndrome, or history of stroke
- 911 Telecommunicator Workgroup

- \$1 million for courthouse safety grants to local governments – 50% local match required
- Child Protection Parental Representation Bill (no funding)

Also included in the House omnibus was the **Minnesota Rehabilitation and Reinvestment Act** backed by the Department of Corrections – HF2349 (Becker-Finn). The MRRRA changes sentencing in Minnesota to allow some people who are sent to state institutions to earn early release and possibly a reduction of their supervised release after successfully completing programming goals. Savings in confinement costs will be reinvested equally across four areas: victim support services; strategic investments in crime prevention and intervention initiatives; reinvestment in community-based correctional programs (DOC and CCA); and the state general fund. For more information, please visit the DOC's informational webpage - <https://mn.gov/doc/about/legislative-info/mrra/>.

Sexual Assault Working Group Recommendations

Recommendations from the Criminal Sexual Conduct Working Group were adopted by amendment in the Senate Judiciary and Public Safety Committee. The Committee extended an evening meeting on Wednesday to adequately vet the amendment, proposed by minority lead Senator Ron Latz. 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. There is bipartisan support for the statutory changes which are included in both bodies' omnibus bills.

Next Steps

The next step for the bills is to go through the House Ways and Means Committee and Senate Finance Committee. Once heard in those committees, the bills will be heard on the floor of each body and then sent to conference committee to negotiate and rectify differences in the bills.

General Government and Other – Matt Massman (651-222-8737)

Last Week

Neither chamber appears to be moving a separate local government policy bill this session. Instead, various provisions of interest to county—including numerous misaligned elections provisions—are included in omnibus State Government Finance and Elections Bill, the bill that funds many state agency' budgets. Following are the provisions most related to county governments, with the exception of elections which will be separately summarized.

House State Governor Omnibus Bill (SF1952)

- Puts requirements in place for a ‘**national criminal history record information check**’ (**fingerprint**) to satisfy federal IRS standards; applies to staff of any ‘requesting agency’ including County staff that will view ‘federal tax information.’ Applies to current, prospective permanent, and temporary employees, contractors and their employees or agents, or anyone else authorized to access FTI. Also

classifies the data and prevents its further dissemination.

- Establishes a **Sensory Accessibility Accommodation grant program** to be administered by State Department of Administration. Identifies counties, cities, and other entities as eligible for grants. Only \$250,000 in FY2022 and FY2023 (no base) is appropriated for this purpose.
- Makes a variety of compromise changes to Open Meeting Law requirements related to remote hearings, while also updating statutes to use modern terms and definitions for interactive technology. Note the Senate is taking up a separate bill with these provisions on Monday (SF820 – Jasinski).
- Increases from \$250,000 to \$750,000 the size of a local procurement contract that can be directly solicited/awarded to a certified small, minority owned business.

Finally, the House bill also repeals 43A.17, subdivision 9, **the local government compensation limit**.

Senate State Government Omnibus Bill (SF1831)

Requires the SOS to use all unobligated balances of HAVA funds to make grants to local governments for the purchase of election equipment.

Although, there are few other local governance policy provisions in the Senate bill, there are a variety provisions reflecting ongoing debates related legislative versus executive branch authority. Specifically, the Senate bill:

- Repeals Minn. Stats. 3.972, sub 2c and 2d, the Legislative Advisory Commission process, that has been used several times distribute federal funds, such as CARES Act funds but criticized in that it does not allow for sufficient legislative control over how substantial amounts of federal funds have been used.
- Requires that federal funds received by the state for COVID purposes through June 30, 2022 may be spent only by direct appropriation

in law, i.e. not through the LAC process (Section 75)

- Limiting the duration of Peacetime Emergency declarations by a Governor to 30 days unless affirmatively approved for a longer period by both legislative bodies (section 13)

House Housing Omnibus Bill (HF1077)

The Housing Committee had a \$30 million FY2022-23 target (above forecast funding levels)—and only \$5 million ongoing (FY2024-25). Target was allocated to:

- Increase Challenge Program (\$6M), home ownership assistance (\$3.5M), Homework Starts at Home by \$1M, rental assistance for the mentally ill (\$1.5M), workforce homeownership (\$3.5M), preserving naturally occurring affordable housing (\$6.5M), and matching for Local trust Fund grants (\$3M), among other programs.

Changes of related to county governments include:

- *Article 2, section 9*, creates a **Task Force on Shelter Resident Rights and shelter provider practices**, and includes two representatives from counties on the task Force.
- *Article 3, section 3* -- Eliminates the requirement under the Family Homelessness Prevention and Assistance program that a community-based nonprofit organization have a sponsoring resolution from each of the County Boards located within its operating jurisdiction.
- *Article 3, section 4* – adds counties to the list of entities that may receive homeownership development grants under the Workforce and Affordable Homeownership Development program. Section 6 clarifies that MHFA cannot make an award to an eligible project area under the program unless there is a match by a local unit of government, business or other eligible development partner.

The House bill makes a variety of changes to tenant rights laws, including right to counsel language in

certain circumstances (*it is unclear how counsel costs will be paid*). The bill requires that—prior to an eviction for non-payment—a landlord must provide notice of the amount due and information on how to get assistance to pay rent and legal assistance and give 14 days after notice for the tenant to pay rent. The proposed language further specifies that receipt of an eviction notice constitutes ‘an emergency situation’ under 256D.06 (general Assistance) and that if a tenant applies for assistance from the county, the landlord must cooperate. The bill also contains various expungement provisions related to evictions.

Senate Housing Omnibus Bill (SF969)

The Senate Housing Committee (Chaired by Draheim – Scott), had a zero target. Thus, while the bill reprioritizes base funding (increasing funding for some programs and decreasing others), the bill contains no new funding for Housing.

Bill language directs MN Housing to give preference to projects with lower cost-per-unit, and award points for units that can be quickly constructed when evaluating program grants/resource allocations. Cities are encouraged to include density provisions in comprehensive plans and are preempted from including provisions that exceed state building code for planned unit development.

Policy changes referencing counties:

Article 2, section 2-4 – manufactured home park real property.

Article 2, section 12 – eliminates a requirement under the family homeless prevention program that a community-based nonprofit have a sponsoring resolution from each of the county boards located within the operating jurisdiction.

Article 2, Section 23 – amends Minn. Chapter 471.9996 to prohibit any local rent control laws by a city, county or other local jurisdictions – by eliminating some current law exceptions to such limitations.

The bill includes ‘place-holder’ language for an eviction moratorium phaseout (i.e ‘off-ramp’), while a bi-partisan group continues to negotiate how to manage the expected increase in evictions once the Peacetime Emergency and moratorium end. Under the bill:

- Evictions would be allowed 45 days after enactment for material breaches of the lease other than non-payment for households with an annual income 80% or less of median income, and
- After 60 days from enactment, evictions are allowed for those with outstanding rents, but who are eligible for rental assistance.
- For termination of residential leases, the time frame are 15 days and 30 days after enactment, following the same conditions as above.

The state has launched its rental assistance website, branded [RentHelpMN](#).

House Workforce & Business Development (HF1342)

For counties, the key provision in the House bill include:

- **Establishes Paid Family and Medical Leave program** (GF start-up costs of about \$25 million, that would be repaid in later years from employer/employee assessments).
- \$10 million for local communities to increase the number of childcare grants; 50% must be used outside the seven-county metro area. A 50% non-state match is required.
- \$2 million for MN Initiative Foundations for the planning grants to devise community solutions for supply of quality childcare.
- \$50 million for a Small Business COVID-19 Grant Program. Small is 100 or fewer FT employees, primary operations in MN, and able to demonstrate financial hardship as a result of COVID-19. Grants no less than \$5000 or more than \$100,000.
 - ½ the funds to MN Initiative Foundations to provide grants in Greater MN, and

- ½ for grants in the seven-county metro
- Of the \$50M, \$10M must be awarded to businesses with six or fewer employees, and \$10 M for minority business enterprises.

In addition, similar to the Senate bill, recoups some Minnesota Investment Fund (MIF) program dollars by allowing local governments, on a one-time basis to use 80% of their local share loan repayments for general purposes, IF they send 20% back to the state.

The Omnibus House Labor and Industry budget bill (HF1670 – Ecklund) also contains the mandatory employer provided Earned Sick and Safe Time provisions of HF7 (Olson, L), which the House has also separately passed to the Senate.

Senate Jobs & Economic Growth (SF1098)

The Senate omnibus bill allocates virtually all of its General Fund budget target of \$100 million (FY2022) to a **statewide small business relief loan guarantee program**.

- Small businesses for business purposes exclusively in Minnesota, no more than 250 FTE employees in Minnesota.
- Provides a loan guarantee up to 80% of loan value, not to exceed \$200,000.
- \$50 million must be for loans within the seven-county metro area and \$50 million outside seven-county metro area.

Additionally, the bill reduces some funding from the Minnesota Investment Fund (MIF) program, as well as incentivizing some repatriations from local governments by granting them one-time flexibility

to use 80% of their local share loan repayments to general purposes, if they send 20% back to the state. The added ‘target flexibility’ is then redirected mostly to \$3 million one-time for Minnesota Initiative Foundations childcare grants.

Policy provisions related include that counties receiving funds under the **Greater Minnesota Business Development Public Infrastructure Grant Program** will be allowed to have 15% development of a project be for a purpose other currently allowed in law (116J.431, subd. 2). IF, after 10 years from grant award, the intended eligible project has not occurred, any other lawful project may be developed and supported by the infrastructure.

Art. 3, section 9 of the bill allows a one-time exception for local governments to use up to 80% of uncommitted money received from repayment of MIF loans, as a general-purpose aid, IF they return 20% of those uncommitted funds to the state.

Finally, the bill also includes language from SF 1 that would require any executive order relating to a public health emergency for an infectious disease that closes or partially closes a business to ingress, egress, use, and occupancy by members of the public to be approved by the legislature and provide businesses subject to the executive order with 14 calendar days advanced notice of the closure. A business that faces reduced occupancy restrictions due to COVID-19 would be allowed to operate fully if the business develops a COVID-19 safety plan and makes a good faith effort to maintain a safe and healthful workplace and business operation.

This Week

On Monday, the Senate will meet in Session at 11:00 a.m. and will take up two bills important to counties.

- SF1470 (Draheim) – Eviction moratorium off ramp
- HF820 (Jasinski) – Various Open Meeting Law provisions

Environment

Last Week

House Environment and Natural Resources (HF1076)

Provisions related to MICA's platform include:

- Appropriates \$1.125 million in FY 2022 to partially repay to the Metropolitan Landfill Contingency Action Trust (MLCAT). A total of \$13.905 million which has previously been transferred out of that account.
- strengthens Minnesota's oversight of its groundwater aquifers to prohibit bulk groundwater exportation outside of Minnesota such as proposed in Dakota County in 2019.
- Various policy language to help reduce solid waste streams into landfills, protect/restore water and groundwater resources, and fund invasive species efforts.

The bill also requires all counties to impose a \$25 fee on mortgage and deed transactions to fund Soil and Water Conservation Districts (SWCD's). The bill no longer links imposition to eligibility for Clean Water Fund because fee imposition is mandatory.

House Climate & Energy (HF2110)

The House Climate and Energy Committee met four days last week, considering 50 proposed amendments before adopting [HF2110DE4](#) Amendment, which will become the omnibus bill. Most of the bill's largest appropriations come from the Renewable Development Account, including:

- \$15.2 million to the Prairie Island Indian Community to aid its efforts to become a "net zero" emissions community;
- \$10 million to create an Innovative Finance Authority, a nonprofit corporation to finance and leverage private investment for clean energy;
- \$9 million for electric vehicle rebates;
- \$5.5 million for the expansion of a solar plant in Mountain Iron;
- \$5 million for electric Metro Transit buses;
- \$5 million for the Solar on Schools program;

- \$5 million for state building energy conservation loans;
- \$4 million for solar energy installations on state-owned buildings;
- \$3 million for grants to help businesses rebuild after last summer's civil unrest using energy efficiency and renewable energy sources;
- \$2.5 million for a North Minneapolis Clean Energy Training Center; and
- \$2.4 million for the University of St. Thomas microgrid.

The House bill also contains the power purchase agreement extension for St. Paul District Energy Co-gen facility, which MICA supports (see Senate bill description).

Natural Gas Innovation Proposal

Both House and Senate bills also contain renewable natural gas provisions, which are synergistic with the waste-to-energy facility operations, and particularly supporting infrastructure to process organics waste into beneficial products, including anaerobic digestion.

However, the bill contains several provisions that conflate state waste management goals with energy policy, including:

- amending statute so it excluded solid waste incinerators as an eligible renewable energy technology. As crafted, however, it appears the language would only impact the Hennepin Energy Recovery facility.

Senate Environment and Natural Resources (SF959)

Provisions related to MICA's platform include:

- \$2.8 million per year increase in the appropriation for SCORE grants, from \$17.75 million per year to \$20.55 million. These funds are critical to supporting local efforts to make advancements in reuse and recycling.

- Strengthening of Minnesota's oversight of its groundwater aquifers to prohibit bulk groundwater exportation outside of Minnesota such as proposed in Dakota County in 2019.
- a technical correction to a 2019 law change related to the application of stormwater rules.

The bill also funds a pilot solar installation at the Anoka-Ramsey landfill but no longer does so using Metropolitan Landfill Contingency Action Trust (MLCAT) or Closed Landfill Investment Fund (CLIF) accounts. The bill, however, includes no repayments to those funds due to past accounting shifts.

Senate Energy & Utilities (SF972)

- Includes language that MICA supported to allow Xcel Energy to propose for PUC approval a new power purchase agreement with St. Paul District Energy, to extend through December 31, 2024, and establishes conditions that govern the new PPA. The District Energy wood waste facility has been a crucial outlet for wood from ash trees removed from counties quarantined by the Minnesota Department of Agriculture for emerald ash borer infestation meet the department's requirements designed to limit the spread of the infestation. This compromise legislation is good news for counties, but only a temporary solution to ever increasing wood waste that cannot be landfilled (if infested with EAB).
- Does NOT make any change to the current law inclusion of waste-to-energy facilities as a renewable energy, which MICA supports.

During hearing on the bill, Senate Finance members engaged in a broad conversation—related to \$37M of RDF proposed for the Benson biomass and a proposed wood pellet facility—about what is the appropriate use for the RDF, during which Chair Rosen commented that the RDF has been used for a variety of projects and the focus of many, now days

has been to use the RDF as an kind of an “angel investment” to bring companies to Minnesota and “lets start creating jobs” with this RDF. There was by partisan concern about how the cumulative proposals ‘drain the RDA’ but to buy out a failed Benson biomass facility, while investing in another venture (wood pellets), and Democrats raised concern the projects do not advance a reliable clean energy future, foreshadowing final budget negotiations to come. ***The Omnibus Energy and Utilities provisions were amended into the Omnibus Commerce bill (SF972).***

This Week

In addition to processing of omnibus bills by Senate Finance and House Ways and Means, the joint Legislative Commission on Pensions and Retirement will meet on Tuesday (5:00 p.m.) to take up a TBD agenda after last weeks’ meeting was postponed, but likely including consideration of acceptance of the required COLA study.

The only other House Committees planning to meet next week are the Environment and Natural Resources Finance and Policy Committee (on Tuesday at 1:00 p.m.), and Judiciary Finance and Civil Law (1:00 p.m.) and to hear HF600 (Winkler) legalizing recreational use of marijuana. The latter committee and agenda will also include two bills making various criminal justice related reforms.

- HF640 (Gomez) – requiring local units of government required to establish law enforcement citizen oversight councils and defining the powers and duties of the councils and the responsibilities of local authorities specified toward them.
- HF1103 (Thompson) – imposing certain duties on peace officers and law enforcement agencies regarding video and audio recordings of deadly use of force and providing for civil remedies.
- HF1104 (Thompson) – prohibiting peace officer civil and criminal liability immunity.

HEARING SCHEDULES

Combined Legislative Meeting Calendar Upcoming 7 days

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