

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
Wednesday, November 16, 2022**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, November 16, 2022 at the Chisago County Government Center with the following Commissioners present: DuBose, Greene, Dunne, Montzka. Also present: County Administrator Chase Burnham, County Attorney Janet Reiter, and Clerk of the Board Christina Vollrath.

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

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

On motion by DuBose, seconded by Dunne, the Board opened the Road and Bridge Committee of the Whole at 6:30 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

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

On motion by DuBose, seconded by Montzka, the Board moved item 1 – 4 to the consent agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

On motion by Dunne, seconded by Montzka, the Board moved to close the Road and Bridge Committee of the Whole at 6:48 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, 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, Montzka. **OPPOSED:** None.

- 1.) R&B Committee Recommendation – County Engineer’s Report
- 2.) R&B Committee Recommendation – Eminent Domain for CSAH 40 and CSAH 21
- 3.) R&B Committee Recommendation – Prof. Services Contract with SRF Consulting Group, Inc. for Engineering Services
- 4.) R&B Committee Recommendation – Final Contract Payment for 2022 Bridge Replacement Project SAP 013-598-010

**RESOLUTION NO. 22/1116-1
AUTHORIZING THE ACQUISITIONS OF LAND BY EMINENT DOMAIN**

FOR IMPROVEMENTS ON CSAH 40 (OLD CR 59 & AKA 460TH STREET)

WHEREAS, Chisago County proposes to improve County Road 59 (AKA 460th Street) as identified in Right-of-Way Plat #112 recorded on September 22, 2022, as document number 662629 with the Chisago County Recorder's Office; and

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

WHEREAS, right-of-way and easements over certain lands are required to provide for said realignment and reconstruction; and

WHEREAS, Chisago County has authority to acquire right-of-way for said project by eminent domain pursuant to Minn. Stat. 163.02, subd. 2 and the right to acquire the right-of-way prior to the filing of an award by the court appointed commissioners, pursuant to Minn. Stat. 117.042; and

WHEREAS, the following persons own or have an interest in a portion of said lands required for as identified on Exhibit A, attached hereto and incorporated by reference; and

WHEREAS, Chisago County has been unable to successfully negotiate the acquisition of the required right-of-way and easements on such property to date; and

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

NOW THEREFORE BE IT RESOLVED, that the Chisago County Board of Commissioners hereby authorizes the acquisition of said land by eminent domain and to take title and possession of that land prior to the filing of an award by the court appointed commissioners, pursuant to Minn. Stat. sections 117.042 and 163.02, subd. 2;

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

RESOLUTION NO. 22/1116-2

**AUTHORIZING THE ACQUISITIONS OF SAID LAND BY EMINENT DOMAIN
FOR IMPROVEMENTS ON CSAH 21 (OLD CR 76 & AKA REDWING AVENUE)**

WHEREAS, Chisago County proposes to improve County Road 76 (AKA Redwing Avenue) as identified in Right-of-Way Plat #114 recorded on September 22, 2022, as document number 662630 with the Chisago County Recorder's Office; and

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

WHEREAS, right-of-way and easements over certain lands are required to provide for said realignment and reconstruction; and

WHEREAS, Chisago County has authority to acquire right-of-way for said project by eminent domain pursuant to Minn. Stat. 163.02, subd. 2 and the right to acquire the right-of-way prior to the filing of an award by the court appointed commissioners, pursuant to Minn. Stat. 117.042; and

WHEREAS, the following persons own or have an interest in a portion of said lands required for as identified on Exhibit A, attached hereto and incorporated by reference; and

WHEREAS, Chisago County has been unable to successfully negotiate the acquisition of the required right-of-way and easements on such properties to date; and

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

NOW THEREFORE BE IT RESOLVED, that the Chisago County Board of Commissioners hereby authorizes the acquisition of said land by eminent domain and to the take title and possession of that land prior to the filing of an award by the court appointed commissioners, pursuant to Minn. Stat. sections 117.042 and 163.02; and

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

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- 5.) Minutes from the November 2, 2022 Meeting
 - 6.) Payment of County's Warrants and Miscellaneous Bills

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

- 7.) Tobacco License Renewal – Station on 17

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

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

On motion by Montzka, seconded by DuBose, the Board moved to approve the Agreement for Building Plan Review, Building Code Inspection, Septic Plan Review & Septic Inspection Services by and between Chisago County and the City of Stacy as presented. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

On motion by Dunne, seconded by Montzka, the Board moved to approve Resolution No. 22/1116-3 , a Resolution of the County Board of Commissioners of Chisago County, Minnesota, approving the Preliminary Plat of Ryan Farms Plat 1 located at 41847 Keystone Avenue / CR 67 in Sunrise Township, (PID #09.00060.00). The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

RESOLUTION NO. 22/1116-3
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO
COUNTY, MINNESOTA, APPROVING THE PRELIMINARY PLAT OF RYAN
FARMS PLAT 1

WHEREAS, A2A Investments LLC, property owner, and John (Jack) Kopp, applicant, submitted an application dated received September 29, 2022 and considered complete on October 5, 2022 for the Preliminary Plat of Ryan Farms Plat 1; and

WHEREAS, the applicant desires to create three parcels from the 87.8-acre subject site; and

WHEREAS, the subject site is located at 41847 Keystone Avenue / CR 67 in Sunrise Township and is zoned Agricultural (AG) District; and

WHEREAS, the subject site is legally described as:

PID 09.00060.00

*The North One-half of the Northwest Quarter (N ½ of NW ¼) of Section Six (6),
Township Thirty-five (35), Range Twenty (20), Chisago County, Minnesota.*

Subject to easements, restrictions or reservations of record, if any.

WHEREAS, notice was provided and on November 3, 2022 the Planning Commission conducted a public hearing regarding this application, at which it heard from

the Land Services Coordinator, the applicant and/or property owner, and invited members of the public to comment; and

WHEREAS, the Planning Commission recommended approval of the Preliminary Plat of Ryan Farms Plat 1 with conditions per Resolution No. PC2022-1102; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its November 16, 2022 meeting and determined the Preliminary Plat of Ryan Farms Plat 1 to be consistent with the intent of the County's Zoning and Subdivision Ordinances.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Chisago County, Minnesota hereby approves the Preliminary Plat of Ryan Farms Plat 1, subject to the following conditions:

1. The Preliminary Plat of Ryan Farms Plat 1 is approved per plat drawing dated signed September 29, 2022. Any significant deviation from the approved plat drawing, as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.
2. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
3. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

On motion by DuBose, seconded by Dunne, the Board moved to approve Resolution No. 22/1116-4, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, approving the Preliminary Plat of Angry Dangers Paradise located at 34565 Wild Mountain Rd./CSAH 16 in Shafer Township, (PID #08.00130.10). The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

RESOLUTION NO. 22/1116-4

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY, MINNESOTA, APPROVING THE PRELIMINARY PLAT OF ANGRY DANGLERS PARADISE

WHEREAS, Darin Dills and Amy Dills, property owners, and Amy Dills, applicant, submitted an application dated received September 30, 2022 and considered complete on October 5, 2022 for the Preliminary Plat of Angry Dangers Paradise; and

WHEREAS, the applicant desires to create three parcels from the 25-acre subject site; and

WHEREAS, the subject site is located at 34565 Wild Mountain Road / CSAH 16 in Shafer Township and is zoned Rural Residential II (RRII) District / Upper St. Croix Overlay (UO) District; and

WHEREAS, the subject site is legally described as:

PID 08.00130.10

That part of the Southwest Quarter of the Northeast Quarter and that part of the Southeast Quarter of the Northwest Quarter of Section 12, Township 34, Range 19, Chisago County, Minnesota, described as follows: Commencing at the southeast corner of the Northeast Quarter of said Section 12; thence North 88 degrees 46 minutes 29 seconds West along the South line of said Northeast Quarter, a distance of 1525.61 feet to a point distant 200.00 feet West of the southeast corner of said Southwest Quarter of the Northeast Quarter thereof and the Point of Beginning of the parcel to be described; thence North 28 degrees 58 minutes 22 seconds West, a distance of 1505.48 feet to a point on the North line of said Southwest Quarter of the Northeast Quarter distant 400.00 feet East of the northwest corner of said Southwest Quarter of the Northeast Quarter thereof; thence South 42 degrees 38 minutes 14 seconds West, a distance of 1245.86 feet to the centerline of County State Aid Highway No. 16, as established by CHISAGO COUNTY RIGHT OF WAY PLAT NO. 84; thence South 52 degrees 17 minutes 03 seconds East along said centerline, a distance of 616.82 feet to the South line of said Southwest Quarter of the Northeast Quarter; thence South 88 degrees 46 minutes 29 seconds East along said South line of the Southwest Quarter of the Northeast Quarter, a distance of 1085.45 feet to the Point of Beginning.

Subject to permanent highway easement in Parcel 7 as shown on CHISAGO COUNTY HIGHWAY RIGHT-OF-WAY PLAT NO. 84.

WHEREAS, notice was provided and on November 3, 2022 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant and/or property owner, and invited members of the public to comment; and

WHEREAS, the Planning Commission recommended approval of the Preliminary Plat of Angry Dangers Paradise with conditions per Resolution No. PC2022-1103; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its November 16, 2022 meeting and determined the Preliminary Plat of Angry Dangers Paradise to be consistent with the intent of the County's Zoning and Subdivision Ordinances.

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

1. The Preliminary Plat of Angry Dangers Paradise is approved per plat drawing dated signed September 26, 2022. Any significant deviation from the approved plat

drawing, as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.

2. The subdivision will be allowed a maximum of two driveways / access points from Wild Mountain Road / CSAH 16, requiring that at least two of the three lots have a shared driveway.
3. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
4. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.
5. Upon Final Plat approval, the applicant shall effectuate the permanent and visible marking of all property boundaries shared with the U.S. Department of the Interior's National Park Service utilizing the services of a licensed surveyor. Once the property boundaries have been marked, the applicant shall notify the National Park Service.

On motion by DuBose, seconded by Dunne, the Board moved to approve Resolution No. 22/1116-5, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, approving the Preliminary Plat of Paradise Woods located at the SW corner of 320th Street and Lofton Avenue/CSAH 24 in Chisago Lake Township, (PID #02.00823.00). The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

RESOLUTION NO. 22/1116-5
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO
COUNTY, MINNESOTA, APPROVING THE PRELIMINARY PLAT OF
PARADISE WOODS

WHEREAS, Kenneth Rice, property owner and applicant, submitted an application dated received May 26, 2022 and considered complete on June 1, 2022 for the Preliminary Plat of Paradise Woods; and

WHEREAS, the subject site is generally located at the southwest corner of 320th Street and Lofton Avenue / CSAH 24 in Chisago Lake Township and within the Agricultural (AG) District; and

WHEREAS, the subject site is 58.2 acres in size and legally described as:

PID 02.00823.00

That part of Section 30, Township 34 North, Range 20 West, Chisago County, Minnesota described as follows: The Northeast Quarter of the Northwest Quarter, subject to a 1-rod road easement along the North line thereof. And the North 659.4 feet of the Northwest Quarter of the Northeast Quarter, subject to a 1-rod road easement along the North line

thereof, and subject to the existing County Road No. 77 easement along the East line thereof, and also the East 770 feet is subject to a drainage easement in favor of the owner of the property described as follows: All of the NW 1/4 of the NE 1/4 of said Section 30 except the North 659.4 feet thereof.

WHEREAS, notice was provided and on July 7, 2022 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant and/or property owner, and invited members of the public to comment; and

WHEREAS, the Planning Commission tabled the request in order to allow additional time for the applicant to review Chisago Lake Township's road design standards and determine estimated costs associated with road improvements; and

WHEREAS, the applicant granted the County a 120-day extension to the review period in order to allow sufficient time for the above described efforts, with said extension expiring on January 27, 2023; and

WHEREAS, having received an updated request for Preliminary Plat and an updated recommendation from Chisago Lake Township, the Planning Commission continued its review and consideration of this application at its November 3, 2022 meeting; and

WHEREAS, the Planning Commission recommended approval of the request for Preliminary Plat of Paradise Woods with conditions, per Resolution No. PC2022-1104; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its November 16, 2022 meeting and determined the Preliminary Plat of Paradise Woods to be consistent with the intent of the County's Zoning and Subdivision Ordinances.

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

1. The Preliminary Plat is approved per plat drawing dated signed May 26, 2022 and with amendments dated September 19, 2022 and October 14, 2022. Any deviation from the approved plat drawing, except as provided herein, shall require further review by the Planning Commission and approval by the County Board.
2. No access shall be granted from Lofton Avenue / CSAH 24; all driveways must access 320th Street.
3. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.

4. The applicant shall enter into a Developer's Agreement with Chisago Lake Township Road Authority. The Developer's Agreement shall address concerns identified by the township in Chisago Lake Town Board Resolution No. 2022-10-18-A, including concerns relating to infrastructure improvements (i.e., review / approval of construction plans, effectuation and timing of improvements, responsibility of costs related to improvements, and financial surety), driveway access, reimbursement of costs related to review of the plat, and access easement for stormwater facilities. The applicant shall submit the fully executed Developer's Agreement at time of submission of request for Final Plat. The request for Final Plat will not be considered complete unless accompanied by the fully executed Developer's Agreement.
5. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat, unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

On motion by DuBose, seconded by Montzka, the Board moved to enact Ordinance No. 1116-6 approving the rezoning of the properties described as 35089 Wild Mountain Road / CSAH 16, Shafer Township, PID#'s 08.00004.20, 08.00018.15, 08.00003.00 and 08.00128.00, from Rural Residential II (RRII) Zoning District to Agricultural (AG) Zoning District. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

CITIZENS FORUM

TIME – 7:01 p.m. **END TIME** – 7:01 p.m.

of SPEAKERS – 0

On motion by Montzka, seconded by Dunne, the Board moved to accept the November 9th Budget and Finance Report, moved to approve funding the Honeywell Phase II project using \$729,577 ARPA funds, \$524,750 Building funds and \$311,973 from the General Fund for a total of \$1,566,300, and moved to approve the 2023 CIP and ARPA Plan, as attached. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

On motion by Montzka, seconded by Dunne, the Board moved to approve the Joint Powers Agreement with Hennepin County Sheriff's Office for inmate boarding. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

On motion by Montzka, seconded by Dunne, the Board moved to approve the 2023 Law Enforcement Services Contracts for the Cities of Taylor's Falls, Shafer, Center City, Stacy, Harris and Rush City. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

On motion by Dunne, seconded by DuBose, the Board moved to approve the grant application and sub-recipient agreement with the Children's Services Collaborative and pay \$118,000 to the Children's Services Collaborative. The motion **carried** as

follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

On motion by Montzka, seconded by Dunne, the Board moved to approve the Chisago County Disposition, Cremation and Burial Policy & Procedure #500. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

On motion by Dunne, seconded by DuBose, the Board moved to approve the TriMin System Service Agreement for 2023. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

On motion by Montzka, seconded by Dunne, the Board moved to approve the MFIP & DWP program provider agreement between Central Minnesota Jobs & Training Services (CMJTS) and Chisago County. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

On motion by DuBose, seconded by Montzka, the Board moved to approve the Professional/Technical Services Contract between Amy Anderson, M.D. and Chisago County. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

On motion by Dunne, seconded by Montzka, the Board moved to approve the Family Home Visiting Strong Foundations Grant. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

On motion by Montzka, seconded by Dunne, the Board moved to approve the Canvas Health Contract through 2024. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

On motion by Montzka, seconded by DuBose, the Board moved to approve the employment contract with Mr. Chase Burnham in its entirety to continue to be the Chisago County Administrator. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

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

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

On motion by DuBose, seconded by Dunne, the Board adjourned the meeting at 7:31 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

Richard Greene, Chair

Attest: _____
Christina Vollrath
Clerk of the Board