COUNTY OF CHISAGO

BOARD OF COMMISSIONERS

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

Chase Burnham
County Administrator

Commissioners:
District 1
Jim Swenson
District 2
Rick Greene
District 3
Marlys Dunne
District 4
Ben Montzka
District 5
Dan Dahlberg

REGULAR MEETING – Wednesday, January 18, 2023
County Board Room, Room 172

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

Road & Bridge Committee of the Whole:
Discussion

1.)	County Engineer's Report	TAB 1

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

2.)	RAISE Grant Support Letter – US Highway 8	TAB 2
3.)	Out of State Travel Request – Ben Utech, ATSSA Conference, Fargo N.D.	TAB 3
4.)	Credit Card Request – Tony Nielsen, Fleet Maintenance	TAB 4
5.)	FINAL Contract Payment – County Road Surfacing Project CP 013-086-022	TAB 5
6.)	Equipment Expenditure Request – Sign Truck (2022 CIP)	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 – TH 8 RAISE Grant – Letter of Support	TAB 2
3.)	R&B Committee Recommendation – Out of State Travel Request – Fargo N.D.	TAB 3
4.)	R&B Committee Recommendation – Credit Card Request – Tony Nielsen, Fleet Maint.	TAB 4
5.)	R&B Committee Recommendation – FINAL Contract Payment – CP 013-086-022	TAB 5
6.)	R&B Committee Recommendation – Equip. Expenditure Request – Sign Truck	TAB 6
7.)	Minutes from the January 3, 2023 Organizational Meeting	TAB 7
8.)	Payment of County's Warrants and Miscellaneous Bills	TAB 8

Environmental Services/Zoning Report – Kurt Schneider, Director

9.)	Director's Report	TAB 9
10.)	Timothy and Katherine Albrecht Interim Use Permit – Residential Kennel	TAB 10
11.)	Brad Canaday "Keystone Pines" Preliminary Plat	TAB 11
12.)	Jeanne Larson Conditional Use Permit Amendment – Rural Retail Tourism	TAB 12

Other Business of the County Board

13.)	Professional/Technical Services Contract Amendment with Mackenzie Halfen	TAB 13
14.)	Resolution for Mileage Reimbursement past 60 days – HHS	TAB 14
15.)	January 11th Budget and Finance Committee Report	TAB 15
16.)	Acceptance of 2022 Chisago County Donations	TAB 16
17.)	Citizen Appointment to One Watershed One Plan (1W1P)	TAB 17
18.)	Acceptance of Resignation and Advertisement for Planning Commission – District 1	TAB 18
19.)	Court Appointed Counsel – Contracts for Counsel selected by RFP	TAB 19

20.) Temporary Transfer of Funds and Budget Adjustment TAB 20

Discussion Items:

- Correspondence CORR.
- Administrator Updates
- Commissioner Committee Reports

Announce Closed Meeting (M.S. § 13D.05)

- Meetings of the Chisago County Board of Commissioners may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege. Minn. Stat. §13D.05, Subd. 3. The Meeting will be closed to allow the County Board to discuss with legal counsel strategy related to litigation, *Michelle Jacobson v. County of Chisago (MN) and Richard Duncan, both individually and in his official capacity as Sheriff of Chisago County (MN)*

Adjourn Meeting of the Board of Commissioners

***** NOTICE*****

Chisago County Commissioner Jim Swenson will be attending the Chisago County Board of Commissioners Meetings on Wednesday January 18th at 6:30 p.m. via Interactive TV, pursuant to Minnesota Statute 13D.02 and MN Department of Administration Advisory Opinions 08-034 and 13-009. Commissioner Swenson may be seen and heard at the meeting via electronic means and will participate from The Fountains 12400 South International Drive Orlando FL 32821, a location open and accessible to the public. Any questions can be directed towards Chase Burnham, County Administrator, at (651) 213-8877.

CHISAGO COUNTY
DEPARTMENT OF PUBLIC WORKS
Mail: 313 North Main Street, Room 400
Center City, MN 55012-9863
Office: 31325 Oasis Road, Center City, MN 55012-9863
Phone (651) 213-8700
Fax (651) 213-8772

Joe Triplett, P.E.
Director | County Engineer

Ben Hobert, P.E.
Assistant County Engineer

Paul Gibson, L.S.
County Surveyor

Bruce Lind
Maintenance Superintendent

Ben Utech
Traffic Operations Manager

Barbara Shimmon
Finance | Office Manager

PUBLIC WORKS MEMORANDUM

TO: **Chisago County Board of Commissioners**

FROM: Joe Triplett, P.E.

DATE: **January 11, 2023**

RE: Public Works Director's Report

Note: I will be appearing remotely

Project Update:

CR 76/CSAH 21: Mndot State Aid has reviewed and provided comments. We are still working with 2 parcel owners on R/W acquisition

CR 59/CSAH 40: Mndot State Aid has reviewed and provided comments. We are still working with 2 parcel owners on R/W acquisition. Have Municipal Consent from the City of Harris for the project.

CR 70: Working on drainage and profile design

We do have concerns with this year's bid prices. We are going to watch them and may need to adjust accordingly to account for the prices and inflation. More to come as we work our way through the bid schedule.

ATTSA Conference Request
I have the annual ATSSA conference in Fargo travel request for our Traffic Operations manager to attend.

TH 8 Project Update
I am collecting letters of support from the various entities for our RAISE Grant application. It requires a letter of support and resolution from the agency who is applying. I have included both for your consideration.

We continue to progress through the Corridors of Commerce application process. Met with Mndot and their consultant on January 5th to talk through the project.

We have sent the preliminary layouts to the Cities of Wyoming and Chisago City for their approval and support. I am looking to give both Councils a project update in the coming weeks.

CSAH 17 Extension Project
We held our second public open house for this project on January 10th.

Chisago County Request for Board Action

Meeting Date: January 18, 2023	***Item Number:*** 2
Title of Item for Consideration: RAISE Grant Support Letter – US Highway 8	
Action Requested by: Joe Triplett, County Engineer	***Department:*** Public Works
Previous Action on this Matter: None.	

Background: The United States Federal Government's RAISE Grant funds address critical capacity, access and safety issues. The US Highway 8 project will enhance system performance, improve corridor safety for motorists and pedestrians, and support local/regional economic and community development.

US Highway 8 in Chisago County is currently used by over 22,000 vehicles a day, which utilizes 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.

***Attachment(s)*:**

- 2023 RAISE Grant Letter of Support
- Resolution 2023 RAISE Grant Support Resolution

Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve a letter of support for a RAISE Grant from the US Government for US Highway 8. The following motion is suggested;

"Move to approve a letter of support for a RAISE Grant from the US Government for US Highway 8."

Implications of Action: Approval will show the Chisago County Board of Commissioners support for the US Government to support the US Highway 8 project.

Budget/Financial Implications: None.

Legal/Policy Implications: The proposed activities are in compliance with all applicable state and federal regulations and County policies & procedures.

Administrator's Recommendation

Approve ___	Deny _____	Other _____

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

Chase Burnham
County Administrator

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District 5
Dan Dahlberg

January 18, 2023

The Honorable Pete Buttigieg
Secretary, US Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Dear Mr. Buttigieg,

We write to request your strong consideration of Chisago County's application for funding through the United States Department of Transportation's Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant. 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.

RAISE Grant funds 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.

For the reasons above, I urge your full consideration of the Chisago County's application 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,

RESOLUTION NO. XXXXXX
2023 RAISE GRANT SUPPORT

WHEREAS, The U.S. Department of Transportation released a Funding Opportunity to apply for $1 billion in Fiscal Year (FY) 2023 discretionary grant funding through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grants; and

WHEREAS, Funds for the RAISE Transportation grants are to be awarded on a competitive basis for projects that will have a significant local or regional impact., and

WHEREAS, Funding provided under National Infrastructure Investments have supported capital projects which repair bridges or improve infrastructure to a state of good repair; projects that implement safety improvements to reduce fatalities and serious injuries, including improving grade crossings or providing shorter or more direct access to critical health services; projects that connect communities and people to jobs, services, and education; and, projects that anchor economic revitalization and job growth in communities, and

WHEREAS, TH 8 is a vital interregional corridor that serves a variety of transportation needs; and

WHEREAS, TH 8 has become increasingly strained due to high levels of daily commuters, large trucks and spikes in weekend recreational traffic; and

WHEREAS, TH 8 has significant safety, mobility and access issues; and

WHEREAS, the Chisago County Board of Commissioners supports this program and its Public Works Director in pursuing and applying for funds from this program for the following projects:

NOW, THEREFORE, BE IT RESOLVED, that the Chisago County Board of Commissioners does hereby support the application and pursuit of funds from the 2023 RAISE Transportation Grant Program for reconstruction of TH 8.

Chisago County Request For Board Action

Meeting Date: January 18, 2023	***Item Number:*** 3
Title of Item for Consideration: Out of State Travel Request – Ben Utech, ATSSA Conference, Fargo N.D.	
Action Requested by: Joe Triplett, P.E.	***Department:*** Chisago County Public Works
Previous Action on this Matter: None.	

Background: County Engineer Joe Triplett is requesting that Ben Utech be authorized to attend the 2023 American Traffic Safety Services Association (ATSSA) Conference in Fargo, ND. Training received will better allow Chisago County to keep current on signing, striping and other highway safety strategies. The conference runs from 3/14 to 3/16.

Attachments:

- Out-of-State Travel Request Form
- 2023 ATTSA Conference Program

Action Requested/Recommended: The County Board is respectfully requested to approve the Out-of-State Travel requests via approval of tonight's *Consent Agenda*. Should the Board wish to provide alternative direction or further discuss this issue, the following motion is suggested:

"Move to approve the out of state travel request to attend 2023 ATSSA conference in Fargo, North Dakota."

Implications of Action: Board approval at tonight's meeting will provide opportunity for Chisago County to keep current on signing, striping and other highway safety strategies.

Budget/Financial Implications: Included in training and continuing education budget

Legal/Policy Implications: The proposed activities are in compliance with all applicable state and federal regulations and County policies & procedures.

Administrator's Recommendation

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

Chisago County Out-of-State Travel Request

Date Submitted	1/10/2023
Employee Name	Ben Utech
Department	Public Works
Destination	2023 Northland "How To" ATSSA Conference Fargo, North Dakota
Purpose of Travel	Training and Education Workshop
Departure Date	3/13/2023
Return Date	3/15/2023
Total Travel Expenses	**$560.00**
Supervisor Name (PRINT)	JOE TRIPLETT
Supervisor's Signature	
Date Approved	1/10/23
County Board Signature	
Date Approved	

Anticipated Expenses

Type of Expense	Description of Expense	Daily Expenses (Except Airfare)	# of Days	Total Expenses
Airfare				$0.00
Ground Transportation			1	$0.00
Conference/Registration Fees			3	$155.00
Lodging			2	$325.00
Meals			4	$80.00
Mileage			1	$0.00
		Grand Total		$560.00



In This Section

Conference Program/Sessions

Monday, Mar 14, 2022

12:30 PM - 4:30 PM CDT

PRECONFERENCE WORKSHOP: Pavement Marking Workshop

Speakers: Panel of Industry and DOT

This workshop will cover all aspects of Pavement Markings where Agencies, Manufacturers, and Industry discuss trends, issues, specs, best practices, etc.

Presentation 1
Presentation 2
Presentation 3
Presentation 4

Location:

Tuesday, Mar 15, 2022

8:30 AM - 9:30 AM CDT

GENERAL SESSION: The High Way: Ongoing Challenges of Impaired Driving and the Impacts of Legalization Part I

Speaker: Darrin Grondel, responsibility.org

In this session, participants will learn about the impacts of cannabis legalization on impaired driving and the challenges this presents for the DUI system. This presentation will cover a variety of topics focusing on poly-substance impairment - SFST, ARIDE, DRE, oral fluid testing, law enforcement phlebotomy, toxicology, cannabis impairment detection workshops (Green Labs). Discussion will also include THC isomers such as Delta 6, 7, 8, 9, 10, 11and the impacts of CBD. Darrin Grondel is the Vice President of Government Relations and Safety for responsibility.org, which launched their newest endeavor, the National Alliance to Stop Impaired Driving (NASID), with a focus on multiple substance impaired driving. NASID is a broad coalition of stakeholders working in a public/private partnership to end all forms of impaired driving through improved data and detection, innovative programs and technologies, and system reform.

Presentation

Location:

9:35 AM - 10:20 AM CDT

Pavement Marking Inspection

Speaker: Ethan Peterson/Panel

To make pavement markings last and function well, there are a lot of elements to keep track of. This session will have expert panel members discuss what to look for when installing grooves and pavement markings, as well as inspecting the final product. Audience discussion will be highly encouraged.

Presentation

Download the Pavement Marking Field Guide

Location:

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Accept

NDDOT Safety Corridors

Speaker: Justin Schlosser

A new approach at getting North Dakota closer to Vision Zero

Presentation

Location:

Daytime Process for Sign Retroreflectivity

Speakers: Kenny Tetrault, Burke County Highway Superintendent / Connie Howell, Burke County Sign Lead / Dale Haglund, NDLTAP

North Dakota unveils the Burke County daytime process for the evaluation of sign retroreflectivity

Presentation

Location:

10:50 AM - 11:35 AM CDT

Skin Cancer: It's a Hot Topic!

Speaker: Robyn Fine

Skin cancer is on the rise in the United States. Learn about the dangers of UV exposure from the sun and tanning beds. Sun safety is always in season, and it's important to protect your skin from sun damage throughout the year, no matter the weather. Exposure to the sun can cause sunburn, skin aging (such as skin spots, wrinkles, or "leathery skin"), eye damage, and skin cancer, the most common of all cancers.

Presentation

Location:

Intelligent Work Zones

Speakers: Bernie Southam / Christina Bennett

NDDOT's 1st IWZ was deployed in 2013. How did things go? What could be improved upon? Was it useful? Come find out! Also, South Dakota has been using queue warning systems and variable speed limits in work zones. Come hear more about them.

Presentation 1
Presentation 2

Location:

Sign Truck Show & Tell

Speakers: Panel

Hear the highlights from some of the sign trucks being used around the region and have an opportunity to view the truck and its features.

Presentation

Location:

1:00 PM - 2:00 PM CDT

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GENERAL SESSION: A Review and Evaluation of Work Zone Enhancements on the I-35 Twin Ports Interchange Project in Duluth, MN

Speaker: Ted Ulven

The first year of traffic control on the Twin Ports Interchange Project on I-35 has the most severe impact on motorists due to single lane traffic in each direction, rebounding tourist traffic, and resumption of special events. The District realized this could have serious implications and added many work zone enhancements. This session will detail the extra traffic control efforts, evaluate their effectiveness, and review crash & operational data.

Presentation

Location:

2:05 PM - 2:50 PM CDT

Blue Light Special

Speaker: Dan Varilek, SD

States will talk about laws they have for blue lights on certain work vehicles.

Presentation

Location:

NDDOT Autonomous Attenuator Truck

Speaker: Travis Lutman

NDDOT will discuss how the use of autonomous attenuator trucks and mowers have impacted snow removal and safety operations.

Presentation

Location:

MASH Update 2022: Where Are We and Where Are We Going

Speaker: John Durkos, Road Systems Inc.

An update on the implementation of MASH from a national perspective

Location:

3:20 PM - 4:05 PM CDT

CDL Updates

Speakers: State Troopers from MN, ND, & SD

This session will cover any new updates for CDL drivers provided by law enforcement from Minnesota, South Dakota, and North Dakota.

Location:

SD LTAP Work Zone Training

Speaker: Cliff Reuer, SDLTAP

Work zone do's and don'ts for local agencies.

Presentation

Location:

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(retro)Reflections on Pavement Markings: Practices for Each State

Speakers: Panel of DOT Pavement Marking Representatives: MN Ethan / SD Christina / ND Jon Stork & Jaycee Allery

State DOT representatives will discuss what they are doing for pavement marking installation on construction and with maintenance forces

Presentation 1
Presentation 2

Location:

4:05 PM - 5:00 PM CDT

GENERAL SESSION: The High Way: Ongoing Challenges of Impaired Driving and the Impacts of Legalization Part II

Speaker: Darrin Grondel, responsibility.org

In this session, participants will learn about the impacts of cannabis legalization on impaired driving and the challenges this presents for the DUI system. This presentation will cover a variety of topics focusing on poly-substance impairment - SFST, ARIDE, DRE, oral fluid testing, law enforcement phlebotomy, toxicology, cannabis impairment detection workshops (Green Labs). Discussion will also include THC isomers such as Delta 6, 7, 8, 9, 10, 11and the impacts of CBD.

Darrin Grondel is the Vice President of Government Relations and Safety for responsibility.org, which launched their newest endeavor, the National Alliance to Stop Impaired Driving (NASID), with a focus on multiple substance impaired driving. NASID is a broad coalition of stakeholders working in a public/private partnership to end all forms of impaired driving through improved data and detection, innovative programs and technologies, and system reform.

Presentation

Location:

6:30 PM - 10:00 PM CDT

30th Anniversary Celebration

Northland ATSSA is celebrating 30 years of the How To so it's time to celebrate and light this party up! Fun will be had by all with Black light games and other activities where you can challenge your friends. Please join us for our celebration and have fun with your industry friends and colleagues. There is no better way to socialize and have fun then to Glow!

Presentation

Location:

Wednesday, Mar 16, 2022

8:30 AM - 9:15 AM CDT

MnDOT's AFAD with TMA

Speaker: Steven Blaufuss

This session includes an introduction to a new device that MnDOT has purchased and using to help aide in the protection of their flaggers. The device is an attachment to a Truck or Trailer Mounted Attenuator (TMA). They call it the Flagger TMA. It takes the flagger off the road and puts them in the seat of a protection truck, while allowing them to control the flow of traffic using a sign paddle that rotates and a full color matrix message board to interact with the approaching vehicles. This device was purchased to solve 2 problems: the first was to get the flaggers out of harms way. And the second was to allow for a moving work zone, yet still have functionality similar to that of an AFAD.

Presentation

Location:

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Reducing Lane Departure One Cable Barrier at a Time

Speaker: John Guevara

North Dakota installed their first high tension cable guardrail this past construction season. MNDOT and SDDOT both have these systems in place today. This session will include a brief overview from NDDOT on how the projects went, what are some areas of improvement on future projects, and some positive take aways from the project. This session will also include John Guevara from Brifen USA, the manufacturer of the system installed in North Dakota and has miles of it in Minnesota, providing maintenance tips and information about the system.

Location:

I love a rainy night, it's such a beautiful sight; I can see the stripe!

Speaker: Ethan Peterson, MnDot

Pavement markings are notoriously hard to see in wet conditions, particularly at night. There are standards in place to measure the retro of pavement markings in wet conditions, but there hasn't been any information available for what the wet retro ought to be. MnDOT has been installing wet reflective pavement markings over the past few years and has struggled with this question. MnDOT worked with the Texas Transportation Institute to determine what levels are appropriate through a human factors study. This session will highlight the results of the study and MnDOT's next steps.

Presentation

Location:

9:15 AM - 10:00 AM CDT

Big Changes to MnDOT Signing Practices

Speaker: Steve McBurney & Tom Dailey, MnDot

Changes are coming related to signs on Minnesota's State Highway System. MnDOT is publishing a new Standard Sign and Marking Summary, a new Standard Sign and Marking Manual and a new SignCAD version. The crashworthy requirements for sign structures on the National Highway System changed at the beginning of 2020. These have led to new Signing Standard Plans. This session will introduce the attendees to new standards and guidance, as well as explaining why these were needed.

Presentation

Location:

MASH: A Tri-State Perspective

Speakers: SDDOT - Christina Bennett / MNDOT - Ethan Peterson / NDDOT - Kris Altepeter

SDDOT, MNDOT, NDDOT representatives will provide a state by state status of the implementation and compliance to MASH.

Presentation 1
Presentation 2
Presentation 3

Location:

The Ins and Outs of Striping Roundabouts

Speaker: TBD

Sharing all the "Ins and Outs" of striping roundabouts: From traffic control set-ups to different pavement marking materials and installation methods.

Presentation

Location:

10:30 AM - 12:00 PM CDT

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GENERAL SESSION: Connected and Autonomous Vehicles

Speaker: Thomas Johnson-Kalser, MnDOT CAV-X Office

MnDOT is heavily involved in connected and autonomous vehicle (CAV) efforts. There are big challenges in converting a road system to work well with CAVs. MnDOT is conducting research and creating peer exchanges to discover how to prepare the road system to effectively guide CAVs. This session will go over what MnDOT has learned and how the agency will continue to learn to make the road system CAV ready.

Presentation

Location:

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Chisago County Request for Board Action

Meeting Date: January 18, 2022	*Item Number:* 4
Title of Item for Consideration: Credit Card Request – Tony Nielsen	
Action Requested by: County Engineer Joe Triplett	*Department:* Public Works
Previous Action on this Matter: None.	
Background: This card will be used to pay for supply purchases, vehicle inspection decals, training, and conference fees for the Fleet Maintenance Division. • Credit Card Request Form – Tony Nielsen $500.00	
Action Requested/Recommended: The County Board is respectfully requested to approve credit card for Tony Nielsen. The following motion is suggested: ***"Move to approve a credit card for Tony Nielsen."***	
Implications of Action: Board approval at tonight's meeting will allow the County Auditor Office to request a credit card for Tony Nielsen. ***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 _____

COUNTY OF CHISAGO

REQUEST FOR COUNTY ISSUED CREDIT CARD

TO: COUNTY AUDITOR

FROM: Joe Triplett

Chisago County Public Works Director

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

__ Commissioner

__ Department Head

☒ Employee

Department Head Portion:

I request the following employee be issued a Chisago County Credit Card.

Employee Full Name (print): Tony Nielsen

Employee Sample Signature: Tony Nielsen

Title: Fleet Maintenance Supervisor

Department: Public Works

County Issued Credit Card Account Limit:
(Place an X in the applicable box)

__	County Board of Commissioners	$1,500
__	County Department Heads	$1,000
☒	County Employees	$500

The Department Head may recommend an account limit for an employee not to exceed $500. Without exception, the County Board of Commissioners will establish all account limits.

Use of County Issued Credit Card:
County provided credit cards are to be used only for conducting officially approved County business. Official County business includes approved travel (hotels, meals, travel expenses) and registration fees per County policy and any other items approved, per County policies, prior to actual purchase. No alcoholic beverages may be purchased with said card.

Reason why credit card is needed: To purchase supplies, vehicle inspection decals, training, and conference fees for the Fleet Maintenance Division.

I hereby certify that I have reviewed with the employee the Chisago County Issued Credit Card Policy and the Credit Card User Agreement (Exhibit B).

Signature of Department Head _____ Date 1/5/23

Employee Portion:

I have reviewed the Chisago County Issued Credit Card Policy and the Credit Card User Agreement. I agree to abide by these policies and other policies of the County. I consent to the County running a background credit check on my personal credit history if the County deems it necessary.

Tony Nieber
Signature of Employee

1/5/2023
Date

County Auditor Portion:

Received request on _____
Date

Presented to the Chisago County Board on _____
Date

Action taken by Chisago County Board on _____
Date

- ☐ Approved as requested
- ☐ Denied
- ☐ _____

Chisago County Auditor _____ Date

If approved, card was delivered to employee on _____
Date

Employee Portion:

I acknowledge receipt of credit card bearing number _____.

Employee _____ Date

Z:\County Public\Policy\CreditCard\Request For County Issued Credit Card Form - Exhibit A.wpd

Chisago County Request for Board Action

Meeting Date: January 18, 2023	***Item Number:*** 5
Title of Item for Consideration: FINAL Contract Payments for FINAL Contract Payment – County Road Surfacing Project CP 013-086-022	
Action Requested by: Joe Triplett, P.E.	***Department:*** Chisago County Public Works
Previous Action on this Matter: Projects have been previously approved and awarded.	
Background: The final contract payment amount for the County Road Surfacing Project CP 013-086-022 is $38,249.65. The contract amount was $1,225,489.50 and the total work certified amount was $1,225,489.50. ***Attachment(s)***: • Final Contract Voucher – County Road Surfacing Project CP 013-086-022 (*available upon request*)	
Action Requested/Recommended: The County Board is respectfully requested to approve the Final Contract County Road Surfacing Project CP 013-086-022. The following motion is suggested: ***"Move to approve the County Road Surfacing Project CP 013-086-022 Final payment."***	
Implications of Action: Board approval at tonight's meeting will allow the Public Works department to complete the project. ***Budget/Financial Implications***: None. ***Legal/Policy Implications***: The proposed action is in general conformity with normal and routine application of state statutes, and county authority and county policies.	

Administrator's Recommendation

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

Chisago County Request for Board Action

Meeting Date: January 18, 2023	***Item Number:*** 6
Title of Item for Consideration: Public Works Equipment Request – 2022 CIP – Sign Truck	
Action Requested by: Joe Triplett, County Engineer	***Department:*** Public Works
Previous Action on this Matter: The approved 2022 Capital Improvement Plan identified up to $220,000 for purchase of a new Sign Truck.	
Background: Staff solicited competitive quotes for the purchase of a new Sign Truck. Pursuant to Chisago County Purchasing Policy, the purchase of the $216,128.00 Sign Truck is presented for approval. The proposal is presented at a cost of $216,128.00. The 2022 CIP allocated $220,000 from the approved 2022 Capital Improvement Plan. ***Attachment(s)***: • Equipment Expenditure Request	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board affirmatively consider the purchase of a new Sign Truck. The suggested motion to approve this action is as follows: ***"Move to approve the purchase of a new Sign Truck."***	
Implications of Action: Recommended Board action results in a new purchase for the Public Works Department. ***Budget/Financial Implications***: The proposal is presented at a cost of $216,128.00. The 2022 CIP allocated $220,000 from the approved 2022 Capital Improvement Plan. ***Legal/Policy Implications***: The proposal was solicited and obtained in accordance the Chisago County Purchasing Policy.	

Administrator's Recommendation

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

CHISAGO COUNTY

Equipment Expenditure Request

for assets $1,000 or more

Fill out form **completely**

revised 10/2013

Date 10/7/2021

Asset Description - Sign Truck

PWKS - 0081

Estimated Cost - $216,128.00

Was this item budgeted for this year's department budget? Yes _____ No X

If yes, what budget? _____

If no, please explain AND source of funds - Capital 2022

Department and/or location of equipment - Public Works

Is this a replacement? If yes, explain - Replacing unit 328

Reference asset tag number and/or description of item you are replacing

COMPLETED FORM AND APPROVAL IS REQUIRED PRIOR TO PURCHASE

This request has been reviewed by the Department Head, County Administrator and County Auditor for consistency, uniformity and budget planning. Including information on total cost such as tax, interest and rental costs.

SIGNATURES REQUIRED

Requestor - Tony Nicks DATE 10/7/21

Department Head - John K. Taylor DATE 10/7/21

County Administrator - _____ DATE

County Auditor - _____ DATE

Complete asset detail below once items are delivered - forward to Auditor's office WITH invoice that is to be paid

Serial Number _____ Capital Asset Tag # _____

Year/Make/Model _____

Serial Number _____ Capital Asset Tag # _____

Year/Make/Model _____

Serial Number _____ Capital Asset Tag # _____

Year/Make/Model _____

When making a software and/or computer affiliated purchase MICS approval and ordering is required

MICS OFFICE USE

Purchase Order: _____ Approved: _____

Vendor: _____ Date: _____

Inventory Y or N: _____

AUDITOR'S OFFICE USE DEPUTY AUDITOR INITIALS _____

Vendor Paid - _____ Warrant Number - _____

G/L Account - _____ Date Paid - _____

Amount - _____

#7

CHISAGO COUNTY
BOARD OF COMMISSIONERS
UNOFFICIAL PROCEEDINGS
Tuesday, January 3, 2023

Oath of Office Administered to All County Commissioners
- County Auditor-Treasurer Bridgitte Konrad

Oath of Office Administered to Chisago County Attorney Janet Reiter, County Sheriff Brandon Thyen
- County Auditor-Treasurer Bridgitte Konrad

At 9:00 a.m., Tuesday, January 3, 2023 in the Board Room of the Government Center, the Clerk of the Board convened the Annual Organizational Meeting of the Chisago County Board of Commissioners with the following members present: Swenson, Greene, Dunne, Montzka, and Dahlberg. Also present: County Administrator Chase Burnham, Clerk of the Board Christina Vollrath, and County Attorney Janet Reiter.

The Clerk of the Board led the assembly in the Pledge of Allegiance.

The Clerk of the Board called for a motion to approve the Agenda.

On motion by Greene, seconded by Dunne, the Board moved to approve the amended agenda for the Board of Commissioners meeting. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None.

The Clerk of the Board then called for nominations for Chair for 2023.

Commissioner Greene nominated Commissioner Montzka, seconded by Commissioner Dunne. Upon multiple calls, there were no other nominations.

The Clerk then called for a roll call vote of the candidates: Commissioner Swenson voted for Commissioner Montzka. Commissioner Dunne voted for Commissioner Montzka. Commissioner Greene voted for Commissioner Montzka. Commissioner Montzka voted for himself. Commissioner Dahlberg voted for Commissioner Montzka, whereupon the Clerk declared Commissioner Montzka as Chair of the Board for 2023.

The newly declared Chair for 2023, Commissioner Montzka, called for nominations for Vice Chair for 2023.

Commissioner Greene nominated Commissioner Dunne. Upon call, there were no other nominations.
Chair Montzka called for a roll call vote on Commissioner Dunne as Vice Chair, Commissioner Swenson voted aye, Commissioner Dunne voted aye, Commissioner Greene voted aye, Commissioner Montzka voted aye, and Commissioner Dahlberg voted aye. Chairperson Montzka declared Commissioner Dunne as Vice-Chair of the Board for 2023.

2023 Board Chair Montzka – Opening Remarks

On motion by Dahlberg, seconded by Greene, the Board moved to adopt the attached Chisago County Board of Commissioner's Operating Guidelines for 2023. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka. Dahlberg **OPPOSED:** None.

Commissioner Dunne offered a motion to adopt the 2023 Chisago County Board of Commissioners Meeting Schedule via the attached Resolution. Motion seconded by Greene. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None.

Commissioner Dahlberg offered a motion to establish the 2023 mileage reimbursement rate equal to the federal maximum allowable rate; as $0.625 per mile, and to establish the 2023 mileage reimbursement rate at $0.35 per mile, when at the driver's discretion, a personal vehicle is used, rather than an available County vehicle and the rates set by the GSA for lodging and meals. Motion seconded by Dunne. The original motion **carried** as follows: The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None.

On motion by Greene, seconded by Dunne, the Board moved to approve the attached resolution affirming the County's policy regarding routine Personnel and Human Resource Actions. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None.

On motion by Swenson, seconded by Dunne, the Board moved to approve, by Resolution, the 2023 Commissioners' Committee Assignments, as designated at today's meeting. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None.

On motion by Dunne, seconded by Greene, the Board moved to designate the Chisago County Press as the Newspaper for Official Publications for 2023-25, subject to annual reaffirmation. The County also received bids from the County News Review, the Isanti-Chisago County Star. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None.

2023 Citizen Appointments to Various Boards/Committees/Commissions

Board of Adjustment and Appeals:

- District 1, District 4 – 3-year term 1/3/2023 – 12/31/2025

On motion by Swenson, seconded by Dunne, the Board moved to appoint Douglas Greene as a representative on the Board of Adjustment and Appeals for District 1 effective 1/3/2023 thru 12/31/2025. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene,

Dunne, Montzka, Dahlberg **OPPOSED:** None.

On motion by Montzka, seconded by Greene, the Board moved to appoint Charles Yeager as a representative on the Board of Adjustment and Appeals for District 4 effective 1/3/2023 thru 12/31/2025. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None.

HRA-EDA:

- District 4 – 5-year term 1/3/2023 – 12/31/2027

On motion by Montzka, seconded by Greene, the Board moved to appoint Chad Lindgren as a representative on the HRA-EDA for District 4 effective 1/3/2023 thru 12/31/2027. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None.

Library Board:

- Citizens needs to be appointed and Chisago County Commissioner must be appointed/reappointed – 5 -year term 1/3/2023 – 12/31/2027

On motion by Greene, seconded by Montzka, the Board moved to appoint Jackie McMahon-Ricketson as a representative on the East Central Regional Library Board effective 1/3/2023 thru 12/31/2027. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None.

Park Board:

- District 2, District 4 – 3-year term 1/3/2023 – 12/31/2025

On motion by Swenson, seconded by Greene, the Board moved to move Park Board member Jolene Wille from the District 1 appointment to the District 2. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None.

On motion by Swenson, seconded by Greene, the Board moved to appoint John Pantelis, JR as the District 1 representative on the Park Board effective 1/3/2023 thru 12/31/2025. The motion carried as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None

Planning Commission:

- District 1, 2, 3, 5 – 3-year term 1/3/2023 – 12/31/2025

On motion by Swenson, seconded by Greene, the Board moved to appoint Kathleen Bloomquist as the District 1 representative on the Planning Commission effective 1/3/2023 thru 12/31/2025. The motion carried as follows: **IN FAVOR THEREOF**: Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None.

On motion by Greene, seconded by Montzka, the Board moved to appoint David Whitney as District 2 representative on the Planning Commission effective 1/3/2023 thru 12/31/2025. The motion carried as follows: **IN FAVOR THEREOF**: Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED**: None.

On motion by Dunne, seconded by Swenson, the Board moved to appoint Chris DuBose as District 3 representative on the Planning Commission effective 1/3/2023 thru 12/31/2025. The motion carried as follows: **IN FAVOR THEREOF**: Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED**: None.

On motion by Dahlberg, seconded by Montzka, the Board moved to appoint Eric Leivian as District 5 representative on the Planning Commission effective 1/3/2023 thru 12/31/2025. The motion carried as follows: **IN FAVOR THEREOF**: Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED**: None.

On motion by Dahlberg, seconded by Montzka, the Board moved to appoint Jeske Noordergraaf as District 5 representative on the Extension Committee effective 1/3/2023 thru 12/31/2025. The motion carried as follows: **IN FAVOR THEREOF**: Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED**: None.

On motion by Greene, seconded by Dunne, the Board moved to set the 2023 Ditch Levies at a 10% increase over 2022 as shown in the December 28, 2022 County Auditor-Treasurer Memo. The motion carried as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None.

On motion by Dunne, seconded by Dahlberg, the Board moved to authorize County Auditor-Treasurer Bridgitte Konrad to designate First Resource Bank as a depository of Chisago County. The motion carried as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None.

CITIZENS FORUM
TIME – 9:24 a.m. **END TIME** – 9:24 a.m.
# of SPEAKERS – 0

Board of Commissioners' Consent Agenda:

13. Authorize 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.
14. Approve Minutes of December 28, 2022 Regular Meeting (*available at meeting*)
15. Application for Exempt Permit – Chisago Lakes Area Wrestling Foundation

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

On motion by Dunne, seconded by Swenson, the Board moved to approve the minutes from the December 28, 2022 Regular Meeting. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None.

On motion by Dunne, seconded by Greene, the Board moved to approve the Chisago Lakes Area Wrestling Foundation's resolution to conduct a raffle at their event on March 25, 2023. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None.

On motion by Greene, seconded by Swenson, the Board moved to accept $432,050.56 in Opioid Settlement Funds (in 2022) and accept $50,000 in Local Assistance and Tribal Consistency Funds from the US Treasury (ARPA related) (in 2022). The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None.

On motion by Dunne, seconded by Greene, the Board moved to adopt the 2023 Chisago County Board of Commissioners Meeting Schedule via the attached Resolution. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None.

County Administrator Chase Burnham provided administrative updates and correspondence. ***No action taken.***

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

On motion by Greene, seconded by Dunne, the Board adjourned at 9:30 a.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None.

_____
Commissioner Montzka, Chair

Attest:_____
Christina Vollrath
Clerk, County Board

CHISAGO COUNTY
BOARD OF COMMISSIONERS
January 18, 2023

TAB # 8

Payment of County's Warrants & Miscellaneous Bills

Bills to be Paid $683,551.27

Authorize Payment of County's Warrants for HHS:

Prepared Check Date	Amount	Mail Date	Type of Payment
12/23/2022	$155,235.61		County's Warrants
12/23/2022	$42,891.65	1/4/2023	Auditor's Warrants
1/6/2022	$42,693.76	-	County's Warrants
1/6/2022	$27,888.97	1/18/2022	Auditor's Warrants

Lake Area Bank; Matthew Beckman; Sheriff; training; $450.00
Lake Area Bank; Chase Burnham; Administration; supplies; $303.08
Lake Area Bank; Ryan Edmonds; Sheriff; supplies; $238.39
Lake Area Bank; Ben Elfelt; LID; registration; $195.00
Lake Area Bank; Ron Istvanovich; Sheriff; training; $31.92
Lake Area Bank; Bridgitte Konrad; Auditor; registration; $275.00
Lake Area Bank; Karen Long; Recorder; registration; $245.00
Lake Area Bank; Andrew Mahowald; Sheriff; training; $312.02
Lake Area Bank; Kyle Puelston; Sheriff; supplies; $349.88
Lake Area Bank; Janet Reiter; County Attorney; registration; $267.00
Lake Area Bank; Kurt Schneider; Environmental Services; training; $595.00
Lake Area Bank; Scott Sellman; Sheriff; supplies; $165.22
Lake Area Bank; Barbara Shimmon; Public Works; registration; $1,484.72
Lake Area Bank; Brandon Thyen; Sheriff; registration; $365.30
Lake Area Bank; Joe Triplett; Public Works; registration; $120.00
Lake Area Bank; Dennis Wilton; Enterprise Services; supplies; $108.00
Lake Area Bank; Justin Wood; Sheriff; registration; $316.75
Lake Area Bank; Tracy Krona; HHS; travel, supplies; $1,699.54
Lake Area Bank; Todd McMurray; HHS; travel; $233.03



#9

Chisago County Department of
Environmental Services and Zoning
313 No. Main St. #243
Center City, MN 55012
651-213-8374 ~ Kurt.Schneider@chisagocountymn.gov

Memo

To: Chisago County Board of Commissioners
From: Kurt Schneider, Director Environmental Services & Zoning
Date: January 11, 2023
Re: **January 18, 2023 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 January 18, 2023, Board meeting.

Action Items:

1. Receive Directors Report
2. Timothy and Katherine Albrecht Interim Use Permit – Residential Kennel
3. Brad Canaday Keystone Pines Preliminary Plat
4. Jeanne Larson Conditional Use Permit Amendment – Rural Retail Tourism

Informational Item(s):

Board of Adjustment and Appeals:
The next regularly scheduled Board of Adjustment meeting is set for Thursday, January 26th at 7:00 p.m. at the Government Center. No public hearing variances or appeals are scheduled to be heard. The Board will be meeting to carry out the annual election of officers; perform annual review of the joint PC / BOAA policy on commission/board structure and general procedures; and discuss MN County Insurance Trust (MCIT) and County Attorney's Office review and opinion guidance on the subject of "negotiating" Variance requests.

Planning Commission:
The regularly Planning Commission meeting is scheduled for Thursday, **February 2nd** at 7:00 p.m. at the County Government Center. The Commission will also meet on January 31st, at 9:00 a.m. departing from Public Works at 31325 Oasis Road, Center City, MN to conduct organized tours of the agenda item properties. Items for consideration include:

1. Property owners Robert & Jessica Randall and applicant Kelly Jordan are requesting approval of the Preliminary Plat of Carlson Lake Overlook, involving the creation of two

lots from an 11.28-acre tract (Outlot A, Carlson's Lake Estates). The property is zoned Agricultural (AG) District / Shoreland Management District and located at 162XX 280th Street, Franconia Township, S12, T33, R20 (PID# 04.00343.06).

General Department Informational Item(s):
Revenue associated with land use and construction permit activity thru December 31, 2022, completed the year at 120% of the projected annual budget at $1,615,000. Construction permit activity for the year (2022) is summarized on the attached table along with general comparison data from 2017 to present. Revenue associated with land use and construction permit activity has surpassed total budgeted projections each of the past 5 years even as we increase our year-to-year revenue outlook. We hope the trend continues and are proud to be the publics building inspections services and support agency to nearly all the communities in the county.

As a required annual organizational meeting process, both the Planning Commission and Board of Appeals and Adjustment are charged with reviewing and offering formal recommendation of changes or amendments to the County Board concerning the *attached* Policy on Commission / Board Structure meeting Order and General Procedure: *Resolution #20/0617-1*. The Planning Commission reviewed the document at their January 5th meeting; the Board of Appeals and Adjustment is in review of the same at their upcoming meeting of January 26th. Staff is attaching the current copy in advance of anticipated formal consideration by the County Board in February and will forward any recommended changes or additions at that time.

The Parks Department is actively plowing and maintaining parks facilities noting that the 2nd year of enlisting improved cross country/snow trail grooming equipment is making trail grooming in Ki-Chi-Saga, Fish Lake, and Dennis Frandsen Parks and select segments of the Swedish Immigrant Regional Trail much more efficient. In total, parks staff is working hard to keep 9+ miles of winter trail grooming/use available to the public. Conversely, the timing of recent heavy and repetitive snow coupled with untimely equipment failure have caused delay and difficulty in clearing the urban stretches of the Sunrise Prairie Regional Trail for pedestrian use. Parks staff is actively working to improve the trail walkability, which may require weather conditions cooperation to be fully remedied.

Water Resources Manager Wilson-Witkowski is actively preparing recommendations for the administration of recently designated Water Resources/ARPA Funded Match Grant programming and timelines. On Thursday January 12th, a meeting inviting presidents and/or representatives of all six (7) Lake/Homeowners Associations in the County will/was held with the opportunity for lake leaders to identify their needs, wants, and ideas. Staff believes this may be the first collaborative meeting of its kind in Chisago County and that it will aid tremendously in developing the framework to administer the designated $250,000 match grant program over the course of the next three years. Staff will be bringing the draft Water Resources Match Grant programming framework forward via the Water Plan Policy Team and seek County Board approval prior to implementation which is projected to commence in April 2023.

In conjunction with the forthcoming Fish Lake Park Master Plan proposal, a community survey about the future of the park is open now thru Friday January 27th, 2023. All are encouraged to participate and share in this survey opportunity at: www.surveymonkey.com/r/FishLakePark

Environmental Services Department December Year End 2022 Land Use/Construction Permit Activity:

LOCATION	1. New Houses		2. Additions / Alterations Roofs/Decks /Wind. Foundations		3. Mechanical (gas conv. MH setup, mech/plumbing, woodstove, fireplace)		4. Accessory / pole bldg., garage, shed, pool, fence, sign		5.6 Commercial New and Additions / alteration / mechanical		7. Multi-family		8. Septic Systems		Septic Certifications	
	Nov	YTD	Nov	YTD	Nov	YTD	Nov	YTD	Nov	YTD	Nov	YTD	Nov	YTD	Nov	YTD
Amador	0	7	0	43	1	6	0	6	0	4	0	0	0	6	0	10
Center City	0	3	1	45	0	9	0	0	0	3	0	0	0	0	0	0
Chisago City	0	20	1	114	4	63	0	16	0	4	0	0	0	7	0	21
Chisago Lake	1	23	4	145	2	53	0	29	0	1	0	0	1	18	0	43
City Shafer*	0	0	1	31	0	11	0	2	0	1	0	0	0	0	0	0
Fish Lake	0	10	4	167	2	24	0	15	0	2	0	0	1	9	1	22
Franconia	1	9	1	41	0	9	0	6	0	0	0	0	0	3	2	15
Harris	0	1	0	21	0	5	0	2	0	3	0	0	0	2	0	5
Lent*	0	2	2	49	0	23	1	4	0	0	0	0	0	4	0	7
Lindstrom	0	16	4	136	4	60	0	7	0	4	0	0	0	0	0	1
Nessel	3	10	3	155	0	14	0	11	0	2	0	0	0	8	3	36
Rush City	0	12	2	45	1	16	0	5	1	6	0	0	0	8	0	0
Rushseba	0	4	0	15	0	3	0	8	0	1	0	0	0	2	1	6
Shafer	0	9	1	32	0	7	0	6	0	0	0	0	0	2	0	12
Sunrise	0	11	0	59	2	17	0	9	0	1	0	0	0	3	0	14
Taylors Falls*	0	1	3	37	2	10	0	1	0	0	0	0	0	1	0	1
TOTAL:	**5**	**138**	**27**	**1135**	**18**	**330**	**1**	**127**	**1**	**32**	**0**	**0**	**2**	**67**	**7**	**196**

Year to Year Comparison	Dec	YTD	Dec	YTD	Dec	YTD	Dec	YTD	Dec	YTD	Dec	YTD	Dec	YTD	Dec	YTD
2021	8	143	24	576	24	240	3	118	1	46	0	1	1	76	6	250
2020	16	136	44	680	24	225	7	125	4	32	0	0	2	88	15	352
2019	4	133	27	762	28	225	1	113	3	47	0	0	0	76	4	230
2018	4	141	18	639	9	151	1	102	4	46	0	3	0	94	15	234
2017	2	143	14	561	21	192	3	109	2	30	0	3	2	68	18	244

* City of Shafer and Lent Township tracking began February 1st 2022 – Taylors Falls began May 1st, 2022

Chisago County Request For Board Action

Meeting Date: January 18, 2023	***Item Number:*** 10
Title of Item for Consideration: Timothy and Katherine Albrecht Interim Use Permit – Residential Kennel	
Action Requested by: Kurt Schneider, Director	***Department:*** Environmental Services and Zoning on behalf of the Chisago County Planning Commission.

Previous Action on this Matter: The County Board of Commissioners received the December 1, 2022, recommendation of the Planning Commission on this matter at the rescheduled (inclement weather) Board meeting of December 28, 2022. The IUP request was not resolved at that time and was extended to the meeting of January 18, 2023.

Background: Property owners Timothy and Katherine Albrecht are requesting an Interim Use Permit (IUP) to allow a Residential Kennel to house six (6) existing companion dogs and three (3) existing livestock guardian dogs. The subject 10± acre property is located at 43750 Jess Avenue, Sunrise Township (PID #09.00615.10).

At their meeting of December 1, 2022, the Planning Commission conducted the requisite public hearing and recommended unanimous (5-0) approval of the Interim Use Permit with conditions, per Resolution No. PC2022-01202. A resolution of the Board of Commissioners consistent with that of the Planning Commission's recommendation was presented for Board consideration on December 28, 2022 but failed to pass (3-2). Upon failure to pass, discussion ensued concerning findings of denial. Staff was directed to reduce said discussion and findings of denial to writing for Board review and has done so as attached draft Resolution No. 23/0118____.

Pursuant to Minnesota Statute, the original 60-day agency action deadline was December 26, 2022. Due to inclement weather and cancellation rescheduling of the December 21, 2022 meeting to December 28, 2022, staff extended the 60-day deadline up to an additional 60 days to February 24, 2023. Among the options for the County Board at tonight's meeting are the following:

- Approve the IUP, as recommended and with the Findings and Conditions prepared by the Planning Commission and carried forward by County ESD staff in Resolution form;
- 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);
- 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.

Attachments:

- Draft Resolution and Findings of Denial
- Draft Resolution of Approval
- Planning Commission Presentation
- Planning Commission Staff Report & Hearing Packet
- Planning Commission Minutes

Action Requested/Recommended It is respectfully requested that the Board either 1) affirmatively consider the recommendation of the Planning Commission to approve or 2) affirmatively consider the presented resolution and findings for denial of the Timothy and Katherine Albrecht Interim Use Permit (IUP) to allow existing residential kennel. The following are the suggested language for each suggested action:

1) "Move to Approve Resolution No. 22/1221____ , a Resolution of the County Board of Commissioners of Chisago County, Minnesota, approving the Timothy and Katherine Albrecht Interim Use Permit (IUP) to allow a Residential Kennel on their 10+/- acre property at 43750 Jess Avenue, Sunrise Township (PID #09.00615.10)" [as may be amended by the Board]

-OR-

2) "Move to Approve Resolution No. 23/0118____ , a Resolution of the County Board of Commissioners of Chisago County, Minnesota, denying the Timothy and Katherine Albrecht Interim Use Permit (IUP) to allow a Residential Kennel on their 10+/- acre property at 43750 Jess Avenue, Sunrise Township (PID #09.00615.10)" [as may be amended by the Board]

Implications of Action – Recommended Board actions present alternatives of the Board to consider approval and denial of the Interim Use Permit. If approved the permit is issued subject to the conditions outlined. If denied, the denial is based on findings for denial as discussed by the Board and reduced to writing by staff. Note that both requested actions may be further amended by the Board.

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. Findings for denial, if so enacted, must be based on record review and legally justified facts of the case as so determined by the Board.

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

Commissioner _____ offered the following resolution and moved its adoption:

RESOLUTION NO. 23/0118-_____

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY, MINNESOTA, DENYING AN INTERIM USE PERMIT FOR A RESIDENTIAL KENNEL ON PROPERTY IDENTIFIED AS PID 09.00615.10 IN SUNRISE TOWNSHIP

WHEREAS, Timothy Albrecht and Katherine Albrecht, property owners, submitted an application dated received October 13, 2022 and considered complete on October 27, 2022 for an Interim Use Permit (IUP) to maintain a Residential Kennel on the subject property having a physical address of 43750 Jess Avenue, Sunrise Township, Chisago County, and having a legal description of:

That part of the Northeast Quarter of the Northwest Quarter (NE1/4 of NW1/4), Section Twenty-six (26), Township Thirty-six (36), Range Twenty-one (21), Chisago County, Minnesota, lying South of the North 972 feet and lying northerly, westerly and northwesterly of the following described parcel (as described on a warranty deed recorded in Book 52 of Deeds, page 111): Commencing at the Southeast corner of the Northeast Quarter of the Northwest Quarter (NE1/4 of NW1/4) of Section 26, Township 36, Range 21; thence running West on the South line of said Northeast Quarter of the Northwest Quarter, a distance of 44 rods; thence North 2 rods; thence East parallel to said South line a distance of 44 rods; thence South 2 rods to the place of beginning and being a strip of land 2 rods wide and 44 rods long along the South line of said Northeast Quarter of the Northwest Quarter of said Section 26, Township 36, Range 21.

WHEREAS, the subject site is located in the Agricultural (AG) Zoning District and is 10+ acres in size.

WHEREAS, Section 3 of the Chisago County Zoning Ordinance defines "residential kennel" to means "[a]ny place where three (3) or more dogs or three (3) or more cats, over the age of four (4) months of age, or ten (10) or more other domestic companion animals are kept as pets."

WHEREAS, pursuant to Section 5.06 D.1, a "residential kennel" is an allowed use in the AG Zoning District, but requires an interim use permit issued pursuant to Section 8.04-1 of the County's Zoning Ordinance.

WHEREAS, the review and approval process for proposed interim uses found at pursuant to Section 8.04-1, C, of the County's Zoning Ordinance directs the Planning Commission and the County Board of Commissioners to consider the possible effects of the proposed interim use based upon certain factors, and other requirements set forth in the County's Zoning Ordinance or deemed otherwise relevant, listed as follows:

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.

WHEREAS, on December 1, 2022, the Planning Commission conducted a public hearing on the application of Timothy Albrecht and Katherine Albrecht for an interim use permit to maintain a residential kennel on the subject property and, after deliberation, issued a report to the County Board of Commissioners that recommended approval of the proposed interim use.

WHEREAS, at its meetings held on December 28, 2022 and January 18, 2023, the County Board of Commissioners considered the application of Timothy Albrecht and Katherine Albrecht for an interim use permit to maintain a residential kennel.

NOW THEREFORE, BE IT RESOLVED that, after considering the Planning Commission report and recommendation and reviewing the record of the application, the Board of Commissioners of Chisago County, Minnesota, hereby denies the application of Timothy Albrecht and Katherine Albrecht for an interim use permit to maintain a residential kennel on the subject property on the following findings and conclusions:

1. In concept, the proposed interim use of a residential kennel on the subject property is consistent with the County's Comprehensive Plan. The Growth Management Strategies contained in the 2017 Comprehensive Plan makes the following statement:

> "Anyone building in this District should accept and understand the rural environment as it is found. Anyone building or living in this district also should be aware that residential development is not the primary or sole purpose of this district. Chisago County intends and allows a wide-variety of land uses and activities in this District including farming and livestock operations, rural retail tourism, animal kennels, renewable energy resources and commercial recreation. The County does not consider farm or agricultural activities public nuisances provided those activities do not violate any State statute or rule or any other laws or ordinances."

2. However, residential kennels are not permitted uses and require an interim use permit pursuant to Section 5.06 D. 1 of the County's Zoning Ordinance and an interim use permit may only be issued after balancing the factors provided for in Section 8.04-1 C of the Zoning Ordinance. Two of the factors cited in Section 8.04-1 C are particularly relevant to the application.

3. First, at Section 8.04-1, C. 3, the Zoning Ordinance directs the County to consider whether the proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development. Similarly, Section 8.04-1, C. 8, directs the County to consider whether nearby properties will be adversely affected by the intrusion of noise, glare or general unsightliness.

4. The Albrecht's seek an interim use permit so that they may keep the 9 dogs that they brought onto the property when moving onto the property over a year and a half ago. Complaints over continual and disturbing barking noise led the County to initiate enforcement action. The County has required the Albrecht's to apply for an interim use permit. Timothy Albrecht and Katherine Albrecht have maintained a residential kennel prior to making the current pending application for an interim use permit.

5. Based upon the record, the proposed use will not be sufficiently compatible or separated by distance from adjacent residential properties. The record has demonstrated that the barking of the 9 dogs has been prolonged, ongoing and excessive resulting in undue negative impacts to usage and development of the immediately adjacent residential properties.

6. The information supplied by the Albrecht's in support of their application contains the Albrecht's own recognition that their 9 dogs kept on the property do create noise problems to adjacent properties. The Albrecht's letter submitted with their application indicates that when moving to the property they knew of the disturbance of barking that their 9 dogs would bring to the immediate area. To address the problem, the Albrecht's installed an enclosed fence.

7. The Planning Commission provided a finding that the fenced enclosure provided sufficient screening for the barking of the Albrecht's 9 dogs. However, the record contains written testimony of adjacent landowners and the statements of the Albrecht's in support of their application that provides direct evidence that indicates that, even with the enclosed fence, the barking has been more than a nuisance but a significant intrusion to adjacent properties because the barking from 9 dogs has been demonstrated to be constant, prolonged and excessive and is something that cannot be screened and/or mitigated.

8. The record contains the testimony of Jayme Reichkitzer who stated that the barking of the Albrecht's 9 dogs has been constant to the detriment of the usage of her own residential property.

9. The record contains the testimony of Kenneth Henne who owns vacant land adjacent to the Albrecht's property. Mr. Henne stated that he had planned to build a home on the property but that he has reconsidered doing so because the prolonged and on-going barking of the Albrecht's 9 dogs would continue to negatively impact the residential usage of his property if the interim use permit was granted.

10. The Board finds also compelling the Albrecht's own recognition that the fenced enclosure has done little to lessen the negative impacts to adjacent properties caused by the barking of their numerous dogs.

11. While the Zoning Ordinance would allow 9 dogs on the Albrecht's property, the barking from that number of dogs is a significant intrusion that cannot be screened in a manner such that would lessen or mitigate the undue negative impacts already sustained and currently being suffered by adversely affected adjacent properties.

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

IN FAVOR THEREOF:
OPPOSED:
ABSENT:

Whereupon the proclamation was declared duly passed and adopted.

Approved: January 18, 2022

_____
Ben Montzka
Chair, Board of Commissioners

ATTEST: _____
Chase Burnham
County Administrator

Commissioner _____ offered the following resolution and moved its adoption:

RESOLUTION NO. 22/1221-_____

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY, MINNESOTA, APPROVING AN INTERIM USE PERMIT ALLOWING A RESIDENTIAL KENNEL ON PROPERTY IDENTIFIED AS PID 09.00615.10 IN SUNRISE TOWNSHIP

WHEREAS, Timothy Albrecht and Katherine Albrecht, property owners, submitted an application dated received October 13, 2022 and considered complete on October 27, 2022 for an Interim Use Permit (IUP) allowing a Residential Kennel on property located at 43750 Jess Avenue in Sunrise Township; and

WHEREAS, the subject site is located in the Agricultural (AG) District; and

WHEREAS, the subject site is 10± acres in size and legally described as:

PID 09.00615.10

That part of the Northeast Quarter of the Northwest Quarter (NE1/4 of NW1/4), Section Twenty-six (26), Township Thirty-six (36), Range Twenty-one (21), Chisago County, Minnesota, lying South of the North 972 feet and lying northerly, westerly and northwesterly of the following described parcel (as described on a warranty deed recorded in Book 52 of Deeds, page 111): Commencing at the Southeast corner of the Northeast Quarter of the Northwest Quarter (NE1/4 of NW1/4) of Section 26, Township 36, Range 21; thence running West on the South line of said Northeast Quarter of the Northwest Quarter, a distance of 44 rods; thence North 2 rods; thence East parallel to said South line a distance of 44 rods; thence South 2 rods to the place of beginning and being a strip of land 2 rods wide and 44 rods long along the South line of said Northeast Quarter of the Northwest Quarter of said Section 26, Township 36, Range 21.

WHEREAS, notice was provided and on December 1, 2022 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicants, and invited members of the public to comment; and

WHEREAS, the Planning Commission recommended approval of the IUP with conditions per Resolution No. PC2022-1202; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its December 21, 2022 meeting and made the following findings per Zoning Ordinance Section 8.04-1, C.:

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

Finding #1 *The Chisago County Comprehensive Plan does not specifically address the proposed use; however, the Zoning Ordinance (development policy) provides a number of varied land uses allowable in the Agricultural (AG) District, including the establishment of animal-keeping facilities such as farms with livestock and poultry, and commercial and residential kennels. Therefore, the County finds that the proposed use is consistent with the County's development policies.*

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

Finding #2 *The proposed Residential Kennel will have no associated use of parks, schools, streets, or other public facilities or utilities; therefore, the County finds that the proposed use will not create any increase or demand on these facilities or utilities.*

Factor #3	The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
Finding #3	*Six of the nine dogs are housed in the dwelling and the three remaining dogs – being livestock guardian dogs – are housed in a heated and cooled pole building. The subject site includes an approximate 2-acre fenced enclosure for dogs to benefit from outdoor activity / exercise. The fenced enclosure appears to be screened by existing forestation. The County finds that the subject site is sufficiently separated by distance and/or screening from adjacent development so as to neither cause undue negative impact nor deter future development.*
Factor #4	The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
Finding #4	*The proposed Residential Kennel utilizes approximately two acres of fenced enclosure. The applicants have provided sites plans and site photos showing the fenced enclosures and fencing. After reviewing the application materials and the Planning Commission having conducted a site visit on November 29, 2022, the County finds no evidence to suggest that the Residential Kennel or the associated fenced enclosure will have an appearance that will have an adverse effect upon adjacent properties.*
Factor #5	The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
Finding #5	*The Chisago County Zoning Ordinance specifically allows Residential Kennels as an Interim Use in the Agricultural (AG) District; therefore, the County finds that the proposed use is in compliance with land use goals and regulations established by the County's official land use controls.*
Factor #6	The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
Finding #6	*See Finding #5.*
Factor #7	The proposed use will not cause traffic hazard or congestion; and
Finding #7	*Because the proposed Kennel is for residential use rather than commercial use, the applicants are not proposing nor does the County anticipate any increase in traffic or traffic hazards / congestion. Further, the road authority – being Sunrise Township – has not identified any concerns related to traffic hazards or congestion.*
Factor #8	The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.
Finding #8	*While there is no indication that the proposed use will adversely impact nearby properties in terms of glare or general unsightliness, the County has received complaints from nearby property owners regarding noise. The County finds that noise resulting from the Residential Kennel can be better managed with implementation of established "quiet hours" / "outside hours" for the six house dogs and additional landscaping between the fenced enclosure and the side yards (north and south property boundaries). If these additional measures are implemented, the County finds that the proposed use will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.*

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

1. This Interim Use Permit for Residential Kennel allows for the keeping of no more than nine (9) dogs as specifically identified in the application materials dated received October 13, 2022 and kept on file with the Department of Environmental Services, including six (6) companion dogs and three (3) livestock guardian dogs. This approval does not allow for the keeping of any cats on the property.
2. The six (6) companion dogs shall be housed indoors (dwelling), apart from occasional outdoor activity in which the dogs will be confined to a fenced enclosure or leashed and handled by a resident of the property. No more than two (2) companion dogs shall be outdoors at the same time, whether in the fenced enclosure or leashed and handled by a resident of the property.
3. The three (3) livestock guardian dogs shall be housed indoors (heated and cooled pole building), apart from occasional outdoor activity in which the dogs will be confined to a fenced enclosure or leashed and handled by a resident of the property or their active agricultural service.
4. All dogs shall receive regular veterinary care and be current on vaccinations.
5. The existing dogs shall not be replaced by new dogs as they pass or are otherwise rehoused, unless the number of dogs on the subject site is in compliance with the Chisago County Zoning Ordinance (a number not requiring approval from the Chisago County Board of Commissioners).
6. All dog waste shall be collected daily and disposed of in a legal and appropriate manner so as to avoid undue odor or other negative impacts.
7. The fenced enclosure(s) shall maintain current setbacks, as illustrated on the application materials submitted by the applicant and maintained on file with the Department of Environmental Services. Any expansion or reconfiguration of the fenced enclosure shall only be allowed upon further review by the Planning Commission and approval by the Board of Commissioners by way of an Interim Use Permit Amendment.
8. The permit holder shall control the barking of dogs to the best of their ability while outdoors to avoid undue negative impact to nearby properties. At no time shall any dog barking activity exceed twenty (20) continuous minutes with less than thirty (30) seconds between each dog bark. Any more than twenty (20) minutes of continuous barking shall be silenced immediately by a resident of the household. Further, at least one resident of the household must be present any time that one or more dogs are outdoors.
9. To mitigate adverse impacts related to noise, the permit holder shall implement "quiet hours" / "outside hours" for the six (6) companion dogs in which they aren't allowed to be outdoors for longer than six hours a day, aside from brief periods of time for waste elimination. The "outside hours" shall allow for up to three (3) – two (2)-hour periods as follows:
    a. Two (2) hours between the hours of 8:00 am and 12:00 pm;
    b. Two (2) hours between the hours of 12:00 pm and 4:00 pm; and
    c. Two (2) hours between the hours of 4:00 pm and 9:00 pm.

    In no case shall these timeframes be combined to allow the dogs to be outside for longer than two (2) hours at a time.
10. To mitigate adverse impacts related to noise and limit the dogs' view and agitation from activity on neighboring parcels, the permit holder shall plant and maintain additional landscaping along the entire northerly and southerly length of the fenced enclosure. Said landscaping shall include low-growing varieties that provide a visual barrier between the dogs and the neighboring parcels. Planting shall occur within one (1) year of Interim Use Permit approval.
11. There shall be no commercial activity of any kind associated with the Residential Kennel. Commercial activity shall be defined as boarding, grooming, training, or breeding. Further, no "non-resident" dogs or cats shall be housed or otherwise allowed on the subject site.

12. The permit holder shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards.
13. Annual certification of the Interim Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Interim Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Interim Use Permit. 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.
14. This Interim Use Permit shall expire at such time that the number of dogs kept on the subject site has been brought into compliance with the Chisago County Zoning Ordinance through attrition (a number not requiring approval from the Chisago County Board of Commissioners) or at such time that the permit holder sells the property and relocates, whichever comes first.
15. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

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

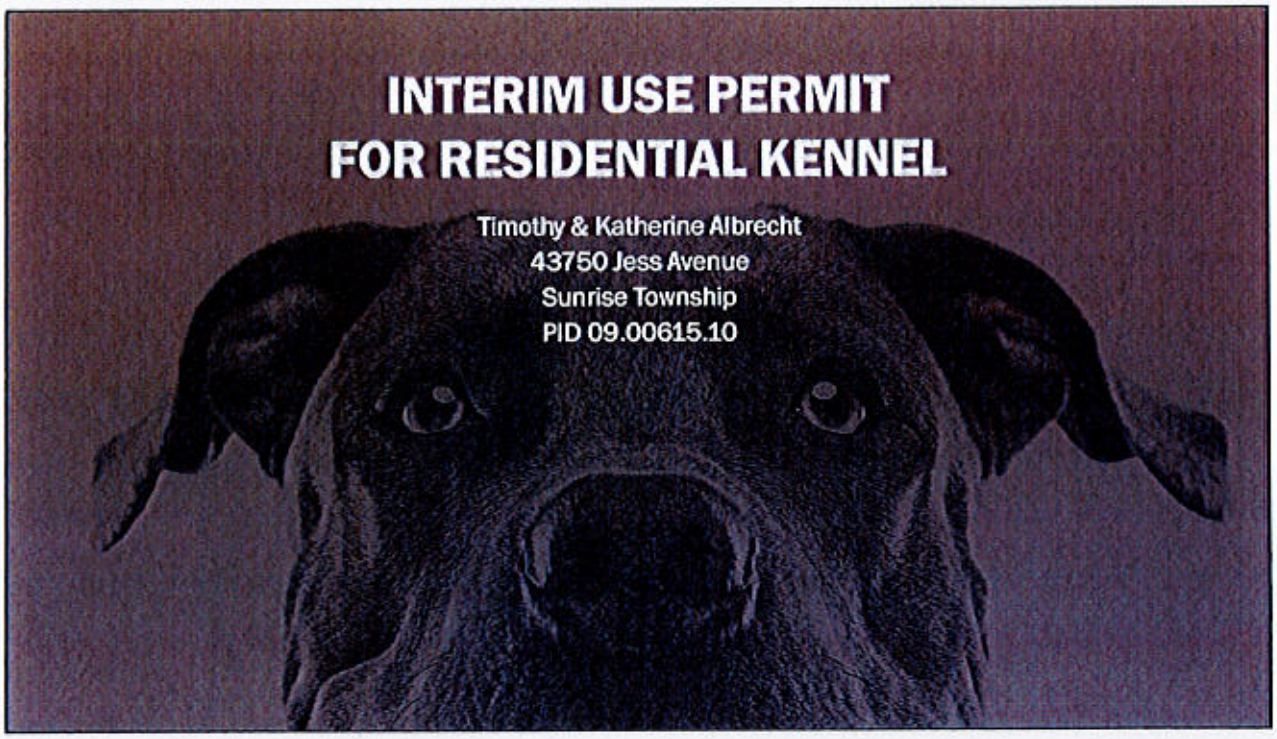
IN FAVOR THEREOF:
OPPOSED:
ABSENT:

Whereupon the proclamation was declared duly passed and adopted.

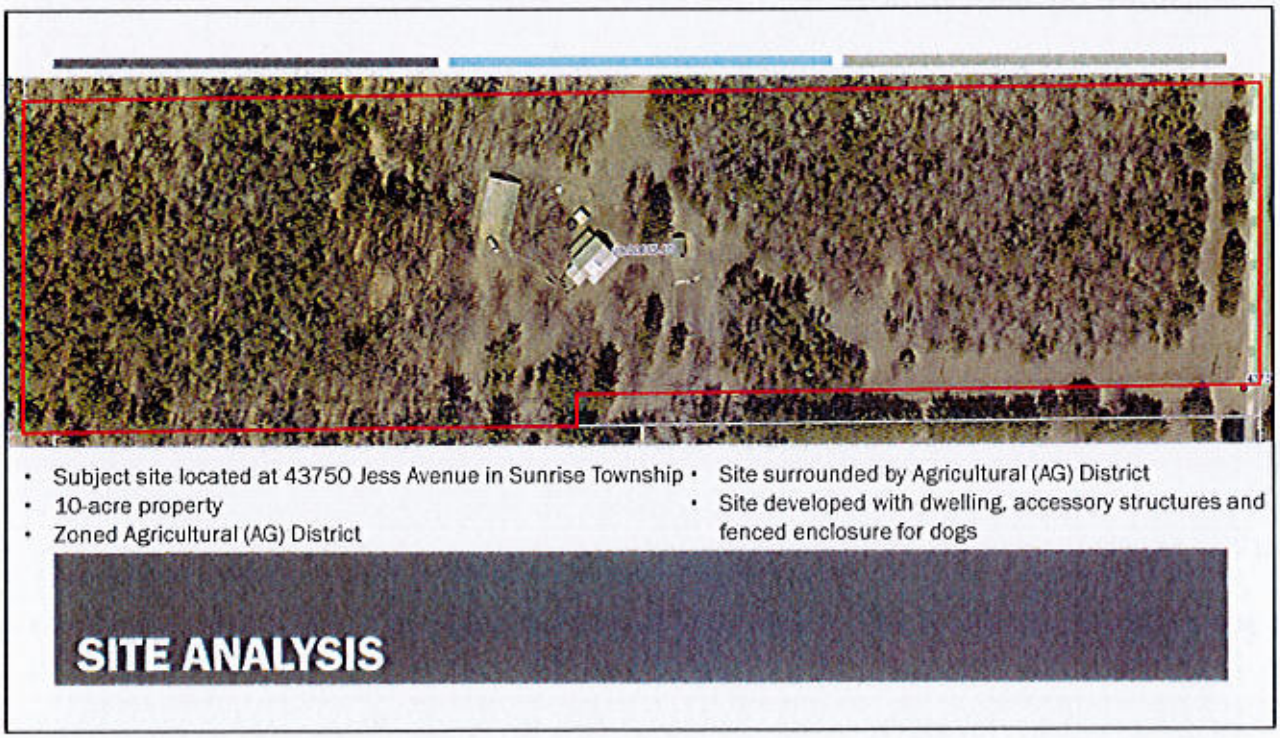
Approved: December 21, 2022

_____
Richard Greene
Chair, Board of Commissioners

ATTEST: _____
Chase Burnham
County Administrator


INTERIM USE PERMIT
FOR RESIDENTIAL KENNEL
Timothy & Katherine Albrecht
43750 Jess Avenue
Sunrise Township
PID 09.00615.10

1


Subject site located at 43750 Jess Avenue in Sunrise Township
10-acre property
Zoned Agricultural (AG) District
Site surrounded by Agricultural (AG) District
Site developed with dwelling, accessory structures and fenced enclosure for dogs
SITE ANALYSIS

2

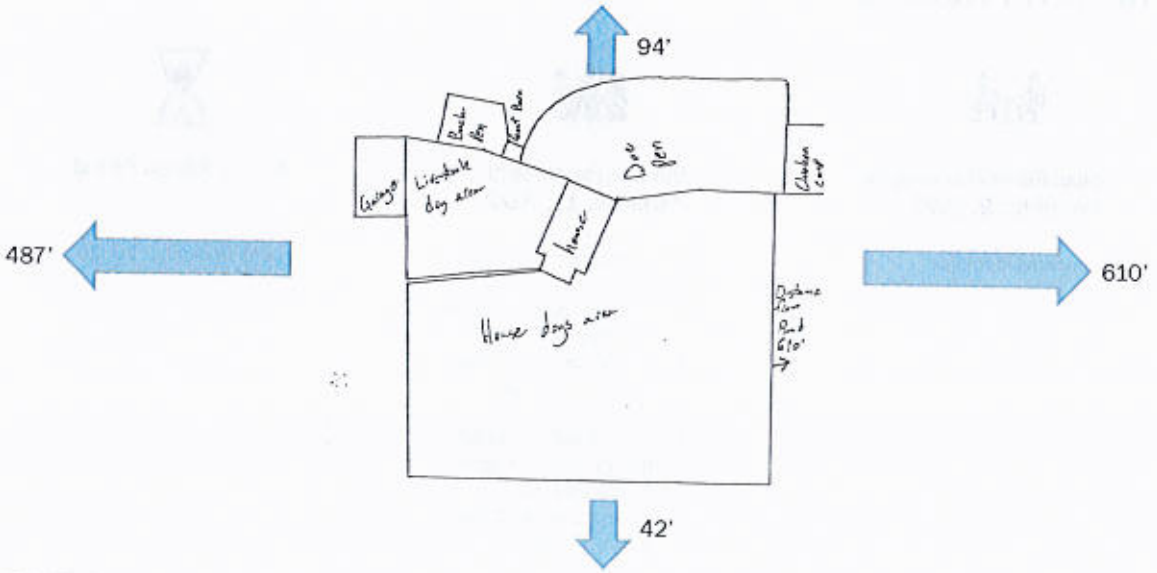
PROPOSAL ANALYSIS / DETAIL ABOUT EXISTING DOGS

Name	Breed	Housing	Approximate Age (years)
Lucy	Husky mix	Dwelling	6
Ruby	Terrier mix	Dwelling	3
William	Great Pyrenees / Golden Retriever mix	Dwelling	Not Provided
Scout	Red Setter	Dwelling	Not Provided
Ben	Great Pyrenees	Dwelling	7
Beau	Great Pyrenees	Pole Building (livestock guardian)	2
Penny	Great Pyrenees	Pole Building (livestock guardian)	3
Walter	Great Pyrenees	Pole Building (livestock guardian)	1.5
Bentley	Boxer	Dwelling	2

- Dog waste is collected and disposed of daily.
- None of the dogs roam the property freely. If they are outside of the structures or fenced enclosures, they are leashed and walked in groups of no more than three.
- The property owners utilize a trainer to ensure that the dogs are well-behaved amongst each other.
- The dogs receive regular veterinary care and are current on all vaccinations.
- All dogs are spayed or neutered; no breeding will take place.
- The property owners intend to allow the dogs to pass naturally or have them humanely euthanized when they've reached the end of their quality lives.
- The existing nine dogs will not be replaced with new dogs when they pass.
- The property owners have no intention of fostering or adopting any additional dogs.
- Six of the nine dogs reside in the dwelling and the three remaining dogs reside in the pole building serving as livestock guardian dogs.
- The pole building which houses the three livestock guardian dogs is heated and cooled.
- The property owners raise performance goats and chickens and the three livestock guardian dogs serve in protecting these animals and fowl.
- The property includes approximately two acres of fenced enclosure, immediately adjacent to the dwelling, allowing outdoor activity / exercise. There are separate enclosures for the house dogs and the livestock guardian dogs.
- Property owner Kate Albrecht works from home and is able to monitor dog activity throughout the day.
- The house dogs are only outside if a resident of the dwelling is home, otherwise they are confined to the dwelling.

3

SITE PLAN & APPROXIMATE SETBACKS OF FENCED ENCLOSURE



4

ADJACENT PROPERTIES



5

REVIEW PROCESS

Technical Review Committee
November 9, 2022

- No concerns identified

Sunrise Town Board
November 17, 2022

- Recommended approval with conditions:
  1. No dogs will be added to the property.
  2. As individual dogs pass, they are not to be replaced.
  3. The IUP will sunset with the number of dogs in compliance with the current Chisago County Zoning Ordinance.

60-Day Review Period

- Expires December 26, 2022

6

STAFF RECOMMENDATION

Staff recognizes that nearby property owners have expressed concern with noise resulting from the applicants' keeping of nine dogs; however, staff believes that the proposed IUP complies with and is consistent with the intent of the Chisago County Zoning Ordinance and that noise can be better managed / mitigated with implementation of noise reducing measures such as established "quiet hours" / "outside hours" for the house dogs and planting of additional landscaping between the fenced enclosure and the side yards (north and south property boundaries). Staff recommends approval of the request with conditions.

Recommended Conditions 1 - 8 of 15:

1. This Interim Use Permit for Residential Kennel allows for the keeping of no more than nine (9) dogs as specifically identified in the application materials dated received October 13, 2022 and kept on file with the Department of Environmental Services, including six (6) companion dogs and three (3) livestock guardian dogs. This approval does not allow for the keeping of any cats on the property.
2. The six (6) companion dogs shall be housed indoors (dwelling), apart from occasional outdoor activity in which the dogs will be confined to a fenced enclosure or leashed and handled by a resident of the property. No more than two (2) companion dogs shall be outdoors at the same time, whether in the fenced enclosure or leashed and handled by a resident of the property.
3. The three (3) livestock guardian dogs shall be housed indoors (heated and cooled pole building), apart from occasional outdoor activity in which the dogs will be confined to a fenced enclosure or leashed and handled by a resident of the property or their active agricultural service.
4. All dogs shall receive regular veterinary care and be current on vaccinations.
5. The existing dogs shall not be replaced by new dogs as they pass or are otherwise rehoused, unless the number of dogs on the subject site is in compliance with the Chisago County Zoning Ordinance (a number not requiring approval from the Chisago County Board of Commissioners).
6. All dog waste shall be collected daily and disposed of in a legal and appropriate manner so as to avoid undue odor or other negative impacts.
7. The fenced enclosure(s) shall maintain current setbacks, as illustrated on the application materials submitted by the applicant and maintained on file with the Department of Environmental Services. Any expansion or reconfiguration of the fenced enclosure shall only be allowed upon further review by the Planning Commission and approval by the Board of Commissioners by way of an Interim Use Permit Amendment.
8. The permit holder shall control the barking of dogs to the best of their ability while outdoors to avoid undue negative impact to nearby properties.

7

STAFF RECOMMENDATION

Staff recognizes that nearby property owners have expressed concern with noise resulting from the applicants' keeping of nine dogs; however, staff believes that the proposed IUP complies with and is consistent with the intent of the Chisago County Zoning Ordinance and that noise can be better managed / mitigated with implementation of noise reducing measures such as established "quiet hours" / "outside hours" for the house dogs and planting of additional landscaping between the fenced enclosure and the side yards (north and south property boundaries). Staff recommends approval of the request with conditions.

Recommended Conditions 9 - 15 of 15:

9. To mitigate adverse impacts related to noise, the permit holder shall implement "quiet hours" / "outside hours" for the six (6) companion dogs in which they aren't allowed to be outdoors for longer than six hours a day, aside from brief periods of time for waste elimination. The "outside hours" shall allow for up to three (3) - two (2)-hour periods as follows:
    1. Two (2) hours between the hours of 8:00 am and 12:00 pm;
    2. Two (2) hours between the hours of 12:00 pm and 4:00 pm; and
    3. Two (2) hours between the hours of 4:00 pm and 9:00 pm.

    In no case shall these timeframes be combined to allow the dogs to be outside for longer than two (2) hours at a time.
10. To mitigate adverse impacts related to noise and limit the dogs' view and agitation from activity on neighboring parcels, the permit holder shall plant and maintain additional landscaping along the entire northerly and southerly length of the fenced enclosure. Said landscaping shall include low-growing varieties that provide a visual barrier between the dogs and the neighboring parcels. Planting shall occur within one (1) year of Interim Use Permit approval.
11. There shall be no commercial activity of any kind associated with the Residential Kennel. Commercial activity shall be defined as boarding, grooming, training, or breeding. Further, no "non-resident" dogs or cats shall be housed or otherwise allowed on the subject site.
12. The permit holder shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards.
13. Annual certification of the Interim Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Interim Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Interim Use Permit. 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.
14. This Interim Use Permit shall expire at such time that the number of dogs kept on the subject site has been brought into compliance with the Chisago County Zoning Ordinance through attrition (a number not requiring approval from the Chisago County Board of Commissioners) or at such time that the permit holder sells the property and relocates, whichever comes first.
15. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

8

OPTIONS & ACTION REQUESTED

OPTIONS

1. Recommend that the County Board approve the Interim Use Permit with Findings of Fact and conditions presented or amended.
2. Should the Planning Commission determine that the proposed Interim Use Permit does not comply with and/or is not consistent with the intent of County's Zoning Ordinance upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board deny the Interim Use Permit based on factors deemed appropriate. (*Note: If the Commission considers this option, specific factor(s) for denial should be included in the motion.)*
3. Recommend that the County Board extend the review period an additional 60 days to allow for submission of additional supporting documentation and/or further review and consideration, as allowed by Minnesota Statute 15.99. The current 60-day review period expires on December 26, 2022.

ACTION REQUESTED

Motion to adopt Resolution No. PC2022-1202, a resolution recommending approval of an Interim Use Permit allowing a Residential Kennel on property identified as PID 09.00615.10 in Sunrise Township, with Findings of Fact and conditions as presented or amended.

9

Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Interim Use Permit for Residential Kennel
43750 Jess Avenue, Sunrise Township
DATE: December 1, 2022

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider a request for an Interim Use Permit (IUP) allowing a Residential Kennel for the keeping of nine dogs on 10± acres in the Agricultural (AG) District.

SITE & APPLICATION INFORMATION

Applicant(s):	Timothy Albrecht
Property Owner(s):	Timothy & Katherine Albrecht
Location:	43750 Jess Avenue Sunrise Township Section 26, Township 36, Range 21
PID:	09.00615.10
Property Area:	10± Acres
Current Zoning:	Agricultural (AG) District
Adjacent Zoning:	
North:	Agricultural (AG) District
South:	Agricultural (AG) District
East:	Agricultural (AG) District
West:	Agricultural (AG) District
Date Application Received:	October 13, 2022
Date Application Complete:	October 27, 2022
60-Day Review Period:	December 26, 2022



BACKGROUND

Property owners Timothy & Katherine Albrecht are requesting an Interim Use Permit (IUP) to allow a Residential Kennel for the keeping of nine dogs on 10± acres in the Agricultural (AG) District. The Albrechts currently own and house all nine dogs and they're requesting the IUP as a result of a code enforcement action initiated by a complaint received by the Department of Environmental Services. In other words, the Albrechts are requesting an after-the-fact IUP.

The Zoning Ordinance defines Residential Kennel as "any place where three (3) or more dogs or three (3) or more cats, over the age of four (4) months of age, or ten (10) or more other domestic companion animals are kept as pets. The applicants have stated that there are nine dogs residing on the property (six being companion animals / pets and three being livestock guardian dogs) but there are no, nor will there ever be, cats residing on the property.

SITE & PROPOSAL ANALYSIS

The 10±-acre subject site is located on Jess Avenue in Sunrise Township, approximately 1/3 mile south of Sunrise Road / CSAH 9. The topography of the site includes heavy forestation and fairly level elevations ranging from 843' to 853'. The site has been developed with a dwelling, accessory structures and a fenced enclosure for the dogs, all of which are generally situated in the center of the property (west to east). The subject site is located in the AG District and is entirely surrounded by properties in the AG District. Properties in the general area range in size from 10 acres to 140 acres, with the majority of properties having been developed for residential purposes, used for agricultural purposes, or remaining undeveloped. The immediate area is heavily wooded.

The application materials explain that the property owners currently have nine dogs and provide detail about how each dog came to reside on the subject site. The table below provides detail about each dog:

Name	Breed	Housing	Approximate Age (years)
Lucy	Husky mix	Dwelling	6
Ruby	Terrier mix	Dwelling	3
William	Great Pyrenees / Golden Retriever mix	Dwelling	Not Provided
Scout	Red Setter	Dwelling	Not Provided
Ben	Great Pyrenees	Dwelling	7
Beau	Great Pyrenees	Pole Building (livestock guardian)	2
Penny	Great Pyrenees	Pole Building (livestock guardian)	3
Walter	Great Pyrenees	Pole Building (livestock guardian)	1.5
Bentley	Boxer	Dwelling	2

The written narrative explains that the property owners are seeking an IUP for Residential Kennel in order to allow the current nine dogs to live out their natural lives or until the property owners sell the property and relocate. The narrative also provides the following details:

- Dog waste is collected and disposed of daily.
- None of the dogs roam the property freely. If they are outside of the structures or fenced enclosures, they are leashed and walked in groups of no more than three.

- The property owners utilize a trainer to ensure that the dogs are well-behaved amongst each other.
- The dogs receive regular veterinary care and are current on all vaccinations.
- All dogs are spayed or neutered; no breeding will take place.
- The property owners intend to allow the dogs to pass naturally or have them humanely euthanized when they've reached the end of their quality lives.
- The existing nine dogs will not be replaced with new dogs when they pass.
- The property owners have no intention of fostering or adopting any additional dogs.
- Six of the nine dogs reside in the dwelling and the three remaining dogs reside in the pole building serving as livestock guardian dogs.
- The pole building which houses the three livestock guardian dogs is heated and cooled.
- The property owners raise performance goats and chickens and the three livestock guardian dogs serve in protecting these animals and fowl.
- The property includes approximately two acres of fenced enclosure, immediately adjacent to the dwelling, allowing outdoor activity / exercise. There are separate enclosures for the house dogs and the livestock guardian dogs.
- Property owner Kate Albrecht works from home and is able to monitor dog activity throughout the day.
- The house dogs are only outside if a resident of the dwelling is home, otherwise they are confined to the dwelling.
- The attached site photos illustrate and describe fencing, signage, and proximity of fenced enclosures to structures.

The written narrative states and the site plan illustrates that the closest neighboring structures are located 732' (PID 09.00619.10, Reichkitzer) and 818' (PID 09.00615.00, Gervais) from the fenced enclosure. As a point of clarification, the site plan shows that the fenced enclosure is 818' from the Gervais' pole building; however, aerial photography measuring tools identify that the fenced enclosure is approximately 690' from the Gervais dwelling (located southeast of the pole building). The site plan also shows that the fenced enclosure is approximately 610' from Jess Avenue. The site plan does not provide other setbacks for the fenced enclosure, but staff estimates them to be as follows:

- South property boundary (side yard) – 42'
- East property boundary (rear yard) – 487'
- North property boundary (side yard) – 94'

REVIEW PROCESS

As part of the review process, the Technical Review Committee met with Timothy Albrecht on November 9, 2022. Albrecht confirmed that no dogs are left out overnight; the existing fencing for the enclosures is 48" tall; and, there are two signs on the property alerting people that there are dogs on site. In addition, Albrecht offered suggestions for noise mitigation, including the possibility of implementing "quiet hours" / "outside hours" and/or additional landscaping to block the dogs' view of neighboring parcels. The committee did not identify any concerns with the IUP.

The Sunrise Town Board considered the proposed IUP at its November 17, 2022 meeting and recommended approval 4-1 with the following recommended conditions of approval:

1. No dogs will be added to the property.
2. As individual dogs pass away, they are not to be replaced.
3. The IUP will sunset with the number of dogs in compliance with the current Chisago County Zoning Ordinance.

These recommended conditions of approval have been incorporated into staff's recommended conditions of approval.

The application was submitted on October 13, 2022 and deemed complete on October 27, 2022. The State mandated 60-day review period expires on December 26, 2022.

WRITTEN TESTIMONY

In response to the public hearing notice for this request and prior to the completion of this staff report, the County received written testimony from two neighboring property owners (attached). Both property owners have expressed concern with noise resulting from the Albrecht's nine dogs. Staff notes that the applicant has offered suggestions to help mitigate noise and these mitigation measures have been incorporated into staff's recommended conditions of approval (i.e., implementation of "quiet hours" / "outside hours" and additional landscaping to block the dogs' view of neighboring parcels).

FINDINGS OF FACT

Zoning Ordinance Section 8.04-1 (Interim Use Permits) C. states that the Planning Commission shall consider possible effects of the proposed interim use based upon, but not limited to, the general factors listed below. Staff has provided proposed findings, shown in *italics* below, for the Commission's consideration.

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

Finding #1 *The Chisago County Comprehensive Plan does not specifically address the proposed use; however, the Zoning Ordinance (development policy) provides a number of varied land uses allowable in the Agricultural (AG) District, including the establishment of animal-keeping facilities such as farms with livestock and poultry, and commercial and residential kennels. Therefore, the County finds that the proposed use is consistent with the County's development policies.*

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

Finding #2 *The proposed Residential Kennel will have no associated use of parks, schools, streets, or other public facilities or utilities; therefore, the County finds that the proposed use will not create any increase or demand on these facilities or utilities.*

Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

Finding #3 *Six of the nine dogs are housed in the dwelling and the three remaining dogs – being livestock guardian dogs – are housed in a heated and cooled pole building. The subject site includes an approximate 2-acre fenced enclosure for dogs to benefit from outdoor activity / exercise. The fenced enclosure appears to be screened by existing forestation. The County finds that the subject site is sufficiently separated by distance and/or screening from adjacent development so as to neither cause undue negative impact nor deter future development.*

Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Finding #4 *The proposed Residential Kennel utilizes approximately two acres of fenced enclosure. The applicants have provided sites plans and site photos showing the fenced enclosures and fencing. After reviewing the application materials and the Planning Commission having conducted a site visit on November 29, 2022, the County finds no evidence to suggest that the Residential Kennel or the associated fenced enclosure will have an appearance that will have an adverse effect upon adjacent properties.*

Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;

Finding #5 *The Chisago County Zoning Ordinance specifically allows Residential Kennels as an Interim Use in the Agricultural (AG) District; therefore, the County finds that the proposed use is in compliance with land use goals and regulations established by the County's official land use controls.*

Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Finding #6 *See Finding #5.*

Factor #7 The proposed use will not cause traffic hazard or congestion; and

Finding #7 *Because the proposed Kennel is for residential use rather than commercial use, the applicants are not proposing nor does the County anticipate any increase in traffic or traffic hazards / congestion. Further, the road authority – being Sunrise Township – has not identified any concerns related to traffic hazards or congestion.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *While there is no indication that the proposed use will adversely impact nearby properties in terms of glare or general unsightliness, the County has received complaints from nearby property owners regarding noise. The County finds that noise resulting from the Residential Kennel can be better managed with implementation of established "quiet hours" / "outside hours" for the six house dogs and additional landscaping between the fenced enclosure and the side yards (north and south property boundaries). If these additional measures are implemented, the County finds that the proposed use will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.*

STAFF RECOMMENDATION

Staff recognizes that nearby property owners have expressed concern with noise resulting from the applicants' keeping of nine dogs; however, staff believes that the proposed IUP complies with and is consistent with the intent of the Chisago County Zoning Ordinance and that noise can be better managed / mitigated with implementation of noise reducing measures such as established "quiet hours" / "outside hours" for the house dogs and planting of additional landscaping between the fenced enclosure and the side yards (north and south property boundaries). **Staff recommends approval** of the request with conditions (see below) and has prepared a resolution for the Commission's consideration.

Recommended Condition(s):

1. This Interim Use Permit for Residential Kennel allows for the keeping of no more than nine (9) dogs as specifically identified in the application materials dated received October 13, 2022 and kept on file with the Department of Environmental Services, including six (6) companion dogs and three (3)

livestock guardian dogs. This approval does not allow for the keeping of any cats on the property.

2. The six (6) companion dogs shall be housed indoors (dwelling), apart from occasional outdoor activity in which the dogs will be confined to a fenced enclosure or leashed and handled by a resident of the property. No more than two (2) companion dogs shall be outdoors at the same time, whether in the fenced enclosure or leashed and handled by a resident of the property.
3. The three (3) livestock guardian dogs shall be housed indoors (heated and cooled pole building), apart from occasional outdoor activity in which the dogs will be confined to a fenced enclosure or leashed and handled by a resident of the property or their active agricultural service.
4. All dogs shall receive regular veterinary care and be current on vaccinations.
5. The existing dogs shall not be replaced by new dogs as they pass or are otherwise rehoused, unless the number of dogs on the subject site is in compliance with the Chisago County Zoning Ordinance (a number not requiring approval from the Chisago County Board of Commissioners).
6. All dog waste shall be collected daily and disposed of in a legal and appropriate manner so as to avoid undue odor or other negative impacts.
7. The fenced enclosure(s) shall maintain current setbacks, as illustrated on the application materials submitted by the applicant and maintained on file with the Department of Environmental Services. Any expansion or reconfiguration of the fenced enclosure shall only be allowed upon further review by the Planning Commission and approval by the Board of Commissioners by way of an Interim Use Permit Amendment.
8. The permit holder shall control the barking of dogs to the best of their ability while outdoors to avoid undue negative impact to nearby properties.
9. To mitigate adverse impacts related to noise, the permit holder shall implement "quiet hours" / "outside hours" for the six (6) companion dogs in which they aren't allowed to be outdoors for longer than six hours a day, aside from brief periods of time for waste elimination. The "outside hours" shall allow for up to three (3) – two (2)-hour periods as follows:
    a. Two (2) hours between the hours of 8:00 am and 12:00 pm;
    b. Two (2) hours between the hours of 12:00 pm and 4:00 pm; and
    c. Two (2) hours between the hours of 4:00 pm and 9:00 pm.

    In no case shall these timeframes be combined to allow the dogs to be outside for longer than two (2) hours at a time.
10. To mitigate adverse impacts related to noise and limit the dogs' view and agitation from activity on neighboring parcels, the permit holder shall plant and maintain additional landscaping along the entire northerly and southerly length of the fenced enclosure. Said landscaping shall include low-growing varieties that provide a visual barrier between the dogs and the neighboring parcels. Planting shall occur within one (1) year of Interim Use Permit approval.
11. There shall be no commercial activity of any kind associated with the Residential Kennel. Commercial activity shall be defined as boarding, grooming, training, or breeding. Further, no "non-resident" dogs or cats shall be housed or otherwise allowed on the subject site.
12. The permit holder shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards.
13. Annual certification of the Interim Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Interim Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be

a basis to revoke the Interim Use Permit. 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.

14. This Interim Use Permit shall expire at such time that the number of dogs kept on the subject site has been brought into compliance with the Chisago County Zoning Ordinance through attrition (a number not requiring approval from the Chisago County Board of Commissioners) or at such time that the permit holder sells the property and relocates, whichever comes first.
15. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

OPTIONS

1. Recommend that the County Board **approve** the Interim Use Permit with Findings of Fact and conditions presented or amended.

2. Should the Planning Commission determine that the proposed Interim Use Permit does not comply with and/or is not consistent with the Intent of County's Zoning Ordinance upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Interim Use Permit based on factors deemed appropriate. (*Note: If the Commission considers this option, specific factor(s) for denial should be included in the motion.)*

3. Recommend that the County Board **extend the review period** an additional 60 days to allow for submission of additional supporting documentation and/or further review and consideration, as allowed by Minnesota Statute 15.99. The current 60-day review period expires on December 26, 2022.

ACTION REQUESTED

Motion to adopt Resolution No. PC2022-1202, a resolution recommending approval of an Interim Use Permit allowing a Residential Kennel on property identified as PID 09.00615.10 in Sunrise Township, with Findings of Fact and conditions as presented or amended.

ATTACHMENTS

1. Application materials:
    a. Application
    b. Written narrative
    c. Site photos
    d. Site plans
2. Written testimony – Kenneth Henne
3. Written testimony – Jayme Reichkitzer
4. Aerial photo (1) – subject site
5. Aerial photo (2) – vicinity map
6. Draft Resolution No. PC2022-1201

CC: Timothy & Katherine Albrecht, property owners
County file

Recording Fee $46.00
Base Fee $525.00
Wetland or Septic Fees
Plat Compliance Fee
09. TOTAL FEE $571.00

Permit # 22-2191

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Street Location Sunrise Township Tax Parcel # 90.00615.10

Legal Description E-Mail Address: [redacted]

Owner: Timothy Albrecht Day Phone [redacted]

Address 43750 Jess Ave Harris, MN 55032

Applicant (if other than owner) Day Phone ( )

Address S26, T36, R21

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: 5.06, 01

Description of request: Establish a residential Kennel

If Variance Application, Brief Description of Practical Difficulty

[signature] 10/13/2022
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.

10-13-22
Date Received

10-27-22
Date Complete

12-26-22
60 / 120 Day Review Period

Date of Public Hearing: 12-1-22

TOWNSHIP PRESENTATION FORM

Street Location Sunrise Township

Legal Description _____

Owner Name Timothy Albrecht **Day Phone:** [redacted]

Address: 43750 Jess Ave Harris, MN 55032

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: Establish a residential Kennel

Date of County Public Hearing: Thurs 12-1-22

Date of Township Presentation: Town Board 11-17-22
Sunrise

TOWNSHIP ACTION TAKEN

IP APPROVED w/ condition + one NAY Jeske Noorlerkoof

Motion by Mark Osland, second by Eric Leivian to approve the IUP accepting the Sunrise Township Planning Commission recommendations with the following conditions:

- No dogs will be added to the property
- As individual dogs pass away they will not be replaced, and
- The Interim Use Permit (IUP) will sunset with the number of dogs in compliance with the current Chisago County Ordinance.

Motion carried 3 of Township Officers: Mark Osland
Carl Peterson
Eric Leivian

Signature of Applicant

10/13/2022
Date

To Whom it may concern

Thank you for taking the time to look over our application for a interim use permit for a residential kennel. We are the Albrecht family, Tim, Kate and our 3 children Leah (10), Hayden (8), and Myla (7). We would like to share a little about ourselves and how we have acquired the dogs in our home and why we wish to be allowed to keep our dogs. We rented for many years. As the housing market was doing well numerous times we would live at a house for a year and the owners would decide to sell the house requiring us to move. We have moved 7 times in 9 years. We finally got to a point where we were able to buy a house. Our first consideration was we wanted land with limited to no neighbors. We fell I love with our 10 acres In the woods as it would give us a quite and private setting for our family. Since moving a year and a half ago we have started a home based business raising and selling performance goats, and selling goat milk related products. We joined the county 4H and took a 1st and two 2nd places at the Chisago county fair this summer. The story of our dogs is not as simple. When our oldest daughter was 18 months old we decided to get a dog. We went to a rescue event and got our first dog Jake. He was a great pyrenees/yellow lab mix but we were told he want an Anatolian Shepard at the time. A few days later My wife needed to return to work as a nurse. Jake ate every window sill in our home while I was gone that day for 8 hours. We contacted the rescue who shared he had been rehomed five times for similar behavior and were told we were his last chance. At that time we made a drastic life change, Kate changed her appointment at work to casual so Jake would not have to be alone. Jake had been let down by so many already people that we were not going to let him be put down. Over the next year he stopped eating our home and proved to be the best dog anyone could ask for. He was Leah's best friend, he laid next to our children so they could climb him to learn to walk. He walked between our family and cars on the road to protect us. He was truly a family member like everyone else. We lost him this past spring at the age of 14. He struggled for 6 month with degenerative myelopathy and hypertension. It took many vet visits, medications, and x-rays to do everything to buy him good time so that maybe the warmer weather would help him. In the end his back legs couldn't make it back up the steps to the house and it was his time.

When we first got Jake he was suffering from separation anxiety cause him to try to get out of the house and cause damage to the home. We consulted a trainer and he recommended we get another dog to help him calm down during the day. So we fostered Lucy through another rescue. She was from the Red Lake Reservation found under a car. She was and is very shy, but loves very drop of attention she can get. She hid under our youngest daughter's crib and still to this day finds refuge under our bed. After Lucy came to live with us she did help Jake overcome his need for us to be home with him. We could go shopping or to a family event and know he was fine sleeping on the couch. We were always very thankful for our two damaged and broken dogs that were now living a happy life that a few years later when we were asked to foster another puppy we said yes. Over the course of three years Seventy-five dogs of varying ages came through our home. Some were fresh litters that the mom had passed and required bottle feedings every 2 hours. Some were sick, and needed vet visits, IV fluids, medications or surgery. We also felt that human's had failed them and we needed to show them that humans can be good too. Our kids were right there with us, bottle feeding puppies, holding the fluids bag

up, putting up exercise pens outside for puppies to run around, learning respect for scared animals, and learning wonderful communication skills while sharing the dogs story with potential adopters. Some dogs along the way have stayed because they didn't fit the mold. Its amazing how not liking the leash, or not being ok with 10 hours a day in a kennel, or not good with strange dogs is an immediate disqualifier for potential adopters. We have included a sheet with all of our dogs currently and their story. Bentley was our final foster. Upon moving to our current home we put in our notice with the rescue and no longer foster or have any intention to continue. During Covid we saw the ugly truth about rescue that while we felt like we were doing selfless work trying to rehab these animals and find them families that will love them like our family loves ours. The rescue saw these animals as good inventory or bad inventory and the level of care and compassion for each animal slow dissolved into a money grab while people were sheltering in place with time to give a new pet. We simply could not be put in the place to keep any more unadoptable dogs, and couldn't face the conversation knowing they would be euthanized otherwise.

We did not set out to own this many dogs nor is it something we plan to do forever. We do feel these dogs deserve the best life until they reach the natural end of life. Each time we took a new rescue dog into our home we promised them they were now safe and would be cared for. Our biggest thing when searching for our current home was no neighbors. As much as I love dogs, I am very familiar with how annoying it can be to live next to an obnoxious dog. When we first moved the priority was fencing. We started in the back of our home and moved to the front to provide 2 acres of enclosure for the dogs to exercise while not disturbing neighbors. We have installed gates suitable for livestock so they are never running at large, and disturbing other properties. Kate works from home so the dogs are tended to all day. They are only outside if someone is home, otherwise they are confined to their respected areas. We also do not leave any windows open when we leave. We are never gone overnight because we need to care for the animals. When the dogs are out if there's a disturbance that would ensue barking we immediately bring them in if they will do not stop withing a few seconds. This rarely happens unless there are coyotes yelping in the distance. There is a situation when our neighbor to the south runs his truck around his property on a sort of mudding track. The noise from him revving the truck will cause them to bark at which point we bring the dogs in. It is unfortunate that this neighbor by his own admission does this on purpose sole to upset my dogs. We are strong believers in property rights that if that is what he chooses to do with his property that is his choice. We pick up the dogs waste daily and dispose of it properly. We will from time to time walk them around outside of the fenced areas solely on our property and they are always leashed and never free to roam. When going for walks only three are walked together at a time. We have a trainer we work regularly with to ensure they are well behaved amongst each other. They are all regularly vetted, and up to date on all vaccines as well. All of the dogs have come from a rescue situation so are spayed and or neutered. No breeding will ever take place. The three Great Pyrenees that are used for guarding our goats and chickens live in the heat and cooled pole garage have a separate enclosure that boarders our livestock animals. We are not typical livestock dog owners and do bring them in at night. Living with a large coyote population, bears, and of recent sightings on trail cameras of a mountain lion, having them protect our livestock and livelihood is important. They provide an aura of protection around the livestock

that we have not lost a single animal to predators due to their presence. Our goats generate income and allow for Kate to stay home and homeschool our children.

In closing our wish is to be granted an interim use permit for a residencial kennel to allow the current dogs we have live out their natural lives or if we should choice to relocate. We will do normal vetting to keep them in good health but as they naturally pass or come to the point where their quality of life directs us to humane euthanization we do not intend to replace them. We do not intend to participate in any rescue fostering at any point move forward or provide sanctuary to other dogs. We are asking for the interim use permit until we no longer own the property. We have no intent to sell anytime soon but also can not estimate the time each dog has left to live. Our beloved Jake was a great pyrenees mix and was expected to live 10 years and he made it almost to 15 due to our diligent care. Some people view their dogs as just dogs, but to us they are family. Each one that has come into our care has a story and a reason to give up but we have nurse them back to health and showed them they are love and deserving of that love. We hope that you will allow us to provide them with the lives they all deserve and keep them together.

Attached you will find a biography of each Dog kept on the premises as well as a site map of where they are kept in regards to adjacent properties. The fenced area around the home is marked in teal and the lines in red lead to the nearest structures 818 ft. and 732 ft. away respectively through a heavily wooded area.

Thank you for your time and consideration

The Albrecht Family



Lucy was our first foster dog. She is from the Leech lake reservation. We believe she is a husky mix of some kind. She was found under a car living with her mother and sisters as a puppy. We adopted her Feb of 2017 to accompany Jake. She is currently Six years old. She is very timid and prefers to be hiding out somewhere in the house. Lucy weighs approx 40lbs. She is kenneled when we are gone. She lives in the main home.



We got the call to foster Ruby in 2019. She is a terrier mix. She was removed from a home severely malnourished tied to a 2 ft steak in the ground with a chain bigger than her. Upon coming to us it was discovered Ruby needed some specialized training. Being a tiny terrier she had a ton of energy and hated leashes. We worked with the rescues trainer to get her accustomed to leashes for short stints if needed, However due to her life before us she much prefers to not be tied to them. After fostering Ruby for a year the rescue told us they were not in a place to " Warehouse animals who struggled to find a home", Our choices were to adopt her or she would be euthanized. After we bonded with her for a year the choice was to keep her. Ruby has since calmed down. She has found a best friend in our other dog Bentley. Ruby is approximately 25 pounds and 3 years old. She resides in the main home. She is kenneled when we are gone.



William was a foster we were called to take due to his medical needs. He is a great pyrenees/ golden retriever mix. When he arrived his fur was severely matted and had over 365 large engorged ticks on him. He had large wounds on his head due to being attacked in the kennel environment he was housed in in Kentucky. Upon going through intake vetting it was discovered he had a severe bacterial infection on his paws as a result of chemical burns from the cleaners they used to clean the kennels. We fostered William for 6 months until he was ready for adoption. Unfortunately after leaving William home alone a few times we discovered he had significant separation anxiety to the point of injuring himself. We worked with the trainer from the rescue and he was deemed unadoptable due to this. We were faced with the decision to either keep him or euthanize him. The choice was made to adopt him. William is 50lbs. He is housed in the main home. He has free roam when we are gone and is ok as long as another dog is with him. He does however prefer to come with us so does most of the time when we are gone.



Scout is a papered red setter. He was obtained from a gentleman who realized he could not hunt two dogs at once. He is 50lbs and is a true bird dog. Scout spends his days running the fence line looking for birds. He is obsessed. He is housed in the main home and left out with Bill when we are gone. He also enjoys going with us so will frequently run errands with us as well.



We got the call from a rescue in Missouri about a feral pack of Pyrenees. A woman owned 25 of them, numerous cats, goats and chickens in Iowa. A Missouri Rescue was working with law enforcement to have the woman sign over the dogs as they were running the streets and getting injured. This went on for months. Finally in November 2018, Ben was able to be rescued along with his sister. At that time only 11 of the dogs remained due to being killed; the others rescued were sent to other rescues in the country. The woman stated she had moved from her property but would come every 2 days to throw a 40lb bag of food for them. 25 dogs with only 40lbs of food every 2 days ment Ben was severely malnourished he weighed 51lbs when we got him. When we met transport Ben was a soulless shell of a dog. Tim needed to carry him as he would not stand on his own. He was mentally broken. After bathing him pulling off ticks finding healing old wounds we set Ben up in a room by himself to decompress. Over the course of a month we tried everything to get him to eat. We tried steak, cheese, canned dog food, nearly everything safe for a dog to eat . He would shudder at the slightest touch and try to hide when we entered the room. This went on for months. The rescue we fostered him thru had never encountered a dog this broken. When we finally got him to at least walk around we discovered he had a significant limp in his right shoulder. We took him to the vet, after bloodwork and x-rays he was found to have erichlysis, a tick borne illness. We also found out at this time that he had been shot and his entire body cavity was littered with buckshot. Unfortunately nothing can be done for that as there is too much to operate. He was treated for the erichlia but he is lazy due to the effects. After 6 months of no progress the rescue gave us the option to adopt or euthanize. After knowing what he went through we decided to keep him. I contacted a trainer based out of South Carolina who was very knowledgeable in the breed as well as rescue dogs. He is a holistic behaviorist and has helped us with all the dogs over the past 3 years.. Ben has made leaps and bounds since moving to our new home and us working with the trainer. He eats in front of us, will take food from our hands, and enjoys Scratches now. He is housed in the main home and is left to free roam inside when we leave. Best guess is he is around 7 years old. He is 140lbs and a Great Pyrenese.



Beau was rescued as a 5 month old puppy. He was from a farm in Verndale, Minnesota who took very poor care of their animals. He was fed roadkill only. Within days of coming to stay with us he came down with parvo. I treated him at home under the rescue vets guide. He required IV fluids, meds, and feeding around the clock for a week. There were moments I was sure we were going to lose him. He is a miracle. He survived and has grown into a beautiful well mannered dog. He guards our goats and children when they are outside playing. He does like to visit the Grumpy Minnow patio in the summer. Being used as a Livestock guardian he is housed in the pole garage. It is heated in the winter and also air conditioned in the summer. He does sometimes frequent the main home as well. He is a Great Pyrenese and 160 lbs. He is approximately 2 years old and very bonded to Penny and Walter.



We got the call to foster Penny after she was killing chickens. She was moved to two separate farms for the issue. She was rescued from a farm in

Sandstone. Upon Penny living with us a month to our surprise she was pregnant. This was merely weeks before our purchase of our home. We whelped her puppies and they were rehomed after moving. Penny is sweet as sugar and the best Livestock dog. She is very patient with the baby goats. We have spent many hours training her to be appropriate with the chickens. Penny is housed in the pole garage with Beau and Walter. She is approximately 3 years old and around 90 lbs. She is a Great Pyrenees.



Walter is one of Penny's puppies. We decided to keep Walter as a show prospect for our children in 4h. He was easier to train and " undamaged" like the other rescue dogs making him a wonderful prospect for the Dog Project. He is housed with Penny and Beau in the pole garage. He is working very hard to learn the ins and outs of guarding livestock. He is very bonded to Penny and Beau together, they make an amazing team. He is a year and a half old and around 120 lbs. He is also a Great pyrenees.



Bentley is a boxer. He was a very difficult foster and the one that ended our foster Journey. We got the call about Bentley in October of 2020 2 days before intake. I was already swimming in dogs and was told he just needed to be housed thru the weekend, so of course I said yes. We were told he had been hit by a car. When he arrived he was near lifeless but wailing in pain. We were told to keep him as calm as possible until his appointment at Blue Pearl Animal Hospital the following tuesday. I remember thinking, "we can do this, only 3 days". When we arrived home after listening to him cry the entire way we brought him to a quiet room to get him out of the kennel. We had to cut the top off the kennel to get him out. His tail had been partially amputated and was skinned. Paper newspaper clung to it and it was raw and very infected.He had no range of motion in his hind end. Tuesday came I brought him to Blue pearl. It was then discovered he had not only shattered his pelvis but also had an old fracture in his back leg that had healed wrong as well as his tail injury. They kept him that day. 3 days later I received a call he was ready for pickup and no other foster in the rescue was equipped to take on such severe medical needs. So I went and picked him up . The crying from pain was unbearable for the first two days post op. They were only able to amputate his tail at that time. Two days home and he began to vomit. He was then diagnosed with coccidiosis. I was given IV fluids and medications to treat him. He was near death for 3 days. Things turned around and we were able to bring him for his next surgery. When they started the operation they realized they could not put a plate on as once thought to hold his pelvis together due to his other leg injury. So they needed to stop the surgery to have the other injury heal the rest of the way then fix his pelvis. After six more weeks of rehab and keeping him quiet we brought him in again. The rescue had already spent close to 5000 dollars keeping him going. At that appointment it was determined he needed an additional two surgeries at a cost of 3000 dollars each. They decided to proceed with finding him a home instead. We did not agree with this decision but did not want to acquire another dog. Someone from Wisconsin adopted him. We put in our resignation to the rescue at this time. Four days after he went to live with his adopter I got a call from her saying she could not keep him and the rescue told her due to his medical

needs they could not take him back to be rehomed again. If they did he would be euthanized.I contacted the rescue and this was in fact the case. We took him from her. Unfortunately too much time had lapsed in that transition and Blue pearl no longer felt he would recover from a hip replacement based on additional x-rays. We plan to keep him as long as he isn't in pain that we can manage with pain meds. He will not live a long life due to the extent of his prior injuries. We were told he will eventually develop debilitating arthritis in his hind end. At that time we will take him to the vet to be put down. Humans have failed him so much he didn't deserve to be rescued and let down again. He also has some quality life left to live and we intend to give him as many good days as we can. He resides in the main home. He is kenneled when we leave. He is approx 45lbs and 2 years old.

1st is the fencing and gate at the barn. The gate swings so we can close the dogs in the yard and more freely access the overhang.



2nd the walkway to the house, the closest the fenced areas get to each other. The majority of barking sessions are here as the dogs from both areas come to greet me as I get home from work. I do what I can to quiet them while I walk into the house where I let the inside dogs into the house so I can greet them and move on with the evening.



3rd is from the same spot, I just turned to show the gate and sign. The other sign like this is posted up by the road. We wanted them to stick out and be placed where they are most likely to be read. We specifically ordered these signs as there is an ordinance forbidding "danger" and "stop" on signs. You can also notice that our propane tank is in the enclosure. The propane company was consulted that the gate to tank distance wasn't too far for their hoses to fill the tank and there has never been an issue.



4th is the corner from the main driveway down to the barn.



5th is same position as the fourth I just turned to show down the driveway to the road.



6th is the closest corner to the property to the south I am facing where I was in picture 5 and my back is to the road. When the neighbor is running his mud truck or chainsaws this is where typically 2 or 3 of the house dogs will go to observe. Next Spring I will be putting up privacy trees and bushes to block the dogs' view of the adjacent property.



7th photo I am in the same position I turned to face North to show the fence going to our chicken coop. It runs along the garden but there is a gap so we can plant perennials in that gap.



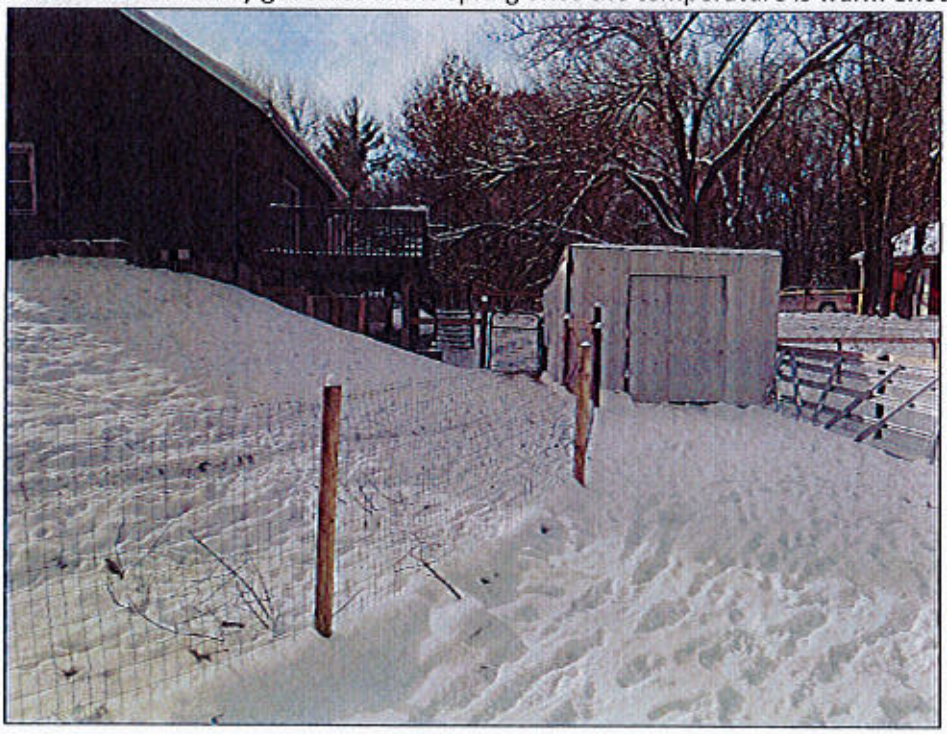
8th is the gate by the chicken coop and along the goat pen. This gate will be replaced by the time the inspectors come. We have never had an issue of a dog getting out but last year we had issues with it being too low to clear moderate snow and it will be wood like the gate up at the barn.



9th picture is of the livestock dogs' enclosure and how it meets the 2 goat pens. The white structure is a temporary goat building on skids so they can get out of the wind and to keep hay dry in the rain. It is getting replaced next year with a simple structure that we can get a skidsteer in to clean it out easier.

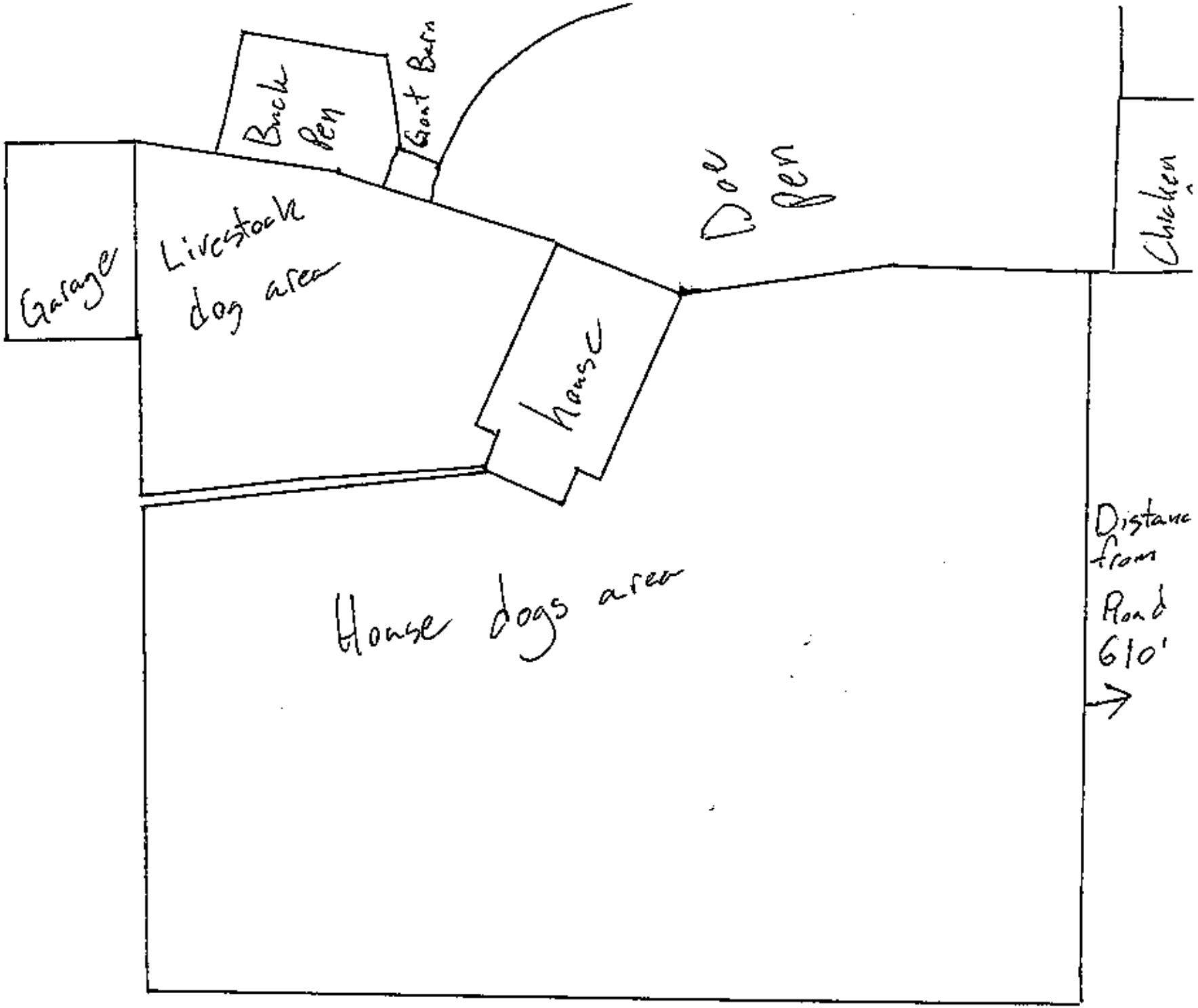


10th picture is the male goat pen that shares a fence with the livestock dogs. Standing here if you turn around we are in the process on building the males a new pen to get them away from the house more and this pen will be used for baby goat kids in the spring once the temperature is warm enough.

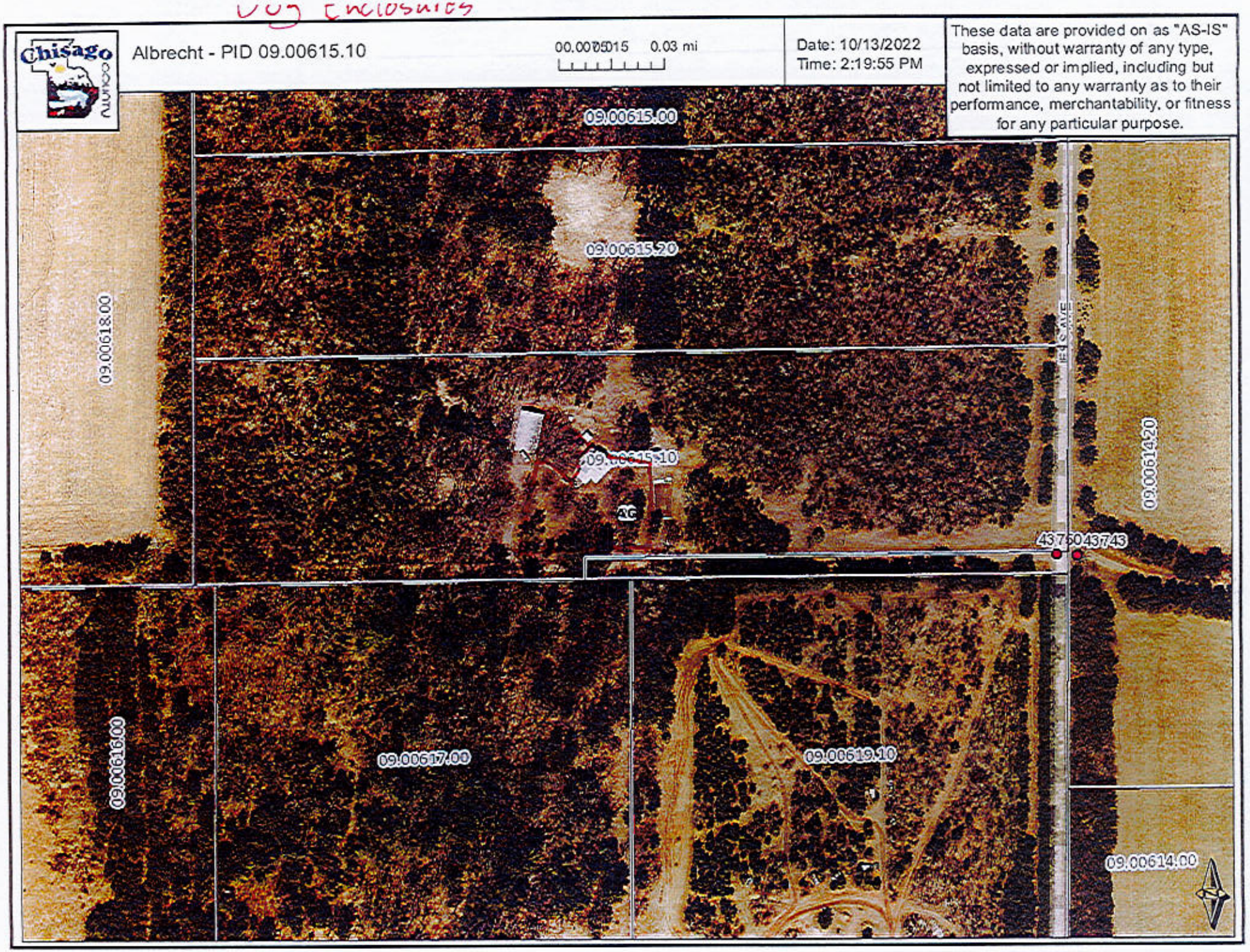


11th and final photo is where the livestock dogs' fence goes back up to the barn. The only time any other dog is back here, besides the livestock dogs, are our other great pry Ben will eat outside. He was a feral dog before going into rescue and will only eat outside. If the livestock dogs are inside we have let him eat on the deck before but most of the time he eats on the porch in the front.




Buck pen
Goat Barn
Doe Pen
Chicken
Garage
Livestock dog area
House
House dogs area
Distance from Road 610'

VOG Enclosures




Chisago
map 2 Closest Structures
0 130 260 520 ft
Date: 10/11/2022
Time: 2:31:59 PM
These data are provided on an "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.
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Beth Gervais

From: Steve K. Putman
Sent: Monday, November 14, 2022 8:10 AM
To: Beth Gervais
Subject: FW: Noise pollution/ loss of property value

Steve Putman | Code Enforcement Officer
Environmental Services
313 N Main St
Suite 240
Center City, MN 55012
Steve.Putman@chisagocountymn.gov
Phone: 651-213-8375

'Chisago County was created
by the State of Minnesota to serve, protect, and enhance the quality of life for those we serve.'-----Original Message-----
From: Ken Henne [redacted]
Sent: Friday, November 11, 2022 11:07 AM
To: Steve K. Putman <Steve.Putman@chisagocountymn.gov>
Subject: Noise pollution/ loss of property value

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.

FYI, I will be attending the upcoming meetings next week. I own the bordering property on Jess Av to the out of control dogs. I had my camper on my property this summer until construction starts on my home, I stayed up there a lot and those dogs drove me insane. I'm considering stopping construction on my property as it would be impossible to put up with this insane situation. I have over $160,000 invested in this property and I've contacted a lawyer for further advice on this matter. Thank you, Kenny

Sent from my iPhone

NOTICE: E-mail correspondence to and from Chisago County may be public data subject to the Minnesota Data Practices Act and/or may be disclosed to third parties.

KENNETH HENNE
15790 HARMONY WAY
APPLE VALLEY, MN 55124
09.00615.20

Beth Gervais

From: Jayme Reichkitzer [redacted]
Sent: Thursday, November 17, 2022 2:56 PM
To: Planning & Zoning
Subject: Sunrise Township kennel variance
Attachments: Screenshot_20221114-080140.png

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.

Dear Chisago County Planning Commission,

Please allow me to introduce myself. My name is Jayme Reichkitzer, and I have lived in Sunrise township my entire life, and my father served on the town board for many years. My husband and I have raised 2 wonderful young men here at our beautiful, once peaceful home. About a year and a half ago we got new neighbors, the Albrecht's, and all of that changed. They brought with them 9 dogs that bark almost nonstop. When they first moved here, I figured that the dogs would get used to being at their new place and the constant barking would stop, I was wrong! My husband has spoken to them about it on more than one occasion, only to have the blame put on us because "we make them bark." It can be something as simple as a car door shutting, wood being put in the wood boiler, talking in a normal voice, even being in my garden, alone pulling weeds. Not once did they try to come up with a solution to the problem, just pass blame, and point fingers. I attended the planning meeting this past Monday night and was very disappointed at how it went! Instead of trying to explain why it is alright for them to be in violation of an ordinance, the finger pointing and blame continued. Yes, we have four wheelers, snowmobiles, vehicles, guns that we shoot sometimes, and chainsaws that we use to feed our outdoor wood boiler that burns a ton of wood, because it heats our home and pole barn, none of which violates any ordinance or law. We are not the only ones on Jess Ave. who are bothered by it, however, we are the only ones who have spoken up, thus far. When making a decision, please keep in mind the others that live around the Albrect's, and the constant disturbance it causes. I can guarantee that none of you would enjoy it if it was happening next to you.
Also, on the postcard sent out to us it states that the Albrecht's are on 10+ acres, according to records it is just under 10 acres, 9.89. I do not know if that makes any difference or not, but 9 dogs, chickens, goats, and a horse seem to be a lot of animals for that size of a parcel.
Thank you for your time.

Kindest Regards,
Jayme Reichkitzer

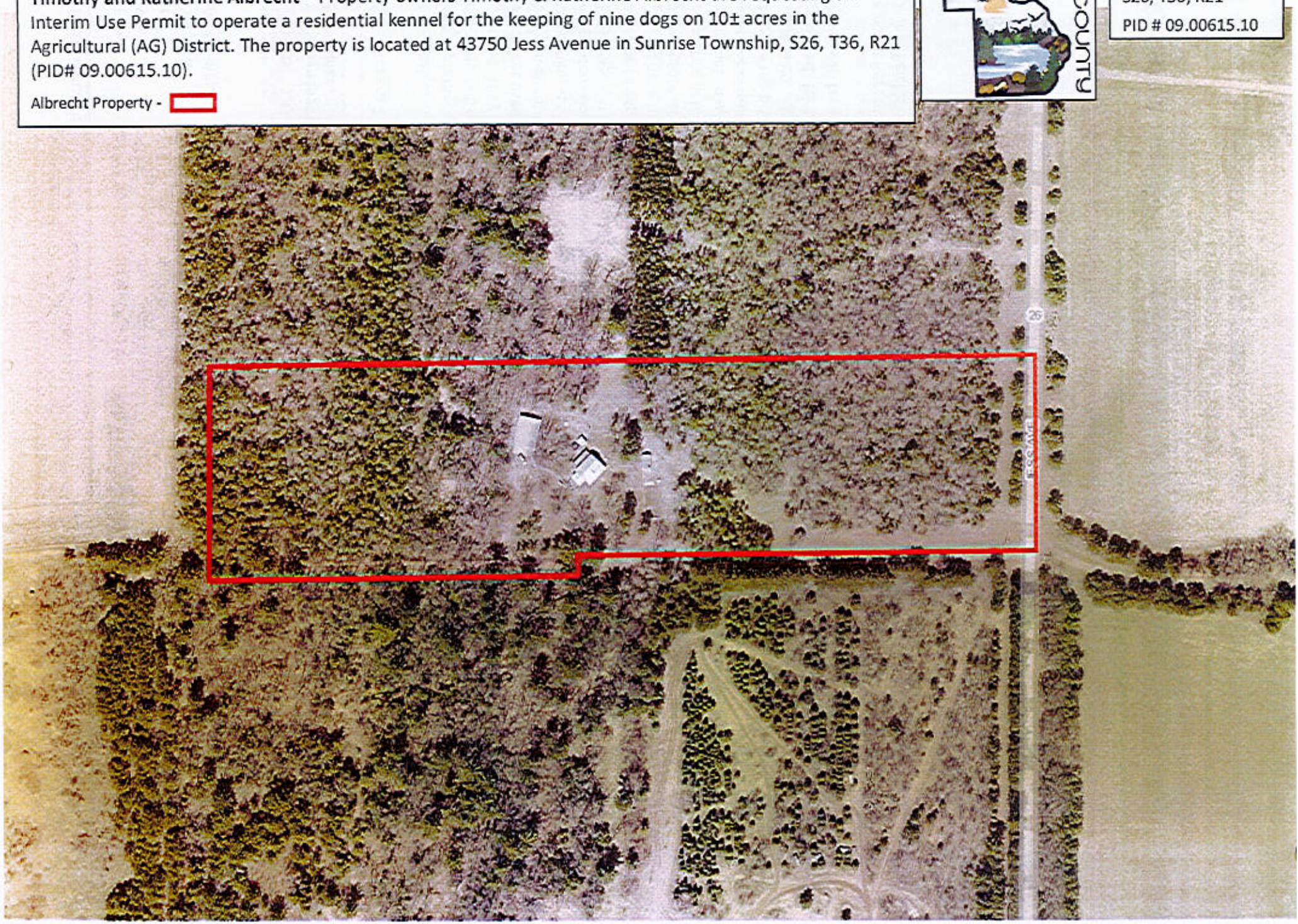
Timothy & Katherine Albrecht - Aerial Photo

Timothy and Katherine Albrecht – Property owners Timothy & Katherine Albrecht are requesting an Interim Use Permit to operate a residential kennel for the keeping of nine dogs on 10± acres in the Agricultural (AG) District. The property is located at 43750 Jess Avenue in Sunrise Township, S26, T36, R21 (PID# 09.00615.10).

Albrecht Property -

Chisago County

Sunrise Township
S26, T36, R21
PID # 09.00615.10



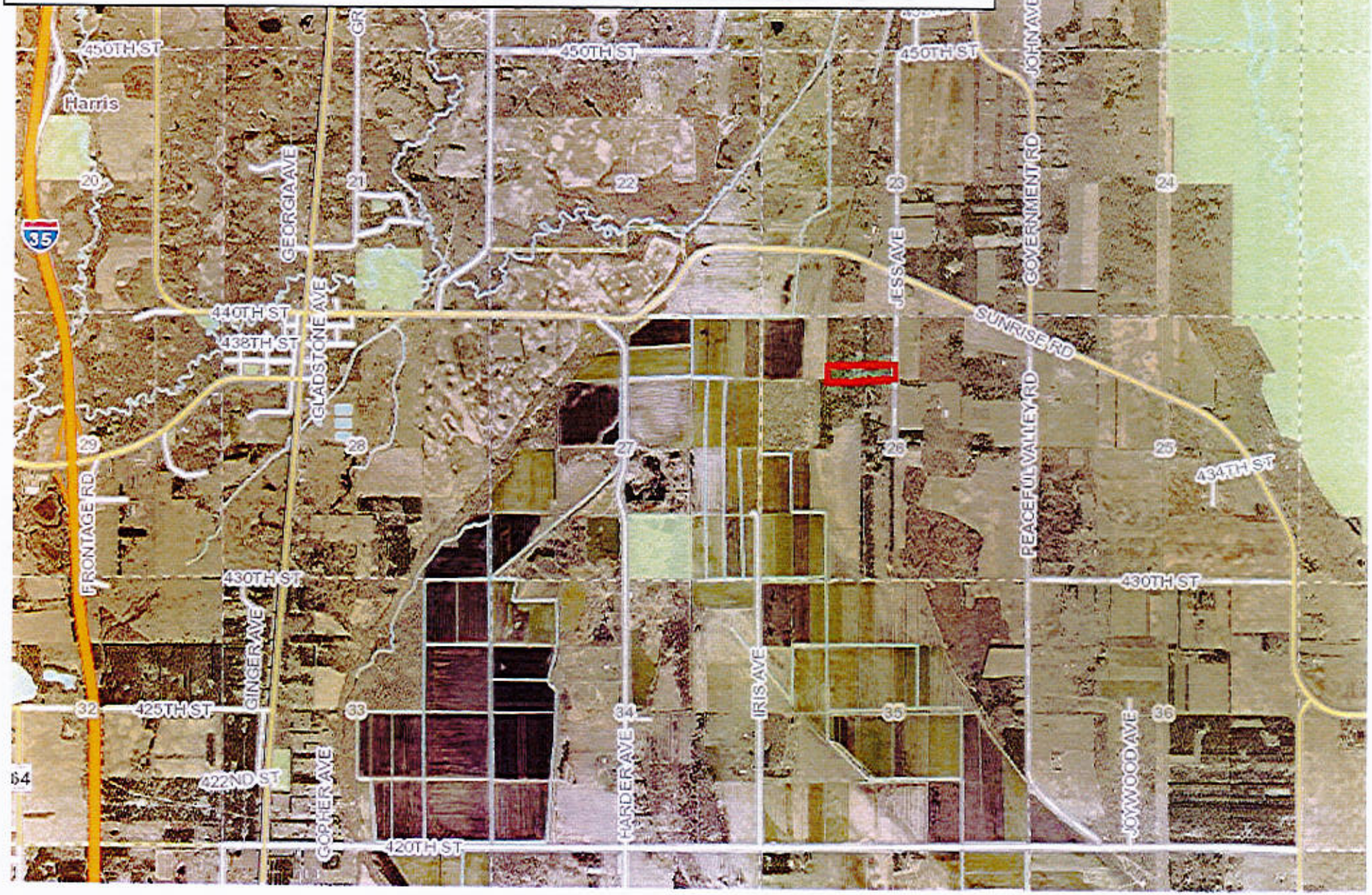
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Albrecht Property -

Chisago County

Sunrise Township
S26, T36, R21
PID # 09.00615.10



RESOLUTION NO. PC2022-1202

A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, RECOMMENDING APPROVAL OF AN INTERIM USE PERMIT ALLOWING A RESIDENTIAL KENNEL ON PROPERTY IDENTIFIED AS PID 09.00615.10 IN SUNRISE TOWNSHIP

WHEREAS, Timothy Albrecht and Katherine Albrecht, property owners, submitted an application dated received October 13, 2022 and considered complete on October 27, 2022 for an Interim Use Permit allowing a Residential Kennel on property located at 43750 Jess Avenue in Sunrise Township; and

WHEREAS, the subject site is located in the Agricultural (AG) District; and

WHEREAS, the subject site is **10±** acres in size and legally described as:

PID 09.00615.10

That part of the Northeast Quarter of the Northwest Quarter (NE1/4 of NW1/4), Section Twenty-six (26), Township Thirty-six (36), Range Twenty-one (21), Chisago County, Minnesota, lying South of the North 972 feet and lying northerly, westerly and northwesterly of the following described parcel (as described on a warranty deed recorded in Book 52 of Deeds, page 111): Commencing at the Southeast corner of the Northeast Quarter of the Northwest Quarter (NE1/4 of NW1/4) of Section 26, Township 36, Range 21; thence running West on the South line of said Northeast Quarter of the Northwest Quarter, a distance of 44 rods; thence North 2 rods; thence East parallel to said South line a distance of 44 rods; thence South 2 rods to the place of beginning and being a strip of land 2 rods wide and 44 rods long along the South line of said Northeast Quarter of the Northwest Quarter of said Section 26, Township 36, Range 21.

WHEREAS, notice was provided and on December 1, 2022 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicants, and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several factors for granting Interim Use Permits and made the following findings per Zoning Ordinance Section 8.04-1, C.:

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

Finding #1 *The Chisago County Comprehensive Plan does not specifically address the proposed use; however, the Zoning Ordinance (development policy) provides a number of varied land uses allowable in the Agricultural (AG) District, including the establishment of animal-keeping facilities such as farms with livestock and poultry, and commercial and residential kennels. Therefore, the County finds that the proposed use is consistent with the County's development policies.*

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

Finding #2 *The proposed Residential Kennel will have no associated use of parks, schools, streets, or other public facilities or utilities; therefore, the County finds that the proposed use will not create any increase or demand on these facilities or utilities.*

Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

Finding #3 *Six of the nine dogs are housed in the dwelling and the three remaining dogs – being livestock guardian dogs – are housed in a heated and cooled pole building. The subject site includes an approximate 2-acre fenced enclosure for dogs to benefit from outdoor activity / exercise. The fenced enclosure appears to be screened by existing forestation. The County finds that the subject site is sufficiently separated by distance and/or screening from adjacent development so as to neither cause undue negative impact nor deter future development.*

Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Finding #4 *The proposed Residential Kennel utilizes approximately two acres of fenced enclosure. The applicants have provided sites plans and site photos showing the fenced enclosures and fencing. After reviewing the application materials and the Planning Commission having conducted a site visit on November 29, 2022, the County finds no evidence to suggest that the Residential Kennel or the associated fenced enclosure will have an appearance that will have an adverse effect upon adjacent properties.*

Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;

Finding #5 *The Chisago County Zoning Ordinance specifically allows Residential Kennels as an Interim Use in the Agricultural (AG) District; therefore, the County finds that the proposed use is in compliance with land use goals and regulations established by the County's official land use controls.*

Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Finding #6 *See Finding #5.*

Factor #7 The proposed use will not cause traffic hazard or congestion; and

Finding #7 *Because the proposed Kennel is for residential use rather than commercial use, the applicants are not proposing nor does the County anticipate any increase in traffic or traffic hazards / congestion. Further, the road authority – being Sunrise Township – has not identified any concerns related to traffic hazards or congestion.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *While there is no indication that the proposed use will adversely impact nearby properties in terms of glare or general unsightliness, the County has received complaints from nearby property owners regarding noise. The County finds that noise resulting from the Residential Kennel can be better managed with implementation of established "quiet hours" / "outside hours" for the six house dogs and additional landscaping between the fenced enclosure and the side yards (north and south property boundaries). If these additional measures are implemented, the County finds that the proposed use will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.*

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of Chisago County, Minnesota hereby recommends approval of the request for Interim Use Permit, subject to the following conditions:

1. This Interim Use Permit for Residential Kennel allows for the keeping of no more than nine (9) dogs as specifically identified in the application materials dated received October 13, 2022 and kept on file with the Department of Environmental Services, including six (6) companion dogs and three (3) livestock guardian dogs. This approval does not allow for the keeping of any cats on the property.
2. The six (6) companion dogs shall be housed indoors (dwelling), apart from occasional outdoor activity in which the dogs will be confined to a fenced enclosure or leashed and handled by a resident of the property. No more than two (2) companion dogs shall be outdoors at the same time, whether in the fenced enclosure or leashed and handled by a resident of the property.
3. The three (3) livestock guardian dogs shall be housed indoors (heated and cooled pole building), apart from occasional outdoor activity in which the dogs will be confined to a fenced enclosure or leashed and handled by a resident of the property or their active agricultural service.
4. All dogs shall receive regular veterinary care and be current on vaccinations.
5. The existing dogs shall not be replaced by new dogs as they pass or are otherwise rehoused, unless the number of dogs on the subject site is in compliance with the Chisago County Zoning Ordinance (a number not requiring approval from the Chisago County Board of Commissioners).
6. All dog waste shall be collected daily and disposed of in a legal and appropriate manner so as to avoid undue odor or other negative impacts.
7. The fenced enclosure(s) shall maintain current setbacks, as illustrated on the application materials submitted by the applicant and maintained on file with the Department of Environmental Services. Any expansion or reconfiguration of the fenced enclosure shall only be allowed upon further review by the Planning Commission and approval by the Board of Commissioners by way of an Interim Use Permit Amendment.
8. The permit holder shall control the barking of dogs to the best of their ability while outdoors to avoid undue negative impact to nearby properties.
9. To mitigate adverse impacts related to noise, the permit holder shall implement "quiet hours" / "outside hours" for the six (6) companion dogs in which they aren't allowed to be outdoors for longer than six hours a day, aside from brief periods of time for waste elimination. The "outside hours" shall allow for up to three (3) – two (2)-hour periods as follows:
    a. Two (2) hours between the hours of 8:00 am and 12:00 pm;
    b. Two (2) hours between the hours of 12:00 pm and 4:00 pm; and
    c. Two (2) hours between the hours of 4:00 pm and 9:00 pm.

    In no case shall these timeframes be combined to allow the dogs to be outside for longer than two (2) hours at a time.
10. To mitigate adverse impacts related to noise and limit the dogs' view and agitation from activity on neighboring parcels, the permit holder shall plant and maintain additional landscaping along the entire northerly and southerly length of the fenced enclosure. Said landscaping shall include low-growing varieties that provide a visual barrier between the dogs and the neighboring parcels. Planting shall occur within one (1) year of Interim Use Permit approval.
11. There shall be no commercial activity of any kind associated with the Residential Kennel. Commercial activity shall be defined as boarding, grooming, training, or breeding. Further, no "non-resident" dogs or cats shall be housed or otherwise allowed on the subject site.

12. The permit holder shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards.

13. Annual certification of the Interim Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Interim Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Interim Use Permit. 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.

14. This Interim Use Permit shall expire at such time that the number of dogs kept on the subject site has been brought into compliance with the Chisago County Zoning Ordinance through attrition (a number not requiring approval from the Chisago County Board of Commissioners) or at such time that the permit holder sells the property and relocates, whichever comes first.

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

Adopted by the Planning Commission of Chisago County, Minnesota, this 1st day of December, 2022.

James McCarthy	_____	Dave Whitney	_____
Frank Storm	_____	Jolene Wille	_____
John Sutcliffe	_____	Chip Yeager	_____

_____ ATTEST: _____

Chip Yeager
Chair

Beth Gervais
Land Services Coordinator

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
December 1, 2022

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, December 1, 2022 at the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; Kurt Schneider, Environmental Services Director; and Diane Sander, Support Specialist.

Chair Yeager 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: Frank Storm, Jolene Wille, Chair Chip Yeager, John Sutcliffe, and Dave Whitney. Absent: James McCarthy (excused). Also present: Ex Officio County Commissioner Chris DuBose. A quorum was established with all members present except for McCarthy.

Chair Yeager indicated that item 9b – Request for Extension of DJ's Dream was withdrawn.
Approval of Agenda – ***Motion*** by Frank Storm to approve the agenda as amended (item 9b removed); second by Jolene Wille. The motion passed 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None.

Approval of Minutes – ***Motion*** by Dave Whitney to approve the October 20, 2022 Special Work Session Meeting minutes; second by Jolene Wille. The motion passed 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None. ***Motion*** by Frank Storm to approve the November 3, 2022 Regular Meeting minutes; second by John Sutcliffe. The motion passed 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None. ***Motion*** by Dave Whitney to approve the November 17, 2022 Special Work Session Meeting minutes; second by Frank Storm. The motion passed 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None.

Receive all Materials and Submittals into Record - ***Motion*** by Dave Whitney to accept all materials and submittals into the record; second by John Sutcliffe. The motion passed 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None. Materials distributed to the Planning Commission in advance of the meeting for their review included: staff reports with attachments. Copies of all correspondence and meeting materials were made available for the public.

Public Hearings – New Applications
Chad & Kari Rohman – Coordinator Gervais provided a brief background on the request for Interim Use Permit (IUP) for an accessory structure without the presence of a principal use structure on 12± acres in the Agricultural (AG) District. The property is generally located ¼ mile south of Stark Road / CSAH 10 on Andee Avenue, Fish Lake Township, S28, T36, R22 (PID# 03.00441.31).

Property owners Chad & Kari Rohman applied for an IUP to allow an accessory structure (pole building) without the presence of a principal use structure (such as a dwelling). The intent is to construct a dwelling in the future but the applicants are not yet certain when construction will occur. Zoning Ordinance Section 4.08.1 Accessory Structures and Uses in A, AP, and PAT Districts, A. 3. Subsection A. 3. allows accessory structures on parcels 10 acres or larger in size without the presence of a principal use structure, whereas Subsection A. 1. requires completion of a principal use structure within three years. The property was platted in December 2004 as part of a one-lot plat "Oak Addition". The site plan shows proposed locations of the accessory structure and future dwelling in the southwest corner of the property. The proposed accessory structure will be 34' wide x 90' deep (3,060 sf) with 14' side walls. While the property owners are not sure when the dwelling will be constructed,

they did provide building plans for the dwelling and placement of the primary and alternate septic system locations to solidify their intentions.

The Technical Review Committee met on November 9, 2022 and confirmed that the accessory structure will hold personal items (will not be used for commercial purposes) and will not have sanitary facilities. The committee discussed the need to establish a sunset for the IUP, with staff indicating the sunset may be construction of a principal use structure. The Fish Lake Town Board reviewed the proposed IUP at its November 14, 2022 meeting and recommended approval with no conditions. Applicant C. Rohman was present and available to address questions and concerns. Chair Yeager asked the applicant and Planning Commission members for additional questions and comments. Frank Storm inquired as to when the pole barn and home were scheduled for construction. C. Rohman indicated construction of the pole barn was scheduled for March / April 2023 and it is anticipated that construction of the house will be within two years. C. Rohman indicated he did have a septic system design and house plans.

Chair Yeager opened the public hearing and sought comment. With no persons wishing to speak, ***motion*** by John Sutcliffe to close the public hearing; second by Dave Whitney. **Motion passed** 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None. Chair Yeager asked Planning Commission members for additional comments. Frank Storm affirmed he did not support the Ordinance change to allowing accessory structures without the presence of principal use structures and intended to vote against the request. C. Rohman validated the intent to build a principal use structure by providing house plans and septic system design.

Motion by John Sutcliffe; second by Dave Whitney to adopt Resolution No. PC2022-1201, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of an Interim Use Permit allowing an accessory structure on property identified as PID# 03.00441.31 in Fish Lake Township, with findings of fact and conditions as presented:

Conditions:

1. This approval allows for a singular accessory structure for personal storage / use without the presence of a principal use structure, subject to the conditions below. The accessory structure shall be constructed in accordance with the site plan dated received October 6, 2022 and kept on file with the Chisago County Department of Environmental Services. Any significant deviation from the approved site plan, as determined by the Department of Environmental Services, shall require further consideration by the Planning Commission and determination by the County Board of Commissioners.
2. The accessory structure shall not have any sanitary facilities until and unless a principal use structure served by a Type 1 septic system has been constructed or the property owners request and are granted an Interim Use Permit Amendment to allow such facilities.
3. No overnight or residential living quarters / use shall be allowed in the accessory structure.
4. Any change to the approved accessory structure involving structural alterations, enlargements, intensification or expansion of use, or change not specifically permitted by this Interim Use Permit, shall require an Interim Use Permit Amendment.
5. Annual certification of the Interim Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Interim Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Interim Use Permit. 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.

6. In accordance with Chisago County Zoning Ordinance Section 4.08.1, A. 3., this Interim Use Permit shall expire at such time that the current or future property owner(s) construct a principal use structure.
7. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Motion passed 4-1. Ayes: Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: Storm.

Timothy & Katherine Albrecht – Coordinator Gervais provided a brief background on the request for Interim Use Permit (IUP) to operate a residential kennel for the keeping of nine dogs on 10± acres in the Agricultural (AG) District. The property is located at 43750 Jess Avenue, Sunrise Township, S26, T36, R21 (PID# 09.00615.10).

Property owners Timothy & Katherine Albrecht have applied for an IUP to allow a residential kennel for the keeping of nine dogs, which currently are owned and housed by the property owners. The IUP request was a result of a code enforcement action initiated by a complaint. The IUP request would be considered an after-the fact application to allow the current nine dogs to live out their natural lives or until the property owners sell the property and relocate. The Zoning Ordinance defines Residential Kennel as "any place where three (3) or more dogs or three (3) or more cats, over the age of four (4) months of age, or ten (10) or more other domestic companion animals are kept as pets". The applicants have stated that there are nine dogs residing on the property (six being companion animals / pets and three being livestock guardian dogs) but there are no, nor will there ever be, cats residing on the property.

The Albrechts provided details how each dog came to reside with the family and the following information:

- Dog waste is collected and disposed of daily.
- None of the dogs roam the property freely. If they are outside of the structures or fenced enclosures, they are leashed and walked in groups of no more than three.
- The property owners utilize a trainer to ensure that the dogs are well-behaved amongst each other.
- The dogs receive regular veterinary care and are current on all vaccinations.
- All dogs are spayed or neutered; no breeding will take place.
- The property owners intend to allow the dogs to pass naturally or have them humanely euthanized when they've reached the end of their quality lives.
- The existing nine dogs will not be replaced with new dogs when they pass.
- The property owners have no intention of fostering or adopting any additional dogs.
- Six of the nine dogs reside in the dwelling and the three remaining dogs reside in the pole building serving as livestock guardian dogs.
- The pole building which houses the three livestock guardian dogs is heated and cooled.
- The property owners raise performance goats and chickens and the three livestock guardian dogs serve in protecting these animals and fowl.
- The property includes approximately two acres of fenced enclosure, immediately adjacent to the dwelling, allowing outdoor activity / exercise. There are separate enclosures for the house dogs and the livestock guardian dogs.
- Property owner Kate Albrecht works from home and is able to monitor dog activity throughout the day.
- The house dogs are only outside if a resident of the dwelling is home, otherwise they are confined to the dwelling.
- Site photos illustrate and describe fencing, signage, and proximity of fenced enclosures to structures.

The Technical Review Committee met on November 9, 2022 and confirmed that no dogs are left out overnight; existing fencing for the enclosures is 48" tall; and there are two signs on the property alerting people that there

are dogs on site. The Albrechts offered suggestions for noise mitigation, including the possibility of implementing "quiet hours" / "outside hours" and/or additional landscaping to block the dogs' view of neighboring parcels. The committee did not identify any concerns with the IUP. The Sunrise Town Board reviewed the proposed IUP at its November 17, 2022 meeting and recommended approval with a 4-1 vote with the following recommended conditions of approval: no dogs will be added to the property; as individual dogs pass away, they are not to be replaced; and the IUP will sunset with the number of dogs in compliance with the current Chisago County Zoning Ordinance. Property owners T. Albrecht and K. Albrecht were present and available to address questions and concerns. Chair Yeager asked the applicant and Planning Commission members for additional questions and comments.

Dave Whitney had clarifying questions on the number of hours the three livestock guardian dogs are outside and same question was asked for the six companion dogs. T. Albrecht indicated the livestock guardian dogs are out 2-3 hours in the morning and evening during winter; up to all day with owners present during the summer. The companion dogs vary on their outside habits and lengths. Some dogs are a quick in and out and others could stay outside all day. Dogs are let outside when owners are present and never left outside overnight. Chair Yeager asked about the proposal for additional landscaping and location of said landscaping. T. Albrecht provided greater detail for the clearing area that abuts the neighbor's property, property boundary, and suggested fast growing Cyperus trees for additional visual and sound barrier. Frank Storm inquired if all the dogs were rescue dogs and, directed to staff, if previous similar requests restricted the number of animals and ability to replace animals once approved. T. Albrecht indicated by and large they were all rescue dogs and provided backgrounds and past injuries for some of the dogs. T. Albrecht added that their realtor knew they had nine dogs and they worked to find an appropriate property; they were not aware that they were out of compliance with nine dogs. The Albrechts applied for the IUP to continue care for the dogs instead of selecting dogs to put down in order to be compliant with the Zoning Ordinance. T. Albrecht indicated that limiting the number of animals and not being allowed to replace them was his suggestion, commenting that nine dogs are a bit much to take care of and they would like to show their neighbors that they do not intend to own that many dogs forever. Chair Yeager opened the public hearing and sought comment.

Joseph Reichkitzer – 43552 Jess Avenue, Sunrise Township. I have lived on Jess Avenue since 1980; never had a complaint with the neighbors the whole time, until the dogs. They are driving us crazy. They are out all the time in the summer. I did talk with Tim about the dogs. My property value has decreased and I don't think anyone would want to buy our property due to the dogs next door. There is acreage between us and the dogs, and the dogs are still driving us crazy.

Ken Henne – xxx Jess Avenue, Sunrise Township. I own property next to the Albrechts. I am an animal lover and have worked at a zoo for a number of years. What's happening is insane; dogs barking morning until night. It is me, my wife, and we are quiet. I have invested money in the property, plan to build, but the dogs are making it impossible. I do not know if I would be able to sell the land. I might lose my investment in the property. I had a camper on the property, as soon as I stepped out of truck, barking started from morning until night. It was peaceful before they moved in. We enjoyed the property prior to the dogs. It is unlawful for dogs to bark for more than 10 minutes. The dogs bark all day, it's frustrating. They have goats, cows, and installed a fence. I am going to resurvey to make sure they are not crossing my property. I have never met them and thought the barking would settle down, but it hasn't. I have consulted a lawyer. A lawsuit could be filed against the property owners and the county for failure of not addressing the situation.

Becky Henne – xxx Jess Avenue, Sunrise Township. I would visit the property during the summer. I was raised on a farm with two dogs. We didn't buy this land to cause trouble with the neighbors. Our backyard in Apple Valley

is more peaceful than the ten acres here. The barrier of trees is not going to make a difference. I don't see the dogs, but I can hear them. I want peace and quiet.

With no other persons wishing to speak, ***motion*** by Frank Storm to close the public hearing; second by Dave Whitney. **Motion passed** 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None. Chair Yeager asked Planning Commission members for additional comments. John Sutcliffe asked what the process was if conditions were not met. Director Schneider reviewed the process, the investigation of violation of conditions set by the County Board, and grounds for a revocation process. Chair Yeager asked clarifying questions on heating and cooling of the structure housing the livestock guardian dogs. Dave Whitney commented that the property is well maintained and provided his viewpoints, including both positive and negative concerns, with main concerns being the noise and number of dogs. Dave Whitney suggested modifying proposed condition #9 to concentrate the noise/barking with all dogs outside during designated periods instead of two hour periods throughout the day, which could lead to six hours of the day with dogs out barking. Dave Whitney considered two hours of barking to be tolerable rather than six hours a day. John Sutcliffe inquired if the owners had considered separating certain dogs to minimize dogs not getting along and reduce barking. K. Albrecht noted that the dogs get excited when T. Albrecht leaves and returns home from work. To help reduce noise, companion dogs are brought inside the house prior to T. Abrecht or additional family entering the driveway / property. Discussion followed on finding a solution for the noise. In response to Dave Whitney's comments, T. Albrecht offered that he believed the general spirit of proposed condition #2 is to not have his loudest continually barking companion dogs out all day to pester neighbors. John Sutcliffe suggested modifying proposed condition #8 with a limit or time constraint on continual barking. Brief discussion followed on enforceability, local city ordinances (for guidance), and livestock guardian dogs. John Sutcliffe recommended a maximum of 20 minutes of continual barking; Frank Storm supported with a second. By consensus, the Planning Commission offered support for the proposed modification to proposed condition #8. Director Schneider offered suggested language for proposed condition #8. Dave Whitney suggested adding language requiring that at least one resident needs to be home while the dogs are out to monitor / control barking.

Motion by Frank Storm; second by John Sutcliffe to adopt Resolution No. PC2022-1202, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of an Interim Use Permit allowing a residential kennel on property identified as PID# 09.00615.10 in Sunrise Township, with findings of fact as presented and conditions as amended:

Conditions:

1. This approval allows for a Residential Kennel for the keeping of no more than nine (9) dogs, including six (6) companion dogs and three (3) livestock guardian dogs. This approval does not allow for the keeping of any cats on the property.
2. The six (6) companion dogs shall be housed indoors (dwelling), apart from occasional outdoor activity in which the dogs will be confined to a fenced enclosure or leashed and handled by a resident of the property. No more than two (2) companion dogs shall be outdoors at the same time, whether in the fenced enclosure or leashed and handled by a resident of the property.
3. The three (3) livestock guardian dogs shall be housed indoors (heated and cooled pole building), apart from occasional outdoor activity in which the dogs will be confined to a fenced enclosure or leashed and handled by a resident of the property or their active agricultural service.
4. All dogs shall receive regular veterinary care and be current on vaccinations.
5. The existing dogs shall not be replaced by new dogs as they pass or are otherwise rehoused, unless the number of dogs on the subject site is in compliance with the Chisago County Zoning Ordinance (a number not requiring approval from the Chisago County Board of Commissioners).

6. All dog waste shall be collected daily and disposed of in a legal and appropriate manner so as to avoid undue odor or other negative impacts.

7. The fenced enclosure(s) shall maintain current setbacks, as illustrated on the application materials submitted by the applicant and maintained on file with the Department of Environmental Services. Any expansion or reconfiguration of the fenced enclosure shall only be allowed upon further review by the Planning Commission and approval by the Board of Commissioners by way of an Interim Use Permit Amendment.

8. The permit holder shall control the barking of dogs to the best of their ability while outdoors to avoid undue negative impact to nearby properties. At no time shall any dog barking activity exceed twenty (20) continuous minutes with less than thirty (30) seconds between each dog bark. Any more than twenty (20) minutes of continuous barking shall be silenced immediately by a resident of the household. Further, at least one resident of the household must be present any time that one or more dogs are outdoors.

9. To mitigate adverse impacts related to noise, the permit holder shall implement "quiet hours" / "outside hours" for the six (6) companion dogs in which they aren't allowed to be outdoors for longer than six hours a day, aside from brief periods of time for waste elimination. The "outside hours" shall allow for up to three (3) – two (2)-hour periods as follows:

    a. Two (2) hours between the hours of 8:00 am and 12:00 pm;
    b. Two (2) hours between the hours of 12:00 pm and 4:00 pm; and
    c. Two (2) hours between the hours of 4:00 pm and 9:00 pm.

    In no case shall these timeframes be combined to allow the dogs to be outside for longer than two (2) hours at a time.

10. To mitigate adverse impacts related to noise and limit the dogs' view of activity on neighboring parcels, the permit holder shall plant and maintain additional landscaping along the entire northerly and southerly length of the fenced enclosure. Said landscaping shall include low-growing varieties that provide a complete visual barrier between the dogs and the neighboring parcels. Planting shall occur within one (1) year of Interim Use Permit approval.

11. There shall be no commercial activity of any kind associated with the Residential Kennel. Commercial activity shall be defined as boarding, grooming, training, or breeding. Further, no "non-resident" dogs or cats shall be housed or otherwise allowed on the subject site.

12. The permit holder shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards.

13. Annual certification of the Interim Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Interim Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Interim Use Permit. 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.

14. This Interim Use Permit shall expire at such time that the number of dogs kept on the subject site has been brought into compliance with the Chisago County Zoning Ordinance (a number not requiring approval from the Chisago County Board of Commissioners) or at such time that the applicants sell their property and relocate, whichever comes first.

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

Motion passed 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None

Robert Briscoe & Mary Everett and Matthew Krousey – Coordinator Gervais provided a brief background on the request for a Conditional Use Permit (CUP) for Rural Retail Tourism in order to operate a pottery showroom and host related events on 26± acres in the Agricultural (AG) District. The property is located at 2785 Stark Road, Fish Lake Township, S26, T36, R22 (PID# 03.00379.10).

The request for CUP was initiated by Krousey who is purchasing the property on Contract for Deed from Briscoe & Everett. Krousey resides and operates a pottery studio on the property and participates in the annual St. Croix Valley Pottery Tour. Briscoe & Everett had submitted a building permit application earlier this year with the intent of expanding the pottery showroom, only to learn that the zoning district the property was located in at the time (RRI District) did not allow for this particular business activity (Rural Retail Tourism). The applicants subsequently applied for and were granted a Rezoning from RRI District to AG District by the Board of Commissioners on October 19, 2022. Being that the property is now zoned AG District, the property is eligible for a CUP for Rural Retail Tourism.

The existing pottery studio is attached to the dwelling and the applicant intends to utilize a 150 sf room within the detached garage as a showroom to display work for sale. Additionally, the applicant intends to construct an addition onto the detached garage which would be used primarily for storage but also as space for sales (i.e., display and / or sales counter). The addition is described as an 18' x 37' (666 sf) enclosure located on the north side of the detached garage and situated 20' from the east property boundary (side yard).

In addition to operating a pottery studio, Krousey is seeking approval to host two annual pottery events open to the public and have the showroom and studio open to the public year-round by appointment only. The two annual events include the St. Croix Valley Pottery Tour and a private Fall Sale. Event details are as follows:

- St. Croix Valley Pottery Tour
    - Friday through Sunday of Mother's Day Weekend
    - Friday and Saturday, 10:00 am – 6:00 pm; and, Sunday 10:00 am – 5:00 pm
    - Twelve volunteers assisting with traffic and other general operations
    - Several guest potters participate in addition to Krousey
    - Tents and three portable toilets rented for event, including one ADA accessible toilet
- Fall Sale
    - Set-up is similar to the annual St. Croix Valley Pottery Tour but on a smaller scale
    - Friday through Sunday in early October
    - Friday 12:00 pm – 6:00 pm; Saturday 10:00 am – 5:00 pm; and, Sunday 10:00 am – 4:00 pm
    - Six volunteers assisting with traffic and other general operations
    - Three to four guest potters participate in addition to Krousey
    - Tents and portable toilets rented for event, including one ADA accessible toilet

In regard to parking and traffic concerns, the written narrative provides the following:

- There are 20' wide strips mowed on either side of the driveway, accommodating approximately 60 vehicles, and a large mowed area which accommodates an additional approximate 65 vehicles.
- There is a field in the vicinity of the solar array which accommodates approximately 40 vehicles. This area has not been needed to accommodate customer parking in the past; rather, it's been used by volunteers and guest potters.
- The applicant is reporting that the site accommodates a total of 165 vehicles at any given time.

- During the annual St. Croix Valley Pottery Tour, Krousey enlists four volunteers to manage parking. These volunteers utilize walkie talkies to communicate and they wear orange construction vests and orange baseball caps for safety as well as to identify them as parking staff.

Gervais commented that it is very likely that the property immediately north, as well as all surrounding properties, notice an increase in traffic during the two annual events but there are no records of any traffic related complaints – or any other type of complaint – on file with the Department of Environmental Services.

The Technical Review Committee met on November 9, 2022. The County Engineer provided the following comments which have been incorporated into staff's recommended conditions of approval:

- The Chisago County Highway Department will need more information on the parking area, specifically location / setback from Stark Road / CSAH 10.
- The County Engineer added that Stark Road / CSAH 10 is scheduled for reconstruction within the next couple of years, so the Department will work with the applicant on interim improvements.

The committee did not identify any other concerns related to the CUP. Gervais noted that the applicant has already provided the needed information to the County Engineer and satisfied concerns. The Fish Lake Town Board reviewed the proposed CUP at its November 14, 2022 meeting and recommended approval of the CUP with no conditions or comments.

Applicant M. Krousey was present and available to address questions and concerns. Chair Yeager asked the applicant and Planning Commission members for additional questions and comments. M. Krousey provided detail about volunteers utilized during annual events for parking and explained the difference in event size / revenue between the pottery tour and fall sale events. Krousey commented that he would only need two staff for parking for the fall sale event and would prefer not to pull volunteers from other job tasks just to comply with proposed condition #5. Discussion followed on the proposed parking area near the existing solar array and maintaining a path for foot traffic and use of golf carts to shuttle customers from parking areas to the Rural Retail Tourism activity. Dave Whitney identified that sanitary facilities were not specifically listed as a recommended condition of approval. Brief discussion followed on use of porta potties for the public and dwelling facilities available for use by volunteers and guest artists. Krousey indicated that proposed upgrades to the detached garage will include a private toilet on a holding tank for volunteers and guest artists. Frank Storm sought clarification on whether this request was for an Amendment or an after the fact permit; Gervais stated that this was an after the fact permit.

Chair Yeager opened the public hearing and sought comment. With no persons wishing to speak, ***motion*** by Frank Storm to close the public hearing; second by John Sutcliffe. **Motion passed** 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None. Chair Yeager asked Planning Commission members for additional comments. Dave Whitney recommended additional language addressing sanitary facilities; the Commission discussed adding such language to proposed condition #11.

Motion by Dave Whitney; second by Frank Storm to adopt Resolution No. PC2022-1203, a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of a Conditional Use Permit allowing Rural Retail Tourism on property identified as PID# 03.00379.10 in Fish Lake Township, with findings of fact as presented and conditions as amended:

Conditions:

1. This Conditional Use Permit for Rural Retail Tourism allows for the operation of a pottery showroom and hosting of related events in accordance with the application materials dated received October 26, 2022 and

kept on file with the Department of Environmental Services and in accordance with the conditions contained herein. Any significant deviation, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.

2. This Conditional Use Permit shall allow use of the property for Rural Retail Tourism purposes subject to the following hours of operation:
    - St. Croix Valley Pottery Tour (maximum of one weekend per year)
        - Friday through Sunday of Mother's Day Weekend
        - Friday and Saturday, 10:00 am – 6:00 pm; and, Sunday 10:00 am – 5:00 pm
    - Fall Sale (maximum of one weekend per year)
        - Friday through Sunday in early October
        - Friday 12:00 pm – 6:00 pm; Saturday 10:00 am – 5:00 pm; and, Sunday 10:00 am – 4:00 pm
    - Studio and showroom open to the public year-round by appointment only.
3. Noise generated from the Rural Retail Tourism use, including the playing of music, shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No undue or objectionable noise resulting from said uses, including the playing of music, shall be transmitted beyond the subject site's property boundaries. Further, there shall be no outdoor amplified music at any time.
4. The permit holder shall accommodate all parking on-site and shall provide a minimum of 165 parking stalls as described in the application materials. No resident, volunteer or customer parking shall be allowed on Stark Road / CSAH 10. Further, the permit holder shall provide on-site walking paths from all parking areas to the Rural Retail Tourism activity, so as to deter customers from walking on Stark Road / CSAH 10.
5. The permit holder shall provide at least four volunteers dedicated to assisting with parking and traffic flow during each of the two annual events.
6. The permit holder shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
7. All food preparation and/or sales shall comply with applicable Minnesota Department of Health regulations.
8. All liquor service shall comply with applicable Minnesota Department of Public Safety regulations, and Chisago County liquor licensing requirements.
9. Signage shall be permitted and installed in accordance with Chisago County Zoning Ordinance Section 4.14 Signs.
10. Per Chisago County Zoning Ordinance Section 4.15 Rural Retail Tourism Businesses, F. Code Compliance, any existing structure or septic system which is subjected to a change in occupancy or GPD loading as a result of the approved Rural Retail Tourism use shall be retrofitted or upgraded to conform to current code requirements. All existing structures proposed for use in association with the approved Rural Retail Tourism use shall be certified by an architect or engineer to be in compliance with current structural standards for the new occupancy prior to any commercial use of the structure.
11. The property and uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes. Further, the permit holder shall provide adequate sanitary facilities.
12. Prior to the May 2023 annual event, the permit holder shall coordinate with the Chisago County Highway Department as follows:

- The permit holder shall provide the Chisago County Highway Department with detailed information about the parking areas, specifically location / setback from Stark Road / CSAH 10. The applicant shall provide as much detail as is deemed satisfactory by the County Engineer.
- The permit holder shall work with the Chisago County Highway Department on the Stark Road / CSAH 10 access, with the understanding that the existing access may need upgrading. Any necessary upgrades shall be completed in accordance with specifications and timeline established by the Highway Department.

13. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Conditional Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. 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.
14. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

Motion passed 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None.

Public Hearings – Continued Hearings - None

Old Business – None

New Business

2023 Meeting Schedule – Coordinator Gervais reported that staff has prepared a draft 2023 meeting schedule with regular meetings held on the first Thursday of the month, tours on the Tuesday prior to regular meeting, and work sessions on the third Thursday of the month. Gervais added that the draft schedule also includes application deadline dates. The only known conflict is the July 4th tour, and staff recommended the tour be scheduled for Wednesday, July 5th. ***Motion*** by Dave Whitney; second by Jolene Wille to adopt the 2023 Planning Commission Meeting Schedule as presented. **Motion passed 5-0.** Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None.

Coordinator Gervais indicated that the December 2022 Work Session date had been rescheduled and requested a formal motion to that effect. John Sutcliffe inquired why the previous work session was held despite the lack of sufficient time to review the draft ordinance. Coordinator Gervais stated that meeting materials were provided one week in advance, as requested by the Commission; however, staff was not aware at the time of disbursement that the consultant had not provided the most current version of the ordinance draft. Chair Yeager commented that it was still a productive work session for discussion on certain topics, adding that it would have been better with a current draft for review / comments. ***Motion*** by John Sutcliffe; second by Jolene Wille to reschedule the Thursday, December 15, 2022 work session to Monday, December 19, 2022. **Motion passed** 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None.

Communications and Reports

County Board Liaison Report / Update – County Commissioner DuBose reported that the County Board had approved all items as recommended from the Planning Commission. DuBose added that the County Board has been focused on budget meetings and final budget numbers, with major purchases and expenditures reviewed from Capital Improvement Project (CIP) and American Rescue Plan Act (ARPA) budgets. Hometown Fiber provided a presentation on countywide broadband and the project was estimated at $65 million. DuBose

explained that discussion was held on various implementation and funding options: township by township; city by city; and, bonding. The county had estimated a much smaller cost for the broadband project. Continued discussion will take place with townships and cities to gauge interest, participation, and additional funding options. DuBose noted that it is a complicated project and the county will not be able to fund county-wide broadband, but the County Board hopes to help in some areas of the county.

Miscellaneous

Adjourn Meeting – ***Motion*** by Frank Storm to adjourn the meeting; second by John Sutcliffe. **Motion passed** 5-0. Ayes: Storm, Wille, Sutcliffe, Whitney, and Chair Yeager. Nays: None. The meeting was adjourned at 8:21 p.m.

Chisago County Request For Board Action

Meeting Date: January 18, 2023	***Item Number:*** 11
Title of Item for Consideration: Brad Canaday "Keystone Pines" Preliminary Plat	
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 Donna Bergin, property owners, and Brad Canaday, applicant, are requesting Preliminary Plat approval of Keystone Pines. The subject 20±-acre property is proposed to be divided into three parcels with an existing home to remain on proposed Lot 2. The property is located at 42120 Keystone Avenue / CR 67 in Sunrise Township, (PID #00.00644.00).

At their meeting of January 5, 2023, the Planning Commission conducted the requisite public hearing and review of the proposed Keystone Pines Preliminary Plat and recommended unanimous (6-0) approval with conditions, per Resolution No. PC2023-0101. A resolution of the Board of Commissioners consistent with that of the Commission's recommendation is presented for Board consideration.

Pursuant to Minnesota Statute, the 120-day agency action deadline is, March 23, 2023. Among the options for the County Board at tonight's meeting are the following:

- Approve the Preliminary Plat, as recommended and with the Findings and Conditions prepared by the Planning Commission and carried forward in Resolution form by County ESD staff;
- Consider and Approve the Preliminary Plat, 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 approval);
- The County Board may Deny the Preliminary Plat 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 120-day period.

Attachments:

- Draft Resolution of Approval
- 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 Keystone Pines Preliminary Plat:

"Move to Approve Resolution No. 23/0118-____ , a Resolution of the County Board of Commissioners of Chisago County, Minnesota, approving the Preliminary Plat of Keystone Pines located at 42120 Keystone Avenue / CR 67 in Sunrise Township, (PID #00.00644.00)

Implications of Action – Recommended Board action grants approval of the Keystone Pines Preliminary Plat as presented. Once prepared and reviewed, final plat approval will be requested of the Board.

Budget/Financial Implications: None. ***Legal/Policy Implications***: The proposed activities are in general conformity with applicable state statutes and County authority and policies.

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

Commissioner _____ offered the following resolution and moved its adoption:

RESOLUTION NO. 23/0118-___
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY, MINNESOTA, APPROVING THE PRELIMINARY PLAT OF KEYSTONE PINES AS REQUESTED BY GLEN & DONNA BERGIN AND BRAD CANADAY

WHEREAS, Glen Bergin and Donna Bergin, property owners, and Brad Canaday, applicant, submitted an application dated received November 15, 2022 and considered complete on November 23, 2022 for the Preliminary Plat of Keystone Pines; and

WHEREAS, the property owners desire to create three parcels from the 20±-acre subject site; and

WHEREAS, the subject site is located at 42120 Keystone Avenue / CR 67 in Sunrise Township and is zoned Agricultural (AG) District; and

WHEREAS, the subject site is legally described as:

PID 09.00644.00
The East half of the Southeast Quarter of the Southeast Quarter (E ½ of SE ¼ of SE ¼) of Section Thirty-six (36), Township Thirty-six (36), Range Twenty-one (21), Chisago County, Minnesota.

WHEREAS, notice was provided and on January 5, 2023 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 Keystone Pines with conditions per Resolution No. PC2023-0101; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its January 18, 2023 meeting and determined the Preliminary Plat of Keystone Pines 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 Keystone Pines, subject to the following conditions:

1. The Preliminary Plat of Keystone Pines is approved per plat drawing dated signed November 15, 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. Proposed Lots 1 and 2 shall have a shared driveway / access unless the Chisago County Highway Department grants a Variance to the Access Management Ordinance allowing separate driveways / accesses from Keystone Avenue / CR 67.
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.

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

IN FAVOR THEREOF:
OPPOSED:
ABSENT:

Whereupon the proclamation was declared duly passed and adopted.

Approved: January 18, 2023

_____ _____
Ben Montzka
Chair, Board of Commissioners

ATTEST: _____ _____
Christina Vollrath
Clerk of the Board

Preliminary Plat of Keystone Pines

Glen & Donna Bergin, Property Owners
Brad Canaday, Applicant
42120 Keystone Avenue / CR 67
Sunrise Township
PID 09.00644.00

1

Site Analysis

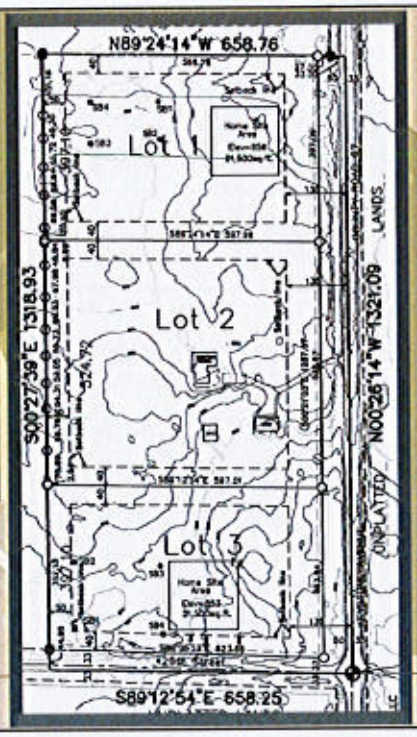
- Zoning – Agricultural (AG) District
- Parcel Size – 20 Acres
- Location – 42120 Keystone Avenue / CR 67



2

Preliminary Plat Layout

AG District Minimum Requirements	Lot Size 5 acres	Lot Width* 300 feet	Lot Depth** 300 feet	Home Site Area 21,500 square feet
Lot 1	6.004 acres	397.09'	598' + R-O-W	21,500 sf
Lot 2	7.954 acres	526.67'	597' + R-O-W	Developed
Lot 3	6.000 acres	363.84'	516' + R-O-W	21,500 sf



3

Review Process

Technical Review Committee

- December 14, 2022
- County Engineer commented that the northern two lots will be required to have a shared driveway unless the applicant applies for and is granted a Variance from the Chisago County Highway Department / Access Management Ordinance, and the southern parcel will be required to access 420th Street.

Sunrise Town Board

- December 15, 2022
- Recommendation of approval with no conditions

120-Day Review Period

- Expires on March 23, 2023

4

Staff Recommendation

Staff believes that the proposed Preliminary Plat complies with and is consistent with the intent of the County's Zoning and Subdivision Ordinances. Barring any new or unknown evidence of compliance discovered after the completion of the staff report or during the course of the public hearing, staff recommends approval of the Preliminary Plat of Keystone Pines with conditions.

Recommended Condition(s):

1. The Preliminary Plat of Keystone Pines is approved per plat drawing dated signed November 15, 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. Proposed Lots 1 and 2 shall have a shared driveway / access unless the Chisago County Highway Department grants a Variance to the Access Management Ordinance allowing separate driveways / accesses from Keystone Avenue / CR 67.
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

Options & Action Requested

OPTIONS

1. Recommend that the County Board approve the Preliminary Plat of Keystone Pines with conditions presented or amended.

2. Should the Planning Commission determine that the proposed Preliminary Plat does not comply with and/or is not consistent with the intent of County's Zoning and Subdivision Ordinances upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board deny the Preliminary Plat of Keystone Pines based on factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*

3. Table the request to allow for submission of additional supporting documentation and/or further review and consideration. The 120-day review period expires on March 23, 2023.

ACTION REQUESTED

Motion to adopt Resolution No. PC2023-0101, a resolution recommending approval of the Preliminary Plat of Keystone Pines, with conditions as presented or amended.

6

Staff Report

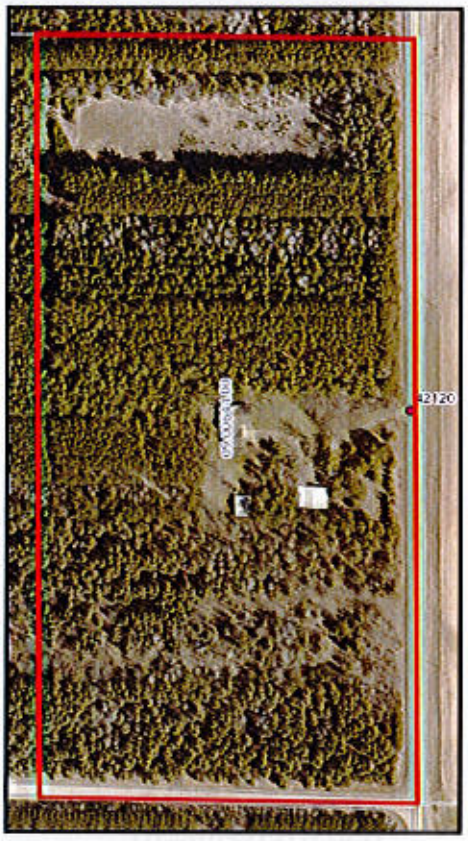
TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Preliminary Plat of Keystone Pines
42120 Keystone Avenue / CR 67, Sunrise Township
DATE: January 5, 2023

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider the Preliminary Plat of Keystone Pines, involving the creation of three lots from a 20-acre tract of land.

SITE & APPLICATION INFORMATION

Property Owner(s):	Glen & Donna Bergin
Applicant(s):	Brad Canaday
General Location:	42120 Keystone Avenue / CR 67 Sunrise Township Section 36, Township 36, Range 21
PID:	09.00644.00
Property Area:	20± Acres
Current Zoning:	Agricultural (AG) District
Adjacent Zoning:	
North:	Agricultural (AG) District
South:	Agricultural (AG) District
East:	Agricultural (AG) District
West:	Agricultural (AG) District
Date Application Received:	November 15, 2022
Date Application Complete:	November 23, 2022
120-Day Review Period:	March 23, 2023



BACKGROUND

Applicant Brad Canaday, representing property owners Glen & Donna Bergin, is seeking approval of the Preliminary Plat of Keystone Pines. The property owners wish to create three parcels from the 20-acre tract of land located at the intersection of Keystone Avenue / CR 67 and 420th Street in Sunrise Township.

SITE & PROPOSAL ANALYSIS

The Bergin property is currently developed with a dwelling and two detached accessory structures, and the balance of the property is heavily forested. The existing structures are shown to be located on proposed Lot 2, Keystone Pines (7.9± acres). The subject site and all surrounding properties are zoned Agricultural (AG) District. The subject site is fairly level with elevations ranging from 845' near Keystone Avenue / CR 67 to 856' near the center of the site, with no wetlands or other known unique

topographical features. Surrounding properties range in size from 10 acres to 160 acres and appear to be used for residential and agricultural purposes.

The stated purpose of the AG District is to provide areas to be utilized for agriculture and agriculture related uses and low density residential areas. Below is a table which identifies minimum requirements for the AG District with corresponding information for the proposed parcels. As proposed, all new parcels comply with the County's dimensional requirements.

AG District Minimum Requirements	Lot Size 5 acres	Lot Width* 300 feet	Lot Depth** 300 feet	Home Site Area 21,500 square feet
Lot 1	6.004 acres	397.09'	598' + R-O-W	21,500 sf
Lot 2	7.954 acres	526.67'	597' + R-O-W	Developed
Lot 3	6.000 acres	363.84'	516' + R-O-W	21,500 sf

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

*** Lot depth, by definition, is the average distance measured from the front lot line to the rear lot line. Subdivision Ordinance Section 4.03 Lot Requirements states that "the depth of a lot shall not be greater than five times the width."*

REVIEW PROCESS

The Technical Review Committee met with property owner Glen Bergin and applicant / surveyor Brad Canaday on December 14, 2022. County Engineer Joe Triplett had provided comments regarding accesses for each of the proposed lots, explaining that, per the County's Access Management Ordinance, the northern two lots (Lots 1 and 2) would only be allowed one access (requiring a shared driveway) unless the applicant applied for and was granted a Variance by the Chisago County Highway Department. The third proposed lot (Lot 3) will be required to gain access from 420th Street (township road). Bergin expressed concern with the possibility of proposed Lots 1 and 2 being required to have a shared driveway; however, the applicant shared that he had already submitted a Variance request to the Highway Department and was awaiting a determination. The committee did not identify any other concerns with the proposed plat.

The wetland delineation and soils report / soil borings have been reviewed and verified by County staff.

The Sunrise Town Board reviewed the proposed Preliminary Plat at its December 15, 2022 meeting and recommended approval with no conditions.

Preliminary Plats, per Minnesota Statute, are subject to a 120-day review period rather than the more typical 60-day review period applied to land use requests. The 120-day review period for this application expires on March 23, 2023.

WRITTEN TESTIMONY

No written testimony was submitted to the County as of the completion of this report.

STAFF RECOMMENDATION

Staff believes that the proposed Preliminary Plat complies with and is consistent with the intent of the County's Zoning and Subdivision Ordinances. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, staff

recommends approval of the Preliminary Plat of Keystone Pines with conditions (see below) and has prepared a resolution for the Commission's consideration.

Recommended Condition(s):

1. The Preliminary Plat of Keystone Pines is approved per plat drawing dated signed November 15, 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. Proposed Lots 1 and 2 shall have a shared driveway / access unless the Chisago County Highway Department grants a Variance to the Access Management Ordinance allowing separate driveways / accesses from Keystone Avenue / CR 67.
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.

OPTIONS

1. Recommend that the County Board **approve** the Preliminary Plat of Keystone Pines with conditions presented or amended.

2. Should the Planning Commission determine that the proposed Preliminary Plat does not comply with and/or is not consistent with the intent of County's Zoning and Subdivision Ordinances upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Preliminary Plat of Keystone Pines based on factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*

3. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. The 120-day review period expires on March 23, 2023.

ACTION REQUESTED

Motion to adopt Resolution No. PC2023-0101, a resolution recommending approval of the Preliminary Plat of Keystone Pines, with conditions as presented or amended.

ATTACHMENTS

1. Application materials
    a. Application
    b. Preliminary Plat drawing
2. Aerial location map (1) – subject site
3. Aerial location map (2) – vicinity map
4. Draft Resolution No. PC2023-0101

CC: Brad Canaday, applicant
County file

Recording Fee

Permit # 22-2380

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

w/no bonds Base Fee 650.00

Wetland or Septic Fees $200

Plat Compliance Fee 1150

TOTAL FEE $1850.00

Street Location 42120 Keystone Ave. Tax Parcel # 0900644000

Legal Description E 1/4 SE 1/4 SE 1/4 Sec 36-36-21 E-Mail Address:

Owner: Glen & Donna Bergin Day Phone ( ) S36, T36, R21

Address 42120 Keystone Ave, Harris, MN 55032

Applicant (if other than owner) Brad Canaday Day Phone [redacted]

Address 6976 266th St Cir N, Oakdale, MN 55128 [redacted]

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: Creation of 3 parcels from a 20 acre tract.

If Variance Application, Brief Description of Practical Difficulty

10/31/22

Glen A. Bergin 10-30-22

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.

11-15-22
Date Received

11-23-22
Date Complete

3-23-23
60 (120) Day Review Period

Date of Public Hearing: JAN 5, 2023

Questions? Contact Beth Gervais, Land Services Coordinator at 651-213-8379 or beth.gervais@chisagocountymn.gov

TOWNSHIP PRESENTATION FORM

Street Location 42120 Keystone Ave,

Legal Description E1/2 SE1/4 SE1/4 Sec36-36-21

Owner Name Glen + Donna Bergin **Day Phone:** ( )

Address: 42120 Keystone Ave,

Applicant: Brad Canaday **Day Phone:** [redacted]
(if other than owner)

Address: 6976 260th St St N, Oakdale, MN 55128 [redacted]

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: Creation of 3 parcels from a 20 acre parcel.

Date of County Public Hearing: JAN 5, 2023

Date of Township Presentation: DEC 15, 2022

TOWNSHIP ACTION TAKEN

Approved ☒ **Denied** ☐

Reasons and Conditions: No additional conditions

Signature of Township Officers:

Chad Peterson
Mark Lee
Eric Jensen
Dan Bruno
Debra Jones

Signature of Applicant

10/31/22
Date

KEYSTONE PINES
PRELIMINARY PLAT

Prepared for and at the request of:
Owner: Glen & Donna Bergin
42120 Keystone Avenue
Harris, Minnesota 55032

Bank: Neighborhood National Bank
5451 St. Croix Trail
North Branch, Minnesota 55056

LEGAL DESCRIPTION

THE EAST 1/2 OF THE SE1/4 OF THE SE1/4 OF SECTION 36, TOWNSHIP 36 NORTH, RANGE 21 WEST, TOWN OF SUNRISE, CHISAGO COUNTY, MINNESOTA

ZONING
AG – Agricultural

N

Bearings referenced to the Chisago County Coordinate System, NAD83

SCALE IN FEET
1 INCH = 200 FEET
0 200 400
Drafted by: Brad Canaday

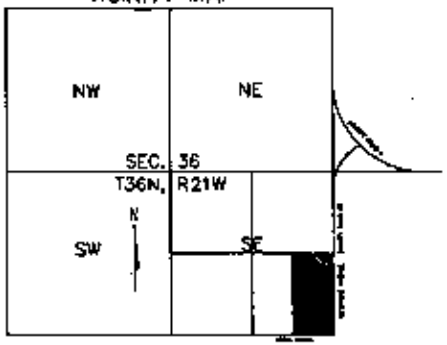
LEGEND

- 1" iron pipe found capped RLS13115
- Chisago County PLSS corner found
- Iron pipe found capped RLS44490
- 5/8"x14" steel rebar set and capped RLS17496
- Approximate location of soil borings based on soil test report

PROPOSED
Drainage and utility easements shown thus:

Being 10 feet in width and adjoining street lines, unless otherwise shown on the plat

VICINITY MAP



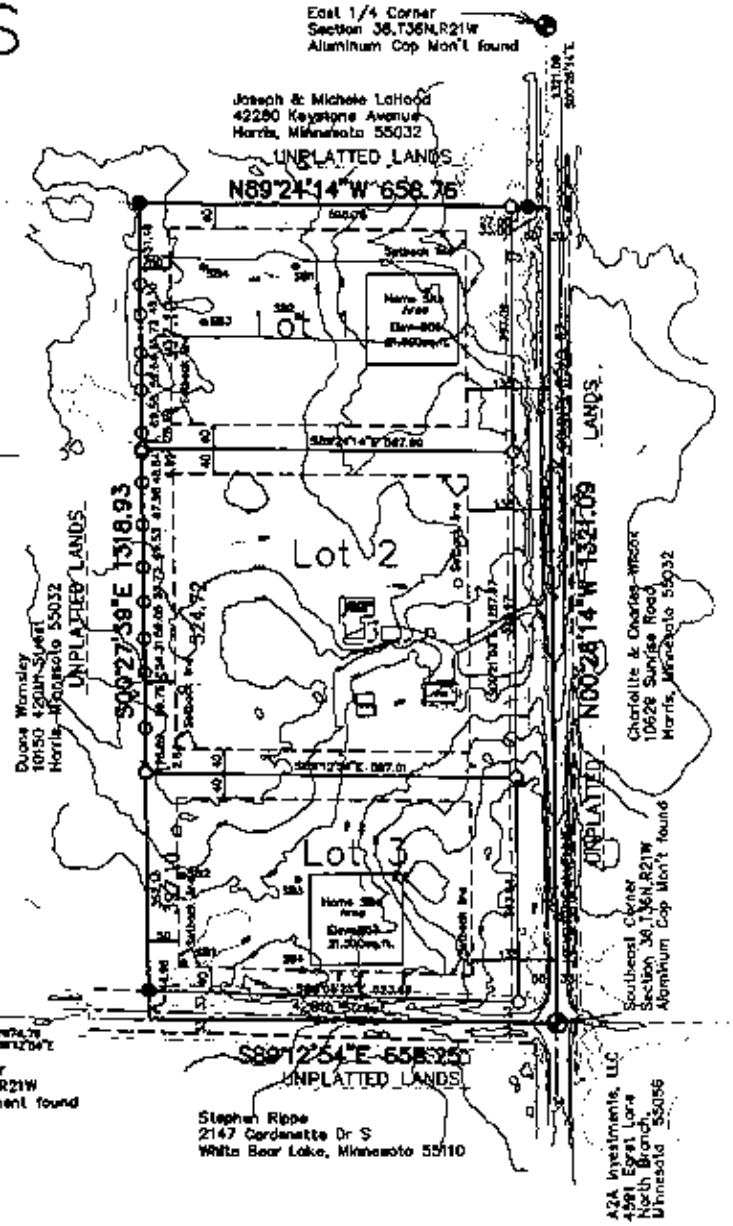
LOT AREAS

TOTAL PLAT AREA
19.956 Acres incl road r/w
869,374 sq. ft.

LOT 1
6.004 Acres
257537 sq. ft.

LOT 2
7.954 Acres
314044 sq.ft.

LOT 3
6.000 Acres
213543 sq.ft.



I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Bradley J. Canaday

Date

License No. 17976

Prepared by:
BRADLEY CANADAY SURVEYING
6976 26th St Ct N,
Oakdale, MN 55128
Ph No. 651-332-6890

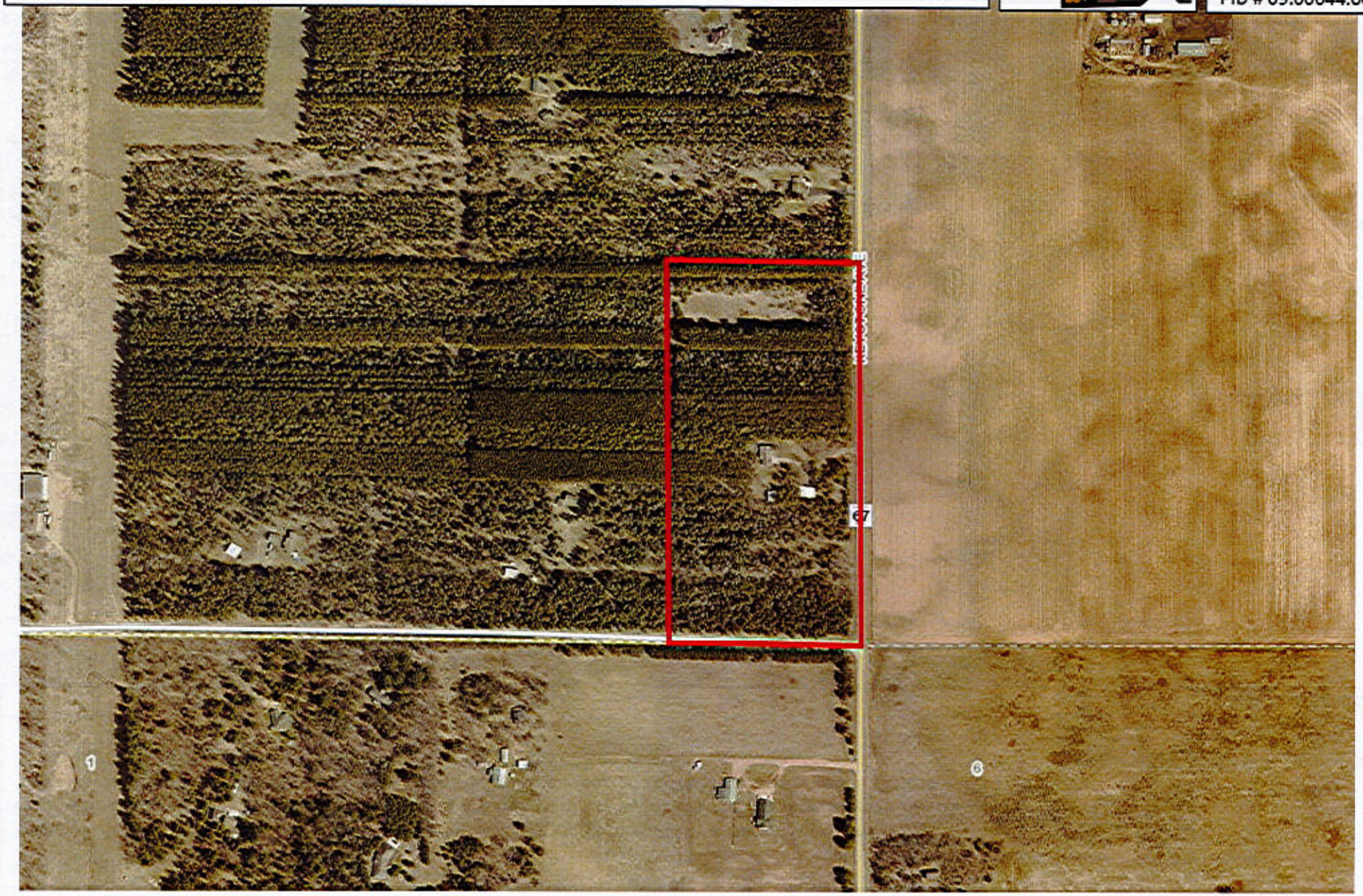
Job No. 22-17

Glen & Donna Bergin - Aerial Photo

Glen and Donna Bergin – Property owners Glen and Donna Bergin, represented by applicant Brad Canaday, is requesting approval of the Preliminary Plat of Keystone Pines, involving the creation of three lots from an 20-acre tract. The property is zoned Agricultural (AG) District and generally located at 42120 Keystone Avenue, Sunrise Township, S36, T36, R21 (PID# 09.00644.00).

Bergin Property -

Sunrise Township
S36, T36, R21
PID # 09.00644.00



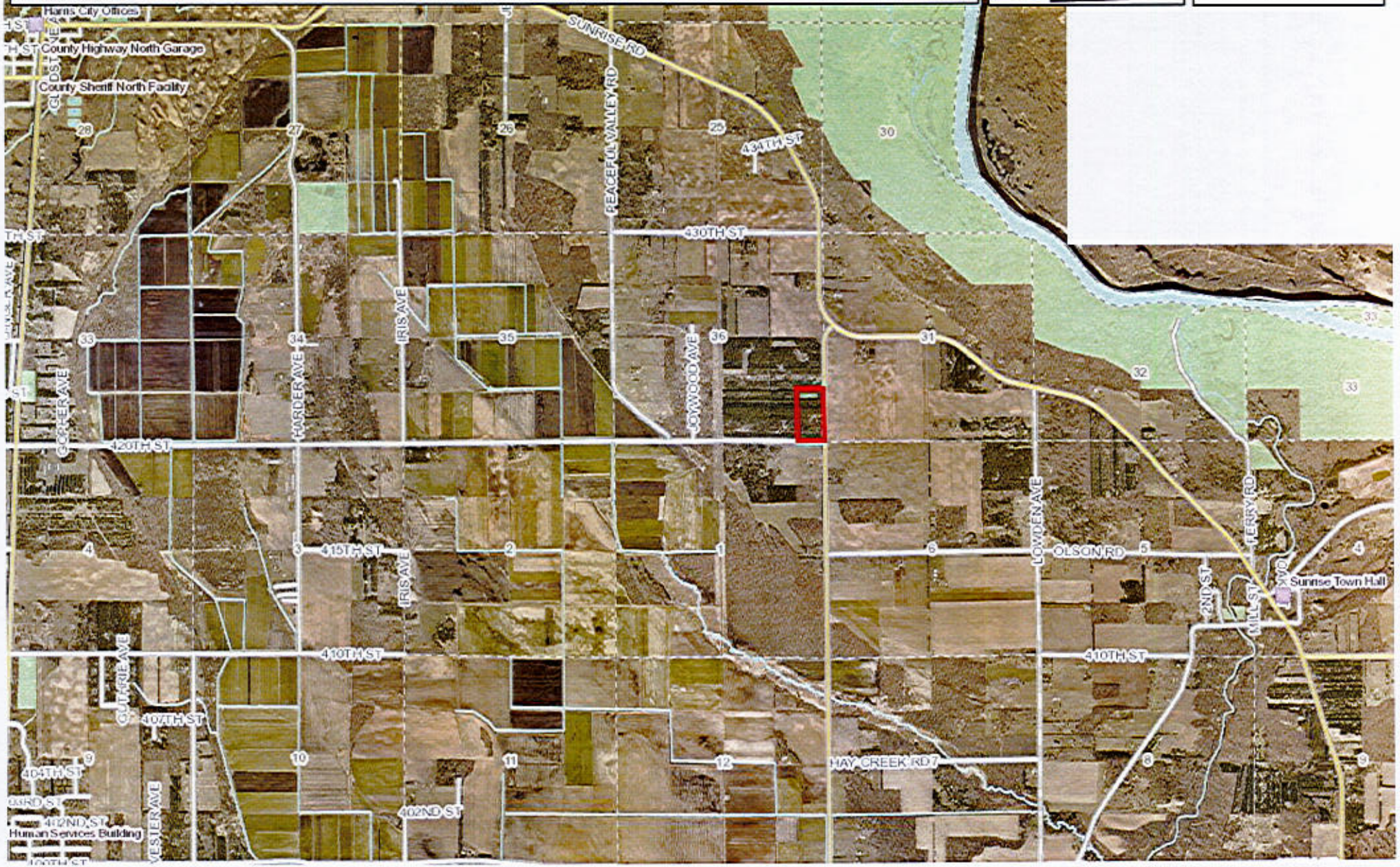
Glen & Donna Bergin - Aerial Photo

Glen and Donna Bergin – Property owners Glen and Donna Bergin, represented by applicant Brad Canaday, is requesting approval of the Preliminary Plat of Keystone Pines, involving the creation of three lots from an 20-acre tract. The property is zoned Agricultural (AG) District and generally located at 42120 Keystone Avenue, Sunrise Township, S36, T36, R21 (PID# 09.00644.00).

Bergin Property -

Chisago County

Sunrise Township
S36, T36, R21
PID # 09.00644.00



RESOLUTION NO. PC2023-0101

A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, RECOMMENDING APPROVAL OF THE PRELIMINARY PLAT OF KEYSTONE PINES

WHEREAS, Glen Bergin and Donna Bergin, property owners, and Brad Canaday, applicant, submitted an application dated received November 15, 2022 and considered complete on November 23, 2022 for the Preliminary Plat of Keystone Pines; and

WHEREAS, the property owners desire to create three parcels from the 20±-acre subject site; and

WHEREAS, the subject site is located at 42120 Keystone Avenue / CR 67 in Sunrise Township and is zoned Agricultural (AG) District; and

WHEREAS, the subject site is legally described as:

PID 09.00644.00

The East half of the Southeast Quarter of the Southeast Quarter (E ½ of SE ¼ of SE ¼) of Section Thirty-six (36), Township Thirty-six (36), Range Twenty-one (21), Chisago County, Minnesota.

WHEREAS, notice was provided and on January 5, 2023 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 finds that the Preliminary Plat of Keystone Pines is consistent with the intent of the County's Zoning and Subdivision Ordinances.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, that the request for Preliminary Plat is hereby recommended for approval, subject to the following conditions:

1. The Preliminary Plat of Keystone Pines is approved per plat drawing dated signed November 15, 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. Proposed Lots 1 and 2 shall have a shared driveway / access unless the Chisago County Highway Department grants a Variance to the Access Management Ordinance allowing separate driveways / accesses from Keystone Avenue / CR 67.
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.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 5th day of January, 2023.

Voting for the resolution: .....
Voting against the resolution:.....
Abstained from voting: .....
Absent:.....

_____

Chair

ATTEST: _____

Beth Gervais
Land Services Coordinator

Chisago County Request For Board Action

Meeting Date: January 18, 2023	***Item Number:*** 12
Title of Item for Consideration: Stig A. Larson Family Limited Partnership / Jeanne Larson Conditional Use Permit Amendment – Rural Retail Tourism	
Action Requested by: Kurt Schneider, Director	***Department:*** Environmental Services and Zoning on behalf of the Chisago County Planning Commission.

Previous Action on this Matter: The original Conditional Use Permit (CUP) for the subject property was granted by the Chisago County Board of Commissioners on July 16, 2014, when the subject parcel was 200+ acres in size, and filed by the Chisago County Recorder's Office as Document #A-572155. As issued, the CUP allows for a Rural Retail Tourism gathering venue subject to eight (8) conditions.

Background: Jeanne Larson, President and CEO of Stig A. Larson Corporation, has applied for a Conditional Use Permit (CUP) Amendment on behalf of property owner Stig A. Larson Family Limited Partnership to modify the legal description for which the original 2014 issued CUP was granted. When the CUP was originally approved, the property was 200+ acres in size and included four separate parcels. Following subdivision in August 2020, the property is now 133.18± acres in size. The subject property is located at 15326 318th Street, Chisago Lake Township, Parcels 02.00725.00 and 02.00715.00.

At their meeting of January 5, 2023, the Planning Commission conducted the requisite public hearing and unanimously (6-0) adopted Resolution PC2023-0102 recommending approval of the request. A resolution of the Board of Commissioners consistent with that of the Commission's recommendation is presented for Board consideration.

Pursuant to Minnesota Statute, the 60-day agency action deadline is January 22, 2023. Among the options for the County Board at tonight's meeting are the following:

- Approve the CUP amendment, as recommended and with the Findings and Conditions prepared by the Planning Commission and carried forward by County ESD staff in Resolution form.
- Consider and Approve the CUP amendment, generally as recommended by the Planning Commission and County ESD staff, but with modified Conditions *specific to the amendment requested* as determined and approved by the County Board at tonight's meeting (to be codified as part of the formal CUP 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).

Attachments:

- Draft Resolution of Approval
- 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 Stig A. Larson Family Limited Partnership / Jeanne Larson Conditional Use Permit Amendment request. The following is the suggested language for the motion:

"Move to Approve Resolution No. 23/0118____ , a Resolution of the County Board of Commissioners of Chisago County, Minnesota, Approving the Stig A. Larson Family Limited Partnership / Jeanne Larson Rural Retail Tourism Art Studio Conditional Use Permit Amendment to allow the application of the CUP to the reduced size 133.8± acre property at 15326 318th Street, Chisago Lake Township, Parcels 02.00725.00 and 02.00715.00"

Implications of Action – Recommended Board action grants the requested Conditional Use Permit Amendment request with 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 _____

Commissioner _____ ____ offered the following resolution and moved its adoption:

RESOLUTION NO. 23/0118-_____

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY, MINNESOTA, APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT ALLOWING RURAL RETAIL TOURISM ON PROPERTY LOCATED AT 15326 318TH STREET IN CHISAGO LAKE TOWNSHIP

WHEREAS, Stig A. Larson Family Limited Partnership, property owner, and Jeanne Larson, applicant, submitted an application dated received November 17, 2022 and considered complete on November 23, 2022 for an Amendment to a Conditional Use Permit allowing Rural Retail Tourism on property located at 15326 318th Street in Chisago Lake Township; and

WHEREAS, the original Conditional Use Permit was granted by the Chisago County Board of Commissioners on July 16, 2014 and the approval was filed by the Chisago County Recorder's Office as Document #A-572155; and

WHEREAS, the property owner and applicant wish to Amend the Conditional Use Permit in order to modify the legal description on which the approval was granted following subdivision in 2020; and

WHEREAS, the legal description below describes the subject site following subdivision in 2020; and

WHEREAS, the subject site is located in the Agricultural (AG) District / Shoreland Management District; and

WHEREAS, the subject site is legally described as:

PIDs 02.00725.00 and 02.00715.00
Government Lots 2 and 3 and the Southeast Quarter of the Northwest Quarter of
Section 25, Township 34, Range 20
AND
Government Lot 4 of
Section 24, Township 34, Range 20,
all in Chisago County, Minnesota

WHEREAS, notice was provided and on January 5, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant, and invited members of the public to comment; and

WHEREAS, the Planning Commission recommended approval of the Conditional Use Permit Amendment with Findings of Fact and conditions per Resolution No. PC2023-0102; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its January 18, 2023 meeting and made the following findings per Zoning Ordinance Section 8.04 C:

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

Finding #1 *The Chisago County Comprehensive Development Plan outlines a number of goals and policies which are meant to support and encourage the type of activity which will draw*

visitors to Chisago County, including different types of outdoor recreation. Among those identified goals and policies are the following:

Natural Resources Goal Section 2-12: Prime scenic views and historic landscapes will be recognized as an important local amenity and an increasingly desirable local amenity drawing outside revenue from visitors that is vital to the local economy.
Policies:

1. *Identify and protect quality of visitor experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings, and prime areas for flora study and wildlife viewing, and public and private open spaces amenable to low impact outdoors recreation.*

Economic Development Goal Section 7-8: Provide for a range of economic diversity and development opportunities in the County.

Policies:

1. *Promote natural amenities in the County as assets to economic development and business opportunity.*
2. *Promote tourism as an expanding opportunity for employment and tax base.*

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

Finding #2 — *The subject property is in and of itself a destination, drawing visitors to the site for a specific event. The use will not generate any demand upon existing parks or other public facilities or amenities. There will be some impact to the local road serving as access to the property, but any such impact is not expected to be excessive or unreasonable. If the venue is highly successful, and the impact to the Township Road is determined to be more than expected, a private agreement should be negotiated between the applicant and Chisago Lake Township, for an equitable cost-share to offset the impact (i.e. dust control, wear and tear to the road).*

Factors #3 and #4 — The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Findings #3 and #4 — *The use is essentially compatible with the neighborhood, in that there will be no additional structures built and no change in the appearance of the property or the rural character of the neighborhood. The venue will be separated by both distance and screening from nearby properties, and the occasional nature of the gatherings at the property will not rise to the level of a constant, irritating presence in the neighborhood. Though the surrounding rural area may someday develop further, the presence of a gathering venue, active only on an occasional basis, and buffered by distance and screening from the surrounding area will not serve as a deterrent to future development.*

Factors #5 and #6 — The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Findings #5 and #6 — *Please refer to the discussion in Finding #1 for an evaluation of the proposal as it relates to the Comprehensive Plan and overall land use goals of the County. Moreover, and more specifically, the County purposefully amended its Zoning Ordinance in 2011 with*

the specific intention of allowing and encouraging the development of this type of Rural Tourism attraction in the Agricultural (AG) District (see Section 5.06 (C) 25 of the Chisago County Zoning Ordinance). In accordance with that section, it is anticipated that approval of this request will:

- *Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes;*
- *Recognize Chisago County's scenic features, exceptional rural ambience, and 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; and*
- *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.*

Factor #7 The proposed use will not cause traffic hazard or congestion; and

Finding #7 *There will be temporary upswings in traffic levels along the Township Road during the arrival and departure of guests, but the increase does not rise to the threshold of traffic hazard or congestion. The proposal was reviewed by the Chisago County Engineer, who had no traffic or safety concerns and no recommendations or conditions to add to the permit.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *Please refer to the discussion in Findings #3 and #4 above.*

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

1. This Conditional Use Permit amends and supersedes the Conditional Use Permit granted by the Chisago County Board of Commissioners on July 16, 2014 (original CUP) granting approval to operate a Rural Retail Tourism business on property located at 15326 318th Street in Chisago Lake Township. The sole Amendment reflects a modification of the legal description, on which the 2014 approval was granted, following subdivision in 2020.
2. This permit is a Conditional Use Permit for a Rural Retail Tourism business, allowing the permitee to offer the use of the property as a gathering venue for weddings and other social activities.
3. This CUP shall allow year round use of the property with a curfew/quiet time on the CUP requiring a 10:00 p.m. end-time for weddings and other gatherings featuring music, or any other sound likely to cross the property boundary.
4. Any food preparation and/or sales at the site shall comply with all applicable Minnesota Department of Health regulations.
5. Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements.
6. Any excessive impact to the Township Road from traffic generated by this business shall be mitigated through a negotiated agreement between the business operator and the Chisago Lake Township Board, as determined to be necessary by the Township.

7. All necessary building and/or septic codes shall be adhered to (including any necessary retro-fitting of the existing buildings to accommodate the new occupancy, pursuant to review by qualified architect/engineer) and all required permits shall be obtained prior to occupancy.
8. All guest parking shall be accommodated on-premise.
9. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.

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

IN FAVOR THEREOF:
OPPOSED:
ABSENT:

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

Approved: January 18, 2023

_____
Ben Montzka
Chair, Board of Commissioners

ATTEST: _____
Christina Vollrath
Clerk of the Board

Amendment to Conditional Use Permit Allowing Rural Retail Tourism

Stig A. Larson Family Limited Partnership,
Property Owner
Jeanne Larson, Applicant
15326 318th Street
Chisago Lake Township
PIDs 02.00715.00 and 02.00725.00

1



Approximate configuration of subject site in 2014

Background

The applicant is seeking an Amendment to a Conditional Use Permit (CUP) allowing Rural Retail Tourism (gathering venue) in the Agricultural (AG) District / Shoreland Management District. The original CUP was granted in 2014 when the subject site was 200+ acres in size, and the proposed Amendment would modify the legal description following subdivision of the subject site reducing the size to 133.18± acres.

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Historical Analysis / Existing Conditions

Date	Action
July 3, 2014 (Original CUP)	Planning Commission conducted public hearing to consider CUP allowing Rural Retail Tourism for gathering venue and unanimously recommended approval with conditions.
July 16, 2014 (Original CUP)	County Board Approved CUP allowing Rural Retail Tourism for gathering venue with the following conditions (as recommended by the Planning Commission): 1. This permit is a Conditional Use Permit for a Rural Retail Tourism business, allowing the permitee to offer the use of the property as a gathering venue for weddings and other social activities. 2. This CUP shall allow year round use of the property with a curfew / quiet time on the CUP requiring a 10:00 pm end-time for weddings and other gatherings featuring music, or any other sound likely to cross the property boundary. 3. Any food preparation and / or sales at the site shall comply with all applicable Minnesota Department of Health regulations. 4. Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements. 5. Any excessive impact to the Township Road from traffic generated by this business shall be mitigated through a negotiated agreement between the business operator and the Chisago Lake Township Board, as determined to be necessary by the Township. 6. All necessary building and / or septic codes shall be adhered to (including any necessary retro-fitting of the existing buildings to accommodate the new occupancy, pursuant to review by qualified architect / engineer) and all required permits shall be obtained prior to occupancy. 7. All guest parking shall be accommodated on-premise. 8. 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.
January 5, 2023 (CUP Amendment)	Planning Commission conducts public hearing to consider CUP Amendment to modify legal description following 2020 subdivision.

3

Consideration of Amendments

MCIT guidance states that when considering an Amendment to a Conditional Use Permit, the County may not add conditions that have no relationship to the sought after Amendment. In other words, the Amendment process is not allowed to be used for adding conditions that the County, in hindsight, wishes they had imposed when the original Conditional Use Permit was granted. Further, the Chisago County Attorney's Office has commented that the Planning Commission's scope of review and authority is fairly narrow and specifically limited to the requested Amendment, and that it would be beyond the scope of review to reconsider or otherwise modify the CUP or conditions of the CUP in any manner other than as related to the request for Amendment.

So, while the Planning Commission may wish to review and potentially modify the conditions approved in 2014, **the Planning Commission's focus must remain on the specifically requested Amendment which, in this case, solely pertains to the legal description**.

- Approval of the requested Amendment will simply change the legal description included on the legal recording.
- Denial of the requested Amendment will not result in automatic revocation of the existing CUP or otherwise render it null and void; it will simply leave the existing CUP in effect as-is. Leaving the existing CUP as-is may grant another property owner the ability to use their land for Rural Retail Tourism purposes so long as they comply with the conditions of the CUP.
- Alternatively, if the Planning Commission feels that the subject site has been reduced in size to an extent which no longer supports the scope and scale of the approved CUP or the Commission finds other probable cause, the Commission may wish to consider recommending that the County Board consider revocation of the CUP.

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Site Analysis

- Currently 2 parcels totaling 133.18 acres
- Zoned Agricultural (AG) District / Shoreland Management District
- Subject site located on south and southeast shores of Little Lake in Chisago Lake Township
- Existing structures include dwelling and 6 detached accessory structures located in NW corner of site
- Surrounding area includes mixture of residential and active agricultural uses on tracts of land ranging from 1 acre to 81.5 acres



5

Review Process

- **Technical Review Committee**
- **December 14, 2022**
- County Surveyor reviewed proposed legal description for accuracy; offered a revision which is based on the description provided by the applicant but in a standard (non-condensed) format
- **Chisago Lake Town Board**
- **December 20, 2022**
- Recommendation of approval with no conditions
- **60-Day Review Period**
- **Expires on January 22, 2023**

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Staff Recommendation

Staff believes that the existing Rural Retail Tourism use (gathering venue) continues to comply with and be consistent with the intent of the County's Zoning Ordinance and Comprehensive Plan. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, **staff recommends approval** of the CUP Amendment with conditions (see below). Staff notes that the proposed conditions are the exact conditions recommended by the Planning Commission and approved by the County Board in July 2014, with the addition of condition no. 1 to clarify that this approval is an Amendment to the original 2014 approval. The legal description included in the draft resolution has been updated based on the legal description provided by the applicant.

Condition(s):

1. This Conditional Use Permit amends and supersedes the Conditional Use Permit granted by the Chisago County Board of Commissioners on July 16, 2014 (original CUP) granting approval to operate a Rural Retail Tourism business on property located at 15326 318th Street in Chisago Lake Township. The sole Amendment reflects a modification of the legal description, on which the 2014 approval was granted, following subdivision in 2020.
2. This permit is a Conditional Use Permit for a Rural Retail Tourism business, allowing the permitee to offer the use of the property as a gathering venue for weddings and other social activities.
3. This CUP shall allow year round use of the property with a curfew/quiet time on the CUP requiring a 10:00 p.m. end-time for weddings and other gatherings featuring music, or any other sound likely to cross the property boundary.
4. Any food preparation and/or sales at the site shall comply with all applicable Minnesota Department of Health regulations.
5. Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements.
6. Any excessive impact to the Township Road from traffic generated by this business shall be mitigated through a negotiated agreement between the business operator and the Chisago Lake Township Board, as determined to be necessary by the Township.
7. All necessary building and/or septic codes shall be adhered to (including any necessary retro-fitting of the existing buildings to accommodate the new occupancy, pursuant to review by qualified architect/engineer) and all required permits shall be obtained prior to occupancy.
8. All guest parking shall be accommodated on-premise.
9. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.

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Options and Action Requested

OPTIONS

1. Recommend that the County Board **approve** the Conditional Use Permit Amendment with Findings of Fact presented or amended and conditions presented.

2. Should the Planning Commission determine that the proposed Conditional Use Permit Amendment does not comply with and/or is not consistent with the intent of County's Zoning Ordinance upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Conditional Use Permit Amendment based on factors deemed appropriate.

   Note: Denial of the requested Amendment will not result in automatic revocation of the existing CUP or otherwise render it null and void; it will simply leave the existing CUP in effect as-is.

3. Recommend that the County Board consider **revocation** of the existing Conditional Use Permit due to the inability of the subject site's reduced area to support the scope and scale of the approved CUP or other defined probable cause.

   Note: If the Planning Commission moves to recommend revocation, the motion should include explicit reason for such action.

4. Recommend that the County Board **extend the review period** an additional 60 days to allow for submission of additional supporting documentation and/or further review and consideration, as allowed by Minnesota Statute 15.99. The current 60-day review period expires on January 22, 2023.

ACTION REQUESTED

Motion to adopt Resolution No. PC2023-0102, a resolution recommending approval of an Amendment to a Conditional Use Permit allowing Rural Retail Tourism, with Findings of Fact as presented or amended and conditions as presented.

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Staff Report

TO: Planning Commission
FROM: Beth Gervais, Land Services Coordinator
SUBJECT: Amendment to a Conditional Use Permit Allowing Rural Retail Tourism
15326 318th Street, Chisago Lake Township
DATE: January 5, 2023

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider an Amendment to a Conditional Use Permit (CUP) allowing Rural Retail Tourism (gathering venue) in the Agricultural (AG) District / Shoreland Management District. The original CUP was granted in 2014 when the subject site was 200+ acres in size, and the proposed Amendment would modify the legal description following subdivision of the subject site reducing the size to 133.18± acres.

SITE & APPLICATION INFORMATION

Applicant(s):	Jeanne Larson
Property Owner(s):	Stig A. Larson Family Limited Partnership
Location:	15326 318th Street Chisago Lake Township Sections 24 + 25, Township 34, Range 20
PID:	02.00715.00 and 02.00725.00
Property Area:	133.8± Acres
Current Zoning:	Agricultural (AG) District / Shoreland Management District
Adjacent Zoning:	
North:	Little Lake / Agricultural (AG) District / Shoreland Management District
South:	Agricultural (AG) District
East:	Agricultural (AG) District / Shoreland Management District
West:	Agricultural (AG) District / Shoreland Management District
Date Application Received:	November 17, 2022
Date Application Complete:	November 23, 2022
60-Day Review Period:	January 22, 2023





BACKGROUND

Jeanne Larson, President and CEO of Stig A. Larson Corporation, has applied for a Conditional Use Permit (CUP) Amendment on behalf of property owner Stig A. Larson Family Limited Partnership in order to modify the legal description for which the CUP was originally granted in 2014. When the CUP was originally approved, the property was 200+ acres in size and included four separate parcels, and, following subdivision in August 2020, the property is now 133.18± acres in size and includes two separate parcels (two parcels rather than a single parcel due to a section line). The property owner and applicant are satisfied with all existing conditions and is therefore only requesting that the legal description be Amended.

The table below offers a brief history of the 2014 CUP approval:

Date	Action
July 3, 2014 (Original CUP)	Planning Commission conducted public hearing to consider CUP allowing Rural Retail Tourism for gathering venue and unanimously recommended approval with conditions.
July 16, 2014 (Original CUP)	County Board Approved CUP allowing Rural Retail Tourism for gathering venue with the following conditions (as recommended by the Planning Commission): 1. This permit is a Conditional Use Permit for a Rural Retail Tourism business, allowing the permitee to offer the use of the property as a gathering venue for weddings and other social activities. 2. This CUP shall allow year round use of the property with a curfew / quiet time on the CUP requiring a 10:00 pm end-time for weddings and other gatherings featuring music, or any other sound likely to cross the property boundary. 3. Any food preparation and / or sales at the site shall comply with all applicable Minnesota Department of Health regulations. 4. Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements. 5. Any excessive impact to the Township Road from traffic generated by this business shall be mitigated through a negotiated agreement between the business operator and the Chisago Lake Township Board, as determined to be necessary by the Township. 6. All necessary building and / or septic codes shall be adhered to (including any necessary retro-fitting of the existing buildings to accommodate the new occupancy, pursuant to review by qualified architect / engineer) and all required permits shall be obtained prior to occupancy. 7. All guest parking shall be accommodated on-premise. 8. 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.
January 5, 2023 (CUP Amendment)	Planning Commission conducts public hearing to consider CUP Amendment to modify legal description following 2020 subdivision.

CONSIDERATION OF CUP AMENDMENTS

Up until this point in time, the County has processed requests for CUP Amendments in the same manner as requests for new CUPs, meaning the Planning Commission and County Board have considered all previously approved conditions and, in certain cases, amended conditions which the applicant may not have specifically requested an Amendment to or, in certain cases, added new / eliminated previously approved conditions which the applicant may not have specifically requested be added / eliminated. However, the County learned at a September 2022 MCIT training session that "When considering an Amendment to a Conditional Use Permit, [the County] may not add conditions that have no relationship to the sought after Amendment. In other words, the Amendment process is not allowed to be used for adding conditions that [the County], in hindsight, wishes they had imposed when the original Conditional Use Permit was granted".

Given that the MCIT guidance is a departure from past practice, staff sought a legal opinion from the County Attorney's Office. Assistant County Attorney Fuge concurred with the MCIT guidance on the processing of CUP Amendments, commenting that the Planning Commission's scope of review and authority is fairly narrow and specifically limited to the requested Amendment. Fuge also commented that it would be beyond the scope of review to reconsider or otherwise modify the CUP or conditions of the CUP in any manner other than as related to the request for Amendment.

So, while the Planning Commission may wish to review and potentially modify the conditions approved in 2014, the Planning Commission's focus must remain on the specifically requested Amendment which, in this case, solely pertains to the legal description. Therefore, the detail provided in this staff report is somewhat limited in comparison to recent staff reports prepared for CUP Amendment requests.

Approval of the requested Amendment will simply change the legal description included on the legal recording. Denial of the requested Amendment will not result in automatic revocation of the existing CUP or otherwise render it null and void; it will simply leave the existing CUP in effect as-is. And, leaving the existing CUP as-is may grant another property owner the ability to use their land for Rural Retail Tourism purposes so long as they comply with the conditions of the CUP. Alternatively, if the Planning Commission feels that the subject site has been reduced in size to an extent which no longer supports the scope and scale of the approved CUP or the Commission finds other probable cause, the Commission may wish to consider recommending that the County Board consider revocation of the CUP.

SITE ANALYSIS

The subject site is presently 133.18± acres located on the south and southeast sides of Little Lake in Chisago Lake Township at the eastern end of 318th Street. The site is located within the Agricultural (AG) District as are all surrounding properties. Additionally, given its proximity to Little Lake, roughly the north half of the subject site is located in the Shoreland Management District.



Existing structures, including a dwelling and six detached accessory structures, are situated in the northwest corner of the property. The area surrounding the subject site includes a mix of residential and active agricultural uses on tracts of land ranging in size from 1 acre to 81.5 acres. Topography of the site includes elevations ranging from 925' near the lake and wetland areas to

950' near the northeast corner. The subject site also includes large areas of wetland, primarily on the east half (see image above).

PROPOSAL ANALYSIS

The 2014 application materials state that the property owner and applicant wished to "provide a unique and historic farm venue available for rent for weddings and other special low-impact events at the Larson farm (Elleholm) on Little Lake". The 2014 proposal described the land and all structures on the land, intended use of the property for gatherings, months of operation, pricing for use of the gathering venue, access and parking, staffing, catering, sanitary facilities, and insurance. Refer to the attached 2014 application materials for more detail.

Due to subdivision of the subject site in August 2020 and subsequent sale of subdivided land, the property owner and applicant are requesting to Amend the legal description contained in the 2014 legal recording for Conditional Use Permit. There are no other requested Amendments.

The 2014 application materials, July 3, 2014 Planning Commission meeting minutes, and 2014 legal recording are attached for reference.

RURAL RETAIL TOURISM STANDARDS

Zoning Ordinance Section 4.15 Rural Retail Tourism states that the purposes of Rural Retail Tourism are 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.

Further, allowable Rural Retail Tourism businesses shall include such 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.

Consistent with the Planning Commission's recommendation and County Board's determination in 2014, staff believes that the approved use continues to meet the intent of the stated purposes of Rural Retail Tourism.

FINDINGS OF FACT

Zoning Ordinance Section 8.04 (Conditional Use Permits) C. states that the Planning Commission shall consider possible effects of the proposed conditional use based upon, but not limited to, the general factors listed below. The draft Findings of Fact, shown in *italics* below for the Commission's

consideration, are largely based on the Findings recommended by the Planning Commission on July 3, 2014 and approved by the County Board on July 16, 2014.

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

Finding #1 *The Chisago County Comprehensive Development Plan outlines a number of goals and policies which are meant to support and encourage the type of activity which will draw visitors to Chisago County, including different types of outdoor recreation. Among those identified goals and policies are the following:*

Natural Resources Goal Section 2-12: Prime scenic views and historic landscapes will be recognized as an important local amenity and an increasingly desirable local amenity drawing outside revenue from visitors that is vital to the local economy.

Policies:

1. *Identify and protect quality of visitor experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings, and prime areas for flora study and wildlife viewing, and public and private open spaces amenable to low impact outdoors recreation.*

Economic Development Goal Section 7-8: Provide for a range of economic diversity and development opportunities in the County.

Policies:

1. *Promote natural amenities in the County as assets to economic development and business opportunity.*
2. *Promote tourism as an expanding opportunity for employment and tax base.*

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

Finding #2 *The subject property is in and of itself a destination, drawing visitors to the site for a specific event. The use will not generate any demand upon existing parks or other public facilities or amenities. There will be some impact to the local road serving as access to the property, but any such impact is not expected to be excessive or unreasonable. If the venue is highly successful, and the impact to the Township Road is determined to be more than expected, a private agreement should be negotiated between the applicant and Chisago Lake Township, for an equitable cost-share to offset the impact (i.e. dust control, wear and tear to the road).*

Factors #3 and #4 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development; The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Findings #3 and #4 *The use is essentially compatible with the neighborhood, in that there will be no additional structures built and no change in the appearance of the property or the rural character of the neighborhood. The venue will be separated by both distance and screening from nearby properties, and the occasional nature of the gatherings at the*

property will not rise to the level of a constant, irritating presence in the neighborhood. Though the surrounding rural area may someday develop further, the presence of a gathering venue, active only on an occasional basis, and buffered by distance and screening from the surrounding area will not serve as a deterrent to future development.

Factors #5 and #6 — The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Findings #5 and #6 — *Please refer to the discussion in Finding #1 for an evaluation of the proposal as it relates to the Comprehensive Plan and overall land use goals of the County. Moreover, and more specifically, the County purposefully amended its Zoning Ordinance in 2011 with the specific intention of allowing and encouraging the development of this type of Rural Tourism attraction in the Agricultural (AG) District (see Section 5.06 (C) 25 of the Chisago County Zoning Ordinance). In accordance with that section, it is anticipated that approval of this request will:*

- *Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes;*
- *Recognize Chisago County's scenic features, exceptional rural ambience, and 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; and*
- *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.*

Factor #7 — The proposed use will not cause traffic hazard or congestion; and

Finding #7 — *There will be temporary upswings in traffic levels along the Township Road during the arrival and departure of guests, but the increase does not rise to the threshold of traffic hazard or congestion. The proposal was reviewed by the Chisago County Engineer, who had no traffic or safety concerns and no recommendations or conditions to add to the permit.*

Factor #8 — The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 — *Please refer to the discussion in Findings #3 and #4 above.*

REVIEW PROCESS

The Technical Review Committee met with Jeanne Larson on December 14, 2022. The group had a general discussion about the CUP Amendment process and options for sanitary facilities; however, the committee did not identify any concerns with the proposed Amendment.

County Surveyor Paul Gibson reviewed the proposed / updated legal description to ensure its accuracy. Gibson confirmed that the proposed / updated legal description accurately describes PIDs 02.00715.00

and 02.00725.00 but commented that it's a condensed version and offered a more standard format. Therefore, the legal description included in the draft resolution is based on the description provided by the applicant but is formatted based on the County Surveyor's comments.

The Chisago Lake Town Board reviewed the proposed CUP Amendment at its December 20, 2022 meeting and recommended approval with no conditions.
The 60-day review period expires on January 22, 2023.

STAFF RECOMMENDATION

Staff believes that the existing Rural Retail Tourism use (gathering venue) continues to comply with and be consistent with the intent of the County's Zoning Ordinance and Comprehensive Plan. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, **staff recommends approval** of the CUP Amendment with conditions (see below) and has prepared a resolution for the Commission's consideration.

Staff notes that the proposed conditions are the exact conditions recommended by the Planning Commission and approved by the County Board in July 2014, with the addition of condition no. 1 to clarify that this approval is an Amendment to the original 2014 approval. The legal description included in the draft resolution has been updated based on the legal description provided by the applicant.

Condition(s):

1. This Conditional Use Permit amends and supersedes the Conditional Use Permit granted by the Chisago County Board of Commissioners on July 16, 2014 (original CUP) granting approval to operate a Rural Retail Tourism business on property located at 15326 318th Street in Chisago Lake Township. The sole Amendment reflects a modification of the legal description, on which the 2014 approval was granted, following subdivision in 2020.
2. This permit is a Conditional Use Permit for a Rural Retail Tourism business, allowing the permitee to offer the use of the property as a gathering venue for weddings and other social activities.
3. This CUP shall allow year round use of the property with a curfew/quiet time on the CUP requiring a 10:00 p.m. end-time for weddings and other gatherings featuring music, or any other sound likely to cross the property boundary.
4. Any food preparation and/or sales at the site shall comply with all applicable Minnesota Department of Health regulations.
5. Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements.
6. Any excessive impact to the Township Road from traffic generated by this business shall be mitigated through a negotiated agreement between the business operator and the Chisago Lake Township Board, as determined to be necessary by the Township.
7. All necessary building and/or septic codes shall be adhered to (including any necessary retro-fitting of the existing buildings to accommodate the new occupancy, pursuant to review by qualified architect/engineer) and all required permits shall be obtained prior to occupancy.
8. All guest parking shall be accommodated on-premise.
9. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.

OPTIONS

1. Recommend that the County Board **approve** the Conditional Use Permit Amendment with Findings of Fact presented or amended and conditions presented.

2. Should the Planning Commission determine that the proposed Conditional Use Permit Amendment does not comply with and/or is not consistent with the intent of County's Zoning Ordinance upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Conditional Use Permit Amendment based on factors deemed appropriate.

   Note: Denial of the requested Amendment will not result in automatic revocation of the existing CUP or otherwise render it null and void; it will simply leave the existing CUP in effect as-is.

3. Recommend that the County Board consider **revocation** of the existing Conditional Use Permit due to the inability of the subject site's reduced area to support the scope and scale of the approved CUP or other defined probable cause.

   Note: If the Planning Commission moves to recommend revocation, the motion should include explicit reason for such action.

4. Recommend that the County Board **extend the review period** an additional 60 days to allow for submission of additional supporting documentation and/or further review and consideration, as allowed by Minnesota Statute 15.99. The current 60-day review period expires on January 22, 2023.

ACTION REQUESTED

Motion to adopt Resolution No. PC2023-0102, a resolution recommending approval of an Amendment to a Conditional Use Permit allowing Rural Retail Tourism, with Findings of Fact as presented or amended and conditions as presented.

If the Commission chooses to recommend denial of the request for Conditional Use Permit Amendment, staff will prepare a revised resolution based on the Findings of Fact established by the Commission.

ATTACHMENTS

1. Application materials:
   a. Application
   b. Written narrative
2. 2014 Application materials
   a. Application
   b. Written narrative
   c. Site plans
3. July 3, 2014 Planning Commission meeting minutes
4. 2014 Legal recording
5. Aerial location map (1) – subject property
6. Aerial location map (2) – vicinity map
7. Draft Resolution No. PC2023-0102

CC: Jeanne Larson, applicant
County file

Recording Fee_____

Base Fee_____

Wetland or Septic Fees_____

Plat Compliance Fee_____

TOTAL FEE_____

Permit #

22-2418

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

* Fees applied from # 22-2307 Applicant withdrew original (11-1-22) request due to existing CUP.

Street Location 15326 318th St **Tax Parcel #** 02.00725.00

Legal Description _____ **E-Mail Address:** [redacted]

Owner: Jeanne A. Larson / Elleholm LLP **Day Phone** [redacted]

Address 15326 318th St, Center City, MN 55012

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

Address _____ S 25, T 34, R 20

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: rural retail tourism

Description of request: Amendment to existing CUP for rural retail tourism -- update to legal descriptio

If Variance Application, Brief Description of Practical Difficulty

Jeanne A Larson 11/17/22

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.

11-17-22
Date Received

11-23-22
Date Complete

1-22-23
(60)/ 120 Day Review Period

Date of Public Hearing: January 5, 2023

Questions? Contact Beth Gervais, Land Services Coordinator at 651-213-8379 or beth.gervais@chisagocountymn.gov

TOWNSHIP PRESENTATION FORM

Street Location 15326 318th St., Center City, MN 55012

Legal Description _____

Owner Name Jeanne A. Larson / Elleholm LLP **Day Phone:** [redacted]

Address: 15326 318th St., 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: amendment to existing CUP for rural retail tourism - update to legal description

Date of County Public Hearing: Jan 5, 2023

Date of Township Presentation: Dec 20, 2022

TOWNSHIP ACTION TAKEN

Approved ☒ **Denied** ☐

Reasons and Conditions: updating land description

Signature of Township Officers:

Jeanne A. Larson
Signature of Applicant

11/17/22
Date

Request for Amendment to CUP

Request: The owners would like to amend the legal description that pertains to CUP A-572155, issued July 16, 2014.

History: The owners of property address 15326 318th Street, Center City, MN 55012 would like to continue use of the Conditional Use Permit issued in 2014. Some of the property identified in the CUP has been sold. Therefore, the owners would like to amend the actual legal description to make it current. The owners are not requesting a change to the conditions.

The owners contacted Chisago County a year or two ago to confirm the CUP was still in effect, as they were interested in renovating the barn for a family wedding, and would like to take advantage of the upgrades subsequently for rural retail tourism. They were told that the CUP was no longer valid because the County had not been notified annually of the activity. Now that the barn has been renovated, the owners submitted an application for a new CUP. A couple of hours prior to the scheduled township meeting on November 15 2022, a Chisago County official communicated to the owners that the CUP from 2014 runs with the land, and that lack of annual notification was not a reason to revoke the permit. The owners attended the township meeting to let the board know that it would withdraw the application.

The old legal description (Exhibit A) and the new legal description (Exhibit B) are attached.

Also, in April of this year, the owners have converted the entity from the Stig A. Larson Family Limited Partnership to Elleholm, LLP (Limited Liability Partnership). The Certificate of Conversion is also attached (Exhibit C).

EXHIBIT A

Parcel 1

Government Lot 4, Section 24, Township 34, Range 20, Chisago County, Minnesota.

Parcel 2

Government Lots 2 and 3; the Southeast Quarter of the Northwest Quarter (SE1/4 of NW1/4); the Northwest Quarter of the Southwest Quarter (NW1/4 of SW1/4); the Northeast Quarter of the Southwest Quarter (NE1/4 of SW1/4); and the East 4 rods of the Southwest Quarter of the Southwest Quarter, all in Section 25, Township 34, Range 20, Chisago County, Minnesota.

Parcel 3

The North 2 rods of Government Lot 1; and the Northwest Quarter of the Northeast Quarter (NW1/4 of NE1/4), Section 26, Township 34, Range 20, Chisago County, Minnesota, except the following described tracts:

(A) Commencing at a point in the South line of said NW1/4 of NE1/4, 4 chains and 67 links East of the Southwest corner; thence East on the 1/8 section line 7 chains and 92 links; thence North 79° West 8 chains and 18 links; thence South 1 chain and 67 links to the place of beginning, said exception containing about 66/100 acres, be the same more or less.

(B) That part of the West Half of the Northeast Quarter of Section 28, Township 34 North, Range 20 West, Chisago County, Minnesota, described as follows: Commencing at the southwest corner of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter, a distance of 141.24 feet to the point of beginning of the parcel to be described; thence continuing easterly, along said south line, a distance of 166.98 feet; thence northerly, at a right angle, to the center line of 318th Street; thence northwesterly, along said center line, to the west line of said Northwest Quarter of the Northeast Quarter; thence southerly, along said west line, to the southwest corner of said Northwest Quarter of the Northeast Quarter; thence southerly, along the west line of the Southwest Quarter of the Northeast Quarter of said Section 28, a distance of 407.22 feet; thence northeasterly, to the point of beginning. Subject to 318th Street and subject to and together with any other valid easements, restrictions and reservations.

Parcel 4

Government Lot 2, Section 23, Township 34, Range 20, Chisago County, Minnesota, except the following parcels:

A-404417

(A) Commencing at the Northwest corner of said Government Lot 2; thence East (0°00') along the North line thereof, 1151.0 feet to the point of beginning; thence south 1°37'30" East, 446.26 feet; thence North 88°22'30" East, 66.0 feet; thence South 70°13' East, 115 feet, more or less, to the shoreline of Little Lake, thence Northeasterly along said shoreline, 850 feet more or less, to the North line of said Government Lot 2; thence West (0°00') along said North line, 880 feet, more or less, to the point of beginning.

(B) All that part of the North 66.0 feet of said Government Lot 2, lying east of the Easterly right-of-way line of County Road No. 12 and west of the following described line: Beginning at a point on the North line of said Government Lot 2, which point is 1151.0 feet East (0°00') of the Northwest corner thereof; thence South 1°37'30" East 66.03 feet and there terminating.

(C) Commencing at the South quarter corner of Section 23; thence North, along the North-South quarter line of Section 23, a distance of 858.35 feet to the point of beginning; thence Easterly, deflecting 90° to the right, a distance of 487 feet; thence Northerly deflecting 90° to the left, a distance of 454 feet, more or less, to the North line of said Government Lot 2; thence Westerly, along the North line of said Government Lot 2; a distance of 487 feet, more or less, to the NW corner of said Government Lot 2; thence Southerly, along the North-South quarter line of Section 23, a distance of 454 feet, more or less, to the point of beginning.

A-404417

Exhibit B

New Legal Description

Section 25 Township 034 Range 020 Lots 2 and 3 SE ¼ of NW ¼ Lot 002 and Section 24 Township 034 Range 020 Lot 004

Exhibit C

Certificate of Conversion

Office of the Minnesota Secretary of State
Certificate of Conversion

I, Steve Simon, Secretary of State of Minnesota, certify that: the documentation required to effectuate a conversion by the entity listed below from the law under which the entity was previously governed to the law under which it is governed after the issuance of this certificate, on the date listed and has been approved pursuant to the procedures required in the chapter indicated.

Conversion Filed Pursuant to Minnesota Statutes, Chapter: 321

Home Jurisdiction and Name of Converting Entity:

Minnesota: STIG A. LARSON FAMILY LIMITED PARTNERSHIP

After Conversion, Entity is governed by Minnesota Statutes, Chapter: 323A

Home Jurisdiction and Name of Entity after the Effective Date of Conversion:

Minnesota: Elleholm, LLP

This Certificate has been issued on: 04/05/2022

Steve Simon
Secretary of State
State of Minnesota

14-944

PLANNING ADMINISTRATIVE FORM

Environmental Services

60 Day Deadline: —

Date Notifications were Made:
Twp 6/3/14 DNR _____
Co Hwy _____ MnDOT _____
Nat'l Park _____ Other PRC 6/3/14

Base Fee _____
Wetland fees _____
Plat Compliance Fee _____
TOTAL FEE 525.00

Street Location 15326 318th St., Center City 55012 **Tax Parcel #** 02.00725.00

Legal Description Sec 25 T34 R20 **E-Mail Address:** [redacted]

Owner: Stig A. Larson Family Ltd. Partnership* **Day Phone** [redacted]

Address 15326 318th St., Center City, MN 55012 (may be at 496 Holly Ave #3, St. Paul, MN 55102)

Applicant (if other than owner) ~~N/A~~ Jeanne Larson owner and ~~partner in SALELP~~ **Day Phone** [redacted]

Address 15326 318th St, Center City, MN 55012

Type of Request:

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

Applicable section of ordinance: 4.15 Rural Retail Tourism

Description of request: Proride unique, historic farm venue for weddings and other special gatherings.

If Variance Application, Brief Description of Practical Difficulty _____

Jeanne A. Larson 5/29/14

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.

—

60 Day Deadline (If Application is Complete)

Date of Public Hearing: Thursday July 3rd 2014

Questions? Contact Tara Guy, Ass't Zoning Director at 651-213-8379, or tmguy@co.chisago.mn.us

TOWNSHIP PRESENTATION FORM

Street Location 15326 318th St., Center City, MN 55012

Legal Description Chisago Lake Twp. Sec 20 T34 R20

Owner Name Stig A. Larson Family Ltd. Partnership* **Day Phone:** [redacted]

Address: 15326 318th St. Center City, MN 55012 (may also be listed as 496 Holly Ave #3, St. Paul, MN 55102)

Applicant: Jeanne Larson (owner and partner in SALFLP*) **Day Phone:** [redacted]
(if other than owner)

Address: 15326 318th St Center City, MN 55012

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: Provide unique, historic farm venue for weddings and other special gatherings.

Date of County Public Hearing: July 3rd 2014

Date of Township Presentation: June 12, 2014

TOWNSHIP ACTION TAKEN

Approved ☒ **Denied** ☐

Reasons and Conditions:

Signature of Township Officers:

Signature of Applicant **Date**

LITTLE LAKE BARN
15326 318th Street
Center City, MN 55012

Objective

Provide a unique and historic farm venue available for rent for weddings and other special low-impact events at the Larson farm (Elleholm) on Little Lake.

Setting

Picturesque setting within historic farmstead with 360 degree views of Little Lake, organic fields and woods

Infrastructure

- Farm buildings have been recently re-roofed and are in a "U" configuration, allowing the gathering to take place between or around the buildings
- 1882 home (1800 square feet)
- 90' x 32' former dairy barn built in 1906 (2880 square feet)
- Granary (800 square feet)
- Garage (300 square feet)
- Pump house (25 square feet)
- Plenty of field parking space
- Potential to walk to vineyard on peninsula (east of homestead 0.1 mile)
- portable toilets and sinks (rented)

Scope

- Rental of venue by day or hour

Personnel

- Jeanne Larson and family, general partner in the family limited partnership that owns the land, lives in farmhouse, sales management experience and hospitality experience

Little Lake Barn and Farm

Objectives:

Provide access to a unique farm setting for events. Reinvest rental income in the conservation and restoration of an historic, lakeside farmstead.

Intended Use:

The Little Lake Barn and Farm will provide the opportunity for guests to rent the farmstead and the farm vineyard to host weddings and other special events. The farm is located on the south side of Little Lake, a very picturesque setting for reunions, celebrations, and education. The vineyard is located on the peninsula on the east side of Little Lake.

The farmstead buildings include a large barn, granary, garage which was once a chicken coop, former milk house, a small garage, and the farm house.

The large alley-way of the barn, approximately 15' x 32', can be opened on both sides, providing covered open space for guests with 40 foot ceilings. The main part of the barn is approximately 60' x 32' could be considered to accommodate tables and chairs. The north partition of the barn, approximately 15' x 32', was previously a stable, and ideal to store tables and chairs. The barn has earthen floors, other than a small area of cement in the main section, where milking station once were located.

The granary is a 20' x 20' two-story building with wooden floors that could be used as a dressing area or to accommodate additional tables and chairs.

The garage has a large south facing door and is open space of 12' x 20'. It has a dirt floor and seven windows toward the field and peninsula.

The milk house, approximately 9' x 9', has a cement floor and trough, previously used to cool milk cannisters, which is ideal to hold ice and cool beverages.

Another small garage with a dirt floor provides cover for the portable sinks, with the portable toilets just outside. All of the buildings have electricity.

A one-acre vineyard, located on the peninsula on the east side of Little Lake, is available for promenades and ceremonies. There is an established grass road from the farmstead to the vineyard that is about 0.25 mile in length.

The area surrounding the farmstead is in organic production, currently alfalfa and grasses for hay.

Seasonal Hours:

The farmstead would be available for events from May 1 to October 31. Most events would happen on weekends.

Pricing:

Proposed pricing is $1,000 per half day, to begin at or after 10:00 AM and end at or before 10:00 PM including clean-up (for example an early event from 10:00 AM to 2:00 PM or an evening event 4:00 PM to 8:00 PM) for up to 100 guests per event. An additional $500 will be charged for up to 200 guests per event. Pricing includes large tent rental to be placed near the farmstead buildings (approximately $200), set up and take down, and use of 2 portable toilets and sink (approximately $200). The farm house will be available for a dressing area and bathroom for an additional $100/event. The pricing is based on research of other rural venues in the surrounding area.

Access to the Farm:

The farm is located at 15326 318th Street. Access is via the gravel township road, 318th Street, on which there are 9 neighbor's homes.

Parking:

There is ample parking for 100 cars to the east of the farmstead on an area that has previously been used as a landing station for hay. This is easily accessible from the grass road that connects the farmstead and the vineyard.

Personnel:

To start, there would be no employees, just the owner to coordinate.

Outside Catering:

Any food or drink will be prepared off-site by a licensed third-party caterer and brought to the farmstead. Caterers hired by the guest will require the approval of the owner and a signed contract. Caterers will provide clean-up of all food, beverages, and associated trash.

Alcohol:

Alcohol service must be provided by a licensed caterer with a signed contract.

Tables and Chairs:

Some tables and chairs are available on the farm, however, large groups will need to rent. Owner will provide a list of approved rental companies and require that guests rent from the list. Optionally, owner will handle table and chair rental for a small markup.

Septic/Sanitary:

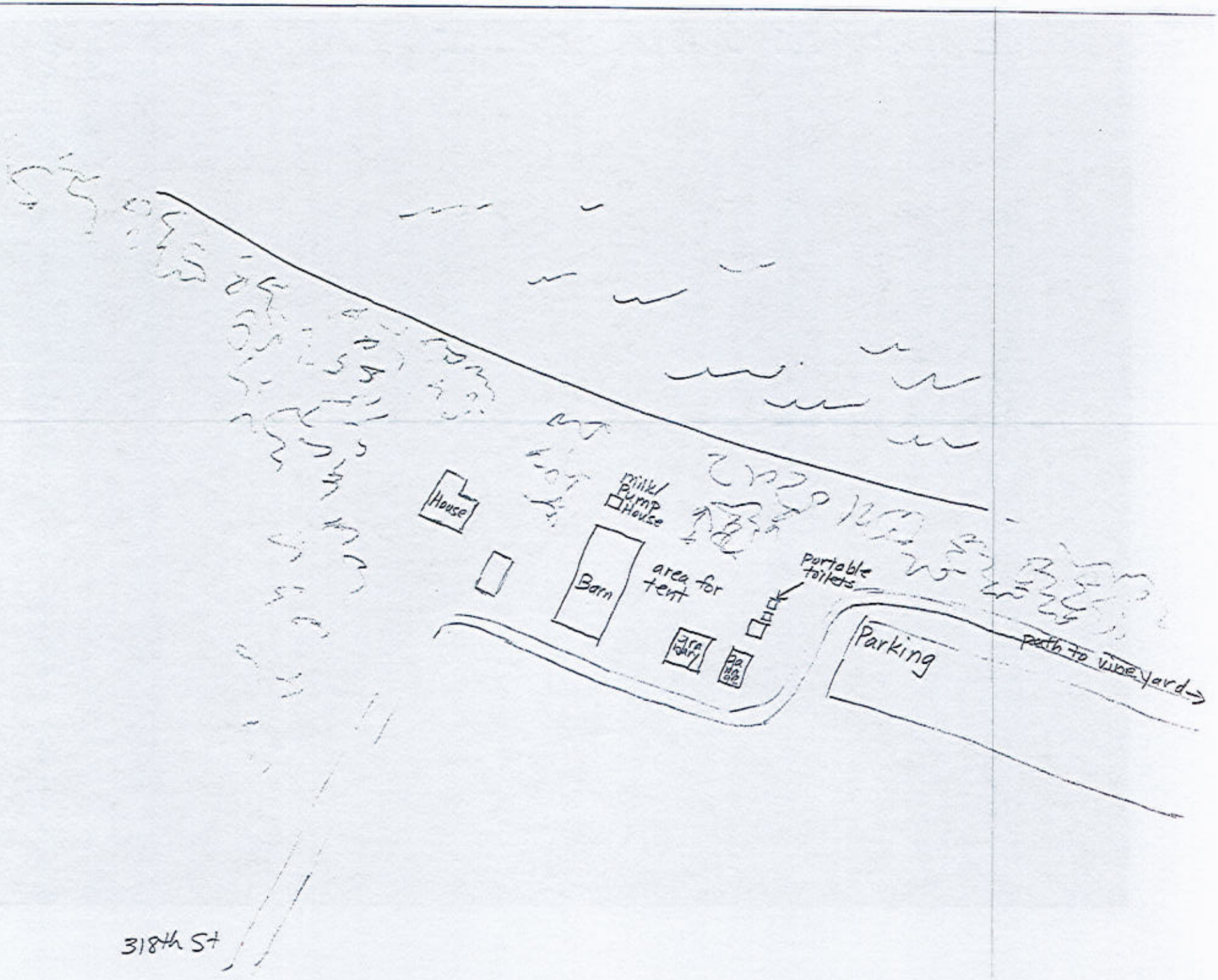
Portable toilets and sinks will be rented by the owner and cleaned every week or as necessary.

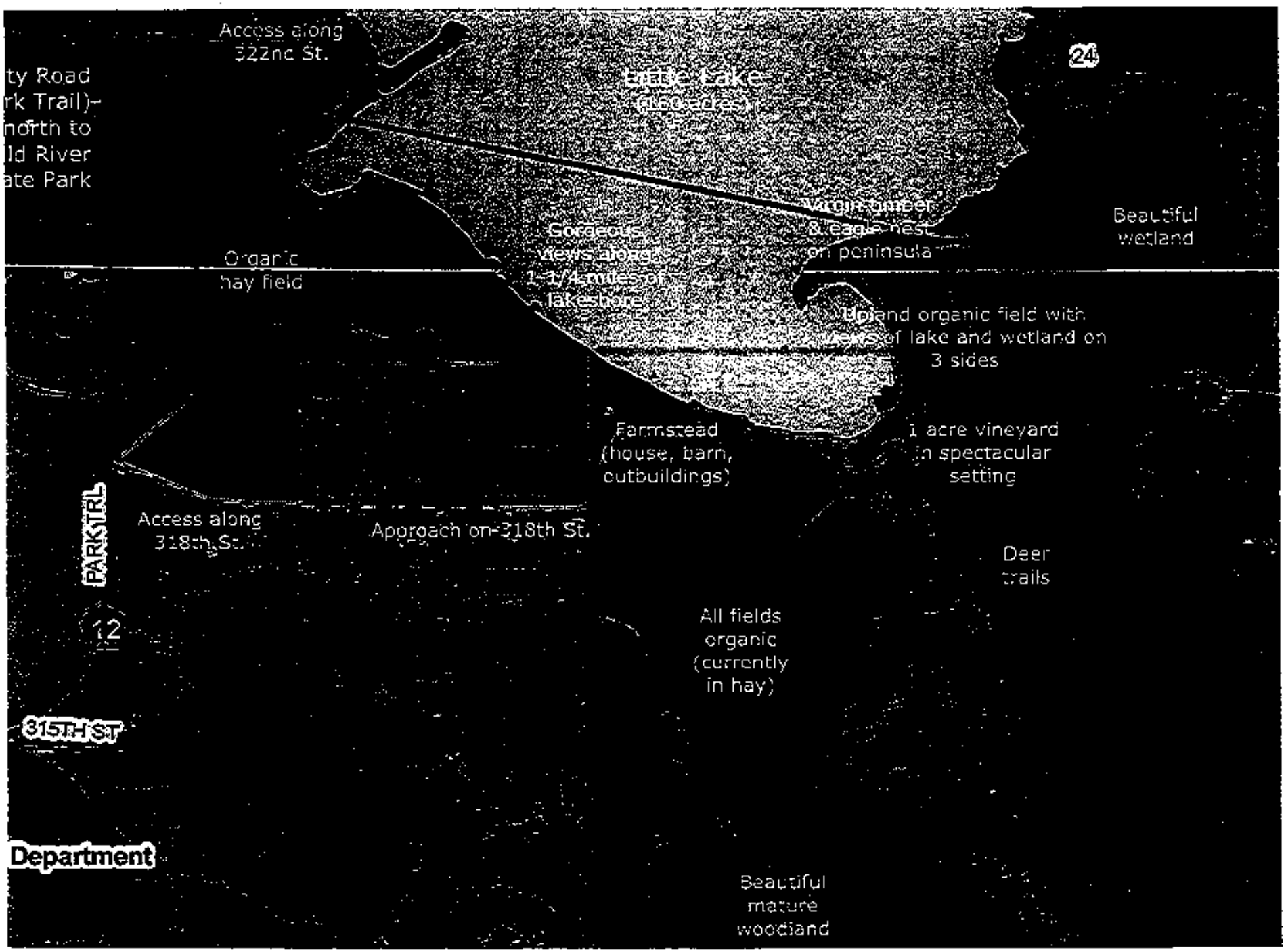
Consideration of Neighbors:

Guests will be required to keep any music levels at a moderate volume, with music contained in the barn or projected to the east of the barn (no neighbors to the east) and will terminate before 9:00 PM.

Liability Insurance:

Liability insurance will be paid by the owner. To begin, this will be paid on a per event basis. As business increases, an annual policy may become more practical.


House
Milk/ Pump House
Barn
area for tent
Portable toilets
Parking
path to vineyard
318th St


Access along
322nd St.
ty Road
rk Trail)-
north to
ld River
ate Park
Little Lake
(150 acres)
24
Gorgeous
views along
1 1/4 miles of
lakeshore
Virgin timber
& eagle nest
on peninsula
Beautiful
wetland
Organic
hay field
Upland organic field with
views of lake and wetland on
3 sides
Farmstead
(house, barn,
outbuildings)
1 acre vineyard
in spectacular
setting
PARK TRL
Access along
318th St.
Approach on 318th St.
Deer
trails
12
All fields
organic
(currently
in hay)
315TH ST
Department
Beautiful
mature
woodland

6. Will the use cause traffic hazard or congestion? No. Please refer to IX above for a discussion of traffic impact.

7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? No undue noise impact is expected to be generated by this use, and there will be no glare or general unsightliness from the business.

Jim Froberg seconded the motion, and the motion to recommend approval passed unanimously, with the following conditions:

1. This CUP amendment is to allow weddings and similar social gatherings at the subject property, as well as occasional workshop events, in addition to the already allowed uses.

2. The days and hours of operation shall be amended as follows: Year round use of the property shall be allowed for the new permitted activities; and the curfew/quiet time on the CUP shall be amended to allow a 10:00 p.m. end-time for music or any other noise likely to cross property boundaries at weddings and other gatherings.

3. Any food preparation and/or sales at the site shall comply with all applicable Minnesota Department of Health regulations.

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

5. Any excessive impact to the Township Road from traffic generated by this business shall be mitigated through agreement between the business operator and the Shafer Township Board, as determined to be necessary by the Township.

6. All necessary building and/or septic codes shall be adhered to (including any necessary retro-fitting of the existing buildings to accommodate the new occupancy, pursuant to review by qualified architect/engineer) and all required permits shall be obtained prior to occupancy.

7. All event parking shall be on-premise, and not on the Township Road.

8. 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.

Stig A. Larson Family Ltd. Partnership – Jeannie Larson of SALFLP was present at the meeting to request a Conditional Use Permit for Rural Retail Tourism to operate a gathering venue for weddings and other social events. This is located in Chisago Lake Township, Sec.25, T.34, R20, at 15326 318th Street, (PID# 02.00725.00). The Chisago Lake Township Board had recommended approval with no conditions. Chairman Storm asked Ms. Larson to give a summary of her proposal. She explained that she hoped to offer her family property as a venue for weddings and similar social gatherings. The farm includes several parcels which total more than 200 acres, and is situated in a picturesque setting on the south side of Little Lake. It is located at the dead-end of a gravel Township Road known as 318th Street. There are a number of existing

historical buildings including the large barn, a granary, a garage, milk house and the original farm house which may eventually be retrofitted for use by clients. To begin with however, the open space between the buildings will be the gathering place, with the use of tents and pavilions. There is also a one acre vineyard on the property, on the peninsula portion of the property, which will also be available for promenades and other ceremonies. The season would run from May 1st through October 31st, with most events happening on weekends. The event hours would genetally be 10:00 a.m. to 10:00 p.m., with a proposed maximum of 200 guests, with all guest-parking accommodated on-premise. Food and drink will be provided by licensed caterers in accordance with all relevant regulations. When Ms. Larson had concluded her presentation, the Chair invited questions and comments from the Planning Commission. Dave Whitney inquired if 10:00 p.m. was acceptable as an ending time for any music, and Ms. Larson replied that it was. When there were no further questions, the Chair sought public testimony on the application. Nearby property owner Pat McDermott was present to learn more about the proposal, and express her concern with the potential traffic impact from 200 guests accessing an event at the end of their quiet dead-end road. She stated that the road needs frequent grading, and that dust is a problem in the summer months already. She suggested that the small strip of land which extends down to Co. Rd. 37 from the main body of the farm be improved and used as the access road. There were no other landowners present to offer comment, and the Chair closed the public testimony. The Planning Commission then deliberated the appropriate conditions which might be attached. After brief discussion, ***Jim Froberg moved to recommend approval of the CUP with conditions,*** and adopt the draft findings of fact contained in the Staff Report, as follows:

1. Is the proposal consistent with the Comprehensive Plan and development policies of the County? Yes. The Chisago County Comprehensive Development Plan outlines a number of goals and policies which are meant to support and encourage the type of activity which will draw visitors to Chisago County, including different types of outdoor recreation. Among those identified goals and policies are the following:

Natural Resources Goal Section 2-12: Prime scenic views and historic landscapes will be recognized as an important local amenity and an increasingly desirable local amenity drawing outside revenue from visitors that is vital to the local economy.

Policies:
1. Identify and protect quality of visitor experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings, and prime areas for flora study and wildlife viewing, and public and private open spaces amenable to low impact outdoors recreation.

Economic Development Goal Section 7-8: Provide for a range of economic diversity and development opportunities in the County.

Policies:
1. Promote natural amenities in the County as assets to economic development and business opportunity.
2. Promote tourism as an expanding opportunity for employment and tax base.

2. Will the use create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area? No. The subject property is in and of itself a destination, drawing visitors to the site for a specific event. The use will not generate any demand upon existing parks or other public facilities or amenities. There will be some impact to the local road serving as access to the

property, but any such impact is not expected to be excessive or unreasonable. If the venue is highly successful, and the impact to the Township Road is determined to be more than expected, a private agreement should be negotiated between the applicant and Chisago Lake Township, for an equitable cost-share to offset the impact (i.e. dust control, wear and tear to the road).

3. Will the use be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development; and 4. Will the structure and site have an appearance that will have an adverse effect upon adjacent properties? The use is essentially compatible with the neighborhood, in that there will be no additional structures built, no change in the appearance of the property, or the rural character of the neighborhood. The venue will be separated by both distance and screening from nearby properties, and the occasional nature of the gatherings at the property will not rise to the level of a constant, irritating presence in the neighborhood. Though the surrounding rural area may someday develop further, the presence of a gathering venue, active only on an occasional basis, and buffered by distance and screening from the surrounding area will not serve as a deterrent to future development.

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. Please refer to the discussion in Item #1 in this Staff Analysis, for an evaluation of the proposal as it relates to the Comp Plan and overall land use goals of the County. Moreover, more specifically, the County purposefully amended its Zoning Ordinance two years ago with the specific intention of allowing and encouraging the development of this type of Rural Tourism attraction. (See Section 5.06 (C) 25 of the Chisago County Zoning Ordinance.) In accordance with that section, it is anticipated that approval of this CUP will:

- Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes;
- Recognize Chisago County's scenic features, exceptional rural ambience, and 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.

6. Will the use cause traffic hazard or congestion? There will be temporary upswings in traffic levels along the Township Road during the arrival and departure of guests, but the increase does not rise to the threshold of traffic hazard or congestion. The proposal has been reviewed by the Chisago County Engineer, who had no traffic or safety concerns, and no recommendations or conditions to add to the permit.

7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? No. Please refer to the discussion in Item #IX above.

Lin Strong seconded it and the motion was carried unanimously, with the following conditions:

1. This permit is a Conditional Use Permit for a Rural Retail Tourism business, allowing the permitee to offer the use of the property as a gathering venue for weddings and other social activities.

2. This CUP shall allow year round use of the property with a curfew/quiet time on the CUP requiring a 10:00 p.m. end-time for weddings and other gatherings featuring music, or any other sound likely to cross the property boundary.

3. Any food preparation and/or sales at the site shall comply with all applicable Minnesota Department of Health regulations.

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

5. Any excessive impact to the Township Road from traffic generated by this business shall be mitigated through a negotiated agreement between the business operator and the Chisago Lake Township Board, as determined to be necessary by the Township.

6. All necessary building and/or septic codes shall be adhered to (including any necessary retro-fitting of the existing buildings to accommodate the new occupancy, pursuant to review by qualified architect/engineer) and all required permits shall be obtained prior to occupancy.

7. All guest parking shall be accommodated on-premise.

8. 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.

Jeffrey August - Mr. August was present at the meeting to request a CUP to conduct Cowboy-Mounted Shooting competitions and clinics as a Rural Retail Tourism Outdoor Recreation business. This is located in Sunrise Township, Sec.3, T.35, R.20, at 41161 Poor Farm Road (PID #09.00010.10). The Sunrise Township Planning Commission had recommended a limited conditional approval. The Sunrise Township Board had recommended denial. The Chair invited Mr. August to give an overview of his proposal. Mr. August purchased the property in 2003, and built the fenced arena in 2012. At that time, he and his family became interested in and began practicing and preparing for competition in the sport which is fairly new, but is growing rapidly nationwide. In 2013 he formed a club, began to host competitions and clinics, and the newly-formed club members began using the property for these same activities. In the spring of 2014 Mr. August was advised by the Zoning Office of the need for a CUP, and he complied by applying for the required permit. The competitions consist of several contestants, generally ten to fifteen club members per event, performing in a series of runs where they attempt to shoot balloons mounted on posts in the center of the arena, using 45 caliber blanks. They are judged for speed and accuracy. In connection with the weekend events, Mr. August allows temporary overnight camping in his adjacent pasture. The events generally are conducted over weekends, with invitees arriving Friday night, setting up camp, and then competing on Saturday from 10:00 a.m. to dusk, and on Sundays from noon until 6:00 p.m. Holiday weekends may include Monday competitions. He also offers several annual clinics where club members are trained and drilled for skill and safety. There is also a competition event involving non-mounted competitors shooting a pistol, a

Office of County Recorder
Chisago County, Minnesota
Certified, filed and/or Recorded on: October 2, 2014 1:33 PM
Lee Olson, County Recorder
Well Certificate [ ] Received
Fee $0
Pages: 4
Doc # A-572155
Received from: CHISAGO COUNTY DEPT OF ENVIRONMENTAL SERVICES
Returned To: CHISAGO COUNTY DEPT OF ENVIRONMENTAL SERVICES
ATTN: TAFA

Chisago County Department of
Environmental Services and Zoning
313 No. Main St.
Center City, MN 55012-9663
651-213-8379

Official Notice of County Board Approval

CONDITIONAL USE PERMIT

NAME AND ADDRESS: Stig A. Larson Family Ltd. Partnership
15326 318th St.
Center City, MN 55012

DESCRIPTION OF PERMIT: #2014-444

PROPERTY ADDRESS, PID# AND LEGAL DESCRIPTION: 15326 318th St. Center City, MN PID #02.00725.00
Please see attached Exhibit A for legal description.

COUNTY BOARD ACTION: Approved.

SPECIAL CONDITIONS:

1. This permit is a Conditional Use Permit for a Rural Retail Tourism business, allowing the permitee to offer the use of the property as a gathering venue for weddings and other social activities.

2. This CUP shall allow year round use of the property with a curfew/quiet time on the CUP requiring a 10:00 p.m. end-time for weddings and other gatherings featuring music, or any other sound likely to cross the property boundary.

3. Any food preparation and/or sales at the site shall comply with all applicable Minnesota Department of Health regulations.

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

5. Any excessive impact to the Township Road from traffic generated by this business shall be mitigated through a negotiated agreement between the business operator and the Chisago Lake Township Board, as determined to be necessary by the Township.

6. All necessary building and/or septic codes shall be adhered to (including any necessary retro-fitting of the existing buildings to accommodate the new occupancy, pursuant to review by qualified architect/engineer) and all required permits shall be obtained prior to occupancy.

7. All guest parking shall be accommodated on-premise.

8. 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.

ORIGINAL DATE OF PERMIT ISSUANCE: July 16, 2014

****

CERTIFICATION

State of Minnesota)
) ss.
County of Chisago)

Permit document generated by me on this date pursuant to the official record of Chisago County Board of Commissioners proceedings on July 16, 2014.

Tara M. Guy 9/10/14

Tara M. Guy **Date**
Assistant Zoning Director

This document drafted by Tara M. Guy, Assistant Zoning Director, Chisago County Environmental Services., 313 No. Main St. #243, Center City, MN 55012

Please return to:
Chisago County Environmental Services/Zoning Department
313 No. Main St. #243
Center City, MN 55012

EXHIBIT A

Parcel 1

Government Lot 4, Section 24, Township 34, Range 20, Chisago County, Minnesota.

Parcel 2

Government Lots 2 and 3; the Southeast Quarter of the Northwest Quarter (SE1/4 of NW1/4); the Northwest Quarter of the Southwest Quarter (NW1/4 of SW1/4); the Northeast Quarter of the Southwest Quarter (NE1/4 of SW1/4); and the East 4 rods of the Southwest Quarter of the Southwest Quarter, all in Section 25, Township 34, Range 20, Chisago County, Minnesota.

Parcel 3

The North 2 rods of Government Lot 1; and the Northwest Quarter of the Northeast Quarter (NW1/4 of NE1/4), Section 26, Township 34, Range 20, Chisago County, Minnesota, except the following described tracts:

(A) Commencing at a point in the South line of said NW1/4 of NE1/4, 4 chains and 67 links East of the Southwest corner; thence East on the 1/8 section line 7 chains and 92 links; thence North 79° West 8 chains and 18 links; thence South 1 chain and 67 links to the place of beginning, said exception containing about 66/100 acres, be the same more or less.

(B) That part of the West Half of the Northeast Quarter of Section 28, Township 34 North, Range 20 West, Chisago County, Minnesota, described as follows: Commencing at the southwest corner of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter, a distance of 141.24 feet to the point of beginning of the parcel to be described; thence continuing easterly, along said south line, a distance of 166.98 feet; thence northerly, at a right angle, to the center line of 318th Street; thence northwesterly, along said center line, to the west line of said Northwest Quarter of the Northeast Quarter; thence southerly, along said west line, to the southwest corner of said Northwest Quarter of the Northeast Quarter; thence southerly, along the west line of the Southwest Quarter of the Northeast Quarter of said Section 28, a distance of 407.22 feet; thence northeasterly, to the point of beginning. Subject to 318th Street and subject to and together with any other valid easements, restrictions and reservations.

Parcel 4

Government Lot 2, Section 23, Township 34, Range 20, Chisago County, Minnesota, except the following parcels:

A-404417

(A) Commencing at the Northwest corner of said Government Lot 2; thence East (0°00') along the North line thereof, 1151.0 feet to the point of beginning; thence south 1°37'30" East, 446.26 feet; thence North 88°22'30" East, 66.0 feet; thence South 70°13' East, 115 feet, more or less, to the shoreline of Little Lake, thence Northeasterly along said shoreline, 850 feet more or less, to the North line of said Government Lot 2; thence West (0°00') along said North line, 880 feet, more or less, to the point of beginning.

(B) All that part of the North 66.0 feet of said Government Lot 2, lying east of the Easterly right-of-way line of County Road No. 12 and west of the following described line: Beginning at a point on the North line of said Government Lot 2, which point is 1151.0 feet East (0°00') of the Northwest corner thereof; thence South 1°37'30" East 66.03 feet and there terminating.

(C) Commencing at the South quarter corner of Section 23; thence North, along the North-South quarter line of Section 23, a distance of 858.35 feet to the point of beginning; thence Easterly, deflecting 90° to the right, a distance of 487 feet; thence Northerly deflecting 90° to the left, a distance of 454 feet, more or less, to the North line of said Government Lot 2; thence Westerly, along the North line of said Government Lot 2; a distance of 487 feet, more or less, to the NW corner of said Government Lot 2; thence Southerly, along the North-South quarter line of Section 23, a distance of 454 feet, more or less, to the point of beginning.

A-404417



Stig A. Larson Family Limited Partnership & Jeanne Larson - Aerial Photo

Property owner Stig A. Larson Family Limited Partnership, represented by applicant Jeanne Larson, is requesting an Amendment to a Conditional Use Permit (CUP) allowing Rural Retail Tourism (gathering venue) in the Agricultural (AG) District / Shoreland Management District. The original CUP was granted in 2014 when the subject site was 200+ acres in size, and the proposed Amendment would modify the legal description following subdivision of the subject site reducing the size to 131.18± acres. The property is located at 15326 318th Street, Chisago Lake Township, S25, T34, R20 (PID# 02.00725.00).

Larson Property -

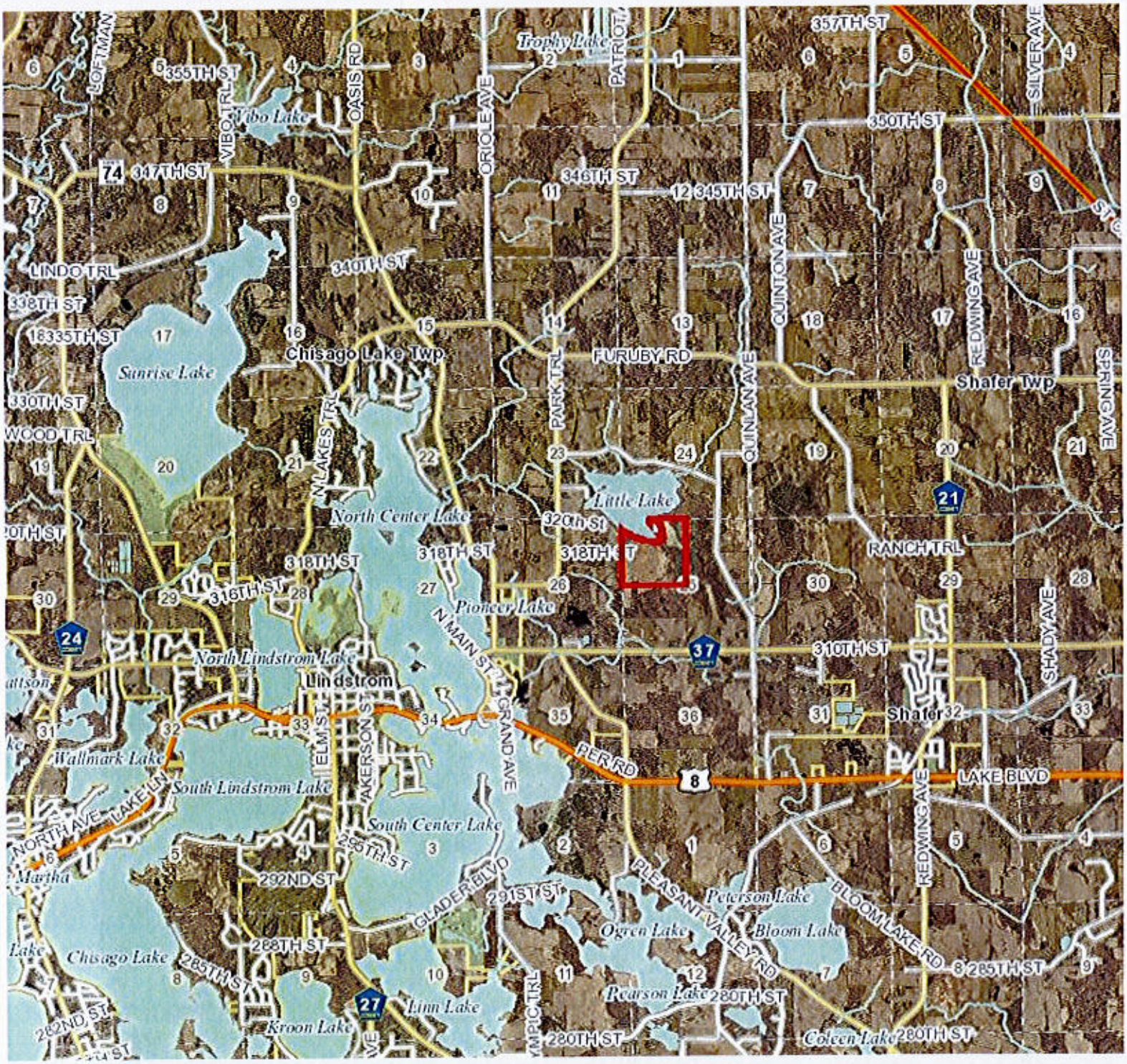


Stig A. Larson Family Limited Partnership & Jeanne Larson- Aerial Photo

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Larson Property -

Chisago Lake Township
Sec. 25, T. 34, R. 20
PID # 02.00725.00



RESOLUTION NO. PC2023-0102

A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, RECOMMENDING APPROVAL OF AN AMENDMENT TO A CONDITIONAL USE PERMIT ALLOWING RURAL RETAIL TOURISM ON PROPERTY LOCATED AT 15326 318TH STREET IN CHISAGO LAKE TOWNSHIP

WHEREAS, Stig A. Larson Family Limited Partnership, property owner, and Jeanne Larson, applicant, submitted an application dated received November 17, 2022 and considered complete on November 23, 2022 for an Amendment to a Conditional Use Permit allowing Rural Retail Tourism on property located at 15326 318th Street in Chisago Lake Township; and

WHEREAS, the original Conditional Use Permit was granted by the Chisago County Board of Commissioners on July 16, 2014 and the approval was filed by the Chisago County Recorder's Office as Document #A-572155; and

WHEREAS, the property owner and applicant wish to Amend the Conditional Use Permit in order to modify the legal description on which the approval was granted following subdivision in 2020; and

WHEREAS, the legal description below describes the subject site following subdivision in 2020; and

WHEREAS, the subject site is located in the Agricultural (AG) District / Shoreland Management District; and

WHEREAS, the subject site is legally described as:

PIDs 02.00725.00 and 02.00715.00
Government Lots 2 and 3 and the Southeast Quarter of the Northwest Quarter of
Section 25, Township 34, Range 20
AND
Government Lot 4 of
Section 24, Township 34, Range 20,
all in Chisago County, Minnesota

WHEREAS, notice was provided and on January 5, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant, and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several factors for granting Conditional Use Permits and Conditional Use Permit Amendments and made the following findings per Zoning Ordinance Section 8.04 C:

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

Finding #1 *The Chisago County Comprehensive Development Plan outlines a number of goals and policies which are meant to support and encourage the type of activity which will draw visitors to Chisago County, including different types of outdoor recreation. Among those identified goals and policies are the following:*

Natural Resources Goal Section 2-12: Prime scenic views and historic landscapes will be recognized as an important local amenity and an increasingly desirable local amenity drawing outside revenue from visitors that is vital to the local economy.
Policies:

1. *Identify and protect quality of visitor experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings, and prime areas for flora study and wildlife viewing, and public and private open spaces amenable to low impact outdoors recreation.*

Economic Development Goal Section 7-8: Provide for a range of economic diversity and development opportunities in the County.

Policies:

1. *Promote natural amenities in the County as assets to economic development and business opportunity.*
2. *Promote tourism as an expanding opportunity for employment and tax base.*

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

Finding #2 — *The subject property is in and of itself a destination, drawing visitors to the site for a specific event. The use will not generate any demand upon existing parks or other public facilities or amenities. There will be some impact to the local road serving as access to the property, but any such impact is not expected to be excessive or unreasonable. If the venue is highly successful, and the impact to the Township Road is determined to be more than expected, a private agreement should be negotiated between the applicant and Chisago Lake Township, for an equitable cost-share to offset the impact (i.e. dust control, wear and tear to the road).*

Factors #3 and #4 — The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Findings #3 and #4 — *The use is essentially compatible with the neighborhood, in that there will be no additional structures built and no change in the appearance of the property or the rural character of the neighborhood. The venue will be separated by both distance and screening from nearby properties, and the occasional nature of the gatherings at the property will not rise to the level of a constant, irritating presence in the neighborhood. Though the surrounding rural area may someday develop further, the presence of a gathering venue, active only on an occasional basis, and buffered by distance and screening from the surrounding area will not serve as a deterrent to future development.*

Factors #5 and #6 — The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Findings #5 — *Please refer to the discussion in Finding #1 for an evaluation of the proposal as it relates*

and #6 *to the Comprehensive Plan and overall land use goals of the County. Moreover, and more specifically, the County purposefully amended its Zoning Ordinance in 2011 with the specific intention of allowing and encouraging the development of this type of Rural Tourism attraction in the Agricultural (AG) District (see Section 5.06 (C) 25 of the Chisago County Zoning Ordinance). In accordance with that section, it is anticipated that approval of this request will:*

- *Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes;*
- *Recognize Chisago County's scenic features, exceptional rural ambience, and 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; and*
- *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.*

Factor #7 The proposed use will not cause traffic hazard or congestion; and

Finding #7 *There will be temporary upswings in traffic levels along the Township Road during the arrival and departure of guests, but the increase does not rise to the threshold of traffic hazard or congestion. The proposal was reviewed by the Chisago County Engineer, who had no traffic or safety concerns and no recommendations or conditions to add to the permit.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *Please refer to the discussion in Findings #3 and #4 above.*

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of Chisago County, Minnesota hereby recommends approval of the request for Conditional Use Permit Amendment, subject to the following conditions:

1. This Conditional Use Permit amends and supersedes the Conditional Use Permit granted by the Chisago County Board of Commissioners on July 16, 2014 (original CUP) granting approval to operate a Rural Retail Tourism business on property located at 15326 318th Street in Chisago Lake Township. The sole Amendment reflects a modification of the legal description, on which the 2014 approval was granted, following subdivision in 2020.
2. This permit is a Conditional Use Permit for a Rural Retail Tourism business, allowing the permitee to offer the use of the property as a gathering venue for weddings and other social activities.
3. This CUP shall allow year round use of the property with a curfew/quiet time on the CUP requiring a 10:00 p.m. end-time for weddings and other gatherings featuring music, or any other sound likely to cross the property boundary.
4. Any food preparation and/or sales at the site shall comply with all applicable Minnesota Department of Health regulations.

5. Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements.
6. Any excessive impact to the Township Road from traffic generated by this business shall be mitigated through a negotiated agreement between the business operator and the Chisago Lake Township Board, as determined to be necessary by the Township.
7. All necessary building and/or septic codes shall be adhered to (including any necessary retro-fitting of the existing buildings to accommodate the new occupancy, pursuant to review by qualified architect/engineer) and all required permits shall be obtained prior to occupancy.
8. All guest parking shall be accommodated on-premise.
9. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.

Adopted by the Planning Commission of Chisago County, Minnesota, this 5th day of January, 2023.

Voting for the resolution: .....
Voting against the resolution:.....
Abstained from voting: .....
Absent: .....

_____
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator

Chisago County Request for Board Action

Meeting Date: January 18, 2023	***Item Number:*** 13
Title of Item for Consideration: Professional/Technical Services Contract Amendment with Mackenzie Halfen	
Action Requested by: Robert Benson, Director	***Department:*** Health & Human Services
Previous Action on this Matter: Approval of Service Contract 5.31.22 – 6.30.23.	

Background: Under the supervision of the Community Health Services Administrator, Chisago county public health division, Mackenzie Halfen will be conducting duties as the Community Health services lead. Mackenzie will Collaborate and coordinate programs with County and community resources to promote health and wellness to the population of Chisago County. Develops partnerships with community groups to promote and protect the health of the community and assists planning with the emphasis on quality improvement and results measurement. She will support "Health" in all policies, work across disciplines and diversity to support and promote "health" in all policies, operate to support Public Health Division accreditation.

Attachment(s):

- Professional/Technical Services Contract Amendment for CHS Lead Mackenzie Halfen

Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve the Professional/Technical Services Contract Amendment with Mackenzie Halfen. The suggested motion is as follows:

"Move to Approve the Professional/Technical Services Contract Amendment between Mackenzie Halfen and Chisago County"

Implications of Action: Approval of this contract amendment will allow Mackenzie to provide leadership and direction to Community Health Services staff and services within the County in Public Health.

Budget/Financial Implications: The funds for this position will be paid out to the infrastructure grant.

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 _____

PROFESSIONAL/TECHNICAL SERVICES CONTRACT AMENDMENT between MACKENZIE HALFEN and CHISAGO COUNTY

THIS CONTRACT, and amendments and supplements thereto, is between the County of Chisago, by and through Chisago County Health and Human Services, 313 North Main, Center City, MN 55102 (hereinafter County), and Mackenzie Halfen , 24125 Inwood Ave N, Forest Lake, MN 55025, an independent contractor, not an employee of the County of Chisago (hereinafter CONTRACTOR).

WHEREAS, County, pursuant to Minnesota Statutes Chapter 373.01 and 373.02, is empowered to procure from time to time certain professional/technical services, and

WHEREAS, County is in need of professional/technical services, specifically to provide leadership and direction to Community Health Services staff and services within the County in Public Health and,

WHEREAS, the CONTRACTOR represents it is duly qualified and willing to perform the services set forth in this contract,

NOW, THEREFORE, it is agreed:

I. TERM OF CONTRACT. ~~This contract shall be effective on May 31, 2022 or upon the date the final required signature is obtained by County, whichever occurs later, and shall remain in effect until June 30, 2023~~

This Contract Amendment shall be effective on January 18, 2023 and shall remain in effect until February 28th, 2023 or until all obligations set forth in this contract have been satisfactorily fulfilled, whichever occurs first. **The CONTRACTOR understands that no work should begin under the terms of this contract until all required signatures have been obtained and the CONTRACTOR is notified to begin work by County's authorized representative.**

II. PARTIES DUTIES. The PARTIES will:

A. CONTRACTOR DUTIES:

1. 1.Essential Functions:

- Communicate with Community Health Services Administrator and Public Health Supervisor to stay informed on federal and state legislation regarding the COVID-19 pandemic and the potential impacts they might have on Chisago County.
- Work with the Community Health Services Administrator and Public Health Supervisor to develop, implement, administer, and evaluate community health programs, including disease prevention, emergency preparedness, with a focus on our COVID response and other grant supported programs, in conjunction with government officials, health care providers, community resources, and community committees, and the public based on community health assessment to meet community needs.
- Reviews policies to maintain and improve the health of the community in accordance with state and federal laws and economic constraints, and consistent with County Board objectives and

State requirements.

- Provides guidance to Community Health Services staff to ensure that agency and state policies, rules, and regulations are adhered to, and proper practices are being observed.
- Participate in public health infrastructure development including areas of program improvement, quality improvement and strategic planning; and accreditation planning and implementation.
- Works with Planner to coordinate and/or facilitate data activities such as demographic, programmatic, socioeconomic and health statistical information at Community meetings.
- Provides input and direction regarding performance measures in public health
  - Annual reporting requirements.
  - REDCap.
  - Other platforms as assigned.
- Oversees public health division quality improvement and quality assurance activities and projects. Frequently conduct research on public health and emerging public health issues and activities to better inform key stakeholders and county residents.
- Works with Planner on Quality Improvement Plans to maintain and update as needed.

2. Health Equity:

- Establish review process for evaluating Public Health Program policies and procedures to include opportunities that increase access to health and address policies that should include a health equity lens.
  - At least one policy/procedure per quarter will be evaluated until all policies/procedures have been reviewed.
- Integrate health equity, cultural competency, and trauma-informed care trainings to new-employee orientation.
  - 100% of new employees will attend one training upon hire to educate on health equity, cultural competency and trauma-informed care.
- Establish opportunities for current staff to advance knowledge in areas or health equity, cultural competency and trauma-informed care.
  - At least one annual training will be offered to county staff to advance knowledge in areas or health equity, cultural competency and trauma-informed care.
- Identify and implement strategies to address factors that contribute to specific populations with higher health risks or who are underserved.
  - A community survey will be conducted every three years to assess needs and clinical service gaps in our community.
- Increase community engagement and collaborative partnerships to improve health promotion and communication strategies to better inform residents and partners related to emergency preparedness and COVID-19 efforts.
- Identifies, engages, and involves organizations and community groups with implementation of planning and evaluation processes and prepares a written Community Health Improvement Plan.
- Establish key metrics for all community health programs, particularly emergency preparedness and disease prevention to include equity, inclusion, and diversity.
- Provide other specialized assistance to HHS Department staff as needed.

3. Responds to requests for public health information

4. Incident Command system role in Public Health Emergency Preparedness (PHEP)

5. Performs other duties as assigned

B. COUNTY DUTIES:
   1. County will provide project oversight.
   2. County will provide paper, printing and postage when applicable for program projects.

III. CONSIDERATION AND TERMS OF PAYMENT.

A. Consideration for all services performed and goods or materials supplied by the CONTRACTOR pursuant to this contract shall be paid by County as follows:

~~1. The total obligation of the County for all compensation and reimbursement to the Contractor shall not exceed: One hundred Twenty- Three thousand, Six-hundred Forty dollars [$123,640.00] for the term of this contract.~~

2. Compensation payable as follows:
   a. Monthly compensation in January in the amount of **Four Thousand Four Hundred Dollars $4,400.00, and then an hourly rate of Fifty Five Dollars [$55.00]** for the month of February, reimbursement of monthly invoice payable within 20 days of submitting the monthly invoice, and written update to the CHS Administrator and the Monthly Reporting/Evaluation to the CHS Administrator and to the Department of Health.
   b. Contractor will submit an invoice along with the monthly reports to the CHS Administrator that includes hours worked on each strategy, evaluation and communication.

C. Terms of Payment.

~~The final bi-monthly stipend for the month of June, 2023 will need to be paid during the contract term. The invoice for the last half of June, 2023 will need to be turned in by June 08, 2023. The bi-monthly report for the last half of June, 2023 can be submitted in July, 2023.~~

1. All services provided by the CONTRACTOR pursuant to this contract shall be performed to the satisfaction of County, as determined at the sole discretion of its authorized representative, and in accordance with all applicable federal, state and local laws, ordinances, rules and regulations. The CONTRACTOR shall not receive payment for work found by County to be unsatisfactory or performed in violation of any applicable federal, state or local law, ordinance, rule or regulation.

IV. AUTHORIZED REPRESENTATIVES. All official notifications, including but not limited to, cancellation of this contract must be sent to the other party's authorized representative.

A. County's authorized representative for the purpose of administration of this contract is:

Name:	Robert Benson, Director
Address:	313 North Main Street, Center City, MN 55012
Telephone:	(651) 213-5664

E-Mail: Robert.Benson@Chisagocounty.us
Fax: (651) 213-5685

B. The CONTRACTOR'S authorized representative for the purpose of administration of this contract is:

Name: Mackenzie Halfen
Address: 24125 Inwood Ave N. Forest Lake, MN 55025
Telephone: 608-630-0085
E-Mail: templ159@umn.edu

V. CANCELLATION AND TERMINATION.

A. This contract may be canceled by County or Contractor at any time, with or without cause, upon thirty (30) days written notice to the other party. In the event of such a cancellation, the CONTRACTOR shall be entitled to payment, determined on a pro rata basis, for work or services satisfactorily performed.

B. The Contractor must, within 10 days, notify the County in writing whenever it is unable to, or going to be unable to, provide the required quality or quantity of purchased services. Upon such notification, the County must determine whether such inability will require modification or cancellation of said contract.

C. The County may immediately terminate this Contract for cause due to any material violation of the terms of the Contract. The CONTRACTOR shall be entitled for any pro rata share of the compensation for approved services rendered.

D. 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 fax 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.

E. Notice of Cancellation, termination, or material modification shall be provide by Certified U.S. Mail.

VI. ASSIGNMENT. The CONTRACTOR shall neither assign nor transfer any rights or obligations under this contract without the prior consent of County's authorized representative and without amendment to this contract. If the duties under this agreement are transferred or assigned, the CONTRACTOR shall be responsible for the performance and payment due and owed the assignee, per Minn. Stat. §471.425.

VII. AMENDMENTS. Any amendments to this contract shall be in writing and shall be executed by the same parties who executed the original contract, or their successors in office.

VIII. COMPLIANCE WITH APPLICABLE LAWS/STANDARDS. The Contractor shall maintain in good standing, all professional credentials necessary to provide the services contemplated and set forth herein. The parties shall comply with all federal, state and local laws. Specifically, the Parties shall comply with all regulations governing data collected, created, received, or retained including the retention, maintenance and destruction of data, per 45 C.F.R. 155.1210. The absence of an immediate enforcement action or commencement of lack of remedial steps to address non-compliance shall not be construed as a waiver of the requirement, nor shall it prohibit later enforcement or action to terminate the agreement by the non-offending party.

IX. LIABILITY. The CONTRACTOR shall indemnify, save, and hold County, its representatives and employees harmless from any and all claims or causes of action, including all attorneys' fees incurred by County, arising from the negligent performance of this contract by the CONTRACTOR or CONTRACTOR'S agents or employees. This clause shall not be construed to bar any legal remedies the CONTRACTOR may have for County's failure to fulfill its obligations pursuant to this contract.

X. INSURANCE.

A. *Workers' Compensation.* The contractor certifies it is in compliance with Minnesota Statute §176.181, Subd. 2 pertaining to workers' compensation insurance coverage. The CONTRACTOR'S employees and agents will not be considered County employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees or agents and any claims made by any third party as a consequence of any act or omission on the part of these employees or agents are in no way County's obligation or responsibility.

B. *General Liability Insurance.* Contractor is required to maintain insurance protecting it from claims for damages for bodily injury, including sickness or disease, death, and for care and loss of services as well as from claims for property damage, including loss of use which may arise from operations under the Contract whether the operations are by the Contractor or by a subcontractor or by anyone directly or indirectly employed by the Contractor under the contract. Insurance minimum limits are $500,000 per claim and $1,500,000 per occurrence/annual aggregate.

C. *Professional Liability Insurance.* Contractor shall maintain and provide proof of professional liability insurance for individual(s) providing professional services under this Contract. The insurance shall provide liability coverage in amounts determined by the Contractor.

D. *Auto Insurance.* Contractor shall maintain auto liability coverage for individual(s) who operate a vehicle while carrying out any of the duties outlined in this Contract. A minimum liability amount of $1,000,000 on a Combined Single Limit basis shall be maintained and coverage shall include Any Auto, including Hired and Non-owned.

E. The County must be listed as an additional insured and shall be sent a current certificate of insurance on an annual basis. The certificate must show that the County will receive thirty (30) calendar days' prior written notice in the event of cancellation, nonrenewal, or material change in the described policy.

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

XI. PUBLICITY. Any publicity given to the program, publications, or services provided resulting from this contract, including, but not limited to, notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the CONTRACTOR or its employees individually or jointly with others, or any subcontractors shall identify County as the sponsoring agency and shall not be released prior to receiving the approval of County's authorized representative.

XII. GOVERNMENT DATA PRACTICES ACT. The CONTRACTOR and County must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by County in accordance with this contract, and as it applies to all data, created, collected, received, stored, used, maintained, or disseminated by the CONTRACTOR in accordance with this contract. The civil remedies of Minnesota Statute §13.08 apply to the release of the data referred to in this clause by either the CONTRACTOR or County.

In the event the CONTRACTOR receives a request to release the data referred to in this clause, the CONTRACTOR must immediately notify County. County will give the CONTRACTOR instructions concerning the release of the data to the requesting party before the data is released.

By means of this Contract and for purposes of exchange of data to facilitate the program(s), the CONTRACTOR is deemed to be a part of the welfare system pursuant to Minn. Stat. 13.46, Subd. 1(c). Data collected, maintained, used or disseminated by the County and personnel of the Health and Human Services Department or collected, maintained, used or disseminated by the CONTRACTOR may be exchanged as authorized by Minn. Stat. 13.46, Subd. 2 (a)(4) - (7).

XIII. OWNERSHIP OF MATERIALS, CLIENT RECORDS, AND INTELLECTUAL PROPERTY RIGHTS.

A. County shall own all rights, title and interest in all of the materials conceived or created by the CONTRACTOR, or its employees or subcontractors, either individually or jointly with others and which arise out of the performance of this contract, created and paid for under this contract, including any inventions, reports, studies, designs, drawings, specifications, notes, documents, software and documentation, computer based training modules, electronically, magnetically or digitally recorded material, and other work in whatever form (hereinafter MATERIALS).

The CONTRACTOR hereby assigns to County all rights, title and interest to the MATERIALS. The CONTRACTOR shall, upon request of County, execute all papers and perform all other acts necessary to assist County to obtain and register copyrights, patents or other forms of protection provided by law for the MATERIALS. The MATERIALS created under this contract by the CONTRACTOR, its employees or subcontractors, individually or jointly with others, shall be considered "works made for hire" as defined by the United States Copyright Act. All of the MATERIALS, whether in paper, electronic, or other form, shall be remitted to County by the

CONTRACTOR, its employees and any subcontractors, and the CONTRACTOR shall not copy, reproduce, allow or cause to have the MATERIALS copied, reproduced or used for any purpose other than performance of the CONTRACTOR'S obligations under this contract without the prior written consent of County's authorized representative.

B. The CONTRACTOR represents and warrants that MATERIALS produced or used under this contract do not and will not infringe upon any intellectual property rights of another, including, but not limited to, patents, copyrights, trade secrets, trade names, and service marks and names. The CONTRACTOR shall indemnify and defend, to the extent permitted by the Attorney General, County at the CONTRACTOR'S expense from any action or claim brought against

County to the extent that it is based on a claim that all or part of the MATERIALS infringe upon the intellectual property rights of another. The CONTRACTOR shall be responsible for payment of any and all such claims, demands, obligations, liabilities, costs and damages, including, but not limited to, reasonable attorney fees arising out of this contract, amendments and supplements thereto, which are attributable to such claims or actions.

If such a claim or action arises, or in the CONTRACTOR'S or County's opinion is likely to arise, the CONTRACTOR shall, at County's discretion, either procure for County the right or license to continue using the MATERIALS at issue or replace or modify the allegedly infringing MATERIALS. This remedy shall be in addition to and shall not be exclusive to other remedies provided by law.

XIV. **ANTITRUST**. The CONTRACTOR hereby assigns to the County of Chisago any and all claims for overcharges as to goods or services provided in connection with this contract resulting from antitrust violations which arise under the antitrust laws of the United States or the antitrust laws of the State of Minnesota.

XV. **JURISDICTION AND VENUE**. This contract, and amendments and supplements thereto, shall be governed by the laws of the State of Minnesota. Venue for all legal proceedings arising out of this contract, or breach thereof, shall be in the state or federal court with competent jurisdiction in Chisago County, Minnesota.

XVI. **STATE AUDITS**. The books, records, documents, and accounting procedures and practices of the CONTRACTOR relevant to this contract shall be subject to examination by County and the Legislative Auditor for a minimum of six (6) years from the end of the contract.

XVII. **SUBCONTRACTING AND ASSIGNMENT:** CONTRACTOR shall not enter into any subcontract for performance of any services contemplated under this agreement, nor assign any interest in the agreement without the prior written approval of the County. Any assignment may be made subject to such conditions and provisions as the County may impose. If specifically authorized by the County, CONTRACTOR is responsible for the performance of all subcontractors and shall compensate said subcontractors pursuant to the requirements of Minnesota Statute § 471.425.

XVIII. **INDEPENDENT CONTRACTOR:**

A. The Contractor is an independent contractor and neither the position nor the work of the Contractor shall cause the Contractor to be construed as an employee in any way. The contractor shall at all times be free to exercise initiative, judgment and discretion as to how to best perform or provide services.
B. The Contractor acknowledges and agrees that it is not entitled to receive any of the benefits received by County employees and is not eligible for workers or unemployment compensation benefits.
C. The Contractor also acknowledges and agrees that no withholding or deduction for State or Federal income taxes, FICA, FUTA or otherwise will be made from the payments due and that it is the Contractor's sole obligation to comply with the applicable provision of all Federal and State laws.

XIX. **SURVIVAL OF TERMS**. The following clauses survive the expiration, cancellation or termination of this contract: IX, Liability; XI, Publicity; XII, Government Data Practices Act; XIII, Ownership of Materials and Intellectual Property Rights; XV, Jurisdiction and Venue; and XVI, State Audits.

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

APPROVED:

1. **CONTRACTOR: MACKENZIE HALFEN**
   CONTRACTOR certifies that the appropriate person(s) have executed the contract on behalf of CONTRACTOR as required by applicable articles, by-laws, resolutions, or ordinances.

Signed:
Title: Mackenzie Halfen
Date:

2. **COUNTY OF CHISAGO:**
   APPROVED

Signed:
Title: Ben Montzka, Chair, County Board
Date:

Certified:

Signed:
Title: Chase Burnham, County Administrator
Date:

Signed:
Title: Robert Benson, Health and Human Service Director
Date:

Reviewed as to Form:

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

Chisago County Request For Board Action

Meeting Date: January 18, 2023	***Item Number:*** 14
Title of Item for Consideration: Resolution for Mileage Reimbursement past 60 days	
Action Requested by: Robert Benson, Director	***Department:*** Health and Human Services
Previous Action on this Matter: None.	
Background: Seeking approval for mileage claims for July and August, 2022 mileage reimbursement is over the 60 day policy requirement. Travel dates between 7/27/-8/22/2022 for Kay Winterfeldt in the amount of $152.11.	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve the July and August 2022 mileage reimbursement claims for above employees. The suggested motion is as follows: ***"Move to approve late submission of mileage reimbursement by supervisor."***	
Implications of Action: Staff will be reminded of the 60-day policy ***Budget/Financial Implications***: Budgeted Levy Dollars. ***Legal/Policy Implications***: The proposed activities are in general conformity with applicable state statutes and County authority and policies.	

Administrator's Recommendation

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

Complete form ELECTRONICALLY
then print and sign

2021 Employee Mileage Reimbursement Request

HHS ONLY

Name: Kay Winterfeldt **Address:** 1131 24th Ave SW **City:** Cambridge

Dept: Public Health **Job Title:** Public Health Supervisor **State/ZIP:** MN 55008

Odometer readings are REQUIRED on all mileage reimbursements

Date	Destination (include location of start & stop) Reason for Trip	Beginning Odometer	Ending Odometer	Mileage	Co Car Available yes or no	Mileage x .56	Mileage x .35
7/27/2022	MAHF meeting - home to St Paul to home (120 miles R/T - 30 commute	155000	155090	90	yes		$ 31.50
8/9/2022	Home to Retreat in Farmington, MN (98-15=83 miles)	156000	156083	83	no	$ 46.48	
8/10/2022	Retreat in Farmington, MN to home (98-15=83 miles)	156100	156183	83	no	$ 46.48	
8/16/2022	NB PH to Meeting at Center City Govmt center and back to NB PH	156400	156432	32	yes		$ 11.20
8/22/2020	Home to training at Center City Govmt center (30-15= 15miles)	156500	156515	15	yes		$ 5.25
8/22/2022	Center City Govmt Center to NB PH	156515	156547	32	yes		$ 11.20
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				335		$ 92.96	$ 59.15

per resolution 020123-7 claims must be submitted no later than 60 days following the date of incurement

signature of claimant: Kay Winterfeldt DATE 8/22/2022

I declare under the penalty of perjury that this claim is just and correct, that the expense sought to be reimbursed was actually paid or incurred by claimant and that no part of it has been paid.

approved/ reviewed by: DATE 8/5/23

Approved based on the knowledge of the necessity for travel & expense. And on the basis of compliance with all provisions of county travel & mileage reimbursement policies, including availibility of county vehicle.

Mileage		
Mileage		

Total Reimb Requested $ 152.11

VENDOR # _____

DATE PAID _____

WARRANT # _____

Chisago County Request for Board Action

Meeting Date: December 21, 2022	***Item Number:*** 15
Title of Item for Consideration: Report and Recommendations from the January 11, 2023 Budget and Finance Committee	
Action Requested by: Budget & Finance	***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 December 14th Budget and Finance Meeting. Of note are the following, items, along with any recommended Board actions if the Board of Commissioners chooses to approve the Budget and Finance Committee's recommendations:

Current Year-to-Date Financial Update:

The Committee reviewed the current up to date financials; operating budget activity, cash flow considerations, monthly-to-annual payroll, and the local option sales and wheelage tax numbers. **The Committee recommended accepting the reports.**

Year-end Transfers and Carryovers:

Kristin Waddell, Deputy County Auditor-Treasurer explained the County 'year-end transfer and carryover process.' No action was taken.

Alcohol Licensing:

County Auditor-Treasurer Bridgitte Konrad and the Committee discussed the County's liquor license fees. The County will need to host a public hearing if they choose to change the current fee amounts.

Mileage Change:

The Committee discussed the federal change to the IRS reimbursable mileage rate, and a change in County policy to have the County's mileage reimbursement amount mirror the federal rate.

Opioid Settlement – HHS Staff Costs:

The Committee discussed using some of the County's Opioid Settlement funds to pay for the HHS staff committee to the Opioid crisis in Chisago County. The current request is for $3,508.13 for Madelyn Jensen's time.

MCIT Dividend:

The Committee discussed using $50,000 from the MCIT dividend to fund the County Ergonomic fund, Safety Committee, and the Wellness fund.

Attachment:

- January 11th Budget and Finance Packet

Action Requested/Recommended: It is respectfully requested that the Chisago County Board accept the December 14th Budget and Finance Report and approve the recommendations from the Budget and Finance Committee with the following motions below. Recommended Board Action, if any, may be undertaken via the above individual motions or via the following encompassing motion:

"Move to accept the December 14th Budget and Finance Report, change the County mileage reimbursement rate to reflect the federal rate and approve using some of the County's Opioid Settlement funds to pay for the HHS staff committee to the Opioid crisis in Chisago County, $3,508.13."

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.

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

Chisago County
MINNESOTA
ADMINISTRATION

BUDGET & FINANCE COMMITTEE AGENDA

Wednesday, January 11 , 2023

3:00 PM • Boardroom

Chisago County Government Center, 313 N. Main St., Center City, MN 55012

PROPOSED AGENDA

I. Current Year-to-Date Financial Update
   - A. Operating Budget Activity (P&L)
   - B. Cash Flow Considerations (CF)
   - C. Monthly-to-Annual Payroll Assessment
   - D. Local Option Sales Tax and Wheelage Tax Update

II. Year-end Transfers and Carryovers — *Discussion*

III. ARPA Expenses — *Discussion*
   A.) Budget Adjustment

IV. Alcohol Licensing Fee Discussion

V. Mileage Change

VI. Opioid Settlement – HHS Staff Costs

VII. MCIT Dividend

VIII. Other B/F Items

Commissioner Jim Swenson will be attending the meeting virtually from The Hammocks located at 1688 Overseas Hwy, Marathon FL 33050. Please reach out to County Administrator Chase Burnham, with any questions.

OPERATING BUDGET VS ACTUAL

(BUDGETED AMOUNTS INCLUDE AMENDMENTS AND CARRYOVERS)

AS OF 12/31/2022

100% OF YEAR COMPLETE

	2022 Budget w/ Amendments	As of 12/31/2022	% of Budget
GENERAL FUND			
Board of Commissioners	405,511.00	356,738.47	88%
District Court	216,500.00	188,785.91	87%
Law Library	154,087.00	36,634.37	24%
County Administrator	637,739.00	752,807.81	118%
Auditor-Treasurer	1,145,146.00	786,846.49	69%
Audit	70,000.00	72,311.00	103%
Assessor	953,936.00	948,725.77	99%
Enterprise Services	5,819,375.00	5,622,251.28	97%
Central Services	117,089.00	86,382.04	74%
Elections	230,197.00	174,281.25	76%
County Attorney	2,130,297.00	1,976,178.58	93%
County Attorney Forfeiture	-	509.83	
Recorder	379,088.00	345,780.55	91%
Recorder Compliance/Technology	2,074,645.00	24,050.44	1%
Maintenance	1,668,170.00	1,507,845.05	90%
Planning & Zoning	1,139,812.00	1,183,627.26	104%
General Government	1,086,911.00	2,786,616.65	256%
Non County Expense	4,700.00	2,972.00	63%
Contingency	109,747.00	21,446.00	20%
Sheriff	7,101,516.00	7,229,497.46	102%
Sheriff Forfeitures	32,210.00	-	0%
Boat & Water	52,980.00	953.10	2%
Sheriff's Reserve	5,436.00	1,754.50	32%
Snowmobile Safety	-	887.35	
Sheriff's Contingency	3,316.00	-	0%
Gun Permits	224,326.00	22,650.78	10%
Project Lifesaver	5,121.00	-	0%
Public Safety Grants	70,694.00	73,183.45	104%
Coroner	136,869.00	139,509.00	102%
County Jail	4,522,533.00	4,254,425.67	94%
Jail Canteen	98,850.00	11,947.14	12%
Probation & Parole	1,278,665.00	1,160,772.87	91%
Emergency Management	133,358.00	117,673.98	88%
E-911	233,664.00	-	0%
Controlled Substances - Share of Fines	7,162.00	5,000.00	70%
Historical Society	30,210.00	30,210.00	100%
Regional Library	701,000.00	693,064.00	99%
Parks	445,932.00	433,701.47	97%
County Agricultural Society	16,000.00	16,000.00	100%
County Extension Services	133,500.00	120,773.93	90%
Soil & Water	718,700.00	607,324.15	85%
Water Quality Grant	354,133.00	83,232.49	24%
Sewer Grants	34,397.00	26,500.00	77%

OPERATING BUDGET VS ACTUAL

(BUDGETED AMOUNTS INCLUDE AMENDMENTS AND CARRYOVERS)

AS OF 12/31/2022

100% OF YEAR COMPLETE

	2022 Budget w/ Amendments	As of 12/31/2022	% of Budget
Wetland Grant	109,994.00	106,751.14	97%
Watercraft Inspection	400,848.00	170,483.92	43%
Economic Development	82,000.00	81,862.00	100%
Heartland Express	-	1,543.74	
TOTAL GENERAL FUND	***$ 35,276,364.00***	***$ 32,264,492.89***	***91%***
SELF INSURANCE FUND			
Other General Government	300,000.00	43,728.34	15%
TOTAL SELF INSURANCE FUND	***$ 300,000.00***	***$ 43,728.34***	***15%***
ROAD AND BRIDGE FUND			
Surveyor	160,110.00	155,314.46	97%
Highway Administration	372,660.00	367,843.55	99%
Highway Engineering	1,536,690.00	2,837,633.76	185%
Highway Construction	11,536,893.00	11,857,550.95	103%
Highway Maintenance	5,234,846.00	4,853,493.61	93%
Equipment Maintenance/Shop	1,325,618.00	1,405,853.32	106%
Traffic Operations	551,975.00	485,648.46	88%
TOTAL ROAD AND BRIDGE FUND	***$ 20,718,792.00***	***$ 21,963,338.11***	***106%***
HEALTH AND HUMAN SERVICES			
Veterans Service	217,824.00	207,771.18	95%
Income Maintenance	3,708,596.00	3,344,317.17	90%
Social Services	10,586,147.00	8,891,643.86	84%
Local Collaborative	-	110,588.38	
Public Health Nursing	2,123,763.00	1,860,370.74	88%
TOTAL HEALTH AND HUMAN SERVICES	***$ 16,636,330.00***	***$ 14,414,691.33***	***87%***
BUILDING FUND			
General Government	524,750.00	53,573.00	
Score Grant Fund	17,000.00	-	
TOTAL BUILDING FUND	***$ 541,750.00***	***$ 53,573.00***	***10%***

OPERATING BUDGET VS ACTUAL

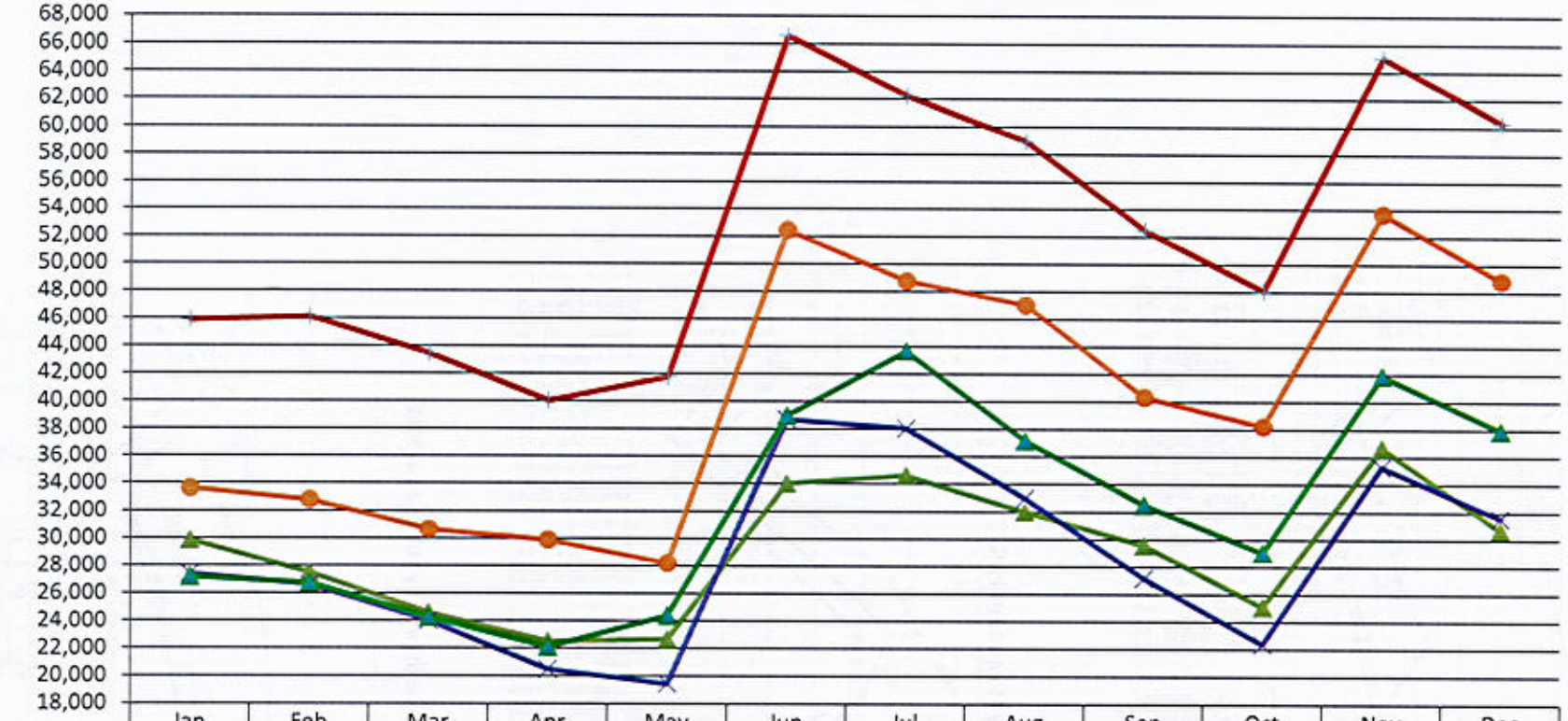
(BUDGETED AMOUNTS INCLUDE AMENDMENTS AND CARRYOVERS)

AS OF 12/31/2022

100% OF YEAR COMPLETE

	2022 Budget w/ Amendments	As of 12/31/2022	% of Budget
CAPITAL EQUIPMENT FUND			
County Administrator	30,000.00	5,100.00	17%
Auditor-Treasurer	99,800.00	32,990.00	33%
Data Processing	421,022.00	275,634.09	65%
Maintenance	137,100.00	31,105.42	23%
Other General Government	309,026.00	104,927.70	34%
Sheriff	565,438.00	429,695.74	76%
County Jail	222,425.00	34,476.38	16%
Highway	2,355,226.00	1,864,443.59	79%
Parks	517,400.00	270,093.31	52%
TOTAL CAPITAL EQUIPMENT FUND	***$ 4,657,437.00***	***$ 3,048,466.23***	***65%***
SOLID WASTE FUND			
Score Grant Fund	300,068.00	179,160.59	60%
HHW Operations	538,289.00	382,285.49	71%
TOTAL SOLID WASTE FUND	***$ 838,357.00***	***$ 561,446.08***	***67%***
PARK ACQUISITION & IMPROVEMENT FUND			
Parks	1,396,802.00	54,141.25	4%
TOTAL PARK ACQ & IMPV FUND	***$ 1,396,802.00***	***$ 54,141.25***	***4%***
LAKE IMPROVEMENT DISTRICT MAINTENANCE			
Lake Improvement District Maintenance	380,671.00	329,282.66	87%
TOTAL LAKE IMPV DISTRICT MAINT	***$ 380,671.00***	***$ 329,282.66***	***87%***
DEBT SERVICE FUND			
Road Debt	10,053,979.00	10,034,003.07	100%
HHS Debt	1,290,854.00	1,290,634.75	100%
Library Debt	1,818,238.00	1,801,875.33	99%
Jail Debt	1,047,729.00	992,287.50	95%
Business Park Bonds	2,427,862.00	2,438,799.13	100%
Capital Projects	670,520.00	630,602.50	94%
TOTAL DEBT SERVICE FUND	***$ 17,309,182.00***	***$ 17,188,202.28***	***99%***
TOTAL ALL FUNDS	***$ 98,055,685.00***	***$ 89,921,362.17***	***92%***

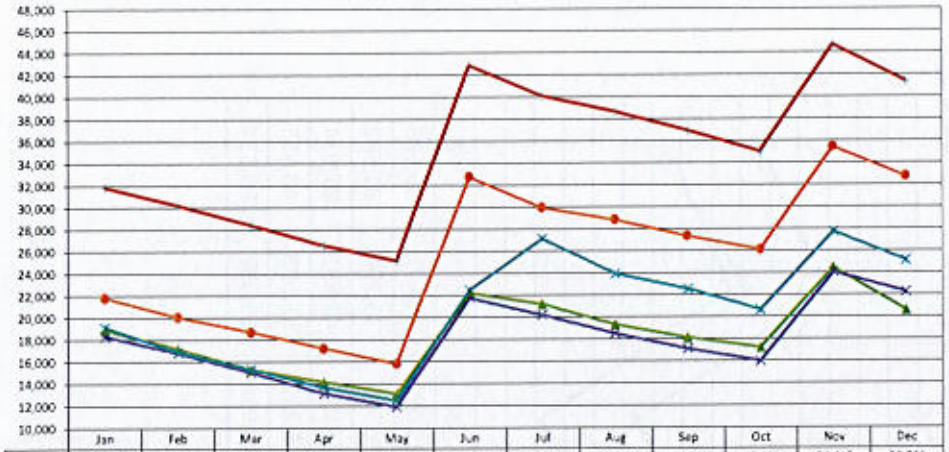
Revenue, Highway and HHS Funds: Cash Fund Balance by Month 2018-2022



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2018	29,855	27,499	24,588	22,538	22,655	34,007	34,595	31,975	29,566	25,099	36,671	30,685
2019	27,411	26,615	24,030	20,479	19,428	38,669	38,040	32,978	27,162	22,394	35,294	31,582
2020	27,156	26,725	24,249	22,105	24,360	38,950	43,619	37,130	32,487	29,024	41,891	37,934
2021	33,628	32,786	30,646	29,900	28,211	52,436	48,767	47,036	40,338	38,222	53,683	48,855
2022	45,863	46,089	43,418	40,026	41,748	66,560	62,198	58,915	52,458	48,096	65,037	60,334

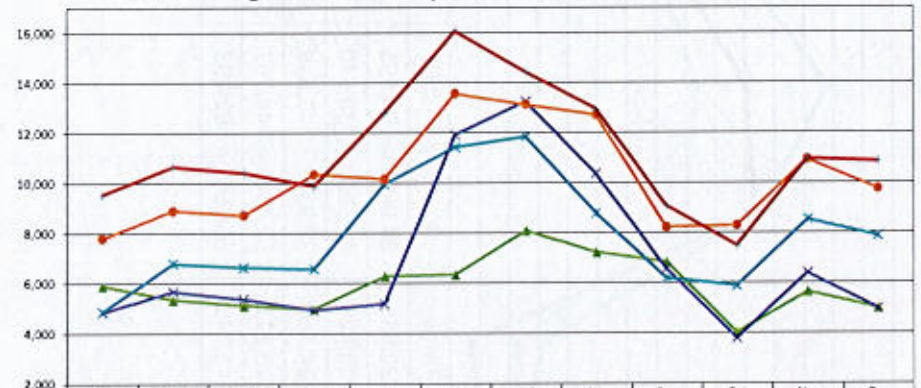
Fund Balance (000's)

General Fund: Cash Fund Balance by Month 2018-2022



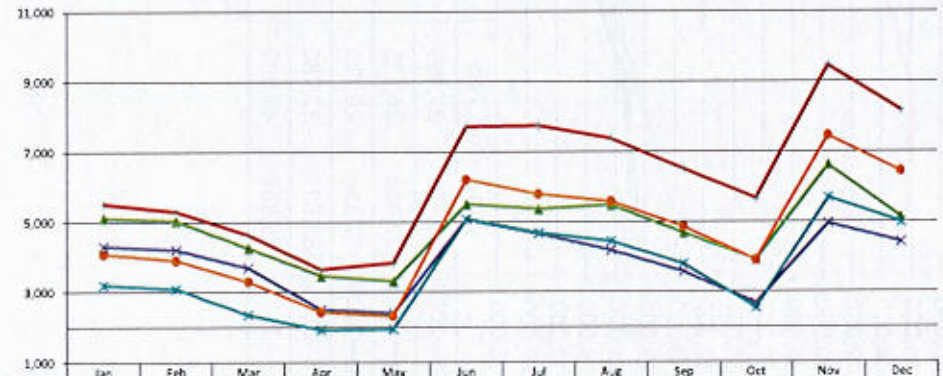
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2018	18,863	17,143	15,237	14,122	13,079	22,183	21,156	19,290	18,083	17,180	24,445	20,581
2019	18,265	16,768	14,999	13,074	11,892	21,708	20,165	18,464	17,061	15,944	23,994	22,227
2020	19,092	16,873	15,291	13,634	12,472	22,462	27,108	23,919	22,522	20,619	27,698	25,101
2021	21,774	20,019	18,660	17,164	15,767	32,710	29,891	28,791	27,296	26,067	35,360	32,704
2022	31,823	30,169	28,401	26,522	25,144	42,831	40,066	38,629	36,901	34,965	44,667	41,343

Road & Bridge Fund Balance by Month 2018-2022



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2018	5,685	5,327	5,099	4,966	6,271	6,326	8,078	7,213	6,813	4,012	5,615	4,979
2019	4,828	5,649	5,347	4,913	5,148	11,900	13,223	10,343	6,539	3,780	6,364	4,943
2020	4,869	6,770	6,620	6,554	9,950	11,412	11,832	8,774	6,173	5,868	8,514	7,856
2021	7,783	8,879	8,709	10,323	10,144	13,532	13,100	12,679	8,196	8,267	10,892	9,726
2022	9,528	10,634	10,392	9,864	12,786	16,033	14,405	12,924	9,058	7,477	10,935	10,828

Health & Human Services: Cash Fund Balance by Month 2018-2022



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2018	5,107	5,029	4,353	3,450	3,305	5,458	5,361	5,472	4,670	3,907	6,611	5,125
2019	4,298	4,198	3,684	2,491	2,388	5,061	4,652	4,171	3,562	2,670	4,935	4,411
2020	3,195	3,082	2,338	1,917	1,938	5,075	4,679	4,437	3,792	2,537	5,679	4,977
2021	4,071	3,887	3,283	2,413	2,300	6,194	5,776	5,565	4,846	3,888	7,431	6,425
2022	5,512	5,286	4,624	3,640	3,818	7,706	7,727	7,362	6,499	5,653	9,435	8,163

SALARIES AND WAGES
BUDGET VS ACTUAL
AS OF 12/31/2022
100% OF YEAR COMPLETE

	2022 Budget	As of 12/31/2022	% of Budget
GENERAL FUND			
Board of Commissioners	254,761.00	191,193.67	75%
County Administrator	599,689.00	623,196.06	104%
Auditor-Treasurer	799,481.00	759,687.40	95%
Assessor	897,460.00	912,372.96	102%
Enterprise Services	2,004,143.00	1,948,066.25	97%
County Attorney	2,028,637.00	1,910,508.83	94%
Recorder	362,138.00	328,535.49	91%
Maintenance	556,290.00	532,004.26	96%
Planning & Zoning	871,612.00	881,951.38	101%
Sheriff	6,254,416.00	6,494,487.67	104%
Boat & Water	41,980.00	-	0%
County Jail	3,748,607.00	3,621,318.23	97%
Probation & Parole	1,142,573.00	1,046,914.34	92%
Emergency Management	97,540.00	88,010.26	90%
Parks	333,643.00	266,589.23	80%
Water Quality Grant	82,989.00	51,579.23	62%
Wetland Grant	104,994.00	101,751.14	97%
Watercraft Inspection	222,354.00	142,885.91	64%
Non-Levy Departments	634,822.00	511,355.82	81%
TOTAL GENERAL FUND	***$ 21,038,129.00***	***$ 20,412,408.13***	***97%***
SELF INSURANCE FUND			
Other General Government	300,000.00	43,728.34	15%
TOTAL SELF INSURANCE FUND	***$ 300,000.00***	***$ 43,728.34***	***15%***
ROAD AND BRIDGE FUND			
Surveyor	146,060.00	147,638.39	101%
Highway Administration	333,460.00	328,010.74	98%
Highway Engineering	952,240.00	952,553.85	100%
Highway Maintenance	1,818,886.00	1,662,600.35	91%
Equipment Maintenance/Shop	441,720.00	478,745.04	108%
Traffic Operations	228,975.00	178,541.25	78%
TOTAL ROAD AND BRIDGE FUND	***$ 3,921,341.00***	***$ 3,748,089.62***	***96%***

SALARIES AND WAGES
BUDGET VS ACTUAL
AS OF 12/31/2022
100% OF YEAR COMPLETE

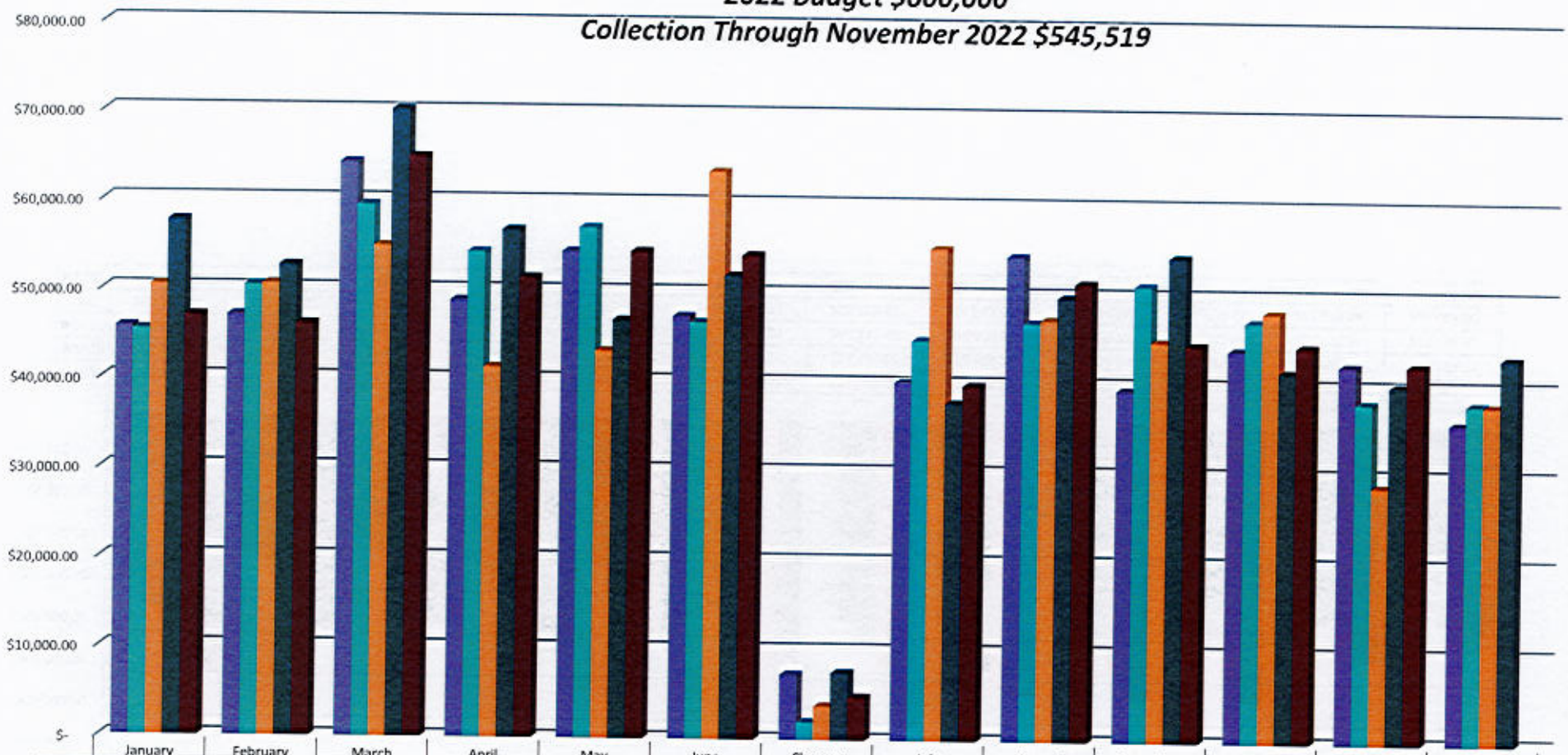
	2022 Budget	As of 12/31/2022	% of Budget
HEALTH AND HUMAN SERVICES			
Veterans Service	185,526.00	176,596.99	95%
Income Maintenance	2,919,704.00	2,573,714.04	88%
Social Services	6,423,869.00	6,171,053.80	96%
Public Health Nursing	1,843,261.00	1,662,360.03	90%
TOTAL HEALTH AND HUMAN SERVICES	***$ 11,372,360.00***	***$ 10,583,724.86***	***93%***
SOLID WASTE FUND			
Score Grant Fund	49,818.00	49,348.57	99%
HHW Operations	130,679.00	131,773.48	101%
TOTAL SOLID WASTE FUND	***$ 180,497.00***	***$ 181,122.05***	***100%***
LAKE IMPROVEMENT DISTRICT MAINTENANCE			
Lake Improvement District Maintenance	123,601.00	149,005.67	121%
TOTAL LAKE IMPV DISTRICT MAINT	***$ 123,601.00***	***$ 149,005.67***	***121%***
TOTAL ALL FUNDS	***$ 36,935,928.00***	***$ 35,118,078.67***	***95%***

Wheelage Tax

Average Annual Collection $565,349

2022 Budget $600,000

Collection Through November 2022 $545,519



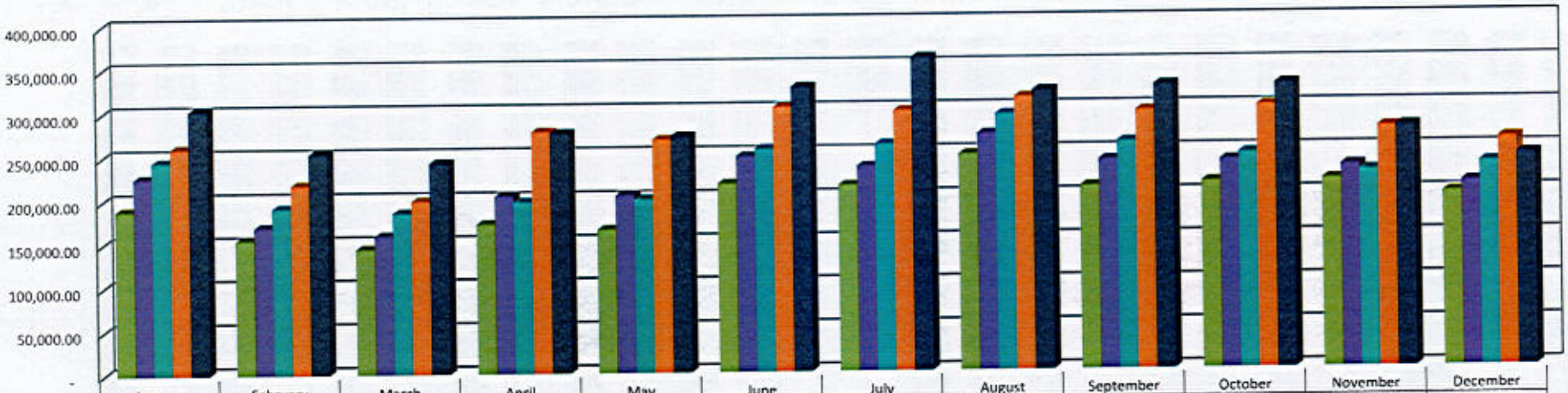
	January	February	March	April	May	June	Cleanup	July	August	September	October	November	December
2018	$45,725.23	$47,067.13	$64,251.23	$48,889.40	$54,475.56	$47,292.99	$7,314.25	$40,128.70	$54,297.84	$39,372.76	$43,924.32	$42,318.01	$35,929.50
2019	$45,410.66	$50,447.62	$59,526.25	$54,386.49	$57,152.45	$46,629.92	$2,043.50	$44,813.25	$46,878.14	$51,126.28	$47,146.69	$38,150.39	$38,130.00
2020	$50,463.58	$50,630.64	$54,917.39	$41,409.10	$43,328.09	$63,508.19	$3,796.36	$55,127.16	$47,193.47	$44,838.16	$48,168.82	$28,795.38	$37,983.69
2021	$57,675.88	$52,708.33	$70,214.38	$56,833.00	$46,820.71	$51,916.89	$7,560.47	$37,755.23	$49,732.78	$54,316.23	$41,540.05	$40,106.74	$43,298.19
2022	$46,984.14	$46,175.17	$64,940.55	$51,523.73	$54,524.84	$54,193.75	$4,820.30	$39,766.40	$51,328.18	$44,461.49	$44,395.41	$42,404.86	

Sale Tax - By Month

Average Annual Collection $2,638,888

2022 Budget $2,800,000

Total Collection Through December 2022 $3,531,655



	January	February	March	April	May	June	July	August	September	October	November	December
2018	188,912.18	154,556.00	143,913.84	172,280.68	165,184.78	216,813.47	214,031.23	248,631.72	211,197.12	215,208.51	217,090.37	200,792.57
2019	226,169.98	169,393.34	159,101.39	204,286.41	204,569.35	247,948.11	235,535.00	272,109.23	241,194.99	240,048.97	233,020.64	213,197.33
2020	244,822.69	191,388.15	185,240.25	197,581.84	199,802.27	256,119.85	260,845.66	294,224.99	262,009.72	247,842.61	226,771.81	235,295.92
2021	260,106.74	217,561.62	199,107.90	278,069.85	268,126.90	303,945.22	299,222.82	314,042.03	297,541.95	301,996.51	277,139.04	263,063.00
2022	303,035.44	253,275.28	242,386.41	276,025.44	271,845.87	327,383.41	359,757.77	321,598.37	326,999.59	327,346.98	278,000.00	244,000.00

2022 Capital Improvement Plan
Budget to Actual
As of December 31, 2022

ADMINISTRATION

Description	Status	Source	Budget	Actual	Remaining	Project #	
County Codification Services		CARRYOVER	15,000.00	-	15,000.00		
Total Carryover from 2021			**15,000.00**	**-**	**15,000.00**		
Indoor Air Quality Assesment - Courts and Judge's Chambe	**COMPLETE**	2022 CIP BUDGET	5,100.00	(5,100.00)	-	ADM-0197	$4250 from 12-149, $850 from 12-031
Office Remodel - Veteran's Services		2022 CIP BUDGET	10,000.00	-	10,000.00	ADM-0198	
Total 2022 CIP Budget			**15,100.00**	**(5,100.00)**	**10,000.00**		
Grand Total			**30,100.00**	**(5,100.00)**	**25,000.00**		

AUDITOR TREASURER'S OFFICE

Description	Status	Source	Budget	Actual	Remaining		
Election Results - Storage Media	**COMPLETE**	2022 CIP BUDGET	4,500.00	(4,290.00)	210.00	AUD-0139	
Verity Print	**COMPLETE**	2022 CIP BUDGET	5,300.00	(5,288.00)	12.00	AUD-0140	
Backup Election Equipment	**COMPLETE**	2022 CIP BUDGET	10,000.00	(10,012.00)	(12.00)	AUD-0008	
Election Pollbook Replacement	**CARRYOVER TO 2023**	2022 CIP BUDGET	21,000.00	-	21,000.00	**AUD-0138**	
Election Equipment Replacement Fund	**CARRYOVER TO 2023**	2022 CIP BUDGET	59,000.00	-	59,000.00	**AUD-0137**	
Lease Software	**COMPLETE**	From Unallocated	13,400.00	(13,400.00)	-		
Total			**113,200.00**	**(32,990.00)**	**80,210.00**		

FACILITY MAINTENANCE

Description	Status	Source	Budget	Actual	Remaining		
Exterior Door Badge Access at PSC	**CARRYOVER TO 2023**	2022 CIP BUDGET	5,500.00	-	5,500.00	ENTS-0188	Add to MNT-0267 for 2023
Panic Buttons for County Attorney Area	**IN PROCESS**	2022 CIP BUDGET	6,000.00	(4,777.50)	1,222.50	ENTS-0220	
Fence Around Generator at PSC	**CARRYOVER TO 2023**	2022 CIP BUDGET	12,000.00	-	12,000.00	ENTS-0185	Add to MNT-0267 for 2023
Remodel Public Area of DES	**COMPLETE**	2022 CIP BUDGET	14,000.00	(14,000.00)	-	ENTS-0178	
Cameras at PSC	**IN PROCESS**	2022 CIP BUDGET	49,600.00	(12,327.92)	37,272.08	ENTS-0184	
Parking Gate/Fence at PSC	**CARRYOVER TO 2023**	2022 CIP BUDGET	50,000.00	-	50,000.00	ENTS-0189	Add to MNT-0267 for 2023
Total			**137,100.00**	**(31,105.42)**	**105,994.58**		

SHERIFF'S OFFICE

Description	Status	Source	Budget	Actual	Remaining		
Insurance Reimbursements		REVENUE	-	14,946.50	14,946.50	U-517	
Auction Proceeds		REVENUE	-	13,801.00	13,801.00		
Total Revenue			**-**	**28,747.50**	**28,747.50**		
Python Radar Units	**IN PROCESS**	CARRYOVER	4,989.82	(4,475.45)	514.37		
Insurance Reimbursements		CARRYOVER	118,716.57	(26,200.13)	92,516.44	SQUADS - one replacement on order	
Auction Proceeds		CARRYOVER	9,705.00	(1,476.38)	8,228.62	Overage on Jail Transport Vehicle - Total Cost $34,476.38	
Squad Vehicle Replacement & Accessories	**COMPLETE**	CARRYOVER	58,596.16	(58,596.16)	-	Allocate squad purchase on 9/13/22 to use remaining 2021 carryover	
Transport Vehicle	**COMPLETE**	CARRYOVER	33,000.00	(33,000.00)	-		
Total Carryover from 2021			**225,007.55**	**(123,748.12)**	**101,259.43**		
Radar Speed Trailer	**COMPLETE**	2022 CIP BUDGET	12,323.00	(12,323.00)	-	CCSO-0181	
Patrol Rifle Replacements (30)	**COMPLETE**	2022 CIP BUDGET	41,908.00	(41,901.00)	7.00	CCSO-0142	
Repalcement Squads & Accessories	**IN PROCESS**	2022 CIP BUDGET	286,200.00	(286,200.00)	-	CCSO-0141	9/13/22 squad purchases are net remaining 2021 squad carryover
Total 2022 CIP Budget			**340,431.00**	**(340,424.00)**	**7.00**		
Grand Total			**565,438.55**	**(435,424.62)**	**130,013.93**		

2022 Capital Improvement Plan
Budget to Actual
As of December 31, 2022

PUBLIC WORKS

Description	Status	Source	Budget	Actual	Remaining		
Tandem Dump Trucks (3)	COMPLETE	CARRYOVER	781,130.71	(781,130.71)	-	Add'l funds from unallocated and ENTS-0223 and PWKS-0134. Approved at B&F on 8/10/22	
Brining Equipment (formerly Harris Wash Bay)	COMPLETE	CARRYOVER	275,000.00	(275,000.00)	-	Reclassification approved at B&F on 5/11/22	
Total Carryover from 2021			1,056,130.71	(1,056,130.71)	-		
Harris Fuel Station (2020 CIP - no carryover)	COMPLETE		-	(13,885.00)	(13,885.00)	Not budgeted. Original project in 2020 CIP.	
Skid Steer Trailer	ORDERED - ARRIVING EARLY 2023	2022 CIP BUDGET	19,776.20	-	19,776.20	PWKS-0166	
Lowboy Trailer	ORDERED - ARRIVING SEPT 2022	2022 CIP BUDGET	38,118.04	-	38,118.04	PWKS-0165	
Harris PW Garage Doors	COMPLETE	From Unallocated	36,378.24	(36,378.24)	-	ENTS-0223	Reclass extra $2,790 to Tandem's. Brd Appv'd 08/10/22
Fecon Head	COMPLETE	2022 CIP BUDGET	34,900.00	(34,900.00)	-	PWKS-0134	Reclass extra $6,091 to Tandem's. Brd Appv'd 08/10/22
Water Tank Inserts	COMPLETE	2022 CIP BUDGET	58,690.00	(58,690.00)	-	PWKS-0084	
1-Ton Work Truck	ON HOLD FOR PRICING/AVAILABILITY	2022 CIP BUDGET	60,000.00	-	60,000.00	PWKS-0168	
Skid Steer	COMPLETE	2022 CIP BUDGET	73,260.00	(73,260.00)	-	PWKS-0085	
1-Ton Tipper Truck	ON HOLD	2022 CIP BUDGET	76,563.00	-	76,563.00	PWKS-0206	
Vactron	COMPLETE	2022 CIP BUDGET	135,683.64	(135,683.64)	-	PWKS-0075	
Arm Mower	COMPLETE	2022 CIP BUDGET	176,012.00	(176,012.00)	-	PWKS-0091	Add'l $22,012 from unallocated
Sign Truck	ORDERED - ARRIVING EARLY 2023	2022 CIP BUDGET	220,000.00	-	220,000.00	PWKS-0081	
Tandem Dump Truck	COMPLETE	2022 CIP BUDGET	269,504.00	(269,504.00)	-	PWKS-0073	
CAT 938 Aggregate Loader (Purchased in 2021 with fund balance)	COMPLETE	2022 CIP BUDGET	122,460.00			PWKS-0143	*This amount will go into 2022 fund balance
Add'l cost for Brining Equipment	COMPLETE	From Unallocated	10,000.00	(10,000.00)	-	Approved at B&F on 5/11/22	
Hydrant Replacement	IN PROCESS	From Unallocated	10,073.28	-	10,073.28	Approved at B&F on 10/12/22	
Total 2022 CIP Budget			1,341,418.40	(808,312.88)	410,645.52		
Grand Total			2,397,549.11	(1,864,443.59)	410,645.52		

PARKS/ENVIRONMENTAL

Description	Status	Source	Budget	Actual	Remaining		
Auction Proceeds		REVENUE	-	10,376.00	10,376.00	Mower, '99 RAM 2500	
Total Revenue			-	10,376.00	10,376.00		
Carryover from 2020		CARRYOVER	9,400.00	-	9,400.00		
Swing and Slide for Kost Dam Park	COMPLETE	CARRYOVER	10,000.00	(10,000.00)	-		
Sunrise Prairie Trail - 15% Match		CARRYOVER	209,000.00	-	209,000.00		
Total Carryover from 2021			228,400.00	(10,000.00)	218,400.00		
Kost Park ADA Ramp Repairs	COMPLETE	2022 CIP BUDGET	1,625.00	(1,625.00)	-	ENVS-0106	$4375 txfd to ENVS-0064
ADA Pathway Compliance Improvements	COMPLETE	2022 CIP BUDGET	15,000.00	(14,825.00)	175.00	ENVS-0109	
Mower Trailer	COMPLETE	2022 CIP BUDGET	4,568.50	(4,568.50)	-	ENVS-0113	Use excess funds for #ENVS-0112, Board Approved 03/16/22
Fish Lake Park Plan/Design Services	IN PROCESS	2022 CIP BUDGET	18,000.00	(2,696.25)	15,303.75	ENVS-0111	
Sunrise Prairie Trial Subgrade	COMPLETE	2022 CIP BUDGET	24,375.00	(22,950.00)	1,425.00	ENVS-0064	$4375 txfd from ENVS-0106
Swedish Immigrant Trail Erosion Control Measures	IN PROCESS	2022 CIP BUDGET	25,000.00	(17,500.00)	7,500.00	ENVS-0105	
Security Lighting & Electrical Services	IN PROCESS	2022 CIP BUDGET	35,000.00	(34,263.56)	736.44	ENVS-0108	
Woodchipper	COMPLETE	2022 CIP BUDGET	32,731.50	(28,940.00)	3,791.50	ENVS-0110	$318.50 txfd to ENVS-0113, CB approved 08/15/22. $1950 txfd to ENVS-0107, CB approved 08/04/22
Checkerboard Park Restroom Removal & Replace	COMPLETE	2022 CIP BUDGET	61,950.00	(61,757.50)	192.50	ENVS-0107	$1950 txfd from ENVS-0110, CB approved 08/04/22
Ki-Chi-Sage Park Covered Dugouts & Fencing	COMPLETE	2022 CIP BUDGET	70,750.00	(70,750.00)	-	ENVS-0112	Excess funds from #ENVS-0113, Board Approved 03/16/22
Total 2022 CIP Budget			289,000.00	(259,875.81)	29,124.19		
Total Remaining			517,400.00	(259,499.81)	257,900.19		

2022 Capital Improvement Plan
Budget to Actual
As of December 31, 2022

TECHNOLOGY

Description		Source	Budget	Actual	Remaining		
ARMER Testing Equipment		CARRYOVER	44,722.00	(6,923.64)	37,798.36		
Total Carryover from 2021			**44,722.00**	**(6,923.64)**	**37,798.36**		
Replacement network printer for HHS	IN PROCESS	2022 CIP BUDGET	300.00	-	300.00	ENTS-040	
Replace scanner for Probation Department	IN PROCESS	2022 CIP BUDGET	550.00	-	550.00	ENTS-022	
Replacement network printer for HHS	IN PROCESS	2022 CIP BUDGET	600.00	-	600.00	ENTS-042	
Replacement Printer for HHS	IN PROCESS	2022 CIP BUDGET	750.00	-	750.00	ENTS-036	
Replacement network printer for HHS	IN PROCESS	2022 CIP BUDGET	750.00	-	750.00	ENTS-038	
Replacement Printer for Enterprise Services	IN PROCESS	2022 CIP BUDGET	750.00	-	750.00	ENTS-049	
Replacement copy / printer for HHS	IN PROCESS	2022 CIP BUDGET	800.00	-	800.00	ENTS-035	
Replacement Printer for HR	IN PROCESS	2022 CIP BUDGET	850.00	-	850.00	ENTS-012	
Replacement printer for Assessors	IN PROCESS	2022 CIP BUDGET	850.00	-	850.00	ENTS-014	
Replacement PC for Public Works	IN PROCESS	2022 CIP BUDGET	850.00	-	850.00	ENTS-025	
Replacement projector for Public Works	IN PROCESS	2022 CIP BUDGET	850.00	-	850.00	ENTS-029	
Replace Projector for Zoning	IN PROCESS	2022 CIP BUDGET	850.00	-	850.00	ENTS-044	
Replace Printer for Zoning	IN PROCESS	2022 CIP BUDGET	850.00	-	850.00	ENTS-045	
Replacement high volume scanner for County Attorney	COMPLETE	2022 CIP BUDGET	985.00	(956.24)	28.76	ENTS-015	
Replace high volume scanner for Auditor Department	IN PROCESS	2022 CIP BUDGET	985.00	-	985.00	ENTS-021	
Replacement scanner for Public Works	IN PROCESS	2022 CIP BUDGET	985.00	-	985.00	ENTS-027	
Replacement high volume scanner for Sheriff's Office	IN PROCESS	2022 CIP BUDGET	985.00	-	985.00	ENTS-041	
Replace scanner for Recorders office	IN PROCESS	2022 CIP BUDGET	985.00	-	985.00	ENTS-051	
Replacement PC for Sheriff's Office - Jail	COMPLETE	2022 CIP BUDGET	1,065.00	(992.17)	72.83	ENTS-018	
Replacement Zebra Printer for County Administration	COMPLETE	2022 CIP BUDGET	2,109.10	(2,939.06)	(829.96)	ENTS-013	Spoke to Dennis, using funds from ENTS-011 to cover overage
Replace printer for Recorders office	IN PROCESS	2022 CIP BUDGET	1,200.00	-	1,200.00	ENTS-052	
Replacement Laptop for Sheriff's Office - Jail Administratio	COMPLETE	2022 CIP BUDGET	1,235.00	(1,344.41)	(109.41)	ENTS-019	
Replacement projectors	COMPLETE	2022 CIP BUDGET	790.90	(790.90)	-	ENTS-011	Using 909.10 to cover overages in ENTS-013
Replacement projectors for County Attorney	COMPLETE	2022 CIP BUDGET	1,700.00	(1,581.80)	118.20	ENTS-016	
Replace 2 PC's in 911 Center	COMPLETE	2022 CIP BUDGET	1,950.00	(1,984.34)	(34.34)	ENTS-024	
Replace 2 PC's in Enterprise Services	IN PROCESS	2022 CIP BUDGET	2,000.00		2,000.00	ENTS-047	
Replacement of 2 Laptops in Sheriff's Office	COMPLETE	2022 CIP BUDGET	2,470.00	(2,688.82)	(218.82)	ENTS-039	
Replace 3 PC's for County Attorney	COMPLETE	2022 CIP BUDGET	2,550.00	(2,976.51)	(426.51)	ENTS-020	
3 replacement projectors for HHS	IN PROCESS	2022 CIP BUDGET	2,550.00	-	2,550.00	ENTS-032	
Replacement of 3 projectors in Sheriff's Office	IN PROCESS	2022 CIP BUDGET	2,700.00	-	2,700.00	ENTS-033	
Replace Scanner for Zoning	IN PROCESS	2022 CIP BUDGET	3,100.00	-	3,100.00	ENTS-043	
Replace 3 Laptops in Enterprise Services	COMPLETE	2022 CIP BUDGET	3,935.00	(4,750.86)	(815.86)	ENTS-046	
Replace Troy Secure Printer for Recorders Office	IN PROCESS	2022 CIP BUDGET	4,000.00	-	4,000.00	ENTS-050	
Replace 9 Printers for Sheriff's Office - Jail, Jail Admin, SO A	IN PROCESS	2022 CIP BUDGET	4,600.00	-	4,600.00	ENTS-017	
Screening for Chiller at PSC		2022 CIP BUDGET	-	-	-	ENTS-068	No longer needed, funds transferred to ENTS-095, Board approved 11/12/22
Replace 11 PC's for HHS	COMPLETE	2022 CIP BUDGET	9,350.00	(10,913.87)	(1,563.87)	ENTS-034	
Replace 12 high volume scanners for HHS	IN PROCESS	2022 CIP BUDGET	11,820.00	-	11,820.00	ENTS-030	
Replace 12 PC's for Sheriff's Office	COMPLETE	2022 CIP BUDGET	12,000.00	(11,906.04)	93.96	ENTS-037	
APC UPS Batteries for Jail	COMPLETE	2022 CIP BUDGET	20,650.00	(30,469.80)	(9,819.80)	ENTS-009	
Kitchen Vent Hood Improvemnets		2022 CIP BUDGET	-	-	-	ENTS-070	No longer needed, funds transferred to ENTS-095, Board approved 11/12/22
Replacement of 20 MDC's/Laptops for Sheriff's Office	COMPLETE	2022 CIP BUDGET	50,000.00	(48,280.00)	1,720.00	ENTS-026	
Upgrade of Keysecure Data Encryption Equipment	IN PROCESS	2022 CIP BUDGET	148,140.00	(130,890.00)	17,250.00	ENTS-095	Over budget, requesting additional funds from ENTS-068 and ENTS-070. $28,140
Relocate the Wyoming Emergency Paging Tower	IN PROCESS	2022 CIP BUDGET	100,000.00	-	100,000.00	ENTS-083	
County Attorney Wi-Fi	IN PROCESS	From Unallocated	30,000.00	(15,245.63)	14,754.37		
Total 2022 CIP Budget			**434,440.00**	**(268,710.45)**	**165,729.55**		
Total Remaining			**479,162.00**	**(275,634.09)**	**203,527.91**		

2022 Capital Improvement Plan
Budget to Actual
As of December 31, 2022

UNALLOCATED

Description	Source	Budget	Actual	Remaining	
2022 Unallocated CIP Funds	2022 CIP BUDGET	175,143.23			
Allocated to HWY on 12/14/21 - Harris Garage Doors	2022 CIP BUDGET	(39,168.24)		135,974.99	B&F
Allocated to HWY on 04/06/22 - ARM Mower	2022 CIP BUDGET	(22,012.00)		113,962.99	B&F
Allocated to Hwy on 05/11/22 - Brining Equipment	2022 CIP BUDGET	(10,000.00)		103,962.99	B&F
Allocated to Technology on 06/08/22 - County Attorney WiFi	2022 CIP BUDGET	(30,000.00)		73,962.99	B&F
Allocated to Auditor-Treasurer on 06/08/22 - Lease Software	2022 CIP BUDGET	(13,400.00)		60,562.99	B&F
Allocated to Admin on 06/09/22 - Air Quality Assessment	2022 CIP BUDGET	(100.00)		60,462.99	Administrator Burnham
Allocated to Hwy on 8/10/22 - Tandems from 2021	2022 CIP BUDGET	(22,249.71)		38,213.28	B&F
Allocated to MICS on 09/21/22 - KeySecur ENTS-095	2022 CIP BUDGET	(28,140.00)		10,073.28	Board
Allocated to Hwy on 10/12/22 - Hydrant Replacement	2022 CIP BUDGET	(10,073.28)		0.00	Board
Total		**0.00**	**-**	**0.00**	
TOTAL ALL DEPARTMENTS		**4,239,949.66**	**(2,871,207.53)**	**1,133,082.13**	

ARPA Expenses
Budget to Actual
As of December 31, 2022

ADMINISTRATION

Project #	Description	Budget	2022 Actual	2023 Actual	Amount Remaining
ARPA-0199 ADM	'Old' Jail and White House Demolition	$ 800,000	$ (44,455)	$ -	$ 755,545
ARPA-0335 ADM	Broadband	3,000,000	(79,960)	-	2,920,040
ARPA-0336 ADM	School Grants - Vocational Programs	500,000	(500,000)	-	-
ARPA-0341 ADM	School Grants - Open Use	100,000	(100,000)	-	-
ARPA-0345 ADM	IT Assessment	35,000	(43,244)	-	(8,244)
ARPA-0349 ADM	Employee Engagement Survey	9,300	(8,660)	-	640
ARPA-0354 ADM	ARPA Advisory Consultant	1,775	(1,775)	-	-
ARPA-0356 ADM	Childcare Provider Training Assistance	100,000	-	-	100,000
		$ 4,546,075	**$ (778,094)**	**$ -**	**$ 3,767,981**

ATTORNEY

Project #	Description	Budget	2022 Actual	2023 Actual	Amount Remaining
ARPA-0339 ATT	Children's Services Collaborative	$ 118,298	$ (118,298)	$ -	$ -
ARPA-0340 ATT	County Attorney - FT Media Services Tech	108,018	(5,575)	-	102,443
ARPA-0344 ATT	County Attorney - PT Law Clerk	51,468	(15,645)	-	35,823
		$ 277,784	**$ (139,518)**	**$ -**	**$ 138,266**

AUDITOR-TREASURER

Project #	Description	Budget	2022 Actual	2023 Actual	Amount Remaining
ARPA-0337 AUD	Tyler Tax/CAMA Software	$ 250,000	$ -	$ -	$ 250,000
ARPA-0347 AUD	Single Use Audit - ARPA Funds	20,000	-	-	20,000
		$ 270,000	**$ -**	**$ -**	**$ 270,000**

EMERGENCY MANAGEMENT

Project #	Description	Budget	2022 Actual	2023 Actual	Amount Remaining
ARPA-0342 EMGT	Emergency Management - COOP Update	$ 60,000	$ -	$ -	$ 60,000

ENTERPRISE SERVICES

Project #	Description	Budget	2022 Actual	2023 Actual	Amount Remaining
ARPA-0062 ENTS	Replace ceiling grid and tile in the hallways of the 1989 Courthouse	$ 75,000	$ -	$ -	$ 75,000
ARPA-0092 ENTS	Cisco UCS Interconnects / Chassis	229,032	-	-	229,032
ARPA-0093 ENTS	Upgrade Backup Exec Tape Library	75,000	-	-	75,000
ARPA-0101 ENTS	Upgrade data center fabric network switches at the ECC data center	75,000	-	-	75,000
ARPA-0102 ENTS	Upgrade data center fabric network switches at the Courthouse data center	75,000	-	-	75,000
ARPA-0133 ENTS	Cyber Security Audit, Testing and Mitigation	65,000	-	-	65,000
ARPA-0202 ENTS	Cisco UCS in DMZ Replacement of Chassis and Fabric Interconnects	53,400	-	-	53,400
ARPA-0352 ENTS	2 Laptops - U of MN Extension	4,200	(2,937)	-	1,263
ARPA-0355 ENTS	Laptop - HHS	1,620	(1,620)	-	-
ARPA-0086 ENTS	*ARPA ARMER* Broadband PTT Solution (ARMER Radio to Smartphone)	15,000	-	-	15,000
ARPA-0087 ENTS	*ARPA ARMER* Increase microwave bandwidth to Nessel ARMER site	1,700	-	-	1,700
ARPA-0261 ENTS	*ARPA ARMER* Upgrade of ARMER Microwave backhaul system- this is a multi year project	800,000	-	-	800,000
ARPA-0334 ENTS	*ARPA ARMER* ARMER Infrastructure Replacement	2,083,300	-	-	2,083,300
		$ 3,553,252	**$ (4,557)**	**$ -**	**$ 3,548,695**

ENVIRONMENTAL SERVICES

Project #	Description	Budget	2022 Actual	2023 Actual	Amount Remaining
ARPA-0117 ENVS	Park Maintenance Cold Storage and Shop	$ 100,000	$ -	$ -	$ 100,000
ARPA-0180 ENVS	Online Permitting/Licensing Module	95,000	-	-	95,000
ARPA-0240 ENVS	Chisago County Mountain Bike Course	75,000	-	-	75,000
ARPA-0304 ENVS	Ki Chi Saga Park Municipal Building	150,000	-	-	150,000
ARPA-0305 ENVS	Water Resources Grant Match	250,000	-	-	250,000
ARPA-0306 ENVS	Water Resources Truck	50,000	-	-	50,000
ARPA-0307 ENVS	Lower St. Croix Watershed Planning	121,200	-	-	121,200
		$ 841,200	$ -	$ -	$ 841,200

HEALTH AND HUMAN SERVICES

Project #	Description	Budget	2022 Actual	2023 Actual	Amount Remaining
ARPA-0350 HHS	Public Health Payroll	$ 8,190	$ (8,190)	$ -	$ -

JAIL

Project #	Description	Budget	2022 Actual	2023 Actual	Amount Remaining
ARPA-0348 JAIL	PPE	$ 13,058	$ (13,058)	$ -	$ -

LID

Project #	Description	Budget	2022 Actual	2023 Actual	Amount Remaining
ARPA-0353 LID	Canoe, Motor and Batter - LID	$ 2,132	$ (2,104)	$ -	$ 28

MAINTENANCE

Project #	Description	Budget	2022 Actual	2023 Actual	Amount Remaining
ARPA-0135 MNT	Repair elevator on 1973 side of Courthouse	$ 50,000	$ -	$ -	$ 50,000
ARPA-0333 MNT	Honeywell Phase II	729,577	(729,577)	-	-
ARPA-0343 MNT	HVAC Replacement - ECC	59,894	(59,894)	-	-
ARPA-0346 MNT	JACE Controller	29,600	(29,600)	-	-
ARPA-0351 MNT	Air Handler - ECC	6,859	(6,859)	-	-
		$ 875,930	$ (825,930)	$ -	$ 50,000

PUBLIC WORKS

Project #	Description	Budget	2022 Actual	2023 Actual	Amount Remaining
ARPA-0338 PWKS	Harris Building Improvements - Phase I (Engineering/Architectural Fees)	$ 148,300	$ (9,230)	$ -	$ 139,070

SHERIFF'S OFFICE

Project #	Description	Budget	2022 Actual	2023 Actual	Amount Remaining
ARPA-0182 CCSO	Camera Work Station for Jail	$ 5,061	$ -	$ -	$ 5,061

	Budget	2022 Actual	2023 Actual	Amount Remaining
TOTALS	$ 10,600,982	$ (1,780,681)	$ -	$ 8,820,302

Chisago County
MINNESOTA
ADMINISTRATION

Alcohol Licensing Fee Discussion

At the January 3rd Organizational Meeting, the Board of Commissioners established the 2023 Fee Schedule for all Chisago County Departments.

The 2023 Chisago County Fee Schedule includes fees for services provided by the County offices, departments, courts, and employees and is pursuant to Minnesota Statutes (MN 373.41).

The proposed fee schedule is an official control for Chisago County and is kept in the Chisago County Auditor's Office.

MN Statute requires a 30-day notice to all alcohol license holders and a public hearing before there can be any increase to liquor fees.

Attachment(s):

- List of Liquor License Fees – Current vs. Proposed

Liquor License Fees

Mn Statute requires 30 day notice to license holders and a public hearing before liquor license fees can be increased.

License	Current Fee	Proposed Fee	Notes
Consumption and Display	$ 250.00	$ 300.00	Currently no County Ordinance allowing permit. Statute -State Fee $250. County can impose fee not more than $300.
On-Sale Intoxicating Liquor	$ 1,000.00	$ 2,000.00	Statute - Fee is intended to cover the costs of issuing and inspecting and other directly related costs of enforcement.
Off-Sale Intoxicating Liquor	$ 100.00	$ 200.00	Statute -Fee not to exceed $800
Sunday Liquor	$ 100.00	$ 200.00	Statute-Restaurant, club, bowling center, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license. Fee not to exceed $200.
2 am Liquor	$ 300.00	State Fee	Currently no County Ordinance allowing. County must have 2 am ordinance to allow sales after 1 am.
Wine	$ 300.00	$ 600.00	Statute-Fee not to exceed 1/2 of the license for on-sale intoxicating, or $2000, whichever is less
Wine & 3.2% Malt Liquor (Strong Beer)	$ 350.00	$ 750.00	Statute-If County ordinance allows, a licensee holds wine and 3.2% malt liquor licenses may sell intoxicating malt liquor. Currently no County Ordinance allowing.
On-Sale 3.2 Malt Liquor*	$ 50.00	$ 150.00	Statute - 1/2 of fee goes to Twp
Off-Sale 3.2 Malt Liquor*	$ 5.00	$ 50.00	Statute - 1/2 of fee goes to Twp
On/Off-Sale 3.2 Malt Liquor*	$ 55.00	$ 225.00	Statute - 1/2 of fee goes to Twp
Temporary 1-4 Day On-Sale Intoxicating Liquor	$ 300.00	$ 350.00	Per Event
New License Investigation Fee-In State	$ -	$ 200.00	Statute-Fee up to $500
New License Investigation Fee-Out of State	$ -	Actual Cost	Statute-Fee actual cost (but not more than $10,000)
License Renewal - Late Fee	$ -	$ 100.00	Per License

Chisago County
MINNESOTA
ADMINISTRATION

Mileage Change

At the January 3rd Organizational Meeting, the Board of Commissioners established the 2023 Mileage Reimbursement rate at $.625 per mile to reflect the Federal maximum allowable rate for employees that use their private vehicle versus a County vehicle.

Since the County Organizational meeting the IRS has update the Federal Maximum allowable rate to $.655.

Chisago County
MINNESOTA
ADMINISTRATION

Opioid Settlement – HHS Staff Costs

At the January 3rd Organizational Meeting, the Board of Commissioners accepted $432,050.56 in Opioid Settlement Funds.

Chisago County will receive a total of $2,209,069.10. All funds must be used for opioid mitigation, such as treatment, prevention, recovery, harm reduction, research, and training.

One allowed expense is the cost of County staff time. Staff is recommending using some of the Opioid Settlement funds to compensate the County for Staff time used to organize Opioid related events and expenditures.

The current request is for Madelyn Jensen **$3,508.13**.

Chisago County
MINNESOTA
ADMINISTRATION

MCIT Dividend Usage

Chisago County has historically used monies from the MCIT dividend to find the Ergonomic Fund, Safety Fund and County Wellness fund. The MCIT dividend amount changes annually.

The County 'Ergo' fund is used to purchase furniture and other tools which are designed for efficiency and comfort in the working environment. Expenditures are approved by the Human Resources director. The County works with MCIT to make recommendations regarding purchases.

The Safety fund is used to purchase supplies or trainings for staff; at the direction of the safety committee, Chaired by the Human Resources Director with membership from labor. The County works with MCIT to make recommendations regarding purchases which will lower the County's overall liability. Minnesota law requires employers with 25 or more workers to have a joint labor-management safety committee.

The Wellness Committee uses the Wellness fund to purchase trainings and supplies to increase County employee wellness. The Committee is hosts the annual employee recognition lunch in the summer, the lunch-and-learn events, the health fair, the poker walk events, and the 'health food' vending centers at each County facility, in addition to others.

The County received an MCIT dividend of $103,860, but then received an additional $159,528 for works compensation only. This was $139,488 more than budgeted.

Staff is requesting using **$35,000** of the 2022 MCIT Dividend to be used between the three funds to make these funds whole for two years.

Chisago County Request For Board Action

Meeting Date: January 18, 2023	***Item Number:*** 16
Title of Item for Consideration: Acceptance of 2022 Chisago County Donations	
Action Requested by: Chase Burnham, County Administrator	***Department:*** Administration

Previous Action on this Matter: On April 19, 2006, the Board adopted Resolution No. 060419-3, which established a policy regarding the acceptance of gifts by Chisago County. From time to time the County will accept gifts from businesses and residents, and a motion and resolution must be passed in accordance with County Policy.

Background: The County has received donations from businesses, organizations, and private individuals in 2022 and is requesting formal acceptance by the County Board of Commissioners by approving the attached resolution.

Attachment(s):

- Resolution

Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners accept the donations from various organizations for Chisago County programs and events. The suggested motion to approve is:

"Move to approve the resolution accepting donations to Chisago County in 2022."

Implications of Action: Acceptance of the donation via the attached resolution will allow the County to accept the financial donations for the program.

Budget/Financial Implications: There are no budgetary or financial consequences to this the passing of the Resolution.

Legal/Policy Implications: The proposed activities are in compliance with all applicable state and federal regulations and County policies and procedures.

Administrator's Recommendation

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

Chisago County
Board of Commissioners

Acceptance of Donations by Chisago County for 2022

RESOLUTION NO: 23/0118-X
ACCEPTANCE OF DONATIONS BY CHISAGO COUNTY

WHEREAS, the Chisago County Board of Commissioners adopted Resolution No. 060419-3 on April 19, 2006 which established a policy regarding the acceptance of gifts by Chisago County; and

WHEREAS, the County has received a donation from a business or private individual in Chisago County and is requesting formal acceptance by the County Board of Commissioners;

NOW, THEREFORE, BE IT RESOLVED, that the Chisago County Board of Commissioners hereby accepts the following donations received by the Chisago County in 2022:

- Rush City Lake Improvement Associations $1,000 for Children's Water Festival
- Rush City Lions Club $500 for Children's Water Festival
- Comfort Lake Forest Lake Watershed District $2,000 for Children's Water Festival
- Rotary Club of Chisago Lakes $500.00 for Children's Water Festival
- Trinity Lutheran Church $500.00 for Project Lifesaver

Chisago County Request for Board Action

Meeting Date: January 18, 2023	***Item Number:*** 17
Title of Item for Consideration: Citizen Appointment to One Watershed One Plan (1W1P)	
Action Requested by: Board of Commissioners	***Department:*** Admin./Clerk of the Board
Previous Action on this Matter: Annually, the Board of Commissioners is asked to appoint citizens to specific County Committees by reviewing citizen's application and then appointing eligible applicants to each Board/ Committee/Commission.	

Background: The Board of Commissioners establishes committee assignments every year. A motion, voted on by the entire Board, is required to appoint a citizen to a committee. There are currently seven Boards/Committees/Commissions that require appointments/reappointments.

One Watershed One Plan:

- At Large – 2-year term 1/7/2023 – 12/31/2024

Since 2017, the Chisago County Board of Commissioners has worked together with Counties, Soil and Water Conservation District, and Watershed Management Organizations located within the Lower St. Croix River Watershed to develop a new watershed based management plan with basin-wide priorities and goals through a One Watershed One Plan (1W1P) Process. The new Lower St. Croix River Comprehensive Watershed Management Plan will replace the current Chisago County Local Water Management Plan. Policy committee members will serve as liaison to their respective local governing boards.

Attachments:

- Citizen Application

Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners appoint/reappoint citizens to the designated open Boards/Committees/Commissioners for the identified terms. The following motion is suggested to appoint/reappoint each individual:

"Move to appoint Mike Mergens as a representative on the 1W1P; effective January 18th, 2023 thru December 31, 2024"

Implications of Action: If the recommended actions are undertaken, the County Board will have appointed citizens to its various Boards/Committees/Commissions for the proper durations.

Budget/Financial Implications: None. Applicable per diems and mileage accounts have been established and approved as part of the 2023 Budget for the identified Boards/Committees/ Commissions.

Legal/Policy Implications: The proposed activities are 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 _____

Lower St. Croix River Comprehensive Watershed Management Plan - Policy Committee (1W1P)

Last Name:	Mergens
First Name:	Mike
Middle Name:	Joseph
[redacted]	[redacted]
City:	Lindstrom
State:	MN
Zip:	55045
[redacted]	[redacted]
Business Phone:	*Field not completed.*
Cell Phone:	651-324-4251
Fax No.:	*Field not completed.*
Email Address:	mjmergens@frontiernet.net
In which Commissioner District do you reside?	District #3
If you reside in a Township, please list:	*Field not completed.*

List experience or skills you have relating to the appointment you are seeking:	Was appointed to the Chisago Lake Improvement District (LID) in June of 2013. I have represented area #1 since that appointment. I have been Vice-Chair and Chair for the LID during that time as well as member of the Aquatic Invasive Species (AIS), Budget, and North Lindstrom- North Center Cannel work groups. I have been a member of Center Lakes Association (CLA) since 2002 holding positions on the Board of Directors and on the AIS committee. I'm currently the Vice-President of CLA. I have been on the policy committee since it was formed representing the Lake Improvement District. During my carrier I have held management and supervisory positions. As and IT professional I have been involved in product evaluation and vendor contract negotiations.
List special or personal interests relating to the appointment you are seeking:	Our Lakes are an important part of life in Minnesota. As a Director of the LID and Active member of CLA I feel I can provide sound input to the Policy committee. As a lakeshore owner I'm very interested in protecting our Lakes and Rivers. I enjoy boating and fishing and want to assure these activities are protected for future generations.
Why do you want this appointment?	Water is an important resource that must be protected. I believe that the work I have been doing is helping protect this valuable resource. However I believe there is more I can do to help. Being on the Policy Committee I feel is an additional step I can take in protecting this resource.

Chisago County Request for Board Action

Meeting Date: January 18, 2023	***Item Number:*** 18

Title of Item for Consideration: Acceptance of Resignation and Advertisement for Planning Commission – District 1

Action Requested by: Chase Burnham, County Administrator	***Department:*** Administration

Previous Action on this Matter: At the January 3rd County Organizational meeting, the Board appointed Kathy Bloomquist to the Planning Commission as the District 1 Commissioners.

Background: District 1 Planning Commissioner Kathy Bloomquist resigned from the Planning Commission on January 6th, 2023.

The Board of Commissioners establishes committee assignments every year after posting the position on the County website and in the official County newspaper. Due to Ms. Bloomquist's resignation, the County Board will need advertise for a new District 1 Planning Commissioner.

Planning Commission:

District 1 – 3-year term 2023 – 1/4/2025

Attachment(s):

- Advertisement
- Resignation Letter from Kathy Bloomquist

Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve accepting the resignation of Kathy Bloomquist on the Planning Commission and approve advertising for the recent vacancy in District 1 on the Planning Commission. The following motion is suggested;

> ***"Move to approve accept the resignation of Kathy Bloomquist on the Planning Commission and approve advertising for the recent vacancy in District 1 on the Planning Commission."***

Implications of Action: If the motion is made, the County Board will approve advertising for the vacancy on the Planning Commission.

Budget/Financial Implications: None.

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

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

Chisago County Planning Commission
Seeks Applicants

The Chisago County Board of Commissioners seeks one applicant for appointment to the vacant appointment to the Chisago County Planning Commission. The Planning Commission needs a District 1 appointment. The Planning Commission's purpose is to promote the proper planning and development of Chisago County. The Planning Commission is established pursuant to Minnesota State Statute 394 and has the following duties and responsibilities:

This Board shall have the following powers with respect to the Chisago County Zoning and Subdivision Ordinance:

1. To adopt rules for the transaction of its business and shall keep public record of its transactions, findings, and recommendation.
2. To cooperate with the Zoning Administrator and other employees of the County in preparing and recommending to the Board for adoption, comprehensive plans and recommendations for plan execution in the form of official controls and other measures, and amendments thereto.
3. To provide assistance to the County Board and Zoning Administrator in the administration of the zoning and subdivision ordinances and shall review, hold public hearings and make recommendation to the County Board.
4. Such other duties as the County Board may request or prescribe.

Appointments are for three-year terms. The meetings are held on the 1st Thursday of every month at 7:00 p.m. in Room 131 of the Chisago County Government Center. Interested citizens must submit an Application for Appointment Form to the Chisago County Clerk of Board, 313 North Main Street, Room 175, Center City, MN 55012. The form is available by contacting County Administration at 651/213-8830 or by going to http://mn-chisagocounty.civicplus.com/. Information about the position is available from the Clerk of the Board at 651/213-8877 and on our website, http://mn-chisagocounty.civicplus.com/.

The Board requests that Applications for Appointment be received by February 1, 2023 by the end of the business day. However, the Board reserves the right to extend the application deadline. Applications for Appointment may also be faxed to 651/213-8876.

Today 1:34 AM

I will be resigning from th
Planning Commission
because I can not meet th
person meeting
requirements. I can only
teleconference into 3
meetings and 3 special
sessions. After that, I nee
get approval to
teleconference from the
County Commissioners. W
will go down south for 3

Chisago County Request For Board Action

Meeting Date: January 18, 2023	***Item Number:*** 19
Title of Item for Consideration: Court Appointed Counsel - Contracts for Counsel selected by RFP	
Action Requested by: County Attorney Janet Reiter	***Department:*** County Attorney

Previous Action on this Matter: On December 16, 2020, the board approved the contracts for court-appointed counsel for parents and guardians in child protection matters (including CHIPS and Permanency Proceedings). By law, Chisago County is required to fund the cost of parents involved and unable to afford counsel on their own. The RFP was published, the selection process has been completed, and attorneys have been selected. The purpose of this RBA is to seek approval of the individual contracts for those selected.

Background: Historically, prior to 2010, the responsibilities of court appointed-counsel for parents involved in child protection matters had been fulfilled by State Public Defenders. In 2010 a Minnesota Supreme Court decision clarified that this cost is to fall on the counties, rather than the State of Minnesota through the public defender system. [See In re the Welfare of the Children of J.B. and R. P. 782 N.W.2d 535 (Minn. 2010)] Minnesota law ensures that parents who are involved in Juvenile Court child protection proceedings, as a result of Children alleged to be in Need of Protection or Services (CHIPS) and permanency matters are entitled to representation. Specifically, Minn. Stat. 260C.163 provides that a parent or guardian of a child who is the subject of a petition, desires counsel, but is unable to employ counsel, "the court shall appoint counsel to represent the parent, guardian or custodian in any case in which the court feels that such an appointment is appropriate if the person would be financially unable to obtain counsel under the guideline set forth in in section 611.17." (aka unable to afford counsel per state guidelines under public defender eligibility standards). Court appointed counsel shall be at county expense. The court appointed counsel for parents may be secured under a county contract.

The RFP was published, the selection process has been completed, and the County has negotiated with selected counsel to represent eligible persons in child welfare matters under Juvenile Protection Provisions of the Juvenile Court Act.

Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve contracts with two attorneys to provide Legal Representation for eligible persons in Child Welfare matters under Juvenile Protection Provisions of the Juvenile Court Act. The suggested motion is as follows:

"Move to authorize execution of Service Contracts with three attorneys to provide Legal Representation for eligible persons in Child Welfare matters under Juvenile Protection Provisions of the Juvenile Court Act."

Implications of Action: This process will allow the County to more efficiently provide for this statutorily mandated service to qualifying parents or guardians whose children are subject to child protection proceedings under the Juvenile Protection Provisions of the Juvenile Court Act

***Budget/Financial Implications*:** This cost to the county tax payers for this statutorily mandated "service" is monitored by county officials but the appointment of counsel is governed by State Statutes and Judicial Branch Rules and carried out by state personnel. Pursuing a contract for legal counsel will help establish predictability for this cost.

***Legal/Policy Implications*:** The County Attorney has reviewed the Agreements, and they comply with state and federal requirements.

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

Chisago County Request for Board Action

Meeting Date: January 18, 2023	***Item Number:*** 20
Title of Item for Consideration: Temporary Transfer of Funds and Budget Adjustment	
Action Requested by: Jon Eckel, Director	***Department:*** Enterprise Services
Previous Action on this Matter: Honeywell Phase 1 project approved on 12-16-2021	

Background: Due to a delay in receiving rebate funds for the phase 1 project I am requesting to have the invoice to Pinnacle Public Finance for year 1 of the Honeywell Phase 1 project. In the amount of $132,262.00 paid out of general fund balance to be repaid when the rebate funds are received.

***Attachment(s)*:**

- Pinnacle Public Finance Invoice

Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners pay the Pinnacle Public Finance invoice in the amount of $132,262.00 out of general fund balance to be repaid when the rebate funds are received. The following motion is suggested:

"Move to authorize the payment out of the general fund balance for $132,262.00 to Pinnacle Public Finance with the funds being repaid back to the general fund once the rebate is received".

Implications of Action: Payment of invoice for Honeywell phase one financing.

Budget/Financial Implications: Project approved by the Board on 12-16-2021

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

Administrator's Recommendation

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

Action on Motion:	Aye _____	Nay _____	Abstain _____

2023 Temporary Transfer Request
01/12/23

Ditches

Fund From	Fund To	Reason	Amount
Revenue	Building	Honeywell Phase I Bond Payment	$132,262.00

Board Approved on _____, 2023

Budget Adjustment Request 2023

this form MUST be completed electronically

Department Name: ENTERPRISE SERVICES

Department Head: JON ECKEL

Reason and description of the proposed change to the Budget:

Due to a delay in receiving rebate funds for the phase 1 project I am requesting to have the invoice to Pinnacle Public Finance for year 1 of the Honeywell Phase 1 project in the amount of $132,262.00 paid out of general fund balance to be repaid when the rebate funds are received

	Yes/No
Is this proposed budget change a net expenditure to the county?	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:

This is a temporary net expenditure to the County - as rebates are received the general fund will be reimbursed The payment is not in the 2023 budget, this form is to adjust the 2023 budget for this payment Reviewed by KRW 1.12 23

	Account #					Additional $ Amounts	
Account Description	Fund	Dept	Program	Service	Object	Revenue	Expenditure
PRINCIPAL RETIREMENT	11	149	500	0500	6750		($100,642)
INTEREST ON DEBT	11	149	500	0500	6755		($31,620)

CHISAGO COUNTY
HRA-EDA
A Natural Resource for Business

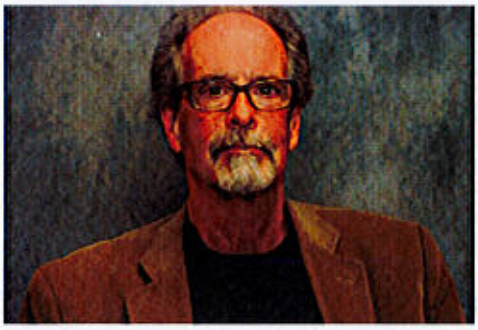
Economic Growth Summit for Chisago County

Saturday, February 18, 2023
8:00 am to 11:30 am

Lent Township Hall, 33155 Hemingway Avenue, Stacy, MN 55079

The Chisago County Economic Grow Committee is bringing elected and appointed government officials from across the county together to hear how the county is transitioning, learn about the various officials' roles, and to determine how we can work together for countywide economic growth.

Please join us for Breakfast, Networking, and Planning for Countywide Economic Growth.
The event is Free to attend, but Registration is required



Keynote Presenter – Dr. Craig Waldron

Dr. Craig Waldron is the owner of The Waldron Company, a government consulting firm. Craig has worked in several communities as City Administrator and Community Development Director. He has also served as City Council member in North Mankato and has served as president of many associations. Craig will share his insight and experience in leadership and economic growth.

Craig Waldron is currently an adjunct faculty member at Hamline University in the School of Business. He has a BA in Sociology from the University of Iowa, a master's degree in Urban and Studies from Minnesota State University, and a Doctorate in Public Administration from Hamline University.

This project was funded in part by the Initiative Foundation, a regional community foundation, in partnership with Chisago County Economic Growth Committee.

Register Here