

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
Wednesday, May 15, 2024**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, May 15, 2024 at the Chisago County Government Center with the following Commissioners present: Swenson, Greene, Dunne, Montzka, Dahlberg. Also present: County Administrator Chase Burnham and County Attorney Janet Reiter.

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

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

On motion by Dahlberg, seconded by Montzka, the Board opened the Road and Bridge Committee of the Whole at 6:32 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

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

On motion by Greene, seconded by Swenson, the Board moved item 1 to the consent agenda. 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 close the Road and Bridge Committee of the Whole at 6:39 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

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

- 1.) R&B Committee Recommendation – County Engineer’s Report
 - 2.) Minutes from the May 1, 2024, County Board Meeting
 - 3.) Payment of County’s Warrants and Miscellaneous Bills **\$584,918.52**
- 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.

4.) Snowmobile Maintenance and Grooming Applications

RESOLUTION NO. 24/0515-1
AUTHORIZING SPONSORSHIP OF SNOWMOBILE TRAILS
OPERATED BY THE WILD RIVER SNOWMOBILE CLUB, RUSH CITY SNO-
BUGS, AND NORTH BRANCH SNO-BARONS

BE IT RESOLVED, that the Chisago County Board of Commissioners act as the legal sponsor for the applications for funding to the State of Minnesota Department of Natural Resources for maintenance and grooming of snowmobile trails managed by the Wild River Snowmobile Club, Rush City Sno-Bugs, And North Branch Sno-Barons

BE IT FURTHER RESOLVED, that upon approval of the applications by the state, the Chisago County Board of Commissioners may enter into agreements with the State of Minnesota for the above referenced project and that it will comply with all applicable laws and regulations as stated in the agreements.

BE IT FURTHER RESOLVED, that the County Auditor is hereby authorized to serve as the fiscal agent for the above referenced projects.

PRESENTATION:

2023 Annual Midwest Medical Examiner's Office Report

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

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

On motion by Dahlberg, seconded by Swenson, the Board moved to approve Resolution No. 24/0515-2, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, approving the Garrett and Brianna Schueller Interim Use Permit (IUP) to allow an accessory structure on their 10-acre property without the presence of a principal dwelling / single-family dwelling. The subject property is located at xxxx 440th Street, Fish Lake Township, (PID #03.00299.00). The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

RESOLUTION NO. 24/0515-2
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO
COUNTY, MINNESOTA, APPROVING AN INTERIM USE PERMIT
ALLOWING AN ACCESSORY STRUCTURE WITHOUT THE PRESENCE OF

**A PRINCIPAL USE STRUCTURE ON PROPERTY IDENTIFIED AS PID
03.00299.00 IN FISH LAKE TOWNSHIP**

WHEREAS, property owners Garrett Schueller & Brianna Schueller submitted an application dated received March 6, 2024 and considered complete on March 13, 2024 for an Interim Use Permit allowing an accessory structure without the presence of a principal use structure on property located at xxxx 440th Street in Fish Lake Township; and

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

WHEREAS, the subject site is 10.00± acres in size and legally described as:

PID 03.00299.00

*The East 330 feet of the West 660 feet of the Southeast Quarter of the Southwest Quarter
(SE ¼ of SW ¼) of Section Twenty-two (22), Township Thirty-six (36), Range Twenty-two
(22),*

Chisago County, Minnesota

WHEREAS, notice was provided and on May 2, 2024 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, property owner G. Schueller, and invited members of the public to comment; and

WHEREAS, the Planning Commission recommended approval of the Interim Use Permit with conditions per Resolution No. PC2024-0501; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its May 15, 2024 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; |
| <i>Finding #1</i> | <i>The Chisago County Comprehensive Plan does not specifically address the proposed use; however, the Zoning Ordinance (development policy) allows the proposed use in the Agricultural (AG) District with issuance of an Interim Use Permit. Therefore, the County finds that the proposed use is consistent with the County's development policies.</i> |
| 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; |
| <i>Finding #2</i> | <i>Being that the proposed use is intended solely for residential storage purposes, the County finds that the proposed use will not create any demand on existing parks, schools, streets, or other public facilities or utilities which serve the subject site.</i> |

- 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 Given the size of the subject site, the existing vegetation on and adjacent to the subject site, the size of adjacent properties and the fact that the structure will meet or exceed all required setbacks, the County finds that the subject site is sufficiently separated by distance and 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 Chisago County Zoning Ordinance does not identify any aesthetic requirements for accessory structures within the Agricultural (AG) District; therefore, the County finds that there is no evidence to suggest that the structure will have an appearance which will cause adverse effects 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 allows a singular accessory structure without the presence of a principal use structure in the Agricultural (AG) District with issuance of an Interim Use Permit; 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 The proposed accessory structure is intended for personal use and storage in conjunction with the property owners' residence which is located within 1,000' of the subject site. The County finds that the accessory structure will create minimal traffic – consistent with traffic associated with a single family dwelling – and will not cause traffic hazard or congestion. Further, the road authority – being Fish Lake Township – has not communicated 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 The proposed use is consistent with accessory structures allowed in and located in the Agricultural (AG) District and will be sufficiently separated from neighboring properties by distance and vegetation; therefore, the County finds that the accessory structure 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 approval allows for a singular accessory structure for personal use and storage without the presence of a principal use structure, subject to the conditions below. The accessory structure shall be constructed in general conformance with the site plan dated received March 6, 2024 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. No overnight or residential living quarters / use shall be allowed within the accessory structure.
3. No sanitary facilities shall be allowed within the accessory structure until and unless the property is further developed with a principal use structure.
4. Any change to the approved accessory structure involving 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. 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.

On motion by Dahlberg, seconded by Greene, the Board moved to approve Resolution No. 24/0515-3, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, approving the Kyle Hay and Kelly Zaiser Interim Use Permit (IUP) to allow an accessory structure on their 34-acre property without the

presence of a principal dwelling / single-family dwelling. The subject property is located at xxxx Anchor Avenue, Fish Lake Township, (PID #03.00278.00). The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

RESOLUTION NO. 24/0515-3
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY, MINNESOTA, APPROVING AN INTERIM USE PERMIT ALLOWING AN ACCESSORY STRUCTURE WITHOUT THE PRESENCE OF A PRINCIPAL USE STRUCTURE ON PROPERTY IDENTIFIED AS PID 03.00278.00 IN FISH LAKE TOWNSHIP

WHEREAS, property owners Kyle Hay & Kelly Zaiser submitted an application dated received and considered complete on March 27, 2024 for an Interim Use Permit allowing an accessory structure without the presence of a principal use structure on property located at xxxxx Anchor Avenue in Fish Lake Township; and

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

WHEREAS, the subject site is 34.00± acres in size and legally described as:

PID 03.00278.00

The Northeast 1/4 of the Southwest 1/4 of Section 21, Township 36, Range 22, Chisago County, Minnesota.

EXCEPT the following described parcels of land: Commencing at the Northwest corner of the NE1/4 of the SW1/4 of said section township and range; thence South along the West line thereof a distance 600 feet; thence Northeasterly to a point on the East-West Quarter line 150 feet east of the Northwest corner of said NE1/4 of the SW1/4; thence West along the Quarter line a distance of 150 feet to the point of beginning.

AND ALSO EXCEPTING:

The West 1/2 of the Southwest 1/4 of the Northeast 1/4 of the Southwest 1/4, Section 21. Township 36, Range 22, Chisago County, Minnesota

WHEREAS, notice was provided and on May 2, 2024 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, property owner Hay, and invited members of the public to comment; and

WHEREAS, the Planning Commission recommended approval of the Interim Use Permit with conditions per Resolution No. PC2024-0503; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its May 15, 2024 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) allows the proposed use in the Agricultural (AG) District with issuance of an Interim Use Permit. 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 Being that the proposed use is intended solely for residential storage purposes, the County finds that the proposed use will not create any demand on existing parks, schools, streets, or other public facilities or utilities which serve the subject site.*
- 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 Given the size of the subject site, the existing vegetation on and adjacent to the subject site, the size of adjacent properties and the fact that the structure will meet or exceed all required setbacks, the County finds that the subject site is sufficiently separated by distance and 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 Chisago County Zoning Ordinance does not identify any aesthetic requirements for accessory structures within the Agricultural (AG) District; therefore, the County finds that there is no evidence to suggest that the structure will have an appearance which will cause adverse effects 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 allows a singular accessory structure without the presence of a principal use structure in the Agricultural (AG) District with issuance of an Interim Use Permit; 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 *The proposed accessory structure is intended for personal use and storage in conjunction with the property owners' current and future uses of the subject site. The County finds that the accessory structure will create minimal traffic – consistent with traffic associated with a single family dwelling – and will not cause traffic hazard or congestion. Further, the road authority – being Fish Lake Township – has not communicated 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 *The proposed use is consistent with accessory structures allowed in and located in the Agricultural (AG) District and will be sufficiently separated from neighboring properties by distance and vegetation; therefore, the County finds that the accessory structure 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:

8. This approval allows for a singular accessory structure for personal use and storage without the presence of a principal use structure, subject to the conditions below. The accessory structure shall be constructed in general accordance with the application materials dated received March 27, 2023 and kept on file with the Chisago County Department of Environmental Services. Any significant deviation from the approved request, as determined by the Department of Environmental Services, shall require further consideration by the Planning Commission and determination by the County Board of Commissioners.
9. No overnight or residential living quarters / use shall be allowed in the accessory structure.
10. No sanitary facilities shall be allowed within the accessory structure until and unless the property is further developed with a principal use structure.
11. Any change to the approved accessory structure involving enlargements, intensification or expansion of use, or change not specifically permitted by this Interim Use Permit, shall require an Interim Use Permit Amendment.
12. 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.

13. This Interim Use Permit shall expire at such time that the current or future property owner(s) construct a principal use structure.
14. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

On motion by Dahlberg, seconded by Swenson, the Board moved to accept the recommendation by the Implementation Policy Committee and to approve the Amendment to the Lower St. Croix Comprehensive Watershed Management Plan (LSC CWMP), FY23 Watershed Based Implementation Funding Work Plan and Budget to host the Lower St. Croix Agronomy Outreach Specialist as a local staff position rather than as an embedded position with the University of Minnesota Extension. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Montzka, seconded by Dahlberg, the Board moved to accept the May 8th Budget and Finance Report, approve selling the Rush City Shop to Rush City for \$40,000, approve the use of \$75,000 from the HHS Income Maintenance Fund Balance to finance the transition of the Child Support unit to a paperless solution, approve the creation of 2 supervisor positions, one in Aging and Disabilities and one in Behavioral Health, and eliminate the final two Social Services Lead Workers, to use the ‘official’ flag within the Chisago County buildings and direct staff to explore creating a maximum license number of Cannabis retail business in the County ordinance. 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 approve the Tuberculosis Services Agreement Between Chisago County and Hennepin County. 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 approve the SHIP Grant Agreement 227, 228, 229, 230, 231, 232, and 233. 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 authorize the Chisago County Recorder to attend the Property Records Industry Association’s Annual meeting in Cleveland OH from 8/19/2024 – 8/23/2024. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Greene, seconded by Dahlberg, the Board moved to approve the Firearms Storage grant agreement between Chisago County and Office of Justice Programs in the Minnesota Department of Public Safety. 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 approve the Intensive Comprehensive Peace Officer Education & Training Hiring Grant agreement between Chisago County, MN, and Office of Justice Programs in the Minnesota Department of Public Safety. 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 approve the 2024 Pathways to Policing Hiring Grant agreement between Chisago County and Office of Justice Programs in the Minnesota Department of Public Safety. 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 authorize the DES Director to issue the associated PO's and sign any needed documents to proceed with the Security Camera System Upgrade. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

CITIZENS FORUM

TIME – 7:31 p.m. **END TIME** – 7:36 p.m.

of SPEAKERS – 1

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

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

Marlys Dunne, Chair

Attest: _____
Chase Burnham
County Administrator