

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
Tuesday, June 18, 2024**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Tuesday, June 18, 2024 at the Chisago County Government Center with the following Commissioners present: Swenson, Greene, Dunne, Montzka, Dahlberg. Also present: County Administrator Chase Burnham, County Attorney Janet Reiter, and Clerk of the Board Christina Vollrath.

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

Commissioner Greene offered a motion to approve the amended agenda. Motion seconded by Swenson, 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 6:31 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 County Engineer Joe Triplett. *No action was taken.*

On motion by Greene, seconded by Dunne, the Board moved items 1-3 to the consent agenda. 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 close the Road and Bridge Committee of the Whole at 6:36 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.) R&B Committee Recommendation – Final Contract – County Road 70 Reconditioning
- 3.) R&B Committee Recommendation – Final Contract – 2023 Pavement Maintenance Project

- 4.) Minutes from the June 5, 2024, County Board of Commissioners Meeting
- 5.) Payment of County's Warrants and Miscellaneous Bills \$705,594.93
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.
- 6.) Credit Card Request – Mike Parker, Emergency Communications Services Manager and Increase to Dennis Wilton, Assistant Enterprise Services Director
- 7.) Exempt Gambling Permit – Pheasants Forever

RESOLUTION NO. 24/0618-1
APPROVING THE SUBMISSION OF AN APPLICATION TO CONDUCT A RAFFLE FOR
THE PHEASANTS FOREVER – CHISAGO COUNTY

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

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

BE IT RESOLVED that the Chisago County Board of Commissioners hereby approves and authorizes submission to the Minnesota Gambling Control Board an application to conduct a raffle at the Lent Town Hall located at 33155 Hemmingway Ave, Stacy MN 55079.

- 8.) Resolution for Mileage Reimbursement past 60 days – Brandie Christenson, HHS
Environmental Services Director Kurt Schneider presented the Board with the Director's Report and action items. *No action was taken.*

On motion by Montzka, seconded by Swenson, 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 Greene, seconded by Dahlberg, the Board moved to approve Resolution No. 24/0618-2, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, approving the Preliminary Plat of Paradise Woods located at the SW corner of 320th Street and Lofton Avenue/CSAH 24 in Chisago Lake Township, (PID #02.00823.00). The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

RESOLUTION NO. 24/0618-2
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY, MINNESOTA,
APPROVING THE PRELIMINARY PLAT OF PARADISE WOODS

WHEREAS, property owner Kenneth Rice and applicants Kenneth Rice & Kimberly Rice submitted an application dated received March 22, 2024 and considered complete on March 25, 2024 for the Preliminary Plat of Paradise Woods; and

WHEREAS, the subject site is generally located at the southwest corner of 320th Street and Lofton Avenue / CSAH 34 in Chisago Lake Township and within the Agricultural (AG) District; and

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

PID 02.00823.00

That part of Section 30, Township 34 North, Range 20 West, Chisago County, Minnesota described as follows: The Northeast Quarter of the Northwest Quarter, subject to a 1-rod road easement along the North line thereof. And the North 659.4 feet of the Northwest Quarter of the Northeast Quarter, subject to a 1-rod road easement along the North line thereof, and subject to the existing County Road No. 77 easement along the East line thereof, and also the East 770 feet is subject to a drainage easement in favor of the owner of the property described as follows: All of the NW 1/4 of the NE 1/4 of said Section 30 except the North 659.4 feet thereof.

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

WHEREAS, the Planning Commission motioned to continue the public hearing to its June 6, 2024 meeting in order to allow the property owner / applicants time to address concerns about the 770' drainage easement shown on Lots 2 and 3, Block 1 as well as storm water runoff and natural water flow concerns submitted by the City of Chisago City; and

WHEREAS, the Planning Commission heard from the Land Services Coordinator, the property owner / applicants, and invited members of the public to comment before closing the public hearing on June 6, 2024; and

WHEREAS, the Planning Commission found that the Preliminary Plat of Paradise Woods was consistent with the intent of the County's Zoning and Subdivision Ordinances and recommended approval of the Preliminary Plat with conditions per Resolution No. PC2024-0602; and

WHEREAS, the Board of Commissioners considered the request for Preliminary Plat of Paradise Woods and the Planning Commission's recommendation at its June 18, 2024 meeting and determined the plat to be consistent with the intent of the County's Zoning and Subdivision Ordinances.

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

1. The Preliminary Plat is approved per plat drawing signed dated May 26, 2022 and amended most recently on March 21, 2024. Any deviation from the approved plat drawing, except as provided herein, shall require further review by the Planning Commission and approval by the County Board.
2. No access shall be granted from Lofton Avenue / CSAH 34. All driveways must access 320th Street.
3. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
4. Prior to or in conjunction with submission of a request for Final Plat, the applicant shall submit documentation to the Department of Environmental Services demonstrating that proposed Lots 2 and 3, being wholly or partially located within a drainage easement, are buildable. One such option to satisfy this condition is to submit a fully executed and recorded copy of an agreement to confine the easement to delineated wetland areas on proposed Lots 2 and 3.
5. The applicant shall enter into a developer's agreement with Chisago Lake Township and the agreement shall, at a minimum, outline road construction costs, transfer of the proposed turnaround to the township, and the escrow agreement for legal and engineering fees. A copy of the signed developer's agreement shall accompany the request for Final Plat, and the request for Final Plat will not be considered complete unless accompanied by the signed agreement.
6. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

On motion by Dahlberg, seconded by Greene, the Board moved to approve

payment for Sunrise Prairie Regional Trail Segment G Construction Project No. 13-SPT-23 Invoice/Pay Voucher #4, final payment order request from Knife River. 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 approve Phase-2 of the Proposal by and between Chisago County and Collins Engineers Inc. in support of the Chisago Lakes Lake Improvement District 2024 Weir Repair project as presented. 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 accept the June 12th, 2024, Budget and Finance Report, accept the Monthly County Staffing Update, approve unallocated ARPA funds to pay the difference of \$28,400 and the Overtime costs associated with getting the new K-9s a part of the CCSO as soon as possible, approve the Axon Justice program for the Chisago County Attorney's Office using \$17,900 from previous board-approved funding for SharePoint; and the additional \$29,272.00 be drawn from Unallocated ARPA funds, approve funding the water main break and parking lot repair for the Center City Public Works Facility using 2024 Unallocated ARPA funds, approve reallocating the unspent Sunrise Prairie Trail funds to the Ki-Chi-Saga Municipal Project, and approve funding the UKG Conversion project for the new recruiting data using unallocated ARPA funds. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Dahlberg, seconded by Greene, the Board moved to approve the purchase of a Fence and Gate for the Harris Sheriff Office Building, as approved in the 2024 CIP, MNT-0414. 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 settlement agreement negotiated in *Sporleder v. State, et al.*, Court File No. 62-CV-23-3405, which is funded by a legislative appropriation in Chapter 113 of the 2024 Session Laws, authorize Chisago County to participate in the settlement claims process administered by the Department of Revenue consistent with Chapter 113 of the 2024 Session Laws, authorize the County Auditor to meet the requirements for participating counties outlined in Chapter 113 of the 2024 Session Laws, and authorize the County Attorney to execute the settlement agreement on behalf of Chisago County and to sign all court documents necessary to bring the *Sporleder* litigation to a close. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

RESOLUTION NO. 24/0618-3

RESOLUTION TO APPROVE SETTLEMENT AGREEMENT IN TAX FORFEITED PROPERTY LITIGATION AND TO AUTHORIZE PARTICIPATION IN TAX FORFEITED PROPERTY

CLAIMS PROCESS

WHEREAS, in June 2023, Chisago County and the County Auditor-Treasurer were named as defendants in a lawsuit of *Sharon Sporleder v. State of Minnesota, et al*, brought against the State of Minnesota and Minnesota's twenty most populous counties;

WHEREAS, in February 2024, the parties to the *Sporleder* litigation reached a tentative settlement agreement contingent on legislative appropriations and a claims process that would provide uniform compensation throughout the state.

WHEREAS on May 17, 2024, Governor Walz signed into law the \$109 million legislative appropriation and the administrative framework to settle those claims for damages through the Minnesota Department of Revenue.

BE IT RESOLVED that the Board of Commissioners of Chisago County approves of the settlement agreement negotiated in *Sporleder v. State, et al*, Court File No. 62-CV-23-3405, which is funded by a legislative appropriation in Chapter 113 of the 2024 Session Laws, as attached hereto and incorporated herein.

BE IT FURTHER RESOLVED that Chisago County is authorized to participate in the settlement claims process administered by the Department of Revenue consistent with Chapter 113 of the 2024 Session Laws.

BE IT FURTHER RESOLVED that the County Auditor- Treasurer is authorized and directed to meet the requirements for participating counties outlined in Chapter 113 of the 2024 Session Laws.

BE IT FURTHER RESOLVED that the County Attorney is authorized to execute the settlement agreement on behalf of Chisago County and to sign all court documents necessary to bring the *Sporleder* litigation to a close.

On motion by Dahlberg, seconded by Greene, the Board moved to approve the estimate and move forward to repair the sink hole at the Chisago County Law Enforcement Center using unallocated APRA funds. 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 County Auditor-Treasurer to transfer the above-noted funds for the purchase of the Caseworks Software for HHS. 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 updated Data Practices Policy, Privacy & Information Security Protocol, and Policy for Ensuring the Security of NOT Public Data, and the associated forms. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

CITIZENS FORUM

TIME – 7:08 p.m. **END TIME** – 7:17 p.m.

of SPEAKERS – 3

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

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

On motion by Greene, seconded by Dahlberg, the Board moved to close the County Board meeting at 7:37 p.m. to allow the County Board to discuss with legal counsel strategy related to litigation, *Darcey Duncan v. County of Chisago (MN) and Richard Duncan, both individually and in his official capacity as Sheriff of Chisago County (MN)*. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

Closed Session

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, *Darcey Duncan v. County of Chisago (MN) and Richard Duncan, both individually and in his official capacity as Sheriff of Chisago County (MN)*

Present: Attorney Stephanie Angolkar, Commissioner Swenson, Commissioner Dunne, Commissioner Greene, Commissioner Montzka, Commissioner Dahlberg, County Attorney Janet Reiter, Assistant County Attorney Jeff Fuge, County Administrator Chase Burnham, Clerk of the Board Christina Vollrath

On motion by Montzka, seconded by Greene, the Board ended the closed meeting

and reconvened the regular meeting at 8:08 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

The only action taken during the closed session was to end the closed session and reconvene the regular meeting.

On motion by Montzka, seconded by Dahlberg, the Board adjourned the meeting at 8:08 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

Marlys Dunne, Chair

Attest: _____
Christina Vollrath
Clerk of the Board