

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
Wednesday, October 02, 2024**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, October 02, 2024 at the Chisago County Government Center with the following Commissioners present: Greene, Dunne, Montzka, Dahlberg. Also present: County Administrator Chase Burnham, Clerk of the Board Christina Vollrath, and County Attorney Janet Reiter. **ABSENT:** Swenson.

Chair Dunne 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 Montzka, the motion **carried** as follows: **IN FAVOR THEREOF:** Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None. **ABSENT:** Swenson.

On motion by Dahlberg, seconded by Montzka, the board moved to open the Health and Human Services Committee of the Whole at 6:31 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None. **ABSENT:** Swenson.

Chair Dunne gave the gavel to Vice-Chair Dahlberg.

Health and Human Services Director Robert Benson provided the Director's Report and department updates. *No action was taken.*

On motion by Dunne, seconded by Montzka, the Board moved to add items 1-2 to the Consent Agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None. **ABSENT:** Swenson.

On motion by Dunne, seconded by Montzka, the board moved to close the HHS Committee Board of the Whole at 6:38 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None. **ABSENT:** Swenson.

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

Board of Commissioners' Consent Agenda:

- 1.) HHS Committee Recommendation – Director's Report
- 2.) HHS Committee Recommendation – Payment of County's Warrants for HHS
- 3.) Minutes from the September 18, 2024, Meeting

- 4.) Payment of County's Warrants and Miscellaneous Bills **Total:** \$689,975.49
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.
- 5.) Recognition of County Staff October Anniversaries
- 6.) Appointments to Extension Committee (Peter Grund) and Comfort Lake Forest Lake Watershed District (Douglas Toavs)
- 7.) Conditional Use Permit Surrender – 32XXX Upland Road

RESOLUTION NO. 24/1002-1

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY, MINNESOTA,
APPROVING THE SURRENDER OF A CONDITIONAL USE PERMIT THAT ALLOWED RURAL RETAIL
TOURISM ON PROPERTY LOCATED AT 32XXX UPLAND ROAD IN SHAFER TOWNSHIP**

WHEREAS, Jim & Sher Investments LLC, property owner, and Jim Goodpaster & Sherry Timmermann Goodpaster, applicants, submitted an application dated received April 26, 2022 and considered complete on May 2, 2022 for a Conditional Use Permit allowing Rural Retail Tourism on property located at 32XXX Upland Road in Shafer Township; and

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

WHEREAS, the subject site is 5.66 acres in size and legally described as:

PID 08.00251.35

That part of the Southwest Quarter of the Southeast Quarter (SW ¼ of SE ¼) of Section 23, Township 34 North, Range 19 West, Chisago County, Minnesota, described as follows:

Commencing at the South Quarter Corner of said Section 23; thence N84°20'19"E along the south line of said Section 23, 917.97 feet to the center line of Upland Road; thence N26°45'14"W along said center line 425.74 feet to the point of beginning; thence N63°14'46"E 609.51 feet to the east line of said SW ¼ of the SE ¼; thence N03°25'16"W along said east line 403.41 feet; thence S60°00'00"W 770.52 feet to the center line of said Upland Road; thence S26°45'14"E along said center line 326.78 feet to the point of beginning.

SUBJECT TO Upland Road Right of Way.

*wife and husband

WHEREAS, notice was provided and on June 2, 2022 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Environmental Services Director, the applicant, and invited members of the public to comment; and

WHEREAS, the Planning Commission recommended approval of the CUP with conditions per Resolution No. PC2022-0601; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its June 15, 2022 meeting and denied the request for CUP, subject to certain Findings; and

WHEREAS, the applicants appealed the denial to the Minnesota Court of Appeals, which issued a decision that reversed the Board of Commissioners' denial of the application and which further instructed the Board of Commissioners to approve the application for CUP with conditions as recommended by the Planning Commission; and

WHEREAS, the Board of Commissioners approved the request for CUP on April 19, 2023, subject to the Findings and conditions of Resolution 2023/0419-5; and

WHEREAS, on April 1, 2024, the County received a property owner application to surrender the CUP; and

WHEREAS, the County determined the application to surrender the CUP was complete on April 1, 2024; and

WHEREAS, it has been more than 60 days from the date on which the application to surrender was received and deemed complete, and the County has yet to call for a public hearing before the County Board as otherwise required pursuant to Section 8.04 L of the Chisago County Zoning Ordinance; and

WHEREAS, pursuant to Minn. Stat. s. 15.99, Subd. 2 (a), the application to surrender the CUP is considered approved as a matter of law; and

WHEREAS, it is necessary for the County Board of Commissioners to take formal action to approve the surrender application so that the land records may clearly indicate that the Rural Retail Tourism CUP is surrendered and that the uses otherwise authorized by the CUP are no longer permitted.

NOW, THEREFORE, BE IT RESOLVED that, notwithstanding Section 8.04 L of the Chisago County Zoning Ordinance, the Chisago County Board of Commissioners approves the application to surrender the CUP at 32XXX Upland Road in Shafer Township, PID 08.00251.35.

BE IT FURTHER RESOLVED that a certified copy of this resolution be recorded with the Chisago County Recorder's Office.

On motion by Greene, seconded by Dahlberg, the Board moved to approve the attached Proclamation, which proclaims October 2024 as Manufacturers Month in Chisago County. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None. **ABSENT:** Swenson.

On motion by Greene, seconded by Dahlberg, the Board moved to approve the proposal from Rinke Noonan for needed TH 8 Condemnation Work if they are necessary. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None. **ABSENT:** Swenson.

County Administrator Burnham discussed implementing a \$20 per vehicle Wheelage Tax for Chisago County for 2026 and authorizing the State of Minnesota to collect such on behalf of the County. **No action taken.**

On motion by Dahlberg, seconded by Montzka, the Board moved to approve the initial purchase of licenses with which cities can integrate with the Tyler Permitting and Licensing application, with funds to come from the Recorder's Compliance Fund. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None. **ABSENT:** Swenson.

On motion by Greene, seconded by Montzka, the Board moved to approve the Vision CAMA contract for 1 year, with funds to come from the Recorder's Compliance Fund. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None. **ABSENT:** Swenson.

On motion by Montzka, seconded by Greene, the Board moved to approve the amended Contract from MCCC (Eagleview) to allow for 3" resolution rather than the 6" originally contracted. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None. **ABSENT:** Swenson.

On motion by Dahlberg, seconded by Montzka, the Board moved to approve Chisago County membership in the North Branch, Rush City, and the Chisago Lakes Chambers of Commerce funded using 2024 unallocated CIP. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None. **ABSENT:** Swenson.

CITIZENS FORUM

TIME – 6:57 p.m.

END TIME – 7:01 p.m.

of SPEAKERS – 1

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

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

On motion by Greene, seconded by Montzka, the Board adjourned the meeting at 7:10 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, Dunne, Montzka, Dahlberg **OPPOSED:** None. **ABSENT:** Swenson.

Marlys Dunne, Chair

Attest: _____

Christina Vollrath
Clerk of the Board