



Sherburne County Board of Commissioners

June 15, 2021 - County Board Meeting Minutes

1. 9:01am Call to Order

The Sherburne County Board of Commissioners convened in regular session on June 15, 2021, at the Sherburne County Government Center in the City of Elk River, MN. Call to order by the Chair was at 9:01am.

1 Moment of Silence and Pledge of Allegiance

2 Approval of Regular Meeting Proposed Agenda

Schmiesing/Burandt unanimous to approve agenda as amended with additions made to item 2.16 on interest rates for the Well Replacement Loan Program. (On file.)

2. 9:04am Consent Agenda

Fobbe/Dolan unanimous to approve agenda as amended.

1 Approved County Board Meeting Minutes: June 1, 2021.

2 Sale of County Lot to City of Zimmerman.

Administration

Dan Weber, Assistant County Administrator

Approved the sale of Lot 4, Block 1, Sherburne County Public Safety Addition (PID 95-478-0120) to the City of Zimmerman for the sum of \$41,300, with the County paying closing costs and the transfer fee to the Township; with the conveyance by warranty deed, subject to the reservation of mineral rights to the State of Minnesota and all encumbrances of record; and authorizing the County Board Chair to sign the purchase agreement and the warranty deed, and the Assistant County Administrator to represent the County at closing.

3 Payment of Annexation Fee.

Administration

Dan Weber, Assistant County Administrator

Approved and authorized payment of the annexation fee for the sale of Lot 4 of Block 1, Sherburne County Public Safety Addition. Amount of payment was \$1,440.00.

4 Revisions to the Use of County-Provided Vehicle Policy.

Administration

Staci Hecht, Risk Management Specialist

Approved the revised Use of County-Provided Vehicles Policy, to include updates to the following: Reorganizing and condensing the information; clarifying details related to what to do if an accident occurs; updating driver responsibilities; and ensuring administrative and tax information accurately reflects current processes. (On file.)

5 Donation of A Framed and Numbered Print.

Attorney

Kathleen Heaney, County Attorney

Approved the acceptance of a framed and numbered print donated by Mr. Chuck Hartell. There are no significant unbudgeted financial implications emanating from the undertaking of this action.

- 6** Commissioner & Manual Warrants. Auditor / Treasurer
Diane Arnold, Auditor/Treasurer
 Approved Commissioner & Manual Warrants as follows:
- May 26, 2021 Commissioner Warrants 50% Est School District Payouts P1\$1,328,494.00
 May 28, 2021 Commissioner Warrants\$1,247,275.41
 May 28, 2021 Manual Warrants\$15,587,845.59
 June 4, 2021 Commissioner Warrants\$522,675.44
 June 4, 2021 Commissioner Warrants 2-ARPA #1\$1,800.00
 June 4, 2021 Manual Warrants\$8,957.17
 June 7, 2021 Commissioner Warrants 50% Est School District Payouts P1\$1,324,066.03
 June 7, 2021 Manual Warrants BMO Harris Pcard May 2021\$107,470.50
- 7** 2021-2022 Tobacco License Renewals. Auditor / Treasurer
Diane Arnold, Auditor/Treasurer
 Approved the 2021-2022 Tobacco License applications for 3 establishments with completed applications and 11 establishments with incomplete applications, the latter approvals contingent upon approval from respective local boards and authorized the Auditor-Treasurer to sign approved licenses.
- 8** Monthly Auditor-Treasurer Report for May 2021. Auditor / Treasurer
Diane Arnold, County Auditor/Treasurer
 Reviewed and received Monthly Auditor-Treasurer Report for May 2021.
- 9** Renewal of Adopt-A-Highway Agreement. Community Corrections
J. Hancuch, Community Corrections Director
 Approved to renewal of Adopt-A-Highway agreement with Community Corrections.
- 10** 06-02-21 HHS OBO Warrants. Health & Human Services
Amanda Larson, HHS Director
 Approved HHS OBO Warrants as follows:
- June 2, 2021 HHS OBO Warrants \$4677.45
- 11** MN Department of Health Grant and Approve Grant Agreement - Health & Human Services
 Eliminating Health Disparities.
Nicole Ruhoff, CHS Administrator
 Accepted a grant from the MN Department of Health in the amount of \$1,759.00 to perform duties and responsibilities related to refugee health and tuberculosis management and authorized execution of the required agreement. Term of the grant shall be July 1, 2021 through June 30, 2026.
- 12** HHS Housing Subsidies Letter for Center City Housing River Heights Health & Human Services
 Development in St. Cloud.
Amanda Larson, HHS Director
 Approved a Housing Subsidies Letter of Support for Center City Housing River Heights Development in St. Cloud to serve, in part, individuals with disabilities and, in part, individuals

who are experiencing homeless. (Letter on file.)

- 13** HHS Housing Subsidies Letter for the CommonBond Communities Lake Health & Human Services
Crossing Senior Housing Development in Big Lake.
Amanda Larson
Approved a Housing Subsidies Letter of Support for CommonBond Communities Lake Crossing Senior Housing Development in Big Lake, in part to serve high priority senior homeless households, pledging Housing Supports (formerly Group Residential Housing) to subsidize these units. (Letter on file.)
- 14** Housing Subsidies Letter for Senior Housing Development - Aeon Big Health & Human Services
Lake Station.
Amanda Larson, HHS Director
Approved a Housing Subsidies Letter of Support for Aeon Big Lake Station for its Senior Housing Development, pledging Housing Supports subsidies (formerly Group Residential Housing) from the County. (Letter on file.)
- 15** Sherburne County 2021 Benefit Plan (Cafeteria Plan) Amendment. Human Resources
Tammy Bigelow, HHS Director
Approved Sherburne County 2021 Benefit Plan (Cafeteria Plan) Amendment and authorized Board Chair to sign. (On file.)
- 16** Public Hearing Date of July 15th, 2021 for Consideration of Amending Planning & Zoning
County Ordinance No. 241 Subsurface Sewage Treatment System Low
Interest Loan Program.
Dave Lucas, Solid Waste Administrator
Approved the scheduling and advertisement of 9:00am or later on July 15th, 2021 for conduct of a Public Hearing to consider amending County Ordinance No. 241 Subsurface Sewage Treatment System Low Interest Loan Program to include well replacement as an eligible activity when deemed necessary for repair or replacement of septic systems and amending section 3.3 on loan interest rates. (On file.)
- 17** New Look Contracting Inc. as Lowest Responsive Bidder for the 2021 Public Works
History Center Trail Improvements project (CP 71-HIS-001).
Andrew Witter, Public Works Department Head
Approved, as Lowest Responsive Bidder, New Look Contracting Inc. with a bid of \$130,483.00, for the 2021 History Center Trail Improvements project (Project No. CP 71-HIS-001). Project construction dates will be contracted from July 19, 2021 through August 20, 2021.
- 18** Resolution No. 061521-AD-2048 to Support the County's Request for Public Works
State Bond Funding for the Interchange of TH 169 and CSAH 4 in
Zimmerman.
Andrew Witter, Public Works Department Head
Approved Resolution No. 061521-AD-2048 to Support the County's request for State Bond funding (via the MMB Capital Budget System) for Construction of an Interchange at TH 169 and CSAH 4 in Zimmerman. (On file.)
- 19** Resolution No. 061521-AD-2049 to Support RAISE Grant Application for Public Works

TH 169 and CSAH 4.

Andrew Witter, Public Works Department Head

Approved Resolution No. 061521-AD-2049 to support Sherburne County's application for a RAISE Grant for the US 169 and CSAH 4 Interchange Project. (On file.)

- 20** Resolution No. 061521-AD-2050 to Support State Bond Funding Request for Acquisition of Park Land in Palmer Township. Public Works

Andrew Witter, Public Works Department Head

Approved Resolution No. 061521-AD-2050 in support of the County's request for State Bond funds via the MMB Capital Budget System for the Acquisition of Park Land in Palmer Township. (On file.)

- 21** Joint Powers Agreement with Soil and Water Conservation District for the Adopt-A-Drain Program. Public Works

Andrew Witter, Public Works Department Head

Approved a Joint Powers Agreement with the Sherburne Soil and Water Conservation District for the Adopt-A-Drain Program. The term of this agreement shall commence on June 15, 2021 and, unless earlier terminated pursuant to this agreement, shall terminate as set forth in this agreement. (On file.)

- 22** Amendment to the Communications Antenna Lease Agreement with the State of Minnesota on Behalf of the Department of Natural Resources. Sheriff

Joel Brott, County Sheriff

Approved the L-284 Amendment-2 for the communications antenna lease with the State of Minnesota on behalf of the Department of Natural Resources, to include updated mailing information and term renewal. Term date of this agreement shall commence on July 1, 2021 and continue through June 30, 2026. (On file.)

3. 9:04am Announcements

County Administrator Bruce Messelt reminded the board of upcoming meetings and informed them of public finance education for elected officials available by Ellers.

4. 9:08am Open Forum

Public citizens were present to speak on behalf of a Second Amendment Resolution.

5. 9:22am Regular Agenda

- 1** Rezone from Agricultural to General Rural - Justin and Melissa Massmann. Planning & Zoning

9:22am *Lynn Waytashek, Assistant Planning & Zoning Administrator*

Schmiesing/Fobbe unanimous to approve Rezoning of 12.16 acres from Agricultural to General Rural, with the Planning Advisory Commission recommended findings, as listed in the background justification, for PID # 10-136-3401. Legal Desc: E 400 ft of SE 1-4 of SW 1-4 (full legal on file). Sec 36, Twp 33, Rge 27, Big Lake Township. 12.16 acres in the Agricultural District.

FINDINGS:

A. Is the proposed rezoning consistent with the Comprehensive Plan? Yes, the Comprehensive Plan, Figure 9.15 Future Land Use map identifies this property as Rural Residential.

B. Is the current use of the property a permitted use within the proposed zoning district, or will the rezoning create a non-conforming use?

Yes, the property currently has a house on it and single-family housing is the primary use in the General Rural Zoning District.

C. Will permitted uses within the proposed zoning district be injurious to health or interfere with the comfortable enjoyment of life or property within the vicinity?

No, neighboring lands are currently zoned General Rural, Agricultural or Mississippi Recreational River District, all of which have similar permitted uses like single family housing.

D. How will public services (e.g. transportation, schools, parks, and police/fire) be impacted by the proposed rezoning? Will permitted uses within the proposed zoning district adversely impact or overburden existing public service capacity?

No, the change in use is not expected to have any impact on existing public services.

E. Is the proposed rezoning located in an area that has the potential to adversely impact natural resources such as surface water, groundwater, or wetlands, or sites identified for rare biological species habitat?

This property is vacant and is not within a Shoreland District. The proposed use of a single family house will not adversely impact natural resources. Any future development of the property will require permits from Sherburne County Planning and Zoning and all development must comply with all zoning, subdivision, and stormwater regulations.

F. Does the proposed rezoning have the potential to impact ecologically sensitive or historically significant areas?

No, the existing and proposed use will not impact an ecological or historically significant area.

G. Does the property have sufficient size and physical characteristics to permit a reasonable use under the current zoning district?

Yes, this is a 12 -acre parcel and any future development of this parcel will require permits from Sherburne County and Big Lake Township and will be required to comply with all zoning, subdivision, and stormwater regulations.

H. Any other factors that may be relevant to determining whether the proposed rezoning is appropriate?

This property is currently used for single-family residential and has adequate size to be subdivided into two parcels that would exceed the minimum 2.5 acre lot size in the General Rural Zoning District.

2 Preliminary Standard Plat for Carlson Farm-Ziegler Custom Home, Inc. Planning & Zoning

9:23am

Lynn Waytashek, Assistant Planning & Zoning Administrator

Fobbe/Dolan unanimous to approve "Carlson Farm" Residential Preliminary Standard Plat, PID # 01-013-4100 and 01-013-4101 consisting of (9) lots, with the following (6) Conditions, as recommended by the Planning Commission. Legal Desc: W 985 ft of E 1875 ft of N 1/2 (full legal on file). Sec 13, Twp 35, Rge 26, Baldwin Township. 80 acres in the General Rural District.

CONDITIONS:

1. Park dedication fees for 9 lots at \$800 per lot, totaling \$7,200. Park fees must be paid prior to the Public Works Dept signing the plat mylars.
2. Must obtain driveway access permits from Baldwin Township prior to driveway construction.
3. An Access Permit will be required prior to accessing County Road 38 and shall be constructed according to Public Works Engineering Standards.

4. A copy of the NPDES permit for this project must be submitted to the Zoning Department prior to any ground disturbing activities taking place on site.
5. A Stormwater and Erosion Control Permit application is required to be submitted to the Zoning Department prior to any ground disturbing activities taking place on site.
6. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat

- 3 Interim Use Permit (IUP) Application for Large Contractor's Yard by Planning & Zoning
Polacek Family Partnership LLLP.

9:24am

Lynn Waytashek, Assistant Planning & Zoning Administrator

Schmiesing/Fobbe unanimous to approve Interim use Permit (IUP) Application by Polacek Family Partnership LLLP for a Large Contractor's Yard with the following (11) Conditions and Findings of Fact, as recommended by the Planning Advisory Commission; PID # 25-435-0105. Legal Desc: Teders Industrial Park Two, Lot 1, Blk 1, Subject to easement of record (full legal on file). Sec 16, Twp 35, Rge 30, Haven Township. 7.8 acres in the Industrial District.

CONDITIONS:

1. A developer's agreement between the Applicant and Haven Township must be signed with the township for the development of 31st Street prior to starting business operations at this site.
2. A building permit is required from the Planning and Zoning Department for any future buildings. All building plans must be prepared by an architect or engineer to certify the structure complies with MN Building Code.
3. Any signage shall comply with the County's sign ordinance and a sign permit is required.
4. All exterior lighting shall be directed away from the public right-of-way or neighboring properties.
5. This IUP is issued to Polacek Family Partnership LLC. and shall expire with a change in majority ownership of the business or sale of this property.
6. Road access will remain via 31st Street SE Ave, no other road access is approved with this IUP. No additional direct access to US Highway 10 be allowed. The existing driveway that currently serves Appliance Recyclers may remain but is limited to Central Appliance Recyclers and UPS.
7. A Stormwater Erosion Control permit will be required from the County Zoning Dept prior to any grading on the property and prior to a building permit being issued.
8. Must obtain an NPDES permit from the MPCA and provide a copy to the County Zoning Dept prior to commencing construction.
9. A chain-linked fence at least 6ft tall shall be placed around the south, west and east sides of the property. Fencing is not required on the north side of the lot where the wetlands exist.
10. Property may be accessed and used 24 hours a day and 7 days a week.
11. The applicant shall allow the County to inspect the property during normal business hours.

FINDINGS:

1. That the Interim Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

Yes, it will not, it is in an industrial area.

2. That the establishment of the Interim Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Yes, it will not, the developer has to work with the township and the county.

3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Yes, they have agreed to do the road and all of the access permits.

4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Yes, there is a lot of room for parking.

5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Yes, it's anticipated that there is nothing to cause a disturbance.

4 Interim Use Permit (IUP) Application for Home Business in an Accessory Building-Office from Branden & Pamela Hubbard (Core Exteriors LLC).

9:25am

Lynn Waytashek, Assistant Planning & Zoning Administrator

Schmiesing/Dolan unanimous to approve Interim Use Permit (IUP) Application by Branden and Pamela Hubbard (Core Exteriors, LLC) for Home Business in an Accessory Building-Office, with the following (9) Conditions and Findings of Fact as recommended by the Planning Advisory Commission, of which Condition # 3 is recommended by staff to be modified and Condition # 8 and #9 are recommended as additions by staff and listed in the background justification; PID # 15-464-0114. Legal Desc: Oak Savannah Second Addition, Lot 7, Blk 1. Sec 26, Twp 35, Rge 27, Blue Hill Township. 2.99 acres in the General Rural District.

CONDITIONS:

1. There may be one non-illuminated sign totaling no more than 12 sq. ft. in size located on the property, but outside of the public right-of-way.

2. Days & hours of operation shall be Monday thru Saturday, 8:00 AM - 7:00 PM.

3. All business activities may be conducted within a maximum area of 1,800 sq ft within one accessory structure. All work must be conducted within the Accessory Building. No exterior storage of building materials related to the business is permitted.

4. There may be no more than two (2) employees (FTE) other than a member of the household residing on the premises.

5. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the Interim Use Permit.

6. The IUP is issued to Core Exteriors LLC, Branden and Pamela Hubbard and shall expire with a change in ownership of the property.

7. The applicant and/or property owner shall permit the County to inspect the property at any time.

8. Beyond the two (2) permitted employees (FTE), no subcontractors or other employees may report to the property for training, meetings or to pick up/drop off trucks, trailers, equipment or materials.

9. The office within the accessory building is not open to the public._

FINDINGS:

1. That the Interim Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

Yes, it will not, the property is rural with very few employees.

2. That the establishment of the Interim Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Yes, it will not, outbuildings are allowed in the development.

3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Yes, there is nothing extra ordinary about the utilities that will be needed.

4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Yes, there is sufficient parking by the building.

5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Yes, it will not as the work is done off site.

- 5 Interim Use Permit (IUP) Application for a Home Business in an Accessory Building-Auto Repair and Restoration by Ryan Kirsling. Planning & Zoning

9:26am

Lynn Waytashek, Assistant Planning & Zoning Administrator

Dolan/Burandt unanimous to approve Interim Use Permit (IUP) Application by Ryan Kirsling for a Home Business in an Accessory Structure-Auto Repair and Restoration, with the following (12) Conditions and Findings of Fact, as recommended by the Planning Advisory Commission; PID # 25-026-1111. Legal Desc: That part of the NE ¼ of NE ¼ (full legal on file). Sec 26, Twp 35, Rge 30, Haven Township. 2.5 acres in the Agricultural District.

CONDITIONS:

1. Must meet commercial building standards and be approved by County Building Official.
2. No signage per Haven Township's Comments.
3. No additional employees per Haven Township's comments.
4. Days & hours of operation shall be Monday thru Sunday, 8:00 AM - 9:00 PM.
5. Any solid or liquid waste must be handled and disposed of according to any applicable County or State regulations. If hazardous waste license is required by the MPCA, a copy of the license shall be provided to the County upon request. All fluids will be contained in a non-flammable steel container and brought to the proper recycling facility.
6. All business activities may be conducted within a maximum area of 1,800 sq ft within one accessory structure. If the accessory building is to be used for non-business use (i.e. personal storage), a partition wall or similar divider must be used to separate business from non-business use to identify compliance with the 1,800 sq ft maximum floor area. All work must be conducted within the Accessory Building.
7. There may be no sandblasting, chemical/paint spraying, or similar use associated with the business.
8. Must have a fire extinguisher in building.
9. Excessive noise, glare, odors, traffic, or other nuisances may be justification for the County to revoke or modify the terms of the Interim Use Permit.
10. Vehicle parts must be stored inside.
11. The IUP is issued to Ryan Kirsling and shall expire with a change in ownership of the property.
12. The applicant and/or property owner shall permit the County to inspect the property at any

time.

FINDINGS:

1. That the Interim Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

Yes, the proposed use is not anticipated to diminish and impair values locally.

2. That the establishment of the Interim Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Yes, the area is wooded and relatively isolated.

3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Yes, the applicant is not requesting additional utilities or a need for drainage issues.

4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Yes, the applicant has enough parking.

5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Yes, the applicant has described his ability to communicate with the neighbors, there will be no issues.

- 6 Conditional Use Permit (CUP) Application for Riding Stable & Horse Boarding Facility by Jenna and Jeremy Hoffman Planning & Zoning

9:27am

Lynn Waytashek, Assistant Planning & Zoning Administrator

Dolan/Fobbe unanimous to approve Conditional Use Permit (CUP) Application by Jenna and Jeremy Hoffman for Riding Stable & Horse Boarding Facility, with the following (11) Conditions and Findings of Fact, as recommended by the Planning Advisory Commission; PID # 30-022-4405. Legal Desc: N 586 ft of SE 1-4 of SE 1-4 (full legal on file). Sec 22, Twp 34, Rge 26, Livonia Township. 18 acres in the General Rural District.

CONDITIONS:

1. A maximum of 25 horses will be located on this property including property owner's own horses.

2. Pursuant to the Sherburne County Solid Waste Ordinance, Section 19.10 "Animal manure shall be classified as a solid waste when they are accumulated, stored or stockpiled on the ground surface . . . within 200 ft of a residence located on neighboring property." Therefore, any manure stockpile(s) must be located at least 200 ft from any neighboring residences. The applicants must also follow MN Pollution Control Agency – Manure Stockpiling –Technical Guidelines Fact Sheet #8.06.

3. Stacking slab must be constructed of either concrete or asphalt and must have at least 4 ft. tall poured sidewalls or sealed cement block sidewalls. The slope of the stacking slab must be toward the back to ensure containment and prevent runoff. Upon construction of the stacking slab there will be a six-month review of its effectiveness to properly mitigate against odors and other nuisances. Bedding and manure must be stockpiled on an impervious pad with sidewall berms to minimize the impact to wetlands on site.

4. Manure must be removed from the property 3 to 4 times a year and taken to a farmer in Isanti County just northeast of Princeton, MN. Manure may not be spread on site. A contract must be maintained with the farmer for manure disposal.
5. Pasture areas must be fenced around wetland areas so that horses cannot access open water on site.
6. Must be compliant with MN Rules Chapter 7020 – Feedlot rules.
7. Animal mortality must be addressed off site and be compliant with Minnesota Board of Animal Health standards. No animals may be buried on site in accordance with the Sherburne County Solid Waste Ordinance, as amended. Per MN Rules Chapter 7020, animal carcasses must be removed from the property within 72 hours of death.
8. Regular business hours are Monday thru Friday 9:00am to 7:30pm and Saturdays 9:00am to 4:00pm.
9. Must meet all parking and loading regulations as listed in the Sherburne County Zoning Ordinance, Section 17, Subdivision 2
10. The property owner shall permit the County to inspect the property during normal business hours.
11. Must meet all federal, state, and local regulations.

FINDINGS:

1. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

Yes, the proposed use is a riding stable and horse boarding facility. This is a large parcel of land (18-acres). The property will not have more than twenty (25) horses on it. The proposed use fits with those in the surrounding area. All manure will be disposed of on a farm offsite.

2. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Yes, the property is surrounded by residential lots that have houses already on them. The parcels to the south appear to have horses on their property as well.

3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Yes, the applicant is not requesting additional utilities beyond what a normal residence would require.

4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Yes, the applicant has sufficient parking space to accommodate the proposed use.

5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Yes, it is not anticipated to cause offensive odor, fumes, dust, noise, and vibration to the immediate area. A maximum of twenty (25) horses is allowed. Manure will be hauled off site.

- 7 Conditional Use Permit for Personal Storage Structure by Craig Hart. Planning & Zoning

9:28am

Lynn Waytashek, Assistant Planning & Zoning Administrator

Fobbe/Dolan approved with a 4-0 vote the Conditional Use Permit Application by Craig Hart for Personal Storage Structure; with the following (5) Conditions and Findings of Fact, as

recommended by the Planning Advisory Commission; PID # 40-459-0116. Legal Desc: Sleepy Oaks, Lot 8, Blk 1. Sec 27, Twp 35, Rge 29, Palmer Township. 1.86 acres in the Shoreland Residential District and within the Recreational Shoreland District of Rush Lake 710147. Commissioner Schmiesing abstained from the motion and vote.

CONDITIONS:

1. The applicant must obtain a building permit and comply with County's Zoning Ordinance and the 2015 Minnesota State Building Code.
2. The Personal Storage Structure cannot be used as dwelling unit or for any business purpose.
3. The Personal Storage Structure is not permitted to have plumbing or a floor drain.
4. The size and location of the Personal Storage Structure should not impede the placement of a future home, or primary and secondary septic system.
5. The maximum height of the structure is 25 feet from the ground to the peak.

FINDINGS:

1. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

Yes, the proposed use is a personal storage structure. It is not anticipated to diminish and impair values within the immediate area.

2. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Yes, the proposed use will be used as a personal garage. There is enough property to accommodate space for a future house and septic if desired.

3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Yes, the applicant is not requesting additional utilities beyond what a normal residence would require.

4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Yes, the applicant has sufficient parking space to accommodate the proposed use.

5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Yes, it is not anticipated to cause offensive odor, fumes, dust, noise, and vibration to the immediate area. It will be used as a personal garage.

- 8 Conditional Use Permit Application for Personal Storage Structure by Planning & Zoning Mark Hart.

9:29am

Lynn Waytashek, Assistant Planning & Zoning Administrator

Dolan/Burandt approved with a 4-0 vote the Conditional Use Permit Application by Mark Hart for Personal Storage Structure, with the following (5) Conditions and Findings of Fact, as recommended by the Planning Advisory Commission; PID # 40-459-0114. Legal Desc: Sleepy Oaks, Lot 7, Blk 1. Sec 27, Twp 35, Rge 29, Palmer Township. 1.85 acres in the Shoreland Residential District and within the Recreational Shoreland District of Rush Lake

710147. Commissioner Schmiesing abstained from the motion and vote.

CONDITIONS:

1. The applicant must obtain a building permit and comply with County's Zoning Ordinance and the 2015 Minnesota State Building Code.
2. The Personal Storage Structure cannot be used as dwelling unit or for any business purpose.
3. The Personal Storage Structure is not permitted to have plumbing or a floor drain.
4. The size and location of the Personal Storage Structure should not impede the placement of a future home, or primary and secondary septic system.
5. The maximum height of the structure is 25 feet from the ground to the peak.

FINDINGS:

1. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

Yes, the proposed use is a personal storage structure. It is not anticipated to diminish and impair values within the immediate area.

2. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Yes, the proposed use will be used as a personal garage. There is enough property to accommodate space for a future house and septic if desired.

3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Yes, the applicant is not requesting additional utilities beyond what a normal residence would require.

4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Yes, the applicant has sufficient parking space to accommodate the proposed use.

5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Yes, it is not anticipated to cause offensive odor, fumes, dust, noise, and vibration to the immediate area. It will be used as a personal garage.

Commissioner Schmiesing abstained from the motion and vote.

- 9 Conditional Use Permit for Personal Storage Structure by Diane Tiegs & Planning & Zoning Robert Tjostelson.

9:30am

Lynn Waytashek, Assistant Planning & Zoning Administrator

Schmiesing/Fobbe unanimous to approve Conditional Use Permit Application by Robert Tjostelson for Personal Storage Structure, with the following (7) Conditions and Findings of Fact, as recommended by the Planning Advisory Commission; PID # 40-034-3405. Legal Desc: All that pt of Govt Lot 6 desc as (full legal on file). Sec 34, Twp 35, Rge 29, Palmer Township. .54 acres in the Agricultural District and within the General Development Shoreland District of Elk Lake.

CONDITIONS:

1. The applicant must obtain a building permit and comply with County's Zoning Ordinance and the 2015 Minnesota State Building Code.
2. The lowest floor elevation must be at or above the Regulatory Floodplain Elevation of 970. A certificate of elevation may be required to ensure the structure meets minimum elevation requirements.
3. The Personal Storage Structure cannot be used as dwelling unit or for any business purpose.
4. The Personal Storage Structure is not permitted to have plumbing or a floor drain.
5. The maximum height of the structure is 25 feet from the ground to the peak.
6. The existing shed is required to be removed before a building permit is issued. Shed cannot be burned or buried on site.
7. Must install gutters on the building to control run off.

FINDINGS:

1. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity. YES or NO WHY?

Yes, the proposed use is a personal storage structure. It is not anticipated to diminish and impair values within the immediate area.

2. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Yes, the proposed use will be used as a personal garage. Most of the lots in the surrounding area have been built on.

3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Yes, the applicant is not requesting additional utilities beyond what a normal residence would require.

4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Yes, the applicant has sufficient parking space to accommodate the proposed use.

5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Yes, it is not anticipated to cause offensive odor, fumes, dust, noise, and vibration to the immediate area. It will be used as a personal garage.

- 10** Preliminary and Final Simple Plat of Buenaventura Vista 3rd Addition- Planning & Zoning
Anderson Brothers Properties, LLC and Orton Properties, LLC.

9:31am

Lynn Waytashek, Assistant Planning & Zoning Administrator

Fobbe/Dolan unanimous to approve Preliminary and Final Simple Plat of "Buenaventura Vista 3rd Addition", which consists of (2) lots, as recommended by the Planning Advisory Commission, with the following (1) Condition. PID # 01-419-0010 and 01-423-0210. Legal Desc: Outlot A W of Hwy 169 & Lot 1 & Lot 2 ex S 95 ft (full legal on file). Sec 4, Twp 35, Rge 26, Baldwin Township. 6.94 acres in the Commercial District and 2.76 acres in the Industrial District.

CONDITION:

The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.

- 11 Rezone from Commercial to Industrial - Anderson Brothers Properties, Planning & Zoning LLC and Orton Properties, LLC.

9:32am

Lynn Waytashek, Assistant Planning & Zoning Administrator

Fobbe/Burandt unanimous to approve Rezoning of 3 acres from Commercial to Industrial for Anderson Brothers Properties, LLC and Orton Properties, LLC (PID # 01-419-0010), as recommended by the Planning Advisory Commission; Legal Desc: Outlot A W of Hwy 169 Sec 4, Twp 35, Rge 26, Baldwin Township. 6.94 acres in the Commercial District.

Findings:

A. Is the proposed rezoning consistent with the Comprehensive Plan?

Yes. The Comprehensive Plan, Figure 9.15 Future Land Use map identifies this property as Business and Industry.

B. Is the current use of the property a permitted use within the proposed zoning district, or will the rezoning create a non-conforming use?

No, the property is currently undeveloped, and the rezone will make the proposed uses by SRW products compliant with the Zoning Ordinance.

C. Will permitted uses within the proposed zoning district be injurious to health or interfere with the comfortable enjoyment of life or property within the vicinity?

No. Neighboring lands are currently zoned Industrial and Commercial.

D. How will public services (e.g. transportation, schools, parks, and police/fire) be impacted by the proposed rezoning? Will permitted uses within the proposed zoning district adversely impact or overburden existing public service capacity?

The Comprehensive Land Use Maps for Baldwin Township have identified this land for Business and Industry and this parcel is undeveloped at this time. The applicant will be responsible for working with the County and Township to ensure all necessary permits are pulled prior to developing this lot.

E. Is the proposed rezoning located in an area that has the potential to adversely impact natural resources such as surface water, groundwater, or wetlands, or sites identified for rare biological species habitat?

This property is vacant and is not within a Shoreland District. The MN County Biological Survey shows no biodiverse plant communities within one mile of this property. Any future development of the property will require permits from Sherburne County Planning and Zoning and all future development must comply with all zoning, subdivision, and stormwater regulations.

F. Does the proposed rezoning have the potential to impact ecologically sensitive or historically significant areas?

No, the MN County Biological Survey completed by the DNR shows no biodiverse plant communities within one mile of this property.

G. Does the property have sufficient size and physical characteristics to permit a reasonable use under the current zoning district?

Yes. This is a 3-acre parcel that is being added to a 2.76-acre parcel and any future development of this parcel will require permits from Sherburne County and Baldwin Township and will be required to comply with all zoning, subdivision, and stormwater regulations.

H. Any other factors that may be relevant to determining whether the proposed rezoning is appropriate?

This property is undeveloped and has been zoned Commercial and the County's Comprehensive Land Use Map shows this land as Business and Industry. The expectation for this parcel from the County and the Township was that it would one day be developed for a business or industrial use.

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| 9:33am | <p>12 Amendment to Pope/Douglas Allocation Agreement. Planning & Zoning</p> <p><i>Dave Lucas, Solid Waste Administrator</i></p> <p>Schmiesing/Fobbe unanimous to approve the recommended amendment to the Pope/Douglas Allocation Agreement and authorized the Board Chair to sign. (On file.)</p> |
| 9:34am | <p>13 Elk River Landfill: License Modification and Renewal. Planning & Zoning</p> <p><i>Dave Lucas, Solid Waste Administrator</i></p> <p>Schmiesing/Burandt unanimous to approve and adopt Resolution #061521-AD-2046 granting a Solid Waste Facility License to Elk River Landfill that provides for: MSW Landfilling, Demolition Landfill, and Processing/Recycling activities, as defined, located at 22460 Highway 169 NW, Elk River, MN, 55330, in accordance with the County's Solid Waste Management Ordinance (ORD-180). (On file.)</p> |
| 9:40am | <p>14 Annual County Administrator Performance Evaluation. Human Resources</p> <p><i>Tammy Bigelow</i></p> <p>The Board and staff discussed the desired process and timeline for the Annual County Administrator Performance Evaluation. HR Director Tammy Bigelow provided an overview of the process of the performance evaluation. It was decided that the County Administrator's Annual Review would take place at the Tuesday, August 17th, 202</p> |
| 9:54am | <p>15 American Rescue Plan Act (ARPA) Update and Consider Recommended Approvals and Expenditures. Administration</p> <p><i>Dan Weber, Assistant County Administrator</i></p> <p>Dolan/Schmiesing unanimous to approve the bi-weekly ARPA related expenditures as listed:</p> <p>a) Expenses < \$50k = \$100,558.34</p> <p>b) Expenses > \$50k = \$271,948.86</p> <p>Dolan/Burandt unanimous to approve HHS Housing Resource Specialist - 0.5 FTE through 12/24</p> <p>2) Dolan/Fobbe unanimous to approve the business relief program Resolution #061521-AD-2047 and corresponding Business Relief Guidelines. (On file.)</p> |
| 10:02am | <p>16 Public Works Report Regarding CSAH 3/CSAH 20 Intersection Safety Improvements and Consider Authorization of Additional Pilot Project. Public Works</p> <p><i>Andrew Witter, Public Works Department Head, Bruce Messelt, County Administrator</i></p> <p>The Board received Public Works Report Regarding CSAH 3/CSAH 20 Intersection Safety Improvements. County Administrator Bruce Messelt provided a brief update of the item since it's last discussion in 2020. Schmiesing/Dolan were unanimous to authorize the Additional Pilot Project as presented. (On file.)</p> |
- 6. 10:10am Commissioner Correspondence, Committee Reports, Upcoming Meetings, Future Agenda Items**

Commissioner Fobbe - East Central Regional Juvenile Detention Center Advisory meeting, Princeton Airport meeting, MICA, Soil & Water meeting, AMC District Meeting

Commissioner Burandt - DHS COVID-19 meeting, Health in Mn Partnership meeting, AMC District meeting

Commissioner Dolan - CMRP, Met with State Representatives, City of Becker and Excel on developments, State Rep in City of Becker meetings with Excel Developments, AMC General Pop Workgroup, City of Elk River Comprehensive Plan

Commissioner Schmiesing - MICA Executive Meeting, MICA, Metro Emergency Services, MCIT, AMC District Meeting

Commissioner Danielowski - Met with State Representatives, City of Becker and Excel on developments, Becker Leadership Excel Development, Central Mn Gang Task Force, Met with residents who voiced concern of excessive vehicle storage, CMRP, Met with Nate Fowler with MN Department of Health in regard to vaccination opportunities, APO Board Meeting, AMC District Meeting

The group discussed the upcoming NACo Conference in July.

7. 10:18am Adjourn Regular Meeting, Recess

8. 10:30am Open Ditch Authority Meeting

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| 10:30am | 1 | Ditch Authority Agenda. | Auditor / Treasurer |
| | | Schmiesing/Burandt unanimous to approve the Ditch Authority Agenda as presented. | |
| 10:30am | 2 | Drainage Technician's Report.
<i>Mike Lindenau</i> | Auditor / Treasurer |
| | | Received the Ditch Drainage Technician's Report presented by County Ditch Inspector Mike Lindenau. Highlighted areas were County Ditches 1, 28, and 34. Fobbe/Burandt unanimous to approve the report as presented. | |

9. 10:39am Adjourn Ditch Authority Meeting, Open Workshop

10. 12:35am Adjourn Workshop Meeting

Commissioner Warrants

5/26/21	1,328,494.00	School Districts Collections
	1,328,494.00	Total

Commissioner Warrants

5/28/21	314,321.58	General Revenue Fund
	43,727.47	Public Works Fund
	100.00	County Ditch Fund
	16,154.29	Law Library Fund
	1,995.16	Solid Waste Fund
	55,896.14	Jail Commissary Fund
	70.32	Sherco Regional Rail Authority

33,187.64	Justice Center Enterprise Fund
742,569.81	Agency Collections
39,253.00	Taxes & Penalties Fund
1,247,275.41	Total

Manual Warrants

5/28/21	8,929.34	Agency Collections
	2,003,172.54	Taxes & Penalties Fund
	13,575,743.71	School Districts Collections
	15,587,845.59	Total

HHS OBO Warrants

6/2/21	512.79	OBO 4Imprint
	359.00	OBO Furniture and Things
	1,370.18	OBO Innovative
	1,305.00	OBO Speedway
	369.99	OBO Target
	760.49	6 Payments less than 300
	4,677.45	Total

Commissioner Warrants

6/4/21	368,046.74	General Revenue Fund
	7,830.04	Public Works Fund
	50.53	Human Service Fund
	6,665.00	County Ditch Fund
	30,980.47	Solid Waste Fund
	76,997.47	Jail Commissary Fund
	21,580.19	Justice Center Enterprise Fund
	10,525.00	Taxes & Penalties Fund
	522,675.44	Total

Commissioner Warrants ARPA #1

6/4/21	1,800.00	General Revenue Fund
	1,800.00	Total

Manual Warrants

6/4/21	8,957.17	Agency Collections
	8,957.17	Total

Commissioner Warrants 50% Est School Dist P1

6/7/21	1,324,066.03	School Districts Collections
	1,324,066.03	Total

Manual Warrants BMO Harris PCard

6/7/21	101,039.61	General Revenue Fund
	593.11	Public Works Fund
	1,287.14	Human Service Fund
	727.49	Jail Commissary Fund
	3,763.89	Justice Center Enterprise Fund
	59.26	Agency Collections
	107,470.50	Total

DocuSigned by:

Raeanne Danielowski

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Raeanne Danielowski, Board Chairperson

7/15/2021

Date

DocuSigned by:

Bruce Messelt

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Bruce Messelt, Administrator

7/15/2021

Date