



Sherburne County Board of Commissioners

September 7, 2021 - County Board Meeting Minutes

1. 9:00am Call to Order

The Sherburne County Board of Commissioners convened in regular session on September 7, 2021, at the Sherburne County Government Center in the City of Elk River, MN. Call to order by the Chair was at 9:00am. Commissioner Dolan was absent from the meeting.

- 1 Moment of Silence and Pledge of Allegiance
- 2 Approval of Regular Meeting Proposed Agenda
Schmiesing/Fobbe were unanimous to approve the Regular Meeting Agenda as presented.

2. 9:01am Consent Agenda

Fobbe/Schmiesing were unanimous to approve the Consent Agenda as amended with the removal of item 2.11.

- 1 Approved County Board Meeting Minutes: August 17, 2021.
- 2 Approved Joint Meeting Minutes: July 21, 2021.
- 3 Victim Witness Grant. Attorney
Kathleen Heaney, County Attorney
Approved the acceptance of the victim-witnesses grant from the Minnesota Department of Public Safety, from October 1, 2021 to September 30, 2023, in the sum of \$83,200 per year, and authorized the Sherburne County Attorney to sign the grant agreement. (On file.)
- 4 Public Hearing for October 5th 2021 to consider On-Off Sale Auditor / Treasurer
Liquor License Application - Bar 10.
Diane Arnold, Auditor/Treasurer
Approved the setting of a public hearing for October 5th, 2021 and authorized the Auditor/Treasurer to publish notice of set hearing in the September 11th, 2021 Patriot News to consider the issuance of On-Off Sale Liquor License for Bar 10.
- 5 Commissioner & Manual Warrants. Auditor / Treasurer
Diane Arnold, Auditor/Treasurer
Approved Commissioner & Manual Warrants as follows:

 August 10 2021 Manual Warrants BMO Harris Pcard July 2021 \$48,804.21
 August 13 2021 Commissioner Warrants \$2,739,504.23
 August 13 2021 Manual Warrants \$7,979.25
 August 20 2021 Commissioner Warrants \$228,379.56
 August 20 2021 Manual Warrants \$690,063.92
 August 27 2021 Commissioner Warrants \$983,763.56
 August 27 2021 Manual Warrants 10,038.49
- 6 Lutheran Social Service of Minnesota to Apply for the Minnesota Health & Human Services
Housing Finance Agency Family Homelessness Prevention and Assistance Program.
Tony Masters
Approved Resolution 090721-AD-2061 authorizing Lutheran Social Service of Minnesota to apply for the Minnesota Housing and Finance Agency Family Homelessness Prevention and Assistance

Program. (On file.)

- 7 Central MN Healthcare Preparedness Coalition Membership, Mutual Aid Memorandum of Understanding, and Bylaws. Health & Human Services
Nicole Ruhoff, CHS Administrator
Approved ongoing membership in the Central Minnesota Healthcare Preparedness Coalition, including approval of annual participation, execution of the Mutual Aid MOU, and agreement with proposed Bylaws. Membership start date of January 1, 2022 through December 31, 2022.
- 8 Children's Mental Health Respite Grant Amendment. Health & Human Services
Jodi Heurung-Dick
Approved and accepted a Children's Mental Health Respite Grant Amendment, extending the Grant to June 30th, 2022 and increasing the Grant amount by \$20,602. (On file.)
- 9 HHS IFS Admin Deb 8-20-21. Health & Human Services
Amanda Larson, Director of HHS
Approved HHS IFS Admin Warrants as follows:

August 20, 2021 HHS IFS Admin Warrants \$262,966.09
- 10 Statewide Health Improvement Partnership (SHIP) Grant Program Amendment. Health & Human Services
Nicole Ruhoff, CHS Administrator
Accepted grant funds from the Minnesota Department of Health in the amount of \$250,700 for the Year 2 Budget Period, 11/1/2021-10/31/2025, of the 5-yr program timeline in order to perform duties and responsibilities related to the Statewide Health Improvement Partnership (SHIP) grant. (On file.)
- 12 Funding to Purchase a Plow Truck. Maintenance
Steve Becker, Maintenance Department Head
Approved \$40,000 for the purchase of a 2022 F350 plow truck for Property Maintenance.
- 13 Clear Lake Township Park Dedication Fund Request. Public Works
Gina Hugo, Park Coordinator
Approved request for Park Dedication Funds for Clear Lake Township in the amount of \$5,000.00.

3. 9:02am Announcements

County Administrator Bruce Messelt reminded the Board of the upcoming AMC Fall Policy Conference on September 16th-17th at the Arrowwood Resort & Event Center in Alexandria. An update on the Government Center's roof work and flooring was also provided.

4. 9:03am Public Hearing

- 1 On-Off Sale Liquor License for Kinitski's Grill & Bar. Auditor / Treasurer
Diane Arnold, County Auditor/Treasurer
A Public Hearing was held for an On-Off Sale Liquor License application for Kinitski's Grill & Bar, now under new ownership, effective October 1, 2021. The Public Hearing opened at 9:04am and closed at 9:04am. No one was present for public comment.

Schmiesing/Fobbe were unanimous to approve the On-Off Sale Liquor License application for the new ownership of Kinitski's Grill & Bar, pending state approval, and authorized the Auditor/Treasurer and Chairpersons to sign and execute said license.

5. 9:06am Open Forum

No one was present.

6. 9:06am Regular Agenda

- 1** Final Standard Plat for Carlson Farm-Ziegler Custom Homes Inc. Planning & Zoning
9:06am *Lynn Waytashek, Assistant Planning & Zoning Administrator*
 Fobbe/Burandt were unanimous to approve a requested Residential Final Standard Plat for "Carlson Farm", consisting of (9) lots, with the following (6) Conditions, as recommended by the Planning Commission. PID # 01-013-4100 and 01-013-4101; 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.

- 2** Conditional Use Permit (CUP) Application by Cardinal Enterprises, LLC Planning & Zoning
 for a Drive-in Retail Service to Operate a Pet Grooming, Dog Daycare
 Boarding Business.
9:07am *Lynn Waytashek, Assistant Planning & Zoning Administrator*
 Schmiesing/Burandt were unanimous to approve the Conditional Use Permit (CUP) Application by Cardinal Enterprises, LLC for a Drive-in Retail Service Use to operate a pet grooming, dog daycare, boarding business, with the following (10) Conditions and Findings of Fact, as recommended by the Planning Advisory Commission; PID # 10-335-1345; Legal Desc: That part of Govt lot 3 desc as (full legal on file); Sec 35, Twp 33, Rge 28, Big Lake Township; 3.34 acres in the Mississippi Special Use District.

Conditions:

1. Hours of operation would be 7AM-7PM Mon-Saturday
2. A building permit is required from the Planning and Zoning Department for any alteration to the existing building.
3. Any signage shall comply with the sign ordinance and a sign permit is required.
4. Any solid, liquid or pet waste must be handled and disposed of according to any applicable County or State regulations.
5. All exterior lighting shall be directed down and away from public right-of-way, and any adjacent residential use.
6. Any removal of bituminous between the building and the river requires a shoreland alteration permit from the Planning and Zoning Office.
7. The CUP holder and/or property owner shall permit the County to inspect the property, including the building used for the business during normal working hours. Further, the CUP holder shall allow the County to inspect any business records for the purpose of ensuring compliance with the terms of the CUP.
8. Before boarding animals is permitted a commercial kennel license will be required from

- the Planning and Zoning Department no more than 10 dogs may be boarded.
9. The applicant shall be required to remove the existing bituminous surface identified on the site plan Board Packet Attachment D prior to the County issuing a commercial kennel license.
 10. The applicant shall permit the County to revoke the following Conditional Use Permit from this property Permit number 49958 and Recording Document number 775492 and pay the \$46.00 recording fee.

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.
Commercial uses are permitted within this zoning district, with a conditional use permit. There have been several other commercial uses of this property in the past including a retail store and bar restaurant. This use will be a low impact use. It is not anticipated this will diminish or impair values of neighboring properties.
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.
The applicant is looking to maintain and improve this underutilized property. No expansion of the building or the parking lot are proposed, This use will not impede the development of surrounding vacant properties.
3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
This is an existing development that has adequate utilities, access and drainage for the proposed use.
4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
There is sufficient access and parking for this 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.
It is not anticipated to cause offensive odor, fumes, dust, noise and vibration to the immediate area all pet waste must be properly disposed of using a licensed waste hauler.

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| 3 | Zoning Ordinance-256-Section 17, General Development Regulations, Planning & Zoning
Subd 2, Parking and Loading Regulations Proposal. |
| 9:08am | <p><i>Lynn Waytashek, Assistant Planning & Zoning Administrator</i></p> <p>The Board agreed to go with the Planning Commission's recommendation and take no action regarding amending the Zoning Ordinance-256-Section 17, General Development, Subdivision 2, Parking Regulations by establishing Permitted Parking Areas for Residential Platted Lots.</p> |
| 4 | Comment Letter to MN PUC Regarding Proposed Xcel Sherco Solar Planning & Zoning
Project. |
| 9:17am | <p><i>Lynn Waytashek, Assistant Planning & Zoning Administrator</i></p> <p>Fobbe/Burandt were unanimous to approve and authorize the Board Chair to sign a Comment Letter to the MN PUC regarding the proposed Xcel Sherco Solar Project. (On file.)</p> |
| 5 | 2021 Solid Waste Management Plan. Planning & Zoning |
| 9:19am | <i>Gabrielle Holman, Environmental Specialist</i> |

Schmiesing/Fobbe were unanimous to approve County Board Resolution 090721-AD-2060 and adopt the 2021 Solid Waste Management Plan. (On file.)

- 6 Increase in the SSTS Low Interest Loan Program Budget from \$500,000 Planning & Zoning to \$750,000.

9:22am *Dave Lucas, Solid Waste Administrator*

Burandt/Schmiesing were unanimous to approve an increase in the approved 2021 SSTS Low Interest Loan Program Budget from \$500,000 to \$750,000 to allow for additional loans to be considered during the remainder of the 2021.

- 7 Public Health COVID-19 Workforce Development Grant. Health & Human Services

9:24am *Nicole Ruhoff, CHS Administrator, Amanda Larson*

Schmiesing/Fobbe were unanimous to approve the acceptance of a \$159,780.18 grant from the Minnesota Department of Health to strengthen public health's infrastructure in response to COVID-19, to include hiring of a part-time Public Health Planner (salary and benefit cost of \$71,245), for the grant period of July 1, 2021 - June 30, 2023.

- 8 Health and Human Service Director's Update. Health & Human Services

9:30am *Amanda Larson, Director of HHS*

The Health and Human Services Director, Amanda Larson presented a brief update on notable department activities, projects, and programs.

- 9 Economic Development Authority's (EDA) Recommendation to Guide Administration Comprehensive Land Use Plan Map Change.

9:38am *Dan Weber, Assistant County Administrator, Andrew Witter, Public Works Department Head*

Schmiesing/Fobbe were unanimous to approve the County EDA's recommendation to encourage the land use for parcel 75-844-0020 via the newly proposed Elk River Comprehensive Plan to Mixed-Use with the understanding that County Staff work in conjunction with the City of Elk River Staff to ensure flexibility depending on developers' needs.

- 10 American Rescue Plan Act (ARPA) Update and Recommended Approvals Administration and Expenditures.

9:49am *Dan Weber, Assistant County Administrator*

Approve the bi-weekly ARPA related expenditures:

- Burandt/Fobbe were unanimous to approve expenses less than \$50,000 totaling \$28,556.33. (On file.)
- Expenses greater than \$50,000.
 - Burandt/Schmiesing were unanimous to approve the Parks - Trail Grooming & Maintenance Equipment totaling \$143,100. (On file.)
 - Fobbe/Burandt were unanimous to approve the Admin & Maintenance Payroll Costs totaling \$60,164.34.
- Fobbe/Burandt were unanimous to approve Business Recovery Grants totaling \$119,841.00. (On file.)

7. 9:59am **Recess Regular Meeting, Open Regional Rail Authority**

8. 10:02am **Adjourn Regional Rail Authority, Reconvene Regular Meeting**

- 1 Resolution #090721-AD-2059 Setting the 2022 Preliminary Levy for the Administration Regional Rail Authority.

Dan Weber, Assistant County Administrator

Fobbe/Burandt were unanimous to approve Resolution #090721-AD-2059 setting the 2022 Preliminary Levy for the Regional Rail Authority at \$0. (On file.)

9. **10:02am Commissioner Correspondence, Committee Reports, Upcoming Meetings, Future Agenda Items**

Commissioner Burandt - Night to Unite, ISD 728 meeting, Fair Board meeting, Address Trauma, Planning Commission meeting, Community Partners meeting, Elk River City Comprehensive Plan, Council On Aging meeting, CAMHI, SCHSAC, Public Health Luncheon, Lobbyist Interviews

Commissioner Fobbe - Luncheon Public Health, Safe Schools meeting, Tri-County Solid Waste, ISD 728 meeting,

Commissioner Schmiesing - AMC Strategic Planning, Tri-County Solid Waste meeting

Commissioner Danielowski - Public Health Luncheon, EDA, Options meeting, Big Lake Township Meeting, Bonding Tour meeting, Lobbyist Interviews, 7W Long Range Transportation Plan meeting, Invited all to Nystroms Residential Treatment Center Open House

10. **10:12am Adjourn Regular Meeting, Recess**

11. **10:26am Reconvene, Open Closed Session**

- 1 Closed Session Pursuant to Minn. Stat.13D.05, Subd. 3 (b) to Discuss Litigation Strategies. Attorney *Kathleen Heaney, County Attorney*
The Board and staff conduct a Closed Session pursuant to Minn. Stat.13D.05, Subd. 3 (b) to discuss litigation strategies relating to Civ. No. 19-CV-02776 (Jillian Nordby vs. Sherburne County).

12. **10:55am Close Closed Session, Open Closed Session**

- 1 Closed Session for Negotiation Strategy (M.S. 13D.03). Human Resources
Tammy Bigelow
County Board and staff entered into Closed Session for discussion of labor negotiations, pursuant to Minnesota Statutes 13D.03.

13. **11:25am Adjourn Closed Session, Recess**

14. **11:33am Reconvene, Open Workshop**

15. **12:31pm Adjourn Workshop**

Manual Warrants BMO Harris Pcard

8/10/21	42,003.80	General Revenue Fund
	16.96	Public Works Fund
	1,185.75	Human Service Fund
	241.99	Solid Waste Fund
	540.04	Jail Commissary Fund
	4,815.67	Justice Center Enterprise Fund
	48,804.21	Total

Commissioner Warrants

8/13/21	232,579.16	General Revenue Fund
	2,258,286.29	Public Works Fund
	49.46	Human Service Fund
	59,804.59	Solid Waste Fund
	30,029.04	Jail Commissary Fund
	253.69	Sherco Regional Rail Authority
	116,260.33	Justice Center Enterprise Fund
	42,241.67	Agency Collections

	2,739,504.23	Total
Manual Warrants		
8/13/21	7,979.25	Agency Collections
	7,979.25	Total
Commissioner Warrants		
8/20/21	262,449.79	Human Service Fund
	80.00	Agency Collections
	436.30	Children's Mental Health Collaborative
	262,966.09	Total
Warrants		
8/20/21	20,323.66	Benton County Public Health
	1,090.01	Breezy Point Resort
	2,790.75	Captivated LLC
	23,337.92	Central Mn Jobs & Training
	369.00	DNA Diagnostics Center
	469.12	Graves-Petron/Trisha
	2,332.81	Hennepin County
	528.00	Lexis Nexis
	16,865.20	Main Street Family Services
	805.00	Seven County Process Servers, LLC
	4,531.20	Sherburne Co Sheriff
	162,653.49	Sherburne County Auditor Treasurer
	5,302.00	Stearns Co Human Services
	369.00	Videotronix Inc
	16,860.69	Wright County Health & Human Services
	4,338.24	41 Payments less than 300
	262,966.09	Total
Commissioner Warrants		
8/20/21	89,076.87	General Revenue Fund
	68,725.14	Public Works Fund
	975.00	County Ditch Fund
	5,624.85	Law Library Fund
	20,689.00	Solid Waste Fund
	23,494.04	Jail Commissary Fund
	18,561.78	Justice Center Enterprise Fund
	565.40	Agency Collections
	667.48	Taxes & Penalties Fund
	228,379.56	Total
Manual Warrants		
8/20/21	1,955.47	General Revenue Fund
	688,108.45	Agency Collections
	690,063.92	Total
Commissioner Warrants		
8/27/21	465,764.81	General Revenue Fund
	455,399.06	Public Works Fund

1,164.00	Human Service Fund
560.00	Law Library Fund\
6,394.16	Solid Waste Fund
11,173.29	Jail Commissary Fund
72.40	Sherco Regional Rail Authority
12,287.84	Justice Center Enterprise Fund
30,948.00	Agency Collections
983,763.56	Total

Manual Warrants

8/27/21	10,038.49	Agency Collections
	10,038.49	Total

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Raeanne Danielowski

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Raeanne Danielowski, Chairperson

9/21/2021

Date

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Bruce Messelt

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Bruce Messelt, Administrator

9/21/2021

Date