



Sherburne County Board of Commissioners

August 16, 2022 - County Board Meeting Minutes

1. 9:00am Call to Order

The Sherburne County Board of Commissioners convened in regular session on August 16, 2022, at the Sherburne County Government Center in the City of Elk River, MN. Call to order by the Chair was at 9:00am.

- 1 Moment of Silence and Pledge of Allegiance
- 2 Approval of Regular Meeting Proposed Agenda
Schmiesing/Dolan were unanimous in approving the regular meeting's proposed agenda.

2. 9:01am Consent Agenda

Fobbe/Danielowski were unanimous to approve the Consent Agenda as presented.

- 1 Approved County Board Meeting Minutes: August 2, 2022.
- 2 Lease Extension with the Sherburne County Soil and Water Conservation District (SWCD). Administration
Dan Weber, Assistant County Administrator
Approved a lease extension with the Sherburne County Soil and Water Conservation District (SWCD) for leased space at the Jackson Street Facility as defined within the Lease Agreement. The proposed extension is effective from January 1, 2023 through December 31, 2024. The total annual rent cost shall be \$53,616.00. (On file.)
- 3 Lease Extension with Tri-CAP. Administration
Dan Weber, Assistant County Administrator
Consider for approval a lease extension with Tri-CAP for leased space at the Jackson Street Facility as defined within the Lease Agreement. The proposed extension is effective January 1, 2023 through December 31, 2024, pending final approval as to form by the County Attorney's Office. Total revenue for 2023 – 2024 \$78,868.00. (On file.)
- 4 Commissioner & Manual Warrants. Auditor / Treasurer
Diane Arnold, County Auditor/Treasurer
Approved Commissioner & Manual Warrants as follows:

 July 22nd 2022, Manual Warrants \$11,290.00
 July 29th, 2022, Commissioner Warrants \$1,264,221.62
 July 29th, 2022, Manual Warrants \$625,192.23
 August 5th, 2022, Commissioner Warrants \$526,493.45
 August 5th, 2022, Manual Warrants \$9,381.50
- 5 Temp On-Sale Liquor Licenses. Auditor / Treasurer
Diane Arnold, County Auditor/Treasurer
Approved temporary On-Sale liquor license applications for Clear Lake Lions Club and Great Lakes Association of Musicians and Artists and authorized the Auditor/Treasurer to execute the same, pending background check and state approval.
 - Clear Lake Lions Club, to be used at Palmer Day in Palmer Township Park on September 10, 2022.
 - Great Lakes Association of Musicians and Artists, to be used at Graham Family Farm

(event will be indoors/outdoors at 27808 104th St NW Zimmerman on September 10, 2022).

- 6

Auditor-Treasurer Monthly Report for July 2022.

Diane Arnold, County Auditor/Treasurer

Approved and accepted the July 2022 Financial Report from the Auditor-Treasurer. (On file.)

Auditor / Treasurer
- 7

Housing Support Letter for the Hillside Heights Housing Development.

Tony Masters, Social Services Manager

Approved the Housing Support Funding Commitment Letter for the development of the Hillside Heights Apartments in Elk River, MN, and authorized the HHS director to sign the same. (On file.)

Health & Human Services
- 8

August 5, 2022 HHS IFS Admin Warrants.

Amanda Larson, HHS Director

Approved HHS IFS Admin Warrants, as follows:

August 5, 2022 HHS IFS Admin Warrants \$208,498.55

Health & Human Services
- 9

Child Foster Care and Kinship Provider Support Grant.

Megan Carriveau, Social Services Manager

Approved and accepted a Grant of \$3,000 for Child Foster Care and Kinship Provider Support. This grant does not have a contract, and is a one-time grant in the amount of \$3,000.00. (On file.)

Health & Human Services
- 10

July 29, 2022 HHS OBO Warrants.

Amanda Larson, HHS Director

Approved the HHS OBO Warrants as follows:

July 29, 2022 HHS OBO Warrants \$5,000.78

Health & Human Services
- 11

Gallagher Consulting Agreement.

Tammy Bigelow

Approve a Consulting Agreement with Gallagher Benefit Services, Inc. and Authorize the Board Chair to execute the Agreement. The effective date of this agreement is January 1, 2022 and will be in effect for one year from the effective date. As compensation for its services under this Agreement, Gallagher will receive carrier commissions and/or direct fees paid by the Client. (On file.)

Human Resources
- 12

Contract for UPS Maintenance.

Brian Kamman, IT Director

Approved a contract with DC Group to provide maintenance services on the large UPS apparatus within the County. Funding is not to exceed \$20,000 per year or \$60,000 total in this 3-year contract. This contract shall commence on September 1, 2022 and terminate on September 1, 2025. (On file.)

Information Technology
- 13

Professional Services Agreement with the Lower Sioux Indian Community.

Gina Hugo, Park Coordinator

Approved a Professional Services Agreement with the Lower Sioux Indian Community in the amount of \$24,533.45. The term of this agreement shall commence on August 16, 2022 and shall terminate on the date that all obligations have been fulfilled. (On file.)

Public Works
- 14

Professional Services Agreement with the Upper Sioux Community.

Public Works

Gina Hugo, Park Coordinator

Approved a Professional Services Agreement with the Upper Sioux Community in the amount of \$24,533.45. This agreement shall commence on August 16, 2022 and shall terminate on the date that all obligations have been fulfilled. (On file.)

- 15** \$50.00 Donation to the Sheriff's Office Reserves.

Sheriff

Joel Brott, County Sheriff

Approved and accepted a \$50.00 donation to the Sheriff's Office Reserves, made by Elaine and Bob Fleskes.

- 16** Paid Leave for a Sheriff's Office Employee to Attend the 2022 Law Sheriff Enforcement Torch Run International Conference.

Joel Brott, County Sheriff

Approved three days paid leave for a Sheriff's Office employee to attend the Law Enforcement Torch Run International Conference in Red Rock, Texas, from November 3-5, 2022. Three days of paid leave is requested - all other expenses for the trip will be paid for by the Special Olympics.

- 17** Out-of-State Travel Request for Sheriff's Office/Jail Employees to Sheriff Attend ProPhoenix Advanced Training.

Joel Brott, County Sheriff

Approved Out-of-State Travel Request for Sheriff's Office/Jail Employees to Attend ProPhoenix Advanced Training in Wisconsin Dells, WI from September 26 - 29, 2022. Total costs are estimated at \$6,270.00 for the training.

- 18** Application for the 2022-2023 Toward Zero Death (TZD) Safe Roads Sheriff Grant.

Joel Brott, County Sheriff

Approved by Resolution #081622-AD-3031, an application for the 2022-2023 Toward Zero Death (TZD) Safe Roads Grant. (On file.)

3. 9:01am Announcements

County Administrator Bruce Messelt publically addressed an event that took place at the August 2nd, 2022 County Board Meeting. Mr. Messelt provided a public apology to the public, County Board and County Staff regarding the event. It was requested that modifications be made to the Open Forum Policy and be reviewed by staff and the County Board. Mr. Messelt reminded the Board that the AMC Fall Policy Conference will be held on September 15th - 16th in Alexandria, Mn at the Arrowood Resort. Mr. Messelt also informed the Board that local government agencies have sent a joint letter to the legislature requesting a special session, shared results of a ten state survey, and provided a budget update.

During this time, the County Commissioners also offered an apology to the public for event that took place at the August 2, 2022 County Board Meeting.

4. 9:10am Open Forum

Gary Tonsager of Elk River spoke regarding election integrity and vote counting technology. Teri Dickinson of Big Lake spoke regarding election law violations and requested that the county stop using Dominion voting machines. Traci Sodono of Big Lake spoke regarding insurance policies. Kari Watkins of St. Cloud reviewed the Commissioners' Oath of Office, 1st amendment rights, and vote counting on primary night. Erik Van Mechelen also spoke regarding the elimination of Dominion voting machines. Dean Dettmerman of Elk River spoke about property tax increases and the county budget.

5. 9:28am Regular Agenda

9:28am **1** Interim Use Permit for Home Business in an Accessory Building - Planning & Zoning Automotive Work - Jason Brott.

Lynn Waytashek, Planning & Zoning Administrator

Schmiesing/Dolan were unanimous to approve an Interim Use Permit for Jason Brott for a Home Business in an Accessory Building - Automotive Work, with the (10) recommended Conditions and Findings of Fact as recommended by the Planning Commission; for PID # 25-020-4401; Legal Desc: S 400 ft of N 1390 ft of E 1-2 of SE 1-4 (full legal on file); Sec 20, Twp 35, Rge 30, Haven Township; with 12.12 acres in the Agricultural 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 and one on-premises informational sign on the building not exceeding 4 sq. ft. A Sign Permit is required from the Planning and Zoning Department.
2. Days & hours of operation shall be Monday thru Saturday, 7:00 AM - 7:00 PM.
3. Any solid or liquid waste must be handled and disposed of according to any applicable County or State regulations. If a 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.
4. All business activities must be conducted within the existing 1,800 sq. ft. accessory structure. No exterior storage of business materials is permitted. Parking of client vehicles waiting on service or pick up may be stored outside of the accessory building. Maximum number of vehicles stored outside for pick up or service may not exceed 10, with no more than 2 vehicles visible from the road.
5. There may be no more than two (2) employees (FTE) other than a member of the household residing on the premises.
6. There may be no sandblasting, chemical/paint spraying, or similar use associated with the business.
7. 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.
8. The IUP is issued to Jason Brott and shall expire with a change in ownership of the property.
9. The property must be homesteaded by the business owners.
10. 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 or impair values within the immediate area. All activities will take place within the accessory structure.
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 permitting of this IUP will not impede development. Neighboring properties to the north, south, west, and east have been developed for single family housing. There is no vacant land abutting this parcel.

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. There is an existing second driveway that will be utilized for the business. Yes, the applicant has enough parking space to accommodate the proposed use.

4. 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. All activities will be conducted in the accessory building.

9:29am

2

Interim Use Permit for a Business Selling Vehicles, Boats and Farm Equipment - Grant Berquist.

Planning & Zoning

Lynn Waytashek, Planning & Zoning Administrator

Fobbe/Danielowski were unanimous to approve an Interim Use Permit for Grant Berquist for a Business selling Vehicles, Boats and Farm Equipment, with the (14) recommended Conditions and Findings of Fact as recommended by the Planning Advisory Commission; for PID # 30-405-0110; Legal Desc: Countryside Park, Lot 1, Block 1 (full legal on file); Sec 16, Twp 34, Rge 26, Livonia Township; with 0.55 acres in the Commercial District.

Conditions:

1. A building permit is required from the Planning and Zoning Department. All building plans must be prepared by an architect or engineer to certify the structure complies with MN Building Code and the American Disability Act requirements.
2. The applicant shall maintain a Dealer's License from the MN Dept. of Public Safety and comply with all license requirements. All Dealer License forms must be signed off on by the Planning and Zoning Department and pay the Vehicle Dealer License Signage fee established in the County Fee Schedule.
3. Vehicles for sale or stored on the property shall be limited to passenger vehicles and light-duty trucks.
4. Adequate off-street parking shall be available for business use. At a minimum, (1) parking stall shall be provided per 250 sq. ft. of office space floor area per Sect 17, Subd 2(10.K.) of the Zoning Ordinance; and (5) parking stalls shall be assigned to each auto dealership per MN Statute 168.27, Subd 10. Each stall shall be 9" X 18" and signed according to the assigned business.
5. There shall be a maximum of 40 vehicles stored outside on the property. The applicant must provide 3 parking spaces for customers.
6. No vehicle shall be parked within 10 feet from the property lines.
7. There may be a maximum of 6 independent auto dealers operating from this site.
8. If any vehicle is brought on-site leaking fluids, fluids must be promptly drained and properly disposed. The business shall maintain a Hazardous Waste Generator license if required by the MPCA.
9. There shall be no miscellaneous vehicle parts stored outside.
10. The property will be kept in a neat and orderly manner, any cars with flat tires or wrecks must be removed or repaired within a week.
11. All exterior lighting shall be directed away from the public right-of-way.
12. The applicant shall allow the County to inspect the property during normal business hours.

13. The applicant shall comply with all federal, state, and local laws and regulations.
14. This IUP is issued to Grant Berquist and shall expire with a change in ownership.

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 is not anticipated that the proposed use is not injurious and won't diminish and impair values within the immediate area. Selling vehicles are permitted uses with the required permit(s).
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 proposed use will be the selling of used vehicles. It will not impede the normal and orderly development. This property has been used as an auto dealership for the past 20 years.
3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
Yes, adequate utilities are provided. The business is located on a frontage road to US Hwy 169.
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 in accordance with County and State standards.
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 cause offensive odor, fumes, dust, noise and vibration to the immediate area. Adequate parking is proposed.

9:29am

3

Conditional Use Permit for a Personal Storage Structure - Robert Kissell. Planning & Zoning
Lynn Waytashek, Planning & Zoning Administrator

Danielowski/Fobbe were unanimous to approve a Conditional Use Permit for Robert Kissell for a Personal Storage Structure, with the (5) recommended Conditions and Findings of Fact as recommended by the Planning Advisory Commission; for PID # 40-023-4220; Legal Desc: That Pt of Govt Lot 3 (full legal on file); Sec 23, Twp 35, Rge 29, Palmer Township; with 1.5 acres in the Agricultural District and within the Recreational Development Shoreland Overlay District of Lake Julia.

Conditions:

1. The applicant must obtain a building permit from the Sherburne County Zoning Office.
2. No construction parking on the Township's roads. No construction equipment over 7-ton axle weight on the Township's roads.
3. The Personal Storage Structure cannot be used as a 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.

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. There are many in the neighborhood.
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, there are many of these in the area and this is a good use of the property.
3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
Yes, there is no problem with utilities.
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 Condition that states, no on street parking during construction.
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, there should be none of those issues during construction.

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| 9:30am | 4 | <p>Lupulin Brewery SCORE Grant Request. Planning & Zoning</p> <p><i>Dave Lucas, Solid Waste Administrator</i></p> <p>Dolan/Schmiesing were unanimous to table the SCORE grant request from Lupulin Brewery to purchase a trailer, heat blanket, and dump bins for reuse of spent grain in the amount of \$17,600, as recommended by the Waste Management Advisory Committee.</p> |
| 9:42am | 5 | <p>American Rescue Plan Act (ARPA) Update and Recommended Approvals Administration and Expenditures.</p> <p><i>Dan Weber, Assistant County Administrator</i></p> <p>Approved the bi-weekly ARPA related expenditures as follows:</p> <p>1) Dolan/Fobbe were unanimous to approve the Bi-Weekly Expenditures less than \$50,000.00 totaling \$69,500.00.</p> <p>2) Schmiesing/Dolan were unanimous to approve expenses greater than \$50,000.00 totaling \$115,389.18 for Sheriff Squad Car Build-Outs.</p> |

Approved the Sherburne County Broadband program projects as follows:

Livonia Township Project

- Fobbe/Dolan were unanimous in increasing the Livonia Township County Contribution to

\$68,000 (up from \$36,500) and modifying the existing agreement to reflect the new contribution amount.

Santiago Township Project

- Schmiesing/Dolan were unanimous, pending County Attorney approval, the Santiago Township project and grant agreement (Midco) with a total project amount of \$497,000. The County contribution will be \$276,000. The project will include 72 passings.

Becker Township Project

- Dolan/Fobbe were unanimous, pending County Attorney approval, the Becker Township project and grant agreement (Midco) with a total project amount of \$404,000. The County contribution will be \$252,000. The project will include 42 passings.

6. 9:50am **Commissioner Correspondence, Committee Reports, Upcoming Meetings, Future Agenda Items**

Commissioner Fobbe - Budget Workshops, Night to Unite, Canvassing Board meeting, Futures Planning meeting, National Leader Graduation Dinner

Commissioner Schmiesing - Budget Workshop, Parks Committee meeting, MICA Executive meeting, MICA Board meeting, MCIT Board meeting

Commissioner Dolan - Budget Workshop, Canvassing Board meeting

Commissioner Danielowski - Budget Workshops, Night to Unite events, Rivers of Hope, Grahams Nature Open House, Chamber Ambassador Meeting, Property Site meeting with Gina Hugo, APO, Big Eagle Lake Association event, MN Connected and Automated Tour, Food Shelf Drop Event

Commissioner Burandt - Budget Workshops, First Steps Joint Powers meeting, American Legion Discussion with Mayer Dietz, Quad Crops Search Committee meeting, Small Farms and Local Produce for Ag Education Candidate Interviews

7. 9:55am **Open Ditch Authority Meeting**

- | | | |
|----------------|----------|---|
| 9:55am | 1 | <p>Approve Ditch Authority Agenda. Auditor / Treasurer</p> <p><i>Diane Arnold, County Auditor/Treasurer</i></p> <p>Dolan/Danielowski were unanimous to approve the Ditch Authority Meeting Agenda as presented.</p> |
| 9:55am | 2 | <p>Ditch Drainage Technician's Report. Auditor / Treasurer</p> <p><i>Mike Lindenau, County Ditch Inspector</i></p> <p>Dolan/Fobbe were unanimous to approve the Sherburne County Ditch Report. County Ditch Drainage Technician Mike Lindenau presented the report to the Board and highlighted ditches 10 and 30.</p> |
| 10:06am | 3 | <p>Billing of Proposed 2022 County Drainage Assessments. Auditor / Treasurer</p> <p><i>Diane Arnold, County Auditor/Treasurer</i></p> <p>Schmiesing/Fobbe were unanimous to approve and authorize the revised Billing of Proposed 2022 County Drainage Assessments that was presented to the Board at the meeting. (On file.)</p> |
| 10:08am | 4 | <p>Set Next Ditch Authority Meeting for October 16th, 2022 Administration</p> <p><i>Diane Arnold, County Auditor/Treasurer</i></p> <p>Dolan/Danielowski were unanimous to set the next Ditch Authority Meeting for October 16th, 2022.</p> |

8. 10:08am Close Ditch Authority Agenda, Recess**9. 10:25am Reconvene, Open Closed Session**

10:25am 1 Closed Session Pursuant to Minnesota Statute 13D.05, Subd (3a) - Performance Administration Evaluation.

Bruce Messelt, County Administrator

The County Board entered into Closed Session pursuant to Minnesota Statute 13D.05, Subd (3a) to conduct the annual Performance Evaluation of County Administrator.

10. 11:45am Adjourn Closed Session

Manual Warrants

7/22/22	2,060.75	General Revenue Fund
	9,229.25	Agency Collections
	11,290.00	Total

HHS OBO Warrants

7/29/22	538.39	OBO Amazon
	394.61	OBO Innovative
	2,175.00	OBO Speedway
	1,024.88	OBO Walmart
	438.00	OBO YMCA Customer Svc Ctr
	429.90	5 Payments less than 300
	5,000.78	Total

Commissioner Warrants

7/29/22	293,868.25	General Revenue Fund
	123,733.18	Public Works Fund
	4,857.88	Human Service Fund
	480.00	Law Library Fund
	43,656.30	Solid Waste Fund
	459.82	Jail Commissary Fund
	191.94	Sherco Regional Rail Authority
	30,886.48	Justice Center Enterprise Fund
	766,087.77	Agency Collections
	1,264,221.62	Total

Manual Warrants

7/29/22	12,645.22	General Revenue Fund
	593,588.76	2017A GO CIP Bond-Government Center Expa
	10,050.00	2015A G.O. CIP Refunding Bond
	8,908.25	Agency Collections
	625,192.23	Total

Commissioner Warrants

8/5/22	158,431.15	General Revenue Fund
	219,035.35	Public Works Fund
	2,555.41	Human Service Fund
	11,962.90	County Ditch Fund
	568.25	Law Library Fund
	2,069.67	Solid Waste Fund
	21,421.22	Jail Commissary Fund
	10,971.91	Justice Center Enterprise Fund

33,077.54	Agency Collections
5,181.00	Taxes & Penalties Fund
61,219.05	Towns & Cities Collections
526,493.45	Total

Manual Warrants

8/5/22	9,381.50	Agency Collections
	9,381.50	Total

Warrants

8/5/22	416.76	Bird/Danette
	342.10	Borchert/Katie L
	645.00	Breezy Point Resort
	1,125.00	Central MN Mental Health Center
	400.00	City of Elk River
	971.25	Databank IMX LLC
	810.50	DNA Diagnostics Center
	1,000.00	Fraboni, MD/Americo
	418.10	Huebner/Rene
	391.69	Influencer Hotspot
	4,500.00	Intrado Interactive Services Corp
	590.27	Johnson-Strandjord/Logan
	1,194.12	Mn Dept Of Human Services-SWIFT
	350.00	Mn Social Srv Assn
	437.46	Noble/Lily
	2,206.05	Office Of MN.IT Services
	1,486.98	Real Time Translations, Inc
	335.00	Seven County Process Servers, LLC
	5,081.00	Sherburne Co Community Corrections
	181,853.64	Sherburne County Auditor Treasurer
	342.10	Smith/Pamela R
	417.10	The Bridge World Language Ctr Inc
	665.11	Zoller/Kara
	2,519.32	28 Payments less than 300
	208,498.55	Total

Commissioner Warrants

8/5/22	208,420.55	Human Service Fund
	78.00	Agency Collections
	208,498.55	Total

DocuSigned by:



Barbara Burandt, Board Chairperson

9/6/2022

Date

DocuSigned by:



Bruce Messelt, Administrator

9/6/2022

Date