



Sherburne County Board of Commissioners

October 4, 2022 - County Board Meeting Minutes

1. 9:00am Call to Order

The Sherburne County Board of Commissioners convened in regular session on October 4, 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
Dolan/Schmiesing were unanimous to approve the Regular Meeting Agenda as presented.

2. 9:01 Consent Agenda

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

- 1 Approved the Regular Meeting Minutes: September 20, 2022.
- 2 Approved Workshop Meeting Minutes: September 20, 2022.
- 3 Community Resource Grant Agreement with Promise Neighborhood. Administration
Dan Weber, Assistant County Administrator
Approved a Community Resource Non-Profit Investment Grant Agreement with Promise Neighborhood. This agreement shall commence on September 19, 2022 and shall expire on December 31, 2023. Total grant amount of \$125,000.00. (On file.)
- 4 Purchase of Two Fleet Vehicles off the State Contract. Administration
Steve Becker, Maintenance Department Head
Approved the purchase of two Ford Escape S model vehicles for the County Fleet off the State Contract at a cost not to exceed \$32,000 per vehicle.
- 5 Commissioner & Manual Warrants. Auditor / Treasurer
Diane Arnold, County Auditor/Treasurer
Approved the Commissioner & Manual Warrants as follows:

September 19, 2022 Manual Warrants BMO Harris Pcard Aug \$58,779.48
September 16, 2022 Commissioner Warrants \$655,375.19
September 16, 2022 Manual Warrants \$11,112.33
September 23, 2022 Commissioner Warrants \$3,033,713.96
September 23, 2022 Manual Warrants \$542,650.47
- 6 Adult Protective Services Funding from DHS through Coronavirus Health & Human Services
Response and Relief Supplemental Appropriations Act of 2021 (CRRSA).
Amanda Larson, HHS Director
Approved and accepted the Adult Protective Services funding from DHS through the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSA) and authorized the Sherburne County Health and Human Services Director to submit a Letter of Assurance to DHS to secure said funding. The total amount of funds equals \$7,309.68. Funds must be expended by September 30, 2023. (On file.)
- 7 September 23, 2022 HHS IFS Admin Warrants. Health & Human Services
Amanda Larson, HHS Director
Approved the September 23, 2022 HHS IFS Admin Warrants as follows:

September 23, 2022 HHS IFS Admin Warrants \$67,948.84

- 8** 2022-2023 Toward Zero Death (TZD) Safe Roads Grant. Sheriff
Joel Brott, County Sheriff
 Approved the acceptance of the 2022-2023 Toward Zero Death (TZD) Safe Roads Grant. The grant is in the sum of \$10,410.00 beginning October 1, 2022 through September 30, 2023. (On file.)
- 9** Alternate Member of the Metropolitan Emergency Service Board's Sheriff
 Emergency Medical Services - Technical Operations Committee.
Joel Brott, County Sheriff
 Approved a request to change the Alternate Member of the Metropolitan Emergency Service Board's Emergency Medical Services - Technical Operations Committee to Dispatch Supervisor Matthew Paumen.
- 10** Resolution No. 100422-AD-3037 to Provide "Injury on Duty" Wage Sheriff
 Supplement to Select Non-Union Positions within the Jail.
Joel Brott, County Sheriff
 Approved Resolution No. 100422-AD-3037 to provide an "Injury on Duty" wage supplement to the following non-union positions that regularly work within the Jail: (On file.)
- Jail Command Staff (Non-Union)
 - Sheriff/Jail Finance
 - Jail Programs
 - Sentence-to-Serve (STS)
- 11** Tyler Turnkey License Purchase Order - Veterans Benefit Management Veteran's Services
 System.
Bruce Price, Veterans Services Department Head
 Approved and authorized for execution a Tyler Turnkey License Purchase Order for a Veterans Benefit Management System. (On file.) Minnesota Department of Veteran Affairs grant dollars in the amount of \$2,750.00 will be utilized to cover the cost.

3. 9:01am Announcements

County Administrator Bruce Messelt reminded and informed the Board of the following:

- Sherburne County Association of Townships meeting where staff will be presenting on the Opioid Settlement and new THC laws, along with a meeting this afternoon at the Sherburne History Center regarding the same topics.
- AMC Annual Conference at the Bloomington DoubleTree on December 5-7.
- Item 6.5 on the Regular Agenda will be postponed due to staff being out due to illness.
- Northland Reliability Project will be holding information briefings for nature transmission line coming from from Grand Rapids to the Becker/Big Lake area. A list of Open House dates was provided to the Board.
- Blandin Broadband Coalition announced that Sherburne county is ranked 8 out of Minnesota's 87 counties for digital equity.

4. 9:05am Public Hearing

- 9:05am 1** Public Hearing - Consider Revisions to All Services and Fee Schedule. Administration
Bruce Messelt, County Administrator

The Public Hearing opened at 9:05am and closed at 9:05am. No one was present to comment. Fobbe/Dolan were unanimous to approve the proposed 2023 County Fee Schedule as presented. A discussion of fees after the fact Zoning permit fees was had. (On file.)

5. 9:13am Open Forum

Tracy Sodon and Teri Dickenson of Big Lake spoke about the decommissioning costs and the pollution of solar panels. Gary Tonsager of Elk River and Kari Watkins of St. Cloud spoke regarding election integrity. Dean Determan of Elk River spoke regarding raising taxes and other items he sees as issues with Sherburne County.

6. 9:29am Regular Agenda

- 9:29am 1** Proclaim October 2nd - 8th, 2022, as National 4-H Week. U of M Extension Office
U of M Extension, 4-H Staff
 Fobbe/Danielowski were unanimous to approve by Proclamation, the designation of October 2nd - 8th, 2022, as National 4-H Week. (On file.) Sherburne County Extension Educator Danielle Ganje provided the Board with a recap of the 4-H program within Sherburne County. County Administrator Bruce Messelt read the proclamation aloud to the Board.
- 9:33am 2** Proclaim October as Manufacturing Month. Administration
Dan Weber, Assistant County Administrator, Jessica Barthel, Economic Development Coordinator
 Danielowski/Dolan were unanimous to approve a Proclamation designating the month of October as Manufacturing Month in Sherburne County. (On file.) Economic Development Coordinator Jessica Barthel presented the proclamation to the Board.
- 9:36am 3** Interim Use Permit for a 1 MW Solar Farm-MN CSG 2019-33 LLC. Planning & Zoning
Lynn Waytashek, Planning & Zoning Administrator
 Schmiesing/Dolan were unanimous to approve an Interim Use Permit for MN CSG 2019-33 LLC for a 1 MW Solar Farm, with the (19) recommended Conditions and Findings of Fact as recommended by the Planning Commission, for PID # 20-129-4100; Legal Desc: That pt of NW 1-4 of SE 1-4 (full legal on file); Sec 29, Twp 34, Rge 29; with 41.63 acres in the Agricultural District.

Zoning Administrator Lynn Waytashek relayed the decommissioning processes of a solar farm to the group.

Conditions:

1. Building permit required for on-site supply structure if over 200 sq ft in size.
2. Building permit required for installation of solar panels with engineered plans submitted.
3. If the required privacy fence around the perimeter of the facility exceeds 7 ft in height it will require a building permit with engineered plans. Fence will need to be 8 ft chain link.
4. 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.
5. Must obtain an NPDES permit from the MPCA and provide a copy to the County Zoning Dept prior to commencing construction.
6. Property owner shall ensure that MPCA day & nighttime noise standards are not exceeded at any time.
7. Operational hours allowed during construction of the facility are Monday through Friday 7AM - 7PM.
8. Decommissioning of solar panels and related facilities must occur in the event the IUP expires or is terminated, and/or the solar panels are not in use for twelve (12) consecutive months. Must follow the Decommissioning plan date stamped June 29, 2022.
9. Prior to issuance of a building permit for the project, the applicant shall provide financial security in the amount of \$100,000 per MW, in favor of Sherburne County, to guarantee compliance with the decommissioning plan, site restoration and other terms of this Permit

upon project termination or termination of this Permit. The financial security shall be in a form acceptable to the County and, at a minimum, shall consist of a cash escrow to be deposited with the County in an amount no less than 50% of the total required financial security, with an initial deposit of 25% of the total amount deposited prior to issuance of the building permit and eight and one-third percent (81/3%) of the total amount deposited annually for three years on or before the anniversary of the issuance of the building permit. The remaining amount of the total financial security shall be provided by way of an irrevocable letter of credit, which shall be in a form acceptable to the County Attorney's Office and provided prior to the issuance of a building permit, and shall meet the following minimum standards (additional standards may be required): the irrevocable letter of credit shall be issued by a federally chartered or State of Minnesota chartered banking institution with an branch office located within Sherburne County; shall be issued in the name of the County of Sherburne; shall be issued in an initial amount no less than 75% of the total financial security required by this Permit; shall permit the County to draw on the funds upon demand based on the County's determination of non-compliance with the terms of this Permit; shall be for an initial term to be established and shall automatically renew for additional terms unless the bank gives the County at least 60 day written notice of an intent to terminate the credit at the end of a term; shall permit the County to draw upon the letter of credit for the full amount in the event a replacement letter of credit acceptable to the County is not issued at least 30 days prior to the expiration of the existing letter of credit; and shall provide that the letter of credit may not be amended without the written permission of the County.

10. No activities may occur onsite until applicant submits a signed an interconnection agreement as required in Section 17, Subd 17 (1A) of the ordinance and proof that the scope of the project is permitted by the Minnesota Public Utilities Commission.
11. The site will be revegetated within 30 days after construction with a low growth & low maintenance native pollinator friendly seed mix not exceeding 24 inches in height. The property will be treated & maintained as needed during the spring & summer months to manage vegetation growth. Property owner will be responsible for vegetation control & weed management during the project's operating life.
12. Must install 6-foot-tall Eastern Red Cedar trees around north, south and west side of solar farm as shown on Site Plan – PV1 (Attachment B) date stamped June 29, 2022. If adjoining solar farm is not constructed, then trees will need to be planted along eastern side of solar farm. The trees must be planted staggered in two (2) rows, in each row the trees may be planted no more than 16 feet apart. All planted trees on the property must be maintained and watered as necessary for the duration of the permit. Any dead trees must be replaced on a yearly basis.
13. This IUP is to be valid for 35 years until December 31, 2057. This IUP is valid for MN CSG 2019 - 33 LLC and John & Lynette Golly.
14. Access to the proposed solar farm shall be via CSAH#8 at same location as existing driveway location of solar farm to the east as required by the Sherburne County Public Works Department.
15. Decommissioning of project shall involve removal of all project components, including without limitation, solar panels, panel trackers, anchors, supports, mounts, inverters, underground electrical components underground conduit housing & all underground footings & posts.
16. Signage and emergency contact numbers must be posted at the access driveway to property.
17. The findings in Section 18, Subd 6, Item 4 of the Zoning Ordinance have been made.
18. The applicant shall allow the County to inspect the property during normal business hours.
19. The applicant shall comply with all federal, state, and local laws and regulations.

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 location of the solar farm is in an existing agricultural field. The closest adjoining neighboring house is approximately 640 feet to the east. There is an existing solar farm location that has been approved but not yet constructed to the east of the proposed solar farm site. The remaining land adjacent to the solar farm is all agriculturally farmed properties. The perimeter of the solar farm will be planted with trees to reduce visual impacts to adjoining properties.

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 IUP will be valid for 35 years. If the property owner no longer wants solar panels the infrastructure can be removed, and the site can either go back to farming or be utilized for a new use. The property the solar farm is proposed on is zoned Agricultural District and could not be subdivided to less than 40-acre properties under current zoning regulations.

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

Yes, driveway access to CSAH #8 will be from existing driveway entrance that was approved for the solar farm to the east. Utility lines necessary to transfer the electricity exist adjacent to the property.

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 plenty of parking available on this property needed for construction and operations.

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, construction of the site will cause noise and additional traffic, this will be temporary. Once the solar farm construction is complete traffic will be minimal and consist of company vehicles inspecting the panels on a weekly/monthly basis.

9:42am 4

Interim Use Permit for Occasional Special Event - Mandy Kruse Rosby Planning & Zoning
Lynn Waytashek, Planning & Zoning Administrator

Fobbe/Dolan were unanimous to approve an Interim Use Permit for Mandy Kruse Rosby for Occasional Special Event, with the (18) recommended Conditions and Findings of Fact as recommended by the Planning Commission, for PID # 30-010-1100; Legal Desc: The South Half of the Northeast Quarter (full legal on file); Sec 10, Twp 34, Rge 26; with 10.83 acres in the General Rural District.

Staff recommended changes were made to Condition items 4c and 15.

Conditions:

1. The existing Conditional Use Permit (CUP) Doc. Number 798685 (Church) will be revoked. The

- applicant must submit \$46 to record the revocation.
2. The applicant shall notify the Sherburne County Sheriff's Office at least seven (7) days in advance of any proposed events.
3. The Board's Packet Attachments including the site plan with the written descriptions along with any conditions added during Planning Advisory Commission and/or County Board review will become a part of the approved interim use permit.
4. Events permitted and days and hours of operation:
 - a. Up to 3 "Movies in the Barn" 50-150 people and 6-10 volunteers. 5:30-9:30 PM. Dates 3rd Thursday in June, July and August.
 - b. "Great Pumpkin Giveaway" 300-400 people and 20-30 volunteers 12 PM – 4 PM. 2nd Saturday in October.
 - c. National Night Out - event shall conclude by 9:30PM.
5. All activities on site must comply with MN Rule 7030.0040 Noise Standards. If complaints arise related to the noise levels the permit holder will need to run a sound level meter during the events to ensure compliance with MN Rule 7030.40. The permit holder will supply the County with records of the noise level test.
6. No parking on public roads. Parking areas must be a minimum of twenty (20) feet from all property lines and must be screened from neighboring properties.
7. The existing house and garages may not be accessible by event participants. The only building permitted for use by the public is the 76' x 90' (6,840 sq. ft.) open air accessory building.
8. Any use of exterior lighting shall be directed away from residences and the public right-of-way.
9. The use of food trucks or food & beverage vendors shall comply with all MN Dept. of Health and MN Dept. of Agriculture regulations. Required licenses for food trucks and/or vendors shall be provided to the Planning and Zoning Office, if requested.
10. The owner will maintain a log of the activities occurring onsite that includes activity/event dates, times and number of guests and make available to the Planning and Zoning Office, if requested.
11. Adequate sanitary services shall be made available to anyone using this property. A copy of the service contract shall be provided to the County, if requested.
12. The applicant shall ensure all waste generated at the property is properly disposed of.
13. There may be a maximum of 400 people, using the property at one time. If the applicant wishes to hold an event that exceeds 400 people, they will need to apply for a special permit for any use not listed in this interim use permit.
14. 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.
15. The IUP is issued to Mandy Kruse Rosby and shall be administratively reviewed by the Zoning Department in one (1) year.
16. The applicant shall maintain proper business liability insurance and provide a copy of the insurance records to the County annually.
17. The property owner shall permit the County to inspect the property when needed.
18. The following are not permitted with this IUP: Disc Jockey, live band, commercial events nor alcohol

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 within the immediate area. There will be no more than 5 events in a year and the applicant proposed operation

and the conditions of this Interim Use Permit should mitigate potential impact on neighboring properties.

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 use will not impede normal development of this property or neighboring properties. Neighboring properties to the north, south, west and east have been developed for single family housing.

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

Yes, the use will not create a need of new utilities or access roads, the property size will allow adequate space for drainage and other necessary facilities.

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 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 that are not being addressed by the conditions of approval.

9:45am 5

Sherburne County Substance Use Prevention Coalition - Presentation Sheriff
and Update.

Joel Brott, County Sheriff

Presentation was postponed to a future meeting.

9:45am 6

Presentation on Election Cybersecurity and Related Information Information Technology
Technology Issues.

Brian Kamman, IT Director, Kenneth Selser

Received an update on Election Cybersecurity and related information technology issues from IT Director Brian Kamman and Elections Manager Ken Selser. Mr. Kamman and Mr. Selser recapped the training that is oriented to election staff regarding cyber security, poll pad security, election tabulators and accuracy testing. County Administrator Bruce Messelt reviewed and clarified articles that had been submitted to the Board during the Open Forum portions of the September 6th and 20th County Board Meetings by public citizens.

10:09am 7

American Rescue Plan Act (ARPA) Update and Consider Approval of Recommended Administration Expenditures.

Dan Weber, Assistant County Administrator

- Approved the bi-weekly ARPA related expenditures as follows:

1) Dolan/Fobbe were unanimous to approve the Bi-Weekly Expenditures of less than \$50,000.00, equaling \$111,888.25.

2) Expenses greater than \$50,000.000:

a) Dolan/Danielowski were unanimous to approve an IT Monitor Fulfillment Purchase in the amount of \$135,000.00.

b) Fobbe/Dolan were unanimous to approve the Grams Park Community Health

Infrastructure for the amount of \$450,000.00.

Public Works Director Andrew Witter presented an overview of the proposed infrastructure to the Board.

7. 10:17am Commissioner Correspondence, Committee Reports, Upcoming Meetings, Future Agenda Items

Commissioner Dolan - N/A

Commissioner Danielowski - SUP, Safety Science 101 Training, Big Lake Chamber business event, Fundraiser event for Big Lake Beyond the Yellow Ribbon, Options Board meeting, Chamber business meeting, CMRP, Ribbon Cutting for American Best Value in Big Lake, Sherburne Wildlife Refuge Family Fun Fest, Spoke with residents on local issues

Commissioner Schmiesing - Safe Science 101 Training

Commissioner Fobbe - Great River Regional Library Board of Trustees, Rum River 1 Watershed 1 Plan policy committee, Tri-Cap Executive, Princeton Airport meeting, Sherburne County Extension Committee meeting, Legislature Briefing for State and Federal levels, Facilitated CMJTS Wellness in the Workplace

Commissioner Burandt - TZD, Fair Board meeting, Safe Science 101 Training, Rum River 1 Watershed 1 Plan, Extension Committee meeting, Healthy Mn Partnership future planning meeting, Legion discussion with Elk River Mayor

8. 10:22am Adjourn Regular Meeting, Recess

9. 10:37am Reconvene, Open Workshop Meeting

10. 11:27am Adjourn Workshop Meeting

Manual BMO Harris Pcard Warrants

9/12/22	46,848.65	General Revenue Fund
	4,475.85	Public Works Fund
	156.20	Human Service Fund
	157.18	Solid Waste Fund
	274.36	Jail Commissary Fund
	4,866.24	Justice Center Enterprise Fund
	58,778.48	Total

Commissioner Warrants

9/16/22	531,604.50	General Revenue Fund
	89,232.38	Public Works Fund
	2,503.83	Human Service Fund
	1,468.79	Law Library Fund
	17,371.70	Solid Waste Fund
	13,058.13	Jail Commissary Fund
	367.36	Sherco Regional Rail Authority
	-4,473.75	Justice Center Enterprise Fund
	4,242.25	Agency Collections
	655,375.19	Total

Manual Warrants

9/16/22	11,112.33	Agency Collections
	11,112.33	Total

Commissioner Warrants

9/23/22	536,707.14	General Revenue Fund
	1,433,346.38	Public Works Fund
	51.59	Human Service Fund
	281.58	County Ditch Fund
	5,007.52	Law Library Fund
	13,831.84	Solid Waste Fund
	84,595.69	Jail Commissary Fund
	221.37	Sherco Regional Rail Authority
	188,180.64	Justice Center Enterprise Fund
	764,638.59	Agency Collections
	405.00 T	Taxes & Penalties Fund
	6,446.62	Payroll Fiduciary Fund
	3,033,713.96	Total

Warrants

9/23/22	65,514.46	Human Service Fund
	2,434.38	Agency Collections
	67,948.84	Total

Commissioner Warrants

9/26/22	3,185.00	General Revenue Fund
	539,465.47	Agency Collections
	542,650.47	Total

Warrants

9/23/22	2,798.00	Big Lake School Dist Attn Melanie Bray
	40,133.56	Central Mn Jobs & Training
	306.22	Hines/Nathaniel
	2,639.08	Influencer Hotspot
	467.00	Lexis Nexis
	787.50	Lighthouse Child & Family Services
	560.00	MN Coalition for the Homeless
	2,624.96	Mn Dept Of Human Services - SWIFT
	6,009.00	Mn Dept Of Human Services-SWIFT
	593.01	Real Time Translations, Inc
	525.00	Seven County Process Servers, LLC
	4,489.80	Sherburne Co Sheriff
	693.00	Thumbs Up High 5K
	1,173.82	Tri State Surplus Company
	434.49	Welgraven/Chelsie
	3,714.40	34 Payments less than 300
	67,948.84	Total

DocuSigned by:

Barbara Burandt

7B5ED2D69C724E2...

Barbara Burandt, Board Chairperson

11/1/2022

Date

DocuSigned by:

Bruce Messelt

8D04EE78737742E...

Bruce Messelt, Administrator

10/18/2022

Date

