



Sherburne County Board of Commissioners

December 8, 2022 - County Board Meeting Minutes

1. 9:00am Call to Order

The Sherburne County Board of Commissioners convened in regular session on December 8, 2022, 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.

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

2. 9:03am Consent Agenda

Fobbe/Schmiesing were unanimous to approve the Consent Agenda as amended with the addition of CA 2.33 Environmental Protection Agency (EPA) Solid Waste Infrastructure for Recycling Grant Program and CA 2.34 Consider and Approve Estoppel Certificate for Adjoining Landowner. (On file.)

- 1 Approved County Board Meeting Minutes: November 15, 2022. Administration
- 2 Approved County Board Meeting Minutes: November 15, 2022. Administration
- 3 2023 Mileage Reimbursement Rate. Administration
Dan Weber, Assistant County Administrator
Approved Resolution No. 120822-AD-3047 setting the amount authorized for mileage reimbursement for 2023 at the current rate promulgated by the IRS. (On file.)
- 4 Gambling Premises Permit - The Wave. Administration
Bruce Messelt, County Administrator
Approved a Premises Permit for The Wave 171 Lake Street North in Big Lake, Mn 55309, to be utilized at Bar 10 LLC, located at 16496 149th Street Southeast in Big Lake, Mn 55309.
- 5 Compensation/Per Diem Rate for Volunteer/Citizen Committees for 2023. Administration
Bruce Messelt, County Administrator
Approved the 2023 per diem rate of \$50.00/ meeting, plus mileage, for members of voluntary/citizen committees appointed by the Board or for other volunteers who serve in an official capacity under the Board's jurisdiction and for whom per diem is declared appropriate.
- 6 2023 Meal Reimbursement Rates. Administration
Dan Weber, Assistant County Administrator
Approved Resolution No. 120822-AD-3046 establishing the 2022 Meal Reimbursement Rate. (On file.)
- 7 2023-2025 Client Service Contract with Tri-County Action Program. Administration
Dan Weber, Assistant County Administrator
Approved a Client Service Contract with Tri-County Action Program for Ride Coordination and Foster Care Transportation Services. The total amount to be paid pursuant to this Agreement shall not exceed \$135,000 for the time January 1, 2023 through December 31, 2025 from Sherburne County. (On file.)
- 8 Resignation of a County EDA Member and Approve the Appointment of Administration New EDA Members.
Jessica Barthel, Economic Development Coordinator

Accepted the resignation of Sherburne County EDA member Sheldon Pool (whose Term expires 1/2/2023) and approved the Appointment of Sherburne County EDA members Andy Voller (Re-appointment for Commissioner District 3) and Todd Maloney (Commissioner District Five), with these terms expiring on 1/2/29.

- 9** Comprehensive Economic Development Strategy (CEDS) Plan. Administration
Dan Weber, Assistant County Administrator, Jessica Barthel, Economic Development Coordinator
 Approved the 2023-2027 Region 7W Comprehensive Economic Development Strategy Plan. (On file.)
- 10** Initiative Foundation Grant to Provide Support for Future CMRP Planning and Environmental Linkage (PEL) Initiatives. Administration
Dan Weber, Assistant County Administrator
 Approved the receipt of a \$35,000 grant from the Initiative Foundation to provide support for future CMRP Planning and Environmental Linkage (PEL) initiatives.
- 11** 2023 Minnesota Housing Finance Agency Participation Program Agreement. Administration
Dan Weber, Assistant County Administrator
 Approved the Minnesota Housing Finance Agency Minnesota City Participation Program Agreement for 2023. (On file.)
- 12** Re-appointment of Jayne Dietz to the Great River Regional Library Board of Trustees. Administration
Dan Weber, Assistant County Administrator
 Approved the reappointment of Jayne Dietz to the Great River Regional Library Board of Trustees, for a term of three years, beginning January 1, 2023 through December 31, 2025.
- 13** Commissioner & Manual Warrants for November 10th, 18th and 25th, 2022. Auditor / Treasurer
Diane Arnold, County Auditor/Treasurer
 Consider and approve the Commissioner & Manual Warrants for November 10th, 18th and 25th, 2022 as follows:

 - November 10, 2022 Commissioner Warrants \$958,795.15
 - November 10, 2022 Manual Warrants \$8,896.81
 - November 18, 2022 Commissioner Warrants \$804,895.32
 - November 18, 2022 Manual Warrants BMO Harris Pcard Oct \$43,876.45
 - November 18, 2022 Manual Warrants \$373,932.69
 - November 25, 2022 Commissioner Warrants \$677,046.72
 - November 25, 2022 Manual Warrants \$8,448.00
- 14** Issuance of Checks to Eligible Parties for Tax Rebate Financing, in Accordance with Agreements on File. Auditor / Treasurer
Diane Arnold, County Auditor/Treasurer
 Approved payment of the 2022 Tax Rebate Financing and authorize issuance of checks for the same, in accordance with the agreements on file for the following:

 - Sandhills Holdings LLC
 - S & B LLC
 - GATR of Sauk Rapids, Inc./RAN Properties LLC
 - Morrell Oversize, Inc.- Scott Morrell LLC
 - Sportech Inc. & Envision Company LLC
 - Apex Embroidery Design, Inc. & SBH Properties, LLC

- Garage Guys LLC
- Ice Man Properties LLC

- 15** Annual Grant Award for Children's Mental Health Screening. Health & Human Services
Megan Carriveau, Social Services Manager
Approved and accepted the annual grant allocation for the calendar year 2023 from the Department of Human Services for the amount of \$45,823. This CONTRACT is effective on January 1, 2023, or the date that the state obtains all required signatures under Minnesota Statutes, section 16B.98, subdivision 5, whichever is later. This contract is valid through December 31, 2023, or until all obligations set forth in this contract have been satisfactorily fulfilled, whichever occurs first. (On file.)
- 16** Grant Funds from the Minnesota Department of Health in the Amount Health & Human Services
of \$204,136 to Sustain Sherburne Evidence-Based Family Home Visiting
and \$129,961 to Sustain the First Steps Collaborative Infrastructure.
Nicole Ruhoff, CHS Administrator
Accepted Grant Funds from the Minnesota Department of Health in the Amount of \$204,136 to Sustain Sherburne Evidence-Based Family Home Visiting and \$129,961 to Sustain the First Steps Collaborative Infrastructure. the award will begin on January 1, 2023 and will be awarded for a five-year period, through December 31, 2027. (On file.)
- 17** Addition of 1 FTE Children's Mental Health Social Worker (Levy Health & Human Services
Neutral).
Amanda Larson, HHS Director
Approved the addition of 1 FTE Children's Mental Health Social Worker. The estimated cost for 1.0 FTE Children's Mental Health Social Worker for 2023 is \$93,244.
- 18** Agreement with the Department of Human Services, Child and Teen Health & Human Services
Checkups Program 2023 Budget Allocation and Workplan.
Nicole Ruhoff, CHS Administrator
Approved an agreement with the Department of Human Services, Child and Teen Checkups program for the 2023 budget and work plan in the amount of \$147,154. This grant agreement runs from 1/1/23-12/31/23. (On file.)
- 19** Local Public Health Grant Annual Allocation from the MN Department Health & Human Services
of Health.
Nicole Ruhoff, CHS Administrator
Accepted the Local Public Health Grant allocation from the MN Department of Health in the amount of \$241,088 for the budget period of 1/1/23-12/31/23. (On file.)
- 20** WIC-PEER Breastfeeding Grant Annual Allocation from the MN Health & Human Services
Department of Health.
Nicole Ruhoff, CHS Administrator
Accepted the WIC-PEER Breastfeeding grant allocation from the MN Department of Health in the amount of \$58,451 for the budget period of 1/1/2023-12/31/2023.(On file.)
- 21** 2023-2025 Purchase of Service Contract for Legal Prosecutorial Health & Human Services
Services.
Gina Anderson, Economic Supports Manager
Approved a contract for the Sherburne County Attorney's Office to provide prosecutorial services for public assistance welfare fraud. There will be a estimated budgeted cost of \$60,000.00. The contract shall be in effect from January 1, 2023 to December 31, 2025. (On file.)
- 22** Agreement with Children's Dental Services to Provide Mobile Dental Health & Human Services
Services in Sherburne County, to be Funded Through a Racial and

Health Equity BlueCross BlueShield Grant.

Nicole Ruhoff, CHS Administrator

Approved an agreement with Children's Dental Services (CDS) to provide mobile dental services in Sherburne County through a Racial and Health Equity BlueCross BlueShield grant in the amount of \$76,146.80. The term of this agreement shall commence on December 8th, 2022 and shall terminate on December 8, 2025. (On file.)

- 23** November 18, 2022 HHS IFS Admin Warrants. Health & Human Services

Amanda Larson, HHS Director

Approved the November 18, 2022 HHS IFS Warrants, as follows:

November 18, 2022 HHS IFS Warrants \$111,877.14

- 24** December 2, 2022 HHS/IFS ADMIN Warrants. Health & Human Services

Amanda Larson, HHS Director

Approved the December 2, 2022 HHS/IFS ADMIN Warrants as follows:

December 2, 2022 HHS/IFS Warrants \$64,123.20

- 25** HHS Grant Award for Community Support Program Funding and Authorization to Execute a Grant Agreement / Contract. Health & Human Services

Tony Masters, Social Services Manager

Approved and accepted the HHS Grant Award for Community Support Program funding, in the amount of \$276,898.00, for the time period of 1/1/2023 - 12/31/2024, funded through the Minnesota Department of Human Services, and authorized the County Board Chair, Health and Human Services Director, Clerk/Administrator, and Attorney's Office to execute any necessary contracts and agreements associated with the grant. (On file.)

- 26** 11-29-22 HHS OBO Warrants. Health & Human Services

Amanda Larson, HHS Director

Approve the 11-29-22 HHS OBO Warrants as follows:

November 29, 2022 HHS OBO Warrants \$9,585.72

- 27** Memorandum of Understanding with the LELS Licensed Supervisor Unit Regarding Uniform Allowance. Human Resources

Tammy Bigelow

Approved a proposed Memorandum of Understanding (MOU) with the LELS Licensed Supervisor Unit regarding Uniform Allowance. This Memorandum of Understanding shall remain in effect for the duration of the January 1, 2022 to December 31, 2024 Labor Agreement. This Memorandum of Understanding reduces the uniform allowance from \$1,206 in 2023 and 2024 to \$1,050 in 2023 and 2024 for these employees. (On file.)

- 28** Resolution No. 120822-AD-3053 Effecting the Revocation of Conditional Planning & Zoning Use Permit at the Request of Property Owners - Matthew Daiker and Lynn Daiker.

Lynn Waytashek, Planning & Zoning Administrator

Approved by Resolution No. 120822-AD-3053 the revocation of an existing Conditional Use Permit, at the request of Property Owners Matthew and Lynn Daiker. (On file.)

- 29** Low Bidder for Construction of the Grams Park Nature Play Area, CP Grams2-A. Public Works

Andrew Witter, Public Works Department Head

Approved the Lowest Responsive Bidder, SafetyFirst Specialty Contracting, Inc., dba SafetyFirst

Playground Maintenance, with a bid of \$292,821.00 for construction of the Grams Park Nature Area, Project No. CP Grams2-A. Project construction dates will be contracted from June 26, 2023 through August 18, 2023.

- 30** Final Payment for 2022 Pavement Markings - CP 71-PM-022. Public Works
Andrew Witter, Public Works Department Head
 Approved and authorized final contract payment with Sir Lines-A-Lot for project CP 71-PM-022 for 2022 Pavement Markings.
- 31** Resolution No. 120822-AD-3054 and Authorize Execution of the State of Public Works Minnesota Agency Agreement for Advanced Construction for SP 071-591-003, TA 7122(237).
Andrew Witter, Public Works Department Head
 Approved Resolution No. 120822-AD-3054 and authorized execution of the State of Minnesota Agency Agreement for MnDOT Contract No. 105110, between the Minnesota Department of Transportation and Sherburne County, for Federal Participation in Advance Construction for SP 071-591-003, TA 7122(237). (On file.)
- 32** Out-of-State Travel for the County Engineer to Attend the National Association of County Engineers Conference. Public Works
Andrew Witter, Public Works Department Head
 Authorized County Engineer Andrew Witter to travel out-of-State to attend the National Association of County Engineers Conference in April, 2023 in Baldwin County, AL. Estimated cost of the trip is \$3,245.00.
- 33** Environmental Protection Agency (EPA) Solid Waste Infrastructure for Recycling Grant Program Planning & Zoning
Dave Lucas, Solid Waste Administrator, Gabrielle Holman, Environmental Specialist, Jillian Carlson
 Authorized staff to submit a Notice of Intent to apply for an EPA grant for a Solid Waste Infrastructure for Recycling Grant in the range of \$500,000 to \$4,000,000. And, for staff to solicit resolutions from neighboring political subdivisions as support for this grant initiative.
- 34** Estoppel Certificate for Adjoining Landowner. Attorney
Kathleen Heaney, County Attorney
 Approved the County Board Chair to sign an Estoppel Certificate to Cristobal, Inc. (On file.)

3. 9:03am Open Public Hearing

- 9:03am 1** Public Hearing on Bailey Ray's Roadhouse On/Off-Sale with Sunday Auditor / Treasurer
 Liquor License Application and Consider Approval of the Same.
Diane Arnold, County Auditor/Treasurer
 Chair Burandt opened the public hearing for an application for an On/Off-Sale with Sunday sale Liquor License at Bailey Ray's Roadhouse under new ownership at 9:04am. No one was present to comment. The public hearing was closed at 9:04am. Schmiesing/Danielowski were unanimous to approve an On/Off-Sale with Sunday sale Liquor License for new ownership of Bailey Ray's Roadhouse, pending state approval, and authorized the Auditor/Treasurer and Chairpersons to execute said license.

4. 9:05am Announcements

County Administrator Bruce Messelt announced that MICA had sent correspondence regarding dues and that the Trust for Public Land had been signed for the Big Elk Lake property. Mr. Messelt also reminded the board of the following events; Sherburne County Holiday Party on Friday, December 16 starting at 11:30am and that there will be a recognition held after the December 20th Board meeting in honor of Commissioner Burandt and Commissioner Schmiesing following the County Board Meeting. A copy of a letter was also provided to the board that was sent to Governor Walz regarding the Rural Safety and

Mobility Interchange Project.

5. 9:07am Open Forum

Chris Schwab of Zimmerman spoke regarding a petition opposing his IUP for his business and clarified said petition.

6. 9:13am Regular Agenda

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

Dan Weber, Assistant County Administrator

Approved the bi-weekly ARPA related expenditures as follows:

1) Fobbe/Schmiesing were unanimous in approving the Bi-Weekly Expenditures of less than \$50,000.00 totaling \$31,000.00.

2) Expenses greater than \$50,000.00:

a) Schmiesing/Fobbe were unanimous to approve HHS -Two Health Care Eligibility Specialists for the amount of \$312,501.00. HHS Director Amanda Larson was present to provide the Board with more information and background on the request.

b) Danielowski/Fobbe were unanimous to approve the IT - Firewall Replacement for the amount of \$394,000.00. IT Director Brian Kamman was present to provide background and additional information on the item.

Assistant County Administrator Dan Weber informed the Board that the Border to Border grants would be announced soon.

7. 9:30am Employee Anniversary Recognition

- 1 Recognize July - December 2022 Employee Anniversaries. Administration

Department Heads

The Board recessed to recognize and present longevity awards to County employees for their dedication and hard work to Sherburne County. A reception was held in the Staff Cafe.

7. 10:02am Regular Agenda

- 10:02am 1 Interim Use Permit for Home Business in an Accessory Building - Motorcycle Repair-Christopher Schwab. Planning & Zoning

Lynn Waytashek, Planning & Zoning Administrator

County Administrator Bruce Messelt informed the Board that a letter and petition was received from some of the neighbors, and will be entered into the official record of decision. The commissioners did receive this as well, and had time to read and review the documents. Schmiesing/Fobbe were unanimous to approve an Interim Use Permit as amended with the addition of condition 11 by the Board of Commissioners, for Christopher Schwab for Home Business in Accessory Building-Motorcycle Repair, with the (11) recommended Conditions and Findings of Fact as recommended by the Planning Commission for PID # 35-494-0610: Legal Desc - Harmony Village, Lot 2, Block 6 (full legal on file); Sec 24, Twp 34, Rge 27; and 2.5 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 Sunday, 8:00 AM - 9:00 PM. By appointment only.
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 spill proof container and brought to the proper recycling facility.

4. There may be no more than two (2) employees (FTE) other than a member of the household residing on the premises.
5. There may be no sandblasting, chemical/paint spraying, or similar use associated with the business.
6. 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.
7. All business-related activities and items must be stored inside the accessory building.
8. The IUP is issued to Chris and Sara Schwab and Schwab's Garage HD Repair & Performance LLC and shall expire with a change in ownership of the property or business.
9. Customer parking must follow site plan/parking (Packet Attachment C).
10. The applicant and/or property owner shall permit the County to inspect the property at any time.
11. The IUP only permits activities to occur in the existing accessory structure on the property. No activities may occur on any other portion of the property without a new IUP being issued.

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 property 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 area is wooded and there are already homes on the adjacent properties.
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 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. All activities will be conducted in the accessory building.

10:11am 2

Resolution No. 120822-AD-3052, Regarding a Declaration of Adequacy Planning & Zoning of Environmental Assessment Worksheet (EAW) and Negative Declaration of the need for an Environmental Impact Statement (EIS) for Knife River-Higgins Pit.

Lynn Waytashek, Planning & Zoning Administrator

Schmiesing/Danielowski were unanimous to approve, via Resolution No. 120822-AD-3052, a Negative Declaration on the need for an Environmental Impact Statement (EIS) for Knife River-Higgins Pit because the information presented on the Environmental Assessment Worksheet (EAW) is adequate for the Interim Use Permit for a Gravel Mining Operation; PID # 25-015-2000;

Legal Desc: NW 1-4 of Ex SW 3 (full legal on file); Sec 15, Twp 35, Rge 30; and with 90.62 acres of 154.72 acres in the Agricultural District and in the Shoreland District of an unnamed tributary to the Elk River. (On file.)

10:12am 3

Interim Use Permit for a Gravel Mining Operation - Knife River Higgins Planning & Zoning Pit.

Lynn Waytashek, Planning & Zoning Administrator

Danielowski/Fobbe were unanimous to approve an Interim Use Permit for Knife River for a Gravel Mining Operation, with the (36) recommended Conditions and Findings of Fact as recommended by the Planning Commission, for PID # 25-015-2000; Legal Desc: NW 1-4 of Ex SW 3 (full legal on file); Sec 15, Twp 35, Rge 30; with 90.62 acres of 154.72 acres in the Agricultural District and in the Shoreland District of an unnamed tributary to the Elk River. (On file.)

Conditions:

1. Prior to commencing mining activities on Phase 2 & 3, the applicant must install staff gauges and/or other suitable water level monitoring devices on wetlands 3, 4, 5, and 6 (Packet Attachment C-2) and monitor hydrology conditions throughout the growing season. Monitoring may cease after mining Phase 2 & 3 are completed and restored.
2. Analyzed hydrology monitoring data must be submitted annually with the Administrative Review of Gravel Permit for the TEP to review.
3. A wetland delineation must be conducted on wetlands 3, 4, 5, and 6 (Packet Attachment C-2) every 5 years to ensure the wetland boundary and type isn't impacted. The timeline for the 5-year delineation requirement starts at the commencement of Phase 2 and must continue until Phase 2 & 3 are completed and restored.
4. If the analyzed hydrology monitoring data indicates that wetlands are impacted from mining activities, the impacts must be mitigated through replacement.
5. Removal of the six (6) buildings will require a razing permit from Zoning along with a copy of the form "Notification of Intent to Perform Demolition" that must be submitted to the MPCA. The County also has a "Pre-Determination Items of Concern Checklist" that will also be required to be completed and submitted to the Zoning Department prior to a razing permit being issued. Receipts from a licensed landfill will also be required. The existing well servicing the residence will need to be sealed per the Minnesota Department of Health requirements. The existing septic system will need to be pumped and abandoned per the Minnesota Pollution Control Agency standards. All must be completed by July 1, 2023.
6. An Annual Review for Compliance will be conducted at the end of each year by Zoning Staff. If the conditions of the permit have not changed, and no complaints or concerns have been filed, the mine will be determined to be compliant once the annual fee is paid. If the conditions of the permit have changed and / or if it is determined by the County that the mine is noncompliant, the applicant will be advised to attend a public hearing with all associated costs being born by permit holder for further review or amendment. This is not an exclusive remedy. The annual fee for the permit shall be based on the current per acre fee set by the County Board in the annual fee schedule.
7. Berm/Vegetation –The two (2) berms (Packet Attachment C-3) shall be constructed prior to mining in that area and must be 10ft or higher and be seeded immediately for vegetation to be established. The height of berms shall be documented by a County inspection. The proposed berms cannot impact the wetlands.
8. Mining/crushing hours of operations to be 7AM to 6PM, Monday through Friday and No Mining or Crushing on Saturday. Loading and hauling hours are to be 6AM to 8PM Monday through Friday and 7AM to 12PM Saturday. No Sundays or on the following Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving and Christmas.
9. Pursuant to Zoning Ordinance Section 16.2, Subd. 5(14)(F), the permittee shall maintain liability insurance for the duration of the permit which shall include at a minimum the coverages

- and amounts shown on Permittee's current Certificate of Insurance, a copy of which is on file.
10. Permit holder shall maintain performance & surety bond in an amount set by the County Board in the Annual Fee schedule.
 11. Gravel tax payments must be kept current, and the County has authority to request an audit to ensure compliance with Gravel Tax Law.
 12. The Dust Mitigation Plan will include the use of calcium chloride (except areas that drain to Public Waters) on haul roads and watering per practical application with a log kept of the applications. Repeated applications may be necessary during extreme dry conditions. Water will be added to the feed point of the crushing spread when visible emissions are present. It must be noted in the daily production log when water is being added. All watering records will be available for the County to review.
 13. One crushing spread may locate on site in the Higgins Pit as needed and will operate only within the operation hours that are assigned to this permit.
 14. Noise Mitigation Plan – All mining activity must comply with MN Rule 7030.0040 Noise Standards. If complaints arise related to the noise levels the permit holder will supply the County with a valid noise level test in accordance with MN Rule 7030.0060. If a noise level test does not exist, the permit holder will be required to complete one at their expense and supply the County with a copy promptly upon request.
 15. All equipment and vehicles utilized at the site shall be periodically inspected and maintained to minimize noise.
 16. All refueling and hazardous materials must be stored on impervious surfaces away from open water and on a containment pad.
 17. Adequate communication facilities will be provided for emergency purposes.
 18. Adequate vehicle stacking space shall be provided on site to ensure that no vehicle desiring entry into the mine site shall have to wait outside the perimeter.
 19. No waste materials shall be disposed of onsite. Sanitary facilities shall be provided for workers.
 20. A gate shall be provided at the entrances to the site and kept locked when an attendant is not on duty.
 21. A sign no smaller than 24"x36" must be installed prior to any soil movement activity at the entrance to the mine that provides the following: Days and Hours of operation along with a 24-hour contact number to report concerns.
 22. Sherburne County Public Works Dept - Should the number of trips generated exceed 100 trips per day, a right turn lane will be required to be added. Should the number of trips per day exceed 200, a right turn and bypass/left turn lane will be required. The trip count would be at each entrance and not cumulative. The cost to construct the additional lanes will be at the expense of Knife River. An Access Permit is required to be taken out from the Public Works Department. The access shall meet the requirement as identified in the permit, including a field meeting with the permit agent to discuss specifics of construction. (See Packet Attachment C-3).
 23. The permit holder, including all haulers and its customers, must comply with all conditions of this permit and all County Road Right of Way regulations.
 24. The permit holder shall hold Haven Twp, County and its respective officers and employees harmless from claims made by anyone for damages sustained or cost incurred resulting from the gravel extraction operation of this permit. The permit holder shall indemnify the Twp, County and its respective officer and employees for all costs. Damages or expenses, which the Twp or County may pay or incur in consequences of such claims, including attorney's fees.
 25. A hot mix or cement plant will not be allowed under this permit.
 26. No dewatering or wash plant will be allowed under this IUP.
 27. An extractive use shall be solely for operations directly related to such use. Any other use shall require a separate IUP. It shall be the responsibility of the pit operator or owner to control activity within the pit area and cleanup any debris or other material left onsite.
 28. All processing machinery equipment must meet the 100 ft setback to the Ordinary High-

Water Level (OHWL) of the public water body.

29. Applicant is required to maintain a current NPDES permit.

30. The applicant shall agree to permit the County to inspect the property at any time.

31. Mining activity shall be according to the proposed Mined and Restoration Plan "Higgins Property" plans received September 8, 2022 & September 26, 2022, to the maximum depth of 980' above mean sea level and the location for the two (2) 10ft berms (Packet Attachment C-3).

32. The IUP is issued to Thomas P Higgins Et al. and Knife River Corp – North Central and shall expire with a change in ownership of the property or business.

33. An "Avoidance Plan for Blanding's Turtles" must be incorporated into the mine plans. A copy of the "Avoidance Plan for Blanding's Turtles" that is submitted to the DNR must be provided to the County prior to mining operations beginning.

34. No vegetation removal is permitted within the Shoreland area (300 feet from a river) of Phase II and III until the applicant has submitted an erosion control and sedimentation plan and obtained approval by the Sherburne Soil and Water Conservation District. Trees to not be removed in the months of June-July to not negatively impact the wildlife habitat.

35. Restoration shall include a MNDOT seed mixture that allows for natural ecological succession.

36. All roads must meet the 100' setback to OHWL of the Tributary Stream.

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, gravel mining is permitted in the Agricultural Zoning District with an approved IUP. The conditions of approval and the operational plans are in place to mitigate the injurious impacts on properties in the immediate vicinity of the mining operation. Specifically, hours of operation, berms and dust mitigation plans are required as conditions of approval to minimize noise and dust from the site impacting neighboring properties. The property is surrounded by large acreage parcels. The surrounding area is wooded with hills which will help screen the mining operations.

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 IUP will take the land out of agricultural use for the duration of the mining operation. Once mining has been completed, the property will be reclaimed to open water and grassland.

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

Yes, adequate road and stormwater infrastructure will be in place for the proposed improvements. The applicant will work Sherburne County Public Works for a right turn lane off CSAH 3 & 7.

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 property is large enough to accommodate the mining equipment and employee vehicles while the mine is in operation. Access to the mine is from CSAH 3 & 7 and there is adequate off-street parking for trucks entering the property.

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 conditions of the IUP, hours of operation, dust mitigation and noise reduction plans along with State standards for air emission and noise standards demonstrate that adequate measures are being taken to minimize the disturbance to neighboring properties. Berms will be constructed to reduce the noise for the surrounding neighbors.

- | | | | |
|---------|---|--|-------------------|
| 10:13am | 4 | Great River Energy's Becker Ash Landfill Closure License.
<i>Gabrielle Holman, Environmental Specialist</i>
Schmiesing/Danielowski were unanimous to approve a Closure License to Great River Energy for the post-closure care and management of the Becker Ash Landfill, with a term of 20 years. (On file.) | Planning & Zoning |
| 10:18am | 5 | Revisions to the Sherburne County Rules and Personnel Policies
<i>Tammy Bigelow</i>
Schmiesing/Fobbe were unanimous to approve Revisions to the Sherburne County Rules and Personnel Policies, as recommended, for the following:
* Chapter 2 (Definitions)
* Chapter 4 (Selection of Employee(s))
* Chapter 6 (Work Schedules and Hours of Work)
* Chapter 7 (Employee Benefits)
* Chapter 8 (Benefit Provisions)
* Chapter 9 (Compensation Plan)
* Chapter 10 (Severance/Termination Pay)
* Chapter 15 (Separation from Employment)
(On file.)

Human Resources Director Tammy Bigelow presented the proposed changes to the group. | Human Resources |
| 10:25am | 6 | Sherburne County Total Rewards Philosophy.
<i>Tammy Bigelow, HR Director</i>
Fobbe/Danielowski were unanimous to approve the Sherburne County Total Reward Philosophy. (On file.) Human Resources Director Tammy Bigelow presented the background of the development of the Total Reward Philosophy. Benefits & Wellness Business Partner Jill Wegerer defined the Total Rewards Philosophy and the philosophy development. Talent Acquisition & Management Specialist Jacob Macy presented the strengths and opportunities of Total Rewards, the building of the committee, and an explanation of the philosophy. | Human Resources |
| 10:39am | 8 | Proposed 2023 Board Meeting Schedule and Set the January 2023 Meeting Dates and Times.
<i>Bruce Messelt, County Administrator</i>
Danielowski/Schmiesing were unanimous to approve setting the date and time for the first 2023 Meeting of the Sherburne County Board of Commissioners as Tuesday January 3rd, 2023 at 9:00 am, in accordance with Minn. Stat. § 375.07, and, for notification/publication purposes, the second 2023 Meeting of the County Board as Tuesday, January 17th, 2023 at 9:00 am. | Administration |

8. 10:53am **Commissioner Correspondence, Committee Reports, Upcoming Meetings, Future Agenda Items**

Commissioner Fobbe: GRRL Finance meeting, GRRL Board meeting, County Canvassing meeting, SCSW Volunteer Appreciation Dinner, Sherburne County Extension Committee, Legislative Briefings, GRRL Executive meeting, 1-69 Open House in Zimmerman, Rum River One Watershed One Plan, Futures meeting, Truth and Taxation, AMC Annual Conference, EDA, Tri-County Solid Waste, Harassment Training

Commissioner Schmiesing: AMC Annual Conference, County Canvassing, Truth and Taxation

Commissioner Danielowski: SUP, Township Board meeting, EDA, Tri County Solid Waste, Sherburne Soil & Water appreciation, Options Board meeting, CMRP, Landowner Issue meeting, CR 83 Open House, Truth and Taxation, Harassment Training, AMC Annual Conference, Willow Sweeny training, numerous resident questions

Commissioner Burandt: TZD Training, Fair Board, MDT meeting, Sherburne Soil & Water appreciation, Sherburne County Extension Committee , Roger Nelson Funeral, Rum River One Watershed One Plan, CAMHI, Healthy Partnership MN, Truth and Taxation , Q&A at The Legion with Mayor Dietz

9. 10:59am Adjourn Regular Meeting, Recess

10. 11:13am Reconvene, Open Regional Rail Authority Meeting

11. 11:45am Adjourn Regional Rail Authority Meeting, Recess

12. 11:50am Reconvene, Open Closed Session

- 1** Closed Session Pursuant to Minnesota Statute 13D.05, Subd (3a) - Setting of 2023 Administration Administrator Goals.

Bruce Messelt, County Administrator

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

13. 12:50pm Close Closed Session, Recess

14. 12:37pm Reconvene, Open Workshop

15. 1:06pm Adjourn Workshop

Commissioner Warrants

11/10/22	625,676.71	General Revenue Fund
	84,932.75	Public Works Fund
	2,503.83	Human Service Fund
	240.00	Law Library Fund
	54,620.37	Solid Waste Fund
	35,725.69	Jail Commissary Fund
	26,516.65	Sherco Regional Rail Authority
	108,816.27	Justice Center Enterprise Fund
	2,410.50	Agency Collections
	576.00	Taxes & Penalties Fund
	42,776.38	Payroll Fiduciary Fund
	958,795.15	Total

Manual Warrants

11/10/22	2,115.00	General Revenue Fund
	6,781.81	Agency Collections
	8,896.81	Total

Commissioner Warrants

11/18/22	370,560.72	General Revenue Fund
	199,872.31	Public Works Fund
	51.59	Human Service Fund
	29,612.31	Solid Waste Fund
	187,172.69	Justice Center Enterprise Fund
	46.00	Agency Collections

2,496.00	Taxes & Penalties Fund
15,083.70	Payroll Fiduciary Fund
804,895.32	Total

Manual Warrants BMO Harris PCard

11/18/22	34,089.37	General Revenue Fund
	5,475.56	Public Works Fund
	783.18	Human Service Fund
	47.05	Law Library Fund
	157.80	Solid Waste Fund
	1,909.07	Jail Commissary Fund
	1,414.42	Justice Center Enterprise Fund
	43,876.45	Total

Warrants

11/18/22	111,616.26	Human Service Fund
	260.88	Agency Collections
	111,877.14	Total

Manual Warrants

11/18/22	373,475.94	Human Service Fund
	456.75	Agency Collections
	373,932.69	Total

Manual Warrants

11/25/22	2,270.50	General Revenue Fund
	6,177.50	Agency Collections
	8,448.00	Total

HHS OBO Warrants

11/29/22	4,341.33	OBO 4Imprint
	1,216.24	OBO Amazon
	322.07	OBO Connexus
	398.67	OBO Innovative
	537.27	OBO Motor Works Auto Repair
	669.88	OBO Walmart
	835.24	OBO Young Specialties Plak Smacker
	9,585.72	7 Payments less than 300
	1,265.02	Total

Commissioner Warrants

12/2/22	64,083.89	Human Service Fund
	39.31	Agency Collections
	64,123.20	Total

Warrants

350.00	Assn of Minnesota Counties (AMC)
484.91	Bender/Nicole
468.75	Boonstra/Sarah E
41,204.72	Central Mn Jobs & Training
321.00	DNA Diagnostics Center

1,710.45	Hennepin County
1,960.60	Influencer Hotspot
2,819.25	Office Of MN.IT Services
1,246.00	Pinnacle Printing Inc
300.00	Seven County Process Servers, LLC
4,885.20	Sherburne Co Sheriff
4,720.50	Sherburne County Auditor Treasurer
519.75	The Bridge World Language Ctr Inc
3,132.07	25 Payments less than 300
64,123.20	Total

DocuSigned by:

Barbara Burandt

7B5ED2D89C724E2...

Barbara Burandt, Chairperson

12/21/2022

Date

DocuSigned by:

Bruce Messelt

8D04EE78737742E...

Bruce Messelt, Administrator

12/20/2022

Date