



Sherburne County Board of Commissioners

February 7, 2023 - County Board Meeting Minutes

1. 9:00am Call to Order

The Sherburne County Board of Commissioners convened in regular session on February 7, 2023, 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

Felber/Danielowski were unanimous to approve the agenda as presented.

2. 9:01am Open Forum

Gary Tonsager of Elk River spoke regarding the Pro Act.

9:06am The Chair called for a brief recess.

9:06am The Chair reconvened the meeting and requested that Regular Agenda Item 1 be moved up in the agenda and commence immediately.

1 9:07am Sheriff's Office to Present a Life-Saving Award.

Sheriff

Joel Brott, County Sheriff

Sheriff Brott presented a life-saving award to a Sherburne County citizen, Asher Milless for helping save his mother, Rachel Milless' life in November of 2022. Also present was Asher's father, Tyler Milless and grandmother, Michelle Milless.

9:12am The chair recessed the Regular Meeting and reconvened the Open Forum.

9:12am Open Forum

Kari Watkins of St. Cloud spoke regarding the Pro Act. Teri Dickinson of Big Lake asked the board to pass a resolution prohibiting a farm land from being used for solar panel farms. Administrator Bruce Messelt read an online submission from Michael Burgoyne of Elk River regarding the 2nd Amendment.

3. 9:20am Consent Agenda

Danielowski/Hulse were unanimous to approve the Consent Agenda as presented with the update attachment to item 3.9 regarding the County Board Meeting schedule. (On file.)

1 Approved the County Board Regular Meeting Minutes from January 17, 2023.

2 Approved the County Board Minutes from its January 17, 2023 Workshop.

3 Government Center Lease Agreement with Elk River Cycle Sports, LLC. Administration

Dan Weber, Assistant County Administrator

Approved a 1-Year Lease Agreement with Elk River Cycle Sports, LLC (Harley Davidson) for weekend use of the Government Center Employee Parking Lot during the months of April thru October 2023. The rent is \$250 per month or \$1,750 for the term of the agreement. (On file.)

4 2022 Commissioner Reimbursement.

Administration

Bruce Messelt, County Administrator

Approved a Reimbursement Claim for former Sherburne County Commissioner Felix Schmiesing for hotel charges for the December 4th-7th, 2022, AMC Annual Conference in the amount of \$293.18.

5 Amended 2023 Commissioner Committee Assignments.

Administration

Bruce Messelt, County Administrator

- Approved the 2023 County Commissioner Committee Assignments, as amended. (On file.)
- 6 MN Lawful Gambling Application (Premises Permit) to Conduct Administration
Excluded Bingo for Travelers Country Club on the Mississippi - Renewal.
Bruce Messelt, County Administrator
Approved a MN Lawful Gambling Application (Premises Permit) to Conduct Excluded Bingo for Travelers Country Club on the Mississippi, located at 11290 80th Ave SE, Clear Lake, MN 55319. The proposed 2023 bingo events will take place in May, June, July, and August.
- 8 Update to the County Email Use Policy. Administration
Dan Weber, Assistant County Administrator, Kathleen Heaney, County Attorney
Approved an update to the County Email Use Policy. (On file.)
- 9 Amending the 2023 County Board Meeting Schedule. Administration
Bruce Messelt, County Administrator
Approved the amending of the 2023 County Board Meeting Schedule, as presented. The budget workshops will now be held on July 17 from 11am-4pm and July 18 from 1:00pm - 4:00pm.
- 10 Commissioner & Manual Warrants from January 13th, 20th, 25th, and Auditor / Treasurer
27th, 2023.
Diane Arnold, County Auditor/Treasurer
Approve Commissioner & Manual Warrants from January 13th, 20th, 25th, and 27th, 2023, as follows:
- January 13 2023 Commissioner Warrants \$1,316,493.16
January 13 2023 Manual Warrants \$10,895.25
January 13 2023 Manual Warrants BMO Harris Pcard \$54,834.49
January 20 2023 Commissioner Warrants \$831,663.07
January 20 2023 Manual Warrants \$3,682,335.72
January 25 2023 Commissioner Warrants Final Settlement Payout P3 \$725,681.53
January 27 2023 Commissioner Warrants \$1,688,416.87
January 27 2023 Manual Warrants \$8,621.25
January 27 2023 Commissioner Warrants Court Issued \$13,217.50
- 11 Signatures Requested on A Letter of Statement of Work for 2022 Audit Auditor / Treasurer
Services.
Diane Arnold, County Auditor/Treasurer
Approved a Letter of Statement of Work for 2022 Audit Services and authorized the County Board Chair's and County Administrator's signature on said Letter for services to be provided by CliftonLarsonAllen for the 2022 Sherburne County Audit. There is no cost associated with this item. (On file.)
- 12 January 31, 2023 HHS OBO Warrants. Health & Human Services
Amanda Larson, HHS Director
Approved January 31, 2023 HHS OBO Warrants, as follows:
- January 31, 2023 HHS OBO Warrants
- 13 Local ARMHS Certification for Restorers Health Services. Health & Human Services
Tony Masters, Social Services Manager
Approved Local ARMHS Certification for Restorers Health Services. (On file.)
- 14 Reclassify and Fill a Public Support Specialist (Grade 7) Position as a Health & Human Services
Data Redaction Specialist (Grade 8) Position.

Amanda Larson, HHS Director

Approved and authorized the reclassification of a Public Support Specialist position (Grade 7) as a Data Redaction Specialist position (Grade 8). Total estimated non-budgeted cost of \$3,520.00.

- 15 January 20, 2023 HHS IFS Admin Warrants. Health & Human Services

Amanda Larson, HHS Director

Approved January 20, 2023 HHS IFS Admin Warrants, as follows:

January 20, 2023 HHS IFS Admin Warrant \$111,335.19

- 16 Property Maintenance Out of State Travel Request. Maintenance

Steve Becker, Maintenance Department Head

Approved out of state training for a Property Maintenance Technician to attend detention hardware security training in San Diego, California. The week-long training in June, is expected to cost between \$3,500 to \$3,800. The Sheriff's department will pay \$2,500 of the amount and the remaining will be paid for by Property Maintenance.

- 17 Professional Service Agreement with Braun Intertec Corporation to Design and Oversee 2023 Roofing Replacement and Masonry Repair Projects. Maintenance

Steve Becker, Maintenance Department Head

Approved an agreement with Braun Intertec to Oversee and Manage the 2023 Roofing and Masonry projects at the Government Center, at a cost not to exceed \$45,000. The term of this agreement shall commence on February 7, 2023 and shall terminate on the date that all obligations have been fulfilled and all deliverables have been approved by the county. (On file.)

- 18 Bryan Adams as the Planning Advisory Commission Representative to the Board of Adjustment. Planning & Zoning

Lynn Waytashek, Planning & Zoning Administrator

Approved the appointment of Bryan Adams to the Sherburne County Board of Adjustment in accordance with the Zoning Ordinance requirement that there be two (2) Planning Commission members on the Board of Adjustment. Mr. Adams will serve a 3 year term that will commence on February 7, 2023 and terminate on December 31, 2025.

- 19 2023 Appointments to the Sherburne County Planning Advisory Commission. Planning & Zoning

Lynn Waytashek, Planning & Zoning Administrator

Approved appointment of the following Township recommendations for Alternates to the Planning Advisory Commission, for the term of February 7, 2023-December 31, 2025:

Livonia Township: Todd Maloney

Orrock Township: Bob Hassett

- 20 Restoration and Enhancement Memorandum Of Understanding Between the MN Land Trust and Sherburne County for Natural Resource Work in County Parks. Public Works

Gina Hugo, Park Coordinator

Approved a Memorandum Of Understanding (MOU) with the MN Land Trust for restoration and enhancement of degraded native plant communities in Sherburne County Parks. This MOU will be effective from the date of the last signature of the Parties to this MOU to June 30, 2026.

- 21 Resolution No. 020723-AD-3069 to Support the County's 2023 RAISE Grant Application. Public Works

Andrew Witter, Public Works Department Head

Approved Resolution No. 020723-AD-3069 to Support the County's 2023 RAISE Grant Application.
(On file.)

- 22 Final Payment for 2022 CSAH 33 Reconstruction (CP 71-633-020). Public Works
Andrew Witter, Public Works Department Head
Approved and authorized the final contract payment in the amount of \$36,871.60 with Helmin Construction, Inc. for project# CP 71-633-020 for the 2022 reconstruction of CSAH 33 from CSAH 13 to the east county line.

- 23 Final Payment for 2022 Mumble Strips & Stop Sign Enhancement project Public Works
(SP 071-070-043).
Andrew Witter, Public Works Department Head
Approved and authorized the final contract payment in the amount of \$2,369.46 with Allstates Pavement Recycling and Stabilization for project# SP 071-070-043 for the 2022 Mumble Strips & Stop Sign Enhancements, contingent upon final approval of the Contractor's DBE Contractor Affidavit from MnDOTs Office of Civil Rights.

- 24 Donations to the Toward Zero Death Safe Roads Coalition. Sheriff

Approved the following donations to the Toward Zero Death (TZD) Safe Roads Coalition for the winner(s) of the TZD video contest:

- \$200.00 from North Central Insurance Agency
- \$350.00 from Curt Van Oort Insurance Agency
- \$100.00 from the Minnesota State Troopers Association
- \$50.00 in gift cards to Heavenly Fresh in Princeton - sponsored by Heavenly Fresh and Rum River Consultants

- 25 Out-of-State Travel for a Sheriff's Office Employee. Sheriff
Joel Brott, County Sheriff
Approved out-of-state travel for a Sheriff's Office employee to participate as an instructor for a Foundations of Intelligence Analysis Training (FIAT) class being held May 20-27, 2023, in Anchorage, Alaska. There are no financial implications from this action.

- 26 Appointment of Dr. Kimberly Gallenberg, DVM, as an Alternate Hearing Sheriff
Officer for Dangerous and Potentially Dangerous Dog Hearings.
Joel Brott, County Sheriff
Approved the appointment of Dr. Kimberly Gallenberg, DVM, as an alternate hearing officer for dangerous and potentially dangerous dog hearings.

4. 9:21am Announcements

- 9:21am 1 Administrator Updates and Announcements. Administration
Bruce Messelt, County Administrator
Received an update from County Administrator Bruce Messelt relating to correspondence, calendar, activities, and announcements. Mr. Messelt recapped the AMC County Government 101 Training that the new commissioners attended in late January and the United We Shiver event that took place on Saturday, February 4.
Mr. Messelt reminded the Board of the following upcoming meetings:
- Greater St. Cloud Development Corporation Annual Meeting on February 16
- Transportation Day at the Capital on March 1
- NACo Legislative Conference in Washington, DC on February 11-15
- AMC Legislative Conference in St. Paul at the Intercontinental Hotel on February 22-23
Mr. Messelt also shared an editorial from the St. Cloud Times from one of our State

Representatives, an invitation to attend the investiture for our newest 10th Judicial District Court Judge Kristi Stanislawski, and informed the group that the comment period is open review Minnesota Public Utilities Commission for the 2021 biennial transmission report.

5. 9:26am Regular Agenda

9:26am 2 Conditional Use Permit for a Professional Office, to Operate a Planning & Zoning
Veterinarian Clinic - Cardinal Enterprises, LLC.
Lynn Waytashek, Planning & Zoning Administrator
Felber/Gray were unanimous to approve a Conditional Use Permit for Cardinal Enterprises, LLC for a Professional Office to operate a Veterinarian Clinic, with the (6) recommended Conditions and Findings of Fact as recommended by the Planning Commission for PID # 10-335-1345; Legal Desc: That Part of Govt Lot 3 (full legal on file); Sec 35, Twp 33, Rge 28, Big Lake Township; with 3.34 acres in the Special Use District of the Mississippi River.

Conditions:

1. Hours of operation would be 7AM-7PM Monday-Saturday.
2. A building permit is required from the Planning and Zoning Department for any alteration to the existing building. All building plans must be prepared by a licensed architect.
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, any adjacent residential use, and the Mississippi River.
6. 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.

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, 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.
Yes, the applicant is looking to maintain and improve this underutilized property. 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.
Yes, 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.

Yes, 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.

Yes, it is not anticipated to cause offensive odor, fumes, dust, noise, and vibration to the immediate area all waste must be properly disposed of using a licensed waste hauler.

9:27am 3 Preliminary Residential Standard Plat of "Pines Edge" - JDA Builders Inc. Planning & Zoning
Lynn Waytashek, Planning & Zoning Administrator
Felber/Danielowski were unanimous to approve the Preliminary Residential Standard Plat of "Pines Edge" which consists of (4) lots, as recommended by the Planning Advisory Commission, with the (3) Conditions, PID # 10-108-1100; Legal Desc: The Northeast Quarter of the Northeast Quarter (full legal on file); Sec 8, Twp 33, Rge 27, Big Lake Township; with 11.38 acres in the General Rural District.

Conditions:

1. Park dedication fees for 4 lots at \$1,200 per lot, totaling \$4,800. Park fees must be paid prior to the Public Works Dept signing the plat mylars.
2. An Access Permit from Sherburne County Public Works will be required prior to accessing County Road 43 and County Road 83 and shall be constructed according to Sherburne County Public Works Engineering Standards.
3. 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

9:28am 4 2023 Spring Load Restrictions Discussion. Public Works
Andrew Witter, Public Works Department Head
The Board reviewed and discussed the Spring Load Restriction process on the County Highway System. Public Works Director Andrew Witter provided background to the group regarding the restrictions.

9:32am 5 American Rescue Plan Act (ARPA) Update and Recommended Approvals and Expenditures. Administration
Dan Weber, Assistant County Administrator
Approved the bi-weekly ARPA related expenditures as follows:

Danielowski/Felber were unanimous expenses less than \$50,000.00 totaling \$13,632.16 for HHS Overtime Costs. (One-time funds.)

6. 9:32am **Commissioner Correspondence, Committee Reports, Upcoming Meetings, Future Agenda Items**
Commissioner Danielowski - Substance Use Prevention meeting, Excel Energy solar construction meeting, Annual City of Big Lake Joint workshop meeting, Economic Development Authority meeting, Northland Reliability Project meeting, Tri-County Solid Waste meeting with Pope Douglas, Mississippi One Watershed One Plan, Comp Plan Update, Solid Waste Advisory meeting, Big Lake Substance Use Prevention Coalition meeting, United We Shiver event

Commissioner Felber - MICA Annual City of Big Lake Joint workshop meeting, AMC Government 101, Tri-County Joint Powers meeting, Mississippi One Watershed One Plan, Violent Defender Task Force

meeting, Sherburne County Area Townships meeting

Commissioner Gray - Excel Energy solar construction meeting, Excel Energy, Annual MICA Legislation forum, Haven Township Board Meeting, AMC Government 101, 33rd Street Open House in Haven Township, AG Open House, Sherburne County Area Townships meeting, First Steps meeting, Mississippi One Watershed One Plan, St Cloud City Council Meeting of Clear Lake,

Commissioner Hulse - AMC Government 101, Solid Waste Committee, Mississippi One Watershed One Plan, Constituent meetings with Mayor Dietz

Commissioner Fobbe - Great River Regional Library Board of Trustees meeting, MICA Annual meeting, Public Works Department meeting, Rum River One Watershed One Plan, Regional 3 Leadership and Planning Board, Pre-Audit interview, Sheriff Department's Department meeting, Sherburne County Area Townships meeting, Central Mn Council on Aging, Tri-cap Audit review, Facilitated AMC Futures Committee meeting

7. 9:52am **Recess Regular Meeting, Break**
8. 10:07am **Reconvene, Open Workshop Meeting**
9. 11:29am **Close Workshop Meeting, Adjourn Regular Meeting**

Commissioner Warrants

1/13/23	267,144.35	General Revenue Fund
	125,277.38	Public Works Fund
	51.59	Human Service Fund
	1,041.61	Law Library Fund
	34,558.43	Solid Waste Fund
	107,939.60	Jail Commissary Fund
	3,376.00	Sherco Regional Rail Authority
	25,115.49	Justice Center Enterprise Fund
	4,777.01	Agency Collections
	947.30	Taxes & Penalties Fund
	746,264.40	Payroll Fiduciary Fund
		Total

Manual Warrants BMO Harris Pcard

1/13/23	47,533.55	General Revenue Fund
	3,913.85	Public Works Fund
	169.00	Human Service Fund
	63.41	Solid Waste Fund
	3,154.68	Jail Commissary Fund
	54,834.49	Total

Commissioner Warrants

1/20/23	417,581.02	General Revenue Fund
	251,306.21	Public Works Fund
	6,608.67	Human Service Fund
	1,252.50	Solid Waste Fund
	89,028.53	Jail Commissary Fund
	375.00	Forfeited Land Sale
	719.40	Sherco Regional Rail Authority
	64,706.74	Justice Center Enterprise Fund
	85.00	Agency Collections
	831,663.07	Total

Manual Warrants

1/20/23	2,047.00	General Revenue Fund
	40.00	Human Service Fund
	2,048,143.76	2015A G.O. CIP Refunding Bond
	805.15	Hra & Ec Dev Fund
	289,072.41	Agency Collections
	135,619.84	Taxes & Penalties Fund
	1,004,927.98	School Districts Collections
	201,679.58	Towns & Cities Collections
	3,682,335.72	Total

Commissioner Warrants

1/20/23	1/20/23	1/20/23
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Warrants

1/20/23	9,532.00	Assn of Minnesota Counties (AMC) 9,532.00
	4,000.00	Franklin Outdoor Advertising 4,000.00
	503.91	Real Time Translations, Inc 503.91
	370.00	Seven County Process Servers, LLC 370.00
	4,554.00	Sherburne Co Sheriff 4,554.00
	86,869.03	Sherburne County Auditor Treasurer
	1,450.00	Trimin Systems Inc 1,450.00
	1,100.00	U S Post Office 1,100.00
	2,956.25	26 Payments less than 300
	111,335.19	Total

Commissioner Warrants Final Settlement Payout P3 2022

1/25/23	386.08	General Revenue Fund
	1,117.15	Metropolitan Transit Fund
	17,545.65	Hra & Ec Dev Fund
	32.93	Hospital District Collections
	29.25	Agency Collections
	151,702.63	School Districts Collections
	554,867.84	Towns & Cities Collections
	725,681.53	Total

Commissioner Warrants (1)

1/27/23	416,039.29	General Revenue Fund
	122,762.32	Public Works Fund
	51.59	Human Service Fund
	19,075.00	County Ditch Fund
	63,758.85	Solid Waste Fund
	1,433.88	Jail Commissary Fund
	238.62	Sherco Regional Rail Authority
	194,152.35	Justice Center Enterprise Fund
	20,716.50	Agency Collections
	43,134.73	Towns & Cities Collections
	807,053.74	Payroll Fiduciary Fund
	1,688,416.87	Total

Manual Warrants (1)

1/27/23	8,621.25	Agency Collections
	8,621.25	Total

Special Court Commissioner Warrant

1/27/23	13,217.50	Public Works Fund
	13,217.50	Total

HHS OBO Warrants (2)

1/31/23	1,725.21	OBO Amazon
	340.00	OBO Dietitian Central
	524.47	OBO Facebook
	1,594.32	OBO Gopher Bargain Center
	939.62	OBO Innovative
	596.00	OBO Mattress Firm
	478.57	OBO Old Navy
	1,945.01	15 Payments less than 300
	8,143.20	Total

Lisa A Fobbe

Lisa A Fobbe (Mar 1, 2023 13:48 PST)

Lisa A. Fobbe, Board Chairperson

03/01/2023

Date

Bruce Messelt

Bruce Messelt, Administrator

03/01/2023

Date